

Date: March 12, 2009

Item No. 5

File No. \_\_\_\_\_

## SUNSHINE ORDINANCE TASK FORCE

Education, Outreach and Training Committee

AGENDA PACKET CONTENTS LIST\*



Task Force referrals



Completed by: Chris Rustom

Date: March 6, 2009

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



**SUNSHINE ORDINANCE  
TASK FORCE**



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-7724  
Fax No. 415) 554-7854  
TDD/TTY No. (415) 554-5227

**ORDER OF DETERMINATION**  
January 26, 2009

**DATE THE DECISION ISSUED**  
January 6, 2009

*ANONYMOUS v. SFPD (08056)*

**FACTS OF THE CASE**

Anonymous person checked the City's website and looked for the index of records for the San Francisco Police Department ("SFPD"). The website did not have a listing for the SFPD.

**COMPLAINT FILED**

On December 4, 2008, Anonymous filed a Sunshine Ordinance Complaint against the SFPD for failure to comply with Section 67.29 of the Ordinance.

**HEARING ON THE COMPLAINT**

On January 6, 2009, Anonymous appeared before the Task Force and presented his case. Respondent Agency was represented by Sgt. Jack Hart.

The issue in the case is whether the Department violated Sec. 67.29 of the Ordinance requiring the City and County to prepare a public records index that identifies the types of information and documents maintained by City and County departments, agencies, boards, commissions, and elected officers.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based on the testimony and evidence presented the Task Force finds that the Department violated 67.29 by failing to provide the City Administrator with an Index of Records for the Police Department's records. The Task Force notes that the Police Department has, since the Complaint was filed, provided a partial Index of Records to the City Administrator and is working to finalize the Index in order to comply with 67.29.

**DECISION AND ORDER OF DETERMINATION**

The Task Force finds that the agency violated Sec. 67.29 of the Sunshine Ordinance. The

**ORDER OF DETERMINATION**

matter was referred to the Education, Outreach and Training Committee and placed at the chair's discretion.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on January 6, 2009, by the following vote: ( Knee / Goldman )

Ayes: Craven, Knee Cauthen, Washburn, Knoebber, Johnson, Chu, Goldman

Recused: Chan

Excused: Williams



Kristin Murphy Chu, Chair  
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney  
Anonymous  
Sgt. Jack Hart

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TASK FORCE**



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**ORDER OF DETERMINATION**

March 3, 2009

**DATE THE DECISION ISSUED**

February 24, 2009

*ANONYMOUS (RAY HARTZ) v. SAN FRANCISCO POLICE COMMISSION (09008)*

**FACTS OF THE CASE**

Anonymous person checked the City's website and looked for the Index of Records for the San Francisco Police Commission ("Commission"). The website did not have a listing for the Commission.

**COMPLAINT FILED**

On December 4, 2009, Anonymous person filed a Sunshine Ordinance Complaint against the Commission for failure to comply with Section 67.29 of the Ordinance.

**HEARING ON THE COMPLAINT**

On February 24, 2009, Complainant Anonymous appeared before the Task Force and presented his case. Complainant identified himself as Ray Hartz and requested that in this and future complaints he be identified by name. Respondent Agency was not present but had submitted a letter that said the Department was responsible for including and posting the Commission's Index of Records, that the Commission, therefore, should not separately be found in violation of the Ordinance, and that the Commission was working with the San Francisco Police Department and the City Administrator's Office to list its records in the Department's Index of Records and post that document on line.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based on the testimony and evidence presented the Task Force finds that the Commission failed to ensure that its records were included and posted in an Index of Records as required by Sec. 67.29. The Task Force also found a violation of Sec. 67.21 (e) for failure to appear.

**ORDER OF DETERMINATION**

**DECISION AND ORDER OF DETERMINATION**

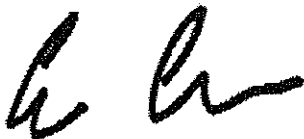
An Order of Determination finding the Commission in violation of 67.29 for failure to ensure its records were included in an Index of Records posted online and 67.21(e) for failure to send a representative to the Task Force hearing was adopted by the Sunshine Ordinance Task Force on February 24, 2009, by the following vote: ( Knee / Goldman )

Ayes: Knee Washburn, Knoebber, Johnson, Goldman, Williams, Craven

Excused: Cauthen, Chu

Absent: Chan

The enforcement of this Order of Determination is referred to the Education, Outreach and Training Committee to work with the appropriate entities to make sure the Commission's records (as well as other entities who are under the direction or control of the Commission) are listed in an Index of Records that is posted online.



Erica Craven, Vice Chair  
Sunshine Ordinance Task Force

c: Ray Hartz, Complainant  
Lt. Joe Reilly, Police Commission  
Lt. Daniel J. Mahoney, Police Department  
Ernie Llorente, Deputy City Attorney