

Date: Oct. 9, 2008

Item No. 3

File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- #08037_Kimo Crossman v. Supervisor Peskin and BOS
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Completed by: Chris Rustom

Date: Oct. 6, 2008

***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**



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ORDER OF DETERMINATION

October 2, 2008

DATE THE DECISION ISSUED

September 23, 2008

KIMO CROSSMAN v. SUPERVISOR AARON PESKIN AND THE BOARD OF SUPERVISORS (08037)

FACTS OF THE CASE

Complainant Kimo Crossman viewed the Board of Supervisors' GAO Committee on 6/16/08 and saw that a contract agreement was amended at that time and forwarded on to the full Board of Supervisors for review and action on 6/24/08. Kimo Crossman advised David Noyola of Supervisor Aaron Peskin's office that under Section 67.24(a)(2) the 10-day rule for public review of the draft agreement requires that the hearing for approval be set later than 6/24/08. The contract was agendized for 6/24/08 and adopted by the BOS.

COMPLAINT FILED

On July 8, 2008 Complainant Kimo Crossman filed a complaint against Supervisor Peskin, President of the Board of Supervisors, and members of the Board of Supervisors for their alleged violation of Section 67.24(a)(2) of the Sunshine Ordinance by adoption of a contract agreement without providing 10 days for public review.

HEARING ON THE COMPLAINT

On September 23, 2008, Complainant Kimo Crossman appeared before the Task Force and presented his claim. Neither Supervisor Peskin nor a representative from the BOS attended.

The issue in the case is whether the Board of Supervisors violated Section 67.24 (a)(2) of the Ordinance.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds that Section 67.24(a)(2) was violated in this case by the adoption of the contract without providing 10 days for public review.

DECISION AND ORDER OF DETERMINATION

In addition to Section 67.24 (a)(2) the Task Force also finds that Supervisor Peskin violated Section 67.31(e) of the Sunshine Ordinance for not appearing before the Task Force. The matter is forwarded to the Education, Outreach and Training Committee for discussion on

ORDER OF DETERMINATION

appropriate training in order to avoid future violations. Supervisor Peskin, or a representative of his office, is requested to appear before the Committee on Thursday October 9 at 4 p.m.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on September 23, 2008, by the following vote: (Knee / Goldman)

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

Noes: Pilpel

Absent: Cauthen

Excused: Chan



Kristin Murphy Chu
Chair, Sunshine Ordinance Task Force

- c: Honorable Supervisor Michela Alioto-Pier
- Honorable Supervisor Tom Ammiano
- Honorable Supervisor Carmen Chu
- Honorable Supervisor Chris Daly
- Honorable Supervisor Bevan Dufty
- Honorable Supervisor Sean Elsbernd
- Honorable Supervisor Sophie Maxwell
- Honorable Supervisor Jake McGoldrick
- Honorable Supervisor Ross Mirkarimi
- Honorable Supervisor Aaron Peskin
- Honorable Supervisor Gerardo Sandoval
- Kimo Crossman
- Ernie Llorente, Deputy City Attorney