

Date: Dec. 11, 2008

Item No. 1

File No. _____

SUNSHINE ORDINANCE TASK FORCE

Education, Outreach and Training Committee

AGENDA PACKET CONTENTS LIST*

- Draft Minutes: Education, Outreach and Training October 9, 2008**
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Completed by: Chris Rustom

Date: Dec. 8, 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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**SUNSHINE ORDINANCE TASK FORCE
EDUCATION, OUTREACH AND TRAINING COMMITTEE
DRAFT MINUTES**

Thursday, October 9, 2008
4:00 p.m., City Hall, Room 406

Committee Members: Allyson Washburn (Chair), Sue Cauthen, Doyle Johnson, Kristin Chu, Marjorie Williams

Call to Order: The meeting was called to order at 4:00 PM
Roll Call: Present: Cauthen, Johnson, Chu, Williams
Excused: Washburn

Agenda Changes: Items #2, 4 and 6 were continued.

Deputy City Attorney: Ernie Llorente
Clerk: Chris Rustom

Member Chu announced that she would be chairing the meeting because Chair Washburn was ill. She then welcomed newly sworn in Sunshine Ordinance Task Force Member Doyle Johnson who will serve on the Complaint Committee, the Education, Outreach and Training Committee, and the Rules Committee. He replaces David Pilpel.

1. Adoption of minutes of September 11, 2008

Motion to adopt minutes of September 11, 2008 (Cauthen / Johnson)

Speakers: Allen Grossman noted that the only person on the panel who was present at the previous EOT meeting was the acting chair. During the last meeting he said Member David Pilpel, DCA Ernie Llorente and Administrator Frank Darby demeaned and disrespected open government advocates. Kimo Crossman said Task Force Chair Chu should no longer hold that position because she said advocates would file more complaints if Ethics acts on Task Force referrals. The minutes, he said, were not a true reflection of what was said during the meeting. He suggested members listen to the tape. Ray Hartz wanted to know if the Task Force sided with the departments or the people of San Francisco. Departments have lawyers and staff to keep things away from the citizens, he said. The citizens, he added, need the Task Force to take up their side.

Member Williams stated that she was on the side of the people. She was against Member Chu chairing the meeting because of her role in Supervisor Jake

McGoldrick's office as a volunteer. By volunteering, she said, there was a sense of loyalty to the supervisor and because of that citizens do not get an unbiased view. The EOT's role is to give and pass out information about the Sunshine Ordinance and to inform them of their right to come down to City Hall to say what they need to say.

Member Cauthen said she liked the idea of training line employees. She said she was recently criticized by a department head because staff had to do more work because she had filed a couple of Sunshine requests. She added that she was looking forward to her role on the committee and was in agreement with Member Williams' views.

On the motion:

Ayes: Cauthen, Johnson, Chu

Noes: Williams

Excused: Washburn

Member Cauthen noted that approving the minutes was simply approving another person's version of events.

Member Williams then asked to be placed in the affirmative.

On the motion:

Ayes: Williams, Cauthen, Johnson, Chu

Excused: Washburn

2. Review of EOT mission statement and priorities for 2008-2009.

Members Cauthen and Williams wanted source-material on topic from Chair Washburn.

Continued to next meeting.

3. #08037_Kimo Crossman v. Supervisor Aaron Peskin and Board of Supervisors.

Respondent David Owen said he was familiar with Sunshine and was looking for direction on procedure from the committee. He said he was before the committee on behalf of Supervisor Peskin and although the Order of Determination was issued before he started working for the supervisor, he had familiarized himself with the provisions cited in the document. He said he was in attendance to speak only on the fact that the office was not represented during the last Task Force meeting.

Public Comment: Kimo Crossman said the Task Force should request a written response that said the office would follow the provision that it violated. Ray Hartz said any public official who sends a representative should be prepared to say through that person that he or she would obey the law.

4. Redaction of public officials' personal contact information

- Issue: What is the EOT's role in this issue between the CAO and SOTF?

Members Cauthen and Williams wanted source material on topic from Chair Washburn.

Continued to next meeting.

5. Meaningful public comment

- Issue: What guidelines are needed to ensure that departments, commissions, etc. allow adequate time for meaningful public comment?

Member Cauthen said the issue was based on her experience when she went to a Metropolitan Transit Agency meeting where public comment was limited to one minute per person. She also said she had asked Chair Washburn to write to the MTA to allow for two minutes at its Oct. 21, 2008, meeting. She suggested writing to all departments to set the minimum speaking time to two minutes even though the ordinance says "up to three minutes."

Member Williams said one minute was unacceptable especially if there was a serious item on the agenda. People should be allowed to express their thoughts and opinions and it doesn't make common sense not to listen to taxpayers, she said.

Member Johnson suggested sending a letter that said it was obvious to everyone that people want to be heard and the Task Force was relaying that message so that the department could accommodate the taxpayers and voters at future meetings.

Member Cauthen also added that the meeting was not on one single transit line but a number of lines that would affect numerous residents.

Public Comment: Kimo Crossman said he agrees with Member Cauthen and Member Williams and a letter would be a good idea to proactively deal with the issue before it becomes a complaint. He recalled the recent tiger attack hearings where everybody was irked because public comment was limited to one minute. Thomas Picarello said the issue is about timing as to when you allow public comment. He said the Task Force might not be equipped to oversee the Board of Supervisors as it appoints Task Force members. Ray Hart read from a book titled "An Assault On Reason," by Al Gore that touched on the relationships between citizens and their leaders. He also said the demeanor of a public official at a public hearing is also important as it conveys the official's thought and position on an issue. He closed by saying that he would like to see public officials volunteer to give up some of their time in favor of the citizens. Charles Pitts said he is having problems with passive meetings where no public comment is provided.

Member Williams said the chair would be very surprised to know that many people do not know what a passive meeting is and that they could come to City Hall and complain. She also said a way of outreach to the citizens would be for the Task Force to attend a televised Board of Supervisors meeting and tell the public that Sunshine is all about open government.

Acting Chair Chu and Member Cauthen agreed to discuss the contents of the letter

by email and send it to the MTA by Monday.

6. Scope of changes to contracts and documents
 - Issue: What is the role of the EOT in helping to set guidelines for requiring additional public comment after changes to City contracts and comments?

Continued to next meeting.

Members Cauthen and Williams wanted source-material on topic from Chair Washburn.

Public Comment: Ray Hartz said he could not give meaningful comment on something that would be ultimately changed. The ideal way would be to comment at every step of the process. Some politicians, he claimed, know how to work the system to their advantage. Thomas Picarello said the City budget is a work in progress until the Board approves and the Mayor signs it. That, he said, was the basis of his objection and subsequent Sunshine complaint against Budget and Finance Committee Chair Supervisor Jake McGoldrick. Kimo Crossman said democracy is participation in power and involves participation as it evolves and not at the very end.

7. Public comment for items not listed on the agenda

Public Comment: Allen Grossman said the comments by DCA Llorente and Mr. Darby at the last EOT meeting were very remarkable because they said that the complainants are responsible for the Task Force's problems. A look at the referrals says most of the departments are following the rules, he said. However, he wanted to know, how does one educate the City Attorney's Office when it's own lawyer does not support the Task Force. He also said it was inappropriate for DCA Llorente to say that the complainant does not know about work product. Kimo Crossman said he appreciated the committee's respectful tone to the public and apologized if he had offended anyone earlier. He said he was working on some topics and was willing to work with members offline if they were interested. Ray Hartz said his intent in attending the meetings was to represent the citizens of the city who feel that the city would not work with them on open government. He said his comments tend to be provocative and sometimes over the line because after a period of eight years the Task Force was still discussing how to make certain agencies follow the law.

8. Committee Members' Comments, Questions, and Requests for Future Agenda Items

Member Cauthen and Member requested that a new item in any packet start on the right so that they could write their notes on the left.

Public Comment: None

Adjournment: The meeting was adjourned at 5:30 p.m.

This meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force

