

Date: January 8, 2008

Item No. 5

File No. 07093

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Complaint by: Patrick Monk v Supervisor Sophie Maxwell**

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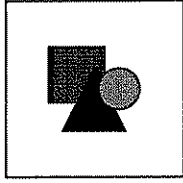
Completed by: Frank Darby

Date: January 2, 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.



DENNIS J. HERRERA
City Attorney

ERNEST H. LLORENTE
Deputy City Attorney

DIRECT DIAL: (415) 554-4236
E-MAIL: ernest.llorente@sfgov.org

December 27, 2007

Sue Cauthen, Chair
Members of the Complaint Committee

Re: Patrick Monk v. Supervisor Sophie Maxwell (07093)

Dear Chair Cauthen and Members of the Complaint Committee:

This letter addresses the issue of whether the Sunshine Ordinance Task Force ("Task Force") has jurisdiction over the complaint of Patrick Monk against San Francisco Supervisor Sophie Maxwell.

BACKGROUND

On October 29, 2007, Patrick Monk attended the Land Use Subcommittee Meetings of the Board of Supervisors with intentions to provide public comment on Agenda Item # 1 which was the San Francisco Electrical Reliability Plan. Supervisor Sophie Maxwell chairs the Land Use Subcommittee. During the course of the October 29, 2007 hearings, Supervisor Maxwell changed the order in which the agenda items were to be heard and put agenda item # 1, the Electrical Reliability Plan to later in the hearing process. Because of the change in the time when agenda item # 1 was to be heard, Patrick Monk had to wait four hours before the item was called. During that time, Patrick Monk saw numerous people who had come to provide public comment on Agenda Item # 1 leave because they could not stay to provide public comment. Patrick Monk also observed that Supervisor Maxwell did not call on speakers in the order that the speaker's cards were submitted.

COMPLAINT

On November 27, 2007, Patrick Monk filed a complaint against Supervisor Sophie Maxwell alleging that Supervisor Maxwell change in the time when agenda item # 1 was to be heard violated the Sunshine Ordinance.

SHORT ANSWER

Based on Complainant's allegation and the applicable sections of the Sunshine Ordinance and the California Public Records Act, which are cited below, the Sunshine Ordinance Task Force *does* have jurisdiction over the allegation. The allegations are covered under 67.15 of the Ordinance.

Letter to the Complaint Committee
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DISCUSSION AND ANALYSIS

Article I Section 3 of the California Constitution as amended by Proposition 59 in 2004, the State Public Records Act, the State Brown Act, and the Sunshine Ordinance as amended by Proposition G in 1999 generally covers the area of Public Records and Public Meeting laws that the Sunshine Ordinance Task Force uses in its work.

The Sunshine Ordinance is located in the San Francisco Administrative Code Chapter 67. All statutory references, unless stated otherwise, are to the Administrative Code.

Section 67.15 generally covers Public Comment during Policy Body meetings.

In this case, Patrick Monk claims that Supervisor Sophie Maxwell as chair of the Land Use Subcommittee changed the time when agenda item # 1 was to be heard during the meeting and in so doing deprived several potential speakers of the opportunity to provide public comment because they had to leave the meeting before the agenda item was called. The Task Force has subject matter jurisdiction and will have to determine if there is a violation of the Ordinance.



<complaints@sfgov.org>

11/27/2007 10:37 AM

To <sof@sfgov.org>

cc

bcc

Subject Sunshine Complaint

Submitted on: 11/27/2007 10:37:03 AM

Department: Land Use Subcommittee/Supervisor Maxwell.

Contacted: Frank Darby

Public_Records_Violation: No

Public_Meeting_Violation: Yes

Meeting_Date: October 29th. 2007

Section(s)_Violated: Section 67.15 (e)

Description: Please see separate email marked attention of Frank Darby. Nov 27th.2007.

Thankyou.

Patrick Monk.RN.

Hearing: Yes

Date: Nov.27th.2007.

Name: Patrick Monk.RN.

Address: 3854 24th St

City: SF

Zip: 94114

Phone: 4156411471

Email: patnlisa@sbcglobal.net

Anonymous:

User Data

Client IP (REMOTE_ADDR) : 76.200.191.99

Client IP via Proxy (HTTP_X_FORWARDED_FOR) :



SUNSHINE ORDINANCE TASK FORCE
 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
 Tel. (415) 554-7724; Fax (415) 554-7854
<http://www.sfgov.org/sunshine>

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission Land Use Subcommittee / Sure Maxwell
 Name of individual contacted at Department or Commission _____

Alleged violation public records access
 Alleged violation of public meeting. Date of meeting OCT. 29. 2007

Sunshine Ordinance Section 67.15 (e)
 (If known, please cite specific provision being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

Please see attached.

Do you wish a public hearing before the Sunshine Ordinance Task Force? yes _____ no.

(Optional)¹
 Your name PATRICK MONK RN. Address 3854 24th St. SF. Ca. 94114
 Date 11.27.07.

Telephone 415-644-1471 If anonymous, please let us know how to contact you.

Signature Pat Monk

¹ NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE IS SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. COMPLAINANTS CAN BE ANONYMOUS AS LONG AS THE COMPLAINANT PROVIDES A RELIABLE MEANS OF CONTACT WITH THE SOTF (PHONE NUMBER, FAX NUMBER, OR E-MAIL ADDRESS).

Sunshine Ordinance Task Force
1 Dr Carlton B Goodlett Place,
Room 244,
SF. Ca. 94102.
November 27th. 2007.

Patrick Monk.RN.
3854 24th Street
San Francisco
Ca. 94114.
415-641-1471
patnlisa@sbcglobal.net.

Attention. Frank Darby.
Sir,

I am writing to file a formal complaint against Supervisor Sophie Maxwell, suggesting violation of Section 67.15 (e). in her conduct of Land Use Subcommittee hearing on October 29, 2007.

Like many residents of this city I am extremely concerned about the many negative impacts on the residents of Bayview Hunters Point resulting from the activities of Lennar Corporation and decisions being made by political and corporate leaders, the most recent example being the proposal to site three more polluting fossil fuel powered 'peaker' plants in the Community. As a regular citizen I have been doing my best to attend as many public meetings on these issues as my schedule permits.

By way of background I am a senior, temporarily disabled, require a cane to assist in walking and prolonged sitting is uncomfortable. This item on siting of 'peaker' plants was scheduled as #1 on the agenda. I arrived approximately half an hour before the start of the meeting. I then had to sit for four hours while issues such as changing one way streets to two way, erecting sculptures in Japantown and creating sidewalk space for the convenience of latte drinkers were discussed. **At no point did I hear any announcement regarding this schedule change announced to the public,** as required by Section 67.15; paragraph (e).

During this time I observed many concerned Bayview residents who had come to speak finally give up and leave. I had already cleared my afternoon to attend this meeting and, despite my discomfort, stuck it out. I had filled out and submitted my speaker card in advance of start of meeting, however when the time for Public comment finally arrived I did not wait for my name to be called but immediately took a place near the front of the line. This was because at various other meetings I have attended on Redevelopment issues concerning the Bayview, I had noticed that Supervisor Maxwell appears to have adopted a practice of 'cherry picking' and prioritizing the order of public speakers with little regard to the order cards may have been submitted, I suggest that stricter controls be instituted to prevent her from future such manipulations. Her bias in favor of Lennar Corporation and Redevelopment Agency plans are well known and transparent. I suggest that her actions in the conduct of meetings serves not only to disadvantage concerned residents and discourage their participation, but also violates the provisions of the Sunshine Ordinance which is intended to ensure that the public's business be conducted in a fair, honest and open manner.

Sincerely,

Patrick Monk.RN. Noe Valley. SF.

