

Date: January 22, 2008

Item No. 12

File No. .

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Discussion of Task Force's draft 2006/2007 Annual Report
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Completed by: Chris Rustom

Date: January 16, 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
2006-2007 COMBINED ANNUAL REPORT
TO THE BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO**

SUMMARY

The Sunshine Ordinance Task Force is excited to announce that open government continued to improve in 2006 and 2007. Over the years we saw many examples of city employees and departments working diligently with the public to provide access to documents and information. In addition the very capable SOTF administrator, Frank Darby, was able to resolve many potential open government conflicts through mediation satisfying all parties involved.

The Task Force has been blessed with a community of sunshine advocates who have been active and vocal. We are grateful for the untiring efforts of these unpaid and often unappreciated individuals and feel that their participation is an important part of advancing our mandated goal of bringing greater sunshine to the City.

The SOTF's members are to be congratulated as well, seeing that 2006 and 2007 were exceptionally busy years, with four conflicts carried over from 2005 as well as 35 new complaints in 2006 and 92 new complains in 2007 resulting in 63 hearings. Usually the packets exceeded 300 pages, engaging the members' time and energies.

The years were also more challenging due to unprecedented budget cuts which led to a cut in legal staff from full-time to part-time. Although part-time, Deputy City Attorney Llorente has served the Task Force dependably throughout the years at all Task Force and committee meetings providing much valued written and verbal legal advice.

There are, however, a persistent number of issues and patterns of non-compliance that continue to concern the Task Force. We believe some of these issues can be alleviated through changes to the ordinance addressed through the amendment process that is ongoing.

We would like to bring to your attention to four issues that we feel are grave enough to warrant your involvement. Below, we have included recommendations for solutions to these issues. Further discussion of each issue is included in Section III of this document. We look forward to an opportunity to discuss each issue with you in detail and work to a resolution in the near future.

1.	Proactive coordination with the City Attorney's office will decrease the workload and costs of the City Attorney, the Task Force and every city department.
	The SOTF needs a process to work with the City Attorney with the goal of providing consistent, predictable advice to departments. The City Attorney has given

	<p>departments a clear concise guide called the Good Government Guide to help them understand their responsibilities. Major problems occur when the City Attorney's advice conflicts with the handbook or if they disagree with the findings and rulings of the Task Force. Because a client department relies on the advice of the City Attorney they may be found in violation of the Ordinance.</p>
	<p>ACTION: In early 2008, the SOTF Chairman will organize a meeting with the City Attorney to discuss the creation of a detailed coordinating policy and communication plan. We request representation from the President of the Board of Supervisors and the Mayor's Office.</p>
2.	<p>Sufficient legal resources would provide the Task Force with analysis needed to rule on complex points of law.</p>
	<p>The SOTF needs the restoration of its full-time legal counsel with the added responsibility, when requested by the Task Force, to furnish the Task Force with timely, neutral, authoritative memoranda of law on any disputed legal issue critical to a determination of a violation and order to disclose public records or the violation of the public meetings laws or more resources within the City Attorney's Office.</p>
	<p>ACTION: In early 2008, the SOTF Chairman will organize a meeting with the City Attorney to discuss the staffing needs of the SOTF.</p>
3.	<p>Active communication and coordination with the Ethics Commission will create a more efficient and effective open government enforcement process.</p>
	<p>The effective enforcement of open government laws relies on a fair, judicious process along with efficient punitive measures. The Sunshine Ordinance relies on the Ethics Commission to levy fines or other measures in response to findings of violation of the law. Unfortunately, during 2006-2007 the Ethics Commission did not act on [find willful failure and official misconduct??] any of the 5 findings of violation that were issued. [Referred to them??]</p>
	<p>ACTION: ???what could the supervisors or the mayor do to resolve this issue??? Changes to the ordinance???</p>
4.	<p>SOTF's leadership and direction in the operational aspects of open government could provide a much needed resource to departments leading to decreased costs.</p>
	<p>Given sufficient resources, we believe that the SOTF's administrative staff would be much-needed leaders in all aspects of open government operations including web site archiving, process for efficiently responding to requests and technical expertise.</p>
	<p>ACTION: The plan to hire an Executive Secretary to assist the Task Force is proceeding in a very thoughtful manner and the new Clerk of the Board is to be commended for her attention to this problem and to the details of the acquisition.</p>

Finally, the Task Force is in the process of formulating recommendations for amendments to the Ordinance. We continue to seek input from the Board as well as every department of the City for a workable resolution to the problems outlined via the amendment process. The Task Force has recommended four of the five sections for presentation to the Board. The updated text of the amendments is available on the SOTF website. We encourage everyone to read them and send comments to the Task Force.

ACCOMPLISHMENTS

- The Sunshine Ordinance Task Force continued to undertake an extensive review and discussion of the Sunshine Ordinance and proposed amendments in order to clarify and streamline the process.
- Thirty-five complaints were filed by community members in 2006. Of the 35 complaints, the Task Force issued 23 orders of determination; 20 went to city departments and 3 went to commissions. ^{KC}
- A total of 2588 public inquiries were responded to by the SOTF administrator. ^{KC}
- One hundred percent of sunshine requests made to the Task Force were responded to within five days. ^{KC}
- Sixteen potential complaints were resolved through mediation initiated by the SOTF administrator. ^{KC}
- The SOTF's Deputy City Attorney provided over 70 pieces of written legal analysis on open government complaints and issues. ^{KC}
- ~~The Compliance & Amendments Committee did ...~~ ^{KC}
- The Complaint Committee reviewed 35 number of complaints, forwarding 35 to the full task force for review. ^{KC}
- ~~The Task Force drafted a resolution...~~ ^{KC}
- The Web site for the SOTF was redesigned to provide greater access to individuals seeking information regarding open government laws.
- Drafted Resolution 01-06 supporting freelance Blogger/Videographer Joshua Wolf's right, as a journalists, to protect source identities and to keep possession of unpublished/unaired materials. This resolution echoed the resolution of the Board of Supervisors, and urged the Board and the Mayor to express to San Francisco's U.S. Senate and House representatives their support of Federal shield law legislation.
- Task Force Members met with several members of the press to discuss the role of journalists and Sunshine Ordinance.
- The Education, Outreach and Training Committee updated its Mission Statement and Work Program to better reflect its function and mission.

DISCUSSION

Below we have included a detailed discussion of the concerns and related actions that we listed in the summary section. We hope this will give you a thorough understanding of the issues and concerns of the Task Force.

1. Proactive coordination with the City Attorney's office will decrease the workload and costs of the City Attorney, the Task Force and every city department.

While the Sunshine Ordinance Task Force is empowered by 67.30 (c) to "advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement this chapter ... develop appropriate goals to ensure practical and timely implementation of this chapter ... make referrals to a municipal office with enforcement power ... whenever it concludes that any person has violated any provisions of this ordinance or the Acts," many conflicts continue to occur when the City Attorney's Office gives advice to departments that is not consistent with the precedents and rulings of the Task Force.

While the Task Force is not empowered to make laws regulating the implementation of the Ordinance, it is vested with the implementation and operation of the laws, including advising other City departments and the finding of violations.

The City Attorney, on the other hand, is tasked with advising its' clients with respect to the disclosure of documents, and at the same time they are required to "act to protect and secure the rights of the people of San Francisco to access public information" (67.21(i)). and is prohibited from acting "as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public." The City Attorney has had problems separating these two roles and through various means crossed the line from pure advice to active assistance to departments in denying access to public records, through (1) ghost-written responses to requestors' complaints, (2) oral advice to refuse disclosure on which Departments rely, (3) refusal to accept SOTF determinations on similar issues, (4) advising departments not to comply with specific orders of determination and (5) reliance on questionable exemptions.

A particular case in point, filed in 2006, involved a complaint against the Clerk of the Board, who, operating under the advice of the City Attorney, refused to provide documents in their original format but insisted on releasing information in a non-searchable PDF format exclusively. The Task Force found the Clerk in violation of the law and ordered the Clerk to release the requested documents in their original format. The Clerk, in an unprecedented manner, calendared the matter at the Board of Supervisors for hearing and subsequent vote by the members. The Board found the Task Force ruling was appropriate, and the Clerk subsequently released the documents in the requested format. While this process, taking individual cases to the Board of Supervisors for final adjudication when a department disagrees with a ruling from the Task Force, is a possible solution, as a precedent for future resolution, it would be an impractical burden for the Board to reconsider each of these disagreements, especially considering the acrimony often displayed in Sunshine disputes. We would hope that the Board of Supervisors does not find it necessary to intervene, as a rule, in such a manner, nor is it clear that the Sunshine laws intended that they do so. It should be noted that the City Attorney continues to advise departments (other than the Board of Supervisors) to provide documents in PDF format, rather than the original format as requested. Currently this advice is on the City Attorney website.

Major problems occur when the City Attorney disagrees with the findings and rulings of the Task Force, because a client department who relies on the advice of the City Attorney, may, nevertheless, be found in violation of the Ordinance. Noting that the SOTF relies on the second-hand information regarding the client-privileged advice given to departments, the following areas of disagreement have been indicated by testimony from respondents (partial list):

1. Retention and recovery of deleted e-mail public records;
2. Redaction of address, phone numbers and e-mail addresses of certain public records;
3. Disclosure of public records in original formats;
4. Disclosure of actual calendars used by public officials;
5. Disclosure of closed investigative files;
6. Disclosure of System Back-up and security procedures;
7. Appearance of Respondents to Complaints at hearings and meetings;
8. Public disclosure of closed session information;
9. Information regarding concluded negotiations for contracts or franchises

The SOTF needs a process to work with the City Attorney with the goal of providing consistent advice to departments. This will decrease the workload and costs of the Task Force and the City Attorney as well as the various departments who are unwittingly subject to the major disagreements between these two agencies. In early 2008, the SOTF Chairman will organize a meeting with the City Attorney to discuss the creation of a detailed coordinating policy and communication plan. We request representation from the President of the Board of Supervisors and the Mayor's Office.

2. Sufficient legal resources would provide the Task Force with analysis needed to rule on complex points of law.

The Task Force is sometimes called on to rule on complex points of law, a problem that is exacerbated by the relatively few legal cases involving California's open government laws, and the paucity of existing cases involving the Sunshine Ordinance. The Task Force is further constrained by the requirement to rule within 45 days on an issue.

The SOTF needs the restoration of its assigned legal counsel to a full-time position with responsibility, when requested by the Task Force, to furnish the Task Force with timely, neutral, authoritative analysis on any disputed legal issue critical to its determination in a particular matter before it. The Task Force would also benefit from access to a legal counsel with meditative skills to assist the administrator in settling disputes before a hearing is required.

3. Active communication and coordination with the Ethics Commission will create a more efficient and effective open government enforcement process.

The Task Force is uniquely mandated to protect the rights of citizens to access information and meetings. However, the Ethics Commission and District Attorney, to which enforcement of determinations of non-compliance are entrusted, have *never* enforced a Task Force finding of non-compliance. The District Attorney and the Attorney General have made it clear that they are not authorized to enforce the provisions of the Sunshine Ordinance, while the Ethics Commission has not made its position clear with respect to enforcement. The Board of Supervisors may have the resources to deal with enforcement,

but there has been no clear indication of the willingness or a process to undertake such matters.

The Ethics Commission, which has not enforced any of the matters referred over the past eight years, has often come to the conclusion "Dismissed because facts did not support finding of violation." The Task Force has no means to determine what facts were considered or how the Ethics Commission determined there was no violation.

Without a means to enforce its findings, the Task Force remains purely advisory in its capacity, but the dependence on the Ethics Commission is a major obstacle that needs to be addressed, not only by the amendments, but by the Ethics Commission as well.

4. SOTF's leadership and direction in the operational aspects of open government could provide a much needed resource to departments leading to decreased costs.

The Task Force must set the example for good recordkeeping and website maintenance as a preliminary to finding shortcomings in the recordkeeping and website accessibility of departments that come under its scrutiny.

Task Force rulings and findings of violation should be easily available and accessible on its website, at least for the last two years. However, these cases must be organized and displayed in such a way that new employees as well as seasoned records managers would have ready access to specific issues that deal with the problems they face when presented with a record request. A user-friendly index or directory should lead the inquirer to useable and up-to-date, firsthand experience about how to perform records disclosures and an appropriate guide to the redaction of protected information as well as the response requirements for summary of records available and reference to better records that may be available. There should also be comprehensive written and stored records of Task Force meetings and Hearings, with reference to topics that would be critical to an employee tasked with fulfilling a records request. It should also include records of all correspondence in both hard copy and e-mail by Task Force Members in their official capacities located with subject matter they may illuminate. Creating such a model would no doubt be labor-intensive in the initial instance, but would result in greater ease of compliance and shorten the time required of employees seeking to fill Sunshine requests.

The availability of a knowledgeable Sunshine ombudsman would also cut the time required for departments to appropriately disclose documents, and would cut unnecessary expenses associated with compliance.

The plan to hire an Executive Secretary to assist the Task Force is proceeding in a very thoughtful manner and the new Clerk of the Board is to be commended for her attention to this problem and to the details of the acquisition. This is a very positive development, and it is clearly anticipated that a knowledgeable individual will be hired who can assist employees of every department and prevent costly complaints and revisiting poorly filled records requests.

COMPLAINTS RECEIVED OR ADJUDICATED DURING 2006-2007

Date Received	Complainant	Department	Status	Violation
3/1/2006	Anonymous (#06001)	Mayor's Office of Protocol	Complaint Committee 3/14/06; Task Force 3/28/06; (Violation)	§§67.21 and 67.25
3/3/2006	Bob Kaufman (#06002)	City Attorney's Office	Complaint Committee 3/14/06; Task Force 6/27/06 (Dismissed)	
4/26/2006	John Avalos (#06003)	Mayor's Office of Communication	Complaint Committee 5/9/06; Task Force 5/23/06; (Violation)	§§67.21 and 67.25
5/19/2006	Robert Planthold (#06004)	Municipal Transportation Agency	Complaint Committee 6/27/06; Task Force 6/27/06: (Violation); Referred to DA and Ethics Commission 9/26/06 (EC #10-061108 Dismissed)	§§67.21 and 67.25
6/14/2006	Kimo Crossman (#06005)	Mayors Office	Complaint Committee 7/11/06; Task Force 7/25/06: (Violation)	§§67.15 (a), (b), and (c)
6/23/2006	Kimo Crossman (#06006)	Telecommunications and Information Services	Complaint Committee 7/11/06; Task Force 7/25/06: (Violation)	§§67.21 and 67.25
7/7/2006	Javier Gonzalez (#06007)	City Attorney's Office	Complaint Committee 8/8/06; Task Force 8/22/06 (No Violation)	None
7/7/2006	Kimo Crossman (#06008)	Telecommunications and Information Services	Complaint Committee 10/10/06; Withdrawn 9/15/06; Reactivated 9/19/06; Complaint Committee 10/10/06; Task Force 10/24/06 (Violation)	§§67.21 (f) and 67.27
7/7/2006	Kimo Crossman (#06009)	Telecommunications and Information Services	Complaint Committee 10/10/06; Withdrawn 9/15/06; Reactivated 9/19/06; Complaint Committee 10/10/06; Task Force 10/24/06 (Violation)	§§67.21 (f), and 67.27
7/7/2006	Kimo Crossman (#06010)	Telecommunications and Information Services	Reviewing Doc's from Respondent; Withdrawn 9/15/06; Reactivated 9/19/06; Complaint Committee 10/10/06; Withdrawn 9/29/06	
7/13/2006	Beth Rimbey (06011)	Office of Emergency Services and Mayors Office of Communications	Complaint Committee 8/8/06; Task Force 9/26/06 (Violation)	§§67.21, 67.24 (a), 67.25, 67.26
7/20/2006	Juan De Anda (#06012)	Public Health	Complaint Committee 9/12/06; Withdrawn 9/12/06	

Date Received	Complainant	Department	Status	Violation
8/17/2006	Kimo Crossman (#06013)	Office of the Clerk of the Board	Complaint Committee 9/12/06; Task Force 9/26/06 (Motion finding a violation - failed); Task Force 10/24/06 - Reconsideration (Violation)	§§67.21 (l), Cal Gov. Code 6253.9 (a)
8/17/2006	Kimo Crossman (#06014)	Telecommunications and Information Services	Complaint Committee 9/12/06; Task Force 9/26/06 - Continued, 10/24/06 (Continued); Withdrawn 11/16/06	
8/18/2006	Allen Grossman (#06015)	Office of the Clerk of the Board/Sunshine Ordinance Task Force Administrator	Complaint Committee 9/12/06; Task Force 9/26/06; Order of Determination (Violation).	§§67.21 (l), 6253.9 (a)
9/6/2006	Robert Leslie (#06016)	City Attorney's Office	Complaint Committee 10/10/06; Withdrawn 10/2/06	
9/12/2006	Michael Petrelis (#06017)	Public Health	Complaint Committee 10/10/06; Task Force 10/24/06 (Continued); Task Force 11/28/06 (Dismissed)	
9/14/2006	Daisy Anarchy (#06018/06023)	Entertainment Commission	Complaint Committee 10/10/06; Task Force 12/20/06 (Violation)	§67.15 (a)
10/26/2006	San Francisco Survival Manual for Dr. Wayne Lanier (#06019)	Mayors Office	Complaint Committee 11/14/06; Task Force 12/20/06 (Violation)	§67.21
10/27/2006	Veronica Gaynor (#06020)	Supervisor Tom Ammiano c/o Zach Tuller	Complaint Committee 11/14/06; Withdrawn 11/14/06	
10/27/2006	Steve Lawrence (#06021)	Public Utilities Commission	Complaint Committee 11/14/06; Withdrawn 11/9/06	
11/6/2006	Michael Petrelis (#06022)	Public Health	Complaint Committee 12/12/06; Task Force 1/9/07, 2/27/07 (No Violation)	None
11/11/2006	Hima B. (#06023/06018)	Entertainment Commission	Complaint Committee 12/12/06; Task Force 12/20/06 (Violation)	§67.15 (a)
11/13/2006	Michael Petrelis (#06024)	Public Health	Complaint Committee 12/12/06; Task Force 1/9/07, 2/27/07 (No Violation)	None
11/19/2006	Kimo Crossman (#06025)	Telecommunications and Information Services	Complaint Committee 1/9/07; Task Force 1/23/07 (Violation)	§67.21 (b)
11/19/2006	Kimo Crossman (#06026)	Clerk of the Board of Supervisors	Complaint Committee 12/12/06; Task Force 12/20/06 (Dismissed)	
11/19/2006	Kimo Crossman (#06027)	Telecommunications and Information Services	Complaint Committee 12/12/06; Task Force 1/9/07, 1/23/07 (Violation)	§67.24 (e)(3)

Date Received	Complainant	Department	Status	Violation
11/19/2006	Kimo Crossman (#06028)	Sunshine Ordinance Task Force Administrator	Complaint Committee 1/9/07; Task Force 1/23/07 (Withdrawn)	
11/27/2006	Kimo Crossman (#06029)	Sunshine Ordinance Task Force Administrator/Clerk of the Board of Supervisors	Complaint Committee 12/12/06; Task Force 12/20/06 (Withdrawn)	
11/27/2006	Kimo Crossman (#06030)	Clerk of the Board of Supervisors	Complaint Committee 12/12/06; Task Force 2/27/07 (Withdrawn)	
11/30/2006	Cynthia Laird (#06031)	Public Health	Complaint Committee 1/9/07; Task Force 3/27/07 (Violation)	§67.14
12/1/2006	Michael Petrelis (#06032)	Public Health	Complaint Committee 1/9/07, 2/13/07; Task Force 2/27/07 (No Violation)	None
12/19/2006	Mary McGuire (#06033)	Taxi Commission	Complaint Committee 1/9/07; Task Force 1/23/07 (Violation)	§67.7
12/20/2006	Jason Grant Garza (#06034)	Public Health	Complaint Committee 1/9/07; Task Force 1/23/07 (Violation)	§67.21 (b)
12/22/2006	Kimo Crossman (#06035)	Sunshine Ordinance Task Force Administrator/Clerk of the Board of Supervisors	Complaint Committee 2/13/07; 2/27/07 (Withdrawn)	
1/4/2007	Debra Ward (07001)	Municipal Transportation Agency	Complaint Committee 2/13/07; Task Force 3/27/07 (Violation) (Withdrawn: 5/22/07)	§ 67.21
1/9/2007	Kimo Crossman (07002-A)	Mayor's Office	Complaint Committee 2/13/07; Task Force 2/27/07; 3/27/07 (Violation); 5/17/07 = Referred to EC, DA and AG [will not intervene: referred to EC]	§ 67.27
1/9/2007	Kimo Crossman (07002-B)	Mayor's Office	Complaint Committee 2/13/07; Task Force 2/27/07; 3/27/07 (Violation); 5/17/07 = Referred to EC, DA and AG [will not intervene: referred to EC]	§ 67.29-7
1/18/2007	Steven Lawrence (07003)	Public Utilities Commission	Complaint Committee 2/13/07; Task Force 2/27/07 (Withdrawn)	
1/18/2007	Steven Lawrence (07004)	Public Utilities Commission	Complaint Committee 2/13/07; Task Force 2/27/07 (Withdrawn)	
1/22/2007	Kimo Crossman (07005 & 07007)	Telecommunications and Information Services	Complaint Committee 2/13/07; Task Force 2/27/07 (Violation)	§ 67.25

Date Received	Complainant	Department	Status	Violation
1/24/2007	Kimo Crossman (07006)	Sunshine Ordinance Task Force Administrator/COB	Complaint Committee 2/13/07; Task Force 2/27/07 (Withdrawn)	
1/26/2007	Kimo Crossman (07008)	Public Utilities Commission	Complaint Committee 2/13/07; Task Force 3/27/07 (Violation); 5/22/07 (No Action Taken)	§ 67.21
2/1/2007	Kimo Crossman (07009)	Mayor's Office	Complaint Committee 3/13/07; Task Force 3/27/07 (Violation); Referred to BOS, EC, DA and AG (6/26/07)	§ 67.21
2/5/2007	Allen Grossman (07010)	City Attorney's Office	Complaint Committee 3/13/07; Task Force 3/27/07 (No Violation)	
2/15/2007	Kimo Crossman (07011)	Sheriff's	Complaint Committee 3/13/07; Task Force 3/27/07; 4/24/07; 5/22/07 (Violation); Referred to the BOS (6/5/07)	§ 67.21
2/13/2007	Dave Tognotti (07012)	Supervisor Jake McGoldrick	Complaint Committee 3/13/07; (Withdrawn 3/9/07)	
2/15/2007	Adam Aufdencamp (07013)	Mayor's Office	Complaint Committee 3/13/07; Task Force 3/27/07; 4/24/07 (Withdrawn 4/19/07)	
2/21/2007	Dorothy Kleffner (07014)	SF Dept of Public Health; Marin DHHS-HIV/AIDS Care Council	Complaint Committee 4/10/07; (Withdrawn 5/3/07)	
2/20/2007	Ming Lee (07015)	Dept. on the Status of Women / La Cosa De Las Madres	Complaint Committee 4/10/07; Task Force 4/24/07; 5/22/07 (Continued to the call of the Chair)	
2/26/2007	Ming Lee (07016)	Dept. on the Status of Women / Mary Elizabeth Inn	Complaint Committee 4/10/07; Task Force 4/24/07 (No Action Taken)	
3/9/2007	Anthony Faber (07017)	Western SOMA Citizens' Planning Task Force Arts & Entertainment Focus Group	Complaint Committee 4/10/07; (Withdrawn 4/10/07)	
3/8/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07018)	Sunshine Ordinance Task Force Administrator/COB	Complaint Committee 4/10/07; Task Force 4/24/07 (Violation)	§§ 67.9 (e), 67.21 (h), and GC 54954.1
3/20/2007	Andrew Sisneros (07019)	Municipal Railway	Complaint Committee 4/10/07; Task Force 4/24/07 (Violation)	§ 67.21
3/20/2007	Patrick Monette-Shaw (07020)	Public Health	Complaint Committee 4/10/07; Task Force 4/24/07; 5/22/07 (Violation)	§ 67.4(a)(5)
3/25/2007	Kimo Crossman (07021)	Sunshine Ordinance Task Force Administrator/COB	Complaint Committee 4/10/07; Task Force 4/24/07; 5/22/07 (No Violation)	

Date Received	Complainant	Department	Status	Violation
3/26/2007	Kimo Crossman (07022)	City Attorney's Office	Complaint Committee 4/10/07; Task Force 4/24/07 (Withdrawn)	
3/27/2007	Kimo Crossman (07023)	Telecommunications and Information Services	Complaint Committee 4/10/07; Task Force 4/24/07 (Referred to CAC); CAC 5/9/07; Task Force 5/22/07: Referred to EC	
3/27/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07024)	Sunshine Ordinance Task Force Administrator/COB	Complaint Committee 4/10/07; Task Force 4/24/07 (Withdrawn)	
3/29/2007	John Templeton (07025)	Mayor's Office - Historic Preservation Fund Committee	Complaint Committee 5/8/07; 6/12/07; Task Force 6/26/07 (Violation)	§§ 67.4 (a) and 67.6 (e)
4/16/2007	Robert Kowal (07026)	Recreation and Parks	Complaint Committee 5/8/07; (Withdrawn 4/30/07)	
4/17/2007	Kimo Crossman (07027)	Small Business Commission	Complaint Committee 5/8/07; 5/22/07 (Withdrawn)	
4/17/2007	Dan Hirsch (07028) & Kelly Saturno (07029)	Recreation and Parks	Complaint Committee 5/8/07; 6/12/07; Task Force 6/26/07 (No Violation)	
4/24/2007	Michael Petrelis (07030)	Public Health	Complaint Committee 5/8/07; 6/12/07; Task Force 6/26/07 (Violation)	§ 67.21
4/30/2007	Patrick Monette-Shaw (07031)	Public Health	Complaint Committee 6/12/07; Task Force 6/26/07 (Violation)	§ 67.21
1/17/2007 (4/30/07)	James Chaffee (07032)	Library Commission	Complaint Committee 6/12/07 (Continued to the call of the Chair)	
3/19/2007 (4/30/07)	James Chaffee (07033)	Library Commission	Complaint Committee 6/12/07 (Continued to the call of the Chair)	
5/1/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07034 & 07035)	Sunshine Ordinance Task Force Administrator & Clerk of the Board of Supervisors	Complaint Committee 6/12/07; Task Force 6/26/07; 7/24/07 (Withdrawn 7/17/07)	
5/1/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07036)	City Attorney's Office	Complaint Committee 6/12/07; Task Force 6/26/07; 7/24/07 (Withdrawn 7/17/07)	
5/1/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07037)	City Attorney's Office	Complaint Committee 6/12/07; Task Force 6/26/07; 7/24/07 (Withdrawn 7/17/07)	
5/10/2007	Anonymous Person (07038, 07043, & 07044)	Entertainment Commission	Complaint Committee 6/12/07; Task Force 8/28/07; 9/25/07; 10/23/07 (No Formal Action)	

Date Received	Complainant	Department	Status	Violation
5/21/2007	Paul Graham (07039)	Public Health	Complaint Committee 6/12/07; Task Force 6/26/07 (Violation)	§ 67.21
5/21/2007	Ahimsa Porter Sunchai (07040)	Supervisor Sophie Maxwell	Complaint Committee 6/12/07; Task Force 6/26/07 (Violation)	§ 67.15 (c) and (d)
5/23/2007	Ming Lee (07041)	Department On The Status of Women	Complaint Committee 6/12/07; Task Force 6/26/07 (No Violation)	
5/23/2007	Francisco Da Costa (07042)	Supervisor Sophie Maxwell	Complaint Committee 6/12/07; Task Force 6/26/07 (No Action Taken)	
5/27/2007	Patrick Monette-Shaw (07045)	SF Health Commission	Complaint Committee 7/10/07; Task Force 7/24/07 (No Action Taken)	
6/4/2007	Kimo Crossman (07046)	City Attorney Dennis Herrera	Complaint Committee 7/10/07; 8/14/2007; 9/11/07 (Withdrawn 9/6/07)	
6/4/2007	Kimo Crossman (07047)	Mayor Gavin Newsom	Complaint Committee 7/10/07; 8/14/2007; 9/11/07 (Withdrawn 9/6/07)	
6/4/2007	Kimo Crossman (07048)	Sheriff Michael Hennessey	Complaint Committee 7/10/07; 8/14/2007; 9/11/07 (Withdrawn 9/6/07)	
6/4/2007	Kimo Crossman (07049)	Telecommunications and Information Services - Chris Vein	Complaint Committee 7/10/07; 8/14/2007; 9/11/07 (Withdrawn 9/6/07)	
6/4/2007	Kimo Crossman (07050)	Public Utilities Commission - Susan Leal	Complaint Committee 7/10/07; 8/14/2007; 9/11/07 (Withdrawn 9/6/07)	
6/4/2007	Kimo Crossman (07051)	Clerk of the Board of Supervisors - Kay Gulbengay	Complaint Committee 7/10/07 (Withdrawn 7/11/07)	
6/25/2007	Allen Grossman & Wayne Lanier (07052)	District Attorney	Complaint Committee 7/10/07; 8/14/07; Task Force 8/28/07 (Violation)	§§ 67.21 & 67.27
6/26/2007	Kimo Crossman (07053)	Sheriff Michael Hennessey	Complaint Committee 8/14/07; 9/11/07 (Withdrawn 9/6/07)	
6/26/2007	Kimo Crossman (07054)	Sheriff Michael Hennessey	Complaint Committee 8/14/07; 9/11/07 (Withdrawn 9/6/07)	
7/5/2007	Kimo Crossman (07055)	District Attorney Kamela Harris	Complaint Committee 8/14/07; Task Force 8/28/07 (Violation)	§§ 67.21 & 67.21(c)
7/17/2007	Myrna Lim (07056)	Ethics Commission	Complaint Committee 8/14/07; Task Force 8/28/07; 9/25/07; 10/23/07 (Violation); 1/8/08 (Referred to AG)	§ 67.21
7/23/2007	Jeff Ente (07057)	Supervisor Aaron Peskin	Complaint Committee 8/14/07; Task Froce 8/28/07 (Violation); 1/8/08 (Referred to EC and AG)	§§ 67.21, 67.21(e), 67.29-1, & 67.29-7

Date Received	Complainant	Department	Status	Violation
7/24/2007	Hanley Chan (07058)	Police Department	Complaint Committee 8/14/07 (Withdrawn 8/3/07)	
7/30/2007	Paul Graham (07059)	Fire Department	Complaint Committee 8/14/07; Task Force 8/28/07 (Violation)	§§ 67.21 & 67.29-7(c)
8/23/2007	Alex Clark (07060)	Public Utilities Commission	Complaint Committee 10/9/07; Task Force 10/23/07 (No Formal Action)	
8/27/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07061 & 07062)	Library	Task Force 9/25/07 (Violation); 1/8/08 (Referred to AG)	§§ 67.29-2; 67.29-6; 67.21
9/7/2007	Ray Hartz (07063, 07064 & 07065)	City Attorney	Complaint Committee 10/9/07; Task Force 10/23/07 (No Formal Action)	
9/10/2007	Charles Pitts (07066)	Human Services - Central City Hospitality House	Complaint Committee 10/9/07; Task Force 10/23/07; 11/27/07 (No Jurisdiction)	
9/12/2007	Jodi Watson (07067)	Entertainment Commission	Complaint Committee 10/9/07; Task Force 10/23/07 (Violation)	§ 67.25
9/13/2007	Maxine Doogan (07068)	District Attorney	Complaint Committee 10/9/07; Task Force 10/23/07 (Violation)	§§ 67.21 & 67.25
9/17/2007	Ray Hartz (07069)	Supervisor Aaron Peskin	Complaint Committee 10/9/07; Task Force 10/23/07; 11/27/07; 1/8/08 (Violation)	§ 67.21 (e)
9/19/2007	Michael Vogl (07070)	Police Department	Complaint Committee 10/9/07 (Withdrawn 9/21/07)	
9/20/2007	Dee Modglin (07071)	Mayor's Office of Housing	Complaint Committee 10/9/07; Task Force 10/23/07 (No Violation)	
9/21/2007	Randell Evans (07072)	Redevelopment Agency & Mayor's WACAC	Complaint Committee 10/9/07; Task Force 10/23/07 (No Violation)	
9/21/2007	Russell Albano (07073)	Human Resources - Workers Comp. Div	Complaint Committee 10/9/07; Task Force 10/23/07 (Violation)	§§ 67.21 & 67.25
9/21/2007	Russell Albano (07074)	Fire Department	Complaint Committee 10/9/07; Task Force 10/23/07 (Referred to CAC with File# 07073 [No Action Taken])	
9/25/2007	Laura Carroll (07075)	Mayor's Office of Housing	Complaint Committee 11/13/07; 11/27/07 (Violation)	§ 67.21
9/25/2007	Charles Bolton (07076)	Public Works	Complaint Committee 11/13/07; 11/27/07 (Violation)	§ 67.21
10/1/2007	Allen Grossman (07077)	District Attorney	Complaint Committee 11/13/07; 11/27/07 (Violation); 1/8/08 (Referred to EC and AG)	§§ 67.21, 67.21-1; 67.25, 67.26, 67.27, CPRA 6253 and 6253.9

Date Received	Complainant	Department	Status	Violation
10/2/2007	John Chapman (07078)	Controllers Office	Complaint Committee 11/13/07; 11/27/07 (No formal action)	
10/2/2007	John Chapman (07079)	Public Utilities Commission	Complaint Committee 11/13/07; 11/27/07 (No formal action)	
10/9/2007	Dan Boreen (07080-A)	Fire Department	Complaint Committee 11/13/07; 11/27/07 (Violation)	§§ 67.26, 67.27
10/9/2007	Dan Boreen (07080-B)	Fire Department	Complaint Committee 11/13/07; 11/27/07 (Violation)	§§ 67.26, 67.27
10/9/2007	Dan Boreen (07080-C)	Fire Department	Complaint Committee 11/13/07; 11/27/07 (Violation)	§ 67.25, 67.26, 67.27
10/9/2007	Dan Boreen (07080-D)	Fire Department	Complaint Committee 11/13/07; 11/27/07 (Violation)	§: 67.25
10/10/2007	Hanley Chan (07081)	Police Department	Complaint Committee 11/13/07; 11/27/07 (No violation)	
10/10/2007	Wayne Lanier (07082)	Telecommunications and Information Services	Complaint Committee 11/13/07; 12/11/07; Task Force 1/8/08 (Violation)	§ 67.26
10/17/2007	John Darmanin (07083)	Fire Commission	Complaint Committee 11/13/07; Task Force 11/27/07; 1/22/08	
10/17/2007	Marcus Santiago (07084)	City Attorney's Office	Complaint Committee 11/13/07 (Withdrawn 11/11/07)	
11/2/2007	Mr. Alvin (07085)	Grants for the Arts	Complaint Committee 12/11/07; Task Force 1/8/08; 1/22/08	
11/2/2007	Hank Wilson (07086)	Police Department	Complaint Committee 12/11/07; (Withdrawn 12/4/07)	
11/2/2007	Allen Grossman (07087)	Mayor's Office	Complaint Committee 12/11/07; Task Force 1/8/08 (Violation)	§§ 67.21 (b) (e), 67.25 (a), CPRA Sec 6253
11/3/2007	Kimo Crossman (07088)	Assessor's Office	Complaint Committee 12/11/07; Task Force 1/8/08 (Violation)	§ 67.25 (d)
11/5/2007	Kimo Crossman (07089)	District Attorney's Office	Complaint Committee 12/11/07; Task Force 1/8/08 (Violation)	§§ 67.24 (b) (iii), 67.26, 67.27
11/5/2007	Kimo Crossman (07090)	SFMTA Agency, SFMTA Commission and City Attorney's Office	Complaint Committee 12/11/07; Task Force 1/8/08 (Violation)	§ 67.24 (a) (2)
11/14/2007	Ahimsa Porter Sumchai (07091)	Supervisor Sophie Maxwell	Complaint Committee 12/11/07; Task Force 1/8/08 (Violation)	§§ 67.15 (a), 67.21 (e)
11/18/2007	Patrick Monette-Shaw (07092)	Board of Supervisors and Human Resources	Complaint Committee 12/11/07; Task Force 1/8/08; 1/22/08	
11/27/2007	Patrick Monk (07093)	Supervisor Sophie Maxwell	Complaint Committee/Task Force 1/8/08; Task Force 1/22/08	

Date Received	Complainant	Department	Status	Violation
11/29/2007	Kimo Crossman (07094)	City Attorney	Complaint Committee/Task Force 1/8/08; Task Force 1/22/08	
11/29/2007	Kimo Crossman (07095)	City Attorney	Complaint Committee/Task Force 1/8/08; Task Force 1/22/08	
11/29/2007	Kimo Crossman (07096)	Mayor's Office	Complaint Committee/Task Force 1/8/08; Task Force 1/22/08	
11/29/2007	Steve Lawrence (07097)	Public Utilities Commission	Complaint Committee/Task Force 1/8/08; Task Force 1/22/08	

ORGANIZATION & COMMITTEE STRUCTURE

The Chair of the Task Force appoints committee chairs and its members. Each member of the Task Force must also be a member of a committee.

Ad Hoc Committees are appointed as needed. There have been several Ad Hoc Committee meetings to deal with suggested Sunshine Ordinance provisions for the City College Board, access to public meetings and public records at the San Francisco Community College District, and the San Francisco Unified School District's proposed Open Government Policy.

The Task Force has four Standing Committees:

- Complaint Committee:** The committee monitors the complaint process and makes recommendations to the Task Force regarding how the complaints should be handled. If the efforts of the Administrator and the Deputy City Attorney fail to obtain the information to which a complainant is legally entitled, the matter will be referred to the Complaint Committee for a hearing to determine whether the Task Force has jurisdiction over the complaint, and to clarify the complaint. If jurisdiction is found, a Task Force hearing will be held at which time the complainant and the respondent will present the merits of their respective cases. See § VII, Addendum # 2 for a copy of the complaint form.

Members of the Complaint Committee in 2006-2007 were: Sue Cauthen (Chair); Kristin Chu, Nicholas Goldman, and Bruce Wolfe.

- Compliance & Amendments Committee:** This Committee was appointed in 2002. This Committee monitors compliance with the Orders of Determinations adopted by the Task Force and recommends to the Task Force amendments to the Sunshine Ordinance regarding enforcement of the Orders of Determination. The Committee also considers recommendations, amendments, and changes to the Sunshine Ordinance as provided by members of the Task Force, City departments, and the general public.

Members of the Compliance and Amendments Committee in 2006-2007 were: Richard Knee (Chair), Erica Craven, Doug Comstock.

- **Education, Outreach, and Training Committee:** Unless the public is aware of its right of access to information and participation, the value of the ordinance would be minimal. Therefore, the Education, Outreach and Training Committee was created to provide outreach and publicity to the media, to the general public, and to oversee the preparation and publication of information.

Members of the Education, Outreach, and Training Committee in 2006-2007 were: David Pilpel (Chair); Bruce Wolfe; and Marjorie Williams

- **Rules Committee:** This committee was established to review matters related to amendments to the Task Force by-laws and procedures so the Task Force's work could proceed in an orderly manner. The committee also helps to ensure that all annual objectives enumerated in the Sunshine Ordinance are met by the Task Force. As with all committees, recommendations for action are made to the full Task Force for final action.

Members of The Rules Committee in 2006-2007 were: Bruce Wolfe (Chair); Hanley Chan; and Doug Comstock.

ADDENDA

1. Membership of Task Force
2. Complaint Form and Overview of Procedures
3. Sunshine Ordinance Task Force Web Page Contents

**SUNSHINE ORDINANCE TASK FORCE
MEMBERS DURING 2006-2007
(Terms expire 4/27)**

Seat 1	Submitted by the local chapter of the Society of Professional Journalists and be an attorney. Appt 8/25/04.	Erica L. Craven Term ends 4/08 District 8
Seat 2	Submitted by the local chapter of the Society of Professional Journalists and be a journalist. Appt 5/3/02	Richard Knee Term ends 4/08 District 3
Seat 3	Member of the press or electronic media with an interest in citizen access. Appt 5/3/02	Sue Cauthen Term ends 4/08 District 3
Seat 4	Appointed from names submitted by New California Media now know as New America Media; be a journalist from a racial/ethnic-minority-owned news organization. Appt 4/1/06, resigned February 13, 2007.	Pueng Vongs Term ends 4/07 District 1
Seat 5	Submitted by the League of Women Voters. Appt 5/23/06.	Kristin Chu Term ends 4/08 District 1
Seat 6	Experienced in consumer advocacy. Appt 5/3/02; re-appointed 4/15/04: continues to serve as a holdover.	Doug Comstock Term ended 4/06 District 5
Seat 7	Experienced in consumer advocacy. Appt 4/15/04.	David Pilpel Term ends 4/08 District 4
Seat 8	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 6/2/05.	Bruce Wolfe Term ends 4/08 District 5
Seat 9	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 4/1/06.	Hanley Chan Term ends 4/08 District 3
Seat 10	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 6/2/05 (AKA Nick Mueller).	Nick Goldman Term ends 4/08 District 8
Seat 11	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 5/25/01; re-appointed 5/9/03; re-appointed 6/2/05; continues to serve as a holdover.	Marjorie A. Williams Term ends 4/07 District 10
Ex-Officio	Clerk of the Board or her designee (non-voting): Gloria Young served as an ex-officio member from 1/06 to 4/07	Angela Calvillo Begin 7/07
Ex-Officio	Mayor or his designee (non-voting) Appt 4/22/07	Harrison Sheppard Term ends 8/22/09 District 5



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>

Thank you for your interest in the implementation of the San Francisco Sunshine Ordinance.

The Sunshine Ordinance adopted by the citizens of the City & County of San Francisco declares that:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance will assure that their deliberations are conducted before the people and that City operations are open to the people's review.

The role of the Sunshine Ordinance Task Force is to advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement the Ordinance. The Task Force is responsible for developing appropriate goals to ensure the practical and timely implementation of the Ordinance and to report to the Board on practical or policy problems encountered in the administration of the Ordinance.

If you have encountered problems regarding compliance with the Ordinance, the Public Records Act or the Ralph M. Brown (Public Meetings) Act, we ask that you fill out the attached complaint form. Please deliver the form to Frank Darby, Administrator of the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683.

We attempt to resolve complaints informally where possible, through the affected departments and the City Attorney's office. Matters that cannot be adequately resolved, or matters that involve substantial policy considerations, may be set for hearing at a Task Force meeting. The Task Force meets the fourth Tuesday of each month at 4:00 p.m. at City Hall, Room 408.

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).



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 _____

Name of individual contacted at Department or Commission _____

Alleged violation public records access
Alleged violation of public meeting. Date of meeting _____

Sunshine Ordinance Section(s) _____
(If known, please cite specific provision(s) being violated)

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

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

*(Optional)*¹
Name _____ Address _____

Telephone No. _____ E-Mail Address _____

Date _____ Signature _____

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).



Filing a Complaint with the Sunshine Ordinance Task Force

1. You may fill out a Complaint Form, or you may send your own letter filing a formal complaint. The complaint is filed with the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Pl., Room 244, San Francisco CA 94102-4689. (Fax # 415 554 7854)
2. Once your complaint is received, the Complaint Committee of the Sunshine Ordinance Task Force reviews the complaint to determine if the Sunshine Ordinance Task Force has jurisdiction.
 - Jurisdiction is defined as those items the Task Force may address as outlined in the Sunshine Ordinance
3. Once the Complaint Committee completes its consideration, the complainant is notified of the Committee's decision.
4. If the Complaint Committee finds no jurisdiction over the alleged violations in the complaint, the complainant could request reconsideration before the full Task Force at its next scheduled meeting. Should the full Task Force find jurisdiction, a full hearing on the merits would be scheduled.
5. If the Complaint Committee finds the Task Force has jurisdiction, the complainant, respondent, and the Task Force Members are notified in writing of the jurisdiction decision, and the specific matters, which the Complaint Committee has found jurisdiction.
6. The complaint is then scheduled for a hearing before the next meeting of the Sunshine Ordinance Task Force.
7. If additional information is to be submitted from the complainant or respondent, the additional material must be submitted to the Sunshine Ordinance Task Force Administrator at least seven days before the scheduled hearing before the Task Force.
 - (a.) If the complainant submits any additional material after the seven day deadline, the complainant will be informed that
 - The Task Force may proceed without considering the new material, or
 - The complainant may waive the 45-day time line set and continue the hearing to the next Task Force meeting (the question to be the matter on which the Complaint Committee has granted jurisdiction), or
 - The complainant may withdraw the complaint and file a new complaint to be considered by the Complaint Committee, or
 - The complainant may proceed to hearing with their current complaint and file a new complaint and use the new information to support the freestanding separate complaint.
8. After the Task Force completes its public hearing, the Task Force would make an Order of Determination regarding the complaint.
9. For further information, contact the Sunshine Ordinance Task Force Administrator, Frank Darby at (415) 554 7724.

SUNSHINE ORDINANCE TASK FORCE

WEB SITE INFORMATION

In 2006-2007 the Sunshine Ordinance Task Force web page received 880,306 hits. The web page consists of:

- Current agendas and minutes
- Meeting notices
- Past years' agendas and minutes
- Public records listing and retention schedule
- By-laws of the Task Force
- Other related documents and information

Information on:

- The Sunshine Ordinance
- Membership of the Task Force
- Committee structure of the Task Force
- Non-profit requirements (Administrative Code, Chapter 12L)
- Duties and responsibilities of the Task Force
- Complaint Procedures and Form
- Frequently asked questions

Sunshine Ordinance Task Force Complaints and Hearings



