

Date: Jan. 27, 2009

Item No. 2

File No. 08053

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Peter Witt v Taxi Commission**
-
-
-
-
-
-
-
-
-
-

Completed by: Chris Rustom

Date: Jan. 23, 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.

(

(

(



DENNIS J. HERRERA
City Attorney

ROSA M. SANCHEZ
Deputy City Attorney

DIRECT DIAL: (415) 554-3928
E-MAIL: rosa.sanchez@sfgov.org

MEMORANDUM

January 21, 2009

Re: *PETER WITT v. TAXI COMMISSION (08053)*

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING FACTS:

Peter Witt frequently attends the Taxi Commission Meeting and has from time to time filed complaints against the Taxi Commission for alleged violations of the meeting laws as stated in the Sunshine Ordinance. Recently, Peter Witt filed a complaint against the Taxi Commission for its failure to attach his 150 word statement to the minutes of a commission meeting. The case was numbered (08047) and was heard on October 28, 2008. The Task Force found a violation of 67.16 and at a November 12, 2008 Compliance and Amendments Committee Meeting, the CAC and Jordanna Thigpen, Executive Director of the Taxi Commission worked out an arrangement whereby citizens' public comment statements of 150 words or less would be incorporated into the minutes. Subsequent to this CAC meeting, Peter Witt filed a complaint regarding this same issue and other issues. Peter Witt complained that the Taxi Commission failed to correct the minutes for meetings held on April 10, 2007 and October 14, 2008, failed to grant requests for information, and knowingly failed to disseminate or retain public correspondence from the public.

COMPLAINANT FILES COMPLAINT

On November 19, 2008, Peter Witt filed a complaint against the Taxi Commission alleging violations of the Sunshine Ordinance.

JURISDICTION

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 Complaint Committee found, on January 13, 2009, the Sunshine Ordinance Task Force *does* have jurisdiction over the allegation. The allegations are covered under (67.15, 67.16 and 67.21) of the Ordinance.

APPLICABLE STATUTORY SECTIONS:

1. Sunshine Ordinance Section 67.15 that addresses Public Testimony.

Memorandum

2. Sunshine Ordinance Section 67.16 which deals with the Minutes of the meeting.
3. Sunshine Ordinance Section 67.21 which deals with the process for gaining access to public records.

APPLICABLE CASE LAW:

none

ISSUES TO BE DETERMINED**1. FACTUAL ISSUES****A. Uncontested Facts:**

- The Taxi Commission had a public meeting on April 10, 2007 and October 14, 2008 and received public comment during these meetings.
- On October 28, 2008, the Task Force found a violation of 67.16 and at a November 12, 2008 Compliance and Amendment Committee Meeting, the CAC and Jordanna Thigpen, Executive Director of the Taxi Commission worked out an arrangement whereby citizens' public comment statements of 150 words or less would be incorporated into the minutes. Subsequent to this CAC meeting, Peter Witt filed a complaint regarding this same issue and other issues.

B. Contested facts/ Facts in dispute:

The Task Force must determine what facts are true.

i. Relevant facts in dispute:

- Whether written statements were excluded.
- Whether public testimony was deleted from the minutes.

2. QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

none

3. LEGAL ISSUES/ LEGAL DETERMINATIONS:

- Were sections of the Sunshine Ordinance (Sections 67.15, 67.16, 67.21), Brown Act, and/or Public Records Act were violated by the City Attorney's Office or the Supervisor of Records?

Memorandum

- **Was there an exception to the Sunshine Ordinance, under State, Federal, or case law?**

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS:

THE TASK FORCE FINDS THAT THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

Memorandum**CALIFORNIA STATE CONSTITUTION, ARTICLE I, SECTION 1**

§1 Inalienable rights

All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

**THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 59 IN 2004
ARTICLE I, SECTION 3**

§3 Openness in Government

- a) The people have the right to instruct their representative, petition government for redress of grievances, and assemble freely to consult for the common good.
- b)(1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
- 2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protect by the limitation and the need for protecting that interest.
- 3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.
- 4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided by Section 7.
- 5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings or public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.

Memorandum

6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committee, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions: nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

**ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN
FRANCISCO ADMINISTRATIVE CODE (THE SUNSHINE ORDINANCE)
UNLESS OTHERWISE SPECIFIED**

Section 67.1 addresses Findings and Purpose

The Board of Supervisors and the People of the City and County of San Francisco find and declare:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.
- (c) Although California has a long tradition of laws designed to protect the public's access to the workings of government, every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New approaches to government constantly offer public officials additional ways to hide the making of public policy from the public. As government evolves, so must the laws designed to ensure that the process remains visible.
- (d) The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret, and those circumstances should be carefully and narrowly defined to prevent public officials from abusing their authority.
- (e) Public officials who attempt to conduct the public's business in secret should be held accountable for their actions. Only a strong Open Government and Sunshine Ordinance, enforced by a strong Sunshine Ordinance Task Force can protect the public's interest in open government.

Memorandum

(f) The people of San Francisco enact these amendments to assure that the people of the City remain in control of the government they have created.

(g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process.

Section 67.15 of the San Francisco Administrative Code provides for public testimony as follows:

(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address a policy body on items of interest to the public that are within policy body's subject matter jurisdiction, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Section 67.7(e) of this article. However, in the case of a meeting of the Board of Supervisors, the agenda need not provide an opportunity for members of the public to address the Board on any item that has already been considered by a committee, composed exclusively of members of the Board, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the Board.

(b) Every agenda for special meetings at which action is proposed to be taken on an item shall provide an opportunity for each member of the public to directly address the body concerning that item prior to action thereupon.

(c) A policy body may adopt reasonable regulations to ensure that the intent of subdivisions (a) and (b) are carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Each policy body shall adopt a rule providing that each person wishing to speak on an item before the body at a regular or special meeting shall be permitted to be heard once for up to three minutes. Time limits shall be applied uniformly to members of the public wishing to testify.

Section 67.16 of the San Francisco Administrative Code deals with minutes of the meeting as follows:

The clerk or secretary of each board and commission enumerated in the Charter shall record the minutes for each regular and special meeting of the board or commission. The minutes shall state the time the meeting was called to order, the names of the members attending the meeting, the roll call vote on each matter considered at the meeting, the time the board or commission began and ended any closed session, the names of the members and the names, and titles where applicable, of any other persons attending any closed session, a list of those members of the public who spoke on each matter if the speakers identified themselves, whether such speakers supported or opposed the matter, a brief summary of each person's statement during the public comment period

Memorandum

for each agenda item, and the time the meeting was adjourned. Any person speaking during a public comment period may supply a brief written summary of their comments which shall, if no more than 150 words, be included in the minutes.

The draft minutes of each meeting shall be available for inspection and copying upon request no later than ten working days after the meeting. The officially adopted minutes shall be available for inspection and copying upon request no later than ten working days after the meeting at which the minutes are adopted. Upon request, minutes required to be produced by this Section shall be made available in Braille or increased type size.

Section 67.21 of the San Francisco Administrative Code generally covers requests for documents:

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) *A custodian of a public record* shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

(c) *A custodian of a public record* shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the *supervisor of records* for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petitioner, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

Memorandum

(e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance. The Board of Supervisors and the City Attorney's office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

(f) The administrative remedy provided under this article shall in no way limit the availability of other administrative remedies provided to any person with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, the *superior court* shall have jurisdiction to order compliance.

(g) In any court proceeding pursuant to this article there shall be a presumption that the record sought is public, and the burden shall be upon the custodian to prove with specificity the exemption which applies.

(h) On at least an annual basis, and as otherwise requested by the Sunshine Ordinance Task Force, the supervisor of public records shall prepare a tally and report of every petition brought before it for access to records since the time of its last tally and report. The report shall at least identify for each petition the record or records sought, the custodian of those records, the ruling of the supervisor of public records, whether any ruling was overturned by a court and whether orders given to custodians of public records were followed. The report shall also summarize any court actions during that period regarding petitions the Supervisor has decided. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

(i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act 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 may publish legal opinions in response to a request from any person as to whether a record or information is public. All communications with the City Attorney's Office with regard to this ordinance, including petitions, requests for opinion, and opinions shall be public records.

(j) Notwithstanding the provisions of this section, the City Attorney may defend the City or a City Employee in litigation under this ordinance that is actually filed in court to any extent required by the City Charter or California Law.

Memorandum

(k) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act (Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and in accordance with the enhanced disclosure requirements provided in this ordinance.

(l) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law.



<complaints@sfgov.org>
11/19/2008 03:51 PM

To <soff@sfgov.org>
cc
bcc
Subject Sunshine Complaint

History

This message has been forwarded

Submitted on: 11/19/2008 3:51:28 PM

Department: taxicab commission

Contacted:

Public_Records_Violation: Yes

Public_Meeting_Violation: Yes

Meeting_Date: April 10th 2007, Oct 14th 2008

Section(s)_Violated:

Description: 1.failing to include public comments -for the record- in the minutes.

2.Knowing failing to correct the minutes.

3.Failing to grant requests for information.

4.Knowing failing disseminate or retain public correspondence from the public, intended for "P. C. & N.". use.

Hearing: Yes

Pre-Hearing: No

Date: 11/12/08

Name: Peter Witt

Address: [REDACTED]

City: San Francisco

Zip: 94123

Phone: (415) [REDACTED]

Email: [REDACTED]@sbcglobal.net

Anonymous:

Confidentiality_Requested: Yes

**BOARD OF APPEALS
CITY AND COUNTY OF SAN FRANCISCO**

UNITED TAXI WORKERS
PETER WITT
BARRY TARANTO

Appellants,

vs.

SAN FRANCISCO TAXI
COMMISSION,

Respondent.

Appeal Nos.
08-003; 08-007; 08-009

DATE: April 2, 2008
TIME: 5:00 p.m.
PLACE: Room 416, City Hall

Appeal of PC&N Determination
Issuing 69 alt fuel or hybrid taxis

RESPONDENT TAXI COMMISSION'S BRIEF

HEIDI MACHEN
Executive Director
SAN FRANCISCO TAXI COMMISSION
25 Van Ness Avenue—Suite 420
San Francisco, California 94102
Telephone: (415) 503-2180
Facsimile: (415) 503-2186
sftaxi.commission@sfgov.org

For Respondent
SAN FRANCISCO TAXI COMMISSION

I. INTRODUCTION

Three appellants have filed appeals against the Taxi Commission's issuance of 69 additional alternative fuel or hybrid taxis: United Taxi Workers, Peter Witt and Barry Taranto. Because this appeal involves substantially the same subject matter, Taxi Commission respectfully requests that the appeals, as listed above, be consolidated; and the Commission submits this one brief in response to all three appeals.

San Francisco had 1381 taxis to serve its residents and visitors between 2000 and 2007. Each year, the Taxi Commission conducts a Public Convenience and Necessity hearing to determine whether the number of taxi permits issued is adequate to serve the public. In advance of those annual hearings, Commission staff conducts a taxi availability study to gather data from which to make a decision. At a publicly noticed hearing on February 13, 2007, the Commission considered a staff recommendation on whether to add more taxis. On February 27, after careful deliberation and ample public input including written and oral testimony, the Commission added 25 more ramped disabled accessible taxis and added 25 more alternative fuel or hybrid taxis. The Commission decided to reserve its consideration of another 50 taxis that it deemed necessary to meet response time goals until it had examined the viability of "peak-time" medallions which would serve the public only during times of greatest need such as rush hour. In the meantime, Peter Witt appealed the original release of 50 taxis to the Board of Appeals. Board of Appeals upheld the Taxi Commission's decision.

AND

Between August and November, 2007, the Taxi Commission studied the issue of peak time medallions, held hearings, obtained one memorandum from the City Attorney on a narrow issue of peak-time medallions, and obtained industry and public input. On October 9, 2007, the Commission re-opened the 2007 Public Convenience and Necessity Hearing. After deciding that peak-time medallions were not economically viable within the confines of the current regulatory structure, the Taxi Commission decided to remedy the problem of unmet service needs by issuing 69 more alternative fuel or hybrid taxis, rather than the originally considered 50 additional taxis, in order to bring the overall fleet to a total of 1500 taxis.

On January 8, 2008, the Commission considered the City Controller's Taxi Industry Report which was automatically triggered by a decision to issue more taxis, and the Commission adopted findings to issue the new medallions by a vote of 5-1.

Three appellants have challenged the Taxi Commission's decision to issue more taxis for the following reasons:

- An increase in the number of taxis will have a detrimental effect on driver's income, an effect appellants claims the Taxi Commission did not address.
- The evidence does not support the decision because the PC&N proceedings were flawed for the following reasons:
 1. The 07-08 survey in advance of the annual 2008 PC&N hearing was not submitted to the Commission prior to the January 8, 2008 decision, and
 2. The Commission could not gauge the effect of the previously issued 50 cabs; and
 3. The original 06-07 PC&N taxi availability survey was unreliable.
- The Commission did not consider alternative approaches to service improvements.

companies to control a minimum number of taxis in order to qualify for a dispatch permit. Yet, consolidation of companies will be a slow process given resistance of smaller companies to a rule change. In the meantime, this data shows that service is better with greater numbers of taxis. Thus, in an effort to serve unmet need that the Commission has identified, issuing more taxis may be the only immediate solution.

III. CONCLUSION

The Taxi Commission, the governing body charged with deciding the appropriate number of taxis for San Francisco, has reasonably concluded that there is an unmet need for taxis in this city and that this unmet need warrants 69 more taxis in the San Francisco fleet. The appellant has not offered or shown that a different number would be appropriate. Accordingly, the Taxi Commission respectfully requests that the Board of Appeals uphold the Commission's decision.

DATED: March 17, 2008

Respectfully submitted,



HEIDI MACHEN
Executive Director

For Respondent
San Francisco Taxi Commission



8.

1

2002

To the S.F. Sunshine Ordinance Task Force (All evidence can be found on City Watch Ch.26 T.V. video tapes)
9/19/02 (Yellow cab driver 14 yr., S.F. Native)

From Peter Witt
1627 Fubert St. 94123
(415) 928-1193

- 1.) Around? the second meeting after Richie Wiener became a Taxi Commission in 2000 at a Regularly Scheduled Meeting. Mary Louise Ratley (333-4001-?) ex- yellow cab order taker, Lou Lawson (468-5188) a Desoto cab driver, Jim Battles (752-4026) a Yellow driver and Mike Ryan (487-1266) a Yellow driver each informed one by one President, Lynette Sweet of their request to give their three minutes of speaking time to myself, Peter Witt (as had been done before)
 - 2.) / -She would not allowed me to speak on their behalf, (as I had done)
 - 2.) / -Nor did she inform anyone prior to that, that their speaking time would not be given too another speaking on their behalf
 - 3.) / -Denying each speaker a chance to speak if they so wished to do on their owe behalf
 - 3.) On Dec. 11th 2001, at the 2001 "P. C. & N." Hearing; While the speaker Mr. Brooks Dyer (?) - driver/owner- was commenting on how he felt that Commissioner, Mary Mc Guire (driver Rep.) did not have to request herself as she done before given the circumstances. When President Lynette Sweet interrupted him before his speaking time was up.
 - 4.) / -She said, something like "No you can't do that here"(he could not offer his opinion)
 - 4.) / -She then said, in effect "there was no proper place to do so" (Offer his opinion)
 - 4.) On July 23rd 2002 at a Regularly Scheduled Meeting; Before I spoke, as I had done in the past, I requested for the viewer be turned on, so I could display two grafts. But unlike in the time it took to set up the screen (about 1 minute) was taken off my 3 minutes of speaking time, despite "the call (mine) and the pointing to order"
 - 5.) / Consequently without notice I was denied my full speaking time.
 - 5.) / No advice offered by attorney (taxi drivers have no union.)
 - 5.) After that Regularly Scheduled Meeting on July 23rd 2002; President Lynette Sweet approached me from behind and asked me for a minute of my time. She started by saying, "you have to be the rudest person that I've ever met" and then proceeded to say,
 - 6.) / "I'm not going to allow in my _____?" (I forgot exactly what the President Sweet called it.)
 - 6.) / I then asked her if she was going to throw my out. When she replied "No" Then I asked her what she was going to do.
 - 6.) / -Her reply was "you'll find out"
 - 6.) / That's when I asked her "Is that a treat" she replied,
 - 6.) / - "That's a promise"
 - 6.) / I asked her if she was trying to intimidate me. I don't recall her exact answer, but at some point I tuned my head to Gorge England (279-3890) a Luxor driver as he was leaving, who over heard most of the conversation between President Sweet and myself and who's phone number I just happened to get early that night.
 - 6.) On August 13th 2002 during a Regularly Scheduled Meeting; While I was addressing item #9 on that nights agenda
 - 7.) / -President Sweet interrupted me (?) with about 1 minute left on my speaking time
 - 7.) / -I was Told I was not on the subject, the Mic. was turned off, I was ordered remove
 - 7.) / -Not allowed to speak on item # 10
 - 7.) / -Nothing in writing that clarifies and informs my why was not allowed to continue speaking (I felt I was very much on the subject - * morale - why drivers should not be mandated to take C.P.R. training at this time)
 - 7.) / *While I was being escorted out of the building on Aug. 13th Officer Simpson from the Taxi Detail informed my that if I did "it" again that a warrant would be issued to my at my home, for disrupting a public meeting. For which I am very unclear, prior to being ejected.

Do you
Optic
Your r
Teleph
ou.

* This commission I feel is and has always been in clear violation of the City's charter as mandated in Prop. D. (The guidelines and foundation by which the taxi commission is based on), specifically that being free from police taxi detail involvement except other than of the enforcement.
Truly yours, Signed Peter Witt

9/19/02

Sunshine Ordinance Task Force

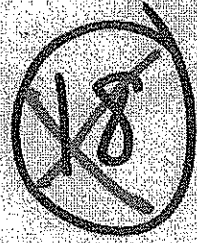


City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7724
Fax No. 554-7854
TDD/TTY No. 544-5227

K-5
07-097

<http://www.sfgov.org/sunshine>
**SUNSHINE ORDINANCE TASK FORCE
COMPLIANCE AND AMENDMENTS COMMITTEE**

DRAFT MINUTES*



Wednesday, March 10, 2004
3:00 p.m., City Hall, Room 408

Committee Members: Richard Knee, Chair, Nicole Dogwill, Alexandra Nickliss

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

Call to Order/Roll Call/Agenda Changes

1. Approval of minutes of February 11, 2004 & February 21, 2004.

Minutes approved. (Nickliss/Dogwill)

2. Administrator's report.

Report given by Administrator.

3. Peter Witt regarding his complaints against the Taxi Commission.

Peter Witt addressed the Committee regarding his complaints against the Taxi Commission of not being able to use the overhead projector and being interrupted when giving public testimony.

Naomi Little, Executive Director, Taxi Commission, addressed the Committee regarding the Taxi Commission position regarding Mr. Witt's complaints.

Consensus of the Committee that there has been no violation. Chair Knee stated that if there is perceived continued violation, then the Committee will take this back to the full Task Force for referral to the Ethics Commission, which is empowered to take enforcement actions. We would need to see some more evidence than what we have been provided tonight of the allegations.

4. Steve Lawrence regarding additional complaint against the Public Utilities Commission. Continued to the next meeting.

ORDER OF DETERMINATION

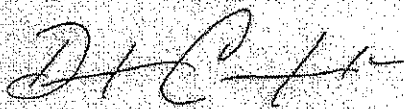
Force found that the Chair of the Commission impermissibly interrupted and prevented Mr. Witt from providing public comment on an agendized item, thereby depriving Mr. Witt of equal speaking time. The Task Force also found that the Taxi Commission failed to include brief written statements of testimony, provided by Mr. Witt to the Commission, in the Commission minutes.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the agency violated Section(s) 67.15 and 67.16 of the Sunshine Ordinance for interrupting a public speaker, depriving a public speaker of equal speaking time, and failure to include a brief (written statement) in the minutes. The Task Force directs the Taxi Commission to allow the public the opportunity to give their public comment on an agendized item without interruption; so long as/until the point which it becomes clear that the public comment has no relation to the agenda item under discussion. The Task Force also encourages the Chair to use his/her broad discretion to allow public comment to continue and to err on the side of allowing public comment to proceed to the full allotted time.

The Task Force further recommends that the Taxi Commission adopt and publicize procedures to facilitate the use of audio-video presentations by public speakers. For example, by providing notice in agendas and on the Commission's website that public speakers who intend to use audio-visual equipment at a particular meeting contact the Commission secretary in advance to discuss their needs, and that the staff member assist the public speaker with providing audio-video presentations as feasible.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on May 27, 2008 by the following vote: (Craven / Knee)
Ayes: Craven, Knee, Cauthen, Gokhale, Washburn, Comstock, Pilpel, Chu, Chan, Goldman, Williams



Doug Comstock, Chair
Sunshine Ordinance Task Force

- c: Ernie Llorente, Deputy City Attorney
- Peter Witt, Complainant
- Jordanna Thigpen, Respondent

Ref.
2, Complaint
2003
-Overlooked-



PETER WITT
<wittup@sbcglobal.net>

12/19/2008 02:03 PM

Please respond to
wittup@sbcglobal.net

To soft@sfgov.org

cc

bcc

Subject Case # 085053

To the Honorable S.O.T.F.

Ref. Case # 08053 Witt v. Taxicab Commission

In my first complaint against the Taxicab commission (TXC) in 2002. I was interrupted and throw -claiming off subject.

In 2003, the Sunshine "compliance" committee took my second complaint.

In Feb. 2004, they determined "There has been no violation on Aug. 12th 2003. Chair Knee stated that if there is a perceived continued violation, then the Committee will take this to the full Task Force for referral to Ethics Commission, which is empowered to take enforcement actions".

On June 4, 2008 the S.O.T.F. determined there had been a perceived continued violation on Aug. 12th 2003 (Not allowed to use projector while other speaker was) and Oct. 24th, 2006.

It has been my contention the TXC since 2002 has been abusing its powers. By misleading the public and this Task Force. Through manipulation and withholding specific records from the public. Mainly for P.C. & N. purposes.

One case exemplified is on Feb. 13th 2007 which can be viewed on SFGTV (Under; Taxicab commission) and compared to the minutes.

- 1.) Time01:04:57.....Tris.....Same complaints as last year , you call a cab they don't come.
- 2.) Time.....01:9:19.....Corey Lame, NO COMMENTS INCLUDED AT ALL !!!!!!!
- 3.) Time.....>After<Corey Lame, No name and Not representative of what he said.
4. Time>After <First No name,.....Not included in minutes
- 5.) Time ...>After<Second No name,....Not included in minutes
- 6.) Time ...>After <Third No name,Not included in minutes
- 7.) Time2:08:13 to 2:12:00.....Minutes don't reflect > I was thrown out and submitted corrections and my preliminary report on 10years of customer feedback <
- 8.) Time.....2:11:30.....Peter (another) speaksNot included in minutes.
- 9.) Time2:37:07.....Phil SterlingNot included in minutes.
- 10.) Time>Before< Phil Sterling, Tariq Mehmood who says "Bogus Survey" ref. to TXC's
- 11.) Time>After< Tariq, Karen Horning who says "Disgraceful Survey" not... "bad" as the TXC's minutes read and refers to dispatch which is not included and goes on to say she won't service the hotels of S.F..... which also was NOT included.

I recommend each and every member of the S.O.T.F. review the Feb. P.C.&N. of 2007 as this

was included in my 3# complaint 08020 sent 4/1/08 to the Task Force. It was on this meeting that I was throw out/ escorted out by the police for the third time.

I would specifically listen to , Phil Stering comments, which were omitted altogether.

Thank you.... if you've take the time to go over the facts, from a peasant's point of view.

Sincerely , Peter Witt.

