

Date: Feb. 24, 2009

Item No. 15  
File No. \_\_\_\_\_

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Complaint Committee report**
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Completed by: Chris Rustom

Date: Feb. 19, 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.

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**SUNSHINE ORDINANCE TASK FORCE  
COMPLAINT COMMITTEE  
DRAFT MINUTES**

Tuesday, February 10, 2009  
4:30 p.m., City Hall, Room 406

**Committee Members:** Nick Goldman (Chair), Doyle Johnson, James Knoebber

**Call to Order:** 4:30 p.m.

**Roll Call:** Present: Goldman, Johnson, Knoebber,

**Agenda Changes:** None

**Deputy City Attorney:** Rosa Sanchez  
**Clerk** Chris Rustom

1. Approval of minutes of January 13, 2009, regular meeting.

Motion approving minutes of January 13, 2009. ( Knoebber / Johnson )

Public Comment: None

On the motion:

Ayes: Johnson, Knoebber, Goldman

2. 09001 Determination of jurisdiction on complaint filed by Anonymous against the City Attorney's Office and DCA Matt Dorsey for incomplete responses, non-responsive information and failure to comply on a timely basis

Complainant Anonymous said the case was about an IDR he made regarding DCA Llorente. He also submitted a document that outlined the salary range and requirements for a MANAGER III position, which he said, was held by DCA Dorsey. If Mr. Dorsey, he said, possessed the skills listed in the document he would be knowledgeable about the Sunshine Ordinance and state laws that relate to this case. He said the IDR was worded similarly to the two that he had sent to the CAO in 2007. He wanted to know why his latest request could not be treated promptly like the previous two requests. He also said the law allows him to remain anonymous if he so wished.

Respondent DCA Paul Zarefsky of the CAO said a complainant needs to tell the department what it had done wrong. Documents provided by the complainant did

not contain any clues, he said. He also wondered why the complainant wished to remain anonymous at a public meeting on open government.

Motion to find jurisdiction. ( Knoebber / Johnson )

In rebuttal, Anonymous said the Ordinance allows a person to remain anonymous. On the complaint, he said, the respondent needs to look at the two letters to see what was lacking. If Mr. Dorsey can not see the deficiency, he said Mr. Dorsey was either incompetent or had something else on his agenda.

Mr. Zarefsky said he does not believe there was a general right to remain anonymous.

Public Comment: Kimo Crossman said there is a provision in the federal constitutional for anonymous free speech. Remaining anonymous also prevents a department from slandering and libeling a complainant because the opportunity for retribution was always present. He said Mr. Hartz needs to provide the name of the document he wants if he wishes to win the case.

On the motion:

Ayes: Johnson, Knoebber, Goldman

3. Precluding Matters or Complaints not covered by the Sunshine Ordinance

Chair Goldman said a procedure needs to be in place if a complaint is not covered by the Ordinance. The committee agreed to advise the Task Force that it reviews questionable complaints and to provide a formal response to the complainant if the Ordinance was not applicable.

Motion to forward questionable complaints to Complaint Committee for jurisdiction. ( Knoebber / Johnson )

Public Comment: Kimo Crossman said the administrator should not be allowed to dismiss complaints. It should always be presented to the Task Force and many times a lot of information is uncovered at the hearings, he said.

On the motion:

Ayes: Johnson, Knoebber, Goldman

4. Administrator's Report.

Mr. Rustom made the report.

Public Comment: None

5. Public comment for items not listed on the agenda

Public Comment: Ray Hartz said certain agencies were forthcoming with information and some were not. Respondents should be barred from saying that they did not know a certain provision was the law because they have signed an ethics document that says they know the law.

6. Announcements, comments, questions, and future agenda items from Committee members.

None

**Adjournment**

**The meeting adjourned at 4:56 p.m.**

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

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