

Date: February 26, 2008

Item No. 1

File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Draft Minutes: Task Force for January 22, 2008**
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Completed by: Frank Darby

Date: February 20, 2008

***This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

** The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

Sunshine Ordinance Task Force



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**SUNSHINE ORDINANCE TASK FORCE
DRAFT MINUTES**

Tuesday, January 22, 2008
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven (Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Kristin Chu		
Seat 6	Doug Comstock (Chair)	Ex-officio	Angela Calvillo
Seat 7	David Pilpel	Ex-officio	Harrison Sheppard

Call to Order The meeting was called to order at: 4:05 P.M.

Roll Call Present: Craven (in at 4:10 p.m.), Cauthen, Chu, Comstock, Pilpel, Wolfe (in at 5:02 p.m.), Goldman, Williams, Sheppard
Absent: Chan
Excused: Knee

Agenda Changes: Items were heard in the following order: 1, 2a, 2b, 4, 6, 3, 7, 9, 16, 10, 11, 12, 13, 14, 15, 17

Deputy City Attorney: Ernie Llorente
Administrator: Frank Darby
Chris Rustom

Agenda Changes:

In response to Chair Comstock, the Administrator announced that complaint #07095 (item #8) had been withdrawn.

The Administrator also said that the parties to complaint #07092 (item #2C, and 5) requested a continuance. The Task Force moved to continue items #2c and 5. Without objection.

1. Approval of minutes of January 8, 2008 special meeting.

Motion to approve the January 8, 2008 Special meeting, as amended. Goldman / Williams).

Ayes: Craven, Cauthen, Chu, Comstock, Pilpel, Goldman, Williams
Absent: Wolfe, Chan

Excused: Knee

Member Sheppard asked the Administrator to inform him of any future complaints involving the Mayor's Office so that he can attempt to ensure that a representative attends the hearing.

2. Report from the Complaint Committee meeting of November 13, 2007, and December 11, 2007.

Member Cauthen made the report. She asked that a discussion regarding the purpose and function of the Complaint Committee be scheduled for the next Task Force meeting.

- a. 07083 Determination of jurisdiction of complaint filed by John Darmanin against the Fire Commission for alleged violation of Sections 67.15 (a) and (b) and 67.7 (a) for alleged failure to allow public comment on an action item at the October 11, 2007, Commission meeting.

Motion to accept jurisdiction (Cauthen / Goldman)
Ayes: Craven, Cauthen, Chu, Comstock, Pilpel, Goldman
Absent: Wolfe, Chan, Williams
Excused: Knee

- b. 07085 Determination of jurisdiction of complaint filed by Mr. Alvin against the Grants for the Arts for alleged failure to provided requested records and information.

Motion to accept jurisdiction (Cauthen / Goldman)
Ayes: Craven, Cauthen, Chu, Comstock, Pilpel, Goldman
Absent: Wolfe, Chan, Williams
Excused: Knee

- c. 07092 Determination of jurisdiction of complaint filed by Patrick Monette-Shaw against the Board of Supervisors (BOS) and Human Resources Department (DHR)for alleged violation of Sections 67.10, 67.8 (a)(5) of the Sunshine Ordinance and Government Code Section 54957.6 (a) for improperly holding a closed session.

Motion to continue. Without objection

3. 07083 Public Hearing, complaint filed by John Darmanin against the Fire Commission for alleged violation of Sections 67.15 (a) and (b) and 67.7 (a) for alleged failure to allow public comment on an action item at the October 11, 2007, Commission meeting.

Speakers: Capt. Andy Zanoff, for Respondent, said that Mr. Darmanin was allowed to provide public comment on a matter after a motion was made, but wanted to provide additional public comment on the item after the motion was revised.

Motion finding no violation. (Pilpel / Cauthen)

Ayes: Craven, Cauthen, Chu, Comstock, Pilpel, Goldman, Williams
Absent: Wolfe, Chan
Excused: Knee

4. 07085 Public Hearing, complaint filed by Mr. Alvin against the Grants for the Arts for alleged failure to provided requested records and information.

Speakers: Mr. Alvin, Complainant, said he called several times for information on the allocation of monies, contact information, the names of heads of organizations and information on the group's diversity efforts but did not receive an answer responsive to his request. Brett Conner, Respondent, said his office has provided Mr. Alvin with all the documents he requested except one. His office does not maintain records on racial and sexual composition of non-profit organizations his office supports.

Motion finding no violation (Pilpel / Cauthen).
Ayes: Craven, Cauthen, Chu, Comstock, Pilpel, Goldman
Absent: Wolfe, Chan, Williams
Excused: Knee

5. 07092 Public Hearing, complaint filed by Patrick Monette-Shaw against the Board of Supervisors (BOS) and Human Resources Department (DHR) for alleged violation of Sections 67.10, 67.8 (a)(5) of the Sunshine Ordinance and Government Code Section 54957.6 (a) for improperly holding a closed session.

Previously continued.

6. 07093 Public Hearing, complaint filed by Patrick Monk against Supervisor Sophie Maxwell for alleged violation of Section 67.15 (e) of the Ordinance for delaying public comment on an item at the October 29, 2007, Land Use and Economic Development Committee.

Speakers: Patrick Monk, Complainant, said that his complaint is identical to Dr. Ahimsa Porter Sumchai, and that Supervisor Maxwell did not make an announcement regarding an agenda change.

Motion finding a violation of Section 67.15 (e), and 67.21 (e) of the Sunshine Ordinance for failure to announce an agenda change and failure to send an authorized representative to the hearing to respond to the Complaint. (Craven / Goldman)
Ayes: Craven, Cauthen, Chu, Comstock, Pilpel, Goldman, Williams
Absent: Wolfe, Chan
Excused: Knee

The case was then referred to the Task Force's Education and Outreach Committee where Chair Pilpel plans to hold a dialogue.

7. 07094 Public Hearing, complaint filed by Kimo Crossman against the City Attorney's Office for alleged violation of Sections 67.21 (b) and (l) and 67.21-1 of the

Sunshine Ordinance for failure to respond to a request for records, failure to provide records, and failure to post the Department Heads calendar on the website.

Speakers: Alexis Thompson, for Respondent, in response to Chair Comstock said that she agreed to continue the complaint.

Motion to continue (Craven/Goldman). Without objection

8. 07095 Public Hearing, complaint filed by Kimo Crossman against the City Attorney's Office for alleged violation of Sections 67.21 (b) and (l) and 67.21-1 of the Sunshine Ordinance for failure to provide detailed billing records.

Withdrawn prior to the meeting.

9. 07096 Public Hearing, complaint filed by Kimo Crossman against the Mayor' Office for alleged violation of Sections 67.21 (b) and (l) and 67.21-1 of the Sunshine Ordinance for failure to respond to a request for records, failure to provide records, and failure to post the Department Heads calendar on the website.

Motion to continue and for Member Sheppard to try and get someone from the Mayor's Office to attend the next meeting. (Craven/Goldman) Without objection

10. 07097 Public Hearing, complaint filed by Steve Lawrence against the Public Utilities Commission for alleged violation of Sections 67.21 (a) and (d) of the Sunshine Ordinance for failure to respond to a request for records and failure to provide requested records

Member Craven asked to be recused. (Pilpel/Goldman) Without objection.

Speakers: Diana Parker, for Respondent, said that Mr. Lawrence requested a copy of a Parson's contracting matrix that he was informed did not exist. She said that a copy of the report on water supply reductions was provided in December.

Member Cauthen, in response to Ms. Parkers testimony indicated that a party is not required under the Sunshine Ordinance to make an appointment to review records.

Member Pilpel urged Ms. Parker to provide a written summary in response to a complaint in the future and send Task Force members a document that explains how the PUC responds to public records requests.

Member Wolfe urged Members to not speak on behalf of parties who are not present.

Ms. Parker in response to Member Wolfe said that a Parson's contacting matrix document requested by Mr. Lawrence does not exist.

In response to Chair Comstock's questions Ms. Parker acknowledged that the departments response to Mr. Lawrence was not timely.

Motion finding a violation of section 67.25 for failing to respond in a timely

manner. (Cauthen / Pilpel) A letter is to be sent to the PUC reminding them about their importance of submitting a written response to a complaint filed against the department and to address remaining questions at the February 13, 2008, Compliance and Amendments Committee.

Ayes: Cauthen, Chu, Comstock, Pilpel, Wolfe, Goldman, Williams

Absent: Chan

Excused: Knee

Recused: Craven

Chair Comstock recognized the presence of Task Force Ex-officio Member Angela Calvillo, who is also the Clerk of the Board of Supervisors. Ms. Calvillo said introduce herself, and said she supports the mission of the Task Force and hoped it was pleased with the process and addition of staff, which in turn frees Mr. Darby to refocus his attention on his other duties. Ms. Calvillo said that she was willing to listen and discuss any ideas or suggestions that the Task Force may have on its budget for 2008-2009 fiscal year.

In response to Member Sheppard, Ms. Calvillo said that in the future if SOTF staff notified her of upcoming meetings in which a complaint is filed against a member of the Board of Supervisors or their staff, that she will do what she could to ensure that they appear.

5-minute recess called at 6:03 p.m., resumes at 6:08 p.m.

11. Report: Compliance and Amendments Committee: meeting of January 9, 2008.

Chair Comstock read the written report submitted by Member Knee.

12. Discussion re: the Task Forces draft 2006/2007 Annual Report.

The Task Force discussed the draft report and suggested amended language.

Member Chu asked the Administrator to update the accomplishment section of the report with 2007 totals.

Chair Comstock asked Members to submit written comments to Member Chu by February 13, 2008.

Continued to the February 26, 2008, meeting of the Task Force.

13. Discussion re: The Board of Supervisors, Rules Committee referral to the Sunshine Ordinance Task Force for comment and or recommendation on the proposed Ordinance, file #071596, that amends Section 67.14 of the Administrative Code to require that any public meeting held in a City Hall hearing room that is equipped with audio or video recording facilities be audio or video recorded and to further require that such audio or video recording be made available for review on the City's website.

The Task Force discussed the recommendation from the Board of Supervisors.

In response to Member Pilpel's question, DCA Llorente said that the Board of Supervisors can amend the Sunshine Ordinance with an ordinance if doing so creates greater open government.

Motion to send an enthusiastic response to the Rules Committee of the Board of Supervisors recommending that they approve the language with the need that they clarify the 48-hour business vs. calendar days. (Craven / Wolfe).

Ayes: Craven, Chu, Comstock, Wolfe, Goldman, Williams

No: Pilpel

Absent: Chan, Cauthen

Excused: Knee

14. Discussion regarding the Ethics Commissions presentation to the Compliance and Amendments Committee, and propose follow-up questions.

Chair Comstock said that he will draft a letter for submission to the Ethics Commission (EC) with questions from the Task Force. He asked Members to forward any questions to him or the Administrator by February 13, 2008, so that he can include them in the letter to the EC.

Continued to the February 26, 2008, meeting of the Task Force.

15. Administrator's Report.

The Administrator made the report.

Chair Comstock asked the Administrator to provide a revised roster to Members.

In response to Member Pilpel's question the Administrator said that Mr. Rustom is the first point of contact on Sunshine matters and is responsible for performing all administrative duties.

16. Public comment for items not listed on the agenda. Public comment shall be held at 5:00 p.m., or as soon thereafter as possible.

Speakers: Allen Grossman said the Mayor's Office did not attend hearings for his prior complaint that is before the Compliance and Amendments Committee. Mr. Grossman also said Mr. Crossman withdraw his complaint because he did not receive the Letter from the City Attorney 15 minutes prior to the deadline. Because it puts him at an unfair advantage.

17. Announcements, questions, and future agenda items from the Task Force

Chair Comstock asked the Administrator to agendize a discussion regarding a proposed SOTF Budget for the 2008-2009 Fiscal Year, for the February meeting. He also asked Member Wolfe to schedule a meeting of the Task Force's Budget Committee to the discuss matters before the next full Task

Force meeting.

Member Pilpel announced that the annual Sunshine Training is scheduled for Monday, March 3, 2008. He also said that meetings of the EOT committee will resume next month.

Adjournment

The meeting was adjourned at 7:00 PM

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