

Date: March 24, 2009

Item No. 21

File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Report: Complaint Committee meeting of March 10, 2009
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Completed by: Chris Rustom

Date: March 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.

This page purposely left blank



<http://www.sfgov.org/sunshine/>

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

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

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

Call to Order: 3:30 p.m.

Roll Call: Present: Goldman, Johnson, Knoebber,

Agenda Changes: None

Deputy City Attorney: Ernie Llorente
Clerk: Chris Rustom

1. Approval of minutes of February 10, 2009, regular meeting.

Motion approving minutes of February 10, 2009. (Knoebber / Johnson)

Public Comment: None

On the motion:

Ayes: Knoebber, Johnson, Goldman

2. 09003 Determination of jurisdiction on complaint filed by Rita O'Flynn against the Department of Technology for not providing copies of emails.

Complainant and Respondent were not present.

Motion to find jurisdiction. (Knoebber / Johnson)

Public Comment: None.

On the motion:

Ayes: Knoebber, Johnson, Goldman

3. 09007 Determination of jurisdiction on complaint filed by David Larkin against the Department of Public Works for reports on an internal misconduct investigation.

Complainant David Larkin said the department does not have the right to

withhold the information and that personnel and medical records were not an issue. Reports on misconduct investigations should be made public because of the need for transparency, he said. He also said that he was not told if the document had been vetted by the City Attorney's Office and contained privileged information.

Frank Lee, Custodian of Records for the Department of Public Works, said the department has responded to all 12 requests but did not release 3 documents because it was considered to be personnel records. The three documents, he said, were statements made by three employees in response to a complaint filed by Mr. Larkin.

Motion to find jurisdiction (Knoebber / Johnson)

Public Comment: None

On the motion:

Ayes: Knoebber, Johnson, Goldman

4. 09009 Determination of jurisdiction on complaint filed by Charles Pitts against the Health Department for not providing information and identifying the person who finally provided the response.

Member Knoebber disclosed that he has worked with the official named in the complaint but that relationship would not bias his judgement.

Complainant Charles Pitts said he asked the Health Department about the tenure of Quintin Mecke whose seat on the Shelter Monitoring Committee had expired. The response, he said, was unprofessional as it contained errors and the author was not identified. It also made references to documents that were not provided, he said.

The responding department was not present but had submitted a letter that said the department did not agree with the allegations but did not dispute SOTF jurisdiction.

Chair Goldman urged the complainant to be focused and clear when he presents his case to the Task Force and that included presenting what document did he specifically request and what did he not get.

Motion to find jurisdiction (Knoebber / Johnson)

Public Comment: None

On the motion:

Ayes: Knoebber, Johnson, Goldman

5. Administrator's Report.

Mr. Rustom made the report.

Public Comment: None

6. Public comment for items not listed on the agenda

Public Comment: None

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

Public Comment: None

Adjournment

The meeting adjourned at 4:42 p.m.

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

This page purposely left blank