

Date: March 24, 2009

Item No. 24

File No. \_\_\_\_\_

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Annual report
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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.

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SUNSHINE ORDINANCE  
TASK FORCE



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-7724  
Fax No. (415) 554-7854  
TDD/TTY No. (415) 554-5227

April 11, 2008

Aaron Peskin, President  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

**Re: Annual Report 2006 and 2007**

This is to clarify that this report is for calendar years 2006 and 2007.

It is the intent of the SOTF that this Annual Report also include a summary of the compliance problems that we continually encounter. This is a departure from the normal course, but the Task Force determined that, to fulfill our mission pursuant to §67.30(c) and, in consideration of the extreme caseload and repetitive nature of some of the complaints, a full report must include such an account. For that purpose, some incidents of 2008 are discussed.

There are also two addendum items:

- Graph showing the increase in the caseload before the Task Force
- Letter to Chief Hayes-White from our lawyer on the SOTF, Erica Craven, Esq.

The letter explains the position of the Sunshine Ordinance Task Force regarding the retention, release and redaction of employees' and officials' calendars so that the Fire Department might respond more completely, we feel that it is instructive to all departments.

If there are any questions or concerns, please contact the Administrator, Frank Darby or myself at (415) 554-7724.

Thank you for your patience,

A handwritten signature in black ink, appearing to read "D. Comstock".

Doug Comstock  
Chair, Sunshine Ordinance Task Force

Cc: Mayor Gavin Newsom  
District Attorney Kamala Harris  
City Attorney Dennis Herrera  
Ethics Commission

# SUNSHINE ORDINANCE TASK FORCE

## 2006-2007 COMBINED ANNUAL REPORT

### TO THE

### BOARD OF SUPERVISORS

### CITY AND COUNTY OF SAN FRANCISCO

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#### SUMMARY

The Sunshine Ordinance Task Force is pleased to present this Annual Report summarizing progress, activities, and findings of significance for 2007 and 2007.

In general, we find many examples of city employees and departments working diligently with the public to provide access to documents and information. In particular, our own very capable SOTF administrator, Frank Darby, was able to resolve many potential open government conflicts through mediation, conserving city resources while satisfying all parties.

2006 and 2007 were exceptionally busy years, with four conflicts carried over from 2005; thirty-five new complaints in 2006; and ninety-two new complaints in 2007. Sixty-three hearings were conducted to resolve these complaints. Hearing packets often exceeded three hundred pages, requiring an extraordinary level of commitment to open government from all members of the SOTF. Efforts are being made to streamline the packet materials circulated for the consideration of the Task Force without compromising the necessity of providing Members with the essential documentation required for their informed consideration.

The Task Force is grateful to San Francisco's community of sunshine advocates, who have raised and pursued a number of significant issues including access to officials' calendars (see addendum item #2) and website posting in native electronic format. These interested individuals have helped the Task Force advance its mandated goal of bringing greater sunshine to city government, even when, at times, their enthusiasm earned legitimate criticism.

2006 and 2007 SOTF accomplishments were challenged by unprecedented budget cuts; legal staff was cut back as a result. Deputy City Attorney Llorente continues to serve the Task Force dependably despite being part-time, providing much valued written and oral legal advice.

There are a number of persistent issues and patterns of non-compliance that continue to concern the Task Force. The Task Force has been giving these problems serious consideration, and is working diligently to formulate effective solutions through appropriate amendments to the ordinance.

We bring to your attention four issues we regard as serious enough to warrant the Board's attention and action. We recommend remedial actions for each finding below, and discuss each in detail in Section III of this document. The Task Force looks forward to discussing each issue with the Board and working with it to arrive at appropriate and effective solutions in the near future to the problems they present. You may contact the Chair through the SOTF office at 544-7724.

1.	<b>SOTF and the City Attorney's office would benefit from proactive coordination, which would decrease the workload costs of the City Attorney, the Task Force, and every city department.</b>
	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 provided departments with a clear, concise Good Government Guide to help them understand their sunshine responsibilities. Major problems occur when the advice of Deputy City Attorneys conflicts with the handbook, or disagrees with the findings and rulings of the Task Force. Because department personnel rely on the advice of their assigned attorneys, they may follow that advice and still be found in violation of the Ordinance.
	ACTION: In early 2008, the SOTF Chairman will propose 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.	<b>Sufficient legal resources would provide the Task Force with analysis needed to rule on complex points of law.</b>
	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. More resources within the City Attorney's Office must be made available on an as-needed basis to the SOTF.
	ACTION: In early 2008, the SOTF Chairman will propose a meeting with the City Attorney to discuss the staffing needs of the SOTF.
3.	<b>Active communication and coordination with the Ethics Commission will create a more efficient and effective open government enforcement process.</b>
	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, due to ambiguities in the Ordinance, and failure to weigh factual findings made by the Task Force, the Ethics Commission has failed to enforce the Task Force's findings of willful failure to comply with the Ordinance, constituting official misconduct.

	ACTION: The Task Force intends to amend the Ordinance to provide more clarity and structure with respect to findings of willful violation and official misconduct and provide additional guidance to the Ethics Commission for enforcement referrals from the Task Force. The Task Force has and will continue to invite testimony and input from the staff of the Ethics Commission in order to increase cooperation and communication between the bodies.
4.	<b>SOTF's leadership and direction in the operational aspects of open government could provide a much-needed resource for departments resulting in compliance cost savings.</b>
	Given sufficient resources, we believe that the SOTF's administrative staff could be much-needed leaders for all aspects of open government operations, including web site archiving, process for efficiently responding to requests, and technical expertise.
	ACTION: The Executive Secretary to assist the Task Force is a helpful addition to the staff at SOTF and the Clerk of the Board, Angela Calvillo is to be commended for her attention to this problem and to the details of the acquisition. We also request that the Board authorize sufficient additional funding to enable the Task Force to design and implement a record-keeping system for administration of the Ordinance that may serve as a model to all other city agencies for systems that will further facilitate and improve compliance with Sunshine requests.

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 and policy body for a workable resolution to the findings 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 propose amendments in order to clarify and streamline processes.

Thirty-five complaints were filed by community members in 2006 and 101 were filed in 2007. Of the 25 Orders of Determination issued by the Task Force in 2006; 22 went to city departments and three went to commissions. In 2007, 53 Orders of Determination were issued. Of those 47 went to departments and six went to commissions.

- The SOTF administrator responded to a total of 5,948 public inquiries.

- One hundred percent of sunshine requests made to the Task Force were responded to within five days.
- Forty-two potential complaints were resolved through mediation initiated by the SOTF administrator.
- The SOTF's Deputy City Attorney provided over 228 pieces of written legal analysis on open government complaints.
- The Compliance & Amendments Committee follows up on Orders of Determination to assure compliance and reviews the ordinance for amendment by the voters. Page 20 of this report provides a thorough account of its activities.
- The Complaint Committee reviewed and focused 35 complaints in March through December 2006, and 88 complaints during 2007. Before forwarding the complaints to the Full Task Force for hearing, the Committee was able to successfully mediate a number of them, resulting in more efficient hearings overall.
- The Web site for the SOTF was redesigned to provide greater access to individuals seeking information regarding open government laws.
- The Task Force drafted Resolution number 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

## SUNSHINE ORDINANCE TASK FORCE

### 2008 ANNUAL REPORT

Honorable Board of Supervisors,

On behalf of my colleagues on the Sunshine Ordinance Task Force, I am proud to present our 2008 Annual Report which details our accomplishments for the year.

Over the last year the Task Force has, and will continue to, proactively seek opportunities for educating and advocating for open government to both the public and city departments. In addition we are developing recommended policies and procedures around the biggest open government issues to aid departments in responding to requests.

After continuous work throughout 2008 we are ready to finalize the legislative amendments to the Sunshine Ordinance. Over the years it has become obvious that ambiguities and omissions in the Sunshine Ordinance have created unneeded tension between city departments and the public. In the amendments, we streamline open government processes in order to relieve that tension and set up clear expectations for all parties involved. In addition, we have added language to make the Ordinance more effective and relieve the Task Force's burden on other city departments. We look forward to working with each Supervisor on this very exciting initiative in 2009.

During 2008 the members of the Task Force have changed which put us in a position to learn from the insights of new members while relying on the experience of continuing members. With the change of the members of the Task Force we took some time to look back at our work and see what we can learn. Some of the most significant findings and our general conclusions are:

- Most of the hearings are around public records (82%) rather than open meetings (18%).
  - Public records issues should be a focus of education, policy developments and amendments priorities.
- If a complaint results in a hearing we usually find a violation (69% of the time).
  - The success of Orders of Determinations and referrals should be studied and actions & alternatives developed.
- The highest frequency violation (42%) is 67.21, "Process for Gaining Access to Public Records; Administrative Appeals" (see statistics for a breakdown of frequency within 67.21).
  - 67.21 should be a focus of education, policy developments and amendments priorities.
- We have a concentrated number of complainants: 49% of hearings were initiated by 5 unique complainants.
  - These 5 complainants should be included in policy and amendments development and a focus of outreach efforts.
- We have a group of respondents (city departments) with multiple hearings: 65% of hearings involved 11 unique respondents.



- These 11 respondents should be a focus of education and outreach efforts and their feedback consulted in policy and amendments development.

We are grateful for our Assistant Administrator Chris Rustom from the Clerk of the Board's office and DCA Earnst Llorente from the City Attorney's office for their continued support of the Task Force which is always thorough and professional. In addition, we would like to thank the sunshine advocates and concerned members of the public who participate in this process with us providing insight, opinions and thought leadership on open government in San Francisco.

We look forward to working closely with the Board of Supervisors in the coming year.

(Signature)

Kristin Chu  
Chair

## 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.
- Fifty-eight complaints were filed by community members in 2008. Of the 58 complaints, the Task Force issued 32 orders of determination, 16 to city departments and 7 to commissions.
- A total of 2,429 public inquiries were responded to by the SOTF administrator.
- One hundred percent of requests made to the Task Force were responded to within five days.
- Eight potential complaints were resolved through mediation initiated by the SOTF administrator.
- The SOTF's Deputy City Attorney provided over 60 pieces of written legal analysis on open government complaints and issues.
- The Compliance & Amendments Committee heard 15 cases and referred four to the Ethics Commission and one to the Board of Supervisors. The Commission dismissed all four referrals. The Task Force also wrote a letter each to the Board of Supervisors and the City Attorney's Office.
- The Complaint Committee reviewed 19 complaints and forwarded 17 to the full task force for review.
- Thirty-four complainants requested a Task Force hearing outright.
- The web site for the SOTF was redesigned to provide greater access to individuals seeking information regarding open government laws.
- A new feature on the web site is a chart showing all the Orders of Determination issued in 2008. The chart is also linked to the Orders, the referrals, and referral agency's responses.
- The Education, Outreach and Training Committee started the process of updating its Mission Statement and Work Program to better reflect its function and mission.

**COMPLAINTS RECEIVED OR ADJUDICATED DURING 2008**

<b>Date Received</b>	<b>Complainant</b>	<b>Department</b>	<b>Status</b>	<b>Violation</b>
1/3	Kimo Crossman	District Attorney	No action taken	
1/7	Hank Wilson	Health Dept. (HPPC)	Withdrawn	
1/10	Christian Holmer	Mayor's Office	Withdrawn	
1/10	Kimo Crossman	City Attorney	Referred to Ethics	67.21 (a), 67.21 (I), 67.24 (b) (I) (iii)
1/10	Kimo Crossman	City Attorney	Referred to Ethics	
1/10	Kimo Crossman	City Attorney	Referred to Ethics	
1/10	Kimo Crossman	City Attorney	Referred to Ethics	
1/14	Stephen Worsley	Rec & Park Dept.	No action taken	
2/9	Patrick Monett-Shaw	Board of Supervisors	Withdrawn	
2/11	Patrick Monett-Shaw	Health Dept.	Withdrawn	
2/20	David Waggoner	Ethics Commission	No action taken	
3/2	Kimo Crossman	Clerk of the Board, SOTF Admin	Withdrawn	
3/2	Kimo Crossman	SOTF Admin	Referred to Board of Supervisors	67.21 ( a )
3/4	Jason Berckart	Human Rights Commission	Unable to contact complainant	
3 / 4	Deneise Bolbol	Zoological Society		67.25

Date Received	Complainant	Department	Status	Violation
3/7	Anonymous	Arts Commission	Withdrawn	
3/17	Kimo Crossman	Clerk of the Board, SOTF Admin	No violation	
3/17	Kimo Crossman	Clerk of the Board, SOTF Admin	No action taken	67.21-1
4/8	Kimo Crossman	Clerk of the Board, SOTF Admin, DTIS	No violation	
5/2	Peter Witt	Taxi Commission		67.15, 67.16
5/2	Kimo Crossman	City Attorney	No violation	
5/2	Kimo Crossman	Clerk of the Board	No action taken	
5/20	Anonymous Tenants	Planning Department	No action taken	
5/20	Michael Addario	Arts Commission	No action taken	67.5
5/21	Kimo Crossman	City Attorney	Withdrawn	
5/21	Kimo Crossman	City Attorney	Withdrawn	
5/21	Kimo Crossman	Mayor's Office	Withdrawn	
5/21	Kimo Crossman	City Attorney	Withdrawn	
5/29	Barry Taranto	Taxi Commission	No action taken	
5/29	Kimo Crossman	Clerk of the Board, soft Admin	Withdrawn	
6/3	Kimo Crossman	Ethics	Referred to the Board of Supervisors and Ethics Commission	67.21 (1)

Date Received	Complainant	Department	Status	Violation
6/4	Kimo Crossman	City Attorney	Referred to BOS & CAO	67.21 (1) and CPRA 6253.9 (a) & (b)
6/25	Charles Pitts	Human Services	No violation	
6/27	Thomas Picarello	Supervisor McGoldrick	No violation	
6/30	Neils Welin	Municipal Transportation Authority	Withdrawn	
6/25	Juan De Anda	Health Dept.	No jurisdiction	
7/8	Kimo Crossman	Supervisor Peskin		67.21 (e) & 67.24 (a) (ii)
7/28	Kin T'so	Animal Control and Welfare Commission	No action taken	
7/28	Allen Grossman	City Attorney	No violation	
7/30	Eula Walters	Rec & Park Dept.	No violation	
8/1	Kimo Crossman	DTIS & SFGTV	Withdrawn	
8/1	Kimo Crossman	DTIS, SFGTV, City Administrator, Media Services, SOTF-A & Clerk of the Board	Withdrawn	
8/5	Charles Pitts	Police Department	Withdrawn	
8/19	Brian Brown	Building Inspection Dept.	Withdrawn	
8/26	Barry Taranto	Municipal Transportation Authority	No action taken	67.15
8/26	Karl Beale	Rec and Park Dept. & Library	No violation	
8/26	Peter Witt	Taxi Commission	No action taken	

Date Received	Complainant	Department	Status	Violation
8/26	Anonymous Tenants	Building Inspection	Withdrawn	
9/3	John Caldera	Veteran Affairs Commission	No action taken	
10/17	Charles Pitts	Office of Criminal Justice	No violation	
11/3	Paul Horcher	Planning Dept.	Referred to Education, Outreach and Training Committee	67.21 (a) & (c)
11/13	Alvin Xex	Arts Commission	Referred to Education, Outreach and Training Committee	
11/19	Peter Witt	Taxi Commission	No further action	
12/2	Anonymous Tenants	Building Inspection	No further action	
12/2	Kimo Crossman	City Attorney, DTIS, SFGTV	Referred to Compliance and Amendments Committee	67.21 (l) & CPRS 6253.9
12/4	Anonymous	Police Department	Referred to Education, Outreach and Training Committee	67.29
12/16	Laborers' Union Local 261	Labor Standards Enforcement	In progress	
12/16	Peter Warfield	Capital Planning Committee	Withdrawn	

## 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 are Nick Goldman (Chair); Doyle Johnson and James Knoebber.

- **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 are Richard Knee (Chair), Erica Craven and Doyle Johnson.

- **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 are Sue Cauthen (Chair); Marjorie Williams, Doyle Johnson and Allyson Washburn.

- **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 are Hanley Chan (Chair), Kristin Chu and Doyle Johnson.

## **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, reappointed 5/27/08.	Erica L. Craven Term ends 4/10 District 8
Seat 2	Submitted by the local chapter of the Society of Professional Journalists and be a journalist. Appt 5/3/02, reappointed 5/27/08	Richard Knee Term ends 4/10 District 3
Seat 3	Member of the press or electronic media with an interest in citizen access. Appt 5/3/02, reappointed 5/27/08	Sue Cauthen Term ends 4/10 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. Pueng Vongs appt 4/1/06, resigned 2/13/07 Ketaki Gokhale appt 5/27/08, resigned 9/2/08	Vacant
Seat 5	Submitted by the League of Women Voters. Replaced Kristin Chu. Appt 5/27/08	Allyson Washburn Term ends 4/10 District 2
Seat 6	Experienced in consumer advocacy. Replaced Doug Comstock. Appt 6/20/08:	James Knoebber Term ends 4/10 District 3
Seat 7	Experienced in consumer advocacy. Replaced David Pilpel. Appt 11/7/08	Doyle Johnson Term ends 4/10 District 8
Seat 8	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Replaced Bruce Wolfe. Appt 5/27/08	Kristin Chu Term ends 4/10 District 1
Seat 9	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 4/1/06, reappointed 5/27/08	Hanley Chan Term ends 4/10 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. Reappointed 5/27/08	Nick Goldman Term ends 4/10 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; 6/2/05; 1/14/08 and	Marjorie A. Williams Term ends 4/09 District 10
Ex- Officio	Clerk of the Board or her designee (non-voting): Gloria Young served from 1/06 to 4/07, Angela Calvillo served from 7/07 to 2/09	Tanene A. Allison Begins 3/09 District ---
Ex- Officio	Mayor or his designee (non-voting) Richard Sklar replaced Harrison Sheppard.7/30/08; passed away 1/27/09	(Vacant) Begins --- District ---



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).**



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>

**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 \_\_\_\_\_

*(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 want a public hearing before the Sunshine Ordinance Task Force?  yes  no  
 Do you also want a pre-hearing conference before the Complaint Committee?  yes  no

*(Optional)*<sup>1</sup>

Name \_\_\_\_\_ Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ E-Mail Address \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

I request confidentiality of my personal information.  yes  no

<sup>1</sup> NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. 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 2008 the Sunshine Ordinance Task Force web page received 3,738,109 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

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