

Date: April 22, 2008

Item No. 4/a
File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Draft Minutes: Complaint for April 8, 2008**
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Completed by: Frank Darby

Date: April 16, 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.



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

**SUNSHINE ORDINANCE TASK FORCE
COMPLAINT COMMITTEE
DRAFT MINUTES
Tuesday, April 8, 2008
4:00 p.m., City Hall, Room 406**

Committee Members: Sue Cauthen, Chair; Kristin Chu, Nicholas Goldman

Call to Order: 4:04 p.m.
Roll Call: Present: Cauthen, Chu, Goldman

Agenda Changes: None

Deputy City Attorney: Ernie Llorente
Clerk: Chris Rustom

1. Approval of minutes of March 11, 2008.

Speakers: None

Motion approving minutes of March 11, 2008. (Goldman / Cauthen)
Ayes: Cauthen, Chu, Goldman

2. Discussion re revisions to the Complaint Committee's Mission Statement and Workplan.

Chair Cauthen said the changes were made to reflect that the Complaint Committee hears only contested cases or cases where a Complaint Committee hearing is requested. Complainants who do not wish a Task Force hearing, she said, can exercise their rights under item number four of the new Mission and Work Plan. This longtime provision permits a complainant to request an Order of Determination from the Complaint Committee. If necessary documents were provided, appropriate recommendations could be made to the full Task Force.

DCA Ernie Llorente said the procedures would be similar to a judgment on the pleadings in civil court. No live testimony is provided, submissions are made on paper, and the judgment is mailed to the parties involved.

Chair Cauthen said if complainants do not want a hearing, the matter is sent to the Supervisor of Records (SOR) in the City Attorney's Office. In her view, the SOR tends to see things through the eyes of the City, whereas the Complaint Committee and the Task Force see matters through the public's eyes.

Motion to accept changes and forward the document to the Task Force for its approval. (Goldman/Chu).

Ayes: Cauthen, Chu, Goldman

3. Administrator's Report.

The Clerk made the report.

Chair Cauthen and Member Goldman questioned Clerk Rustom on the number of complaints received since last month's Task Force meeting. Mr. Rustom said two new cases are on the Task Force's April 22, 2008, agenda and there are two potential complaints on file.

4. Public comment for items not listed on the agenda

Public Comment: None

5. Announcements, questions, and future agenda items from Committee members

Speakers: None

Adjournment

The meeting adjourned at 4:27 p.m.

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

**San Francisco Sunshine Ordinance Task Force
Complaint Committee
Mission and Work Plan
Approved 9/26/00
Reapproved 11/9/04 by Complaint Committee
Revised as to form April 8, 2008**

Mission

The Complaint Committee will facilitate the complaint process of the Sunshine Ordinance Task Force, towards the goal of helping members of the public obtain the greatest possible access to city government that is permissible by law.

Work Plan

Towards this end, the Complaint Committee shall:

1. Thoroughly review petitions/complaints submitted to the Sunshine Ordinance Task Force (SOTF) where jurisdiction is contested or a pre-hearing conference is requested, so as to ensure their prompt and satisfactory resolution. The Committee shall also focus the issues for the complainant, respondent and the SOTF, or otherwise assist the parties.
2. Make a determination regarding subject matter jurisdiction after hearing the recommendation made by the City Attorney and hearing testimony from the complainants, respondents and others.
3. Report to the SOTF with a recommendation to accept or not accept jurisdiction. For complaints where jurisdiction is recommended, the committee will identify pertinent legal questions and key issues, request the necessary legal research, and make certain that all necessary and helpful parties have been invited to the hearing.
4. Where the SOTF has jurisdiction and no hearing has been requested, the committee will first ask the SOTF Administrator to ask the complainant if they want a hearing held on their complaint, and if no hearing is desired, the committee will make an Order of Determination based on the petition/complaint, supporting materials, the response of the City entity in question, and any other relevant information for recommendation to the full SOTF.
5. Work with the SOTF Administrator and legal counsel to further the best level of communication between the SOTF, members of the public and representatives of the City most knowledgeable about the allegations made in a complaint.

6. Ensure that the SOTF, the SOTF Administrator and the City Attorney are following the complaint procedure. This includes helping to make sure that the representatives of the City are submitting responses to complaints and sending a representative to the hearings.
7. Review and revise the complaint procedure as needed, and make recommendations to the full SOTF regarding any proposed changes.
8. Address any additional concerns regarding the complaint process and make recommendations for reform to the full SOTF.
9. Other duties as may be determined by the Committee or assigned by the full SOTF.

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