

Date: April 26, 2011

Item No. 26 & 27

File No. 11023

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- William Clark v Arts Commission**
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Completed by: Chris Rustom

Date: April 22, 2011

**\*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.



<complaints@sfgov.org>

03/16/2011 02:55 PM

To <soff@sfgov.org>

cc

bcc

Subject Sunshine Complaint

To:soff@sfgov.orgEmail:complaints@sfgov.orgDEPARTMENT:San Francisco Arts  
Commission

CONTACTED:Luis Cancel and Howard Lazar

PUBLIC\_RECORDS\_VIOLATION:Yes

PUBLIC\_MEETING\_VIOLATION:No

MEETING\_DATE:

SECTIONS\_VIOLATED:Section 67.21(b)

DESCRIPTION:On February 21, 2011, I sent Mr. Cancel and Mr. Lazar an email requesting public documents and/or verbal information asking when and/or why Ms. Evelyn Russell's job code was changed from 1426 to 3541 (Senior Clerk/Typist Step 4 to Museum Curator 1 Step 5). On March 14, 2011, I received an email from Mr. Lazar stating that "Please see the attached letter which lists the documents that we are furnishing you with respect to your February 21, 2011 request for documents 'which state when and/or why' former employee Evelyn 'Russell's job code was changed from 1426 to 3541'. The sixteen (16) documents comprise thirty-four (34) pages. The Arts Commission Resolution No. 1202-97-427 approved 'a copying charge of 10 cents per page for any document requests over ten pages or any request for three or more documents.' Therefore, please submit to the Street Artists Program a check or money order in the amount of \$3.40 in order to receive the documents." After picking up the documents, in one of the document there was a further response from Mr. Lazar in stating that the Arts Commission declines to produce some of the records I was requesting pursuant to Government Code Sec. 6254(c) (protecting "[p]ersonnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy"), and Sec. 6254(k)(protecting records which are "exempted or prohibited pursuant to provisions of federal or state law" from disclosure); see also S.F. Admin. Sec 67.1(g.) The records I received informed me of when Ms. Evelyn Russell's job code was changed from 1426 to 3541 but none of the documents I received contained any explanation why her job code section was changed from 1426 to 3541. I also have not received any verbal explanation from the Arts Commission why Ms. Russell's job code was changed from 1426 to 3541. I believe that Section 67.24(6) of the Sunshine Ordinance requires the Arts Commission to provide me with the information why Ms. Russell's job code was changed from 1426 to 3541. Therefore, I am asserting that Mr. Cancel and Mr. Lazar violated Section 67.21(b) of the San Francisco Sunshine Ordinance.

HEARING:Yes

PRE-HEARING:No

DATE:March 16, 2011

NAME:William J. Clark

ADDRESS:P.O. Box 882252

CITY:San Francisco

ZIP:94188

PHONE:415-822-5465

CONTACT\_EMAIL:billandbobclark@access4less.net

ANONYMOUS:

CONFIDENTIALITY\_REQUESTED:No