

Date: April 28, 2009

Item No. 19
File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Rules Committee meeting of March 31, 2009
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Completed by: Chris Rustom

Date: April 24, 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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<http://www.sfgov.org/sunshine>

**SUNSHINE ORDINANCE TASK FORCE
RULES COMMITTEE
DRAFT SPECIAL MEETING MINUTES
Tuesday, March 31, 2009
4:00 p.m., City Hall, Room 406**

Committee Members: Doyle Johnson (Chair), Kristin Chu, Hanley Chan

Call to Order: 4:00 p.m.

Roll Call: Present: Johnson, Chu, Chan

Deputy City Attorney: Ernie Llorente

Clerk: Chris Rustom

Agenda Changes: None

1. Approval of minutes of September 10, 2009

Motion to approve of minutes of September 10, 2009. (Chu / Johnson)

Public Comment: None

On the motion:

Ayes: Chu, Johnson

Excused: Chan

2. Reconsideration of By-Laws.

Members discussed the document and:

- Did not change Section 7 because doing so would be in violation of the Charter.
- Allowed teleconference participation because of recent change in law.
- Change name from Public Education and Information and Information Committee to Education, Outreach and Training Committee.
- Added the EOT may monitor compliance (to Standing Committees).
- Added the CAC may monitor compliance (to Standing Committees).
- Agreed to move Sec 10 to Sec 11 as proposed in the September 2008 document.
- Agreed to added language to Article V, Sec. 1, para one as proposed in the September 2008 document.
- Agreed to added language in Article VIII as proposed in September 2008

document.

Motion to recommend amended By-Laws to Task Force (Doyle / Hanley)

Public Comment: Anonymous Tenants said Kimo Crossman had said the Sunshine Ordinance Task Force was a separate entity that could make up its own rules and is not governed by the Charter.

On the motion:

Ayes: Chu, Chan, Johnson

3. Discussing changes to Complaint Procedure

After discussion the members decided to make the following changes.

In the Hearing Schedule:

- If the responding City department (respondent), ~~or the SOTF Deputy City Attorney, (a) does not~~ contest jurisdiction, or ~~(b) there is no request for a pre-hearing conference to focus the complaint or otherwise assist the parties to the complaint,~~ a hearing will be scheduled with the Full Task Force.
- If the responding City department (respondent), ~~or the SOTF Deputy City Attorney, (a) contests~~ jurisdiction, or ~~(b) there is a request for a pre-hearing conference to focus the complaint or otherwise assist the parties to the complaint~~ a hearing will be scheduled with the Complaint Committee prior to the hearing before the Full Task Force.

In Hearings and Findings of the Task Force:

- After hearing all testimony, the SOTF shall vote on an Order of Determination or other directives written by the Chair of behalf of the Task Force stating whether the record is public and/or whether the open meeting laws were obeyed.
- After the SOTF determines a course of action ~~whether a violation of the Ordinance has occurred,~~ the complainant and respondent shall be notified in writing.

In Reconsideration of Task Force Findings

- Within 10 days of receipt issuance of the Order of Determination, either the complainant or respondent may petition the SOTF for a reconsideration only if information exists that was not available at the time of the hearing and the petitioning party must present an offer of proof as to the new information.

In Department to Comply with Determination of the SOTF

- The Administrator shall send the Order of Determination to the complainant and

respondent and request a written response within 5 days of the receipt of the Order, which shall be monitored by the SOTF Compliance and Amendments Committee and/or EOTC. If a public records violation is found, the custodian of records shall be ordered to provide the record to the complainant within 5 days after the issuance of the Order of Determination. The Compliance and Amendments Committee shall review whether there has been compliance with the Order of Determination

In the addendum:

- After the public hearing, the Task Force shall may make an Order of Determination regarding the complaint.

Motion to recommend to amended Complaint Procedures to Task Force (Chu / Chan)

Public Comment: None

On the motion:

Ayes: Chu, Chan, Johnson

4. Public Comment

Public Comment: None

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

Adjournment

The meeting adjourned at 5:10 p.m.

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

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By-Laws

Sunshine Ordinance Task Force
City and County of San Francisco

Article I – Name and Purpose

Section 1. Name

—The name of this Task Force shall be the Sunshine Ordinance Task Force.

Section 2. Purpose

The Sunshine Ordinance Task Force is established by Chapter 67 of the San Francisco Administrative Code. The Task Force shall protect the public’s interest in open government and shall carry out the duties enumerated in Chapter 67 of the San Francisco Administrative Code.

Article II – Officers

Section 1. Officers

The Officers of this Task Force shall be a Chair and a Vice Chair.

1 Section 2. Terms of Office

2
3 The Officers shall hold offices for one year and until their successors are elected.
4

5 Section 3. Election of Officers

6
7 The Officers shall be elected at the first regular meeting of the Task Force held on or before
8 July 1 of each year, or at a subsequent meeting, the date of which shall be fixed by the Task
9 Force at the first regular meeting on or after July 1 of each year. If any Task Force office
10 becomes vacant, that office shall be filled at the first meeting after the vacancy occurs.
11

12 Article III – Duties of Officers

13
14 Section 1. Duties of the Chair

15
16 The Chair shall preside at all meetings of the Task Force. The Chair, working with members
17 of the Task Force and the staff, shall oversee the preparation and distribution of the agenda
18 for the Task Force meetings. The Chair shall appoint all Committees and their chairs and
19 shall perform all other duties as prescribed by the Task Force or by the By-Laws which are
20 necessary or incident to the office. The Chair of the Task Force shall encourage Task Force
21 members to participate on committees and shall ensure broad and diverse representation of
22 Task Force members on all committees.
23

24 Section 2. Duties of the Vice Chair

1 In the event of the absence, or inability of the Chair to act, the Vice Chair shall preside at the
2 meetings and perform the duties of the Chair. In the event of the absence of the Chair and
3 the Vice Chair, the remaining Task Force members shall appoint one of the members to act
4 temporarily as Chair.

5

6

Article IV – Meetings

7

8 Section 1. Regular Meetings

9

10 Regular meetings of the Task Force shall be held on the fourth Tuesday of the month at 4:00
11 p.m. at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408, San Francisco, California.

12

13 Section 2. Special Meetings

14

15 The Chair or a majority of the members of the Task Force may call special meetings.

16

17 Section 3. Notice of Meetings

18

19 The agendas of all regular meetings and notices and agendas of all special meetings shall be
20 posted on the Task Force web site, at the meeting site, the San Francisco Main Library,
21 Government Information Center and the office of the Task Force. Agendas and notices shall
22 be mailed to each Task Force member and any person who files a written request for such
23 notice with the Task Force.

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25 Section 4. Cancellation of Meetings

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The Chair may cancel a meeting if she or he is informed by the Task Force Administrator that a quorum of the body will not be present or if the meeting date conflicts with a holiday or other responsibilities of the Task Force members. Notices of cancellation shall be posted on the Task Force web site, at the meeting site, the San Francisco Main Library, Government Information Center, and the office of the Task Force. If time permits, notices of meeting cancellations shall be mailed to all members of the public who have requested, in writing, to receive notices and agendas of Task Force meetings.

Section 5. Conduct of Meetings

(a) All Task Force meetings shall be conducted in compliance with all applicable laws, including but not limited to the Ralph M. Brown Act (Government Code Section 54950 et. seq.), the San Francisco Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and the Task Force's By-Laws. Except where state or local laws or other rules provide to the contrary, meetings shall be governed by Robert's Rules of Order.

(b) Subject to the availability of funds, the Task Force shall comply with the provisions of the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) that apply to Charter boards and commissions.

(c) When a member of the Task Force desires to address the Task Force, she or he shall seek recognition by addressing the Chair, and when recognized, shall proceed to speak. The member shall confine her or his comments or remarks to the question before the Task Force.

1 (d) Cell phones and pagers shall be turned off during meetings of the Task Force. The Chair
2 may issue a warning to any member of the public whose pager or cell phone disrupts the Task
3 Force meeting. In the event of repeated disruptions caused by pagers and cell phones, the
4 Chair shall direct the offending member of the public to leave the meeting.

5
6 Section 6. Setting Agendas

7
8 The Task Force Administrator, at the direction of the Chair, shall prepare the agenda for
9 meetings. The agenda for all regular meetings shall contain an item during which Task Force
10 members may request items for the Task Force to consider at future meetings.

11
12 Section 7. Action at a Meeting; Quorum and Required Vote

13
14 ———The presence of a majority of the members (six members) of the Task Force shall
15 constitute a quorum for all purposes. The affirmative vote of a majority of the members of the
16 Task Force (six votes) shall be required for the approval of all substantive matters.
17 Procedural motions require an affirmative vote of a majority of the members present. If a
18 quorum is not present, no official action may be taken, except roll call and adjournment.

19
20 Section 8. Voting and Abstention

21
22 Task Force members must be present to vote and participate. Teleconference participation is
23 ~~not~~ permitted as provided by Section 4.104 of the Charter. Each member present at a Task
24 Force meeting shall vote "Yes" or "No" when a question is put, unless the member is excused
25 from voting on a matter by a motion adopted by a majority of the members present or the

1 member has a conflict of interest that legally precludes participation in the discussion and
2 vote.

3 The Task Force shall take action on items on the agenda by roll call, voice vote or by show of
4 hands. The minutes shall reflect how each Task Force member voted on each item.

5

6 Section 9. Order of Business

7

8 The order of business at Task Force meetings ~~may~~ shall be:

9

- 10 1. Call to order
- 11 2. Roll Call
- 12 3. Approval of meeting minutes
- 13 4. Report of the Chair
- 14 5. Report of the Task Force Administrator
- 15 6. Report of the Standing Committees
- 16 7. Action Items
- 17 8. Future Agenda Items
- 18 9. Public Comment
- 19 10. Adjournment

20

21

22 1. Call to Order

23 2. Roll Call

24 3. Approval of Meeting Minutes

25 4. Hearings on the Jurisdiction and Hearing on the merits of Complaints

- 1 5. Committee Reports
- 2 6. Other Policy Matters
- 3 7. Administrator's Report
- 4 8. Future Agenda Items

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7 The order of items on the agenda may be changed by action of the Task Force at any
8 meeting. Public comment shall be specially set as the first new item considered after 5:00
9 p.m.

10

11 Section 10. Hearing Procedures for Complaints

12

13 ~~Each member of the public will be allotted the same maximum number of minutes to speak as~~
14 ~~set by the Chair at the beginning of each item, excluding persons requested by the Task~~
15 ~~Force to make presentations. Any person speaking during a public comment period may~~
16 ~~supply a brief written summary of their comments, which shall, if no more than 150 words, be~~
17 ~~included in the minutes. (§67.16) (Note: Moved to Sec. 11)~~

18

19 ~~Each member of the public who is unable to attend the public meeting or hearing may submit~~
20 ~~to the City, by the time the proceeding begins, written comments regarding the subject of the~~
21 ~~meeting or hearing; these comments will be made a part of the official public record. (§67.7-1~~
22 ~~(c)) (Note: Moved to Sec. 11)~~

23

24 The Complaint Committee and the full Task Force hearing complaints shall follow the
25 following procedures.

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- 4.1. Complainant presents his/her facts and evidence. 5 minutes
- Other parties of Complainant presents facts and evidence. Up to 3 minutes each
- 2.2. City responds 5 minutes
- Other parties of City respond. Up to 3 minutes each

(The above total speaking times for Complainant and City to be the same.)

3.3. Matter is with the Task Force for discussion and questions to parties.

4.4. Respondent and Complainant presents clarification/rebuttal based on Task Force discussions. 3 minutes

5.5. Matter is with the Task Force for motion and deliberation.

6.6. Public Comment (*Excluding Complainant and City response and witnesses.*)

7.7. Vote by the Task Force (*Public comment at the discretion of the Chair on each motion and/or new motion if vote fails.*)

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

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Section 11. Public Comment

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the minutes. (§67.16)

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record. (§67.7-1

(c))

——The Task Force and all committees of the Task Force shall hold meetings open to the public in full compliance with state and local laws. The Task Force encourages the participation of all interested persons. Members of the public may address the Task Force on any matter within the subject matter jurisdiction of the Task Force for up to three minutes during public comment. The Chair may limit the time permitted for public comment consistent with state and local laws.

Section 12. Public Testimony

——The Task Force and all committees of the Task Force shall hold meetings open to the public in full compliance with state and local laws. The Task Force encourages the participation of all interested persons. Members of the public may comment on every item on

1 the Task Force agenda. Each person wishing to speak on an item before the Task Force shall
2 be permitted to be heard once for up to three minutes.

3 4 5 Article V -- Task Force Records

6 7 Section 1. Minutes

8
9 ———Minutes shall be taken at every regular and special Task Force meeting and shall
10 comply with the provisions of the San Francisco Sunshine Ordinance, including the provisions
11 that apply to Charter boards and commissions. (See, San Francisco Administrative Code,
12 Chapter 67.16) Minutes shall be approved by the majority vote of the Task Force. In the
13 event a committee does not meet for a period of six months after its last meeting the minutes
14 of that meeting shall be agendized at the full Task Force for review and approval.

15 16 Section 2. Public Review File

17
18 ———The Task Force shall maintain a public review file in compliance with the San Francisco
19 Sunshine Ordinance. (See, San Francisco Administrative Code, Section 67.23.)

20 21 Section 3. Records Retention Policy

22
23 The Task Force shall prepare, maintain and adopt a records retention and destruction policy
24 as provided in Section 8.3 of the San Francisco Administrative Code.

1 Section 4. Tape Recordings

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3 ———The Task Force shall audio record all regular and special meetings of the Task Force.
4 The audio recordings shall be maintained in accordance with the San Francisco Sunshine
5 Ordinance. (See, San Francisco Administrative Code, Section 67.14(b).)
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8 Article VI -- Committees
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10 Section 1. Standing Committees

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12 ———Upon approval by a majority of the members of the Task Force, the Task Force may
13 form standing committees to advise the Task Force on its on-going functions. The standing
14 committees shall be composed of members of the Task Force. Unless specified otherwise by
15 the Task Force, the Chair of the Task Force shall name the Chair of the Standing Committees
16 and its members. The Chair of the Task Force shall encourage Task Force members to
17 participate on committees and shall ensure broad and diverse representation of Task Force
18 members on all committees.
19

20 ———The Task Force shall establish the following Standing Committees: Rules, Public
21 Education and Information, Complaints, and Compliance and Amendments Committee.
22

23 ———(a) Rules Committee

24 ———The Rules Committee shall review matters related to amendments to the Task
25 Force by-laws and procedures for Task Force meetings and shall assist the Chair of the Task

1 Force to ensure that all annual objectives enumerated in the Sunshine Ordinance are met by
2 the Task Force.

3
4 ~~————(b) Public Education and Information Committee~~ Education, Outreach, and Training
5 Committee

6 ~~————The Public Education and Information~~ Education, Outreach, and Training
7 Committee may monitor compliance with the Orders of Determination adopted by the Task
8 Force; shall make recommendations to the Task Force regarding outreach and publicity to the
9 media and to the general public about the Sunshine Ordinance and the Task Force.

10

11 ~~————(c) Complaint Committee~~

12 ~~————The Complaint Committee shall monitor the complaint process and make~~
13 ~~recommendations to the Task Force regarding how the complaints should be handled.~~

14

15 ~~————(d) Compliance & Amendments Committee~~

16 ~~————The Compliance and Amendments Committee shall~~ may monitor compliance
17 with the Orders of Determination adopted by the Task Force; shall recommend to the Task
18 Force amendments to the Sunshine Ordinance regarding enforcement of the Orders of
19 Determination; and shall consider and recommend any other additions, amendments, and
20 changes to the Sunshine Ordinance as provided by members of the Task Force and from the
21 general public. (Added 8/27/02)

22

23 Section 2. Special or Ad Hoc Committees

24

25

1 Upon approval by a majority of the members of the Task Force, the Task Force may form
2 special or ad hoc committees. Special committees shall be formed for a specific purpose and
3 cease to exist after completion of a designated task. Special committees may be composed
4 of members of the Task Force.

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Article VII – Attendance

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9 Members of the Task Force shall notify the Task Force Administrator if she or he is unable to
10 attend a regular or special meeting of the Task Force. If a member of the Task Force misses
11 more than three regular meetings in any twelve-month period of time, the Task Force may
12 notify the Board of Supervisors and request that action be taken to remove the member from
13 the Task Force. The Administrator of the Sunshine Ordinance Task Force shall notify any
14 member who misses two meetings in any twelve month period of time that if the third absence
15 occurs, the Task Force may notify the Board of Supervisors of the member's lack of
16 attendance.

17

18

19 Article VIII - Amendment of By-Laws

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21 ———The By-Laws of the Task Force may be amended by a vote of a majority of the
22 members of the Task Force after presentation of the proposed amendments as an agenda
23 item at a meeting of the Task Force. The Task Force shall give ten days notice prior to final
24 action by posting on the Sunshine Ordinance Task Force website and by sending a copy to

25

1 the Public Library Government Information Center before considering any amendments to its
2 by-laws.

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4 Adopted 8/22/2000

5 Amended 8/27/2002

6 Amended 3/25/2008

7 Amended 4/28/2009

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San Francisco Sunshine Ordinance Task Force

PUBLIC COMPLAINT PROCEDURE

Consistent with the language and spirit of the San Francisco Sunshine Ordinance (Ordinance) to provide the most open government possible (see City Administrative Code Section (§) 67.1), all inferences and evidence shall be viewed in the light most favorable to the petitioner.

Revised 4/26/2005, Revised as to form 5/22/2007, 3/25/2008 & 4/28/09

The Sunshine Ordinance Task Force (SOTF) has an obligation under San Francisco Administrative Code §§67.21 (e), 67.30(c) and 12L.1-10 to respond to public complaints.

A. Inquiries In Person or by Phone

It is the goal of the SOTF to help the public gain access to public records and meetings. The staff of the SOTF will therefore work with members of the public to help achieve such access in order to avoid the need for filing complaints with the SOTF.

1. The Administrator shall discuss the request with the member of the public and attempt, with the assistance of the City Attorney, to mediate the request.
2. If unable to facilitate access to a desired record or to a public meeting, the SOTF staff shall advise the members of the public of his/her right to file a petition with the Supervisor of Records (the City Attorney's Office) and to pursue the SOTF complaint process, and shall send the complainant a packet of information regarding the complaint process.

B. Filing a Complaint with the SOTF

1. A letter or complaint form may be submitted to the SOTF via mail, fax or electronic mail (email), or in person. If a complaint letter is received, the Administrator shall complete a complaint form and send a copy to the complainant for their review and approval. The complaint form shall include a box to indicate if the complainant wants a public hearing before the Task Force or a pre-hearing conference before the Complaint Committee to focus the complaint or to otherwise assist the parties to the complaint. Once filed a copy of the complaint shall be sent to the Chairs of the full Task Force and Complaint Committee, and the SOTF Deputy City Attorney.
2. Upon filing a complaint, the complainant shall be given a condensed checklist of procedural requirements (i.e. complaint process, documentation deadlines, etc.). The responding City department/agency (respondent) shall be sent written notice of the complaint with a checklist of procedures, with a request to respond to the charges in the complaint within 5 business days. The Deputy City Attorney who advises City departments/agencies may assist the respondent in preparing a response to the complaint. (See Addendum)

3. Hearing Schedule:

- (a) If the responding City department (respondent), ~~or the SOTF Deputy City Attorney,~~ (a) does not contest jurisdiction, or (b) there is no request for a pre-hearing conference to focus the complaint or otherwise assist the parties to the complaint, a hearing will be scheduled with the Full Task Force.
- (b) If the responding City department (respondent), ~~or the SOTF Deputy City Attorney,~~ (a) contests jurisdiction, or (b) there is a request for a pre-hearing conference to focus the complaint or otherwise assist the parties to the complaint a hearing will be scheduled with the Complaint Committee prior to the hearing before the Full Task Force.

4. The Administrator shall advise the complainant and the affected department/agency of the date, time and location of the Complaint Committee and/or Full Task Force meetings at which the complaint will be discussed. The respondent shall have a knowledgeable representative and/or its custodian of records at the meeting. The Administrator shall inform both parties of the deadline to submit any supporting documentation. Both parties shall be held to the stated deadlines: five working days before the hearing.

5. The Administrator shall gather all relevant documents prior to the forthcoming hearing/s and shall send the documents to the members for their review. When the documents exceed 75 pages, the complaint will be forwarded without its full exhibits, with an indication that the full exhibits are on file with the Administrator.

6. Complaint Committee Hearings:

- (a.) The SOTF Deputy City Attorney, shall provide a written opinion to the Complaint Committee as to whether the SOTF has jurisdiction over the complaint.
- (b.) The Complaint Committee shall review a complaint where jurisdiction is contested or a pre-hearing conference is requested at its next meeting and recommend whether the SOTF has jurisdiction. The Committee shall also focus the issues for the complainant, respondent and SOTF, or otherwise assist the parties.

7. When the Complaint Committee recommends accepting jurisdiction, it shall do so at the next regular SOTF meeting unless this would result in a violation of the 45-day time limit for resolving complaints (mandated by §67.21); in such a case, a special meeting shall be called to hear the matter. The complainant may waive the 45-day rule or request a special hearing within the 45-day period.

8. Continuances:

- (a) A complainant may waive the 45-day rule and if a request for continuance is submitted at least three business days in advance of the scheduled hearing it shall be granted. For requests submitted less than three business days in advance or for requests for subsequent continuances, the request shall be granted by a simple majority vote of the members present.
- (b) If a respondent submits a request for continuance at least three business days in advance, upon agreement of the complainant the continuance shall

be granted. If the complainant does not agree to the continuance, the request for continuance is not made within three business days, or the respondent is requesting a subsequent continuance, such continuance shall be granted by a simple majority vote of the members present.
(Adopted 5/22/07)

C. Public Hearing Procedure

If jurisdiction is not contested or the Complaint Committee recommends jurisdiction, the complainant and respondent shall receive a written notice of the specific issues that shall be before the SOTF for a hearing, and they shall be advised to submit any evidence no later than 5 working days prior to the hearing.

Documentation

For a document to be considered, it must be received at least 5 working days before the hearing (Tuesday before the actual meeting). At the hearing before the Task Force, should the complainant submit additional documentation that has not been submitted to all parties, he or she shall be given the following options:

- (1) Proceed with the hearing without SOTF consideration of the additional documentation;
- (2) Waive his/her right to a hearing within 45 days and ask for the hearing to be continued; but
- (3) If the additional documentation raises a new issue, the complainant may
 - proceed with the hearing and file a new complaint on the additional issue(s), or
 - withdraw and amend the complaint to include the new issue(s).

D. Hearing and Findings of the Task Force

1. Prior to the meeting, the SOTF Deputy City Attorney shall prepare an instructional letter to assist the SOTF in understanding the issues. All members of the SOTF are responsible for being familiar with the complaint issues prior to the meeting.
2. The SOTF shall conduct the public hearing with the complainant and respondent present.
3. After hearing all testimony, the SOTF shall vote on an Order of Determination or other directives written by the Chair of behalf of the Task Force stating whether the record is public and/or whether the open meeting laws were obeyed.
4. After the SOTF determines a course of action ~~whether a violation of the Ordinance has occurred~~, the complainant and respondent shall be notified in writing.

E. Reconsideration of Task Force Findings

1. Within 10 days of receipt issuance of the Order of Determination, either the complainant or respondent may petition the SOTF for a reconsideration only if information exists that was not available at the time of the hearing and the petitioning party must present an offer of proof as to the new information.
2. The Task Force shall consider the petition at its next scheduled meeting. If a petition for reconsideration is granted, a new hearing on the complaint shall be scheduled at the next SOTF meeting. (Approved by Task Force 10/26/04)

F. Department to Comply with Determination of the SOTF

1. The Administrator shall send the Order of Determination to the complainant and respondent and request a written response within 5 days of the receipt of the Order, which shall be monitored by the SOTF Compliance and Amendments Committee and/or EOTC. If a public records violation is found, the custodian of records shall be ordered to provide the record to the complainant within 5 days after the issuance of the Order of Determination. The Compliance and Amendments Committee shall review whether there has been compliance with the Order of Determination.
2. If there is a failure to comply, the Compliance and Amendments Committee may recommend that the SOTF notify the District Attorney, the California Attorney General, the Board of Supervisors and/or the Ethics Commission, who may take measures they deem necessary to ensure compliance with the Ordinance. A copy of the Order of Determination shall be included with such notification.
3. If appropriate, the respondent and complainant shall be sent a notice that the District Attorney, California Attorney General, Board of Supervisors and Ethics Commission have been contacted, and of the complainant's independent right to pursue the issue in court.

G. Documentation and Information Regarding Individual Complaints:

1. The Administrator shall keep a file of all documents and a log of all petitions filed with the SOTF, including the date of each petition, the department/agency against which it was made, the nature of the complaint and its status. This shall be in compliance with its records and retention schedule.
2. Copies of all correspondence relating to a complaint shall be sent to all parties.

Addendum

Complaint Process

1. You may fill out a complaint form online or access a form at sfgov.org/site/sunshine, or you may send your own letter filing a formal complaint. File the complaint with the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Pl., Room 244, San Francisco, CA 94102-4689; or you may send it by fax to (415) 554-7854 or email to soft@sfgov.org.
2. After you file a complaint, the Complaint Committee of the Sunshine Ordinance Task Force (SOTF) shall, if jurisdiction is contested and/or a request for a pre-hearing conference is received, review it to determine if the SOTF has jurisdiction and to focus on the relevant issues in the case.
 - Jurisdiction is defined as the authority to address a given issue(s), as specified in the Sunshine Ordinance.
3. If the Complaint Committee finds no jurisdiction over the violations alleged in the complaint, the complainant is notified of the decision and the complainant may request reconsideration before the SOTF at its next scheduled meeting. Should the SOTF find jurisdiction, a full hearing on the merits will be scheduled.
4. If the Complaint Committee finds the SOTF has jurisdiction, the complainant, respondent and SOTF members are notified of the decision.
5. The complaint is then scheduled for a hearing at the next meeting of the SOTF, which has the final say on the jurisdiction issue.
6. If additional information is to be submitted by the complainant or respondent, it must be submitted to the Administrator at least five working days before the scheduled hearing before the Task Force.

If either party submits additional material after the deadline, they will be informed that

 - a. The Task Force may proceed without considering the new material.
 - b. The complainant may waive the 45-day time limit and continue the hearing to the next Task Force meeting.
 - c. The complainant may withdraw the complaint and file a new complaint.
 - d. 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.
7. After the public hearing, the Task Force shall may make an Order of Determination regarding the complaint.
8. For further information, contact the Sunshine Ordinance Task Force Administrator, at (415) 554-7724.

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