

Date: May 24, 2011

Item No. 23

File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Draft Minutes: Task Force March 22, 2011**
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Completed by: Chris Rustom

Date: May 20, 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.

Sunshine Ordinance Task Force



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**SUNSHINE ORDINANCE TASK FORCE
REGULAR MEETING
DRAFT MINUTES**

Tuesday, March 22, 2011
4:00 p.m., City Hall, Room 406

Task Force Members

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

Call to Order 4:00 P.M.

Roll Call Present: Knee, Cauthen (left at 9:45), Washburn (in at 4:27), Knoebber, Wolfe (in at 4:12), Chan (in at 5:05, left at 9:45), Johnson
Absent: Snyder, West

Agenda Changes: Item

Deputy City Attorney: Jerry Threet
Clerk: Chris Rustom

1. Special recognition to Marjorie Ann Williams for her community service as a member of the Sunshine Ordinance Task Force.
Members praised Ms. Williams for her dedication to open government.
Ms. Williams said not to count her out because she would return someday.
Public Comment: Ray Hartz and Tomas Picarello.....
2. Approval of January 4, 2011, special meeting minutes.
Continued to the next regularly scheduled meeting on April 26, 2011.

3. Approval of January 20, 2011, special meeting minutes.
Continued to the next regularly scheduled meeting on April 26, 2011.
4. Approval of January 25, 2011, regular meeting minutes.
Continued to the next regularly scheduled meeting on April 26, 2011.
5. Approval of February 17, 2011, special meeting minutes.
Continued to the next regularly scheduled meeting on April 26, 2011.
6. Approval of February 22, 2011, regular meeting minutes.
Continued to the next regularly scheduled meeting on April 26, 2011.

7. 10036 The Education, Outreach and Training Committee has, without recommendation, referred 10036_Tomas Picarello against the SRO Task Force back to the Sunshine Ordinance Task Force for further proceedings because the Order of Determination was issued against a now defunct administration.
0:0:14
Heard: Complainant Tomas Picarello recounted his complaint and outcome. The respondent was not represented. No one spoke or presented facts on behalf of the respondent.

Member Johnson, seconded by Vice Chair Wolfe, motioned to have former SRO Task Force Chair Ann Kronenberg referred to the Ethics Commission for violating Section 67.21(e) by not sending a knowledgeable person to the meeting.

Public Comment: Kimo Crossman, Allen Grossman, Ray Hartz spoke in favor.

The motion carried on the following vote.

- Ayes: 7 - Cauthen, Manneh, Knoebber, Costa, Wolfe, Johnson, Knee
- Absent: 2 – Snyder, West, Washburn
- Excused: 1 - Chan

8. 10054 Hearing on the status of the January 25, 2011, Order of Determination in 10054_Ray Hartz v Library Commission.

Heard: Complainant Ray Hart presented his case. Respondent Susan Blackman from the Library Commission presented her response.

Member Knobber motioned to have the matter forwarded to the Ethics.

Commission. The motion failed for lack of a second.

Public Comment: Kimo Crossman, Allen Grossman, Tomas Picarello, Chris Coghlan spoke on different topics.

Chair Knee forwarded the matter to the Education, Outreach and Training Committee.

9. 10059 The Compliance and Amendments Committee has referred #10059_ Dorian Maxwell against the SF Municipal Transportation Agency back to the Task Force with a recommendation that MTA Director of Bus Operations David Hill be found in violation of Section 67.33 for failure to instruct MTA employees under his leadership on Sunshine requirements and that the matter be forwarded to the Ethics Commission.

Complainant Dorian Maxwell presented the Task Force with a status report. The SF Municipal Transportation Agency was not represented.

Member Washburn, seconded by Member Johnson, motioned to refer SFMTA Employee Labor Relations Manager Rumi Uno to the Ethics Commission for violating Section 67.34 for willful failure to comply with the Order of Determination, Section 67.25 by failing to respond in a timely manner, Section 67.26 for not keeping withholding to a minimum, Section 67.27 for failing to provide justification for withholding and California Public Records Act 6254(c) because Mr. Maxwell's was asking for his own personnel file and therefore could not have invaded his privacy..

Public Comment: Kimo Crossman said violation of Sec. 67.34 was crucial if the Task Force wanted reaction from the Ethics Commission. David Pilpel said the motion does not match the description on the agenda. Tomas Picarello said the availability of detailed minutes would have helped in this complex case.

Member Washburn, seconded by Member Johnson, motioned to amend her motion to include a violation of Section 67.34 for willful failure to comply with the Order of Determination.

Without objection and on the advice of DCA Threet, Chair Knee, declared the matter, for procedural reasons and in order to comply with the Sunshine Ordinance and the Brown Act, continued to the next regular scheduled meeting on April 26, 2011.

Member Washburn, seconded by Member Costa, motioned to continue David Hill's Ethics Commission referral to the next regular scheduled meeting on April 26, 2011.

Public Comment: None

The motion passed by the following vote.

- Ayes: 9 - Cauthen, Manneh, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, Knee
- Absent: 2 – Snyder, West, Washburn

10. 10074 The Compliance and Amendments Committee has referred 10074 William J Clark and Robert J Clark against the Arts Commission back to the Task Force with a recommendation that it be referred to the Ethics Commission for non compliance with the Order of Determination.

Complainant William Clark and Respondent Julio Mattos of the Arts Commission provided an update.

Member Washburn, seconded by Vice Chair Wolfe, motioned to send the matter to the Board of Supervisors.

Member Knoebber, seconded by Member Johnson, made a substitute motion to find Howard Lazar of the Arts Commission in violation of Section 67.21(e) by failing continuously to send a knowledgeable representative to the meetings and to have the matter forwarded to the Ethics Commission.

Public Comment: Tomas Picarello said other enforcement agency should be pursued because the Ethics Commission always overrules the Task Force.

- Ayes: 8 - Cauthen, Manneh, Knoebber, Costa, Wolfe, Chan, Johnson, Knee
- Noes: 1 – Washburn
- Absent: 2 – Snyder, West

11. 10075 Hearing on complaint filed by Anonymous against the Department of Recreation and Park for allegedly not releasing public information related to a Recreation and Park Commission hearing.

The Complainant and the Respondent were not present. No one in the audience presented facts or evidence for the two parties.

Chair Knee said the matter is tabled until it is refilled by the Complainant.

12. 11003 Determination of jurisdiction on complaint filed by Matt Smith against the District Attorney's Office for allegedly refusing to release files related to an investigation.

Continued to next regular scheduled meeting on April 26, 2011.

13. 11003 Hearing on complaint filed by Matt Smith against the District Attorney's Office for allegedly refusing to release files related to an investigation.

Continued to next regular scheduled meeting on April 26, 2011.

14. 11005 Determination of jurisdiction on complaint filed by Mary Miles against the Planning Commission for allegedly refusing to respond to an Immediate Disclosure Request.

Member Knoebber, seconded by Vice Chair Wolfe, motioned to find jurisdiction.

Public Comment: None.

The motion passed on the following vote.

- Ayes: 9 - Cauthen, Manneh, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, Knee
- Absent: 2 – Snyder, West

15. 11005 Hearing on complaint filed by Mary Miles against the Planning Commission for allegedly refusing to respond to an Immediate Disclosure Request.

Complainant Mary Miles presented her claim. The Planning Commission was not represented.

Member Knoebber, seconded by Vice Chair Wolfe, motioned to find the Planning Commission in violation of Section 67.16 for not providing the minutes within the required 10 days, Section 67.25(a) for not providing a reason for the delay, and 67.21(e) for not sending a knowledgeable person to the hearing.

Public Comment: None.

The motion passed on the following vote.

- Ayes: 9 - Cauthen, Manneh, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, Knee
- Absent: 2 – Snyder, West

Matter referred to Education, Outreach and Training Committee.

16. 11006 Determination of jurisdiction on complaint filed by Mary Miles against the SF Municipal Transportation Agency for allegedly refusing to respond to a public records request.

Member Knoebber, seconded by Vice Chair Wolfe, motioned to find

jurisdiction.

Public Comment: None.

The motion passed on the following vote.

- Ayes: 9 - Cauthen, Manneh, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, Knee
- Absent: 2 – Snyder, West

17. 11006 Hearing on complaint filed by Mary Miles against the SF Municipal Transportation Agency for allegedly refusing to respond to a public records request.

Complainant Mary Miles presented her claim. The Municipal Transportation Agency was not represented.

Vice Chair Wolfe, seconded by Member Cauthen, motioned to have the SF Municipal Transportation Agency referred to the Ethics Commission, District Attorney and State Attorney General. Nathaniel Ford was named as the responsible party. A copy of the referral is to be sent to the Board of Supervisors.

Public Comment: None.

The motion passed on the following vote.

- Ayes: 9 - Cauthen, Manneh, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, Knee
- Absent: 2 – Snyder, West

18. 11007 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly refusing to respond to a public records request.

Member Knoebber, seconded by Member Cauthen, motioned to find jurisdiction.

Public Comment: None.

The motion passed on the following vote.

- Ayes: 8 - Cauthen, Manneh, Washburn, Knoebber, Costa, Chan, Johnson, Knee
- Absent: 2 – Snyder, West
- Excused: 1 - Wolfe

19. 11007 Hearing on complaint filed by William Clark against the Arts Commission for allegedly refusing to respond to a public records request.

Heard: William Clark presented his claim. The Arts Commission was represented by Julio Mattos.

Member Knoebber, seconded by Vice Chair Wolfe, motioned the find Luis Cancel of the Arts Commission be referred to the Ethics Commission for violating Section 67.16 of the Sunshine Ordinance for not having the January. 25 Arts Commission draft minutes ready for inspection, Section 67.25 for not responding in a timely manner to the request for the Management Team draft minutes and Section 67.21(e) for not sending a knowledgeable representative to the hearings.

Public Comment: David Pilpel said the Task Force should talk to Mr. Cancel about naming a point person for Sunshine requests.

The motion passed on the following vote.

- Ayes: 9 - Cauthen, Manneh, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, Knee
- Absent: 2 – Snyder, West

20. 11008 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly refusing to respond to a public records request.

Member Knoebber, seconded by Member Manneh, motioned to find jurisdiction.

Public Comment: None.

The motion passed on the following vote.

- Ayes: 9 - Cauthen, Manneh, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, Knee
- Absent: 2 – Snyder, West

21. 11008 Hearing on complaint filed by William Clark against the Arts Commission for allegedly refusing to respond to a public records request.

Heard: William Clark presented his claim. The Arts Commission was represented by Julio Mattos.

Public Comment: Amanda Nordquist said the audio is recorded on a cassette tape and then transferred to a computer for later use, and that listening to tapes behind closed doors was standard practice, .

Item continued to the next regularly scheduled meeting on April 26, 2011.

22. Report: Complaint Committee meeting of March 8, 2011.

Complaint Committee Chair Knoebber made the report.

23. Report: Compliance and Amendments Committee meeting of March 8, 2011.

Compliance and Amendments Committee Chair Washburn made the report.

24. Report: Education, Outreach and Training Committee meeting of March 10, 2011.

Education, Outreach and Training Committee Chair Chan made the report.

25. Report: Rules Committee meeting of March 10, 2011.

Rules Committee Chair Wolfe made the report.

26. Administrator's Report.

Mr. Rustom made the report.

27. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible.

Robert Clark, Jason Grant Garza, Ray Hartz, William Clark, Allen Grossman, Kimo Crossman, Tomas Picarello and Peter Warfield spoke on different topics.

28. Announcements, comments, questions, and future agenda items from the Task Force members.

Member Knoebber said he would be out of the country in April.

Adjournment

There being no further business, the Task Force adjourned at the hour of 10:07 p.m.

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force, Rm. 244, City Hall, No. 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone 554-7724 and at <http://www.sfbos.org/index.aspx?page=9811>