

Date: May 24, 2011

Item No. 24

File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Draft Minutes: Task Force April 21, 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
SPECIAL MEETING
DRAFT MINUTES**

Tuesday, April 21, 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 4:08 P.M.

Roll Call Present: Snyder leaves at 7:12 pm), Knee, Cauthen (leaves at 5:52 pm), Manneh (leaves at 6:43 pm), Costa, Wolfe, Johnson (arrives at 5:15 pm), West
Excused: Washburn, Knoebber, Chan

Agenda Changes: Item 9 heard before Item 8.

Deputy City Attorney: Jerry Threet

Clerk: Chris Rustom

1. Possible response to Ethics Commission staff ruling on Task Force Case #09042, Peter Warfield vs. San Francisco Public Library.

Heard: Members discussed the ruling and spoke in favor of Chair Knee's draft response.

Public Comment: Peter Warfield wanted discussion on the item delayed because he said it needed proper discussion. Ray Hartz said the intention of the letter is to gut the Task Force of its authority. Jason Grant Garza said the Task Force needs to do the right thing. Tomas Picarello said the letter from the Ethics Commission is one example of why the Task Force's Order of Determination is not enforced.

After further discussion among members, the item was tabled to the end of the meeting.

Members returned to discuss the topic after Item 8 and continued it to discuss it at the May 5 special meeting.

2. 11010 Determination on jurisdiction on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his December 22, 2010.

On prior advice from DCA Threet, Chair Knee, without objection, combined files 11010, 11011 and 11012.

Vice Chair Wolfe, seconded by Mamber Manneh, motioned to find jurisdiction on files 11010, 11011 and 11012.

Public Comment: None.

The motion carried on the following vote:

Ayes: 7 - Snyder, Cauthen, Manneh, Costa, Wolfe, West, Knee
Excused: 4 - Washburn, Knoebber, Chan, Johnson

3. 11010 Hearing on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his December 22, 2010, Immediate Disclosure Request.

Heard: Jason Grant Garza was against combining the files because the alleged violations occurred over three different time periods. Ray Hartz said combining the files without Mr. Garza's permission was disrespectful to the complainant and the public. Dr. Vitka Eisen, Chief Executive Officer of the Haight-Ashbury Free Clinics Incorporated, said she had emailed Mr. Garza the documents that he requested and had also brought copies to the meeting. She then handed the documents to Mr. Garza, who refused to accept it.

Member Cauthen, seconded by Member Manneh, motioned to have the Haight-Ashbury Free Clinic in violation of Sunshine Ordinance Section 67.25 for not responding to the Immediate Disclosure Requests in a timely manner.

Public Comment: Tomas Picarello spoke in favor of Chair Knee's move to consolidate the cases.

The motion carried on the following vote:

Ayes: 7 - Snyder, Cauthen, Manneh, Costa, Wolfe, West, Knee
Excused: 4 - Washburn, Knoebber, Chan, Johnson

The matter was forwarded to the Education, Outreach and Training Committee.

4. 11011 Determination on jurisdiction on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his January 12, 2011, Immediate Disclosure Request.

Combined with 11010 and 11012.

5. 11011 Hearing on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his January 12, 2011, Immediate Disclosure Request.

Combined with 11010 and 11012.

6. 11012 Determination on jurisdiction on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his January 21, 2011, Immediate Disclosure Request.

Combined with 11010 and 11011.

7. 11012 Hearing on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his January 21, 2011, Immediate Disclosure Requests.

Combined with 11010 and 11011.

8. Consideration of amendments to Sunshine Ordinance.

Members discussed the remaining five of the 11 topics the Task Force believed needed the most attention.

On electronic document storage, Vice Chair Wolfe and Member Costa continue to draft language.

On outside counsel, members agree to move forward with the proposal, but language is yet to be drafted.

Public Comment: Tomas Picarello said outside counsel is needed if there was a conflict of interest in a matter before the Task Force. Ray Hartz said he doesn't expect the Board of Supervisors to come up with \$50,000 for the Task Force.

On contract related documents, Vice Chair Wolfe and Member Johnson are to research and present alternative language for Section 67.24(e)(1).

Public Comment: Ray Hartz said this is a very touchy topic because it involves politics and the millions of dollars the City gives out every year.

On record-withholding, Member Snyder is to rewrite language in Section 67.1 and 67.27.

Public Comment: Ray Hartz said the Task Force needs to state very clearly that records belong to the citizens and not to the City, its employees and elected officials.

On definitions, Member Johnson is to identify and list the paragraphs that need clarification.

Public Comment: None.

A special meeting was called for May 5, 2011.

Public Comment: Ray Hartz said City officials do not know the law even when they are shown the proper citation. He also said the three complaints heard earlier in the evening were not handled appropriately.

Chair Knee created a three-person panel to start promoting the amendments. Members are Chair Knee, Vice Chair Wolfe and Member Washburn.

9. Public Comment on items not listed on the agenda.

Jason Grant Garza complained that the Task Force does not see his complaints from his angle. Tomas Picarello said the ex-officio positions need to be filled. Ray Hartz said the Task Force has to help citizens get the public records they seek. Peter Warfield said the public should be asked what problems they encounter and then only make the appropriate amendments.

10. Announcements, questions and future agenda items from Task Force members : None

Adjournment

Having lost quorum, the Task Force adjourned at the hour of 7:12 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>