

Date: May 25, 2010

Item No. 2

File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

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Completed by: Chris Rustom

Date: May 21, 2010

***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



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7724
Fax No. 554-7854
TDD/TTY No. 544-5227

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

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

Tuesday, April 27, 2010
4:00 p.m., City Hall, Room 408

Task Force Members

| | | | |
|--------|---------------------------------|------------|-----------------------|
| Seat 1 | Erica Craven-Green (Vice Chair) | Seat 8 | Bruce Wolf |
| Seat 2 | Richard Knee (Chair) | Seat 9 | Hanley Chan |
| Seat 3 | Sue Cauthen | Seat 10 | Nick Goldman |
| Seat 4 | Suzanne Manneh | Seat 11 | Marjorie Ann Williams |
| Seat 5 | Allyson Washburn | | |
| Seat 6 | James Knoebber | Ex-officio | Angela Calvillo |
| Seat 7 | Doyle Johnson | Ex-officio | (Vacant) |

Call to Order 4:04 P.M.

Roll Call Present: Craven-Green, Knee, Washburn, Knoebber, Chan, Goldman, Williams
Excused: Cauthen, Manneh, Johnson, Wolfe

Agenda Changes: There were no changes to the agenda.

Deputy City Attorney: Frank Brass
Clerk: Chris Rustom and LaTonia Stokes

1. Approval of February 23, 2010, meeting minutes.

It was motioned by Member Knee and seconded by Member Williams to approve the February 23, 2010 meeting minutes.

Member Washburn gave her revisions to the minutes.

Public Comment:

Peter Warfield, Executive Director of the Library User's Association, expressed disappointed with the minutes of February 23, 2010 and March 23, 2010, as the minutes did not reflect his comments provided at each of the meetings. Mr. Warfield further stated that it would be suitable and appropriate if the content of the minutes supplied information to both the Task Force and the public which set an example for minutes that are helpful and as complete as possible.

Mr. Warfield indicated that agenda item 16, which is commonly known as General Public Comment, did not reflect the correct verbiage of his comments and implied that he complained about the lack of recognition he received at the meeting of February 23, 2010.

Mr. Warfield suggested utilizing words that are less prejudicial to the speaker, and suggested statements such as, "The references in the matters that the Sunshine Ordinance Task Force sends out should correctly recognize the association and affiliation of the person or organization who has filed the complaint".

2. Approval of March 23, 2010, meeting minutes.

Member Washburn stated that she had not an opportunity to review the minutes and asked to have the item continued.

It was motioned by Member Goldman and seconded by Member Knoebber to continue the March 23, 2010 meeting minutes to the next meeting without objection. Motion passed unanimously.

3. Special recognition to Kristin M. Chu for her community service as a Member and Chair of the Sunshine Ordinance Task Force.

Chair Knee apprised the Task Force members that Ms. Chu has moved to New York. Member Knee stated that Ms. Chu contributed immeasurably to the Sunshine Ordinance Task Force, and asked members to offer their comments and sentiments regarding her departure.

Member Williams stated that Ms. Chu was pleasant, knowledgeable and dedicated to the Sunshine Ordinance Task Force.

Member Chan stated that Ms. Chu was very hard working and appreciated for all of her attributes.

Member Washburn stated that she previously met Ms. Chu at the League of Women Voters where she trained other Board Members and contributed a lot to the organization as a whole. Ms. Chu was also responsible for Member Washburn joining the Task Force.

Chair Knee added that Ms. Chu put a lot of thought into her work and her opinions were well founded and honest.

Public Comment:

Doug Comstock stated that he wanted to remember Ms. Chu and all of the effort that she contributed to the Task Force. Mr. Comstock specifically remembered her ability to always coordinate joint hearings between the Task Force and the Ethics Commission.

4. 09057 The Education, Outreach and Training Committee has referred to the Task Force #09057 Peter Warfield v Clerk of the Board with a recommendation that it find the Clerk's Office in willful violation of the Ordinance and that it also find the Clerk's Office in violation of Sec. 67.21(e) for failure to send a representative to the Committee's hearing on March 11, 2010.

Public Comment:

Mr. Warfield stated that the Clerk of the Board sent a letter dated April 27, 2010, to the Chair of the Task Force, Richard Knee, citing the timeline of the various events that had occurred surrounding this matter.

Mr. Warfield stated that the Task Force's rules state that material that is to be provided and considered at meetings must be provided at least a week in advance in order to be considered and if it is not, may not be considered by the Task Force. Mr. Warfield cited that receipt of the letter from the Clerk of the Board dated April 27, 2010, was inappropriate and did not comply with the ordinance.

Mr. Warfield expressed that while he was pleased with the acknowledgement from the Clerk of the Board that the Clerk's office violated the law, it does not excuse the fact that the Clerk's office violated the ordinance, and encouraged the Task Force to comply with the recommended action as referenced on the agenda.

Kimo Crossman stated that in a similar dispute with the Clerk's office he submitted a request for Sunshine Ordinance application renewals and upon receipt of the documents discovered that certain information had been redacted.

Mr. Crossman further stated that the only violation the Clerk has committed from his opinion was lack of meeting attendance and failure to provide valid justification for withholding certain information.

Doug Comstock stated historically prior to the creation of the Sunshine Ordinance, when members of the public were displeased with the conduct of a department or met with resistance on the disclosure of information, the public would submit written correspondence to the Board of Supervisors. Upon arrival to the department, un-redacted information including names, addresses and telephone numbers were available. The information was then used to contact those people and organize against the City and County of San Francisco. However, the creation of the Sunshine Ordinance removed the process as an effective organizing tool, and Mr. Comstock expressed sadness over its elimination.

Mr. Comstock further stated that he was also concerned that this implies that information was illegally redacted by the Clerk of the Board as the information redacted was done without the public's permission. Mr. Comstock stated that

this should be clearly conveyed to the Clerk of the Board as the action to redact information without the expressed permission of the citizen's whose information is being redacted is illegal.

Discussion ensued among the Task Force members and a brief recess was called by Chair Knee. Upon reconvening the meeting Chair Knee stated this issue has already been referred to the Ethics Committee.

Chair Knee cited that the other matter, complaint #09056, which related to a request for information from the Clerk of the Board which contained redacted information, is not on the current agenda.

The Task Force recommended that the Education, Outreach and Training Committee review complaint number #09056 and refer back to the Task Force.

Mr. Warfield recited that there were two issues being addressed in his complaint which include the following:

- 1) The Sunshine Ordinance Task Force find the Clerk of the Board's office in willful violation of the ordinance with respect to the complaint filed and;
- 2) Failure of the Clerk to send a representative to the Education, Outreach and Training Committee hearings when matters were before the Committee and under the law requires the department to attend.

Chair Knee stated for the record there would be no action as no one on the Task Force presented a motion.

5. 09069 **The Compliance and Amendments Committee has referred to the Task Force a recommendation that #09057 Asian Law Caucus v Mayor's Office be forwarded to the Ethics Commission on the basis of willful failure to comply with the Order of Determination, willful failure to comply with the requirement to appear at hearings, and willful failure to provide justification for withholding.**

Member Craven-Green noted for the record that the agenda item contained an error in reporting, the reference numbers were cited wrong, however the item had been appropriately agendized.

Angela Chan, staff attorney at the Asian Law Caucus, stated that she submitted a Sunshine Ordinance request to the Mayor's Office on September 3, 2009. Ms. Chan requested documents relative to an internal breach of confidentiality of a confidential City Attorney's memo regarding the Sanctuary Ordinance that was leaked to the San Francisco Chronicle newspaper.

The Mayor admitted that he did in fact leak the memo, however upon request of the details of how the leak occurred, the Mayor's Office declined to respond and finally stated that the Office of the Mayor could not comply with the request.

On October 15, 2009, Ms. Chan submitted a complaint against the Mayor's Office relative to the breach of confidentiality as stated above. On December 1, 2009, the Task Force found that the Mayor's Office was in willful violation of the breach of confidentiality, failure to appear and failure to provide justification of withholding information relative to the complaint.

On January 5, 2010, in an attempt to address the remainder of the complaint before the Task Force, the Task Force found the Mayor's Office in willful violation of Section 67.34, (WILLFUL FAILURE SHALL BE OFFICIAL MISCONDUCT) of the ordinance, willful failure to comply and also in violation of Section 67.21 (PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS).

Ms. Chan recommended that the matter be referred to the Ethics Commission as it appears that the Mayor's Office is in violation of intentional, willful failure to comply with the request.

Kimo Crossman, stated that in the past he has filed complaints against the Mayor's Office and has found the Mayor's Office guilty of repeated violations of failure to comply with requests for information specific to Sunshine Ordinance matters. Mr. Crossman recommended that the Task Force refer the matter to the Ethics Commission and the Board of Supervisors for their consideration on a hearing.

Member Chan recommended that the Task Force refer the matter to the Board of Supervisors and the Ethics Commission as he agreed that this is a willful violation of failure comply. Member Williams concurred with the recommendation as stated by Member Chan.

It was motioned by Member Craven-Green to refer the item on the basis of willful failure to comply with the order of determination, and willful failure to comply with the requirements of appearance at hearings and willful failure to provide justification of withholding, to the Ethics Commission and the Board of Supervisors, and naming the Mayor as the respondent on behalf of the Mayor's Office. The motion was seconded by Member Goldman.

Member Chan and Chair Knee both recommended an amendment to the motion to include both, the Mayor and Shirley Chou, Deputy Communications Director/Advisor on Asian Affairs, Mayor's Office of Communication. Motion passed unanimously.

Public Comment:

Allen Grossman stated that the use of willful violation is unique to one section of the ordinance, Section 67.34, which relates to official misconduct. Mr. Grossman further stated that all that is needed is use of the word violation unless the desired result is to have a finding of official misconduct, in which case you make the finding and send it to the Ethics Commission. Official misconduct is not unique to the Sunshine Ordinance, it appears six other

places in the City Charter.

6. 10007 **Hearing on whether the City Attorney's Office's has complied with the Order of Determination in #10007 Chris Daly v Mayor's Office.**

April Veneracion, Legislative Aide to Supervisor Daly, stated that their office had not received their February 4, 2010 records request.

Member Craven-Green stated that the item was agendized wrong and should read: Hearing on whether the Mayor's Office has complied with the Order of Determination in #10007 Chris Daly v Mayor's Office and not the City Attorney's Office.

Ms. Veneracion stated that the ruling from the Task Force did not yield any additional results from the Mayor's Office.

Member Craven-Green stated that this matter should be referred to the Ethics Commission and the Board of Supervisors for willful failure to comply with an Order of Determination and willful failure to send a representative to hearings.

Chair Knee stated that this was referred to the Compliance and Amendments Committee via email and did not receive a response. Member Chan motioned to refer the matter to the Board of Supervisors and the Ethics Commission, the motion was seconded by Member Wolfe. Motion passed unanimously.

Public Comment:

Kimo Crossman stated that he wanted to advocate on behalf of this matter and asked the Task Force to list all responsible parties for the official misconduct. Mr. Crossman further stated that the Task Force should be clear as cited earlier by Allen Grossman that the correct language is utilized in describing this matter to the Ethics Commission stating that official misconduct has occurred so that the Ethics Commission does not question whether this was a willful violation and responds appropriately.

Peter Warfield stated that there appears to be a tendency on the part of the Task Force, Orders of Determination, to list individuals as the cc's, who appear to be those responsible. Mr. Warfield stated that he thinks that it is very important to be very serious and clear about accountability.

Allen Grossman stated that if the Task Force is planning to refer the matter to the Ethics Commission the distinction is very important, as there is a distinction between official misconduct and what the Task Force does. In a case of official misconduct, the finding goes before the Ethics Commission, who then responds in the same manner as if it were a full hearing with all the due process rights that an official is entitled to.

Mr. Grossman further stated that a referral for failure to comply with an Order of Determination is an enforcement matter which could eventually lead to

official misconduct. It does not require any further investigation, and there is not any language in the ordinance that gives the Ethics Commission the power to re-investigate, which causes it to remain an enforcement matter.

Mr. Grossman further stated that Mr. John St. Croix, Executive Director of the Ethics Commission, managed to confuse two different parts of the Sunshine Ordinance with respect to requests for information and kept the information quiet; until Mr. Grossman's subsequent lawsuit forced Mr. St. Croix to reveal the files.

Discussion ensued between the Task Force members and the members unanimously agreed that the Committee find the Mayor and Mr. Joe Arrellano in willful failure to comply with an Order of Determination, willful failure to appear at hearings, and a finding of official misconduct based on the willful failures.

7. 10008 **Determination of Jurisdiction on complaint filed by Sandra Brotherton against the Department of Emergency Management for allegedly failing to produce copies of reports related to several 9-1-1 calls.**

Member Goldman motioned that the Task Force find jurisdiction on the item. It was seconded by Member Knoebber. Motion passed unanimously.

Public Comment:

None.

8. 10008 **Hearing on complaint filed by Sandra Brotherton against the Department of Emergency Management for allegedly failing to produce copies of reports related to several 9-1-1 calls.**

Sandra Brotherton stated that the Custodian of Records, Leann Bybie, an employee of the Department of Emergency Management, failed to provide un-redacted computer aided dispatch (CAD) information reports pertaining to 9-1-1 calls identifying Ms. Brotherton as unstable and a potential 51/50 candidate.

After several attempts to obtain the requested information, Ms. Brotherton escalated the matter to the District Attorney's Office, who subsequently filed a complaint on her behalf. Ms. Brotherton ultimately withdrew the complaint because it was in the wrong jurisdiction. Ms. Brotherton made another request for CAD information and again did not receive any response. Ms. Brotherton disclosed that she had further documentation that Ms. Bybie was unaware of, however expressed a desire to move forward on the item before the Task Force.

Chair Knee stated that since there was additional documentation that the respondent had not had an opportunity to review, it was not appropriate to introduce the item without a recommendation to continue the matter.

Dave Everly, Support Services Manager, from the Department of Emergency Management, Division of Emergency Communications, stated that he is responsible for management of the Custodian of Records. Annette Goley, supervisor of the Custodian of Records stated that their department receives over 1 million calls per year and it does not have the capacity to individually identify each request for information. The inability to scrutinize each request, causes certain information to be withheld, as it would otherwise become subjective.

Task Force Members, Craven-Green, Knoebber, and Williams all provided comments regarding the 9-1-1- calls and their respective views. Each indicated that the public should not be discouraged from calling 9-1-1 due to their personal information being disclosed and in many cases, this has happened.

Member Goldman motioned that the Task Force find no violation on the item. It was seconded by Member Craven-Green. Motion failed 5-3.

Public Comment:

Kimo Crossman stated that 9-1-1 calls as heard both on the radio and on the news is information that can be disclosed to the public. If callers would like to have their information kept private, they should exercise the use of a public pay phone.

Peter Warfield stated that the law is clear and specific regarding the disclosure of information, and what is exempt and what is not. Mr. Warfield expressed concern with what he described as the Task Force attempting to create the law and stated that this is very inappropriate even if there is some degree of legitimacy to doing so and advised the Task Force to operate within the confines of the law.

Member Wolfe stated that he found some of the statements in the report from Mr. Paul Zarefsky troubling as he believes that a person has the right to confront their accuser in an open court. As a member of the public people are subject to telemarketing calls from companies who do not disclose where they obtained the information. Information can be obtained from a master voter file as it contains all the pertinent information about a person available for public view.

Member Wolfe further stated that based upon Mr. Zarefsky's references, redactions under CLETS do not apply and thinks that what is being redacted is proper relative to a person's personal criminal history which may include the complainant who may not want to be exposed. Under Megan's Law, it's exposed and this validates that there are cases where certain information does get exposed in certain situations. Member Wolfe stated that he was not convinced in this particular situation, that certain information should be withheld.

Member Williams motioned to find violation of Sections 67.21, 67.24 and 67.27. It was seconded by Member Chan.

Public Comment on the Second Motion:

Kimo Crossman stated that he was pleased that the Task Force was exploring this matter further. Mr. Crossman further stated that calls to 9-1-1 are not private and upon calling 9-1-1, there is not any recording that states your information will remain private and undisclosed to others. This is why recordings of calls are heard on both the radio and the news.

Peter Warfield stated he believed that no one should be allowed to talk to anyone anytime or send, emails, or letters because it may frighten the person or cause them a considerable amount of discomfort. The claims of the possible potentialities are something that any person with any fertile imagination could use as a reason to forbid almost any contact of any kind or any disclosure of any kind.

Mr. Warfield further stated that the law is explicit. Citing Section 67.26:

Withholding Kept To A Minimum, which states that *no record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by Section 67.27 of this article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any city employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.*

Mr. Warfield encouraged the Task Force to bring this matter before the Board of Supervisors.

Mr. Grossman stated this is very typical of what Mr. Zarefsky does as the department was likely advised on the appropriate communication to engage regarding this matter directly from Mr. Zarefsky. Mr. Zarefsky cites four sections in the California Public Records Act and Sunshine Ordinance on specific context where privacy is protected, coupled by further comments about the importance of health, safety and the protection of the caller. However, none of that information is embraced in the four exemptions and they are the only four that can prevent the disclosure of the 9-1-1 calls. Mr. Grossman further stated that none of the four exemptions apply to a 9-1-1 call.

Member Wolfe stated that he agrees with some of the public testimony given with regards to the law as followed by the Task Force, which it makes

determinations on. Member Wolfe referenced Mr. Zarefsky's response citing that he did not understand what personal and private information was being revealed as referenced by Mr. Zarefsky's response, except for the person's name of the person who responded. Moreover, Mr. Zarefsky takes an excerpt of Section 6254 (f) of the CPRA, citing

"However, state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger the safety of a witness or other person involved in the investigation or unless disclosure would endanger the successful completion of the investigation or a related investigation. However, nothing in this division shall require the disclosure of that portion of those investigative files that reflects the analysis or conclusions of the investigating officer."

Mr. Wolfe stated that he had not heard from the discussion if the investigating officer or the police department and not CAD, have identified that the caller would be in danger or if CAD had not received any such information from the police department, there would be no reason to withhold the information.

Anette Goley stated that once officers are dispatched to an incident, the department does not have any control over what takes place and have no way of knowing what the officer may have determined upon arrival to the scene, which is why they do not provide the information as they do not have the ability to assess the situation beforehand, as they are not a part of the investigative body of their portion of an incident.

Discussion ensued between the Task Force and the respondent. The Deputy City Attorney, Frank Brass, was asked to clarify the issue and the relative points raised by Member Wolfe. Mr. Brass stated that the discussion involved a policy for the respondent agency and a judgment call made involving this particular case as well as public policy encouraging candor and using 9-1-1 services. What is currently in place is a policy that protects that privacy. Mr. Brass further stated that if the Task Force were to change the policy for this particular case, it would open the flood gates for the public to be more concerned, and advised the Task Force to proceed very carefully before proceeding forward.

9. 10011 **Determination of jurisdiction on complaint filed by Juan DeAnda against the Department of Public Health for allegedly withholding information.**

Member Goldman motioned that the Task Force find jurisdiction on the item. It was seconded by Member Knoebber. Motion passed unanimously

Public Comment:

None.

10. 10011 Hearing on complaint filed by Juan DeAnda against the Department of Public Health for allegedly withholding information.

Chair Knee motioned to continue the item as neither the complainant nor the respondent were present. The Task Force took action on the item as it was determined there was enough information before the Task Force to make a determination in the case.

Member Craven-Green indicated that the complainant was requesting information from the San Francisco Department of Public Health data on ethnic minorities, that were being served by SWORD Plow Shares. The response from the department was that they did not have the information as they do not request the information and it is not supplied.

Discussion ensued and the Task Force found the department to be in compliance with the request as submitted by Mr. DeAnda.

Member Wolfe stated that if SWORD Plow Shares receives City funds, they are subject to Sunshine Rules. Member Craven-Green stated that SWORD Plow Shares do receive City funds, however they are only subject to Administrative Code Section 12L.

Public Comment:

Peter Warfield stated that the Task Force should consider what the interested parties may want to do. It would be reasonable to allow the parties an opportunity to make an appearance on their own behalf as the Chair suggested.

Mr. Warfield also indicated that there had been previous discussion in the past regarding violations by departments that do not appear for hearings, which creates the potential for a violation for the department. However the department(s) may be able to reasonably justify their lack of attendance at meetings and the Task Force may undoubtedly find that the departments is not in violation.

Kimo Crossman mirrored Mr. Warfield's comments and recommended that the Task Force table the item and offer both parties an opportunity to appear before the Task Force.

Member Crave-Green stated that she did not see the ambiguity in this case to

have the item continued as it's unclear how each of the parties would like to proceed as neither were present. Member Williams mirrored Member Craven-Green's comments and stated that she wanted to continue the item as there was further information to be heard.

Member Wolfe motioned to continue the item to May 25, 2010, it was seconded by Member Washburn. Motion passed unanimously.

11. 10012 Determination of jurisdiction on complaint filed by Ellen Tsang against the Planning Department for allegedly not responding to her Immediate Disclosure Request and alleged failure to produce a public document.

Member Goldman motioned that the Task Force find jurisdiction on the item. It was seconded by Member Knoebber. Motion passed unanimously.

Public Comment:

None.

Member Washburn disclosed for the record that she is a near neighbor of the complainant, and did not see any potential conflict of interest.

12. 10012 Hearing on complaint filed by Ellen Tsang against the Planning Department for allegedly not responding to her Immediate Disclosure Request and alleged failure to produce a public document.

Ellen Tsang stated that an email from Agnes Lau of the Planning Department was sent to the Building department on February 12, 2010, stating that the department had received a few complaints for violation of the building code. The email was in reference to property located at 769 Northpoint which housed an illegal oversized storage shed in the rear yard. Ms. Lau's correspondence stated that the variance was denied by the Planning Department as the shed was too large and required a reduction in size.

Ms. Tsang stated that on March 24, 2010, she submitted an Immediate Disclosure Request to Ms. Lau, requesting receipt of the documents electronically via email. Both Ms. Lau and the Planning Department did not respond to her request. On March 29, 2010, Ms. Tsang submitted a complaint to the Sunshine Ordinance Task Force.

Ms. Tsang further stated that the Planning Department did not comply with her Immediate Disclosure Request, did not respond with the required 5 business days, and believes that the Planning Department is in violation of Sunshine Laws.

Anonymous Tenants mirrored Ms. Tsang's comments regarding their inability to provide documents as requested.

Member Craven-Green stated that there was a violation of Sections 67.21 and 67.25 of the Ordinance and motioned the item, it was seconded by Member Goldman.

Public Comment:

Kimo Crossman stated that he wanted to include Section 67.21 (e) to the motion.

Peter Warfield stated that the Task Force should investigate whether the Planning Department responded to the complainant within the five day requirement.

13. Consideration of proposed amendments to Articles I through IV of the Sunshine Ordinance.

The Task Force members reviewed and proposed amendments to Section 67.15 of the Ordinance and reviewed other subsections of Section 67.

14. **Report: Complaint Committee: Meeting of April 6, 2010. (Nick Goldman)**

There was no report.

15. **Report: Education, Outreach and Training Committee meeting of April 8, 2010. (Sue Cauthen)**

There was no report. Member Cauthen was unavailable.

16. **Administrator's Report.**

Mr. Rustom provided the Administrator's report to the Task Force.

17. **Public comment for items not listed on the agenda. Public comment shall be held at 5:00 p.m., or as soon thereafter as possible. (no action) (12 min)**

Allen Grossman stated that there are two serious ongoing problems that have not been properly addressed that involve the Deputy City Attorney, Jerry Threat, public records requests from Mr. Grossman, and the City Attorney's ability to force individuals to take action in order to get public records.

Mr. Grossman indicated that he sent a public records request to Mr. Threat on April 20, 2010, requesting information specific to the time records maintained by Mr. Threat relative to the amount of time allocated to the Sunshine Ordinance Task Force. Mr. Grossman stated that the allocation of time had been reduced from 100% to 40% to 18% of his normal hourly production. When Mr. Threat did not respond, Mr. Grossman sent a fax to the Deputy City Attorney's office along with a copy of the original email request, on April 22, 2010.

Again, Mr. Grossman received no response. Mr. Grossman asked the Task Force what should he do as this is a problem that every member of the public faces, time and time again. This can be addressed in the amendments to the Ordinance ensuring that the public's interest is paramount and ensuring that the City Attorney's is charged with the responsibility of protecting the public's interest in obtaining public records.

Kimo Crossman stated that he recently sent email correspondence to members of the Task Force relating to his concerns with the current draft of the Sunshine Ordinance.

Brid Star stated that a few months ago she submitted a public records request to the City Attorney's Office for disclosure of papers relating to the misconduct of Marilyn O' Brien. Ms. Star indicated that her request was originally scheduled to be heard before the Task Force, however she was not available to attend the meeting and her complaint was subsequently dismissed. Ms. Star made another request to have the matter heard before the Task Force.

Chair Knee and Member Craven-Green both stated that Ms. Star's case was not dismissed, it was heard before the Task Force and there was no action taken to refer the matter to another body.

Doug Comstock passed around an editorial relating to Mr. Kimo Crossman and Allen Grossman. The article was specific to a Sunshine Ordinance article.

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

Adjournment:

The meeting was adjourned at 10:15 p.m.

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