

Date: July 22, 2008

Item No. 6a  
File No. 08024

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Complaint by: Addario vs Arts Commission**
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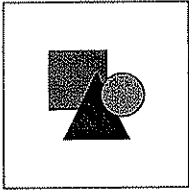
Completed by: Frank Darby

Date: July 16, 2008

**\*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.



DENNIS J. HERRERA  
City Attorney

ERNEST H. LLORENTE  
Deputy City Attorney

DIRECT DIAL: (415) 554-4236  
E-MAIL: ernest.llorente@sfgov.org

## MEMORANDUM

July 14, 2008

*MICHAEL ADDARIO v. SAN FRANCISCO ARTS COMMISSION (08024)*

### COMPLAINT

#### THE COMPLAINANT ALLEGES THE FOLLOWING FACTS:

Michael Addario who is active with the street artist program claims that the Arts Commission had taken certain actions at its regular scheduled meetings without having first provided an opportunity to the Street Artists Committee or the Street Artist Program to discuss the Commission's proposals at the Committee level.

#### COMPLAINANT FILES COMPLAINT:

On May 8, 2008, Michael Addario filed a complaint against the Arts Commission alleging violations of the Sunshine Ordinance for its failure to provide notice to the Street Artists Committee or the Street Artist Program before it noticed on the Commission Agenda the proposed change in the Committee meeting schedule and the proposed honorarium payment of not more than \$2500 to Rick Elizaga Design for design and creation of the Street Artists Program website. The first complaint was that the committee did not have the opportunity to discuss the change at its own meeting before the proposal was discussed at the full commission level. The second complaint is that there may have been a seriatim meeting of the commission members regarding the honorarium payment prior to the commission meeting.

#### THE RESPONDENT AGENCY STATES THE FOLLOWING:

The Arts Commission responded with a detailed letter contesting jurisdiction of the Task Force as it relates to the complaints. The Commission provided the following response:

Since the advisory committee is not an extension of the Commission and there is no requirement that the committee send out notices and agendaize for discussion the Commission's proposed change in the Committee's meeting schedule. Further the Commission is not obligated to provide advance notice to the participant of the street artist's program of its proposed payment for work done by an artist beyond what the commission does in noticing its meetings and publicizing its agenda in compliance with the Sunshine Ordinance.

The Commission denies any seriatim meeting discussions prior to its regular meeting on the issue of the \$2500 Honorarium.

## Memorandum

### JURISDICTION

Based on the allegations of the complaint and the sections of the Ordinance stated below, the Task Force has jurisdiction to hear this matter. In addition the parties in this case do not contest jurisdiction.

### APPLICABLE STATUTORY SECTION;

1. Sunshine Ordinance Section 67.3 Definition of Meeting, Policy Body, Passive Meeting Body.
2. Sunshine Ordinance Section 67.4 Meeting requirements of Passive Meeting Bodies.
3. Sunshine Ordinance Section 67.6(e) Conduct of business by Passive Meeting Bodies.

### APPLICABLE CASE LAW:

none

### ISSUES TO BE DETERMINED

#### 1. FACTUAL ISSUES

##### A. Uncontested Facts:

- The Arts Commission noticed on its Commission Agenda the proposed change in the Street Arts Committee meeting schedule and the proposed honorarium payment of not more than \$2500 to Rick Elizaga Design for design and creation of the Street Artists Program website.

##### B. Contested facts/ Facts in dispute:

##### i. Relevant facts in dispute

The Task Force must determine what facts are true.

- Whether the Arts Commission had an obligation under the Sunshine Ordinance or State Brown Act to provide prior notice to the Street Artist Committee or the Street Artist Program before the Commission noticed its agenda items for its upcoming meeting?
- Whether the Arts Commission conducted a seriatim meeting regarding the proposed payment of an honorarium before its scheduled meeting?

### QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS;

Is the Street Artist Committee or members of the Street Artist Program a passive meeting body under the Sunshine Ordinance?

**Memorandum**

What obligation does the Arts Commission have with the Street Artist Committee as it relates to actions taken by the Arts Commission?

**LEGAL ISSUES/LEGAL DETERMINATIONS:**

- **Were sections of the Sunshine Ordinance (Section 67.21), Brown Act, and/or California Constitution Article I, Section three violated?**
- **Was there an exception to the Sunshine Ordinance, under State, Federal, or case law?**

**CONCLUSION**

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THAT THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

## Memorandum

**THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 59 IN 2004 PROVIDES FOR OPENNESS IN GOVERNMENT.**

Article I Section 3 provides:

- a) The people have the right to instruct their representative, petition government for redress of grievances, and assemble freely to consult for the common good.
- b)(1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
- 2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.
- 3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.
- 4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided by Section 7.
- 5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings or public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.
- 6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committee, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions: nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

**Memorandum****ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN  
FRANCISCO ADMINISTRATIVE CODE (THE SUNSHINE ORDINANCE)  
UNLESS OTHERWISE SPECIFIED**

Section 67.1 addresses Findings and Purpose

The Board of Supervisors and the People of the City and County of San Francisco find and declare:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.
- (c) Although California has a long tradition of laws designed to protect the public's access to the workings of government, every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New approaches to government constantly offer public officials additional ways to hide the making of public policy from the public. As government evolves, so must the laws designed to ensure that the process remains visible.
- (d) The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret, and those circumstances should be carefully and narrowly defined to prevent public officials from abusing their authority.
- (e) Public officials who attempt to conduct the public's business in secret should be held accountable for their actions. Only a strong Open Government and Sunshine Ordinance, enforced by a strong Sunshine Ordinance Task Force can protect the public's interest in open government.
- (f) The people of San Francisco enact these amendments to assure that the people of the City remain in control of the government they have created.
- (g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process.

Section 67.3 provides the definition of a meeting and a policy body.

**Memorandum**

Whenever in this Article the following words or phrases are used, they shall have the following meanings:

...

(b) **"Meeting"** shall mean any of the following:

- (1) A congregation of a majority of the members of a policy body at the same time and place;
- (2) A series of gatherings, each of which involves less than a majority of a policy body, to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the City, if the cumulative result is that a majority of members has become involved in such gatherings, or
- (3) Any other use of personal intermediaries or communications media that could permit a majority of the members of a policy body to become aware of an item of business and of the views or positions of other members with respect thereto, and to negotiate consensus thereupon.

...

(d) **"Policy Body"** shall mean:

- (1) The Board of Supervisors;
- (2) Any other board or commission enumerated in the charter;
- (3) Any board, commission, committee, or other body created by ordinance or resolution of the Board of Supervisors;
- (4) Any advisory board, commission, committee or body, created by the initiative of a policy body;
- (5) Any standing committee of a policy body irrespective of its composition.

Section 67.3(c) provides a definition of **passive meeting body**:

This section provides:

"Passive meeting body" shall mean:

1. Advisory committees created by the initiative of a member of a policy body, the Mayor, or a department head.

Section 67.4 deals with meeting notice requirements of Passive Meeting Bodies:

**Memorandum**

This sections provides:

All gathering of passive meeting bodies shall be accessible to individuals upon inquiry and to the extent possible consistent with the facilities in which they occur.

Such gatherings need not be formally noticed, except on the City's website whenever possible, although the time, place and nature of the gathering shall be disclosed upon inquiry by a member of the public and any agenda actually prepared for the gathering shall be accessible to such inquirers as a public record.

Section 67.6(e) deals with the conduct of business: time and place of meetings

This section provides:

e) Meetings of passive meeting bodies as specified in Section 67.6(d)(4) of this article shall be preceded by notice delivered personally or by mail, e-mail, or facsimile as reasonably requested at least 72 hours before the time of such meeting to each person who has requested in writing, notice of such meeting. If the advisory body elects to hold regular meeting, it shall provide by bylaws, or whatever other rule is utilized by that advisory body for the conduct of its business, for the time and place for holding such regular meetings. In such case, no notice of regular meetings, other than posting of an agenda pursuant to Section 67.7 of this article in the place used by the policy body which it advises is required.





<complaints@sfgov.org>  
05/08/2008 07:05 PM

To <soft@sfgov.org>  
cc  
bcc  
Subject Sunshine Complaint

Submitted on: 5/8/2008 7:05:56 PM

Department: San Francisco Art Commission

Contacted: Luis Cancel, Director of Cluture Affairs

Public\_Records\_Violation: No

Public\_Meeting\_Violation: Yes

Meeting\_Date: April 7, 2008

Section(s)\_Violated:

Description: Recently without notifying the San Francisco Street Artists or having a discussion with members, the full Art Commission voted to change the San Francisco Street Artists monthly committee meetings to every other month (bimonthly.) As stated below:

MEETING OF THE FULL ARTS COMMISSION

Monday, April 7, 2008

3:00 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

Action: Motion to change the schedule of meetings of the Street Artists Committee from monthly to bimonthly, beginning with the meeting of May 14, 2008.

Source: [http://www.sfgov.org/site/sfac\\_page.asp?id=78420](http://www.sfgov.org/site/sfac_page.asp?id=78420)

Normality a proposal of the nature would be brought up before the Street Artist Committee for all the members to be notified, and to discuss its ramifications, before being voted on by the commissioners. In addition, this meeting change would be a hardship for any member that had an citation or issue to bring before the committee. With this meeting change a member would have to wait two months to have their case heard.

Moreover, this is not the first time that this has happened under Mr. Cancel short tenure. Only a few months prior the Art Commission tried to slip past without any membership notification a \$2500.00 honorarium to a web designer, of the Street Artists web site when we had already paid \$500.00 for a web site that was never installed. As stated below:

MEETING OF THE FULL ARTS COMMISSION

Monday, February 4, 2008

3:00 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

Street Artists Committee-Alexander Lloyd, Chair

Action: Motion to approve honorarium payment of no more than \$2,500 to Rick Elizaga Design for design and creation of Street Artists Program website.

Source: [http://www.sfgov.org/site/sfac\\_page.asp?id=74559](http://www.sfgov.org/site/sfac_page.asp?id=74559)

After the members complained that we were not aware of this they rescinded the proposal and paid for it out of the Art Commission fund. Nevertheless, It would also appear that Mr. Cancel and the Art Commissioners must had held discussions in private, possibly by way of seriatim meetings, on both of these issues, and as such failed to uphold that "deliberations are conducted before the people and that City operations are open to the people's review." and in so doing appear to be in violation of the sunshine ordinance.

The San Francisco Street Artists program is a member-funded city program. San Francisco Street Artists are required to pay the salaries and benefits of two city employees and abide all city rules and regulations, such as; hiring only city approved vendors. The possibility exists that Mr. Cancel being new to San Francisco is not aware of the Sunshine Task Force Ordinance hence he inadvertently and repeatedly violates it.

Would you please investigate this matter to determine if my suspicions are warranted.

Hearing: No

Date: 5/8/2008

Name: Michael Addario

Address: 180 Los Olivos Ave.

City: Daly City

Zip: 94014

Phone: 415 850 7337

Email: addariophoto@rcn.com

Anonymous: addariophoto@rcn.com 415 850 7337

Confidentiality\_Requested: Yes

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User Data

Client IP (REMOTE\_ADDR) : 76.14.45.219  
Client IP via Proxy (HTTP\_X\_FORWARDED\_FOR) :



<addariophoto@rcn.com>

07/15/2008 02:04 PM

To Sunshine Task Force Ordinance <sotf@sfgov.org>

cc

bcc

Subject RE: SOTF #08024 Addario v. Arts Commission

Hello,

Please find additional material regarding complaint # 08024.

Thank You,  
Michael Addario



Sunshine v3.doc

Dear Sunshine Ordinance Task Force Members:

RE: Sunshine Ordinance Task Force - #08024 Addario v. Arts Commission

Below are the internal emails between the San Francisco Street Artists (SFSA) program director Howard Lazar, San Francisco Art Commissioners and SFSA Program Committee members Alexander Lloyd, and Sherene Melania and the San Francisco Arts Commission, Director of Cultural Affairs; Luis Cancel, regarding the subject of changing the SFSA Program meeting schedule from 12 months a year, to 6 months a year.

The eight emails below were provided by Mr. Lazar after I made a request for all documents regarding this incident. What should be evident from the emails below are that discussions, a plan of action, and straw vote, were made in private. In addition, the emails generally show - by way of omission - a disregard of the opinions and ramifications to the SFSA members and also the public of this proposed change. Suspiciously absent from the acquired documents is any written documented replies originating from Mr. Cancel. Information regarding the co-complaint of the creation of the SFSA website, immediately follows this letter and emails (pg.17.)

Transcribed in chronological order:

1.) 3/31/2008 9:52 am email from SFSA Program Howard Lazar to SF Art Commissioners Alexander Lloyd and Sherene Melania  
Subject: RE: How often should the Street Artists Committee meet?

Dear Alex and Sherene,

Luis [Cancel] has asked me to propose a calendar of regular Street Artists Committee meetings for what is minimally required.

How would you feel about meeting regularly every other month with the exception of having to meet for an occasional hardcore violation case?

What are your recommendations?

Howard

2.) 3/31/2008 1:59 pm email from SF art Commissioner Sherene Melania to SFSA Program Director Howard Lazar and cc to Alex Lloyd  
Subject: RE: How often should the Street Artists Committee meet?

Hello Howard,

Every other month would be fine with me. If possible could we keep the meetings earlier (before 4 pm).

Thanks

Sherene

---  
3.) 3/31/2008 2:03 pm email from SF Program Director Howard Lazar to SF Art Commissioners Sherene Melania and cc to Alexander Lloyd  
Subject: RE: How often should the Street Artists Committee meet?

Thank you for responding, Sherene.

The Street Artist Committee meetings have, for many, many years, been scheduled for the second Wednesday of each month (except December, when there's no meeting at all) at 3:00p.m. That is the day- and time-slot that have been blocked out for us for the year on the calendar of Suite 70

I've always tried to not load up on the agendas, so that these meetings can end at 4:00 – or 4:30 at the latest. The agendas, of course, are always subject to Alex's approval.

Howard.

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4.) 3/31/2008 2:18 pm email from Sherene Melania to SFSA program Director Howard Lazar and cc to SF Art commissioner Alexander Lloyd

OK, Howard. That's fine, thanks!

---  
5.) 4/1/2008 2:13am email from Alexander Lloyd to SF Art Commissioner Sherene Melania and SFSA program Director Howard Lazar.  
Subject: RE: How often should the Street Artists Committee meet?

This sounds good. Let's commit to 6 meetings a year and more if necessary.

---  
6.) 4/1/2008 10:56am email from Howard Lazar to Luis Cancel  
Subject: Proposed calendar of Street Artist Committee meetings

Hello, Luis,

You requested a proposed calendar of Street Artist Committee meetings for what I feel would be minimally required.

I communicated with Commissioners Lloyd and Melania, and we feel that six (6) meeting a year would suffice, as well as additional meeting if necessary. We would meet every other month, starting in May, to handle routine issues such as artist's proposals for spaces, proposal for changes in rules and regulations, etc. If I have a case of major street artist violation

which requires an imminent hearing and action, the Committee will meet as soon as possible.

So, for now, we would like to maintain the Street Artists Committee's long-standing scheduled day and time (2<sup>nd</sup> Wednesday, at 3:00 p.m.) but make this for every other month starting in May:

**May 14**

**July 9**

**September 10**

**October 8**

And \_ probably- **November 12**, as we traditionally hold a hearing in November on the followings year's budget and possible fee increase. (the Committee has seldom met in December in deference to the artists having maximum time to sell during the lucrative winter holiday season. If the Committee were to not meet until January to hold its budget/fee increase hearing, it would be cutting it too closely for Arts, Commission budget preparation and submittal.)

Howard

---  
7.) 4/1/2008 1:38 pm email from Howard Lazar to Luis Cancel  
Subject: Proposed calendar of Street Artist Committee meetings

Luis, I made an error on the dates below: there should be no meeting in October; instead, the next meeting would automatically be in November, and this would be when the Committee normally holds its budget/fee increase hearing.

Howard

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8.) 4/2/2008 9:02 am, email from Howard Lazar to SF Art Commissioners Alexander Lloyd and Sherene Melania  
Subject: Proposed calendar of Street Artist Committee meetings

Dear Alex and Sherene –

I met with Luis yesterday about our new schedule. He likes it and will mention it at the Commission meeting next Monday.

Please note: there will be NO Street Artist Committee meeting this month of April.

Howard

---  
I would appear after reading the last email that contrary to when Mr. Lazar stated that: *"I met with Luis yesterday about our new schedule. He likes it and will mention it at the Commission meeting next Monday."* that a decision was apparently made to include this item on the next meeting agenda for a motion and vote. The word "mention" is a misnomer to what actually occurred at the following meeting of the Full Arts Commission meeting on 4/7/2008 (see below) regarding the passage of Resolution No.0407-08-096.

The minutes below are verbatim, minus non-issue related passages

April 7, 2008

**MEETING OF THE FULL ARTS COMMISSION**  
**Monday, April 7, 2008**  
3:00 p.m.  
City Hall Room 416

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**Minutes**

**Street Artists Committee—Alexander Lloyd, Chair**

1. In the absence of Commissioner Lloyd, Commissioner Melania reported that the Committee had held a lively meeting, discussing the possibility of using some of the temporary holiday spaces on a more permanent, year-round basis. Several street artists in attendance became increasingly argumentative. When order could no longer be maintained, Commissioner Lloyd adjourned the meeting early. Later, a fistfight broke out between some of the artists outside the meeting room. Program Director Howard Lazar will work with the artists to help them set up a committee to discuss issues among themselves, and then bring them to the Street Artists Committee.

Noting that the Committee's meeting schedule change has the support of staff, and that in practice, meetings are often cancelled, President Johnston presented the following motions.

2. **RESOLUTION NO. 0407-08-095:** Motion to approve requests by former certificate-holders for priority issuance of certificate with waiver of re-screening of wares: Barbara Zerbe, Canute Davis, Linda Pedersen, Michael Jamison, Salih Inci.

3. **RESOLUTION NO. 0407-08-096:** Motion to change the schedule of meetings of the Street Artists Committee from monthly to bimonthly, beginning with the meeting of May 14, 2008.

Source: [http://www.sfgov.org/site/sfac\\_page.asp?id=78704](http://www.sfgov.org/site/sfac_page.asp?id=78704)  
Accessed: 7/14/2008

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Although the vote was not recorded in the minutes it has been confirmed that resolution NO. 0407-08-096 passed. Other than the San Francisco Arts Commission placing the item on their meeting agenda, no other notification of this resolution was made previously to the public or the members of the San Francisco Street Artists.

Furthermore contrary to Mr. Lazar's 4/1/2008 email pledge to Luis Cancel that: "*If I have a case of major street artist violation which requires an imminent hearing and action, the Committee will meet as soon as possible.*" this is currently not the case (see email #6.) For as recently as June 9, 2008 a program member was witnessed by members and charged with a serious attempted assault on a pedestrian. This unfortunate case by a persistent bothersome member is not scheduled to be heard until August 13, 2008. In the for-profit realm this unacceptable incident would have been deemed serious enough to warrant immediate expulsion.

As stated in the full text below: "*The Art Commission shall adopt rules and regulations governing appeals from a denial, suspension or revocation of a Street Artist Certificate. A public hearing on the suspension or revocation of a Street Artist Certificate shall be conducted by the Street Artist Program Committee.*" By law, a public hearing starts at the Street Artist Program Committee level, then to the Full Arts Commission. This current arrangement, of six meeting a year, has presumably caused a one month delay; where the accused member is still interacting unabated with other SFSA members, citizens and guests of San Francisco.

As stated in: San Francisco police Code, Article 24, Regulating Street Artists

**SEC. 2408. ISSUANCE, DENIAL, SUSPENSION OR  
REVOCAION OF CERTIFICATE: APPEALS.**

(a) The issuance of Street Artist Certificates is governed by Section 5 of Proposition "L." The violation by a street artist of any provision of Proposition "L," this Article or any rules or regulations issued pursuant to this Article of which the person has been given notice, shall be grounds for denial, suspension or revocation, after a public hearing and for good cause shown, of the Street Artist Certificate.

(b) The Art Commission shall adopt rules and regulations governing appeals from a denial, suspension or revocation of a Street Artist Certificate. A public hearing on the suspension or revocation of a Street Artist Certificate shall be conducted by the Street Artist Program Committee. The findings and recommendations of the Street Artist



Program Committee shall be submitted directly to the Program Director, who shall approve or disapprove such findings and recommendations. The Program Director shall not amend such findings and recommendations. The Program Director may disapprove the findings and recommendations of the Street Artist Program Committee and order a rehearing only if: (1) the Program Director finds that a fair and public hearing has not occurred; (2) evidence critical to the street artist's case was not introduced except that a street artist shall not be relieved of his or her failure to put on evidence unless it was improperly excluded, or it constitutes new evidence which the street artist using reasonable diligence could not have obtained until after the hearing; or (3) the artist failed to appear at the hearing and has, for good cause, subsequently requested another hearing. A street artist shall have five business days following his or her hearing before the Street Artist Program Committee in which to request a rehearing, after which time the Program Director shall render his or her decision on the Program Committee's findings. The decision of the Program Director shall be made in writing, and may only be appealed in accordance with Section 2409. The Program Director's decision concerning the suspension or revocation of a Street Artist Certificate shall not be appealable to any level of the Art Commission.

(Added by Ord. 41-83, App. 2/4/83; amended by Ord. 291-94, App. 8/4/94)

Source:<http://www.municode.com/content/4201/14140/HTML/ch024.html>

Furthermore, if one is to believe that past behaviors by the Arts Commission is a prelude to future actions, then the SFSA Program Director and Arts commissioners will neglect to hold meetings for a period of additional months. As you can see from the table below, over the past 67 months, 64% of the San Francisco Street Artist Committee meetings have been cancelled. Passage of Resolution NO. 0407-08-096 thus changing the meeting scheduling to 6 meetings per year will only exacerbate an already dismal record of holding the necessary meetings to run a city program efficiently. It is only to the SFSA program staff's advantage that meetings are not held, for this will seriously limit the time that members, and the public will have their voices heard, and adjustments to the program can be accomplished.

### **San Francisco Street Artists Program Committee Meetings**

Year	Months	Meetings Held	Meetings Cancelled
2003	12	2	10
2004	12	4	8
2005	12	3	9
2006	12	4	8
2007	12	8	4
2008	7	3	4
Total	67	24	43
% of Meetings		35.82%	64.18%

Source: [http://www.sfgov.org/site/sfac\\_meeting.asp?id=17105](http://www.sfgov.org/site/sfac_meeting.asp?id=17105)  
 Accessed 7/9/2008: data acquired from the San Francisco Art Commission web pages.

Possible additional motives for the surreptitious change in SFSA Meeting Scheduling

- a.) The San Francisco Street Artist has approximately 390 members. Out of that number, there is about 1 %, or 4 to 5 members that are continually troublesome, and not responsive to behavioral incentives. Two members have for years repeatedly disrupted the San Francisco Street Artist Committee meetings with their filibustering and intimidation. This has happened on 11/9/05, 10/10/07 and again on 3/20/2008. These two members rather than being censured by the program chairman, and removed from the meeting, have instead brought on what I feel is collective punishment on the whole program. If the SFSA program chair had instituted Robert's Rules of Order, these member's outbursts would has been possibly curtailed and the meetings could have resume as scheduled. Instead the Program Director, Commissioners and the Director of Culture of Cultural Affairs apparently felt that less-is-more, and cancelled half of the SFSA program meetings thus achieving less contract with these troublesome members.

b.) SFSA program director Mr. Lazar has made obligations to the Art Commissioners and to SFSA members that he has failed to keep. At SFSA meetings these obligations are expected to be highlighted by members. Yet all we hear from Mr. Lazar is excuses. Mr. Lazar's promised and current obligations are that:

- 1.) an accurate SFSA membership list be created monthly
- 2.) a map of SFSA program spaces in United Nation Plaza be completed
- 3.) The SFSA program rule book be updated and posted on the internet.

All three of the above promises projects are currently unfulfilled and long overdue. As you can see in the SFSA program meeting September 13, 2006 minutes below, Mr. Lazar is being tasked by SFAC President P.J. Johnson "*to show interested artists where they can set up their displays in the Plaza*". The UN plaza project remains unsurpassed in the length of time that it has dragged on uncompleted.

The minutes below are verbatim, minus non-issue related passages

September 13, 2006

STREET ARTISTS COMMITTEE

Wednesday, September 13, 2006

3:00 p.m.

25 Van Ness Avenue, Suite 70

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Minutes (as amended by November 8, 2006 meeting)

1. Roll Call

Members present: Commissioners Alexander Lloyd, José Cuellar, P. J. Johnston

Members absent: none

Staff present: Director of Cultural Affairs Richard Newirth, Street Artists Program Director Howard Lazar, Program Assistant Evelyn Russell

**New business.**

Street Artist Philip Northrop asked about the status of United Nations Plaza as an area for street artist usage. Program Director Lazar responded that twenty-five years ago the Board of Supervisors had designated fifty spaces for street artists at the Plaza and that an agreement had been arranged between the artists, the Market Street Association, and the farmer's market using the Plaza whereby on

farmer's market days the artists would be restricted to selling in the area of the Plaza east of the Leavenworth Street line and west of Market Street.

Commissioner Johnston requested Mr. Lazar to show interested artists where they can set up their displays in the Plaza.

Source : [http://www.sfgov.org/site/sfac\\_page.asp?id=48639](http://www.sfgov.org/site/sfac_page.asp?id=48639)  
Accessed: 7/14/2008

The above request by SFAC Commissioner PJ Johnson that Mr. Lazar "*show interested artists where they can set up their displays in the Plaza.*" has not been fulfilled, and is nearly two years overdue, without any reasonable explanation for the delay other than Mr. Lazar stating to me recently that "I haven't gotten to it yet". This should be source of embarrassment for Mr. Lazar that he apparently would rather not spotlight or entertain it in a public forum. Hence, less meetings equals less time for members to bring up this sensitive issue.

In addition, regardless of the SFSA program staff seemingly inability to notify the members of pending regulations, as you can see the email below, Mr. Lazar had no difficulty in having his email posted on the Justin Herman Plaza Street Artist website in an attempt to dissuade and intimate me from requesting files and pursuing this complaint. Mr. Lazar responds to two member's query about the cost of obtaining the required materials for this complaint. "*In further response to your inquiry as to how much Mike Addario's "Sunshine" complaint is costing the Street Artisst Program (your fees),*" and again he states: "*My salaried hours in fulfilling Mike's request, of course, are covered by the fees that all of you have paid.*" In my opinion, a blatant attempt by Mr. Lazar to coerce me - though the membership - to cease this action.

---

The email below is printed verbatim

Wed, 25 Jun 2008 21:00:53- 0400  
From: [citylights17@hotmail.com](mailto:citylights17@hotmail.com)  
Subject: that's how to save SFSA money!!  
To: Justin Herman Plaza Artist <Justin-Herrman-Plaza-Artists@googlegroups.com>

reposted with permission.

i will withhold my personal critique..... those who know (and love) me can just let your imaginations run wild. mj

Dear Chrys and Alex -  
In further response to your inquiry as to how much Mike Addario's "Sunshine" complaint is costing the Street Artisst Program (your fees), I just spent 8 1/2 hours (3 hours Monday afternoon, 6/23, and 5 1/2

hours Tuesday, 6/24) in researching my files, copying documents, and drafting a response to Mike Addario's request for documents that would convey "communication between San Francisco Street Artist program staff, San Francisco Art Commissioners, individuals or group addressing: 1) The creation of the San Francisco Street Artist program web site" and "2) the change of the San Francisco Street Artists program meeting schedule from monthly to bi-monthly." Mike will be receiving copies totalling 129 pages for which he will have to pay the Street Artists Program \$12.90 to cover the copying charge (as provided by a 1997 Arts Commission resolution requiring a 10 cents charge per page for the copying of document requests over ten pages).

My salaried hours in fulfilling Mike's request, of course, are covered by the fees that all of you have paid. Therefore, 8.5 hours x \$33 hour = \$280.50. This amount, when added to the previous amount of \$233.64, equals \$514.14.

Howard

---

Therefore, with the evidence presented, I request that the Honorable members of Sunshine Ordinance Task Force do all within its power to provide relief by way of:

- a.) Rescinding **RESOLUTION NO. 0407-08-096** and mandating that the San Francisco Arts Commission hold monthly San Francisco Street Artists program committee meetings, so that the public and members can be informed, discuss and voice approval or opposition to any planned changes or adjustments within the San Francisco Street Artist Program.
- b.) Requiring that the San Francisco Arts Commission and Staff, the San Francisco Art Commissioners, and the San Francisco Street Artist Program Staff, cease in concealing any discussions, or withholding information, by way of seriatim meetings, or by any other unlawful means, of SFSA program expenditures, SFSA program plans or staff's or member's violations, from the members of the San Francisco Street Artists Program.
- c.) Holding SFSA program staff accountable for its promises and obligations
- d.) Videotape all San Francisco Street Artist's program committee meetings and San Francisco Arts Commissions meetings and have them available on the SF government website so that members and the public can be properly informed of their government's actions.

In conclusion, I believe the evidence I've presented shows that the San Francisco Arts Commission and the San Francisco Street Artist Program staff felt that the less SFSA meetings are held; the less staff and commissioners are held accountable to its members, for staff blunders and inactions which are legendary among informed and frustrated members. The rights of the people are to be able to observe, and participate, in their government. Therefore, if the San Francisco Arts Commission, Art Commissioners, or the SFSA program staff is not willing or able to honor their obligation to hold monthly SFSA program meetings, they should be separated from this obligation.

I along with other members, am willing - and able, to sit on the San Francisco Street Artists Program committee and attempt to repair the damage that has been done by the San Francisco Art Commission's continuous neglect and lack of oversight in their role of administrator over the San Francisco Street Artist program. I would like to thank you in advance for any assistance you may provide regarding this matter.

Sincerely,

Michael Addario  
7/14/2008

> Hello Howard,  
> Every other month would be fine with me. If possible could we keep  
> the meetings earlier (before 4 pm).  
> Thanks,  
> Sherene  
> On Mar 31, 2008, at 9:52 AM, Howard Lazar wrote:  
>  
>>  
>> Dear Alex and Sherene,  
>>  
>> Luis has asked me to propose a calendar of regular Street Artists  
>> Committee  
>> meetings for what is minimally required.  
>>  
>> How would you feel about meeting regularly every other month with the  
>> exception of having to meet for an occasional hardcore violation  
>> case?  
>>  
>> What are your recommendations?  
>>  
>> Howard

SAT - 11/12/08  
SCHEDULE

07-08

X

Howard  
Lazar/ARTSCOM/SFGOV  
04/01/2008 01:38 PM

To Luis Cancel/ARTSCOM/SFGOV@SFGOV  
cc  
bcc  
Subject Fw: Proposed calendar of Street Artists Committee meetings

✓ Luis, I made an error on the dates below: there should be no meeting in October; instead, the next meeting would automatically be in November, and this would be when the Committee normally holds its budget/fee increase hearing.

oward

— Forwarded by Howard Lazar/ARTSCOM/SFGOV on 04/01/2008 01:38 PM —

X

Howard  
Lazar/ARTSCOM/SFGOV  
04/01/2008 10:56 AM

To Luis Cancel/ARTSCOM/SFGOV  
cc  
Subject Proposed calendar of Street Artists Committee meetings

Hello, Luis,

You requested a proposed calendar of Street Artists Committee meetings for what I feel would be minimally required.

I communicated with Commissioners Lloyd and Melania, and we feel that six (6) meetings a year would suffice, as well as additional meetings if necessary. We would meet every other month, starting in May, to handle routine issues such as artists' proposals for spaces, proposals for changes in rules and regulations, etc. If I have a case of major street artist violation which requires an imminent hearing and action, the Committee will meet as soon as possible.

So, for now, we would like to maintain the Street Artists Committee's long-standing scheduled day and time (2nd Wednesday, at 3:00 p.m.) but make this for every other month starting in May:

May 14

July 9

September 10

~~October 8~~ Nov. 12

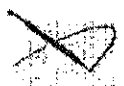
And - probably - November 12, as we traditionally hold a hearing in November on the following year's budget and possible fee increase. (The Committee has seldom met in December in deference to the artists having maximum time to sell during the lucrative winter holiday season. If the Committee were to not meet until January to hold its budget/fee increase hearing, it would be cutting it too closely for Arts Commission budget preparation and submittal.)

Howard





07-08



Howard  
Lazar/ARTSCOM/SFGOV  
04/02/2008 09:02 AM

To alex@acceleratorventures.com, sherena.melania@mac.com  
cc  
bcc  
Subject Fw: Proposed calendar of Street Artists Committee meetings

Dear Alex and Sherene -

I met with Luis yesterday about our new schedule. He likes it and will mention it at the Commission meeting next Monday.

Please note: There will be NO Street Artists Committee meeting this month of April.

Howard

— Forwarded by Howard Lazar/ARTSCOM/SFGOV on 04/02/2008 09:00 AM —



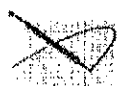
Howard  
Lazar/ARTSCOM/SFGOV  
04/01/2008 01:38 PM

To Luis Cancel/ARTSCOM/SFGOV  
cc  
Subject Fw: Proposed calendar of Street Artists Committee meetings

Luis, I made an error on the dates below: there should be no meeting in October; instead, the next meeting would automatically be in November, and this would be when the Committee normally holds its budget/fee increase hearing.

oward

— Forwarded by Howard Lazar/ARTSCOM/SFGOV on 04/01/2008 01:38 PM —



Howard  
Lazar/ARTSCOM/SFGOV  
04/01/2008 10:56 AM

To Luis Cancel/ARTSCOM/SFGOV  
cc  
Subject Proposed calendar of Street Artists Committee meetings

Hello, Luis,

You requested a proposed calendar of Street Artists Committee meetings for what I feel would be minimally required.

I communicated with Commissioners Lloyd and Melania, and we feel that six (6) meetings a year would suffice, as well as additional meetings if necessary. We would meet every other month, starting in May, to handle routine issues such as artists' proposals for spaces, proposals for changes in rules and regulations, etc. If I have a case of major street artist violation which requires an imminent hearing and action, the Committee will meet as soon as possible.

So, for now, we would like to maintain the Street Artists Committee's long-standing scheduled day and time (2nd Wednesday, at 3:00 p.m.) but make this for every other month starting in May:

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July 9

September 10

October 8

And - probably - November 12, as we traditionally hold a hearing in November on the following year's budget and possible fee increase. (The Committee has seldom met in December in deference to the artists having maximum time to sell during the lucrative winter holiday season. If the Committee were to not meet until January to hold its budget/fee increase hearing, it would be cutting it too closely for Arts Commission budget preparation and submittal.)

Howard

Dear Sunshine Ordinance Task Force Members:

RE: Sunshine Ordinance Task Force - #08024 Addario v. Arts Commission

Below are selected internal emails regarding the subject of creating a San Francisco Street Artists website. The issue is not if the website was professionally created, the issue is that the San Francisco Street Artist were totally left in the dark and not informed, before or during the creation of this site, and in one case charged for assistance in its creating, without their knowledge.

1.) First mention of a website for Street Artists in an internal email.

To: Noelle Simmons, Director  
Mayor's Budget Office  
From: Nancy Gonchar, Deputy Director, San Francisco Arts Commission  
Date: February 17, 2006  
Cc: P.J. Johnson, Richard Newirth, William Bass, Kan Htun  
Subject: Arts Commission Budget and Policy FY 2006-2007

"A new initiative or program enhancement for FY 2005-2006 will be electronically available program materials and information, A web page will be developed that will allow applicants and the public to obtain applications for a street artist license, information on the program's procedures for screening, license, and obtaining selling locations, etc., and maps of the selling locations."

---

2.) First public announcement of an "honorarium" paid for website construction assistance

September 11, 2006

MEETING OF THE FULL ARTS COMMISSION  
Monday, September 11, 2006  
**3:00 p.m.**  
City Hall, Room 416  
1 Dr. Carlton B. Goodlett Place

1. **Street Artists Committee—P.J. Johnston, Chair**

1. **Discussion:** Report from Chair of Street Artists Committee regarding activities of the Committee and the Program.
2. **Action:** Motion to approve honorarium payment of \$500 to Heidi Z. Wyckoff for assistance on website construction.
3. **Action:** Motion to approve former certificate-holders for priority issuance of certificate with waiver of re-screening of wares: Gary

Cicotte, Marc Melancon, Erin Cowan, Steven Robinson and Shanke Ouyang.

Source: [http://www.sfgov.org/site/sfac\\_page.asp?id=45566](http://www.sfgov.org/site/sfac_page.asp?id=45566)

3.) First public announcement of an “honorarium” payment of no more than \$2500.00 for Street Artists Program website

February 4, 2008

MEETING OF THE FULL ARTS COMMISSION

Monday, February 4, 2008

3:00 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

Agenda

1. Street Artists Committee—Alexander Lloyd, Chair
  1. Discussion: Report from Chair of Street Artists Committee regarding activities of the Committee and the Program.
  2. Action: Motion to approve requests by former certificate-holders for priority issuance of certificate with waiver of re-screening of wares: Ravit Maman, Ed Handelman, Aihua Zhang, Ann Garsson, Norma Hanley, Kevin McCarthy.
  3. Action: Motion to approve honorarium payment of no more than \$2,500 to Rick Elizaga Design for design and creation of Street Artists Program website.

Source: [http://www.sfgov.org/site/sfac\\_page.asp?id=74559](http://www.sfgov.org/site/sfac_page.asp?id=74559)

(

(

(

Catherine  
Direen/ARTSCOM/SFGOV  
11/01/2007 10:51 AM

To: Howard Lazar/ARTSCOM/SFGOV@SFGOV  
cc: Sharon Page\_Ritchie/ARTSCOM/SFGOV@SFGOV, Nancy  
Gonchar/ARTSCOM/SFGOV@SFGOV  
bcc:  
Subject: Fw: Paper copies of all pending maps for Web site

Re-sending because I had typo in your name on first send.

Catherine Direen  
Interim Associate Director  
San Francisco Arts Commission  
25 Van Ness Avenue, Suite 240  
San Francisco, CA 94102  
phone: 415-252-2584  
fax: 415-252-2595  
e-mail: catherine.direen@sfgov.org  
website: www.sfartscommission.org  
----- Forwarded by Catherine Direen/ARTSCOM/SFGOV on 11/01/2007 10:51 AM -----

Catherine  
Direen/ARTSCOM/SFGOV  
11/01/2007 10:50 AM

To: howard/lazar@sfgov.org  
cc: Sharon Page\_Ritchie/ARTSCOM/SFGOV@SFGOV, Nancy  
Gonchar/ARTSCOM/SFGOV@SFGOV  
Subject: Paper copies of all pending maps for Web site

Hi Howard,

I'd like to have Sharon get a firm estimate from the Web designer for the costs of redrawing some of the Street Artists Program maps for the new Web site.

To do so, we need to decide how many maps need to be posted, and which of those need to be redrawn.

In the interests of completing this Web site, I'd like to formalize the review and decision-making process on this. Here's what I'd like to see. Thanks in advance.

1. By end of day tomorrow, please let Sharon (not me - Sharon will keep me updated) know the date by which Evelyn will furnish all the maps in printed out form to her. When Sharon receives the paper-copy maps, each map must be labeled on the back with the link to the electronic file. Right now, there are various formats and it's difficult to tell how many maps there are, which may be duplicates, and other details.
2. Please review the maps before they come to Sharon and let confirm with her in writing (e-mail is fine) that this is a final, complete, correct set of the maps.
3. Sharon and I will review the maps, will recommend which ones and how many need to be redrawn, will confer with you, and Sharon then will get a price estimate for that work.
4. You, Nancy and I can then decide whether there is funding here to have that done.
5. We'll then make some final decisions about how the maps for the Web site can be completed and paid for, and the timeline to finish this project.

# Website Maps



Howard  
Lazar/ARTSCOM/SFGOV  
11/02/2007 11:43 AM

To Evelyn Russell/ARTSCOM/SFGOV@SFGOV  
cc  
bcc  
Subject Re: street artists site

Thank you, Evelyn, for taking care of this.

Howard

Evelyn Russell/ARTSCOM/SFGOV



Evelyn  
Russell/ARTSCOM/SFGOV  
11/02/2007 10:54 AM

To Howard Lazar/ARTSCOM/SFGOV@SFGOV  
cc  
Subject Re: street artists site

Hi Howard.....

Per your e-mail to me dtd 11/1/07 concerning the maps, and per Catherine's e-mail dtd 10/23/07 below, we have not conversed about when I would be able to be trained for the scanning of these maps. To reiterate per my e-mail response to you dtd 11/1/07, there have been a back log of licensing prior to and since the last screening.

In the mean time, I gave Sharon copies of the maps that are included in our mail out packet. She seems to be satisfied with those. She also indicated that Rick may have to reconstruct them because when she viewed the maps they had on the website, they were somewhat blurred and this is why Rich has to reconfigure them.

Evelyn

Catherine Direen/ARTSCOM/SFGOV

Catherine  
Direen/ARTSCOM/SFGOV  
10/23/2007 05:27 PM

To Evelyn Russell/ARTSCOM/SFGOV@SFGOV  
eiricky@mac.com, Howard  
cc Lazar/ARTSCOM/SFGOV@SFGOV, Richard  
Sharon/ADMSVC/SFGOV@SFGOV  
Subject Re: street artists site

Hi Everyone,

Sharon and I talked this over, looking at best ways to proceed efficiently, and she has e-mailed you back on part of it. The rest:

If there are missing maps, Sharon will show Evelyn how to scan them - it's a great skill to have, one that



WEB SITE

supplies



Howard  
Lazar/ARTSCOM/SFGOV  
11/13/2007 10:15 AM

To Nancy Gonchar/ARTSCOM/SFGOV@SFGOV  
cc Catherine Direen/ARTSCOM/SFGOV@SFGOV, Sharon  
Page\_Ritchie/ARTSCOM/SFGOV@SFGOV  
bcc  
Subject Re: Street Artists Web Site

Thank you, Nancy.  
Howard

Nancy Gonchar/ARTSCOM/SFGOV



Nancy  
Gonchar/ARTSCOM/SFGOV  
11/09/2007 04:10 PM

To Catherine Direen/ARTSCOM/SFGOV@SFGOV  
cc Howard Lazar/ARTSCOM/SFGOV@SFGOV, Sharon  
Page\_Ritchie/ARTSCOM/SFGOV@SFGOV  
Subject Re: Street Artists Web Site

Sharon did get a quote from Rick. It was around \$1500. I can't find the e-mail at the moment. I'll find the money. Let's just do it.

Nancy Gonchar  
Interim Director of Cultural Affairs  
San Francisco Arts Commission  
25 Van Ness Avenue, Suite 240  
San Francisco, CA 94102  
phone: 415-252-2591  
fax: 415-252-2595  
e-mail: nancy.gonchar@sfgov.org  
website: www.sfartscommission.org  
Catherine Direen/ARTSCOM/SFGOV

Catherine  
Direen/ARTSCOM/SFGOV  
11/09/07 03:48 PM

To Sharon Page\_Ritchie/ARTSCOM/SFGOV@SFGOV, Howard  
Lazar/ARTSCOM/SFGOV@SFGOV  
cc Nancy Gonchar/ARTSCOM/SFGOV@SFGOV  
Subject Street Artists Web Site

Sharon is on vacation until 11/15, and I begin vacation 11/15. To ensure the timely completion of the Street Artists Web site, I'm providing the following info so Sharon can proceed while I'm gone.

As I understand it, the only piece left to do on the Web site is post the maps. Sharon and Rick are recommending the maps be redrawn. Sharon has asked Rick for a price estimate for doing this, and should have that by the time she returns on the 15th. Nancy says she is willing to pay for the map drawings, perhaps depending on the price. I gave her an initial guesstimate of \$500.

So, Sharon, please let both Nancy and Howard know as soon as you get the estimate. Nancy and Howard

WEBSITE



Howard  
Lazar/ARTSCOM/SFGOV  
12/14/2007 01:37 PM

To Sharon Page\_Ritchie/ARTSCOM/SFGOV@SFGOV  
cc Catherine Direen/ARTSCOM/SFGOV@SFGOV  
bcc  
Subject Re: All costs for Rick's work on Howard's Web site

Thank you, Sharon.

I have begun revising (rewriting portions) of the bluebook. I promised the Commissioners I would have it done by the end of January; therefore a link to it would have to be added at that time.

Also, there will be a text change for the new certificate fee which will commence July 1, 2008.

Howard

Sharon Page\_Ritchie/ARTSCOM/SFGOV

Sharon  
Page\_Ritchie/ARTSCOM/SF  
GOV  
12/14/2007 11:59 AM

To Catherine Direen/ARTSCOM/SFGOV@SFGOV  
cc Howard Lazar/ARTSCOM/SFGOV@SFGOV  
Subject Re: All costs for Rick's work on Howard's Web site

As far as I can see, there shouldn't be much in the way of future year costs until the site needs a significant redesign, revision, or a completely new page, or if new maps are needed. Any simple text changes (new fees, any changes in procedures or category descriptions, etc.), or adding a link to the blue book when it's ready, should be able to be done here. I'll confirm with Rick what he would charge for these kinds of minor changes if Howard elects to ask him to make them instead.

Sharon Page Ritchie  
Commission Secretary  
San Francisco Arts Commission  
415/252-2591  
www.sfartscommission.org

Catherine Direen/ARTSCOM/SFGOV

Catherine  
Direen/ARTSCOM/SFGOV  
12/14/2007 10:25 AM

To Howard Lazar/ARTSCOM/SFGOV@SFGOV  
cc Sharon Page\_Ritchie/ARTSCOM/SFGOV@SFGOV  
Subject Re: All costs for Rick's work on Howard's Web site

Yes, thanks - you should be tracking this as a program cost, though Nancy is paying for this year, so that you can advise Nancy in future years about aspects of your budget. Thanks. [Sharon, please weigh in here if you already have any of this info.]

CD

Catherine Direen  
Interim Associate Director  
San Francisco Arts Commission  
25 Van Ness Avenue, Suite 240  
San Francisco, CA 94102  
phone: 415-252-2584  
fax: 415-252-2595  
e-mail: catherine.direen@sfgov.org  
website: www.sfartscommission.org  
Howard Lazar/ARTSCOM/SFGOV



Howard  
Lazar/ARTSCOM/SFGOV  
12/14/2007 09:18 AM

To: Catherine Direen/ARTSCOM/SFGOV@SFGOV  
cc: Sharon Page\_Ritchie/ARTSCOM/SFGOV@SFGOV  
Subject: Re: All costs for Rick's work on Howard's Web site

Catherine, I don't know what the costs are. Should I ask Rick directly?

Howard

Catherine Direen/ARTSCOM/SFGOV

Catherine  
Direen/ARTSCOM/SFGOV  
12/13/2007 04:56 PM

To: Howard Lazar/ARTSCOM/SFGOV@SFGOV  
cc: Sharon Page\_Ritchie/ARTSCOM/SFGOV@SFGOV  
Subject: All costs for Rick's work on Howard's Web site

Hi,

I need to please get a summary of these by 12/20 - what's been incurred and roughly what's expected through 6/08, so Nancy can budget accordingly.

Thanks.

Catherine Direen  
Interim Associate Director  
San Francisco Arts Commission  
25 Van Ness Avenue, Suite 240  
San Francisco, CA 94102  
phone: 415-252-2584  
fax: 415-252-2595  
e-mail: catherine.direen@sfgov.org  
website: www.sfartscommission.org

As should be evident from the following information is that the Street Artists were not consulted regarding either the creation of their website, or in the proposed change of the SFSA program committee meeting schedule from 12 months to 6 month a year. It is the Street Artists and the citizens that bear these costs and this practice of not informing SFSA members or the public of the Arts Commission's intentions or the SFSA program staff's actions need to end immediately.

Respectfully Submitted,

Michael Addario

7-15-08

SUNSHINE TASK FORCE

ATTN: FRANK

3 PAGES PLUS COVER

FAX: 554-7854

Hi Frank -

HERE'S THE LETTER + YOU HAVE  
THE ATTACHMENT. PLEASE CALL  
ME IF YOU HAVE ANY QUESTIONS.

THANKS -

Wang

252-2584

SAN FRANCISCO ARTS COMMISSION  
25 Van Ness Avenue, Suite 240  
San Francisco, CA 94102  
phone: 415-252-2584  
fax: 415-252-2595

July 15, 2008

Honorable Members, Sunshine Ordinance Task Force  
c/o Chris Rustom, Deputy Administrator  
Office of the Clerk, Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689

RE: Sunshine Ordinance Task Force - #08024 Michael Addario v. Arts Commission

Dear Task Force Members:

The San Francisco Arts Commission (the "Commission") is writing in response to Deputy City Attorney Ernest Llorente's June 16, 2008, Instructional Letter to the Sunshine Task Force (SOTF) and his July 14, 2008 Instructional Letter, regarding Complaint #08024. The Arts Commission is concerned that the three distinct issues in Mr. Addario's complaint may have been inadvertently consolidated and thus we wanted to clarify these issues and restate our original position with respect to each issue as stated in our attached letter of May 27, 2008.

Initially, we want to clarify the difference between the "Street Artists Committee" ("Committee") and the "Street Artists Program" ("Program"). The Committee is a policy body that is a *subcommittee* of the San Francisco Arts Commission, and is thus comprised entirely of Arts Commissioners. In other words, the Arts Commissioners who serve on the Street Artists Committee also sit on the full Arts Commission. On the other hand, the Program is an administrative division of the Arts Commission, which is a City department. In other words, the Program refers to an administrative function and is not a policy body or passive meeting body under the Sunshine Ordinance. The Program is administered by the Street Artists Program Director, who, in turn, reports to the Arts Commission's department head, the Director of Cultural Affairs. Under Article 24 of the Police Code, the Commission issues Street Artist Certificates to members of the public who wish to sell their handcrafted art or craft items in certain designated public sidewalk spaces. The members of the public who obtain certificates through the program are *certificate-holders* rather than "members" of any Commission committee or other policy body or passive meeting body. Accordingly, when the Arts Commission issues a public notice of its meetings, the notice goes to all members of the public, including members of the public who hold Street Artist Certificates.

As noted above, there are *three separate* issues alleged in Michael Addario's Complaint # 08024 which are summarized and paraphrased below. *These issues are analytically distinct and should be considered separately.* SOTF lacks jurisdiction to adjudicate the first two of these three issues; and, in any event, the Commission has complied with the Sunshine Ordinance in all respects that pertain to the Complaint.

*1. Must a Committee meeting schedule change be noticed and heard at the Committee level prior to consideration at the full Commission level?*

As stated in our letter of May 27, 2008, the Sunshine Ordinance does not mandate that either the Committee, or any other committee of the Commission hear Committee meeting schedule changes, or any other matter, before consideration at the full Commission level. The Sunshine Ordinance simply does not address this type of issue concerning the interrelationship between a commission and its committees. Accordingly, SOTF lacks jurisdiction to adjudicate this issue.

Moreover, for the reasons set forth in our letter of May 27, 2008, this aspect of the complaint is without merit. As stated in that letter, the Commission provided timely and proper public notice of the meeting schedule change to the Commissioners (which includes the members of the Committee) as well as to the public, under the Sunshine Ordinance. (See: April 7, 2008 agenda (Committee Reports, Street Artists Committee, Item 6(Subsection 4 - meeting schedule change)): available at: [http://sfgov.org/site/sfac\\_page.asp?id=78420](http://sfgov.org/site/sfac_page.asp?id=78420) and April 7, 2008 minutes: available at: [http://sfgov.org/site/sfac\\_page.asp?id=78704](http://sfgov.org/site/sfac_page.asp?id=78704)).

*2. Must the Commission, when providing public notice regarding an agenda item (i.e., payment to a web designer), provide a supplemental notice, beyond that which it already provides to the general public, to individual Street Artist Certificate holders?*

As stated in our May 27, 2008 letter, the Sunshine Ordinance does not mandate that Street Artist Certificate holders must receive any special notice beyond that which is already provided to the public. The Sunshine Ordinance simply does not address this type of issue. Accordingly, SOTF lacks jurisdiction to adjudicate this issue.

Moreover, for the reasons set forth in the Commission's letter of May 27, 2008, with respect to the Commission's agenda item concerning payment to a web designer, the Commission provided timely and proper public notice under the Sunshine Ordinance to the Commission, which, as noted above, includes the members of the Committee, as well as to the public (including certificate-holders). (For a copy of the Commission's agenda and minutes for the February 4, 2008 regarding the honorarium payment to Rick Elizaga for website construction, see: February 4, 2008 agenda (Committee Reports, Street Artists Committee, Item 3): available at: [http://sfgov.org/site/sfac\\_page.asp?id=74559](http://sfgov.org/site/sfac_page.asp?id=74559) and February 4, 2007 minutes: available at: [http://sfgov.org/site/sfac\\_page.asp?id=74950](http://sfgov.org/site/sfac_page.asp?id=74950)).

*3. Does a public meeting violation occur where an administrative and accounting matter is discussed among City administrative staff members?*

As stated above, the Arts Commission continues to object to jurisdiction on the first two issues and maintains its position that the substance of all three issues are without merit. With respect to the third issue *only*, the Arts Commission acknowledges that, as a general matter, the SOTF has jurisdiction to address allegations of unlawful public meetings. *But*, as noted in our letter of May 27, 2008, there was no unlawful meeting or discussion among Commission members prior to the publicly noticed agenda concerning the honorarium proposal. We have found no evidence of an unlawful meeting or discussion and Mr. Addario has provided no evidence thereof.

Moreover, contrary to Mr. Addario's assertions, the Commission's honorarium proposal was never "rescinded." As noted above, there was only a properly noticed Commission action to issue the honorarium payment. The payment of the honorarium out of Commission funds rather than Program funds, in turn, was an administrative and accounting matter determined by myself, as Deputy Director, in consultation with the Director of Cultural Affairs and staff. Meetings consisting "solely of employees of the City and County" to discuss Arts Commission administrative and accounting matters do not qualify as public meetings or meetings of a passive meeting body for purposes of the Sunshine Ordinance. S.F. Admin. Code Section 67.3(c)(4).

In short, both the meeting schedule change and the honorarium payment matters were each timely and properly brought before the public and the full Commission for discussion and action on April 7, 2008 and February 4, 2008, respectively. Each agenda was posted at least 72 hours in advance of the corresponding meeting with a clearly described agenda item. The Commission has complied with the requirements of the Sunshine Ordinance and Mr. Addario's complaint should be dismissed.

We have attached our letter of May 27, 2008. We would be grateful for your careful review of both this letter and the May 27 letter. Thank you for consideration of the information and analysis we have provided.

Sincerely,



Nancy Gonchar  
Deputy Director  
San Francisco Arts Commission

cc: Luis R. Cancel, Director of Cultural Affairs  
Howard Lazar, Street Artists Program Director  
Sharon Page Ritchie, Arts Commission Secretary





May 27, 2008

EVILYN NEWSOM  
MAYOR

LUIS R. CANCI  
DIRECTOR OF  
CULTURAL AFFAIRS

Honorable Members, Sunshine Ordinance Task Force  
Chris Rustom, Administrator  
Office of the Clerk, Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689

PROGRAMS

CIVIC ART COLLECTION  
CIVIC DESIGN REVIEW  
COMMUNITY ARTS  
EDUCATION  
CULTURAL EQUITY GRANTS  
PERFORMING ARTS  
PUBLIC ART  
STREET ARTISTS LICENSES

ARTS COMMISSION GALLERY  
401 VAN NESS AVENUE  
415.554.6080

WWW.SFARTSCOMMISSION.ORG

ARTSCOMMISSION@SF.GOV.ORG

RE: Sunshine Ordinance Task Force - #08024 Michael Addario v. Arts Commission

Dear Task Force Members:

The San Francisco Arts Commission (the "Commission") is submitting this response to Complaint #08024, which was submitted on May 8, 2008 and received by the Commission on May 21, 2008. The following is a preliminary response from the Arts Commission, clarifying that the Sunshine Ordinance Task Force (the "Task Force") lacks jurisdiction to hear this complaint, but also summarizing the Commission's compliance with the Sunshine Ordinance and its position that Complaint #08024 is without merit. In the event that there is a hearing on this matter, the Commission reserves the right to provide a more detailed response in advance of the hearing.

In Complaint # 08024, Michael Addario alleges a "Public Meeting Violation" for a Meeting dated "April 7, 2008" and further alleges the following:

Item #1 of the Complaint.

*"Recently without notifying the San Francisco Street Artists or having a discussion with members, the full Arts Commission voted [at its April 7, 2008 meeting] to change the San Francisco Street Artists monthly committee meetings to every other month (bimonthly)."*

For the reasons discussed below, the Sunshine Task Force lacks jurisdiction over Item #1 of the Complaint and Item #1 is without merit.

The Sunshine Task Force Lacks Jurisdiction over Item #1 of the Complaint

With respect to Item #1, Mr. Addario alleges that the Commission failed to bring the proposed meeting change "before the Street Artist Committee [of the Commission] for all the members to be notified, and to discuss its ramifications, before being voted on by the [full Commission]." The Task force has no jurisdiction to adjudicate this allegation. No provision in the Sunshine Ordinance requires an agency to hear a matter concerning committee meeting schedules or any other item of business at an advisory committee level before presenting the matter to the full commission for consideration and action. Nor does the Sunshine Ordinance impose



CITY AND COUNTY OF  
SAN FRANCISCO

distinct or additional notice requirements for participants in the Street Artists Program. Instead, all members of the public, including any street artists, receive notice in accordance with the same standards set forth in the Sunshine Ordinance. Even if the Commission had failed to follow its own procedures for referral of matters to committees – and in fact it did follow its own procedures – the Task Force has no jurisdiction to adjudicate an alleged violation of a Commission's of internal administrative rules or procedures.

Accordingly, because the Task Force lacks jurisdiction to adjudicate this allegation, the Task Force should dismiss this complaint without addressing the merits. Nevertheless, we address the merits below in case the Task Force asserts jurisdiction over Item #1.

**Item #1 of the Complaint is Without Merit**

Mr. Addario's complaint under Item #1 is without merit. The Commission not only has discretion to discuss and take action upon committee meeting schedule changes, but it has also complied with the Sunshine Ordinance by providing the required public notice and agenda item description for the action item at issue. Specifically, the Commission agenda cited in Mr. Addario's complaint was posted at least 72 hours in advance of the meeting and provided the required notice to members of the public, including Commission members and artists participating in the Street Artists Program. The agenda clearly states: "**Action: Motion to change the schedule of meetings of the Street Artists Committee from monthly to bimonthly, beginning with the meeting of May 14, 2008.**" Mr. Addario does not assert any defect with the timing of the notice or the content of the agenda, instead he simply expresses his concern that the meeting schedule agenda item was not considered at an earlier date, at the committee level. The Commission offered both adequate prior notice and opportunity for the public to attend and comment upon the item. We have attached a copy of the relevant agenda and meeting minutes for your reference. They are also available at:

April 7, 2008 agenda (Committee Reports, Street Artists Committee):  
[http://sfgov.org/site/sfac\\_page.asp?id=78420](http://sfgov.org/site/sfac_page.asp?id=78420)

April 7, 2008 minutes:  
[http://sfgov.org/site/sfac\\_page.asp?id=78704](http://sfgov.org/site/sfac_page.asp?id=78704)

Because the Commission complied with the public meeting and agenda requirements of the Sunshine Ordinance with respect to the issue of changing the scheduling of meetings of the Street Artist Committee, Item #1 of the Complaint is without merit.

**Item #2 of the Complaint**

***“The Arts Commission tried to slip past without any [street artist] membership notification of a \$2500.00 honorarium to a web designer, of the Street Artists web site when we had already paid \$500.00 for a web site that was never installed.”***

**The Sunshine Task Force Lacks Jurisdiction over Item #2 of the Complaint**

Mr. Addario alleges that the Commission’s action to approve a \$2,500 honorarium was taken without special or additional notification to the “membership” of the Street Artists Program, i.e., Street Artists Program certificate holders. But he does not assert that there was improper notice given to members of the public. No provision in the Sunshine Ordinance requires a Commission to provide any supplemental notice to individual participants in a particular program, such as the Street Artists Program. On the contrary, the Sunshine Ordinance provides a standard set of notice and agenda requirements that are designed to give notice to all members of the public, not just those who are involved in an agency’s programs. S.F. Administrative Code Sections 67.6 – 67.7. Because the Sunshine Ordinance does not impose distinct or additional notice requirements for participants in the Street Artists Program regarding Commission meetings or agenda items, the Task Force lacks jurisdiction to adjudicate the allegations in Item #2 of the Complaint.

Accordingly, the Task Force should dismiss this complaint without addressing its merits. Nevertheless, we address the merits below, in case the Task Force asserts jurisdiction over Item #2.

**Item #2 of the Complaint is Without Merit.**

Moreover, Item #2 of Mr. Addario’s complaint is also without merit. Mr. Addario asserts that this matter was acted upon “without any membership notification [to street artists].” The Commission complied with the Sunshine Ordinance by providing the required 72 hour public notice and detailed agenda description, thereby giving the all members of the public, including street artists, an opportunity to attend and comment upon the proposed action. We have found no evidence of any unlawful meetings or discussions. Nor has Mr. Addario presented any evidence thereof. This matter was brought before the public and the full commission for discussion and action on February 4, 2008. The agenda, which was posted at least 72 hours in advance of the meeting, clearly described the agenda item as follows: **“Action: Motion to approve honorarium payment of no more than \$2,500 to Rick Elizaga Design for design and creation of Street Artists Program website.”** The action was discussed and taken at the public meeting.

A copy of the Commission’s agenda and minutes for the February 4, 2008 meeting are attached and can be found at:

February 4 agenda (Committee Reports, Street Artists Committee, Item 3):  
[http://sfgov.org/site/sfac\\_page.asp?id=74559](http://sfgov.org/site/sfac_page.asp?id=74559)

February 4 minutes:  
[http://sfgov.org/site/sfac\\_page.asp?id=74950](http://sfgov.org/site/sfac_page.asp?id=74950)

In light of the above the Arts Commission contends that this claim is both outside of the jurisdiction of the Task Force and without merit.

**Item # 3 of the Complaint.**

*“After [street artists] complained that we were not aware of [the honorarium] they rescinded the proposal and paid for it out of the Art Commission fund. ...Mr. Cancel [the Director of Cultural Affairs] and the Commissioners must ha[ve] held discussions in private, possibly by way of seriatim meetings, on both of these issues [meeting schedule and honorarium payment], and as such failed to uphold that ‘deliberations are conducted before the people and that the City operations are open to the people’s review.’”*

**Item #3 of the Complaint is Without Merit.**

While the Commission agrees that the Task Force has jurisdiction to review allegations concerning unlawful meetings, Mr. Addario’s allegations are without merit. We have found no evidence of any unlawful meetings or unlawful discussions in connection with either the meeting schedule change or the honorarium payment matters. Nor has Mr. Addario provided any evidence thereof. On the contrary, as noted above, the meeting schedule change and the honorarium payment matters were each brought before the public and the full commission for discussion and action on April 7, 2008 and February 4, 2008, respectively. As noted above under Item #1 and #2, each agenda was posted at least 72 hours in advance of the corresponding meeting with a clearly described agenda item. The action was discussed and taken at the public meeting.

Moreover, the Commission’s honorarium proposal was never “rescinded.” As noted above, there was only a Commission action to issue the honorarium payment. The payment of the honorarium out of Arts Commission funds rather than Street Artists Program funds, in turn, was an administrative and accounting matter determined by myself, as Deputy Director, in consultation with the Director of Cultural Affairs and staff.

In light of the above, Item #3 of the Complaint is without merit.

We understand that Mr. Addario may have wanted to have additional opportunities for input and comment beyond those mandated by the Sunshine Ordinance or may prefer for certain matters to be discussed twice, both at committee and at the full Commission. But preferences regarding when particular matters are

Sunshine Compliance Task Force  
Re: #08024, Addario v. Arts Commission  
May 27, 2008

Page 5 of 5

considered by the Street Artists Committee of the Commission or how often matters are considered before final action by the full Commission are beyond the subject matter jurisdiction of the Sunshine Ordinance Task Force. As noted above, the Commission has complied with the public meeting and public notice requirements for its agendas and thus the substance of this complaint is also without merit.

We hope this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Gonchar", with a long horizontal flourish extending to the right.

Nancy Gonchar  
Deputy Director  
San Francisco Arts Commission

cc: Luis R. Cancel, Director of Cultural Affairs  
Howard Lazar, Street Artists Program Director  
Sharon Page Ritchie, Arts Commission Secretary

# MEETING OF THE FULL ARTS COMMISSION

Monday, February 4, 2008

3:00 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

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## Agenda

1. **Roll Call**
2. **Approval of Minutes**  
*Action*  
Motion to approve January 7, 2008 Minutes.  
**Explanatory document:** Draft minutes
3. **President's Report**  
*Discussion*  
Current developments and announcements.
4. **Director's Report**  
*Discussion*  
Current administrative, budgetary and programming developments and announcements.
5. **Consent Calendar**  
The following items are included in the Consent Calendar subject to withdrawal at the request of a Commissioner:

### **Approval of Committee Minutes**

#### *Action*

1. Motion to approve the Visual Arts Committee Meeting Minutes of December 6, 2007.
2. Motion to approve the Community Arts, Education and Grants Committee Meeting Minutes of January 8, 2008.
3. Motion to approve the Street Artists Committee Meeting Minutes of January 9, 2008.
4. Motion to approve the Executive Committee Meeting Minutes of January 15, 2008.
5. Motion to approve the Visual Arts Committee Meeting Minutes of January 16, 2008.

**Community Arts, Education and Grants Committee Recommendations  
(January 8, 2008)**

**Action**

6. Motion to approve the recommendation to award one grant totaling \$100,000 for the 2007-2008 International Arts Festival Grant to the following organization and to authorize the Director of Cultural Affairs to enter into a grant agreement for the amount listed:

World Arts West, \$100,000

**Explanatory documents:** International Arts Festival applicant ranking, panel comments, and bios of the grants review panelists.

7. Motion to approve recommendations to award eighteen grants totaling \$439,500 in the 2007-2008 cycle of Cultural Equity Initiatives Level One grants to the following organizations, and to authorize the Director of Cultural Affairs to enter into grant agreements with each for the amounts listed:

3rd I South Asian Independent Film Festival, \$25,000

ABADA Capoeira San Francisco, \$25,000

Asian Improv aRts, \$15,000

Carnaval San Francisco, \$25,000

Children's Book Press, \$25,000

Chinese Culture Foundation of San Francisco, \$25,000

Chinese Historical Society of America, \$25,000

Fresh Meat Productions, \$25,000

Galeria de la Raza, \$25,000

Gen Taiko, \$25,000

Melody of China, Inc., \$25,000

Oasis for Girls, \$25,000

Purple Moon Dance Project, \$25,000

Queer Women of Color Media Arts Project, \$25,000

Radar Productions, \$25,000

Theatre Rhinoceros, \$25,000

Women's Audio Mission, \$24,500

World Arts West, \$25,000

**Explanatory documents:** Cultural Equity Initiatives Level One applicant ranking and project descriptions by organization budget size: organizations with budgets up to \$150,000, and organizations with budgets between \$150,000 and \$1 million; and bios of the grants review panelists.

**Street Artists Committee Recommendations (January 9, 2008)**

**Action**

8. Motion to approve (1) finding of violation of Street Artists Ordinance by Sua Far Lee for obtaining a selling space from the Arts Commission's street artist lottery

and selling with an expired certificate, and (2) re-issuance of Ms. Lee's certificate.

9. Motion to approve amendments of November 14, 2007 Street Artists Committee minutes, Items 1 and 2.

**Executive Committee Recommendations (January 15, 2008)**

**Action**

10. Motion to increase the grant agreement with the Bayview Opera House, Inc., for a total grant not to exceed \$310,399, contingent upon their revised budget submission.
11. Motion to approve the FY 2008-2009 Arts Commission budget submission to the Mayor's Office.
12. Motion to approve the FY 2008-2009 Street Artists budget .

**Visual Arts Committee Recommendations (January 16, 2008)**

**Action**

13. Motion to authorize the Director of Cultural Affairs to increase, by an amount not to exceed \$6,000, contract #DPAR08000046 with artists Packard Jennings and Steve Lambert for their Art on Market Street Program kiosk poster series and auxiliary programming. Additional funds are for the printing of a catalog. The revised total contract amount is not to exceed \$17,000.
14. Motion to authorize the Director of Cultural Affairs to enter into contract with Curator Patricia Maloney for her curatorial work on the Arts Commission Gallery exhibition *Make You Notice*, for an amount not to exceed \$5,100.
15. Motion to approve the temporary installation of the sculpture *Koilos Aeionic* by artist Michael Christian on Patricia's Green, sponsored by the Hayes Valley Art Coalition for a period of six months pending approval from the Recreation and Parks Department.
16. Motion to support the concept of placing a memorial bust of former Mayor Adolph Sutro in City Hall, pending Arts Commission approval of the design, the identification of an appropriate location in City Hall, and the raising of funds for all project costs including the maintenance endowment.
17. Motion to approve artist Clare Rojas' proposal for Boarding Area G gateroom wall.
18. Motion to authorize the Director of Cultural Affairs to relocate the *Rabbinoïd* sculpture by Gerald Heffernon from Stern Grove to Esprit Park pending favorable response from community groups in the surrounding vicinity.



19. Motion to approve the final installation of *Blueprints*, two curtain wall artworks, each consisting of a total of 21 insulated glass units, installed in two stair towers on the façade of the new San Francisco Municipal Railway Metro East Vehicle Operations and Maintenance Facility at Illinois and Cesar Chavez Streets by artists Nobuho Nagasawa and Anita Margrill, and to accept the two artworks into the Civic Art Collection.
20. Motion to approve the proposal by artist Owen Smith for the Art on Market Street Program in 2008 and to authorize the Director of Cultural Affairs to enter into contract with Owen Smith for the design of six original artworks and the printing of 24 kiosk poster reproductions, with auxiliary programming, for an amount not to exceed \$18,000.

**Civic Design Review Committee Recommendations (January 28, 2008)**

**Action**

21. Motion to approve Phases 1 and 2 of the Alameda Siphon No. 4 Project—Chemical Injection Control and Electric Shed Buildings.
22. Motion to approve Phases 1 and 2 of the Roselle Crossover Improvements Project—Valve Vault and Generator Buildings.

**6. Committee Reports**

**1. Executive Committee—P.J. Johnston, Chair**

1. **Discussion:** Report from Chair of Executive Committee regarding activities of the Committee and the Program.

**2. Civic Design Review Committee**

1. **Discussion:** Report from Chair of Civic Design Review Committee regarding activities of the Committee and the Program.

**3. Community Arts, Education and Grants Committee**

1. **Discussion:** Report from Community Arts, Education and Grants Committee regarding activities of the Committee and the Program.

2. **Action:** Motion to approve the following individuals as grants application review panelists for Cultural Equity Grants:

Wilma Bonet, Independent Playwright, Actor, Director  
Dr. Anthony Brown, Artistic Director, Asian American Orchestra  
Sabina Chen, Executive Director, Chinese Culture Center  
T. Kebo Drew, Development and Events Manager, Queer Women of Color Media Arts Project  
Laura Elaine Ellis, Executive Director, African and African American Performing Arts Coalition  
Joseph Jennings, Music Director, Chanticleer

Angela Mattox, Associate Performing Arts Curator, Yerba Buena Center for the Arts

Chad Sweeney, Independent Writer and Co-editor, Parthenon West Review

Michelle Tea, Artistic Director, Radar Productions

Torange Yeghiazarian, Artistic Director, Golden Thread Productions

**Explanatory documents:** Cultural Equity Grants Biographies of Grants Application Review Panelists

**4. Street Artists Committee—Alexander Lloyd, Chair**

1. **Discussion:** Report from Chair of Street Artists Committee regarding activities of the Committee and the Program.

2. **Action:** Motion to approve requests by former certificate-holders for priority issuance of certificate with waiver of re-screening of wares: Ravit Maman, Ed Handelman, Aihua Zhang, Ann Garsson, Norma Hanley, Kevin McCarthy.

3. **Action:** Motion to approve honorarium payment of no more than \$2,500 to Rick Elizaga Design for design and creation of Street Artists Program website.

**5. Visual Arts Committee—Jeannene Przyblyski, Chair**

1. **Discussion:** Report from Visual Arts Committee regarding activities of the Committee and the Program.

2. **Action:** Motion to approve the installation of *Blueprints*, an artwork by the artist team of Nobuho Nagasawa and Anita Margrill, consisting of two large graphic curtainwalls installed on the exterior of stair towers on the Municipal Railway Metro East Vehicle Operations and Maintenance Facility at 601 – 25th Street, at Cesar Chavez and Illinois Street.

3. **Action:** Motion to accept into the Civic Art Collection *Blueprints*, an artwork by the artist team of Nobuho Nagasawa and Anita Margrill, consisting of two curtainwalls (each 36 feet high and 19 feet wide), and each on the exterior of two stair towers, with each curtainwall comprised of 21 individual insulated glass units, with two laminated tinted blue glass panels on the interior and two clear glass panels on the exterior laminated with a white line mechanical engineering drawing (each curtainwall with a different drawing) extended over the entire surface of each curtainwall, installed at the Municipal Railway Metro East Vehicle Operations and Maintenance Facility, located at 601 – 25th Street at Cesar Chavez and Illinois Street.

4. **Action:** Motion to approve the indefinite extension of the *Flor del Sol* mosaic paving installation by artist Jennifer Alexander at Juri Commons

subject to the agreement of the Recreation and Park Department with the explicit understanding that the Arts Commission shall have no responsibility for the maintenance of the work.

**7. New Business**

*Discussion*

**8. Reports and Announcements**

*Discussion*

**9. Public Comment**

*Discussion*

**10. Adjournment**

*Action*

1/30/08 spr

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**Notices**

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Avenue, Suite 240, San Francisco, CA 94102, during regular business hours. Info: Sharon Page Ritchie, 415/252-2591.

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code sections 2.100-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102, telephone 415/252-3100, fax 415/252-3112 and [website](#).

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at 415-554 7724; by fax at 415-554 7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, <http://www.sfgov.org/sunshine/>

# MEETING OF THE FULL ARTS COMMISSION

Monday, February 4, 2008

3:00 p.m.

City Hall Room 416

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## Minutes

President Johnston called the meeting to order at 3:09 p.m.

### 1. Roll Call

#### Commissioners Present

P.J. Johnston  
Maya Draisin  
Leonard Hunter  
John Kriken  
Alexander Lloyd  
Jeannene Przyblyski  
Lawrence Rinder  
Dede Wilsey  
Dwight Alexander

#### Commissioners Absent

Sherene Melania  
Sherri Young  
Pop Zhao

### 2. Approval of Minutes

The following Resolution was moved, seconded, and unanimously adopted:

#### **RESOLUTION NO. 0204-08-023 : APPROVAL OF MINUTES ADOPTED**

RESOLVED, that this Commission does hereby approve the Minutes of the Meeting of January 7, 2008.

**NOTE: ALL ADOPTIONS ARE UNANIMOUS UNLESS OTHERWISE NOTED.**

### 3. President's Report

President Johnston reminded the Commission that he had spoken at some length at their January meeting about Mr. Cancel's extensive background in the arts, administration and business. He welcomed Mr. Cancel with great excitement, enthusiasm and hope to his first Commission meeting. President Johnston said that the Executive Committee and search firm Ralph Andersen & Associates had produced an incredible array of talented and highly qualified applicants, and had done a great job of selecting the most outstanding candidate. He introduced Mr. Cancel.

#### 4. **Director's Report**

Director of Cultural Affairs Luis Cancel thanked President Johnston, and the Executive Committee, for the great opportunity to join so many passionate advocates for the arts in San Francisco. He recalled that on his first visit to San Francisco some twenty-five years ago, he said to himself, "I could live here." He added that for a native New Yorker, this was a "big deal." From the outset, he felt a connection with the city, and has visited many times, participating in the cultural life of the city. He has been a staunch fan of San Francisco, remembering the San Francisco Museum of Modern Art before its grand new facility was built, and appreciating the de Young Museum in its extraordinary new home. Now he will be able to enjoy the city as a resident, and he is very grateful to the Commission for giving him this opportunity to serve the people of San Francisco.

He reported that as he told people in New York that he was coming to San Francisco as Director of Cultural Affairs, they said "Wow!" Over and over, they expressed a deep feeling of goodwill and appreciation for the city; he said that the reaction wouldn't have been the same if he were going to, for example, St. Petersburg. He believes that the community can feel pride in that success, and that the Arts Commission is charged with continuing to support and build the city's reputation. He looks forward to spreading that goodwill and reputation, along with his colleagues in the Office of Economic Development and the Convention and Visitors Bureau, ensuring that the City is investing properly. At the end of the day, he said, the Hotel Tax investments in the arts help to provide funds that enable the City to meet its obligations for public safety, education and many other needs.

In his first meeting with the Mayor and all the department heads, he said to them that he looked forward to working with them in a collegial way to be sure that the arts agenda is being addressed in economic development and in all areas of City government. Citing the research of Americans for the Arts, he explained to them that although San Francisco is fourteenth in the nation in population, the city is fifth in the concentration of arts businesses, second in arts businesses per capita, and fourth in the number of arts jobs per capita. He added that the arts are an important driver for other employment in the city, as well. He pledged to continue to seek out this kind of information to share with his colleagues in government, to reinforce for them why the arts are important to all of the City's business.

Mr. Cancel said that he was honored to join a fantastic staff at the Arts Commission, and he has been very impressed with their enthusiasm, skill and dedication. He wanted to particularly single out Deputy Director Nancy Gonchar who did double duty for nine months, serving as Interim Director of Cultural Affairs. He looks forward to working with all of the staff in the months and years ahead.

Mr. Cancel noted that the City's public art is very strong. He reported that the Public Art Program is holding public meetings and events on several projects, including Central Subway on Tuesday, February 16 at Yerba Buena; and a panel discussion on Art on Market Street with artists Packard Jennings and Steve Lambert on February 4. He added that the Commission will be hearing a great deal about other major initiatives, including

the Transbay Terminal and the San Francisco Airport.

Before discussing the Arts Commission Gallery, Mr. Cancel interjected that although his own background and training is in the visual arts, he loves all of the arts. His wife, Regina Miranda, is a contemporary dancer and choreographer, and he said that he has been thoroughly indoctrinated into dance. He reported that on January 18, over 300 people had attended the opening of the Gallery's current exhibit, *Reconciling America*. He announced the upcoming reception for the current City Hall exhibit of Ann Meredith's photographs, *Tall in the Saddle*, on February 13.

An important question for Mr. Cancel is how to find the resources to meet the City's and the Commission's responsibilities. He reported that he had met with the heads of the Cultural Centers; these long-occupied City-owned buildings have extensive capital needs. He noted that he and Ms. Gonchar had recently taken it upon themselves to participate in a capital funding hearing at City Hall, where some of the projects under discussion were many millions of dollars, and it might have been easy for the committee to cut the Arts Commission's comparatively small projects. He vowed to raise the Arts Commission's capital needs in the discourse of City capital expenditures. He explained that there are ways to structure the Cultural Centers projects under federal tax law to allow for private-sector partnerships encouraged by the sale of tax credits. Arguing that the City and the nonprofits are "leaving money on the table" when they don't take advantage of such laws, he said that he will be exploring exactly how to do this.

Finally, he said that he knew everyone had seen the gloomy economic news, and heard that every City agency was mandated to find ways to reduce its budget. He is in conversation with the administration to see how the Arts Commission will meet the reduction target, or whether the agency will be able to avoid some of the cuts. Mr. Cancel said that the agency will do its best to cooperate with the overall City budget process, but will strongly make the case that the Arts Commission is a net revenue generator for the City, and it is counterproductive to cut too much from its budget.

President Johnston thanked Mr. Cancel, saying that it was great to have him here and that he looked forward to working together. President Johnston was particularly interested in working on the Cultural Centers, which he cited as just one example of the new ideas and energy Mr. Cancel brings to the Arts Commission.

#### 5. **Consent Calendar**

Agenda item 4 was severed from the Consent Calendar because the minutes of the Executive Committee meeting of January 15, 2008 had not been distributed.

Agenda item 12 was severed from the Consent Calendar at the request of President Johnston and referred back to the Street Artists Committee for further discussion.

Agenda item 19 was severed from the Consent Calendar for further clarification.

President Johnston confirmed that the budget was still very much a work in progress,

agreeing with Mr. Cancel that the Commission would not quietly accept cuts that are penny-wise and pound-foolish.

Commissioner Rinder asked about the item for funding Bayview Opera House. Ms. Nemzoff explained that the amount approved by the Executive Committee was full funding for the remainder of the current fiscal year. Commissioner Rinder asked whether the presence of the item on the Consent Calendar signified that the Executive Committee was satisfied with the Opera House's progress. President Johnston replied that the Committee had held a long meeting, and that he was not just satisfied and relieved that the Opera House had made significant progress, but overjoyed at the change in their commitment and focus. He said that the SWA landscape project in October was a watershed moment, in conjunction with the physical upgrades and the work of Cultural Center Facilities Manager Tom Petersen. He explained that the Opera House board and staff matched that effort with greatly increased programming, not just as a center but as a cultural center. He added that he was relieved, and that at the 120-day mark, it was by no means certain that the Opera House would meet its goals.

Commissioner Przyblyski added that many Commissioners and staff had watched the situation with anxiety and concern. She said that the Committee had heard a great deal of public comment at its last meeting, and that the Opera House's progress was a testament as well to the really hard work done by President Johnston and Ms. Nemzoff; she commended them for it.

Vice President Draisin seconded the favorable opinion of the Opera House's progress, saying that it was important that the Commissioners know about it. She agreed that there had been an incredible amount of public testimony, and emphasized that the Opera House's new budget actually moved money from operations to programming.

President Johnston noted that not all of the speakers at the Committee's meeting were specifically affiliated with the Opera House, but they wanted to speak out. He highlighted the fact that the interim director, Vernon Grigg, moved money from operations into programming, noting that although it was a relatively small amount, it signaled a huge change in direction. President Johnston added that the final speaker at the Committee meeting was a board member who reminded his fellow board members that they would have to continue their work in this new direction. President Johnston explained that Mr. Grigg is a former Deputy District Attorney and board member at the Opera House, who came to a point where he felt he either had to leave the board or do the more difficult thing and step up to change the Center's direction.

Ms. Nemzoff explained that Mr. Grigg was out of town, but that the Opera House was represented by board secretary Felipe Paris and general manager Lark Leet. She briefly mentioned the Opera House's new collaboration with resident artist Joanna Haigood, the dinner and a movie events, and a summer program in the works. She agreed that the new focus was really pragmatic, with lots of hands-on programming.

The remaining items were approved as follows.

**RESOLUTION NO. 0204-08-024:**

Approval: RESOLVED, that this Commission does hereby adopt the following items on the Consent Calendar and their related Resolutions:

**Approval of Committee Minutes**

1. **RESOLUTION NO. 0204-08-025:** Motion to approve the Visual Arts Committee Meeting Minutes of December 6, 2007.
2. **RESOLUTION NO. 0204-08-026:** Motion to approve the Community Arts, Education and Grants Committee Meeting Minutes of January 8, 2008.
3. **RESOLUTION NO. 0204-08-027:** Motion to approve the Street Artists Committee Meeting Minutes of January 9, 2008.
4. **RESOLUTION NO. 0204-08-028:** Motion to approve the Visual Arts Committee Meeting Minutes of January 16, 2008.

**Community Arts, Education and Grants Committee Recommendations  
(January 8, 2008)**

5. **RESOLUTION NO. 0204-08-029:** Motion to approve the recommendation to award one grant totaling \$100,000 for the 2007-2008 International Arts Festival Grant to the following organization and to authorize the Director of Cultural Affairs to enter into a grant agreement for the amount listed:

World Arts West, \$100,000

6. **RESOLUTION NO. 0204-08-030:** Motion to approve recommendations to award eighteen grants totaling \$439,500 in the 2007-2008 cycle of Cultural Equity Initiatives Level One grants to the following organizations, and to authorize the Director of Cultural Affairs to enter into grant agreements with each for the amounts listed:

3rd I South Asian Independent Film Festival, \$25,000

ABADA Capoeira San Francisco, \$25,000

Asian Improv aRts, \$15,000

Carnaval San Francisco, \$25,000

Children's Book Press, \$25,000

Chinese Culture Foundation of San Francisco, \$25,000

Chinese Historical Society of America, \$25,000

Fresh Meat Productions, \$25,000

Galeria de la Raza, \$25,000

Gen Taiko, \$25,000

Melody of China, Inc., \$25,000

Oasis for Girls, \$25,000

Purple Moon Dance Project, \$25,000



Queer Women of Color Media Arts Project, \$25,000  
Radar Productions, \$25,000  
Theatre Rhinoceros, \$25,000  
Women's Audio Mission, \$24,500  
World Arts West, \$25,000

**Street Artists Committee Recommendations (January 9, 2008)**

7. **RESOLUTION NO. 0204-08-031:** Motion to approve (1) finding of violation of Street Artists Ordinance by Sua Far Lee for obtaining a selling space from the Arts Commission's street artist lottery and selling with an expired certificate, and (2) re-issuance of Ms. Lee's certificate.
8. **RESOLUTION NO. 0204-08-032:** Motion to approve amendments of November 14, 2007 Street Artists Committee minutes, Items 1 and 2.

**Executive Committee Recommendations (January 15, 2008)**

9. **RESOLUTION NO. 0204-08-033:** Motion to increase the grant agreement with the Bayview Opera House, Inc., for a total grant not to exceed \$310,399, contingent upon their revised budget submission.
10. **RESOLUTION NO. 0204-08-034:** Motion to approve the FY 2008-2009 Arts Commission budget submission to the Mayor's Office.

**Visual Arts Committee Recommendations (January 16, 2008)**

11. **RESOLUTION NO. 0204-08-035:** Motion to authorize the Director of Cultural Affairs to increase, by an amount not to exceed \$6,000, contract #DPA08000046 with artists Packard Jennings and Steve Lambert for their Art on Market Street Program kiosk poster series and auxiliary programming. Additional funds are for the printing of a catalog. The revised total contract amount is not to exceed \$17,000.
12. **RESOLUTION NO. 0204-08-036:** Motion to authorize the Director of Cultural Affairs to enter into contract with curator Patricia Maloney for her curatorial work on the Arts Commission Gallery exhibition *Make You Notice*, for an amount not to exceed \$5,100.
13. **RESOLUTION NO. 0204-08-037:** Motion to approve the temporary installation of the sculpture *Koilos Aeionic* by artist Michael Christian on Patricia's Green, sponsored by the Hayes Valley Art Coalition for a period of six months pending approval from the Recreation and Parks Department.
14. **RESOLUTION NO. 0204-08-038:** Motion to support the concept of placing a memorial bust of former Mayor Adolph Sutro in City Hall, pending Arts Commission approval of the design, the identification of an appropriate location

in City Hall, and the raising of funds for all project costs including the maintenance endowment.

15. **RESOLUTION NO. 0204-08-039:** Motion to approve artist Clare Rojas' proposal for Boarding Area G gateroom wall.
16. **RESOLUTION NO. 0204-08-040:** Motion to authorize the Director of Cultural Affairs to relocate the *Rabbinoïd* sculpture by Gerald Heffernon from Stern Grove to Esprit Park pending favorable response from community groups in the surrounding vicinity.
17. **RESOLUTION NO. 0204-08-041:** Motion to approve the proposal by artist Owen Smith for the Art on Market Street Program in 2008 and to authorize the Director of Cultural Affairs to enter into contract with Owen Smith for the design of six original artworks and the printing of 24 kiosk poster reproductions, with auxiliary programming, for an amount not to exceed \$18,000.

**Civic Design Review Committee Recommendations (January 28, 2008)**

18. **RESOLUTION NO. 0204-08-042:** Motion to approve Phases 1 and 2 of the Alameda Siphon No. 4 Project—Chemical Injection Control and Electric Shed Buildings.
19. **RESOLUTION NO. 0204-08-043:** Motion to approve Phases 1 and 2 of the Roselle Crossover Improvements Project—Valve Vault and Generator Buildings.

**6. Committee Reports**

**1. Executive Committee—P.J. Johnston, Chair**

1. President Johnston reported that the previous discussion on the Consent Calendar covered what he had intended to report for the Executive Committee. Additionally, the Committee received a brief report from Ms. Gonchar on the budget. He promised to keep the Commission updated on budget developments. The Committee wanted to wait for Mr. Cancel's arrival before fleshing out the details of the budget and the requested cuts.

**2. Civic Design Committee—Jeannene Przyblyski, Interim Chair**

1. Emphasizing her interim status as Committee Chair, Commissioner Przyblyski reported that the Committee was in something of a holding pattern, still awaiting Mayoral appointments. She reported that the main building of San Francisco General Hospital will be rebuilt. The Committee had a very productive discussion with the design team on the architectural direction, what the Committee will be looking for in the façade and how it greets people. The project is mandated to be completed by 2013, although it may have to be extended. The Committee also reviewed some small utility buildings.

President Johnston explained that the Commission is waiting for the

Mayor to fill three vacancies, and announced that he had appointed Topher Delaney to the landscape architecture seat. President Johnston rejoined the Community Arts, Education and Grants Committee, and he was hopeful that the vacancies would be filled soon. He acknowledged the stress caused by not having the full complement of Commissioners.

**3. Community Arts, Education and Grants Committee—Maya Draisin, Chair**

1. Vice President Draisin reported that the Committee continued its discussions on the Native American Cultural Center, hearing quite a bit of public testimony. She said that there was a great deal of interest in funding the Native arts community, more than the general Native community. She reported that Ms. Nemzoff and Cultural Equity Grants Program Director San San Wong were working on a one-time solution to get funding back to the community this fiscal year through the granting process, and then looking at a longer-term solution for future years.

She presented the following motion.

2. **RESOLUTION NO. 0204-08-044:** Motion to approve the following individuals as grants application review panelists for Cultural Equity Grants:

Wilma Bonet, Independent Playwright, Actor, Director  
Dr. Anthony Brown, Artistic Director, Asian American Orchestra  
Sabina Chen, Executive Director, Chinese Culture Center  
T. Kebo Drew, Development and Events Manager, Queer Women of Color Media Arts Project  
Laura Elaine Ellis, Executive Director, African and African American Performing Arts Coalition  
Joseph Jennings, Music Director, Chanticleer  
Angela Mattox, Associate Performing Arts Curator, Yerba Buena Center for the Arts  
Chad Sweeney, Independent Writer and Co-editor, Parthenon West Review  
Michelle Tea, Artistic Director, Radar Productions  
Torange Yeghiazarian, Artistic Director, Golden Thread Productions

**4. Street Artists Committee—Alexander Lloyd, Chair**

1. Commissioner Lloyd offered congratulations on the new Street Artists website, and reported that the “blue book” of the Program’s rules is being revised in preparation for posting on the website.

He reported that he had appeared before the Board of Appeals in the case of a street artist appealing the Committee’s suspension of his license. Commissioner Lloyd explained that the Committee had suspended the artist’s license after giving him a second chance. The Board of Appeals

gave the artist a three-month trial period, an outcome better than the Committee had hoped for.

Commissioner Lloyd presented the following motion.

2. **RESOLUTION NO. 0204-08-045:** Motion to approve requests by former certificate-holders for priority issuance of certificate with waiver of re-screening of wares: Ravit Maman, Ed Handelman, Aihua Zhang, Ann Garsson, Norma Hanley, Kevin McCarthy.

Commissioner Lloyd presented the following motion, explaining that the honorarium to be paid came from Arts Commission general funds and not from the Street Artists Program budget.

3. **RESOLUTION NO. 0204-08-046:** Motion to approve honorarium payment of no more than \$2,500 to Rick Elizaga Design for design and creation of Street Artists Program website.

Finally, Commissioner Lloyd noted that the Committee would revisit its budget discussion at its next meeting.

In response to a question, he said that the artist who had made the appeal previously discussed was Manuel Loli.

5. **Visual Arts Committee—Jeannene Przyblyski, Chair**

1. Commissioner Przyblyski reported that the Committee had reviewed several projects. She explained that the motion regarding *Blueprints* (Agenda item 19) had been severed from the Consent Calendar because it was determined that the language needed to be more specific. The two motions below reflect the appropriate language.

Commissioner Przyblyski said that the Central Subway project is at an exciting stage. The Committee had serious discussions with the architect about spaces which may be available for artwork within the project.

She reported that the temporary artwork installations at Patricia's Green have been so successful that the community would like to have public art there all the time. The Committee is also looking forward to artwork being installed at Lake Merced. She said that the Committee will be working with the Planning Commission on revising the legislation on how public art funds are allocated in the downtown C3 zone.

Commissioner Przyblyski presented the following motions.

2. **RESOLUTION NO. 0204-08-047:** Motion to approve the installation of *Blueprints*, an artwork by the artist team of Nobuho Nagasawa and Anita Margrill, consisting of two large graphic curtainwalls installed on the

exterior of stair towers on the Municipal Railway Metro East Vehicle Operations and Maintenance Facility at 601 – 25th Street, at Cesar Chavez and Illinois Street.

3. **RESOLUTION NO. 0204-08-048:** Motion to accept into the Civic Art Collection *Blueprints*, an artwork by the artist team of Nobuho Nagasawa and Anita Margrill, consisting of two curtainwalls (each 36 feet high and 19 feet wide), and each on the exterior of two stair towers, with each curtainwall comprised of 21 individual insulated glass units, with two laminated tinted blue glass panels on the interior and two clear glass panels on the exterior laminated with a white line mechanical engineering drawing (each curtainwall with a different drawing) extended over the entire surface of each curtainwall, installed at the Municipal Railway Metro East Vehicle Operations and Maintenance Facility, located at 601 – 25th Street at Cesar Chavez and Illinois Street.

President Johnston said that, as a former Muni employee, he was excited about this project.

Before presenting the following motion, Commissioner Przyblyski explained that it was intended to address a temporary artwork by Juri Commons. The community has enjoyed it so much that they want to keep it, but the piece was never designed to be permanent. This motion is intended to allow the community to enjoy the artwork for its natural lifetime, but to explicitly state that the Arts Commission takes no responsibility for maintaining it.

4. **RESOLUTION NO. 0204-08-049:** Motion to approve the indefinite extension of the *Flor del Sol* mosaic paving installation by artist Jennifer Alexander at Juri Commons subject to the agreement of the Recreation and Park Department with the explicit understanding that the Arts Commission shall have no responsibility for the maintenance of the work.

**7. Public Comment**

There was no further public comment.

**8. New Business**

There was no further new business.

**9. Reports and Announcements**

Saying that his predecessor, Stanlee Gatti, was much superior in his ability to raise money for worthy projects, President Johnston reminded everyone of his invitation to a fundraiser for the Black Film Festival at 1300 Fillmore. He noted that there have been some wonderful changes in the area.

Mr. Lazar thanked Commissioner Lloyd for his remarks at the Board of Appeal hearing. He said that the Arts Commission had been dealing with Mr. Loli's case for two years,

and that without Commissioner Lloyd's participation, the Board would have given Mr. Loli a "blank check" instead of the probationary license.

**10. Adjournment**

There being no further business, the meeting was adjourned at 3:58 p.m.

2/28/08 spr

# MEETING OF THE FULL ARTS COMMISSION

Monday, April 7, 2008

3:00 p.m.

City Hall, Room 416

1 Dr. Carlton B. Goodlett Place

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## Agenda

1. **Roll Call**

2. **Approval of Minutes**

*Action*

Motion to approve March 3, 2008 Minutes.

**Explanatory document:** Draft minutes

3. **President's Report**

*Discussion*

Current developments and announcements.

4. **Director's Report**

*Discussion*

Current administrative, budgetary and programming developments and announcements.

5. **Consent Calendar**

The following items are included in the Consent Calendar subject to withdrawal at the request of a Commissioner:

**Approval of Committee Minutes**

*Action*

1. Motion to approve the Community Arts, Education and Grants Committee Meeting Minutes of March 11, 2008.
2. Motion to approve the Civic Design Review Committee Meeting Minutes of March 17, 2008.
3. Motion to approve the Executive Committee Meeting Minutes of March 18, 2008.
4. Motion to approve the Street Artists Committee Meeting Minutes of March 20, 2008.

**Community Arts, Education and Grants Committee Recommendations  
(March 11, 2008)**

*Action*

5. Motion to transfer funds from the Hotel Tax Fund in the amount of \$5,000 to Grants for the Arts for the San Francisco Mayor's Working Group on American

Indian Concerns, to support a feasibility study for the development of an American Indian Community and Cultural Center.

**Civic Design Review Committee Recommendations (March 17, 2008)**

**Action**

6. Motion to approve Phase 1 of the Camp Mather Visitor's Center with the recommendation that the designers consider additional skylights and consider the balance of bicycle-friendly roads versus permeable paving.
7. Motion to approve Phase 1 of the San Francisco General Hospital Rebuild Project with the stipulation that the Committee would like to see a revised design for Phase 2 that is more humane and that expresses the City's commitment to take care of people where they need it.
8. Motion to approve Phase 3 of the James Rolph Clubhouse and Playground Renovation.

**Executive Committee Recommendations (March 18, 2008)**

**Action**

9. Motion to approve recommendations to award forty-eight grants totaling \$596,750 in the 2007-2008 cycle of Organization Project Grants (OPG) to the following organizations, and to authorize the Director of Cultural Affairs to enter into grant agreements with each for the amounts listed:

509 Cultural Center/Luggage Store, \$15,000  
Afro Solo, \$15,000  
American Indian Film Institute, \$12,000  
Arab Cultural Center, \$12,000  
Arab Film Festival, \$12,000  
Army of Lovers, \$7,150  
ArtSpan, \$12,000  
Asian American Women Artists Association, \$7,600  
Asian Pacific Islander Cultural Center (APICC), \$12,000  
Campo Santo, \$15,000  
Charming Hostess, \$12,000  
Cuba Caribe, \$12,000  
Cypress Performing Arts Association, \$12,000  
Dancing Tree, \$12,000  
Dandelion Dance Theater, \$12,000  
Deborah Slater Dance Theater, \$12,000  
Del Sol Performing Arts Organization, \$12,000  
Distortion 2 Static, \$12,000  
Door Dog Music Productions, \$15,000  
Erika Shuch Performance Project (ESP Project), \$15,000  
EXIT Theatre, \$15,000



Femina Potens, \$12,000  
Global Women Intact, \$12,000  
Intersection for the Arts, \$12,000  
Joe Goode Performance Group, \$15,000  
Kid Serve Youth Murals, \$12,000  
La Pocha Nostra, \$12,000  
Litquake, \$12,000  
Living Word Project, \$12,000  
Manilatown Heritage Foundation, \$12,000  
Out of Site: Center for Arts Education, \$12,000  
Poor Magazine, \$12,000  
Precita Eyes Muralists Association, Inc., \$12,000  
Root Division, \$12,000  
SAFEhouse, \$12,000  
San Francisco Black Film Festival, \$12,000  
San Francisco Camerawork, \$12,000  
San Francisco Hip Hop DanceFest, \$15,000  
San Francisco International Arts Festival, \$12,000  
San Francisco Live Arts, \$12,000  
San Francisco Shakespeare Festival, \$12,000  
Scott Wells and Dancers, \$12,000  
ShadowLight Productions, \$12,000  
Sixth Street Photography Workshop, \$15,000  
Small Press Traffic Literary Arts Center, \$12,000  
Stepology, \$12,000  
The Playwrights Foundation, \$15,000  
Yerba Buena Arts and Events, \$12,000

**Explanatory documents:** Organization Project Grants applicant ranking by organizational budget size and project descriptions by discipline groups (Visual, Literary, and Media Arts; and Performing Arts), and biographies of the grants review panelists.

**Visual Arts Committee Recommendations (March 31, 2008)**

**Action**

10. Motion to approve an amendment to increase the budget for Scott Donahue's contract #POAR04000098 for the design, fabrication and installation of artworks for the Richmond Branch Library by an amount not to exceed \$1,000, for a new contract total amount not to exceed \$36,000, for additionally required engineering services regarding the safety of the artwork.
11. Motion to acknowledge, accept with gratitude, and expend a gift of \$2,000 from Friends of Duboce Park, and \$1,500 from Hal Fischer and an anonymous donor, for the fabrication and installation of an artwork designed by Susan Schwartzberg and Michael Davis of a quotation from Harvey Milk on the east-facing wall of the Harvey Milk Center for Recreational Arts.

12. Motion to approve revised design in bronze for Cliff Garten's sculptural handrails at Laguna Honda Hospital.
13. Motion to authorize the Director of Cultural Affairs to enter into an agreement with Cliff Garten for \$238,108 to fabricate, transport and install 604 linear feet of bronze sculptural handrails at Laguna Honda Hospital.
14. Motion to rescind resolution 1001-07-278 approving location proposal for the Harvey Milk Memorial sculpture on a south-facing wall in the Van Ness lobby of City Hall pending approval of the site by the Harvey Milk City Hall Memorial Committee and the City Hall Preservation Advisory Committee.
15. Motion to approve the placement of the Harvey Milk memorial bust in the Board of Supervisors Ceremonial Rotunda in City Hall.
16. Motion to approve the final design proposal and budget submitted by Maya Lin for the suspended wire landscape sculpture to be fabricated from marine grade stainless steel tubing approximately 5/8 inches in diameter to be installed in the exterior West Terrace of the Academy of Sciences for an amount not to exceed \$275,000 including fabrication, transportation and installation.
17. Motion to approve final project proposal and authorization for the Director of Cultural Affairs to enter into an agreement with artist Maya Lin for an amount not to exceed \$27,000 for installation of a suspended wire landscape sculpture in the exterior West Terrace of the Academy of Sciences targeted for August, 2008.
18. Motion to authorize payment of an additional honorarium in the amount of \$250 each to artists Wang Po Shu, Walter Kitundu, and Charles Sower to submit a revised proposal for the Randall Museum public art project.
19. Motion to approve a project of the Community Arts and Education Program for an exhibition in kiosks on Market Street of posters submitted by the San Francisco Unified School District to be installed in April, 2008.

## 6. Committee Reports

1. **Executive Committee—P.J. Johnston, Chair**
  1. **Discussion:** Report from Chair of Executive Committee regarding activities of the Committee and the Program.
2. **Civic Design Review Committee—Jeannene Przyblyski, Chair**
  1. **Discussion:** Report from Chair of Civic Design Review Committee regarding activities of the Committee and the Program.
3. **Community Arts, Education and Grants Committee—Maya Draisin, Chair**
  1. **Discussion:** Report from Community Arts, Education and Grants Committee regarding activities of the Committee and the Program.

4. **Street Artists Committee—Alexander Lloyd, Chair**

1. **Discussion:** Report from Chair of Street Artists Committee regarding activities of the Committee and the Program.
2. **Action:** Motion to approve requests by former certificate-holders for priority issuance of certificate with waiver of re-screening of wares: Barbara Zerbe, Canute Davis, Linda Pedersen, Michael Jamison, Salih Inci.
3. **Action:** Motion to change the schedule of meetings of the Street Artists Committee from monthly to bimonthly, beginning with the meeting of May 14, 2008.

5. **Visual Arts Committee—Jeannene Przyblyski, Chair**

1. **Discussion:** Report from Visual Arts Committee regarding activities of the Committee and the Program.
2. **Action:** Motion to approve clay models of the bust and the three memorial panels for the Harvey Milk City Hall Memorial Bust sculpture.

7. **New Business**

*Discussion*

8. **Reports and Announcements**

*Discussion*

9. **Public Comment**

*Discussion*

10. **Adjournment**

*Action*

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**Notices**

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Avenue, Suite 240, San Francisco, CA 94102, during regular business hours. Info: Sharon Page Ritchie, 415/252-2591.

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code sections 2.100-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102, telephone 415/252-3100, fax 415/252-3112 and website.

#### KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at 415-554 7724; by fax at 415-554 7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, <http://www.sfgov.org/sunshine/>

# MEETING OF THE FULL ARTS COMMISSION

Monday, April 7, 2008

3:00 p.m.

City Hall Room 416

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## Minutes

President Johnston called the meeting to order at 3:08 p.m.

### 1. Roll Call

#### Commissioners Present

P.J. Johnston

Maya Draisin

Ní nive Calegari

Leonard Hunter

Sherene Melania

Lawrence Rinder

Dede Wilsey

Pop Zhao

#### Commissioners Absent

Topher Delaney

John Kriken

Alexander Lloyd

Jeannene Przyblyski

Sherri Young

Christina Olague

### 2. President's Report

President Johnston introduced Commissioner Ní nive Calegari, newly appointed by the Mayor to fill the spot vacated by Janice Mirikitani. President Johnston said that he was excited to welcome Commissioner Calegari, founder of 826 Valencia, which introduces young people to literature and writing in thought-provoking and new ways. He added that with this appointment, the Mayor helped move the Commission closer to its vision of community activism and excellence.

Commissioner Calegari said that she had previously been a public school teacher, credentialed in both social studies and art, and she looks forward to working with the Arts Commission.

President Johnston asked Commissioners to calendar May 22, 2008 for the formal installation of the Harvey Milk bust in City Hall. He noted that after much discussion and negotiation with the various constituencies, the Mayor, the Board of Supervisors, the Visual Arts Committee of the Arts Commission, and the City Hall Preservation Advisory Commission have agreed that the bust will be installed in the Board of Supervisors'

Rotunda. This is directly opposite the Mayor's Rotunda, where busts of former Mayors Moscone and Feinstein are located. The Milk bust will be the first on this side of the building. President Johnston noted the historic connection between these two Mayors and Supervisor Milk, and the fact that he is the first Supervisor who did not also serve as Mayor to be honored with a bust. Drawing Commissioners' attention to the photo of the bust shown at this meeting, President Johnston agreed that the piece was beautiful, and would be an asset to the City Hall experience. This location also means that no other busts will need to be displaced.

President Johnston introduced Joey Cain, Co-Chair of the Harvey Milk City Hall Memorial Committee. He explained that this May 22 would have been Harvey Milk's 78th birthday. He said that the ceremony would include local officials and people who knew Milk. Several young people have been chosen to do the actual unveiling, in the spirit of Milk's quote which appears on the pedestal: "I ask for the Movement to continue because my election gave young people out there hope. You've gotta give 'em hope." Mr. Cain explained that there would be a sit-down event from 7:00 to 8:00 p.m., with speakers to be announced soon. The Gay Men's Chorus will perform; the Chorus's first performance was on the night of the assassination. Mr. Cain described the three bronze bas-reliefs placed around the pedestal. They depict Milk as a Navy officer; Milk riding in the 1978 Gay Freedom Day Parade; and the candlelight march on the night of his assassination. On behalf of the Memorial Committee, Mr. Cain said that he was glad to have been able to work with the Arts Commission, noting that this was the first time a private group partnered with the Commission.

President Johnston advised that the Commission still had two vacant seats, although the Mayor's office was close to filling them. He plans to announce changes in Committee assignments once those seats are filled. In the meantime, he appointed Commissioner Calegari to the Community Arts, Education and Grants Committee.

President Johnston asked Commissioners to make it a priority to attend their Committee meetings and the full Commission meeting. Acknowledging that they are all busy people, and that service on the Commission can be time-consuming, he noted that it is often difficult to achieve a quorum. For the benefit of newer Commissioners, he explained that the bylaws were amended a few years ago to remove the requirement that Commissioners serve on at least two Committees, as a concession to the time constraints of Commissioners. In light of that, he urged Commissioners to commit to attending their Committee meetings. He noted that even when a meeting has a quorum, but other Commissioners are absent, it can be difficult to review or explain to them later the sometimes difficult discussions held in their absence. With the new appointments coming from the Mayor's office, and the energy of the new Director of Cultural Affairs, President Johnston called on the Commissioners to do their part and participate fully.

President Johnston also called for attention to the current sensitive and important period in the development of the Commission's collaboration with the San Francisco Unified School District in the implementation of the Arts Education Master Plan. Citing the City Charter mandate to foster arts education, he emphasized the need to continue working

actively with the School District. The Community Arts, Education and Grants Committee continues to monitor the plan's implementation, and President Johnston suggested a possible report to the full Commission in the coming months.

He added that he would like to return to the practice of having program staff make presentations to the full Commission at meetings, explaining that Commissioners benefit from knowing what's happening in areas outside their own Committees.

### 3. **Director's Report**

Director of Cultural Affairs Luis R. Cancel reported that the gap between the City's budget needs and its funds has continued to grow. The Mayor has directed departments to cut an additional 8% from their budgets, specifically targeteing personnel. Mr. Cancel suggested that this tactic, applied to agencies with large personnel budgets, will yield savings to carry forward. He and Deputy Director Nancy Gonchar were able to advocate that, in small agencies such as the Arts Commission, an 8% cut in personnel significantly erodes service to the public. They have submitted two budget proposals, and have been asked by the Mayor's office to keep them confidential, because of the sensitive nature of personnel actions. The proposals will, however, both preserve staff and meet the Mayor's priorities. Mr. Cancel added that it appears that the State legislature will be late in adopting a budget, and until the State budget is adopted, the City's budget cannot be finalized.

Mr. Cancel added that the Mayor has expressed his continued support for the Cultural Voucher initiative, and wants to present that in the next fiscal year.

Mr. Cancel turned to the Cultural Centers as the focus of his report. He directed the Commissioners' attention to the posters announcing the Neighborhood Arts Program's 40th anniversary celebration. At this milestone, he wanted to review both what has been accomplished and what can be improved. He reported that he and Community Arts and Education Program Director Judy Nemzoff met with the City Attorney's office to discuss revisions of the leases with the Cultural Centers, noting that the previous leases expired in 1997. The goal is to work closely with the boards and staff of the Centers to help them take the necessary steps to build stability for the communities they serve, to find private capital support, and to allow for long-term leases-forty years or more-which would facilitate taking advantage of federal tax laws. He explained that this would create a greater opportunity for the Arts Commission to have the appropriate oversight to ensure that the public interest is protected over the long term.

Commissioners discussed the advantages and challenges of private funding for the Centers, and the relative merits of short-term and long-term leases. In response to a question, Mr. Cancel explained that the leases are not at fair market rates, but one dollar per year. For decades, there has been a close relationship between the organizations running the Cultural Center programming and the Arts Commission, and President Johnston emphasized the historic role of the City in their establishment. Commissioner Wilsey voiced the objections some potential private donors might raise, challenging the community, the neighborhood and the City to support the Centers and demonstrate their

success before seeking private funding.

The Commission and Mr. Cancel discussed the examples of the Bayview Opera House and the Native American Cultural Center as instances where the Commission acted assertively to exercise its oversight. Adding that in most cases things at the Cultural Centers are working well, he concluded that this would be an appropriate topic for the coming annual planning process.

Mr. Cancel then turned to the Neighborhood Arts Program's fortieth anniversary festival, with events in a variety of venues from April 21 through May 3, 2008. He mentioned panel discussions on "Mapping Survival: Creating Something out of Nothing" and "The Money and the Madness"; "Unveiling the Future" at the Bayview Opera House, featuring music, dance and poetry performances, along with remarks by the Mayor and Bayview Supervisor Sophie Maxwell; and the culminating half-day celebration bash on May 3, featuring a reunion of founding members of the program, and helping nonprofits to connect with resources. Mr. Cancel referred Commissioners to the festival's poster and program for more detailed information.

Mr. Cancel reported on the dedication of the Abraham Lincoln Brigade Memorial at Justin Herman Plaza on March 30, 2008, presided over by the Mayor. The onyx and steel monument was designed by the late Ann Chamberlain and Walter Hood. Mr. Cancel noted that the project has been underway for eight years, and he thanked Deputy Director Nancy Gonchar and Public Art Program Director Jill Manton for working tirelessly to help make the monument a reality.

Mr. Cancel reported on the current Art on Market Street poster series, referring Commissioners to the accompanying catalogue, "Wish You Were Here: Postcards from Our Awesome Future." Ms. Manton added that this was the third of the 2007 poster series, created by Steve Lambert and Packard Jennings. They interviewed urban planners, asking what they would design if they didn't have to worry about budgets, bureaucracies, politics or physics!

Noting that the planning process begun at the Commission's retreat in 2007 is important for healthy organizations, Mr. Cancel reported that he has begun a series of meetings with Arts Commission staff at each level. He expects to invite Commissioners to some of these meetings to discuss policy, culminating in an annual planning meeting on Friday, November 21, 2008.

Mr. Cancel reported that several sculptures by the Spanish artist, Manolo Valdés, will be temporarily installed at the Civic Center, with an opening on Tuesday, April 29, 2008. He thanked Commissioner Lloyd for his help in securing private-sector donations to cover 90% of the costs, and he thanked Commissioner Draisin for her help in getting the opening event onto the Mayor's schedule. Mr. Cancel added that Ms. Manton is working with Grants for the Arts to secure an additional \$10,000 to help close the funding gap for the installation.



Finally, Mr. Cancel reported that the Gallery's new show, *Make You Notice*, has had positive reviews. He announced a brown-bag lunch talk by the curator on April 15, 2008. He also reported that the Gallery is actively preparing for a major audio art installation by Bill Fontana, scheduled for the end of January, 2009, and has been awarded an NEA grant of \$25,000 to help pay for the installation.

President Johnston called for public comment; there was none. He encouraged Commissioners to participate in the Neighborhood Arts Festival events, adding that the Bayview Opera House is looking great, and that the story of the International Hotel and Manilatown (site of "The Money and the Madness") is fascinating.

**4. Approval of Minutes**

The following Resolution was moved, seconded, and unanimously adopted:

**RESOLUTION NO. 0407-08-074: APPROVAL OF MINUTES ADOPTED**

RESOLVED, that this Commission does hereby approve the Minutes of the Meeting of March 3, 2008.

**NOTE: ALL ADOPTIONS ARE UNANIMOUS UNLESS OTHERWISE NOTED.**

**5. Consent Calendar**

Item 17 on the Consent Calendar below was corrected to reflect the proper information about the artist and location of the project. The corrected Consent Calendar was approved as follows.

**RESOLUTION NO. 0407-08-075:**

Approval: RESOLVED, that this Commission does hereby adopt the following items on the Consent Calendar and their related Resolutions:

**Approval of Committee Minutes**

1. **RESOLUTION NO. 0407-08-076:** Motion to approve the Community Arts, Education and Grants Committee Meeting Minutes of March 11, 2008.
2. **RESOLUTION NO. 0407-08-077:** Motion to approve the Civic Design Review Committee Meeting Minutes of March 17, 2008.
3. **RESOLUTION NO. 0407-08-078:** Motion to approve the Executive Committee Meeting Minutes of March 18, 2008.
4. **RESOLUTION NO. 0407-08-079:** Motion to approve the Street Artists Committee Meeting Minutes of March 20, 2008.

**Community Arts, Education and Grants Committee Recommendations  
(March 11, 2008)**

5. **RESOLUTION NO. 0407-08-080:** Motion to transfer funds from the Hotel Tax Fund in the amount of \$5,000 to Grants for the Arts for the San Francisco Mayor's Working Group on American Indian Concerns, to support a feasibility study for the development of an American Indian Community and Cultural Center.

**Civic Design Review Committee Recommendations (March 17, 2008)**

6. **RESOLUTION NO. 0407-08-081:** Motion to approve Phase 1 of the Camp Mather Visitor's Center with the recommendation that the designers consider additional skylights and consider the balance of bicycle-friendly roads versus permeable paving.
7. **RESOLUTION NO. 0407-08-082:** Motion to approve Phase 1 of the San Francisco General Hospital Rebuild Project with the stipulation that the Committee would like to see a revised design for Phase 2 that is more humane and that expresses the City's commitment to take care of people where they need it.
8. **RESOLUTION NO. 0407-08-083:** Motion to approve Phase 3 of the James Rolph Clubhouse and Playground Renovation.

**Executive Committee Recommendations (March 18, 2008)**

9. **RESOLUTION NO. 0407-08-084:** Motion to approve recommendations to award forty-eight grants totaling \$596,750 in the 2007-2008 cycle of Organization Project Grants (OPG) to the following organizations, and to authorize the Director of Cultural Affairs to enter into grant agreements with each for the amounts listed:

509 Cultural Center/Luggage Store, \$15,000  
Afro Solo, \$15,000  
American Indian Film Institute, \$12,000  
Arab Cultural Center, \$12,000  
Arab Film Festival, \$12,000  
Army of Lovers, \$7,150  
ArtSpan, \$12,000  
Asian American Women Artists Association, \$7,600  
Asian Pacific Islander Cultural Center (APICCC), \$12,000  
Campo Santo, \$15,000  
Charming Hostess, \$12,000  
Cuba Caribe, \$12,000  
Cypress Performing Arts Association, \$12,000  
Dancing Tree, \$12,000  
Dandelion Dance Theater, \$12,000  
Deborah Slater Dance Theater, \$12,000  
Del Sol Performing Arts Organization, \$12,000  
Distortion 2 Static, \$12,000  
Door Dog Music Productions, \$15,000

Erika Shuch Performance Project (ESP Project), \$15,000  
EXIT Theatre, \$15,000  
Femina Potens, \$12,000  
Global Women Intact, \$12,000  
Intersection for the Arts, \$12,000  
Joe Goode Performance Group, \$15,000  
Kid Serve Youth Murals, \$12,000  
La Pocha Nostra, \$12,000  
Litquake, \$12,000  
Living Word Project, \$12,000  
Manilatown Heritage Foundation, \$12,000  
Out of Site: Center for Arts Education, \$12,000  
Poor Magazine, \$12,000  
Precita Eyes Muralists Association, Inc., \$12,000  
Root Division, \$12,000  
SAFEhouse, \$12,000  
San Francisco Black Film Festival, \$12,000  
San Francisco Camerawork, \$12,000  
San Francisco Hip Hop DanceFest, \$15,000  
San Francisco International Arts Festival, \$12,000  
San Francisco Live Arts, \$12,000  
San Francisco Shakespeare Festival, \$12,000  
Scott Wells and Dancers, \$12,000  
ShadowLight Productions, \$12,000  
Sixth Street Photography Workshop, \$15,000  
Small Press Traffic Literary Arts Center, \$12,000  
Stepology, \$12,000  
The Playwrights Foundation, \$15,000  
Yerba Buena Arts and Events, \$12,000

**Visual Arts Committee Recommendations (March 31, 2008)**

10. **RESOLUTION NO. 0407-08-085:** Motion to approve an amendment to increase the budget for Scott Donahue's contract #POAR04000098 for the design, fabrication and installation of artworks for the Richmond Branch Library by an amount not to exceed \$1,000, for a new contract total amount not to exceed \$36,000, for additionally required engineering services regarding the safety of the artwork.
  
11. **RESOLUTION NO. 0407-08-086:** Motion to acknowledge, accept with gratitude, and expend a gift of \$2,000 from Friends of Duboce Park, and \$1,500 from Hal Fischer and an anonymous donor, for the fabrication and installation of an artwork designed by Susan Schwartzberg and Michael Davis of a quotation from Harvey Milk on the east-facing wall of the Harvey Milk Center for Recreational Arts.

12. **RESOLUTION NO. 0407-08-087:** Motion to approve revised design in bronze for Cliff Garten's sculptural handrails at Laguna Honda Hospital.
13. **RESOLUTION NO. 0407-08-088:** Motion to authorize the Director of Cultural Affairs to enter into an agreement with Cliff Garten for \$238,108 to fabricate, transport and install 604 linear feet of bronze sculptural handrails at Laguna Honda Hospital.
14. **RESOLUTION NO. 0407-08-089:** Motion to rescind resolution 1001-07-278 approving location proposal for the Harvey Milk Memorial sculpture on a south-facing wall in the Van Ness lobby of City Hall pending approval of the site by the Harvey Milk City Hall Memorial Committee and the City Hall Preservation Advisory Committee.
15. **RESOLUTION NO. 0407-08-090:** Motion to approve the placement of the Harvey Milk memorial bust in the Board of Supervisors Ceremonial Rotunda in City Hall.
16. **RESOLUTION NO. 0407-08-091:** Motion to approve the final design proposal and budget submitted by Maya Lin for the suspended wire landscape sculpture to be fabricated from marine grade stainless steel tubing approximately 5/8 inches in diameter to be installed in the exterior West Terrace of the Academy of Sciences for an amount not to exceed \$275,000 including fabrication, transportation and installation.
17. **RESOLUTION NO. 0407-08-092:** Motion to approve final project proposal and authorization for the Director of Cultural Affairs to enter into an agreement with artist John Melvin for an amount not to exceed \$27,000 for installation of a temporary art project at Lake Merced targeted for August, 2008.
18. **RESOLUTION NO. 0407-08-093:** Motion to authorize payment of an additional honorarium in the amount of \$250 each to artists Wang Po Shu, Walter Kitundu, and Charles Sower to submit a revised proposal for the Randall Museum public art project.
19. **RESOLUTION NO. 0407-08-094:** Motion to approve a project of the Community Arts and Education Program for an exhibition in kiosks on Market Street of posters submitted by the San Francisco Unified School District to be installed in April, 2008.

## 6. Committee Reports

### 1. Executive Committee—P.J. Johnston, Chair

1. President Johnston reported that the Committee held a long and intense discussion regarding the work begun at the Community Arts, Education and Grants Committee, regarding Organizational Project Grants and the grant panel review process in general. He noted that sometimes an organization or an artist will contest the panel's recommendation not to

fund them, or an elected official may wish to intervene on behalf of an artist or organization. Upon review, the Committee agreed that the panel's decisionmaking process was above reproach. Ultimately, in this case, the Committee agreed to fund the organizations listed in Resolution No. 0407-08-084 above.

The Committee began a discussion about how and whether to account for factors outside of a strictly dispassionate review of applicants, such as fairness in distributing Arts Commission funding across the City's neighborhoods; whether a small difference in scores should mean that one organization is fully funded while another is not funded; what is the appropriate role of Commissioner discretion and whether there should be any grantmaking reflecting their priorities; and whether Commissioners should sit on grants review panels as they do on public art panels.

Mr. Cancel pointed out that these are the kinds of policy questions that should be part of the planning process. Commissioner Rinder agreed with the Committee's decision to affirm the panel process, and mentioned another granting organization with which he is familiar, where there is also a small amount of discretionary funding available. President Johnston noted that he has always believed an arm's-length relationship is appropriate; he noted that Commissioner Przyblyski made some interesting comments on Commissioners being involved in the review process from the beginning. He also thought that Supervisor Mirkarimi made an interesting point about elements external to the panel process. Commissioner Draisin mentioned that the panel's role did not encompass an overarching view of all of the Commission's grantmaking.

**2. Civic Design Committee—Jeannene Przyblyski, Interim Chair**

1. Commissioner Hunter reported that the Committee held a short meeting, reviewing three projects. The first, a visitors' center at Hetch Hetchy, was a nice little log cabin, which the Committee liked better than the "tin sheds" that often serve this function. This is a joint project with the National Park Service. The project sparked a discussion of an issue often considered by the Committee, of sustainability, in this case, the use of permeable paving and improving natural light.

A second project, by Recreation and Parks in the Mission District, had only minor changes.

The largest project, at over \$100,000,000, is San Francisco General Hospital. The Committee raised many issues and questions, pointing out that it is a major building in the City's portfolio, and one that any and all residents are likely to experience at some time. He promised that it will have a great deal of the Committee's attention in the months and years to come.

**3. Street Artists Committee—Alexander Lloyd, Chair**

1. In the absence of Commissioner Lloyd, Commissioner Melania reported that the Committee had held a lively meeting, discussing the possibility of using some of the temporary holiday spaces on a more permanent, year-round basis. Several street artists in attendance became increasingly argumentative. When order could no longer be maintained, Commissioner Lloyd adjourned the meeting early. Later, a fistfight broke out between some of the artists outside the meeting room. Program Director Howard Lazar will work with the artists to help them set up a committee to discuss issues among themselves, and then bring them to the Street Artists Committee.

Noting that the Committee's meeting schedule change has the support of staff, and that in practice, meetings are often cancelled, President Johnston presented the following motions.

2. **RESOLUTION NO. 0407-08-095:** Motion to approve requests by former certificate-holders for priority issuance of certificate with waiver of re-screening of wares: Barbara Zerbe, Canute Davis, Linda Pedersen, Michael Jamison, Salih Inci.
3. **RESOLUTION NO. 0407-08-096:** Motion to change the schedule of meetings of the Street Artists Committee from monthly to bimonthly, beginning with the meeting of May 14, 2008.

**4. Visual Arts Committee—Jeannene Przyblyski, Chair**

1. Commissioner Hunter directed the attention of the Commissioners to the bust of Harvey Milk displayed onscreen at the meeting, noting that people who have seen all three of the three finalists say that this sculpture not only looks like Milk, it feels like him. President Johnston thanked Mr. Cain for doing most of the legwork and fundraising; thanked Public Art staff, particularly Public Art Program Senior Project Manager Susan Pontious and Ms. Manton for making the project happen; and thanked City Hall Docent Ellen Schumer for helping to ensure the amicable resolution of the question of where to locate the bust.

Commissioner Rinder asked about the images on the pedestal; Commissioner Hunter confirmed that they had been reviewed and approved at the Committee meeting.

Directing Commissioners' attention to Resolution No. 0407-08-091, approved on the Consent Calendar, Commissioner Hunter reported that the Committee had spent a great deal of time discussing the Maya Lin landscape sculpture. It is modeled on the Bay's contours, and will be an installation unique to San Francisco. He thanked Ms. Manton for yeoman duty on this project.

Commissioner Hunter reported that Ms. Pontious did a great job presenting the General Hospital project to the Committee. He explained that the art for this project will be different from that at Laguna Honda, where the art is intended to be enlivening. At General Hospital, with its emphasis on treating trauma and on short-term care, the art should be more meditative and healing. Commissioner Hunter noted that this project will cost a great deal, and that the art will be an important addition to the City's collection.

Commissioner Hunter reported that the Committee also discussed several temporary art projects. The current Art on Market Street poster series is a result of artists asking city planners to "think outside the box." The John Melvin work at Lake Merced as part of the Temporary Art in Natural Settings project, balloons strapped to trees, floating over the lagoon like a cloud, is a site-specific piece working with optical issues rather than narrative; the temporary nature is part of the experience, rather than collectability. The Valdés sculpture installation is a collaboration with a New York gallery; the Committee is exploring such collaborations as another way to facilitate temporary projects.

Commissioner Hunter presented the following motion:

2. **RESOLUTION NO. 0407-08-097:** Motion to approve clay models of the bust and the three memorial panels for the Harvey Milk City Hall Memorial Bust sculpture.

5. **Community Arts, Education and Grants Committee-Maya Draisin, Chair**

1. Vice President Draisin reported that the Committee had focused on two areas at its last meeting: the Organizational Project Grants discussed above, and the Native American Cultural Center. Cultural Equity Grants Program Director San San Wong reported that the Mayor's office was working on a feasibility study for a Native center. She worked with the San Francisco Foundation to receive a matching grant to include an arts component in the feasibility study. President Johnston thought that working with the Mayor's office to inject the arts agenda in this project is a very good development.

7. **Public Comment**

Rosemary Cleese, the granddaughter of Mayor Angelo Rossi, spoke. She said that she hadn't realized she was opening a discussion for so many people regarding the location of memorial busts in City Hall. She was glad that this allowed for the Harvey Milk bust to be placed where the Committee wanted to see it. She thanked Ms. Manton, James Haas, Commissioner Przyblyski, Susan Goldstein and Mike Farrah for being so responsive. She said that she would like to be involved in any future policy discussions of where art is placed in the magnificent City Hall. President Johnston thought that both the Arts Commission and the City Hall Historic Preservation Commission should discuss this,

perhaps as a joint committee, along with the Mayor's office.

Ms. Cleese added that she would like to see Mayor Rossi's bust moved back to where his cronies and mentors are. President Johnston acknowledged the many competing viewpoints about where each of the sculptures should be placed, and that he would like to see all the interested parties work collaboratively. He thanked her for coming to the meeting.

**8. New Business**

There was no further new business.

**9. Reports and Announcements**

Commissioner Hunter announced that Ms. Nemzoff was working with the San Francisco Unified School District on a series of posters that will go into the Market Street kiosks shortly. Ms. Nemzoff added that there will be a few large signed copies available.

Commissioner Zhao announced that he is working on a 13km artwork in Beijing and will miss several Commission meetings because he will be out of the country for several weeks.

Commissioner Melania announced that her company, Presidio Dance Theater, would hold its tenth anniversary gala on May 23.

**10. Adjournment**

There being no further business, the meeting was adjourned at 4:45 p.m.





<addariophoto@rcn.com>  
06/02/2008 03:04 PM

To soft@sfgov.org  
cc  
bcc  
Subject Atten: Chris Rustom Complaint # 08024

June 2, 2008

Re: SOFT Complaint # 08024 - Michael Addario v. SF Arts Commission

Dear Members of the Sunshine Ordinance Task Force,

This letter is in response to a May 27, 2008 letter submitted by the San Francisco Arts Commission in regards to SOTF compliant # 08024. I also reserved the right to present additional evidence when a hearing is scheduled regarding this complaint.

Background of the San Francisco Street Artist Program

The San Francisco Street Artists (SFSA) program is comprised of approximately 370 members; some as young as 18 to a large contingent of senior citizens well into their 70's. The membership includes men, women, straight, gay and transgender. Artists from every country in the world, of all colors, shapes, sizes and political stripes make up this eclectic group. Although the SFSA program is a city program, it is unique that it does not receive any funds from the city of San Francisco, is funded entirely from membership licensing dues, fully funds two city employee as staff, and is structured that the members lack any voting rights to directly steer their program, set policy, or advance their agenda.

Moreover, most SFSA program members are financial disadvantaged; some with compounding physical handicaps. One artist after having surgery to remove a tumor from his brain, is deaf, and reads lips to communicate with fellow members and customers. Another member is hearing impaired from birth. In addition we have ten disabled veterans in our program that the membership fully subsidizes their licensing. There is also a large Asian and Hispanic segment that has limited English language skills and survives by having fellow Street Artists translate rules, regulation and requirements for them. Some members are new immigrants to this country, who were traumatized by repressive regimes, and are hesitant and suspicious of any government authorities or their actions.

In addition, the San Francisco Street Artist program is under the administration of the San Francisco Art Commission and two art commissioners sit on the San Francisco Street Artist Program Committee board. Historically, all matters of a significant nature were heard at the SFSA program committee level before proceeding to the Full Arts Commission board for voting.

Although, SFSA members, at their own expense and initiative created two computer email trees; this means of communication only reaches approximately 35% of the members due to the lack of some member's computer access.

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Additional Hardships imposed on SFSA members by Resolution 0407-08-096

In spite of the personal hardships several artists face, many members take a keen interest in the SFSA program; its direction, and continual survival. Resolution 0407-08-096 would add another barrier to member's rights by

stripping away half the amount of time and access that members, and the public, have to express their views or state their grievances before the SFSA program committee. In addition, Resolution 0407-08-096 could perceivably double the amount of time that a member cited with an infraction, or requested a new certificate, was able to have their case heard before the SFSA committee, thus depriving the member's and the public's right of due process in a timely manner.

Allegation: The San Francisco Art Commission neglected to properly notify, receive input, and or criticism, from San Francisco Street Artists, regarding Resolution No. 0407-08-096

SOTF SEC.67.3. DEFINITIONS.

(b) "Meetings" shall mean any of the following:

(3) Any other use of personal intermediaries or communications media that could permit a majority of the members of a policy body to become aware of an item of business and of the views or positions of others members with respect thereto, and to negotiate consensus thereupon.

April 7, 2008  
MEETING OF THE FULL ARTS COMMISSION  
Monday, April 7, 2008  
3:00 p.m.  
City Hall Room 416

Minutes

President Johnston called the meeting to order at 3:08 p.m.

1. Street Artists Committee-Alexander Lloyd, Chair

1. In the absence of Commissioner Lloyd, Commissioner Melania reported that the Committee had held a lively meeting, discussing the possibility of using some of the temporary holiday spaces on a more permanent, year-round basis. Several street artists in attendance became increasingly argumentative. When order could no longer be maintained, Commissioner Lloyd adjourned the meeting early. Later, a fistfight broke out between some of the artists outside the meeting room. Program Director Howard Lazar will work with the artists to help them set up a committee to discuss issues among themselves, and then bring them to the Street Artists Committee.

Noting that the Committee's meeting schedule change has the support of staff, and that in practice, meetings are often cancelled, President Johnston presented the following motions.

2. RESOLUTION NO. 0407-08-095: Motion to approve requests by former certificate-holders for priority issuance of certificate with waiver of re-screening of wares: Barbara Zerbe, Canute Davis, Linda Pedersen, Michael Jamison, Salih Inci.

3. RESOLUTION NO. 0407-08-096: Motion to change the schedule of meetings of the Street Artists Committee from monthly to bimonthly, beginning with the meeting of May 14, 2008.

Source: [http://www.sfgov.org/site/sfac\\_page.asp?id=78704](http://www.sfgov.org/site/sfac_page.asp?id=78704)

Please note above that "meeting schedule change has the support of staff" is a

direct admission that staff had knowledge of - and their support of - Resolution No. 0407-08-096, and appears that a prima facie case can be made that staff was in discussion with members of the Art Commission about this issue. Nevertheless, these discussions were not held in public and this issue was never brought before the membership of the SFSA program or discussed at any SFSA program committee meeting.

Moreover, the Art Commission did not employ a good faith attempt to inform the majority or any member of the SFSA program of the existence and vote on Resolution No. 0407-08-096. In addition the Art Commission neglected to notify members in a timely manner and historical means of communications between the SFSA program office and the SFSA membership were not maintain or applied. Unlike traditional past changes to the program the Full Arts Commission bypassed the SFSA program committee for a hearing. In addition, in this incident, the Art Commission neglected to employ any public announcement that the membership would have been alerted to, when abundant ways of conveyance were available to them.

The Art Commission neglected to notify SFSA members of the propose Resolution No.0407-08-096 by NOT employing the following means that were used in the past and readily available to the San Francisco Art Commission and SFSA program staff:

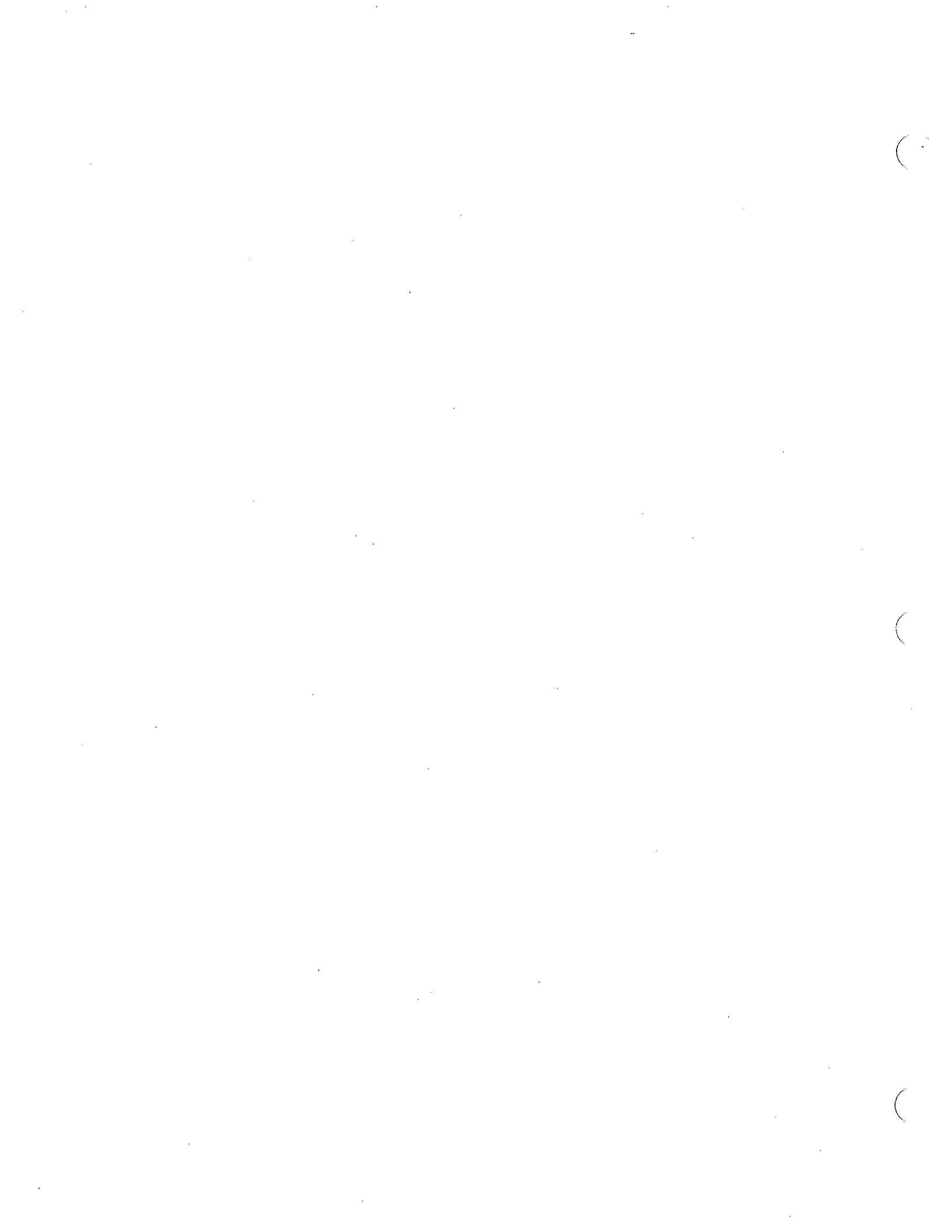
- 1.) Email
- 2.) Justine Herman Plaza Google group
- 3.) San Francisco Street Artists Google group
- 4.) United States Postal Service
- 5.) Posting on Utility Poles at Street Artist Locations
- 6.) Phone
- 7.) Leaflets
- 8.) Notifying verbally any San Francisco Street Artist
- 9.) Notifying verbally any SFSA Lottery Committee Members
- 10.) Publishing in a local Newspapers
- 11.) Posting notice in areas where Street Artists would congregate
- 12.) Listing it in a agenda prior to the month that the item would be heard
- 13.) Notifying members in SFSA committee meeting a month prior to the vote would be taken
- 14.) Notifying members to submit written comments prior to the Resolution No. 0407-08-096 to be voted on

Furthermore, it would appear that in violation to SOTF Sec.67.16 the posted San Francisco Arts Commission's April 7, 2008 minutes are deficient. (...The minutes shall state the time the meeting was called to order, the names of the members attending the meeting, the roll call vote on each matter considered at the meeting) Said minutes, exclude a roll call indicating which San Francisco Arts Commissioner(s) voted for the Resolution No. 0407-08-096 and who dissented. Furthermore, the minutes do not inform the public or SFSA membership whether Resolution No. 0407-08-096 passed or failed.

In conclusion, it would appear that the San Francisco Art Commission made a calculated and concerted effort to shield the San Francisco Street Artists Program membership of the existence, and of the ramifications inherent with the passage of Resolution No. 0407-08-096. Therefore, I believe complaint # 08024 has merit - is under the Sunshine Ordinance Task Force jurisdiction - and request a hearing to bring the matter forward, to be adjudication before the honorable members of the Sunshine Ordinance Task Force.

Sincerely,

Michael Addario  
San Francisco Street Artist #6075





<addariophoto@rcn.com>

06/16/2008 11:48 AM

To Howard.Lazar@sfgov.org

cc sotf@sfgov.org

bcc

Subject SOTF Information Request 08024

Dear Mr. Lazar,

Re: SOTF Complaint # 08024

I am requesting copies of any and all documents of communication between San Francisco Street Artist program staff, San Francisco Art Commissioners, individuals or group addressing:

- 1.) The creation of the San Francisco Street Artist program web site
- 2.) The change of the San Francisco Street Artists program meeting scheduling from monthly to bi-monthly

Whether it be by email, letter, memo, invoice or any recording by any means, including voice mail, tape recording or any other form of recording.

Sincerely,

Michael Addario  
San Francisco Street Artist #6075

Cc: Chris Rustom, SOTF



Howard  
Lazar/ARTSCOM/SFGOV  
06/24/2008 11:16 AM

To <addariophoto@rcn.com>  
Nancy Gonchar <nancy.gonchar@sfgov.org>, Sunshine  
cc Task Force Ordinance <sof@sfgov.org>, "Chris  
Rustom"@rcn.com, Evelyn  
bcc  
Subject Re: SOTF Complaint # 08024 

Dear Mr. Addario:

The documents relevant to the two issues you are requesting will be ready for pickup at the Street Artists Program office on Friday, June 27th, between the hours of 9:00 a.m. - 12:00 p.m. and 1:00 p.m to 4: 00 p.m. The documents will be released to you upon your payment of \$12.90 to the Arts Commission's Street Artists Program to cover the copying charge.

On December 1, 1997, the full Arts Commission adopted the following resolution based on its Executive Committee recommendation of November 18, 1997:

*RESOLUTION NO. 1202-97-427: Motion to approve a copying charge of 10 cents per page for any document requests over ten pages or any request for three or more documents. ADOPTED*

Because the documents relevant to the two issues you are requesting amount to 129 pages, you will be charged 10 cents per page or a total of \$12.90.

Sincerely,

Howard Lazar  
Street Artists Program Director

<addariophoto@rcn.com>



<addariophoto@rcn.com>  
06/23/2008 08:57 AM

To Howard.Lazar@sfgov.org  
Nancy Gonchar <nancy.gonchar@sfgov.org>, "Chris  
cc Rustom"@rcn.com, Sunshine Task Force Ordinance  
<sof@sfgov.org>  
Subject SOTF Complaint # 08024

June 23, 2008

Dear Mr. Lazar,

Re: Sunshine Ordinance Task Force Complaint # 08024

This is my second request for records. Below, is a copy of a letter originally sent to you on June 16, 2008. To-date I have not received a reply from you; and have not received any of the requested records. Records that are requested should be released as soon as they are available, on an incremental or "rolling" basis. In addition, all the records are required to be released by ten calendar days. This would mean the deadline that ALL requested records are due; is June 27, 2008. Below are the Sunshine Ordinance Task Force

regulations regarding this matter.

Article III: Public Information and Public Records

SEC. 67.25. IMMEDIACY OF RESPONSE.

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this article. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Source: [http://www.sfgov.org/site/sunshine\\_page.asp?id=31022#67\\_25](http://www.sfgov.org/site/sunshine_page.asp?id=31022#67_25)

Sincerely,

Michael Addario

Cc: Nancy Gonchar  
Chris Rustom, SOTF

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Dear Mr. Lazar,

Re: SOTF Complaint # 08024

I am requesting copies of any and all documents of communication between San Francisco Street Artist program staff, San Francisco Art Commissioners, individuals or group addressing:

- 1.) The creation of the San Francisco Street Artist program web site
- 2.) The change of the San Francisco Street Artists program meeting scheduling from monthly to bi-monthly

Whether it be by email, letter, memo, invoice or any recording by any means, including voice mail, tape recording or any other form of recording.

Sincerely,

Michael Addario  
San Francisco Street Artist #6075

Cc: Chris Rustom, SOTF



<addariophoto@rcn.com>  
06/25/2008 08:14 PM

To soff@sfgov.org  
cc  
bcc  
Subject SOTF # 08024 Fwd: thats how to save SFSA money!!

Dear Chris Rustom,

Re: Sunshine Ordinance Task Force Complaint # 08024

I am not sure if I can complete my review of the requested materials in that time frame. In addition, what would be the new deadline for submitting any additional written materials to the Sunshine Ordinance Task Force? Once I know the new deadline and retrieve the papers on Friday June 27, 2008 I should be able to make a decision by mid-day Monday June 30, 2008 if not sooner.

Moreover, I just received the below email that was written by Mr. Lazar and forwarded by another SFSA on the San Francisco Street Artists Justine Herman Plaza email tree. To me it seems to be a thinly veiled attempt to intimidate me - a witness and complainant - in this case, and I plan to present this to the Sunshine Ordinance Task Force as such.

Sincerely,

Michael Addario  
San Francisco Street Artist #6075  
A MIME attachment of type <message/rfc822> was removed here  
by a drop-attachments-by-name filter rule on the host <ironport.sfgov.org>.