

Date: July 26, 2011

Item No. 21 & 22
File No. 11048

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Pastor Gavin against Supervisors Chiu and Supervisor Mar**
-
-
-
-
-
-
-
-
-
-

Completed by: Chris Rustom

Date: July 21, 2011

***This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

** The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



DENNIS J. HERRERA
City Attorney

JERRY THREET
Deputy City Attorney

DIRECT DIAL: (415) 554-3914
E-MAIL: jerry.threet@sfgov.org

MEMORANDUM

TO: Sunshine Task Force
FROM: Jerry Threet
Deputy City Attorney
DATE: July 22, 2011
RE: *Complaint No. 11048, Pastor Gavin, et al. v. Supervisor Mar*

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING:

Pastor Gavin (an assumed name), as well as other anonymous complainants ("Complainants") allege that San Francisco Supervisor Eric Mar (the "Supervisor"), the chair of the Land Use Committee of the Board of Supervisors, violated public meetings laws when Supervisor David Chiu introduced amendments to legislation involving Park Merced during the May 24, 2011 committee meeting.

COMPLAINANT FILES COMPLAINT:

On June 20, 2011, Complainants filed this complaint against Mar, alleging violations of Sunshine Ordinance Sections 67.7 and 67.7-1.

JURISDICTION

The Board of Supervisors is a policy body. Therefore the Task Force has jurisdiction to hear a complaint against it or one of its officers alleging violations of the public meetings laws.

APPLICABLE STATUTORY SECTION(S):

Section 67 of the San Francisco Administrative Code:

- Section 67.7 governs descriptions of agenda items for a public meeting.
- Section 67.7-1 deals with the notice to be provided by City agencies to residents regarding any activity that may affect their property or the neighborhood.

Sections 54050 et seq. of the Cal. Government Code (the "Brown Act")

- Section 54954.2 deals with posting of agendas and description of items in those agendas.

MEMORANDUM

TO: Sunshine Task Force
DATE: July 22, 2011
PAGE: 2
RE: *Complaint No. 11048, Pastor Gavin, et al. v. Supervisor Mar*

APPLICABLE CASE LAW:

- *Phillips v. Seely* (1974) 43 Cal.App.3d 104, 120 ("where the subject matter to be considered is sufficiently defined to apprise the public of the matter to be considered and notice has been given in the manner required by law, the governing body is not required to give further special notice.").
- *Carlson v. Paradise Unified Sch. Dist.* (1971) 18 Cal.App.3d 196, 200 ("it is imperative that the agenda of the board's business be made public and in some detail so that the general public can ascertain the nature of such business.").
- The California Attorney General has concluded that, under Government Code § 54954.2, the agenda must include a sufficient description "to inform interested members of the public about the subject matter under consideration so that they can determine whether to monitor or participate in the meeting of the body." See *The Brown Act: Open meetings for Local Legislative Bodies*.

ISSUES TO BE DETERMINED**Contested/Uncontested Facts:***Complainants' Allegations*

Complainants allege that, during the May 24, 2011 meeting of the Land Use, Supervisor David Chiu introduced 14 pages of amendments to the development agreement between the City and the developers of the Park Merced project then being considered by the Committee. Complainants further allege that these changes to the development agreement during the meeting, without giving the public an opportunity to view them previously, was an egregious violation of the public's rights under sections 67.7 and 67.7-1 of the Sunshine Ordinance. Complainants do not allege facts that directly explain why the violation was that of Supervisor Mar.

The Supervisor's Response

The Supervisor does not dispute the above allegations. However, the Supervisor alleges that he received the proposed amendments at the same time as the public, opposed them publicly, and voted against them. The Supervisor further suggests that he is not the proper target of the complaint.

QUESTIONS THAT MAY ASSIST IN DETERMINING FACTS:

- What was the exact description of the item when it was on the meeting agenda of the Land Use Committee for consideration?
- Was notice of the proposed legislation mailed to residents of any specific geographic area that may have been affected by its passage?

MEMORANDUM

TO: Sunshine Task Force
DATE: July 22, 2011
PAGE: 3
RE: *Complaint No. 11048, Pastor Gavin, et al. v. Supervisor Mar*

LEGAL ISSUES/LEGAL DETERMINATIONS:

- Were sections of the Sunshine Ordinance, Brown Act, and/or California Constitution Article I, Section three violated?

SUGGESTED ANALYSIS

Under Section 67.7(a) of the Ordinance:

- Was the agenda description of the legislative item in question a "meaningful description"?

Under Section 67.7(b) of the Ordinance:

- Was the agenda description of the legislative item in question "sufficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item"?
- Was the agenda description of the legislative item in question "brief, concise and written in plain, easily understood English"?

Under Section 67.7-1 of the Ordinance:

- If notice of the legislative item was mailed to residents of a specific area, was the notice "brief, concise and written in plain, easily understood English"?

Under Section 54954.2 of the Brown Act:

- Was the agenda description of the legislative item in question a "brief general description"?
- Was the agenda description sufficient "to apprise the public of the matter to be considered"?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

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

MEMORANDUM

TO: Sunshine Task Force
DATE: July 22, 2011
PAGE: 4
RE: *Complaint No. 11048, Pastor Gavin, et al. v. Supervisor Mar*

ATTACHED STATUTORY SECTION FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE UNLESS OTHERWISE SPECIFIED

Section 67.7 (a): "At least 72 hours before a regular meeting, a policy body shall post an agenda containing a meaningful description of each item of business to be transacted or discussed at the meeting. Agendas shall specify for each item of business the proposed action or a statement the item is for discussion only. In addition, a policy body shall post a current agenda on its Internet site at least 72 hours before a regular meeting."

Section 67.7 (b): "A description is meaningful if it is sufficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item. The description should be brief, concise and written in plain, easily understood English. It shall refer to any explanatory documents that have been provided to the policy body in connection with an agenda item, such as correspondence or reports, and such documents shall be posted adjacent to the agenda or, if such documents are of more than one page in length, made available for public inspection and copying at a location indicated on the agenda during normal office hours."

Section 67.7-1(a) Any public notice that is mailed, posted or published by a City department, board, agency or commission to residents residing within a specific area to inform those residents of a matter that may impact their property or that neighborhood area, shall be brief, concise and written in plain, easily understood English.

SECTIONS 54950.ET SEQ. OF THE CAL. GOVERNMENT CODE

Section 54954.2(a) provides, in pertinent part:

"At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words."



SUNSHINE ORDINANCE TASK FORCE
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
Tel. (415) 554-7724; Fax (415) 554-7854
http://www.sfgov.org/sunshine

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission Land Use Commission

Name of individual contacted at Department or Commission Supervisor Mar

Alleged violation public records access
Alleged violation of public meeting. Date of meeting 06/24/2011

Sunshine Ordinance Section 67.7-1 and 67.7
(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

My rights under the Sunshine Ordinance were violated under sections 67.7-1 Public Notice and sections (a) and (b) and Section 67.7 Agenda Requirements Sections (a), (b), (c) and (d).

Do you want a public hearing before the Sunshine Ordinance Task Force? [X] yes [] no
Do you also want a pre-hearing conference before the Complaint Committee? [] yes [X] no

(Optional) Name Pastor Gavin Address [Redacted] Grijalva Dr.

Telephone No. E-Mail Address

Date June 20, 2011

I request confidentiality of my personal information. [X] yes [] no Signature

1 NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).

Jun 21 11 01:50p

Sunshine Ord. Task Force

415-554-7600

p.2

█ Grijalva Drive
San Francisco, CA 94132

June 21, 2011

Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett PL - Room 244
San Francisco, CA 94102

RE: Hearing Request

Dear Sunshine Task Force:

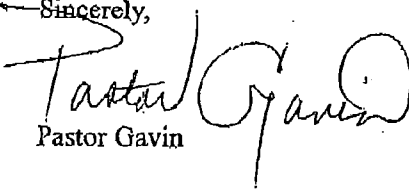
On May 24, 2011 during the Land Use Commission meeting, Board President David Chiu introduced 14 new pages that were to be added to the development agreement the city has with the developers at Parkmerced

By changing document that impacts the 8,000 residents of Parkmerced and not giving them or the public the opportunity to view the new information was an egregious violation of our rights under the Sunshine Ordinance, sections 67.7-1 Public Notice and Agenda Requirements 67.7. We have filed a complaint with the Sunshine Task Force to ask for a hearing.

My neighbors and I have filed a complaint with your department. We do not wish to have any of our information released into the public records and wish remain anonymous due to concerns regarding retaliation until the hearing.

If you have any questions please contact me via the United States mail. I look forward to hearing from you.

Sincerely,


Pastor Gavin

Jul 05 11 11:08a

Sunshine Ord. Task Force

415-554-7854

p2

█ Grijalva Drive
San Francisco, CA 94132

July 5, 2011

Mr. Chris Ruston
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Pl, Room 244
San Francisco, CA 94102

RE: Correct Date of Sunshine Ordinance Violation

Dear Mr. Ruston:

In regards to our conversation this morning about the date of the scheduled hearing regarding the Land Use Committee meeting, I realized there was an error in the date of the alleged incident on the complaint.

The correct date regarding the Land Use Meeting was on May 24, 2011 not June 24, 2011. I apologize for the error and if you need to contact me further please do not hesitate to call me. My telephone number is (415) 334-2010. However, I am requesting that my telephone number remain confidential.

Once again the date of the alleged violation of the sunshine ordinance was on May 24, 2011. I look forward to hearing from you and thank you for your assistance.

Sincerely,



Pastor Gavin



SUNSHINE ORDINANCE TASK FORCE
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
Tel. (415) 554-7724; Fax (415) 554-7854
http://www.sfgov.org/sunshine

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission Land Use Commission

Name of individual contacted at Department or Commission Supervisor Mar

Alleged violation public records access
Alleged violation of public meeting. Date of meeting 06/24/2011

Sunshine Ordinance Section 67.7-1 and 67.7
(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

My rights under the Sunshine Ordinance were violated under Sections: 67.7-1 (a) and (b), and Agenda Requirements Section 67.7 (a), (b), (c), (d)

Do you want a public hearing before the Sunshine Ordinance Task Force? [X] yes [] no
Do you also want a pre-hearing conference before the Complaint Committee? [] yes [X] no

(Optional) Name [Redacted] Address [Redacted]

Telephone No. 415 [Redacted] E-Mail Address [Redacted]

Date 6/20/11 [Redacted]

I request confidentiality of my personal information. [X] yes [] no Signature

NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED.



SUNSHINE ORDINANCE TASK FORCE
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
Tel. (415) 554-7724; Fax (415) 554-7854
http://www.sfgov.org/sunshine

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission Land Use Commission

Name of individual contacted at Department or Commission Supervisor Mar

Alleged violation public records access
Alleged violation of public meeting. Date of meeting 06/24/2011

Sunshine Ordinance Section 67.7-1 and Section 67.7
(if known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

My rights under the Sunshine Ordinance were violated under Section 67.1 Public Notice Requirements Sections (a) and (b), and Section 67.7 Agenda Requirements Sections (a), (b), (c) and (d)

Do you want a public hearing before the Sunshine Ordinance Task Force? [X] yes [] no
Do you also want a pre-hearing conference before the Complaint Committee? [X] yes [] no

(Optional) Name Address

Telephone No. E-Mail Address

Date 06/20/2011 Signature

I request confidentiality of my personal information. [X] yes [] no

NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED.



SUNSHINE ORDINANCE TASK FORCE
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
Tel. (415) 554-7724; Fax (415) 554-7854
http://www.sfgov.org/sunshine

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission Land Use Commission

Name of individual contacted at Department or Commission Supervisor Mar

Alleged violation public records access
Alleged violation of public meeting. Date of meeting 06/24/2011

Sunshine Ordinance Section 67.7-1 and 67.7
(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

My rights under the Sunshine Ordinance were violated under Section 67.7-1 Public Notice Requirements and Section 67.7 Agenda Requirements Sections (a), (b), (c), and (d).

Do you want a public hearing before the Sunshine Ordinance Task Force? [X] yes [] no
Do you also want a pre-hearing conference before the Complaint Committee? [X] yes [] no

(Optional) Name Address

Telephone No. E-Mail Address

Date 6/20/11 Signature

I request confidentiality of my personal information. [X] yes [] no

NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED.

Jun 21 11 01:50p

Sunshine Ord. Task Force

415-554-76...

p.7



SUNSHINE ORDINANCE TASK FORCE
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
Tel. (415) 554-7724; Fax (415) 554-7854
http://www.sfgov.org/sunshine

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission Land Use Commission

Name of individual contacted at Department or Commission Supervisor Mar

Alleged violation of public meeting. Date of meeting 06/24/2011

Sunshine Ordinance Section 67.7-1 and 67.7
(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

My rights under the Sunshine Ordinance were violated under Section 67.7-1 Public Notice Requirements and Section 67.7 Agenda Requirements Sections (a), (b), (c), and (d)

Do you want a public hearing before the Sunshine Ordinance Task Force? [X] yes [] no
Do you also want a pre-hearing conference before the Complaint Committee? [] yes [X] no

(Optional) Name Address

Telephone No. E-Mail Address

Date 06/20/2011

Signature

I request confidentiality of my personal information. [X] yes [] no

1 NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED.



SUNSHINE ORDINANCE TASK FORCE
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
Tel. (415) 554-7724; Fax (415) 554-7854
http://www.sfgov.org/sunshine

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission Land Use Commission

Name of individual contacted at Department or Commission Supervisor Avatos Mar

Alleged violation public records access
[X] Alleged violation of public meeting. Date of meeting 06/24/2011

Sunshine Ordinance Section 67.7-1 and 67.7
(if known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

My rights under the Sunshine Ordinance were violated under Sections 67.7-1, Public Notice Requirements Sections (a) and (b), Section 67.7 Agenda Requirements Sections (a), (b), (c) and (d).

Do you want a public hearing before the Sunshine Ordinance Task Force? [X] yes [] no
Do you also want a pre-hearing conference before the Complaint Committee? [] yes [X] no

(Optional) Name Address

Telephone No. E-Mail Address

Date 06/20/2011 Signature

I request confidentiality of my personal information. [X] yes [] no

NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).



SUNSHINE ORDINANCE TASK FORCE
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
Tel. (415) 554-7724; Fax (415) 554-7854
http://www.sfgov.org/sunshine

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission Land Use Commission

Name of individual contacted at Department or Commission Supervisor Avalos Mar

Alleged violation public records access
Alleged violation of public meeting. Date of meeting 06/24/2011

Sunshine Ordinance Section 67.7-1 and 67.7
(if known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

My rights under the Sunshine Ordinance were violated under Sections 67.7-1, Public Notice Requirements and Section 67.7 Agenda Requirements Sections (a), (b), (c) and (d)

Do you want a public hearing before the Sunshine Ordinance Task Force? [X] yes [] no
Do you also want a pre-hearing conference before the Complaint Committee? [] yes [X] no

(Optional) Name Address

Telephone No. E-Mail Address

Date 06/20/2011

I request confidentiality of my personal information. [X] yes [] no

Signature

1 NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).



SUNSHINE ORDINANCE TASK FORCE
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
Tel. (415) 554-7724; Fax (415) 554-7854
http://www.sfgov.org/sunshine

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission Land Use Commission

Name of individual contacted at Department or Commission Supervisor Avotos Mar

Alleged violation public records access
Alleged violation of public meeting. Date of meeting 06/24/2011

Sunshine Ordinance Section 67.7-1 and 67.7
(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

My rights under the Sunshine Ordinance were violated under sections 67.7-1 Public Notice sections (a) and (b) and Section 67.7 Agenda Requirements sections (a), (b), (c), and (d)

Do you want a public hearing before the Sunshine Ordinance Task Force? [X] yes [] no
Do you also want a pre-hearing conference before the Complaint Committee? [] yes [X] no

(Optional) Name Address

Telephone No. E-Mail Address

Date 06/20/2011 Signature

I request confidentiality of my personal information. [X] yes [] no

1 NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).

Jun 21 11 01:51p

Sunshine Ord. Task Force

415-554-7854

p.11



SUNSHINE ORDINANCE TASK FORCE
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
Tel. (415) 554-7724; Fax (415) 554-7854
http://www.sfgov.org/sunshine

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission Land Use Commission

Name of individual contacted at Department or Commission Supervisor Mar

Alleged violation public records access
Alleged violation of public meeting. Date of meeting 06/24/2011

Sunshine Ordinance Section 67.7-1 and 67.7
(if known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

My rights under the Sunshine Ordinance were violated under sections 67.7-1 Public Notice Sections (a) and (b) and Section 67.7 Agenda Requirements sections (a), (b), (c) and (d)

Do you want a public hearing before the Sunshine Ordinance Task Force? [X] yes [] no
Do you also want a pre-hearing conference before the Complaint Committee? [] yes [X] no

(Option) Name Address

Telephone No. E-Mail Address

Date 06/20/2011 Signature

I request confidentiality of my personal information. [X] yes [] no

NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).

Jun 21 11 01:51p

Sunshine Ord. Task Force

415-554-7600

p.12



SUNSHINE ORDINANCE TASK FORCE
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
Tel. (415) 554-7724; Fax (415) 554-7854
http://www.sfgov.org/sunshine

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission Land Use Commission

Name of individual contacted at Department or Commission Supervisor Mar

Alleged violation public records access
Alleged violation of public meeting. Date of meeting 06/24/2011

Sunshine Ordinance Section 67.7-1 and 67.7
(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

My rights under the Sunshine Ordinance were violated under sections 67.7-1 Public Notice and Section 67.7 Agenda Requirements Sections (a),(b),(c) and (d).

Do you want a public hearing before the Sunshine Ordinance Task Force? [X] yes [] no
Do you also want a pre-hearing conference before the Complaint Committee? [] yes [X] no

(Optional) Name Address

Telephone No. E-Mail Address

Date Signature

I request confidentiality of my personal information. [X] yes [] no

NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).



Myrna Melgar/BOS/SFGOV

06/24/2011 04:47 PM

To Chris Rustom/BOS/SFGOV@SFGOV

cc Joseph Smooke/BOS/SFGOV@SFGOV, Les Hilger
<les.hilger@sfgov.org>, Rick
Caldeira/BOS/SFGOV@SFGOV, Angela

bcc

Subject Re: Fw: Sunshine Complaint Received: #11048_Pastor
Gavin v Supervisor David Chiu, Supervisor Eric Mar

Mr. Rustom,

A thorough search of our records indicates no records of prior requests by Pastor Gavin. In fact, in reading this complaint, it is unclear to us what exactly this constituent is looking for. If you can provide us with more specific guidance, we would be happy to help him in his search.

The letter written by Pastor Gavin complains about the introduction of 14 pages of amendments by Supervisor Chiu to the development agreement for Parkmerced. This office received those amendments at the same time as the public did - during the hearing at the Land Use Committee on May 23rd. As a matter of record, Supervisor Mar voted against this item and publicly stated that he was disturbed by the lack of transparency in the process. It is unclear to us why Supervisor Mar is the target of this complaint, as we had nothing to do with the amendments named in the complaint, and in fact the Supervisor opposed them.

Myrna Melgar
Legislative Aide
Office of Supervisor Eric Mar
San Francisco District 1
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco CA 94102
(415)554-7412