

Date: July 26, 2011

Item No. 30

File No. \_\_\_\_\_

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

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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.

Sunshine Ordinance Task Force



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

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

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

Tuesday, January 20, 2011  
5:00 p.m., City Hall, Room 406

**Task Force Members**

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

**Call to Order** 5:01 P.M.

**Roll Call** Present: Snyder (in at 5:07), Knee, Manneh, Washburn, Knoebber, Wolfe (leaves at 6:55), Chan (in at 5:04), Johnson  
Excused: Cauthen

**Agenda Changes:** Item 15 heard before Item 9.

**Deputy City Attorney:** Jerry Threet  
**Clerk:** Chris Rustom

1. 10057 Determination of jurisdiction on complaint filed by Rita O'Flynn against the Controller's Whistleblower Program for allegedly failing to release records related to a closed case.  
  
Withdrawn.
2. 10057 Hearing on complaint filed by Rita O'Flynn against the Controller's Whistleblower Program for allegedly failing to release records related to a closed case.  
  
Withdrawn.
3. 10050 Determination of jurisdiction on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.15(d) and the Ralph M Brown

Act for interrupting him during public comment.

**Member Knoebber, seconded by Member Washburn, moved to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 7 - Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 2 - Snyder, Cauthen

4. 10050 Hearing on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.15(d) and the Ralph M Brown Act for interrupting him during public comment.

Ray Hartz provided an overview of his complaint.

**Member Knoebber, seconded by Member Washburn, moved to recuse Member Chan because of his association with the Police Commission.**

**The motion carried on the following vote:**

Ayes: 7 – Snyder, Manneh, Washburn, Knoebber, Wolfe, Johnson, Knee

Excused: 1 - Cauthen

Recused: 1 - Chan

**Member Johnson, seconded by Member Washburn moved to find the Police Commission in violation of 67.15(d) for prohibiting public criticism of the Police Commission's agenda changes.**

Public Comment: Anonymous Tenants said there is nothing left to do but sit down after a person providing public comment is told in mid-sentence that he or she has to talk on a different topic. Debra Benedict said a violation has to be found because the maneuver could be used by those who want to manipulate a meeting.

**The motion carried on the following vote:**

Ayes: 7 – Snyder, Manneh, Washburn, Knoebber, Johnson, Knee

Excused: 2 – Cauthen, Wolfe

Recused: 1 - Chan

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

Member Chan returned to the dais.

5. 10054 Determination of jurisdiction on complaint filed by Ray Hartz against the Library Commission for allegedly violating Section 67.16 by not allowing his 150-word statement to be entered into the minutes.

**Member Knoebber, seconded by Member Manneh, moved to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 7 – Snyder, Manneh, Washburn, Knoebber, Chan, Johnson, Knee

Excused: 2 - Cauthen, Wolfe

6. 10054 Hearing on complaint filed by Ray Hartz against the Library Commission for allegedly violating Section 67.16 by not allowing his 150-word statement to be entered into the minutes.

The complainant was present. The respondent was not present. There was no one in the audience who spoke or presented facts and evidence on behalf of the respondent.

**Chair continued the matter to the January 25, 2011, regularly scheduled meeting.**

7. 10056 Determination of jurisdiction on complaint filed by Peter Witt against the SF Municipal Transportation Agency for allegedly misleading and misrepresenting the public, failure to include public correspondence in the PC&N process, and, failure to include a 150-word statement in the minutes.

**Member Knoebber, seconded by Vice chair Wolfe moved to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 8 – Snyder, Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 - Cauthen

8. 10056 Hearing on complaint filed by Peter Witt against the SF Municipal Transportation Agency for allegedly misleading and misrepresenting the public, failure to include public correspondence in the PC&N process, and, failure to include 150-word statement in the minutes.

Peter Witt provided an overview of his complaint. Ray Hartz spoke in support

of the complainant. The department was represented by Roberta Boomer.

**Vice Chair Wolfe moved to find the SF Municipal Transportation Agency in violation of Section 67.16. Motion died for lack of a second.**

Matter concluded.

9. 10059 Determination of jurisdiction on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly refusing to provide information contained in his personnel file.

**Member Knoebber, seconded by Member Chan moved to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

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

10. 10059 Hearing on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly refusing to provide information contained in his personnel file.

The complainant gave an overview of his complaint. The respondent was not present. There was no one in the audience who spoke or presented facts and evidence on behalf of the respondent.

**Member Snyder, seconded by Vice Chair Wolfe, moved to continue the matter to the January 25, 2011, regularly scheduled meeting.**

**The motion carried on the following vote:**

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

11. 10063 Determination of jurisdiction on complaint filed by Debra Benedict against the Mayor's Office of Economic & Workforce Development for allegedly failing to provide access to a contract.

**Member Knoebber, seconded by Member Chan moved to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 7 – Snyder, Manneh, Washburn, Knoebber, Chan, Johnson,  
Knee  
Excused: 2 – Cauthen, Wolfe

12. 10063 Hearing on complaint filed by Debra Benedict against the Mayor's Office of Economic & Workforce Development for allegedly failing to provide access to a local contract.

**Member Knoebber, seconded by Member Johnson, moved to continue the matter to the January 25, 2011, regularly scheduled meeting.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 7 – Snyder, Manneh, Washburn, Knoebber, Chan, Johnson,  
Knee  
Excused: 2 – Cauthen, Wolfe

13. 10064 Determination of jurisdiction on complaint filed by Anonymous Tenants against the City Attorney's Office for allegedly withholding public records and procedures.

**Member Knoebber, seconded by Member Manneh moved to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 7 – Snyder, Manneh, Washburn, Knoebber, Chan, Johnson,  
Knee  
Excused: 2 – Cauthen, Wolfe

14. 10064 Hearing on complaint filed by Anonymous Tenants against the City Attorney's Office for allegedly withholding public records and procedures.

Anonymous Tenants gave an overview of his complaint. The department was represented by Jack Song.

Member Chan said he is acquainted with the respondent but added that the relationship would not prejudice his decision. There was no objection.

**Member Knoebber seconded by Member Washburn, moved to find a violation of Section 67.22(b) and Section 67.27.**

**Public Comment:** There should be a document within the City Attorney's

Office that shows which deputy city attorney wrote or started work on a particular City Attorney opinion. Ellen Tsang wanted to know how a document could be traced back to its original drafter if there wasn't a signature trail.

**Member Johnson, seconded by Member Washburn, moved to find a violation of Section 67.27.**

**The first motion carried on the following vote:**

Ayes: 7 – Snyder, Manneh, Washburn, Knoebber, Chan, Johnson, Knee

Excused: 2 – Cauthen, Wolfe

**The second motion failed on the following vote:**

Ayes: 4 – Manneh, Washburn, Johnson, Knee

Noes: 3 – Snyder, Knoebber, Chan

Excused: 2 – Cauthen, Wolfe

Matter concluded.

15. Public comment on matters not listed on the agenda. Public comment shall be taken at 6:00 p.m., or as soon thereafter as possible.

Peter Witt said he has filed several sunshine complaints over the years and the Task Force needs to make a determination on a number of them. He also said the survey that he provided to the SF Municipal Transportation Agency during a meeting was not in the meeting minutes. Ray Hartz said there are many people in San Francisco who don't know their rights under Sunshine. He also said there are many City officials who know about Sunshine but choose to ignore it. And in the process they ignore the Task Force as well.

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

Chair Knee said the Society of Professional Journalists is taking nominations for its annual James Madison Award, and details are available at [spjnorthcal.org](http://spjnorthcal.org).

## **Adjournment**

*There being no further business, the Task Force adjourned at the hour of 8:45 p.m.*

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