

Date: July 26, 2011

Item No. 31

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

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Draft Minutes: Task Force January 25, 2011**
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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



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

Tuesday, January 25, 2011  
4:00 p.m., City Hall, Room 406

**Task Force Members**

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

**Call to Order** 4:00 P.M.

**Roll Call** Present: Snyder (leaves at 9:00), Knee, Manneh, Washburn, Knoebber, Wolfe (in at 4:54), Chan, Johnson  
Excused: Cauthen

**Agenda Changes:** Item 2, 3 & 24 heard before Item 1.

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

1. Presentation by Allen Grossman on the 6-vote majority requirement and its impact on complaints and other matters heard by the Task Force.

**Heard:** Allen Grossman made his case before the Task Force.

**Public Comment:** Ray Hartz said the Task Force needs to follow its own rules and at the same time it needs to see if its public policy should be handled in a way that people will evaluate it and find that it is done in a fair and proper way. Debra Benedict said she is not a lawyer and cannot afford one. But, she said, the Task Force's decisions directly affect her ability to have what is her legal right, which is access to information. Jason Grant Garza said the absence of three members deprives him of his due process. Peter Warfield said there shouldn't be any problems if the Task Force does what Mr. Grossman says. Anonymous Tenants said the California Public Records Act was created to

allow the public to public documents. However, when the Task Force's six-vote rule outcome in contrary to the CPRA. Therefore, he urged the removal of the 6-vote rule. Tomas Picarello said a discussion like this should be done at the committee level because it prevents complainants from having their cases heard. He also said the Task Force should follow the law and follow the advice of the City Attorney.

2. 10054 Continued 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 placed in the minutes.

**Heard:** Ray Hartz gave an overview of his case. Mary Hudson represented the Library Commission.

**Member Washburn, seconded by Member Chan, motioned to find the Library Commission in violation of Sunshine Ordinance Section 67.15 for altering Mr. Hartz's statement as it constitutes an abridgement and, Section 67.16 for attaching the statement as an addendum and not placing it in the body of the minutes. Library Commission President Jewelle Gomez was also found in violation of Section 67.21(e) for not sending a knowledgeable person.**

**Public Comment:** Peter Warfield said any one of the seven Library Commission members could have come and presented their case because they are the ones who approve or disapprove the minutes.

The motion carried on the following vote:

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

Excused: 1 - Cauthen

Absent: 1 - Wolfe

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

3. 10059 Continued hearing on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly refusing to provide information contained in his personnel file.

**Heard:** Dorian Maxwell gave an overview of his case. Rumi Uno and Cyndia Chambers provided the defense.

**Member Johnson, seconded by Member Snyder, motioned that the Task Force finds that the SF Municipal Transportation Agency violated Sunshine Ordinance Sections 67.25 for failure to respond, 67.26 for not keeping withholding to a minimum, and 67.27 for failing to provide justification for withholding, and California Public Records Act Section 6254(c) because the requestor was asking for his own file and therefore**

**disclosure to him could not have invaded his personal privacy.**

**Public Comment:** Jason Grant Garza said the absence of four Task Force members already puts the complainant in a losing position. Ray Hartz said departments should come before the Task Force and show what documents were requested and why they are not going to be produced. Instead, he said, departments depend on denying the existence of the document.

The motion carried on the following vote:

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

The matter was referred to the Compliance and Amendments Committee.

4. 10060 Continued hearing on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly failing to notice a meeting, denying access, and failing to allow for public comment.

**Heard:** Charles Pitts gave an overview of his case. The respondent was not present.

**Member Washburn, seconded by Member Snyder, motioned that the Local Homeless Coordinating Board violated Sunshine Ordinance Section 67.21(e) for failing to send a knowledgeable person. Alison Schlageter was also found to have violated Section 67.34 for willful failure and official misconduct by failing to appear.**

**Public Comment:** Tomas Picarello said if the respondent does not show up everything alleged by the complainant should be presumed correct. That, he said, might spur attendance by the departments.

The motion carried on the following vote:

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

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

5. 10063 Continued hearing on complaint filed by Debra Benedict against the Mayor's Office of Economic & Workforce Development for allegedly failing to provide copies of a local contract.

**Heard:** Debra Benedict gave an overview of her case. Myisha Hervey spoke for the department.

**Vice chair Wolfe, seconded by Member Johnson motioned to find that the department violated Sunshine Ordinance Sections 67.21(b) by not responding within the given time frame, 67.21(c) by failing to assist the requestor, and 67.25(a) by delaying the immediacy of response.**

Member Knoebber, seconded by Chair Knee, motioned to separating the Section 67.21b violation.

The motion failed on the following vote:

Ayes: 8 - Knoebber

Noes : 7 - Snyder, Manneh, Washburn, Wolfe, Chan, Johnson, Knee

Excused: 1 - Cauthen

**Public Comment:** Jason Grant Garza said he was surprised that the Mayor's Office did not know about sunshine. on various issues. He also said just because the department says they do not have a document, it does not mean it is not there. There could be a verbal contract.

The first motion passed on the following vote

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

Noes : 1 - Knoebber

Excused: 1- Cauthen

The matter was referred to the Compliance and Amendments Committee.

6. 10065 Determination of jurisdiction on complaint filed by Debra Benedict against the San Francisco Bar Association for allegedly not meeting Chapter 12L requirements.

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

The motion carried on the following vote:

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

Excused: 1 - Cauthen

7. 10065 Hearing on complaint filed by Debra Benedict against the San Francisco Bar Association for allegedly not meeting Chapter 12L requirements.

**Heard:** Debra Benedict presented her case. Mairi McKeever represented the respondent.

**No motion was presented.**

**Public Comment:** Tomas Picarello and Jason Grant Garza spoke on various

issues.

The matter was closed.

8. 10066 Determination of jurisdiction on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly not providing documents related to a union contract.

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

The motion carried on the following vote:

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

9. 10066 Hearing on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly not providing documents related to a union contract.

**Heard:** Dorian Maxwell presented his claim. Rumi Uno spoke for the department.

**Member Johnson, seconded by Vice chair Wolfe, motioned to find the department in violation of Section 67.21(b) for failing to respond in a timely manner, and Section 7.27 for failing to provide justification for withholding.**

**Public Comment:** None.

The motion carried on the following vote:

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

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

10. 10068 Determination of jurisdiction on complaint filed by Nick Pasquariello against the SF Municipal Transportation Agency for allegedly not providing him with documents related to the Clipper program.

**Member Knoebber, seconded by Member Manneh, motioned 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

11. 10068 Hearing on complaint filed by Nick Pasquariello against the SF Municipal Transportation Agency for allegedly not providing him with documents related to the Clipper program.

Matter continued to February 22, 2010. There was no objection.

12. 10069 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly not providing him with a breakdown of the salaries and benefits of its employees.

**Member Knoebber, seconded by Member Manneh, motioned 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

13. 10069 Hearing on complaint filed by William Clark against the Arts Commission for allegedly not providing him with a breakdown of the salaries and benefits of its employees.

**Heard:** William Clark gave an overview of his complaint. Julio Mattos represented the agency.

**Member Snyder, seconded by Member Knoebber, motioned to find the agency in violation of Sunshine Section(s) 67.21(b) by not responding within the given time frame, 67.21(c) by failing to assist the requestor, and 67.26 by not keeping withholding to a minimum.**

**Public Comment:** None.

The motion carried on the following vote:

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

The matter was referred to the Compliance and Amendments Committee.

14. 10071 Determination of jurisdiction on complaint filed by Jason Grant Garza against the Haight Ashbury Free Clinics for not providing him with documents related to two visits he made in 2010.

**Member Knoebber, seconded by Member Manneh, motioned 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

Member Snyder asked to be excused for the rest of the evening.

15. 10071 Hearing on complaint filed by Jason Grant Garza against the Haight Ashbury Free Clinics for not providing him with documents related to two visits he made in 2010.

Jason Grant Garza did not present his case but questioned the process.

**Chair Knee, after repeatedly telling the complainant to present his case, ruled to have the matter tabled.**

The motion carried on the following vote:

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

Excused: 2 - Snyder, Cauthen

16. 10072 Determination of jurisdiction on complaint filed by Bruce McLellan against the Recreation and Park Department for allegedly not releasing the Stow Lake lease.

**Vice chair Wolfe, seconded by Member Johnson, motioned 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

17. 10072 Hearing on complaint filed by Bruce McLellan against the Recreation and Park Department for allegedly not releasing the Stow Lake lease.

**Heard:** Bruce McLellan gave an overview of his complaint. Nick Kinsley



represented the department.

No motion was made.

Matter concluded.

18. Approval of January 4, 2011, special meeting minutes.

Moved to next agenda.

19. Approval of January 20, 2011, special meeting minutes.

Moved to next agenda.

20. Report: Complaint Committee meeting of January 11, 2011.

Cancelled.

21. Report: Compliance and Amendments Committee meeting of January 11, 2011.

Cancelled.

22. Report: Education, Outreach and Training Committee meeting of January 13, 2011.

Cancelled.

23. Administrator's Report.

Cancelled.

24. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible.

Public Comment: Jason Grant Garza said he was going to chastise the Task Force at every opportunity he gets during public comment because it gives false hope, not provide logical explanations and rigged process. Tomas Picarello said Task Force members should be seated and listen when the public speaks. He also said the Task Force needs refine its complaint process to help complainants and not to have them attend meetings month after month. Debra Benedict said the State Joint Legislative Staff Task Force on Government Oversight has noted that the California Public Records Act, which the Sunshine Ordinance is based on, does not have the power to compel officials to release public documents. Peter Warfield said the Task Force needs to let the public know how and which departments have violated the

Ordinance through its website. Ray Hartz said the real Sunshine Ordinance violators need to explain their actions before the Task Force rather than ask someone else to do their dirty job. Anonymous Tenants said he did not know why the Task Force meets at different times of the evening. Charles Pitts said the amendments need to be revisited and updated.

25. Announcements, comments, questions, and future agenda items from the Task Force members: None.

### **Adjournment**

*There being no further business, the Task Force adjourned at the hour of 9:56 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>