

Date: August 26, 2008

Item No. 8
File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Administrators Report for August 2008
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Completed by: Frank Darby

Date: August 20, 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.

SUNSHINE ORDINANCE
TASK FORCE



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Sunshine Ordinance Task Force

DATE: August 26, 2008

SUBJECT: Administrators Report for August 2008

1. Requests from community persons:
 - From July 16, 2008 through August 19, 2008, the Task Force's office responded to approximately 236 calls/e-mails/office visits from individuals requesting information regarding the Sunshine Ordinance, or to mediate request for records.
2. 2008 – Complaint Log
3. Referral Log
4. Communications Received Log (July 16 to August 19)
5. Orders of Determination:
 - 08023_Anonymous v. Planning Department
 - 08024_Michael Addario v. Arts Commission
 - 08029_Barry Taranto v. Taxi Commission
 - 08031_Kimo Crossman v. Ethics Commission
 - 08032_Kimo Crossman v. City Attorney's Office
6. Letter from Ethics Commission re: #07002(a), 07002(b), and 07009_Crossman v. Mayor's Office.
7. Letter. from SF Public Library, August 2008

Complaints 2008

Date Received	Complainant	Department/Respondent	Status
1/3/2008	Kimo Crossman (08001)	District Attorney	Complaint Committee 2/12/08; Task Force 2/26/08 (No formal action taken)
1/7/2008	Hank Wilson (08002)	Public Health - HPPC	Complaint Committee 2/12/08 (Withdrawn: 2/6/08)
1/10/2008	Christian Holmer (08003)	Mayor's Office	Complaint Committee 2/12/08; Task Force 2/26/08 (Withdrawn: 2/22/08)
1/10/2008	Kimo Crossman (08004, 08005, 08007)	City Attorney	Complaint Committee 2/12/08; Task Force 2/26/08 contd.; 3/25/08 violation 67.21 (a), 67.21 (l), 67.24 (b) (i) (iii); CAC 4/9/08: Referred to Task Force; Task Force 4/22/08: Referred to Ethics (sent:5/13/08)
1/10/2008	Kimo Crossman (08005, 08004, 08007)	City Attorney	Complaint Committee 2/12/08; Task Force 2/26/08; 3/25/08 heard with 08004; CAC 4/9/08: Referred to Task Force; Task Force 4/22/08: Referred to Ethics (sent:5/13/08)
1/10/2008	Kimo Crossman (08006)	City Attorney	Complaint Committee 2/12/08; Task Force 2/26/08 contd.; 3/25/08 violation of 67.26, 67.21 (l), 67.24 (b) (1) (iii); CAC 4/9/08: Referred to Task Force; Task Force 4/22/08: Referred to Ethics (sent:5/13/08)
1/10/2008	Kimo Crossman (08007, 08004, 08005)	City Attorney	Complaint Committee 2/12/08; Task Force 2/26/08; 3/25/08 heard with 08004; CAC 4/9/08: Referred to Task Force; Task Force 4/22/08: Referred to Ethics (sent:5/13/08)
1/14/2008	Stephen Worsley (08008)	Recreation and Park	Complaint Committee 2/12/08; Task Force 2/26/08 (No formal action taken)
2/9/2008	Patrick Monett-Shaw (08009)	Board of Supervisors	Complaint Committee 3/11/08 (Withdrawn: 2/26/08)
2/11/2008	Patrick Monett-Shaw (08010)	Dept. of Health	Task Force 3/25/08 (Withdrawn 3/15/08)
2/20/2008	David Waggoner (08011)	Ethics Commission	Complaint Committee 3/11/08; Task Force 3/25/08 (No formal action taken)
3/2/2008	Kimo Crossman (08012)	Clerk of th Board, SOTF Administrator	Task Force 3/25/08 (Withdrawn 3/14/08)

Complaints 2008

3/2/2008	Kimo Crossman (08013)	SOTF Administrator	Task Force 3/25/08 (Violation 67.21 (a)); CAC 4/9/08; Referred to Task Force; Task Force 4/22/08; 5/27/08 Referred to BOS (sent 06/13/08)
3/4/2008	Jason Berckart (08014)	Human Rights Commission???	Pending Clarification from Complainant
3/4/2008	Deniz Bolbol (08015)	SF Zoological Society	Task Force 3/25/08 (Violation 67.25)
3/7/2008	Anonymous (08016)	SF Arts Commission	Task Force 4/22/08 (Withdrawn 3/20/08)
3/17/2008	Kimo Crossman (08017)	Clerk of the Board, SOTF Administrator	Task Force 4/22/08 (No Violation)
3/17/2008	Kimo Crossman (08018)	Clerk of the Board, SOTF Administrator	Task Force 4/22/08 [Violation 67.21-1 (a)]; CAC 5/14/08 (No formal action taken)
4/8/2008	Kimo Crossman (08019)	Clerk of the Board, SOTF Administrator, DTIS	Task Force 4/22/08 (No Violation)
4/8/2008	Peter Witt (08020)	SF Taxi Commission	Task Force 4/22/08; 5/27/08 (Violation §67.15; 67.16)
5/2/2008	Kimo Crossman (08021)	City Attorney's Office	Task Force 5/27/08 (No violation)
5/2/2008	Kimo Crossman (08022)	Clerk of the Board	Task Force 5/27/08, 6/24/08; 7/22/08
5/20/2008	Anonymous Tenants (08023)	Planning Department	Task Force 6/24/08; 7/22/08; CAC 8/13/08
5/20/2008	Michael Addario (08024)	Arts Commission	Complaint 6/10/08, Task Force 6/24/08; 7/22/08; CAC 8/13/08; 9/10/08
5/21/2008	Kimo Crossman (08025)	City Attorney	Task Force 6/24/08; 7/22/08 Withdrawn 6/27/08
5/21/2008	Kimo Crossman (08026)	City Attorney	Task Force 6/24/08; 7/22/08 Withdrawn 6/27/08
5/21/2008	Kimo Crossman (08027)	Mayor's Office of Criminal Justice	Task Force 6/24/08; 7/22/08; 8/26/08
5/21/2008	Kimo Crossman (08028)	City Attorney	Task Force 6/24/08; 7/22/08 Withdrawn 6/27/08

Complaints 2008

5/29/2008	Barry Taranto (08029)	Taxi Commission	Task Force 6/24/08; 7/22/08; CAC 8/13/08 No action taken
5/29/2008	Kimo Crossman (08030)	COB, SOTF Administrator	Complaint 8/12/08 (Withdrawn 8/1/08)
6/3/2008	Kimo Crossman (08031)	Ethics Commission	Task Force 7/22/08; CAC 8/13/08 Contd 9/10/08
6/4/2008	Kimo Crossman (08032)	City Attorney	Task Force 7/22/08; CAC 8/13/08 TF 8/26/08
6/25/2008	Charles Pitts (08033)	Human Services	Task Force 7/22/08; Complaint 9/9/08
6/27/2008	Tomas Picarello (08034)	Supervisor Jack McGoldrick	Task Force 7/22/08; 8/26/08
6/30/2008	Neils Welin (08035)	Municipal Transportation Agency	Complaint 8/12/08 (Withdrawn 7/14/08)
6/25/2008	Juan De Anza (08036)	Public Health	Complaint 8/12/08 (No Jurisdiction)
7/8/2008	Kimo Crossman (08037)	Supervisor Peskin	Task Force 8/26/08 Contd 9/23/08
7/28/2008	Kin Tso (08038)	Animal Control and Welfare Commission	Task Force 8/26/08
7/30/2008	Allen Grossman (08039)	City Attorney	Task Force 8/26/08; 9/23/08
30-Jul	Eula Walters (08040)	Recreation and Park Commission	Complaint 9/9/08
8/1/2008	Kimo Crossman (08041)	DTIS, SFGTV	Task Force 8/26/08, Withdrawn 8/19/08
8/1/2008	Kimo Crossman (08042)	DTIS, SFGTV, City Administrator, Media Services, SOTF-A, COB	Complaint 9/9/08
8/5/2008	Charles Pitts (08043)	SFPD	Task Force 8/26/08 (Withdrawn 8/1/08)
8/19/2008	Brian Browne (08044)	Building Inspection	Task Force 9/23/08

Referral Log 2005-2008

Date Referred/Sent	Complainant	Department/Respondent	Status
1/25/2005 (Sent 1/31/05)	Cheryl Brinkman, Pat Christensen, Sue Vaughan (#05004)	Golden Gate Park Concourse Authority	Referred to Ethics Commission (EC#06-052104 Dismissed: 9/12/06)
9/26/2006 (Sent 11/3/06)	Robert Planthold (#06004)	Municipal Transportation Agency	Referred to District Attorney (No Response); Referral to Ethics Commission (EC#10-061108 Dismissed: 4/10/07)
4/24/2007 (Sent 5/17/07)	Kimo Crossman (07002-A & B)	Mayor's Office	Referred to Ethics Commission (EC#01-70528 dismissed 7/24/08 & 04-070801 dismissed 7/24/08) Referred to District Attorney (No Response) Referred to Attorney General [6/28/07 AG will not intervene: referred to EC]
6/26/2007 (Sent 7/30/2007)	Kimo Crossman (07009)	Mayor's Office	Referred to Board of Supervisors (No Response) Referred to Ethics Commission (EC#05-070808 dismissed 7/24/08) Referred to District Attorney (8/22/07 awaiting result of EC) Referred to Attorney General (No Response)
5/22/2007 (Sent 6/5/07)	Kimo Crossman (07011)	Sheriff's	Referred to the Board of Supervisors (No Response)
5/22/2007 (Sent 7/30/07)	Kimo Crossman (07023, 06025 & 06027)	Telecommunications and Information Services	Referred to Ethics Commission; (EC#02-070801 Dismissed: 1/16/08)
1/8/2008 (Sent 2/27/08)	Myrna Lim (07056)	Ethics Commission	Referred to Attorney General: Sent 2/27/08 [3/21/08 AG: Will not investigate...local matter.]
1/8/2008 (Sent 1/31/08)	Jeff Ente (07057)	Supervisor Aaron Peskin	Referred to Ethics Commission [04-080204 pending] Referred to Attorney General [3/24/08 AG: Will not investigate. referred to Ethics]
1/8/2008 (Sent 2/27/08)	Library Users Assoc. by Exec. Dir Peter Warfield (07061 & 07062)	Library	Referred to Attorney General [3/21/08 AG: Will not investigate...local matter.]
1/8/2008 (Sent 1/31/08)	Allen Grossman (07077)	District Attorney	Referred to Ethics Commission (EC#05-080204 pending) Referred to Attorney General [3/24/08 AG: Will not investigate. referred to Ethics]
3/25/2008 (Sent 4/24/08)	Dan Boreen (07080-A, B, & C)	Fire Department	Referred to Ethics Commission (EC#13-080424 pending) 2/2008

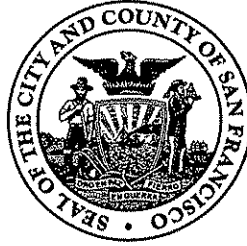
Referral Log 2005-2008

3/25/2008 (Sent 4/24/08)	Allen Crossman (07087)	Mayor's Office	Referred to Ethics Commission (EC# 15-080424 pending)
3/25/2008 (Sent 4/24/08)	Kimo Crossman (07094)	City Attorney	Referred to Ethics Commission (EC#14-080424 pending)
4/22/2008 (Sent 5/13/08)	Kimo Crossman (07096)	Mayor's Office	Referred to Ethics Commission (EC#17-080513 pending)
4/22/2008 (Sent 5/13/08)	Kimo Crossman (08004, 08005, 08007)	City Attorney	Referred to Ethics Commission (EC#18-080513 pending)
4/22/2008 (Sent 5/13/08)	Kimo Crossman (08006)	City Attorney	Referred to Ethics Commission (EC#19-080513 pending)
5/27/2008 (Sent 6/13/08)	Kimo Crossman (08013)	SOTF-A	Referred to Board of Supervisors

COMMUNICATIONS RECEIVED LOG
 July 12, 2008 through August 19, 2008

	DATE	FROM	DESCRIPTION
1	15-Jul	James Chaffee	Sunshine outrage
2	15-Jul	Kimo Crossman	Electronic retention
3	16-Jul	Christian Holmer	Redaction policy
4	17-Jul	Christian Holmer	Possee meeting
5	17-Jul	Christian Holmer	Overdue requests
6	18-Jul	Starchild	Records request
7	21-Jul	Mpetrelis	Gay marriage
8	22-Jul	Mhonlin	Inner city youth
9	24-Jul	Joe Arellano	code-breaker
10	27-Jul	iolmisha	Treatment of Catherine Cusic
11	27-Jul	Kimo Crossman	Cassette tape demise
12	27-Jul	Ldawydiak	Parking control officer (2)
13	28-Jul	Bond Yee	Parking control officer
14	29-Jul	Kimo Crossman	White House emails
15	30-Jul	Mpetrelis	HIV status for 2007
16	1-Aug	Juan De Ander	Records request (4)
17	4-Aug	Kimo Crossman	SOTF super majority (2)
18	4-Aug	Charles Pitts	IDR
19	6-Aug	Eula Walters	Ferry Park
20	5-Aug	Anonymous Tenants	2642-44 Hyde St (25)
21	5-Aug	Ernie Llorente	2642-44 Hyde St
22	7-Aug	Richard Knee	Ca 1st Amendment Coalition nominees
23	7-Aug	Kimo Crossman	Agenda links
24	8-Aug	Scott Sanchez	2642-44 Hyde St (2)
25	7-Aug	Charles Pitts	idr
26	8-Aug	Mpetrelis	Chronicle Aids conf coverage
27	9-Aug	Kimo Crossman	public comment
28	11-Aug	Joy Houlihan	Parking control officer
29	12-Aug	Allen Grossman	SOTF minutes
30	12-Aug	Allen Grossman	Guidelines for opinions
31	11-Aug	Richard Knee	Public records on line
32	11-Aug	Stuartblumstein	Police Commission
33	12-Aug	Allen Grossman	Complaint procedure
34	12-Aug	Jeff Ente	Ethics bylaws
35	13-Aug	Sara Vellve	2642-44 Hyde St
36	13-Aug	bonato.jonathan	HOWPA funds
37	13-Aug	Linda Avery	2642-44 Hyde St (2)
38	13-Aug	Allen Grossman	Materials submission deadline
39	13-Aug	tpicarello	Customer satisfaction survey
40	15-Aug	Christian Holmer	Records request
41	15-Aug	Scau	IDR
42	15-Aug	Soher Youssef	Records request/Mayou
43	18-Aug	Christian Holmer	Records request/Mirkarimi
44	18-Aug	bonato.jonathan	Care Not Cash

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TDD/TTY No. (415) 554-5227

ORDER OF DETERMINATION
August 4, 2008

DATE THE DECISION ISSUED
July 22, 2008

ANONYMOUS v. PLANNING DEPARTMENT (08023)

FACTS OF THE CASE

Anonymous Tenants state that they repeatedly requested Planning Department Planner Scott Sanchez and Sara Vellve to release the complete file regarding a new project at 2642-44 Hyde Street. The City Planners allegedly refused to provide the complete file for review, and provided additional documents only after Complainants followed up and specifically identified additional documents that should have been located in the file.

COMPLAINT FILED

On April 30, 2008, the Anonymous Tenants filed a complaint alleging violations of the Sunshine Ordinance.

HEARING ON THE COMPLAINT

On July 22, 2008, Complainant Anonymous Tenants appeared before the Task Force and presented his claim. Respondent Department was represented by Scott Sanchez and Lulu Wang who presented the Department's defense.

The issue in the case is whether the Department violated Section(s) 67.21, 67.26 & 67.27 of the Ordinance and Sections 6253 & 6255 of the California Public Records Act.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds that the Department failed to adequately explain its response to the public records requests and how and when it complied with the requirements of the Sunshine Ordinance and the Public Records Act. Specifically, it appears from the testimony provided that the Department failed to provide all responsive documents within the 10 day timeframe required by the Ordinance.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Department violated Section(s) 67.21 (b) &(c) of the Sunshine Ordinance which requires a custodian of a public record to comply with a request as soon as possible and within ten days following the receipt of a request for inspection or

ORDER OF DETERMINATION

copy of a public record. The Department shall appear before the Compliance and Amendments Committee on August 13, 2008.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on July 22, 2008, by the following vote: (Pilpel / Craven)
Ayes: Craven, Knee, Washburn, Knoebber, Pilpel, Chu, Goldman, Williams
Excused: Cauthen, Gokhale, Chan



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

- c: Ernie Llorente, Deputy City Attorney
- Anonymous
- Scott Sanchez, Planning Department
- Linda Avery, Planning Department

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. 415) 554-7854
TDD/TTY No. (415) 554-5227

ORDER OF DETERMINATION
August 4, 2008

DATE THE DECISION ISSUED
July 22, 2008

MICHAEL ADDARIO v. SAN FRANCISCO ARTS COMMISSION (08024)

FACTS OF THE CASE

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.

COMPLAINT FILED

On May 8, 2008, Michael Addario filed a complaint against the Arts Commission alleging violations of the Sunshine Ordinance for: (1) 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 failure to allow the Street Artists Committee the opportunity to discuss the change at its own meeting; (2) a proposed honorarium payment of not more than \$2500 to Rick Elizaga Design for design and creation of the Street Artists Program website; and (3) there may have been a seriatim meeting of the Committee or Commission members regarding the proposed change in the Street Artists Committee meeting schedule.

HEARING ON THE COMPLAINT

On July 22, 2008, Complainant Michael Addario appeared before the Task Force and presented his Complaint. The Commission sent a letter to the Task Force explaining its position soon after the complaint was filed and at the hearing before the full Task Force, a representative from the Commission was present at the beginning of the meeting but when the case was called, he/she was not present

The issue in the case is whether the Commission violated Section(s) 67.3, 67.4 & 67.6 (e) of the Ordinance.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Task Force considered the materials submitted by the Commission, but did not find it properly addressed the seriatim meeting issue involving the two commissioners of the Street Artists Committee who decided to recommend to the full Commission a change of the committee meeting schedule without the benefit of public comment at a committee level

ORDER OF DETERMINATION

meeting. The Task Force did not vote on or find a violation with respect to the other two allegations.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Commission violated Section 67.5 of the Sunshine Ordinance for holding a seriatim meeting at the committee level through the two committee members at a non-public meeting and without public input. The Commission shall appear before the Compliance and Amendments Committee on August 13, 2008, to further discuss the violation.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on July 22, 2009, by the following vote: (Pilpel / Goldman)

Ayes: Craven, Knee, Washburn, Knoebber, Pilpel, Chu, Goldman, Williams

Excused: Cauthen, Gokhale, Chan



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

- c: Ernie Llorente, Deputy City Attorney
- Michael Addario
- Howard Lazar, Arts Commission
- Luis Cancel, Arts Commission

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TDD/TTY No. (415) 554-5227

**ORDER OF DETERMINATION
August 4, 2008**

DATE THE DECISION ISSUED
July 22, 2008

BARRY TARANTO v. TAXI COMMISSION (08029)

FACTS OF THE CASE

Complainant Barry Taranto claims that when he attended the May 27, 2008 meeting, the Commission committed the following acts: 1. Commission President Paul Gillespie allowed an unidentified public speaker to defame the character of another public Speaker in light of warnings provided by the Deputy City Attorney who advises the Commission; 2. The Commission President arbitrarily sets the time for public comment on agenda items without regard to the urgency/seriousness of the items(s); 3. The Commission President allows more time to some members of the public without giving more time to others.

COMPLAINT FILED

On 5/29/08 Barry Taranto filed a complaint that did not specifically list the sections of the Sunshine Ordinance that was violated but described the violations as listed above.

HEARING ON THE COMPLAINT

On July 22, 2008, Complainant Barry Taranto appeared before the Task Force and presented his Complaint. Respondent Commission was represented by Jordanna Thigpen who presented the Commission's defense.

The issue in the case is whether the Commission violated Section(s) 67.15 & 67.7 of the Ordinance and Sections 54957.9 of the California Public Records Act.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented, the Task Force finds that public speaking time was not uniformly allocated. The Task Force did not vote or find a violation with respect to the other two allegations.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Commission violated Section(s) 67.15 (c) of the Sunshine

ORDER OF DETERMINATION

Ordinance that allows each person wishing to speak on an item before the body at a regular or special meeting shall be permitted to be heard once for up to three minutes. Time limits shall be applied uniformly to members of the public wishing to testify. The Commission shall appear before the Compliance and Amendments Committee on August 13, 2008.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on July 22, 2009, by the following vote: (Pilpel / Cauthen)

Ayes: Craven, Knee, Cauthen, Washburn, Knoebber, Pilpel, Chu, Goldman, Williams

Excused: Gokhale, Chan



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

- c: Ernie Llorente, Deputy City Attorney
- Barry Taranto
- Jordanna Thigpen, Director, SF Taxi Commission
- Tom Oneto, Commissioner, SF Taxi Commission

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. 415) 554-7854
TDD/TTY No. (415) 554-5227

ORDER OF DETERMINATION
August 4, 2008

DATE THE DECISION ISSUED
July 22, 2008

KIMO CROSSMAN v. SAN FRANCISCO ETHICS COMMISSION (08031)

FACTS OF THE CASE

On May 28, 2008, Kimo Crossman made an Immediate Disclosure Request ("IDR") on-line to the San Francisco Ethics Commission. Kimo Crossman requested all communications regarding a Sunshine Ordinance Task Force referral that was sent to another body, as mentioned at a recent Board of Supervisors Rules Committee meeting by John St. Croix, Director of the Ethics Commission. On May 29, 2008, Richard Mo, Chief Enforcement Officer of the Ethics Commission and responded to the IDR a stated that the paper-only records were available for review and copying. Kimo Crossman requested that Mr. Mo have the documents scanned electronically and sent to him as an e-mail attachment. Mr. Mo replied and stated that he was under no obligation to scan records that were not originally in electronic format. He repeated his offer that Kimo Crossman could review the records in the office and/or have them copied.

COMPLAINT FILED

On June 3, 2008, Complainant Kimo Crossman filed a complaint against the Ethics Commission alleging that the Commission violated Sections 67.21-1 and 67.29-2 of the Sunshine Ordinance.

HEARING ON THE COMPLAINT

On July 22, 2008, Complainant Kimo Crossman appeared before the Task Force and presented his claim. Respondent Commission was represented by John St. Croix, who presented the Commission's defense by reading a written statement that was contemporaneously provided to the Task Force and the Complainant.

The issue in the case is whether the Commission violated Section(s) 67.1, 67.21, 67.21-1 & 67.29-2 of the Ordinance, Sections 6253.9, 6253 & 6255 of the California Public Records Act and Article I, Section 3 of the California Constitution.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The facts of this case and applicable law are similar to a previously decided case of Crossman v. SOTF Administrator (08018) in which Frank Darby refused to scan and e-mail

ORDER OF DETERMINATION

a limited number of paper documents. Consistent with the decision of that earlier case, the Task Force makes the following decision and order.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Commission violated Section(s) 67.21-1 of the Sunshine Ordinance for failure to comply with a reasonable request to scan and email the limited number of responsive records when the Commission has the technology and feasibility to provide electronic copies and providing electronic copies, as opposed to copying paper copies which imposes a cost on the requestor, does not impose additional costs or time burdens on the Commission. The Commission shall scan and email the documents as requested within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on August 13, 2008.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on July 22, 2008, by the following vote: (Craven / Goldman)

Ayes: Craven, Washburn, Knoebber, Chu, Goldman, Williams

Noes: Pilpel

Excused: Cauthen, Gokhale, Chan

Recused: Knee



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

- c: Ernie Llorente, Deputy City Attorney
- Kimo Crossman
- Richard Mo, Ethics Commission
- John St. Croix, Ethics Commission

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TDD/TTY No. (415) 554-5227

ORDER OF DETERMINATION
August 4, 2008

DATE THE DECISION ISSUED
July 22, 2008

KIMO CROSSMAN v. CITY ATTORNEY'S OFFICE (08032)

FACTS OF THE CASE

On or about June 4, 2008, Kimo Crossman contacted Matt Dorsey, Public Information Officer for the City Attorney's Office ("CAO") and asked that the CAO provide Kimo Crossman with a "Word Version" of a record that he had in PDF format. The record is a September 25, 2007 letter to the Board of Supervisors and Ethics Commission from the Mayor, transmitting written charges of official misconduct "In the Matter of Charges Against Edmund Jew". Matt Dorsey responded and declined to provide the "Word Version". Matt Dorsey referred Kimo Crossman to the City Attorney's Office Website and to a particular letter that stated the CAO's position on the release of information in "Word Version".

COMPLAINT FILED

On June 6, 2008, Crossman filed a complaint with the Sunshine Ordinance Task Force ("Task Force"), alleging that the CAO violated Sections 67.21(L), 67.21-1, 67.26 and 67.27 of the Sunshine Ordinance and Sections 6253(b) and 6253.9 of the State Government Code by refusing to release the record in a "Word Version".

HEARING ON THE COMPLAINT

On July 22, 2008, Complainant Kimo Crossman appeared before the Task Force and presented his Complaint. Respondent was represented by Deputy City Attorney Paul Zarefsky who presented the Department's defense.

The issue in the case is whether the Department violated Section(s) 67.21, 67.21-1, 67.26 & 67.27 of the Ordinance and Sections 6253.9 & 6253 of the California Public Records Act.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This case is similar in its facts and on the law to the previously decided case of Crossman v. Clerk of the Board of Supervisors in which a document was also requested to be released in Word Format. To be consistent with our earlier decision, and as the policy and legal justifications provided by the Department are not persuasive in light of the clear legal requirements of the Ordinance and Government Code, the following decision is issued.

ORDER OF DETERMINATION

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Department violated Section(s) 67.21 (1) of the Sunshine Ordinance and 6253.9 (a) (i) & (ii) of the California Public Records Act for failure to provide a copy of the requested document in Word format as requested. The Department shall release the record in Word format as requested within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on August 13, 2008.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on July 22, 2009, by the following vote: (Knee / Goldman)

Ayes: Craven, Knee Washburn, Knoebber, Chu, Goldman

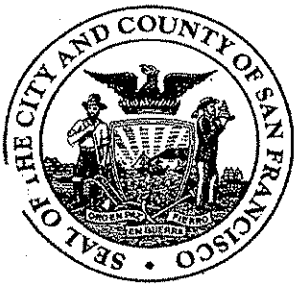
Noes: Pilpel

Excused: Cauthen, Gokhale, Chan, Williams



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney
Kimo Crossman
Paul Zarefsky, Deputy City Attorney
City Attorney's Office



ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

SUSAN J. HARRIMAN
CHAIRPERSON

July 24, 2008

EMI GUSUKUMA
VICE-CHAIRPERSON

Erica Craven, Chair
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

EILEEN HANSEN
COMMISSIONER

JAMIENNE S. STUDLEY
COMMISSIONER

Re: Ethics Complaint Nos. 04-070801, 01-070525, 05-070808

CHARLES L. WARD
COMMISSIONER

Dear Chairperson Craven:

JOHN ST. CROIX
EXECUTIVE DIRECTOR

Pursuant to Section V.A.3. of the San Francisco Ethics Commission's Regulations for Investigations and Enforcement Proceedings ("the Regulations"), the Ethics Commission conducted an investigation into the above-referenced complaint (SOTF complaint numbers 07002(a), 07002(b), and 07009).

The Commission has determined that there is insufficient evidence to find that a violation of the Sunshine Ordinance occurred. For this reason, the Ethics Commission has dismissed this matter. Pursuant to the Regulations, no further action is contemplated in regard to this complaint. If you have any questions regarding this matter, please call (415) 252-3100.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Mo".

Richard Mo
Chief Enforcement Officer



San Francisco Public Library
Government Information Center
100 Larkin Street, San Francisco, CA 94102

August, 2008

To Whom It May Concern:

I would like to introduce myself as the California/San Francisco/Regional Documents Manager for the Public Library's Government Information Center. I oversee San Francisco and Regional Documents staff, which include Greg Kelly, Librarian, and Michael Sherrod-Flores, Library Technician. As you probably already know, City officials, boards, commissions, and departments have a legal responsibility to send two copies of official publications to the Library.

Many agencies have been asking about documents that are published only online (a.k.a. "born online" documents). The Public Library still needs agencies to send two hard copies of all official documents for City record retention purposes even if they are published online. For annual reports and extra-lengthy publications of online-only documents, one hard copy will suffice. *(Please note that S.F. Administrative Code § 1.56 explicitly states that, while it is prohibited to publish annual reports in paper, it is not prohibited for agencies to print out paper copies of annual reports from a Web site for record retention purposes.)*

Your assistance is greatly valued in the City's effort, by way of the Sunshine Ordinance, to make official publications available to the public. By ensuring that the Library receives all documents from your agency which are required by law to be on file in the Government Information Center, citizens can obtain the documents without making an official public records request to your agency. The Library is adept at organizing, cataloging, classifying, and preserving documents in order to make them accessible to the public. City documents deposited with the Library are permanently retained. However, the collection is only as current and complete as City agencies choose to make it. The Library requests that your agency check its distribution list to verify that the San Francisco Public Library's Government Information Center receives copies of your documents in an ongoing and timely manner.

To help explain policies and procedures about the City's posting and depository program with the Public Library, some fact sheets are enclosed, which are also available online at <http://sfpl.info/librarylocations/main/gic/sfpostings.htm>. Also enclosed is a checklist for sending documents to the Library. Please pass this information on to anyone in your department or agency who is or will be involved in sending documents to us.

Thank you for your assistance and cooperation. If you have any questions, please don't hesitate to call me at 557-4201.

Sincerely,

Jason Baxter
California/San Francisco/Regional Documents Manager

Enclosure



San Francisco Public Library
Government Information Center
100 Larkin Street, San Francisco, CA 94102

A Checklist of How Your Agency and the Public Library Can Help Each Other Comply With the Sunshine Ordinance

Although agendas and minutes may be posted on your agency's Web site, Section 8.16 of the San Francisco Administrative Code indicates that **two** hard copies of each document must be deposited with the San Francisco Public Library's Government Information Center (formerly known as the Documents Department). For detailed information regarding the filing of all official publications and reports with the Public Library, see the Library's posting and depository factsheets which are included in this mailing and are posted on our Web site at <http://sfpl.info/librarylocations/main/gic/sfpostings.htm>.

By periodically checking this list to make sure these suggestions are being followed, both your agency and the Library will be able to save vast amounts of time. The Library greatly appreciates your cooperation in this endeavor.

***Remember:** If your agency ensures that the Library receives in a timely manner all documents which are required by law to be on file in the Government Information Center (see enclosure), citizens can obtain the documents without making an official public records request to your agency (which may ultimately involve the Sunshine Ordinance Task Force and the City Attorney). The Library is adept at organizing, cataloging, classifying and preserving documents in order to make them accessible to the public. City documents deposited with the Library are permanently retained.*

Please see the checklist on the reverse side of this sheet.



San Francisco Public Library
100 Larkin Street, San Francisco, CA 94102

OFFICIAL PUBLISHED DOCUMENTS FACT SHEET

August 2008

It is the responsibility of every official, board, commission, committee, department or task force which publishes meeting minutes, or any other official published document, to file at least two (2) hard copies of the report or document with the Government Information Center (formerly known as the Documents Department) at the San Francisco Main Public Library **within ten days** of publication of the report or document. *See* San Francisco Admin. Code § 8.16. Hard copies of meeting minutes must be deposited with the GIC even if they are posted electronically.

Additionally, every board, commission, and department must publish an annual report electronically and must transmit the Uniform Resource Locator (URL) for each report to the Government Information Center for posting on the Library's Web site at <http://sfpl.info/librarylocations/main/gic/annualreports.htm>. *See* San Francisco Admin. Code § 1.56 and § 8.16.

If an official report or document is posted electronically but not printed, it is requested that the publishing agency print out one or two hard copies and send them to the Government Information Center for record retention purposes and to help agencies comply with the Sunshine Ordinance. This includes annual reports—*please note that, although the publishing of paper copies of annual reports is prohibited, § 1.56 of the S.F. Administrative Code states that it is not prohibited to print out paper copies of annual reports from a Web site for record retention purposes.*

Please notify the Government Information Center if a document is up for public review, is written about in the news media or is highly publicized so that the Library can ensure that the document is expeditiously processed to be immediately available to citizens. For widespread dissemination of a document, please provide the Government Information Center with thirty (30) copies and they will be distributed to branch libraries. Documents of special interest to specific neighborhoods can also be distributed to those neighborhood libraries via the Government Information Center upon request.

CONTACT INFORMATION

Greg Kelly, San Francisco Documents Librarian
Government Information Center, 5th Floor
San Francisco Public Library
100 Larkin Street
San Francisco, CA 94102

(415) 557-4494 (direct line)
(415) 557-4500 (public line)
(415) 557-4475 (FAX)
sfdocs@sfpl.info (email)

PUBLIC ACCESS INFORMATION

The public can review reports and documents in the Government Information Center, 5th Floor of the Main Library, during open hours. The Main Library is open Mondays 10-6; Tuesdays, Wednesdays and Thursdays 9-8; Fridays 12-6; Saturdays 10-6; and Sundays 12-5.



San Francisco Public Library
100 Larkin Street, San Francisco, CA 94102

AGENDA POSTING FACT SHEET

August 2008

All policy bodies of the City and County of San Francisco (including the City's boards, commissions, and task forces) are required to file two (2) hard copies of each meeting agenda with the Government Information Center at the San Francisco Main Public Library. **This is regardless of whether or not agendas are posted electronically.** See San Francisco Admin. Code Sections 8.16 and 67.3(d). One copy of the agenda, as well as any explanatory documents that accompany the agenda, will be posted and the other copy will be retained for the Library's permanent records. The two copies can be mailed, hand-delivered or faxed. For convenience, agendas may be emailed as an attachment to sfdocs@sfpl.info and the Library will print out the two copies for you. **The email delivery option applies to agendas only** (see separate Fact Sheet for other Official Documents). Please use only one method of delivery for each agenda notice to be filed. If faxed, the Library will also need a non-faxed copy as a follow-up to serve as the official copy. If the explanatory documents that are referenced in the agenda exceed one page in length, the agenda and documents should be mailed or hand-delivered.

Whether mailed, hand-delivered, faxed, or emailed, the two copies of the meeting agenda must arrive no later than **4:00 p.m.** (Monday – Friday) on the day you wish to have the agenda posted. If you require confirmation of receipt, please inform the Government Information Center and confirmation will be faxed to you. **It is the responsibility of each policy body to ensure that an agenda is posted at least 72 hours before holding a meeting.** See San Francisco Admin. Code § 67.7(a). Please contact the City Attorney's Office for questions about compliance with the law.

The public can review agendas at the Government Information Center, 5th Floor. The agendas are compiled chronologically by meeting date in a binder located at the Government Information Center's Reference Desk, with the meeting agendas of the current day filed at the beginning. Agendas from past meetings are removed from the binder on a daily basis and are retained in the Library's collection.

CONTACT INFORMATION

Greg Kelly, San Francisco Documents Librarian
Government Information Center, 5th Floor
San Francisco Public Library
100 Larkin Street
San Francisco, CA 94102-4733

(415) 557-4494 (direct line)
(415) 557-4500 (public line)
(415) 557-4475 (FAX)
sfdocs@sfpl.info (email)

PUBLIC ACCESS INFORMATION

The public can review agendas and documents in the Government Information Center, 5th Floor of the Main Library, during open hours. The Main Library is open Mondays 10-6; Tuesdays, Wednesdays and Thursdays 9-8; Fridays 12-6; Saturdays 10-6; and Sundays 12-5.

(

(

(

... ..
... ..
... ..