

Date: Sept. 28, 2010

Item No. 23

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

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Administrators Report**
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Completed by: Chris Rustom

Date: Sept, 23, 2010

**\*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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1 Dr. Carlton B. Goodlett Place, Room 244  
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MEMORANDUM

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TO: Sunshine Ordinance Task Force

DATE: September 22, 2010

SUBJECT: Administrator's Report

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1. Requests from community persons:

From August 18, 2010, through September 21, 2010, the Task Force's office responded to approximately 361 calls/e-mails/office visits from persons requesting information regarding the Sunshine Ordinance, or to mediate request for records.

2. 2010 Complaint Log
3. Communications Received Log
4. Orders of Determination  
#10030 Michael Wright v Human Services Agency
5. Referral Letter  
#10038 Jason Grant Garza v. Department of Public Health

## Complaints 2010

5/25/2010	Ray Hartz 10024	San Francisco Police Dept	Complaint TF 6/22/10, Contd 07/27/2010, no further action
5/25/2010	Ray Hartz 10025	San Francisco Police Commission	TF 6/22/10, violated 67.29 & 67.21(e), CAC 07/13/2010, 08/10/2010, TF 08/24/2010, Matter concluded
5/25/2010	Ray Hartz 10026	City Attorney's Office	TF 6/22/10, Contd. 07/27/2010, 07/27/2010, Withdrawn 07/27/2010
6/1/2010	Barry Taranto 10027	MTA Board of Directors	Task Force 7/27/10, vic 67.7, EOTC 08/12/2010, 09/08/2010
6/1/2010	Charles Pitts 10028	Local Homeless Coordinating Board	Task Force 7/27/10, Matter concluded
6/1/2010	Charles Pitts 10029	Local Homeless Coordinating Board	Task Force 7/27/10, Matter concluded
6/4/2010	Michael Wright 10030	SF Human Services Agency	Complaint 7/13/10, 07/27/2010, 08/24/2010, referred to EC, CAC 09/14/2010, Task Force 9/28/2010
6/23/12010	Charles Pitts 10031	Local Homeless Coordinating Board	Task Force 7/27/10, 08/24/2010, EOTC 10/14/08/10
6/23/2010	Mike Addario 10032	Human Rights Commission	Complaint 7/13/10, Closed 06/28/2010, False Claim
6/23/2010	Milinda Morahela 10033	Arts Commission	Complaint 7/13/10, Withdrawn 7/13/2010
6/28/2010	Nick Pasquariello 10034	Department of Technology	Complaint 7/13/10, 07/27/2010, 08/24/2010, EOTC 10/14/2010
7/2/2010	Nick Pasquariello 10035	Bay Area Video Coalition	Task Force 08/24/2010, Complaint 09/14/2010, Contd req 10/12/2010
7/1/2010	Tomas Picarello 10036	SRO Task Force	Complaint 08/10/2010, TF 08/24/2010
7/7/2010	Suzanne Dumont 10037	Recreation and Parks Department	Task Force 08/24/10, Withdrawn
7/9/2010	Jason Grant Garza 10038	Dept. of Public Health	Task Force 08/24/2010, referred to EC & Task Force 09/27/2010
7/27/2010	Suzanne Dumont 10039	Recreation and Parks Department	Task Force 09/14/2010, withdrawn
7/28/2010	Elien Tsang 10040	Planning Department	Task Force 09/28/2010
7/28/2010	William & Robert Clark 10041	Mayor's Office, Board of Supervisors, Arts Commission	Complaint 09/14/2010, Task Force 9/28/2010
8/2/2010	Cal Tilden 10042	Recreation and Parks Department	Task Force 09/28/2010
8/9/2010	Brandon Combs 10043	Sheriff's Department	Task Force 09/28/2010
8/17/2010	Rita O'Flynn 10044	Mayor's Office of Housing	Withdrawn 09/07/2010
8/19/2010	Randall Evana 10045	Mo' Magic (Public Defender)	Complaint 09/14/2010, Task Force 9/28/2010
8/27/2010	Joseph Victor Lagana 10046	Police Department	Complaint 9/14/2010, Task Force 9/28/2010
9/22/2010	Kellee Lanza 10047	District Attorney	

COMMUNICATIONS RECEIVED LOG

Aug. 18, 2010, through Sept. 21

	DATE	FROM	DESCRIPTION
1	8/27/2010		Sunshine Complaint
2	8/27/2010		Sunshine Ordinance Task Force Customer Survey
3	8/29/2010	mpetrelis	U.S. State Dept's files on anti-gay Iraqi violence: No release date
4	8/29/2010	Kevin Woodhouse	Public Records Request
5	8/31/2010	Bay Guardian	Personal politics and the school board
6	9/1/2010	Rita O'Flynn	Sunshine Ordinance Request RE: Record Availability
7	9/2/2010	FAC	First Amendment & Open Government news
8	9/3/2010	City Hall	NEWSLETTER-September/October 2010
9	9/3/2010	Christian Holmer	CCSF SFISM WEEKLY Sunshine Audit: 08-28-10 - 09-03-10
10	9/3/2010	Pro-SF	D6 Supervisor Chris Daly August 2010 AllStaff Office Calendars: 08-01-10 to 08-31-10
11	9/3/2010	FAC	FLASH redux
12	9/3/2010	Ross Mirkarimi	September 2010 Newsletter
13	9/4/2010	mpetrelis	S.F. DPH clinic's HIV positivity dropped 46%
14	9/7/2010	Today at SFBG	Endorsement interviews
15	9/8/2010	Rita O'Flynn	Request for Full Audit RE: Tenderloin Housing Clinic
16	9/9/2010	mpetrelis	NY Times: Gay advocate catches NY Police shredding files . . . on the street!
17	9/9/2010	Rita O'Flynn	RE: Sunshine Ordinance Request for Immediate Disclosure RE: Complaint #3026
18	9/9/2010	Rita O'Flynn	RE: Sunshine Ordinance Request for Immediate Disclosure RE: Complaint #3026
19	9/10/2010	mpetrelis	S.F. Muni union site: Gays omitted; car-driving promotion
20	9/11/2010	mpetrelis	The Chronicle: Gay sex worker endorses barbaric death for other sex deviants
21	9/14/2010	City Hall	Blood Drive September 16th
22	9/14/2010	Cynthia Servetnick	Re: CA Public Records Act Request for Revised Certificate of Appropriateness Application (C of A)
23	9/15/2010	Brandon Combs	Re: Public Records Request
24	9/15/2010	City Administrator	Re: Public Records Request
25	9/15/2010	Rita O'Flynn	Clinic Financial Deficiencies
26	9/15/2010	mpetrelis	Bay Area Reporter: SF Pride director must go: \$100,000 in debt
27	9/16/2010	Cynthia Servetnick	Re: CA Public Records Act Request for Revised Certificate of Appropriateness Application (C of A)
28	9/16/2010	Cynthia Servetnick	Environmental Quality Act Appeals of Certain Environmental Determinations and Providing Public Notice]
29	9/16/2010	Cynthia Servetnick	100495 [California Environmental Quality Act Appeals of Certain Environmental Determinations and
30	9/16/2010	Rita O'Flynn	Clinic Financial Deficiencies
31	9/17/2010	Rita O'Flynn	Clinic Financial Deficiencies
32	9/18/2010	Rita O'Flynn	of San Francisco and 1672 Great Highway
33	9/21/2010	Rita O'Flynn	Legal Services in Defense of Defamation and False Light Lawsuit
34	9/21/2010	Rita O'Flynn	Submission Unaudited Financial Statements
35	9/21/2010	Sue Cauthen	Fwd: Immediate Disclosure Request (WARFIELD IDR)
36	9/21/2010	Sue Cauthen	Fwd: Immediate Disclosure Request (Cauthen Response to Warfield IDR)
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**ORDER OF DETERMINATION****FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based on the testimony and evidence presented, the Task Force finds that the agency violated the Ordinance.

**DECISION AND ORDER OF DETERMINATION**

The Sunshine Ordinance Task Force finds that the San Francisco Human Services Agency Housing and Homeless Division Shelter and Resource Center Directors' group is a passive meeting body under Section 67.3(c)(5) of the Ordinance and that the San Francisco Human Services Agency violated Section 67.4(a). The agency is instructed to send a knowledgeable representative to the September 14, 2010, Compliance and Amendments Committee hearing and to show the Committee a written policy specifying how the agency will abide by Section 67.4(a) of the Sunshine Ordinance.

The Task Force further determines that Pamela Tebo of the Human Services Agency is to be reported to the Ethics Commission for willfully violating Section 67.21(e) by failing to send a knowledgeable representative to the Task Force hearing on this matter.

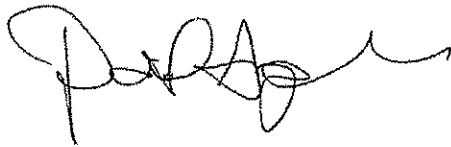
This Order of Determination was adopted by the Sunshine Ordinance Task Force on August 28, 2010, by the following vote: ( Wolfe / Snyder )

Ayes: Snyder, Cauthen, Manneh, Washburn, Wolfe, Chan, Johnson, Knee

Excused: Knoebber, Williams



Richard A. Knee, Chair  
Sunshine Ordinance Task Force



David Snyder, Member, Seat #1\*  
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney; Jana Clark, Deputy City Attorney  
Michael Wright, Complainant  
Pamela Tebo, Joyce D. Crum, Respondents

\*Sunshine Ordinance Task Force Seat #1 is a voting seat held by an attorney specializing in sunshine law.

presence of security personnel and/or send an alternate representative(s) to the Task Force hearing.

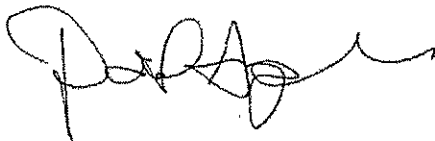
The Task Force found that the DPH through Ms. Shields, willfully violated Section 67.21(e). This request and referral are made under Section 67.30(c) of the Sunshine Ordinance, whereby the Task Force shall make referrals to a municipal office with enforcement power under this Ordinance whenever it concludes that any person has violated any provision of this Ordinance.

Attached is a copy of Ms. Shields' August 9, 2010, email to the Task Force.

If you need any further information, including the audio recording of the meeting referenced above, please feel free to contact us, or the Task Force Administrator at (415) 554-7724.



Richard Knee, Chair  
Sunshine Ordinance Task Force



David Snyder, Member, Seat #1\*  
Sunshine Ordinance Task Force

cc: Jason Grant Garza, complainant  
Eileen Shields, respondent  
Mitchell H. Katz, Director of Public Health  
Jerry Threet, Deputy City Attorney  
Jana Clark, Deputy City Attorney

\*Sunshine Ordinance Task Force Seat #1 is a voting seat held by an attorney specializing in sunshine law.