

Date: Oct. 25, 2011

Item No. 23

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

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Draft Minutes: Task Force January 4, 2011**
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Completed by: Chris Rustom

Date: Oct. 20, 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 4, 2011  
5:00 p.m., City Hall, Room 408

**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** 5:39 P.M.

**Roll Call** Present: Knee, Manneh, Washburn, Knoebber, Wolfe, Chan (leaves at 7:15), Johnson (in at 5:10)  
Excused: Snyder, Cauthen

**Agenda Changes:** Item 30 heard before Item 5.

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

1. 10053 Determination of jurisdiction on complaint filed by Jim Flannery against the Department of Public Health for allegedly refusing to provide documents related to lead abatement.

**Member Knoebber, seconded by Vice chair Wolfe, 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

2. 10053 Hearing on complaint filed by Jim Flannery against the Department of Public Health for allegedly refusing to provide documents related to lead abatement.

**Heard:** The Complainant was not present. No one in the audience spoke or presented facts and evidence on behalf of the complainant. Respondent Amanda Smith represented the Department of Public Health.

**Member Knoebber, seconded by Member Manneh, moved to table the matter.**

**Public Comment:** None.

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

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

3. 10055 Determination of jurisdiction on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.5.

**Member Knoebber, seconded by Member Johnson, moved to recuse Member Chan who said he has affiliations with a person mentioned in the complaint.**

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

Ayes: 6 - Manneh, Washburn, Knoebber, Wolfe, Johnson, Knee  
Excused: 2 - Snyder, Cauthen  
Recused: 1 - Chan

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Member Chan left the dais.

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

**Public Comment:** None.

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

Ayes: 6 - Manneh, Washburn, Knoebber, Wolfe, Johnson, Knee  
Excused: 2 - Snyder, Cauthen  
Recused: 1 - Chan

4. 10055 Hearing on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.5.

**Heard:** Complainant Ray Hartz provided an overview of his complaint. Respondent Lt. Tim Falvey spoke in defense of the Police Commission.

**Vice chair Wolfe, seconded by Member Johnson, moved to find Police Commission Vice President Thomas Mazzucco in violation of Section 67.15(e) for not announcing the agenda change at the start of the meeting.**

**Public Comment:** Charles Pitts said Section 67.15 was also violated because the right to public comment was abridged.

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

Ayes: 6 - Manneh, Washburn, Knoebber, Wolfe, Johnson, Knee

Excused: 2 - Snyder, Cauthen

Recused: 1 - Chan

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

Member Chan returned to the dais.

5. 10042 Continued hearing on complaint filed by Cal Tilden against the Recreation and Park Department for allegedly withholding documents related to the Stow Lake concession lease.

**Heard:** Complainant Cal Tilden provided an overview of his complaint. Respondent Nick Kinsey spoke in defense of the Recreation and Park Department.

**Member Knee, seconded by Member Knoebber, moved to find no violation under 67.24(e)(1) because RFQs would fall under "other records of communication" and shall be open to inspection immediately after, and not before, a contract has been awarded.**

**Public Comment:** None.

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

Ayes: 4 - Washburn, Knoebber, Chan, Knee

Noes: 3 - Manneh, Wolfe, Johnson

Excused: 2 - Snyder, Cauthen

**Member Knoebber, seconded by Member Chan, moved to find no violation.**

**Public Comment:** Tomas Picarello said Task Force members should rely on the City Attorney for legal advice. Ray Hartz said Task Force members are discussing issues that are only in the domain of legal experts.

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

Ayes: 3 - Manneh, Washburn, Wolfe  
Noes: 4 - Knoebber, Chan, Johnson, Knee  
Excused: 2 - Snyder, Cauthen

Matter concluded.

6. 10040 Continued hearing on complaint filed by Ellen Tsang against the Planning Department for allegedly violating Sections 67.21(b), 67.21 (c), 67.29-7 and other sections of the Ordinance.

**Heard:** Ellen Tsang provided an overview of his complaint. Jonas Ionin spoke in defense of the Planning Department.

**Member Washburn, seconded by Member Johnson, moved to find violation of Section 67.21(c).**

**Public Comment:** None.

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

Ayes: 6 - Manneh, Washburn, Wolfe, Chan, Johnson, Knee  
Noes: 1 - Knoebber  
Excused: 2 - Snyder, Cauthen

**Matter concluded.**

7. 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.

**Continued.**

8. 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.

**Continued.**

9. 10060 Determination of jurisdiction 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.

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

**Public Comment:** None.

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

Ayes: 6 - Manneh, Washburn, Knoebber, Wolfe, Johnson, Knee  
Excused: 3 - Snyder, Cauthen, Chan

10. 10060 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:** Mr. Charles Pitts provided 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.

**Vice chair Wolfe, seconded by Member Knoebber, moved to find violation of 67.21(e).**

**Public Comment:** None.

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

Ayes:6 - Manneh, Washburn, Knoebber, Wolfe, Johnson, Knee  
Excused: 3 - Snyder, Cauthen, Chan

Chair Knee rescheduled the matter to the January 25, 2011, meeting.

11. 10061 Determination of jurisdiction on complaint filed by William & Robert Clark against the City Attorney's Office for charging the Arts Commission a fee to disclose public document requests.

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

**Public Comment:** None.

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

Ayes: 6 - Manneh, Washburn, Knoebber, Wolfe, Johnson, Knee  
Excused: 3 - Snyder, Cauthen, Chan

12. 10061 Hearing on complaint filed by William & Robert Clark against the City Attorney's Office for charging the Arts Commission a fee to disclose public document requests.

**Heard:** William Clark provided an overview of his complaint. Mr. Jack Song spoke in defense of the City Attorney's Office.

**Member Knoebber, seconded by Vice chair Wolfe, moved to find no violation.**

**Public Comment:** None.

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

Ayes: 6 - Manneh, Washburn, Knoebber, Wolfe, Johnson, Knee  
Excused: 3 - Snyder, Cauthen, Chan

**Matter concluded.**

13. 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.

**Continued.**

14. 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.

**Continued.**

15. 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.

**Continued.**

- ~~16. 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.~~

**Continued.**

17. 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.

**Continued.**

18. 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.

**Continued.**

19. 10059 Determination of jurisdiction on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly refusing to provide information contained in her personnel file.

**Continued.**

20. 10059 Hearing on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly refusing to provide information contained in her personnel file.

**Continued.**

21. 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.

**Continued.**

22. 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.

**Continued.**

23. 10064 Determination of jurisdiction on complaint filed by Anonymous Tenants against the City Attorney's Office for allegedly withholding public records and procedures.

**Continued.**

24. 10064 Hearing on complaint filed by Anonymous Tenants against the City Attorney's Office for allegedly withholding public records and procedures.

**Continued.**

25. Report: Complaint Committee: meeting of October 9, 2010.

Committee Chair James Knoebber made the report.

26. Report: Complaint Committee: meeting of November 9, 2010.

Committee Chair James Knoebber made the report.

27. Report: Compliance and Amendments Committee: meeting of October 9, 2010.



Committee Chair Alyson Washburn made the report.

28. Report: Compliance and Amendments Committee: meeting of November 9, 2010.

Committee Chair Alyson Washburn made the report.

29. Administrator's Report

Chris Rustom made the report.

30. Public comment on matters not listed on the agenda.

Allen Grossman said all records are public unless an exemption applies and that exemption has to be provided by the respondent. Thomas Picarello said the Task Force needs to shorten its discussions to accommodate all the complainants. Ray Hartz said people sitting on boards and commissions must sit down and listen to the public whether they like it or not because not to do so would be a violation of the speaker's constitutional right. Anonymous Tenants said the six-vote rule needs to be changed because it was not fair to the complainants. Charles Pitts said he is looking forward to discussing the current amendments. Debra Benedict said the six-vote rule makes her feel that the deck is stacked against her.

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

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Vice chair Wolfe suggested two presentations:

- Allen Grossman regarding the 6-vote rule
- The Controller's Office regarding RFPs, RFQs and RFIs.

Member Manneh indicated that her term expires in March and she may not seek reappointment.

Chair Knee indicated that there would be a panel discussion on WikiLeaks at Schroeder's Restaurant on January 5, 2011; 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 9:26 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>