

Date: October 27, 2009

Item No. 7 & 8  
File No. 09053

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Louis Dillon against the Department of Recreation and Park**
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Completed by: Chris Rustom

Date: Oct. 21, 2009

**\*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.

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DENNIS J. HERRERA  
City Attorney

JERRY THREET  
Deputy City Attorney

DIRECT DIAL: (415) 554-3914  
E-MAIL: jerry.threet@sfgov.org

## MEMORANDUM

October 27, 2009:

*LOUIS DILLON v. RECREATION & PARK COMMISSION (09053)*

### COMPLAINT

#### THE COMPLAINANT ALLEGES THE FOLLOWING:

Complainant Louis Dillon alleges that, on September 3, 2009, the Recreation and Parks Commission (the "Commission") improperly changed the time for its Special meeting from that previously noticed to the public.

#### COMPLAINANT FILES COMPLAINT:

On 9/3/2009, Louis Dillon filed a Public Meeting Complaint against the Commission for its alleged violations, without specifying the sections of law that had been violated.

#### JURISDICTION

The Commission is a policy body created under the San Francisco City Charter. Section 67.3(d) of the Sunshine Ordinance defines "policy body" to include: "2) Any other board or commission enumerated in the charter."

#### APPLICABLE STATUTORY SECTION(S):

Section 67 of the San Francisco Administrative Code:

Section 67.3 deals with Policy Bodies.

Section 67.6 deals with notice of Special Meetings of Policy Bodies.

Section 54950 et seq. of Cal. Gov't Code

Section 54956 deals with notice of Special Meetings of legislative bodies.

#### APPLICABLE CASE LAW:

none

**MEMORANDUM****ISSUES TO BE DETERMINED****1. FACTUAL ISSUES**

**A. Uncontested Facts:** On September 3, 2009, the Commission held a public meeting that was described in its agenda as a Special Meeting of the Commission. The Commission agenda stated that the meeting would take place at 4:00 p.m. The City Hall Building Calendar for September 3, 2009, stated that the Commission meeting would take place at 1:30 p.m.

**B. Contested facts/ Facts in dispute:**

The Commission contends that it posted the meeting time and place of the Special Meeting on September 3, 2009 in compliance with local and state legal requirements. The Commission has provided actual agendas that describe the meeting as taking place at 4:00 p.m., as well as proof that these accurate agendas were mailed and emailed to the complainant, posted on the Commission's website, and provided to the library for posting there.

**QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:**

- What did the Commission's original meeting agenda for September 3, 2009 announce as the time of the meeting?
- Did the Commission subsequently change this time?
- Was any such change announced in a subsequent public notice?

**LEGAL ISSUES/LEGAL DETERMINATIONS:**

- Were sections of the Sunshine Ordinance, Brown Act, and/or California Constitution Article I, Section three violated?

**SUGGESTED ANALYSIS****Under Section 67.3 of the Ordinance:**

- Determine whether the Commission is a "policy body."

**Under Section 67.4 of the Ordinance:**

- Determine whether the Commission complied with the meeting notification requirements.

**MEMORANDUM**

**CONCLUSION**

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE TRUE OR NOT TRUE.

**ATTACHED STATUTORY SECTION FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE UNLESS OTHERWISE SPECIFIED**

Section 8 of the Administrative Code:

**SEC. 8.16. FILING OF ANNUAL REPORTS AND OFFICIAL DOCUMENTS WITH SAN FRANCISCO PUBLIC LIBRARY.**

Further, it shall be the duty of the secretary or other executive officer of each board, commission or committee thereof, to file with the Documents Department two copies of the agenda of each regularly scheduled meeting of such board, commission or committee thereof, at least 72 hours prior to the time of such meeting. **For special meetings of boards, commissions or committees, the agenda shall be filed with the Documents Department not less than 24 hours prior to the meeting.**

Section 67.3 of the Administrative Code (Sunshine Ordinance) defines policy bodies as follows:

- (d) policy bodies:
- (2) Any other board or commission enumerated in the charter.

Section 67.6 of the Administrative Code (Sunshine Ordinance) deals with special meetings of policy bodies as follows:

- (e) Meetings of passive meeting bodies as specified in Section 67.6(d)(4) of this article shall be preceded by notice delivered personally or by mail, e-mail, or facsimile as reasonably requested at least 72 hours before the time of such meeting to each person who has requested, in writing, notice of such meeting. If the advisory body elects to hold regular meetings, it shall provide by bylaws, or whatever other rule is utilized by that advisory body for the conduct of its business, for the time and place for holding

**MEMORANDUM**

such regular meetings. In such case, no notice of regular meetings, other than the posting of an agenda pursuant to Section 67.7 of this article in the place used by the policy body which it advises, is required.

(f) Special meetings of any policy body, including advisory bodies that choose to establish regular meeting times, may be called at any time by the presiding officer thereof or by a majority of the members thereof, by delivering personally or by mail written notice to each member of such policy body and the local media who have requested written notice of special meetings in writing. **Such notice of a special meeting shall be delivered as described in (e) at least 72 hours before the time of such meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted.** No other business shall be considered at such meetings. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the presiding officer or secretary of the body or commission a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. Each special meeting shall be held at the regular meeting place of the policy body except that the policy body may designate an alternate meeting place provided that such alternate location is specified in the notice of the special meeting; further provided that the notice of the special meeting shall be given at least 15 days prior to said special meeting being held at an alternate location. This provision shall not apply where the alternative meeting location is located within the same building as the regular meeting place.

(g) If a meeting must be canceled, continued or rescheduled for any reason, notice of such change shall be provided to the public as soon as is reasonably possible, including posting of a cancellation notice in the same manner as described in section 67.7(c), and mailed notice if sufficient time permits.

**SECTION 54950 ET SEQ. OF THE CAL. GOV'T CODE (BROWN ACT):****§ 54951. LOCAL AGENCY**

As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

**D. § 54952. LEGISLATIVE BODY, DEFINITION**

As used in this chapter, "legislative body" means:

(a) The governing body of a local agency or any other local body created by state or federal statute.

**§ 54956. SPECIAL MEETINGS; CALL; NOTICE**

A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by

**MEMORANDUM**

delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

**THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 59 IN 2004 PROVIDES FOR OPENNESS IN GOVERNMENT.**

Article I Section 3 provides:

- a) The people have the right to instruct their representative, petition government for redress of grievances, and assemble freely to consult for the common good.
- b)(1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
- 2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protect by the limitation and the need for protecting that interest.
- 3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.
- 4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided by Section 7.
- 5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings or public bodies that is in effect on the effective date of this subdivision, including, but

**MEMORANDUM**

not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.

6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committee, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions: nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.





RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2009 SEP -3 PM 3:19

BY PC

SUNSHINE ORDINANCE TASK FORCE  
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102  
Tel. (415) 554-7724; Fax (415) 554-7854  
<http://www.sfgov.org/sunshine>

**SUNSHINE ORDINANCE COMPLAINT**

Complaint against which Department or Commission S.F. CITY HALL & MAYORS OFFICE  
S.F. RECREATION & PARK DEPT. & BUILDING MANAGEMENT  
Name of individual contacted at Department or Commission CLERKS OFFICE/CITY HALL  
M. McARTHUR

Alleged violation public records access  
 Alleged violation of public meeting. Date of meeting SEPT. 3RD 2009

Sunshine Ordinance Section SECTION 67 (PUBLIC ACCESS TO MEETINGS)  
(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

10 YEARS OF DECEPTION, ABOUT RECREATION & PARK'S  
HANDLING OF NOTICING ITS MEETINGS  
THAT AFFECT EQUESTRIAN ACTIVITIES IN  
GOLDEN GATE PARK. (DICTATORSHIP)

Do you want a public hearing before the Sunshine Ordinance Task Force?  yes  no  
Do you also want a pre-hearing conference before the Complaint Committee?  yes  no

(Optional)<sup>1</sup>  
Name Louis Dillon Address [REDACTED]  
Telephone No. 415-[REDACTED] E-Mail Address [REDACTED]@juno.com  
Date 9-3-09 Louis Dillon  
Signature

I request confidentiality of my personal information.  yes  no

<sup>1</sup> NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).



LISTEN  
TEXT ONLY  
PRINT

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September 03, 2009 Special Meeting

# **RECREATION AND PARK COMMISSION**

## **"CULTIVATING THE FUTURE OF SAN FRANCISCO"**

### **AGENDA**

**SPECIAL MEETING OF THE  
RECREATION AND PARK COMMISSION  
THURSDAY, SEPTEMBER 3, 2009**

**4:00 P.M. CITYHALL, ROOM 400**

**RECREATION AND PARK  
COMMISSION**

Jim Lazarus, President

Tom Harrison, Vice President

Gloria Bonilla

David Lee

Meagan Levitan

**RECREATION AND PARK  
DEPARTMENT**

Philip Ginsburg, General  
Manager

Dennis Kern, Director of  
Operations

Katie Petrucione, Director of  
Administration

and Finance

Rhoda Parhams, Capital  
Program Manager

LISTEN

TEXT ONLY

PRINT

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**September 03, 2009 Special Meeting Addendum**  
**ADDENDUM TO**  
**THE RECREATION AND PARK COMMISSION MEETING**

**Thursday, September 3, 2009**  
**4:00 p.m.**

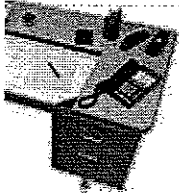
**City Hall, Room 400**

5I.

**GOLDEN GATEPARK**

Discussion and possible action to approve a request from the "DNPF Inc" for an exception to the amplified sound permit and to close the following roads in Golden Gate Park for the "West Fest, the 40<sup>th</sup> Anniversary of Woodstock" (concert in Speedway and Marx Meadow) on Sunday October 25, 2009.

- Road Closures:
  - John F. Kennedy Drive, between Transverse Drive and 30<sup>th</sup> Avenue from 6:00 a.m. until 8:00 p.m. on Sunday, October 25, 2009
  - 30<sup>th</sup> Ave from Fulton to JFK from 6:00 a.m. until 8:00 p.m. on Sunday, October 25, 2009
- Amplified Sound Exception
  - Speedway Meadow: Main Stage
    - 10 am to 12 pm– American Indian Ceremony, Ceremonial dance and folk singers
    - 12 pm to 6 pm– Bands
  - Speedway Meadow: 2<sup>nd</sup> Stage
    - 12 pm to 6 pm– Bands
  - Marx Meadow
    - 12 pm to 6 pm– DJ Music



Olive Gong/RPD/SFGOV

09/16/2009 04:11 PM

To SOTF/SOTF/SFGOV@SFGOV

cc

bcc

Subject Sunshine Complaint Received: #09053\_Louis Dillon v Rec & Park Commission- Supporting Documents

Hi SOTF,

The September 3, 2009 Agenda was posted in accordance with the Sunshine Ordinance.

The City Hall Calendar that Mr. Louis Dillon had attached to his complaint is provided by City Hall for the convenience of the public and is Not part of the official posting by our department. In addition, Mr. Dillon was actually also emailed the September 3, 2009 agenda.

Attached are documents demonstrating that the Department posted the agenda as required and in a timely manner:

- 1) Email showing agenda emailed to Louis Dillon ("loudillon")
- 2) Copy of envelope showing the postmark of timely mailing
- 3) Copy of website confirming timely posting of agenda
- 4) Email to Library for posting
- 5) Confirmation of Fax to Library for posting

Let me know if you have any questions or concerns,  
Sincerely,

Olive Gong

Custodian of Records  
San Francisco Recreation and Park Department  
McLaren Lodge  
501 Stanyan St., SF CA 94117  
415.831-2708 direct  
415.831-2096 fax  
olive.gong@sfgov.org email

----- Forwarded by Olive Gong/RPD/SFGOV on 09/16/2009 04:00 PM -----

From: Olive Gong/RPD/SFGOV  
To: SOTF/SOTF/SFGOV@SFGOV  
Date: 09/16/2009 03:57 PM  
Subject: Sunshine Complaint Received: #09053\_Louis Dillon v Rec & Park Commission

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Hi SOTF,

Supporting Documents attached, explanatory email to follow.

Thanks,  
Olive

.....  
Olive Gong

San Francisco Recreation and Park Department  
McLaren Lodge  
501 Stanyan St., SF CA 94117  
415.831-2708 direct  
415.831-2096 fax  
olive.gong@sfgov.org email

*Reduce, Reuse, Recycle*



3-Copy of page of website confirming posting in timely manner.pdf 5-fax that was received by library.pdf



Item 4- emailed agenda to Library.pdf Copy of envelope showing postmark of date sent.pdf emailed agenda sent to Louis Dillon.pdf /



RPC agenda for 9/3/09  
Recpark Commission to:

08/31/2009 02:30 PM

[REDACTED]

Bcc:

loudillon

Attached please find the agenda for the September 3, 2009 meeting for the Recreation and Park Commission.



090309.doc



Addendum to RPC agenda fo 9/3/09  
Recpark Commission to:

08/31/2009 03:41 PM

[REDACTED]



Attached please find the Addendum to the September 3, 2009 meeting of the Recreation and Park Commission.



090309 addendum.doc

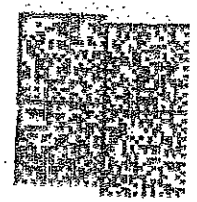
San Francisco Recreation & Parks

McLaren Lodge, Golden Gate Park, 501 Stanyan Street  
San Francisco, CA 94117

*RPD Commission*

Rachel Sale  
P.O. Box 1419  
Lake Ozark, MO 65049

*FOE*



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City and County of San Francisco

Recreation and Park Department



## FAX TRANSMITTAL

**Date:** Monday, August 31, 2009  
**To:** City Documents Librarian  
Government Information Center  
**FAX #:** 557-4475  
**From:** Recreation & Park Commission Office  
**Phone:** 415-831-2750

### MESSAGE:

To follow please find the Addendum to the agenda for the September 3, 2009 meeting of the Recreation and Park Commission.

**Please post and confirm receipt.**

1 Original to follow for file via email to [sfdocs@sfpd.info](mailto:sfdocs@sfpd.info) as requested.

Thank you.

*at 6:15*

McLaren Lodge, Golden Gate Park  
801 Stanyan Street  
San Francisco, CA 94117-1898

Phone: (415) 831-2700  
Fax: (415) 221-8034

From: Olive Gong/RPD/SFGOV  
To: SFDocs@sfpl.org  
Date: 08/31/2009 03:53 PM  
Subject: Addendum to the agenda for Rec and Park Commission

Please post the attached addendum for September 3, 2009 Rec and Park Commission meeting.

Thanks,  
Olive

---

Olive Gong  
San Francisco Recreation and Park Department  
McLaren Lodge  
501 Stanyan St., SF CA 94117  
415.831-2708 direct  
415.831-2096 fax  
olive.gong@sfgov.org email

From: Olive Gong/RPD/SFGOV  
To: sfdocs@sfpl.info  
Date: 08/17/2009 12:40 PM  
Subject: Notice of Public Meeting for Recreation and Park Commission

Hello,

Please post agenda attached.

Thanks,  
Olive Gong



082009.pdf

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Olive Gong  
San Francisco Recreation and Park Department  
McLaren Lodge  
501 Stanyan St., SF CA 94117  
415.831-2708 direct  
415.831-2096 fax  
olive.gong@sfgov.org email

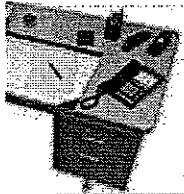
*Reduce, Reuse, Recycle*

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  - minutes
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- PROSAC
- Public Notices

View contents of Radar - 2009

View: English (U.S.)

Title	Language ID	Status	Date Modified	Last Editor
April 02, 2009 Special Meeting	1033	A	3/27/2009 9:57:21 AM	McArthur, Margaret
April 16, 2009 Special Meeting	1033	A	4/13/2009 9:00:51 AM	McArthur, Margaret
August 06, 2009 Special Meeting	1033	A	8/3/2009 11:46:19 AM	McArthur, Margaret
August 20, 2009 Special Meeting	1033	A	8/17/2009 11:32:26 AM	McArthur, Margaret
February 05, 2009	1033	A	2/2/2009 8:42:16 AM	McArthur, Margaret
February 13, 2009 Amended Continuation of Special Budget Meeting to February 19, 2009	1033	A	2/14/2009 9:42:34 AM	McArthur, Margaret
February 13, 2009 Special Budget Meeting	1033	A	2/9/2009 10:38:21 AM	McArthur, Margaret
February 19, 2009	1033	A	2/12/2009 4:32:03 PM	McArthur, Margaret
January 15, 2009	1033	A	1/12/2009 11:32:15 AM	McArthur, Margaret
July 02, 2009 cancellation	1033	A	6/19/2009 4:44:30 PM	McArthur, Margaret
July 16, 2009 Special Meeting	1033	A	7/13/2009 10:27:03 AM	McArthur, Margaret
July 16, 2009 Special Meeting Addendum	1033	A	7/13/2009 10:24:29 AM	McArthur, Margaret
June 04, 2009 Special Meeting	1033	A	5/29/2009 11:40:34 AM	McArthur, Margaret
June 18, 2009 Special Meeting	1033	A	7/13/2009 10:25:26 AM	McArthur, Margaret
March 05, 2009 cancellation	1033	A	2/26/2009 8:16:59 AM	McArthur, Margaret
March 19, 2009 Special Meeting	1033	A	3/13/2009 2:52:17 PM	McArthur, Margaret
May 07, 2009 Special Joint Meeting with Planning Commission	1033	A	5/1/2009 10:15:34 AM	McArthur, Margaret
May 07, 2009 Special Meeting	1033	A	5/1/2009 10:17:07 AM	McArthur, Margaret
May 21, 2009 Cancellation	1033	A	5/13/2009 8:12:43 AM	McArthur, Margaret
September 03, 2009 Special Meeting	1033	A	8/31/2009 12:03:45 PM	McArthur, Margaret
September 03, 2009 Special Meeting Addendum	1033	A	8/31/2009 3:29:37 PM	McArthur, Margaret
September 17, 2009 Special Meeting - Amended	1033	A	9/14/2009 11:44:34 AM	McArthur, Margaret



Olive Gong/RPD/SFGOV  
09/23/2009 08:41 AM

To SOTF/SOTF/SFGOV@SFGOV  
cc  
bcc

Subject Sunshine Complaint Received: #09053\_Louis Dillon v Rec & Park Commission- Additional Supporting Documents

History

This message has been replied to.

Hi SOTF,

Attached are additional supporting documents: the agenda and addendum showing the date and time and location of the Commission Meeting for September 3, 2009.

Olive

.....  
Olive Gong  
San Francisco Recreation and Park Department  
McLaren Lodge  
501 Stanyan St., SF CA 94117  
415.831-2708 direct  
415.831-2096 fax  
olive.gong@sfgov.org email



090309.pdf



090309 addendum.pdf

*Reduce, Reuse, Recycle*

----- Forwarded by Olive Gong/RPD/SFGOV on 09/23/2009 08:40 AM -----

From: Olive Gong/RPD/SFGOV  
To: SOTF/SOTF/SFGOV@SFGOV  
Date: 09/16/2009 04:11 PM  
Subject: Sunshine Complaint Received: #09053\_Louis Dillon v Rec & Park Commission- Supporting Documents

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Sincerely,

Olive Gong

Custodian of Records  
San Francisco Recreation and Park Department  
McLaren Lodge  
501 Stanyan St., SF CA 94117  
415.831-2708 direct  
415.831-2096 fax  
olive.gong@sfgov.org email

**RECREATION AND PARK COMMISSION**  
**“CULTIVATING THE FUTURE OF**  
**SAN FRANCISCO”**

**AGENDA**

**SPECIAL MEETING OF THE**  
**RECREATION AND PARK COMMISSION**  
**THURSDAY, SEPTEMBER 3, 2009**

**4:00 P.M. CITY HALL, ROOM 400**

**RECREATION AND PARK**  
**COMMISSION**

**Jim Lazarus, President**  
**Tom Harrison, Vice President**  
**Gloria Bonilla**  
**David Lee**  
**Meagan Levitan**  
**Larry Martin**  
**Michael J. Sullivan**

**RECREATION AND PARK**  
**DEPARTMENT**

**Philip Ginsburg, General Manager**  
**Dennis Kern, Director of Operations**  
**Katie Petrucione, Director of Administration**  
**and Finance**  
**Rhoda Parhams, Capital Program Manager**  
**Lisa Seitz Gruwell, Outreach, Education, and**  
**Customer Service Manager**  
**Rich Hillis, Director of Partnerships**  
**Dawn Kamalanathan, Planning Director**

**RECREATION AND PARK COMMISSION**  
**STANDING COMMITTEES**

**JOINT ZOO COMMITTEE**  
**Commissioner Tom Harrison**  
**Commissioner Gloria Bonilla**  
**Commissioner David Lee**



### **DISABILITY ACCESS**

Room 400 is wheelchair accessible. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets, three blocks from City Hall. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are: the 9 San Bruno, the #71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M and N. For more information about MUNI services, call 923-6142. Large print agendas are available by calling the Commission Office at 415-831-2750. Sign language interpreters are available upon request by contacting 415-831-2774 at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call 415-831-2774. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. The TDD phone number for the Recreation and Park Department is 415-554-8922.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Chris Ruston by mail to Administrator, Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at 415-554-7724; by fax at 415 554 7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Ruston or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, <http://www.sfgov.org/sunshine/>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Section 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 481-2317; web site: [sfgov.org/ethics](http://sfgov.org/ethics).

For further information contact the Commission Office at 415-831-2750

### **WRITTEN COMMENTS**

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to:

Jim Lazarus, President  
Recreation and Park Commission  
McLaren Lodge, Golden Gate Park  
501 Stanyan Street  
San Francisco, CA 94117-1898  
[recpark.commission@sfgov.org](mailto:recpark.commission@sfgov.org)

1. ROLL CALL

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- a) Legislation
- b) Budget Analyst report
- c) Legislative Analyst report
- d) Recreation and Park Department cover letter and/or report
- e) Consultant report
- f) Public correspondence
- g) Report or correspondence from other Department or Agency

These items will be available for review at McLaren Lodge, 501 Stanyan St., Commission Room. If any materials related to an item on this agenda have been distributed to the Recreation and Park Commission after distribution of the agenda packet, those materials are available for public inspection at McLaren Lodge, Commission Room, 501 Stanyan Street, San Francisco, CA during normal office hours.

The documents for each item may be found on website at:  
[http://www.parks.sfgov.org/site/recpark\\_meeting.asp?id=24889](http://www.parks.sfgov.org/site/recpark_meeting.asp?id=24889)

Note: The Commission will hear public comment on each item on the agenda before or during consideration of that item.

2. PRESIDENT'S REPORT (DISCUSSION ONLY)

3. GENERAL MANAGER'S REPORT (DISCUSSION ONLY)

- a) Financial Matters
- b) Capital Report
- c) Property Management
- d) Recreation Programs
- e) Park, Recreation and Open Space Advisory Committee Report
- f) Events
- g) Legislation

4. GENERAL PUBLIC COMMENT - UP TO 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission and that do not appear on the agenda. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting.

5. CONSENT CALENDAR (ACTION ITEM)

A. MINUTES

Discussion and possible action to approve the minutes from the June 2009 meetings.

B. SAN FRANCISCO ZOOLOGICAL SOCIETY

Discussion and possible action to approve the following animal transactions for the San Francisco Zoological Society which were processed under Resolution No. 13572.

DONATION FROM:			PRICE	TOTAL DUE
San Diego Zoo	1.0	Koala	NIL	NIL
PO Box 120551		<u>Phascolarctos cinerus adustus</u>		
San Diego, CA 92112-0551				
USDA # 93-C-0040				
619-231-1515				
Attention: Carmi Penny				

Chicago Zoological Society 3300 Golf Rd. Brookfield, IL 60513 USDA - #33-C-0003 708-688-8400	1.0	Long-tailed glossy starling <u>Lamprotornis caudatus</u>	NIL	NIL
Lindsay Wildlife Museum 1931 First Ave Walnut Creek, CA 94597 USDA # 93-C-0164 Tele - 925-935-1978 Fax - 925-935-8015	1.0	Great horned owl <u>Bubo virginianus</u>	NIL	NIL
Wildlife Center of Silicone Valley 3027 Penitencia Rd. San Jose, CA 95132 USDA # - N/A 408-929-9453 Attention: Stephanie Ellis	0.1	Virginia opossum <u>Didelphis virginiana</u>	NIL	NIL
<b>PURCHASE FROM:</b> Safari Enterprises PO Box 2012 Boerne, TX 78006 USDA # 74-B-0337 Tele - 830-336-4038	0.2	Grant's Zebra <u>Equus burchelli boehmi</u>	\$6500.ea	\$13,000
<b>DONATION TO:</b> San Diego Zoo PO Box 120551 San Diego, CA 92112-0551 USDA # 93-C-040 619-231-1515 Attention: Carmi Penny	1.0	Koala <u>Phascolarctos cinerus adustus</u>	NIL	NIL

C. SAN FRANCISCO 49ERS

Discussion and possible action to approve a rent credit in an amount not to exceed \$50,000 to the San Francisco Forty Niners, Ltd. (the "49ers") for the installation of a pedestrian bridge over Hunters Point Expressway by Gate 3 of the stadium to be performed by the 49ers at Candlestick Park.

D. GOLDEN GATE PARK STABLES

Discussion and possible action to accept a gift of construction documents for the Golden Gate Park Stables Renovation Project, Phase I work from the San Francisco Parks Trust.

E. HAMILTON RECREATION CENTER

Discussion and possible action to amend the Hagensen Pacific Construction, contract for the Hamilton Recreation Center renovation project in an amount not to exceed \$1,650,000. This is an increase of \$490,200 or 4% above the 10% contingency threshold.

F. BUCHANNAN STREET MALL

Discussion and possible action to recommend to the Planning Commission that the shading or shadowing from the proposed Rosa Parks Senior Housing Project will not be significant or adverse on Buchanan Street Mall-as required by Planning Code Section 295 (The Sunlight Ordinance).

- G. **SAVA POOL – PLACEMENT OF PLAQUE**  
Discussion and possible action to: 1) accept the gift of a plaque to honor Art Octavio at Sava Pool, 2) approve the placement of the plaque and 3) authorize the general manager to approve the wording on the plaque and the location of the plaque at Sava Pool.
- H. **HORSESHOE PITS – GOLDEN GATE PARK**  
Discussion and possible action to accept a gift-in-place valued at approximately \$9,500 from Greco Granite for the renovation of the two sculptures in the Golden Gate Park Horseshoe Pits.

**GENERAL CALENDAR**

6. **DEPARTMENT OF CHILDREN YOUTH AND FAMILIES**  
Presentation and discussion only from the Department of Children Youth and Families on The Children's Services Allocation Plan for 2010-2013. (DISCUSSION ONLY)
7. **SUNSET PLAYGROUND**  
Discussion and possible action to approve the conceptual improvement plan for Sunset Playground. (ACTION ITEM)
8. **MISSION PLAYGROUND**  
Discussion and possible action to approve the conceptual design for the Mission Playground Renovation Project. (ACTION ITEM)
9. **RESTROOM TASKFORCE**  
Discussion and possible action to accept the Restroom Taskforce Report and approve the staff recommendations. (ACTION ITEM)
10. **RECREATION AND PARK COMMISSION**  
Discussion and possible action to approve a ticket distribution policy. (ACTION ITEM)
11. **GENERAL PUBLIC COMMENT - CONTINUED**  
At this time members of the public may address the Commission on items that are within the subject matter jurisdiction of the Recreation and Park Commission and that do not appear on the agenda.
12. Public Comment on all matters pertaining to the closed session.
13. Closed session held pursuant to Government Code Section 54956.9 (b)(1) and San Francisco Administrative Code Section 67.10 (d):
- Conference with Legal Counsel Pending Litigation (ACTION ITEM)*  
*Bernard and Mildred Bolton as plaintiff*  
*City and County as defendant*  
*San Francisco Superior Court Case No.480896*
14. Reconvene in open session.
15. Vote to elect whether to disclose any or all discussions held in closed session. (San Francisco Administrative Code Section 67.12 (a)). (ACTION ITEM)
16. **COMMISSIONERS' MATTERS**  
This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items at this time.
17. **NEW BUSINESS/AGENDA SETTING (DISCUSSION ONLY)**

**New Business**

- **Agenda Setting (Targeted Commission meeting, subject to change)**
  - **Conceptual design approval for Children's Quarter Restroom and Birthday Area (Date to be determined)**
  - **Conceptual design approval for Park Aid Station Renovation (Date to be determined)**
  - **Approve the Visitacion Valley Permit (Date to be Determined)**
  - **Presentation and discussion only on HANC Recycling Center (Date to be Determined)**
  - **Presentation and discussion only on Department facility use by non-city agencies (Date to be Determined)**
  - **Approve Camp Mather Store Request for Proposal (Date to be Determined)**
  - **Presentation and discussion only on the Department's Reservation Policy (Date to be Determined)**
  - **Approve funding from the Open Space Fund Undesignated Contingency Reserve for the resurfacing of the tennis courts at Camp Mather (Date to be Determined)**

18. **COMMUNICATIONS**

19. **ADJOURNMENT**

City and County of San Francisco  
Park Commission

Recreation and



Gavin Christopher Newsom, *Mayor*  
Jim Lazarus, *President*

Philip A. Ginsburg  
*President*  
General Manager

Gloria Bonilla  
David Lee  
Meagan Levitan  
Larry Martin  
Michael J. Sullivan

Margaret A. McArthur, *Commission Liaison*

**ADDENDUM TO  
THE RECREATION AND PARK COMMISSION MEETING**

**Thursday, September 3, 2009  
4:00 p.m.**

**City Hall, Room 400**

51.

**GOLDEN GATE PARK**

Discussion and possible action to approve a request from the "DNP Inc" for an exception to the amplified sound permit and to close the following roads in Golden Gate Park for the "West Fest, the 40<sup>th</sup> Anniversary of Woodstock" (concert in Speedway and Marx Meadow) on Sunday October 25, 2009.

- **Road Closures:**
  - John F. Kennedy Drive, between Transverse Drive and 30<sup>th</sup> Avenue from 6:00 a.m. until 8:00 p.m. on Sunday, October 25, 2009
  - 30<sup>th</sup> Ave from Fulton to JFK from 6:00 a.m. until 8:00 p.m. on Sunday, October 25, 2009
- **Amplified Sound Exception**
  - Speedway Meadow: Main Stage
    - 10 am to 12 pm – American Indian Ceremony, Ceremonial dance and folk singers
    - 12 pm to 6 pm – Bands
  - Speedway Meadow: 2<sup>nd</sup> Stage
    - 12 pm to 6 pm – Bands
  - Marx Meadow
    - 12 pm to 6 pm – DJ Music

(415) 831-2750

(415) 221-8034 (FAX)  
<http://parks.sfgov.org>

Home Page Address:

501 Stanyan Street  
San Francisco, CA 94117-1898