

Date: November 30, 2010

Item No. 18 & 19  
File No. 10055

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Ray Hartz v Police Commission**
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Completed by: Chris Rustom

Date: Nov. 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.





RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2010 OCT 14 AM 8:05

BY AK

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 Police Commission

Name of individual contacted at Department or Commission THOMAS MAZZUCCO

Alleged violation public records access  
 Alleged violation of public meeting. Date of meeting 10/7/10

Sunshine Ordinance Section 67.5 MEETINGS TO BE OPEN & PUBLIC  
(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.

PLEASE SEE ATTACHED

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) Name RAY W HARTZ, JR Address 839 LEAVENWORTH ST #304  
SAN FRANCISCO CA 94109

Telephone No. (415) E-Mail Address RWHARTZJR@SBCGLOBAL.NET

Date 10-10-10 Signature Ray W Hartz

I request confidentiality of my personal information.  yes  no

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).

Monday, October 11, 2010

At the meeting of the San Francisco Police Commission on October 6, 2010 after agenda item number 11 Election of Commission Officers was called, presiding officer, commission VP Thomas Mazzuco made the following statement:

**“Commissioners, we've had a discussion about this briefly. Dr. Marshall, President Marshall is not present this evening. We've agreed to put this matter over, for one week.”**

On review of the video recording, posted on the commission website, I believe the above referenced discussion and agreement on this matter were conducted in violation of the Brown act.

I find this particularly egregious, due to Commissioner Mazzuco's attempt, prior to the closed session, to interfere with my comments on this very matter. Although I was, on the advice of the deputy city attorney, allowed to continue my comments, those comments were both disrupted and hampered by the actions of a sole member of the commission. Commissioner Mazzuco, from what I have observed, has become the self-appointed censor of public comment at commission meetings.



The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

October 29, 2010

Mr. Chris Rustom  
Sunshine Ordinance Task Force  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

RE: SOTF Complaint 10055

Dear Mr. Rustom,

I am responding to the above referenced complaint with respect to the Police Commission's October 6<sup>th</sup> meeting.

The complainant alleges that a discussion occurred among members of the Commission that resulted in an agreement in violation of the Brown Act. I was present and heard the same comment that the complainant heard.

The reference made was to a discussion between the Commission President and Vice-President (two Commission members, less than a quorum) with respect to continuing agenda item 11 (election of Commission officers) because the President would not be at this particular meeting and unable to participate. It had been the intent of the Commission to have all seven members present for elections.

It is routine for the President and Vice-President to consult with each other before a meeting regarding the agenda, especially if the President is to be absent, since the Vice-President becomes the chairperson. The Vice-President was merely informing the other Commissioners that he had a conversation with the President on the subject.

What the complainant fails to note is that the Vice-President ended his comments in open session by seeking agreement among the other five Commissioners present to continue agenda item 11. This action alone contradicts the complainant's assertion.

I anticipate that this review of events at the Commission's October 6<sup>th</sup> meeting addresses the issues raised in the above referenced complaint.

Please call if you have any questions.

Very truly yours,

Lt. Joseph Reilly  
Secretary

San Francisco Police Commission

DR. JOE MARSHALL  
President

THOMAS MAZZUCCO  
Vice President

PETRA DEJESUS  
Commissioner

JAMES HAMMER  
Commissioner

ANGELA CHAN  
Commissioner

CAROL KINGSLEY  
Commissioner

R. JAMES SLAUGHTER  
Commissioner

Lieutenant Joe Reilly  
Secretary

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