

Date: November 30, 2010

Item No. 21

File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Compliance and Amendments Committee Report**
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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.



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**SUNSHINE ORDINANCE TASK FORCE
COMPLIANCE AND AMENDMENTS COMMITTEE
DRAFT MINUTES**

Tuesday, November 9, 2010
4:00 p.m., City Hall, Room 406

- Committee Members:** Allyson Washburn, David Snyder, Richard Knee, Bruce Wolfe, Hope Johnson
- Call to Order:** 4:00 p.m. and starting at 4:12 p.m.
- Roll Call:** Present: Snyder, Knee, Washburn, Wolfe (in at 5:06 p.m.), Johnson
- Deputy City Attorney:** Jerry Threet (not present)
Clerk: Chris Rustom
- Agenda Changes:** None

1. Approval of October 12, 2010, regular meeting minutes
Motion to approve October 12, 2010, regular meeting minutes (Knee / Johnson)
Public Comment: None
On the motion:
Ayes: Snyder, Knee, Johnson, Washburn
Motion passes.
2. Approval of October 27, 2010, special meeting minutes
Motion to approve October 27, 2010, special meeting minutes (Knee / Johnson)
Public Comment: Alan Grossman wanted a comment made about him by Kimo Crossman removed from the minutes. (The request was dwenied.)
On the motion:
Ayes: Snyder, Knee, Johnson, Washburn
Motion passes.

3. 10047 Hearing on the status of the October 26, 2010, Order of Determination in Kellee Lanza v District Attorney's Office.

Complainant Kellee Lanza said the District Attorney's Office representatives gave her a stack of documents a few minutes before the hearing started, and she had yet to inspect it to see if her request for public documents was satisfied. She also said in the interest of full disclosure, she has filed a petition with the Superior Court in San Francisco to force the DA's office to comply with the request.

Respondent Paul Henderson with the DA's Office presented members with a copy of the cover letter his office had provided to Ms. Lanza. Accompanying him were his staff who worked on Ms. Lanza's request.

To Member Johnson, Sandip Patel of the DA's Office said they have responded to all but two of the requests. He said they have asked the requestor to narrow two items on the list because it involved thousands of documents.

Chair Washburn said the response by the DA's Office this time around shows that the issue could have been solved months ago. She told them to work closely with the requestors and also to help identify the documents they need.

Member Johnson said the complainant clearly identified at the very beginning that she was from a public relations firm and with Karmala Harris running for the state Attorney-General's office, it was very clear that she wanted the documents before the elections. She said the cover letter that was provided to Ms. Lanza suggested that the DA's Office turned over more documents than was actually happened. She also said that in her view all indications was that the DA, who under Section 67.29-5 is required to provide her calendar within three days, did not want to turn it over before the election.

Mr. Henderson said the implication was incorrect because the political climate does not have any effect on the day-to-day operations of the department.

In closing, Mr. Henderson said a lot of effort and hard work was put into responding to the request. Ms. Lanza said she would be contacting the Task Force after having her counsel review the documents.

A motion was not presented because members did not know if the Order of Determination had been met.

Member Knee said as Task Force chair he will calendar the item for the November 30 meeting to review the status of the case.

Public Comment: Allen Grossman said Mr. Henderson knows that the work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any city employee. He said there is a willful component in this matter because the DA's Office had taken five months to respond to the request.

4. Ethics Commission proposed policy for handling Sunshine-related complaints

Chair Washburn invited Mr. Grossman to participate as a non-voting member and be seated with other members of the committee. He declined the offer and said he preferred to stand at the dais.

Members then debated their approach to the Ethics Commission's proposal and agreed to meet December 4 to finalize their counter proposal. Member Snyder said he will have a comparison report ready by November 23 for inclusion in the November 30 agenda packet.

Public Comment: None.

5. Administrator's Report.

Mr. Rustom made the report.

Public Comment: None

6. Public Comment on items not listed on the agenda: None

7. Announcements, questions, and future agenda items from Committee members.

None

Adjournment

The meeting adjourned at 5:19 p.m.

This meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force