

Date: March 22, 2011

Item No. 6

File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Draft Minutes: Task Force Feb. 22, 2011**
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Completed by: Chris Rustom

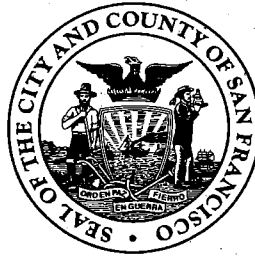
Date: March 17, 2011

***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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<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE
REGULAR MEETING
DRAFT MINUTES**

Tuesday, February 22, 2011
4:00 p.m., City Hall, Room 406

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 4:00 P.M.

Roll Call Present: Knee, Cauthen, Washburn (in at 4:04), Knoebber, Wolfe, Chan, Johnson
Excused: Snyder, Manneh

Agenda Changes: Item 26 heard before Item 1, and Item 31 heard after Item 11.

Deputy City Attorney: Jerry Threet
Clerk: Chris Rustom

1. Special recognition to Marjorie Ann Williams for her community service as a member of the Sunshine Ordinance Task Force.

Continued without objection to March 22, 2011.

2. Approval of July 21, 2010, special meeting minutes.

Vice-Chair Wolfe, seconded by Member Johnson, motioned to approve the minutes.

Public Comment: None.

The motion carried on the following vote:

Ayes: 7 - Cauthen, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 2 - Snyder, Manneh

3. Approval of August 24, 2010, meeting minutes.

Vice-Chair Wolfe, seconded by Member Cauthen, motioned to approve the minutes.

Public Comment: None.

The motion carried on the following vote:

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

4. Approval of September 28, 2010, meeting minutes.

Continued without objection to March 22, 2010.

5. Approval of October 26, 2010, meeting minutes.

Continued without objection to March 22, 2010.

6. Approval of November 18, 2010, special meeting minutes.

Continued without objection to March 22, 2010.

7. Approval of November 30, 2010, meeting minutes.

Continued without objection to March 22, 2010.

8. Approval of January 4, 2011, special meeting minutes.

Continued without objection to March 22, 2010.

9. Approval of January 20, 2011, special meeting minutes.

Continued without objection to March 22, 2010.

10. Approval of January 25, 2011, regular meeting minutes.

Continued without objection to March 22, 2010.

11. 10063 The Compliance and Amendments Committee has referred to the Task Force a recommendation that #10063_Debra Benedict v the Mayor's Office of Economic & Workforce Development be forwarded to the Ethics Commission because of inaction on the Order of Determination.

Heard: Debra Benedict provided a progress report. The Mayor's Office of Economic & Workforce Development was not represented. The Task Force discussed the respondent's request for continuance and denied it.

Member Johnson, seconded by Member Washburn, motioned to have Matha Cohen and Myisha Hervey referred to the Ethics Commission for failure to meet the requirements of the Order of Determination.

Public Comment: Allen Grossman, Jason Grant Garza and Charles Pitts spoke in favor.

The motion carried on the following vote:

Ayes: 6 – Cauthen, Washburn, Knoebber, Chan, Johnson, Knee

Noes: 1 – Wolfe

Excused: 2 - Snyder, Manneh

12. 10069 The Compliance and Amendments Committee has referred to the Task Force a recommendation that #10069_William and Robert Clark v the Arts Commission be forwarded to the Ethics Commission because the Order of Determination was not met within the prescribed period.

Member Knoebber, seconded by Member Johnson, motioned to have the Arts Commission referred to the Ethics Commission for failure to meet the requirements of the Order of Determination within the prescribed period.

Public Comment: None.

The motion carried on the following vote:

Ayes: 7 – Cauthen, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 2 - Snyder, Manneh

13. 10068 Hearing on complaint filed by Nick Pasquariello against the SF Municipal Transportation Agency for allegedly not providing him with documents related to the Clipper program.

Withdrawn.

14. 10067 Determination of jurisdiction on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly failing to respond to an information request.

Member Knobber, seconded by Member Cauthen, motioned to find jurisdiction.

Public Comment: None.

The motion carried on the following vote:

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

15. 10067 Hearing on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly failing to respond to an information request.

Member Cauthen, seconded by Member Knoebber, motioned to find the Local Homeless Coordinating Board, through Ali Schlageter, in violation of Section 67.25(a) for not responding the Immediate Disclosure Request before the end of the next business day, Section 67.21(e) for not sending a knowledgeable person the hearing, and 67.16 because the draft minutes was not available 10 days after the meeting.

Public Comment: None

The motion carried on the following vote:

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

The matter was referred to the Education, Outreach and Training Committee.

16. 10073 Determination of jurisdiction on complaint filed by Debra Benedict against Baker Places for allegedly failing to comply with Chapter 12L of the San Francisco Administrative Code.

Member Cauthen, seconded by Member Washburn, motioned to find jurisdiction.

Public Comment: None.

The motion carried on the following vote:

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

17. 10073 Hearing on complaint filed by Debra Benedict against Baker Places for allegedly failing to comply with Chapter 12L of the San Francisco Administrative Code.

Heard: Complainant Debra Benedict presented her case. Respondent Baker Places was not represented. Nobody in the audience presented facts or evidence in support of the respondent.

Member Knoebber, seconded by Member Johnson, motioned to find Baker Places in violation of Administrative Code Chapter 12L.4(a)(1) for

not holding public meetings.

Public Comment: None.

The motion carried on the following vote:

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

The matter was referred to the Education, Outreach and Training Committee.

18. 10074 Determination of jurisdiction on complaint filed by William and Robert Clark against the Arts Commission for allegedly failing to comply with Section 67.21(b).

Member Knobber, seconded by Member Cauthen, motioned to find jurisdiction.

Public Comment: None.

The motion carried on the following vote:

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

19. 10074 Hearing on complaint filed by William and Robert Clark against the Arts Commission for allegedly failing to comply with Section 67.21(b).

Heard: Complainant William Clark presented his case. Respondent Julio Matos spoke on behalf of the Arts Commission.

Member Knoebber, seconded by Vice Chair Wolfe, motioned to find the Arts Commission in violation of Section 67.27(a) for not justifying the withholding, Section 67.21(e) for not sending a knowledgeable person to the hearing, Section 67.21(c) for not assisting the requestor in identifying the existence, form and nature of the information or record, and Section 67.22 for not providing oral information on how the 5% figure was determined.

Public Comment: A female spoke in Favor of the Complainant.

The motion carried on the following vote:

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

The matter was forwarded to the Compliance and Amendments Committee.

20. 10075 Determination of jurisdiction on complaint filed by Anonymous against the

Department of Recreation and Park for allegedly not releasing public information related to a Recreation and Park Commission hearing.

Vice Chair Wolfe, seconded by Member Knoebber, motioned to find jurisdiction.

Public Comment: None.

The motion carried on the following vote:

Ayes: 7 - Cauthen, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 2 - Snyder, Manneh

21. 10075 Hearing on complaint filed by Anonymous against the Department of Recreation and Park for allegedly not releasing public information related to a Recreation and Park Commission hearing.

Tabled.

22. 11001 Determination of jurisdiction on complaint filed by William Clark against the City Attorney's Office for allegedly violating Section 67.21(b).

Member Knobber, seconded by Member Cauthen, motioned to find jurisdiction.

Public Comment: None.

The motion carried on the following vote:

Ayes: 7 - Cauthen, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 2 - Snyder, Manneh

23. 11001 Hearing on complaint filed by William Clark against the City Attorney's Office for allegedly violating Section 67.21(b).

Heard: Complainant William Clark presented his case. The City Attorney's Office was not represented. Nobody in the audience presented facts or evidence in support of the respondent.

Member Johnson, seconded by Vice Chair Wolfe, motioned to find the City Attorney's Office in violation of Section 67.26 for not providing the names of the cases that were worked on, and Section 67.21(b) for not providing the information in a timely manner.

Public Comment: Robert Clark spoke in favor.

The motion carried on the following vote:

Ayes: 7 - Washburn, Knoebber, Wolfe, Chan, Johnson, Cauthen, Knee

Excused: 2 - Snyder, Manneh

The matter was referred to the Education, Outreach and Training Committee.

24. 11002 Determination of jurisdiction on complaint filed by William Clark against the City Attorney's Office for denying access to public records.

Vice Chair Wolfe, seconded by Member Knobber, motioned to find jurisdiction.

Public Comment: None.

The motion carried on the following vote:

Ayes: 7 – Cauthen, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 2 - Snyder, Manneh

25. 11002 Hearing on complaint filed by William Clark against the City Attorney's Office for denying access to public records.

Heard: Complainant William Clark presented his case. The City Attorney's Office was not represented. Nobody in the audience presented facts or evidence in support of the respondent.

Vice Chair Wolfe, seconded by Member Washburn, motioned to find the City Attorney's Office in violation of Sunshine Ordinance Section 67.21(i) for providing the Arts Commission with legal advice concerning Sunshine matters, and Section 67.21(e) for not sending a knowledgeable representative to the hearing.

Public Comment: Robert Clark spoke in support.

The motion carried on the following vote:

Ayes: 7 – Washburn, Knoebber, Wolfe, Chan, Johnson, Cauthen, Knee

Excused: 2 - Snyder, Manneh

Task Force Chair Knee referred the matter to the Education, Outreach and Training Committee. The Task Force also instructed Chair Knee to write a letter to Mr. Howard Lazar of the Arts Commission and inform him that printing a document is not akin to creating a document and that the printing, per Sunshine, was called producing a document.

26. Proposal to draft memorandum urging the Board of Supervisors not to use the absence of state reimbursement as reason to halt the timely production and proper posting, per the Sunshine Ordinance, of agendas of meetings of the Board and its Committees.

After discussion, Chair Knee agreed to write to the Clerk of the Board of Supervisors and express the Task Force's concern.

27. Report: Complaint Committee meeting of February 8, 2011.

Committee Chair James Knoebber made the report.

28. Report: Compliance and Amendments Committee meeting of February 8, 2011.

Committee Chair Allyson Washburn made the report

29. Report: Education, Outreach and Training Committee meeting of February 10, 2011.

Committee Chair Hanley Chan made the report.

30. Administrator's Report.

Mr. Rustom made the report.

31. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible.

Jason Grant Garza, Allen Grossman and Charles Pitts spoke on various topics.

32. Announcements, comments, questions, and future agenda items from Task Force members.

None.

Adjournment

There being no further business, the Task Force adjourned at the hour of 8:24 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>