

Date: Dec. 14, 2011

Item No. 8 & 9
File No. 11084

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Library Users Association against the Arts Commission**
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Completed by: Chris Rustom

Date: Dec 9, 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 Complaint
complaints

to:

sotf

10/14/2011 10:12 AM

Hide Details

From: <complaints@sfgov.org>

To: <sotf@sfgov.org>

To:sotf@sfgov.org

Email:complaints@sfgov.org

DEPARTMENT:Arts Commission

CONTACTED:Staff person

PUBLIC_RECORDS_VIOLATION:Yes

PUBLIC_MEETING_VIOLATION:No

MEETING_DATE:August 17, 2011

SECTIONS_VIOLATED:Section 67.14 (b)

DESCRIPTION:Art Commission Did Not Provide Audio Recording of its Visual Arts Committee Meeting of August 17, 2011 to Library Users Association.

HEARING:Yes

PRE-HEARING:No

DATE:

NAME:Peter Warfield

ADDRESS:

CITY:

ZIP:

PHONE:753-2180

CONTACT_EMAIL:libraryusers2004@yahoo.com

ANONYMOUS:

CONFIDENTIALITY_REQUESTED:No

Library Users Association

P.O. Box 170544, San Francisco, CA 94117-0544

Tel./Fax (415) 753-2180

Tuesday, October 11, 2011

Honorable Members
Sunshine Ordinance Task Force
City Hall
San Francisco
By email: sotf@sfgov.org

Subject: **Complaint #1: Art Commission Did Not Provide Audio Recording of its Visual Arts Committee Meeting of August 17, 2011 to Library Users Association**

Ladies and Gentlemen:

The Art Commission did not provide Library Users Association an opportunity to listen to a recording of its Visual Arts Committee (VAC) meeting of August 17, 2011. A staff member told us that only the meetings of the full Art Commission are recorded -- not committee meetings.

This violates Library Users Association's rights, and the public's, under Sunshine Ordinance Section 67.14 (b), which requires all charter commissions to audio record their meetings, to retain the recordings, and to make the recordings available for inspection. The section reads as follows:

(b) Each board and commission enumerated in the charter shall audio record each regular and special meeting. Each such audio recording, and any audio or video recording of a meeting of any other policy body made at the direction of the policy body shall be a public record subject to inspection pursuant to the California Public Records Act (Government Code Section 6250 et seq.), and shall not be erased or destroyed. Inspection of any such recording shall be provided without charge on an appropriate play back device made available by the City. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Background: This meeting included a presentation, plus discussion and approval, of San Francisco Public Library's imminent plan to completely destroy the existing Bernal Heights Branch Library mural, painted by noted San Francisco muralist Arch Williams, as well as Carlos Alcaya. The mural was designed and painted in a participatory community process over a two-year period, 1980-1982. It includes on the front of the library words by Holly Near, and the famed Chilean Victor Jara in Spanish and English, plus images of Victor Jara and others, which will not be carried over into the planned mural. The new design lacks any words and was called by someone close to the original design sanitized and gentrified.

Library Users Association requests a prompt hearing on this complaint, and thanks you for your time and effort on this matter.

Sincerely yours,

Peter Warfield
Executive Director, Library Users Association

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415/753-2180



SAN FRANCISCO ARTS COMMISSION

EDWIN M. LEE
MAYOR

JD BELTRAN
INTERIM DIRECTOR OF
CULTURAL AFFAIRS

PROGRAMS

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CIVIC DESIGN REVIEW
COMMUNITY ARTS
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CULTURAL EQUITY GRANTS
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STREET ARTISTS LICENSES

ARTS COMMISSION GALLERY,
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415.554.6080

WWW.SFARTSCOMMISSION.ORG

ARTSCOMMISSION@SFGOV.ORG

October 19, 2011

Honorable Members
Sunshine Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Dear Honorable Members of the Sunshine Task Force:

I am writing in response to complaint #11084 and complaint #11085 submitted on October 11, 2011 by Mr. Peter Warfield, executive director, Library Users Association.

The San Francisco Arts Commission (SFAC) is in compliance with the Sunshine Ordinance and Mr. Warfield's complaints are both outside the jurisdiction of the Sunshine Task Force and without merit because the Sunshine Ordinance does not require the Visual Arts Committee (VAC) which is an advisory committee of the SFAC, to audio record VAC meetings or to keep minutes of VAC meetings.

1. The Sunshine Ordinance does not require audio recordings of advisory committee meetings.

In complaint # 11084, Mr. Warfield states that the SFAC did not provide his organization with an audio recording of the August 17, 2011 VAC meeting, even though the SFAC does not currently record VAC meetings. According to the 2010 -2011 Good Government Guide, Part Three, p.133, Section G.1., the VAC, as an advisory subcommittee of the of the full Arts Commission, is not a "board or commission listed in the charter" and thus is not required to audio record its meetings:

G. Records of meetings

1. Audio recordings

"Each board or commission listed in the Charter must audio record regular and special meetings. Admin. Code § 67.14(b). Other policy bodies are not required to audio record their meetings, except for closed session portions of meetings. Admin. Code § 67.8-1(a)." (Emphasis added)

2. The Sunshine Ordinance does not require advisory bodies or committees of parent bodies to keep minutes of their meetings.

In complaint # 11085, Mr. Warfield also states that the SFAC did not provide draft minutes of the August 17, 2011 VAC meeting until more than 10 days after the



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meeting. According to the 2010 -2011 Good Government Guide, Part Three, p.135, Section G.2. (c), the SFAC is not required to keep minutes for meetings of the VAC because the VAC is purely an advisory body of the parent body known as the Arts Commission:

G. Records of meetings

2. Minutes

c. Other policy bodies

“Policy bodies that do not fit into one of the above two categories, such as purely advisory bodies and committees of parent bodies, are not required to keep meeting minutes or maintain a record of meetings.”

Although not required, the SFAC does keep minutes of all VAC meetings which are available to the public on the sfgov.org website and by request. Minutes for the August 17, 2011 VAC meeting were provided to Mr. Warfield within two days of his request. Those minutes are enclosed for your review.

In short, and for the reasons stated above, the SFAC is in compliance with the Sunshine Ordinance.

Thank you for your attention to this matter.

Sincerely,



Susan Pontious
Public Art Program Director
San Francisco Arts Commission
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