

Date: Feb. 22, 2011

Item No. 10

File No. \_\_\_\_\_

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Draft Minutes: Jan. 25, 2010**
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Completed by: Chris Rustom

Date: \_\_\_\_\_

**\*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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**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
DRAFT MINUTES**

Tuesday, January 25, 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: Snyder (leaves at 9:00), Knee, Manneh, Washburn, Knoebber, Wolfe (in at 4:54), Chan, Johnson  
Excused: Cauthen

**Agenda Changes:** Item 2, 3 & 24 heard before Item 1.

**Deputy City Attorney:** Jerry Threet  
**Clerk:** Chris Rustom

1. Presentation by Allen Grossman on the 6-vote majority requirement and its impact on complaints and other matters heard by the Task Force.

**Heard:** Allen Grossman made his case before the Task Force.

**Public Comment:** Ray Hartz, Debra Benedict, Jason Grant Garza, Peter Warfield, Anonymous Tenants and Tomas Picarello spoke in favor.

2. 10054 Continued hearing on complaint filed by Ray Hartz against the Library Commission for allegedly violating Section 67.16 by not allowing his 150-word statement to be placed in the minutes.

**Heard:** Ray Hartz gave an overview of his case. Mary Hudson represented the Library Commission.

**Member Washburn, seconded by Member Chan, motioned to find the Library Commission in violation of Sunshine Ordinance Section 67.15 for altering Mr. Hartz's statement as it constitutes an abridgement and, Section 67.16 for attaching the statement as an addendum and not placing it in the body of the minutes. Library Commission President Jewel Gomez was also found in violation of Section 67.21(e) for not sending a knowledgeable person.**

Public Comment: Peter Warfield spoke in favor of the motion.

The motion carried on the following vote:

Ayes: 7 - Snyder, Manneh, Washburn, Knoebber, Chan, Johnson, Knee

Excused: 1 – Cauthen

Absent: 1 - Wolfe

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

3. 10059 Continued hearing on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly refusing to provide information contained in his personnel file.

**Heard:** Dorian Maxwell gave an overview of his case. Rumi Uno and Cyndia Chambers provided the defense.

**Member Johnson, seconded by Member Snyder, motioned that the Task Force finds that the SF Municipal Transportation Agency violated Sunshine Ordinance Sections 67.25 for failure to respond, 67.26 for not keeping withholding to a minimum, and 67.27 for failing to provide justification for withholding, and California Public Records Act Section 6254(c) because the requestor was asking for his own file and therefore disclosure to him could not have invaded his personal privacy.**

Public Comment: Jason Grant Garza and Ray Hartz spoke on various issues.

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 – Cauthen

The matter was referred to the Compliance and Amendments Committee.

4. 10060 Continued hearing on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly failing to notice a meeting, denying access, and failing to allow for public comment.

**Heard:** Charles Pitts gave an overview of his case. The respondent was not present.

**Member Washburn, seconded by Member Snyder, motioned that the Local Homeless Coordinating Board violated Sunshine Ordinance Section 67.21(e) for failing to send a knowledgeable person. Alison Schlageter was also found to have violated Section 67.34 for willful failure and official misconduct by failing to appear.**

Public Comment: Tomas Picarello spoke on procedural issues.

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 – Cauthen

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

5. 10063 Continued hearing on complaint filed by Debra Benedict against the Mayor's Office of Economic & Workforce Development for allegedly failing to provide copies of a local contract.

**Heard:** Debra Benedict gave an overview of her case. Myisha Hervey spoke for the department.

**Vice chair Wolfe, seconded by Member Johnson motioned to find that the department violated Sunshine Ordinance Sections 67.21(b) by not responding within the given time frame, 67.21(c) by failing to assist the requestor, and 67.25(a) by delaying the immediacy of response.**

Public Comment: Jason Grant Garza on various issues.

Member Knoebber, seconded by Chair Knee, motioned to separating the Section 67.21b violation.

The motion failed on the following vote:

Ayes: 8 - Knoebber

Noes : 7 - Snyder, Manneh, Washburn, Wolfe, Chan, Johnson, Knee

Excused: 1 – Cauthen

The first motion passed on the following vote

Ayes: 7 - Snyder, Manneh, Washburn, Wolfe, Chan, Johnson, Knee

Noes : 1 - Knoebber

Excused: 1- Cauthen

The matter was referred to the Compliance and Amendments Committee.

6. 10065 Determination of jurisdiction on complaint filed by Debra Benedict against the San Francisco Bar Association for allegedly not meeting Chapter 12L requirements.

**Member Knoebber, seconded by Vice chair Wolfe, motioned to find violation.**

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 – Cauthen

7. 10065 Hearing on complaint filed by Debra Benedict against the San Francisco Bar Association for allegedly not meeting Chapter 12L requirements.

**Heard:** Debra Benedict presented her case. Mairi McKeever represented the respondent.

**No motion was presented.**

Public Comment: Tomas Picarello and Jason Grant Garza spoke on various issues.

The matter was closed.

8. 10066 Determination of jurisdiction on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly not providing documents related to a union contract.

**Member Knoebber, seconded by Member Manneh, motioned to find jurisdiction.**

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 – Cauthen

9. 10066 Hearing on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly not providing documents related to a union contract.

**Heard:** Dorian Maxwell presented his claim. Rumi Uno spoke for the department.

**Member Johnson, seconded by Vice chair Wolfe, motioned to find the**

**department in violation of Section 67.21(b) for failing to respond in a timely manner, and Section 7.27 for failing to provide justification for withholding.**

Public Comment: None.

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Washburn, Knoebber, Wolfe, Chan,  
Johnson, Knee

Excused: 1 – Cauthen

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

10. 10068 Determination of jurisdiction on complaint filed by Nick Pasquariello against the SF Municipal Transportation Agency for allegedly not providing him with documents related to the Clipper program.

**Member Knoebber, seconded by Member Manneh, motioned to find jurisdiction.**

Public Comment: None.

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Washburn, Knoebber, Wolfe, Chan,  
Johnson, Knee

Excused: 1 – Cauthen

11. 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.

Matter continued to February 22, 2010. There was no objection.

12. 10069 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly not providing him with a breakdown of the salaries and benefits of its employees.

**Member Knoebber, seconded by Member Manneh, motioned to find jurisdiction.**

Public Comment: None.

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Washburn, Knoebber, Wolfe, Chan,  
Johnson, Knee

Excused: 1 – Cauthen

13. 10069 Hearing on complaint filed by William Clark against the Arts Commission for allegedly not providing him with a breakdown of the salaries and benefits of its employees.

Heard: William Clark gave an overview of his complaint. Julio Mattos represented the agency.

**Member Snyder, seconded by Member Knoebber, motioned to find the agency in violation of Sunshine Section(s) 67.21(b) by not responding within the given time frame, 67.21(c) by failing to assist the requestor, and 67.26 by not keeping withholding to a minimum.**

Public Comment: None.

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 – Cauthen

The matter was referred to the Compliance and Amendments Committee.

14. 10071 Determination of jurisdiction on complaint filed by Jason Grant Garza against the Haight Ashbury Free Clinics for not providing him with documents related to two visits he made in 2010.

**Member Knoebber, seconded by Member Manneh, motioned to find jurisdiction.**

Public Comment: None.

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 – Cauthen

Member Snyder asked to be excused for the rest of the evening.

15. 10071 Hearing on complaint filed by Jason Grant Garza against the Haight Ashbury Free Clinics for not providing him with documents related to two visits he made in 2010.

Jason Grant Garza did not present his case but questioned the process.

**Chair Knee, after repeatedly telling the complainant to present his case, ruled to have the matter tabled.**

The motion carried on the following vote:

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

Excused: 2 – Snyder, Cauthen

16. 10072 Determination of jurisdiction on complaint filed by Bruce McLellan against the Recreation and Park Department for allegedly not releasing the Stow Lake lease.

**Vice chair Wolfe, seconded by Member Johnson, motioned to find jurisdiction.**

Public Comment: None.

The motion carried on the following vote:

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

Excused: 2 – Snyder, Cauthen

17. 10072 Hearing on complaint filed by Bruce McLellan against the Recreation and Park Department for allegedly not releasing the Stow Lake lease.

**Heard:** Bruce McLellan gave an overview of his complaint. Nick Kinsley represented the department.

No motion was made.

Matter concluded.

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

Moved to next agenda.

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

Moved to next agenda.

20. Report: Complaint Committee meeting of January 11, 2011.

Cancelled.

21. Report: Compliance and Amendments Committee meeting of January 11, 2011.

Cancelled.

22. Report: Education, Outreach and Training Committee meeting of January 13,



2011.

Cancelled.

23. Administrator's Report.

Cancelled.

24. 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.

Public Comment: Jason Grant Garza, Tomas Picarello, Debra Benedict, Peter Warfield, Ray Hartz, Anonymous Tenants and Charles Pitts spoke on various issues.

25. Announcements, comments, questions, and future agenda items from the Task Force members: None.

### **Adjournment**

*There being no further business, the Task Force adjourned at the hour of 9:56 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>