

Date: Feb. 22, 2011

Item No. 18 & 19
File No. 10074

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- William and Robert Clark against the Arts Commission
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

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.



<complaints@sfgov.org>

12/22/2010 12:31 PM

To <sof@sfgov.org>

cc

bcc

Subject Sunshine Complaint

To:sof@sfgov.orgEmail:complaints@sfgov.orgDEPARTMENT:SF Arts Commission
CONTACTED:Howard Lazar

PUBLIC_RECORDS_VIOLATION:Yes

PUBLIC_MEETING_VIOLATION:No

MEETING_DATE:

SECTIONS_VIOLATED:Section 67.21(b)

DESCRIPTION: On November 8, 2010, we sent Howard Lazar an email requesting copies of all the documents and/or records which were used to determine that the "Director of Programs", Jill Manton, spent 5% of her time to manage and/or supervise the Street Artist Program" during the 2009-2010 fiscal year and copies of all the documents and/or records which were used to determine that the "Director of Cultural Affairs", Luis R. Cancel, spent 5% of his time to manage and/or supervise the Street Artist Program during the 2009-2010 fiscal year. On 11/9/10 we received an email from Howard Lazar informing us that he received our request and he was invoking an extension of 14 days in which to respond to our request. As of today, December 22, 2010, we have not received any response to this document request from Howard Lazar. Therefore, we are filing this complaint against him for violating Section 67.21(b) of the Sunshine Ordinance.

HEARING:Yes

PRE-HEARING:No

DATE:12/22/10

NAME:William J. Clark, Robert J. Clark

ADDRESS:P.O. Box 882252

CITY:San Francisco, Ca.

ZIP:94188

PHONE:415-822-5465

CONTACT_EMAIL:billandbobclark@aqccess4less.net

ANONYMOUS:

CONFIDENTIALITY_REQUESTED:No



Bill and Bob Clark
<billandbobclark@access4less.net>

01/18/2011 03:52 PM

Please respond to
Bill and Bob Clark
<billandbobclark@access4less.net>

To soft@sfgov.org

cc

bcc

Subject Fw: Re: Sunshine Complaint Received: #10074_William & Robert Clark v Arts Commission

Hi Chris,

On November 8, 2010 we sent the below email to Mr. Lazar. On November 22, 2010 we received an email from Mr. Lazar which included two additional documents, one entitled, "Street Artist Program FY 09-10 Charges" and the other entitled, "Street Artist Program Expenses incurred after 6/25/10 to Year End Close for FY 09/10", neither of which contained the information we requested.

Therefore, we filed our complaint on December 22, 2010.

We have yet to receive any documents or records which contain the information we requested regarding getting copies of all the documents and/or records which were used to determine that the Director of Programs spent 5% of her time to manage and/or supervise the Street Artist Program and copies of all the documents and/or records which were used to determine that the Director of Cultural Affairs spent 5% of his time to manage and/or supervise the Street Artist Program.

We are asking that you don't withdraw complaint #10074 as requested by Howard Lazar and that you hold the hearings as scheduled.

Please enclose a copy of this email in the file of complaint #10074.

William J. Clark
Robert J. Clark

From: Bill and Bob Clark <billandbobclark@access4less.net>
To: howard.lazar@sfgov.org, Howard.Lazar@sfgov.org
Cc: Michela.Alioto-Pier@sfgov.org, Chris.Daly@sfgov.org, Dalystaff@sfgov.org, luis.cancel@sfgov.org, addariophotography@myastound.net, chris.daly@sfgov.org
Date: 11/08/2010 03:44 PM
Subject: Documens and/or records request

Mr, Lazar,

We received the two documents. In the document entitled "Street Artist Program FY 09-10 Charges" it lists under "Supervision Charges Director of Programs" that the Street Artist Program was charged \$8,849.34 for the cost of 5% of the Director's salary, benefits and supervision.

We request copies of all the documents and/or records which were used to determine that the Director of Programs spent 5% of her time to manage and/or supervise the Street Artist Program.

In the document entitled "Street Artist Program FY 09-10 Charges" it also lists under "Director of Cultural Affairs/Dept. Head" that the Street Artist Program was charged \$10,075.84 for the cost of 5% of his salary, benefits and supervision.

We request copies of all the documents and/or records which were used to determine that the Director of Cultural Affairs spent 5% of his time to manage and/or supervise the Street Artist Program.

In the document entitled "Street Artist Program FY 09-10 Charges" it also lists under "City Attorney Cost for Sunshine Disclosures" that the Street Artist Program was charged \$2516.75 for 11.75 hours of the City Attorney's time.

We request copies of all the documents and/or records which were used to determine that the City Attorney spent 11.75 hours of his time processing Sunshine Disclosures.

In the final report of expenses for the Street Artist Program for FY 09-10 that was sent to the Controller it states that \$118,759 was spent on "Employee Salaries" and \$42,820 was spent on "Employee Benefits".

We request copies of all the documents and/or records which show what salary and benefits were paid to Howard Lazar, what salary and benefits were paid to Evelyn Russell and what salaries and benefits were paid to other employees from the \$118,759 in employee salaries and from the \$42,820 in employee benefits which were reported to the Controller.

We request these documents and/or records pursuant to the provisions of the Sunshine Ordinance.

William J. Clark
Robert J. Clark

-----Forwarded Message-----

>From: Howard.Lazar@sfgov.org
>Sent: Jan 18, 2011 12:19 PM
>To: sotf@sfgov.org
>Cc: billandbobclark@access4less.net, Luis.Cancel@sfgov.org,
Jill.Manton@sfgov.org, Kan.Htun@sfgov.org, SanSan.Wong@sfgov.org,
Alyssa.Licouris@sfgov.org, Virginia.Dario.Elizondo@sfgov.org,
Adine.Varah@sfgov.org
>Subject: Re: Sunshine Complaint Received: #10074_William & Robert Clark v
Arts Commission
>
>Mr. Chris Rustom
>Sunshine Ordinance Task Force
>
>
>Dear Mr. Rustom:
>
>In this - Complaint #10074 - William and Robert Clark state that, as of
>December 22, 2010, they "have not received any response to this [November
>8, 2010] document request from Howard Lazar" and "we are filing this
>complaint against him for violating Section 67.21(b) of the Sunshine
>Ordinance." While the Clarks may not, for some reason, have received the
>response, please see the attached pdf file which is proof that the Arts
>Commission sent its response to the Clarks by both e-mail and by hard-copy
>letter one month earlier, on November 22nd:
>
>
>(See attached file: Clarks_Sunshine.pdf)
>

>Furthermore, neither this e-mailed response nor the hard copy-mailed
>response to the Clarks was returned to the Arts Commission.

>

>This November 22nd response and its accompanying documents were furnished
>14 days after the Commission had received the Clarks' request; and the
>Commission had so informed the Clarks (as they themselves state) on
>November 9th that it was invoking a 14-day extension to furnish a response
>that would be forthcoming no later than November 22nd.

>

>Because the Arts Commission responded and furnished documents with its
>response on November 22nd in accord with the 14-day extension, the Arts
>Commission did NOT violate the Sunshine Ordinance. We therefore
>respectfully request that Complaint #10074 be withdrawn and the hearings on
>the complaint scheduled for February 8 and 22nd be dismissed.

>

>Sincerely,

>

>

>Howard Lazar
>Street Artists Program Director
>San Francisco Arts Commission
>415.252.2583

Clark file



Response to November 8 request for public documents and records

Howard Lazar to: Bill and Bob Clark

11/22/2010 08:59 AM

pj, gchew, newjazzflute, amychuang09, Sherene Melania, jessicab,
Cc: Luis Cancel, Jill Manton, Kan Htun, Alyssa Licouris, Adine Varah,
addariophotography, Chris Daly, Dalystaff, Michela Alioto-Pier

Dear Mr. William J. Clark and Mr. Robert J. Clark:

In response to your November 8, 2010 request for public documents, please see the attached letter which describes the documents we are mailing to you along with a hard copy of the letter:



Clark Request110810.doc

Howard Lazar
Street Artists Program Director
San Francisco Arts Commission
415.252.2583

Website: http://www.sfartscommission.org/street_artists_program/index.html
— Forwarded by Howard Lazar/ARTSCOM/SFGOV on 11/17/2010 02:07 PM —

From: Howard Lazar/ARTSCOM/SFGOV
To: Bill and Bob Clark <billandbobclark@access4less.net>
Cc: addariophotography@myastound.net, Chris.Daly@sfgov.org, Dalystaff@sfgov.org,
luis.cancel@sfgov.org, Michela.Alioto-Pier@sfgov.org
Date: 11/09/2010 09:28 AM
Subject: Request for public documents and records

Dear Mr. William J. Clark and Mr. Robert J. Clark:

In response to your request submitted yesterday for public documents, please see the attached letter which invokes an extension of not more than 14 days from November 8, 2010 to respond to your request pursuant to the California Public Records Act:



Public Records Request.doc

The Arts Commission in Resolution No. 1202-97-427 approved "a copying charge of 10 cents per page for any document requests over ten pages or any request for three or more documents." Because the documents we are furnishing you number only four pages, no copying charge is applied to your request.

A hard copy of this letter-response is being mailed to you.

Sincerely,

Howard Lazar
Street Artists Program Director
San Francisco Arts Commission
415.252.2583

Website: http://www.sfartscommission.org/street_artists_program/index.html

Bill and Bob Clark

Mr. Lazar, We received the two documents. In th...

11/08/2010 03:44:18 PM

From: Bill and Bob Clark <billandbobclark@access4less.net>
To: howard.lazar@sfgov.org, Howard.Lazar@sfgov.org
Cc: Michela.Alioto-Pier@sfgov.org, Chris.Daly@sfgov.org, Dalystaff@sfgov.org,
luis.cancel@sfgov.org, addariophotography@myastound.net, chris.daly@sfgov.org
Date: 11/08/2010 03:44 PM
Subject: Documens and/or records request

Mr, Lazar,

We received the two documents. In the document entitled "Street Artist Program FY 09-10 Charges" it lists under "Supervision Charges Director of Programs" that the Street Artist Program was charged \$8,849.34 for the cost of 5% of the Director's salary, benefits and supervision.

We request copies of all the documents and/or records which were used to determine that the Director of Programs spent 5% of her time to manage and/or supervise the Street Artist Program.

In the document entitled "Street Artist Program FY 09-10 Charges" it also lists under "Director of Cultural Affairs/Dept. Head" that the Street Artist Program was charged \$10,075.84 for the cost of 5% of his salary, benefits and supervision.

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We request copies of all the documents and/or records which were used to determine that the City Attorney spent 11.75 hours of his time processing Sunshine Disclosures.

In the final report of expenses for the Street Artist Program for FY 09-10 that was sent to the Controller it states that \$118,759 was spent on "Employee Salaries" and \$42,820 was spent on "Employee Benefits".

We request copies of all the documents and/or records which show what salary and benefits were paid to Howard Lazar, what salary and benefits were paid to Evelyn Russell and what salaries and benefits were paid to other employees from the \$118,759 in employee salaries and from the \$42,820 in employee benefits which were reported to the Controller.

We request these documents and/or records pursuant to the provisions of the Sunshine Ordinance.

William J. Clark
Robert J. Clark

Wm Clark file



SAN FRANCISCO ARTS COMMISSION

GAVIN NEWSOM
MAYOR

LUIS R. CANCEL
DIRECTOR OF
CULTURAL AFFAIRS

November 22, 2010

Mr. William J. Clark
Mr. Robert J. Clark
P. O. Box 882252
San Francisco, CA 94188

PROGRAMS

CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS
& EDUCATION
CULTURAL EQUITY GRANTS
PERFORMING ARTS
PUBLIC ART
STREET ARTISTS LICENSES

ARTS COMMISSION GALLERY
401 VAN NESS AVENUE
415.554.6080

WWW.SFARTSCOMMISSION.ORG

ARTSCOMMISSION@SFGOV.ORG

Re: Public Records Request of November 8, 2010

Dear Mr. William J. Clark and Mr. Robert J. Clark:

We are writing in response to the request for documents you e-mailed to us on November 8, 2010.

In your request you state that you are requesting copies of the following items:

(1) "... documents and/or records which were used to determine that the Director of Programs spent 5% of her time to manage and/or supervise the Street Artist Program." In response, we hereby inform you that the Arts Commission has no such document and/or record which was used to make such determination. The figure is based on a reasonable assessment of the Director of Programs's involvement in the activities of all of the programs of the Arts Commission.

(2) "... documents and/or records which were used to determine that the Director of Cultural Affairs spent 5% of his time to manage and/or supervise the Street Artist Program." In response, we hereby inform you that the Arts Commission has no such document and/or record which was used to make such determination. The figure is based on a reasonable assessment of the Director of Cultural Affairs's involvement in the activities of all of the programs of the Arts Commission.

(3) "... documents and/or records which were used to determine that the City Attorney spent 11.75 hours of his time processing Sunshine Disclosures." In response, please find the enclosed copy of (a) July 26, 2010 e-mail entitled "Fw: Arts Commission Payment for Time Billed to Street Artists Program for Public Records Issues - Billing #0000496" from Arts Commission Chief Financial Officer Kan Htun to Dora Okai requesting processing a charge of \$2,516.75 from the Street Artists



CITY AND COUNTY OF
SAN FRANCISCO

Program; (b) attached July 2, 2010 e-mail from Deputy City Attorney Adine Varah informing Kan Htun that *"The total amount for the 2009-2010 fiscal year (July 1, 2009 – June 30, 2010) for advice to the Street Artists Program regarding public records issues is: 11.75 hours / \$2,516.75"* and requesting Mr. Htun to *"coordinate with Susana Martinez regarding the transfer of payment of \$2,516.75 to our office"*; and (c) attached July 1, 2010 e-mail from Scott Minty of City Attorney's Office to Deputy City Attorney Varah regarding *"a spreadsheet showing the FY10 time for 0000496 – ARTCOM Street Artists Program ... PRA/Sunshine Time: 11/75 hours / \$2,516.75."*

(4) *"... documents and/or records which show what salary and benefits were paid to Howard Lazar, what salary and benefits were paid to Evelyn Russell and what salaries and benefits were paid to other employees from the \$118,759 in employee salaries and from the \$42,820 in employee benefits which were reported to the Controller."* In response, please find the enclosed two printouts from FAMIS screens entitled "FAML 6450 V5.1 CITY AND COUNTY OF SAN FRANCISCO – NFAMIS ORGANIZATION SUMMARY INQUIRY 11/09/2010" regarding "FISCAL MO/YR: 14 2010 YREND2010" and "INDEX CODE: 28STR102 STREET ARTISTS".

The Arts Commission in Resolution No. 1202-97-427 approved "a copying charge of 10 cents per page for any document requests over ten pages or any request for three or more documents." Because the enclosed documents number only four pages, no copying charge is applied to your request.

Sincerely,


Howard Lazar

Street Artists Program Director

Enclosures (4)

Cc: Arts Commissioners Greg Chew, John Calloway, Amy Chuang,
Sherene Melania, Jessica Silverman – Street Artists Program
Committee

Arts Commissioner P. J. Johnston, President
Director of Cultural Affairs Luis R. Cancel
Director of Programs Jill Manton
Chief Financial Officer Kan Htun
Deputy City Attorney Adine K. Varah

(2009-10) CITY ATTY
SUNSHINE COSTS

Budget 10-11



Fw: Arts Commission Payment for Time Billed to Street Artists Program for
Public Records Issues - Billing # 0000496

Kan Htun to: Dora Okai

07/26/2010 02:42 PM

Cc: Susana Martinez, Adine Varah, Howard Lazar

Hi Dora,

As per the latest correspondences on this matter, please process on your side to charge the fees due by Arts Commission \$ 2,516.75 for FY2009-10 from the following index Code and project code for the Street Artist program. Since we have no work order account set up already, I cannot process to your subobject code 086CA.

Index Code: 28STR102

Project: PAR102

Subobject: 02731

Thanks, Kan.

Kan Htun, CPA
Director of Finance
Arts Commission
Tel: (415) 252-4604
Fax: (415) 252-2595

Website: <http://www.sfartscommission.org>
e-newsletter: <http://www.sfartscommission.org/lists/?p=subscribe&id=4>
Twitter: <http://www.twitter.com/SFAC>
Facebook: <http://www.facebook.com/sfartscommission>
YouTube: <http://www.youtube.com/ArtsCommission>
Flickr: <http://www.flickr.com/photos/sfac>

— Forwarded by Kan Htun/ARTSCOM/SFGOV on 07/26/2010 02:36 PM —

From: Adine Varah/CTYATT@CTYATT
To: Kan Htun/ARTSCOM/SFGOV@SFGOV
Cc: Susana Martinez/CTYATT@CTYATT, Marisa Moret/CTYATT@CTYATT, Howard Lazar/ARTSCOM/SFGOV@SFGOV, Scott Minty/CTYATT@CTYATT
Date: 07/01/2010 11:50 AM
Subject: Arts Commission Payment for Time Billed to Street Artists Program for Public Records Issues - Billing # 0000496

Dear Kan,

Thank you for confirming that the Arts Commission has allocated funding to pay for our office's advice on Sunshine and Public Records Act issues for the Street Artists Program for fiscal year 2009-2010 and for this coming fiscal year.

The total amount due for the 2009-2010 fiscal year (July 1, 2009 - June 30, 2010) for advice to the Street Artists Program regarding public records issues is:
11.75 hours / \$2,516.75 (see attached).

Please coordinate with Susana Martinez regarding the transfer of payment of \$2,516.75 to our office.

Thank you.

Sincerely,

Adine Varah
Deputy City Attorney
City and County of San Francisco
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

(415) 554-4670 (tel)
(415) 554-4747 (fax)
Adine.Varah@sfgov.org

Scott Minty

Adine, Here's a spreadsheet showing the FY10 ti...

07/01/2010 11:02:18 AM

From: Scott Minty/CTYATT
To: Adine Varah/CTYATT@CTYATT
Date: 07/01/2010 11:02 AM
Subject: FY10 Time for 0000496

Adine,

Here's a spreadsheet showing the FY10 time for 0000496 - ARTCOM Street Artists Program:



FY10 Time for 0000496.xls

Total time: 50.25 hours / \$9,522.75

PRA/Sunshine Time: 11.75 hours / \$2,516.75

Hope this helps,
Scott

0

FAML6450 V5.1
LINK TO:

CITY AND COUNTY OF SAN FRANCISCO--NFAMIS
ORGANIZATION SUMMARY INQUIRY

11/09/2010
1:49 PM

BALANCE (Y,M,Q,A) : Y CURR/PRIOR PRD : CURRENCY CODE :
 FISCAL MO/YEAR : 14 2010 YREND2010 FUNDING PERIOD:
 INDEX CODE : 28STR102 STREET ARTISTS
 ORGANIZATION :
 CHAR / OBJECT : X
 FDTP FUND SFND :
 PROJECT PROJ DTL :
 GRANT GRANT DTL :
 USER CD :

S CHAR	DESCRIPTION	BUDGET	ACTUAL	PREENC/ENC	BALANCE
200	LICENSES, PERMITS	245,302	245,302		
300	INTEREST & INVESTM	1,129	1,129		
	REVENUE TOTAL	246,431	246,431		
001	SALARIES	118,759	118,759		
013	MANDATORY FRINGE B	42,820	42,820		
021	NON PERSONNEL SERV	78,263	78,263		
040	MATERIALS & SUPPLI	2,136	2,136		

F1-HELP F2-SELECT F4-PRIOR F5-NEXT
 F7-PRIOR PG F8-NEXT PG F9-LINK
 G010 - PRIOR PAGE DISPLAYED

2

FAML6450 V5.1
LINK TO:

CITY AND COUNTY OF SAN FRANCISCO--NFAMIS
ORGANIZATION SUMMARY INQUIRY

11/09/2010
1:49 PM

BALANCE (Y,M,Q,A) : Y CURR/PRIOR PRD : CURRENCY CODE :
 FISCAL MO/YEAR : 14 2010 YREND2010 FUNDING PERIOD:
 INDEX CODE : 28STR102 STREET ARTISTS
 ORGANIZATION :
 CHAR / OBJECT : X
 FDTP FUND SFND :
 PROJECT PROJ DTL :
 GRANT GRANT DTL :
 USER CD :

S CHAR	DESCRIPTION	BUDGET	ACTUAL	PREENC/ENC	BALANCE
069	PROJECT CARRYFORWA	30,186			30,186
081	SERVICES OF OTHER	2,722	2,722		
	EXPENDITURE TOTAL	274,886	244,700		30,186
	REVENUE LESS EXPE	-28,455	1,731		30,186

F1-HELP F2-SELECT F4-PRIOR F5-NEXT
 F7-PRIOR PG F8-NEXT PG F9-LINK
 G012 - NEXT PAGE DISPLAYED



SAN FRANCISCO ARTS COMMISSION

GAVIN NEWSOM
MAYOR

LUIS R. GANCEL
DIRECTOR OF
CULTURAL AFFAIRS

November 9, 2010

Mr. William J. Clark
Mr. Robert J. Clark
P. O. Box 882252
San Francisco, CA 94188

Re: Public Records Request of November 8, 2010

Dear Mr. William J. Clark and Mr. Robert J. Clark:

We are writing in response to the request for documents you e-mailed to us on November 8, 2010.

In your request you state that you are requesting copies of the following items:

1) "... documents and/or records which were used to determine that the Director of Programs spent 5% of her time to manage and/or supervise the Street Artist Program

2) "... documents and/or records which were used to determine that the Director of Cultural Affairs spent 5% of his time to manage and/or supervise the Street Artist Program."

3) "...documents and/or records which were used to determine that the City Attorney spent 11.75 hours of his time processing Sunshine Disclosures."

4) "... documents and/or records which show what salary and benefits were paid to Howard Lazar, what salary and benefits were paid to Evelyn Russell and what salaries and benefits were paid to other employees from the \$118,759 in employee salaries and from the \$42,820 in employee benefits which were reported to the Controller."

Please be advised that we are hereby invoking an extension of not more than 14 days from November 8, 2010 to respond to your request pursuant to the California Public records Act. Under the Public records Act, the deadline can be extended for up to 14 days due to "the need to

PROGRAMS
CIVIC ART COLLECTION
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ARTS COMMISSION GALLERY
401 VAN NESS AVENUE
415.554.6080

WWW.SFARTSCOMMISSION.ORG
ARTSCOMMISSION@SFGOV.ORG



CITY AND COUNTY OF
SAN FRANCISCO

search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request” and “the need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.” (See Cal. Gov’t Code Sec. 6253 (c)(2) and (3)).

The City is invoking the extension on both grounds because there is a voluminous amount of records the Arts Commission staff must search through and examine to determine if it has responsive records, and Arts Commission staff will need to consult with the City Attorney’s Office regarding your request. The Arts Commission will endeavor to respond to you as quickly as possible and no later than November 22, 2010.

Sincerely,

Howard Lazar
Street Artists Program Director

Cc: Arts Commissioners Greg Chew, John Calloway, Amy Chuang,
Sherene Melania, Jessica Silverman – Street Artists Program
Committee
Arts Commissioner P. J. Johnston, President
Director of Cultural Affairs Luis R. Cancel
Director of Programs Jill Manton
Chief Financial Officer Kan Htun
Street Artists Program Assistant Alyssa Licouris
Deputy City Attorney Adine K. Varah