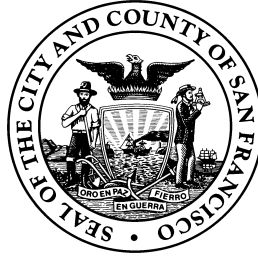


Sunshine Ordinance Task Force



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

Tuesday, January 5, 2009
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven-Green (Vice Chair)	Seat 8	Kristin Chu
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	Angela Calvillo
Seat 7	Doyle Johnson	Ex-officio	(Vacant)

Call to Order 4:05 P.M.

Roll Call Present: Knee, Manneh, Knoebber, Chu, Chan, Goldman, Williams
Excused: Craven-Green, Cauthen, Johnson
Absent: Washburn

Agenda Changes: Item 2 and Item 3 withdrawn. Item 29 and 30 heard before Item 2, Items 23 and 24 heard before Item 15.

Deputy City Attorney: Jerry Threet
Clerk: Chris Rustom

1. Approval of December 1, 2009, special meeting minutes. (action item) (5 min)

Public Comment: Kimo Crossman requested that an additional packet be produced. Peter Warfield of the Library Users Association said the word "someone" on page 16 of the packet should be replaced with "Ms Linda Avery." Ray Hartz said timely documentation was needed for the public to make sound judgments.

Motion to continue minutes to January 26, 2010. (Knee ./ Goldman)

Public Comment: Mr. Warfield agreed. Mr. Hartz said corrections need to be made to the previously adopted minutes.

On the motion:

Ayes: Manneh, Knoebber, Chu, Chan, Goldman, Williams, Knee

2. 09074 Determination of jurisdiction on complaint filed by Kimo Crossman against the Ethics Commission for allegedly violating Sec. 67.24 (h) (g) (i) by invoking exemptions not allowed under the Sunshine Ordinance.

Withdrawn.

3. 09074 Hearing on complaint filed by Kimo Crossman against the Ethics Commission for allegedly violating Sec. 67.24 (h) (g) (i) by invoking exemptions not allowed under the Sunshine Ordinance.

See Item 2.

4. 09039 The Compliance and Amendments Committee has recommended to the Task Force that 09039 Rita O'Flynn against the Mayor's Office of Housing be referred to the Ethics Commission for willful violation under Sections 67.30, 67.34 and 67.21 (e) of the Ordinance.

Complainant Rita O'Flynn said the Task Force has found that the Mayor's Office of Housing went against its own policy and destroyed emails, which were public documents and that they were ordered to be restored at a cost of about \$20,000. The department has provided some emails but has not met the requirements of the Order of Determination, she said. The department has considered the matter closed, and by its refusal to attend meetings it is showing its disrespect to the Task Force, she said. Its actions warrant a referral to the Ethics Commission, she said.

The respondent was not represented. There was nobody in the audience to present facts and evidence in support of the respondent.

Chair Knee said the non-appearance by the respondents is a violation of Sec. 67.21 (e). He also said Erica Craven-Green, chair of the Compliance and Amendments Committee, had written to the department which to date has not responded. Those actions, he said, show a disregard for the Ordinance and the Task Force.

Member Williams made a motion to have the matter forwarded to the state attorney general for enforcement. Motion died for lack of a second.

Motion to have the matter forwarded to the Ethics Commission (Goldman / Knee)

Public Comment: Kimo Crossman suggested that the matter be referred to the Ethics Commission because it is known to investigate referrals and because it is under pressure from the press. Ray Hartz said referring it to Ethics and using the respondent's refusal to justify the need for amendments to the Sunshine Ordinance to the voters. Peter Warfield said the Ordinance calls for a referral and the Task Force should not be discussing the possible outcome of a particular action. Mark O'Flynn said referring the matter to the District Attorney would be preferable because it has the ability to file a case against the department in Superior Court and only to send the issue of document

destruction to the Ethics Commission. Allen Grossman urged sending it also to the DA and said that the Task Force does not have a case against referral but to continue sending referrals to the Ethics Commission would be to force it to really address the issue. An anonymous speaker said the people have spoken and the time to seek justice had come, and that it was best to do something.

Member Chan suggested referring the matter to the District Attorney. Member Goldman and Chair Knee agreed.

Motion to have the matter forwarded to the Ethics Commission and the District Attorney (Goldman / Knee)

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee.

5. 09057 The Compliance and Amendments Committee has forwarded to the Task Force 09057 Peter Warfield against the Clerk of the Board for failure to comply with the Order of Determination.

Complainant Peter Warfield said he asked to see from the Clerk's Office a file that contained contact information about members of the Library Citizens Advisory Committee of which he is a member. He was provided with a document that had certain information redacted. That document had in the past been provided to him without redactions, he said. The Clerk continues to violate the Ordinance and Order of Determination because the new policy does not meet the requirements set forth by the Task Force, he said. Ray Hartz said a citizen has the right to look into an issue if that person believes that the City government is doing something wrong. That, he said, is the First Amendment and it is protected by the Constitution. Anybody standing in Mr. Warfield's way was violating his Constitutional rights, Mr. Hartz said. He said the Task Force needs to stand up and defend the public and not worry about what would happen down the road. Kimo Crossman said the policy was not legal but was closer to what it previous was. He said people give up their right to privacy when they submit their information to the government. This also means, he said, that the Sunshine complaint form will still allow for confidentiality. The way to go about this is to inform the applicant that the information provided is disclosable, he said.

Respondent Madeleine Licavoli of the Clerk's Office said the Clerk has reviewed and revised the policy and that no further revisions are planned. The public can contact the commission, board, task force members through their respective clerks or secretaries, she said.

Chair Knee said anybody who is in contact with the City should be informed that the contact information they provide is a public record and give them a chance to provide alternate information. The Task Force has been very clear on the issue and should continue to find the departments in violation, he said.

Member Washburn said a strong statement should be made to the Clerk and explain to her how the Task Force interprets the Ordinance. Members

Goldman and Knoebber agreed.

Chair Knee to write to the Clerk and voice the Task Force's position on redactions. Without objection.

Matter referred to the Education, Outreach and Training Committee.

The respondent did not have any closing remark. The complainant said the case is akin to document denial and urged the Task Force to refer it to the appropriate authority. The redaction also violates his rights as a citizen, he said.

Public Comment: None.

After further discussion, the motion was amended.

Motion to refer matter to the Ethics Commission for enforcement. (Washburn / Goldman)

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chan, Goldman, Williams, Knee

Noes: Chu

6. 09069 Hearing on complaint filed by the Asian Law Caucus against the Mayor's Office for alleged failure to respond to information requests.

Complainant Angela Chan said she has not received any information or been contacted by the Mayor's Office since she last testified before the Task Force in December. She said the actions of the Mayor's Office violate Sec. 67.34 for willful failure and should be deemed official misconduct. She also said she had not received a response to the letter the Chair had written to the Mayor's Office.

The respondent was not present. There was nobody in the audience to present facts and evidence in support of the respondent.

Motion to find violation of Sec. 67.34 for willful failure to comply and 67.21 (e) for failing to appear and to provide the documents within five days (Goldman / Knoebber)

Public comment: Ray Hartz said he would like to see the respondent found in violation of the Sunshine Ordinance for failing to attend the meetings. Kimo Crossman said he supported the motion. Peter Warfield said he was concerned by the respondent's silence. He said the Task Force should find in favor of the complainant.

In conclusion, Ms. Chan said if the information was given orally, the respondent should be found in violation of the pertinent section.

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee

Matter sent to Compliance and Amendments Committee.

7. 09072 Determination of jurisdiction on complaint filed by Anmarie Mabbutt against the Clerk of the Board for not meeting agenda requirements regarding Legislative File No. 070815.

The Task Force was told that the complainant had made a second request for continuance. The respondent disagreed to the request.

Motion to accept jurisdiction (Goldman / Knoebber)

Public Comment: Kimo Crossman suggested tabling the item.

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee

8. 09072 Hearing on complaint filed by Anmarie Mabbutt against the Clerk of the Board for not meeting agenda requirements regarding Legislative File No. 070815.

Respondent Rick Caldeira, legislative deputy clerk for the Clerk's Office, said he has nothing to add beside what was said in the response. All the titles were meaningful and if the complainant wanted more details she should have attended the meetings.

Members agreed that the titles were informative enough.

Public Comment: Kimo Crossman said the case should be tabled. Ray Hartz said since departments are found in violation for not appearing, the same should apply in this case. Asking the complainant to refile her complaint was reasonable. Peter Warfield said the matter should be continued because citizens also face burdens and difficulties to attend hearings.

Respondent did not have any closing remark.

Motion to find no violation (Knoebber / Goldman)

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee

9. 09073 Determination of jurisdiction on complaint filed by Anmarie Mabbutt against the Clerk of the Board for not meeting agenda requirements regarding Legislative File No. 090717.

Motion to accept jurisdiction (Goldman / Knoebber)

Public Comment: None.

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee

10. 09073 Hearing on complaint filed by Anmarie Mabbutt against the Clerk of the Board for not meeting agenda requirements regarding Legislative File No. 090717. Respondent Rick Caldeira, legislative deputy clerk for the Clerk's Office, said he had nothing to add because it was similar to the previous case.

Members Knoebber and Goldman said their opinions were the same as stated in the previous case.

Public Comment: None

Respondent did not have any closing remark.

Motion to find no violation (Knoebber / Goldman)

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee

11. 09075 Determination of jurisdiction on complaint filed by Bred Starr against the City Attorney's Office for allegedly withholding public information.

Motion to accept jurisdiction (Goldman / Knoebber)

Public Comment: None.

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee

12. 09075 Hearing on complaint filed by Bred Starr against the City Attorney's Office for allegedly withholding public information.

Complainant Bred Starr said the City Attorney's Office is withholding documents regarding Mary Ellen O'Brien who was released from a job with the Department of Parking and Traffic in 2004. Ms. Starr said she and a group of neighbors got together and asked for documents regarding the investigation and were given four pages.

Members Chu and Washburn commented that they needed assistance from Member Craven-Green in deciding the matter.

Motion to continue to next meeting on Jan. 26, 2009. (Chu / Washburn)

On the motion:

Ayes: Manneh, Washburn, Chu, Chan, Goldman, Williams, Knee

Noes: Knoebber , Goldman

13. 09077 Determination of jurisdiction on complaint filed by Raymond Banks against the Department of Public Health for allegedly creating and implementing policies procedures, and forms without public comment and/or scrutiny.

Motion to find jurisdiction (Goldman / Knoebber)

Public Comment: None

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee

14. 09077 Hearing on complaint filed by Raymond Banks against the Department of Public Health for allegedly creating and implementing policies procedures, and forms without public comment and/or scrutiny.

Complainant Raymond Banks said the Public Health Privacy Board meetings are closed to the public and that he would like the Task Force to open them to the public. He said there could be constitutional violations occurring behind closed doors. He said he requested information on the local SF Share Mandate policy because Public Health employees Bill Blum and Marie Xavier contradicted themselves in the emails that were sent to him.

The respondent was not present. There was nobody in the audience to present facts and evidence in support of the respondent.

Member Chu wanted to know if the matter was within the Task Force's jurisdiction.

DCA Threet said the Privacy Board does seem to be conducting business like a passive meeting body.

Public Comment: Kimo Crossman said the issues are clear. Ray Hartz said Mr. Banks wants to know what the body is deciding and wants to know whether there are conflicts within the city, state and federal law.

In closing, Mr. Banks said he wants the meetings open so that the public can see what transpires. He said some policies could be in violation of civil rights laws.

Member Knobber was told by the complainant that he also did not receive the SF Share Mandate policy.

Motion to find violation of Section 67.4 (Washburn / Goldman)

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee.

Matter to be referred to Compliance and Amendments Committee.

15. 09078 Determination of jurisdiction on complaint filed by Anonymous Tenants against the Planning Department for allegedly withholding public documents. (action item) (attachment) (5 min)

Motion to find jurisdiction (Goldman / Manneh)

Public Comment: None

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

16. 09078 Hearing on complaint filed by Anonymous Tenants against the Planning Department for allegedly withholding public documents.

Complainant Anonymous Tenants said the two documents he requested existed and were in the Planning Department's possession. The documents were requested because he wanted to use it at a permit application hearing. To date, he has not received the documents. A person said in support that the documents were public records and were to be used in support of his concerns and statements.

The respondent was not present. There was nobody in the audience to present facts and evidence in support of the respondent

Public Comment: Ray Hartz said departments always talk about the time wasted in trying to respond to requests but not how much time it took to avoid producing the documents. Kimo Crossman said the department has tried to stymie the complainant in many ways and should be found in violation of the Ordinance. Peter Warfield said the department, as in other cases, is showing its disrespect by not appearing and should be found in violation.

In closing, Anonymous Tenants said the existence of the documents is questionable because the department did not respond.

Motion to find violation of Sections 67.21 (b), (e) and (l), 67.26 (Goldman / Washburn)

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

Matter to be referred to Compliance and Amendments Committee

17. 09079 Determination of jurisdiction on complaint filed by Kenneth Kinnard against the Human Rights Commission for allegedly failing to respond to an Immediate Disclosure Request.

Motion to find jurisdiction (Goldman / Knoebber)

Public Comment: None

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

18. 09079 Hearing on complaint filed by Kenneth Kinnard against the Human Rights Commission for allegedly failing to respond to an Immediate Disclosure

Request.

Complainant Kenneth Kinnard said he did not attend the 2002 hearing before an arbitrator and that was when the Human Rights Commission trumped up charges against him and the decision was not in his favor. He said he has requested documents that were submitted at the hearing and to date has not received them.

Respondent Jill Jay Couch of the Human Rights Commission said he was recently assigned to represent the department and did not know the history. However, she said, Mr. Kinnard recently filed a request and she had requested additional time. She added that Melinda Kanios, who had to leave earlier because of child care issues, was familiar with the case and had given the documents that Mr. Kinnard had requested. Some of the documents have passed their retention period, she added.

Public Comment: Ray Hartz said once a contract is awarded all the documents should be retained so that the party who lost out could use it to their advantage the next time around. Peter Warfield said the HRC should have indicated what documents were provided and that the packet does not include its response to the complaint. Kimo Crossman said the Task Force needs to look into the retention policy and see what else was destroyed.

In closing, Ms. Couch said the process did not include a contract but was a certification process. Mr. Kinnard said the HRC has the documents and the matter should be dealt with as other have been and not given special treatment.

Chair Knee to write to Ms. Kanios with specific questions and ask her to attend the Jan 26, 2010, meeting.

Motion to continue to Jan 26, 2010, meeting (Goldman / Manneh)

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

19. 09080 Determination of jurisdiction on complaint filed by Alvin Xex against the Human Services Agency for not providing information.

Motion to find jurisdiction (Goldman / Manneh)

Public Comment: None

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

20. 09080 Hearing on complaint filed by Alvin Xex against the Human Services Agency for not providing information.

Neither the complainant nor the respondent was present or represented.

Motion to table matter (Knoebber / Manneh)

Public Comment: Kimo Crossman said Alvin Xex was in the audience earlier and had mentioned that he was moving out of state.

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

21. 09081 Determination of jurisdiction on complaint filed by Alvin Xex against the Economic Opportunity Council for alleged denial of access to public records.

Same house, same call as Items 19 and 20.

22. 09081 Hearing on complaint filed by Alvin Xex against the Economic Opportunity Council for alleged denial of access to public records.

The complainant was not present. There was nobody in the audience to present facts and evidence in support of the complainant.

Respondent announced that she was present.

Motion to untable Items 21 and 22 (Knoebber / Goldman)

Public Comment: Kimo Crossman said the matter should be heard.

On the motion:

Ayes: Manneh, Knoebber, Knee

Noes: Washburn, Goldman, Williams

Motion fails.

23. 09082 Determination of jurisdiction on complaint filed by Raymond Banks against the Department of Public Health for allegedly not producing a document in a timely manner.

Motion to find jurisdiction (Knoebber / Chu)

Public Comment: None

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee

24. 09082 Hearing on complaint filed by Raymond Banks against the Department of Public Health for allegedly not producing a document in a timely manner.

Complainant Raymond Banks said DPH did not comply with California Public Records Act Sections 6253.1 a, 1, 2 and 3 because department spokesperson Eileen Shields did not respond to his request. He then read the requirements of the statute. He said he had received inconsistent information from Bill Blum and Maria Martinez of the DPH over the Area Share Mandate Form. That is

why, he said, the Privacy Board meetings should be noticed and open to the public.

The respondent was not present and no one presented facts and evidence in favor of the respondent

Chair Knee said DPH sent a letter that said they would not be attending.

Public Comment: Peter Warfield said Ms. Shields' response should not be accepted and she should be found in violation of the requirement the department appear before the Task Force. Ray Hartz said the public has the right to see the rules and regulations and if a department tries to talk the person out of the request the question becomes whether there was a policy in the first place. Kimo Crossman reminded the Task Force that the department did not respond in a timely manner.

In closing, Mr. Banks said the policy change affects 20,000 people and the act violates their constitutional rights. He said he wants to know whether DPH created a policy that was against the Health Insurance Portability and Accountability Act.

Motion to find violation of Sec. 67.21 (b) and (e), Sec. 67.25 and CPRA Section 6253.1 a, 1, 2 and 3. (Washburn / Goldman)

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Goldman, Williams, Knee

Matter to be referred to Compliance and Amendments Committee.

25. 09083 Determination of jurisdiction on complaint filed by Ellen Tsang against the Department of Building Inspection for allegedly not providing her with a copy of a building permit application.

Motion to find jurisdiction (Goldman / Knoebber)

Public Comment: None

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

26. 09083 Hearing on complaint filed by Ellen Tsang against the Department of Building Inspection for allegedly not providing a copy of a building permit application.

Complainant Ellen Tsang said she gave William Strawn, Communications Manager of the Department of Building Inspection, an Immediate Disclosure Request (IDR) for a copy of a building permit application. She said he failed to respond by the end of the next business day. The document exists in electronic format and he has refused to send her a copy, she said. DBI uses the best software available on the market and is well equipped to email documents to

the public according to the vendor who conducted the sale, she said. Mr. Strawn's letter to the Task Force is a response to somebody else's request and not to her, she said. She said Mr. Strawn had said that a summary of the case was available on the website but the Board of Appeals does, in many cases, only accept copies of permit applications and not summaries. Anonymous Tenants said he also went to DBI to see the exact permit and was given the run-around and denied access. He said he made a Sunshine request after he was told to fill out a form and wait for five days. He said Mr. Strawn's response was to his request and not to Ms. Tsang. Mr. Strawn told him that the record was digitized and reviewed it on a DBI computer, Anonymous Tenants said. DBI should scan the permit and put it on their website, he said. Kimo Crossman said DBI is trying to make money out of public records and to disenfranchise neighborhood groups.

Mr. Strawn said DBI has been responsive to the complainant and has offered a number of similar documents to the complainants over a number of months. As previously presented to the Task Force, he said the department does not have the capacity and is in a four-year project to digitize records. He said Ms. Tsang does not have permission from the owner of the plans to get a copy of the document. In fact, he said, Anonymous Tenants had to be prevented by DBI staff from copying the document in violation of state law.

In conclusion, Mr. Strawn had nothing to add. Ms. Tsang said she was requesting an electronic copy of a permit application and not a plan. The document has been scanned by the vendor and is available in digitized form in DBI's system, she said.

Motion to find violation of 67.21-1 for not embracing technology for record-keeping. (Goldman / Knee)

Public Comment: Ray Hartz said if the document is digitized, it should be made available to the public. Peter Warfield said the document has to be digitized and produced as requested. He then read from Sunshine Ordinance Section 67.21 (I).

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

Motion to find violation of Sections 67.21 (I) and 67.25, (Washburn / Goldman)

Public Comment: Kimo Crossman wanted the Task Force to add Sec. 67.29-2. Peter Warfield said Sec.67.21 should be added because the complainant did not get the document.

Motion maker and second agreed.

Motion to find violation of Sections 67.21 and 67.25 (Washburn / Goldman)

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

Matter sent to Compliance and Amendments Committee.

27. 09084 Determination of jurisdiction on complaint filed by Supervisor Chris Daly against the Mayor's Office for allegedly failing to respond to an Immediate Disclosure Request.

Motion to find jurisdiction (Goldman / Knoebber)

Public Comment: Kimo Cross suggested tabling or continuing it.

Motion to table item (Knoebber / Manneh)

Public Comment: None

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

28. 09084 Hearing on complaint filed by Supervisor Chris Daly against the Mayor's Office for allegedly failing to respond to an Immediate Disclosure Request.

See Item 27.

29. 09085 Determination of jurisdiction on complaint filed by Mike Addario against the Arts Commission for allegedly violating the Sunshine Ordinance.

Motion to find jurisdiction (Goldman / Knoebber)

Public Comment: None

On the motion:

Ayes: Manneh, Knoebber, Chu, Chan, Goldman, Williams, Knee

30. 09085 Hearing on complaint filed by Mike Addario against the Arts Commission for allegedly violating the Sunshine Ordinance

Complainant Mike Addario said he submitted an Immediate Disclosure Request to Howard Lazar of the Arts Commission on September 23, 2009, and received the documents on December 24. He said he had not inspected the documents but a timesheet appeared to have been altered. He also said the Commission changed the bylaws of the liaison committee without its consent.

Respondent Mr. Lazar said he is with the Street Artists Program and that he was late in responding to the IDR because of staffing issues. He said Director Luis Cancel has announced that outside help would be sought if the information requests from its 400 members continue at their current pace. He said he has provided Mr. Addario with over 200 pages of information and all documents are copies of the originals. The bylaws issue was not in the purview of the Task Force as the deputy city attorney has stated, he said. Ray Hartz

said asking City agencies to obey the law was unreasonable. He was then ruled out of order by Chair Knee.

In closing, Mr. Lazar wanted to know if it was within the purview of the Task Force to recommend that the Arts Commission have additional staff to meet its obligations in a timely manner.

Mr. Addario claimed that the timesheet was altered because the numbers looked like they were white out and redone. He said the reason he wanted the documents was to see how the Commission was being run.

Motion to find violation of Section 67.25 for untimely response (Chu / Knoebber)

Public Comment: None

On the motion:

Ayes: Manneh, Knoebber, Chu, Chan, Goldman, Williams, Knee

Matter referred to February 9, 2010, Compliance and Amendments Committee to see if all requested documents have been provided and redactions, if any, are justified.

Member Chan said the District Attorney should be investigating the claim on the altered document.

31. Supervisor of Records Report

Motion to continue matter to Jan. 26, 2010. (Knoebber / Goldman)

Public Comment: Kimo Crossman said the Supervisor of Records should be asked to attend.

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee

32. Ethics Commission proposed rules on handling Sunshine complaints.

Motion to continue matter to Jan. 26, 2010. (Knoebber / Manneh)

Public Comment: Peter Warfield said the topic calls for a special meeting. Ray Hartz said the document needs to be put on the web.

Motion to continue it to Jan. 26, 2010. Without objection.

33. Report: Complaint Committee meeting of December 8, 2009.

Complaint Committee Chair Nick Goldman made the report.

Public Comment: Ray Hartz praised Chair Goldman for using the procedure to

benefit all parties involved.

34. Report: Compliance and Amendments Committee: meeting of December 8, 2009.

Task Force Chair Knee gave the report on behalf of Committee Chair Erica Craven-Green, who was on excused absence.

Public Comment: Kimo Crossman was against sending the draft Ordinance to the Board of Supervisors for fear it might get gutted.

35. Report: Education, Outreach and Training Committee meeting of December 10, 2009.

Committee Member Manneh made the report.

Public Comment: Ray Hartz said the Task Force could use the Committee to go to the various groups and show them what it would do for the populace. Peter Warfield said he wanted to know more about the quorum issue faced by the Task Force. He said it was inappropriate for the Chair to go forward with the meeting if a quorum was not reached.

36. Task Force and committee meeting schedules. Shall the Task Force and its committees revise their meeting schedules to enable the Task Force to meet twice a month?

Motion to continue to Jan. 26, 2010, meeting. Without objection.

37. Administrator's Report.

Mr. Rustom made the report.

Public Comment: Peter Warfield said the report does not include the referrals that the Task Force had made to the Ethics Commission.

38. Public comment for items not listed on the agenda. Public comment shall be held at 5:00 p.m., or as soon thereafter as possible.

Ray Hartz said after 10 years and spending about \$2million, the Task Force has yet to get the Ethics Commission to investigate one of its referrals. The Board of Supervisors ignores the Task Force and the City Attorney's Office advises departments on how to hide documents. Sometimes, complainants have to be satisfied with the winning six votes because some members decide to come late or leave early, he said. He wondered how members could have fully understood the issues when they claim that they had just received their agenda packets. Kimo Crossman said the Task Force needs to build its own database of findings so that the deputy city attorney can use it in his jurisdictional and instructional letters. He also urged the Task Force to revisit its six-vote requirement. An anonymous person also asked the Task Force to look at the six-vote issue because justice would not be served if a case gaining five

votes has to go down with two nay votes. Peter Warfield of the Library Users Association said the Task Force's schedule should be set at the beginning of the year so as to avoid last-minute adjustments. He said meeting days need to be changed so that a person who wants to speak at the Board of Supervisors meeting gets a chance to address the Task Force as well. He also said the Order of Determination should be discussed with the complainant before it is issued. Allen Grossman said a separate meeting on the Ethics Commission's proposed rules for handling Sunshine Complaints needs to be called because it was a significant issue that would affect the roles of the Task Force and the Ethics Commission. If it is not treated with the seriousness it deserves, the outcome would be much of what it was before, he said.

39. Announcements, comments, questions, and future agenda items from the Task Force.

Member Knoebber said he would not be at the next meeting. Chair Knee said if he was not in attendance it would be for medical reasons.

Adjournment: The meeting was adjourned at 10:15 p.m. in memory of Joseph Lynn, a long-time good government advocate who passed away Dec. 9, 2009.

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