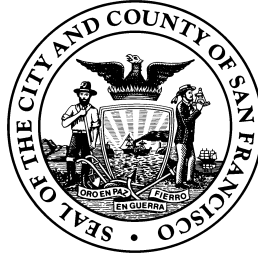


Sunshine Ordinance Task Force



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

Tuesday, February 23, 2010  
4:00 p.m., City Hall, Room 408

**Task Force Members**

Seat 1	Erica Craven-Green (Vice Chair)	Seat 8	(Vacant)
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** 4:00 P.M.

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

**Agenda Changes:** Item 16 heard before Item 6.

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

1. Approval of December 1, 2009, special meeting minutes.  
  
Motion to approve December 1, 2009, special meeting minutes ( Cauthen / Craven-Green )  
  
Public Comment: Peter Warfield, executive director of the Library Users Association, said the minutes did not reflect what he said at the meeting.  
  
On the motion:  
Ayes: Craven-Green, Cauthen, Washburn, Chan, Williams, Knee
2. Approval of January 5, 2010, special meeting minutes.  
  
Motion to approve January 5, 2010, special meeting minutes ( Cauthen / Washburn )  
  
Public Comment: Peter Warfield, executive director of the Library Users

Association, said the minutes need more scrutiny. Ray Hartz said not having supporting material on the website was a hamper to the public.

Motion to continue matter to next meeting. Without objection.

3. Approval of January 26, 2010, meeting minutes.

Motion to approve January 5, 2010, meeting minutes ( Craven-Green / Chan )

Public Comment: Peter Warfield, executive director of the Library Users Association, said the minutes need more details. Ray Hartz suggested members of the public who appear before a board or commission to submit their 150-word statement for inclusion in the minutes because the true feelings of a speaker are lost in the summarized minutes. Doug Comstock said it was important for the minutes to include what really was said at the meetings and that more than one agenda packet was needed for the audience. Ace Washington said the meetings should be videotaped to capture a speaker's expression and demeanor.

Motion to continue matter to next meeting. Without objection.

4. 10001 Determination of jurisdiction on complaint filed by Nick Pasquariello against the Bay Area Video Coalition for allegedly not following contractual agreements with the City and County of San Francisco.

Complainant Nick Pasquariello said the reason for his complaint was because he did not receive a response from the Bay Area Video Coalition regarding the security surrounding his scanned driver's license.

Respondent Krisana Hodges said she agrees with the City Attorney's position which was that the Task Force did not appear to have jurisdiction to hear the complaint because no violation of the Administrative Code Section 12L had been alleged.

Member Craven-Green said the complaint, per 12L, has to be sent to the agency that contracts with the Bay Area Video Coalition to have it mediated before it comes before the Task Force. The only agreement the BAVC has with the City is that the bid documents will be disclosable once the bid was accepted, she said.

She said a generous reading of the Dec. 22 letter could be taken as Mr. Pasquariello vaguely asking for documents related to the security issue when as he was actually asking BAVC to create privacy measures and let him review the document on completion..

Mr. Pasquariello was urged to work with BAVC to make sure there were no existing documents and to seek its reproduction if they existed.

Member Cauthen asked Ms. Hodges to go over the security measures with Mr. Pasquariello if one was in place. Ms. Hodges said she hoped to do it.

Mr. Pasquariello said he would feel very comfortable if he knew safeguards were in place.

In closing, Ms. Hodges assured the Task Force that BAVC takes the privacy issue very seriously. Mr. Pasquariello said he was in a wait-and-see mode to evaluate BAVC's response.

Motion to find no jurisdiction and to note that the Task Force was pleased that the BAVC was willing to work with the complainant and inform him about the security measures regarding private data. ( Cauthen / Washburn )

Public Comment: Ace Washington wanted to know how the City signed a contract with BAVC, which does not provide agenda information and refuses appointment requests. A Channel 29 producer said there was jurisdiction because of the failure of BAVC to disclose security arrangements regarding personal information. Tracy Rosenberg of Media Alliance said BAVC needs to address the open meetings issue while there were before the Task Force. Ray Hartz said the jurisdiction issue should have been taken care at a different level and the Task Force should only deal with merit issues. Peter Warfield said absence of support materials on the web puts interested parties in the disadvantage.

On the motion:

Ayes: Craven-Green, Cauthen, Washburn, Chan, Williams, Knee

5. 10001 Hearing on complaint filed by Nick Pasquariello against the Bay Area Video Coalition for allegedly not following contractual agreements with the City and County of San Francisco.
6. 10002 See Item 4.  
Determination of jurisdiction on complaint filed by Nancy Cross against the Law Library for not posting agendas and minutes, not providing related documents and not opening meetings to the public.

Complainant Nancy Cross said there is jurisdiction because Law Library is a local public agency that is subject to the Brown Act and the Sunshine Ordinance. The Library, according to state rules, has to meet once a month and it does not. It also does not post its meeting notices and does not name the Board of Trustees, she said.

The respondent was not present. There was no one in the audience to present facts and evidence on behalf of the respondent.

Member Craven-Green said Sec 67.3 (d) (7) may or may not be relevant in this case.

DCA Threet said the key word is "created by grant." The Library's Board of Trustees was not created by a grant but by the state legislature although it does delegate the appointment of some of its members to the Board of Supervisors, he said. He also added that if state fees are going to be used to

pay for a state body is going to be considered as a grant, many state agencies where the Board of Supervisors appoints its members will come under Sunshine. He said as a state agency it is still up to the complainant to consider a Brown Act complaint and seek a remedy through the courts.

Member Cauthen said the CPRA would apply in this case.

Member Craven-Green reminded members that the complainant had said that she only wanted to know if the Task Force had jurisdiction and was not interested in filing a complaint.

In conclusion, Ms. Cross said she wanted a written response on the outcome of this hearing so that it could be a document the public could use in the future.

Member Cauthen suggested requesting for documents through CPRA 6253, 6253.1 6253.9.

Chair Knee said questions on jurisdiction should best be answered by the City Attorney's Office. Also helpful would be CalAware, First Amendment Project and First Amendment Coalition, he said.

Motion to find no jurisdiction ( Craven-Green / Knee )

Public Comment: None

On the motion:

Ayes: Craven-Green, Cauthen, Washburn, Chan, Williams, Knee

7. 10002 Hearing on complaint filed by Nancy Cross against the Law Library for not posting agendas and minutes, not providing related documents and not opening meetings to the public.

See Item 6.

8. 10003 Determination of jurisdiction on complaint filed by Nancy Cross against ECS Sanctuary for not posting agendas and minutes, not providing financial records and not opening meetings to the public

Motion to find jurisdiction ( Cauthen / Washburn )

Public Comment: None

On the motion:

Ayes: Craven-Green, Cauthen, Washburn, Chan, Williams, Knee

9. 10003 Hearing on complaint filed by Nancy Cross against ECS Sanctuary for not posting agendas and minutes, not providing financial records and not opening meetings to the public.

Complainant Nancy Cross said she wanted to see the conflict of economic

interest statements of the ECS Sanctuary board members, their contact information, the board's budget and revenue sources as well as to be informed well in advance of the board's time and place of their meetings.

Respondent Karen Gruneisen, Associate Director of ECS Sanctuary said she believed that her organization had met the Sunshine requirements for meetings by postings notices and agendas at the required places. On the conflict of economic interest statements, she said she would be willing to provide the documents. The other documents mentioned by Ms. Cross will also be provided, she said.

Member Craven-Green encouraged ECS Sanctuary to go beyond what is required under Admin Code 12L.

Member Cauthen reminded Ms. Gruneisen that the Sunshine Ordinance does not require an appointment to see or review public documents and that people can speak anonymously at public meetings.

Ms. Gruneisen did not make any closing statement. Ms. Cross said she wanted the conflict of economic interest statements and not information on ECS Sanctuary's conflict resolution issues.

DCA Threet reminded members of the Task Force that non-profit board members do not have to file conflict of economic interest statements with the Ethics Commission.

Chair Knee also told Ms. Cross that she could contact the Supervisor of Records in the City Attorney's Office if she had further questions regarding issues stemming from this complaint.

Member Craven told Ms. Cross to work with ECS Sanctuary to resolve the issue and if she was not satisfied to have the City department that provides the majority of the funding to the non-profit to mediate the issues. If no remedy was found, the next step would be to approach the Supervisor of Records as per Sec. 67.21 ( d ) of the Ordinance.

Motion to find no violation ( Craven-Green / Washburn )

Public Comment: None

On the motion:

Ayes: Craven-Green, Cauthen, Washburn, Chan, Knee

Noes: Williams

There was no motion to find a violation.

No further action.

Supervisor of Records Report.

10.

Deputy City Attorney Paula Jesson, who is also the current Supervisor of

Records, said this was her third annual report and did not find any unusual situations. The number of petitions filed this year was about the same as 2008, she said. She added that her position continues to help complainants and continues to work with departments regarding public documents.

Member Craven-Green thanked Ms. Jesson and said she appreciated her role in having more documents released and seeing to it that the redactions are proper and justifiable.

Chair Knee also thanked Ms. Jesson for the detailed report.

Public Comment: None

No further action.

11. Ethics Commission proposed rules on handling Sunshine complaints.

Members discussed the points contained in Ethics Commission Executive Director John St. Croix's letter on enforcement to members of the Ethics Commission and members of the Sunshine Ordinance Task Force.

Member Craven-Green offered to draft a letter to Mr. St. Croix during the discussion.

Public Comment: None

Matter concluded.

12. Report: Compliance and Amendments Committee meeting of Feb. 9, 2010.

Compliance and Amendments Committee Chair Erica Craven-Green made the report.

Public Comment: None.

13. Report: Education, Outreach and Training Committee meeting of Feb. 11, 2010.

Education, Outreach and Training Committee Chair Sue Cauthen made the report.

Public Comment: Doug Comstock, who introduced the Sunshine/Moonshine awards idea, said nominations would be open April 15 and end May 15. A panel would then select the finalists and announce the names by June 30. The awards are to be conferred at the next Task Force meeting. Nancy Cross said she likes the general idea and hoped that some kind of evaluation process can be worked out

Chair Cauthen moved to further discuss the issue at the next meeting. Without objection.

14. 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?

Member Craven-Green said the issue should be visited only when the number of complaints increases.

Member Cauthen said two meetings should be considered only when the agenda becomes lengthy.

Members Washburn and Chan agreed.

Chair Knee instructed the clerk to check for room availability toward the end of the year with the idea of having the Task Force meet on a fourth Wednesday or a fourth Thursday so as not to clash with the Board of Supervisors' Tuesday meetings.

Public Comment: None.

15. Administrator's Report

Mr. Rustom made the report.

Public Comment: None

16. 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.

Peter Warfield, executive director of the Library Users Association, said improvements need to be made to the posting of agendas and its support materials. He also complained of not being recognized as the executive director of the Library Users Association in a referral letter sent to the Ethics Commission. Ray Hartz said it was important for members to have ample time to review their agenda packets before making decisions and that fewer members at meetings tends to be favorable to the respondents. Nancy Cross said she was not ready to file a complaint against the Law Library and the ECS Sanctuary but only wanted to know if there was jurisdiction. She also said she did not receive any information about the meeting and only found out about it when she went to the Public Library. Doug Comstock said the City College has passed a Sunshine policy on records and meetings. Dr. Anita Grier of the City College Board of Trustees said she looks forward to the day when she can come back to the Task Force and say that there was a Sunshine policy in place and that it was working and the public was pleased.

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

Chair Knee said the Society of Professional Journalists' annual James Madison Award that honors champions of Sunshine and the First Amendment will be held March 15.

Adjournment:

The meeting was adjourned at 7:15 p.m.

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