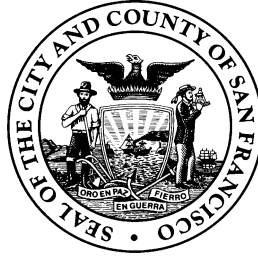


Sunshine Ordinance Task Force



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<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE
SPECIAL MEETING
MINUTES**

Tuesday, May 18, 2011
5:00 p.m., City Hall, Room 406

Task Force Members

Seat 1	David Snyder, Esq.	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	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

Call to Order 5:14 P.M.

Roll Call Present: Snyder, Knee, Cauthen, Manneh, Washburn, Costa, Wolfe, Johnson
Excused: Knoebber, Chan, West

Agenda Changes: Item 21 heard before Item 3.

Deputy City Attorney: Jerry Threet

Clerk: Chris Rustom

1. 11014 Determination of jurisdiction on complaint filed by Patrick Monette-Shaw against the Ethics Commission for allegedly refusing to release files and memos related to the Laguna Honda Hospital's patient gift fund.
Starts around 0:00:45
Member Washburn, seconded by Member Cauthen, motioned to find jurisdiction.

Public Comment: None

Chair Knee said the vote would not be taken because jurisdiction was not contested.

2. 11014 Hearing on complaint filed by Patrick Monette-Shaw against the Ethics

Starts
around
0:02:00

Commission for allegedly refusing to release files and memos related to the Laguna Honda Hospital's patient gift fund.

Heard: Complainant Patrick Monette-Shaw presented his case. Dr. Derek Kerr and Dr. Maria Rivero spoke in support of Mr. Monette-Shaw. Garrett Chatfield represented the Ethics Commission's defense.

Member Cauthen asked to be recused because she was working with Mr. Chatfield on a complaint referral to the Ethics Commission.

Member Manneh, seconded by Member Johnson, motioned to recuse Member Cauthern.

The motion carried on the following vote:

Ayes: 6 - Snyder, Manneh, Washburn, Wolfe, Johnson, Knee

Noes: None

Excused: 3 - Knoebber, Costa, Chan, West.

Member Cauthen leaves the dais.

Member Snyder, seconded by Vice Chair Wolfe, motioned to find the Ethics Commission in violation of California Public Records Request Sec 6253 *etseq* because the Ethics Commission did not disclose the requested information.

Public Comment: Tomas Picarello said Chair Knee's decision not to recuse himself as he did in a previous case gives the Ethics Commission reason to dismiss this case if it gets referred.

The motion carried on the following vote:

Ayes: 6 - Snyder, Manneh, Washburn, Wolfe, Johnson, Knee

Noes: None

Recused: Cauthen

Excused: Knoebber, Costa, Chan, West.

Member Johnson, seconded by Member Washburn, moved to also find a violation of Sunshine Ordinance Section 67.26 for not keeping withholding to a minimum.

Public Comment: None.

The motion carried on the following vote:

Ayes: 4 - Manneh, Washburn, Wolfe, Johnson

Noes: 2 - Snyder, Knee

Recused: 1 – Cauthen

Excused: Knoebber, Costa, Chan, West.

The matter was referred to the Compliance and Amendments Committee.

3. 11015 Determination of jurisdiction on complaint filed by Larry Littlejohn against the Sheriff's Department for allegedly denying access to a jail census.

Starts
around
1:21:00

Member Washburn, seconded by Member Manneh, motioned to find jurisdiction.

Public Comment: None.

The motion carried on the following vote:

Ayes: 6 – Snyder, Manneh, Washburn, Wolfe, Johnson, Knee

Absent: 1 - Cauthen

Excused: 4 - Knoebber, Costa, Chan, West.

4. 11015 Hearing on complaint filed by Larry Littlejohn against the Sheriff's Department for allegedly denying access to a jail census.

Starts
around
1:22:00

Heard: Complainant Larry Littlejohn presented his case. The Sheriff's Department was not represented. No one in the audience spoke for or presented facts and evidence on behalf of the Sheriff's Department.

Member Costa was noted present at 7:38 p.m.

Member Johnson, seconded by Vice Chair Wolfe, motioned to find the Sheriff's Department in violation of California Public Records Act 6254(f)(1) for failure to make public the location of individuals currently being held in custody, Sunshine Ordinance Section 67.21(b) for failure to respond in a timely manner and (e) for not sending a knowledgeable representative.

Public Comment: None

The motion carried on the following vote:

Ayes: 6 – Snyder, Manneh, Washburn, Wolfe, Costa, Johnson, Knee

Absent: 1 - Cauthen

Excused: 4 - Knoebber, Chan, West.

The matter was referred to the Compliance and Amendments Committee.

5. 11017 Determination of jurisdiction on complaint filed by Tomas Picarello against Supervisor Carmen Chu for allegedly violating meeting laws.

Starts
around
1:38:00

Member Manneh, seconded by Member Washburn, motioned to find jurisdiction.

Public Comment: None

The motion carried on the following vote:

Ayes: 6 – Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee

Absent: 1 - Cauthen

Excused: 4 - Knoebber, Chan, West.

6. 11017 Hearing on complaint filed by Tomas Picarello against Supervisor Carmen Chu for allegedly violating meeting laws.

Starts
around
1:38:45

Heard: Complainant Tomas Picarello presented his case. Supervisor Carmen Chu was represented by her Legislative Aide Katy Tang. Rick Calderia, Legislative Deputy Director for the Clerk of the Board, spoke in support.

Member Johnson, seconded by Member Washburn, motioned to find the office of Supervisor Carmen Chu in violation of Section 67.7 for violating public notice requirements, 67.8 for failure to provide accurate agenda information for closed sessions and Section 67.10(d) because the subject was a budget issue and not a pending legislation issue as claimed.

Public Comment: Judson True, a legislative aide to Board President David Chiu, presented facts against the motion. Charles Pitts said it is unbelievable that the chair of a committee is not responsible for the committee. He also wanted to know if there was an audio recording of the closed session.

The motion carried on the following vote:

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

Absent: 1 - Cauthen

Excused: 3 - Knoebber, Chan, West.

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

7. 11018 Determination of jurisdiction on complaint filed by Charlotte Laughon against Supervisor David Chiu, Supervisor Carmen Chu and Supervisor Eric Mar for allegedly failing to respond to a public records request.

Starts
around
2:26:30

Member Washburn, seconded by Member Johnson, motioned to find jurisdiction.

Public Comment: None

The motion carried on the following vote:

Ayes: 7 – Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee

Absent: 1 - Cauthen

Excused: 4 - Knoebber, Chan, West.

8. 11018 Hearing on complaint filed by Charlotte Laughon against Supervisor David Chiu, Supervisor Carmen Chu and Supervisor Eric Mar for allegedly failing to respond to a public records request.
Starts around 2:27:30
Member Johnson motioned to have the Supervisors in violation of Section 67.21(b) for failure to respond. The motion died for lack of a second.

Public Comment: None.

Matter concluded.
9. 11020 Determination of jurisdiction on complaint filed by Charlotte Laughon against the Film Commission for allegedly failing to provide requested information and being untruthful about it.
Starts around 2:47:45
Member Manneh, seconded by Vice Chair Wolfe, motioned to find jurisdiction.

Public Comment: None

The motion carried on the following vote:
Ayes: 7 – Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee
Absent: 1 - Cauthen
Excused: 4 - Knoebber, Chan, West.
10. 11020 Hearing on complaint filed by Charlotte Laughon against the Film Commission for allegedly failing to provide requested information and being untruthful about it.
Starts around 2:48:45
Heard: Complainant Charlotte Laughon was not present. No one in the audience spoke for or presented facts and evidence on behalf of Ms. Laughon. Laurel Barsotti presented the Film Commission’s defense.

No motion was made.

Public Comment: None.

Matter concluded.
11. 11021 Determination of jurisdiction on complaint filed by Debra Benedict against the non-profit Tides Center for allegedly violating Administration Code Chapter 12L.
Starts around 2:54:30
Member Snyder, seconded by Vice Chair Wolfe, motioned to find

jurisdiction.

Public Comment: None.

The motion carried on the following vote:

Ayes: 7 – Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee

Absent: 1 - Cauthen

Excused: 3 - Knoebber, Chan, West.

12. 11021 Hearing on complaint filed by Debra Benedict against the non-profit Tides Center for allegedly violating Administration Code Chapter 12L.

Starts
around
2:56:00

Member Manneh and Member Costa said they had to recuse themselves because of their business affiliations with the non-profit Tides Center.

Member Washburn, seconded by Vice Chair Wolfe, motioned to recuse Member Manneh.

Public Comment: None.

The motion carried on the following vote:

Ayes: 7 – Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee

Absent: 1 - Cauthen

Excused: 3 - Knoebber, Chan, West.

Member Washburn, seconded by Vice Chair Wolfe, motioned to recuse Member Costa.

Public Comment: None.

The motion carried on the following vote:

Ayes: 6 – Snyder, Washburn, Costa, Wolfe, Johnson, Knee

Recused: 1 – Manneh

Absent: 1 - Cauthen

Excused: 3 - Knoebber, Chan, West.

Quorum was then lost.

Item continued to May 24.

Member Manneh and Member Costa return to dias.

13. 11022 Determination of jurisdiction on complaint filed by Debra Benedict against the non-profit Lutheran Social Services for allegedly violating Administration Code Chapter 12L.

Starts
around
2:59:30

Vice Chair Wolfe, seconded by Member Manneh, motioned to find jurisdiction.

Public Comment: None.

The motion carried on the following vote:

Ayes: 7 – Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee

Absent: 1 - Cauthen

Excused: 3 - Knoebber, Chan, West.

14. 11022 Hearing on complaint filed by Debra Benedict against the non-profit Lutheran Social Services for allegedly violating Administration Code Chapter 12L.
- Starts around 3:00:30
- Heard:** Complainant Debra Benedict presented her case. The defense was presented by Nancy Neilson of Lutheran Social Services.

Vice Chair Wolfe motioned to find a violation of Chapter 12Ld1 but the motion died for lack of a second.

Public Comment: Charles Pitts said the Task Force should send the respondents a letter reminding them of their obligations. Tomas Picarello said the Task Force should have found the respondent in violation of the Sunshine Ordinance. David Pilpel said the Task Force should look very narrowly at the language of Chapter 12L.

Matter concluded.

15. 11023 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly not providing information related to an employee's job reclassification.
- Starts around 3:16:15
- Member Manneh, seconded by Member Costa, motioned to find jurisdiction.**

Public Comment: None.

The motion carried on the following vote:

Ayes: 7 – Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee

Absent: 1 - Cauthen

Excused: 3 - Knoebber, Chan, West.

16. 11023 Hearing on complaint filed by William Clark against the Arts Commission for allegedly not providing information related to an employee's job reclassification.
- Starts around 3:17:05
- Heard:** William Clark presented his case. The Arts Commission was not represented. No one in the audience spoke for or presented facts and evidence

on behalf of the Arts Commission.

Member Snyder, seconded by Vice Chair Wolfe motioned to find the Arts Commission in violation of Section 67.24(c)(6) for not disclosing the reason for any performance-based increase in compensation for a staff member, Section 67.21(e) for not sending a knowledgeable representative to the meeting, and to send a letter to the Mayor, Board of Supervisors and Arts Commissioners on the Arts Commission's continued disregard of the requirements of Section 67.21(e).

Public Comment: Robert Clark said he and his twin brother William want to see the reason behind the promotion of a staff from Senior Clerk Typist to Museum Curator. David Pilpel said Section 67.24(c)(6) was written for a specific reason that arose years ago.

The motion carried on the following vote:

Ayes: 7 – Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee

Absent: 1 - Cauthen

Excused: 3 - Knoebber, Chan, West.

17. 11025 Determination of jurisdiction on complaint filed by Susan Dumont against the City Attorney's Office for not responding to an Immediate Disclosure Request.

Starts
around
3:45:00

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

Public Comment: None.

The motion carried on the following vote:

Ayes: 7 – Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee

Absent: 1 - Cauthen

Excused: 3 - Knoebber, Chan, West

Vice Chair Wolfe announced that he knows Ms. Dumont and could hear this case without any preconceived opinion.

18. 11025 Hearing on complaint filed by Susan Dumont against the City Attorney's Office for not responding to an Immediate Disclosure Request.

Starts
around
3:45:00

Complainant Susan Dumont was not presented. No one in the audience spoke for or presented facts and evidence on behalf of Ms. Dumont. The City Attorney's Office was not represented. No one in the audience spoke for or presented facts and evidence on behalf of the City Attorney's Office.

The matter was tabled without objection.

19. 11026 Determination of jurisdiction on complaint filed by Michael Petrelis against the Police Department for allegedly not allowing public comment during a public forum.
Starts around 3:47:30
Member Manneh, seconded by Vice Chair Wolfe, motioned to find jurisdiction.
Public Comment: None.
The motion carried on the following vote:
Ayes: 7 – Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee
Absent: 1 - Cauthen
Excused: 3 - Knoebber, Chan, West.
20. 11026 Hearing on complaint filed by Michael Petrelis against the Police Department for allegedly not allowing public comment during a public forum.
Starts around 3:48:30
Heard: Complainant Michael Petrelis presented his case. Lt. Simon Silverman presented the Police Department’s defense.

No motion was presented.
Public Comment: Tomas Picarello said the matter should be continued because there were many unanswered questions. Charles Pitts said more questions need to be asked before a decision is made.

The matter is concluded.
21. 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
Starts around 1:11:30
Ray Hartz, Director of San Francisco Open Government, said city officials do not have the right to violate the constitution and tell people that they cannot talk about some things.

Debra Benedict said she had a list 4 pages long of non-profits who do not confirm to Chapter 12L of the Admin Code and wanted to know how to proceed.

Member Cauthen was noted absent at 6:32 p.m.
22. Announcements, comments, questions, and future agenda items from the Task Force members.
Starts around 4:05:15
Chair Knee said he wants to address the day’s absenteeism issue.

Member Snyder, seconded by Member Washburn, motioned to excuse Member Cauthen who had left earlier to attend a dinner.

Public Comment: Tomas Picarello said the work of the Task Force was more important than the dinner.

The motion failed on the following vote:

Ayes: 1 - Snyder

Noes: 6 - Manneh, Washburn, Costa, Wolfe, Johnson, Knee

Absent: 1 - Cauthen

Excused: 3 - Knoebber, Chan, West.

Member Knoebber was excused without objection because his absence was work related. Member Costa was excused without objection because his tardiness was work related. Member Chan was excused without objection because his absence was school related. Member West was excused without objection because his absence was work related.

Member Wolfe suggested tips on how to make a sunshine request posted on the website.

Member Johnson said the word esquire should be attached to the name of the person holding Seat 1 because it is a seat reserved for an attorney.

Chair Knee urged members to contact Senate President Pro Tem Darrell Steinberg and committee chair Christine Kehoe to restore State Senator Leland Yee's State Constitutional Amendment 7 to active status. The amendment sets requirements for agenda posting.

Adjournment

There being no further business, the Task Force adjourned at the hour of 9:40 p.m.

APPROVED: November 5, 2014



Victor Young
Administrator
Sunshine Ordinance Task Force

N.B. The Minutes of this meeting set forth all actions taken by the Sunshine Ordinance Task Force on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.

