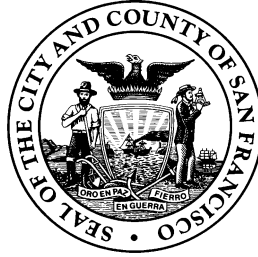


Sunshine Ordinance Task Force



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7724
Fax No. 554-7854
TDD/TTY No. 544-5227

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

**SUNSHINE ORDINANCE TASK FORCE
REGULAR MEETING
MINUTES**

Tuesday, May 24, 2011
4:00 p.m., City Hall, Room 408

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 4:06 P.M.

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

Agenda Changes: Item 33 heard before Item 13. Item 2 heard after Item 14.

Deputy City Attorney: Jerry Threet
Clerk: Chris Rustom

Chair Knee, without objection, excused Member Washburn because of medical reasons and Member Knoebber because of work reasons. Member Cauthen and Member Chan were to be excused for a short period of time during the meeting because of various reasons.

1. 11021 Determination of jurisdiction on complaint filed by Debra Benedict against the non-profit Tides Center for allegedly violating Administration Code Chapter 12L.
Starts 12L.
About 0:03:30 Member Costa requested to be recused because of his business affiliations with Tides Center.

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

The motion carried on the following vote:

Ayes: 6 - Snyder, Cauthen, Costa, Wolfe, Chan, Knee.

Excused: Manneh, Washburn, Knoebber

Absent: West

Item was postponed because quorum was lost because of recusal and because the complainant was not present.

Member Costa returns to the dais.

Jurisdiction was found during the May 18, 2011, special meeting.

2. 11021 Hearing on complaint filed by Debra Benedict against the non-profit Tides Center for allegedly violating Administration Code Chapter 12L.

Starts

About

2:58:15

Member Manneh and Member Costa were recused.

Heard: Complainant Debra Benedict presented her case. Olaitan Callender-Scott spoke of the Tides Center presented the defense.

No motion was made.

The matter was concluded.

Vice Chair Wolfe reopened the hearing and said a violation must be found in the name of justice.

Vice Chair Wolfe, seconded by Member Snyder, motioned to find a violation of Chapter 12L Section 4(c).

Public Comment: Tomas Picarello said jurisdiction must be found before deciding on the merits of the case.

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Wolfe, Chan, Johnson, Knee

Recused: Manneh, Costa

Excused: Washburn, Knoebber

Absent: West

Matter referred to Education, Outreach and Training Committee.

3. 11028 Determination of jurisdiction on complaint filed by Charles Pitts against Supervisor Jane Kim for allegedly failing to respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications.
- Starts
About

0:06:45

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

Public Comment: None.

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Costa, Wolfe, Chan, Knee

Excused: Manneh, Washburn, Knoebber, Johnson

Absent: West

4. 11028 Hearing on complaint filed by Charles Pitts against Supervisor Jane Kim for allegedly failing to respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications.
- Starts About 0:07:45 And at 1:11:45
- Charles Pitts was not present. Supervisor Jane Kim's legislative aide Matthias Mormino was present.

Item postponed because Mr. Pitts was not present.

Public Comment: Tomas Picarello said the reason why the complainants were not present was because the meeting times varied between 4:00 p.m. and 5:00 p.m. Ray Hartz, Director of San Francisco Open Government, said it would be in the best interest of all parties to hear these items after 5:00 p.m. because of the timing mix up.

Heard: Mr. Pitts explained the reason for his complaint. Mr. Tomas Picarello, in support of Mr. Pitts, provided additional information. Mr. Mormino responded to the complaint.

Member Cauthen, seconded by Member Johnson, motioned to find the office of Supervisor Jane Kim in violation of Sunshine Ordinance Sections 67.25(a) for not responding to an IDR before the close of the next business day, 67.21(b) for not responding to a request for information, 67.27 for failure to justify the withholding, and 67.26 for failure to keep withholding to a minimum.

Public Comment: Ray Hartz, Director of San Francisco Open Government, said City employees not only need to read the Sunshine Ordinance but also need to know its intent.

The motion carried by the following vote.

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

Excused: 3 - Washburn, Knoebber, Chan

Absent: 1 - West

The matter was referred to the Compliance and Amendments Committee.

5. 11029 Determination of jurisdiction on complaint filed by Suzanne Dumont against the Recreation and Parks Department for allegedly failing to respond to an Immediate Disclosure Request.
Starts About 0:12:25 Vice Chair Wolfe, seconded by Member Cauthen, motioned to find jurisdiction.
Public Comment: None
The motion carried by the following vote.
Ayes: Snyder, Cauthen, Costa, Wolfe, Chan, Knee
Excused: Manneh, Washburn, Knoebber
Absent: West
6. 11029 Hearing on complaint filed by Suzanne Dumont against the Recreation and Parks Department for allegedly failing to respond to an Immediate Disclosure Request.
Starts About 0:13:15 Complainant Suzanne Dumont was not present. Nobody in the audience presented facts and evidence in support of Ms. Dumont. The Recreation and Parks Department was not present. Nobody in the audience presented facts and evidence in support of the department.
Public Comment: None
Item was tabled without objection.
7. 11030 Determination of jurisdiction on complaint filed by Charles Pitts against Supervisor Mark Farrell for allegedly failing to timely and honestly respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications.
Starts About 0:14:35 Vice Chair Wolfe, seconded by Member Costa, motioned to find jurisdiction.
Public Comment: None
The motion carried by the following vote.
Ayes: Snyder, Cauthen, Costa, Wolfe, Chan, Knee
Excused: Manneh, Washburn, Knoebber, Johnson
Absent: West
8. 11030 Hearing on complaint filed by Charles Pitts against Supervisor Mark Farrell for allegedly failing to timely and honestly respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications.
Starts About 0:15:25 And at Charles Pitts was not present. Supervisor Mark Farrell's legislative aide

1:37:15 Catherine Stefani was present.

Matter tabled and later changed to postponed because Mr. Pitts was not present.

Public Comment: None.

Member Manneh was noted present at 4:23 p.m.

The item was recalled about an hour later.

Heard: Mr. Pitts explained the reason for his complaint. The respondent was not present. No one in the audience presented facts and evidence in support of the respondent. Ms. Stefani had left after the case was tabled because Mr. Pitts was not present.

Member Cauthen noted excused at 6:45 p.m.

Vice Chair Wolfe, seconded by Member Johnson, motioned to find the office of Supervisor Farrell in violation of Sunshine Ordinance Sections 67.25(a) for not responding to an IDR before the close of the next business day, 67.21(b) for not responding to a request for information, 67.27 for failure to justify the withholding, and 67.26 for failure to keep withholding to a minimum.

Public Comment: Tomas Picarello said Supervisor Farrell's office responded to the IDR and asked for an extension but nothing else happened. Ray Hartz, Director of San Francisco Open Government, said the lack of a response raises the question of whether the request for an extension was made illegally.

The motion carried by the following vote.

Ayes: 6 - Snyder, Manneh, Costa, Wolfe, Johnson, Knee
Excused: 4 - Cauthen, Washburn, Knoebber, Chan
Absent: 1 - West

The matter was forwarded to the Compliance and Amendments Committee.

9. 11031 Determination of jurisdiction on complaint filed by Charles Pitts against Supervisor Sean Elsbernd for allegedly failing to timely respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications.
Starts About 0:19:00

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

Public Comment: None

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Manneh, Costa, Wolfe, Chan, Knee
Excused: Washburn, Knoebber, Johnson
Absent: West

10. 11031 Hearing on complaint filed by Charles Pitts against Supervisor Sean Elsbernd for allegedly failing to timely respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications.
- Starts About 0:19:45 And at 1:55:00
- Charles Pitts was not present. Supervisor Sean Elsbernd's legislative aide Alexander Volberding was present.

Matter postponed because Mr. Pitts was not present.

Public Comment: None.

The item was recalled approximately one hour and 30 minutes later.

Heard: Complainant Charles Pitts presented his case. Tomas Picarello said Supervisor Elsbernd is relaying on a 30-year-old case appeals court case and not a Supreme Court decision. Ray Hartz, Director of San Francisco Open Government, said citizen have the right to look at the background of those appointed to boards and commissions to see if they really qualify for the position. Supervisor Elsbernd's aide Mr. Volberding was not present. He had left earlier when the case was tabled because Mr. Pitts was not present. The Task Force reopened the case after Mr. Pitts arrived.

Vice Chair Wolfe, seconded by Member Johnson, motioned to continue the case to June 28, 2011.

Public Comment: None

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Manneh, Costa, Wolfe, Johnson, Knee
Excused: Washburn, Knoebber, Chan
Absent: West

11. 11032 Determination of jurisdiction on complaint filed by Tomas Picarello against the Clerk of the Board of Supervisors for allegedly not providing timely and accurate minutes regarding various Sunshine Task Force committees.
- Starts About 0:20:45
- Member Cauthen, seconded by Member Manneh, motioned to find jurisdiction.

Public Comment: None

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Manneh, Costa, Wolfe, Chan, Knee

Excused: Washburn, Knoebber, Johnson
Absent: West

12. 11032 Hearing on complaint filed by Tomas Picarello against the Clerk of the Board of Supervisors for allegedly not providing timely and accurate minutes regarding various Sunshine Task Force committees.
Starts About
0:22:20 Heard: Complainant Tomas Picarello presented his case. Mr. Rustom spoke on behalf of the Clerk of the Board, the respondent.

Member Johnson was noted in at 4:30 p.m.

Vice Chair Wolfe, seconded by Member Costa, motioned to find the Clerk of the Board of Supervisors in violation of Section 67.16 because the minutes did not include what members had said and discussed.

Public Comment: Ray Hartz, Director of San Francisco Open Government, said the minutes gives a person who did not attend a particular meeting a brief description of what was said and done. Debra Benedict said key words with bullet points should be used to trigger a person's memory as to who said what.

The motion failed by the following vote.

Noes: Snyder, Cauthen, Manneh, Costa, Chan, Knee
Ayes: Wolfe, Johnson
Excused: Washburn, Knoebber
Absent: West

13. 11033 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly failing to respond adequately to his April 6, 2011, request for information on certain funds.
Starts About
2:18:15 Member Cauthen, seconded by Member Johnson, motioned to find jurisdiction.

Public Comment: None

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Manneh, Costa, Wolfe, Johnson, Knee
Excused: Washburn, Knoebber, Chan
Absent: West

Member Cauthen noted excused at 6 19 p.m.

14. 11033 Hearing on complaint filed by William Clark against the Arts Commission for allegedly failing to respond adequately to his April 6, 2011, request for information on certain funds.
Starts About

2:19:38 Heard: Complainant William Clark presented his case. The Arts Commission was not represented. No one in the audience presented facts and evidence in support of the Arts Commission.

Vice Chair Wolfe motioned to continue the matter but it died for lack of a second.

Member Johnson, seconded by Vice Chair Wolfe, motioned to find the Arts Commission in violation of Section 67.21(b), 67.22(a), 67.34, 67.21(e) for not sending a knowledgeable representative, , 67,26 for not keeping withholding to a minimum, 67.27 for not providing justification for the withholding and California Public Records Act Sections 6253(d) and 6254c. The Task Force is also to write a letter to the Board of Supervisors.

Member Chan returned to the dais at 7:50 p.m.

Public Comment: Robert Clark said he thinks that the City Attorney and the Arts Commission realize that he and his brother are collecting evidence to prove that a ballot measure has been amended illegally and that funds from the street artists program have been embezzled. Ray Hartz, Director of San Francisco Open Government, said the governing body of the Arts Commission needs to know about how staff is ignoring the Sunshine Ordinance. Tomas Picarello said a letter to the District Attorney would be more appropriate because financial irregularities are involved.

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Manneh, Costa, Wolfe, Chan, Johnson, Knee
Excused: Washburn, Knoebber
Absent: West

15. 11034 Determination of jurisdiction on complaint filed by Frank McDowell against the Metropolitan Transportation Agency for allegedly not providing adequate response to his March 16, 2011, request for information on a drive-cam.
Starts About 3:22:45 Vice Chair Wolfe, seconded by Member Cauthen, motioned to find jurisdiction.

Public Comment: None

The motion carried by the following vote.

Ayes: 8 - Snyder, Cauthen, Manneh, Costa, Wolfe, Chan, Johnson, Knee
Excused: Washburn, Knoebber
Absent: West

16. 11034 Hearing on complaint filed by Frank McDowell against the Metropolitan Transportation Agency for allegedly not providing adequate response to his

Starts March 16, 2011, request for information on a drive-cam.

About

3:23:45 Heard: Frank McDowell explained the reasons for his complaint. Dorian Maxwell spoke in support of Mr. McDowell. David Hill, Deputy Director of Transit Management for the San Francisco Metropolitan Transportation Agency, provided the response.

No motion was made.

Public Comment: Ray Hartz said most organizations do not collect statistics on it ethnic, sex or racial makeup unless they are forced to. The Police Department does it to show that they are not racial profiling when they make traffic stops, he said.

Vice Chair Wolfe, seconded by Member Cauthen, motioned to find the Metropolitan Transportation Agency in violation of Sunshine Ordinance Section 67.21(b).

Public Comment: None.

The motion carried by the following vote.

Ayes: 8 - Snyder, Cauthen, Manneh, Costa, Wolfe, Chan, Johnson, Knee

Excused: 2 - Washburn, Knoebber

Absent: 1 - West

Matter referred to the Education, Outreach and Training Committee.

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

Member Cauthen, seconded by Member Chan, motioned to approve the minutes.

Public Comment: None.

The motion failed by the following vote.

Ayes: Snyder, Cauthen, Manneh

Noes: Costa, Wolfe, Chan, Johnson, Knee

Excused: Washburn, Knoebber, West

Continued to June 28, 2011, without objection.

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

Member Cauthen, seconded by Member Manneh, motioned to approve the minutes.

Public Comment: None.

The motion failed by the following vote.

Ayes: Snyder, Cauthen, Manneh

Noes: Costa, Wolfe, Chan, Johnson, Knee

Excused: Washburn, Knoebber, West

Continued to June 28, 2011, without objection.

19. Approval of January 25, 2011, regular meeting minutes.

Member Cauthen, seconded by Member Snyder, motioned to approve the minutes.

Public Comment: None.

The motion failed by the following vote.

Ayes: Snyder, Cauthen, Manneh

Noes: Costa, Wolfe, Chan, Johnson, Knee

Excused: Washburn, Knoebber, West

Continued to June 28, 2011, without objection.

20. Approval of February 17, 2011, special meeting minutes.

Continued to June 28, 2011, without objection.

21. Approval of February 22, 2011, regular meeting minutes.

Member Cauthen, seconded by Member Chan, motioned to approve the minutes.

Public Comment: None.

The motion failed by the following vote.

Ayes: Snyder, Cauthen, Manneh

Noes: Costa, Wolfe, Chan, Johnson, Knee

Excused: Washburn, Knoebber, West

Continued to June 28, 2011, without objection.

22. Approval of March 17, 2011, special meeting minutes.

Member Cauthen, seconded by Member Chan, motioned to approve the minutes.

Public Comment: None.

The motion was carried by the following vote.

Ayes: Snyder, Cauthen, Manneh, Johnson, Knee

Noes: Costa, Wolfe, Chan

Excused: Washburn, Knoebber, West

23. Approval of March 22, 2011, regular meeting minutes.

Member Cauthen, seconded by Member Manneh, motioned to approve the minutes.

Public Comment: None.

The motion failed by the following vote.

Ayes: Snyder, Cauthen, Manneh

Noes: Costa, Wolfe, Chan, Johnson, Knee

Excused: Washburn, Knoebber, West

Continued to June 28, 2011, without objection.

24. Approval of April 21, 2011, special meeting minutes.

Member Cauthen, seconded by Member Snyder, motioned to approve the minutes.

Public Comment: None.

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Manneh, Costa, Wolfe, Chan, Johnson, Knee

Noes: Wolfe

Excused: Washburn, Knoebber, West

25. Approval of April 26, 2011, meeting minutes.

Member Cauthen, seconded by Member Manneh, motioned to approve the minutes.

Public Comment: None.

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Manneh, Costa, Wolfe, Chan, Johnson, Knee

Excused: Washburn, Knoebber, West

26. Approval of May 5, 2011, special meeting minutes.

Member Cauthen, seconded by Member Manneh, motioned to approve the minutes.

Public Comment: None.

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Manneh, Chan, Knee

Noes: Costa, Wolfe, Johnson

Excused: Washburn, Knoebber, West

Continued to June 28, 2011, without objection.

27. Approval of May 18, 2011, special meeting minutes.

Continued to June 28, 2011, without objection.

28. Approval of March 10, 2011, Rules Committee meeting minutes.

Member Cauthen, seconded by Member Snyder, motioned to approve the minutes.

Public Comment: None.

The motion failed by the following vote.

Ayes: Snyder, Cauthen, Manneh

Noes: Costa, Wolfe, Chan, Johnson, Knee

Excused: Washburn, Knoebber, West

Continued to June 28, 2011, without objection.

29. Report: Complaint Committee meeting of May 10, 2011.

Chair Knee, in the absence of Complaint Committee Chair James Knoebber, made the report.

30. Report: Compliance and Amendments Committee meeting of May 10, 2011.

Chair Knee, in the absence of Compliance and Amendments Committee Chair Allyson Washburn, made the report.

31. Report: Education, Outreach and Training Committee meeting of May 12, 2011.

Education, Outreach and Training Committee Chair Jay Costa made the report.

32. Administrator's Report.
Mr. Rustom made the report.
33. 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
About 1:07:40 Ray Hart said Supervisor Wiener may be taking aim at the Task Force with his proposed Charter Amendment that would allow the Board of Supervisors to amend or repeal initiative ordinances. Charles Pitts apologized for his tardiness and wanted to know where he goes to submit video clips in support of his complaints.
34. Announcements, comments, questions, and future agenda items from the Task Force members.
Starts
About 4:56:50 Member Johnson said the California Fair Political Practices Commission has removed all of its investigative files that were on their website.

Member Chan said the Task Force needs to work faster on the amendments for it to be on the November ballot.

Adjournment

There being no further business, the Task Force adjourned at the hour of 9:10 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.