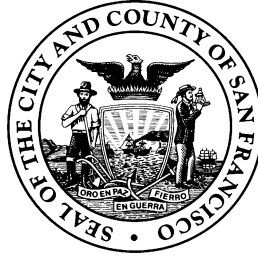


Sunshine Ordinance Task Force



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**SUNSHINE ORDINANCE TASK FORCE
REGULAR MEETING
MINUTES**

Tuesday, June 28, 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 4:00 P.M.

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

Agenda Changes: Item 28 heard after Item 2.

Deputy City Attorney: Jerry Threet
Clerk: Linda Wong and Gail Johnson

Member Washburn moved to excuse Member Snyder and Member Manneh.

Public Comment: None:

The motion carried by the following vote:

Ayes: 7 - Cauthen, Washburn, Knoebber, Costa, Wolfe, Johnson, West, Knee.
Absent: 1 - West

1. Election of Officers: Chair and Vice Chair of the Sunshine Ordinance Task Force.

Member Washburn nominated Member Knee for a third term but he declined because he wanted to see the infusion of new energy and new ideas.

Member Chan nominated Member Wolf as chair.

Member Johnson nominated herself as chair.

Members Wolfe and Johnson made statements.

Public Comment: Thomas Picarello said he was for either Member Wolfe or Member Johnson, but favored Member Johnson. Ray Hartz spoke in support of Member Johnson. Male Speaker spoke in favor of Member Johnson. Marlon Crump stated that he was here on the Police Commission item. Male Speaker spoke.

Members voting for Member Wolfe as chair were Members Washburn, Knoebber, Wolfe, and Knee.

Members voting for Member Johnson as chair were Members Cauthen; Costa, Chan, and Johnson.

The vote was 4-4.

Chair Knee changed his vote from Member Wolfe to Member Johnson as chair.

Member Johnson wins vote.

Member Knoebber nominated member Wolfe as vice chair.

Public Comment: Ray Hartz spoke in favor of Member Wolfe.

Members voting for Member Wolfe as vice chair were Members Cauthen, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, and Knee.

Member Wolfe wins vote.

2. 10054 The Education, Outreach and Training Committee has referred #10054_Ray Hartz against the Library Commission back to the full Task Force.

Member Cauthen spoke about the 150-word summary memorandum from the Library distributed by the Clerk to members of the Task Force.

Heard: Complainant Ray Hartz presented his case.

Tomas Picarello spoke.

Library Commission Secretary Sue Blackman gave copies of the current version of Library Commission minutes to members of the Task Force for their review. Ms. Blackman also stated that the Commission would continue to

append the 150-word statement to the minutes, as they have been advised by the City Attorney that this is in compliance with the ordinance.

Male Speaker stated that Ms. Blackman should comply with the Task Force's order.

Member Johnson moved to refer Library Commission President Jewelle Gomez to the Ethics Commission for willful violation of the Order of Determination; and to send letter to City Attorney Dennis Herrera insisting that the City Attorney's Office stop giving bad advice on this issue to the Library Commission.

The motion carried by the following vote:

Ayes: 9 - Cauthen, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, West, Knee

Excused: 2 - Snyder, Manneh

3. 11001 The Education, Outreach and Training Committee has referred #11001_William Clark against the City Attorney's Office back to the full Task Force.

Heard: Complainant William Clark presented his case. Jack Song of the City Attorney's Office presented a response.

DCA Threet discussed billing practices in the City Attorney's Office.

Member Knee moved to find a willful violation of Section 67.26 and refer the matter to the Ethics Commission.

Public Comment: Ray Hartz Robert Clark spoke in support of the motion. Male Speaker spoke in support of motion.

The motion carried by the following vote:

Ayes: 8 - Cauthen, Washburn, Knoebber, Costa, Wolfe, Chan, West, Knee

Noes: 1 - Johnson

Excused: 2 - Snyder, Manneh

4. 11002 The Education, Outreach and Training Committee has referred #11002_William Clark against the City Attorney's Office back to the full Task Force.

Heard: Complainant Clark presented his case. Jack Song of the City Attorney's Office presented a response.

Member Knoebber moved to Table this item:

Public Comment: Robert Clark spoke against the motion.

The motion carried by the following vote:

Ayes: 7 - Cauthen, Washburn, Knoebber, Costa, Johnson, West, Knee

Excused: 2 - Snyder, Manneh

Noes: 2 - Wolfe, Chan

5. 11031 Continued 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.

Heard: Complainant Charles Pitt presented his case. Supervisor Sean Elsbernd presented a response. DCA Jerry Threet said that the Board of Supervisors is legally required to have a records retention policy. He also stated that the character or record of a document determines how it is retained; it doesn't matter if it's electronic or paper. He stated that the Clerk did act as retention agent for the Board of Supervisors. Marlon Crump spoke. Thomas Picarello stated that Supervisor Elsbernd is the only Supervisor that ever showed up for a SOTF hearing. He also stated that Mr. Pitts' address was on the application.

No motion was made.

The matter was concluded.

6. 11035 Determination of jurisdiction on complaint filed by Marlon Crump against the Police Commission for allegedly violating Sunshine Ordinance Sections 67.15(d) and 67.25.

Motion made to determine jurisdiction.

Public Comment: None.

The motion carried by the following vote:

Ayes: 8 - Cauthen, Washburn, Costa, Wolfe, Chan, Johnson, West, Knee

Excused: 2 - Snyder, Manneh

Absent: 1 - Knoebber

Motion made to excuse Member Knoebber due to illness.

Public Comment: None.

The motion carried by the following vote:

Ayes: 8 - Cauthen, Washburn, Costa, Wolfe, Chan, Johnson, West, Knee

Excused: 2 - Snyder, Manneh

Absent: 1 - Knoebber

7. 11035 Hearing on complaint filed by Marlon Crump against the Police Commission for allegedly violating Sunshine Ordinance Sections 67.15(d) and 67.25.

Heard: Complainant Marlon Crump presented his case. Lieutenant Tim Falvey, Secretary to the Police Commission, presented a response, noting that he provided a DVD of the Police Commission meeting with his response. Christine Harris stated that the Office of Citizen Complaints protects cops. Thomas Picarello spoke. Charles Pitts spoke.

Motion to continue to July 26, 2011, so that the Task Force can view the DVD.

Public Comment: None.

The motion carried by the following vote:

Ayes: 8 - Cauthen, Washburn, Costa, Wolfe, Chan, Johnson, West, Knee

Excused: 3 - Snyder, Manneh, Knoebber

8. 11036 Determination of jurisdiction on complaint filed by Michael Petrelis against the Department of Public Works for allegedly not releasing public records related to the Merchants of Upper Market/Castro.

Motion to find jurisdiction.

Public Comment: None.

The motion carried by the following vote:

Ayes: 8 - Cauthen, Washburn, Costa, Wolfe, Chan, Johnson, West, Knee

Excused: 3 - Snyder, Manneh, Knoebber

9. 11036 Hearing on complaint filed by Michael Petrelis against the Department of Public Works for allegedly not releasing public records related to the Merchants of Upper Market/Castro.

Heard: Complainant Michael Petrelis presented his case. Frank Lee of the Department of Public Works presented a response.

Public Comment: None.

No motion was made.

The matter was concluded.

10. 11037 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly providing misinformation.

Motion to excuse Member Chan.

The motion carried by the following vote:

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee

Excused: 3 - Snyder, Manneh, Knoebber

Absent: 1 - Chan

Motion to find jurisdiction.

Public Comment: None.

The motion carried by the following vote:

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee

Excused: 4 - Snyder, Manneh, Knoebber, Chan

11. 11037 Hearing on complaint filed by William Clark against the Arts Commission for allegedly providing misinformation.

Heard: Complainant William Clark presented his case. Respondent left the room while the Complainant was making his presentation. DCA Threet stated that Section 67.34 of the Sunshine Ordinance covers managerial employees.

Member Knee moved to find the Arts Commission in violation of Sections 67.21(c), 67.21 (e), 67.28(a), and 67.34 and refer the matter to the Ethics Commission. The Task Force is also to write a letter to the Board of Supervisors.

Public Comment: Robert Clark spoke in support of the motion. Christopher Fulkerson spoke in support of the motion.

The motion carried by the following vote:

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee

Excused: 4 - Snyder, Manneh, Knoebber, Chan

12. 11038 Determination of jurisdiction on complaint filed by Anonymous against the Taxi Advisory Council allegedly violating public meeting laws.

Christopher Fulkerson identified himself as the Complainant.

At 8:58 p.m., Member Knee announced that at 9:00 p.m. Deputy City Attorney Jerry Threet leaves the meeting. He also stated that the voting member of the Task Force who is an attorney had been excused.

Motion to find jurisdiction.

The motion carried by the following vote:

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee
Excused: 4 - Snyder, Manneh, Knoebber, Chan

13. 11038 Hearing on complaint filed by Anonymous against the Taxi Advisory Council allegedly violating public meeting laws.

Heard: Complainant Christopher Fulkerson presented his case.

Member Wolfe moved to find the Taxi Advisory Council in violation of Sections 67.7, 67.21(e) and 67.28(a), and 54954.2 of the Brown Act.

Public Comment: None.

The motion carried on the following vote:

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

14. 11040 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly not providing oral information.

Motion to find jurisdiction.

Public Comment: None.

The motion carried on the following vote:

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee
Excused: 4 - Snyder, Manneh, Knoebber, Chan

15. 11040 Hearing on complaint filed by William Clark against the Arts Commission for allegedly not providing oral information.

Heard: Complaint William Clark announced that his brother, Robert, is a Co-Complainant in this case. Complainant William Clark presented his case.

Member Cauthen moved to find the Arts Commission in violation of Section 67.21(e).

The motion carried on the following vote:

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee

Excused: 4 - Snyder, Manneh, Knoebber, Chan

16. 11041 Determination of jurisdiction on complaint filed by Christine Harris against the Police Department for allegedly violating her civil rights, constitutional rights and human rights.

Member Knee stated that the Complaint Committee recommended finding no jurisdiction.

Complainant Christine Harris said that she filed this complaint two weeks ago.

Member Wolfe, seconded by Member Johnson, moved to find no jurisdiction.

Public Speakers: None.

The motion carried on the following vote:

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee

Excused: 4 - Snyder, Manneh, Knoebber, Chan

17. 11041 Hearing on complaint filed by Christine Harris against the Police Department for allegedly violating her civil rights, constitutional rights and human rights.

Hearing on complaint was not held because the Task Force did not find jurisdiction.

Matter concluded.

18. 11043 Determination of jurisdiction on complaint filed by Alicia Gamez against the Department of Public Health for allegedly not providing her with certain documentation and also for allegedly violating open meeting laws.

Member Cauthen asked to be recused because of her contacts with Thomas Rivard, who was representing the Department of Public Health.

Vice Chair Wolfe, seconded by Member Johnson, moved to recuse Member Cauthen.

Public Comment: None:

The motion carried by the following vote:

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee.

Excused: 4 - Snyder, Manneh, Knoebber, Chan

Member Cauthen then indicated she was leaving for the evening.

Vice Chair Wolfe moved to excuse Member Cauthen.

Public Comment: None:

The motion carried on the following vote:

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee.

Excused: 4 - Snyder, Manneh, Knoebber, Chan

Vice Chair Wolfe, seconded by Member Washburn, moved to find jurisdiction.

Public Comment: None:

The motion carried by the following vote:

Ayes: 6 - Washburn, Costa, Wolfe, Johnson, West, Knee.

Excused: 5 - Snyder, Cauthen, Manneh, Knoebber, Chan

19. 11043 Hearing on complaint filed by Alicia Gamez against the Department of Public Health for allegedly not providing her with certain documentation and also for allegedly violating open meeting laws.
Continued to July 26, 2011.
20. Supervisor of Records Report.
Continued to July 26, 2011.
21. Approval of January 4, 2011, special meeting minutes.
Continued.
22. Approval of January 20, 2011, special meeting minutes.
Continued.
23. Approval of January 25, 2011, regular meeting minutes.
Continued.
24. Report: Complaint Committee meeting of June 14, 2011.
Continued.

25. Report: Compliance and Amendments Committee meeting of June 14, 2011.
Continued.
26. Report: Education, Outreach and Training Committee meeting of June 9, 2011.
Continued.
27. Administrator's Report.
Continued.
28. 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.

Thomas Picarello stated that he had requested the SOTF to tell him how many Orders of Determination it had sent to the Ethics Commission. He also said the Task Force needs to be more proactive. Ray Hartz stated that the City Attorney's Communications Director has said that the SOTF is out to get City employees. He said the Communications Director and the City Attorney owe the Task Force an apology. Male Speaker said that Deputy City Attorney Jana Clark is also Deputy City Attorney on SOTF. Marlon Crump.
29. Announcements, comments, questions, and future agenda items from the Task Force members.

Continued.

Adjournment

The hour being close to City Hall closing time, the Task Force adjourned at the hour of 10:48 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.