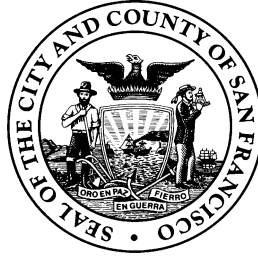


Sunshine Ordinance Task Force



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**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
MINUTES**

Tuesday, September 27, 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	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson (Chair)
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** 4:08 P.M.

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

**Agenda Changes:** Item 27 heard after Item 4.

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

**Member Knee, seconded by Member Chan, motioned to excuse Members Snyder, Manneh, Knoebber, Costa and Wolfe.**

**Public Comment:** None.

**The motion passed without objection.**

1. Amending Article VI, Sec. 1 of the Sunshine Ordinance Task Force By-Laws to eliminate or suspend the Complaint Committee.

Approx: Chair Johnson explained the need to suspend or eliminate the Complaint  
0:08:55 Committee.

Member Wolfe, seconded by Member Knee, motioned to suspend the

committee

Member Manneh noted present at 4:16 p.m.

Member Wolfe noted present at 4:23 p.m.

Member Snyder noted present at 4:25 p.m.

**Public Comment:** Charles Pitts wanted to know if he was entitled to video clips taken by various cameras in City Hall. He also wanted to know if he could ask for a blueprint of City Hall and how much would he be charged. Ray Hartz, Director San Francisco Open Government, said simplifying the process is good for the complainants as well as for the respondents. Patrick Monett-Shaw said the Task Force could schedule another meeting in its place to keep the hearing of complaints uninterrupted.

Quorum was briefly lost at 4:15 p.m.

**The motion carried by the following vote:**

Ayes: 9 - Snyder, Knee, Cauthen, Manneh, Washburn, Wolfe, Chan, West, Johnson.

Excused: Knoebber, Costa

2. Amending Article VI, Sec. 1 of the Sunshine Ordinance Task Force By-Laws to create a Technology Committee.

Approx: Chair Johnson explained the need to create the Technology Committee.  
0:27:00

**Member Knee, seconded by Member Wolfe, motioned to create the committee.**

**Public Comment:** Ray Hartz, Director San Francisco Open Government, said the committee would be critical in this day and age where databases are searchable and anyone with access to it can create any report they wish. Patrick Monette-Shaw said the new committee could well be the answer to the City's weak technology chain. Kimo Crossman the new committee could work on issues surrounding email retention, redacting and the broadcasting of Task Force meetings.

**The motion carried by the following vote:**

Ayes: 9 - Snyder, Knee, Cauthen, Manneh, Washburn, Wolfe, Chan, West, Johnson.

Excused: Knoebber, Costa

3. 11021 Hearing on the status of the May 24, 2011, Order of Determination regarding Debra Benedict against the Tides Center.

Approx:  
0:32:50

**Heard:** The Complainant was not present. There was no one in the audience to present facts and evidence on behalf of the Complainant. The Respondent was not present. There was no one in the audience to present facts and evidence on behalf of the Respondent.

**Member Knee, seconded by Member Wolfe, moved to continue the matter to the October meeting.**

**Public Comment:** None.

The motion passed without objection.

4. 11054 The Compliance and Amendments Committee has recommended to the full Task Force that #11054 Ray Hartz v Luis Herrera of the Public Library be referred to the Ethics Commission and the District Attorney for failure to comply with the Order of Determination. A copy of the referral letter is also to be sent to the Civil Grand Jury.

Approx:  
0:37:20

**Heard:** Complainant Ray Hartz urged the Task Force to accept the Compliance and Amendments Committee's recommendation. The Respondent was not present. There was no one in the audience to present facts and evidence on behalf of the Respondent.

**Member Snyder, seconded by Member Cauthen, motioned to refer Luis Herrera of the Public Library to the Ethics Commission and the District Attorney for willful failure and official misconduct. A copy of the referral letter is also to be sent to the Civil Grand Jury and Supervisor David Campos, chair of the Board of Supervisors Government Audit and Oversight Committee.**

**Public Comment:** Patrick Monette-Shaw said all referrals should automatically be sent to the District Attorney, the San Francisco Civil Grand Jury and the Mayor. Kimo Crossman said the California Attorney General and several state District Attorneys have prosecuted Brown Act violations and have resulted in fines and jail time. Peter Warfield said the Public Library has a long history of flouting the law and the Task Force should take them to task. Allen Grossman said the Library should be found in willful failure and official misconduct and the Charter says it has to be heard by the Ethics Commission.

**The motion carried by the following vote:**

Ayes: 9 - Snyder, Knee, Cauthen, Manneh, Washburn, Wolfe, Chan, West, Johnson.

Excused: 2 - Knoebber, Costa

5. 11049 Hearing on the status of the July 26, 2011, Order of Determination of George

Wooding v Recreation and Parks Department.

Approx. **Heard:** Complainant George Wooding and Respondent Olive Gong of the  
1:26:50 Recreation and Parks Department individually represented their positions.

**Member Knee, seconded by Member Washburn, motioned to refer the matter to the Ethics Commission for willful failure by all respondents in the complaint to comply with the Order of Determination.**

**Public Comment:** Allen Grossman said the failure to comply with the Order of Determination should be easily resolved by forwarding the matter to the Ethics Commission and telling them to enforce the law. Peter Warfield said it is the duty of all department heads to maintain and preserve documents in a professional and businesslike manner and produce it when requested., Katherine Howard of the Golden Gate Park Preservation Alliance said she is concerned that the department will go back and produce the records that is already in Mr. Wooding's possession and claim that all documents were provided and nothing more would be forthcoming. Charles Pitts said experience indicates that the respondent will get an additional two weeks to respond and with nothing to show the matter would get dropped.

**The motion failed by the following vote:**

Ayes: 3 – Knee, Washburn, Wolfe

Noes: 4 - Snyder, Cauthen, Manneh, Johnson.

Excused: 4 - Knoebber, Costa, Chan, West

**Member Knee, seconded by Member Cauthen, motioned to refer the matter to the Compliance and Amendments Committee. The Department is to work with the Department of Technology to recover the deleted data from the backup tapes.**

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 7 - Snyder, Knee, Cauthen, Manneh, Washburn, Wolfe, Johnson.

Excused: 4 - Knoebber, Costa, Chan, West

**Member Knee, seconded by Member Wolfe, motioned to excuse Member West, who had earlier asked to be excused because of illness, and to have it retroactive to this item.**

**Public Comment:** None.

The motion passed without objection.

6. 10054 The Compliance and Amendments Committee has recommended to the full

Task Force that an erroneous statement in #10054 Ray Hartz v Library Commission's Order of Determination be struck out.  
Approx. 2:59:00

**Heard:** Complainant Ray Hartz told the Task Force why the sentence needed to be removed. The Respondent was not present. There was no one in the audience to present facts and evidence on behalf of the Respondent.

**Member Knee, seconded by Member Cauthen, motioned to have the following statement be stricken from the Order of Determination: "It also noted that the Task Force had found in a previous ruling that placing the 150-word statement as an addendum was acceptable if it was mentioned in the body of the minutes."**

**Public Comment:** None.

**The motion carried by the following vote:**

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

7. 11034 Reconsideration of a complaint filed by Frank McDowell against the San Francisco Municipal Transportation Agency for allegedly not providing documents associated with a drive cam.

Approx. 3:11:00

The Complainant was not present. There was no one in the audience to present facts and evidence on behalf of the Complainant. David Hill represented the San Francisco Municipal Transportation Agency.

**Member Wolfe, seconded by Member Knee motioned to continue the item to October 25, 2011.**

Member Chan noted present at 7:47 p.m.

**Public Comment:** An unidentified male said the issue was very important and should be continued for a full hearing. Another unidentified male said the drive cam was never used to discipline operators. That was confirmed by Muni managers then, but now they are using it for that purpose, he said. Charles Pitts said Mr. McDowell should have had been informed about the meeting by more than a few days.

**The motion carried by the following vote:**

Ayes: 8 - Snyder, Knee, Cauthen, Manneh, Washburn, Wolfe, Chan Johnson.  
Excused: 3 - Knoebber, Costa, West

8. 11048 Continued hearing on complaint filed by Pastor Gavin and others against Supervisor Chiu, Supervisor Wiener and Supervisor Cohen for allegedly

Approx. 3:31:45 violating Sunshine Ordinance requirements for public notices and agendas.

Heard: Complainant Pastor Gavin presented her case. Michael Lyon, Co-Convener of the San Francisco Gray Panthers, Aaron Goodman, former Park Merced tenant, and five unidentified speakers spoke in favor of Pastor Gavin. Judson True, legislative aide to Board President David Chiu, Gillian Gillette, legislative aide to Supervisor Scott Wiener, Andrea Bruss, legislative aide to Supervisor Malia Cohen, presented the response.

**Member Washburn, seconded by Member Manneh, motioned to find that Board President David Chiu, Supervisor Scott Wiener and Supervisor Malia Cohen violated Sunshine Ordinance Section 67.7(b) for not providing the public with copies of the amendments; and Section 67.15(a) and (b) for failing to adequately notice the substance of the relevant agenda item. The Orders of Determination are to be referred to the Ethics Commission and the District Attorney for willful failure and official misconduct.**

**Public Comment:** Bernie Choden with San Francisco Tomorrow, spoke of the City Attorney's role in Park Merced proceedings and noted that the City Attorney was not an effective adjudicator when it came to due process. Ray Hartz, Director San Francisco Open Government, said the public should have been given the chance to review the two-page and 14-page documents well ahead of time to allow for meaningful public comment and the supervisors, with so many sunshine questions being asked, should have delayed the proceedings by one week or should have allowed public comment because despite the rush to close the agenda item. An unidentified male said there was a lot of money involved in this project and the two developers are allegedly known for their questionable business practices. He said he was afraid Park Merced would be stripped of rent control gradually by lawyers who work for the two developers. Charles Pitts said the boiler plate documents are very important documents and that he makes sure he gets them when he requests copies of contracts. He said the people need to challenge their government every step of the way because it has been proven that they are not trustworthy. Peter Warfield, Executive Director Library Users Association, said Mr. True's statement that everybody knew what was described in the agenda translates to nobody knew what was on the agenda except insiders.

**The motion carried by the following vote:**

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

Excused: 3 - Knoebber, Costa, West

Member Manneh noted absent at 10:15 p.m.

9. 11047 Determination of jurisdiction on complaint filed by Dorian Maxwell against the

Approx. 6:12:20 San Francisco Municipal Transportation Agency for allegedly not keeping withholding to a minimum.

**Member Knee, seconded by Member Wolfe, moved to find jurisdiction.**

**Public Comment:** None.

The motion passed without objection.

10. 11047 Hearing on complaint filed by Dorian Maxwell against the San Francisco Municipal Transportation Agency for allegedly not keeping withholding to a minimum.

Approx. 6:14:00

**Heard:** Complainant Dorian Maxwell presented his case. Mike Bernado spoke in support of Mr. Maxwell. Eloida Leonardo of the San Francisco Municipal Transportation Agency provided the response.

**Member Snyder, seconded by Member Wolfe, motioned to find that Caroline Celaya and Sonali Bose of the MTA violated Sections 67.21(e) for failure to send a knowledgeable representative, 67.21(b) for failure to produce the requested documents, and 67.21(c) for failing to assist the requestor. The agency is ordered to release the payout information, copies of any legislation changes regarding to trust fund contributions, and any article 35 agreements between Local 250-A and the MTA regarding future trust fund payouts, as referenced in Mr. Maxwell's public records request, within 5 business days of the issuance of the Order of Determination and appear before the Compliance and Amendments Committee.**

**Public Comment:** David Hill of the MTA said although he was not involved in this case he would carry the Task Force's message back to the department and return with the requested documents.

**The motion carried by the following vote:**

Ayes: 7 - Snyder, Knee, Cauthen, Washburn, Wolfe, Chan, Johnson.

Excused: 3 – Knoebber, Costa, West

Absent: 1 - Manneh

11. 11046 Determination of jurisdiction on complaint filed by Charles Pitts against the Shelter Monitoring Committee for allegedly calling a recess to discuss an item while a meeting was in progress.

Approx. 6:11:18

**Member Wolfe, seconded by Member Knee, motioned to moved Items 11 and 12 to October 25, 2011.**

**Public Comment:** None.

The motion passed without objection.

12. 11046 Hearing on complaint filed by Charles Pitts against the Shelter Monitoring Committee for allegedly calling a recess to discuss an item while a meeting was in progress.

See Item 11.

13. 11056 Determination of jurisdiction on complaint filed by Allen Grossman against Dennis Herrera and Jack Song of the City Attorney's Office for allegedly not responding to an Immediate Disclosure Request on a timely basis and not responding to a request for public information.

Approx.  
2:44:15

**Member Knee, seconded by Member Wolfe, motioned to continue the Item 13 and 14 to October 25, 2011.**

**Public Comment:** Peter Warfield asked that the item be moved up.

**The motion carried by the following vote:**

Ayes: 7 - Snyder, Knee, Cauthen, Manneh, Washburn, Wolfe, Johnson.

Excused: 4 - Knoebber, Costa, Chan, West

14. 11056 Hearing on complaint filed by Allen Grossman against Dennis Herrera and Jack Song of the City Attorney's Office for allegedly not responding to an Immediate Disclosure Request on a timely basis and not responding to a request for public information.

See Item 13.

15. 11058 Determination of jurisdiction on complaint filed by Nick Pasquariello against the Film Commission for allegedly failing to release public records.

Quorum lost at 10:58 p.m.

16. 11058 Hearing on complaint filed by Nick Pasquariello against the Film Commission for allegedly failing to release public records.

Quorum lost at 10:58 p.m.

17. Review and approval of the SOTF annual report.

Quorum lost at 10:58 p.m.

18. Board of Supervisors Government and Audit Oversight Committee's hearing on the SF Civil Grand Jury's Report on the Ethics Commission.



Quorum lost at 10:58 p.m.

19. Issuing public reports evaluating compliance with the Sunshine Ordinance and related California laws by City Departments and Officials pursuant to Sec. 67.30(c).

Quorum lost at 10:58 p.m.

20. Supervisor of Records Report.

Quorum lost at 10:58 p.m.

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

Quorum lost at 10:58 p.m.

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

Quorum lost at 10:58 p.m.

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

Quorum lost at 10:58 p.m.

24. Report: Education, Outreach and Training Committee meeting of September 8, 2011.

Quorum lost at 10:58 p.m.

25. Report: Compliance and Amendments Committee meeting of September 13, 2011.

Quorum lost at 10:58 p.m.

26. Administrator's Report.

Quorum lost at 10:58 p.m.

27. 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.

Approx  
1:09:29

Ray Hartz, Director San Francisco Open Government, said respondents know the dates of the Task Force in advance but they do not make the necessary arrangements to attend the hearings. All they want to do, he said, is to rearrange the agenda to suit their purpose. But, he added, a respondent

recently stayed late into the evening after the Task Force said the item could not be moved and it would be heard with or without the presence of the respondent. Peter Warfield, Executive Director Library Users Association, said the person who allegedly violated the Sunshine Ordinance should be the person attending the hearings instead of a designated spokesperson. It is that person, he said, who has all the answers for the actions that were taken. Patrick Monett-Shaw said he notified the Government Oversight Committee that Sue Cauthen's case took two years to get to the Ethics Commission and that Public Library Commission President Jewelle Gomez allegedly tried to hit him with her jacket. He said the Task Force should inquire in writing why the Mayor is not taking any action against Ms. Gomez. Allen Grossman said the Ethics Commission has not acted on several Task Force referrals as well as the proposed policy changes. He said some action must be taken to get those items on the next Ethics Commission's meeting agenda. An unidentified female said two recent events where people were escorted out of the Board of Supervisors Chambers and latter arrested has had a chilling effect on the freedom of giving public comment. Charles Pitts said he would like to get an opinion letter from the Task Force to take to a department that would not give him a copy of a blueprint for 10 cents. He said that would be preferable than having to wait the two months it takes to get an Order of Determination from the Task Force.

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

Quorum lost at 10:58 p.m.

## Adjournment

*Having lost quorum, the Task Force adjourned at the hour of 10:58 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.