



SUNSHINE ORDINANCE TASK FORCE
Compliance and Amendments Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

March 19, 2013 – 4:00 P.M.

Regular Meeting

Members: Allyson Washburn (Chair),
Richard Knee, Kitt Grant

1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES

The meeting was called to order at 4:08 p.m. Member Grant was noted absent. There was a quorum. Member Grant was noted present at 4:18 a.m.

2. Adoption of November 20, 2012, regular meeting minutes.

Member Knee, seconded by Chair Washburn, moved to CONTINUE the November 20, 2012 Minutes.

Speakers: None

The motion PASSED by the following vote:

Ayes: 2 – Knee, Washburn

Absent: 1 – Grant

3. Adoption of February 19, 2013, regular meeting minutes.

Member Knee, seconded by Chair Washburn, moved to ADOPT the February 19, 2013 Minutes.

Speakers: None

The motion PASSED by the following vote:

Ayes: 2 – Knee, Washburn

Absent: 1 – Grant

4. **File No. 12011:** Hearing on the status of Order of Determination of Lars Nyman against Frank Lee, Department of Public Works for providing requested records regarding the Montgomery - Alta Street Tree Project.

Complainant was not present for hearing.

Member Knee, seconded by Member Grant, moved to CONTINUE the hearing of Complaint No. 12011.

Speakers: None

The motion PASSED by the following vote:

Ayes: 3 – Knee, Grant, Washburn

5. **File No. 12012:** Hearing on the status of Determination of Lars Nyman against Frank Lee, Department of Public Works for not providing requested records and delayed response.

Complainant was not present for hearing.

Member Knee, seconded by Member Grant, moved to CONTINUE the hearing of Complaint No. 12012.

Speakers: None

The motion PASSED by the following vote:

Ayes: 3 – Knee, Grant, Washburn

6. **File No. 12038:** Hearing on the status of Order of Determination of William Clark against Controller, Ben Rosenfield for not providing legal authorities supporting that the Arts Commission can legally exceed amount budgeted to Street Artist Program and spend the surplus without an approved supplemental appropriation ordinance.

William Clark (Complainant) provided an update of the complaint and responded to questions raised throughout the discussion. There were no speakers in support of the Complainant. Monique Zmuda, Deputy Controller (Respondent) provided an update and responded to questions raised throughout the discussion. There were no speakers in support of the Respondent. A question and answer period followed. Respondent provided a rebuttal. Complainant provided a rebuttal.

There was no motion.

Speakers: Robert Clark expressed the Controller's Office was in violation of the Sunshine Ordinance; Mike Adderio expressed support for the Complainant.

DUE TO LACK OF MOTION, MATTER CONCLUDED.

7. **Public Comment** Members of the public may address the Compliance and Amendments Committee on matters that are within Sunshine Ordinance Task Force’s jurisdiction but not on today’s agenda.

Speakers: William Clark expressed concern with the method in which the Arts Commission revokes certificates to Street Artist Program; Robert Clark requested Task Force to listen to the Ethics Commission’s determination of Howard Lazar, Art Commission; Mike Adderio expressed concern with Civil Grand Jury’s report of findings regarding the failure of the Ethics Commission to enforce Sunshine Ordinance Task Force actions.

8. **Administrator’s Report.**

The Administrator presented the report.

Speakers: None.

9. **Announcements, Comments, Questions, and Future Agenda Items.**

There were no announcements, comments, questions and /or future agenda items.

10. **ADJOURNMENT**

Member Knee, seconded by Member Grant, moved to ADJOURN.

There were no speakers. **The motion PASSED without objection.**

There being no further business, the Compliance and Amendments Committee adjourned at the hour of 5:32 p.m.

APPROVED: April 16, 2013



Andrea Ausberry, Administrator
Sunshine Ordinance Task Force

Agenda Item Information

Each item on the agenda may include: 1) Department or Agency cover letter and/or report; 2) Public correspondence; 3) Other explanatory documents. For more information concerning agendas, minutes, and meeting information, such as these documents, please contact the SOTF Clerk, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at:
<http://www.sfbos.org/index.aspx?page=9811>

For information concerning Sunshine Ordinance Task Force please contact by e-mail sotf@sfgov.org or by calling (415) 554-7724.

Public Comment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the subject of the meeting or hearing. These comments will be made a part of the official public record.

Hearing Procedures

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| 1. | Complainant presents his/her facts and evidence | 5 minutes |
| | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds | 5 minutes |
| | Other parties of City respond | Up to 3 minutes each |
| | <i>Above total speaking times for Complainant and City to be the same.</i> | |
| 3. | Matter is with the Task Force for discussion and questions. | |
| 4. | Respondent and Complainant presents clarification/rebuttal | 3 minutes |
| 5. | Matter is with the Task Force for motion and deliberation. | |
| 6. | Public comment (Excluding Complainant & City response, witnesses) | Up to 3 minutes each |
| 7. | Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.) | |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

Disability Access

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71L. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102; phone (415) 554-7724; fax (415) 554-7854; or email sotf@sfgov.org.

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfbos.org/sunshine>.

Cell Phones, Pagers and Similar Sound-Producing Electronic Devices

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (Chapter 67A of the San Francisco Administrative Code).

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site www.sfgov.org/ethics.