



# SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO AGENDA

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

December 5, 2012 – 4:00 PM

## Regular Meeting

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

Seat 1	(Vacant)	Seat 8	Todd David
Seat 2	Richard Knee (Hold Over)	Seat 9	Chris Hyland
Seat 3	Kitt Grant	Seat 10	Louise Fischer
Seat 4	Suzanne Manneh (Hold Over)	Seat 11	Bruce Oka
Seat 5	Allyson Washburn (Hold Over)		
Seat 6	David Pilpel	Ex-officio	Angela Calvillo
Seat 7	David Sims	Ex-officio	(Vacant)

- Election of Chair - Election of Officers; per Article II, Section 3 of the By-Laws:**  
“The Officers shall be elected at the first regular meeting of the Task Force held on or before July 1 of each year, or at a subsequent meeting, the date of which shall be fixed by the Task Force at the first regular meeting on or after July 1 of each year. If any Task Force office becomes vacant, that office shall be filled at the first meeting after the vacancy occurs.” *(approximately 10 minutes)* (Discussion and Action)
- File No. 11098:** The Compliance and Amendments Committee has referred File No. 11098, Ray Hartz, Jr. against Luis Herrera, City Librarian, back to the Task Force for further action including a recommendation to the Ethics Commission. *(approximately 15 minutes)* (Discussion and Action) (attachment)
- File No. 12001:** The Compliance and Amendments Committee has referred File No. 12001, the Library Users Association against the Arts Commission, back to the Task Force for further action including a recommendation to the Ethics Commission. *(approximately 15 minutes)* (Discussion and Action) (attachment)
- Public Comment:** Members of the public may address the Sunshine Ordinance Task Force (SOTF) on matters that are within SOTF’s jurisdiction, but not on today’s agenda. (No Action) *Public comment shall be taken at 5:00 pm or as soon thereafter as possible.*

6. **File No. 11089:** Complaint filed by Bobb Birkhead against the City Attorney's Office for allegedly withholding documents. (*attachment*)
  - (a) Determination of jurisdiction on complaint filed by Bobb Birkhead against the City Attorney's Office for allegedly withholding documents. (*approximately 5 minutes*) (*Discussion and Action*)
  - (b) Hearing on complaint filed by Bobb Birkhead against the City Attorney's Office for allegedly withholding documents. (*approximately 30 minutes*) (*Discussion and Action*)
  
7. **File No. 11090:** Complaint filed by Patrick Monette-Shaw against the Controller's Office for not providing data in a requested format. (*attachment*)
  - (a) Determination of jurisdiction on complaint filed by Patrick Monette-Shaw against the Controller's Office for not providing data in a requested format. (*approximately 5 minutes*) (*Discussion and Action*)
  - (b) Hearing on complaint filed by Patrick Monette-Shaw against the Controller's Office for not providing data in a requested format. (*approximately 30 minutes*) (*Discussion and Action*)
  
8. **File No. 12005:** Complaint filed by Anonymous against the Municipal Transportation Agency for allegedly not providing camera footage. (*attachment*)
  - (a) Determination of jurisdiction on complaint filed by Anonymous against the Municipal Transportation Agency for allegedly not providing camera footage. (*approximately 5 minutes*) (*Discussion and Action*)
  - (b) Hearing on complaint filed by Anonymous against the Municipal Transportation Agency for allegedly not providing camera footage. (*approximately 30 minutes*) (*Discussion and Action*)
  
9. **File No. 12018:** Complaint filed by Ray Hartz, Jr. against Greg Suhr, Chief of Police for allegedly responding to an Immediate Disclosure Request late, incompletely, and unlawfully. (*attachment*)
  - (a) Determination of jurisdiction on complaint filed by Ray Hartz, Jr. against Greg Suhr, Chief of Police for allegedly responding to an Immediate Disclosure Request late, incompletely, and unlawfully. (*approximately 5 minutes*) (*Discussion and Action*)
  - (b) Hearing on complaint filed by Ray Hartz, Jr. against Greg Suhr, Chief of Police for allegedly responding to an Immediate Disclosure Request late, incompletely, and unlawfully. (*approximately 30 minutes*) (*Discussion and Action*)

10. **Sunshine Ordinance Task Force Bylaws.** Proposal to change the definition of the majority required for voting to take action on substantive matters before the Task Force. (*approximately 15 minutes*) (Discussion and Action) (*attachment*)

#### **Article IV - Meetings**

##### **Section 7. Action at a Meeting; Quorum and Required Vote**

The presence of a majority of the members (six members) of the Task Force shall constitute a quorum for all purposes. The affirmative vote of a majority of the members of the Task Force ~~present~~ (six votes) shall be required for the approval of all substantive matters. Procedural motions require an affirmative vote of a majority of the members present. If a quorum is not present, no official action may be taken, except roll call and adjournment.

11. Review of outcomes from Joint Sunshine Ordinance Task Force and Ethics Commission Hearing. (*approximately 10 minutes*) (Discussion and Action)
12. **Approval of Minutes from the May 2, 2012, Regular Meeting.** (*approximately 5 minutes*) (Action) (*attachment*)
13. **Approval of Minutes from the June 6, 2012, Regular Meeting.** (*approximately 5 minutes*) (Action)
14. **Approval of Minutes from the July 11, 2012, Special Meeting.** (*approximately 5 minutes*) (Action)
15. **Report: Education Outreach and Training Committee meeting of May 10, 2012.** (*approximately 5 minutes*) (Discussion)
16. **Report: Compliance and Amendments Committee meetings of May 15, 2012 and November 20, 2012.** (*approximately 5 minutes*) (Discussion )
17. **Administrator's Report.** (*approximately 5 minutes*) (Discussion)
18. **Announcements, Comments, Questions, and Future Agenda Items.** (*approximately 10 minutes*) (Discussion and Action)
19. **ADJOURNMENT**

### 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 document, please contact 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](mailto: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

- |    |                                                                                                              |                      |
|----|--------------------------------------------------------------------------------------------------------------|----------------------|
| 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

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at

Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 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 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 by mail: Sunshine Ordinance Task Force, 1 Dr. Carlton b. Goodlett Place, Room 244, San Francisco, CA 94102; phone at (415) 554-7724; fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 37 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.

### **Lobbyist Registration and Reporting Requirements**

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](http://www.sfgov.org/ethics).