

Date: May 27, 2008

Item No. 15

File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Draft Ltr to the Ethics Commission**
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Completed by: Frank Darby

Date: May 21, 2008

***This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

** The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

John St. Croix, Executive Director
San Francisco Ethics Commission
25 Van Ness Ave Ste 220
San Francisco CA 94102-6053

9 May 2008

Dear Mr. St. Croix,

We are writing to inquire about how the Ethics Commission handles referrals made by the Sunshine Ordinance Task Force to the Ethics Commission pursuant to San Francisco Administrative Code section 67.34. Specifically, are such referrals handled pursuant to the Ethics Commission Regulations for Investigations and Enforcement Proceedings? If so, is the Sunshine Ordinance Task Force deemed to be the complainant of record to the Ethics Commission or is the underlying complainant (the person who brought the matter before the Sunshine Ordinance Task Force) deemed to be the complainant of record to the Ethics Commission? If such referrals are not handled pursuant to the Ethics Commission Regulations for Investigations and Enforcement Proceedings, what written procedures are followed with regard to handling such referrals? In any event, what legal justification are you relying on to determine how to handle such referrals, inasmuch as the City Charter does not specify how to handle them and the Sunshine Ordinance is silent as to what procedures are to be used?

We look forward to your thoughtful written response to this letter of inquiry.

Sincerely,

Doug Comstock
Chair

cc: Sunshine Ordinance Task Force
Ernie Llorente, Deputy City Attorney

Dennis Herrera, City Attorney
Office of the City Attorney
1 Carlton B Goodlett Pl Ste 234
San Francisco CA 94102-4682

9 May 2008

Dear Mr. Herrera,

To further the goal of better coordination between your office and the Sunshine Ordinance Task Force, we are writing to suggest that a new report be provided to the Task Force. Specifically, at the same time as your office provides the Task Force with the Annual Report of the Supervisor of Records, we ask that a companion report be provided including all legal actions brought during the same time period related to the Sunshine Ordinance. As you may recall, the Sunshine Ordinance already requires the Annual Report of the Supervisor of Records to include legal actions regarding petitions brought to the Supervisor of Records. The Ordinance does not presently require any report to the Task Force about other legal actions related to the Ordinance. Although there are not a large number of such matters at this time, perhaps fewer than 10 a year, that number could change in the future. In any event, such a report covering those matters, whether brought as writ petitions, appellate matters, or other actions, would further enlighten the Task Force about legal decisions that may be instructive.

Initial reaction to this idea from the Government Team in your office has been supportive, and we look forward to your written response to this request.

Sincerely,

Doug Comstock
Chair

cc: Sunshine Ordinance Task Force
Ernie Llorente, Deputy City Attorney
Buck Delventhal, Deputy City Attorney
Paula Jesson, Deputy City Attorney

