

Date: September 23, 2008

Item No. 17
File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Administrators Report for September 2008**
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Completed by: Frank Darby

Date: September 17, 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.

SUNSHINE ORDINANCE
TASK FORCE



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. 415) 554-7854
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Sunshine Ordinance Task Force

DATE: September 23, 2008

SUBJECT: Administrators Report for September 2008

1. Requests from community persons:
 - From August 20, 2008 through September 16, 2008, the Task Force's office responded to approximately 184 calls/e-mails/office visits from individuals requesting information regarding the Sunshine Ordinance, or to mediate request for records.
2. 2008 – Complaint Log
3. Referral Log
4. Communications Received Log (August 20 to September 16)
5. Orders of Determination:
 - 08038_Kin Tso v. Animal Welfare Commission
6. Report: Digital Audio Posting – SFGTV and Media Services reports that no funds are available to implement §67.14(c) of the Sunshine Ordinance.

Complaints 2008

Date Received	Complainant	Department/Respondent	Status
1/3/2008	Kimo Crossman (08001)	District Attorney	Complaint Committee 2/12/08; Task Force 2/26/08 (No formal action taken)
1/7/2008	Hank Wilson (08002)	Public Health - HPPC	Complaint Committee 2/12/08 (Withdrawn: 2/6/08)
1/10/2008	Christian Holmer (08003)	Mayor's Office	Complaint Committee 2/12/08; Task Force 2/26/08 (Withdrawn: 2/22/08)
1/10/2008	Kimo Crossman (08004, 08005, 08007)	City Attorney	Complaint Committee 2/12/08; Task Force 2/26/08 contd.; 3/25/08 violation 67.21 (a), 67.21 (l), 67.24 (b) (i) (iii); CAC 4/9/08; Referred to Task Force; Task Force 4/22/08; Referred to Ethics (sent:5/13/08)
1/10/2008	Kimo Crossman (08005, 08004, 08007)	City Attorney	Complaint Committee 2/12/08; Task Force 2/26/08; 3/25/08 heard with 08004; CAC 4/9/08; Referred to Task Force; Task Force 4/22/08; Referred to Ethics (sent:5/13/08)
1/10/2008	Kimo Crossman (08006)	City Attorney	Complaint Committee 2/12/08; Task Force 2/26/08 contd.; 3/25/08 violation of 67.26, 67.21 (l), 67.24 (b) (1) (iii); CAC 4/9/08; Referred to Task Force; Task Force 4/22/08; Referred to Ethics (sent:5/13/08)
1/14/2008	Stephen Worsley (08008)	Recreation and Park	Complaint Committee 2/12/08; Task Force 2/26/08 (No formal action taken)
2/9/2008	Patrick Monett-Shaw (08009)	Board of Supervisors	Complaint Committee 3/11/08 (Withdrawn: 2/26/08)
2/11/2008	Patrick Monett-Shaw (08010)	Dept. of Health	Task Force 3/25/08 (Withdrawn: 3/15/08)
2/20/2008	David Waggoner (08011)	Ethics Commission	Complaint Committee 3/11/08; Task Force 3/25/08 (No formal action taken)
3/2/2008	Kimo Crossman (08012)	Clerk of th Board, SOTF Administrator	Task Force 3/25/08 (Withdrawn: 3/14/08)
3/2/2008	Kimo Crossman (08013)	SOTF Administrator	Task Force 3/25/08 (Violation 67.21 (a)); CAC 4/9/08; Referred to Task Force; Task Force 4/22/08; 5/27/08 Referred to BOS (sent 06/13/08)

Complaints 2008

3/4/2008	Jason Berckart (08014)	Human Rights Commission???	Pending Clarification from Complainant
3/4/2008	Deniz Bolbol (08015)	SF Zoological Society	Task Force 3/25/08 (Violation 67.25)
3/7/2008	Anonymous (08016)	SF Arts Commission	Task Force 4/22/08 (Withdrawn 3/20/08)
3/17/2008	Kimo Crossman (08017)	Clerk of the Board, SOTF Administrator	Task Force 4/22/08 (No Violation)
3/17/2008	Kimo Crossman (08018)	Clerk of the Board, SOTF Administrator	Task Force 4/22/08 [Violation 67.21-1 (a)]; CAC 5/14/08 (No formal action taken)
4/8/2008	Kimo Crossman (08019)	Clerk of the Board, SOTF Administrator, DTIS	Task Force 4/22/08 (No Violation)
4/8/2008	Peter Witt (08020)	SF Taxi Commission	Task Force 4/22/08; 5/27/08 (Violation §67.15; 67.16)
5/2/2008	Kimo Crossman (08021)	City Attorney's Office	Task Force 5/27/08 (No violation)
5/2/2008	Kimo Crossman (08022)	Clerk of the Board	Task Force 5/27/08, 6/24/08; 7/22/08 [No action taken]
5/20/2008	Anonymous Tenants (08023)	Planning Department	Task Force 6/24/08; 7/22/08 [Violated 67.21 (b) & (c)]; CAC 8/13/08 9/10/08 (No action taken)
5/20/2008	Michael Addario (08024)	Arts Commission	Complaint 6/10/08, Task Force 6/24/08; 7/22/08 [Violated 67.5]; CAC 8/13/08; 9/10/08 (No Action Taken)
5/21/2008	Kimo Crossman (08025)	City Attorney	Task Force 6/24/08; 7/22/08 Withdrawn 6/27/08
5/21/2008	Kimo Crossman (08026)	City Attorney	Task Force 6/24/08; 7/22/08 Withdrawn 6/27/08
5/21/2008	Kimo Crossman (08027)	Mayor's Office of Criminal Justice	Task Force 6/24/08; 7/22/08; Withdrawn 8/21/08
5/21/2008	Kimo Crossman (08028)	City Attorney	Task Force 6/24/08; 7/22/08 Withdrawn 6/27/08
5/29/2008	Barry Taranto (08029)	Taxi Commission	Task Force 6/24/08; 7/22/08 [67.15 (c)]; CAC 8/13/08 No action taken
5/29/2008	Kimo Crossman (08030)	COB, SOTF Administrator	Complaint 8/12/08 (Withdrawn 8/11/08)
6/3/2008	Kimo Crossman (08031)	Ethics Commission	Task Force 7/22/08 [Violated 67.21 (1)]; CAC 8/13/08; 9/10/08; Task Force 9/23/08

Complaints 2008

6/4/2008	Kimo Crossman (08032)	City Attorney	Task Force 7/22/08 [Violated 67.21 (1), CPRA 6253.9 (a) & (b)]; CAC 8/13/08; TF 8/26/08; 9/23/08
6/25/2008	Charles Pitts (08033)	Human Services	Complaint 9/9/08; Task Force 9/23/08
6/27/2008	Tomas Picarello (08034)	Supervisor Jack McGoldrick	Task Force 7/22/08; 8/26/08, 9/23/08
6/30/2008	Neils Welin (08035)	Municipal Transportation Agency	Complaint 8/12/08 (Withdrawn 7/14/08)
6/25/2008	Juan De Anza (08036)	Public Health	Complaint 8/12/08 (No Jurisdiction); Task Force 8/26/08 (Appeal Denied)
7/8/2008	Kimo Crossman (08037)	Supervisor Peskin	Task Force 8/26/08; 9/23/08
7/28/2008	Kin Tso (08038)	Animal Control and Welfare Commission	Task Force 8/26/08, CAC 9/10/08 (No Action Taken)
7/30/2008	Allen Grossman (08039)	City Attorney	Task Force 8/26/08; 9/23/08
30-Jul	Eula Walters (08040)	Recreation and Park Commission	Complaint 9/9/08; Task Force 9/23/08
8/1/2008	Kimo Crossman (08041)	DTIS, SFGTV	Task Force 8/26/08, Withdrawn 8/19/08
8/1/2008	Kimo Crossman (08042)	DTIS, SFGTV, City Administrator, Media Services, SOTF-A, COB	Complaint 9/9/08; Task Force 9/23/08
8/5/2008	Charles Pitts (08043)	SFPD	Task Force 8/26/08 (Withdrawn 8/11/08)
8/19/2008	Brian Browne (08044)	Building Inspection	Task Force 9/23/08
8/26/2008	Barry Taranto (08045)	MTA	Task Force 10/28/08
8/26/2008	Karl Beale (08046)	Rec & Park, Library	Task Force 10/28/08
8/26/2008	Peter Witt (08047)	Taxi Commission	Task Force 10/28/08
8/26/2008	Anonymous Tenants (08048)	Building Inspection	Task Force 10/28/08
9/3/2008	John Caldera (08049)	Veteran Affairs Commission	Task Force 10/28/08

Potential Complaints 2008

Date	Name	Concerns	Status
2/6/2008	Navy Keo	San Jose Police Department allegedly failed to redact personal information.	Referred to San Jose City Clerk/Clerk of the Board
2/12/2008	sswang168@aol.com	Juvenile Probation Commission possibly not providing 72 hours notice.	Doesn't want a hearing.
4/1/2008	Christian Holmer	Mayor's Office allegedly not providing daily calendar	Complaint form sent: No Response
5/21/2008	Kimo Crossman	City Attorney	Withdrawn
5/21/2008	Kimo Crossman	District Attorney	Withdrawn
5/21/2008	Kimo Crossman	Controller	Withdrawn
6/13/2008	Peter Warfield	Library for untimely; not rolling, incomplete	Pending
6/13/2008	Peter Warfield	Library for untimely, incomplete, unhelpful	Pending
8/11/2008	Richard Midgen	BOS for Arlington Residence contract	Sent him to Human Services
8/20/2008	SF Bar Assoc	evictions in public housing	No jurisdiction
8/21/2008	Vince Courtney	Rec & Park over golf report	Pending

Referral Log 2005-2008

Date Referred/Sent	Complainant	Department/Respondent	Status
1/25/2005 (Sent 1/31/05)	Cheryl Brinkman, Pat Christensen, Sue Vaughan (#05004)	Golden Gate Park Concourse Authority	Referred to Ethics Commission (EC#06-052104 Dismissed: 9/12/06)
9/26/2006 (Sent 1/13/06)	Robert Planthold (#06004)	Municipal Transportation Agency	Referred to District Attorney (No Response); Referral to Ethics Commission (EC#10-061108 Dismissed: 4/10/07)
4/24/2007 (Sent 5/17/07)	Kimo Crossman (07002-A & B)	Mayor's Office	Referred to Ethics Commission (EC#01-70528 dismissed 7/24/08 & 04-070801 dismissed 7/24/08) Referred to District Attorney (No Response) Referred to Attorney General [6/28/07 AG will not intervene: referred to EC]
6/26/2007 (Sent 7/30/2007)	Kimo Crossman (07009)	Mayor's Office	Referred to Board of Supervisors (No Response) Referred to Ethics Commission (EC#05-070808 dismissed 7/24/08) Referred to District Attorney (8/22/07 awaiting result of EC) Referred to Attorney General (No Response)
5/22/2007 (Sent 6/5/07)	Kimo Crossman (07011)	Sheriffs	Referred to the Board of Supervisors (No Response)
5/22/2007 (Sent 7/30/07)	Kimo Crossman (07023, 06025 & 06027)	Telecommunications and Information Services	Referred to Ethics Commission; (EC#02-070801 Dismissed: 1/16/08)
1/8/2008 (Sent 2/27/08)	Myrna Lim (07056)	Ethics Commission	Referred to Attorney General: Sent 2/27/08 [3/21/08 AG: Will not investigate...local matter.]
1/8/2008 (Sent 1/31/08)	Jeff Ente (07057)	Supervisor Aaron Peskin	Referred to Ethics Commission [04-080204 pending] Referred to Attorney General [3/24/08 AG: Will not investigate. referred to Ethics]
1/8/2008 (Sent 2/27/08)	Library Users Assoc. by Exec. Dir Peter Warfield (07061 & 07062)	Library	Referred to Attorney General [3/21/08 AG: Will not investigate... local matter.]
1/8/2008 (Sent 1/31/08)	Allen Grossman (07077)	District Attorney	Referred to Ethics Commission (EC#05-080204 pending) Referred to Attorney General [3/24/08 AG: Will not investigate. referred to Ethics]
3/25/2008 (Sent 4/24/08)	Dan Boreen (07080-A, B, & C)	Fire Department	Referred to Ethics Commission (EC#13-080424 pending) 1/7/08

Referral Log 2005-2008

3/25/2008 (Sent 4/24/08)	Allen Grossman (07087)	Mayor's Office	Referred to Ethics Commission (EC# 15-080424 pending)
3/25/2008 (Sent 4/24/08)	Kimo Crossman (07094)	City Attorney	Referred to Ethics Commission (EC#14-080424 pending)
4/22/2008 (Sent 5/13/08)	Kimo Crossman (07096)	Mayor's Office	Referred to Ethics Commission (EC#17-080513 pending)
4/22/2008 (Sent 5/13/08)	Kimo Crossman (08004, 08005, 08007)	City Attorney	Referred to Ethics Commission (EC#18-080513 pending)
4/22/2008 (Sent 5/13/08)	Kimo Crossman (08006)	City Attorney	Referred to Ethics Commission (EC#19-080513 pending)
5/27/2008 (Sent 6/13/08)	Kimo Crossman (08013)	SOTF-A	Referred to Board of Supervisors

COMMUNICATIONS RECEIVED LOG
 Aug 20, 2008 through Sept 16, 2008

	DATE	FROM	DESCRIPTION
1	20-Aug	Scott Sanchez	2642-44 Hyde (7)
2	20-Aug	Mpetrelis	HIV stats
3	20-Aug	Tenants 769	2642-44 Hyde (25)
4	20-Aug	Nancy Wuerfel	IDR Golf Report
5	20-Aug	1st Amendment	open govt news (3)
6	21-Aug	Alec Berg	BOS appeal
7	21-Aug	Yomi Agunbiade	Golf report
8	22-Aug	Mpetrelis	Aids chief's calendar
9	22-Aug	Allen Grossman	Paula Jesson
10	22-Aug	homeless	Annoyed
11	23-Aug	Mpetrelis	Carole Migden
12	25-Aug	Troy Christensen	Shooting at Gene Friends Rec Center
13	25-Aug	Daniel McDonagh	Shooting at Gene Friends Rec Center
14	25-Aug	Mpetrelis	Free Muni passes
15	25-Aug	rudyl	Shooting at Gene Friends Rec Center
16	25-Aug	Lulu Hwang	2642-44 Hyde (12)
17	26-Aug	Ruby Harris	Records request (3)
18	26-Aug	Patrick Monk	Laguna Honda Happy Hour
19	27-Aug	Kimo Crossman	Personal or Political
20	27-Aug	Sue Cauthen	Records request (2)
21	27-Aug	Mpetrelis	anti-meth campaign
22	27-Aug	David Pang	2650-52 Hyde
23	28-Aug	Ldawydiak	Parking Control Officers
24	28-Aug	Christian Holmer	IDR for Mirkarimi, COB (2)
25	28-Aug	Soher Youssef	Records request (2)
26	28-Aug	Meital	Shooting at Gene Friends Rec Center
27	29-Aug	Sue Cauthen	Records request
28	3-Sep	Christian Holmer	Mirkarimi request (4)
29	3-Sep	Joe	UC Berkeley workshop
30	3-Sep	Sara Vellve	2642-44 Hyde (2)
31	4-Sep	Christian Holmer	Records request
32	9-Sep	Pro-SF	Records request
33	10-Sep	Ray Hartz	Statements bfore SOTF
34	10-Sep	Kimo Crossman	TF audio file size
35	10-Sep	Kimo Crossman	IDR for CAC notes
36	11-Sep	Hector Luevano	Teek banquet
37	11-Sep	Rolypoly77	Ferry Bldy restrooms
38	11-Sep	Sue Blackman	Response to Sue Cauthen
39	11-Sep	Madeleine Licavoli	Ferry Bldy restrooms
40	11-Sep	Kimo Crossman	Cheneyism
41	11-Sep	Kimo Crossman	Sarah Palin's emails (2)
42	12-Sep	Ross Mirkarimi	D5 newsletter
43	12-Sep	Kimo Crossman	Federal Files
44	13-Sep	Kimo Crossman	Spam ruled unlawful
45	14-Sep	Kimo Crossman	IDR for records related to ordinance
46	14-Sep	Kimo Crossman	IDR on digital audio (2)
47	16-Sep	Tenants 769	Audio tape
48	16-Sep	Frank Darby	Response to IDR on digital audio

Communications are available for review in City Hall, Room 244. Contact the Administrator at 554-7724 or SOTF@sfgov.org

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
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TDD/TTY No. (415) 554-5227

ORDER OF DETERMINATION

September 2, 2008

DATE THE DECISION ISSUED

August 26, 2008

KIN TSO v. ANIMAL WELFARE COMMISSION (08038)

FACTS OF THE CASE

On June 12, 2008, Complainant Kin Tso attended the Animal Control and Welfare Commission ("Commission"). At this hearing approximately 20 members of an animal rights group named Fix San Francisco attended the meeting with intentions to speak during the public comment section of the agenda about the San Francisco Society for the Prevention of Cruelty to Animals (SPCA). Complainant Tso is a member of Fix San Francisco. At the public comment section of the meeting, Commission Chairperson Sally Stephens stated that the Commission does not have jurisdiction over private organization in San Francisco. Therefore, discussion of private organizations is not under the purview of the Commission to discuss and of which the Board of Supervisors has no control. Chairperson Stephens stated that the Commission is an advisory body to the Board of Supervisors. Following these statements, the public was discouraged from speaking at the public comment section about the SPCA over the objections and protests from members of the public.

COMPLAINT FILED

On July 28, 2008, Kin Tso filed a complaint against the Commission alleging that Chairperson Stephens prohibited public comment on the topic of the SPCA even though San Francisco Health Code, Article I, Section 41.2 states that the Commission may study and recommend requirements for the maintenance of animals in, public, private, and commercial care.

HEARING ON THE COMPLAINT

On August 26, 2008, Complainant Kin Tso appeared before the Task Force and presented his case. Respondent Agency was represented by Animal Welfare Commission Chairperson Sally Stephens.

The issue in the case is whether the Commission violated:

1. Section(s) California Constitution, Article I, Section 3 that states the general principals of public records and public meetings.
2. Sunshine Ordinance Section 67.1 that addresses Findings and Purpose.

3. Section 67.15 of the Sunshine Ordinance addresses public comment at meetings.
4. Article I, Section 41.2 of the Health Code addresses the powers and duties of the Commission.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds that the testimony of Kin Tso to be persuasive and finds that sections 67.21 (i) & 6253.9 (a) & (b) to be applicable in this case. The Task Force does not find that testimony provided by the Commission persuasive to this case. Chairperson Stephens did acknowledge that due to her misunderstanding as to the subject matter that the public wanted to speak on, she did restrict testimony on the SPCA and tried to rectify the mistake by allowing public comment at the end of the meeting and at a later meeting.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Commission violated Section(s) 67.15 of the Sunshine Ordinance. The Commission shall report as to what training it has received when it appears before the Compliance and Amendments Committee on September 10, 2008.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on August 26, 2008, by the following vote: (Pilpel / Cauthen)
Ayes: Knee, Cauthen, Gokhale, Washburn, Knoebber, Pilpel, Chu, Chan, Goldman
Excused: Craven, Williams



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney
Kin Tso
Sally Stephens