

Date: Oct. 28, 2008

Item No. 3
File No. 08040

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Appeal by Eula Walters v. Planning Commission**
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Completed by: Chris Rustom

Date: Oct. 23, 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.

CITIZENS for OPEN SPACE and to RETAIN the VAILLANCOURT FOUNTAIN

440 Davis Court, #311
San Francisco, CA 94111

Founder/Representative: Eula M. Walters

10-28-'08

Sundhine Task Force, Director Chris Rustom, Rm 405 City Hall, S.F., CA
Appeal Re; decision on #08040; Eula Walters v Park-Rec Commission
on September 23.

(1) The task force sided with the Park Rec Commission when they said my Agendas were received by me in a timely fashion. Only the Agenda for the July 17 meeting was received four days ahead of time for the meeting. On the other hand, the May and the June agendas were received only the afternoon before the meeting next day. I'd like to give you an example -- I always receive Agendas of Park meetings at least four days ahead. This allows ample time to obtain information and plan my strategy.

(2) I did receive the name of the Donor of the plaque, but only after I went to the Sunshine Task force office.

(3) I also received from the Commission (Park-Rec) a two page list of irrelevant "Accomplishments" of the proponent from the Commission. These are unacceptable.

(4) Facts, if proven, must be verifiable by some document of proof. Hearsay is not acceptable as proof. The Park-Rec Commission cannot make adequate decisions on plain hearsay. Taxpayers must not have to foot the bill made by frivolous mistakes of City Commissions. I want the documents to prove the verbal statements of ms Weiss at the Park-Rec Commission meetings on May, June, July and any previous meetings of the past years which Commissioner Jim Lazarus declared.

If you accept my request, I shall be there as you direct.

Thank you,



Eula M. Walters, CRNA, J.D.

P.S. I'll buy a computer when I can find the time.

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
September 30, 2008

DATE THE DECISION ISSUED
September 23, 2008

EULA M. WALTERS v. RECREATION AND PARKS COMMISSION (08040)

FACTS OF THE CASE

Complainant Eula M. Walters regularly attends the Recreation and Parks Commission ("Commission") and is on the Commission's mailing list. Eula Walters states that she received the agenda for May and June meetings the afternoon before the Commission's meeting the following day. Eula Walters noticed that the May agenda had a section for discussion about a plaque for Ferry Park.

Eula Walters went to the meeting and the Commission voted down the proposal. When Eula Walters reviewed the June agenda she noticed that the plaque for Ferry Park was again on for discussion. At the June meeting, Ms. Walters spoke in opposition to the plaque. Following public comment, the item was tabled. When Eula Walters reviewed the July agenda, she noticed that the plaque for Ferry Park was again on for discussion. At the July meeting, Ms. Walters spoke in opposition to the plaque. After Ms. Walters spoke, the Commission heard from the woman who was being considered for the plaque. After discussions during the July meeting, the Commission voted to approve specific language and placement for the plaque.

COMPLAINT FILED

On July 29, 2008, Eula Walters filed a complaint alleging that the Commission violated Section 67.7 of the Ordinance for its failure to provide timely notice of the meetings, Section 67.15 regarding order of testimony, and Section 67.24 for its failure to provide information at the Commission hearing.

HEARING ON THE COMPLAINT

On September 23, 2008, Complainant Eula Walters appeared before the Task Force and presented her claim. Respondent Agency was represented by Recreation and Parks Commission Secretary Margaret McArthur who presented the Commission's defense.

ORDER OF DETERMINATION

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds that that Ms Walters did not present facts that would support a violation of Sections 67.7 and 67.9, as the Commission timely posted and mailed the notice and agenda for the meetings; Section 67.15 as the Commission was not obligated to hear from the proponent of the item before the opponent; or Section 67.24 as the Commission provided the information Ms. Walters' requested.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the agency did not violate the Sunshine Ordinance.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on September 23, 2008, by the following vote: (Pilpel / Cauthen)

Ayes: Craven, Knee, Cauthen, Washburn, Knoebber, Chu, Pilpel, Chan, Goldman, Williams

Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney
Complainant Eula Walters
Respondent Margaret McArthur