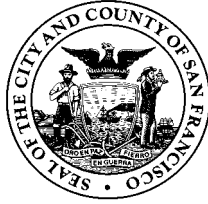


**SUNSHINE ORDINANCE
TASK FORCE**



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

ORDER OF DETERMINATION
August 30, 2017

DATE ISSUED
August 2, 2017

CASE TITLE – Marvin Lambert v. Historic Preservation Commission and the Planning Department (File No. 17072)

FACTS OF THE CASE

On June, 27, 2017, the following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 17072: Complaint filed by Marvin Lambert against the Historic Preservation Commission and the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.16, by failing to make draft minutes of each meeting available for inspection and copying upon request no later than ten working day after the meeting (June 7, 2017, meeting).

HEARING ON THE COMPLAINT

On July 10, 2017, the Compliance and Amendments Committee (Committee) acting in its capacity to hear petitions/complaints heard the matter and referred it to the SOTF for hearing.

Marvin Lambert (Complainant) provided a summary of his complaint and the process for certain Planning Commission Actions. Christine Silva, Planning Department (Respondent) provided a summary of the department's position and acknowledged that the draft minutes were not provided in a timely manner. Ms. Silva indicated that the Planning Department is responsible for providing support to the Historic Preservation Commission. A question and answer period followed. The parties were provided an opportunity for rebuttals.

The Committee advised Mr. Lambert of the jurisdiction of the Sunshine Ordinance Task Force and that that certain Planning Commission policies/procedures are not under the jurisdiction of the Task Force.

On August 2, 2017, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Marvin Lambert (Petitioner) provided a summary of the complaint and requested the Task Force to find violations. Mr. Lambert questioned how the Sunshine Ordinance Task Force enforces the Sunshine Ordinance and what punishments can be issued. Mr. Lambert stated that he believes that the Planning Department is violating the spirit of the Sunshine Ordinance if not specific sections of the Sunshine Ordinance. There were no speakers on behalf of the Petitioner. The Respondent was not present but previously agreed that the Planning Department violated Administrative Code (Sunshine Ordinance), Section 67.16, by failing to prepare meeting minutes no later than 10 working days after a meeting. There were no speakers on behalf of the Respondent. A question and answer period followed. The Respondent and Petitioner were provided the opportunity for rebuttals.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented the SOTF found that the Historic Preservation Commission and the Planning Department violated Administrative Code (Sunshine Ordinance), Section 67.16.

ORDER OF DETERMINATION

Member Tesfai, seconded by Member Hinze, moved to find that the Historic Preservation Commission and the Planning Department violated Administrative Code (Sunshine Ordinance), Section 67.16, for failing to make draft minutes available no later than 10 working days after a meeting.

The motion PASSED by the following vote:

Ayes: 9 – Eldon, J. Wolf, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland, B. Wolfe

Noes: 0 – None

Absent: 1 – Chopra



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Marvin Lambert (Petitioner/Complainant)
Christine Silva, Planning Department (Respondent)