

**2004**  
**REPORT TO BOARD OF SUPERVISORS**  
**ANNUAL REPORT**  
**CITY/COUNTY OF SAN FRANCISCO**  
**SUNSHINE ORDINANCE TASK FORCE**

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**SUMMARY**

The Sunshine Ordinance Task Force undertook an extensive review of the Sunshine Ordinance and proposed package amendments, which included thirty (30) Sections of the Sunshine Ordinance. The Task Force held several community meetings to collect data for and elicited support from the Board of Supervisors. Further consideration of Sunshine Ordinance will occur in 2005 including the administration of a department survey pertaining to amendments to the Sunshine Ordinance.

The Task Force was also involved in discussions with San Francisco City College in adopting portions of the Sunshine Ordinance. Continued discussions are expected in 2005.

In 2004, the Task Force conducted 16 meetings and its committees conducted 40 meetings. Proactive measures in resolving conflicts have resulted in a decline of complaints being filed.

**I. ACCOMPLISHMENTS**

- Conducted several community meetings to compile information for proposed amendments to the Sunshine Ordinance and submitted to the Board of Supervisors. Developed draft survey to be sent to City Departments/Agencies to obtain additional feedback regarding proposed amendments. Further considerations will occur in 2005.
- The Task Force conducted joint meetings with the City College Board to discuss adoption of portions of Sunshine Ordinance. Meetings will continue in 2005.
- Research conducted by the Public Education & Information Committee on what is available technology-wise for easier citizen retrieval of information from departments.
- Task Force Members met with a group of international visitors interested in CCSF Sunshine Ordinance including visitors from People's Republic of China, Brazil, and Malaysia.
- Responded to a total of 2,739 public inquiries. 100% of Sunshine Requests were processed within 5 days.
- There was a decrease of complaints filed in 2003 from 29 to 25 complaints in 2004. This is a result of proactive measures taken in resolving conflicts.

- Each Committee updated its Mission and Work Program to better reflect its function. See Section III, Organization and Committee Structure.
- Complaint matters with the Task Force include fifteen Orders of Determination and other miscellaneous actions:

<b>Date Received</b>	<b>Complainant</b>	<b>Department</b>	<b>Status</b>	<b>Violation</b>
12/9/2003	Steve Cockrell	PROSAC	Continued to 2/24/04; complaint withdrawn 3/14/04	Withdrawn
12/14/2003	Joe Acosta	Recreation & Park Department	Order of Determination 1/27/04	67.7(a)(b)
12/16/2003	Kevin Williams	Human Rights Commission	2/24/04 Human Rights Commission and the City Attorney's Office to produce the method and invoice or document used in this case and to do so in a convenient, effective, economical and timely basis	No action taken
12/19/2003	Joseph Graff	Fire Department	To be resolved between Department and Mr. Graff per 1/27/04	No action taken
1/16/2004	Oliver Luby/Kevin DeLiban	Ethics Commission	Order of Determination 2/24/04	67.29-1, 67.29-7(a)
2/4/2004	John Kelly	Department of Building Inspection	Order of Determination 2/24/04	67.29-7(a)
3/8/2004	Peter Warfield	Public Library/RSI	Order of Determination 4/22/04	67.21(c) 67.24(i)
3/8/2004	Peter Warfield	Public Library/RFID	Conducted hearing	No action taken
3/8/2004	Peter Warfield	Public Library/Audio	Conducted hearing	No action taken
3/9/2004	Peter Warfield	Public Library/Minutes	Order of Determination 4/27/04	67.16
4/13/2004	Matthew Brennan	Supervisor Gonzalez' Office	Order of Determination 7/27/04	67.21(b)

<b>Date Received</b>	<b>Complainant</b>	<b>Department</b>	<b>Status</b>	<b>Violation</b>
4/1/2004	Anthony Imperial	War Memorial	Letter sent to War Memorial	
5/4/2004	Peter Warfield	Public Library	Order of Determination 6/22/04	67.27
5/25/2004	Jane Martin	Public Utilities Commission	Order of Determination 8/24/04	Dismiss
5/27/2004	John Darmanin	Fire Department	Order of Determination 6/22/04	67.15(a) (b) (c)
6/1/2004	Peter Warfield	Public Library/Redaction	Order of Determination 6/22/04	67.24, 67.26
7/6/2004	John Kelly	Department of Building Inspection	Order of Determination 7/27/04	Order rescinded
7/7/2004	Matthew Hirsch	Mayor's Office	Order of Determination 7/27/04	67.21(b)
8/3/2004	Peter Warfield	Public Library	Order of Determination 8/24/04	Dismiss
8/3/2004	Peter Warfield	Public Library	Order of Determination 8/24/04	Dismiss
8/3/2004	Peter Warfield	Public Library	Order of Determination 8/24/04	Dismiss
8/3/2004	John Kelly	Department of Building Inspection	Withdrawn	
10/10/2004	Roland Sheppard	PUC	No violation	
11/2/2004	Peter Warfield	Public Library	Motion of violations failed	
12/7/2004	Luce Forward on behalf of Sean Keighran	Supervisor Maxwell's Office	Conducted hearing	No action taken
12/7/2004	Luce Forward on behalf of Joe Cassidy	Supervisor Maxwell's Office	Action Pending	
12/16/2004	Joseph Engler	Police Department	Action Pending	
12/20/2004	Anonymous Letter	Ethics Commission	Action Pending	
12/7/2004	Brinkman, et al	GG Park Authority Concourse	Action Pending	

## **II. MEMBERSHIP**

The Task Force reorganizes each May and elects new officers.

Officers of the Task Force beginning May 2004:

Garrett Jenkins served as Chair  
Alexandra Nickliss served as Vice-Chair

The Task Force has 11 seats, four of which are dedicated:

- The Society of Professional Journalists has one seat for an attorney and one for a member of the media.
- The League of Women Voters has one seat.
- The New California Media has one seat.
- The other members must have demonstrated consumer involvement or community activism.
- At least one person with a physical disability is required by the Sunshine Ordinance to be a member of the Task Force.
- The Board of Supervisors appoints members for two-year terms.
- There are two ex-officio members—one appointed by the Mayor and the other by the Clerk of the Board.
- The gender breakdown of the Task Force for 2004 was six females and five males.
- The ethnic breakdown of the Task Force for 2004 was two African-Americans, one Hispanic, and eight Caucasians.
- See Section VII, Addenda #1 for a membership listing.

## **III. ORGANIZATION & COMMITTEE STRUCTURE**

The Task Force was reorganized in May 2000 around three activities:

- (1) Education of City/County staff to assure compliance with their obligations;
- (2) Outreach and public education to assure knowledge regarding the public's right to access to records and participation in the public decision-making process;
- (3) Enforcement of public access and participation laws.

To that end it was decided that an organizational structure around committees would (and has) facilitated the work of the Task Force:

- (1) A Rules Committee was established to develop by-laws-procedures so the Task Force's work could proceed in an orderly way. As with all committees, recommendations for action are made to the full Task Force for final action. The Rules Committee reviewed and approved its mission statement and work program in September to:
  - Monitor the ability of the Sunshine Ordinance Task Force to easily and properly consider and take action on agenda items and complaints;
  - Monitor how easily and fully the public participate in the workings of the Sunshine Ordinance Task Force through availing themselves of public comment, filing complaints, and cooperation in investigation of complaints;
  - Suggest changes to simplify, clarify, and/or improve the efficiency of both the full Sunshine Ordinance Task Force and its respective sub-committees; and
  - Review the rules and procedures of the Task Force annually.
  
- (2) Public Education and Information: Unless the public is aware of its rights to access to information and participation, the value of the ordinance would be minimal. Therefore, a Public Information and Education Committee was created whose purpose is what its name says. The Committee Work Plan was approved in September 2004 and amended by the Task Force in October 2004. The Committee will oversee the preparation and publication informational addressing the following topics:
  - The rights of citizens and the responsibilities of City officials and departments under the Sunshine Ordinance;
  - The rights of citizens and the responsibilities of non-profit organizations under Admin Code Section 12L;
  - The procedures for requesting documents and/or access to meetings as mandated by the Sunshine Ordinance; and
  - The procedures for filing a petition with the Task Force and what to expect at a hearing.
  
- (3) Complaint Committee: If the efforts of the Administrator and the Deputy City Attorney fail to obtain the information to which a complainant is legally entitled, the matter will be referred to the Complaint Committee to determine jurisdiction. If jurisdiction is found, a Task Force hearing will be held at which time the complainant and the respondent will be invited to state their respective cases and to answer questions put by members of the Task Force, following which an Order of Determination will be issued. See Section VII, Addenda # 2 for a copy of the complaint form. The Complaint Committee reapproved its Mission and Work Plan in October 2004. The Complaint Committee shall:

- Thoroughly review petitions/complaints submitted to the Task Force so as to ensure their prompt and satisfactory resolution;
- Make a determination regarding subject matter jurisdiction after hearing the recommendation made by the City Attorney;
- Where the SOTF has jurisdiction and a hearing has been requested, the committee will prepare for the hearing by identifying pertinent legal questions and requesting the necessary legal research, identifying key issues for questionings at the hearing, making sure that all of necessary and other helpful parties have been invited to the hearing, and assisting in the determination of possible conflicts of interest;
- Where the SOTF has jurisdiction and no hearing has been requested, the committee will first ask the SOTF Administrator to ask the complainant if they want a hearing held on their complaint, and if no hearing is desired, the committee will make an Order of Determination based on the petition/complaint, supporting materials, the response of the City entity in question, and any other relevant information for recommendation to the full SOTF;
- Work with the SOTF Administrator and legal counsel to further the best level of communication between the SOTF, members of the public and representatives of the City policy body most knowledgeable about the allegations made in a complaint; and

From the complaints received from community members, the Task Force issued at total of 15 Orders of Determinations, thirteen to City departments and two to Commissions.

(4) Compliance & Amendments Committee: This Committee was appointed in 2002. The Compliance & Amendments Committee and Task Force reviewed, approved and amended the Committee Work Plan in 2004 and shall:

- Thoroughly review the Orders of Determination adopted by the SOTF, and when appropriate, schedule public hearings to ensure their prompt and satisfactory compliance;
- Report to the SOTF regarding compliance of each Order of Determination;
- Work with the SOTF Administrator and legal counsel to obtain compliance with Orders of Determination;
- Where non-compliance has been found, make recommendations to the SOTF for resolution;
- Consider and make recommendations to the Task Force from staff and community members regarding amendments to the Sunshine Ordinance, and when appropriate, hold public hearings to invite comment on proposals for amendments;

- Distribute information to non-profits covered under Administrative Code Chapter 12L;
- Other duties as may be determined by the committee or assigned by the full SOTF;
- Ensure that the SOTF, the SOTF Administrator and the City Attorney are all following the complaint procedure. This includes providing assistance in making sure that the City representatives are cooperating with requests for responses to complaints and sending a representative to the hearings;
- Review and revise the complaint procedure as needed, and make recommendations to the full SOTF regarding any proposed changes;
- Address any additional concerns regarding the complaint process and make recommendations for reform to the full SOTF; and
- Other duties as may be determined by the committee or assigned by the full SOTF.

The Chair of the Task Force appoints committee chairs as well as its members. Each member of the Task Force must also be a member of a committee.

Ad Hoc Committees are appointed as needed. There have been Ad Hoc Committees to deal with email; conflict of interest; suggested Sunshine Ordinance provisions for the City College Board, and proposed amendments to the Sunshine Ordinance.

#### **IV. ADDENDA**

1. Membership of Task Force
2. Complaint Form and Overview of Procedures
3. Sunshine Ordinance Task Force Web Page

4/28/05

**SUNSHINE ORDINANCE TASK FORCE  
MEMBERS  
4/2004 (Terms expire 4/27)**

Seat 1	Erica L. Craven Term expires 4/06 District 8	Submitted by the local chapter of the Society of Professional Journalists and be an attorney Appt 8/25/04 to fill unexpired term of N. Dogwill N. Dogwill appointed 4/5/04
Seat 2	Richard Knee Term expires 4/06 District 3	Submitted by the local chapter of the Society of Professional Journalists and be a journalist Appt 5/3/02/reappt 4/15/04
Seat 3	Sue Cauthen Term expires 4/06 District 3	Member of the press or electronic media with an interest in citizen access Appt 5/3/02; reappt 5/15/04
Seat 4	Rosalina Contreras-Rosado Term expires 4/05 District 11	Appointed from names by New California Media; be a journalist from a racial/ethnic-minority-owned news organization Appt 10/26/04 to fill unexpired term of P. Mehra P. Mehra appointed 5/9/03
Seat 5	Heather Sterner Term expires 4/06 District 2	Submitted by the League of Women Voters Appt 12/7/01; reappt 4/15/04
Seat 6	Doug Comstock Term expires 4/06 District 5	Experienced in consumer advocacy Appt 5/3/02; reappt 4/15/02
Seat 7	David Pilpel Term expires 4/06 District 4	Experienced in consumer advocacy Appt 4/15/04
Seat 8	Garrett Jenkins Term expires 4/06 District 6	Demonstrated interest in or has experience in the issues of citizen access and participation in local government Appt 5/3/02; reappt 4/15/04
Seat 9	David Parker Term expires 4/06 District 7	Demonstrated interest in or has experience in the issues of citizen access and participation in local government Appt 5/3/02; reappt 4/15/04
Seat 10	Alexandra Nickliss Term expires 4/06 District 7	Demonstrated interest in or has experience in the issues of citizen access and participation in local government Appt 5/3/02; reappt 4/15/04

Seat 11	Marjorie Ann Williams Term expires 4/05 District 10	Demonstrated interest in or has experience in the issues of citizen access and participation in local government Appt 5/25/01; reappt 5/9/03
	Gloria Young	Clerk of the Board or her designee (non-voting)
	Vacant	Mayor or his designee (non-voting)

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## Sunshine Ordinance Task Force

1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102  
Tel. (415) 554-7724; Fax (415) 554-7854  
<http://www.sfgov.org/sunshine>

Thank you for your interest in the implementation of the San Francisco Sunshine Ordinance.

The Sunshine Ordinance adopted by the citizens of the City & County of San Francisco declares that:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance will assure that their deliberations are conducted before the people and that City operations are open to the people's review.

The role of the Sunshine Ordinance Task Force is to advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement the Ordinance. The Task Force is responsible for developing appropriate goals to ensure the practical and timely implementation of the Ordinance and to report to the Board on practical or policy problems encountered in the administration of the Ordinance.

If you have encountered problems regarding compliance with the Ordinance, the Public Records Act or the Ralph M. Brown (Public Meetings) Act, we ask that you fill out the attached complaint form. Please deliver the form to Donna Hall Administrator of the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683.

We attempt to resolve complaints informally where possible, through the affected departments and the City Attorney's office. Matters which cannot be adequately resolved, or matters which involve substantial policy considerations, may be set for hearing at a Task Force meeting. The Task Force meets the fourth Tuesday of each month at 4:00 p.m. at City Hall, Room 408.

Donna Hall, Administrator

SUNSHINE ORDINANCE TASK FORCE  
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102  
Tel. (415) 554-7724; Fax (415) 554-7854  
<http://www.sfgov.org/sunshine>

**SUNSHINE ORDINANCE COMPLAINT**

Complaint against which Department or  
Commission \_\_\_\_\_  
Name of individual contacted at Department or  
Commission \_\_\_\_\_

\_\_\_\_\_ Alleged violation public records access  
\_\_\_\_\_ Alleged violation of public meeting. Date of meeting \_\_\_\_\_

Sunshine Ordinance  
Section \_\_\_\_\_  
(If known, please cite specific provision being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

Do you wish a public hearing before the Sunshine Ordinance Task Force? \_\_\_\_\_yes \_\_\_\_\_no.

(Optional)  
Your name \_\_\_\_\_ Address \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

Telephone \_\_\_\_\_ If anonymous, please let us know how to contact  
you.

Signature \_\_\_\_\_

## **Filing a Complaint with the Sunshine Ordinance Task Force**

1. You may fill out a Complaint Form, or you may send your own letter filing a formal complaint. The complaint is filed with the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Pl., Room 244, San Francisco CA 94102-4689. (Fax # 415 554 7854)
2. Once your complaint is received, the Complaint Committee of the Sunshine Ordinance Task Force reviews the complaint to determine if the Sunshine Ordinance Task Force has jurisdiction.
  - Jurisdiction is defined as those items the Task Force may address as outlined in the Sunshine Ordinance
3. Once the Complaint Committee completes its consideration, the complainant is notified of the Committee's decision.
4. If the Complaint Committee finds no jurisdiction over the alleged violations in the complaint, the complainant could request reconsideration before the full Task Force at its next scheduled meeting. Should the full Task Force find jurisdiction, a full hearing on the merits would be scheduled.
5. If the Complaint Committee finds the Task Force has jurisdiction, the complainant, respondent, and the Task Force Members are notified in writing of the jurisdiction decision, and the specific matters, which the Complaint Committee has found jurisdiction.
6. The complaint is then scheduled for a hearing before the next meeting of the Sunshine Ordinance Task Force.
7. If additional information is to be submitted from the complainant or respondent, the additional material must be submitted to the Sunshine Ordinance Task Force Administrator at least seven days before the scheduled hearing before the Task Force.
  - If the complainant submits any additional material after the seven day deadline, the complainant will be informed that
    - The Task Force may proceed without considering the new material, or
    - The complainant may waive the 45-day time line set and continue the hearing to the next Task Force meeting (the question to be the matter on which the Complaint Committee has granted jurisdiction), or
    - The complainant may withdraw the complaint and file a new complaint to be considered by the Complaint Committee, or
    - The complainant may withdraw the complaint and file a new complaint to be considered by the Complaint Committee, or
    - The complainant may proceed to hearing with their current complaint and file a new complaint and use the new information to support the freestanding separate complaint.
8. After the Task Force completes its public hearing, the Task Force would make an Order of Determination regarding the complaint.
9. For further information, contact the Sunshine Ordinance Task Force Administrator, Donna Hall at (415) 554 7724.

## **ADDENDA #3**

### **WEB**

In 2004 the Sunshine Ordinance Task Force has a web page was accessed by over 35,023 persons. The web page consists of:

- Current agendas and minutes
- Special meeting notices
- Past years' agendas and minutes
- Public records listing and retention schedule
- By-laws of the Task Force

Information on:

- The Sunshine Ordinance
- Membership of the Task Force
- Committee structure of the Task Force
- Non-profit requirements
- Duties and responsibilities of the Task Force
- How to file a complaint with the Task Force
- Frequently asked questions