

File No. N/A

Item No. 6

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Sunshine Ordinance Task Force

Date: November 2, 2022

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Efficiency Edits - 180

Completed by: C. Leger Date 10/28/22

* An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file on a disk

August 22, 2022

PROPOSAL ITEMS I, IV, AND V

This is the text for the amendments approved during the August 16, 2022 Complaints Committee hearing by a 2-1 vote.

Justifications for these measures were set forth in the supporting record. Deleted language is in cross-through, added language underlined.

I. The Complaint Procedure is to be amended at Section C as follows:

C.1 will be edited as follows: "1. When each Petitioner's file is deemed ready for a decision, it shall be reviewed by three (3) Task Force members, chosen randomly and in rotation. Members at their option take turns reviewing, or simultaneously review, each such file to ascertain whether requested documents are public, whether the SOTF has jurisdiction, and to review the merits, and then confer to proceed per one of the following. If they can agree to a determination it should be placed on the upcoming SOTF Consent Calendar. If not, they may submit it with any recommendations and pertinent findings to the SOTF Chair, who will decide whether to hold a hearing or to proceed otherwise. Finally, in more complex matters or where more it appears plausible that further time could benefit the Petitioner's case, they can submit it to the Complaints Committee Chair to determine an appropriate manner to proceed next by Committee. Any Committee reviewing a Petition can direct that it be placed on the next SOTF Consent Calendar with a proposed Determination. All reasonable efforts will be made at each of these points to work toward a determination regarding the public records sought by the Petition per S.F. Admin. Code section 67.21(e), and order where appropriate.

~~Committee Hearing Schedule: At the discretion of the Chair, all complaints will be referred to the next available Committee to conduct a hearing to 1) determine if the SOTF has jurisdiction; 2) review the merits of the complaint; and/or 3) issue a report and/or recommendation to the SOTF. The Complainant and Respondent are required to attend the Committee hearing to review the complaints."~~

At C.4, the first sentence is to be deleted.

Lastly, the Addendum to the Complaint Procedure should be removed.

IV. The 5-minute "opening statements" at hearing will be removed. The parties will still be allowed 3 minutes of time each after questioning.

This requires following appropriate procedures to amend the Bylaws at Article IV, Section 10, as follows.

"The Task Force shall hold hearings on the merits of complaints pursuant to the following procedure: 1. The Complainant presents his/her facts and evidence. (5 minutes) Other parties of Complainant present facts and evidence. The Chair shall ask whether parties other than Complainant are present to present facts and evidence in support of Complainant, and shall have discretion to allow them up to 3 minutes to do so. (up to 3 minutes each) 2. The Respondent presents his or her facts and evidence. (5 minutes) Other parties of City respond. The Chair shall ask whether parties other than Complainant are present to present facts and evidence in support of Complainant, and shall have discretion to allow them up to 3 minutes to do so. (up to 3 minutes each) 3. The Task Force questions the parties regarding the complaint. The complaint is with the Task Force for discussion and questions to parties. 4. Complainant and Respondent and Complainant present argument/clarification/rebuttal based on Task Force discussions. (3 minutes) 5. The Task Force deliberates and formulates motions regarding the complaint. The Complaint is with the Task Force for motion and deliberation. 6. Public Comment (Excluding Complainant and City response and witnesses.) 7. The Task Force may vote to take one of the following actions: a) make a motion to find a violation; make a motion to find no violation; make a motion to take no further action and close the file. This Section 10 is inapplicable to Committee hearings.

V. The Complaint Procedure will be amended at C.1 and C.7 to eliminate the Complainant attendance requirements, as follows.

"1. Committee Hearing Schedule: At the discretion of the Chair, all complaints will be referred to the next available Committee to conduct a hearing to 1) determine if the SOTF has jurisdiction; 2) review the merits of the complaint; and/or 3) issue a report and/or

recommendation to the SOTF. The Complainant and Respondent are is required to attend the Committee hearing to review the complaints.

It is important to take note that these revisions to C.1 are not the same changes as those discussed above in the first part of this Proposal.

“7. Attendance and Requirements for the Complainant and Respondent: (a) Unless otherwise provided in these procedures the Complainant and the Respondent are is required to attend any the hearings regarding complaints, and it is recommended that the Complainant attend. However, at the discretion of the SOTF or its Committees, accommodations may be made in response to special circumstances or requests made by the Complainant and/or the Respondent.

Eliminate (b). Move (c) to (b), amend present (d) to become (c) as follows:

(c) ~~After an initial appearance,~~ The Complainant may authorize the SOTF to proceed with any the hearing in absentia on the complaint without the Complainant's presence at the hearing. The only information to be considered from the Complainant will be the submitted written documents or information provided at previous hearings ~~or as submitted timely prior to the hearing.~~ Complainant ~~forgoes~~ waives their opportunity rights to provide testimony if they authorize the SOTF to proceed without their attendance.”

Dean Schmidt, SOTF Seat 1