



**SUNSHINE ORDINANCE TASK FORCE**  
**Complaint Committee**  
**CITY AND COUNTY OF SAN FRANCISCO**  
**MINUTES**

**Hearing Room 408**  
**City Hall, 1 Dr. Carlton B. Goodlett Place**  
**San Francisco, CA 94102-4689**

**March 17, 2015 – 4:00 PM**

**Special Meeting**

**Members:** Louise Fischer (Chair), Mark Rumold, Fiona Hinze

**1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

The meeting was called to order at 4:02 p.m. At the call of the roll all members were noted present. There was a quorum.

Ann Treboux (Complainant for Items No. 6 and 7) requested that her complaints be moved up on the agenda.

- 2. File No. 14112:** Complaint filed by Mark Major against the Board of Supervisors for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15, for failing to provide adequate opportunity for public testimony by abridging public comment. (00:04:00 - 00:34:00)

**Member Hinze, seconded by Member Rumold, moved to find jurisdiction on matter.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Rumold, Hinze, Fischer

Noes: 0 - None

Mark Major (Complainant) provided a summary of the complaint and requested the Task Force to find violations. Mr. Major stated that he believes that other speakers during public comment were allowed to speak beyond the allowed 2 minute limit. There were no speakers in support of the Complainant. Wilson Ng, Office of the Clerk of the Board (Respondent), provided a summary of the department's position and stated that

Mr. Major was allowed the allocated time for public comment. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal.

The Complaint Committee requested that the Task Force Administrator review the video of the meeting in question to determine if speaking time for public comment was the same for all speakers. It was determined by the Task Force Administrator that all speakers were allotted the same amount of them to speak. A detailed summary of public comment for the Board of Supervisors' November 25, 2014, meeting is listed in the Complaint Committee Recommendation regarding File No. 14012.

**Member Hinze, seconded by Member Rumold, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation that no violation occurred and that the matter be concluded.**

Public Comment:

Jason Grant Garza provided general comments on the matter.

Ann Treboux stated that the complaint should not be expanded and should be limited to the original complaint.

**The motion PASSED by the following vote:**

Ayes: 3 - Rumold, Hinze, Fischer

Noes: 0 - None

3. **File No. 14111:** Complaint filed by Jeremy Miller against the Office of the Sheriff and the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(c), 67.24(d), and 67.25, for failure to respond to an Immediate Disclosure Requests in a timely and complete manner and failure to assist a requester in directing a request to the proper office or staff person. (00:34:00 - 00:37:00)

The Complainant was not present at the hearing. The Complainant was informed of the scheduled meeting via telephone and email. Freya Horne, Office of the Sheriff (Respondent), provided a brief overview of the complaint and responded to questions from the Committee.

**Member Hinze, seconded by Member Rumold, moved to TABLE the matter.**

Public Comment:

Thomas Picarello stated that the Respondent should not be allowed to speak on the matter as the Complainant was not present and that the matter should not have been scheduled since the Complainant could not be contacted.

**The motion PASSED by the following vote:**

Ayes: 3 - Rumold, Hinze, Fischer

Noes: 0 - None

4. **File No. 15012:** Complaint filed by Jason Grant Garza against Barbara Garcia, Philip Katzenberger, Faye DeGuzman, and Nancy Sarieh, Department of Public Health, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, for failure to allow inspection of public records during normal hours of operations, without unreasonable delay, and without requiring an appointment and failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. (00:37:00 - 01:01:00)

**Member Rumold, seconded by Member Hinze, moved to find jurisdiction on matter.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Rumold, Hinze, Fischer

Noes: 0 - None

The Complaint Committee determined that the only issue to be considered is the request for specific video recordings. The other portions of the complaints, regarding medical records and policies, were previous adjudicated by the Sunshine Ordinance Task Force under File Nos. 14076, 14077, 14078, 14056, and 14084.

Jason Grant Garza (Complainant), provided a summary of the complaint and requested the Task Force to find violations. Mr. Garza comments on several unrelated issue and stated that he was not able to access the video provided by the Respondent. There were no speakers in support of the Complainant. Nancy Sarieh, Department of Public Health (Respondent), provided a summary of the department's position. Ms. Sarieh acknowledged that the response to the request for video recordings was not timely. However, new policies regarding request for video recordings shall be established to prevent the issue from occurring in the future. A specific form shall be created to request video records to assist staff in searching for the correct portion of the video. Possible fields shall be date and exact time of video and detailed description of person in video. There were no speakers in support of the Respondent. A question and answer period followed.

**Member Fischer, seconded by Member Hinze, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation to find a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a) for failure to respond to an Immediate Disclosure Request in a timely manner (video recordings).**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Rumold, Hinze, Fischer

Noes: 0 - None

5. **File No. 15009:** Complaint filed by William Clark against the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, by removing items from the agenda without prior notice or discussion and conducting a seriatim meeting related to the January 14, 2015, Street Artist Program Committee meeting agenda. (01:01:00 - 01:39:00)

**Member Rumold, seconded by Member Hinze, moved to find jurisdiction on matter.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Rumold, Hinze, Fischer

Noes: 0 - None

William Clark (Complainant), provided a summary of the complaint and requested the Task Force to find violations. Mr. Clark stated that the Street Artist Program Committee (SAPC) Chair announced at the beginning of the January 14, 2015, meeting that the SAPC would remove the Director's Report from the agenda without accept public comment on the matter. There were no speakers in support of the Complainant. Kate Patterson-Murphy, San Francisco Arts Commission (SFAC) (Respondent); provided a summary of the department's position. Ms. Patterson-Murphy stated that a seriatim did not occur as no discussion regarding the agenda of the January 14, 2015, SAPC occurred between members of the Committee prior to the meeting. In addition, Ms. Patterson-Murphy clarified that the subject matter of the Director's Report was duplicative of another item already listed on the agenda. The Director's report was not discussed directly but was essentially combined with the similar item already listed on the agenda for the purpose of having discussions and accepting public comment. Ms. Patterson-Murphy acknowledged that the language used by the Chair of the SAPC could have been misleading as to what actions occurred prior to the meeting but no violations of the Sunshine Ordinance occurred. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal.

Member Rumold expressed concern with the complaint regarding the seriatim meeting and the ambiguous language used by the Chair of the SAPC to describe the actions of the SAPC and the actions taken without a motion.

**Member Hinze, seconded by Member Fischer, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation that no violation occurred and that the matter be concluded.**

Public Comment:

Ann Teboux expressed support for the San Francisco Arts Commission's position.

**The motion PASSED by the following vote:**

Ayes: 2 - Hinze, Fischer

Noes: 1 - Rumold

6. **File No. 15014:** Complaint filed by Ann Treboux against the Howard Lazar and the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.15(b)(e), for failure to announce agenda changes and accept public comment prior to taking action. (01:39:00 - 01:47:00)

**Member Rumold, seconded by Member Hinze, moved to find jurisdiction on matter.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Rumold, Hinze, Fischer

Noes: 0 - None

Ann Treboux (Complainant) provided a summary of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Kate Patterson-Murphy (SFAC) (Respondent), provided a summary of the department's position. Ms. Patterson-Murphy stated that the subject matter of the Director's Report was duplicative of another item already listed on the agenda. The Director's report was not discussed directly but was essentially combined with the similar item already listed on the agenda for the purpose of having discussions and accepting public comment. Ms. Patterson-Murphy acknowledged that the language used by the Chair of the Street Artist Program Committee could have been misleading but no violations of the Sunshine Ordinance occurred. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal.

**Member Fischer, seconded by Member Hinze, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation that no violation occurred and that the matter be concluded.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Rumold, Hinze, Fischer

Noes: 0 - None

**The meeting was in recess from 5:47 pm to 5:53 p.m.**

7. **File No. 15017:** Complaint filed by Ann Treboux against Rebekah Krell and the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. (01:47:00 - 2:10:00)

**Member Hinze, seconded by Member Rumold, moved to find jurisdiction on matter.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Rumold, Hinze, Fischer

Noes: 0 - None

Ann Treboux (Complainant) provided a summary of the complaint and requested the Task Force to find violations. Ms. Treboux stated that her Immediate Disclosure Request was not reviewed by the San Francisco Arts Commission in a timely manner as the email request was forwarded to a junk mailbox. There were no speakers in support of the Complainant. Kate Patterson-Murphy, San Francisco Arts Commission (SFAC) (Respondent), provided a summary of the department's position. Ms. Patterson-Murphy acknowledged that the Immediate Disclosure request was accidentally forwarded to a junk e-mailbox. The reason for the misdirection of the email is unknown. However, steps have been taken to be sure that Ms. Treboux emails to the San Francisco Arts Commission do not get forward to junk email in the future. Upon discovery of the problem the San Francisco Arts Commission responded to the request on the same day. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent did not provide a rebuttal. The Complainant provided a rebuttal.

**Member Fischer, seconded by Member Hinze, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation that a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely manner.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Rumold, Hinze, Fischer

Noes: 0 - None

8. **Public Comment:** Members of the public may address the Complaint Committee on matters that are within Committee’s jurisdiction, but not on today’s agenda.

Speakers:

Ann Treoux commended Commissioner Sklar for her work with the San Francisco Arts Commission and comment on her experience with the San Francisco Arts Commission.

9. **Announcements, Comments, Questions, and Future Agenda Items.**

The next meeting of the Complaint Committee is tentatively scheduled for April 21, 2015, and May 19, 2015.

10. **ADJOURNMENT**

**There being no further business the meeting was adjourned at 6:10 p.m.**

**APPROVED by the Sunshine Ordinance Task Force: April 1, 2015**



**Victor Young  
Administrator  
Sunshine Ordinance Task Force**

N.B. The Minutes of this meeting set forth all actions taken by the Sunshine Ordinance Task Force on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.