



SUNSHINE ORDINANCE TASK FORCE
Compliance and Amendments Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES

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

December 15, 2015 - 4:00 PM

Regular Meeting

Members: Allyson Washburn, Fiona Hinze, David Pilpel

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

Chair Washburn called the meeting to order at 4:02 p.m. Members Washburn, Pilpel and Hinze were noted present. There was a quorum.

- 2. File No. 15063:** Hearing on the status of the Order of Determination: Complaint filed by Michael Petrelis against District Attorney George Gascon and the Office of the District Attorney for violating Administrative Code (Sunshine Ordinance), Sections 67.25(a) and 67.29-5, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner and failure to maintain a daily calendar wherein is recorded the time and place of each meeting or event attended.

Michael Petrelis (Complainant) provided a summary of the complaint and stated that the Office of the District Attorney has not complied with the Task Force's Order of Determination. Alex Bastian, Office of the District Attorney (Respondent), described the improvements to the District Attorney's calendar procedures. A question and answer period followed.

The Compliance and Amendments Committee (Committee) requested that the Office of the District Attorney provide a memorandum documenting the improvements to the District Attorney's calendar procedures and samples of the improvements.

Member Pilpel, seconded by Member Hinze, moved to continue the matter to the call of the chair.

Public Comment:

Ann Treboux commented on the personalization of Mr. Pretrelis' comments against departmental employees.

The motion PASSED by the following vote:

Ayes: 3 - Hinze, Pilpel, Washburn

Noes: 0 - None

The Compliance and Amendments Committee held a hearing on File Nos. 15112, 15118, 15151, 15121, 15140, 15137, 15138, 15150, 15144, 15114, 15147, 15154, 15113, and 15155 to: 1) determine if the Sunshine Ordinance Task Force (SOTF) has Jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF. The SOTF, upon receipt of the report and/or recommendation from the Committee, shall: 1) accept the recommendation of the Committee; 2) schedule the complaint for a hearing before the SOTF at a future date; or 3) immediately hold a hearing on the merits of the complaint.

Member Hinze, seconded by Member Pilpel, moved to find that the Sunshine Ordinance Task Force has jurisdiction over Item Nos. 3 through 16 (File Nos. 15112, 15118, 15151, 15121, 15140, 15137, 15138, 15150, 15144, 15114, 15147, 15154, 15113, and 15155).

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Hinze, Pilpel, Washburn

Noes: 0 - None

- File No. 15112:** Complaint filed by Ann Treboux against the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-6, by failing to disclose, on their website, the amount and source of any money, goods or services worth more than one hundred dollars in aggregate, provided to the department for the purpose of carrying out or assisting any City function.

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, Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that the Arts Commission is currently working with developers to create a new format for posting the required grant listing information online and welcomes input from the Task Force. There were no speakers in support of the Respondent. A question and answer period occurred. The Complainant and Respondent provided rebuttals.

Member Pilpel suggested that at a minimum the following information be included in the new webpage design listing grant/gift information: date, source, purpose, and amount. In addition, Member Pilpel suggested that a temporary document listing the required information be placed online until the new system is in place.

Member Pilpel, seconded by Member Hinze, moved to refer the matter to the Task Force with the recommendation to find that the Arts Commission violated Administrative Code (Sunshine Ordinance), Section 67.29-6, by failing to disclose on their website, the amount and source of any money, goods or services worth more than one hundred dollars in aggregate, provided to the department for the purpose of carrying out or assisting any City function.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Hinze, Pilpel, Washburn

Noes: 0 - None

4. **File No. 15118:** Complaint filed by Ann Treboux against Commissioner Dorka Keehn and the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15, for abridging public comment and failure to announce agenda changes at the beginning of a meeting, or as soon thereafter as the change becomes known by the presiding officer at the Visual Arts Committee meeting of March 18, 2015.

Ann Treboux (Complainant) provided a summary of the complaint and requested the Task Force to find violations. Ms. Treboux stated that there was no timer used for public comment. Silvia Johnson spoke in support of the Complainant. Kate Patterson, San Francisco Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that the agenda changes in question were made at the beginning of the meeting as required and that Ms. Treboux was allowed equal and adequate time for public comment. There were no speakers in support of the Respondent. A question and answer period occurred. The Complainant and Respondent provided rebuttals.

The Committee suggested that it is the best practice for the Chair to allow up to 3 minutes for public comment unless there are unusual circumstances, expectations of how the meeting will proceed should be announced at the beginning of the meeting and listed in the agenda, and an audio timer should be available that gives both an audio and visual indicator when a speaker's time will expire.

Member Pilpel requested that Kate Patterson and Tom DeCaigny be provided a copy of the committee's recommendation.

Member Pilpel, seconded by Member Hinze, moved to refer the matter to the Task Force with the recommendation that no violation of Administrative Code (Sunshine Ordinance), Chapter 67, occurred.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Hinze, Pilpel, Washburn

Noes: 0 - None

5. **File No. 15151:** Complaint filed by Ann Treboux against Kate Patterson and the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.14(c), for failure to make an audio or video recording available in digital form at a centralized location on the City's website within seventy-two hours of a meeting or hearing.

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, San Francisco Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson acknowledged that the Arts Commission did not post the audio recording of the October 19, 2015, Arts Commission Civic Design Review Committee meeting until October 29, 2015. There were no speakers in support of the Respondent. A question and answer period occurred. The Complainant and Respondent provided rebuttals.

Member Pilpel stated that the provision of the Sunshine Ordinance, Section 67.14(c), is not applicable in this case as the requirement for audio recordings to be posted online within 72 hours only applies to meetings held in a City Hall hearing room that is equipped with recording equipment.

Member Hinze, seconded by Member Pilpel, moved to refer the matter to the Task Force with the recommendation that no violation of Administrative Code (Sunshine Ordinance), Chapter 67, occurred.

Public Comment:

Silvia Johnson provided general comments regarding the matter.

The motion PASSED by the following vote:

Ayes: 3 - Hinze, Pilpel, Washburn

Noes: 0 - None

6. **File No. 15121:** Complaint filed by Ann Treboux against Commissioner Barbara Sklar, San Francisco Arts Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.33, by failing to submit annual affidavits or declarations stating that they have read the Sunshine Ordinance and have attended or will attend a training session on the Sunshine Ordinance.

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, San Francisco Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that the Arts Commission provided Commissioner Sklar's Sunshine Declarations for 2012 through 2015 and that the Arts Commission does not have any other responsive documents. There were no speakers in support of the Respondent. A question and answer period occurred. The Complainant and Respondent provided rebuttals.

The Committee commented that Sunshine Declarations are filed with the Ethics Commissions and not the Arts Commission. Complaints regarding the failure of Commissioners to submit Sunshine Declarations are under the jurisdiction of the Ethics Commission.

Member Pilpel, seconded by Member Hinze, moved to refer the matter to the Task Force with the recommendation that no violation of Administrative Code (Sunshine Ordinance), Chapter 67, occurred.

Public Comment:

Silvia Johnson provided general comments regarding the matter.

The motion PASSED by the following vote:

Ayes: 3 - Hinze, Pilpel, Washburn

Noes: 0 - None

Member Pilpel was noted absent at 5:45 p.m. and for the remainder of the meeting.

7. **File No. 15140:** Complaint filed by Ann Treboux against the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.16, by failing to make meeting minutes available for inspection upon request no later than ten working days after the meeting.

Ann Treboux (Complainant) provided a summary of the complaint and requested the Task Force to find violations. Ms. Treboux stated that she was not able to access the minutes in question until late evening on the last day to post the minutes. There were no speakers in support of the Complainant. Kate Patterson, San Francisco Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that the Arts Commission's September 15, 2015, meeting minutes were posted in a timely

manner on September 29, 2015, at 6:30 p.m. There were no speakers in support of the Respondent. A question and answer period occurred. The Complainant and Respondent provided rebuttals.

The Committee opined that 6:30 p.m. is still part of a reasonable business day but suggested that the Arts Commission post the minutes online earlier to allow for delays in uploading and other technical problems.

Member Hinze, seconded by Chair Washburn, moved to refer the matter to the Task Force with the recommendation that no violation of Administrative Code (Sunshine Ordinance), Chapter 67, occurred.

Public Comment:

Silvia Johnson provided general comments regarding the matter.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Washburn

Noes: 0 - None

Absent: 1 – Pilpel

The meeting was in recess from 5:50 p.m. to 6:10 p.m.

8. **File No. 15137:** Complaint filed by Ann Treboux against the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.15(c)(d) and 67.16, for failure to uniformly apply time limits for public comment and failure to provide a brief summary of each person's statement during public comment.

Ann Treboux (Complainant) provided a summary of the complaint and requested the Task Force to find violations. Ms. Treboux stated that the Arts Commission does not provide a timer for public comment in the meeting room. There were no speakers in support of the Complainant. Kate Patterson, San Francisco Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that an ipad is used for timing public comment and is visible to members of the public. Ms. Patterson also indicated that the minutes for the September 9, 2015, meeting of the Street Artist does list the speakers and provides a brief summary of the public's comments. There were no speakers in support of the Respondent. A question and answer period occurred. The Complainant and Respondent provided rebuttals.

The Committee indicated that there is no evidence to find a violation and requested that the Complainant provide a list of those who made public comment, the time they spoke during the meeting and how long each person spoke. The Task Force Administrator will review the provided information and the audio of the meeting to verify any possible failures to uniformly apply time limits for public comment. Without verification of violations the committee cannot find a violation. The Committee advised the

Complainant that in the future all supporting information must be provided prior to the hearing.

Member Hinze, seconded by Chair Washburn, moved to refer the matter to the Task Force with the recommendation that no violation of Administrative Code (Sunshine Ordinance), Chapter 67 occurred.

Public Comment:

Silvia Johnson provided general comments regarding the matter.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Washburn

Noes: 0 - None

Absent: 1 - Pilpel

9. **File No. 15138:** Complaint filed by Ann Treboux against the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25(a), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

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, San Francisco Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that the Immediate Disclosure Request was among 113 requests submitted over the last 188 business days by Ms. Treboux and that there is the possibility of confusion and overlapping response. There were no speakers in support of the Respondent. A question and answer period occurred. The Complainant and Respondent provided rebuttals.

The Committee found that the Arts Commission did not respond to the September 22, 2015, Immediate Disclosure Request by the end of the next business day (The Arts Commission's response was provided on September 24, 2015).

Member Hinze, seconded by Chair Washburn, moved to refer the matter to the Task Force with the recommendation to find that the Arts Commission violated Administrative Code (Sunshine Ordinance), Section 67.25(a), by failing to respond to an Immediate Disclosure Request in a timely manner.

Public Comment:

Silvia Johnson provided general comments regarding the matter.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Washburn

Noes: 0 - None

Absent: 1 - Pilpel

10. **File No. 15150:** Complaint filed by Ann Treboux against Rebekah Krell and the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

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, San Francisco Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that the Immediate Disclosure Request was sent to Rebekah Krell, who was out of the office at the time the request was submitted. The Arts Commission submitted a copy of the out of office autoreply message referring the public to backup staff. In addition, it was noted that Ms. Treboux has been previously informed of the email address set up by the Arts Commission for submitting public records requests. Upon Ms. Krell's return, a response was provided promptly. There were no speakers in support of the Respondent. A question and answer period occurred. The Complainant and Respondent provided rebuttals.

Member Hinze, seconded by Chair Washburn, moved to refer the matter to the Task Force with the recommendation that no violation of Administrative Code (Sunshine Ordinance), Chapter 67 occurred.

Public Comment:

Silvia Johnson provided general comments regarding the matter.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Washburn

Noes: 0 - None

Absent: 1 - Pilpel

11. **File No. 15144:** Complaint filed by Ann Treboux against Rebekah Krell and the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

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, San Francisco Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that the Immediate Disclosure Request was sent to Rebekah Krell who was out of the office at the time the request was

submitted. The Arts Commission submitted a copy of the out of office autoreply message referring the public to backup staff. In addition, it was noted that Ms. Treboux has been previously informed of the email address set up by the Arts Commission for submitting public records request. Upon Ms. Krell's return, a response was provided promptly. There were no speakers in support of the Respondent. A question and answer period occurred. The Complainant and Respondent provided rebuttals.

Member Hinze, seconded by Chair Washburn, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation that no violation of Administrative Code (Sunshine Ordinance), Chapter 67 occurred.

Public Comment:

Silvia Johnson provided general comments regarding the matter.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Washburn

Noes: 0 - None

Absent: 1 - Pilpel

12. **File No. 15114:** Complaint filed by Ann Treboux against the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25 and 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner and failure to provide justification for withholding information.

Ann Treboux (Complainant) provided a summary of the complaint and requested the Task Force to find violations. Ms. Treboux stated that she did not receive all of the requested documents. There were no speakers in support of the Complainant. Kate Patterson, San Francisco Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that a copy of the restraining order was provided and that the Arts Commission does not have any other responsive public records. Justification for withholding certain records related to the identity of individuals who filed a complaint against Ms. Treboux was provided. Ms. Patterson further stated that the Ethics Commission previously heard the matter and found in favor of the Arts Commission. There were no speakers in support of the Respondent. A question and answer period occurred. The Complainant and Respondent provided rebuttals.

The Committee believes that advice of the Task Force's City Attorney is needed prior to proceeding further with the matter.

Member Hinze, seconded by Chair Washburn, moved to refer the matter to the Task Force without recommendation for a hearing on the merits of the complaint.

Public Comment:

Silvia Johnson provided general comments regarding the matter.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Washburn

Noes: 0 - None

Absent: 1 - Pilpel

13. **File No. 15147:** Complaint filed by Ann Treboux against Kate Patterson and the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Ann Treboux (Complainant) provided a summary of the complaint and requested the Task Force to find violations. Ms. Treboux stated that she was unable to open the requested document and requested that the records be resent in a format that she can open. There were no speakers in support of the Complainant. Kate Patterson, San Francisco Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that the records were provided in a timely manner and were resent as requested. In addition, Ms. Patterson offered to provide hard copies of the documents at 10 cents per page. A question and answer period occurred. The Complainant and Respondent provided rebuttals.

Member Hinze, seconded by Chair Washburn, moved to refer the matter to the Task Force with the recommendation that no violation of Administrative Code (Sunshine Ordinance), Chapter 67 occurred.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Washburn

Noes: 0 - None

Absent: 1 - Pilpel

14. **File No. 15154:** Complaint filed by Ann Treboux against Rebekah Krell and the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Ann Treboux (Complainant) provided a summary of the complaint and requested the Task Force to find violations. Ms. Treboux clarified that she requested a reason as to why a restraining order restricts her access to the War Memorial Building. There were no speakers in support of the Complainant. Kate Patterson, San Francisco Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson confirmed that security was alerted that Ms. Treboux was not allowed to enter the War Memorial Building unless it was to attend a public event or meeting. Since the War

Memorial is listed as a work place for Commissioner Barbara Sklar, the subject of the restraining order against Ms. Treboux. Ms. Patterson confirmed that the Arts Commission responded to the Immediate Disclosure Request in a timely manner. A question and answer period occurred. The Complainant and Respondent provided rebuttals.

Chair Washburn summarized that the request was not for documents but for an explanation as to the effect of the restraining order. The subject matter of the request is not under the jurisdiction of the Task Force.

Member Hinze, seconded by Chair Washburn, moved to refer the matter to the Task Force with the recommendation that no violation of Administrative Code (Sunshine Ordinance), Chapter 67 occurred.

Public Comment:

Silvia Johnson provided general comments regarding the matter.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Washburn

Noes: 0 - None

Absent: 1 - Pilpel

15. **File No. 15113:** Complaint filed by Ann Treboux against Rebekah Krell and the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25 and 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Ann Treboux (Complainant) provided a summary of the complaint and requested the Task Force to find violations. Ms. Treboux stated that she was not provided all the requested records and cited missing Advisory Notices as a sample. There were no speakers in support of the Complainant. Kate Patterson, San Francisco Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that there were several requests for records from Ms. Treboux regarding Street Artist Lolli and that all records were provided. Ms. Patterson stated that the Advisory Notices were provided to Ms. Treboux and are also available online for public viewing. A question and answer period occurred. The Complainant and Respondent provided rebuttals.

Member Hinze, seconded by Chair Washburn, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation that no violation of Administrative Code (Sunshine Ordinance), Chapter 67 occurred.

Public Comment:

Silvia Johnson provided general comments regarding the matter.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Washburn

Noes: 0 - None

Absent: 1 - Pilpel

16. **File No. 15155:** Complaint filed by Ann Treboux against Kate Patterson and the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Ann Treboux (Complainant) provided a summary of the complaint and requested the Task Force to find violations. Ms. Treboux stated that she was not provided documents that were responsive to her request. There were no speakers in support of the Complainant. Kate Patterson, San Francisco Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that the Arts Commission responded to the request and provided the documents on the same day the request was made. Upon receipt of the Complainant's statement that the wrong documents were provided, the Arts Commission provided additional documents that may be associated with the request as a precaution. A question and answer period occurred. The Complainant and Respondent provided rebuttals.

Member Hinze, seconded by Chair Washburn, moved to refer the matter to the Task Force with the recommendation that no violation of Administrative Code (Sunshine Ordinance), Chapter 67 occurred.

Public Comment:

Silvia Johnson provided general comments regarding the matter.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Washburn

Noes: 0 - None

Absent: 1 - Pilpel

17. **Public Comment:** Members of the public may address the Committee on matters that are within the Committee's jurisdiction but not on today's agenda.

Speakers:

None.

18. **Adoption of the October 20, 2015, Compliance and Amendments Committee meeting minutes.**

The Committee discussed the draft meeting minutes.

Member Pilpel, seconded by Member Hinze, moved to approve the meeting minutes as amended.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, Pilpel, Washburn
Noes: 0 - None

19. Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar.

The following items are pending before the Compliance and Amendments Committee and will be scheduled on a future date.

- File No. 14101: Order of Determination - Grossman v. Dept. of Building Inspection. (*Pending update on completion of program implementation*)
- File No. 15077: Order of Determination Richard Denton v. City Attorney – Supervisor of Records (from August 2015 SOTF)

Public Comment:
None.

20. ADJOURNMENT

There being no further business the meeting was adjourned at 8:20 p.m.

APPROVED: 2/16/16

**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.