



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 16, 2014 - 4:00 PM

Regular Meeting

Members: Lee Hepner (Chair)
Rishi Chopra, Allyson Washburn

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

The meeting was called to order at 4:15 p.m. At the call of the roll Member Chopra was noted absent. There was a quorum.

The San Francisco Arts Commission requested a continuance of File No. 14034. Action on the request listed under Item No. 5.

Craig Gold requested that his complaints (File No. 14100 and 14026) be taken out of order due to a prior engagement.

Member Washburn, seconded by Member Hepner, hear Items Nos. 6 and 7 (File Nos. 14100 and 14026) out of order after Item No. 2.

Public Comment:

Paula Datesh opposed the motion to change the order of the agenda.

Thomas Picarello opposed the motion to change the order of the agenda.

The motion passed by the following vote:

Ayes: 2 - Washburn, Hepner

Noes: 0 - None

Absent: 1 - Chopra

2. **Adoption of October 21, 2014, Compliance and Amendments Committee meeting minutes.**

Member Washburn, seconded by Chair Hepner, moved to approve the October 21, 2014, Compliance and Amendments Committee minutes as amended.

Public Comment:

None.

The motion passed without objection.

3. **File No. 14048: Hearing on the status of the Order of Determination** - Complaint filed by Cecilia Hairston-Omondi against Donald Ellison and the San Francisco Municipal Transportation Agency for violation of Administrative Code (Sunshine Ordinance), Sections 67.21(b), 67.21(e), and 67.29-7 for failure to comply with a request for public records and failure to provide a knowledgeable representative to respond to questions. (01:21:00 - 01:52:00)

Donald Ellison, San Francisco Municipal Transportation Agency (Respondent) summarizes the documents provided in response to the Order of Determination. The documents include a summary of the records requested, date the records was provided to the Complainant, and/or a statement that the document does not exist. Mr. Ellison stated that the SFMTA does not have any other records responsive to the request. Cecilia Hairston-Omondi (Complainant) summarized her complaint and stated that she believes that additional documents do exist and are being withheld.

The Compliance and Amendments Committee is satisfied that the San Francisco Municipal Transportation Agency has complied with the Order of Determination.

Public Comment:

None.

There being no motion the matter was concluded.

4. **Public Comment:** Members of the public may address the Compliance and Amendments Committee on matters that are within the Committee's jurisdiction but not on today's agenda.(01:15:00 - 01:21:00)

Speakers:

Richard Knee comment that SOTF members sitting as guest should provide their comment as a member of the public and not as a member of the committee, stated that Mr. Pilpel took the public's copy of meeting material, and interfered with the meeting. Mr. Knee questioned the resurrection of the Complaint Committee. Thomas Picarello supported the comments of Mr. Knee, suggested discussion of non-profit laws (Administrative Code 12L), and question the process of the Complaint Committee.

5. **File No. 14034: Hearing on the status of the Order of Determination** - Paula Datesh against Sharon Page-Richie for violating Administrative Code (Sunshine Ordinance), Sections 67.14 and 67.16 for failure to audio record various meeting and failure to post meeting minutes for various meetings in a timely manner. (*Discussion and Action*) (01:52:00 - 02:22:00)

The Compliance and Amendments Committee is in receipt of a written request to continue the matter due to the unexpected illness of Sharon Page-Richie. Alternate staff members were unavailable or had prior commitments.

Victor Young, SOTF Administrator, read the Arts Commission's status report into the records and provided a summary of the posted Arts Commission's meeting meetings.

Paula Datesh (Complainant) provided a summary of the status of complaint and the Art Commission's compliance with Order of Determination. Ms. Datesh believes that the following minutes should be listed online:

- Executive Committee minutes for 2009
- Nominating Committee minutes for 2007

The Committee requests clarification on the statement that the 2009 Executive Committee minutes will be posted in an archive section of the City's website.

1. Are minutes prior to 2010 available to the public in some manner online?

SOTF Member Pilpel spoke as a guest at the Compliance and Amendments Committee meeting.

Member Hepner, seconded by Member Washburn, moved to refer the matter to the Sunshine Ordinance Task Force for assessment as to compliance with the Order of Determination.

Public Comment:
None.

The motion passed without object.

The Compliance and Amendments Committee requests that the San Francisco Arts Commission appear before the Sunshine Ordinance Task Force to address the status of compliance with the Order of Determination. It is requested that the Arts Commission provide a comprehensive report that updates and re-addresses all matters listed in the Order of Determination.

The Compliance and Amendments Committee held a hearing on File No. 14100 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 Compliance and

Amendments 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.

6. **File No. 14100:** Complaint filed by the Craig Gold against the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25 for failing to respond to a request for public records in a timely and complete manner. (00:08:00 - 00:46:00)

Member Washburn, seconded by Member Hepner, moved to find jurisdiction of File No. 14100.

Public Comment:
None.

The motion passed without objection.

Craig Gold (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Matt Dorsey, Communication Director, Office of the City Attorney (Respondent) acknowledged that there was a delay in responding to the request in a timely manner but the Office of the City Attorney has responded to the request. 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.

SOTF Member Pilpel spoke as a guest at the Compliance and Amendments Committee meeting.

Member Washburn, seconded by Member Hepner, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation that a violation of Administrative Code (Sunshine Ordinance), Section 67.21(b) occurred for failure to responded to a public records request in a timely manner. (The text of the recommendation is available in File No. 14100).

Public Comment:
Paula Datesh stated that the Task Force should be consistent in deciding similar cases.
Thomas Picarello objected to complaints being heard by committees, stated that Mr. Pilpel should be a voting member if he is present, and that the city should be able to account for how it expends funds.

The motion passed by the following vote:

Ayes: 2 - Washburn, Hepner
Noes: 0 - None
Absent: 1 - Chopra

The Sunshine Ordinance Task Force will consider the recommendation of the Compliance and Amendments Committee on January 7, 2015, and will accept the recommendation or schedule a hearing on a future date to reconsider the merits of the complaint.

7. **File No. 14026: Hearing on the status of the Order of Determination** - Craig Gold against Chief Greg Suhr, San Francisco Police Department, for violating Administrative Code (Sunshine Ordinance), Section 67.21(b) (c) for failure to comply with a request for information in a timely manner and failure to provide assistance in identifying the existence, form and nature of any record or information. (00:46:00 - 01:15:00)

Craig Gold (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Lieutenant Chris Woon, San Francisco Police Department (Respondent), presented the department's defense and stated that the Police Department has complied with the Order of Determination. The Police Department tried to contact Mr. Gold to inquire as to what additional information was requested. The Police Department surrendered relevant records requested by the Complainant to the Department of Public Works in 2009. 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 Compliance and Amendments Committee is satisfied that the Police Department has complied with the Order of Determination.

SOTF Member Pilpel spoke as a guest at the Compliance and Amendments Committee meeting.

Public Comment:

Thomas Picarello comment that change of the order of the agenda was not needed as Mr. Gold was able to stay for the entirety of the meeting.

There being no motion the matter was concluded.

8. **File No. 14073: Proposed amendments to Sunshine Ordinance Section 67.29-5 - Calendars of Certain Officials.** (02:33:00 - 02:50:00)

Discussion occurred regarding the matter.

Chair Hepner agreed to provide a summary of the committee's discussions and requested that the matter be considered by the Education, Outreach and Training Committee prior to referral to the Sunshine Ordinance Task Force.

Deputy City Attorney Givner is invited to attend the next meeting of the committee to provide input and analysis of the legislation.

Public Comment:
None.

The matter was continued to the call of the chair without objection.

9. **Administrator's Update: File No. 14094 - Arts Commission's Procedures and Policy Review** - Agendas, Minutes, Audio, and Public Request for Information.

Victor Young, Administrator, provided an update on the monitoring of the San Francisco Arts Commission posting of agenda/minutes and various procedures and policies.

The Committee request that Deputy City Attorney Colla report on the advice provided to various agencies by the Office of the City Attorney regarding what entities must comply with the Sunshine Ordinance.

The Sunshine Ordinance applies to all agencies and boards and commission created by the City Charter or by Ordinance or Resolution passed by the Board of Supervisors. However, the Office of the City Attorney has advised departments the Sunshine Ordinance does not apply to subsidiary bodies (sub-committees).

Public Comment:
Paula Datesh comment on the matter.

The matter was continued to the call of the chair without objection.

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

There were no announcements or public comment.

11. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:16 p.m.

APPROVED: February 17, 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.