



**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**

**February 16, 2016 - 4:00 PM**

**Regular Meeting**

**Members:** Eric Eldon, Shaun Haines, Allyson Washburn

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

Chair Eric Eldon called the meeting to order at 4:06 p.m. On the call of the roll Members Eldon and Washburn were present. Member David Pilpel was present as a guest of the Compliance and Amendments Committee. There was a quorum.

Item No. 3 was called out of order and heard prior to Item No. 2.

**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, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner and failing to maintain a daily calendar wherein is recorded the time and place of each meeting or event attended. (00:12:30 – 00:36:00)

Michael Petrelis (Complainant) provided a summary of the complaint and expressed his anger regarding the lack of progress towards compliance with the Order of Determination. Alex Bastian, District Attorney's Office (Respondent), provided a summary of the department's efforts to comply with the Order of Determination. A question and answer period followed.

The Committee requested that the Respondent provide the District Attorney's calendar from December 2015 to the most recent date prior to the next committee meeting (March 2016). In addition, the Committee requested copies of any City Attorney advice provided regarding the District Attorney's calendar.

**Member Washburn, seconded by Chair Eldon, moved to continue the matter to the next meeting of the Compliance and Amendments Committee.**

Public Comment:

Male Speaker stated that a willful violation should be found and that Member Pilpel should speak during public comment and not as a member of the Committee.

Ann Treboux stated that the committee should memorialize their request to the District Attorney so that the District Attorney knows what is requested.

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

Ayes: 2 - Washburn, Eldon

Noes: 0 - None

Absent: 1- Haines

3. **File No. 15120: Hearing on the Status of the Order of Determination:** Complaint filed by Anonymous against the San Francisco Municipal Transportation Agency (SFMTA) for violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. (00:03:30 – 00:12:30)

Anonymous (Complainant) provided a summary of the SFMTA's compliance with the Order of Determination and stated that he had problems opening certain documents. Leda Rozier, SFMTA (Respondent), provided a summary of the department's efforts to comply with the Order of Determination and stated that the department has complied with the Order of Determination. Ms. Rozier stated that the SFMTA will provide the additional documents requested by the Complainant. A question and answer period followed.

**Member Washburn, seconded by Chair Eldon, moved to find that the SFMTA has complied with the Order of Determination and concluded the matter.**

Public Comment:

None.

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

Ayes: 2 - Washburn, Eldon

Noes: 0 - None

Absent: 1- Haines

The Committee stated that the SFMTA has complied with the Order of Determination but will consider re-opening the complaint if the additional requested documents are not provided by the SFMTA.

*The Compliance and Amendments Committee shall hold a hearing on File Nos. 15167, 16005 and 16007 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.*

4. **File No. 15167:** Complaint filed by Michael Petrelis against the San Francisco Fire Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.7, by failing to post an agenda that contains a meaningful and clear description of each item of business to be transacted or discussed at a meeting (Item No. 6, San Francisco Fire Commission's December 17, 2015, Agenda). (00:12:30 – 00:36:00)

**Member Washburn, seconded by Chair Eldon, moved to find jurisdiction on the matter.**

Public Comment:

None.

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

Ayes: 2 - Washburn, Eldon

Noes: 0 - None

Absent: 1- Haines

Michael Petrelis (Complainant) provided a summary of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Commission Secretary Maureen Conefrey, Fire Commission (Respondent), provided a summary of the department's position. Ms. Conefrey stated that improvements have been made to improve agenda item descriptions and that the Fire Commission is continuously improving their agenda descriptions based on input from the public and other stakeholders. Ann Treboux spoke in support of the Respondent. A question and answer period followed. The Complaint and the Respondent provided rebuttals.

The Committee expressed appreciation for the Fire Commission's willingness to take recommendations and make improvements to their agenda item descriptions.

**Member Washburn, seconded by Chair Eldon, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation to find that the Task Force has jurisdiction and to find that the Fire Commission violated Administrative Code (Sunshine Ordinance), Section 67.7, by failing to post an agenda (Fire Commission December 17, 2015, agenda) that contains a meaningful and clear description of each item of business to be discussed at the meeting.**

Public Comment:

Male Speaker stated that fires are of great concern in the Mission.

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

Ayes: 2 - Washburn, Eldon

Noes: 0 - None

Absent: 1- Haines

5. **File No. 16007:** Complaint filed by Michael Petrelis against the San Francisco Police Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.7, by failing to post an agenda that contains a meaningful and clear description of each item of business to be transacted or discussed at a meeting (San Francisco Police Commission’s January 6, 2016, Agenda.) (00:53:00 – 01:17:00)

**Member Washburn, seconded by Chair Eldon, moved to find jurisdiction on the matter.**

Public Comment:

None.

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

Ayes: 2 - Washburn, Eldon

Noes: 0 - None

Absent: 1- Haines

Michael Petrelis (Complainant) provided a summary of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Sgt. Rachael Kilshaw, Police Department (Respondent), provided a summary of the department’s position. Sgt. Kilshaw stated that changes have been made to improve agenda item descriptions and that the Police Commission is continuously improving their agenda item descriptions based on input from the public. In response to Mr. Petrelis’ comments about the lack of an agenda item regarding Mario Woods shooting, Sgt. Kilshaw stated that the Police Commission is unlikely to hold a hearing specific to the matter but will instead hold hearings regarding the Police Department’s use of force policy. Sgt. Kilshaw also stated that the Police Commission is in the process of improving their website to better serve the public. There were no speakers in support of the Respondent. A question and answer period followed. The Complaint and the Respondent provided rebuttals.

The Committee expressed appreciation for the Police Commission’s willingness to take recommendations and make improvements to their agenda item descriptions.

**Member Washburn, seconded by Chair Eldon, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation to find that the Task Force has jurisdiction and to find that the Police Commission violated Administrative Code (Sunshine Ordinance), Section 67.7, by failing to post an agenda (Police Commission January 6, 2016, agenda) that contains a meaningful and clear description of each item of business to be discussed at a meeting.**

Public Comment:

Ann Treboux stated that supporting documents should be provided if possible.

Charles Pitts suggested an additional violation of Administrative Code (Sunshine Ordinance), Section 67.15.

Silvia Johnson provided general comment.

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

Ayes: 2 - Washburn, Eldon

Noes: 0 - None

Absent: 1- Haines

6. **File No. 16005:** Complaint filed by Charles Pitts against the San Francisco Police Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25(a), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (01:17:00 – 01:40:00)

**Member Washburn, seconded by Chair Eldon, moved to find jurisdiction on the matter.**

Public Comment:

None.

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

Ayes: 2 - Washburn, Eldon

Noes: 0 - None

Absent: 1- Haines

Charles Pitts (Complainant) provided a summary of the complaint and requested the Task Force to find violations. Silvia Johnson spoke in support of the Complainant. Police Commission Secretary Sgt. Rachel Kilshaw (Respondent), provided a summary of the department's position. Sgt. Kilshaw stated that Mr. Pitts' request was determined not to be an Immediate Disclosure Request due its voluminous nature and that the department applied the 10-day standard deadline for public records requests. In addition, Sgt. Kilshaw stated that the Police Commission was advised by the City Attorney regarding the policy related to processing of Immediate Disclosure Requests. Ann Treboux spoke in support of the Respondent. A question and answer period followed. The Complaint and the Respondent provided rebuttals.

The Committee advised that a response to an Immediate Disclosure Request is required to either inform the requester that additional time is required to respond or to provide the requested records by the close of business on the business day following receipt of the request.

**Member Washburn, seconded by Chair Eldon, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation to find jurisdiction and find that the Police Commission violated Administrative Code (Sunshine Ordinance), Section 67.25(a) (b), by failing to notify the requester by the close of business on the business day following the receipt of the request that additional time was needed to respond to the Immediate Disclosure Request.**

Public Comment:  
None.

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

Ayes: 2 - Washburn, Eldon  
Noes: 0 - None  
Absent: 1- Haines

7. **File No. 16006:** Hearing - Proposed amendments to Administrative Code (Sunshine Ordinance), Chapter 67, via Ballot Initiative and/or other avenues. (01:46:00 - )

The Committee discussed the proposed amendments to the Sunshine Ordinance.

Richard Knee presented the Steering Committee for San Franciscans for Sunshine’s proposed amendments to the Sunshine Ordinance. Allen Grossman, Bruce Brugmann, and Doug Comstock provided comments regarding the amendments and the process to amend to Administrative Code (Sunshine Ordinance), Chapter 67.

Member Washburn stated the proposed Sunshine Ordinance amendments are scheduled for hearing before the Task Force on March 2, 2016.

**Member Washburn, seconded by Chair Eldon, moved to continue the matter to the call of the chair.**

Public Comment:  
None.

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

Ayes: 2 - Washburn, Eldon  
Noes: 0 - None  
Absent: 1- Haines

8. **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. (01:40:00 – 01:46:00)

Speakers:

Ann Treboux discussed her experience with the Arts Commission.  
Silvia Johnson provided general comments.

9. **Adoption of the December 15, 2015, Compliance and Amendments Committee meeting minutes.**

The Committee discussed the minutes.

**Member Washburn, seconded by Chair Eldon, moved to approve the December 15, 2015, meeting minutes as amended.**

Public Comment:

Silvia Johnson provided general comments.

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

Ayes: 2 - Washburn, Eldon  
Noes: 0 - None  
Absent: 1- Haines

10. **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)
- File No. 15159: Order of Determination – Borden v. Recreation and Parks Department (*Creation and documentation of the department’s rules/policies.*)

**No actions were taken.**

11. **ADJOURNMENT**

**There being no further business the meeting was adjourned at 7:25 p.m.**

**APPROVED: April 19, 2016  
Compliance and Amendment Committee  
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.