



**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**

**February 17, 2015 - 4:30 PM**

**Special 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 5:01 p.m. At the call of the roll Member Chopra was noted absent. There was a quorum.

- 2. File No. 14120:** Complaint filed by the 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 Immediate Disclosure Requests in a timely and complete manner.

**Member Hepner, seconded by Member Washburn, moved to find jurisdiction on matter.**

Public Comment:  
None.

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

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

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. Rebekah Krell, Deputy Director and CFO, San Francisco Arts Commission (SFAC) (Respondent), provided a summary of the department's position. There were no speakers in support of the Respondent. A question and answer period followed.

Upon review of the testimony it appears that the Complainant sent various requests for records to members SFAC's staff who were out of the office and could not respond. Out of Office messages were automatically sent from SFAC's staff to provide alternate contact information if immediate assistance is required. The SFAC's staff responded to the request for records upon their return to the office. Ms. Treboux stated that she did not receive the SFAC's staff out of office message. The Respondent provided a rebuttal. The Complainant provided a rebuttal.

**Member Hepner, seconded by Member Washburn, 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: 2 - Washburn, Hepner

Noes: 0 - None

Absent: 1 - Chopra

3. **File No. 15001:** Complaint filed by Ann Treboux against Sharon Page-Ritchie and Rebekah Krell of the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.7, 67.14, 67.16 and 67.25, for failure to post audio of advisory committee meetings online and failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. (*attachment*)

**Member Hepner, seconded by Member Washburn, moved to find jurisdiction on matter.**

Public Comment:

None.

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

Ayes: 2 - Washburn, Hepner

Noes: 0 - None

Absent: 1 - Chopra

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. Rebekah Krell, Deputy Director and CFO, San Francisco Arts Commission (SFAC) (Respondent), provided a summary of the department's position. There were no speakers in support of the Respondent. A question and answer period followed.

Upon review of the complaint it was found that Administrative Code (Sunshine Ordinance) does not specifically require subcommittees to post audio recordings online. Administrator Code (Sunshine Ordinances), Section 67.16, states that "each board and

commission enumerated in the Charter shall record the minutes for each regular and special meeting of the board or commission.” The meeting in question was not created by the San Francisco Charter.

Additional discussion occurred regarding the future need to amend the Sunshine Ordinance to specifically address posting requirements for subcommittees of Charter created boards/committees/commissions. The Committee believes that the SFAC made a good effort to make agenda, minutes and audio recordings available to the public. The Respondent provided a rebuttal. The Complainant provided a rebuttal. The requested documents are available upon request if not posted online.

**Member Hepner, seconded by Member Washburn, 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: 2 - Washburn, Hepner  
Noes: 0 - None  
Absent: 1 - Chopra

4. **File No. 13073:** Complaint filed by Anonymous against District Attorney George Gascon of the San Francisco District Attorney’s Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b) and 67.25(a), and California Government Code, Section 6253(c), for failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (*attachment*)

**Member Hepner, seconded by Member Washburn, moved to find jurisdiction on matter.**

Public Comment:  
None.

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

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

Anonymous (Complainant) requested that all of her complaints be postponed/delayed until further notice via email on February 17, 2015. The Complainant was not present at the hearing. The Complainant filed the complaint with the SOTF on October 11, 2013, and has previously requested that all of her complaints be postponed/delay until further notice. Alex Bastian, District Attorney’s Office (Respondent), responded to questions from the Committee.

**Member Hepner, seconded by Member Washburn, moved to TABLE the matter without prejudice.** *(The Complainant may re-file a new complaint regarding the matter on a future date).*

Public Comment:

Michael Petrelis expressed support of the motion to table the matter.

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

Ayes: 2 - Washburn, Hepner

Noes: 0 - None

Absent: 1 - Chopra

5. **File No. 14117:** Complaint filed by the Michael Petrelis against District Attorney George Gascon and the Office of the District Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, and 67.27, and California Government Code, Section 6253, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. *(attachment)*

**Member Hepner, seconded by Member Washburn, moved to find jurisdiction on matter.**

Public Comment:

None.

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

Ayes: 2 - Washburn, Hepner

Noes: 0 - None

Absent: 1 - Chopra

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. Alex Bastian, District Attorney's Office (Respondent), provided a summary of the department's position. There were no speakers in support of the Respondent. A question and answer period followed.

Upon review of the testimony the Committee questioned whether or not the City Attorney's Office privilege log is disclosable to the public. The Committee believes that the Respondent failed to justify the reason for withholding records pursuant to the Sunshine Ordinance. The Respondent provided a rebuttal. The Complainant provided a rebuttal.

**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 67.27, occurred for failing to justify the reason for withholding specific records.**

Public Comment:

None.

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

Ayes: 2 - Washburn, Hepner

Noes: 0 - None

Absent: 1 - Chopra

6. **File No. 14108:** Complaint filed by the Sade Kammen against the San Francisco Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15, and California Government Code, Sections 54954.3(a)-(c) for failure to provide adequate opportunity for public comment during Planning Commission hearings. (*attachment*)

**Member Washburn, seconded by Member Hepner, moved to find jurisdiction on matter.**

Public Comment:

None.

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

Ayes: 2 - Washburn, Hepner

Noes: 0 - None

Absent: 1 - Chopra

Sade Kammen and Sonya Trauss (Complainant) provided a summary of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Jonas Ionin, Planning Department (Respondent), provided a summary of the department's position. There were no speakers in support of the Respondent. A question and answer period followed.

Upon review of the testimony the Committee found that no violations of the Sunshine Ordinance occurred as there are no provision in the Sunshine Ordinance regarding the scheduling of specific times for public comment. However, the Committee believes that the issue requires additional discussion in regards to implementing a requirement for time specific public comment in the future. The Respondent provided a rebuttal. The Complainant provided a rebuttal.

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

**Member Hepner requests that a hearing be conducted to discuss various possibilities to make public comment easier for the public and the possibility of setting specific times for various hearing issues.**

**Public Comment:**

Michael Petrelis expressed support of setting a time limit for commissioner's comments and suggested that the committee explore the policies of other counties;

Zabvron Deverski expressed concern of the intangible cost of maintaining the status quo for public comment and the inability of the public to take time off work to attend meetings;

Louise Mohin stated that the current system for public comment waste many hours of the public time and that public comment in person is more effective;

Sam Houser suggested that a projected time for each item on an agenda be provided and further stated that the "squeaky wheel" tends to stay late at meetings to insure that their opinions are known;

Mike Aggy stated that public comment is seen as a sideshow to most committees and not seen as a effective way to influence various committees;

Jeffrey Akins suggested a pilot program be implement for time certain public comment and further stated that oral public comments is more effective that written comment;

Todd David, Member, Sunshine Ordinance Task Force and Political Action Committee, stated that the government will be more accessible to the public and have a more diverse set of opinions if public comment times are more predictable.

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

Ayes: 2 - Washburn, Hepner

Noes: 0 - None

Absent: 1 - Chopra

7. **Public Comment:** Members of the public may address the Committee on matters that are within Committee's jurisdiction, but not on today's agenda. (*No Action*)

**Speakers:**

Michael Petrelis expressed his thanks to the members of the Committee for donating their time to the Sunshine Ordinance Task Force.

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

Victor Young, Administrator, stated that the Complaint Committee minutes will be forwarded to the Sunshine Ordinance Task Force for approval due to the changing membership of the Complaint Committee.

9. **ADJOURNMENT**

**There being no further business the meeting was adjourned at 7:41 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.