



**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**

**October 20, 2015 - 4:00 PM**

**Regular Meeting**

**Members:** Lee Hepner (Chair), Allyson Washburn, and David Pilpel

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

Chair Hepner called the meeting to order at 4:08 p.m. Members Hepner and Pilpel were noted present. Member Washburn was noted absent. There was a quorum.

Item No. 6 was called out of order to consider the Complainant's notice that the Order of Determination had been complied with.

Items 2 and 3 were heard together.

- 2. File No. 15029:** Hearing on the status of the Order of Determination Order - Complaint filed by Michael Petrelis against President London Breed, Board of Supervisor, for violating Administrative Code (Sunshine Ordinance), Section 67.21(e), for failure to send a knowledgeable representative to the Sunshine Ordinance Task Force hearing regarding failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. (00:06:30 – 01:18:00)

Michael Petrelis (Complainant) provided a summary of the complaint and requested the Task Force to find additional violations as he does not believe that President Breed has complied with the Immediate Disclosure Request. Conor Johnston and Iris Wong, aides to President Breed (Respondent) presented President Breed's position that the request was overly broad.

On June 3, 2015, the Sunshine Ordinance Task Force had refined the date range of the records request to limit the timeframe in question to the month of January 2014.

**Member Pilpel, seconded by Chair Hepner, moved refer the matter to the Sunshine Ordinance Task Force December 2015 meeting with the recommendation to find a violation of Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to a public records request in a timely and/or complete manner.**

The Committee requested that the Respondent provide the requested emails sent by President Breed for the month of January 2014.

Public Comment:

Paula Datesh stated that the issue is repetitive.

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

Ayes: 2 - Hepner, Pilpel

Noes: 0 - None

Absent: 1 - Washburn

3. **File No. 15060:** Hearing on the status of the Order of Determination: Complaint filed by Michael Petrelis against President London Breed, Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Sections 67.21(e), for failure to send a knowledge representative to the Sunshine Ordinance Task Force hearing regarding failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. (00:06:30 – 01:18:00)

Michael Petrelis (Complainant) provided a summary of the complaint and requested the Task Force to find additional violations as he does not believe that President Breed has complied with the Immediate Disclosure Request. Conor Johnston and Iris Wong, aides to President Breed (Respondent), presented President Breed's position that the request was overly broad.

**Member Pilpel, seconded by Chair Hepner, moved to refer the matter to the Sunshine Ordinance Task Force November 4, 2015 meeting with the recommendation to find a violation of Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to a public records request in a timely and/or complete manner.**

The Committee requested that the Respondent provide a redacted version of President Breed's calendar as originally requested for the period of February 1, 2015, through April 12, 2015.

Public Comment:

Paula Datesh stated that Mr. Petrelis should be able to get the records he wants.

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

Ayes: 2 - Hepner, Pilpel

Noes: 0 - None

Absent: 1 - Washburn

*The Compliance and Amendments Committee shall hold a hearing on File No. 15067 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 Complaint Committee; or 2) schedule the complaint for a hearing before the SOTF on a future date.*

4. **File No. 15067:** Complaint filed by Michael Petrelis against President London Breed, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, for failure to respond an Immediate Disclosure Request in a timely and/or complete manner. (01:18:00 – 01:55:00)

**Member Pilpel, seconded by Chair Hepner, moved to find Jurisdiction.**

Public Comment:

None.

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

Ayes: 2 - Hepner, Pilpel

Noes: 0 - None

Michael Petrelis (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Conor Johnston and Iris Wong, aides to President Breed (Respondent), provided a summary of the President Breed's position that the request is overly broad. 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 Committee requested that the Respondent provide all of President Breed's outgoing emails for the period of March 1, 2015, through March 7, 2015. In addition, the Committee suggested that the Respondent track the workload created by the request for emails for 1 week to determine if the Rule of Reason is applicable.

**Member Pilpel, seconded by Chair Hepner, moved refer the matter to the Sunshine Ordinance Task Force December 2015 meeting with the recommendation to find a violation of Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25(a), for failure to respond to an Immediate Disclosure request in a timely manner and/or complete manner.**

Public Comment:

Paula Datesh expressed frustration over the need to monitor departments.

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

Ayes: 2 - Hepner, Pilpel

Noes: 0 - None

Absent: 1 - Washburn

5. **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 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. (02:16:00 - )

Michael Petrelis (Complainant) provided an update and stated that the District Attorney has not complied with the Order of Determination. Alex Bastian, District Attorney's Office (Respondent) provided an overview of the improvements made to the District Attorney's daily calendar and answered questions from the Committee.

The Committee requested that the District Attorney's document the improvement to his calendar in order to memorialize the changes. The Committee would like to see evidence that the improvement have been implemented and request samples of the improved calendar.

**Member Pilpel, seconded by Chair Hepner, moved continued the matter to the call of the chair.**

Public Comment:

Paula Datesh expressed frustration over the need to monitor departments.

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

Ayes: 2 - Hepner, Pilpel

Noes: 0 - None

Absent: 1 - Washburn

6. **File No. 14096:** Hearing on the Order of Determination - Complaint filed by Ray Hartz against Ben Rosenfield, Controller, and the Office of the Controller for violating Administrative Code (Sunshine Ordinance), Sections 67.21(c) and 67.25(a), for failure to assist the requester in identifying the existence, form and nature of any record requested and failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Ray Hartz (Complainant) submitted communications stating that the Controller's Office has complied with the Order of Determination and that there was no need to proceed.

Todd Rystrom, Controller's Office (Respondent) provided a summary of the actions taken to comply with the Order of Determination.

**Member Pilpel, seconded by Chair Hepner, moved find that the Respondent complied with the Order of Determination and concluded the matter.**

Public Comment:

None.

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

Ayes: 2 - Hepner, Pilpel

Noes: 0 - None

Absent: 1 - Washburn

Item Nos. 7 and 8 were heard together.

7. **File No. 14105:** Hearing on the Order of Determination - Complaint filed by Ray Hartz against Supervisor Mark Farrell, Board of Supervisors, for violating Sunshine Ordinance Section 67.25(a) for failure to respond to Immediate Disclosure Requests in a timely and/or complete manner. (01:55:00 – 02:16:00)

Ray Hartz (Complainant) was not present at the hearing and no communications regarding File No. 14105 and 15071 were received. Jess Montejano, aide to Supervisor Farrell (Respondent) provided a summary of Supervisor's Farrell's efforts to comply with the Order of Determinations and answered questions from the Committee.

The Committee requested that Supervisor Farrell's office communicate with Mr. Hartz directly to indicate that they do not have any records responsive to the Immediate Disclosure Request.

**Member Pilpel, seconded by Chair Hepner, moved find that the Respondent complied with the Order of Determination for File Nos. 14105 and 15071 and concluded the matter.**

Public Comment:

None.

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

Ayes: 2 - Hepner, Pilpel

Noes: 0 - None

Absent: 1 - Washburn

8. **File No. 15071:** Hearing on the Order of Determination - Complaint filed by Ray Hartz against Supervisor Mark Farrell, Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Sections 67.25(a) and 67.21(e), for failure a response to an Immediate Disclosure Request in a timely and/or complete manner and failure to send a knowledgeable representative to the Sunshine Ordinance Task Force meeting. (01:55:00 – 02:16:00)

See Item No. 7 for actions.

9. **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.

Paula Datesh commented on her experiences with the San Francisco Arts Commission.

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

Member Pilpel requested an update on complaints pending before the Committee.

Member Hepner provided an update on the status of the Annual Report.

11. **Adoption of the August 18, 2015, Compliance and Amendments Committee meeting minutes.**

The Committee discussed the draft meeting minutes.

**Member Pilpel, seconded by Chair Hepner, moved approved the meeting as amended.**

Public Comment:  
None.

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

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

12. **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)

13. **ADJOURNMENT**

**There being no further business the meeting was adjourned at 7:13 p.m.**

**APPROVED: December 15, 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.

The Sunshine Ordinance Task Force was established by [the San Francisco Administrative Code](#), Chapter 67. The purpose of the Task Force is to protect the public's interest in open government and to carry out the duties enumerated in [Chapter 67 of the San Francisco Administrative Code](#). For additional information concerning Sunshine Ordinance Task Force please contact the Task Force by e-mail [sotf@sfgov.org](mailto:sotf@sfgov.org) or by calling (415) 554-7724.

### Agenda Item Information

Each item on the agenda may include the following documents:

- 1) Department or Agency cover letter and/or report;
- 2) Public correspondence;
- 3) Other explanatory documents.

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

### Meeting Procedures

- |    |  |                      |
|----|--|----------------------|
| 1. | Complainant presents his/her facts and evidence  | 5 minutes            |
|    | Other parties of Complainant present facts and evidence  | Up to 3 minutes each |
| 2. | City responds  | 5 minutes            |
|    | Other parties of City respond  | Up to 3 minutes each |
|    | <i>Above total speaking times for Complainant and City to be the same.</i>                                   |                      |
| 3. | Matter is with the Task Force for discussion and questions.  |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal   | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.   |                      |
| 6. | Public comment (Excluding Complainant & City response, witnesses)  | Up to 3 minutes each |
| 7. | Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.) |                      |

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the agenda items. These comments will be made a part of the official public record. Written communications should be submitted to the SOTF at: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102.



AGENDA PACKET: Available for review in the Office of the Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, or on the internet at: <http://www.sfbos.org/sunshine>.

AUDIO RECORDINGS: Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at: <http://www.sfbos.org/sunshine>.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Peggy Nevin at (415) 554-5184.

AVISO EN ESPAÑOL: La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Derek Evans (415) 554-7702.

Paunawa: Ang mga kahilingan ay kailangang matanggap sa loob ng 48 oras bago mag miting upang matiyak na matutugunan ang mga hiling. Mangyaring tumawag ka sa (415) 554-5184.

翻譯 必須在會議前最少四十八小時提出要求  
請電 (415) 554-7719

#### **Disability Access**

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

#### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102; phone (415) 554-7724; fax (415) 554-7854; or email [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67 on the Internet at <http://www.sfbos.org/sunshine>.

### **Cell Phones, Pagers and Similar Sound-Producing Electronic Devices**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (Chapter 67A of the San Francisco Administrative Code).

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)