



**SUNSHINE ORDINANCE TASK FORCE**  
**Education, Outreach, and Training Committee**  
**CITY AND COUNTY OF SAN FRANCISCO**  
**MINUTES**

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

**January 12, 2015 – 4:00 PM**

**Regular Meeting**

**Members:** Chris Hyland (Chair), David Pilpel,  
Todd David, Ali Winston, Josh Wolf

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

The meeting was called to order at 4:09 p.m. Members Winston and Wolf were noted absent. There was a quorum. Member Wolf was noted present at 4:26 p.m.

There was a request to continue Items Nos. 12 and 13 (File Nos. 14067 and 14098) received from the Complainant via telephone on 1/12/15 at 3:30 p.m. Jeremy Spitz and Frank Lee, Public Works (Respondent), commented on the request. Action listed under Items 12 and 13.

**2. Adoption of the November 10, 2014, Education, Outreach, and Training Committee meeting minutes.**

**Member Pilpel, seconded by Member Hyland, moved to adopt the meeting minutes as amended.**

Public Comment:  
None.

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

Ayes: 4 - Pilpel, David, Wolf, and Hyland  
Noes: 0 - None.  
Absent: 1 - Winston

Item Nos. 3, 4, 5, 6, 7, and 8 (File Nos. 11068, 13085, 14037, 14038, 14039, and 14040) were heard together. (01:09:00 - 01:56:00)

3. **File No. 11068: Hearing on the Status of the Order of Determination** - Complaint filed by Anonymous against the Planning Department for violating Administrative Code (Sunshine Ordinance), Section 67.21(a), for failure to provide copies of all Parkmerced project documents.

See Item 8 (File No. 14040) for additional comments.

The Complainant was invited to attend the meeting and ADA accommodations were provided as requested (teleconferencing services). However, the Complainant chose not to attend the meeting and did not make use of the teleconference setup. The Education, Outreach and Training Committee (EOTC) requested that the Planning Department provide copies of their communications with the Complainant regarding the request for documents related to the Parkmerced project.

**Member David, seconded by Member Wolf, moved to find that the Planning Department has complied with the Order of Determination regarding File No. 11068 and concluded the matter. The Planning Department has: 1) posted all documents related to the Parkmerced Project on their website; 2) delivered hard copies of the requested records to the Complainant; and 3) made the originals of the requested records available at the Planning Department.**

**Upon receipt of written confirmation of the Planning Department's statement of compliance and copies of the email communications between the Planning Department and the Complainant the complaint will be concluded.**

Public Comment:

Thomas Picarello expressed support for the motion and commented on the late submission of documents by the Respondent.

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

Ayes: 4 - Pilpel, David, Wolf, and Hyland

Noes: 0 - None

Absent: 1 - Winston

*The Education, Outreach and Training Committee (EOTC) shall hold a hearing on File Nos. 13085, 14037, 14038, 14039, and 14040 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 EOTC, shall: 1) review and adopt the recommendation of the EOTC; 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. 13085:** Complaint filed by Anonymous against Tim Frye, Historic Preservation Committee, Planning Department, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b) and 67.25(a) for failure to respond to a request for public records in a timely and complete manner.

See Item No. 8 (File No. 14040) for actions and comments.

5. **File No. 14037:** Complaint filed by Anonymous against Jonas Ionin, Planning Department, for allegedly violating Sunshine Ordinance Section 67.25(a) for failure to respond to a request for public records in a timely and complete manner.

See Item No. 8 (File No. 14040) for actions and comments.

6. **File No. 14038:** Complaint filed by Anonymous against Lulu Hwang, Planning Department, for allegedly violating Sunshine Ordinance Section 67.25(a) for failure to respond to a request for public records in a timely and complete manner.

See Item No. 8 (File No. 14040) for actions and comments.

7. **File No. 14039:** Complaint filed by Anonymous against Josephine Chen, Planning Department, for allegedly violating Sunshine Ordinance Section 67.25(a) for failure to respond to a request for public records in a timely and complete manner.

See Item No. 8 (File No. 14040) for actions and comments.

8. **File No. 14040:** Complaint filed by Anonymous against Rick Cooper, Planning Department, for allegedly violating Sunshine Ordinance Section 67.25(a) for failure to respond to a request for public records in a timely and complete manner.

**Member David, seconded by Member Pilpel, moved to find jurisdiction for items 4 through 8 (File Nos. 13085, 14037, 14038, 14039, and 14040).**

Public Comment:

None.

**The motion PASSED without objection.**

The Complainant for Items 3 through 8 did not appear or participate via teleconference as previously arranged. The Complainant contacted the Task Force Administrator via email to request teleconference participation pursuant to the ADA. The Task Force Administrator provided call-in information to the Complainant for teleconferencing and verified that all equipment was in good working order.

Christine LaMorena, Manager of Commission Affairs, Planning Department (Respondent), presented the department's defense. Ms. LaMorena stated that the Planning Department has exhausted all avenues of research and believes that all requested documents have been provided to the Complainant. A question and answer period occurred.

**Member Pilpel, seconded by Member Hyland, moved to refer File Nos. 13085, 14037, 14038, 14039, and 14040 to the Sunshine Ordinance Task Force with the recommendations that the Task Force has jurisdiction and that the complaints be concluded as the Planning Department has complied with the request for public records. (All requested records were provided to the Complainant under File No. 11068).**

**In addition, it is the Committee's opinion that the department is responsible for providing public records and that individual employees may delegate the duty of responding to public records requests to assigned departmental representatives (Custodian of Records and/or the Department Head). All documents requested by the Complainant were provided and/or are available online.**

Public Comment:

Thomas Picarello suggested an alternate version of the committee's motion that was accepted by the committee.

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

Ayes: 4 - Pilpel, David, Wolf, and Hyland

Noes: 0 - None

Absent: 1 - Winston

9. **Public Comment:** Members of the public may address the Education, Outreach and Training Committee on matters that are within the Committee's jurisdiction but not on today's agenda.

Paula Datesh provided an update on the San Francisco Arts Commission's compliance with the Sunshine Ordinance.

Thomas Picarello requested that the committee hold hearings to discuss Administrative Code 12L regarding non-profits compliance with the Sunshine Ordinance.

Charles Pitts stated that non-profits should be posting agendas and minutes online.

Items 10 and 11 (File No. 13035 and 14063) were heard together.

10. **File No. 13035: Hearing on the status of the Order of Determination** – Complaint filed by James Chaffee against the Board of Supervisors, Budget and Finance Committee, for violating Administrative Code (Sunshine Ordinance), Section 67.15(c) and California Government Code, Section 54954.3(b) for failing to provide adequate opportunity for public comment prior to taking final actions. (00:07:00 - 00:36:00)

See Item 11 (File No. 14063) for actions and comments.

11. **File No. 14063: Hearing on the status of the Order of Determination** - Complaint filed by Thomas Picarello against Supervisor Farrell, Chair of the Budget and Finance Committee of the Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Section 67.15(b) and California Government Code, Section 54954.3(a) for failure to provide adequate opportunity for public comment prior to taking final actions at the June 16, 2014, Budget and Finance Committee meeting. (00:07:00 - 00:36:00)

James Chafee (Complainant) did not appear. Thomas Picarello (Complainant) provided an update on the status of the complaint and provided suggestions. Catherine Stefani, Aide to Supervisor Mark Farrell, Board of Supervisors, provided a summary of the previous actions taken to address the issue. A question and answer period occurred.

The Committee agreed to draft a proposed letter regarding public comment during the City's budget process. The draft letter will be referred to the Sunshine Ordinance Task Force's February 4, 2015, meeting for comments and scheduled before the Committee on March 9, 2015, for additional review.

**Member Pilpel, seconded by Member David, moved to authorize Member Pilpel to draft a letter to Supervisor Mark Farrell, Budget and Finance Committee, Board of Supervisors, regarding development and adoption of Budget and Finance Committee public engagement process for the annual budget hearings for review by the Task Force on February 4, 2015.**

Public Comment:

Charles Pitts stated that the Task Force should be ruling on the matter.

Paula Datesh expressed her hope that the process for budget public comment can be improved.

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

Ayes: 4 - Pilpel, David, Wolf, and Hyland

Noes: 0 - None.

Absent:1 - Winston

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

Public Comment:

None.

**The motion PASSED without objection.**

Items 12 and 13 (File No. 14067 and 14098) were heard concurrently.

12. **File No. 14067: Hearing on the status of the Order of Determination** - Complaint filed by Charles Grisham against Frank Lee, Public Works, for violating Administrative Code (Sunshine Ordinance), Section 67.21(c) for failure to assist the requester in identifying the existence, form and nature of a requested record. (00:03:00 - 00:07:00)(00:36:00 - 01:02:00)

See Item 13 (File No. 14098) for actions and comments.

13. **File No. 14098:** Complaint filed by the Charles Grisham against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25 for failure to respond to requests for public records in a timely and complete manner. (00:03:00 - 00:07:00)(00:36:00 - 01:02:00)

A request for continuance was received from the Complainant for File Nos. 14067 and 14098 via telephone on 1/12/15 at 3:30 p.m. Jeremy Spitz and Frank Lee, Public Works (Respondent), commented on the request and provided an update on the status of the complaint. There was a question and answer period.

The Committee requested that Public Works comply with the Order of Determination and provide written procedures regarding how Public Works processes public records requests. In addition, the Committee requested any additional information related to training provided to staff regarding assisting the public in finding requested records.

Member Pilpel will review the numerous documents to determine if any additional documents are required.

**Member Pilpel, seconded by Member David, moved to continue the matter to the March 9, 2015, meeting of the EOTC.**

Public Comment:

Paula Datesh stated that the Complainant could have requested a continuance in advance of the meeting date.

**The motion PASSED without objection.**

**The meeting was in recess from 5:30 p.m. to 5:40 p.m.**

14. **File No. 14065: Update: Civil Grand Jury Report - Ethics in the City: Promise, Practice or Pretense.** (01:55:00 - 02:36:30)

Victor Young, Administrator, Sunshine Ordinance Task Force, provided an overview of the matter. Discussion occurred and proposed follow up responses were drafted regarding the Civil Grand Jury Report.

**Member Pilpel, seconded by Member Hyland, moved to draft a follow-up letter and present it to the Sunshine Ordinance Task Force at the February 4, 2015, meeting for review and approval.**

Public Comment:

Thomas Picarello provided comments and recommendations related to the Civil Grand Jury Report and the SOTF's response.

**The motion PASSED without objection.**

15. **File No. 14073: Proposed amendments to Sunshine Ordinance Section 67.29-5 - Calendars of Certain Officials. (02:36:30 - 02:50:00)**

Discussion occurred regarding the proposed amendments to Sunshine Ordinance, Section 67.29-5.

The Committee expressed support for the proposed amendment and requested that the Office of the City Attorney provide an opinion regarding possible methods available to amend the Sunshine Ordinance and the legal need to place amendments on the ballot for public approval.

The audio recording of the meeting will be forwarded to the Compliance and Amendments Committee (CAC) for review and inclusion into the summary that they are developing.

**Member Pilpel, seconded by Member Hyland, moved to recommend the matter to the Compliance and Amendments Committee (CAC) for additional discussion. It is suggested that the CAC hear the matter during their February meeting and forward it to the Task Force March meeting.**

Public Comment:

None.

**The motion PASSED without objection.**

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

Member Pilpel requested a discussion regarding the revision of the committee meeting schedule.

Member Wolf requested hearings on the city's use of Yammer and other social media in relation to the Sunshine Ordinance.

Task Force Administrator Victor Young provided an updated on Complaint No. 14091 and 14092 and the request of the Complainant to adjudicate without the Complainant present.

17. **ADJOURNMENT**

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

**APPROVED: May 11, 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.