



# SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO MINUTES

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

April 1, 2015 - 4:00 PM

## Regular Meeting

Seat 1	Vacant	Seat 7	Lee Hepner
Seat 2	Vacant	Seat 8	Todd David
Seat 3	Josh Wolf	Seat 9	Chris Hyland - <b>Vice Chair</b>
Seat 4	Rishi Chopra	Seat 10	Louise Fischer
Seat 5	Allyson Washburn - <b>Chair</b>	Seat 11	Fiona Hinze
Seat 6	David Pilpel		

Ex-officio (*non-voting*) Clerk of the Board of Supervisors or his or her designee

Ex-officio (*non-voting*) Mayor or his or her designee

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

The meeting was called to order at 4:06 p.m. Members Wolf and Chopra were noted absent. There was a quorum.

Member Wolf was noted present at 5:02 p.m.

**Member Hepner, seconded by Member David, moved to hear Item No. 18 after Item No. 3.**

Public Comment:

Thomas Picarello stated that the item is listed as a special order for 7:00 p.m. and should not be moved. (Chair Washburn clarified that Item No. 18 was not listed under the special order.)

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

Ayes: 7 - Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Wolf, Chopra

2. **Approval of minutes from the Sunshine Ordinance Task Force (SOTF) March 4, 2015, meeting.**

Chair Washburn and Member Pilpel proposed clerical corrections to the March 4, 2015, meeting minutes.

**Member Pilpel, seconded by Member Fischer, moved to approve the March 4, 2015, meeting minutes as amended.**

Public Comment:

None.

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

Ayes: 7 - Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Wolf, Chopra

3. **Approval of meeting minutes from the Complaint Committee April 12, 2011; May 10, 2011; June 14, 2011; July 12, 2011; November 10, 2014; January 20, 2015; February 17, 2015; and March 17, 2015, meetings.**

Chair Washburn and Member Pilpel proposed clerical corrections to the various meeting minutes.

**Member David, seconded by Member Pilpel, moved to approve the Complaint Committee April 12, 2011; May 10, 2011; June 14, 2011; July 12, 2011; November 10, 2014; January 20, 2015; February 17, 2015; and March 17, 2015, meeting minutes as amended.**

Public Comment:

Peter Warfield stated that the older minutes are inadequate and should have a summary of the actions taken.

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

Ayes: 7 - Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Wolf, Chopra

4. **File No. 14106:** Complaint filed by Ray Hartz against Teresa Ono, President, Library Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15, for abridging public comment by not providing equal access to audio visual equipment. (01:02:00 - 02:57:00)

**Member Hinze, seconded by Member David, moved to find jurisdiction.**

Public Comment:

None.

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

Ayes: 7 - Wolf, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 1 - Pilpel

Absent: 1 - Chopra

Ray Hartz (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Michael Lambert, Deputy City Librarian, Roberto Lombardi, Facilities Manager, and Sue Blackman, Commission Secretary, Public Library (Respondent), provided a summary of the department's position. 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.

Nicholas Colla, Deputy City Attorney, comment on the matter.

Public Comment:

Peter Warfield expressed concerns that the Library Commission did not bring a person familiar with the Information Technology problems to discuss equal access to audio visual equipment.

**Member Hyland, seconded by Member Washburn, moved to find Teresa Ono, President, Library Commission, and the Library Commission in violation of Administrative Code (Sunshine Ordinance), Section 67.15(d) for abridging public comment.**

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

Ayes: 4 - David, Fischer, Hyland, Washburn

Noes: 4 - Wolf, Pilpel, Hepner, Hinze

Absent: 1 - Chopra

**Member Wolf, seconded by Member Hyland, moved to find Teresa Ono, President, Library Commission, and the Library Commission in violation of Administrative Code (Sunshine Ordinance), Section 67.1(d) for failure to provide service to the public.**

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

Ayes: 2 - Wolf, Hyland

Noes: 6 - Pilpel, Hepner, David, Fischer, Hinze, Washburn

Absent: 1 - Chopra

**The being no additional motion, the SOTF found no violation and concluded the matter.**

Chair Washburn requested that a hearing file be opened and scheduled before the Education, Outreach, and Training Committee to discuss possible solutions. File No. 15044: Hearing - Solutions to allow the public access to audio visual equipments at Library Commission meetings.

5. **File No. 14107:** Complaint filed by Ray Hartz against Mayor Edwin Lee, Office of the Mayor, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.31, for failure to administer and coordinate the implementation of the provisions of the Sunshine Ordinance to prevent the Library Commission from allegedly restricting the right to make public comment during Commission meetings. (01:02:00 - 02:57:00)

**Member David, seconded by Member Hinze, moved to find jurisdiction.**

Public Comment:

None.

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

Ayes:8 - Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 1 - Chopra

Ray Hartz (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Nicole Wheaton, Mayor'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. The Complainant provided a rebuttal.

**Member Wolf moved to find a violation of Administrative Code (Sunshine Ordinance), Section 67.31. (There was no second)**

The issue of whether or not the Mayor's Office is responsible for implementing the Sunshine Ordinance was not discussed. Pursuant to Item No. 4 (File No. 14106), the Library Commission did not violate the Sunshine Ordinance.

Public Comment:

Peter Warfield stated that the Public Library should not have abridged public comment.

**There being no second to the motion and due to the lack of any other motion, the SOTF found no violation and concluded the matter.**

6. **Public Comment:** Members of the public may address the Sunshine Ordinance Task Force (SOTF) on matters that are within SOTF’s jurisdiction, but not on today’s agenda. (00:52:30 - 01:02:00)

Speakers:

Paula Datesh provided a summary of the actions of the Arts Commission and their failure to post agendas and minutes at the Public Library.

Ray Hartz provided a summary of his previous SOTF Order of Determinations and the history of violations by various departments.

Peter Warfield stated that the issue of speaking time should be discussed by the SOTF (2 minutes versus up to 3 minutes).

Thomas Picarello requested that the SOTF hold hearings to discuss the application of the Sunshine Ordinance to non-profit agencies and requested that the 2015 Order of Determinations be placed online.

**The Meeting was in Recess from 6:50 PM to 7:00 PM**

7. **File No. 15011:** Complaint filed by David Eisenberg against Trent Rhorer and the Human Services Agency (HSA) for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.3, 67.4, 67.7, and 67.21, for failure to adequately respond to a February 4, 2015, request for information about HSA meetings and for denying access to said meetings.

Mr. Eisenberg (Complainant) requested a continuance due to the late hour and other obligations. David Curto, Human Service Agency (Respondent), expressed his disappointment to the long wait before considering the continuance.

**Member Pilpel, seconded by Member Hyland, moved to continue the matter to the May 6, 2015, SOTF meeting.**

Public Comment:

None

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

Ayes: 7 - Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Wolf, Chopra

**Recommendation from the Complaint Committee.**

*(The Compliant Committee held a hearing on March 17, 2015, to review File Nos. 14112, 15009, 15014, and 15017 and issued a report and/or recommendation for the SOTF's review. Upon review of the Complaint Committee's recommendations the SOTF shall: 1) accept the recommendation of the Complaint Committee; or 2) schedule the complaint for a hearing before the SOTF at a future date.)*

8. **File No. 14112:** Complaint filed by Mark Major against the Board of Supervisors for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15 for failing to provide adequate opportunity for public testimony by abridging public comment. *(The Complaint Committee determined that the SOTF has jurisdiction and recommended that the SOTF conclude the matter as no violation of the Sunshine Ordinance has occurred.)*

**Member Wolf, seconded by Member Hepner, moved to adopt the recommendations of the Complaint Committee and conclude the matter as no violations of the Administrative Code (Sunshine Ordinance) has occurred.**

Public Comment:

None.

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

Ayes: 8 - Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 1 - Chopra

9. **File No. 15009:** Complaint filed by William Clark against the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, by removing items from the agenda without prior notice or discussion and conducting a seriatim meeting related to the January 14, 2015, Street Artist Program Committee meeting agenda. *(Discussion and Action)(attachment)*  
*(The Complaint Committee determined that the SOTF has jurisdiction and recommended that the SOTF conclude the matter as no violation of the Sunshine Ordinance has occurred.)*

**Member Wolf, seconded by Member David, moved to adopt the recommendations of the Complaint Committee and conclude the matter as no violations of the Administrative Code (Sunshine Ordinance) has occurred.**

Public Comment:

Paula Datesh (Complainant), commented on the merits of the complaint and request the SOTF not to accept the recommendation.

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

Ayes: 7 - Wolf, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 1 - Pilpel

Absent: 1 - Chopra

10. **File No. 15014:** Complaint filed by Paula Datesh against Howard Lazar and the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.15(b)(e), for failure to announce agenda changes and accept public comment prior to taking action. *(Discussion and Action)(attachment)*  
*(The Complaint Committee determined that the SOTF has jurisdiction and recommended that the SOTF conclude the matter as no violation of the Sunshine Ordinance has occurred.)*

**Member Wolf, seconded by Member David, moved to adopt the recommendations of the Complaint Committee and conclude the matter as no violations of the Administrative Code (Sunshine Ordinance) has occurred.**

**Public Comment:**

Paula Datesh (Complainant) commented on the merits of the complaint and request the SOTF not to accept the recommendation.

Kate Patterson-Murphy, Arts Commission (Respondent), responded to questions from the Task Force.

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

Ayes: 4 - David, Fischer, Hinze, Hyland

Noes: 4 - Wolf, Pilpel, Hepner, Washburn

Absent: 1 - Chopra

The Complaint Committee recommendation for File No. 15014 was not adopted by the SOTF. File No. 15014 will be scheduled for a hearing.

11. **File No. 15017:** Complaint filed by Paula Datesh against Rebekah Krell and the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. *(Discussion and Action)(attachment)*  
*(The Complaint Committee determined that the SOTF has jurisdiction and recommended that the SOTF find that a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely manner.)*

**Member Wolf, seconded by Member David, moved to adopt the recommendations of the Complaint Committee and find that a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely manner.**

## Public Comment:

Paula Datesh (Complainant) commented on the merits of the complaint and suggested additional violations.

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

Ayes: 8 - Wolf, Pilpel, Hepner, David, Fischer Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 1 - Chopra

Members Wolf and Fischer were noted absent at 8:16 PM

12. **Sunshine Ordinance Task Force consideration of tabling complaint filed by Anonymous that have previously been postponed.** *(The following complaints have previously been postponed at the request of the Complainant. The SOTF will determine if the matters should be tabled as the Complainant is unable to participate/attend SOTF meeting at this time. If the matters are tabled the Complaint may re-file the complaint with the SOTF on a future date when he/she is available to participate in the SOTF process/hearing. File Nos. 12031, 12043, 12044, 12045, 12046, 12047, 13002, 13003, 13004, 13042, 13063, 13064, 13065, 13066, 13067, 13068, 13069, 13070, 13075, and 14051.)*

The SOTF received an e-mail from the Complainant requesting that all pending complaints be tabled. A request for clarification as to the intent of the Complainant was transmitted to the Complainant.

**Member David, seconded by Member Hyland, moved to table File Nos. 12031, 12043, 12044, 12045, 12046, 12047, 13002, 13003, 13004, 13042, 13063, 13064, 13065, 13066, 13067, 13068, 13069, 13070, and 13075.**

## Public Comment:

None.

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

Ayes: 6 - Pilpel, Hepner, David, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 3 - Wolf, Chopra, Fischer



13. **Sunshine Ordinance Task Force consideration of postponing complaints filed by Anonymous that have not previously been postponed.**

*(The following complaints have not previously been postponed at the request of the Complainant. The SOTF will determine if the matters should be postponed for a period not to exceed 90 days as the Complainant is unable to participate/attend SOTF meeting at this time. File Nos. 14051, 14052, 14060, 14109, 15006, and 15007)*

The SOTF in received an e-mail from the Complainant requesting that all pending complaints be tabled. A request for clarification as to the intent of the Complainant was transmitted to the Complainant.

**Member Pilpel, seconded by Member David, moved to continue the following files to the May 6, 2015, meeting of the SOTF to determine if the matters should be tabled: File Nos. 14051, 14052, 14060, 14109, 15006, and 15007.**

Public Comment:

None.

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

Ayes: 6 - Pilpel, Hepner, David, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 3 - Wolf, Chopra, Fischer

14. **File No. 14030: Amendments to the Sunshine Ordinance Task Force By-Laws and/or Complaint Procedures.**

The SOTF discussed proposed amendments to the SOTF By-Laws and Complaint Procedures.

Member Pilpel, seconded by Member David, moved to adopt the amendments to the By-laws as further amended in Article IV, Section 3, to insert shall be e-mailed "or otherwise provided"; and in Article V, Section 1, to delete "Pursuant to Roberts Rules of Order the following method shall be used regarding the approval of minutes...A vote by the Task Force is not required".

Public Comment:

None.

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

Ayes:6 - Pilpel, Hepner, David, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 3 - Wolf, Chopra, Fischer

15. **File No. 15026: Sunshine Ordinance Task Force Budget Review.**

Victor Young, Administrator, Sunshine Ordinance Task Force, provided a summary of the SOTF Budget for 2014/2015.

Member Pilpel requested that the budget summary be presented to the SOTF on an annual basis.

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

Public Comment:  
None.

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

Ayes: 6 - Pilpel, Hepner, David, Hinze, Hyland, Washburn  
Noes: 0 - None.  
Absent: 3 - Wolf, Chopra, Fischer

16. **Administrator's Report.**

Victor Young, Administrator, Sunshine Ordinance Task Force, presented the Administrator's Report.

Public Comment:  
None.

**Special Order - 7:00 PM**

*(Discussion regarding File No. 15013 shall begin at 7:00 PM or as soon thereafter as possible.)*

17. **File No. 15013: Hearing - Improving the hearing process of boards and commissions to ensure that a representative portion of the public is allowed to provide input by setting specific times for discussions and public comment.**

Sonya Trauss presented her report and recommendations regarding specific times for discussions and public comment during Board and Commission hearings.

Public Comment:  
None.

Chair Washburn referred the matter to the Education, Outreach, and Training Committee to develop best practices to ensure that a representative portion of the public is allowed to provide input by setting specific times for discussions and public comment.

18. **File No. 14073: Proposed amendments to Administrative Code (Sunshine Ordinance), Section 67.29-5, Calendar of Certain Officials.** (00:15:00 - 00:52:30)

Supervisor John Avalos presented his proposed amendments to Administrative Code (Sunshine Ordinance), Section 67.29-5, Calendars of Certain Officials, and answered questions raised through the hearing.

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

Public Comment:

Jeremy Pollock, Legislative Aide to Supervisor Avalos, provided clarifying information regarding the calendar programs used.

Thomas Picarello expressed concern regarding the definition of paper/phone calendars and request the reference to invasion of privacy should be stricken from the legislation.

Ray Hartz expressed thanks to Supervisor Avalos for making better calendars and suggested that all records be placed online for ease of access.

Peter Warfield posed the following questions: Who identifies whistleblowers and who decides what is an invasion of privacy?

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

Ayes: 7 - Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Wolf, Chopra

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

Nicholas Colla, Deputy City Attorney, announced that he would be unavailable from May 14, 2015, through June 2, 2015. Michael Weiss, Deputy City Attorney, will be available to provide support if needed.

20. **ADJOURNMENT**

There being no further business the meeting was adjourned at 8:51 p.m.

**APPROVED: May 6, 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.