



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 3, 2013 – 4:00 PM

Regular Meeting

Members: Kitt Grant (Chair), Louise Fischer (Vice-Chair),
Richard Knee, Suzanne Manneh, Allyson Washburn, David Pilpel,
David Sims, Todd David, Chris Hyland, Bruce Oka

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

The meeting was called to order at 4:12 p.m. Members David and Sims were noted absent. There was a quorum. Member Sims was noted present at 4:27 p.m.

Chair Grant announced a request from the Complainant to postpone the hearings on File Nos. 12041 and 12042, along with all other pending complaints submitted by the Complainant.

2. **File No. 12041:** Complaint filed by Anonymous against the Human Rights Commission for allegedly continually delaying a response to Complainant's case investigation.

Member Knee, seconded by Member Manneh, moved to CONTINUE TO THE CALL OF THE CHAIR.

Speakers: None.

The motion PASSED without objection.

3. **File No. 12042:** Complaint filed by Anonymous against Lupe Arreola, Discrimination Investigator, Human Rights Commission for allegedly not providing information on the determination of a Human Rights Commission complaint.

Member Knee, seconded by Member Manneh moved to CONTINUE TO THE CALL OF THE CHAIR.

Speakers: None.

4. **The motion PASSED without objection.**
Public Comment.

Speakers: Barry Taranto stated that the Ethics Commission does not value Task Force referrals; Ray Hartz stated that it is the Task Force who interprets Sunshine Ordinance violations, it is not the charge of the Ethics Commission; Doug Comstock expressed appreciation and presented Member Manneh with a plaque for her service on the Task Force; Mr. Mahmoud stated that items on the Municipal Transportation Agency's agenda lack specificity; Peter Warfield expressed appreciation for Member Manneh's service on the Task Force.

5. **File No. 12048:** Complaint filed by David Schneider against the Municipal Transportation Agency for allegedly denying fair and uniform speaking time for public comment.

Member Knee, seconded by Member Washburn, moved to find jurisdiction.

Speakers: None.

The motion PASSED without objection.

David Schneider (Complainant) provided an overview of the complaint and requested the Task Force to find violations. No speakers offered facts and evidence in support of Complainant. Roberta Boomer, Secretary Municipal Transportation Agency (MTA) Board of Directors (Respondent), provided an overview of the MTA Commission's defense and requested the Task Force to dismiss the complaint. No speakers offered facts and evidence in support of Respondent. A question and answer period followed. Respondent waived rebuttal. Complainant provided a rebuttal and again requested the Task Force find violations.

Member Manneh, seconded by Member Knee, moved to find the MTA Board in violation of Sunshine Ordinance Section 67.15(c) for failure to uniformly apply time limits to members of the public.

Speakers: Male Speaker stated that the MTA Board knew the climate of the item and should have allowed substantial time for speakers; Ray Hartz, Jr. stated that commissions regularly go into closed session without permitting public comment; Peter Warfield stated that members of the public have three minutes for comment at the public's discretion.

The motion FAILED by the following vote:

Ayes: 5 - Manneh, Washburn, Pilpel, Sims, Hyland
Noes: 4 - Knee, Oka, Fischer, Grant
Absent: 1 - David

RECESS 5:36 p.m. - 5:47 p.m.

6. **File No. 12049:** Complaint filed by Ray Hartz, Jr. against John St. Croix, Executive Director, Ethics Commission, for allegedly committing multiple violations in its July 23, 2012 minutes.

Member Knee, seconded by Member Pilpel, moved to find jurisdiction.

Speakers: None.

The motion PASSED without objection.

Ray Hartz, Jr. (Complainant) provided an overview of the complaint and requested the Task Force to find violations. No speakers offered facts and evidence in support of Complainant. John St. Croix, Executive Director, Ethics Commission (Respondent), provided an overview of the Ethics Commission's defense and requested the Task Force to dismiss the complaint. No speakers offered facts and evidence in support of Respondent. A question and answer period followed. Respondent waived rebuttal. Complainant provided a rebuttal and again requested the Task Force find violations.

Member Washburn, seconded by Member Oka, moved to find the Ethics Commission in violation of Sunshine Ordinance Section 67.16 for failure to include up to 150 word-summary in body of the minutes at the point in minutes where speaker made comments; referral to the Compliance and Amendments Committee.

Speakers: Peter Warfield stated that the Library Commission's repeatedly violates the Sunshine Ordinance Section 67.16.

The motion PASSED by the following vote:

Ayes: 7 – Knee, Manneh, Washburn, Sims, Hyland, Oka, Fischer

Noes: 2 – Pilpel, Grant

Absent: 1 – David

7. **File No. 12050:** Complaint filed by Ray Hartz, Jr. against Angela Calvillo, Clerk of the Board of Supervisors for allegedly violating Sunshine Ordinance Section 67.16 in minutes for the months of March through July 2012 and September 2012.

Member Knee, seconded by Member Sims, moved to find jurisdiction.

Speakers: None.

The motion PASSED without objection.

Ray Hartz, Jr. (Complainant) provided an overview of the complaint and requested the Task Force to find violations. No speakers offered facts and evidence in support of Complainant. Rick Caldeira, Deputy Director, Office of the Clerk of the Board (Respondent), provided an overview of the Clerk of the Board's defense and requested

the Task Force to dismiss the complaint. No speakers offered facts and evidence in support of Respondent. A question and answer period followed. Respondent waived rebuttal. Complainant provided a rebuttal and again requested the Task Force find violations.

Member Hyland, seconded by Member Oka, moved to find the Board of Supervisors in violation of Sunshine Ordinance Section 67.16 for failure to include 150-summary in body of minutes at point in minutes where speaker made comments; referral to Education, Outreach and Training.

Speakers: Peter Warfield expressed opposition to Board of Supervisor's meetings speaker time limits and spoke in favor to motion.

The motion PASSED by the following vote:

Ayes: 7 – Knee, Manneh, Washburn, Sims, Hyland, Oka, Fischer

Noes: 2 – Pilpel, Grant

Absent: 1 – David

8. **Approval of Minutes from the May 2, 2012, Regular Meeting.**

Member Pilpel, seconded by Member Knee, moved to approve the minutes as corrected.

Speaker: Peter Warfield stated that the minutes do not reflect the content of his public comment.

The motion PASSED without objection.

9. **Approval of Minutes from the June 6, 2012, Regular Meeting.**

Member Pilpel, seconded by Member Knee, moved to approve the minutes as corrected.

Speaker: Peter Warfield stated that the minutes do not reflect the content of his public comment.

The motion PASSED without objection.

10. **Approval of Minutes from the July 11, 2012, Special Meetings.**

Member Pilpel, seconded by Member Washburn, moved to approve the minutes as corrected.

Speaker: Peter Warfield stated that the minutes do not reflect the content of his public comment.

The motion PASSED without objection.

11. **Approval of Minutes from the November 7, 2012, Regular Meeting.**

Member Knee, seconded by Member Oka, moved to CONTINUE to May 1, 2013.

Speaker: Peter Warfield stated that the minutes do not reflect the content of his public comment.

The motion PASSED without objection.

12. **Approval of Minutes from the December 5, 2012, Regular Meeting.**

Member Pilpel, seconded by Member Hyland, moved to CONTINUE items 12 - 16 to May 1, 2013.

Speaker: Peter Warfield stated that the minutes do not reflect the content of his public comment.

The motion PASSED without objection.

13. **Approval of Minutes from the December 12, 2012, Special Meeting.**

Member Pilpel, seconded by Member Hyland, moved to CONTINUE items 12 - 16 to May 1, 2013.

Speaker: Peter Warfield stated that the minutes do not reflect the content of his public comment.

The motion PASSED without objection.

14. **Approval of Minutes from the January 16, 2013 Special Meeting.**

Member Pilpel, seconded by Member Hyland, moved to CONTINUE items 12 - 16 to May 1, 2013.

Speaker: Peter Warfield stated that the minutes do not reflect the content of his public comment.

The motion PASSED without objection.

15. **Approval of Minutes from the February 6, 2013 Regular Meeting.**

Member Pilpel, seconded by Member Hyland, moved to CONTINUE items 12 - 16 to May 1, 2013.

Speaker: Peter Warfield stated that the minutes do not reflect the content of his public comment.

The motion PASSED without objection.

16. **Approval of Minutes from the March 6, 2013 Regular Meeting.**

Member Pilpel, seconded by Member Hyland' moved to CONTINUE items 12 - 16 to May 1, 2013.

Speaker: Peter Warfield stated that the minutes do not reflect the content of his public comment.

The motion PASSED without objection.

17. **Report: Compliance and Amendments Committee meeting of March 19, 2013.**

Member Washburn, Chair of the Compliance and Amendments Committee, reported on the committee's March 19, 2013.

Speakers: None.

18. **Administrator's Report.**

Andrea Ausberry, Sunshine Ordinance Task Force Administrator, gave the report on behalf of the Sunshine Ordinance Task Force Office.

Speakers: None.

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

Chair Grant thanked Member Manneh for her time served as a member of the Sunshine Ordinance Task Force; Member Hyland suggested rescheduling the July meeting due its falling on the eve of July 4, 2013; Chair Grant placed Member Hyland on the Education Outreach and Training Committee to fill Member Manneh's vacancy; Supervisor of Records Report will be on the May 1, 2013, meeting agenda.

20. **ADJOURNMENT**

Member Manneh, seconded by Member Hyland, moved to ADJOURN.

There were no speakers. **The motion PASSED without objection.**

There being no further business, the Task Force adjourned at 8:38 p.m.

APPROVED: February 5, 2014



**Victor Young
Administrator
Sunshine Ordinance Task Force**

Agenda Item Information

Each item on the agenda may include: 1) Department or Agency cover letter and/or report; 2) Public correspondence; 3) Other explanatory documents. For more information concerning agendas, minutes, and meeting information, such as these documents, please contact the SOTF Clerk, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at:
<http://www.sfbos.org/index.aspx?page=9811>

For information concerning Sunshine Ordinance Task Force please contact by e-mail sof@sfgov.org or by calling (415) 554-7724.

Public Comment

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.

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 subject of the meeting or hearing;. These comments will be made a part of the official public record.

Hearing 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.) | |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

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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 (Chapter 67 of the San Francisco Administrative Code) 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.

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code 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 §2.100, et. seq] 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