



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 30, 2014 – 4:00 PM

Special Meeting

Members: Kitt Grant (Chair), Louise Fischer (Vice-Chair),
Richard Knee, 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 4:10 p.m. All members were noted present.

Member Knee, seconded by Member Fischer, moved to hear Item No. 6 (File No. 13037) out of order to consider the request for continuance from the Complainant.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 – Knee, Washburn, Pilpel, Sims, David, Hyland, Oka, Fischer, Grant

Noes: 0 – None

Member Pilpel disclosed that he knows various parties involved in the Complaint No. 12041, 12042 and 13002 but does not believe that it will affect his ability to perform his duties as a member of the Task Force.

Anonymous disagreed with Member Pilpel and requested that he recuse himself from the File No. 12041, 12042 and 13002.

Member Pilpel agreed to recuse himself.

Member Knee, seconded by Member Hyland, moved to recuse Member Pilpel from File No. 12041, 12042 and 13002.

Public Comment:

Ray Hartz stated that Anonymous was wise to request the recusal of Member Pilpel. Thomas Picarello stated that there should be a good reason before any member recuses themselves.

The motion PASSED by the following vote:

Ayes: 9 – Knee, Washburn, Pilpel, Sims, David, Hyland, Oka, Fischer, Grant
Noes: 0 – None

Items No. 2 and 3 (File No. 12041 and 12042) were heard together.

2. **File No. 12041:** Complaint filed by Anonymous against Theresa Sparks, San Francisco Human Rights Commission, for allegedly violating Sunshine Ordinance Section 67.25 through failure to respond in a timely manner to a September 26, 2012, request for public records regarding the results of an investigation. (00:10:00 – 01:07:00)

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

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 8 – Knee, Washburn, Sims, David, Hyland, Oka, Fischer, Grant
Noes: 0 – None
Recused: 1 – Pilpel

Anonymous (Complainant) provided an overview of the complaint and requested the Task Force to find a violation. There were no speakers in support of the Complainant. Mullane Ahern, Human Rights Commission (Respondent), presented an overview of their defense. 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.

Deputy City Attorney Nicholas Colla commented on the item.

Public Comment:

Thomas Picarello stated his agreement with the analysis of the complaint and the decision to find no violation.

Due to lack of a motion, the Task Force FOUND NO VIOLATION.

3. **File No. 12042:** Complaint filed by Anonymous against Lupe Arreola, San Francisco Human Rights Commission, for allegedly violating Sunshine Ordinance Section 67.25 through failure to respond in a timely manner to a September 26, 2012, request for public records. ((00:10:00 – 01:07:00))

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

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 8 – Knee, Washburn, Sims, David, Hyland, Oka, Fischer, Grant

Noes: 0 – None

Recused: 1 – Pilpel

Anonymous (Complainant) provided an overview of the complaint and requested the Task Force to find a violation. There were no speakers in support of the Complainant. Mullane Ahern, Human Rights Commission (Respondent), presented an overview of their defense. 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.

Deputy City Attorney Colla commented on the item.

Public Comment:

Thomas Picarello stated his agreement with the analysis of the complaint and the decision to find no violation.

Due to lack of a motion, the Task Force FOUND NO VIOLATION.

Member Washburn was noted absent at 6:00 p.m.

4. **File No. 13002:** Complaint filed by Anonymous against Sheryl Cowan, Theresa Sparks, Lupe Arreola, and Mullane Ahern, Human Rights Commission, for allegedly violating Sunshine Ordinance Sections 67.25 and 67.29 through failure to respond in a timely manner to an immediate disclosure request for public records and failure to maintain an Index of Records. (01:15:00 – 01:58:00)

Member Hyland, seconded by Member Fischer, moved to find jurisdiction.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 8 – Knee, Washburn, Sims, David, Hyland, Oka, Fischer, Grant

Noes: 0 – None

Recused: 1 – Pilpel

Anonymous (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Mullane Ahern, Human Rights Commission (Respondent), presented an overview of their defense. 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.

Deputy City Attorney Nicholas Colla commented on the item.

Member Hyland, seconded by Member Knee, moved to find the Human Rights Commission in violation of Sunshine Ordinance Section 67.25(a) for failure to respond to an immediate disclosure request in a timely manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 6 – Knee, Sims, Hyland, Oka, Fischer, Grant

Noes: 1 – David

Absent: 1 - Washburn

Recused: 1 – Pilpel

Chair Grant referred the matter to the Compliance and Amendments Committee and instructed the Human Rights Commission to provide the requested documents as restated by the Complainant (Content of the entire file including City Attorney Memos).

5. **Public Comment:** (01:07:00 – 01:15:00)

Ray Hartz expressed his concern regarding the failure of Member Pilpel to issue a letter as chair of the Education, Outreach and Training Committee, regarding the 150-word summary limits.

Thomas Picarello expressed his thanks for the attendance of the all member of the Task Force and requested additional meetings to clear the backlog of complaints.

Paula Datesh expressed her concern over the actions of Member Pilpel.

Charles Pitts stated that the Task Force should pass on their knowledge to the future members and requested a status report on his pending complaints.

6. **File No. 13037:** Complaint filed by Anonymous against David Campos, Board of Supervisors, for allegedly violating Sunshine Ordinance Section 67.25(a) through failure to respond in a timely manner to a July 17, 2013, request for public records.

Member Knee, seconded by Member Fischer, moved to continue the matter to the call of the chair as requested by the Complainant.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 – Knee, Washburn, Pilpel, Sims, David, Hyland, Oka, Fischer, Grant

Noes: 0 – None

MEETING RECESS - 6:06 p.m. to 6:21 p.m.

7. **File No. 14016:** Complaint filed by Paula Datesh against Sharon Page-Richie and Howard Lazar, Arts Commission, for allegedly violating Sunshine Ordinance Section 67.16 for failure to post the minutes for the follow meetings in a timely manner: 1) Executive Committee's March 25, August 26, September 23, October 28, and November 25, 2013; 2) Civic Design Committee's December 16, 2013, and January 13, 2014; 3) Arts Commission's February 3, 2014, and 4) Visual Arts Committee's February 19, 2014.

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

Public Comment:

Ray Hartz stated that the SOTF has jurisdiction and that Member Pilpel should recuse himself from the matter.

Paula Datesh (Complainant) requested that Member Pilpel recuse himself.

The motion PASSED by the following vote:

Ayes: 8 – Knee, Pilpel, Sims, David, Hyland, Oka, Fischer, Grant

Noes: 0 – None

Absent: 1 - Washburn

Paula Datesh (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Kate Patterson-Murphy, Arts Commission (Respondent), presented an overview of their defense. 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.

Deputy City Attorney Colla commented on the item.

Member Pilpel, seconded by Member Knee, moved to find Sharon Page Ritchie and Howard Lazar, San Francisco Arts Commission, in violation of Sunshine Ordinance Sections 67.16 and 67.29-2 for failure to post meeting minutes online in a timely manner.

Public Comment:

Ray Hartz stated that the Arts Commission does not adhere to the Sunshine Ordinance and that their minutes are not available.

The motion PASSED by the following vote:

Ayes: 8 – Knee, Pilpel, Sims, David, Hyland, Oka, Fischer, Grant

Noes: 0 – None

Absent: 1 – Washburn

Chair Grant referred the matter to the Compliance and Amendments Committee and ordered the online posting of the referenced Executive Committee minutes.

Member David was noted absent at 7:20 p.m.

8. **File No. 14017:** Complaint filed by Paula Datesh against Howard Lazar, Arts Commission, for allegedly violating Sunshine Ordinance Sections 67.7, 67.29 and 67.16 through failure to provide proper notice of a public meeting, failing to post meeting information on the Commission website, and failing to post an agenda and minutes of a public meeting of the Lottery Committee meeting on August 22, 2013. (02:46:00 – 03:35:00)

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

Howard Lazar, Arts Commission (Respondent), contested jurisdiction.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 – Knee, Pilpel, Sims, Hyland, Oka, Fischer, Grant

Noes: 0 – None

Absent: 2 – Washburn, David

Paula Datesh (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Howard Lazar, Arts Commission (Respondent), presented an overview of their defense. 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.

Public Comment:

None.

Due to lack of a motion, the Task Force FOUND NO VIOLATION.

9. **File No. 14018:** Complaint filed by Paula Datesh against Howard Lazar, Arts Commission, for allegedly violating Sunshine Ordinance Sections 67.21 and 67.25 through failure to respond or response to 5 immediate disclosure requests submitted on February 6, 2014, and 1 immediate disclosure request submitted on February 8, 2014. (03:35:00 – 04:19:00)

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

Public Comment:

None.

The motion PASSED without objection.

Paula Datesh (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Howard Lazar and Kate Patterson-Murphy, Arts Commission (Respondent), presented an overview of their defense. 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.

Member Pilpel, seconded by Member Knee, moved to find Howard Lazar, San Francisco Arts Commission, in violation of Sunshine Ordinance Sections 67.25(a) for failure to respond to an immediate disclosure request in a timely manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 – Knee, Pilpel, Sims, Hyland, Oka, Fischer, Grant

Noes: 0 – None

Absent: 2 – Washburn, David

Chair Grant referred the matter to the Compliance and Amendments Committee for discussion regarding methods to ensure Immediate Disclosure Request are addressed in a timely manner during the absence of members of staff.

Items Nos. 10, 11 and 12 were heard together.

10. Approval of Minutes from the May 1, 2013, Regular Meeting.

Member Pilpel, seconded by Member Hyland, moved to approve the SOTF Meeting Minutes for May 1, 2013, as amended.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 – Knee, Pilpel, Sims, Hyland, Oka, Fischer, Grant

Noes: 0 – None

Absent: 2 – Washburn, David

11. Approval of Minutes from the June 5, 2013, Regular Meeting.

Member Pilpel, seconded by Member Hyland, moved to approve the SOTF Meeting Minutes for June 5, 2013, as amended.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 – Knee, Pilpel, Sims, Hyland, Oka, Fischer, Grant

Noes: 0 – None

Absent: 2 – Washburn, David

12. Approval of Minutes from the July 9, 2013, Special Meeting.

Member Pilpel, seconded by Member Hyland, moved to approve the SOTF Meeting Minutes for July 9, 2013, as amended.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 – Knee, Pilpel, Sims, Hyland, Oka, Fischer, Grant

Noes: 0 – None

Absent: 2 – Washburn, David

Items Nos. 13 through 21 were heard together.

13. Approval of Minutes from the August 7, 2013, Regular Meeting.

Member Oka, seconded by Member Hyland, moved to approve the SOTF Meeting Minutes for August 7, 2013.

Member Pilpel stated that portions of the minutes were not correct and should not be approved.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 6 – Knee, Sims, Hyland, Oka, Fischer, Grant

Noes: 1 – Pilpel

Absent: 2 – Washburn, David

14. Approval of Minutes from the September 4, 2013, Regular Meeting.

Member Oka, seconded by Member Hyland, moved to approve the SOTF Meeting Minutes for September 4, 2013.

Member Pilpel stated that portions of the minutes were not correct and should not be approved.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 6 – Knee, Sims, Hyland, Oka, Fischer, Grant

Noes: 1 – Pilpel

Absent: 2 – Washburn, David

15. **Approval of Minutes from the October 2, 2013, Regular Meeting.**

Member Oka, seconded by Member Hyland, moved to approve the SOTF Meeting Minutes for October 2, 2013.

Member Pilpel stated that portions of the minutes were not correct and should not be approved.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 6 – Knee, Sims, Hyland, Oka, Fischer, Grant

Noes: 1 – Pilpel

Absent: 2 – Washburn, David

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

Member Oka, seconded by Member Hyland, moved to approve the SOTF Meeting Minutes for November 6, 2013.

Member Pilpel stated that portions of the minutes were not correct and should not be approved.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 6 – Knee, Sims, Hyland, Oka, Fischer, Grant

Noes: 1 – Pilpel

Absent: 2 – Washburn, David

17. **Approval of Minutes from the December 4, 2013, Regular Meeting.**

Member Oka, seconded by Member Hyland, moved to approve the SOTF Meeting Minutes for December 4, 2013.

Member Pilpel stated that portions of the minutes were not correct and should not be approved.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 6 – Knee, Sims, Hyland, Oka, Fischer, Grant

Noes: 1 – Pilpel

Absent: 2 – Washburn, David

18. **Approval of Minutes from the January 30, 2014, Special Meeting.**

Member Oka, seconded by Member Hyland, moved to approve the SOTF Meeting Minutes for January 30, 2014.

Member Pilpel stated that portions of the minutes were not correct and should not be approved.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 6 – Knee, Sims, Hyland, Oka, Fischer, Grant

Noes: 1 – Pilpel

Absent: 2 – Washburn, David

19. **Approval of Minutes from the February 5, 2014, Regular Meeting.**

Member Oka, seconded by Member Hyland, moved to approve the SOTF Meeting Minutes for February 5, 2014.

Member Pilpel stated that portions of the minutes were not correct and should not be approved.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 6 – Knee, Sims, Hyland, Oka, Fischer, Grant

Noes: 1 – Pilpel

Absent: 2 – Washburn, David

20. **Approval of Minutes from the March 5, 2014, Regular Meeting.**

Member Oka, seconded by Member Hyland, moved to approve the SOTF Meeting Minutes for March 5, 2014.

Member Pilpel stated that portions of the minutes were not correct and should not be approved.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 6 – Knee, Sims, Hyland, Oka, Fischer, Grant

Noes: 1 – Pilpel

Absent: 2 – Washburn, David

21. **Approval of Minutes from the April 2, 2014, Regular Meeting.****Member Oka, seconded by Member Hyland, moved to approve the SOTF Meeting Minutes for April 2, 2014.**

Member Pilpel stated that portions of the minutes were not correct and should not be approved.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 6 – Knee, Sims, Hyland, Oka, Fischer, Grant

Noes: 1 – Pilpel

Absent: 2 – Washburn, David

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

Chair Grant presented a draft of the Task Force Annual Report.

Member Pilpel stated that the Task Force has reached its 20th year.

Member Pilpel provided an update on the Ethics Commission's April 28, 2014, meeting.

Task Force members expressed their appreciation for the hard work of Chair Grant over the last two years.

The Task Force meeting scheduled for May 7, 2014, has been cancelled.

The next meeting of the Task Force is May 19, 2014.

Public Comment:

None.

23. **ADJOURNMENT**

There being no further business, the Task Force adjourned at 8:55 p.m.

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.

APPROVED: May 19, 2014



Victor Young
Administrator
Sunshine Ordinance Task Force