



# 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

August 5, 2015 - 4:00 PM

## Regular Meeting

Seat 1	Vacant	Seat 7	Lee Hepner
Seat 2	Vacant	Seat 8	Shaun Haines
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

Chair Washburn called the meeting to order at 4:07 p.m. Members Chopra and Fischer were noted absent. There was a quorum.

Member Fischer was noted present at 4:09 p.m.

Agenda Changes:

John Kelly (Complainant) was present and requested to continue item No. 11 (File No. 15094).

**Member Wolf, seconded by Member Haines, move to continue File No. 15094 to the call of the chair.**

Public Comment:

None.

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

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

Noes: 1 - Pilpel

Absent: 1 - Chopra

Ali Altaha (Complaint) was not present and submitted a request to continue items Nos. 14, 15, and 16 (File Nos. 15002, 15003, and 15005).

Vice Chair Hyland, seconded by Member Fischer, moved to continue the matter to the call of the chair.

Public Comment:

John Gavin, Office of the City Administrator's Office (Respondent), objected to the continuance as this is the second time a request for continuance was submitted with little notice and it is not believable that the request was submitted in good faith.

Renee Martin, Port of San Francisco (Respondent), did not object to the continuance but indicated that she was prepared to move forward with the hearing.

Stacey Camillo, Public Works (Respondent), expressed concern that the records request submitted by the Complainant is too broad and unspecific.

Vice-Chair Hyland withdrew his motion to continue the matter to the call of the chair.

**Vice-Chair Hyland, seconded by Member Haines, moved to table and concluded File Nos. 15002, 15003, and 15005.**

Public Comment:

Thomas Picarello stated that the Task Force should establish a policy regarding actions that can be taken on continuance requests and also requested a definition of tabling.

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

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

Noes: 0 - None

Absent: 1 - Chopra

The Task Force noted that Mr. Altaha may refile his complaint in the future if he so desires.

2. **Election of Officers:** Elections of Sunshine Ordinance Task Force Chair and Vice Chair pursuant to SOTF Bylaws.

**Member Fischer, seconded by Member Hepner, nominated Member Washburn to the position of Chair of the Sunshine Ordinance Task Force.**

There were no further nominations.

Public Comment:

None.

**Member Washburn was elected as Chair of the Task Force without opposition.**

**Member Hyland, seconded by Member Hinze, nominated Member Hyland as Vice Chair of the Sunshine Ordinance Task Force.**

**Member Fischer, seconded by Member Hinze, nominated Member Pilpel as Vice Chair of the Sunshine Ordinance Task Force.**

Public Comment:

Thomas Picarello expressed support for Member Hyland's nomination as Vice Chair.

Votes to elect Member Hyland as Vice Chair of the SOTF:

7: Members Wolf, Pilpel, Hepner, Haines, Fischer, Hinze, Washburn

Vote to elect Member Pilpel as Vice Chair of the SOTF:

1: Member Hyland

**Member Hyland was elected as Vice Chair of the Task Force.**

**Recommendation from the Complaint Committee.**

*(The Complaint Committee held a hearing to review File Nos. 15078, 15077, 15023, 15050, 15055, 15076, 15084 and 15106 and issued a report and/or recommendation for the SOTF's review. Upon review of the Committee's recommendations the SOTF shall: 1) accept the recommendation of the Committee; or 2) schedule the complaint for a hearing before the SOTF at a future date.*

3. **File No. 15078:** Complaint filed by Richard Denton against the San Francisco Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26, and 67.27, for failure to respond to a request for public records in a timely and/or complete manner. (00:43:00 – 01:11:00)

Richard Denton (Complainant), provided a summary of his objections to the recommendation of the Complaint Committee and answered questions of the Task Force.

**Member Pilpel, seconded by Member Wolf, moved to reject the recommendation of the Complaint Committee and requested that a *de novo* hearing be scheduled before the Task Force on a future date.**

Public Comment:

Thomas Picarello expressed support for the motion.

Dr. Derek Kerr provided information on his previous Whistleblower experience.

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

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

Noes: 0 - None

Absent: 1 - Chopra

The Task Force requested that the department be prepared to address the following issues:

*Member Pilpel volunteered to provide additional questions to be sent to the department regarding the matter.*

The meeting was in recess from 5:55 p.m. to 6:15 p.m.

4. **File No. 15077:** Complaint filed by Richard Denton against the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21(d), for failure to fulfill the duties of the Supervisor of Records. (01:11:00 – 01:47:00)

Richard Denton (Complainant), provided a summary of his complaint and answered questions of the Task Force.

Deputy City Attorney Nicholas Colla commented on the matter.

Member Wolf moved to reject the recommendation of the Complaint Committee. The motion failed due to the lack of a second.

**Member Hepner, seconded by Member Pilpel, moved to adopt the recommendation of the Complaint Committee and find a violation of Administrative Code (Sunshine Ordinance), Section 67.21(d), for failure to fulfill the duties of the Supervisor of Records.**

Public Comment:

Thomas Picarello expressed support for the motion to reject the Complaint Committee's recommendation.

Dr. Derek Kerr challenged the Task Force to take action against the Office of the City Attorney in court.

Charles Grisham expressed concern regarding the Office of the City Attorney's conflict of interest in representing City departments.

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

Ayes: 6 - Pilpel, Hepner, Haines, Fischer, Hinze, Washburn

Noes: 2 - Wolf, Hyland

Absent: 1 - Chopra

Chair Washburn referred the matter to the Compliance and Amendments Committee and requested that the Office of the City Attorney send a representative to discuss the role of the Supervisor of Records, the timeliness of the response provided in regards to the matter and provide a copy of the current procedures for the Supervisor of Records.

Items 5 through 10 were heard together.

5. **File No. 15023:** Complaint filed by Alvin Johnson against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to a request for public records in a timely and/or complete manner. (01:47:00 – 01:57:00)

Deputy City Attorney Colla commented on the matter.

**Member Hyland, seconded by Member Wolf, moved to adopt the recommendations of the Complaint Committee and find that no violation of the Sunshine Ordinance occurred (File Nos. 15023, 15050, 15055, 15076, 15084, and 15106).**

Public Comment:

Thomas Picarello stated that there is no reference to the rule of reason in the Sunshine Ordinance and no definition as to what is reasonable.

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

Ayes: 8 - Wolf, Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn  
Noes: 0 - None  
Absent: 1 – Chopra

6. **File No. 15050:** Complaint filed by Alvin Johnson against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24(i), 67.25(a), 67.26, 67.34, and 67.36, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Items 5 through 10 were heard together. See Item No. 5 (File No. 15023) for actions.

7. **File No. 15055:** Complaint filed by Alvin Johnson against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.24, and 67.25, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Items 5 through 10 were heard together. See Item No. 5 (File No. 15023) for actions.

8. **File No. 15076:** Complaint filed by Alvin Johnson against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Items 5 through 10 were heard together. See Item No. 5 (File No. 15023) for actions.

9. **File No. 15084:** Complaint filed by Alvin Johnson against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Items 5 through 10 were heard together. See Item No. 5 (File No. 15023) for actions.

10. **File No. 15106:** Complaint filed by Alvin Johnson against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.12(b)(4), 67.21(b)(c)(d)(i)(k), 67.21-1(b)(1)(2)(3), 67.22(b)(c), 67.24(c)(1)(2)(3)(4), 67.24(d)(3), and 67.25(a)(c), for failure to response to various Immediate Disclosure Requests in a timely and/or complete manner.

Items 5 through 10 were heard together. See Item No. 5 (File No. 15023) for actions.

11. **File No. 15094:** Determination of Jurisdiction of the Sunshine Ordinance Task Force over the San Francisco Housing Authority in regards to the complaint filed by John Kelly against the San Francisco Housing Authority for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 for failure to respond to a public records request in a timely and/or complete manner.

**The item was continued to the call of the chair under item 1, Agenda Changes.**

12. **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.

Speakers:

Thomas Picarello requested that a limit be placed on the discussion of agenda items and expressed concern that the committees are not providing due process.

13. **File No. 14067:** 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. (01:57:00 – )

Charles Grisham (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Jeremy Spitz, Public Works (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.

Deputy City Attorney Colla commented on the matter.

Public Comment:

None.

**There being no motion the Task Force found no additional violations and concluded the matter.**

14. **File No. 15002:** Complaint filed by Ali Altaha against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to various requests for public records in a timely and/or complete manner.

**The matter was tabled by the Task Force. See Agenda Changes.**

15. **File No. 15003:** Complaint filed by Ali Altaha against Maria Cordero, Director, Contract Monitoring Division, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to various requests for public records in a timely and/or complete manner.

**The matter was tabled by the Task Force. See Agenda Changes.**

16. **File No. 15005:** Complaint filed by the Ali Altaha against the Port for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 for failure to respond to various requests for public records in a timely and/or complete manner.

**The matter was tabled by the Task Force. See Agenda Changes.**

17. **File No. 15115: Hearing- Review of Ballot Measure-Sunshine and Open Government.**

The Task Force discussed aspects of the ballot measure regarding public meetings on the November 2015, ballot and noted that they could not take a position on the matter.

**Vice Chair Hyland, seconded by Member Hinze, moved to continue the matter to the call of the chair.**

Public Comment:  
None.

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

Ayes: 8 - Wolf, Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn  
Noes: 0 - None  
Absent: 1 - Chopra

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

The Task Force discussed the proposed amendments to the Complaint Procedures.

**Member Pilpel, seconded by Member Hyland, moved to continue the matter as amended to the September 2, 2015, meeting.**

Public Comment:  
None.

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

Ayes: 8 - Wolf, Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn  
Noes: 0 - None  
Absent: 1 - Chopra

19. **Approval of minutes from the Sunshine Ordinance Task Force July 1, 2015, meeting.**

**Member Pilpel, seconded by Member Haines, moved to approve the minutes as amended.**

Public Comment:  
None.

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

Ayes: 8 - Wolf, Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn  
Noes: 0 - None  
Absent: 1 - Chopra

20. **Approval of minutes from the Complaint Committee July 21, 2015, meeting.**

**Member Pilpel, seconded by Member Hinze, moved to approve the minutes as amended.**

Public Comment:  
None.

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

Ayes: 8 - Wolf, Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn  
Noes: 0 - None  
Absent: 1 - Chopra

21. **Administrator's Report and Communications.**

The Task Force scheduled a special meeting of the Complaint Committee on August 25, 2015, at 4:00 p.m.

The Task Force scheduled a special meeting of the Education, Outreach and Training Committee on September 14, 2015, at 4:00 p.m.

The Task Force reviewed a communication from Ray Hartz dated June 30, 2015, regarding the consolidation of complaints in committee against Supervisor Mark Farrell.



Chair Washburn transferred File Nos. 14096 and 14105 from the Education, Outreach and Training Committee to the Compliance and Amendments Committee.

The Task Force reviewed a communication from Ray Hartz dated July 14, 2015, requesting a rehearing of File Nos. 15034 and 15037 and took no action.

22. **Draft Memorandum to the Board of Supervisors:** Suggestion regarding the processing of e-mail public records request.

**Member Hyland, seconded by Member Hinze, moved to authorize Chair Washburn to sign and transmit the memorandum as amended.**

Public Comment:

None.

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

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

Noes: 0 - None

Absent: 1 - Chopra

23. **Hearing: Sunshine Ordinance Task Force Annual Report 2014/2015.**

**Member Pilpel, seconded by Chair Washburn, moved to continue the matter to the September 2, 2015, Task Force meeting.**

Public Comment:

None.

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

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

Noes: 0 - None

Absent: 1 - Chopra

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

Member Haines announced an August 21, 2015, fundraiser for veterans through the Military Health Project.

Member Pilpel requested that a memo be drafted to remind department heads of the new calendar requirement. Member Hepner volunteer to draft the memo.

25. **ADJOURNMENT**

There being no further business the meeting was adjourned at 8:35 p.m.

**APPROVED: 9/2/15**



**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.