



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 7, 2013 – 4:00 PM

Regular 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 4:17 p.m. Members Sims and Fischer noted absent. There was a quorum.

Chair Grant announced a request from the Complainant and Respondent for File No. 12055 (Item 6) to be continued to October 2, 2013. Chair Grant announced File No. 13016 (Item 8) was withdrawn by the Complainant. Chair Grant clarified that the election process of Chair and Vice Chair; (Item 2) was set on the agenda solely to determine a date to hold elections.

Member Knee, seconded by Member Pilpel, moved to CONTINUE File No. 12055 to October 2, 2013.

Public Comment:

Peter Warfield requested to know the reasoning for the continuance of File No. 12055.

The motion PASSED by the following vote:

Ayes: 7 – Knee, Washburn, Pilpel, David, Hyland, Oka, Grant

Absent: 2 – Sims, Fischer

2. Election of Chair and Vice Chair - Election of Officers, per Article II, Section 3, of the Task Force Bylaws.

Member Knee, seconded by Member Pilpel, moved schedule the election of Chair and Vice Chair of the Task Force to September 4, 2013.

Public Comment:

Ray Hartz, Jr. advised the Task Force to consider leadership abilities when electing officers.

The following summary was provided by a speaker, pursuant to Administrative Code Section 67.16. The content was neither generated by, nor subject to approval or verification of accuracy by, the Sunshine Ordinance Task Force.

Ray Hartz, Jr. submitted the following additional information for Public Comment as follows:

Agenda Item (2) Public Comment (150 words):

When considering who should lead the SOTF, you must consider a contender's leadership abilities. In two ODs Chair Grant, who voted against both orders, used her discretion to direct both to EOT rather than CA for enforcement. While we might argue whether that is an abuse of discretion, the result cannot be disputed. SFPD made no changes to improve its response to public record requests and the Clerk of the BOS has simply refused to comply with your order and has openly defied your authority. The Sunshine Ordinance complaint process is an arduous one for all involved. Why should the members of this Task Force waste their time if the end result is not an improvement in open government but a degradation of the purposes for which the SOTF exists? An effective leader would use the energy of all your members to move forward toward more open government! Choose thoughtfully!

The motion PASSED by the following vote:

Ayes: 7 – Knee, Washburn, Pilpel, David, Hyland, Oka, Grant

Absent: 2 – Sims, Fischer

3. **File No. 12007:** The Education, Outreach and Training Committee has referred File No. 12007, the Library Users Association against Supervisor Campos for responding late to an immediate disclosure request and redacting information from Bernal Heights Branch Library Mural related documents inappropriately.

Peter Warfield (Complainant) provided an overview of the complaint, findings, follow-up, and requested the Task Force to find violations. There were no speakers in support of the Complainant. The Complainant responded to questions raised throughout the discussion. Supervisor Campos (Respondent) provided an overview of his Office's defense and follow-up. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. Complainant provided a rebuttal and further requested the Task Force to find a violation.

Public Comment: Ray Hartz stated that the matter should be referred for enforcement; Kate Patterson stated that the Ethics Commission supports Supervisor Campos' stance regarding redactions and that the Bernal Heights mural is not a City mural nor is it the responsibility of the City; Paula Datesh stated that the mural artist was not informed of changes to the mural; James Chaffee cited requirements of disclosure; Dominic Maionchi expressed appreciation for Campos having policies and procedures in place; Robert Livingston offered a history of the mural.

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

Members Sims and Fischer were noted present at an undetermined time.

4. **File No. 12058:** The Compliance and Amendments Committee has referred File No. 12058, Dominic Maionchi against Recreation and Park for allegedly failing to provide records requested pertaining to berthing contracts between the City and County of San Francisco and slip holders.

Dominic Maionchi (Complainant) provided an overview of the complaint, findings, and follow-up and requested the Task Force to find violations. There were no speakers in support of the Complainant. Olive Gong, Custodian of Records, Recreation and Park Department (Respondent), provided an overview of the Recreation and Park Department's defense and follow-up. 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 and further requested the Task Force to find a violation.

Member Knee, seconded by Member Pilpel, moved CONTINUE to September 4, 2013, for Members Sims, Washburn with assistance from Jerry Threet, Deputy Attorney, Sunshine Ordinance Task Force to draft a letter to the Ethics Commission.

Public Comment:

Peter Warfield requested to know the reasoning for the continuance of File No. 12058.

The motion PASSED by the following vote:

Ayes: 8 – Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer, Grant
Noes: 1 – David

5. **Public Comment:**
Ray Hartz stated that Task Force Member Todd David had violated the Sunshine Ordinance.
James Chaffee presented a Sunshine Bill of Rights.
Peter Warfield pointed to the public's right of participation in government.

The following summary was provided by a speaker, pursuant to Administrative Code Section 67.16. The content was neither generated by, nor subject to approval or verification of accuracy by, the Sunshine Ordinance Task Force.

Ray Hartz, Jr. submitted the following summary for this item:

Agenda Item (5) Public Comment (150 words):

The section of the ordinance I have just read was blatantly violated at your last meeting by member Todd David. Interrupting my public comment, going on a tirade, and then storming out of the meeting shows a total lack of understanding of the ordinance. Those same actions were clearly an abridgment of public testimony. The fact that a person is eventually allowed to complete their public testimony does not lessen the offense. It is perfectly legitimate for any member of the public to appear before a board or commission and call to the attention of its members the actions of an individual member. Far from being any sort of personal attack, it is nothing less than "petitioning Government for a redress of grievances." While any member has the right to "respond" they do not have the right to "attack" a member of the public for their comments!

Recess - 6:10 p.m. to 6:29 p.m.

6. **File No. 12055:** Complaint filed by Wood Robbins, LLP, representing Pacific Polk Properties, LLC against Dennis Herrera, City Attorney for allegedly not producing documents pertaining to the project at 1601 Larkin Street.

Member Knee, seconded by Member Pilpel, moved to accept the Complainant and Respondent's request to CONTINUED File No. 12055 to October 2, 2013.

Public Comment:

Peter Warfield requested to know the reasoning for the continuance of File No. 12055.

The motion PASSED by the following vote:

Ayes: 7 – Knee, Washburn, Pilpel, David, Hyland, Oka, Grant

Absent: 2 – Sims, Fischer

7. **File No. 13011:** Complaint filed by Paula Datesh against the Arts Commission for allegedly not providing documents relating to Evelyn Russell, former Arts Commission Secretary.

Paula Datesh (Complainant) did not provide the additional documents requested by the Task Force at the July 9, 2013 meeting. There were no speakers in support of Complainant. Kate Patterson, Arts Commission (Respondent), provided an overview of the Arts Commission's defense and requested the Task Force to dismiss the complaint. There were no speakers in support of Respondent. A question and answer period followed. Respondent provided a rebuttal and stated that the Commission had not

violated the Sunshine Ordinance. Complainant provided a rebuttal stating the matter of the complaint was brought before the Task Force in a previous complaint.

Public Comment:

None.

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

8. **File No. 13016:** Complaint filed by Richard Zimmerman against the Recreation and Park Department for allegedly failing to completely comply with a records request for communications and documents referencing or regarding Coit Tower.

Complaint withdrawn by Complainant.

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

Member Pilpel, seconded by Member David, moved to approve the January 16, 2013, special meeting minutes as corrected.

Public Comment:

None.

The motion PASSED without objection.

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

Member Pilpel, seconded by Member David, moved to approve the February 6, 2013, regular meeting minutes as corrected.

Public Comment:

None.

The motion PASSED without objection.

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

Member Knee, seconded by Member David, moved to CONTINUE items 11 through 15 to September 4, 2013.

Public Comment:

None.

The motion PASSED without objection.

12. **Approval of Minutes from the April 3, 2013 Regular Meeting.**

Member Knee, seconded by Member David, moved to CONTINUE items 11 through 15 to September 4, 2013.

Public Comment:

None.

The motion PASSED without objection.

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

Member Knee, seconded by Member David, moved to CONTINUE items 11 through 15 to September 4, 2013.

Public Comment:

None.

The motion PASSED without objection.

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

Member Knee, seconded by Member David, moved to CONTINUE items 11 through 15 to September 4, 2013.

Public Comment:

None.

The motion PASSED without objection.

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

Member Knee, seconded by Member David, moved to CONTINUE items 11 through 15 to September 4, 2013.

Public Comment:

None.

The motion PASSED without objection.

16. **Report: Compliance and Amendments Committee meeting of July 16, 2013.**

The report was given by Member Washburn, Chair of the Compliance and Amendments Committee, on the July 16, 2013 meeting on behalf of the Compliance and Amendments Committee.

Public Comment:

None.

17. **Administrator's Report.**

The report was given by Andrea Ausberry, Sunshine Ordinance Task Force Administrator, on behalf of the Sunshine Ordinance Task Force Office.

Public Comment:

None.

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

Chair Grant polled the Task Force Members to determine availability for the September 4, 2013, due to its regular meeting day falling after the Labor Day holiday; the September meeting will convene on its regular meeting day (first Wednesday of each month). Member Pilpel, Chair Education, Outreach and Training announced a special meeting will be held in August.

19. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:30 p.m.

APPROVED: April 30, 2014



**Victor Young
Administrator
Sunshine Ordinance Task Force**