



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

February 5, 2014 – 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 4:10 p.m. Members Sims and David were noted absent. There was a quorum.

Members Sims was noted present at 4:14 p.m.

Chair Grant announced that File No. 12059 (Item 4) would be heard out of order in the Item 2 slot.

2. **File No. 13024:** The Education, Outreach and Training Committee referred File No. 13024, Mica Ringel against the Planning Department for allegedly failing to provide requested records associated with the proposed development of 480 Potrero Avenue. (01:18:00 – 02:42:00)

Mica Ringel (Complainant) provided an overview of the complaint and the progress of the Order of Determination dated October 23, 2013. Mr. Ringel requested that the complaint be referred to the Ethics Commission. There were no speakers in support of the Complainant. Jonas Ionin, Planning Department (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 CONTINUED to February 25, 2014, and to provide the Planning Department a letter of instruction for an additional search.

Public Comment:

Thomas Picarello opposed the motion.

Peter Warfield agreed with Member Oka's statement that the copy of the Order of Determination to Director Rahaim, Planning Department, constitutes notification.

The motion FAILED by the following vote:

Ayes: 4 – Pilpel, Sims, Fischer, Grant

Noes: 4 – Knee, Washburn, Hyland, Oka

Absent: 1 – David

Member Washburn, seconded by Member Oka, moved to find Director John Rahaim, Planning Department, in violation of the Sunshine Ordinance for willful failure to comply with the Sunshine Ordinance Task Force's Order of Determination dated October 23, 2013, and to refer to the Ethics Commission.

The Task Force requested the Planning Department to perform an additional search based on direction to be provided by Member Pilpel, Chair of the Education, Outreach and Training Committee.

Public Comment:

Thomas Picarello expressed support for the finding of willful violation and stated that the sub-committees should not be able to overrule the Task Force decisions.

Peter Warfield expressed support of the findings of willful violation and stated the Planning Commission needs to know what to do in the future.

The motion PASSED by the following vote:

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

Noes: 1 – Pilpel

Absent: 1 – David

3. **Public Comment:**
(00:59:00- 01:18:00)

Jason Grant Garza stated that the Task Force Administrator did not respond to questions raised at the January 30, 2014 SOTF meeting; the November 2014 minutes did not reflect the statements made; the Task Force is not currently meeting the rule to hear complaints within 45 days.

Ray Hartz Jr. described his removal from the Board of Supervisors meeting on October 22, 2013, and provided case law concerning interruption.

Michael Petrelis stated that the Task Force meeting should be broadcast on television and commended various Board of Supervisors members for voluntarily provided their calendars.

Paula Datesh stated that the Task Force made an error on their January 30, 2014, decisions and that the subcommittees of the Arts Commission must follow the same rules and the full commission.

Thomas Picarello stated the Task Force needs to fill the vacancy for the lawyer seat, agrees that the Task Force Meetings should be televised, and that the Mayor has an ex-officio seat that should be filled.

Charles Pitts stated that the communities should be respected and other various comments.

Peter Warfield stated that the public has made valid comments and that Mr. Hartz previous statements are valid.

4. **File No. 13030:** Complaint filed by Charles Pitts, against the Community Housing Partnership for allegedly failing to comply with an Immediate Disclosure Request for tenant's budget of 650 Eddy St. (00:06:00 – 00:59:00)

Charles Pitts (Complainant) provided comments concerning jurisdiction and requests the Task Force to find jurisdiction. The Respondent was not present.

The Task Force requested that Mr. Pitts contact the Human Service Agency for assistance in working with the Community Housing Partnership to provide documents as requested pursuant to Administrative Code Chapter 12L.

Member Knee, seconded by Member Oka, moved to CONTINUED to May 7, 2014.

Public Comment:

Thomas Picarello stated that the Task Force has jurisdiction on non-profits with \$250,000 or more in funding.

Ray Hartz Jr. state that the Sunshine Ordinance has become a maze and is a confusing process.

Jason Grant Garza stated that the Complainant should receive full cooperation from the city agencies.

Peter Warfield stated that the Task Force does have jurisdiction and should proceed with the document current in the file.

The motion PASSED by the following vote:

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

Absent: 1 – David

5. **File No. 13043:** Complaint filed by Cecilia Hairston-Omondi, against the San Francisco Municipal Transportation Agency for allegedly violating Sunshine Ordinance Sections 67.24(c), 67.25(a) (c) and 67.26 for failure to respond to a request for information on May 6, 2013, and June 24, 2013. (02:54:00 – to approximately 4:00:00)

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

Public Comment:

None.

The motion PASSED without objection.

Cecilia Hairston-Omondi (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Caroline Celaya, Catherine Stein, Donald Ellison, Municipal Transportation Agency (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:

Charles Pitts expressed concern over the requirement to complete a waiver to obtain certain information.

Thomas Picarello expressed concern that the general public does not have a legal background to understand their rights.

The custodian of records should assist requesters in obtaining all related documents.

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

6. **File No. 13051:** Complaint filed by Paula Datesh, against Howard Lazar, Arts Commission for allegedly violating Sunshine Ordinance §67.25 Immediacy of Response thereby failing to respond to an Immediate Disclosure Request on August 18, 2013.

Member Knee, seconded by Member Oka, 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. Kate Patterson, Arts Commission (Respondent), presented an overview of their defense. Howard Lazar, Arts Commission, spoke in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal and requested the Task Force to find violations.

Public Comment:

None.

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

7. **File No. 13052:** Complaint filed by Paula Datesh, against Howard Lazar, Arts Commission, for allegedly violating Sunshine Ordinance §67.25 Immediacy of Response thereby failing to respond to an Immediate Disclosure Request on August 28, 2013. (*attachment*)

Member Knee, seconded by Member Oka, 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, Arts Commission (Respondent), presented an overview of their defense. Kate Patterson, Arts Commission, spoke in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal and requested the Task Force to find violations.

Member Fischer, seconded by Member Knee, moved to find the Art Commission in violation of Sunshine Ordinance Sections 67.25 (a) Immediacy of Response and 67.21 (b) Process for Gaining Access to Public Records.

Public Comment:

Charles Pitts stated that the Arts Commission needs a better process and that the burden is on the Arts Commission to comply with information requests.

The motion PASSED by the following vote:

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

Absent: 1 – David

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

Member Pilpel, seconded by Member Knee, moved to APPROVE the March 6, 2013, meeting minutes as amended.

Public Comment:

Thomas Picarello stated that the public should have the opportunity to comment on the minutes earlier in the meeting.

The motion PASSED by the following vote:

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

Absent: 1 – David

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

Member Pilpel, seconded by Member Knee, moved to APPROVE the April 3, 2013, meeting minutes as amended.

Public Comment:

None.

The motion PASSED by the following vote:

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

Absent: 1 – David

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

Member Pilpel, seconded by Member Knee, moved to CONTINUE to March 5, 2014.

Public Comment:

None.

The motion PASSED by the following vote:

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

Absent: 1 – David

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

Member Pilpel, seconded by Member Knee, moved to CONTINUE to March 5, 2014.

Public Comment:

None.

The motion PASSED by the following vote:

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

Absent: 1 – David

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

Member Pilpel, seconded by Member Knee, moved to CONTINUE to March 5, 2014.

Public Comment:

None.

The motion PASSED by the following vote:

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

Absent: 1 – David

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

Member Pilpel, seconded by Member Knee, moved to CONTINUE to March 5, 2014.

Public Comment:

None.

The motion PASSED by the following vote:

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

Absent: 1 – David

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

Member Pilpel, seconded by Member Knee, moved to CONTINUE to March 5, 2014.

Public Comment:

None.

The motion PASSED by the following vote:

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

Absent: 1 – David

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

Member Pilpel, seconded by Member Knee, moved to CONTINUE to March 5, 2014.

Public Comment:

None.

The motion PASSED by the following vote:

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

Absent: 1 – David

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

Member Pilpel, seconded by Member Knee, moved to CONTINUE to March 5, 2014.

Public Comment:

None.

The motion PASSED by the following vote:

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

Absent: 1 – David

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

Member Pilpel, seconded by Member Knee, moved to CONTINUE to March 5, 2014.

Public Comment:

None.

The motion PASSED by the following vote:

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

Absent: 1 – David

18. Sunshine Ordinance Task Force Meeting Schedule - Conflict with Sunshine and Ethics Training Program – February 25, 2014.

Sunshine Ordinance Task Force members discussed the issue. After additional research is performed the Chair will determine whether to proceed with the meeting or cancel.

Public Comment:

None.

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

Member Washburn reported on the Compliance and Amendments Committee (CAC) December 17, 2013, meeting. The February 19, 2014, meeting of the CAC is cancelled.

Public Comment:

None.

20. **Report: Education, Outreach and Training Committee meetings of December 9, 2013, and January 13, 2014.**

Member Pilpel reported on the Education, Outreach and Training Committee meetings.

Public Comment:

None.

21. **Administrator's Report.**

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

Member Pilpel requested a copy of the Clerk of the Board's policy regard SOTF referrals.

Public Comment:

None.

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

No additional discussion occurred.

Public Comment:

None.

23. **ADJOURNMENT**

There being no further business, the Task Force adjourned at 9:49 p.m.

APPROVED: April 30, 2014

Victor Young

**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.

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.

Disability Access

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

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