



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 6, 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 4:13 p.m. Members Knee, Pilpel and Sims were noted absent. There was a quorum. Member Sims was noted present at 4:42 p.m.

Member Washburn, seconded by Member Oka, moved to Excuse Members Knee and Pilpel.

The motion PASSED by the following vote:

Ayes: 7 - Manneh, Washburn, David, Hyland, Oka, Fischer, Grant

Excused: 2 – Knee, Pilpel

Absent: 1 – Sims

Chair Grant announced a request for File Nos. 12040, 12041 and 12042 to be heard after Item 2 by the Complainant. Chair Grant announced a request for File No. 12034 to be continued by the Complainant.

Complainant of File No. 12040, 12041 and 12042 withdrew the request.

Member David, seconded by Member Hyland moved to accept the Complainant's request to continue File No. 12034.

Public Comment:

Bob Clark opposed moving File Nos. 12040-12042 after Item two on the agenda; Ray Hartz, Jr. advised the Complainant of File Nos. 12040-12042 of the majority rule; Paula Datesh opposed the agenda change; Female Speaker requested File No. 12034 not be continued.

The motion PASSED by the following vote:

Ayes: 8 - Manneh, Washburn, Sims, David, Hyland, Oka, Fischer, Grant
Excused: 2 – Knee, Pilpel

2. **File No. 11068:** The Compliance and Amendments Committee has referred File No. 11068, Anonymous against the Planning Department, back to the Task Force for further action including a recommendation to the Ethics Commission.

Anonymous, (Complainant) provided an overview of the complaint, findings, follow-up, and further requested the Task Force to find further violations. Ray Hartz, Jr. spoke in support of the Complainant. A question and answer period followed. Complainant responded to questions raised throughout the discussion and further requested the Task Force to find further violations. Tom DeSanto, Planning Department (Respondent), provided an overview of the Planning Department's defense and follow-up. There were no speakers in support of the Respondent. A question and answer period followed. Respondent provided a rebuttal. Complainant provided a rebuttal and further requested the Task Force to find violation.

Member Washburn, seconded by Member David, moved to refer the Planning Department to the Education, Outreach and Training Committee.

Public Comment:

Debbie Brubaker asked whether the Planning Department is familiar with certified mail.

The motion PASSED by the following vote:

Ayes: 8 - Manneh, Washburn, Sims, David, Hyland, Oka, Fischer, Grant
Excused: 2 – Knee, Pilpel

3. **File No. 12034:** Complaint filed by Anonymous against Debbie Brubaker, Film Commissioner for allegedly not providing records of written determination on projects employed and emails forwarding list of possible employees to studios or producers for projects.

Chair Grant indicated a request for File No. 12034 be continued by the Complainant.

4. **File No. 12038:** Complaint filed by William Clark against Ben Rosenfield, Controller for allegedly not providing legal authorities supporting that the Arts Commission can legally exceed amount budgeted to Street Artist Program and spend the surplus without an approved supplemental appropriation ordinance.

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

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

William Clark (Complainant) provided an overview of the complaint and further requested the Task Force to find violations. Robert Clark spoke in support of the Complainant. A question and answer period followed. Complainant responded to questions raised throughout the discussion and further requested the Task Force to find violations. Monique Zmuda, Deputy Controller (Respondent), provided an overview of

the Office of the Controller's defense and further requested the Task Force to dismiss the complaint. There were no speakers in support of the Respondent. A question and answer period followed. Respondent provided a rebuttal. Complainant provided a rebuttal and further requested the Task Force to find violation.

Member Washburn, seconded by Member Sims, moved to find violation of Sunshine Ordinance Section 67.21(b) for failure to observe 10-day window for records requests; referral to Compliance and Amendments Committee.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 6 - Manneh, Washburn, Sims, Hyland, Oka, Grant

Noes: 2 – David, Fischer

Excused: 2 – Knee, Pilpel

5. Public Comment:

*Ray Hartz spoke to outstanding Order of Determinations and majority voting (Speaker submitted 150 Word Summary, pursuant to Administrative Code Section 67.16.); William Clark expressed that his complaint will be heard before the Ethics Commission; Robert Clark expressed concern regarding Street Artist appeals; Paula Datesh expressed concern regarding her pervious Art Commission complaint; Female Speaker advised Task Force to focus on the facts of complaint cases and that Sunshine/Ethics training is required for Task Force members; Female Speaker spoke in support of Complaint No. 12034, Female Speaker spoke in support of Complaint No. 12034.

***The following information is provided by a speaker, pursuant to Administrative Code Section 67.16. The content is 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 on Public Comment (150 words)

Despite the fact that this task force has been meeting for a number of months, the last order of determination issued was in May of 2012. The importance of holding hearings has been cited as justification for a number of questionable changes such as cutting public comment to two minutes, scheduling complaints for hearing in no discernible order, and other changes. It is a fact, however, that everything else becomes meaningless for complainants if they cannot get an ordered determination or referral based upon the complaint! I've contacted the chair through the administrator on several occasions regarding this matter and have only had vague commitments of action. I have two outstanding referrals, one of which is based on the complaint originally filed in July of 2011, with which I cannot move forward, lacking the necessary

documentation. The situation is totally unacceptable and must be corrected immediately!

Recess
6:58 p.m. –7:10 p.m.

6. **File No. 12039:** Complaint filed by William Clark against Monique Zmuda, Assistant Controller for allegedly not providing a response regarding Arts Commission and Street Artist funds in the 1990's, FY 2009-2010, and FY 2010-2011.

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

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

William Clark (Complainant) provided an overview of the complaint and further requested the Task Force to find violations. Robert Clark spoke in support of the Complainant. A question and answer period followed. Complainant responded to questions raised throughout the discussion and further requested the Task Force to find violations. Monique Zmuda, Deputy Controller (Respondent), provided an overview of the Office of the Controller's defense and further requested the Task Force to dismiss the complaint. There were no speakers in support of the Respondent. A question and answer period followed. Respondent provided a rebuttal. Complainant provided a rebuttal and further requested the Task Force to find violation.

Member Sims, seconded by Member Fischer, moved to find violation of Sunshine Ordinance Section 67.21(b) for failure to answer questions raised by Complainant.

Public Comment:

Paula Datesh expressed concern for increased fees and reasoning behind the fee increases.

The motion FAILED by the following vote:

Ayes: 3 - Manneh, Washburn, Sims,
Noes: 5 – David, Hyland, Oka, Fischer, Grant
Excused: 2 – Knee, Pilpel

7. **File No. 12040:** Complaint filed by Anonymous against the Robert Collins, Deputy Director, Rent Board for allegedly denying a request for reasonable accommodation of Rent Board Commission meetings.

Member Oka, seconded by Member Fischer, moved to CONTINUE File No. 12040 to March 6, 2013.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 8 - Manneh, Washburn, Sims, Hyland, Oka, David, Fischer, Grant
Excused: 2 – Knee, Pilpel

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

Member Oka, seconded by Member David, moved to CONTINUE File No. 12041 to March 6, 2013.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 8 - Manneh, Washburn, Sims, Hyland, Oka, David, Fischer, Grant
Excused: 2 – Knee, Pilpel

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

Member Oka, seconded by Member David, moved to CONTINUE File No. 12042 to March 6, 2013.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 8 - Manneh, Washburn, Sims, Hyland, Oka, David, Fischer, Grant
Excused: 2 – Knee, Pilpel

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

Member David, seconded by Member Manneh, moved to CONTINUE Items 10 through 16 to the March 6, 2013 meeting.

Public Comment:
None.

The motion PASSED without objection.

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

Member David, seconded by Member Manneh, moved to CONTINUE Items 10 through 16 to the March 6, 2013 meeting.

Public Comment:
None.

The motion PASSED without objection.

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

Member David, seconded by Member Manneh, moved to CONTINUE Items 10 through 16 to the March 6, 2013 meeting.

Public Comment:
None.

The motion PASSED without objection.

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

Member David, seconded by Member Manneh, moved to CONTINUE Items 10 through 16 to the March 6, 2013 meeting.

Public Comment:
None.

The motion PASSED without objection.

14. **Approval of Minutes from the July 11, 2012, Special Meeting.**

Member David, seconded by Member Manneh, moved to CONTINUE Items 10 through 16 to the March 6, 2013 meeting.

Public Comment:
None.

The motion PASSED without objection.

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

Member David, seconded by Member Manneh, moved to CONTINUE Items 10 through 16 to the March 6, 2013 meeting.

Public Comment:
None.

The motion PASSED without objection.

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

Member David, seconded by Member Manneh, moved to CONTINUE Items 10 through 16 to the March 6, 2013 meeting.

Public Comment:
None.

The motion PASSED without objection.

17. **Report: Education Outreach and Training Committee meeting of December 13, 2012.**

Member David, seconded by Member Fischer, moved to CONTINUE Items 17 through 19 to the March 6, 2013 meeting.

Public Comment:
None.

The motion PASSED without objection.

18. **Report: Compliance and Amendments Committee meeting of January 15, 2013.**

Member David, seconded by Member Fischer, moved to CONTINUE Items 17 through 19 to the March 6, 2013 meeting.

Public Comment:
None.

The motion PASSED without objection.

19. **Administrator's Report.**

Member David, seconded by Member Fischer, moved to CONTINUE Items 17 through 19 to the March 6, 2013 meeting.

Public Comment:
None.

The motion PASSED without objection.

20. **Announcements, Comments, Questions, and Future Agenda Items.**
There were no announcements, comments, questions, and future agenda items.

21. **ADJOURNMENT**

Member David, seconded by Member Fischer, moved to ADJOURN.

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

There being no further business, the Task Force adjourned at the hour of 8:13 p.m.

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 sotf@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

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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 soff@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