



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

January 6, 2016 - 4:00 PM

Regular Meeting

Seat 1	Mark Rumold	Seat 7	Vacant
Seat 2	Eric Eldon	Seat 8	Shaun Haines
Seat 3	Josh Wolf	Seat 9	Chris Hyland - Vice Chair
Seat 4	Rishi Chopra	Seat 10	Louise Fischer
Seat 5	Allyson Washburn - Chair	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 4:00 p.m. Members Wolf, Hyland and Chopra were absent. There was a quorum.

At the hour of 4:05 p.m. Vice-Chair Hyland was noted present.

At the hour of 4:20 p.m. Member Wolf was noted present.

2. **File No. 14030: Amendments to the Sunshine Ordinance Task Force Complaint Procedures.** (00:02:00 – 01:11:00)

The Task Force discussed various changes to their Complaint Procedures.

Public Comment:

Former Task Force Member Richard Knee provided suggestions and corrections to the Complaint Procedures.

Peter Warfield objected to certain proposed changes to the Complaint Procedures and suggested that the amendments constitute a by-law change which requires 10-days prior notice.

Deputy City Attorney Jerry Threet answered questions related to the matter.

Member Pilpel, seconded by Vice-Chair Hyland, moved to amend the Complaint Procedures as discussed and continue the matter to the call of the chair.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Eldon, Wolf, Pilpel, Haines, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 1 - Chopra

Recommendation from the Complaint Committee.

(The Complaint Committee held a hearing on November 17, 2015, to review File No. 15141 and issued a report and/or recommendation for the Sunshine Ordinance Task Force's (SOTF) 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. 15141:** Complaint filed by Mike Anderer against John Gavin and the Office of the City Administrator for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.7 by failing to post the Citizen's Advisory Committee for Central Market and Tenderloin Area (CAC) October 1, 2015, meeting agenda in a timely manner. (01:16:00 – 01:23:00)

(The Complaint Committee recommended that the SOTF find a violation of Administrative Code (Sunshine Ordinance), Chapter 67.7, for failure to post an agenda in a timely manner.)

The Task Force discussed the recommendation of the Complaint Committee.

Vice-Chair Hyland, seconded by Member Hinze, moved to adopt the recommendation of the Complaint Committee to find that John Gavin and the Office of the City Administrator violated Administrative Code (Sunshine Ordinance), Section 67.7, by failing to post the Citizen's Advisory Committee for Central Market and Tenderloin Area October 1, 2015, agenda in a timely manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Eldon, Wolf, Pilpel, Haines, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 1 - Chopra

4. **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. ***Public comment shall be taken at 5:00 pm or as soon thereafter as possible.***

Speakers:

Former Task Force Member Richard Knee provided information on nominations to the Society of Professional Journalist James Madison Award (spjnorcal.org). Peter Warfield commented on previously filed Library Users Association complaints and the Task Force's Complaint Procedures.

5. **File No. 15129:** Complaint filed by Joel Warne against Freya Horne and the Sheriff's Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a public records request in a timely and/or complete manner. *(attachment)*
(The Complaint Committee referred the complaint to the SOTF without recommendation for hearing on the merits of the complaint)

Pursuant to the Task Force Complaint Procedures and at the request of the Complainant, the matter was continued at the request of the Complainant.

Public Comment:

None.

6. **File No. 15134:** Complaint filed by Joel Warne against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a request for public records in a timely and/or complete manner and failing to send a knowledge representative to the Sunshine Ordinance Task Force – Complaint Committee hearing on November 17, 2015. *(attachment)*
(The Complaint Committee referred the complaint to the SOTF without recommendation for hearing on the merits of the complaint)

Pursuant to the Task Force Complaint Procedures and at the request of the Complainant, the matter was continued at the request of the Complainant.

Public Comment:

None.

7. **File No. 15159:** Complaint filed by Tom Borden against the Recreation and Parks Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner in regards to signage in lands managed by the Natural Areas Program. *(01:23:00 – 02:29:00)*

Member Pilpel disclosed his interaction with the Complainant regarding unrelated matters and stated that he can remain impartial.

Member Hinze, seconded by Member Haines, moved to find jurisdiction.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Eldon, Wolf, Pilpel, Haines, Fischer, Hinze, Hyland,
Washburn
Noes: 0 - None
Absent: 1 – Chopra

Tom Borden (Complainant) provided an overview of the complaint and requested the Task Force to find violations. Alex Aldrich spoke in support of the Complainant. Eric Pawlowsky, Recreation and Parks (Respondent), presented the department’s position and stated that all available documents were either provided or do not exist. Mr. Pawlowsky also stated that General Manager Phil Ginsburg is the person responsible for the posting of reference signs. A question and answer period followed.

Deputy City Attorney Jerry Threet answered questions related to the matter.

Member Pilpel, seconded by Vice-Chair Hyland, moved to find the Recreation and Parks Department in violation of Administrative Code (Sunshine Ordinance), Sections 67.21 (b) and (e), by failing to respond to a public records request in a timely and/or complete manner and failing to comply, or incompletely comply, with the request for public records.

Public Comment:
Bruce Wolfe described his experience regarding signs produced by the Recreation and Parks Department.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Eldon, Wolf, Pilpel, Haines, Fischer, Hinze, Hyland,
Washburn
Noes: 0 - None
Absent: 1 - Chopra

Chair Washburn referred the matter to the Compliance and Amendments Committee and requested that a person knowledgeable as to how Recreation and Parks rules and policies are created/implemented attend the meeting to answer questions as to how policy decisions are made and documented. The Task Force also requests that the Park Service Area meeting notes from the area included McLaren Park be provided.

Member Pilpel offered to provide a list of Recreation and Park representatives who may be knowledgeable of the matter.

8. **Approval of minutes from the Sunshine Ordinance Task Force November 4, 2015, and December 2, 2015, meetings.**

The Task Force discussed the matter.

Member Pilpel, seconded by Member Hinze, moved to adopt the Task Force minutes as amended.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 8 - Rumold, Eldon, Wolf, Pilpel, Haines, Fischer, Hinze, Washburn
Noes: 0 - None
Absent: 2 – Chopra, Hyland

9. **Approval of minutes from the Sunshine Ordinance Task Force Complaint Committee October 27, 2015, and November 17, 2015, meetings.**

The Task Force discussed the matter.

Member Pilpel, seconded by Member Hinze, moved to adopt the Complaint Committee minutes as amended.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Eldon, Wolf, Pilpel, Haines, Fischer, Hinze, Hyland, Washburn
Noes: 0 – None
Absent: 1 - Chopra

10. **Administrator’s Report, Complaints and Communications.**

Task Force Administrator Victor Young presented the Administrator’s Report.

The Task Force discussed the Administrator’s Report, Complaints and Communications.

Public Comment:
Alex Aldrich suggested that the Mayor and the media should be informed about the Recreation and Parks Department lack of written policies.

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

Member Pilpel provided information regarding the newly appointed Ethics Commission Executive Director, the excessive absences of Member Chopra, the Task Force Annual Report, and City's budget cycle.

Member Pilpel volunteered to draft a letter to the Board of Supervisors and the Office of the City Attorney regarding a request for increased resources.

Deputy City Attorney Threet provided information regarding Police body cameras.

12. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:00 p.m.

APPROVED: February 3, 2016

**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.