



# 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

July 1, 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 Allyson Washburn called the meeting to order at 4:10 p.m. Members Chopra, Hinze, and Hyland were noted absent. There was a quorum.

There were no agenda changes.

Public Comment:

Patrick Monette-Shaw stated that Item 5 and 6 should be combined.

### Recommendations from the Complaint Committee.

*(The Compliant Committee held a hearing on June 16, 2015, to review File Nos. 15063, 15087, 15052, 15053, and 15054 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.*

2. **File No. 15063:** Complaint filed by Michael Petrelis against District Attorney George Gascon and the Office of the District Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25(a) and 67.29-5, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner and failure to maintain a daily calendar wherein is recorded the time and place of each meeting or event attended. (00:03:00 – 00:29:00)

*(The Complaint Committee determined that the SOTF has jurisdiction and recommended that the SOTF find a violation of Administrative Code (Sunshine Ordinance), Sections 67.25(a) and 67.29-5, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner and failure to maintain a daily calendar wherein is recorded the time and place of each meeting or event attended.)*

Alex Bastian, District Attorney's Office (Respondent), responded to questions of the SOTF and provided the department's position.

**Member Wolf, seconded by Member Pilpel, moved to adopt the recommendation of the Complaint Committee and find a violation of Administrative Code (Sunshine Ordinance), Sections 67.25(a) and 67.29-5, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner and failure to maintain a daily calendar wherein is recorded the time and place of each meeting or event attended.**

Public Comment:

Ray Hartz expressed concerns regarding the timeliness of the response and stated that he does not believe that a calendar is being maintained.

Patrick Monette-Shaw stated that recently passed legislation affects the calendar requirement and expands the list of who must comply.

Thomas Picarello expressed support for the motion and stated that he does not believe the matter should be referred to committee.

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

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

Noes: 0 - None

Absent: 3 - Chopra, Hinze, Hyland

Chair Washburn referred the matter to the Compliance and Amendments Committee to ensure that the new calendar policy to be developed by the District Attorney complies with the requirements of Sunshine Ordinance, Section 67.29-5.

3. **File No. 15087:** Complaint filed by Alex Aldrich against General Manager Phil Ginsburg and the Recreation and Park Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to a request for public records in timely and/or complete manner. (00:29:00 – 01:17:00)

*(The Complaint Committee determined that the SOTF has jurisdiction and recommended that the SOTF find a violation of Administrative Code (Sunshine Ordinance), Section 67.21(b), for failure to respond to a public records request in a timely and/or complete manner.)*

**Member Wolf, seconded by Member Hepner, moved to adopt the recommendation of the Complaint Committee and find a violation of Administrative Code (Sunshine Ordinance), Section 67.21(b), for failure to respond to a public records request in a timely and/or complete manner.**

**Public Comment:**

Ray Hartz expressed support for the motion and disagrees that there are no supporting documents.

Carolyn Johnston provided samples of other Recreation and Park Department policy implemented without written notice or documentation.

Tom Borden provided a summary of Complaint Committee's June 16, 2015 meeting and expressed support for the motion.

Eric Pawlowsky, Recreation and Park Department (Respondent), provided a summary of the department's position that the Sunshine Ordinance only requires the disclosure of documents and not the creation of new records.

Alex Aldrich (Complainant) alleged that the Recreation and Park Department is using Park Code, Section 3.02, regarding compliance with a sign improperly.

Thomas Picarello expressed support for the motion.

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

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

Noes: 0 - None

Absent: 3 - Chopra, Hinze, Hyland

Member Pilpel volunteered to draft a memo to the Recreation and Park Department, to be approved by the SOTF, expressing the opinion that the SOTF believes that departmental policies should be formally approved and documented.

4. **File No. 15053:** Complaint filed by Patrick Monette-Shaw against Olson Lee, Maria Benjamin, and Eugene Flannery, Mayor's Office of Housing and Community Development (MOHCD), for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.24(a)(1), 67.25(a), 67.26, 67.27(a) and 67.29-7(a), for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. (01:17:00 – 01:34:00)

*(The Complaint Committee determined that the SOTF has jurisdiction and recommended that the SOTF find a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely manner.)*

**Member Pilpel, seconded by Member Wolf, moved to adopt the recommendation of the Complaint Committee and find a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely manner.**

Public Comment:

Patrick Monette-Shaw (Complainant) provided an analysis of the documents provided by MOHCD and stated that the requested records were not provided.

Ray Hartz commended Mr. Monette-Shaw on his complaint and efforts to ensure that public records are readily available.

Peter Warfield stated that the SOTF is not following its own procedures.

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

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

Noes: 0 - None

Absent: 3 - Chopra, Hinze, Hyland

**The meeting was in recess from 5:45 PM to 6:00 PM.**

**Items 5 and 6 (File Nos. 15054 and 15052) were heard together.**

5. **File No. 15054:** Complaint filed by Patrick Monette-Shaw against Olson Lee, Maria Benjamin, and Eugene Flannery, Mayor's Office of Housing and Community Development (MOHCD), for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, and 67.29-7, for failure to respond to an Immediate Disclosure Request, to make available documents in any form requested that is available or easily generated by the department, and to maintain and preserve all documents and correspondence. (01:34:00 – 02:15:00)

*(The Complaint Committee determined that the SOTF has jurisdiction and recommended that the SOTF conclude the matter as no violation of the Sunshine Ordinance has occurred.)*

Maria Benjamin and Eugene Flannery, MOHCD (Respondent); and Patrick Monette-Shaw (Complainant), responded to questions of the SOTF and presented their position.

**Member Wolf, seconded by Member Hepner, moved to adopt the recommendations of the Complaint Committee and find that no violation of the Sunshine Ordinance occurred (File Nos. 15054 and 15052).**

Public Comment:

Patrick Monette-Shaw (Complainant) disagreed with the motion.

Ray Hartz provided information on database forms and the ability to hide information.

Peter Warfield stated that combined hearings should be allocated additional time for comments.

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

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

Noes: 0 - None

Absent: 3 - Chopra, Hinze, Hyland

6. **File No. 15052:** Complaint filed by Patrick Monette-Shaw against Jay Huish, Norm Nickens, Bob Shaw, and Victor Makras, San Francisco Employee Retirement System (SFERS), for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, and 67.29-7, for failure to respond to an Immediate Disclosure Request, to make available documents in any form requested which is available or easily generated by the department, and to maintain and preserve all documents and correspondence.

*(The Complaint Committee determined that the SOTF has jurisdiction and recommended that the SOTF conclude the matter as no violation of the Sunshine Ordinance has occurred.)*

**See Item 5 (File No. 15054) for actions.**

7. **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:**

Ray Hartz provided a history of his past SOTF complaints and expressed his disappointment as to Board of Supervisor President Breed's pattern of non-appearance at SOTF meetings.

Peter Warfield stated that SOTF policies are not being followed or enforced. Thomas Picarello thanked the SOTF members for attending the meeting and suggested changes to future SOTF agendas to prioritize matters of more importance to the public.

Patrick Monette-Shaw suggested that the SOTF develop amendments to the Sunshine Ordinance for voter approval.

**Items 8 and 11 (File Nos. 15034 and 15037) were heard together.**

8. **File No. 15034:** Complaint filed by Ray Hartz against President Teresa Ono and the San Francisco Library Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15(d), for failure to provide adequate opportunity for public testimony. (02:15:00 – 02:50:00)

**Member Pilpel, seconded by Member Fischer, moved to find jurisdiction on File Nos. 15034 and 15037.**

**Public Comment:**

Silvia Johnson provided general comments regarding jurisdiction.

Peter Warfield expressed support of the motion.

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

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

Noes: 0 - None

Absent: 3 - Chopra, Hinze, Hyland

Ray Hartz (Complainant) provided an overview of the complaint and requested the Task Force find violations. There were no speakers in support of the Complainant. Sue Blackman, Public Library (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 Nicholas Colla commented on the matter.

There were no motions to find violation(s) of Administrative Code (Sunshine Ordinance), Chapter 67.

Public Comment:

Peter Warfield expressed concern that the public has been silenced by the Public Library.

Owen Egbert provided observations as to the meeting in question and stated that the situation was unpleasant and that a recess was needed to defuse the situation and calm people down.

**Due to the lack of a motion the Task Force found no violation and concluded File Nos. 15034 and 15037.**

9. **File No. 15035:** Complaint filed by Ray Hartz against President Teresa Ono and the San Francisco Library Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.16, for failure to accurately summarize the testimony of public speakers. (02:50:00 – 03:10:00)

**Member Pilpel, seconded by Member Hepner, moved to find jurisdiction.**

Public Comment:

None.

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

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

Noes: 0 - None

Absent: 3 - Chopra, Hinze, Hyland

Ray Hartz (Complainant) provided an overview of the complaint and requested the Task Force find violations. There were no speakers in support of the Complainant. Sue Blackman, Public Library (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.

There were no motions to find violation(s) of Administrative Code (Sunshine Ordinance), Chapter 67.

Public Comment:

None.

**Due to the lack of a motion the Task Force found no violation and concluded the matter.**

10. **File No. 15036:** Complaint filed by Ray Hartz against President Teresa Ono and the San Francisco Library Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.7(b) and 67.15(d), for failure to provide adequate opportunity for public testimony and failure to provide a meaningful description of agenda items.  
3:10:00 – 3:42:00)

**Member Pilpel, seconded by Member Hepner, moved to find jurisdiction on the matter.**

Public Comment:  
None.

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

Ayes: 6 - Wolf, Pilpel, Hepner, Haines, Fischer, Washburn  
Noes: 0 - None  
Absent: 3 - Chopra, Hinze, Hyland

Ray Hartz (Complainant) provided an overview of the complaint and requested the Task Force find violations. There were no speakers in support of the Complainant. Sue Blackman and Michael Lambert, Public Library (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 did not provide a rebuttal. The Complainant provided a rebuttal.

**Member Hepner, seconded by Member Wolf, moved to find a violation of Administrative Code (Sunshine Ordinance), Section 67.15(a), for failure to accept public comment on an agenda item.**

Public Comment:  
None.

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

Ayes: 6 - Wolf, Pilpel, Hepner, Haines, Fischer, Washburn  
Noes: 0 - None  
Absent: 3 - Chopra, Hinze, Hyland

11. **File No. 15037:** Complaint filed by Ray Hartz against President Teresa Ono and the San Francisco Library Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, for failure to provide adequate opportunity for public testimony, failure to provide a meaningful description of agenda items, and taking action during a closed session meeting.

**See Item 8 (File No. 15034) for actions.**



**The meeting was in recess from 7:50 PM to 8:00 PM.**

12. **Draft Memorandum to the San Francisco Arts Commission:** Agenda Changes and Public Comment Procedures.

**Member Pilpel, seconded by Member Hepner, moved to approve the memorandum drafted by Member Wolf and transmit it as amended.**

Public Comment:

Ray Hartz provided general comments on the memorandum.

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

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

Noes: 0 - None

Absent: 3 - Chopra, Hinze, Hyland

13. **Election of Officers:** Elections of Sunshine Ordinance Task Force Chair and Vice Chair pursuant to SOTF Bylaws, Article II, Sections 2 and 3.

**Member Hepner, seconded by Member Pilpel, moved to continue the matter to the call of the chair.**

Public Comment:

None.

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

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

Noes: 0 - None

Absent: 3 - Chopra, Hinze, Hyland

14. **File No. 14030: Proposed Amendments to the Sunshine Ordinance Task Force By-Laws and/or Complaint Procedures.**

The SOTF discussed proposed changes to the Complaint Procedures. In clarifying the procedures, the following was noted:

The SOTF will not redact documents provided by either the Complainant or Respondent; and

Anonymous complaints will be accepted but the documents provided will not be redacted.

**Member Wolf, seconded by Member Haines, moved to continue the matter to the call of the chair.**

Public Comment:

Ray Hartz stated that amendments to the Complaint Procedures should be considered as a whole and not as single amendments.

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

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

Noes: 0 - None

Absent: 3 - Chopra, Hinze, Hyland

15. **Approval of minutes from the Sunshine Ordinance Task Force June 3, 2015, meeting.**

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

Public Comment:

None.

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

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

Noes: 0 - None

Absent: 3 - Chopra, Hinze, Hyland

16. **Approval of minutes from the Complaint Committee June 16, 2015, meeting.**

**Member Pilpel, seconded by Member Wolf, moved to approve the minutes.**

Public Comment:

None.

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

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

Noes: 0 - None

Absent: 3 - Chopra, Hinze, Hyland

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

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

Public Comment:

None.

Chair Washburn requested that the Determination of Jurisdiction hearing for File No. 15094 be scheduled for August 5, 2015.

No additional actions were taken.

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

Member Hepner provided an update on the amendment to the Sunshine Ordinance regarding certain calendars.

19. **ADJOURNMENT**

There being no further business the meeting was adjourned at 9:05 p.m.

**APPROVED: August 5, 2015**



**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.