



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 22, 2014 – 4:00 PM

Special Meeting

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|--------|---------------------------------|---------|----------------------------------|
| Seat 1 | Mark Rumold | Seat 7 | Lee Hepner |
| Seat 2 | Ali Winston | Seat 8 | Todd David |
| Seat 3 | Josh Wolf | Seat 9 | Chris Hyland - Vice Chair |
| Seat 4 | (Vacant) | Seat 10 | Louise Fischer |
| Seat 5 | Allyson Washburn - Chair | Seat 11 | Bruce Oka (Hold Over) |
| Seat 6 | David Pilpel | | |

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

The meeting was called to order at 4:07 p.m. Members Fischer and Wolf were noted absent. There was a quorum. Member Fischer was noted present at 4:25 p.m.

2. **File No. 14059:** Complaint filed by Jo Anne Adams against the Treasurer and Tax Collector's Office for allegedly violating Sunshine Ordinance Section 67.25 and California Government Code Section 6250 for failure to respond to a request for documents in a timely and complete manner. (00:02:47 – 00:31:30)

Member Hyland, seconded by Member Pilpel, moved to find jurisdiction of File No. 14059.

Public Comment:
None.

The motion passed without objection.

Jo Anne Adams (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Stephanie Profitt, Treasurer and Tax Collector's Office (Respondent), presented an overview of their defense. There were no speakers in support of the Respondent. A question and answer period followed. The Respondents did not provide a rebuttal. The Complainant did not provide a rebuttal.

Deputy City Attorney Nicholas Colla commented on the matter.

Public Comment:

Latrell Huntston stated that the management of the Treasurer and Tax Collector's office has all the resources needed in regard to Human Resources but the employees are not provided any information or resources to pursue Human Resource issues.

There being no motion, the Task Force FOUND NO VIOLATIONS AND CONCLUDED THE MATTER.

3. **File No. 14034:** Complaint filed by Paula Datesh against Sharon Page-Ritchie and Howard Lazar, Arts Commission, for allegedly violating Sunshine Ordinance Sections 67.16 and 67.14(b) for failing to post either meeting minutes, audio recordings, or both, for various meeting in a timely manner and failing to include the 150 word summary of public comment into the minutes in a timely manner. (00:31:30 – 01:25:00)

Member Hyland, seconded by Member Winston, moved to find jurisdiction of File No. 14034.

Public Comment:

None.

The motion passed by the following vote:

Ayes: 9– Rumold, Winston, Pipel, Hepner, David, Fischer, Oka, Hyland, Washburn

Noes: 0 – None

Absent: 1 – Wolf

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. Sharon Page-Ritchie, Arts Commission (Respondent), presented an overview of the Arts Commission's defense. Kate Patterson-Murphy spoke in support of the Arts Commission. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal.

Member Hepner, seconded by Member Oka, moved to find Sharon Page-Ritchie, Arts Commission, in violation of Sunshine Ordinance Task Force Sections 67.14 and 67.16 for failure to audio record various meetings and failure to post meeting minutes for various meetings in a timely manner.

Public Comment:

Patrick Monette-Shaw stated that Arts Commission has many repeat complaints against them and are out of control and further stated that the City Attorney has provided incorrect advice regarding audio recording of meetings.

Michael Petrelis expressed support for the motion.

Thomas Picarello expressed support for the motion and stated that the Task Force should also find a willful violation pursuant to Section 67.34.

Peter Warfield expressed support of the motion and stated that audio recording is required.

Member Pilpel suggested an amendment to the motion to remove Howard Lazar as a named party in the complaint. Member Hepner and Member Oka accepted the amendment to the motion.

The motion PASSED by the following vote:

Ayes: 9– Rumold, Winston, Pipel, Hepner, David, Fischer, Oka, Hyland, Washburn

Noes: 0 – None

Absent: 1 – Wolf

Chair Washburn referred the complaint to the Compliance and Amendments Committee and requested that the Arts Commission provide a report that includes a full and comprehensive accounting/review of all minutes, audio recordings and website postings for the Arts Commission. The report should include, at a minimum: 1) status on all recordings and minutes required to be available and posted online; 2) estimated timeframe to address outstanding issues related to meeting minutes and audio recordings; 3) inventory of all audio recordings available in various formats; and 4) plan with timeframe to resolve any outstanding issues.

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.

Patrick Monette-Shaw requested that the administrator provide a history of complaints, commented on who should be names as the responsible party and objected to the Task Force members interrupting public testimony.

Michael Petrelis stated that Public Comment was 35 minutes late and that 6 hour meetings are too long. The Task Force needs to reduce the time allotted to each complaint and have the meeting televised.

Paula Datesh stated that Department's representatives should not be allowed to speak as supporters.

Peter Warfield stated that the Deputy City Attorney should provide histories of previous Task Force findings in relation to current complaints.

Thomas Picarello stated that Howard Lazar should not have been removed as a Respondent from Complaint No. 14034.

The meeting was recessed from 5:47 p.m. to 6:03 p.m.

5. **File No. 14042:** Complaint filed by Paula Datesh against Howard Lazar, Sharon Page-Ritchie and Kate Paterson-Murphy, Arts Commission, for allegedly violating Sunshine Ordinance Sections 67.25 for failure to respond to various Immediate Disclosure Requests in a timely and/or complete manner. (01:40:00 – 03:05:00)

Member Hyland, seconded by Member Pilpel, moved to find jurisdiction of File No. 14042.

Public Comment:
None.

The motion passed by the following vote:

Ayes: 9– Rumold, Winston, Pipel, Hepner, David, Fischer, Oka, Hyland, Washburn
Noes: 0 – None
Absent: 1 – Wolf

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 and Kate Patterson-Murphy, Arts Commission (Respondent), presented an overview of the Arts Commission’s 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 Hyland, seconded by Member Pipel, moved to find Howard Lazar, Sharon Page-Richie and Kate Patterson-Murphy, Arts Commission, in violation of Sunshine Ordinance Sections 67.21(b) and 67.21(c) for failure to provide a complete response to an Immediate Disclosure Request and failure to provide assistance in identifying the requested documents.

Public Comment:

Patrick Monette-Shaw stated that April 1st is the deadline for the submission of the Statement of Incompatible Activities to employees. Mr. Monette-Shaw also stated that the complainant needs to provide a list of outstanding documents.

Member Hyland withdrew the motion to find violation of Sunshine Ordinance Section 67.21(b).

The motion to find the Arts Commission in violation of Sunshine Ordinance Section 67.21(c) FAILED by the following vote:

Ayes: 5– Pipel, Hepner, Oka, Hyland, Washburn
Noes: 4 – Rumold, Winston, David, Fischer
Absent: 1 – Wolf

There being no further motions the matter was concluded.

6. **File No. 14043:** Complaint filed by Emmanuel Kourkoulos against Lyn Tomioka and Briseida Banuelos, San Francisco Police Department, for allegedly violating the Sunshine Ordinance Section 67.21 and Government Code Section 6250 for failure to adequately respond to a request for information. (01:40:00 – 03:05:00)

Member Hyland, seconded by Member David, moved to find jurisdiction of File No. 14043.

Public Comment:

Patrick Monette-Shaw expressed support for the motion.

The motion passed without objection.

Emmanuel Kourkoulos (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Sgt. Anthony Pedroza, Police 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.

Deputy City Attorney Nicholas Colla commented on the matter.

Member Pilpel, seconded by Member Winston, moved to find Lyn Tomioka, San Francisco Police Department, in violation of Sunshine Ordinance Sections 67.24(g) (The City may not assert California Public Records Act Section 6255 or any similar provisions as the basis for withholding any documents) and 67.27(d) failure to provide the requester an explanation of the nature and extent of the exempt information and suggest alternative sources for the information if available.

Public Comment:

Patrick Monette-Shaw opposed the motion to continue the matter to a future meeting and stated that the Task Force should research what policies apply to public records in protective services agencies.

The motion PASSED by the following vote:

Ayes: 7 – Rumold, Winston, Pilpel, Hepner, Oka, Hyland, Washburn

Noes: 2 – David, Fischer

Absent: 1 – Wolf

Chair Washburn referred that matter to the Education, Outreach and Training Committee and requests that Deputy Chief Lyn Tomioka, Police Department, attend the meeting to discuss the Police Department's policy on public access to police incident reports and the policy regarding the content of responses to members of the public when records are withheld (provision of reason and possible alternative source of information).

The Task Force requested that Deputy City Attorney Colla provide additional information regarding applicable laws and policies pertaining to the withholding of public records by protective agencies and how various protective agencies interpret them.

7. File No. 14065: Civil Grand Jury Report - Ethics in the City: Promise, Practice or Pretense.

Robert van Ravenswaay, Civil Grand Jury, answered questions related to the Civil Grand Jury Report.

Discussions occurred regarding the Task Force's proposed response to the Civil Grand Jury Report.

Public Comment:

Patrick Monette-Shaw commented on Civil Grand Jury recommendations No. 11 and 12.

No actions taken. The matter will be rescheduled for the Task Force's August 6, 2014, meeting.

The meeting was recessed from 9:14 p.m. to 9:18 p.m.

8. Sunshine Ordinance Task Force Complaint Backlog and Possible Solutions.

The Task Force discussed various options to address the complaint backlog.

The following tentative actions were discussed:

The Full Task Force will meet on the 1st Wednesday and the 4th Tuesday of the month for the next six months.

The Rules Committee will be reconstituted (3rd Tuesday of the Month).

The committees will meet on a bi-monthly basis.

The 3 committees (or its members) will act as a complaint committee and hear complaints on a rotating basis.

The attendance policy will need to be revised to address the possibility of additional absences due to additional special meetings.

A revised complaint procedure integrating the use of committees shall be developed.

Change the description of the committees to include the duties of a complaint committee.

Public Comment:

None.

No actions taken.

9. Approval of Minutes from the June 24, 2014, and July 2, 2014, Meetings.

Member Pilpel, seconded by Member Hyland, moved to approve the June 24, 2014, and July 2, 2014, meeting minutes as amended.

Public Comment:

None.

The motion passed by the following vote:

Ayes: 9– Rumold, Winston, Pipel, Hepner, David, Fischer, Oka, Hyland, Washburn

Noes: 0 – None

Absent: 1 – Wolf

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

The Task Force requests information regarding a process for communications among Task Force Members. The Task Force requests that Deputy City Attorney Colla provide a summary on the matter.

The need for the complaint procedures need to be reviewed and revised.

11. **ADJOURNMENT**

There being no further business the meeting was adjourned at 10:05 p.m.

APPROVED: 08/06/2014



**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.