



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 6, 2016 - 4:00 PM

Regular Meeting

Seat 1	Vacant	Seat 7	Dave Maass
Seat 2	Eric Eldon	Seat 8	Frank Cannata
Seat 3	Josh Wolf	Seat 9	Chris Hyland - Vice Chair
Seat 4	Rishi Chopra	Seat 10	Louise Fischer
Seat 5	Leuwam Tesfai -	Seat 11	Fiona Hinze
Seat 6	Bruce Wolfe		

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

Vice Chair Hyland called the meeting to order at 4:07 p.m. Members Chopra and Eldon were noted absent. There was a quorum.

It was noted that the Complainant for Item No. 9 (File No. 16008) withdrew their complaint via email.

2. Approval of minutes from the Sunshine Ordinance Task Force June 1, 2016, meeting. (00:01:00 – 00:18:00)

The Task Force discussed the meeting minutes.

Public Comment:

Peter Warfield provided suggested changes to his public comment for the June 1, 2016 meeting.

Member B. Wolfe, seconded by Member Hinze, moved to approve the minutes as amended to omit reference to ‘negative’ on Page 7. In addition, the Task Force requested the Administrator to review the audio in regards to the requested amendment by Mr. Warfield for integration into the minutes and requested that Mr. Warfield provide his requested amendment to the Administrator in a written format (email) for inclusion into the minutes.

The motion PASSED by the following vote:

Ayes: 8 - J. Wolf, Tesfai, B. Wolfe, Maass, Cannata, Fischer, Hinze, Hyland
Noes: 0 - None
Absent: 2 - Chopra, Eldon

3. **Election of Officers:** Election of Sunshine Ordinance Task Force Chair and Vice Chair. (00:18:00 – 00:36:00)

The Task Force discussed the Election of Officers.

Member Bruce Wolfe nominated himself to the position of Chair of the Sunshine Ordinance Task Force. Member Josh Wolf seconded the nomination. There were no other nominations.

Public Comment:

Ray Hartz expressed support of the nomination of Bruce Wolfe as Chair.
Peter Warfield expressed support of the nomination of Bruce Wolfe as Chair.

The motion to appoint Bruce Wolfe to the position of Chair of the Sunshine Ordinance Task Force PASSED by the following vote:

Ayes: 8 - J. Wolf, Tesfai, B. Wolfe, Maass, Cannata, Fischer, Hinze, Hyland
Noes: 0 - None
Absent: 2 - Chopra, Eldon

Member Fiona Hinze nominated Chris Hyland to the position of Vice Chair of the Sunshine Ordinance Task Force. Member Frank Cannata seconded the nomination. There were no other nominations.

Public Comment:

Peter Warfield expressed opposition of the nomination of Chris Hyland as Vice Chair.

The motion to appoint Chris Hyland to the position of Vice Chair of the Sunshine Ordinance Task Force PASSED by the following vote:

Ayes: 8 - J. Wolf, Tesfai, B. Wolfe, Maass, Cannata, Fischer, Hinze, Hyland
Noes: 0 - None
Absent: 2 - Chopra, Eldon

4. **Appointments to Sunshine Ordinance Task Force Committees.** Appointment of Chairs and Members to Sunshine Ordinance Task Force Committees. (00:36:00 – 0:55:00)

The Task Force discussed the appointments of members to the Sunshine Ordinance Task Force Committees. Members Hyland, Cannata, and B. Wolfe volunteered to attend the

July 26, 2016, meeting of the Education, Outreach and Training Committee. Chair Wolfe requested a continuance of the matter.

Vice Chair Hyland, seconded by Member Hinze, moved to continue the matter to the August 3, 2016, meeting of the Sunshine Ordinance Task Force.

Public Comment:

Peter Warfield expressed support of the continuance and commented on the meeting dates of the Task Force requesting avoidance of Tuesday meetings.

The motion PASSED by the following vote:

Ayes: 8 - J. Wolf, Tesfai, B. Wolfe, Maass, Cannata, Fischer, Hinze, Hyland

Noes: 0 - None

Absent: 2 - Chopra, Eldon

5. **File No. 16060: Report** - Board of Supervisors (File No. 160478) proposed amendment to the Campaign and Governmental Conduct Code requiring Commissioners to file Behested Payment Reports regarding the solicitation of charitable contribution over \$5,000. (01:02:00 – 01:45:00)

Legislative Aide Lee Hepner, Office of Supervisor Aaron Peskin, provided information regarding the matter and answered questions from the Task Force.

Public Comment:

Ray Hartz commented on the need to trust all parties involved to be honest for the legislation to be effective and provided examples of expected problems.

Peter Warfield expressed agreement with Mr. Hartz's comments.

Member Wolf, seconded by Member Hinze, moved to continue the matter to the August 3, 2016, meeting of the Sunshine Ordinance Task Force.

The motion PASSED by the following vote:

Ayes: 8 - J. Wolf, Tesfai, B. Wolfe, Maass, Cannata, Fischer, Hinze, Hyland

Noes: 0 - None

Absent: 2 - Chopra, Eldon

6. **File No. 16012:** Complaint filed by Ray Hartz against LeeAnn Pelham, Executive Director, Ethics Commission, and the Ethics Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.7(b), by failing to provide a description that is meaningful and sufficiently clear to alert a person of average intelligence and education whose interests are affected by an agenda item (Ethics Commission January 25, 2016, Agenda – Item 7). (0145:00 – 02:39:00)

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

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 8 - J. Wolf, Tesfai, B. Wolfe, Maass, Cannata, Fischer, Hinze, Hyland

Noes: 0 - None

Absent: 2 - Chopra, Eldon

Ray Hartz (Complainant) provided an overview of the complaint and requested the Task Force to find violations. Mr. Hartz stated that the proposed action regarding the matter was not listed in the agenda. There were no speakers in support of the Complainant. Executive Director LeeAnn Pelham, Ethics Commission (Respondent), provided a summary of the department's position and stated that the information required by the Sunshine Ordinance was listed in the agenda. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent and Complainant were provided the opportunity for rebuttals.

Deputy City Attorney Colla provided comments and responded to questions from the Task Force.

Vice Chair Hyland, seconded by Member Maass, moved to find Executive Director LeeAnn Pelham, and the Ethics Commission, in violation of Administrative Code, Section 67.7 (b), for failure to provide a description that is meaningful and sufficiently clear to alert a person of average intelligence and education whose interests are affected by an agenda item.

Public Comment:

Peter Warfield stated that he did not understand the Ethics Commission's agenda title.

The motion FAILED by the following vote:

Ayes: 4 - Maass, Hinze, Hyland, B. Wolfe

Noes: 4 - J. Wolf, Tesfai, Cannata, Fischer

Absent: 2 - Chopra, Eldon

There being no additional motions the Task Force finds no violations and concluded the matter.

7. **File No. 16013:** Complaint filed by Ray Hartz against Sue Blackman and the Library Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.27(b), by failing to provide a description that is meaningful and sufficiently clear to alert a person of average intelligence and education whose interests are affected by the agenda item (Library Commission January 21, 2016, Agenda – Item 4). (02:39:00 – 03:13:00)

Vice Chair Hyland, seconded by Member Hinze, moved to find jurisdiction.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 8 - J. Wolf, Tesfai, B. Wolfe, Maass, Cannata, Fischer, Hinze, Hyland

Noes: 0 - None

Absent: 2 - Chopra, Eldon

Ray Hartz (Complainant) provided an overview of the complaint and requested the Task Force to find violations. Mr. Hartz stated that the agenda title did not provide enough detail as to the proposed topics of discussion. There were no speakers in support of the Complainant. Sue Blackman, Library Commission (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 and Complainant were provided the opportunity for rebuttals.

Public Comment:

Peter Warfield provided a summary of his previous experiences with the Library Commission.

There being no motions the Task Force finds no violations and concluded the matter.

Vice Chair Hyland was noted absent from the meeting at 7:57 p.m. and for the remainder of the meeting.

8. **File No. 16014:** Complaint filed by Ray Hartz against Sue Blackman and the Library Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(c) and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner and failing to provide assistance to a requester in identifying the existence, form and nature of any records or information maintained. (03:13:00 – 04:25:00)

Member Hinze, seconded by Vice Chair Hyland, moved to find jurisdiction.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 - J. Wolf, Tesfai, B. Wolfe, Maass, Cannata, Fischer, Hinze,

Noes: 0 - None

Absent: 3 - Chopra, Eldon, Hyland

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

provided a summary of the department's position. Ms. Singleton stated that the responsive documents held by the Public Library were provided and that additional documentation should be provided by the contracting departments (Police Department and the City Attorney). There were no speakers in support of the Respondent. A question and answer period followed. The Respondent and Complainant were provided the opportunity for rebuttals.

Deputy City Attorney Colla provided comments and responded to questions from the Task Force.

In addition, the Task Force requests that the Respondent contact the Police Department and the City Attorney, in an official and documented manner, in order to authorize the release of/ or to provide documents to Mr. Hartz in regards to his public records request listed in his complaint filed with the Task Force (File No. 16014).

Member Cannata, seconded by Member Hinze, moved to find Sue Blackman and the Library Commission in violation of Administrative Code (Sunshine Ordinance), Sections 67.21 (b) and (c), by failing to respond to a public records request in a timely and complete manner and failing to assist a requester in identifying the existence, form and nature of any records or information maintained.

Public Comment:

Peter Warfield expressed support of the Task Force motions and directives.

The motion PASSED by the following vote:

Ayes: 6 - J. Wolf, Tesfai, B. Wolfe, Maass, Cannata, Hinze

Noes: 1 - Fischer

Absent: 3 - Chopra, Eldon, Hyland

Chair Wolfe referred the matter to the Compliance and Amendments Committee.

Recommendation from the Education, Outreach and Training Committee.

(The Education, Outreach and Training Committee held a hearing to review File No. 16008 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.

9. **File No. 16008:** Complaint filed by Michael Petrelis against Supervisor Eric Mar for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.29-5, by failing to keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended; and not completely complying with request for the calendar of Supervisor Eric Mar. *(attachment)*

(On May 9, 2016, the Education, Outreach and Training Committee reviewed the matter. The Committee referred the matter to the Task Force with the recommendation to find jurisdiction and find that a violation of Administrative

Code (Sunshine Ordinance), Sections 67.21 and 67.29-5 occurred for failure to respond to a public records request in a timely manner and failure to properly maintain a calendar. The Committee requested that the Respondent to appear before the Task Force and be prepared to discuss the content of Supervisor Mar's calendar, the procedure for maintaining the calendar, and the reason for the delay in responding to the public records request.)

Mr. Petrelis (Complainant) withdrew the complaint prior to the meeting.

10. **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.** (00:55:00 – 01:02:00)

Speakers:

Ray Hartz commented on the grouping of his complaints into one hearing.
Peter Warfield requested information on the status of his complaints filed against the Public Library and inquired as to the status of complaints heard by the committee.

SPECIAL ORDER – The hearings on File No. 16032 will not begin earlier than 5:30 p.m.

11. **File No. 16032:** Complaint filed by Martin Langeveld against the Department of Emergency Management for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

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

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 7 - J. Wolf, Tesfai, B. Wolfe, Maass, Cannata, Fischer, Hinze
Noes: 0 - None
Absent: 3 - Chopra, Eldon, Hyland

Martin Langeveld (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Francis Zamora, Department of Emergency Management (Respondent), Chris Chamberland, Department of Technology, and Lt. Mike Dealy, Police Department, provided a summary of the departments' position in regards to the authority to withhold the requested public records. There were no speakers in support of the Respondent. A question and answer period followed. The Respondents and Complainant were provided the opportunity for rebuttals.

Deputy City Attorney Colla provided comments and responded to questions from the Task Force.

The Task Force requested that the Department of Emergency Management provide written evidence of the authority that allows for the withholding of the records requested by the Complainant. The Task Force suggest referencing existing law or written policy that has be formally adopted specific to the documents in question.

Member Maass, seconded by Member J. Wolf, moved to find the Department of Emergency Management in violation of Administrative Code (Sunshine Ordinance), Sections 67.21 (a) and (b), by failing to respond to a public records request in a timely manner and failing to justify withholding any record by demonstrating, in writing that the record in question is exempt from disclosure.

Public Comment:

Spenser express support for the motion.

Peter Warfield expressed support for the motion and stated that justification must be provided.

The motion PASSED by the following vote:

Ayes: 6 - J. Wolf, Tesfai, B. Wolfe, Maass, Cannata, Hinze

Noes: 1 - Fischer

Absent: 2 - Chopra, Eldon, Hyland

Chair Wolfe referred the matter to the Compliance and Amendments Committee.

12. **Administrator's Report, Complaints and Communications.**

- **Task Force and Committee Hearing Schedule**
- **Complaints Submitted and Hearing Files Created**
- **Communications to the Task Force**
- **Summary of Pending Complaints and Other Issues**

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

Public Comment:

Peter Warfield referenced a letter submitted to the members of the Task Force.

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

Member Mass announced changes to the Public Records Act (Catalog of Records) and concerns related to Senate Bill 272.

14. **ADJOURNMENT**

There being no further business the meeting was adjourned at 10:09 p.m.

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.

APPROVED by the Sunshine Ordinance Task Force: August 3, 2016