



# 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

June 4, 2014 – 4:00 PM

## Regular Meeting

**Members:** Louise Fischer (Vice-Chair),  
Richard Knee, 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 4:08 p.m. Member Sims was noted absent. There was a quorum.

Agenda Changes:

**Vice-Chair Fischer, seconded by Member David, moved Item No. 6 (File No. 14021) to be heard before Item No. 2.**

Public Comment:

Peter Warfield objected to the change in the agenda and commented on the lack of communication regarding the possible change to the agenda.

Michael Petrelis had no objection to the motion to change the order of the agenda.

Vice-Chair Fischer withdrew the motion.

2. **File No. 14006:** Complaint filed by Michael Petrelis against the Members of the San Francisco Board of Supervisors and Mayor Edwin Lee's Office (Mayor's Office) for allegedly violating Sunshine Ordinance Sections 67.3, 67.4, 67.5 and 67.7 and California Government Code Sections 54952, 54952.2 and 54953 through violation of public meeting laws by taking part in a policy body meeting that was closed to the public on December 16, 2013, between the Members of the Board of Supervisors, Unified School District, Mayor's Office and SF.Citi. (00:08:00 – 00:30:00)

**Member David, seconded by Member Hyland, moved to find jurisdiction.**

Public Comment:

Peter Warfield questioned why SF.Citi was not named as a Respondent and how the San Francisco Unified School District was removed as a Respondent.

**The motion PASSED without objection.**

Michael Petrelis (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Wilson Ng, Records Manager, Board of Supervisors, and Kirsten Macaulay, Mayor's Office (Respondents), presented an overview of their defense. There were no speakers in support of the Respondents. A question and answer period followed. The Respondents provided a rebuttal. The Complainant provided a rebuttal.

Public Comment:

Charles Pitts expressed his objections to the Mayor meeting in a semi-closed fashion and asked who was in attendance at the meeting in question.

**There being no motion the Task Force FOUND NO VIOLATION and CONCLUDED THE MATTER.**

3. **File No. 14010:** Complaint filed by Michael Petrelis against Charlotte Shultz and Matthew Goudeau, Mayor's Office, and Mayor Edwin Lee for allegedly violating Sunshine Ordinance Sections 67.21 and 67.25 and California Government Code Sections 6253 and 6253.1 through failure to respond in a timely manner to a request for public records dated December 26, 2013, and January 13, 2014. (00:30:00 – 01:47:00)

**Member Pilpel, seconded by Member Hyland, moved to find jurisdiction over Matthew Goudeau and Mayor Edwin Lee, Mayor's Office.**

Public Comment:

Thomas Picarello opposed the motion and the exclusion of Charlotte Shultz as a volunteer.

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

Ayes: 6 – Knee, Washburn, Pilpel, Hyland, Oka, Fischer

Noes: 1 – David

Absent: 1 – Sims

Michael Petrelis (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Kirsten Macaulay, Mayor'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 Respondent provided a rebuttal. The Complainant provided a rebuttal.

Deputy City Attorney Nicholas Colla commented on the item.

**Member Knee, seconded by Member Washburn, moved to find Matthew Goudeau, Mayor's Office, and Mayor Edwin Lee, in violation of Sunshine Ordinance Sections 67.29-7 and 67.21(e) for failure to maintain appropriate records in a businesslike manner and failure to provide a knowledgeable representative to testify before the Task Force.**

Public Comment:

Thomas Picarello expressed support for the motion and questioned the possibility that the City Attorney has destroyed documents.

Bill Barnes, Office of the City Administrator, provided information regarding who has jurisdiction over the use of space in City Hall.

Peter Warfield stated that pursuant to the Sunshine Ordinance, city agencies shall provide assistance to help members of the public find the documents they have requested.

**Member Washburn, seconded by Member Knee, offered a substitute motion as follows:**

**Member Washburn, seconded by Member Knee, moved to find Matthew Goudeau, Mayor's Office, and Mayor Edwin Lee, in violation of Sunshine Ordinance Sections 67.21(c) and 67.21(e) for failure to assist a requester in identifying the existence, form, and nature of any record, failure to direct a request to the proper office or staff person and to provide a knowledgeable representative to testify before the Task Force.**

Public Comment:

Peter Warfield objects to the removal of Section 67.29-7 from the proposed motion and questioned if Mr. Petrelis received the documents he had request.

Thomas Picarello expressed support for the new motion and objected to hearing too many matters from one complaint on any specific date.

**Member Oka called for a vote on the question.**

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

Ayes: 6 – Knee, Washburn, David, Hyland, Oka, Fischer

Noes: 1 – Pilpel

Absent: 1 – Sims

**Vice-Chair Fischer referred the matter to the Compliance and Amendments Committee. The Task Force requests that Mr. Goudeau, Mayor's Office, appear before the committee to provide additional information on the matter and requests that the Mayor's Office provide documents regarding the San Francisco Host Committee's December diplomats party; any additional documents responsive to the request made by Mr. Petrelis; and contact information for any party who may have documents related to Mr. Petrelis' request. It is further requested that the Mayor's Office provide budget information and relevant index codes in relation to funding for the Office of Protocol and information regarding the relationship between the Office of Protocol and the San Francisco Host Committee.**

**The meeting was recessed from 5:56 p.m. to 6:08 p.m.**

4. **Public Comment:** (01:47:00 – 02:05:00)

Paula Datesh expressed concern regarding the operations of the San Francisco Arts Commission.

Dr. Derek Kerr expressed concern regarding the actions of Member Pilpel at a recent Ethics Commission meeting and summarized comments made at the Rules Committee meeting regard appointments to the Task Force.

Joe Partansky discussed his experience with other sunshine oriented groups and expressed the need for organized workshops.

Peter Warfield provided information on the Library's previous experiences with new technology to track books and expressed concern regarding public comment timing.

Michael Petrelis brought San Francisco Chronicle articles to the attention of the Task Force regarding problems with the Task Force by Thomas Peele and Geoffrey King.

Thomas Picarello expressed concern regarding the requirements of Administrative Code Chapter 12L for nonprofits.

5. **File No. 14011:** Complaint filed by Michael Petrelis against the San Francisco Municipal Transportation Agency (SFMTA) for allegedly violating Sunshine Ordinance Sections 67.7, 67.15 and 67.17 by addressing topics during a public meeting that were not included in the meeting agenda, allowing presenters to speak who were not mentioned in the meeting agenda and presenting agenda items out of order at its January 21, 2014, Board meeting. (02:05:00 – 02:40:00)

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

Public Comment:

None.

**The motion PASSED without objection.**

Michael Petrelis (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Roberta Boomer, SFMTA (Respondent), presented an overview of their defense. There were no speakers in support of the Respondent. A question and answer period followed. The Respondents provided a rebuttal. The Complainant provided a rebuttal.

Deputy City Attorney Nicholas Colla commented on the item.

**Member Pilpel, seconded by Member Washburn, moved to find the San Francisco Municipal Transportation Agency in violation of Sunshine Ordinance Section 67.15(c) by not uniformly applying a time limit for public comment.**

## Public Comment:

Peter Warfield stated that common practices are not always correct.

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

Ayes: 5 – Knee, Washburn, Pilpel, Hyland, Oka

Noes: 1 – David, Fischer

Absent: 1 – Sims

**There being no additional motions the Task Force FOUND NO VIOLATION and CONCLUDED THE MATTER.**

6. **File No. 14021:** Complaint filed by the Library Users Association against Ben Rosenfield, Controller's Office, for allegedly violating Sunshine Ordinance Sections 67.21 and 67.25 and California Government Code Section 6253 by failing to respond to an Immediate Disclosure Request in a timely manner. (02:40:00 – 03:11:00)

**Member Knee, seconded by Member Hyland, moved to find jurisdiction.**

## Public Comment:

Thomas Picarello stated that jurisdiction should not be found because there is no information regarding the actual filing of the Immediate Disclosure Request.

**The motion PASSED without objection.**

Peter Warfield, Library Users Association (Complainant) provided an overview of the complaint and requested the Task Force find violations. There were no speakers in support of the Complainant. Monique Zmuda, Deputy Controller (Respondent), presented an overview of their defense and acknowledged that a delay in response did occur. 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 item.

**Member Washburn, seconded by Member Hyland, moved to find the Controller's Office in violation of Sunshine Ordinance Section 67.21(a) for not providing access to public records.****Member Washburn, seconded by Member Hyland, moved to find the Controller's Office in violation of Sunshine Ordinance Section 67.25(a) for failure to respond to a request for documents in a timely manner.**

## Public Comment:

None.

**The motion to find a violation of Sunshine Ordinance Section 67.21(a) FAILED by the following vote:**

Ayes: 1 – Washburn

Noes: 6 – Knee, Pilpel, David, Hyland, Oka, Fischer

Absent: 1 – Sims

**The motion to find a violation of Sunshine Ordinance Task Force Section 67.25(a) PASSED by the following vote:**

Ayes: 6 – Knee, Washburn, David, Hyland, Oka, Fischer

Noes: 1 – Pilpel

Absent: 1 – Sims

Member Pilpel was noted absent for the remainder of the meeting at 7:33 p.m.

7. **File No. 14022:** Complaint filed by Michael Petrelis against the San Francisco Host Committee and the Office of the City Administrator, as the city agency/department which is a party to and/or is the administrator of the nonprofit organization's contract, for allegedly violating Administrative Code, Chapter 12L through failure of a nonprofit organization receiving more than \$250,000 a year from the City and County of San Francisco to hold the required 2 public meetings annually. (03:11:00 -03:55:00)

Bill Barnes, Office of the City Administrator (Respondent), contested the Task Force's jurisdiction and provided an overview. Michael Petrelis (Complainant) presented an overview of his position that the Task Force has jurisdiction.

Deputy City Attorney Nicholas Colla commented on the item.

**Member Oka, seconded by Member Knee, moved to continue the matter to the call of the chair.**

Public Comment:

Thomas Picarello stated that the Task Force has jurisdiction and that the San Francisco Host Committee should be present.

**Member Oka withdrew the motion to continue.**

Bill Barnes, Office of the City Administrator, withdrew his objection to jurisdiction.

**Member David, seconded by Hyland, moved to find jurisdiction.**

**The motion to find jurisdiction FAILED by the following vote:**

Ayes: 3 – Washburn, Hyland, Oka

Noes: 3 – Knee, David, Fischer

Absent: 2 – Pilpel, Sims

**Member David, seconded by Member Hyland, moved to rescind the vote to find jurisdiction.**

The motion to rescind the vote PASSED by the following vote:

Ayes: 5 – Washburn, David, Hyland, Oka, Fischer

Noes: 1 – Knee

Absent: 2 – Pilpel, Sims

Public Comment:

Thomas Picarello comment on the issue of jurisdiction.

**The motion to find jurisdiction FAILED by the following vote:**

Ayes: 3 – Washburn, Hyland, Oka

Noes: 3 – Knee, David, Fischer

Absent: 2 – Pilpel, Sims

**There being no further motion the Task Force CONCLUDED THE MATTER.**

**8. Approval of Minutes from the May 19, 2014, Meeting.**

**Member Knee, seconded by Member David, moved to approve the May, 19, 2014, minutes.**

Public Comment:

None

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

Ayes: 6 – Knee, Washburn, David, Hyland, Oka, Fischer

Noes: 0 – None

Absent: 2 – Pilpel, Sims

**9. Sunshine Ordinance Task Force – Annual Report.**

**Member Washburn, seconded by Member Hyland, moved to continue the matter to the call of the chair.**

Public Comment:

None.

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

Ayes: 6 – Knee, Washburn, David, Hyland, Oka, Fischer

Noes: 0 – None.

Absent: 2 – Pilpel, Sims

10. **Report: Compliance and Amendments meetings of May 20, 2014.**

Member Washburn, Compliance and Amendments Committee Chair, reported on the activities of the committee.

Public Comment:  
None.

11. **Administrator's Report.**

Victor Young, Sunshine Ordinance Task Force Administrator, presented the report.

Public Comment:  
None.

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

Public Comment:  
Thomas Picarello disagreed over the Task Force's lack of jurisdiction over nonprofit agencies.

13. **ADJOURNMENT**

**There being no further business the meeting was adjourned at 8:40 p.m.**

**APPROVED: June 24, 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.