



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 5, 2013 – 4:00 PM

Regular Meeting

Members: Kitt Grant (Chair), 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 4:19 p.m. Chair Grant was noted absent. There was a quorum.

Administrator Andrea Ausberry announced a request from the Complainant and Respondent for File No. 12055 to be continued to August 2013.

Member Pilpel, seconded by Member Knee, moved to CONTINUE File No. 12055 to August 2013.

Public Comment:

None.

The motion PASSED without objection.

The Administrator announced a request from the Complainant for File Nos. 13005 and 13011 to be continued to the July 2013.

Member David, seconded by Member Knee moved to CONTINUE File Nos. 12005 and 13011 to July.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 8 - Knee, Washburn, Pilpel, Sims, David, Hyland, Oka, Fischer

Noes: 0

Absent: 1 - Grant

2. **File No. 12055:** Complaint filed by Wood Robbins LLP, representing Pacific Polk Properties, LLC against Dennis Herrera, City Attorney for allegedly not producing documents pertaining to the project at 1601 Larkin Street

The Task Force continued the item to August 2013, under Item No. 1 (Agenda Changes).

3. **File No. 12056:** Complaint filed by Allen Grossman against John St. Croix, Executive Director, Ethics Commission for allegedly failing to justify withholding unidentified public records as exempt under provisions of the Sunshine Ordinance

Member Knee, seconded by Member Oka, moved to find jurisdiction.

Public Comment:

None.

The motion PASSED without objection.

Allen Grossman (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of Complainant. John St. Croix, Executive Director, Ethics Commission (Respondent), provided an overview of the Ethics Commission's defense and requested the Task Force to dismiss the complaint. There were no speakers in support of Respondent. A question and answer period followed. Respondent waived rebuttal opportunity. Complainant provided a rebuttal and again requested the Task Force find violations.

Member Pilpel, seconded by Member David, moved to CONTINUE File No. 12056 to July meeting.

Public Comment:

None.

The motion FAILED by the following vote:

Ayes: 2 - Pilpel, David,

Noes: 6 - Knee, Washburn, Sims, Hyland, Oka, Fischer

Absent: 1 - Grant

Member Washburn, seconded by Member Knee, moved to find the records disclosable under Sunshine Ordinance Section 67.21(b).

Public Comment:

Peter Warfield expressed support of the motion.

The motion PASSED by the following vote:

Ayes: 6 - Knee, Washburn, Sims, Hyland, Oka, Fischer

Noes: 2 - Pilpel, David

Absent: 1 – Grant

Member Washburn, seconded by Member Knee, moved to find the records disclosable under Sunshine Ordinance Section 67.24(b)(1).

Public Comment:

Peter Warfield expressed support of the motion.

The motion FAILED by the following vote:

Ayes: 5 - Knee, Washburn, Sims, Hyland, Oka

Noes: 3 - Pilpel, David, Fischer

Absent: 1 - Grant

Member Fischer, seconded by Member David, moved to rescind the previous vote.

Public Comment:

None.

The motion PASSED without objection.

Member Fischer, seconded by Member David, moved to find the records disclosable under Sunshine Ordinance Section 67.24(b)(1); referral to Compliance and Amendments Committee.

Public Comment:

Peter Warfield spoke in objection to the motion; Paula Datesh spoke in support of the motion.

The motion PASSED by the following vote:

Ayes: 6 - Knee, Washburn, Sims, Hyland, Oka, Fischer

Noes: 2 - Pilpel, David

Absent: 1 – Grant

MEETING RECESS - 6:30 p.m. to 6:40 p.m.

4. **Public Comment:**
Paula Datesh expressed concern with the Arts Commission making false allegations against her;
Peter Warfield expressed concern with the referral of his complaint from Education, Outreach and Development to the Task Force not agendaized for its June meeting;
Charles Pitts asked when the Task Force would make recommendations for amendments to the Sunshine Ordinance for the ballot.
5. **File No. 12059:** Complaint filed by Supreet Pabla, SEIU Local 1021 against the Human Services Agency for allegedly failing to provide records requested relevant to the representation of the bargaining unit's employees.

Member Knee, seconded by Member Oka, moved to find jurisdiction.

Public Comment:

None.

The motion PASSED without objection.

Supreet Pabla, SEIU Local 1021 (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of Complainant. The Respondent was not present for the hearing. A question and answer period followed.

Member Knee, seconded by Member David, moved to find the Human Services Agency in violation of Sunshine Ordinance Sections 67.21(b) for failing to adhere to records request within timeframe; 67.21(e) for Respondent's failure to attend the hearing proceedings and explain the basis for its decision to withhold the records requested; 67.26(c) for failing to keep withholding to a minimum; 67.27 for failing to justify withholding; and 67.29-7 for failing to maintain its correspondence and records; referral to Compliance and Amendments Committee.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 8 - Knee, Washburn, Pilpel, Sims, David, Hyland, Oka, Fischer

Noes: 0

Absent: 1 – Grant

6. **File No. 13005:** Complaint filed by Paula Datesh against the Arts Commission for allegedly failing to respond to an Immediate Disclosure Request for records pertaining to the operations of the Arts Commission.

The Task Force continued the item to August 2013, under Item No. 1 (Agenda Changes).

7. **File No. 13011:** Complaint filed by Paula Datesh against the Arts Commission for allegedly not providing documents relating to Evelyn Russell, former Arts Commission Secretary.

The Administrator announced a request from the Complainant for File Nos. 13005 and 13011 to be continued to the July 2013, meeting.

Member David, seconded by Member Knee moved to CONTINUE File Nos. 12005 and 13011 to July.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 8 - Knee, Washburn, Pilpel, Sims, David, Hyland, Oka, Fischer

Absent: 1 - Grant

8. Motion (a) to communicate to the appropriate State government officials the Task Force's opposition to proposals in the State's draft budget for Fiscal Year 2013-2014 to (1) impose fees for access to court records and (2) halt State reimbursements to local governments for expenses incurred in complying with State public-records laws; and (b) to inform the local news media of said communications.

Member Knee, seconded by Member Oka, moved to send a letter to the Governor and California State Senators stating the Task Force's opposition to the State budget proposals and to send a press release to San Francisco community based news papers.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 - Knee, Washburn, Sims, David, Hyland, Oka, Fischer

Noes: 1 - Pilpel

Absent: 1 - Grant

9. **Approval of Minutes from the January 16, 2013 Special Meeting.**

Member Knee, seconded by Member Hyland, moved to CONTINUE items 9 through 13 to July 2013.

Public Comment:

None.

The motion PASSED without objection.

10. **Approval of Minutes from the February 6, 2013 Regular Meeting**

Member Knee, seconded by Member Hyland, moved to CONTINUE items 9 through 13 to July 2013.

Public Comment:

None.

The motion PASSED without objection.

11. **Approval of Minutes from the March 6, 2013 Regular Meeting.**

Member Knee, seconded by Member Hyland, moved to CONTINUE items 9 through 13 to July 2013.

Public Comment:

None.

The motion PASSED without objection.

12. **Approval of Minutes from the April 3, 2013 Regular Meeting.**

Member Knee, seconded by Member Hyland, moved to CONTINUE items 9 through 13 to July 2013.

Public Comment:

None.

The motion PASSED without objection.

13. **Approval of Minutes from the May 1, 2013 Regular Meeting.**

Member Knee, seconded by Member Hyland, moved to CONTINUE items 9 through 13 to July 2013.

Public Comment:

None.

The motion PASSED without objection.

14. **Report: Compliance and Amendments Committee meeting of April 16, 2013.**

Member Washburn, Chair of the Compliance and Amendments Committee, reported on the April 16, 2013 meeting on behalf of the Compliance and Amendments Committee.

Public Comment:

None.

15. **Report: Education, Outreach and Training Committee meetings of April 29, 2013 and May 13, 2013.**

Member Pilpel, Chair of the Education, Outreach and Training Committee, reported on the April 29, 2013, and May 13, 2013, meetings on behalf of the Education, Outreach and Training Committee.

Public Comment:

None.

16. **Administrator's Report.**

Report was given Andrea Ausberry, Sunshine Ordinance Task Force Administrator, on behalf of the Sunshine Ordinance Task Force Office.

Public Comment:

None.

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

Member Knee shared the status of Senate Bill 52 sponsored by Leno and Hill, which would require campaign ads and website to list the top sources of campaign funding and Assembly Bill 400 sponsored by Assembly Member Paul Fong which would require Petition circulators to have available a list of the top source of campaign funding.

Public Comment:

None.

18. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:38 p.m.

APPROVED: April 30, 2014



Victor Young
Administrator
Sunshine Ordinance Task Force