



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

March 4, 2015 - 4:00 PM

Regular Meeting

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

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	Rishi Chopra	Seat 10	Louise Fischer
Seat 5	Allyson Washburn - Chair	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

The meeting was called to order at 4:02 p.m. Members Winston, Fischer, Hyland and Chopra were noted absent. There was a quorum. Members Fischer and Hyland were noted present at 4:08 p.m.

A request to postpone Item No. 8 (File No. 15008) was received from the Complainant.

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

Suzanne Gautier, San Francisco Public Utilities Commission (Respondent), commented on the request for postponement.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Winston, Chopra

2. **Approval of minutes from the Sunshine Ordinance Task Force (SOTF) February 4, 2015, meeting.**

Member Pilpel, seconded by Member David, moved to approve the February 4, 2015, meeting minutes as amended.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn
Noes: 0 - None
Absent: 2 - Winston, Chopra

3. **Approval of minutes from the Complaint Committee April 12, 2011, May 10, 2011, June 14, 2011, July 12, 2011, November 10, 2015, January 20, 2015, and February 17, 2015, meetings.**

Member David, seconded by Member Fischer, moved to continue the matter to the call of the chair.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn
Noes: 0 - None
Absent: 2 - Winston, Chopra

4. **File No. 14113:** Complaint filed by Sophia De Anda against Eugene Flannery and the Mayor's Office of Housing and Community Development for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, for failing to respond to a request for public records in a timely and/or complete manner.

The Complainant was not present at the hearing and did not communicate with the SOTF office regarding attendance at the hearing. The Complainant filed the complaint with the SOTF on December 2, 2014, and was notified via email of the scheduled meeting date. Sophia Hayward, Mayor's Office of Housing and Community Development (Respondent), was present and responded to questions.

Member Hyland, seconded by Member David, moved to table the matter.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn
Noes: 0 - None
Absent: 2 - Winston, Chopra

5. **Public Comment:** Members of the public may address the SOTF on matters that are within SOTF's jurisdiction, but not on today's agenda. *(No Action) Public comment shall be taken at 5:00 pm or as soon thereafter as possible.*

Speakers:
Ann Treboux commented on her experiences with the San Francisco Arts Commission.

6. **File No. 14097:** Complaint filed by Michael Castagnola against the San Francisco Fire Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, and 67.29-7, for failure to respond to requests for public records in a timely and complete manner.

The Complainant was not present at the hearing and did not communicate with the SOTF office regarding attendance at the hearing. The Complainant filed the complaint with the SOTF on October 15 2014, and was notified via email and telephone of the scheduled meeting date. This is the second meeting the Complainant failed to attend without notifying the SOTF. Rhab Boughn, Fire Department (Respondent), was present and responded to questions.

Member Hyland, seconded by Member David, moved to table the matter.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn
Noes: 0 - None
Absent: 2 - Winston, Chopra

7. **File No. 15010:** Complaint filed by the Thomas Picarello against the San Francisco Fire Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, and 67.27, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. (00:21:00 - 01:22:00)

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

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Winston, Chopra

Thomas Picarello (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Rob Baugh, Fire Department, and Captain Darmanin, Bureau of Fire Investigation, (Respondents), provided a summary of the department's position. Mr. Baugh stated that fire investigation report requests are referred to the Bureau of Fire Investigation, which is a conglomerate of several city agencies. Mr. Picarello stated that there are additional public records that should be available in addition to the fire report provided. 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 Hepner, seconded by Member Pilpel, moved to find violations of Administrative Code (Sunshine Ordinance), Sections 67.21(c) for failure to identify public records that were withheld, 67.25(a) for failure to respond to a public records request in a timely manner, and 67.27 for failure to justify the reason for withholding certain records.

Public Comment:

Ann Treboux expressed concern over the lack of emails regarding the matter.

Member Rumold requested that the questions be divided.

The motion to find violation of Administrative Code (Sunshine Ordinance), Sections 67.21c and 67.25a, PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Winston, Chopra

The motion to find violation of Administrative Code (Sunshine Ordinance), Section 67.27, PASSED by the following vote:

Ayes: 8 - Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 1 - Rumold

Absent: 2 - Winston, Chopra

Chair Washburn referred the matter to the Compliance and Amendments Committee and directed the Respondents to provide all public records related to Mr. Picarello's public records request within 5 business days of the issue of the Order of Determination. The records shall include, but not be limited to, email communications, photographs, reports, and any other related public record.

The SOTF requests a review of the basis for the redaction of the reports related to the public records request.

The SOTF requests a review of the source of the public records (email, files, reports, ect.) and the method the Fire Department used to search for the requested for public record. It should be noted that not all public records are located in a 'file' and that all documents such as communication, emails, and photos are considered public records.

The SOTF requests the Fire Department be prepared to discuss the separations of the Bureau of Fire Investigation in terms of functions and responding to request for public records.

8. **File No. 15008:** Complaint filed by Brian Browne against the San Francisco Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to a request for public records in a timely and/or complete manner.

File No. 15008 was continued to the call of the chair during 'Agenda Changes'.

Recommendation from the Education, Outreach, and Training Committee.

(The Education, Outreach, and Training Committee (EOTC) held a hearing to review File Nos. 13085, 14037, 14038, 14039, and 14040 and issued a report and/or recommendation for the SOTF's review. Upon review of the EOTC'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.

Items Nos. 9-13 were heard concurrently.

9. **File No. 13085:** Complaint filed by Anonymous against Tim Frye, Historic Preservation Committee, Planning Department, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b) and 67.25(a), for failure to respond to a request for public records in a timely and complete manner.

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

Member Pilpel, seconded by Member Hinze, moved to adopt the recommendation of Education, Outreach, and Training Committee and concluded the matter as no violation of the Administrative Code (Sunshine Ordinance), Chapter 67, has occurred.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Winston, Chopra

10. **File No. 14037:** Complaint filed by Anonymous against Jonas Ionin, Planning Department, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to a request for public records in a timely and complete manner.

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

Member Pilpel, seconded by Member Hinze, moved to adopt the recommendation of Education, Outreach, and Training Committee and concluded the matter as no violation of the Administrative Code (Sunshine Ordinance), Chapter 67, has occurred.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Winston, Chopra

11. **File No. 14038:** Complaint filed by Anonymous against Lulu Hwang, Planning Department, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to a request for public records in a timely and complete manner.

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

Member Pilpel, seconded by Member Hinze, moved to adopt the recommendation of Education, Outreach, and Training Committee and concluded the matter as no violation of the Administrative Code (Sunshine Ordinance), Chapter 67, has occurred.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Winston, Chopra

12. **File No. 14039:** Complaint filed by Anonymous against Josephine Chen, Planning Department, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to a request for public records in a timely and complete manner.

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

Member Pilpel, seconded by Member Hinze, moved to adopt the recommendation of Education, Outreach, and Training Committee and concluded the matter as no violation of the Administrative Code (Sunshine Ordinance), Chapter 67, has occurred.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Winston, Chopra

13. **File No. 14040:** Complaint filed by Anonymous against Rick Cooper, Planning Department, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to a request for public records in a timely and complete manner.

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

Member Pilpel, seconded by Member Hinze, moved to adopt the recommendation of Education, Outreach, and Training Committee and concluded the matter as no violation of the Administrative Code (Sunshine Ordinance), Chapter 67, has occurred.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Winston, Chopra

Recommendation from the Complaint Committee.

(The Complaint Committee held a hearing to review File Nos. 14119, 14120, 15001, 14117, and 14108 and issued a report and/or recommendation for the SOTF's review. Upon review of the Complaint 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.

14. **File No. 14119:** Complaint by Ann Treboux against the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.16, for failing to include written summaries of public comment in meeting minutes.

(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.)

Member David, seconded by Member Hepner, moved to adopt the recommendation of Complaint Committee and concluded the matter as no violation of the Administrative Code (Sunshine Ordinance), Chapter 67, has occurred.

Public Comment:

Ann Treboux (Complainant) objected to the recommendation of the Complaint Committee.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Winston, Chopra

15. **File No. 14120:** Complaint filed by the Ann Treboux against Rebekah Krell and the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, for failure to respond to Immediate Disclosure Requests in a timely and complete manner.

(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.)

Member Rumold, seconded by Member David, moved to adopt the recommendation of Complaint Committee and concluded the matter as no violation of the Administrative Code (Sunshine Ordinance), Chapter 67, has occurred.

Public Comment:

Ann Treboux (Complainant) objected to the recommendation of the Complaint Committee.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Winston, Chopra

16. **File No. 15001:** Complaint filed by Ann Treboux against Sharon Page-Ritchie and Rebekah Krell of the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.7, 67.14, 67.16 and 67.25, for failure to post audio of advisory committee meetings online and failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

(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.)

Member David, seconded by Member Hepner, moved to adopt the recommendation of Complaint Committee and concluded the matter as no violation of the Administrative Code (Sunshine Ordinance), Chapter 67, has occurred.

Public Comment:

Ann Treboux (Complainant) objected to the recommendation of the Complaint Committee.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Winston, Chopra

17. **File No. 14117:** Complaint filed by the Michael Petrelis against District Attorney George Gascon and the Office of the District Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, and 67.27, and California Government Code, Section 6253, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

(The Complaint Committee determined that the SOTF has jurisdiction and recommended that the SOTF find a violation of Administrative Code (Sunshine Ordinance, Section 67.27, for failure to justify the reason for withholding specific records.)

Member Pilpel, seconded by Member Hinze, moved to adopt the recommendation of Complaint Committee and find a violation of Administrative Code (Sunshine Ordinance), Section 67.27, for failure to justify the reason for withholding specific records.

Public Comment:

Alex Bastian, District Attorney's Office (Respondent), objected to the recommendation of the Complaint Committee and responded to questions from the SOTF.

The motion PASSED by the following vote:

Ayes: 7- Rumold, Wolf, Pilpel, Hepner, Hinze, Hyland, Washburn

Noes: 2 - David, Fischer

Absent: 2 - Winston, Chopra

18. **File No. 14108:** Complaint filed by the Sade Kammen against the San Francisco Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15, and California Government Code, Sections 54954.3(a)(b)(c) for failure to provide adequate opportunity for public comment during Planning Commission hearings. *(attachment) (Discussion and Action)*

(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.)

Member David, seconded by Member Wolf, moved to adopt the recommendation of Complaint Committee and concluded the matter as no violation of the Administrative Code (Sunshine Ordinance), Chapter 67, has occurred.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Winston, Chopra

A hearing to discuss the setting of specific times for public comments at various board and commission meetings has been scheduled before the SOTF on April 1, 2015, at 7:00 PM.

19. **Proposed Amendments to the SOTF By-Laws and/or Complaint Procedures.**

The Sunshine Ordinance Task Force discussed proposed amendments to their By-Laws and Complaint Procedures.

Member Pilpel seconded by Member Fischer, moved to continue to matter to the April 1, 2015, meeting of the SOTF for additional review and adoption.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Winston, Chopra

A notice of proposed SOTF By-Law amendments to be adopted on April 1, 2015, shall be posted.

20. **File No. 14073: Proposed amendments to Sunshine Ordinance Section 67.29-5, Calendar of Certain Officials. (03:35:00 - 03:54:00)**

The Sunshine Ordinance Task Force discussed proposed amendments to Sunshine Ordinance Section 67.29-5.

The SOTF recommends that the legislation be amended to include all elected official and department head; amend the title of the section to 'Calendar of Elected Officials and Department Heads, and amend the legislation to include virtual meetings.

Member David, seconded by Member Hyland, moved to authorize the Chair of the SOTF to issue a letter of support of Supervisor John Avalos' amendment to Sunshine Ordinance, Section 67.29-5, if needed. In addition, Members of the SOTF are authorized to contact Supervisor Avalos to provide additional suggestions to improve the legislation.

The SOTF requests Member Hepner to assist in the draft of the letter of support and in the efforts to contact Supervisor Avalos.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Winston, Chopra

21. **File No. 14065: Update and Proposed Response: Civil Grand Jury Report - Ethics in the City: Promise, Practice or Pretense.**

Member David, seconded by Member Hyland, moved to finalize and transmitted the SOTF update regarding the Civil Grand Jury Report.

Public Comment:

None

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Winston, Chopra

22. **Proposed Memorandum to Departments Heads: Department Head Calendars and Source of Outside Funding Disclosure Requirements.**

Member Pilpel, seconded by Member David, moved to finalize and transmitted the Memorandum to Department Heads regarding Calendars and Source of Outside Funding Disclosure Requirements.

Public Comment:

None

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Winston, Chopra

23. **Request for postponement of complaint hearings until further notice - Anonymous' File Nos. 12031, 12043, 12044, 12045, 12046, 12047, 13002, 13003, 13004, 13042, 13063, 13064, 13065, 13066, 13067, 13068, 13069, 13070, 13075, 14051, 14052, 14060, 15006, and 15007.**

The Sunshine Ordinance Task Force discussed the request from Anonymous to postpone her complaints to an undetermined time. Upon discussion it was determined that many of the complaints in question are becoming a problem due to the long inactivity and changes to departmental structures. In addition, Administrative Code (Sunshine Ordinance), Chapter 67, requires that the SOTF make a determination regarding public records within 45 days.

Member David, seconded by Member Pilpel, moved to schedule the complaints filed by Anonymous before the SOTF on April 1, 2015, to determine if they should be tabled or postponed.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Winston, Chopra

24. Administrator's Report.

Victor Young, Administrator, Sunshine Ordinance Task Force, presented the Administrator's Report.

Public Comment.

None.

25. Announcements, Comments, Questions, and Future Agenda Items.

Member Pilpel requested that information regarding the SOTF budget be presented at the next meeting.

Member Pilpel requested a hearing on the Supervisor of Record's Report.

26. ADJOURNMENT

There being no further business the meeting was adjourned at 8:50 p.m.

APPROVED: April 1, 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.