



# 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

May 1, 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 4:10 p.m. Member Washburn was noted absent. There was a quorum. Member Hyland was noted absent at 8:58 p.m.; Chair Grant was noted absent at 9:01 p.m.

### 2. Supervisor of Records Report

Paula Jesson, Deputy City Attorney, presented the Supervisor of Records Report.

#### **Public Comment:**

Ray Hartz, Jr. stated that he will submit a complaint against the Supervisor of Records. Peter Warfield recommended that the Task Force reject the Supervisor of Records report.

**\*The following summary was provided by a speaker, pursuant to Administrative Code Section 67.16. The content was neither generated by, nor subject to approval or verification of accuracy by, the Sunshine Ordinance Task Force.**

Ray Hartz, Jr. submitted the following statement for Item (2) as follows:

*Agenda Item (2) public comment (150 words):*

\*

**I just handed to the administrator, a Sunshine Ordinance complaint against DCA Paula Jesson. The alleged violation reads as follows: “For all intents and purposes, DCA Jesson has acted in such a way as to provide legal counsel for City employees having custody of public records for the purposes of denying access to the public.” This report from the Supervisor of Records follows the usual pattern: all petitions are denied! If you examine each case, you will see that Ms. Jesson will do nothing but tell you what her office will not, does not, or cannot do. I have to say that my own opinion is that Ms. Jesson is doing exactly what City Attorney Dennis Herrera wants: deny to the public access to records which might embarrass or incriminate City officials and commission members. To this extent, she does her job exceedingly well! I thank her for her report!**

3. **Public Comment:**

William Clark stated that the Charter does not empower the Arts Commission to revoke a license.

Mike Addario urged amending the Sunshine Ordinance to require members of the Task Force to have training in government and constitutional laws.

Ray Harz Jr. stated that Task Force holdovers and vacancies are the failure of the Board of Supervisors Rules Committee and Clerk of the Board and that a complaint has been submitted against the Clerk of the Board.

Dominic Maionchi stated that the Public Records Act states that you can see a document without going through a custodian of records.

Peter Warfield stated that he agreed with the previous speaker and that in his experience with the Public Library he was referred to their custodian of records.

4. **File No. 12058:** Complaint filed by Dominic Maionchi against the Recreation and Park Department for allegedly failing to provide records requested pertaining to berthing contracts between the City and County of San Francisco and slip holders.

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

**Public Comment:**

Ray Hartz stated that the item has been called out of order.

Peter Warfield stated that public comment was called out of order.

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

Ayes: 8 – Knee, Pilpel, Sims, David, Hyland, Oka, Fischer, Grant

Noes: 0

Absent: 1 – Washburn

Dominic Maionchi (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of Complainant. Olive Gong, Custodian of Records, Recreation and Park Department (Respondent),

provided an overview of the Recreation and Park Department's defense and requested the Task Force to dismiss the complaint. 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 Knee, seconded by Member Hyland, moved to find the Recreation and Park Department in violation of Sunshine Ordinance Section 67.26 for illegal redaction of public records; referral to Compliance and Amendments Committee.**

**Public Comment:**

Ray Hartz expressed support for the motion and reiterated that the requester is not required to state a reason for records request.

Peter Warfield stated that the Task Force's findings should include Sunshine Ordinance Sections that the Deputy City Attorney cited as applicable in the memorandum regarding the complaint.

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

Ayes: 7 – Knee, Pilpel, Sims, Hyland, Oka, Fischer, Grant

Noes: 1 – David

Absent: 1 – Washburn

**Member Sims, seconded by Member Oka, moved to find the Recreation and Park Department in violation of Sunshine Ordinance Section 67.24(e) for illegal redaction of contracts, bids and proposals.**

**Public Comment:**

Peter Warfield expressed support of the motion.

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

Ayes: 1 – Sims

Noes: 7 – Knee, Pilpel, David, Hyland, Oka, Fischer, Grant

Absent: 1 – Washburn

**MEETING RECESS - 6:04 p.m. to 6:17 p.m.**

5. **File No. 13007:** Complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly failing to provide an opportunity for the public to address the Board at their January 7, 2013 meeting.

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

**Public Comment:**

None.

**The motion PASSED without objection.**

Charles Pitts (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant.

Diana Christensen, Director of Investigations, Human Services Agency (Respondent), provided an overview of the Human Services Agency's defense and requested the Task Force to dismiss the complaint. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent waived rebuttal. The Complainant provided a rebuttal and again requested the Task Force to find violations.

**Member Knee, seconded by Member Pilpel, moved to find the Human Services Agency in violation of Sunshine Ordinance Section 67.21(e) for failure to send a knowledgeable representative to the hearing.**

**Public Comment:**

Peter Warfield expressed support for the motions.

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

Ayes: 8 – Knee, Pilpel, Sims, David, Hyland, Oka, Fischer, Grant

Noes: 0

Absent: 1 – Washburn

**Member Sims, seconded by Member David, moved to find the Human Services Agency in violation of Sunshine Ordinance Section 67.15(d) for abridging speech by a member of the public and failure to provide necessary tools for public testimony; refer to Education, Outreach and Training.**

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

Ayes: 6 – Pilpel, Sims, David, Hyland, Fischer, Grant

Noes: 2 – Knee, Oka

Absent: 1 – Washburn

6. **File No. 13008:** Complaint filed by William Clark against Tom DeCaigny, Director of Cultural Affairs, Arts Commission, for allegedly failing to include language in the Arts Commissions meeting agenda to discuss and approve budgets for FY 2013-14 and FY 2014-15.

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

**Public Comment:**

None.

**The motion PASSED without objection.**

William Clark (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of Complainant. Kate Patterson, Arts Commission (Respondent), provided an overview of Arts Commission's defense and requested the Task Force to dismiss the complaint. 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 and again requested the Task Force find violations.

**Member Knee, seconded by Member Oka, moved to find the Arts Commission in violation of Sunshine Ordinance Section 67.7(b) and Brown Act Section 54954.2(a)(2) for failure to include an adequate description of agenda items regarding street artist fees.**

**Public Comment:**

Mike Addario expressed support for the motion.

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

Ayes: 4 – Knee, Sims, Hyland, Oka

Noes: 4 – Pilpel, David, Fischer, Grant

Absent: 1 – Washburn

7. **File No. 13022:** Complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly walking out before public comment at its January 7, 2013 meeting.

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

**Public Comment:**

None.

**The motion PASSED without objection.**

Charles Pitts (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of Complainant. Diana Christensen, Director of Investigations, Human Services Agency (Respondent), provided an overview of Human Services Agency'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. The Respondent waived rebuttal. The Complainant provided a rebuttal and again requested the Task Force find violations.

**Member Knee, seconded by Member Sims, moved to find the Human Services Agency in violation of Sunshine Ordinance Sections 67.15(a) for failing to provide an opportunity for members of the public to address the Board; and 67.21(e) for failure to send a knowledgeable representative to the hearing; referral to Education, Outreach and Training Committee.**

**Public Comment:**

None.

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

Ayes: 8 – Knee, Pilpel, Sims, David, Hyland, Oka, Fischer, Grant

Noes: 0

Absent: 1 – Washburn

8. **File No. 13023:** Complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly failing to provide audio of its January 7, 2013 meeting.

**Public Comment:**

None.

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

**The motion PASSED without objection.**

Charles Pitts (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of Complainant. Diana Christensen, Director of Investigations, Human Services Agency (Respondent), provided an overview of Human Services Agency'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. The Respondent waived rebuttal opportunity. The Complainant provided a rebuttal and again requested the Task Force find violations.

**Public Comment:**

None.

**Due to a lack of a motion, the Task Force FOUND NO VIOLATION.**

9. Discussion regarding possible motion on state budget proposals regarding: 1) increasing court record access fees; and 2) halting State reimbursements that assist local governments in complying with the California Public Records Act.

Member Knee presented background on state budget proposal.

**Member Knee, seconded by Member Sims, moved to CONTINUE TO THE CALL OF THE CHAIR.**

**The motion PASSED without objection.**

**Public Comment:**

None.

10. Discussion regarding proposed resolution urging Mayor Edwin Lee and the Board of Supervisors to: 1) communicate to the Governor and San Francisco's state legislative representatives their opposition to State budget proposals that would grievously abridge the public's right to know by increasing court record access fees and halting state reimbursements that assist local governments in complying with the California Public Records Act; and 2) instruct the City's legislative representative in the State Capitol to work diligently to persuade the Governor and the Legislature to delete/defeat said proposals.

Member Knee presented background and reasoning for proposal resolution.

Vice Chair Fischer presided over the meeting in Chair Grant's absence.

**Member Knee, seconded by Member Sims, moved to CONTINUE TO THE CALL OF THE CHAIR.**

**Public Comment:**

None.

**The motion PASSED without objection.**

**11. Approval of Minutes from the November 7, 2012, Regular Meeting.**

**Member Pilpel, seconded by Member David, moved to approve the minutes as corrected.**

**Public Comment:**

None.

**The motion PASSED without objection.**

**12. Approval of Minutes from the December 5, 2012, Regular Meeting.**

**Member Pilpel, seconded by Member David, moved to approve the minutes as corrected.**

**Public Comment:**

None.

**The motion PASSED without objection.**

**13. Approval of Minutes from the December 12, 2012, Special Meeting.**

**Member Pilpel, seconded by Member David, moved to approve the minutes as corrected.**

**Public Comment:**

None.

**The motion PASSED without objection.**

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

**Member Fischer, seconded by Member David, moved to CONTINUE items 14 – 20 to June 5, 2013.**

**Public Comment:**

None.

**The motion PASSED without objection.**

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

**Member Fischer, seconded by Member David, moved to CONTINUE items 14 – 20 to June 5, 2013.**

**Public Comment:**

None.

**The motion PASSED without objection.**

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

**Member Fischer, seconded by Member David, moved to CONTINUE items 14 – 20 to June 5, 2013.**

**Public Comment:**

None.

**The motion PASSED without objection.**

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

**Member Fischer, seconded by Member David, moved to CONTINUE items 14 – 20 to June 5, 2013.**

**Public Comment:**

None.

**The motion PASSED without objection.**

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

**Member Fischer, seconded by Member David, moved to CONTINUE items 14 – 20 to June 5, 2013.**

**Public Comment:**

None.

**The motion PASSED without objection.**

19. **Report: Education, Outreach and Training Committee meeting of April 29, 2013.**

**Member Fischer, seconded by Member David, moved to CONTINUE items 14 – 20 to June 5, 2013.**



**Public Comment:**

None.

**The motion PASSED without objection.**

20. **Administrator's Report.**

**Member Fischer, seconded by Member David, moved to CONTINUE items 14 – 20 to June 5, 2013.**

**Public Comment:**

None.

**The motion PASSED without objection.**

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

Member Knee - Committee on Information Technology meeting May 2, 2013, attendance is encouraged; topics of interest: back up, storage and retrieval of City records.

**Public Comment:**

None.

22. **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:12 p.m.

**APPROVED: April 30, 2014**



**Victor Young  
Administrator  
Sunshine Ordinance Task Force**