



# 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 19, 2014 – 4:00 PM

## Special 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 4:10 p.m. Members Washburn and Sims were noted absent. There was a quorum. Member Sims was noted present at 4:15 p.m.

Agenda Changes: None.

2. **File No. 14003:** Complaint filed by Jason Grant Garza against the San Francisco Police Department for allegedly violating Sunshine Ordinance Sections 67.21, 67.25, 67.26 and 67.27 by failing to adequately respond to an Immediate Disclosure Request made on October 24, 2013, in regards to policies regarding video cameras and retention; contact information of ada/disability representative; and other related documents. (00:04:00 – 01:43:00)

File No. 14003 and 14004 were heard together.

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

Public Comment:

Peter Warfield objected to hearing of File No. 14003 and 14004 together.

Thomas Picarello expressed support for the consolidation of the complaint and expressed his concern regarding serial complaints.

**The motion PASSED without objection.**

Jason Grant Garza (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Lieutenant Woon and Sergeant Pedroza, Police Department (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 moved to continue the matter to the next Task Force meeting. The motion FAILED due to the lack of a second.**

**Member Pilpel, seconded by Member Hyland, moved to find the Police Department in violation of Sunshine Ordinance Sections 67.26 and 67.27 for failure to provide a redacted incident report or provide an explanation.**

**Member Hyland withdrew his second. The motion FAILED due to the lack of a second.**

Public Comment:

Male Speaker stated that Mr. Garza did not ask for a police report and that Member Pilpel is reaching to find a violation.

Peter Warfield request that public comment be extended to 6 minutes due to the consolidation of complaints. Mr. Warfield expressed concern that the deletion of the video was not discussed and stated that even a redacted version of a record is still helpful.

Thomas Picarello expressed opposition to the motion and commented on the public nature of incident reports.

Paula Datesh expressed opposition to the motion and stated that the person of interest should not have any greater rights.

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

3. **File No. 14004:** Complaint filed by Jason Grant Garza against the San Francisco Police Department for allegedly violating Sunshine Ordinance Sections 67.21, 67.25, 67.26 and 67.27 by failing to adequately respond to an Immediate Disclosure Request made on September 21, 2013, in regards to videos, pictures and audio recordings from Northern Station; and other related documents. (00:04:00 – 01:43:00)

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

Public Comment:

Peter Warfield objected to hearing File No. 14003 and 14004 together.

Thomas Picarello expressed his support for the consolidation of the complaint and his concern regarding serial complaints.

**The motion PASSED without objection.**

Jason Grant Garza (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Lieutenant Woon and Sergeant Pedroza, Police Department (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 moved to continue the matter to the next Task Force meeting. The motion FAILED due to the lack of a second.**

**Member Pilpel, seconded by Member Hyland, moved to find the Police Department in violation of Sunshine Ordinance Section 67.26 and 67.27 for failure to provide a redacted incident report or provide an explanation.**

**Member Hyland withdrew his second. The motion FAILED due to the lack of a second.**

Public Comment:

Male Speaker stated that Mr. Garza did not ask for a police report and that Member Pilpel is reaching to find a violation.

Peter Warfield requested that public comment be extended to 6 minutes due to the consolidation of complaints. Mr. Warfield expressed concern that the deletion of the video was not discussed and stated that even a redacted version of a record is still helpful.

Thomas Picarello expressed opposition to the motion and commented on the public nature of incident reports.

Paula Datesh expressed opposition to the motion and stated that the person of interest should not have any greater rights.

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

4. **File No. 14005:** Complaint filed by Jason Grant Garza against the Department of Public Health for allegedly violating Sunshine Ordinance Sections 67.21, 67.25, 67.26 and 67.27 by failing to adequately respond to an Immediate Disclosure Request made on September 21, 2013, in regards to a medical screening examination report and other related documents. (01:58:00 – 02:47:00)

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

Public Comment:

None.

**The motion PASSED without objection.**

Jason Grant Garza (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Dr. Alice Gleghorn, Department of Public Health (Respondent), presented an overview of their defense. There were no speakers in support of the Respondent. A question and

answer period followed. Dr. Gleghorn stated that Mr. Garza's medical records have been available for pickup upon signing a release. However, Mr. Garza stated that he does not need to sign any document to authorize the release of his own records to himself. The Respondent provided a rebuttal. The Complainant provided a rebuttal.

Deputy City Attorney Nicholas Colla commented on the item.

**Member Knee, seconded by Member Oka, moved to find the Department of Public Health in violation of Sunshine Ordinance Sections 67.21(b)(c) and 67.26.**

Public Comment:

Thomas Picarello expressed opposition to the motion because medical records are not public records.

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

Ayes: 3 – Knee, Sims, Oka

Noes: 4 – Pilpel, David, Hyland, Fischer

Absent: 1 – Washburn

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

5. **Public Comment:** (01:43:00 – 01:58:00)

Male Speaker commented on the status of the Task Force Annual Report, the public comment process, the Board of Supervisors' Rules Committee actions to appoint members to the Task Force and the Task Force bylaw requirement to report absences of Task Force Members.

Paula Datesh commented on the Street Artist meeting and the action of their new chairperson. Ms. Datesh also described her experience with the purchase of a permit and interactions with the area program manager.

Peter Warfield, Library User Association, commented on the Board of Supervisors' Rules Committee actions in appointing members to the Task Force.

Thomas Picarello expressed concerns over the Task Force methods and need to tighten up discussions on complaints to speed up the process.

Jason Grant Garza expressed his disappointment with the decision on his complaints and made general comments.

**MEETING RECESS - 6:04 p.m. to 6:14 p.m.**

6. **File No. 14019:** Complaint filed by William Clark against Dennis Herrera, Jack Song and Gabriel Zitrin, City Attorney's Office, for allegedly violating Sunshine Ordinance Section 67.22(c) by failing to respond to a request for information made on January 29, 2014. (02:47:00 – 03:43:00)

**Member Pilpel, seconded by Member Knee, 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. Bob Clark spoke in support of the Complainant. Gabriel Zitrin, City Attorney'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.

**Member David, seconded by Member Oka, moved to find the City Attorney's Office in violation of Sunshine Ordinance Section 67.29-7 for not maintaining appropriate records in a businesslike manner.**

Public Comment:

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

Paula Datesh expressed concern that the Arts Commission's hand written notes are not available for public review.

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

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

Noes: 1 – Pilpel

Absent: 1 – Washburn

**Vice-Chair Fischer referred the matter to the Education, Outreach, and Training Committee for discussion with the City Attorney's billing representative and/or the attorney assigned to the Arts Commission regarding billing practice and documents required to support billing statements.**

7. **File No. 14020:** Complaint filed by Gary How against the Treasurer and Tax Collector's Office, Controller's Office, and City Attorney's Office for allegedly violating Sunshine Ordinance Section 67.21 by failing to adequately respond to a request for public records dated February 1, 2013 (Treasurer /Tax Collector's Office), December 10, 2013 (Controller's Office), and January 21, 2014 (City Attorney's Office). (03:43:00 – 04:45:00 )

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

Public Comment:

None.

**The motion PASSED without objection.**

**Member David disclosed an association with a party to the complaint in the Treasurer and Tax Collector's Office and requested recusal.**

**Member Knee, seconded by Member Oka, moved to recuse Member David from Compliant No. 14020.**

Public Comment:

None.

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

Ayes: 5 – Knee, Pilpel, David, Oka, Fischer

Noes: 2 – Sims, Hyland

Absent: 1 – Washburn

Jamie Liu representing Gary How (Complainant) provided an overview of the complaint and requested the Task Force to find violation. There were no speakers in support of the Complainant. Stephanie Profitt, Treasurer and Tax Collector’s Office (Respondent), presented an overview of their defense. Gabriel Zitrin, City Attorney’s Office (Respondent), present 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.

Deputy City Attorney Nicholas Colla commented on the item.

**Member Hyland, seconded by Member Knee, moved to find the Treasurer and Tax Collector’s Office in violation of Sunshine Ordinance Section 67.25(a) for not providing the requested documents in a timely manner.**

Public Comment:

Thomas Picarello expressed support for the motion but stated that there is no jurisdiction with respect to the City Attorney’s Office and Controller’s Office.

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

Ayes: 4 – Knee, Sims, Hyland, Oka

Noes: 2 – Pilpel, Fischer

Recused: 1 - David

Absent 1: – Washburn

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

**MEETING RECESS – 8:55 p.m. to 9:05 p.m.**

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

The Task Force discussed the draft Task Force Annual Report.

Public Comment:

None.

**The Task Force unanimously CONTINUED the matter to the next meeting of the Task Force.**

9. **Approval of the Sunshine Ordinance Task Force April 30, 2014, Meeting Minutes.**

**Member Pilpel, seconded by Member Knee, moved to approve the Minutes for April 30, 2014, as amended.**

Public Comment:

None.

**The motion PASSED without objection.**

10. **Report: Education, Outreach and Training Committee meetings of April 14, 2014, and May 12, 2014.**

Member Pilpel, Chair of the Committee, reported on the actions of the Education, Outreach and Training Committee.

Public Comment:

None.

11. **Report: Compliance and Amendments meetings of April 15, 2014.**

Administrator Victor Young provided an updated on the Compliance and Amendments Comment.

Public Comment:

None.

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

Vice-Chair Fischer appointed herself to the Compliance and Amendments Committee and removed herself from the Education, Outreach, and Training Committee.

Administrator Victor Young confirmed that the next meeting of the Task Force will be June 4, 2014.

13. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:25 p.m.

**APPROVED: June 4, 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.