



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 4, 2016 - 4:00 PM

Regular Meeting

Seat 1	Vacant	Seat 7	Vacant
Seat 2	Eric Eldon	Seat 8	Shaun Haines
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

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

Chair Washburn called the meeting to order at 4:05 p.m. Members Chopra, Haines, and Hyland were absent. There was a quorum.

Member Hyland was noted present at 4:10 p.m.

The Tsk Force discussed continuing Item No. 12 to the July meeting of the Task Force.

Member Hinze, seconded by Member Fischer, moved to continue Item No. 12 to the July 6, 2016, meeting of the Task Force.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 - Eldon, Wolf, Pilpel, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Chopra, Haines

Ray Hartz requested continuance of Item Nos. 6, 7, and 8 due to the number of Task Force members present at the meeting. Discussion of the request was delayed until after 5:30 p.m. pursuant to the Special Order.

2. **File No. 15163:** Complaint filed by Michael Petrelis against Steve Kawa and the Mayor's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.29-7, and 67.34, by failing to completely respond to a public records request for the calendar of Chief of Staff Steve Kawa. (00:09:00 -01:05:00)

Michael Petrelis (Complainant) was not present but submitted a statement that was read into the record. Carl Nicita, Mayor's Office (Respondent), responded to questions from the Task Force regarding the matter.

Public Comment:

Ray Hartz provided a description of Mr. Kawa's position and stated that he should have known that his actions were questionable.

Peter Warfield stated that the Task Force should regularly hear complaints without the presence of the Complainant and stated that the agenda did not provide a description of the Draft Order of Determination.

Dr. Derek Kerr expressed his appreciation of the work of former Member Rumold in the creation of the Draft Order of Determination.

Vice Chair Hyland, seconded by Member Wolf, moved to find Steve Kawa and the Mayor's Office in violation of Administrative Code (Sunshine Ordinance), Sections 67.21, 67.29-7, and 67.34, adopt the Order of Determination, and refer the matter to the Ethics Commission for enforcement.

Public Comment:

Ray Hartz expressed support for the motion and stated that the City Attorney should not be acting as counsel for city departments.

Peter Warfield expressed support for the motion, stated that the City Attorney is trying to provide support of the department's position and stated that the City Attorney should not be supporting the withholding of documents.

Member Pilpel requested that the question be divided.

Motion to find Steve Kawa and the Mayor's Office in violation of Administrative Code (Sunshine Ordinance), Section 67.21.

The motion PASSED by the following vote:

Ayes: 7 - Eldon, Wolf, Pilpel, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Chopra, Haines

Motion to find Steve Kawa and the Mayor's Office in violation of Administrative Code (Sunshine Ordinance), Sections 67.29-7 and 67.34, adopt the Order of Determination, and refer the matter to the Ethics Commission for enforcement.

The motion PASSED by the following vote:

Ayes: 6 - Eldon, Wolf, Fischer, Hinze, Hyland, Washburn

Noes: 1 - Pilpel

Absent: 2 - Chopra, Haines

The Task Force authorized Chair Washburn to make clerical and other non-substantive corrections to the Order of Determination and refer the matter to the Ethics Commission.

3. **File No. 15139:** Complaint filed by Shawn Mooney against the Assessor/Recorder's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, and 67.25, by failing to respond to a public records request in a timely and/or complete manner. (01:13:00 – 02:13:00)

Member Fischer disclosed her past association with Mr. McCaffrey and stated that she is able to impartially review the complaint.

Shawn Mooney (Complainant) provided an overview of the complaint and requested the Task Force to find violations. Mr. Mooney stated that the following documents have not yet been provided: 502P Forms, Tax Identification Numbers, and Possessory Interest Tax Rolls. There were no speakers in support of the Complainant. Edward McCaffrey, Assessors/Recorders Office (Respondent), presented the department's position. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent and Complainant were provided the opportunity for rebuttals.

Vice Chair Hyland, seconded by Member Hinze, moved to find the Assessor/Recorder's Office in violation of Administrative Code (Sunshine Ordinance), Section 67.21(b), by failing to respond to a public records request in a timely and/or complete manner.

Public Comment:

Ray Hartz stated that there is no limitation on what documents can be requested and that the department must provide assistance in finding the requested documents.

Peter Warfield commented on the testimony of both the Complainant and the Respondent.

Silvia Johnson provided general comments.

The motion PASSED by the following vote:

Ayes: 7 - Eldon, Wolf, Pilpel, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Chopra, Haines

Chair Washburn referred the matter to the Compliance and Amendments Committee and requested that Mr. Mooney provide a detailed and specific list of records that he believes have not yet been provided. The Task Force requests copies of communications between the parties regarding the request records.

Recommendation from the Compliance and Amendments Committee.

(The Compliant Committee held a hearing to review File No. 15142 and issued a report and/or recommendation for the Sunshine Ordinance Task Force's (SOTF) review. Upon review of the 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.

4. **File No. 15142:** Complaint filed by William Clark against Jose Cisneros and the Office of the Treasurer and Tax Collector for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to maintain and make public records available for inspection and examination. (02:13:00 – 02:35:00)

Member Fischer provided a summary of the Complaint Committee recommendation.

Public Comment:

William Clark (Complainant), provided additional information regarding the complaint and requested that the matter be reheard by the Task Force.

Robert Clark thanked Chair Washburn for her service on the Task Force, stated that the Controller obtained funds from the City's treasury, and stated that the Treasurer/Tax Collector should have records regarding the matter.

Ray Hartz stated that records should be able to provide details of the Arts Commission's expenditures.

Ann Treboux stated that a new hearing should be granted.

Silvia Johnson provided general comments.

Member Fischer, seconded by Member Hinze, moved to accept the recommendation of the Complaint Committee and find that the Task Force has jurisdiction and that there was no violation of Administrative Code (Sunshine Ordinance), Chapter 67.

The motion PASSED by the following vote:

Ayes: 7 - Eldon, Wolf, Pilpel, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Chopra, Haines

5. **Public Comment:** Members of the public may address the Sunshine Ordinance Task Force (SOTF) on matters that are within SOTF's jurisdiction, but not on today's agenda. (01:05:00 – 01:13:00)

Speakers:

Doug Comstock presented a commendation to Chair Washburn in honor of her last meeting on the Task Force.

Ray Hartz acknowledged the work of Chair Washburn and commented on his past experiences.

Peter Warfield acknowledged the work of Chair Washburn and requested a hearing on his complaint not accepted by the Task Force. Mr. Warfield also commented on the many continuances of the Task Force Complaint Procedures.

SPECIAL ORDER – The hearings on File Nos. 16012, 16013 and 16014 will not begin earlier than 5:30 p.m.

Ray Hartz (Complainant) requested that Item Nos. 6, 7, and 8 be continued due to absences of certain Task Force members of the Task Force causing the need for a unanimous vote.

Deputy City Attorney Nicholas Colla answer questions regarding the matter.

Vice Chair Hyland, seconded by Member Wolf, moved to continue Item Nos. 6, 7, and 8 to the call of the chair. (02:35:00 – 02:43:00)

Public Comment:

Silvia Johnson provided general comments.

Ann Treboux stated that the meetings should proceed as scheduled and that other complaints are waiting for hearings.

The motion PASSED by the following vote:

Ayes: 6 - Eldon, Wolf, Fischer, Hinze, Hyland, Washburn

Noes: 1 - Pilpel

Absent: 2 - Chopra, Haines

6. **File No. 16012:** Complaint filed by Ray Hartz against LeeAnn Pelham, Executive Director, Ethics Commission and the Ethics Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.7(b), by failing to provide a description that is meaningful and sufficiently clear to alert a person of average intelligence and education whose interests are affected by an agenda item (Ethics Commission January 25, 2016, Agenda – Item 7).

The matter was continued to the call of the chair.

7. **File No. 16013:** Complaint filed by Ray Hartz against Sue Blackman and the Library Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.27(b), by failing to provide a description that is meaningful and sufficiently clear to alert a person of average intelligence and education whose interests are affected by an agenda item (Library Commission January 21, 2016, Agenda – Item 4).

The matter was continued to the call of the chair.

Member Eldon left at 7:00 p.m. and was absent for the remainder of the meeting.

8. **File No. 16014:** Complaint filed by Ray Hartz against the Sue Blackman and the Library Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(c) and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner and failing to provide assistance to a requester in identifying the existence, form and nature of any records or information maintained.

The matter was continued to the call of the chair.

9. **Sunshine Ordinance Task Force 2014/2015 Annual Report.**

The Task Force discussed the Annual Report.

Member Hinze, seconded by Vice Chair Hyland, moved to adopt the Annual Report as amended and authorize Chair Washburn to make clerical and other non-substantive corrections prior to submission.

Public Comment:

Silvia Johnson provided general comments.

The motion PASSED by the following vote:

Ayes: 6 - Eldon, Wolf, Pilpel, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 3 - Chopra, Haines, Eldon

10. **File No. 14030: Amendments to the Sunshine Ordinance Task Force Complaint Procedures.**

The Task Force discussed proposed amendments to the Task Force Complaint Procedures.

Vice Chair Hyland, seconded by Member Pilpel, moved to continue the matter to the call of the chair as amended.

Public Comment:

Silvia Johnson provided general comments.

The motion PASSED by the following vote:

Ayes: 6 - Wolf, Pilpel, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 3 - Chopra, Haines, Eldon

11. Approval of minutes from the Sunshine Ordinance Task Force February 3, 2016, March 2, 2016, and April 6, 2016, meetings.

The Task Force discussed the draft meeting minutes.

Member Pilpel, seconded by Member Hinze, moved to approve the meeting minutes as amended.

Public Comment:

Silvia Johnson provided general comments.

The motion PASSED by the following vote:

Ayes: 6 - Wolf, Pilpel, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 3 - Chopra, Haines, Eldon

12. Election of Officers: Election of Sunshine Ordinance Task Force Chair and Vice Chair.

The matter was continued to the July 6, 2016, meeting of the Task Force.

13. Administrator's Report, Complaints and Communications.

- **Task Force and Committee Hearing Schedule**
- **Complaints Submitted and Hearing Files Created**
- **Communications to the Task Force**
 - Controller's Office – Civil Grand Jury Recommendations 4/27/16
 - Bob Planthold – Small Business Commission minutes 4/9/16
 - Michael Petrelis – SOTF Absenteeism 4/9/16
 - Patrick Monette-Shaw - SOTF Absenteeism 4/9/16
 - Roberta Boomer, SFMTA – Pending EOTC hearing title 4/25/16
 - Michael Petrelis – Blog 4/10/16
- **Summary of Pending Complaints and Other Issues**

Task Force Administrator Victor Young presented the Administrator's Report.

The Task Force requested that Chair Washburn respond to the Controller's Office regarding the Civil Grand Jury Report.

Public Comment:

Silvia Johnson provided general comments.

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

Member Pilpel thanked Chair Washburn for her many years of service on the Task Force.

Member Pilpel thanked Carla Johnson, Mayor's Office on Disability for her many years of service and wished her well in her recovery.

15. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:35 p.m. in honor of Chair Allyson Washburn and Carla Johnson, Mayor's Office on Disability.

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.

APPROVED by the Sunshine Ordinance Task Force: 6/1/2016