



# 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 6, 2015 - 4:00 PM

## Regular Meeting

Seat 1	Vacant	Seat 7	Lee Hepner
Seat 2	Vacant	Seat 8	Vacant
Seat 3	Josh Wolf	Seat 9	Chris Hyland - <b>Vice Chair</b>
Seat 4	Rishi Chopra	Seat 10	Louise Fischer
Seat 5	Allyson Washburn - <b>Chair</b>	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 Allyson Washburn called the meeting to order at 4:10 p.m. Members Chopra and Hyland were noted absent. There was a quorum.

Ann Treboux, Complainant for File No. 15014, requested accommodations under the Americans with Disabilities Act (ADA) in order to testify via telephone. Member Pilpel objected to the ADA accommodations and stated that the circumstances do not indicate that an accommodation is required.

**Member Pilpel, seconded by Member Hepner, moved to continue the matter to the call of the chair when the complainant is able to attend the meeting in person.**

#### Public Comment:

Jason Grant Garza opposed to the motion to continue the matter.

Ann Treboux, Complainant, stated that she is in the hospital and unable to attend in person.

Thomas Picarello opposed the motion to continue the matter.

Kate Patterson-Murphy, Arts Commission (Respondent), expressed concern that there are other motives for the request to testify by phone but defers to the Task Force.

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

Ayes: 1 - Pilpel  
Noes: 5 - Wolf, Hepner, Fischer, Hinze, Washburn  
Absent: 2 - Chopra, Hyland

A hearing file will be created for discussion at the Rules Committee regarding criteria for testimony by telephone.

File No. 15014 shall be heard in the order listed in the agenda.

2. **Approval of minutes from the Sunshine Ordinance Task Force (SOTF) April 1, 2015, meeting.**

**Member Pilpel, seconded by Member Hepner, moved to approve the minutes as amended.**

Public Comment:  
None.

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

Ayes: 6 - Wolf, Pilpel, Hepner, Fischer, Hinze, Washburn  
Noes: 0 - None  
Absent: 2 - Chopra, Hyland

3. **Approval of minutes from the Complaint Committee April 21, 2015, meeting.**

**Member Hepner, seconded by Member Fischer, moved to approve the minutes as amended.**

Public Comment:  
None.

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

Ayes: 6 - Wolf, Pilpel, Hepner, Fischer, Hinze, Washburn  
Noes: 0 - None  
Absent: 2 - Chopra, Hyland

4. **Approval of minutes from the Rules Committee March 10, 2011, and January 20, 2015, meetings.**

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

Public Comment:  
None.

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

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

Noes: 0 - None

Absent: 2 - Chopra, Hyland

5. **Office of the City Administrator's Update: Index of Records pursuant to Administrative Code (Sunshine Ordinance), Section 67.29.** (00:22:00 - 00:43:00)

Joan Lubamersky, Office of the City Administrator, and Richard Isen and Cindy Conway, Department of Technology, provided an update regarding the Index of Records and answered questions throughout the hearing.

Public Comment:

None.

There was no action taken.

6. **File No. 15011:** Complaint filed by David Eisenberg against Trent Rhorer Human Services Agency (HSA) for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.3, 67.4, 67.7, and 67.21, for failure to adequately respond to a February 4, 2015, request for information about HSA meetings and denying access to said meetings. (00:43:00 - 01:25:00)

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

Public Comment:

None.

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

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

Noes: 0 - None

Absent: 2 - Chopra, Hyland

David Eisenberg (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 and David Curto, Human Services Agency (Respondent), provided a summary of the department's position. 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.

Public Comment:

Jason Grant Garza expressed various opinions regarding the lack of due process and the need to err on the side of the Complainant.

Ann Treboux expressed support for the Complainant and stated that the requirements for passive meetings need to be clarified.

**Due to the lack of a motion, the SOTF found no violation and concluded the matter.**

7. **Public Comment:** Members of the public may address the SOTF on matters that are within SOTF's jurisdiction, but not on today's agenda. (01:25:00 - 01:35:00)

Speakers:

Ann Treboux described her experiences with the Ethics Commission and that Member Pilpel should be censored for speaking at the Ethics Commission hearings.

Jason Grant Garza inquired as to the lack of members on the SOTF resulting in the lack of due process.

Thomas Picarello commented on the lack of SOTF members at the meeting and requested that agenda items of more importance to the public be moved up on future agendas.

8. **File No. 15008:** Complaint filed by Brian Browne against the San Francisco Public Utilities Commission (SFPUC) 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. (01:35:00 - 01:50:00)

Member Pilpel disclosed his association with the SFPUC as a member of it's Citizens Advisory Committee and stated that he does not believe that it will affect his ability to evaluation the issues in a fair and impartial manner.

Brian Browne (Complainant), requested that Member Pilpel recuse himself.

Deputy City Attorney Nicholas Colla commented on the matter.

**Member Wolf, seconded by Member Hinze, moved to CONTINUE the matter to the Call of the Chair.**

Public Comment:

Lurilla Horns provided a summary of the functions of the Citizens Advisory Committee.

Deborah Chilvers, SFPUC (Respondent), objected to the motion to continue.

Jason Grant Garza comment on the lack of SOTF members present.

Thomas Picarello supported the motion due to the perception of unfairness to the Complainant.

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

Ayes: 5 - Wolf, Hepner, Fischer, Hinze, Washburn

Noes: 1 - Pilpel

Absent: 2 - Chopra, Hyland

*(Pursuant to SOTF By-law Article III, Section 8, procedural matters only require an affirmative vote of a majority of the members present.)*

**The meeting was in recess from 6:00 PM to 6:16 PM**

9. **File No. 15014:** Complaint filed by the Ann Treboux against Howard Lazar and the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.15(b)(e), for failure to announce agenda changes and accept public comment prior to taking action. (01:50:00 - 02:30:00)

**Member Hinze, seconded by Member Hepner, moved to find jurisdiction.**

Public Comment:

None.

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

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

Noes: 0 - None

Absent: 2 - Chopra, Hyland

Ann Treboux (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Kate Patterson-Murphy, San Francisco Arts Commission (Respondent), provided a summary of the department's position. 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 Pilpel, seconded by Member Hepner, moved to find a violation of Administrative Code (Sunshine Ordinance), Section 67.15(a) and California Government Code 54954.3(a) for failure of Arts Commission Street Artist Chair Barbara Sklar to take public comment on each item listed on the January 14, 2015, Street Artist Committee meeting agenda.**

Public Comment:

Jason Grant Garza expressed support of the motion to find violation as the various arguments are based on speculation.

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

Ayes: 5 - Wolf, Pilpel, Hepner, Hinze, Washburn

Noes: 1 - Fischer

Absent: 2 - Chopra, Hyland

**Due to the lack of an additional motion the SOTF found no violation and concluded the matter.**

The SOTF believes that even though no violations were found, better methods for accepting public comment pursuant to the Sunshine Ordinance should be followed. Member Wolf volunteered to draft a letter to the Arts Commission suggesting best practices regarding accepting public comment on each agenda item. The letter will be scheduled for hearing before the SOTF prior to submittal to the Arts Commission.

**Recommendation from the Complaint Committee.**

*(The Complaint Committee held a hearing on March 17, 2015, to review File No. 15012 and issued a report and/or recommendation for the SOTF's 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.*

10. **File No. 15012:** Complaint filed by Jason Grant Garza against Barbara Garcia, Philip Katzenberger, Faye DeGuzman, and Nancy Sarieh, Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25 for failure to allow inspection of public records during normal hours of operations, without unreasonable delay, and without requiring an appointment and failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. (02:30:00 - 02:50:00)

*(The Complaint Committee determined that the SOTF has jurisdiction and recommended that the SOTF find that a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely manner.)*

**Member Wolf, seconded by Member Hinze, moved to adopt the recommendations of the Complaint Committee and find that a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely manner.**

Public Comment:

Jason Grant Garza (Complainant) summarized his complaint and requested the Task Force to find additional violations.

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

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

Noes: 0 - None

Absent: 2 - Chopra, Hyland

Member Pilpel requested that Chair Washburn include advice to the Department of Public Health regarding public records requests.

## Special Order - 6:30 PM

(Discussion regarding File Nos. 15045, 15049, 15024, 15028, and 15039 shall begin at 6:30 PM or as soon thereafter as possible.)

File Nos. 15045, 15049, 15024, 15028, and 15039 were heard together.

11. **File No. 15045:** Complaint filed by Alvin Johnson against the Department of Human Resources for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.26, for failure to allocate adequate staff time to process public records request in a timely manner.

Alvin Johnson (Complainant), requested a continuance to a future date due to illness via email. Susan Gard, Department of Human Resources (Respondent), objected to the request to continue and discussed the department's issues dealing with the mass quantities of requests from the Complainant.

Deputy City Attorney Nicholas Colla, commented on the matter.

**Member Hepner, seconded by Member Wolf, moved to continue File Nos. 15045, 15049, 15024, 15028, and 15039 to the call of the chair.**

Public Comment:

None.

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

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

Noes: 0 - None

Absent: 2 - Chopra, Hyland

12. **File No. 15049:** Complaint filed by the Alvin Johnson against the Department of Human Resources for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.21-1, for failure to respond to a request for public records in a timely and/or complete manner and failure to design and maintain a computer database to ensure convenient, efficient and economical public access to records.

Alvin Johnson (Complainant), requested a continuance to a future date due to illness via email. Susan Gard, Department of Human Resources (Respondent), objected to the request to continue and discussed the department's issues dealing with the mass quantities of requests from the Complainant.

Deputy City Attorney Nicholas Colla, commented on the matter.

**Member Hepner, seconded by Member Wolf, moved to continue File Nos. 15045, 15049, 15024, 15028, and 15039 to the call of the chair.**

Public Comment:

None.

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

Ayes: 6 - Wolf, Pilpel, Hepner, Fischer, Hinze, Washburn  
Noes: 0 - None  
Absent: 2 - Chopra, Hyland

13. **File No. 15024:** Complaint filed by Alvin Johnson against the Department of Human Resources for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, for failure to respond to a request for public records in a timely and/or complete manner.

Alvin Johnson (Complainant), requested a continuance to a future date due to illness via email. Susan Gard, Department of Human Resources (Respondent), objected to the request to continue and discussed the department's issues dealing with the mass quantities of requests from the Complainant.

Deputy City Attorney Nicholas Colla, commented on the matter.

**Member Hepner, seconded by Member Wolf, moved to continue File Nos. 15045, 15049, 15024, 15028, and 15039 to the call of the chair.**

Public Comment:  
None.

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

Ayes: 6 - Wolf, Pilpel, Hepner, Fischer, Hinze, Washburn  
Noes: 0 - None  
Absent: 2 - Chopra, Hyland

14. **File No. 15028:** Complaint filed by Alvin Johnson against the Department of Human Resources for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, for failure to respond to a request for public records in a timely and/or complete manner.

Alvin Johnson (Complainant), requested a continuance to a future date due to illness via email. Susan Gard, Department of Human Resources (Respondent), objected to the request to continue and discussed the department's issues dealing with the mass quantities of requests from the Complainant.

Deputy City Attorney Nicholas Colla, commented on the matter.

**Member Hepner, seconded by Member Wolf, moved to continue File Nos. 15045, 15049, 15024, 15028, and 15039 to the call of the chair.**

Public Comment:  
None.



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

Ayes: 6 - Wolf, Pilpel, Hepner, Fischer, Hinze, Washburn  
Noes: 0 - None  
Absent: 2 - Chopra, Hyland

15. **File No. 15039:** Complaint filed by Alvin Johnson against the Department of Human Resources for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, for failure to respond to a request for public records in a timely and/or complete manner.

Alvin Johnson (Complainant), requested a continuance to a future date due to illness via email. Susan Gard, Department of Human Resources (Respondent), objected to the request to continue and discussed the department's issues dealing with the mass quantities of requests from the Complainant.

Deputy City Attorney Nicholas Colla, commented on the matter.

**Member Hepner, seconded by Member Wolf, moved to continue File Nos. 15045, 15049, 15024, 15028, and 15039 to the call of the chair.**

Public Comment:  
None.

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

Ayes: 6 - Wolf, Pilpel, Hepner, Fischer, Hinze, Washburn  
Noes: 0 - None  
Absent: 2 - Chopra, Hyland

16. **Sunshine Ordinance Task Force consideration of tabling complaint filed by Anonymous: File Nos. 14051, 14052, 14060, 14109, 15006, and 15007.**  
*(The Complainant has requested the following complaints be tabled by the SOTF. If the matters are tabled the Complainant may re-file the complaint with the SOTF on a future date when he/she is available to participate in the SOTF process/hearing. File Nos. 14051, 14052, 14060, 14109, 15006, and 15007.)*

**Member Fischer, seconded by Member Hinze, moved to table File Nos. 14051, 14052, 14060, 14109, 15006, and 15007.**

Public Comment:  
None.

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

Ayes: 6 - Wolf, Pilpel, Hepner, Fischer, Hinze, Washburn  
Noes: 0 - None

Absent: 2 - Chopra, Hyland

17. **Election of Officers:** Elections of Sunshine Ordinance Task Force Chair and Vice Chair pursuant to SOTF Bylaws, Article II, Sections 2 and 3.

**Member Pilpel, seconded by Member Hepner, moved to continue the matter to July 1, 2015.**

Public Comment:

None.

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

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

Noes: 0 - None

Absent: 2 - Chopra, Hyland

18. **Administrator's Report.**

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

Public Comment:

None.

19. **Update: Sunshine Ordinance Task Force Membership and Vacancies.**

Victor Young, Administrator, Sunshine Ordinance Task Force, presented an update on the SOTF membership and vacancies.

Public Comment:

None.

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

Members Pilpel and Wolf requested a hearing to discuss ADA accommodations and whether to accept testimony by telephone.

Request for hearing to evaluate, review, and update the Complaint Committee process.

Member Pilpel provided information on a lawsuit against Former Supervisor Yee regarding the Legislative Open Records Act.

Member Hepner provided an update on the status of the proposed amendment to the Sunshine Ordinance regarding Calendars of elected officials.

Public Comment:  
None.

21. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:00 p.m.

**APPROVED: June 3, 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.