



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

November 4, 2015 - 4:00 PM

Regular Meeting

Seat 1	Mark Rumold	Seat 7	Lee Hepner
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

Vice-Chair Hyland called the meeting to order at 4:07 p.m. Members Rumold, Chopra, Haines and Washburn were noted absent. There was a quorum.

Deputy City Attorney Jerry Threet introduced himself as the new counsel for the Sunshine Ordinance Task Force.

There were no agenda changes.

Recommendation from the Compliance and Amendments Committee.

(The Compliance and Amendments Committee held a hearing on October 20, 2015, to review File No. 15060 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.

- File No. 15060:** Complaint filed by Michael Petrelis against President London Breed, Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Sections 67.21, for failure to respond to a public records request in a timely and/or complete manner. (00:02:00 – 00:25:00)

Michael Petrelis (Complainant) provided an update of his complaint and responded to questions from the Task Force. He stated that President Breed's office complied with the request of the Compliance and Amendments Committee and provided President Breed's calendar for the period of February 1, 2015, through April 12, 2015, to him via email.

Member Hepner, seconded by Member Hinze, moved to adopt the recommendation of the Compliance and Amendments Committee to find a violation of Administrative Code, (Sunshine Ordinance), Section 67.21, for failure to respond to a public records request in a timely and/or complete manner.

Public Comment:

Ray Hartz commented on his previous experiences with the Board of Supervisors and non-compliance with Immediate Disclosure Requests.

Silvia Johnson provided general comments.

Peter Warfield expressed support for the motion and concern regarding the amount of time needed for compliance.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 4 - Rumold, Chopra, Washburn, Haines

3. **File No. 15100:** Complaint filed by Ray Hartz against Brad Russi and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21(i), by causing the Library Commission to read the Mayor's Policy on Harassment inappropriately. (00:25:00 – 01:00:00)

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

Public Comment:

Peter Warfield expressed support for the motion.

Silvia Johnson provided general comments.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 4 - Rumold, Chopra, Washburn, Haines

Ray Hartz (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. There was no representative from the Office of the City Attorney (Respondent) present, but they did provide a written response. There were no speakers in support of the Respondent. A question and answer period followed. The Complainant provided a rebuttal.

Public Comment:

Peter Warfield stated that he was present at the meeting in question and shared his observations.

Due to the lack of a motion, the Task Force found no violation and concluded the matter.

Item Nos. 4, 5, 6 and 7 were called together but discussed separately.

Member Hepner, seconded by Member Hinze, moved to find jurisdiction on Items Nos. 4, 5, 6 and 7 (Files Nos. 15101, 15102, 15103 and 15104).

Public Comment:

Peter Warfield expressed confusion over the combination of complaints but agreed with finding jurisdiction.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 4 - Rumold, Chopra, Washburn, Haines

4. **File No. 15101:** Complaint filed by Ray Hartz against Sue Blackman and the Library Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.15(d) and 67.17, for abridging or prohibiting public criticism. (01:14:00 – 03:25:00)

Ray Hartz (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Sue Blackman, Library Commission Secretary (Respondent) presented the department's position on Items 4, 5, 6 and 7. A video of the incident in question was presented and viewed. Peter Warfield commented on the authenticity of the video. Glen Ramiskey spoke in support of the Respondent. A question and answer period followed. Mr. Hartz refused to respond to certain questions from the Task Force. The Complainant and Respondent provided rebuttals.

Public Comment:

Ann Treboux commented on the actions that occurred in the video.

Peter Warfield objected to changing the public comment procedures and provided samples freedom of speech violations.

Deputy City Librarian Michael Lambert provided information on the Library's patron code of conduct.

Due to the lack of a motion, the Task Force found no violation and concluded the matter.

5. **File No. 15102:** Complaint filed by Ray Hartz against Sue Blackman and the Library Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.16, for failure to accurately summarize public comment. (01:14:00 – 03:25:00)

Ray Hartz (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. President Teresa Ono, Library Commission (Respondent) presented the departments position on Items 4, 5, 6 and 7. There were no speakers in support of the Respondent. A question and answer period followed. Mr. Hartz refused to respond to certain questions. The Complainant and Respondent provided rebuttals.

Public Comment:

Peter Warfield stated that the description of the incident was not accurately summarized.

Due to the lack of a motion, the Task Force found no violation and concluded the matter.

6. **File No. 15103:** Complaint filed by Ray Hartz against Commissioner Mary Wardell Ghirarduzzi and the Library Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15, by abridging or prohibiting public criticism. (01:14:00 – 03:25:00)

Public Comment:

Peter Warfield provided a summary and analysis of the incident in question.

Ray Hartz (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. The Respondent presented their position during Items 4 and 5. There were no speakers in support of the Respondent. A question and answer period followed. Mr. Hartz refused to respond to certain questions from the Task Force. The Complainant and Respondent provided rebuttals.

Due to the lack of a motion, the Task Force found no violation and concluded the matter.

7. **File No. 15104:** Complaint filed by Ray Hartz against President Teresa Ono and the Library Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15, by abridging or prohibiting public criticism (01:14:00 – 03:25:00)

Ray Hartz (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. President Teresa Ono, Library Commission (Respondent) presented the departments position on Items 4, 5, 6 and 7. There were no speakers in support of the Respondent. A question and answer period followed. Mr. Hartz refused to respond to certain questions from the Task Force. The Complainant and Respondent provided rebuttals.

Public Comment:

Peter Warfield stated that the reading of the Mayor's Harassment Policy implied that something wrong had been done.

Due to the lack of a motion, the Task Force found no violation and concluded the matter.

8. **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. *(No Action) Public comment shall be taken at 5:00 pm or as soon thereafter as possible. (01:00:00 - 01:14:00)*

Speaker:

Ray Hartz presented a San Francisco Examiner cartoon regarding censorship and the right to free speech.

Ann Treboux commented on her dealings and findings regarding Thomas Picarello.

Silvia Johnson provided general comments.

Michael Petrelis commented on the inadequacies of District Attorney George Gascon's calendar.

Peter Warfield expressed his concern with SOTF procedures being less fair to the public. Mr. Warfield stated that the combining of complaints is not productive.

The meeting was in recess from 7:32 PM to 7:45 PM

9. **File No. 15081:** Complaint filed by the Library Users Association against City Librarian Luis Herrera, Laura Lent and the San Francisco Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.22, for failure to respond to a request for public records in a timely and/or complete manner during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment in regards to BiblioCommons and discouraging public employees from or disciplining public employees for disclosing any information that is public information or a public record. *(03:25:00 – 04:14:00)*

Member Pilpel, seconded by Member Hepner, moved to find jurisdiction.

Public Comment:

Peter Warfield objected to the combining of Item Nos. 9 and 10.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 4 - Rumold, Chopra, Washburn, Haines

Peter Warfield (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Deputy City Librarian Michael Lambert and Laura Lent, Public Library (Respondent), presented the department's position. There were no speakers in support of the Respondent. A question and answer period followed. The Complainant and Respondent provided a rebuttal.

Deputy City Attorney Threet responded to questions from the Task Force.

Public Comment:

Ray Hartz commented on the testimony of both parties and stated that information regarding BiblioCommons was not available until the Library Commission considered changes to the privacy policy.

Due to the lack of a motion, the Task Force found no violation and concluded the matter.

10. **File No. 15133:** Complaint filed by the Library Users Association against City Librarian Luis Herrera, Deputy City Librarian Michael Lambert and the San Francisco Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(a) and (c), for failure to permit the public record to be inspected and examined during normal and reasonable hours of operations, without unreasonable delay, and failure to assist a requester in identifying the existence, form, and nature of a record in regards to the BiblioCommons webinar. (04:14:00 – 04:51:00)

Member Pilpel, seconded by Member Hepner, moved to find jurisdiction.

Public Comment:

None.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 4 - Rumold, Chopra, Washburn, Haines

Peter Warfield (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Deputy City Librarian Michael Lambert and Laura Lent, Public Library (Respondent) presented the department's position. There were no speakers in support of the Respondent. A question and answer period followed. The Complainant and Respondent provided rebuttals.

Deputy City Attorney Threet responded to questions from the Task Force.

Member Hepner, seconded by Member Hinze, moved to find City Librarian Luis Herrera, Deputy City Librarian Michael Lambert and the San Francisco Public Library in violation of Administrative Code (Sunshine Ordinance), Section 67.21 and 67.25 for failure to provide public records (BiblioCommons webinar) in a timely and/or complete manner.

Public Comment:

None.

The motion PASSED by the following vote:

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

Noes: 1 - Pilpel

Absent: 4 - Rumold, Chopra, Washburn, Haines

11. **File No. 15148:** Hearing to determine how to proceed with complaint submissions and special requests by Alvin Johnson that do not comply with Task Force policies and procedure.

The Sunshine Ordinance Task Force discussed the problems with the complaints submitted by Alvin Johnson and summarized previous interactions with Mr. Johnson.

Vice-Chair Hyland, seconded by Member Hepner, moved to not accept Mr. Johnson's complaints as the Task Force cannot accommodate Mr. Johnson's special request to list the City Attorney as a Respondent, to request referrals of requests to other departments and to refer complaints directly to the Ethics Commission without conducting a hearing to adjudicate the complaints.

The Task Force will accept Mr. Johnson's complaints in the future if he removes his special requests and agrees to attend Task Force meetings to adjudicate his complaints.

Public Comment:

Peter Warfield stated that it is the obligation of the Task Force to provide a hearing on submitted complaints.

Ray Hartz stated that the Task Force lacks understanding regarding how hard it is for the public to go through the complaint process.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 4 - Rumold, Chopra, Washburn, Haines

Member Pilpel, seconded by Member Hepner, moved to continue Items 12, 13 and 14 to the call of the chair.

Public Comment:

Peter Warfield asked when the complaint procedures would be rescheduled.

Ray Hartz stated that the rescheduled hearing should be set to accommodate the public and not members of the Task Force.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 4 - Rumold, Chopra, Washburn, Haines

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

The matter was continued to the call of the chair.

13. **Hearing: Status of the Sunshine Ordinance Task Force Annual Report 2014/2015.**

The matter was continued to the call of the chair.

14. **Sunshine Ordinance Task Force and committee meeting schedule – 2016.**

The matter was continued to the call of the chair.

15. **Approval of minutes from the Sunshine Ordinance Task Force October 7, 2015, meeting.**

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

Public Comment:

Peter Warfield stated that he believed that the minutes should contain more detail.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 4 - Rumold, Chopra, Washburn, Haines

16. **Administrator’s Report and Communications.**

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

Member Pilpel requested that the following items be listed in the Administrator's Report:

- Hearing regarding Drones and Police body cameras
- Order of Determination for File No. 15078 – Richard Denton vs. SFPUC

Public Comment:

Peter Warfield stated that the report pages are out of sequence and that there is no mention of mediation.

Ray Hartz stated that mediation should be tracked and reported.

No actions were taken.

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

Members Wolf and Pilpel suggested meetings to consider a future ballot measure to amend the Sunshine Ordinance.

Member Pilpel reported on the reassignment of Acting Captain John Darminin at the Fire Department.

Public Comment:

Peter Warfield suggested that a survey be conducted to determine the public's view of the functions of the Task Force and commented on the method used to determine the wording of agenda titles.

18. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:00 p.m.

APPROVED: 01/06/2016



**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.