



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 6, 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 Pilpel David was noted absent. There was a quorum. Member David was noted present at 4:57 p.m.

Chair Grant announced a request for File No. 12059 (Item 5) be continued to December 4, 2013, by the Complainant and Respondent.

Member Pilpel, seconded by Member Oka, moved to accept the Complainants and Respondents' request for continuance of File No. 12059 to December 4, 2013.

Public Comment:

None.

The motion PASSED without objection.

2. Proposed Sunshine Ordinance Task Force Records Retention Schedule: The Task Force shall prepare, maintain and adopt a records retention and destruction policy as provided in §8.3 of the San Francisco Administrative Code.

Wilson Ng, Records Manager, Office of the Clerk of the Board presented the proposed retention schedule.

Member Pilpel, seconded by Member Hyland, moved to continue the item to December 4, 2013.

Public Comment:

Patrick Monette-Shaw questioned means of record content; Ray Hartz expressed the Index of Records is an import tool in researching records; Peter Warfield expressed concern with destruction of records and ADA compliancy of records; Jason Grant Garza expressed concern as to what defines a record.

The motion PASSED by the following vote:

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

Absent: 1 – David

3. **Pending Complaints and 45-Day Hearing Rule - Scheduling of Complaints.**

Chair Grant presented a comparison of agendized complaints; the efficiency of complaints heard and Order of Determination made by current Task Force. The Task Force would have to meet twice a month to reach compliancy with the 45-Day Hearing Rule.

The Administrator will work with Building Management to secure additional dates for special meetings.

Public Comment:

Patrick Monette-Shaw expressed agreement with the Task Force meeting an additional day a month; Ray Hartz expressed concern with the Task Force adhering with 45-day rule; Peter Warfield expressed concern with the back-log of complaints and agreed with the Task Force meeting twice a month; Allen Grossman read a section of Ordinance regarding 3 minute public testimony rule; Jason Grant Garza expressed concern with a IDR he allegedly submitted and request for a hearing with before the Task Force.

4. **File No. 12058:** The Compliance and Amendments Committee has referred File No. 12058, Dominic Maionchi against Recreation and Park for allegedly failing to provide records requested pertaining to berthing contracts between the City and County of San Francisco and slip holders.

Dominic Maionchi (Complainant) provided an overview of the complaint. The Complainant further requested the Task Force to find violations. Patrick Monette-Shaw and Ray Hartz, Jr., spoke in support of the Complainant. Olive Gong (Respondent) provided an overview of Recreation and Park's defense; reiterating the department is not in violation according to their interpretation and the department policy to not disclose addresses. There were no speakers who offered facts and evidence in support of the Respondent. A question and answer period followed. The Complainant responded to questions raised throughout the discussion and further requested the Task Force to find violations. The Respondent provided a rebuttal. The Complainant provided a rebuttal and further requested the Task Force to find violations.

Member Knee, seconded by Member Oka, moved to find the Recreation and Park Department in violation of the Sunshine Ordinance as determined in the Order of Determination (§§ 67.21(e), 67.24(g) and 67.34); referral to the Ethics Commission

for enforcement specifically naming Phil Ginsburg, Director, Recreation and Park Department responsible.

Public Comment:

Male Speaker expressed support for Complainant; Peter Warfield expressed support of Complainant.

The motion PASSED by the following vote:

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

Absent: 1 – David

MEETING RECESS - 6:40 p.m. to 6:57 p.m.

5. **File No. 12059:** The Compliance and Amendments Committee has referred File No. 12059, Supreet Pabla, SEIU Local 1021 against Human Services Agency for allegedly failing to provide records requested relevant to the representation of the bargaining unit's employees.

Continuance requested by Complainant and Respondent. Motion Passed (Item 1).

Member Pilpel, seconded by Member Oka, moved to accept the Complainants and Respondents' request for continuance of File No. 12059 to December 4, 2013.

6. **Public Comment:**

Ray Hartz expressed the 3 minute public testimony rule is not at the discretion of the body, but of the public; Patrick Monette-Shaw expressed utilizing the Superior Court when faced City actions against the public; Paula Datesh expressed concern with a permit revocation by the Arts Commission; James Chaffee presented a presentation regarding the Library Commission; Allen Grossman expressed concern with vacancies on the Task Force and pending referrals; Peter Warfield addressed the Superior Court ruling against the Ethic Commission; Jason Grant Garza expressed concern regarding an hearing request he allegedly submitted.

7. **File No. 13025:** Complaint filed by William Clark, against the Arts Commission for allegedly failing to provide of a written opinion from the City Attorney advising the Arts Commission on its current suspension and revocation procedures.

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

Public Comment:

None.

The motion PASSED without objection.

William Clark (Complainant) provided an overview of the complaint. The Complainant requested the Task Force to find violations. Robert Clark and Paula Datesh spoke in support of the Complainant. Howard Lazar (Respondent) provided an overview of the Arts Commission's defense. There were no speakers who offered facts and evidence in

support of the Respondent. A question and answer period followed. The Complainant responded to questions raised throughout the discussion and further requested the Task Force to find violations. The Respondent waived rebuttal. The Complainant provided a rebuttal and further requested the Task Force to find violations.

Member Pilpel, seconded by Member Washburn, moved to find the Arts Commission in violation of Sunshine Ordinance §67.21(a).

Public Comment: Ray Hartz expressed concern of departments mischaracterizing the advice of their City Attorneys.

The motion FAILED by the following vote:

Ayes: 4 – Washburn, Pilpel, Hyland, Oka

Noes: 5 – Knee, David, Sims, Fischer, Grant

MATTER CONCLUDED.

8. **File No. 13026:** Complaint filed by Ray Hartz, Jr., against Angela Calvillo, Clerk of the Board for allegedly violating Sunshine Ordinance §67.16 Minutes thereby censoring and abridging public comment violating §67.15 Public Testimony.

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

Public Comment:

None.

The motion PASSED without objection.

Ray Hartz, Jr., (Complainant) provided an overview of the complaint. The Complainant requested the Task Force to find violations. There were no speakers who offered facts and evidence in support of the Complainant. Rick Caldeira, Deputy Director, Office of the Clerk of the Board (Respondent) provided an overview of the Clerk of the Board's defense; consideration is taken to not misrepresent speakers; speakers have the option to submit a 150-word summary. There were no speakers who offered facts and evidence in support of the Respondent. A question and answer period followed. The Complainant responded to questions raised throughout the discussion and further requested the Task Force to find violations. The Respondent waived rebuttal. The Complainant provided a rebuttal and further requested the Task Force to find violations.

Public Comment:

Male Speaker expressed the minutes should summarize the speaker's comments for archival purposes; Peter Warfield expressed support of the complainant.

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

Member Knee, seconded by Member Hyland, moved to find a violation of Sunshine Ordinance §67.16 for failing to provide a summary each speakers' statement with clarity and precision.

Public Comment: Peter Warfield expressed the public has no power therefore minutes should be summarized; Male Speaker expressed he speaks on various issues during his public comment.

The motion FAILED by the following vote:

Ayes: 4 – Knee, Washburn, Hyland, Oka

Noes: 5 – Pilpel, Knee, Sims, David, Fischer, Grant

MATTER CONCLUDED.

9. **File No. 13027:** Complaint filed by Ray Hartz, Jr., against Paula Jesson, District City Attorney for allegedly violating §67.21(i), by providing legal counsel for City employees having custody of public records for proposes of denying access to the public.

Member Knee, seconded by Member Washburn, moved to find jurisdiction.

Public Comment:

Peter Warfield expressed support of finding jurisdiction.

The motion PASSED by the following vote:

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

Noes: 1 – Pilpel

Ray Hartz, Jr., (Complainant) provided an overview of the complaint. The Complainant requested the Task Force to find violations. There were no speakers who offered facts and evidence in support of the Complainant. Paula Jesson (Respondent) was not present to provide an overview of District Attorney’s defense. There were no speakers who offered facts and evidence in support of the Respondent. A question and answer period followed. The Complainant responded to questions raised throughout the discussion and further requested the Task Force to find violations. The Complainant further requested the Task Force to find violations.

Member Knee, seconded by Member David, moved to find Paula Jesson, District City Attorney in violation of Sunshine Ordinance §67.21(d), for failure to immediately order the release of records requested; §67.21(e), for failure of a representative to appear before the Task Force; referral to the Compliance and Amendments Committee.

The motion PASSED by the following vote:

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

Noes: 1 – Pilpel

10. **File No. 13028:** Complaint filed by Charles Pitts, against the Community Housing Partnership for allegedly enforcing illegal group guidelines.

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

Lisa Blakely, Director of Support Services challenged jurisdiction due to pending mediation with the Community Housing Partnership and Health Services Agency; Charles Pitts expressed the complaint is within the Task Force's jurisdiction.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 – Knee, Washburn, Pilpel, Sims, David, Hyland, Oka, Fischer, Grant

Charles Pitts (Complainant) provided an overview of the complaint. The Complainant requested the Task Force to find violations. There were no speakers who offered facts and evidence in support of the Complainant. Lisa Blakely, Director of Support Services (Respondent) provided an overview of the Community Housing Partnership's defense. There were no speakers who offered facts and evidence in support of the Respondent. A question and answer period followed. The Complainant responded to questions raised throughout the discussion and further requested the Task Force to find violations. The Respondent provided a rebuttal and requested the Task Force concluded the matter. The Complainant provided a rebuttal and further requested the Task Force to find violations.

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

Public Comment:

None.

MATTER CONCLUDED

11. **File No. 13029:** Complaint filed by Charles Pitts, against the Community Housing Partnership for allegedly denying the public to record the May 21, 2013 meeting.

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

Lisa Blakely, Director of Support Services challenged jurisdiction due to the fact of tenant meetings not being equivalent to its Board meetings; Charles Pitts expressed the complaint is within the Task Force's jurisdiction.

Public Comment:

None.

The motion PASSED without objection.

Charles Pitts (Complainant) provided an overview of the complaint. The Complainant requested the Task Force to find violations. There were no speakers who offered facts and evidence in support of the Complainant. Lisa Blakely, Director of Support Services (Respondent) provided an overview of the Community Housing Partnership's defense. There were no speakers who offered facts and evidence in support of the Respondent. A question and answer period followed. The Complainant responded to questions raised throughout the discussion and further requested the Task Force to find violations. The

Respondent provided a rebuttal and requested the Task Force concluded the matter. The Complainant provided a rebuttal and further requested the Task Force to find violations.

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

Public Comment:

None.

MATTER CONCLUDED

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

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 12 through 19, to the December 4, 2013 meeting.

Speaker:

None.

The motion PASSED without objection.

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

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 12 through 19, to the December 4, 2013 meeting.

Speaker:

None.

The motion PASSED without objection.

14. **Approval of Minutes from the May 1, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 12 through 19, to the December 4, 2013 meeting.

Speaker:

None.

The motion PASSED without objection.

15. **Approval of Minutes from the June 5, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 12 through 19, to the December 4, 2013 meeting.

Speaker:

None.

The motion PASSED without objection.

16. **Approval of Minutes from the July 9, 2013 Special Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 12 through 19, to the December 4, 2013 meeting.

Speaker:

None.

The motion PASSED without objection.

17. **Approval of Minutes from the August 7, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 12 through 19, to the December 4, 2013 meeting.

Speaker:

None.

The motion PASSED without objection.

18. **Approval of Minutes from the September 4, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 12 through 19, to the December 4, 2013 meeting.

Speaker:

None.

The motion PASSED without objection.

19. **Approval of Minutes from the October 2, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 12 through 19, to the December 4, 2013 meeting.

Speaker:

None.

The motion PASSED without objection.

20. **Administrator's Report.**

Report was given by Andrea Ausberry, Sunshine Ordinance Task Force Administrator.

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

Andrea Ausberry, Sunshine Ordinance Task Force Administrator, announced her resignation as Interim Task Force Administrator. Ms. Ausberry will transition into the legislative branch of the City and County of San Francisco; Member Pilpel announced the Ethics Commission will be amending its resolution and Education, Outreach and Training will be rescheduled.

22. **ADJOURNMENT**

Member Knee, seconded by Member Sims, moved to ADJOURN.

Public Comment:

None.

The motion PASSED without objection.

There being no further business, the Task Force adjourned at the hour of 10:00 p.m.

APPROVED: April 30, 2014



**Victor Young
Administrator
Sunshine Ordinance Task Force**