



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

October 2, 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. Chair Grant and Members Pilpel and Hyland were noted absent. There was a quorum. Vice Chair Fischer presided over the meeting. Member Hyland was noted present at 4:55 p.m. Member Sims was noted absent at 7:57 p.m.

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

The Complainant of File No. 12058 (Item 2) requested a continuance of his hearing due to the affect of member absences on the determination of the complaint.

Member Knee, seconded by Member Washburn, moved to accept the Complainants and Respondents' request for continuance of File Nos. 12058 and 12059 to November 6, 2013.

Public Comment:

Allen Gross expressed opposition with the members' absences; Peter Warfield requested additional information on the reason for the continuance of complaint No. 12059; Patrick Monette-Shaw requested the members uphold absences as stated in Sunshine Ordinance Task Force bylaws; Dominic Maionchi expressed reasoning of his request for continuance of Complaint No. 12058; Ray Hartz expressed six members being present would not make a fair determination on today's complaints.

The motion PASSED by the following vote:

Ayes: 5 – Washburn, Sims, David, Oka, Fischer
Noes: 1 – Knee
Absent: 3 – Pilpel, Hyland, Grant

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

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

MEETING RECESS - 4:50 p.m. to 5:00 p.m.

3. **Public Comment:**

Allen Grossman announced the Ethics Commission's new draft of regulations;
Ray Hartz expressed concern with the Education, Outreach and Training Committee Chair not drafting a letter to the Clerk of the Board as determined by the committee;
Peter Warfield expressed the importance of open government;
Male Speaker presented misconduct of Library Commission;
Patrick Monette-Shaw expressed the Ethics Commission attempt to exempt themselves from hearing complaints referred for enforcement;
Female Speaker expressed the treatment of the public by City agencies who request public records.

***The following summary was provided by a speaker, pursuant to Administrative Code Section 67.16. The content was neither generated by, nor subject to approval or verification of accuracy by, the Sunshine Ordinance Task Force.**

Derek Kerr, MD submitted the following additional information for Public Comment as follows:

Agenda Item (3) Public Comment (150 words):

[Derek Kerr's 150 Word Summary for inclusion in body of SOTF – OCTOBER 2, 2013 Meeting Minutes](#)

*Burying my Commendation under the misleading agenda item "LHH Update" follows a pattern of deception. For example, Laguna Honda CEO Mivic Hirose was required to read this Commendation before the hospital's 40-member Leadership Forum. Instead, she read it to 11 members of her Executive Committee. After we complained, Hirose complied. Also, DPH Director Barbara Garcia had to retract a DPH Press Release that had labeled us "detractors" who made "false statements" about misappropriated patient funds. The first retraction was unsigned. We complained. Garcia signed the second version, but it was a Memo - not a Press Release. We complained again, and she complied. Lucky for us, we could appeal these Settlement violations to the Court. Now, we appeal to you because the Sunshine Ordinance was violated. This habitual misconduct will persist unless you monitor the Health Department and Commission for compliance.

4. **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).

5. **File No. 13013:** The Compliance and Amendments Committee has referred File No. 13013, of Ray Hartz Jr., against Luis Herrera, City Librarian for allegedly abridging public comment by allowing selective accessibility of library audio visual equipment.

Ray Hartz Jr., (Complainant) provided an overview of the complaint; the Library Commission continues to deny access to its equipment to present documents and /or PowerPoint presentations during its meetings as it allows for guests of the commission. The Complainant further requested the Task Force to find violations. There were no speakers in support of the Complainant. Sue Blackman (Respondent), provided an overview of the Ethics Commission defense; the Library Commission is a policy body that has the right to not allow the public to use its audio visual equipment and the commission is in compliance with the Sunshine Ordinance. 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 Washburn, seconded by Member David, moved to find Luis Herrera, City Librarian, in violation of the Sunshine Ordinance as determined in the Order of Determination; referral to the Ethics Commission for enforcement.

Public Comment: Patrick Monette-Shaw expressed support of the referral; Male Speaker presented PowerPoint on visual impact of audio visual presentations when allowed access to equipment; Peter Warfield expressed support of the motion.

The motion PASSED by the following vote:

Ayes: 7– Knee, Washburn, Sims, David, Hyland, Oka, Fischer

Absent: 2 – Pilpel, Grant

Member Washburn, seconded by Member David, moved to find Luis Herrera, City Librarian in violation of the Sunshine Ordinance as determined in the Order of Determination; referral to the Board of Supervisors for enforcement.

The motion PASSED by the following vote:

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

Noes: 1 – David

Absent: 2 – Pilpel, Grant

6. **File No. 13012:** Complaint filed by Michael Fondanova, representing Glad Tidings Church against the Office of the Assessor-Recorder for allegedly failing to provide

complete records associated with Glad Tidings Church and San Francisco Teen Challenge.

Item continued from September 4, 2013 meeting. Jurisdiction determined.

Michael Fondanova (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Margaret Sing, Assessor - Recorder's Office, (Respondent), provided an overview of the Office of the Assessor-Recorder's defense; all non-exempt documents have been handed over to the Complainant. There were no speakers who offered facts and evidence in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. 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.

7. **File No. 13021:** Complaint filed by Patrick Monette-Shaw and Maria Rivero, MD against the Public Health Commission for allegedly violating Sunshine Ordinance §§ 67.7(a), 67.7(b), and 67.9(a); failing to notice members of the public, and noticing a deficient agenda.

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

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 – Knee, Washburn, Sims, David, Hyland, Oka, Fischer

Absent: 2 – Pilpel, Grant

Patrick-Monette-Shaw and Maria River, MD (Complainants) provided an overview of the complaint; the intention of the Public Health Commission was to not provide a meaningful description of the item as an accommodation regarding Dr. Kerr and listed the item generically "Laguna Honda Update". The Complainants requested the Task Force to find violations. Dr. Kerr presented facts and evidence in support of the Complainants. Mark Morewitz, Executive Secretary, Public Health Commission (Respondent), provided an overview of the Public Health Commission's defense; the item was written by the advice of their City Attorney. The Commission has since taken steps to ensure future items are written in compliance with the Sunshine Ordinance. There were no speakers who offered facts and evidence in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal and further requested the Task Force to find violations.

Public Comment:

None.

Member Washburn, seconded by Member Oka, moved to find the Public Health Commission in violation of §§ 67.7(a), 67.7(b) and 67.9(a); referral to the

Compliance and Amendments Committee to provide guidance on constructing agendas.

The motion PASSED by the following vote:

Ayes: 7 – Knee, Washburn, Sims, David, Hyland, Oka, Fischer

Absent: 2 – Pilpel, Grant

MEETING RECESS - 6:55 p.m. to 7:00 p.m.

8. **File No. 13024:** Complaint filed by Mica Ringel against the Planning Department for allegedly failing to provide requested records associated with the proposed development of 480 Potrero Avenue.

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

Public Comment:

None.

The motion PASSED without objection.

Mica Ringel (Complainant) provided an overview of the complaint; requested to view complete case file, through research and requests the Complainant noticed missing files not included in the original request for records. The Complainant requested the Task Force to find violations. There were no speakers in support of the Complainant. Lulu Hwang, Custodian of Records, Planning Department (Respondent), provided an overview of the Planning Department's defense; missing documents were retrieved and handed over to the Complainant on a disk. There were no speakers who offered facts and evidence in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal and further requested the Task Force to find violations.

Member Knee, seconded by Member Washburn, moved to find the Planning Department, in violation of the Sunshine Ordinance §§67.26 and 67.27.

Public Comment:

None.

The motion FAILED by the following vote:

Ayes: 4 – Washburn, Hyland, Oka, Fischer

Noes: 2 – Knee, David

Absent: 3 – Pilpel, Sims, Grant

Member Knee, seconded by Member Washburn, moved to find the Planning Department, in violation of the Sunshine Ordinance §§67.21(a) and 67.29-7; referral to Compliance and Amendments Committee.

Public Comment:

None.

The motion PASSED by the following vote:

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

Absent: 3 – Pilpel, Sims, Grant

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

Member Washburn, seconded by Member Hyland, moved to CONTINUE Items 9 through 15, to the November 6, 2013 meeting.

Public Comment:

None.

The motion PASSED by the following vote:

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

Absent: 3 – Pilpel, Sims, Grant

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

Member Washburn, seconded by Member Hyland, moved to CONTINUE Items 9 through 15, to the November 6, 2013 meeting.

Public Comment:

None.

The motion PASSED by the following vote:

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

Absent: 3 – Pilpel, Sims, Grant

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

Member Washburn, seconded by Member Hyland, moved to CONTINUE Items 9 through 15, to the November 6, 2013 meeting.

Public Comment:

None.

The motion PASSED by the following vote:

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

Absent: 3 – Pilpel, Sims, Grant

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

Member Washburn, seconded by Member Hyland, moved to CONTINUE Items 9 through 15, to the November 6, 2013 meeting.

Public Comment:

None.

The motion PASSED by the following vote:

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

Absent: 3 – Pilpel, Sims, Grant

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

Member Washburn, seconded by Member Hyland, moved to CONTINUE Items 9 through 15, to the November 6, 2013 meeting.

Public Comment:

None.

The motion PASSED by the following vote:

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

Absent: 3 – Pilpel, Sims, Grant

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

Member Washburn, seconded by Member Hyland, moved to CONTINUE Items 9 through 15, to the November 6, 2013 meeting.

Public Comment:

None.

The motion PASSED by the following vote:

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

Absent: 3 – Pilpel, Sims, Grant

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

Member Washburn, seconded by Member Hyland, moved to CONTINUE Items 9 through 15, to the November 6, 2013 meeting.

Speaker: None.

The motion PASSED by the following vote:

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

Absent: 3 – Pilpel, Sims, Grant

16. **Report: Compliance and Amendments Committee meeting of September 17, 2013.**

Member Washburn (Chair) provided a summary of the Compliance and Amendments Committee meeting of September 17, 2013.

Speakers: None.

17. **Report: Education, Outreach and Training Committee meeting of September 16, 2013.**

Member David (Vice-Chair) provided a summary of the Education, Outreach and Training Committee meeting of September 17, 2013.

18. **Administrator's Report.**

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

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

Member Knee announced, applications have been submitted for Seats 2 and 4 of the Task Force.

20. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:31 p.m.

APPROVED: April 30, 2014



**Victor Young
Administrator
Sunshine Ordinance Task Force**