



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 28, 2014 - 4:00 PM

Special Meeting

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

Seat 1	Mark Rumold	Seat 7	Lee Hepner
Seat 2	Ali Winston	Seat 8	Todd David
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

The meeting was called to order at 4:13 p.m. Members Rumold, Winston, and Washburn were noted absent. There was a quorum.

2. **File No. 14058:** Complaint filed by Mikel Jaye against Ria Mercado and the Department of Aging and Adult Services for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26, and 67.27 for failure to respond to a request for public records in a timely and complete manner. (00:03:25 - 00:46:00)

Mikel Jaye (Complainant) provided an update and overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. David Curto, Director of Contracts, Human Services Agency; Valerie Viella, Director, 30th Street Senior Center-On Lok; and Linda Lau, Department of Aging and Adult Services (Respondents) presented an overview of the meeting with the Complainant and the documents provided. There were no speakers in support of the Respondent. A question and answer period followed. Mr. Curto (Respondent) provided a rebuttal. The Complainant provided a rebuttal.

Member Hepner, seconded by Member Hinze, moved to find a violation of Administrative Code (Sunshine Ordinance), Section 67.21(b) for failure to respond to a request for public records in timely manner.

Public Comment:

Thomas Picarello stated that the records were not provided on a timely basis and that there is no way for the Complainant to know if he received all of the requested documents.

The motion FAILED by the following vote:

Ayes: 2 – Hepner, Hyland

Noes: 5 – Wolf, Pilpel, David, Fischer, Hinze

Absent: 3 - Rumold, Winston, Washburn

There being no additional motion, the Task Force found no violation and CONCLUDED the matter.

3. **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. (01:18:00 - 01:20:00)*

Public Comment:

Michael Petrelis restated that the SOTF meetings should be televised.

Thomas Picarello acknowledged and thanked former member Bruce Oka and expressed disappointment over the absence of SOTF members at the meeting.

Items No. 4 and 5 (File No. 13030 and 13076) were heard concurrently.

4. **File No. 13030:** Complaint filed by Charles Pitts against the Community Housing Partnership and the Human Services Agency, as the city agency/department that is a party to and/or is the administrator of the nonprofit organization's contract, for allegedly violating Administrative Code, Chapter 12L, for failing to comply with a request for information regarding tenant's budget for 650 Eddy Street. (00:46:00 - 01:18:00)
(Pursuant to Administrative Code 12L the Complainant may seek an advisory opinion from the Sunshine Ordinance Task Force regarding the recommendation/resolution of the City Agency or department which is a party to and/or which administers the nonprofits organization's contract. The Task Force may only issue an advisory opinion that is subject to review by the Board of Supervisors if so requested by the Complainant within 10 days.)

See Item No. 5 (File No. 13076) for a summary of the discussion and action of File No. 13030.

5. **File No. 13076:** Complaint filed by Charles Pitts against the Community Housing Partnership and the Human Services Agency as the city agency/department that is a party to and/or is the administrator of the nonprofit organization's contract, for allegedly violating Administrative Code, Chapter 12L, for failing to comply with a request for information regarding tenant's budget for 650 Eddy Street. (00:46:00 - 01:18:00)

(Pursuant to Administrative Code 12L the Complainant may seek an advisory opinion from the Sunshine Ordinance Task Force regarding the recommendation/resolution of the City Agency or department which is a party to and/or which administers the nonprofits organization's contract. The Task Force may only issue an advisory opinion that is subject to review by the Board of Supervisors if so requested by the Complainant within 10 days.)

Charles Pitts (Complainant) provided an update and overview of the additional documents provided by the Respondents. There were no speakers in support of the Complainant. Dara Papo, Support Services-Community Housing Partnership; Diane Christensen, Custodian of Records-Human Services Agency; and David Curto, Director of Contracts, Human Services Agency (Respondents) presented an overview of the additional documents provided to the Complainant and the department's defense. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent did not provide a rebuttal. The Complainant provided a rebuttal.

Vice Chair Hyland suggested that the advice letter be amended to change reference from 'the past 12 months' to 'the past 2 years'. (Paragraph 3)

Member Pilpel, seconded by member Hyland, to approve and issue the opinion letter regarding File No. 13030 and 13076 as amended.

Public Comment:

None.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 3 - Rumold, Winston, Washburn

6. **File No. 14055:** Complaint filed by Thomas Picarello against the Community Housing Partnership (CHP) and the Human Services Agency, as the city agency/department that is a party to and/or is the administrator of the nonprofit organization's contract, for allegedly violating Administrative Code, Chapter 12L.4, for allegedly failing to provide an agenda and adequate notice for the CHP meeting of May 27, 2014. (01:20:00 -)
(Pursuant to Administrative Code 12L the Complainant may seek an advisory opinion from the Sunshine Ordinance Task Force regarding the recommendation/resolution of the City Agency or department which is a party to and/or which administers the nonprofits organization's contract. The Task Force may only issue an advisory opinion that is subject to review by the Board of Supervisors if so requested by the Complainant within 10 days.)

Thomas Picarello (Complainant) provided an overview of the complaint. There were no speakers in support of the Complainant. Jeff McDonald, CFO, Community Housing Partnership; Diane Christensen, Custodian of Records, Human Services Agency; and David Curto, Director of Contracts, Human Services Agency (Respondents) presented an overview of the corrective actions taken. There were no speakers in support of the

Respondent. A question and answer period followed. The Respondent provided a rebuttal and stated that the Community Housing Partnership has scheduled an additional meeting in November 2014 and will, therefore, be in compliance with Administrative Code, Chapter 12L for 2014. The Complainant provided a rebuttal and requested that stronger language be added stating that the Human Services Agency did not perform their oversight duties to the advice letter.

Member Pilpel, seconded by Member Hepner, moved to approve and issue the opinion letter regarding File No. 14055.

Public Comment:

Charles Pitts stated that the advice letter needed stronger language.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 3 - Rumold, Winston, Washburn

7. **File No. 14066:** Complaint filed by Michael Petrelis against Tara Collins, City Attorney's Office, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25 for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner dated May 30, 2014. (- 02:15:00)

Member Wolf, seconded by Member Hepner, moved to find jurisdiction of File No. 14066.

Public Comment:

None.

The motion passed without objection.

Michael Petrelis (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Matt Dorsey, Communications Director, Office of the City Attorney, acknowledged that an error in processing public records request occurred resulting in a delay in responded to the Respondents request. Steps are being taken to improve the process for responding to requests. 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 David, seconded by Member Wolf, moved to find the Office of the City Attorney in 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:

None.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 3 - Rumold, Winston, Washburn

The SOTF requests that Mr. Dorsey submit a letter of action and proposed practices for responding to public records request by November 30, 2014. In addition, the SOTF requested that letter address the issue of "Rule of Reason". The SOTF suggests that once a procedure is established that it be posted online.

The meeting was recessed from 6:30 p.m. to 6:45 p.m.

8. **File No. 14074:** Complaint filed by Paula Datesh against Adine Varah, City Attorney's Office, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25 for failure to respond to various Immediate Disclosure Requests in a timely and/or complete manner. (02:15:00 - 02:38:00)

Member Pilpel, seconded by Member Hepner, moved to find jurisdiction of File No. 14074.

Public Comment:

None.

The motion passed without objection.

Paula Datesh (Complainant), provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Matt Dorsey, Communications Officer, Office of the City Attorney (Respondent), presented an overview of the department's defense. 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.

Public Comment:

None.

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

9. **File No. 14071:** Complaint filed by Paula Datesh against Sharon Page-Ritchie, San Francisco Arts Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.16 for failing to post meeting minutes in a timely manner for the Community Arts Committee July 8, 2014, meeting. (02:38:00 - 02:55:00)

Member Hepner, seconded by Member Hinze, moved to find jurisdiction of File No. 14071.

Public Comment:
None.

The motion passed without objection.

Paula Datesh (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Rebekah Krell, Deputy Director, San Francisco Arts Commission, presented an overview of the department's defense. 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.

Public Comment:
None.

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

- 10. **File No. 14072:** Complaint filed by Paula Datesh against Howard Lazar and Kate Patterson-Murphy, San Francisco Arts Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25 for failure to respond to various Immediate Disclosure Requests in a timely and/or complete manner.
(02:55:00 -)

Member Hepner, seconded by Member Hinze, moved to find jurisdiction of File No. 14072.

Public Comment:
None.

The motion passed without objection.

Paula Datesh (Complainant), provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Rebekah Krell, Deputy Director and CFO, San Francisco Arts Commission, presented an overview of the department's defense. 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.

Public Comment:
None.

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

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

Vice-Chair Hyland stated that the Ethics Commission letter regarding referrals from the SOTF will be discussion at the November 5, 2014, SOTF meeting.

Member Pilpel provided an updated on a proposed letter regarding File No. 12058 regarding Maionchi V. Recreation and Park to be heard by the SOTF on November 5, 2014.

Member Pilpel acknowledged the contributions of the following individuals:

The passing of Michael Harris, Former Chronicle investigator and writer of “Your Secret Government” that inspired the Brown Act;
The passing of Bill German, editor at the San Francisco Chronicle;
Ben Bradley, Washington Post;
The closing of the Bay Guardian.

Member David acknowledged the contribution and passing of Ted Gullickson, tenant organizer.

12. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:47 p.m.

APPROVED: 12/3/2014



**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.