



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

September 2, 2015 - 4:00 PM

Regular Meeting

Seat 1	Vacant	Seat 7	Lee Hepner
Seat 2	Vacant	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

Chair Washburn called the meeting to order at 4:40 p.m. Members Chopra, Haines, and Hyland were absent. There was a quorum.

Agenda Changes:

Brian Browne (Complainant) requested a continuance of Item No. 2 via email.

Items 5, 6 and 8 were withdrawn by Peter Warfield (Complainant).

2. **File No. 15008:** Complaint filed by Brian Browne against the San Francisco Public Utilities Commission 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. (00:04:00 – 00:17:00)

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

Brian Browne (Complainant) was not present at the meeting, but submitted an email request to continue his complaint to a future date. Deborah Chilvers, SFPUC (Respondent) objected to the request for continuance and provided a summary of the department's efforts to satisfy the request of the Complainant.

Member Hepner, seconded by Member Hinze, moved to table the matter.

Public Comment:

Peter Warfield stated that the Task Force has not read the Complainant's email into the record and expressed support for a continuance.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 3 - Chopra, Hyland, Haines

3. **File No. 15094:** Determination of Jurisdiction of the Sunshine Ordinance Task Force over the San Francisco Housing Authority in regards to the complaint filed by John Kelly against the San Francisco Housing Authority for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to a public records request in a timely and/or complete manner. (00:17:00 – 01:13:00)

(The hearing on File No. 15094 is for the purpose of determining if the SOTF has jurisdiction over the San Francisco Housing Authority. If jurisdiction is found, a future hearing date will be scheduled on the merits of the complaint.)

John Kelly (Complainant) provided an overview on the issue of the Task Force's jurisdiction over the San Francisco Housing Authority. Linda Martin, San Francisco Housing Authority, provided their position that the Task Force does not have jurisdiction as the San Francisco Housing Authority is authorized to exist pursuant to California State Law.

Deputy City Attorney Colla commented on the matter.

Member Pilpel, seconded by Member Fischer, moved to find that the Task Force does not have jurisdiction over the San Francisco Housing Authority.

Public Comment:

Peter Warfield expressed support for the Complainant.

The motion FAILED by the following vote:

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

Noes: 1 - Wolf

Absent: 3 - Chopra, Hyland, Haines

Member Fischer, seconded by Member Hinze, moved to find jurisdiction over the San Francisco Housing Authority.

Public Comment:

Peter Warfield express support for the motion to find jurisdiction.

The motion FAILED by the following vote:

Ayes: 0 - None

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

Absent: 3 – Chopra, Hyland, Haines

There being no additional motions, the matter was concluded as the Task Force does not have jurisdiction over the San Francisco Housing Authority.

4. **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)*.

Speakers:

Anonymous asked questions regarding the quorum of the Task Force and the number of votes needed to pass a matter.

Peter Warfield stated that weak Task Force actions causes additional violations and requested that previous violations by departments be listed online.

5. **File No. 15051:** Complaint filed by the Library Users Association against City Librarian Luis Herrera and the San Francisco Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.22, for failure to respond to public records requests in a timely and/or complete manner in regards to the BiblioCommons webinar.

The complaint was withdrawn by the Complainant via email.

6. **File No. 15061:** Complaint filed by the Library Users Association against City Librarian Luis Herrera and the San Francisco Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.22, for failure to respond to public records requests in a timely and/or complete manner in regards to BiblioCommons webinar and other associated records.

The complaint was withdrawn by the Complainant by email.

7. **File No. 15081:** Complaint filed by the Library Users Association against City Librarian Luis Herrera 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. *(01:13:00 – 01:26:00)*

Member Hepner, 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: 3 – Chopra, Hyland, Haines

Peter Warfield (Complainant) requested a continuance of the complaint. Sue Blackman, Public Library, objected to the additional continuance of the complaint.

Member Wolf, seconded by Member Fischer, move to continue the matter to the call of the Chair.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 4 - Wolf, Fischer, Hinze, Washburn

Noes: 2 – Pilpel, Hepner

Absent: 3 – Chopra, Hyland, Haines

Chair Washburn tentatively scheduled the complaint to be heard on November 4, 2015.

8. **File No. 15082:** Complaint filed by the Library Users Association against City Librarian Luis Herrera and the San Francisco Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, 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 other related communications.

The complaint was withdrawn by the Complainant by email.

9. **File No. 15098:** Complaint filed by Anonymous against Karen Strauss and the San Francisco Public Library 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. (01:26:00 – 02:20:00)

Member Hepner, 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: 3 – Chopra, Hyland, Haines

Anonymous (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, Commission Secretary, and Michael Lambert, Deputy City Librarian, Public Library (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 Colla commented on the matter.

Public Comment:

Peter Warfield suggested additional violations of the Sunshine Ordinance and commented on what is a public record.

Member Pilpel, seconded by Member Hepner, moved to find a violation of Administrative Code (Sunshine Ordinance), Section 67.21(c), for failure to assist a requester in identifying the existence, form and nature of any records maintained by, available to, or in the custody of the department and whether or not the content of those records are exempt from disclosure.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 3 – Chopra, Hyland, Haines

Member Pilpel, seconded by Member Hepner, moved to find a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 3 – Chopra, Hyland, Haines

Member Pilpel suggested that a hearing be opened to discuss the Public Library's Privacy Policy.

10. **File No. 14030: Amendments to the Sunshine Ordinance Task Force Complaint Procedures.** (02:20:00 – 02:40:00)

The Task Force discussed the proposed amendments to the Task Force Complaint Procedures and reviewed suggestions submitted by members of the public.

Member Pilpel, seconded by Member Hepner, moved to continue the matter to the next meeting of the Task Force.

Public Comment:

Peter Warfield stated that the amendments are bylaw changes that require noticing prior to adoption and that too much discretion is provided to the staff of the Task Force.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 3 – Chopra, Hyland, Haines

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

The Task Force discussed the Annual Report and timeline for completion.

Member Pilpel, seconded by Member Hinze, moved to continue the matter to the next meeting of the Task Force.

Public Comment:

None.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 3 – Chopra, Hyland, Haines

12. Approval of minutes from the Sunshine Ordinance Task Force August 5, 2015, meetings.

The Task Force reviewed the draft minutes and provided amendments.

Member Pilpel, seconded by Member Hepner, moved to approve the August 5, 2015, 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: 3 – Chopra, Hyland, Haines

13. Administrator’s Report and Communications.

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

The Task Force discussed the communications from Alvin Johnson and requested that a hearing be set to take action on his requests and/or complaints submitted by Alvin Johnson. Mr. Johnson and the affected departments will be notified and invited to attend.

Public Comment:

None.

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

Chair Washburn announced that the League of Women Voters is considering volunteering to organize meetings with stakeholders to creation a ballot measure for November 2016 in regards to amendments to the Sunshine Ordinance.

15. **ADJOURNMENT**

There being no further business the meeting was adjourned at 8:08 p.m.

APPROVED: October 7, 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.