



# 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 23, 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 – <b>Vice Chair</b>
Seat 4	(Vacant)	Seat 10	Louise Fischer
Seat 5	Allyson Washburn - <b>Chair</b>	Seat 11	Bruce Oka (Hold Over)
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 4:06 p.m. Members Winston, Wolf, Hepner and Oka were noted absent. There was a quorum. Member Wolf was noted present at 4:17 p.m.

There were no agenda changes.

### 2. **File No: 14085: Supervisor of Records Report - October 1, 2012, to December 31, 2013.** (00:02:25- 00:18:00)

Gabriel Zitrin, City Attorney's Office, presented the Supervisor of Records Report and responded to questions from the Task Force. Deputy City Attorney Julie Friedlander is the current Supervisor of Records.

**Member Hyland, seconded by Member Pilpel, moved to file the matter.**

Public Comment:

Thomas Picarello expressed concern that the Office of the City Attorney did not issue any orders to departments and believes a conflict of interest exists.

**The motion passed by the following vote:**

Ayes: 7 – Rumold, Wolf, Pilpel, David, Fischer, Hyland, Washburn

Noes: 0 – None

Absent: 3 - Winston, Hepner, Oka

File No. 13030 and 13076 were heard concurrently.

3. **File No. 13030:** Complaint filed by Charles Pitts against the Community Housing Partnership and the Human Services Agency, as the city agency/department which 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. (00:18:00- 01:17:00)

*(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.)*

Actions and comments regarding File No. 13030 are listed below with File No. 13076.

4. **File No. 13076:** Complaint filed by Charles Pitts against the Community Housing Partnership and the Human Services Agency, as the city agency/department which 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. (00:18:00- 01:17:00)

*(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.)*

**Member Pilpel, seconded by Member Hyland, moved to find jurisdiction of File No. 13030 and 13076.**

Public Comment:  
None.

**The motion passed without objection.**

Charles Pitts (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Diane Christensen and David Curto, Human Services Agency (HSA), and Monique Kennedy and Kelly Wilkerson, Community Housing Partnership (CHP), (Respondents), 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.

Member Pilpel suggested that the questions regarding the operating procedures of the Community Housing Partnership are not under the jurisdiction of the SOTF.

**Member Hyland, seconded by Member Pilpel, moved to authorize Member Pilpel, to draft an advisory letter on behalf of the SOTF to include the following at a minimum:**

1. Request that the HSA and/or CHP provide financial packet to Mr. Pitts even though it may be duplicative.
2. Request that the CHP, even though it is not required pursuant to Administrative Code, Chapter 12L, provide the ledger of expenses for the last 12 months.

**The review and/or approval of the draft advisory letter shall be scheduled for the next available SOTF meeting (October 28, 2014).**

Public Comment:

Thomas Picarello stated that the Human Services Agency response was not provided in a timely manner and summarized the Administrative Code, Chapter 12L process.

Jonathan Germain stated the Human Services Agency does not conduct business in a transparent manner.

**The motion passed by the following vote:**

Ayes: 7 – Rumold, Wolf, Pilpel, David, Fischer, Hyland, Washburn

Noes: 0 – None

Absent: 3 - Winston, Hepner, Oka

5. **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. (01:17:00- 01:28:00)

Jonathan Germain expressed concern regarding the conduct of SOTF Member Winston and requests that recusal of Member Winston on various matters.

Mr. Joshi stated the Member Winston is not willing to be impartial in adjudication SOTF complaints.

Charles Pitts request that a guide be created regarding Administrative Code Chapter 12L.

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 which is a party to and/or is the administrator of the nonprofit organization's contract, for allegedly violating Administrative Code, Chapter 12L.4 for failing to provide an agenda and adequate notice for the CHP meeting of May 27, 2014. (01:28:00- 02:12:00)

*(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.)*

**Member Hyland, seconded by Member Rumold, moved to find jurisdiction of File No. 14055.**

Diane Christensen contested the jurisdiction of the SOTF.

Public Comment:

None.

**The motion passed without objection.**

Thomas Picarello (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. David Curto and Diane Christensen, Human Services Agency, and Ramona Wilson and Kelly Wilkerson, Community Housing Partnership, (Respondents), 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.

Member Hyland made a motion finding the Community Housing Partnership in violation of the Administrative Code, Chapter 12.4 for failing to notice a public meeting. The motion failed due to a lack of a second.

**Member Pilpel, seconded by Member Wolf, moved to authorize Member Pilpel, to draft an advisory letter stating the position of the Sunshine Ordinance Task Force (SOTF). Review of the draft advisory letter shall be scheduled for the next available SOTF meeting (October 28, 2014) pursuant to Administrative Code, Chapter 12L.**

The letter should include the following suggestions:

1. Include the year information in the date of meeting
2. Even though it is not required, place the agenda on the website
3. State that the Human Services Agency has volunteered to monitor compliance with Administration Code, Chapter 12L.
4. Suggested that the makeup meetings are allowable and that addition public meetings should be held as a precaution.

Public Comment:

Charles Pitts requested that the SOTF write a guide regarding Administrative Code, Chapter 12L.

**The motion passed by the following vote:**

Ayes: 7 – Rumold, Wolf, Pilpel, David, Fischer, Hyland, Washburn

Noes: 0 – None

Absent: 3 - Winston, Hepner, Oka

**The meeting was recessed from 6:19 p.m. to 6:31 p.m.**

7. **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. (02:12:00- )

**Member Pilpel, seconded by Member Rumold, moved to find jurisdiction of File No. 14058.**

Diane Christensen, HSA, contested the jurisdiction of the SOTF and stated that the City Attorney's Office has provided advice that the requested record is protected as a medical record.

Mikel Jaye, stated the 30 Street Senior Center is not a medical facility and their records cannot be considered medical in nature.

Public Comment:  
None.

**The motion passed without objection.**

Mikel Jaye (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Diane Christensen, David Curto, and Ria Mercado, Human Services Agency (Respondents), 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.

Mr. Curto stated that the Human Services Agency, pending the provision of the Power of Attorney for Mr. Jaye, will work with On-Lok to obtain the requested public records and provide them to Mr. Jaye. The request records are:

1. Log pages related to Mr. Jaye's mother.
2. Case Manger's report related.
3. Documentations of referrals
4. All other records related to Mr. Jaye's mother.

**Member David, seconded by Member Rumold, moved to Continued to October 28, 2014.**

Public Comment:  
None.

**The motion passed by the following vote:**

Ayes: 7 – Rumold, Wolf, Pilpel, David, Fischer, Hyland, Washburn  
Noes: 0 – None  
Absent: 3 - Winston, Hepner, Oka

8. **Sunshine Ordinance Task Force - Complaint Procedures - Review and Possible Amendments.**

Member Fischer provided a summary of the Rules Committee recommendations regarding the Bylaws and Complaint Procedures.

The following issues were discussed:

Member Rumold suggested that new procedures be implemented as a pilot project.

Vice-Chair Hyland suggested that all committees take on the name of the Complaint Committee as needed.

Quorum for decisions.

Attendance Policy for SOTF meetings.

Standardizing Actions of the Task Force

**Member Wolf, seconded by Member Hyland, moved to Continue the Matter to the Call of the Chair.**

Public Comment:

None.

**The motion passed by the following vote:**

Ayes: 7 – Rumold, Wolf, Pilpel, David, Fischer, Hyland, Washburn

Noes: 0 – None

Absent: 3 - Winston, Hepner, Oka

9. **Sunshine Ordinance Task Force Committee Meeting Schedule.**

Administrator Young, SOTF, summarized possible changes to the schedule of the SOTF and the committees.

**Member Hyland, seconded by Member Wolf, moved to:**

1. Change the start time of the Education Outreach and Training Committee Meeting from 3:00 PM to 4:00 PM.
2. Change the schedule of the Complaint Committee to meet as needed with a variable membership.

Public Comment:

None.

**The motion passed by the following vote:**

Ayes: 7 – Rumold, Wolf, Pilpel, David, Fischer, Hyland, Washburn

Noes: 0 – None

Absent: 3 - Winston, Hepner, Oka

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

Chair Washburn will be unable to attend the October 28, 2014, and November 5, 2014, meeting of the SOTF.

Member Rumold will be unable to attend the October 28, 2014, meeting of the SOTF.

Public Comment:

None.

11. **ADJOURNMENT**

**There being no further business the meeting was adjourned at 8:37 p.m.**

**APPROVED: 11/5/14**



**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.

web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)