



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 4, 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 4:12 p.m. Members Washburn, David and Sims were noted absent. There was a quorum. Members Sims was noted present at 4:25 p.m.

Acting Administrator Victor Young announced a request that File No. 12059 (Item 6) be continued, was received from both the Complainant and Respondent.

Member Knee, seconded by Member Hyland, moved to accept the Complainant's and Respondent's request for continuance of File No. 12059 with corrections to the title and CONTINUE to October 2, 2013.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 6 – Knee, Pilpel, Hyland, Oka, Fischer, Grant

Absent: 3 – Washburn, Sims, David

Noes: 0

2. Election of Chair and Vice Chair - Election of Officers; per Article II, Section 3 of the By-Laws.

Vice-Chair Fischer, acting as Chair Pro Tem, requested nominations by the SOTF for the position of Chair.

Member Pilpel, seconded by Member Knee, nominated Member Grant to the position of Chair.

Public Comment:

Ray Hartz, Jr. suggested that the Task Force delay the election of officers to allow all members a chance to participate in the selections.

Member Grant was elected to the position as Chair of the SOTF by the following vote:

Ayes: 6 – Knee, Pilpel, Sims, Hyland, Fisher, Grant

Noes: 1 - Oka

Absent: 2 – Sims, David

Chair Grant assumed the position of Chair of the SOTF and requested nominations by the SOTF for the position of Vice-Chair.

Member Knee, seconded by member Pilpel, nominated Louise Fischer to the position of Vice-Chair of the SOTF.

Public Comment:

None.

Kitt Grant was elected to the position as Chair of the SOTF by the following vote:

Ayes: 7 – Knee, Pilpel, Sims, Hyland, Oka, Fisher, Grant

Absent: 2 – Sims, David

3. **File No. 12056:** The Compliance and Amendments Committee has referred File No. 12056, Allen Grossman against John St. Croix, Executive Director, Ethics Commission for allegedly failing to justify withholding unidentified public records as exempt under provisions of the Sunshine Ordinance.

Allen Grossman (Complainant) provided an overview of the complaint and further requested the Task Force to find violations. There were no speakers in support of the Complainant. John St. Croix, Executive Director, Ethics Commission (Respondent), provided an overview of the Ethics Commission defense and requested the Task Force to dismiss the complaint. 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. Respondent provided a rebuttal. The Complainant provided a rebuttal and further requested the Task Force to find violations.

Member Knee, seconded by Member Hyland, moved to find John St. Croix, Executive Director, Ethics Commission, in violation of the Sunshine Ordinance and to refer the complaint to the Board of Supervisors and the Ethics Commission for procedural actions to remedy the violations.

Public Comment:

Ray Hartz expressed support with the motion and agreed that documents should be reviewed thoroughly before being exempted; Female Speaker expressed concerns with Ethics Commission staff.

The motion PASSED by the following vote:

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

Noes: 1 – Pilpel

Absent: 2 – Washburn, David

4. Public Comment:

Ray Hartz expressed concern that the Education, Outreach and Training committee has not yet communicated with Clerk of the Board in regards to including a 150 word summary in the Board of Supervisors minutes and file additional complaints; Allen Grossman expressed concern over the lack of members at SOTF meeting to give the public a fair hearing and requested changes to the '6 vote rule'; Dominic Maionchi express concerns over statements made before the Ethics Commission and retention of sent e-mails from city officials; Female Speaker expressed concerns with the actions of the Ethics Commission staff during her office visit; James Chaffee expressed concerns of the Sunshine bill of Rights and the conduct of members of the SOTF.

- 5. 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 and further requested the Task Force to find violations. There were no speakers in support of the Complainant. Olive Gong, Recreation and Park Department, (Respondent), provided an overview of the Recreation and Park Department defense and requested the Task Force to dismiss the complaint. 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. Respondent provided a rebuttal. The Complainant provided a rebuttal and further requested the Task Force to find violations.

Member Sims, seconded by Member Pilpel, moved to continued to October 2, 2013, and to notice Phil Ginsberg, General Manager, and Ms. Ballard, Recreation and Park Department, directly of the meeting.

Public Comment:

Ray Hartz expressed that notices to departments is the same as noticing the department head.

The motion PASSED by the following vote:

Ayes: 7 – Knee, Pilpel, Sims, Hyland, Oka, Fischer, Grant

Absent: 2 – Washburn, David

6. **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.

This item was continued to the October 2, 2013, meeting of the SOTF under 'Agenda Changes'

7. **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.

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

Public Comment:

None.

The motion PASSED without objection.

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 and requested the Task Force to dismiss the complaint. There were no speakers who offered facts and evidence in support of the Respondent. A question and answer period followed. The Respondent did not provide a rebuttal. The Complainant provided a rebuttal and further requested the Task Force to find violation.

Member Pilpel, seconded by Member Knee, moved to continue the item to October 2, 2013, to allow the Assessor/Recorder's Office to perform additional research.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 – Knee, Pilpel, Sims, Hyland, Oka, Fischer, Grant

Absent: 2 – Washburn, David

MEETING RECESS - 6:24 p.m. to 6:33 p.m.

8. **File No. 13017:** Complaint filed by William Clark against the Office of the City Attorney for allegedly failing to provide a response to a records request regarding communications between the Arts Commission and Office of the City Attorney concerning time billing for FY 2010-2011.

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

Public Comment:

None.

The motion PASSED without objection.

William Clark (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Jack Song, City Attorney's Office, (Respondent), provided an overview of the Office of the City Attorney defense and requested the Task Force to dismiss the complaint. There were no speakers who offered facts and evidence in support of the Respondent. A question and answer period followed. The Respondent did not provide a rebuttal. The Complainant provided a rebuttal and further requested the Task Force to find violation.

Member Knee, seconded by Member Hyland, moved to find Jack Song, City Attorney's Office, in violation of Sunshine Ordinance Section 67.21(e) due to his absence from the meeting prior to the conclusion.**Public Comment:**

Robert Clark and Female Speaker expressed concern that there was not a representative from the City Attorney's Office to answer questions.

The motion FAILED by the following vote:

Ayes: 3 – Knee, Hyland, Oka

Noes: 4 – Pilpel, Sims, Fischer, Grant

Absent: 2 – Washburn, David

Public Comment:

Robert Clark expressed various concerns; Female Speaker expressed concerns over the record keeping methods of the City Attorney Office.

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

9. **File No. 13019:** Complaint filed by Michael Petrelis against the Office of the District Attorney for allegedly violating Sunshine Ordinance section 67.29-6; failing to disclose statements regarding financial interest with the City from donors. (*attachment*)

Michael Petrelis (Complainant) did not appear for the hearing. There were no speakers in support of the Complainant. Katie Miller, District Attorney's Office, (Respondent), stated that the District Attorney had provided their argument in writing and was opposed to a continuance. There were no speakers who offered facts and evidence in support of the Respondent.

Member Sims, seconded by Member Oka, moved to continue the item to October 2, 2013.**Public Comment:**

None.

The motion FAILED by the following vote:

Ayes: 3 – Knee, Sims, Oka

Noes: 4 – Pilpel, Hyland, Fischer, Grant

Absent: 2 – Washburn, David

Member Knee, seconded by Member Hyland, moved to table the item.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – Knee, Sims, Hyland, Oka

Noes: 4 – Pilpel, Fischer, Grant

Absent: 2 – Washburn, David

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

Member Pilpel, seconded by Member Knee, moved to CONTINUE Items 10 through 15, to the October 2, 2013, meeting.

Public Comment: None.

The motion PASSED without objection.

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

Member Pilpel, seconded by Member Knee, moved to CONTINUE Items 10 through 15, to the October 2, 2013, meeting.

Public Comment: None.

The motion PASSED without objection.

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

Member Pilpel, seconded by Member Knee, moved to CONTINUE Items 10 through 15, to the October 2, 2013, meeting.

Public Comment: None.

The motion PASSED without objection.

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

Member Pilpel, seconded by Member Knee, moved to CONTINUE Items 10 through 15, to the October 2, 2013, meeting.

Public Comment: None.

The motion PASSED without objection.

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

Member Pilpel, seconded by Member Knee, moved to CONTINUE Items 10 through 15, to the October 2, 2013, meeting.

Public Comment: None.

The motion PASSED without objection.

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

Member Pilpel, seconded by Member Knee, moved to CONTINUE Items 10 through 15, to the October 2, 2013, meeting.

Public Comment: None.

The motion PASSED without objection.

16. Report: Compliance and Amendments Committee meeting of August 20, 2013.

Member Knee provided a summary of the Compliance and Amendments Committee meeting of August 20, 2013.

Speakers: None.

17. Administrator's Report.

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

18. Announcements, Comments, Questions, and Future Agenda Items

Member Knee stated that he will be unavailable from September 13, 2013, to September 27, 2013; expressed concern of the vacancies of seats 1 and 4 of the SOTF and request that action be taken to request the positions be filled.

Member Pilpel stated that a special meeting of the Education, Outreach and Training Committee has been scheduled for September 16, 2013, at 3:00 p.m.

19. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:38 p.m.

APPROVED: April 30, 2014



**Victor Young
Administrator
Sunshine Ordinance Task Force**