



SUNSHINE ORDINANCE TASK FORCE
Compliance and Amendments Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

May 15, 2012 – 4:00 PM

Regular Meeting

Members: Allyson Washburn (Chair),
Richard Knee, Bruce Wolfe, Hope Johnson

1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES (00:00:00 - 00:08:46)

The meeting was called to order at 4:01 p.m. Member Johnson was noted absent.

Chair Washburn announced that File No. 11058 - Nick Pasquariello v Film Commission (Item 7) was withdrawn by the Complainant.

Member Knee, seconded by Member Wolfe, moved to accept the agenda changes.

The motion PASSED by the following vote.

Ayes: 3 – Knee, Wolfe, Washburn

Absent: 1 - Johnson

2. Adoption of February 21, 2012, special meeting minutes. (00:08:47 - 00:17:00)

Member Wolfe, seconded by Member Knee, moved to approve the February 21, 2012 Minutes as Amended.

Speakers: There were no speakers.

The motion PASSED by the following vote.

Ayes: 3 – Knee, Wolfe, Washburn

Absent: 1 - Johnson

3. Adoption of March 20, 2012, regular meeting minutes. (00:17:00 - 00:19:08)

Member Wolfe, seconded by Member Knee, moved to approve the March 20, 2012 Minutes as Amended.

Speakers: There were no speakers.

The motion PASSED by the following vote.

Ayes: 3 – Knee, Wolfe, Washburn

Absent: 1 - Johnson

4. **Adoption of March 29, 2012, special meeting minutes.** (00:19:08 - 00:24:43)

Member Knee, seconded by Member Wolfe, moved to approve the March 29, 2012 Minutes as Amended.

Speakers: There were no speakers.

The motion PASSED by the following vote.

Ayes: 3 – Knee, Wolfe, Washburn

Absent: 1 - Johnson

5. **Adoption of April 17, 2012, regular meeting minutes.** (00:24:45 - 00:33:15)

Member Wolfe, seconded by Member Knee, moved to approve the April 17, 2012 Minutes as Amended.

Speakers: There were no speakers.

The motion PASSED by the following vote.

Ayes: 3 – Knee, Wolfe, Washburn

Absent: 1 - Johnson

6. Proposed Sunshine Ordinance amendment regarding electronic document backup, storage and retrieval. (00:33:12 - 01:22:54)

Member Knee presented amendments, drafted by Members Wolfe and Costa. Member Wolfe provided an overview of the proposed amendment. Discussion followed over the use of word “organic” versus “original” in the proposed amendment. Members stated that the Ordinance should be written in layman’s terms and legible.

Speakers: Jason Grant Garza spoke in opposition to the interpretation of the amendments. Ray Hartz, Jr. spoke expressing opposition to the use of the word organic in the amendments. David Pilpel expressed the terms need refining due to ambiguity.

Member Wolfe will draft a letter to the Deputy City Attorney, Jerry Threet, regarding this item and how to proceed in amending the Ordinance.

Member Knee, seconded by Member Wolfe, moved to refer the proposed Sunshine Ordinance amendment to the Task Force.

The motion PASSED by the following vote.

Ayes: 3 – Knee, Wolfe, Washburn

Absent: 1 - Johnson

7. **File No. 11058:** Continued hearing on the status of the November 29, 2011, Order of Determination of Nick Pasquariello v Film Commission.

Withdrawn by Complainant. See item No. 1, Agenda Changes.

8. **File No. 11081:** Continued hearing on the matter of scheduling a HIPAA (Health Insurance Portability and Accountability Act) expert to discuss a matter related to Jason Grant Garza v Department of Public Health. (01:23:01 - 01:35:22)

Member Wolfe stated the Order of Determination included instructions to obtain a HIPAA expert in order to educate the Committee in handling similar future complaints.

Member Knee, seconded by Member Wolfe, moved to CONTINUE to the CALL of the CHAIR.

Speakers: Peter Warfield expressed a HIPAA expert should be obtained. Jason Grant Garza expressed opposition to the Members interpretation of the Order of Determination.

The motion PASSED without objection.

9. **File No. 11098:** Hearing on complaint filed by Ray Hartz, Jr. against Luis Herrera, City Librarian for allegedly not including a brief written summary of comments into the minutes. (01:36:23 -01:54:32)

Ray Hartz (Complainant) provided an update of the complaint and responded to questions raised throughout the discussion. There were no speakers in support of the Complainant. The Respondent was not present to provide an update and respond to questions. There were no speakers in support of the Respondent. A question and answer period followed. Complainant provided a rebuttal.

Member Knee, seconded by Member Wolfe, moved to refer the matter to the Task Force with a recommendation that it be forwarded to the Ethics Commission.

Speakers: Peter Warfield spoke in support of the Complainant.

The motion PASSED by the following vote.

Ayes: 3 – Knee, Wolfe, Washburn

Absent: 1 - Johnson

10. **File No. 12001:** Hearing on complaint filed by the Library Users Association against the Arts Commission for allegedly redacting requested speaker cards information. (01:54:33 - 02:21:31)

Peter Warfield (Complainant) provided an update of the complaint and responded to questions raised throughout the discussion. There were no speakers in support of the Complainant. Kate Patterson (Respondent) provided an update and responded to questions

raised throughout the discussion. There were no speakers in support of the Respondent. A question and answer period followed. Respondent provided a rebuttal. Complainant provided a rebuttal.

The Respondent stated that the Arts Commission will provide a written statement, explaining why it will not release the information requested by the Complainant.

Member Knee, seconded by Member Wolfe, moved to refer the matter to the Task Force with a recommendation that it be forwarded to the Ethics Commission.

Speakers: Ray Hartz, Jr. spoke recommending that the complaint be referred to the Education, Outreach and Training Committee.

The motion PASSED by the following vote.

Ayes: 3 – Knee, Wolfe, Washburn

Absent: 1 - Johnson

11. **Public Comment** Members of the public may address the Compliance and Amendments Committee on matters that are within Sunshine Ordinance Task Force's jurisdiction but not on today's agenda. (01:11:02 - 01:23:00)

Speakers: Jason Garza, spoke expressing concern with his open complaints and additional records pertaining to his complaints. Ray Hartz, Jr. provided a presentation regarding his document request for the public library and donations made by Friends of the Library. Peter Warfield spoke in regard to the Sunshine Ordinance Task Force's ability to serve the public. David Pilpel suggested follow-up with the Ethics Commission for transition with the new Members of the Task Force.

12. **Administrator's Report** (2:21:00 - 2:30:21)

The Administrator presented the report.

Speaker: Peter Warfield spoke requesting additional detail in the Administrators report.

Member Wolfe spoke expressing opposition to speaker Peter Warfield's comment. Member Wolfe explained that the Administrator's Report is a report directed to the Task Force and its Committees and not the public.

13. **Announcements, Comments, Questions, and Future Agenda Items** (02:30:22)

Member Knee suggested appointing a new Member as the contact person on the proposed amendments to the Sunshine Ordinance to ensure it makes the ballot. Member Wolfe advised that the Rules Committee should take up Jason Grant Garza's issues pertaining to the Task Force's rulings of his complaints. Member Wolfe requested that the minutes of February 10, 2012 mark him as out on medical leave and not as absent.

Speakers: Ray Hartz, Jr. expressed Sunshine Ordinance section referring to 150-word summary. Peter Warfield expressed concern with having deadlines for complainants and respondents to submit additional documents.

14. **ADJOURNMENT**

Member Knee, seconded by Member Wolfe, moved to ADJOURN.

There were no speakers. **The motion PASSED without objection.**

There being no further business, the Compliance and Amendments Committee adjourned at the hour of 6:45 p.m.

APPROVED: February 19, 2013



Andrea Ausberry, Administrator
Sunshine Ordinance Task Force