



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

June 3, 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 Allyson Washburn called the meeting to order at 4:08 p.m. Members Wolf and Chopra were noted absent. There was a quorum.

There were no agenda changes.

Member Hepner disclosed that he has previously made donations to Supervisor David Campos' campaign and indicated that he could remain impartial in the process of adjudicating the following complaints.

Member Fischer disclosed that she has previous made donations to President London Breed's and indicated that she could remain impartial in the process of adjudicating the following complaints.

- File No. 15029:** Complaint filed by Michael Petrelis against Angela Calvillo, Clerk of the Board, President London Breed and Supervisor David Campos, Board of Supervisors, 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. (00:03:00 - 01:18:00)

Member Hepner, seconded by Member Fischer, moved to find jurisdiction.

Public Comment:

None

The motion PASSED by the following vote:

Ayes: 7 - Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Chopra, Wolf

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. Wilson Ng, Records Manager, Clerk of the Board's Office, and Carolyn Goossen, Legislative Aide to Supervisor David Campos, (Respondents), provided a summary of the department's position. Mr. Ng stated that the department responded in a timely manner to request clarification but did not receive a response from the Complainant. President Breed's Office did not send a representative to the meeting. 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 Nicholas Colla commented on the matter.

Upon discussion the Complainant agreed to clarify and limit his request to the following:

- The request for records directed to Angela Calvillo, Clerk of the Board, shall be refined to limit the request to sent emails by former Supervisor David Chiu for the month of January 2014;
- The request for records directed to Supervisor David Campos has been satisfied and no other actions are required;
- The request for records directed to President London Breed, Board of Supervisors, shall be refined to limit the request to sent emails by President Breed for the month of January 2014.

In addition the Task Force requests that a copy of the department's redaction policy be provided for review.

Member Hepner, seconded by Member Hyland, moved to find President London Breed, Board of Supervisors, in violation of Administrative Code (Sunshine Ordinance), Section 67.21(e), for failure to send a knowledgeable representative to the Task Force hearing.

Member Pilpel, moved to continue the matter to the call of the chair. Due to the lack of a second, the motion failed.

Public Comment:

Ray Hartz stated that the Respondents did not act in good faith and failed to negotiate/clarify the request with the complainant and provided an overview of the Immediate Disclosure Request procedure.

Thomas Picarello expressed his support for the motion and stated that the Rules of Reason is not applicable.

Peter Warfield commented on the allowable redactions and stated that the Rule of Reason is not applicable.

The motion PASSED by the following vote:

Ayes: 7 - Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Chopra, Wolf

Member Pilpel, moved continue the remainder of the matter to the call of the chair. Due to the lack of a second, the motion failed.

Chair Washburn referred the matter to the Compliance and Amendments Committee. The Task Force requests that Presidents Breed sends a knowledgeable representative to the committee meeting to discuss the lack of a response and public records pursuant Immediate Disclosure Request submitted by the Complainant. The Task Force requests that the Clerk of the Board continue to work with the Complainant to provide the revised requested records and provide an update to the Task Force. Supervisor Campos has complied with the Immediate Disclosure Request and does not need to provide any additional documents.

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. (01:18:00 - 01:30:00)

Speakers:

Michael Petrelis stated that the members of the Task Force should have a time limit to discuss complaints.

Ray Hartz stated that the Task Force discussions are too long and further stated that the Task Force should only determine if a violation occurred.

Peter Warfield stated that the Robert's Rules of Order addresses time limits for members and further stated that the Task Force is not complying with the requirement to provide a determination within 45 days.

Thomas Picarello welcomed Member Haines to the Task Force and questioned why the Board of Supervisors has so many items on the agenda.

Larry Edmonds comments on various issues.

4. **File No. 15060:** Complaint filed by Michael Petrelis against President London Breed, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, for failure to respond an Immediate Disclosure Request for public records in a timely and/or adequate manner. (01:30:00 - 02:20:00)

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

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 - Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Chopra, Wolf

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. There were no representative present from President London Breed's Office (Respondent). The Respondent did provide a response via email stating that the Immediate Disclosure Request was responded to in a timely manner. Wilson Ng, Records Manager, Office of the Clerk of the Board, spoke in support of the Respondent. A question and answer period followed. The Complainant provided a rebuttal.

Member Hepner, seconded by Member Hyland, moved to find a violation of Administrative Code (Sunshine Ordinance), Section 67.21(e), for failure to send a knowledgeable representative to the Task Force hearing.

Public Comment:

Peter Warfield does not believe that President Breed does not maintain a calendar. Ray Hartz stated that somebody must be keeping a calendar for President Breed if she is not keeping one herself.

Thomas Picarello expressed support for the motion.

Larry Edmonds commented on various issues.

The motion PASSED by the following vote:

Ayes: 7 - Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Chopra, Wolf

Chair Washburn referred the matter to the Compliance and Amendments Committee and requests that President Breed send a representative to the committee for discussion on the alleged violation as the Task Force is not satisfied with the emailed response and the inability to ask questions of the Respondent.

5. **File No. 15038:** Complaint filed by Ray Hartz against President London Breed, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, for failure a response to an Immediate Disclosure Request in a timely and/or complete manner. (02:59:00 - 03:20:00)

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

Public Comment:

Larry Edmonds commented on jurisdiction.
Thelma Johnson commented on jurisdiction.

The motion PASSED by the following vote:

Ayes: 7 - Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn
Noes: 0 - None
Absent: 2 - Chopra, Wolf

Ray Hartz (Complainant) provided an overview of the complaint and requested the Task Force to find violations. Larry Edmonds spoke in support of the Complainant. There wase no representative present from President London Breed’s Office (Respondent). A question and answer period followed. The Complainant provided additional information.

Member Pilpel, seconded by Member Hinze, moved to find President London Breed, Board of Supervisors, in violation of Administrative Code (Sunshine Ordinance), Sections 67.21(e) and 67.25(a), for failure to send a knowledgeable representative to the Task Force hearing and failure to respond to an Immediate Disclosure Request in a timely and complete manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 - Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn
Noes: 0 - None
Absent: 2 - Chopra, Wolf

Chair Washburn referred the matter to the Compliance and Amendments Committee and requests that President Breed send a representative to the committee for discussion on the alleged violation as the Task Force is not satisfied with the lack of a response and the inability to ask questions of the Respondent. In addition, the Respondent is ordered to respond directly to the Complainant in regards to the Immediate Disclosure Request.

6. **File No. 15070:** Complaint filed by Ray Hartz against Supervisor David Campos, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, for failure a response to an Immediate Disclosure Request in a timely and/or complete manner.

Ray Hartz (Complainant) withdrew the compliant.

Public Comment:

None.

7. **File No. 15071:** Complaint filed by Ray Hartz against Supervisor Mark Farrell, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, for failure a response to an Immediate Disclosure Request in a timely and/or complete manner. (3:20:00 - 03:40:00)

Ray Hartz (Complainant) provided an overview of the complaint and requested the Task Force find violations. There were no speakers in support of the Complainant. There was no representative present from Supervisor Mark Farrell's Office (Respondent). Supervisor Farrell submitted a letter indicated that he does not have any records responsive to the request. A question and answer period followed. The Complainant provided additional information.

Member Pilpel, seconded by Member Hinze, moved to find Supervisor Mark Farrell, Board of Supervisors, in violation of Administrative Code (Sunshine Ordinance), Sections 67.21(e) and 67.25(a), for failure to send a knowledgeable representative to the Task Force hearing and failure to respond to an Immediate Disclosure Request in a timely and complete manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 - Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Chopra, Wolf

Chair Washburn referred the matter to the Compliance and Amendments Committee and requests that Supervisor Farrell send a representative to the committee for discussion on the violation as the Task Force is not satisfied with the written response and the inability to ask questions of the Respondent. In addition, the Respondent is ordered to provide a response directly to the Complainant in regards to the Immediate Disclosure Request.

8. **File No. 15072:** Complaint filed by Ray Hartz against Supervisor Eric Mar, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, for failure a response to an Immediate Disclosure Request in a timely and/or complete manner. (02:20:00 - 02:59:00)

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

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 - Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Chopra, Wolf

Ray Hartz (Complainant) provided an overview of the complaint and requested the Task Force to find violations. Thelma Johnson and Larry Edmonds spoke in support of the Complainant. Victor Lim, Legislative Aide to Supervisor Eric Mar (Respondent), provided a summary of the department's position. Mr. Lim acknowledged that the response to the Immediate Disclosure Request was not provided to the Complainant and that steps have been taken to ensure that the oversight does not occur again. There were no speakers in support of the Complainant. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal.

Member Pilpel, seconded by Member Hyland, moved to find Supervisor Eric Mar in violations of Administrative Code (Sunshine Ordinance), Section 67.25(a) for failure to respond to an Immediate Disclosure Request.

Member Hyland, seconded by Member Hinze, moved to find Supervisor Eric Mar in violation of Administrative Code (Sunshine Ordinance), Section 67.29-7 for failure to maintain records in a professional manner.

Public Comment:

Michael Petrelis stated that the members of the Board of Supervisors were recently authorized to hire a third aide to assist with office workload. The non-compliance with the request should be considered a willful violation.

The motion to find a violation of Administrative Code, Section 67.25(a), PASSED by the following vote:

Ayes: 7 - Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Chopra, Wolf

The motion to find a violation of Administrator Code, Section 67.29-7 FAILED by the following vote:

Ayes: 4 - Hepner, Hinze, Hyland, Washburn

Noes: 3 - Pilpel, Haines, Fischer

Absent: 2 - Chopra, Wolf

Chair Washburn referred the matter to the Education, Outreach, and Training Committee to discuss possible methods to prevent future request for public records from being lost. In addition, it is requested that the Clerk of the Board distribute any recommendations that may result from the discussion to all members of the Board of Supervisors.

Recommendation from the Complaint Committee.

(The Complaint Committee held hearings to review File Nos. 15022 and 15033 and issued a report and/or recommendation for the SOTF's review. Upon review of the Committee's recommendations the SOTF shall: 1) accept the recommendation of the Committee; or 2) schedule the complaint for a hearing before the SOTF at a future date.

9. **File No. 15022:** Complaint filed by Michael Petrelis against President London Breed, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21(l), for failure to make records available in any form requested that is easily generated.

(The Complaint Committee determined that the SOTF has jurisdiction and recommended that the SOTF conclude the matter as no violation of the Sunshine Ordinance has occurred.)

Member Hinze, seconded by Member Fischer, moved to adopt the recommendations of the Complaint Committee and find that no violation of the Sunshine Ordinance occurred.

Public Comment:

Larry Edmonds provided general comments on the matter.

The motion PASSED by the following vote:

Ayes: 7 - Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Chopra, Wolf

10. **File No. 15033:** Complaint filed by Michael Petrelis against Supervisor David Campos, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

(The Complaint Committee determined that the SOTF has jurisdiction and recommended that the SOTF conclude the matter as no violation of the Sunshine Ordinance has occurred.)

Member Pilpel, seconded by Member Haines, moved to adopt the recommendation of the Complaint Committee and find that no violation of the Sunshine Ordinance occurred.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 - Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Chopra, Wolf

11. **File No. 14030: Amendments the Sunshine Ordinance Task Force By-Laws and/or Complaint Procedures.**

The Sunshine Ordinance Task Force discussed various amendments to the Complaint Procedures.

Member Pilpel, seconded by Member Hinze, moved to continue the matter to the Call of the Chair.

Public Comment:

Larry Edmonds suggested that the meetings should be aired on television.

The motion PASSED by the following vote:

Ayes: 7 - Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Chopra, Wolf

12. **Approval of minutes from the Sunshine Ordinance Task Force May 6, 2015, meetings.**

Member Pilpel, seconded by Member Washburn, moved to approve the minutes as amended.

Public Comment:

Larry Edmonds suggested that the meetings should be aired on television.

The motion PASSED by the following vote:

Ayes: 7 - Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Chopra, Wolf

13. Administrator's Report.

Task Force Administrator Victor Young presented the Administrator's Report.

Public Comment:

Larry Edmonds commented on the Administrator's Report.

Thelma Johnson commented on the Administrator's Report.

No additional actions taken.

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

The Ethic Commission will be reviewing the Task Force referral of File No. 12058 on June 22, 2015, at 5:30 pm

Supervisor Avalos' legislation regarding calendar of election officials will be considered by the Board of Supervisors in the near future.

Ballot Measures are currently being circulated to amend the Sunshine Ordinance.

Public Comment:

Larry Edmonds commented on various issues.

Thelma Johnson commented on various issues.

15. ADJOURNMENT

There being no further business the meeting was adjourned at 9:05 p.m.

APPROVED: July 1, 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.