



# 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

March 2, 2016 - 4:00 PM

## Regular Meeting

Seat 1	Mark Rumold	Seat 7	Vacant
Seat 2	Eric Eldon	Seat 8	Shaun Haines
Seat 3	Josh Wolf	Seat 9	Chris Hyland - <b>Vice Chair</b>
Seat 4	Rishi Chopra	Seat 10	Louise Fischer
Seat 5	Allyson Washburn - <b>Chair</b>	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 4:05 p.m. Members Chopra, Haines, and Hinze were absent. There was a quorum.

There were no agenda changes.

### 2. Welcome and Introduction of Executive Director LeeAnn Pelham, Ethics Commission. (00:01:30 – 00:19:00)

Executive Director LeeAnn Pelham, Ethics Commission, introduced herself and answered questions from the Task Force.

#### Public Comment:

Michael Petrelis commented on his previous experiences with the Ethics Commission regarding complaints, meeting sign in sheets and organizational information listings online.

Nick Paquierello provided general comments.

Peter Warfield commented on the background of Ms. Pelham and expressed his hopes that the Ethics Commission will improve.

No action was taken.

3. **File No. 16006:** Hearing - Proposed amendments and updates to Administrative Code (Sunshine Ordinance), Chapter 67, via Ballot Initiative and/or other avenues.  
(00:19:00 – 01:25:00)

Richard Knee and Bruce Brugmann provided a summary of the proposed amendments to the Sunshine Ordinance via ballot initiative and a timeline for the process.

**Public Comment:**

Peter Warfield noted the lack of Task Force members present and commented on previous attempts to amend the Sunshine Ordinance.

Michael Petrelis requested the Task Force to set time limits on discussion and expressed support for the proposed amendments.

Deputy City Attorney Jerry Threet answered questions related to the matter.

**Vice Chair Hyland, seconded by Member Pilpel, moved to continue the matter to the call of the chair.**

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

Ayes: 7 - Rumold, Eldon, Wolf, Pilpel, Fischer, Hyland, Washburn

Noes: 0 - None

Absent: 3 - Chopra, Haines, Hinze

**Recommendation from the Education, Outreach and Training Committee.**

(The Education, Outreach and Training Committee held a hearing on January 11, 2016, to review File Nos. 15095 15166 and issued a report and/or recommendation for the Sunshine Ordinance Task Force's (SOTF) 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.

4. **File No. 15095:** Complaint filed by Daniel Tomasevich against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.  
(Discussion and Action)

*(The Education, Outreach and Training Committee recommended that the SOTF has jurisdiction and find a violation of Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25.)*

Member Pilpel disclosed that he had a previous discussion with the Complainant regarding general Task Force procedures not specific to this complaint.

The Task Force discussed the recommendation of the Education, Outreach and Training Committee.

**Member Pilpel, seconded by Member Rumold, moved to accept the recommendation of the Education, Outreach and Training Committee and find that Public Works violated Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner and failing to request an extension of time to respond to an Immediate Disclosure Request.**

Public Comment:  
None.

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

Ayes: 7 - Rumold, Eldon, Wolf, Pilpel, Fischer, Hyland, Washburn  
Noes: 0 - None  
Absent: 3 - Chopra, Haines, Hinze

5. **File No. 15166:** Complaint filed by Michael Petrelis against the San Francisco Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 for failure to respond to a request for public records, submitted via Twitter, in a timely and/or complete manner. *(Discussion and Action) (attachment)*  
*(The Education, Outreach and Training Committee recommended that the SOTF has jurisdiction and find there were no violations of Administrative Code (Sunshine Ordinance), Chapter 67.)*

The Task Force discussed the recommendation of the Education, Outreach and Training Committee.

**Vice Chair Hyland, seconded by Member Wolf, moved to accept the recommendation of the Education, Outreach and Training Committee and finds that there was no violation of Administrative Code (Sunshine Ordinance), Chapter 67.**

Public Comment:  
Michael Petrelis (Complainant) expressed his appreciation for the Task Force's effort and provided additional information regarding this complaint.

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

Ayes: 7 - Rumold, Eldon, Wolf, Pilpel, Fischer, Hyland, Washburn  
Noes: 0 - None  
Absent: 3 - Chopra, Haines, Hinze

6. **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.

**Speakers:**

Richard Knee stated that the Society of Professional Journalist, California Chapter will be having it's 31<sup>st</sup> Annual James Madison Award Dinner on March 10, 2016. Mr. Knee stated that additional information is available at: SPJNORCAL.ORG Peter Warfield expressed concern regarding the attendance of Task Force members and provided details regarding his complaints that were not accepted. Nick Pasquirello requested information regarding his previously adjudicated complaint against the Municipal Transportation Agency. (Task Force File No. 15120)

Ann Treboux greeted the Task Force but did not provide comments.

Michael Petrelis stated that the Task Force has an impact on the Police Commission's agenda process. However, he stated that the Police Commission recently allowed a guest to provide comments on matters that were not on the agenda.

7. **File No. 15163:** Complaint filed by Michael Petrelis against Steve Kawa and the Mayor's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to completely comply with a request for the calendar of Chief of Staff, Steve Kawa.

**Member Pilpel, seconded by Vice Chair Hyland, moved to find jurisdiction.**

**Public Comment:**

None.

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

Ayes: 7 - Rumold, Eldon, Wolf, Pilpel, Fischer, Hyland, Washburn

Noes: 0 - None

Absent: 3 - Chopra, Haines, Hinze

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. Kirsten Macaulay and Carl Nicita, Mayor's Office (Respondent), presented the department's position. Ms. Macaulay stated that the Office of the City Attorney approved the Mayor's Records Retention Policy and is aware of the public records request and subsequent complaint Mr. Nicita stated that he will stop deleting Mr. Kawa's calendar every two weeks. There were no speakers in support of the Respondent. A question and answer period followed. The Complainant provided a rebuttal.

Deputy City Attorney Threet answered questions related to the matter.

Member Rumold volunteered to draft a proposed Order of Determination for future consideration by the Task Force listing violations of Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.29-7, and 67.34, by failing to respond to an

Immediate Disclosure Request in a timely and/or complete manner, and willful violations. The Task Force acknowledged that the Respondent is working to comply with Mr. Pretrelis' requests. The Task Force recommends that calendars should be kept for a minimum of two years.

**Member Pilpel, seconded by Vice Chair Hyland, moved to continue the matter to the call of the chair (anticipated to be heard on April 6, 2016).**

Public Comment:

Nick Paquierello requested that his complaint against Steve Kawa be scheduled as soon as possible.

Silvia Johnson provided general comments.

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

Ayes: 7 - Rumold, Eldon, Wolf, Pilpel, Fischer, Hyland, Washburn

Noes: 0 - None

Absent: 3 - Chopra, Haines, Hinze

The Task Force requested copies of Mr. Kawa's current calendar and previous version of the Mayor's Records Retention Policy, and requested that Mr. Kawa attend the next meeting of the Task Force.

8. **File No. 16001:** Complaint filed by Michael Petrelis against Mayor Edwin Lee for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-5, by failing to keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended. (02:46:00 – 03:05:00)

**Member Pilpel, seconded by Member Fischer, moved to find jurisdiction.**

Public Comment:

None.

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

Ayes: 7 - Rumold, Eldon, Wolf, Pilpel, Fischer, Hyland, Washburn

Noes: 0 - None

Absent: 3 - Chopra, Haines, Hinze

Michael Petrelis (Complainant) provided an overview of the complaint and requested the Task Force to find violations. Nick Paquierello and Silvia Johnson spoke in support of the Complainant. Kirsten Macaulay, Mayor's Office (Respondent), presented the department's position and provided a description of the Mayor's Press Calendar and Proposition G calendar. 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 Threet answered questions related to the matter.

Public Comment:

None.

**Due to the lack of a motion, the Task Force found no violations and concluded the matter.**

9. **File No. 16003:** Complaint filed by Jerome Roth on behalf of the Blue Ribbon Panel on Transparency, Accountability and Fairness in Law Enforcement (the “Panel”) against the San Francisco Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.27, by failing to respond to a request for public records in a timely and/or complete manner and failing to provide justification for withholding information. (03:05:00 – 04:39:00)

**Member Pilpel, seconded by Member Rumold, moved to find jurisdiction.**

Public Comment:

Michael Petrelis expressed concerns regarding jurisdiction.

Silvia Johnson provided general comments.

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

Ayes: 7 - Rumold, Eldon, Wolf, Pilpel, Fischer, Hyland, Washburn

Noes: 0- None

Absent: 3 - Chopra, Haines, Hinze

Nicholas Fram on behalf of the Panel (Complainant) provided an overview of the complaint and requested the Task Force to find violations. Mr. Fram stated that there is a lack of a records production timeline and that he disagrees with the authority to withhold certain documents. There were no speakers in support of the Complainant. Sgt. Ciriaco and Sgt. Stacy Youngblood, Police Department (Respondent), presented the department’s position. Sgt. Ciriaco stated that additional time is needed to comply due to the voluminous nature of the request. There were no speakers in support of the Respondent. A question and answer period followed. The Complainant provided a rebuttal.

Deputy City Attorney Threet answered questions related to the matter.

**Member Pilpel, seconded by Member Rumold, moved to find the Police Department in violation of Administrative Code (Sunshine Ordinance), Sections 67.21 (a)(c) and 67.27, by failing to respond to a public records request in a timely manner, failing to provide sufficient assistance to the requester in identifying the existence, form and nature of any records or information maintained, and failing to provide appropriate justification for withholding certain records.**

Public Comment:

Michael Petrelis (Complainant) expressed his appreciation for the Task Force’s efforts and provided additional information regarding the complaint.

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

Ayes: 7 - Rumold, Eldon, Wolf, Pilpel, Fischer, Hyland, Washburn

Noes: 0 - None

Absent: 3 - Chopra, Haines, Hinze

The Task Force requested that Mr. Fram prioritize the list of requested records. The Task Force also requested the Police Department to provide a timeline for producing the remainder of the requested records by Friday, March 4, 2016. The Task Force suggested that it may be advisable to request the Supervisor of Records to review whether or not certain records were properly withheld as the Task Force has not reviewed the documents in question.

Chair Washburn referred the matter to the Education, Outreach and Training Committee's March 14, 2016, meeting to determine if the Police Department has complied with the Task Force's request.

**Vice Chair Hyland, seconded by Member Pilpel, moved to continue items 10, 11, 12, and 13 to the call of the chair.**

Public Comment:

None.

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

Ayes: 7 - Rumold, Eldon, Wolf, Pilpel, Fischer, Hyland, Washburn

Noes: 0 - None

Absent: 3 - Chopra, Haines, Hinze

10. **File No. 14030: Amendments to the Sunshine Ordinance Task Force Complaint Procedures.**

Continued to the call of the chair via previous action.

11. **Approval of minutes from the Sunshine Ordinance Task Force February 3, 2016, meeting.**

Continued to the call of the chair via previous action.

12. **Administrator's Report, Complaints and Communications.**

Continued to the call of the chair via previous action.

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

Continued to the call of the chair via previous action.

14. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:02 p.m.

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.

**APPROVED by the Sunshine Ordinance Task Force: May 4, 2016**