

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TTD/TTY No. (415) 554-5227

ORDER OF DETERMINATION
June 22, 2020

DATE DECISION ISSUED
August 7, 2019

CASE TITLE – Ray Hartz v. Angela Calvillo, Clerk of the Board of Supervisors
File No. 19043

FACTS OF THE CASE

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 19043: Complaint filed by Ray Hartz against Angela Calvillo, Clerk of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.15(d), by failing to place his 150-word summaries as submitted to the Board of Supervisors “in the minutes.”

HEARING ON THE COMPLAINT

On June 25, 2019, the Complaint Committee acting in its capacity to hear petitions/complaints heard the matter.

Ray Hartz (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Hartz stated that Ms. Calvillo, Clerk of the Board of Supervisors, has compromised his 150-word comments by revising the format and removing capital letters and underlining. Mr. Hartz stated that Ms. Calvillo has put his comments in a footnote and not part of the minutes. Mr. Hartz stated that by doing this anyone reading his comments would have doubt. Mr. Hartz stated that his 150-word statements are constitutionally protected free speech protected by the Brown Act and Sunshine.

Wilson Ng (Board of Supervisors) (Respondent), was not present for the hearing and provided notice that he would not appear.

Action: Moved by Member Cate, seconded by Chair Martin, to find that the SOTF has jurisdiction, to refer the matter to the SOTF and requested that the Respondent attend the SOTF hearing.

On August 7, 2019, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Ray Hartz (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Hartz stated that the formatting of his submitted 150-word public comment inclusion in the minutes was changed which removed emphasis and meaning from his statement. Mr. Hartz stated that this procedure adopted by the Clerk of the Board is an abridgement of his freedom of speech.

The Respondent was not present at the meeting but provided a written response to the complaint.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that Angela Calvillo, Clerk of the Board of Supervisors, violated Administrative Code (Sunshine Ordinance), Section 67.15(d).

DECISION AND ORDER OF DETERMINATIONS

Action: Moved by Member Cate, seconded by Member Yankee, to find that Angela Calvillo, Clerk of the Board of Supervisors, did not violate Administrative Code Section 67.15(d) by reformatting Mr. Hartz's submitted 150-word summaries of Public Comment in the minutes and referred the matter to the Ethics Commission for enforcement.

Public Comment:
None.

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

Ayes: 5 - Cate, Yankee, Martin Tesfai, LaHood

Noes: 4 - J. Wolf, Cannata, Hinze, B. Wolfe

Absent: 1 - Chopra

Excused: 1 – Hyland

There being no further motions the SOTF took no actions on File No. 19043 and closed the file.



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Ray Hartz (Petitioner/Complainant)
Angela Calvillo, Clerk of the Board of Supervisors (Respondent)
Wilson Ng, Records Manager, Clerk of the Board of Supervisors