

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Sunshine Ordinance Task Force Date: February 21, 2017

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Completed by: V. Young Date 02/17/17

*An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.

Young, Victor

From: mpetrelis@aol.com
Sent: Thursday, October 20, 2016 12:02 PM
To: SOTF, (BOS)
Cc: rwhartzjr@comcast.net; pmonette-shaw@earthlink.net; DerekonVanNess@aol.com; chaffeej@pacbell.net; dougcomz@mac.com; editorcitireport@gmail.com; grossman356@mac.com; gswooding@gmail.com; han467@yahoo.com; hopeannette@earthlink.net; jay.costa09@gmail.com; karenrolph@hotmail.com; libraryusers2004@yahoo.com; rwhartzjr@sbcglobal.net; soft@brucewolfe.net; kimo@webnetic.net; kimo@webnetic.net
Subject: Complaint against the Police Commission.

Dear Victor Young

I wish to lodge a complaint against the police commission chairwoman Suzy Loftus for denying me my right to uninterrupted public comment at the Sept 7 2016 meeting.

I believe this commission's rules for public comment, shared below, which appear on every agenda, directly violate the Brown Act and First Amendment protections.

Below that is the closed-caption transcript of my attempt to engage in Brown Act protected speaking and the restriction placed upon my First Amendment rights.

I ask that you process this complaint accordingly. Please confirm receipt of this letter at your convenience.

Regards,
MPetrelis

(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment.)

http://sanfrancisco.granicus.com/TranscriptViewer.php?view_id=21&clip_id=26087

>> hello. Michael patreli I
would like to address issues
chief I don't trust most of what
comes out of your mouth. In May
when you accepted the interim
position. By the guy that was
the interim mayor that you were
not interested in the job. Seems
like you have changed your mind.

Correct me if I'm wrong about that.

>> Mr. Patrelus you cannot

address your comments to-I

have to enforce the rules not address anyone individually we

will give you back that time. Go head sir.

>> give me back my 20-seconds.

>> I will let you go 20-seconds over.

>> what I'm nervous about the

current chief there is no

transparents sea

-trant parent sea

where was from? A simple matter around the college degree from

the current chief makes me

nervous I can't trust the guy if

he's going to be like that with transparency on the college

degree. I'm glad to hear you say

you want the list of candidates

transparent that makes my

sunshine heart so happy. I think

it will be a huge step forward

if the names come out. If the

names are leaked and if ewe hear

it May or make a decision. Will

be a huge dark cloud on the

entire process. Lastly, the

mayor has not held any town hall meetings to do with anything

with the police or the officer

involved shootings. There is no

reason for the mayor to keep

himself away from town hall

meetings. You went out. That is

a great that is a start. The

mayor need to get out of room

200 and have open public meetings I called on the mayor

to have his transparency plans

for the process I want to now

how trapt

nsparent transparency-.

* * * *

Vote Petrelis for BART Board's District 9 Seat
MPetrelis.Blogspot.com



DENNIS J. HERRERA
City Attorney

NICHOLAS COLLA
Deputy City Attorney

Direct Dial: (415) 554-3819
Email: nicholas.colla@sfgov.org

MEMORANDUM

TO: Sunshine Ordinance Task Force
FROM: Nicholas Colla
Deputy City Attorney
DATE: February 16, 2017
RE: Complaint No. 16101– Petrelis v. Suzy Loftus, San Francisco Police Commission

COMPLAINT

Complainant Michael Petrelis (“Complainant”) alleges that Suzy Loftus (“Commissioner Loftus”)¹, of the Police Commission (“Respondent” or “Commission”), violated Section 67.15 of the Administrative Code (“the Sunshine Ordinance”) by allegedly restricting Complainant’s right to make public comments during a Commission meeting.

COMPLAINANT FILES THIS COMPLAINT

On October 20, 2016, Complainant filed this complaint with the Task Force regarding Respondent’s alleged restriction of Complainant’s public comment.

JURISDICTION

The Commission is a policy body under the Ordinance. The Task Force therefore generally has jurisdiction to hear a complaint of a violation of the Sunshine Ordinance against the Commission. The Commission has not contested jurisdiction.

APPLICABLE STATUTORY SECTION(S)

Section 67 of the San Francisco Administrative Code:

- Section 67.15(d) provides that a policy body shall not abridge or prohibit public criticism of policies, procedures or programs of the City.

APPLICABLE CASE LAW

- *None*

BACKGROUND

On October 20, 2016, Complainant filed this complaint with the Task Force in which he alleged that the Commission violated Sunshine Ordinance Section 67.15(d) (abridging public comment) by interrupting Complainant’s public comment during the September 7, 2016 Commission meeting. Complainant’s recollection of the incident is as follows:

¹ Commissioner Loftus is no longer a member of the San Francisco Police Commission.

MEMORANDUM

TO: Sunshine Ordinance Task Force
DATE: February 16, 2017
PAGE: 2
RE: Complaint No. 16101– Petrelis v. Suzy Loftus, San Francisco Police Commission

I wish to lodge a complaint against the police commission chairwoman Suzy Loftus for denying me my right to uninterrupted public comment at the Sept 7 2016 meeting.

I believe this commission's rules for public comment, shared below, which appear on every agenda, directly violate the Brown Act and First Amendment protections.

Below that is the closed-caption transcript of my attempt to engage in Brown Act protected speaking and the restriction placed upon my First Amendment rights.

The Commission rules regarding public comment referenced in Complainant's above statement read as follows:

(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment.)

On November 9, 2016, in response to the filing of this Complaint, the Commission Secretary, Sgt. Rachael Kilshaw ("Sgt. Kilshaw") sent a letter to the Task Force which reads in part as follows:

Commission President Loftus did not violate Section 67.15(d). Rule 3.2 of the Commission Rules of Order states that comments be directed to the Commission as a whole rather than to any individual. When Mr. Petrelis addressed Interim Chief Chaplin directly, President Loftus asked that he direct his comments to the Commission per the policy. And Mr. Petrelis went on to do just that. President Loftus restored twenty seconds of time for him to complete his comment to ensure him equal time. As a result, Mr. Petrelis' comments were not abridged or prohibited. He received the full time to discuss his criticism of Interim Chief Chaplin, among other issues.

Based on the foregoing, the Commission complied with applicable laws and asks that the Sunshine Ordinance Task Force Complaint be dismissed.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS

- Can Complainant explain why he feels that the Commission's current policy regarding public comment violates the Brown Act?

MEMORANDUM

TO: Sunshine Ordinance Task Force
DATE: February 16, 2017
PAGE: 3
RE: Complaint No. 16101– Petrelis v. Suzy Loftus, San Francisco Police Commission

- Was the clock stopped during interruptions of Complainant’s public comment so that the interruptions did not cut into his allotted time to speak?

LEGAL ISSUES/LEGAL DETERMINATIONS

- Did the Commission’s refusal to allow Complainant to complete his public comment at the Commission meeting at issue constitute an abridgement of public criticism in violation of Sunshine Ordinance Section 67.15(d)?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

* * *

MEMORANDUM

TO: Sunshine Ordinance Task Force
DATE: February 16, 2017
PAGE: 4
RE: Complaint No. 16101– Petrelis v. Suzy Loftus, San Francisco Police Commission

CHAPTER 67, SAN FRANCISCO ADMINISTRATIVE CODE (SUNSHINE ORDINANCE)**SEC. 67.15. PUBLIC TESTIMONY.**

(c) A policy body may adopt reasonable regulations to ensure that the intent of subdivisions (a) and (b) are carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. ***Each policy body shall adopt a rule providing that each person wishing to speak on an item before the body at a regular or special meeting shall be permitted to be heard once for up to three minutes.***

Time limits shall be applied uniformly to members of the public wishing to testify.

(d) ***A policy body shall not abridge or prohibit public criticism of the policy, procedures, programs or services of the City, or of any other aspect of its proposals or activities, or of the acts or omissions of the body,*** on the basis that the performance of one or more public employees is implicated, or on any basis other than reasonable time constraints adopted in regulations pursuant to Subdivision (c) of this Section.

**Sunshine Ordinance Task Force
Complaint Summary**

File No. 16101

Michael Petrelis V. Suzy Loftus, Police Commission

Date filed with SOTF: 10/20/16

Contacts information (Complainant information listed first):

mpetrelis@aol.com (Complainant)

Sgt. Rachel Killshaw; (Respondent)

File No. 16101: Complaint filed by Michael Petrelis against the Suzy Loftus, Police Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15 (d), by abridging or prohibiting public criticism of the policy, procedures, programs or services of the City, or of any other aspect of its proposals or activities.

Administrative Summary if applicable:

Please provide a copy of the minutes for the meeting in question.

Transcript of testimony provided by the Complainant:

>> hello. Michael patreli I would like to address issues chief I don't trust most of what comes out of your mouth. In May when you accepted the interim position. By the guy that was the interem mayor that you were not interested in the job. Seems like you have changed your mind. Correct me if I'm wrong about that.

>> Mr. Patrelus you cannot address your comments to-I have to enforce the rules not address anyone individually we will give you back that time. Go head sir.

>> give me back my 20-seconds. I will let you go 20-seconds over.

>> what I'm nervous about the current chief there is no transparents sea-trant parent sea where was from? A simple matter around the college degree from the current chief makes me nervous I can't trust the guy if he's going to be like that with transparency on the college degree. I'm glad to hear you say you want the list of candidates transparent that makes my sunshine heart so happy. I think it will be a huge step forward if the names come out. If the names are leaked and if ewe hear it May or make a decision. Will be a huge dark cloud on the entire process. Lastly, the mayor has not held any town hall meetings to do with anything with the police or the officer involved shootings. There is no reason for the mayor to keep himself away from town hall meetings. You went out. That is a great that is a start. The mayor need to get out of room 200 and have open public meetings I called on the mayor to have his transparency plans for the process I want to now how traptnsparent transparency-.

SEC. 67.15. PUBLIC TESTIMONY.

(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address a policy body on items of interest to the public that are within policy body's subject matter jurisdiction, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Section 67.7(e) of this article. However, in the case of a meeting of the Board of Supervisors, the agenda need not provide an opportunity for members of the public to address the Board on any item that has already been considered by a committee, composed exclusively of members of the Board, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the Board.

(b) Every agenda for special meetings at which action is proposed to be taken on an item shall provide an opportunity for each member of the public to directly address the body concerning that item prior to action thereupon.

(c) A policy body may adopt reasonable regulations to ensure that the intent of subdivisions (a) and (b) are carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Each policy body shall adopt a rule providing that each person wishing to speak on an item before the body at a regular or special meeting shall be permitted to be heard once for up to three minutes. Time limits shall be applied uniformly to members of the public wishing to testify.

(d) A policy body shall not abridge or prohibit public criticism of the policy, procedures, programs or services of the City, or of any other aspect of its proposals or activities, or of the acts or omissions of the body, on the basis that the performance of one or more public employees is implicated, or on any basis other than reasonable time constraints adopted in regulations pursuant to Subdivision (c) of this Section.

(e) To facilitate public input, any agenda changes or continuances shall be announced by the presiding officer of a policy body at the beginning of a meeting, or as soon thereafter as the change or continuance becomes known to such presiding officer.



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SUZY LOFTUS
President

L. JULIUS M. TURMAN
Vice President

DR. JOE MARSHALL
Commissioner

THOMAS MAZZUCCO
Commissioner

PETRA DeJESUS
Commissioner

VICTOR HWANG
Commissioner

SONIA MELARA
Commissioner

November 9, 2016

Dear Sunshine Ordinance Task Force


Sergeant Rachael Kilshaw
Secretary

The San Francisco Police Commission ("Commission") received notice of complaint file number 16101 on October 25, 2016 via email and is responding by way of this letter, along with the supporting documents you requested, which are attached to the accompanying email. Complainant, Michael Petrelis, contends that at the September 7, 2016 Commission Meeting, Commission President Suzy Loftus violated Section 67.15(d) of the Sunshine Ordinance (Admin. Code § 67.15) during public comment on one of the agenda items for allegedly "abridging or prohibiting public criticism of the policy, procedures, programs or services of the City, or of any other aspects of its proposals or activities, or of the acts or omissions of the body, on the basis that the performance of one or more public employees is implicated, or on any basis other than reasonable time constraints adopted in the regulations pursuant to Subdivision (c) of this Section."

Commission President Loftus did not violate Section 67.15(d). Rule 3.2 of the Commission Rules of Order states that comments be directed to the Commission as a whole rather than to any individual. When Mr. Petrelis addressed Interim Chief Chaplin directly, President Loftus asked that he direct his comments to the Commission per the policy. And Mr. Petrelis went on to do just that. President Loftus restored twenty seconds of time for him to complete his comment to ensure him equal time. As a result, Mr. Petrelis' comments were not abridged or prohibited. He received the full time to discuss his criticism of Interim Chief Chaplin, among other issues.

Based on the foregoing, the Commission complied with applicable laws and asks that the Sunshine Ordinance Task Force Complaint be dismissed.

Sincerely,


SGT. RACHAEL KILSHAW
Police Commission Secretary

cc: Commission President Suzy Loftus

>> thank you. Next speaker? Good evening and welcome.

>> good evening thank you I'm

karen freshman part of san francisco police accountability

and justice for mario woods cool ligs

-coalition I thank you. Commissioner de-jesus speaking

openly about the process. I

found it confusing if more

people came and said we need an

external and few came said you

need an internal candidate are

going to pick an external candidate? I don't understand

how that adds up to criteria.

And put a questionnaire online

like league of women voters kit

be anonymous candidates for the search. This is level of

experience the amount of budget

and command staff they have had

and approach to officer involved

shooting and approach to

unconscious bites bias and policing. Put that online and

let the community give you input which of the individuals

candidate ab and c aligned with san francisco. That would be a

better way to get input that

would inform your deigs I urge you to make the final names

public. That is extremely important. The three other items I want to bring to your attention. I'm surprised had not been part of the discussion to this evening. First bay area police having sex with a minor sex worker. What are you doing about

that? How are they being held accountable? What is going

on with that? I'm glad you spoke

on the grand jury report on the

crime lab what about the grand

sury report on the officer

involved shooting it's taken 20

months for the da not to indict

as he does. That need toss be fixed. This is really bad for the credibility of the department and for the community relations and lastly, when is

the hearing on the blue ribbon

panel? [Applause]. >> thank you. Next speaker?

>> hello: Michael patrel I

P17

would like to address issues
chief I don't trust most of what
comes out of your mouth. In May
when you accepted the Interim
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Correct me if I'm wrong about that.
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will give you back that time. Go head sir.
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the current chief makes me
nervous I can't trust the guy if
he's going to be like that with transparency on the college
degree. I'm glad to hear you say
you want the list of candidates
transparent that makes my
sunshine heart so happy. I think
it will be a huge step forward
if the names come out. If the
names are leaked and if ewe hear
it May or make a decision. Will
be a huge dark cloud on the
entire process. Lastly, the
mayor has not held any town-hall meetings to do with anything
with the police or the officer
involved shootings. There is no
reason for the mayor to keep

P18

Rule 2.15 - Minutes of Proceedings. The Secretary shall record the proceedings of each meeting in the minutes of the Commission and a copy thereof shall be forwarded promptly to the Mayor and members of the Commission, as provided by Section 4.102.9 of the Charter.

Chapter 3 - Rules of Conduct

Rule 3.1 - Public Comment. Members of the public are entitled to comment on any matter on the calendar prior to action being taken by the Commission on that item. In addition, the agenda shall provide an opportunity for members of the public to address the Commission on items of interest to the public which are under the jurisdiction of the Commission and have not been the subject of public comment on other items on the agenda. The President may set a reasonable time limit for each speaker, depending on the complexity of the item, the length of the agenda and the number of persons present to speak on the item.

Rule 3.2 - Addressing the Commission. Speakers must speak from the podium when addressing the Commission and shall speak clearly into the microphone. Speakers are to refrain from using profanity and/or yelling or screaming. Commissioners find it difficult to give serious consideration to any comments addressed in such a fashion. Members of the public should address their questions or remarks to the Commission. Neither Police personnel, OCC personnel nor Commissioners are required to respond to questions expect when requested to do so by the President. Individual Commissioners and Police personnel should refrain from entering into any debates or discussion with speakers during public comment.

Rule 3.3 - Audience Conduct. Persons in the audience may not express vocal support or opposition to statements made by members of the public, Police Department or OCC staff addressing the Commission. Applause and booing are prohibited. Members of the public may not display signs that impede the ability of the public or Commission to see or participate in the meeting or that endanger any meeting participants. Cameras and tape recording devices may be brought into the Commission hearing room; however, persons are prohibited from using flash, camera lights or other devices that may disrupt the meeting.

Rule 3.4 - Permission to Remove Disruptive Persons. The President shall possess the power and duty to order removed from the meeting room any person who commits the following acts after being warned that such conduct could lead to their removal:

- (A) Disorderly conduct that disrupts the due and orderly course of the meeting such as making noise, speaking out of turn, or otherwise refusing to comply with the Commission Rules governing meetings;
- (B) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of the meeting;
- (C) Disobedience of any lawful order of the Commission President, which shall include an order to be seated;

Young, Victor

From: Kilshaw, Rachael (POL)
Sent: Thursday, February 09, 2017 12:53 PM
To: SOTF, (BOS)
Cc: Calvillo, Angela (BOS)
Subject: RE: SOTF - Notice of Hearing - Education, Outreach and Training Committee: February 21, 2017, 3:30 p.m.
Attachments: petrelis sotf response 1.pdf

Mr. Young:

Thank you for the Notice of Hearing – Education Outreach and Training Committee of the Sunshine Ordinance Task Force on February 21, 2017. Unfortunately, no one from the Commission office will be able to attend, and I understand that appearance at the meeting is not mandatory. I have attached the Commission's original response that I wish to be included for the Committee to review and consider when making their determination.

Should the Committee determine that this matter should be heard in front of the entire SOTF, I will not be able to attend on March 1, 2017 as I will be the only person in the office on that date, and I have to prepare for the Police Commission meeting at City Hall scheduled for the same date beginning at 5:30 pm. If the Committee determines that this matter should be heard by the entire SOTF, I ask that this matter be postponed to a date other than March 1, 2017.

Thank you.

Sergeant Rachael Kilshaw
San Francisco Police Department
Police Commission Office
1245 – 3rd Street, 6th Floor
San Francisco, California 94158
415.837.7071 phone
rachael.kilshaw@sfgov.org

From: SOTF, (BOS)
Sent: Monday, February 06, 2017 10:33 AM
To: mpetrelis@aol.com; Kilshaw, Rachael (POL) <Rachael.Kilshaw@sfgov.org>; Walton, Briseida(POL) <briseida.walton@sfgov.org>; Ray <rwhartzjr@comcast.net>; Pelham, LeeAnn (ETH) <leeann.pelham@sfgov.org>; Blome, Jessica (ETH) <jessica.blome@sfgov.org>; Herrera, Luis (LIB) <Luis.Herrera@sfpl.org>; Blackman, Sue (LIB) <Sue.Blackman@sfpl.org>
Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: SOTF - Notice of Hearing - Education, Outreach and Training Committee: February 21, 2017, 3:30 p.m.

Good Morning:

Notice is hereby given that the Education, Outreach, and Training Committee (Committee) of the Sunshine Ordinance Task Force (Task Force) shall hold hearings on complaints listed below to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force. The Complainant and Respondent may attend to provide clarification, evidence and related

Young, Victor

From: SOTF, (BOS)
Sent: Monday, February 06, 2017 10:31 AM
To: 'mpetrelis@aol.com'; Kilshaw, Rachael (POL); Walton, Briseida (POL); 'Ray'; Pelham, LeeAnn (ETH); Blome, Jessica (ETH); Herrera, Luis (LIB); Blackman, Sue (LIB)
Cc: Calvillo, Angela (BOS)
Subject: SOTF - Notice of Hearing - Education, Outreach and Training Committee: February 21, 2017, 3:30 p.m.

Good Morning:

Notice is hereby given that the Education, Outreach, and Training Committee (Committee) of the Sunshine Ordinance Task Force (Task Force) shall hold hearings on complaints listed below to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force. The Complainant and Respondent may attend to provide clarification, evidence and related testimony. However, attendance by the Complainant and Respondent is **not required** at the February 21, 2017, Education, Outreach and Training Committee meeting.

Date: February 21, 2017

Location: City Hall, Room 408

Time: 3:30 p.m.

Complaints:

File No. 16101: Complaint filed by Michael Petrelis against the Suzy Loftus, Police Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15 (d), by abridging or prohibiting public criticism of the policy, procedures, programs or services of the City, or of any other aspect of its proposals or activities.

File No. 16116: Complaint filed by Ray Hartz against Commissioner Quentin Kopp and the Ethics Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.15(d) and 67.17, by abridging or prohibiting public criticism of the policy, procedures, programs or services of the City (Ethics Commission December 20, 2016, meeting).

File No. 16117: Complaint filed by Ray Hartz against City Librarian Luis Herrera and the Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-6, by failing to disclose the amount and source of all outside funds or services worth more than one hundred dollars in aggregate, accepted by the Public Library for the purpose of carrying out or assisting any City function, on their website.

The Task Force, upon receipt of the report and/or recommendation from the Committee, shall schedule and conduct a hearing on the merits of the complaint. The Complaint and Respondent will be required to attend the Task Force meeting to review the merits of the complaint(s). The Task Force has tentative scheduled a hearing on **March 1, 2017, at 4:00 p.m.** to review the recommendations of the Committee for the above listed complaints. Notice of hearing will be provided once the hearing date has been confirm.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing. For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, **February 15, 2017**.

Victor Young
Administrator

Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244
San Francisco CA 94102
phone 415-554-7724 | fax 415-554-5163
victor.young@sfgov.org | www.sfbos.org



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