



SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO AGENDA

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

February 1, 2017 - 4:00 PM

Regular Meeting

Seat 1	Victoria Baranetsky	Seat 7	Dave Maass
Seat 2	Eric Eldon	Seat 8	Frank Cannata
Seat 3	Josh Wolf	Seat 9	Chris Hyland - Vice Chair
Seat 4	Rishi Chopra	Seat 10	Louise Fischer
Seat 5	Leuwam Tesfai	Seat 11	Fiona Hinze
Seat 6	Bruce Wolfe - Chair		

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**
2. **Approval of minutes from the Sunshine Ordinance Task Force January 4, 2017, meeting.** (*Discussion and Action*)(*attachment*)
3. **File No. 16093:** Review and possible amendments to the Sunshine Ordinance Task Force By-Laws and Complaint Procedures. (*Discussion and Action*)(*attachment*)
 - Absence policy (adding an excused provision)
 - Minimum requirement to process complaint
 - Precedence and Log of Task Force decisions
 - Duplicate filings and/or re-adjudication
 - Tabling for being unresponsive or non-appearance
 - Maximum number of hearings per person/meeting
 - Statute of limitations for complaints
 - Rules of Reason
 - Vexatious Complainants/Respondents
 - How to treat Ethics Commission rulings that disagree with the decision of the Task Force
 - Other issues related to the Task Force By- Laws and Complaint Procedures

4. **Sunshine Ordinance Task Force - Chair's Report:** *(Discussion and Action)*
 - Review of the validity of Administrative Code, Section 67.3.(b)(4)(C-1)*
“The attendance of a majority of the members of a policy body at an open and noticed meeting of a standing committee of that body, provided that the members of the policy body who are not members of the standing committee attend only as observers.”

5. **File No. 16092:** Complaint filed by Anonymous against Dr. Lydia Leung, Department of Public Health, 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. *(attachment)*
(On December 20, 2016, the Complaint Committee acting in its capacity to hear complaints heard the matter and referred it to the Task Force for hearing without recommendations.)
 - a) Determination of jurisdiction. *(Discussion and Action)*
 - b) Hearing on complaint filed. *(Discussion and Action)*

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. *(No Action)* **Public comment shall be taken at 5:00 p.m. or as soon thereafter as possible.**

7. **File No. 16106:** Complaint filed by Anonymous against Andrew Perry, Anne Brask and the Planning Department, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21(c), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. *(attachment)*
(On December 20, 2016, the Complaint Committee acting in its capacity to hear complaints heard the matter and referred it to the Task Force for hearing with recommendations to find violations.)
 - a) Determination of jurisdiction. *(Discussion and Action)*
 - b) Hearing on complaint filed. *(Discussion and Action)*

8. **File No. 16107:** Complaint filed by the Library Users Association against Director Ed Reiskin, San Francisco Municipal Transportation Agency (SFMTA), for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner. *(attachment)*
(On December 20, 2016, the Complaint Committee acting in its capacity to hear complaints heard the matter and referred it to the Task Force for hearing with recommendations to find violations.)
 - a) Determination of jurisdiction. *(Discussion and Action)*
 - b) Hearing on complaint filed. *(Discussion and Action)*

9. **File No. 16109:** Complaint filed by Mike Black against Animal Care and Control for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, 67.24, and 67.26, and Government Code, Section(s) 6252(e) and 6253(a), by failing to respond to a request for Public records in a timely and/or complete manner. *(attachment)*
(On December 20, 2016, the Complaint Committee acting in its capacity to hear complaints heard the matter and referred it to the Task Force for hearing with recommendations to find violations.)
- a) Determination of jurisdiction. *(Discussion and Action)*
 - b) Hearing on complaint filed. *(Discussion and Action)*

SPECIAL ORDER

The hearings on File Nos. 16091 and 16099 will not begin earlier than 6:00 p.m.

10. **File No. 16091:** Complaint filed by Michael Petrelis against Director LeeAnn Pelham and Commissioners Paul Renne, Peter Keane and Quentin Kopp (Ethics Commission), for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.15 and 67.21, by not allowing an opportunity for members of the public to directly address a policy body on items of interested to the public that are within the policy body's jurisdiction, abridging or prohibiting public criticism of the policy, procedures programs or services of the City and by failing to respond to a request for public records in a timely and/or complete manner (September 26, 2016, Ethics Commission meeting).
(attachment)
(On January 9, 2017, the Compliance and Amendments Committee acting in its capacity to hear complaints heard the matter and referred it to the Task Force for hearing with recommendations to find no violations.)
- a) Determination of jurisdiction. *(Discussion and Action)*
 - b) Hearing on complaint filed. *(Discussion and Action)*
11. **File No. 16099:** Complaint filed by Michael Petrelis against the San Francisco Ethics Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.7(a) and 67.15, by failing to post an agenda containing a meaningful description of each item of business to be transacted or discussed at the meeting and failing to provide an opportunity for members of the public to directly address a policy body on items of interest to the public (October 16, 2016, meeting). *(attachment)*
(On January 9, 2017, the Compliance and Amendments Committee acting in its capacity to hear complaints heard the matter and referred it to the Task Force for hearing with recommendations to find violations.)
- a) Determination of jurisdiction. *(Discussion and Action)*
 - b) Hearing on complaint filed. *(Discussion and Action)*

POTENTIAL CLOSED SESSION - Conference with City Attorney

[Convene in Closed Session - Existing Litigation – Task Force as Plaintiff and/or Defendant]

Motion that the Sunshine Ordinance Task Force convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation against the Sunshine Ordinance Task Force (File No. 16112). Administrative Code Section 67.10(d)(1) permit this closed session. After a closed session, if one occurs, the Task Force shall adopt a motion either to disclose or not to disclose.

12. **File No. 16112: Review of Ethics Commission Complaint Nos. 1516-23 and 1516-24 (Joel Warne V. the Sunshine Ordinance Task Force and Nancy Sarieh, Department of Public Health).** *(Discussion and Action) (attachment)*

[Elect To Disclose]

Motion that the Task Force finds it is in the public interest to disclose information discussed in closed session, and directs the Chair immediately to disclose that information.

[Elect Not to Disclose]

Motion that the Task Force finds that it is in the best interest of the public that the Task Force elect at this time not to disclose its closed session deliberations listed above.

13. **Administrator’s Report, Complaints and Communications.** *(Discussion and Action)(attachment)*

- Task Force and Committee hearing schedule
- Complaints submitted and hearing files created
- Communications to the Task Force
- Summary of pending complaints and other issues

14. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force.** *(Discussion and Action)*

15. **ADJOURNMENT**

The Sunshine Ordinance Task Force was established by the San Francisco Administrative Code, Chapter 67. The purpose of the Task Force is to protect the public's interest in open government and to carry out the duties enumerated in Chapter 67 of the San Francisco Administrative Code. For additional information concerning Sunshine Ordinance Task Force please contact the Task Force by e-mail sotf@sfgov.org or by calling (415) 554-7724.

Agenda Item Information

Each item on the agenda may include the following documents:

- 1) Department or Agency cover letter and/or report;
- 2) Public correspondence;
- 3) Other explanatory documents.

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

Meeting Procedures

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|----|--|----------------------|
| 1. | Complainant presents his/her facts and evidence | 5 minutes |
| | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds | 5 minutes |
| | Other parties of City respond | Up to 3 minutes each |
| | <i>Above total speaking times for Complainant and City to be the same.</i> | |
| 3. | Matter is with the Task Force for discussion and questions. | |
| 4. | Respondent and Complainant presents clarification/rebuttal | 3 minutes |
| 5. | Matter is with the Task Force for motion and deliberation. | |
| 6. | Public comment (Excluding Complainant & City response, witnesses) | Up to 3 minutes each |
| 7. | Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.) | |

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the agenda items. These comments will be made a part of the official public record. Written communications should be submitted to the SOTF at: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102.

AGENDA PACKET: Available for review in the Office of the Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, or on the internet at: <http://www.sfbos.org/sunshine>.

AUDIO RECORDINGS: Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at: <http://www.sfbos.org/sunshine>.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Peggy Nevin at (415) 554-5184.

AVISO EN ESPAÑOL: La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Derek Evans (415) 554-7702.

Paunawa: Ang mga kahilingan ay kailangang matanggap sa loob ng 48 oras bago mag miting upang matiyak na matutugunan ang mga hiling. Mangyaring tumawag ka sa (415) 554-5184.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719

Disability Access

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 5R, 6, 7, 7R, 7X, 9, 9R, 19, 21, 47, and 49. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102; phone (415) 554-7724; fax (415) 554-7854; or email sotf@sfgov.org.

Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67 on the Internet at <http://www.sfbos.org/sunshine>.

Cell Phones, Pagers and Similar Sound-Producing Electronic Devices

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (Chapter 67A of the San Francisco Administrative Code).

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site www.sfgov.org/ethics