



# 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

September 7, 2016 - 4:00 PM

## Regular Meeting

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

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 August 3, 2016 meeting.** (*Discussion and Action*)(*attachment*)
3. **Sunshine Ordinance Task Force - Chair's Report.** (*Discussion and Action*)
4. **File No. 16060: Report** - Board of Supervisors (File No. 160478) proposed amendment to the Campaign and Governmental Conduct Code requiring Commissioners to file Behested Payment Reports regarding the solicitation of charitable contribution over \$5,000. (*Discussion and Action*)(*attachment*)
5. **File No. 14095:** Complaint filed by Bob Planthold against Supervisor Malia Cohen and Supervisor Scott Wiener, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.7 and 67.15 (a) and California Government Code, Sections 54954.2 and 54954.3 for failing to provide adequate opportunity for public comments at the Land Use and Economic Development Committee meetings of September 15, 2014, and September 29, 2014, and the Government Audit and Oversight Committee meeting of September 11, 2014. (*Discussion and Action*)(*attachment*)  
(*On June 1, 2016, the Task Force heard the matter and requested that the Respondent provided information as to whether or not a determination was made regarding amendments to legislation being 'substantive' or not and how the public is informed of the determination.*)

6. **File No. 16034:** Complaint filed by Bob Planthold against Supervisor Katy Tang and Supervisor Norman Yee, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15, and California Government Code, Section 54954.3, by failing to provide adequate opportunity for public comments at the March 23, 2016, Budget and Finance Sub-Committee meeting. *(Discussion and Action)(attachment)*  
*(On June 1, 2016, the Task Force heard the matter and requested that the Respondent provide information as to whether or not a determination was made regarding amendments to legislation being 'substantive' or not, how is it determined that an amendment to legislation is 'substantive', and how is the public informed of the determination.)*
7. **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 pm or as soon thereafter as possible.**
8. **File No. 15072: Hearing on the Status of the Order of Determination -** Complaint filed by Ray Hartz against Supervisor Eric Mar, Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Section 67.25 (a), for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. *(Discussion and Action)(attachment)*  
*(On July 26, 2016, the Education, Outreach and Training Committee heard and referred the matter to the Task Force with a recommendation to find additional violations of Administrative Code (Sunshine Ordinance), Sections 67.21 (e) and 67.34, for failing to comply or not fully complying with a request for public records and for willfully failing to discharge duties imposed by the Sunshine Ordinance, the Brown Act, and the Public Records Act. The Committee requested that the Respondent provide a written response to the Immediate Disclosure Request; provide a written policy for responding to public records request, and provide a record/log of Sunshine public records requests received in the last 12 months (Date of receipt, response, and other actions).*

9. **File No. 16026:** Complaint filed by Michael Petrelis against President London Breed, and Supervisors Malia Cohen, Mark Farrell, Aaron Peskin, Katy Tang, and Eric Mar, Board of Supervisors 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 (January 2016 Text Messages). (*attachment*)
- a) Determination of jurisdiction on complaint filed by Michael Petrelis against President London Breed, and Supervisors Malia Cohen, Mark Farrell, Aaron Peskin, Katy Tang, and Eric Mar, Board of Supervisors. (*Discussion and Action*)
- b) Hearing on complaint filed by Michael Petrelis against President London Breed, and Supervisors Malia Cohen, Mark Farrell, Aaron Peskin, Katy Tang, and Eric Mar, Board of Supervisors. (*Discussion and Action*)

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

*(The Education, Outreach and Training Committee held a hearing to review File Nos. 16048 and 16049 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.*

10. **File No. 16048:** Complaint filed by Ann Treboux against the Fine Arts Museum for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.16, by failing to post meeting minutes online in a timely manner. (*Discussion and Action*)(*attachment*)  
*(On July 26, 2016, the Education, Outreach and Training Committee referred the matter to the Task Force with the recommendation to find jurisdiction and to find that the Fine Arts Museum violated Administrative Code (Sunshine Ordinance), Section 67.16, by failing to post various draft meeting minutes online within 10 days of the meeting.)*
11. **File No. 16049:** Complaint filed by Ann Treboux against the Fine Arts Museum for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-6, by failing to disclose sources of outside funding over \$100 on the department's website. (*Discussion and Action*)(*attachment*)  
*(On July 26, 2016, the Education, Outreach and Training Committee referred the matter to the Task Force with the recommendation to find jurisdiction and to find that the Fine Arts Museum violated Administrative Code (Sunshine Ordinance), Section 67.29-6, by failing to disclose donations of funds over \$100 on their website.)*

**Recommendation from the Compliance and Amendments Committee.**

*(The Compliance and Amendments Committee held a hearing to review File Nos. 15161, 15162, and 16050 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.*

12. **File No. 15161:** Complaint filed by the Library Users Association against Laura Lent and the San Francisco Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to public records requests, submitted orally, in a timely and/or adequate manner in regards to BiblioCommons Webinar. *(Discussion and Action)(attachment)*  
*(On August 16, 2016, the Compliance and Amendments Committee referred the matter to the Task Force with the recommendation to find jurisdiction and to find that Laura Lent and the San Francisco Public Library violated Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to the February 20, 2015, oral request for public records in a timely manner.)*
13. **File No. 15162:** Complaint filed by the Library Users Association against Deputy City Librarian Michael Lambert, City Librarian Luis Herrera, and the San Francisco Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.22, for failure to respond to public records requests, submitted orally, and by discouraging staff from providing information orally, in a timely and/or adequate manner in regards to BiblioCommons. *(Discussion and Action)(attachment)*  
*(On August 16, 2016, the Compliance and Amendments Committee referred the matter to the Task Force with the recommendation to find jurisdiction and to find that Deputy City Librarian Michael Lambert, City Librarian Luis Herrera and the San Francisco Public Library did not violate Administrative Code (Sunshine Ordinance), Chapter 67, as related to File No. 15162.)*
14. **File No. 16050:** Complaint filed by Anonymous against Director John Rahaim and the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25 and 67.32, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. *(Discussion and Action)(attachment)*  
*(On August 16, 2016, the Compliance and Amendments Committee referred the matter to the Task Force with the recommendation to find jurisdiction and to find that Director John Rahaim and the Planning Department violated Administrative Code (Sunshine Ordinance), Sections 67.25 (a) and (b), by failing to respond to an Immediate Disclosure Request in a timely manner and by failing to request an extension of time to respond in an appropriate manner.)*

**SPECIAL ORDER – The hearings on File No. 16058 will not begin earlier than 6:00 p.m.**

15. **File No. 16058:** Complaint filed by Mirka Morlales against Gregory Slocum and the Department of Elections 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)*
  - a) Determination of jurisdiction on complaint filed by Mirka Morlales against Gregory Slocum and the Department of Elections. *(Discussion and Action)*
  - b) Hearing on complaint filed by Mirka Morlales against Gregory Slocum and the Department of Elections. *(Discussion and Action)*
16. **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**
17. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force.** *(Discussion and Action)*
18. **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](mailto: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

- |    |  |                      |
|----|--|----------------------|
| 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](mailto: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](http://www.sfgov.org/ethics)