File No.	12019	SOTF Item No. 17 CAC Item No.
	SUNSHINE ORDINANCE TASK FORCE AGENDA PACKET CONTENTS LIST	
Sunshine C	Ordinance Task Force	Date: <u>June 6, 2012</u>
Compliance	and Amendments Committee	Date:
CAC/SOT	F Memorandum	
	Complaint and Supporting docum	ents
OTHER		
Completed	by: <u>Andrea Ausberry</u> Da	te <u>May 31, 2012</u>

Date \_\_\_\_

Completed by:

<sup>\*</sup>An asterisked item represents the cover sheet to a document that exceeds 25 pages.

The complete document is in the file.

# CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA City Attorney

# OFFICE OF THE CITY ATTORNEY

JERRY THREET
Deputy City Attorney

Direct Dial:

(415) 554-3914

Email:

jerry.threet@sfgov.org

# **MEMORANDUM**

TO:

Sunshine Ordinance Task Force

FROM:

Jerry Threet

Deputy City Attorney

DATE:

May 25, 2012

RE:

Complaint 12019 - Library Users Association v. SF Arts Commission

### **BACKGROUND**

Complainant Library Users Association ("Complainant") alleges that the San Francisco Arts Commission (the "Commission") inappropriately redacted contact information from their response to Complainant's March 19, 2012 Immediate Disclosure Request ("IDR").

### **COMPLAINT**

On March 20, 2012, Complainant filed this complaint against the Commission, without specifying which provision(s) of the Ordinance it believed had been violated.

### JURISDICTION

The Commission is a department under the Ordinance. Therefore, in general, the Task Force has jurisdiction to hear public records complaints against Commission. The Commission does not contest jurisdiction.

# APPLICABLE STATUTORY SECTION(S):

# Section 67 of the San Francisco Administrative Code:

- Section 67.21 governs responses to a public records request.
- Section 67.25 governs immediacy of response.
- Section 67.26 governs withholding of records.
- Section 67.27 governs written justification for withholding of records.

### Section 6250 et seg. of the Cal. Gov't Code

Section 6253 governs the release of public records and the timing of responses.

# APPLICABLE CASE LAW:

None.

TO:

Sunshine Ordinance Task Force

DATE: PAGE:

May 25, 2012

RE:

Complaint 12019 - Library Users Association v. SF Arts Commission

### ISSUES TO BE DETERMINED

### **Uncontested/Contested Facts**

At about 9:00 pm on March 19, 2012, Complainant sent an IDR for documents to the Commission via email. Complainant's email is quoted, in relevant part, here:

Library Users Association would like to inspect, in your office, and also have copies sent via email of your organization's communications sent and received this year with regard to notification of parties / individuals about the upcoming Visual Arts Committee meeting on Wednesday, March 21.

On March 20, 2012, the Commission replied to this request via email as follows:

Please find attached electric copies of all of our communications regarding notification for the upcoming Visual Arts Committee meeting on Wednesday, March 21, 2012. I will leave copies of this correspondence for your review at our front desk, which is located at 25 Van Ness, Suite 345. Please note that we have redacted personal telephone, address and email information on these documents in order to protect the individuals' right to privacy under Article 1, Section 1, of the California Constitution.

Complainant further alleges the following in it's Complaint [emphasis added]:

This is a complaint about *inappropriate redactions of contact information* from supporters of retention of the existing Bernal Heights Branch Library Victor Jara multi-cultural historic mural, and others, by the Arts Commission, from information provided to Library Users Association, and we request a prompt hearing.

In response to Library Users Association's [IDR], the Arts Commission through Kate Patterson replied [ . . . ] with a number of communications from which were redacted contact information such as email addresses.

The redactions occurred in multiple places, including all contact information from several of those who had sent letters supporting retention/restoration of the Bernal Heights Branch Library mural as it currently exists, and opposing removal and replacement.

For your information, we provide the Arts Commission response to our IDR, including its entire attachment totaling approximately 18 pages[.]

We particularly draw your attention to the redaction of contact information for supporters of retaining the existing mural: Tita Caldwell (pp. 6-7), Lynda Beigel (pp. 8-9), and Cheryl Trepagnier (pp. 10-11). There are additional redactions related to Arts Commission members and others.

We request a prompt hearing -- and note that the SOTF's 7-0 decision earlier this month in our favor, regarding unlawful speaker card redactions

TO:

Sunshine Ordinance Task Force

DATE: PAGE:

E: May 25, 2012

RE:

Complaint 12019 - Library Users Association v. SF Arts Commission

by the Arts Commission, appears not to have had an effect on the Arts Commission's response to this information request.

In its reply to the complaint, the Commission does not dispute that certain personal address information was redacted from the responsive documents before they were provided to Complainant. Instead, the Commission argues that such redaction is necessary "to protect the individuals' right to privacy under California Constitution, Article 1, Section 1." The Commission also states in its reply to the Task Force that:

Mr. Warfield's complaint concerns the redaction of private contact information from emails, which were sent to individuals at the Arts Commission and not documents presented in a public forum. Therefore, we do not feel that the Sunshine Task Force's March 7 decision has any bearing on our decision to protect the privacy of individuals in accordance with Article 1, Section 1 of the California Constitution.

### LEGAL ISSUES/LEGAL DETERMINATIONS:

Did the Commission timely respond to the request?

• Has the Commission justified any withholding of records or information in accordance with the requirements of the Ordinance?

• Are the Commission's justifications for any withholding within the exemptions allowed by the Ordinance and the PRA?

### **CONCLUSION**

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

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

TO:

Sunshine Ordinance Task Force May 25, 2012

DATE: PAGE:

• 1

RE:

Complaint 12019 - Library Users Association v. SF Arts Commission

# CHAPTER 67, SAN FRANCISCO ADMINISTRATIVE CODE (SUNSHINE ORDINANCE)

# SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS.

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

### SEC. 67.25. IMMEDIACY OF RESPONSE.

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the

close of business on the business day following the request.

(c) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

(d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply

with this provision is a violation of this article.

# SEC. 67.26. WITHHOLDING KEPT TO A MINIMUM.

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of

TO:

Sunshine Ordinance Task Force

DATE: PAGE:

E: May 25, 2012

RE:

Complaint 12019 - Library Users Association v. SF Arts Commission

some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by section 67.27 of this article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any city employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

# SEC. 67.27. JUSTIFICATION OF WITHHOLDING.

Any withholding of information shall be justified, in writing, as follows:

(a) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.

(b) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory

authority in the Public Records Act or elsewhere.

(c) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.

(d) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

# CAL. PUBLIC RECORDS ACT (GOVT. CODE §§ 6250, ET SEQ.)

### **SECTION 6253**

(a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon

request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section,

# CITY AND COUNTY OF SAN FRANCISCO

# OFFICE OF THE CITY ATTORNEY

### **MEMORANDUM**

TO:

Sunshine Ordinance Task Force

DATE: PAGE:

May 25, 2012

RE:

Complaint 12019 - Library Users Association v. SF Arts Commission

"unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.



Complaint, Including Request for Hearing -- Library Users Association v. Arts Commission Library Users Association

to:

03/20/2012 02:00 PM

Cc:

Hope Johnson, MSW Bruce Wolfe Please respond to libraryusers2004 Show Details

Follow Up: Normal Priority.

### 1 Attachment



Warfield IDR 3\_20\_12 (3).pdf

Dear Sunshine Ordinance Task Force Administrator, Chair, Vice Chair:

This is a complaint about inappropriate redactions of contact information from supporters of retention of the existing Bernal Heights Branch Library Victor Jara multi-cultural historic mural, and others, by the Arts Commission, from information provided to Library Users Association, and we request a prompt hearing.

In response to Library Users Association's Immediate Disclosure Request (IDR) sent the evening of March 19, 2012, the Arts Commission through Kate Patterson replied March 20, 2012 with a number of communications from which were redacted contact information such as email addresses.

The redactions occurred in multiple places, including all contact information from several of those who had sent letters supporting retention/restoration of the Bernal Heights Branch Library mural as it currently exists, and opposing removal and replacement.

For your information, we provide the Arts Commission response to our IDR, including its entire attachment totalling approximately 18 pages, below and as an attachment to this email.

We particularly draw your attention to the redaction of contact information for supporters of retaining the existing mural: Tita Caldwell (pp. 6-7), Lynda Beigel (pp. 8-9), and Cheryl Trepagnier (pp. 10-11). There are additional redactions related to Arts Commission members and others.

We request a prompt hearing -- and note that the SOTF's 7-0 decision earlier this month in our favor, regarding unlawful speaker card redactions by the Arts Commission, appears not to have had an effect on the Arts Commission's response to this information request.

Thank you for your attention to this.

Sincerely yours,

Peter Warfield Executive Director Library Users Association 415/7 5 3 - 2 1 8 0

# --- On Tue, 3/20/12, Patterson, Kate < kate.patterson@sfgov.org > wrote:

From: Patterson, Kate <kate.patterson@sfgov.org>

Subject: RE: Immediate Disclosure Request

To: "libraryusers2004@yahoo.com" libraryusers2004@yahoo.com>

Cc: "DeCaigny, Tom" <tom.decaigny@sfgov.org>, "Taleporos, Zoe" <zoe.taleporos@sfgov.org>

Date: Tuesday, March 20, 2012, 12:15 PM

Dear Mr. Warfield,

I am writing in response to your public records request of March 20, 2012 in which you asked for:

1. Library Users Association would like to inspect, in your office, and also have copies sent via email of your organization's communications sent and received this year with regard to notification of parties / individuals about the upcoming Visual Arts Committee meeting on Wednesday, March 21.

Please find attached electric copies of all of our communications regarding notification for the upcoming Visual Arts Committee meeting on Wednesday, March 21, 2012. I will leave copies of this correspondence for your review at our front desk, which is located at 25 Van Ness, Suite 345. Please note that we have redacted personal telephone, address and email information on these documents in order to protect the individuals' right to privacy under Article 1, Section 1, of the California Constitution.

Please note that as of Friday, March 16, the Arts Commission has complied with is obligation under the Sunshine Act to post meeting information 72 hours in advance by:

- Sending an agenda for the Visual Arts Committee meeting to the Library so that it can be posted and viewable by the public;
- Posting a copy of the agenda outside of our office at 25 Van Ness, Ste. 345;
   and
- Posting a copy of the agenda online, which you can review here: <a href="http://www.sfgov3.org/index.aspx?page=3503">http://www.sfgov3.org/index.aspx?page=3503</a>

Sincerely,

### Kate Patterson

Public Relations Manager San Francisco Arts Commission 25 Van Ness Avenue, Suite 345 San Francisco, CA 94102 T: 415-252-4638

**F:** 415-252-2595

Website | e-Newsletter | Twitter | Facebook | YouTube | Flickr

From: Library Users Association < <a href="mailto:libraryusers2004@yahoo.com">libraryusers2004@yahoo.com</a>>

Reply-To: "libraryusers2004@yahoo.com" < libraryusers2004@yahoo.com >

Date: Mon, 19 Mar 2012 20:57:12 -0700

**To:** Tom DeCaigny < Tom.DeCaigny@sfgov.org > Cc: "JdBeltran@sfgov.org" < JdBeltran@sfgov.org >

Subject: Immediate Disclosure Request

Dear Sir and Madam:

Library Users Association would like to inspect, in your office, and also have copies sent via email of your organization's communications sent and received this year with regard to notification of parties / individuals about the upcoming Visual Arts Committee meeting on Wednesday, March 21.

Please provide on a rolling basis if necessary.

Thank you.

Peter Warfield Executive Director Library Users Association 415/7 5 3 - 2 1 8 0

From: Sent: SF Docs <SFDocs@sfpl.org> Friday, March 16, 2012 5:33 PM

To:

Taleporos, Zoe

Subject:

FW: SFAC- Visual Arts Committee Meeting Agenda

Attachments:

March 21 VAC Agenda.pdf

Posted/SF Docs/3/16/12/L.Yerkey

From: Taleporos, Zoe [zoe.taleporos@sfgov.org]

Sent: Friday, March 16, 2012 5:04 PM

To: SF Docs

Subject: SFAC- Visual Arts Committee Meeting Agenda

Hello,

Please see the attached agenda for the San Francisco Arts Commission's Visual Arts Committee Meeting of March 21, 2012.

Best,

Zoë Taleporos Public Art Program Associate San Francisco Arts Commission 25 Van Ness Avenue, Suite 345 San Francisco, CA 94102 415-252-3215 (p) 415-252-2595 (f)

http://www.sfartscommission.org<http://www.sfartscommission.org/>

Official SFPL Use Only

Official SFPL use only

From:

Taleporos, Zoe

Sent:

Friday, March 16, 2012 5:05 PM

To:

'Barbara Sklar ' ( l); JD B<u>eltran; 'Greg Che</u>w ' (I Keehn ' (

Cc:

DeCaigny, Tom; Krell, Rebekah (Rebekah.krell@sfgov.org); Jill Manton jill.manton@sfgov.org

(jill.manton@sfgov.org); Chou, Mary; Cummings, Allison; Daniels, Carol Marie; Davies,

Marcus; Lovvorn, Jennifer; Patterson, Kate; Pontious, Susan; Ward, Amy

Subject:

March 21 VAC Agenda

Hello Commissioners,

Here is a link to the March 21, 2012 Visual Arts Committee Meeting agenda: http://www.sfgov3.org/index.aspx?page=3503

Explanatory documents are embedded in the online version. As we get closer to the meeting, more explanatory documents will become available. I will contact you when they are posted online. Hard copies will also be available at the meeting.

I look forward to seeing you all on Wednesday.

Best,

Zoë Taleporos Public Art Program Associate San Francisco Arts Commission 25 Van Ness Avenue, Suite 345 San Francisco, CA 94102 415-252-3215 (p) 415-252-2595 (f) http://www.sfartscommission.org

From:

Page\_Ritchie, Sharon

Sent:

Sunday, February 12, 2012 10:28 PM

To:

Taleporos, Zoe; Knoop, Vicky; Fiel, Cristal; Thomas, Beatrice; Licouris, Alyssa; DeCaigny,

Tom; Krell, Rebekah

Subject:

Please add Ray Hartz to all public mailing lists, including for agendas

Follow Up Flag: Flag Status:

Follow up Flagged

I received the following request from Ray Hartz:

"This is a request for calendar year 2012 that I be included on any and all mailing lists for any and all information relating to San Francisco Arts Commission operations sent to members of the public. This is including, but not limited to, all matters having to do with Arts Commission and Arts Commission Committees meetings and operations."

His mailing information is: Ray W. Hartz, Jr. Director San Francisco Open Government Advocacy Coalition 839 Leavenworth St., Ste. 304 San Francisco, CA 94109-6131

sfopengovernmentbs@sbcglobal.net

Sharon Page Ritchie Commission Secretary San Francisco Arts Commission 415/252-2591

Website: http://www.sfartscommission.org

e-newsletter: http://sfartscommission.org/newsletter

Twitter: <a href="http://www.twitter.com/SFAC">http://www.twitter.com/SFAC</a>

Facebook: <a href="http://www.facebook.com/sfartscommission">http://www.facebook.com/sfartscommission</a>
YouTube: <a href="http://www.youtube.com/ArtsCommission">http://www.youtube.com/ArtsCommission</a>

Flickr: http://www.flickr.com/photos/sfac

From:

Taleporos, Zoe

Sent: To:

Friday, March 16, 2012 5:09 PM 'sfopengovernmentbs@sbcglobal.net' Arts Commission: March 21 VAC Agenda

Subject: Attachments:

March 21 VAC Agenda.pdf

Dear Mr. Hartz,

Please see the attached agenda for the March 21, 2012 Visual Arts Committee Meeting. You may also view the agenda online with embedded explanatory documents at this address: <a href="http://www.sfgov3.org/index.aspx?page=3503">http://www.sfgov3.org/index.aspx?page=3503</a>

Please note that as we receive additional explanatory documents, we will post them online. They will also be available for public review at the meeting.

Best,

Zoë Taleporos
Public Art Program Associate
San Francisco Arts Commission
25 Van Ness Avenue, Suite 345
San Francisco, CA 94102
415-252-3215 (p)
415-252-2595 (f)
http://www.sfartscommission.org

From:

Daniels, Carol Marie

Sent:

Monday, March 19, 2012 5:37 PM

To:

Susan Cervantes (susan@precitaeyes.org); Daniel Macchiarini (d

Cc:

Pontious, Susan; Taleporos, Zoe

Subject:

**VAC** meeting

Hi Susan,

The agenda for the March 21 VAC meeting is posted on the Commission's website at <a href="http://www.sfgov3.org/index.aspx?page=3503">http://www.sfgov3.org/index.aspx?page=3503</a>. Yes, Bernal Library Mural approval is the last item on the agenda. Your file is complete, I have everything I need from you. I will see you and Dan, Gia and Reuben on Wednesday.

Carol Marie Daniels
Project Manager
Public Art & Civic Collections
San Francisco Arts Commission
25 Van Ness Avenue, Suite 345
San Francisco, CA 94102
415 252-2588
415-252-2595-fax

# carol.marie.daniels@sfgov.org

Website: http://www.sfartscommission.org

Subscribe to our e-Newsletter:http://sfartscommission.org/newsletter

Twitter: http://www.twitter.com/SFAC

Facebook:http://www.facebook.com/sfartscommission
YouTube:http://www.youtube.com/ArtsCommission
Flickr:http://www.flickr.com/photos/sfac

From: Susan Cervantes [mailto:susan@precitaeyes.org]

Sent: Monday, March 19, 2012 3:54 PM

To: Daniels, Carol Marie Cc: Daniel Macchiarini Subject: VAC meeting

### Hi Carol Marie,

I wanted to confirm that the Bernal Library mural project is on the agenda for the VAC meeting this Wednesday at 3pm. You had requested that Dan and I attend the meeting and we plan on being present. Is there anything that you need us to bring for the presentation?

Thanks again, Susan

Susan Cervantes, Founding Director Precita Eyes Muralists 415-285-2287

### Patterson, Kate

From:

Patterson, Kate

Sent:

Monday, March 19, 2012 10:03 AM

To:

@

Cc:

DeCaigny, Tom

Subject:

RE: mural on Cortland Library

Dear Ms. Caldwell.

I am writing on behalf of Tom DeCaigny, director of Cultural Affairs, to thank you for your letter expressing your concern for the loss of the Bernal Heights library mural. We understand that this mural has important meaning for some in the Bernal Heights community and that this has been a difficult issue.

We will share your letter with the Visual Arts Committee prior to the next meeting. We also invite you attend the meeting to have the opportunity to voice your concern in person. Here are the meeting details:

Wednesday, March 21, 3 p.m. 25 Van Ness, Suite 70 (basement level)

You can view the agenda, which is posted 72 hours in advance of the meeting, here: <a href="http://www.sfgov3.org/index.aspx?page=3271">http://www.sfgov3.org/index.aspx?page=3271</a>

Sincerely,

### Kate Patterson

Public Relations Manager San Francisco Arts Commission 25 Van Ness Avenue, Suite 345 San Francisco, CA 94102 T: 415-252-4638 F: 415-252-2595

Website | e-Newsletter | Twitter | Facebook | YouTube | Flickr

From: "\_\_\_\_\_\_\_\_\_\_\_" < \_\_\_\_\_\_\_\_

Date: Sat, 17 Mar 2012 10:59:07 -0700

To: Tom DeCaigny < Tom.DeCaigny@sfgov.org >, "mayoredwinlee@sfgov.or" < mayoredwinlee@sfgov.or > Cc: "Campos, David" < david.campos@sfgov.org >, "\"libraryusers 2004\"@yahoo.com" < "libraryusers 2004\"@yahoo.com >

Subject: mural on Cortland Library

I am writing to urge you to protect the old, deeply meaningful mural on the Cortland brandch of the library. The mural represents one very important aspect of Bay Area history. Holly NEar's music was vital in supporting the rise of the Wiomen'sw movement in the 70's and 80's, and Victor Jara still remains a symbol of the Chilean, and all of the America's struggle to achieve true democracy through resisting oppressive governments. Please don't destroy this historical landmark.

# Tita Caldwell

### Patterson, Kate

From:

Patterson, Kate

Sent:

Friday, March 16, 2012 12:48 PM

To:

' 0

Cc:

DeCaigny, Tom; Taleporos, Zoe (zoe.taleporos@sfgov.org); Pontious, Susan

Subject:

FW: Bernal Heights Library Murals

Dear Ms. Beigel,

I am writing on behalf of Tom DeCaigny, director of Cultural Affairs, to thank you for your letter expressing your concern for the loss of the Bernal Heights library mural. We understand that this mural has important meaning for some in your community and that this has been a difficult issue.

We will share your letter with the Visual Arts Committee prior to the next meeting. We also invite you attend the meeting to have the opportunity to voice your concern in person. Here are the meeting details:

Wednesday, March 21, 3 p.m. 25 Van Ness, Suite 70 (basement level)

You can view the agenda, which is posted 72 hours in advance of the meeting, here: <a href="http://www.sfgov3.org/index.aspx?page=3271">http://www.sfgov3.org/index.aspx?page=3271</a>

Sincerely,

Kate Patterson
Public Relations Manager
San Francisco Arts Commission
25 Van Ness Avenue, Suite 345
San Francisco, CA 94102
T: 415-252-4638
F: 415-252-2595

Website I e-Newsletter I Twitter I Facebook I YouTube I Flickr

On 3/16/12 12:35 PM, "Lynda Beigel" < @ \_\_\_\_\_ wrote:

- > The Library Users Assn. has brought to my attention the City of San >Francisco's planned removal of the community instigated and beautiful >murals on the Bernal Heights Library, including that honoring Chile's >martyred musician Victor Jara. As a member of the Friends of the >Library, I am shocked and disappointed that you would even consider >destroying these art works and insulting the community of Bernal >Heights that commissioned them.
- > I am a long term resident (recently returned from Marin) and landlord >in San Francisco, who remembers friends whose family were imprisoned in

>the soccer stadium and tortured. I hope this ill-founded idea is not a >repeat of the favoring northern and western neighborhoods and their >recent ethnic changes that I also watch in the school board and in real >estate decisions by the City.

>

Very truly yours, Lynda Beigel

### Patterson, Kate

From:

Patterson, Kate

Sent:

Friday, March 16, 2012 11:32 AM

To:

@(

Cc: Subject: DeCaigny, Tom; Pontious, Susan; Taleporos, Zoe (zoe.taleporos@sfgov.org)

RE: Bernal Library's Mural

Dear Ms. Trepagnier,

I am writing on behalf of Tom DeCaigny, director of Cultural Affairs, to thank you for your letter expressing your concern for the loss of the Bernal Heights library mural. We understand that this mural has important meaning for some in your community and that this has been a difficult issue.

We will share your letter with the Visual Arts Committee prior to the next meeting. We also invite you attend the meeting to have the opportunity to voice your concern in person. Here are the meeting details:

Wednesday, March 21, 3 p.m. 25 Van Ness, Suite 70 (basement level)

You can view the agenda, which is posted 72 hours in advance of the meeting, here: <a href="http://www.sfgov3.org/index.aspx?page=3271">http://www.sfgov3.org/index.aspx?page=3271</a>

Sincerely,

### Kate Patterson

Public Relations Manager San Francisco Arts Commission 25 Van Ness Avenue, Suite 345 San Francisco, CA 94102 T: 415-252-4638

F: 415-252-2595

Website I e-Newsletter I Twitter I Facebook I YouTube I Flickr

From: cheryl trepagnier <

@

Date: Thu, 15 Mar 2012 16:49:19 -0700

To: JD Beltran < Tom. DeCaigny@sfgov.org>

Cc: "Lee, Mayor" < mayoredwinlee@sfgov.org >, Board of Supervisors < board.of.supervisors@sfgov.org >, "Campos,

David" < david.campos@sfgov.org>, "libraryusers2004@yahoo.com" < libraryusers2004@yahoo.com>

Subject: Bernal Library's Mural

Mr. Decaigny

As a resident of Bernal Heights, whose library is an integral part of my life, I wish to urge you to reconsider destroying the multicultural mural that now covers the Bernal library's front and side walls.

Many residents of Bernal highly prize individualism. A library that looks like any other library, or chooses decoration elements from the standard vocabulary of design, would be a loss to this wonderful neighborhood.

I am so pleased that our library, in which wonderful access to books in all forms, and wonderful cultural programs are available, presents a multicultural facade, and especially that it memorializes Victor Jara. I'm of the generation for whom the overthrow of Salvador Allende in Chile and the events that followed represented a major part of the discovery of horror and evil in the world. I read about Victor Jara all those years ago and mourned him, and it means a lot to me to have a testament to his life on my library wall.

A free library is an amazing gift to us all and I continue to be thankful for it. Displaying representations and words of people whose expression or attempts at expression were variously successful: some famous, some never listened to, some hideously suppressed, is a wonderful exterior counterpart of the riches to be found within.

Thank you for considering my request,

Respectfully yours,

Cheryl Trepagnier

San Francisco CA

### Patterson, Kate

From:

Patterson, Kate

Sent:

Monday, March 19, 2012 1:11 PM

To:

Campos, David

Cc: Subject:

Chung Hagen, Sheila; Ronen, Hillary

RE: Bernal Heights Library Murals

Dear Supervisor Campos,

The Director of Cultural Affairs Tom DeCaigny asked me to follow up with you to make sure that your office was clear about where we are with regard to the Bernal Heights mural. Following is an excerpt from this Wednesday's Visual Arts Committee Meeting Agenda. As you will see, the Arts Commission has not yet voted on the removal of the Bernal Heights mural nor has it approved the new mural. This information differs from the information you provided in your response to Ms. Beigel.

We would appreciate it if someone from your office could attend the meeting to speak to the community about the process to reach a solution. The meeting will take place on Wednesday, March 21 at 3 pm in Suite 70, 25 Van Ness. Please let us know if you have any questions.

# From Visual Arts Committee Agenda:

Susan Pontious

Action

Explanatory Documents: Project Overview; Precita Eyes Mural Application; Ruben Rude Mural

Application; Letters of Support; Letters in Opposition; Approvals Timeline; Community Meetings Calendar

Presentation Time: Approximately 10 minutes

Presentation of the Bernal Heights Branch Library Mural removal and replacement effort.

Motion: Motion to approve the removal of the murals by Arch Williams and others on the Courtland Avenue and Moultrie Street sides of the Bernal Heights Branch Library, which will be replaced by a tile and bronze artwork by Precita Eyes on the Courland Avenue side of the library and a painted mural by Rueben Rude on the Moultrie Street side of the library.

Motion: Motion to approve final design of the mural by Rueben Rude for the Moultrie Street side of the Bernal Heights Branch Library.

Motion: Motion to approve design development of the proposal for a tile and bronze mural by Precita Eyes for the front of the Bernal Heights Branch Library on Courtland Avenue.

Sincerely,

### Kate Patterson

Public Relations Manager San Francisco Arts Commission 25 Van Ness Avenue, Suite 345 San Francisco, CA 94102 T: 415-252-4638 F: 415-252-2595

Website | e-Newsletter | Twitter | Facebook | YouTube | Flickr

### Begin forwarded message:

From: "Campos, David" < david.campos@sfgov.org>

**Date:** March 17, 2012 12:20:45 AM PDT **To:** Lynda Beigel < @ \_\_\_\_\_\_

Cc: "DeCaigny, Tom" <tom.decaigny@sfgov.org>, "Lee, Mayor"

<mayoredwinlee@sfgov.org>, Board of Supervisors <box><box>doard.of.supervisors@sfgov.org>,

"libraryusers2004@yahoo.com" < libraryusers2004@yahoo.com>

Subject: Re: Bernal Heights Library Murals

Thank you for your message. I appreciate the sentiment and respect the perspective. I would be more than happy to discuss this issue with you. The art project that was eventually approved by both the Arts Commission and the Library Commission is based on a compromise grounded on principles reflecting different perspectives of Bernal residents, including individuals who wanted to preserve the murals as they were and individuals that wanted the murals erased to preserve the architecture. I don't know that either perspective got exactly what they wanted but the ultimate result strived to strike a balance of all points of view. That is a key reason why the two Commissions approved it and why I support the final outcome. Thank you again for your message.

David Campos
District 9 Supervisor

The Library Users Assn. has brought to my attention the City of San Francisco's planned removal of the community instigated and beautiful murals on the Bernal Heights Library, including that honoring Chile's martyred musician Victor Jara. As a member of the Friends of the Library, I am shocked and disappointed that you would even consider destroying these art works and insulting the community of Bernal Heights that commissioned them.

I am a long term resident (recently returned from Marin) and landlord in San Francisco, who remembers friends whose family were imprisoned in the soccer stadium and tortured. I hope this ill-founded idea is not a repeat of the favoring northern and western neighborhoods and their recent ethnic changes that I also watch in the school board and in real estate decisions by the City.

Very truly yours, Lynda Beigel

# March 21, 2012

### SAN FRANCISCO ARTS COMMISSION VISUAL ARTS COMMITTEE Wednesday March 21, 2012 3:00 p.m. 25 Van Ness Avenue, Suite 70 San Francisco, CA 94102

### Agenda

#### 1. Roll Call

### 2. Art on Market Street

Mary Chou

Action

Explanatory Documents: Images of Revised Conceptual Designs by Paul Madonna

Presentation Time: Approximately 5 minutes

Presentation of revised designs for the Art on Market Street Poster Series by Paul Madonna.

Motion: Motion to approve revised designs for the Art on Market Street Poster Series by Paul Madonna.

### 3. Bayview Branch Library

Mary Chou

Action

Explanatory Document: Presentation of Artwork at Bayview Branch Library

Presentation Time: Approximately 5 minutes

Presentation of designs for the artwork at the new Bayview Branch Library by artist Ron Saunders.

**Motion:** Motion to approve designs for the artwork at the new Bayview Branch Library by artist Ron Saunders.

#### 4. Hamilton Recreation Center

Susan Pontious

Action

Presentation Time: Approximately 5 minutes

Discussion and possible motion to enter into a contract with Johanna Poethig to create an artwork for the Hamilton Recreation Center.

**Motion:** Motion to authorize the Director of Cultural Affairs to enter into a contract with Johanna Poethig an amount not to exceed \$49,000, for the design, fabrication, transportation and installation/consultation of an interior mural at Hamilton Recreation Center.

### 5. Daggett Park

Marcus Davies

Action

Explanatory Documents: Daggett Park Public Art Project Finalists; Daggett Park Public Art Project Staff

Presentation Time: Approximately 5 minutes

Presentation of finalists for the Daggett Park Public Art Project selected by the Daggett Park Public Art Selection Panel.

**Motion:** Motion to approve the following finalists for the Daggett Park Public Art Project as recommended by the Daggett Park Art Selection Panel: Michael Arcega, Adriane Colburn and Charles Sowers.

### 6. 17th and Folsom Park

Marcus Davies

Action

Explanatory Documents: 17th and Folsom Park Plan; 17th and Folsom Park Public Art Program Outline Presentation Time: Approximately 5 minutes

Presentation of public art program outline and appointment of Commissioner to serve on the Artist Selection Panel for 17th and Folsom Park.

Motion: Motion to approve public art program outline for 17th and Folsom Park.

### 7. Church & Duboce Streetscape Improvement

Jennifer Lovvorn

Action

Explanatory Document: Design Phase Deliverables for Chairs

Presentation Time: 5 minutes

Project update on *Gateway* and presentation of construction document phase deliverables for *Chairs* by Primitivo Suarez-Wolfe.

**Motion:** Motion to approve construction document phase (which includes final quantity of chairs, final site plan of chair installation locations, artwork material and surface treatment sample, and final budget) of the Church & Duboce Public Art Project (*Chairs*) by Primitivo Suarez-Wolfe.

### 8. Central Subway 4th and Brannan Platform Station

Jennifer Lovyorn

Action

Explanatory Document: Updated Central Subway 4th and Brannan Platform Station Project Outline Presentation Time: Approximately 5 minutes

Presentation of updated Project Outline indicating the inclusion of Arts Commission President JD Beltran as a panelist for the second selection panel meeting.

**Motion:** Motion to approve the updated Central Subway 4th and Brannan Platform Station Project Outline indicating the inclusion of Arts Commission President JD Beltran as a panelist for the second selection panel meeting.

### 9. Civic Art Collection

Allison Cummings

Action

**Explanatory Document: Artwork Image** 

Presentation Time: Approximately 5 Minutes

Discussion of the San Jose Museum of Quilts and Textiles request to borrow Mark Adam's Pond in Golden Gate Park original tapestry for exhibition.

**Motion:** Motion to approve the loan of Mark Adam's *Pond in Golden Gate Park*, 1981, a flat weave wool tapestry, approximately 84 in. x 96 in. (San Francisco Arts Commission Accession Number 1985.5.1) to the exhibition Mark Adams, organized by the San Jose Museum of Quilts and Textiles in San Jose, California. The exhibition will be on view from May 15 – July 29, 2012.

# 10. Public Safety Building – Police Memorial

Mary Chou

Action

Explanatory Documents: Staff Report and Images of Proposed Phrase for Backdrop

Presentation Time: Approximately 5 minutes

Presentation of phrase for backdrop behind cylinder and concept for text inscribed in cylinder for Shimon Attie's police memorial artwork for the new Public Safety Building.

**Motion:** Motion to approve phrase for backdrop behind cylinder and concept for text inscribed in cylinder for Shimon Attie's police memorial artwork for the new Public Safety Building.

### 11. Public Safety Building - Community Plaza

Mary Chou

Action

Explanatory Documents: Images of Revised Design of Community Plaza

Presentation Time: Approximately 10 minutes

Presentation of revised design and material samples for Paul Kos' community plaza artwork for the new Public Safety Building.

Motion: Motion to approve revised design and material samples for Paul Kos' community plaza artwork for the new Public Safety Building.

### 12. Port Pier 92

Mary Chou

Discussion

Explanatory Document: Project Outline for Port Pier 92 Public Art Project

Presentation Time: Approximately 5 minutes

Presentation of project outline for Port Pier 92 public art project.

# 13. Temporary Sculptures - Civic Center Plaza and War Memorial

Jill Manton

Action

Explanatory Document: Images of Artwork Presentation Time: Approximately 5 minutes

Presentation of sculptures by Jun Kaneko and locations at Civic Center and the War Memorial where they will be temporarily displayed from May 18, 2012 through December 18, 2012.

Motion: Motion to approve the placement of two black and white sculptural heads by Jun Kaneko from May 18, 2012 through December 18, 2012.

**Motion:** Motion to approve the placement of up to four sculptural heads from artist Jun Kaneko in Civic Center Plaza, pending approval from the Mayor and the Department of Recreation and Parks.

### 14. Bernal Heights Branch Library

Susan Pontious

Action

Explanatory Documents: Project Overview; Precita Eyes Mural Application; Ruben Rude Mural Application; Letters of Support; Letters in Opposition; Approvals Timeline; Community Meetings Calendar Presentation Time: Approximately 10 minutes

Presentation of the Bernal Heights Branch Library Mural removal and replacement effort.

Motion: Motion to approve the removal of the murals by Arch Williams and others on the Courtland Avenue and Moultrie Street sides of the Bernal Heights Branch Library, which will be replaced by a tile and bronze artwork by Precita Eyes on the Courland Avenue side of the library and a painted mural by Rueben Rude on the Moultrie Street side of the library.

Motion: Motion to approve final design of the mural by Rueben Rude for the Moultrie Street side of the Bernal Heights Branch Library.

**Motion:** Motion to approve design development of the proposal for a tile and bronze mural by Precita Eyes for the front of the Bernal Heights Branch Library on Courtland Avenue.

### 15. Public Comment

Discussion

(This item is to allow members of the public to comment generally on matters within the Visual Arts Committee's purview as well as to suggest new agenda items for the Visual Arts Committee's consideration at a future meeting.)

# 16. New Business and Announcements

Discussion

(This item is to allow the Commissioners and Arts Commission staff to introduce new agenda items for consideration at a future meeting, to report on recent arts activities and to make announcements.)

### 17. Adjournment

Action

ZT 3/16/12

#### Notices

Explanatory documents listed above, as well as documents created or distributed after the posting of this agenda to the Arts Commission will be available for public inspection and copying at the Arts Commission office, 25 Van Ness Avenue, Suite 345, San Francisco, CA 94102, during regular business hours. Info: Zoe Taleporos, zoe.taleporos@sfgov.org , 415-252-3215. PLEASE NOTE: The Arts Commission often receives documents created or submitted by other City officials, agencies or departments after the posting of the Arts Commission agenda. For such documents or presentations, members of the public may wish to contact the originating agency if they seek documents not yet provided to the Arts Commission.

Public comment in regard to specific items will be taken before or during consideration of the item.

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 of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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.

To obtain a disability-related modification or accommodation, including auxiliary aids or services, to participate in the meeting, please contact Zoe Taleporos, zoe.taleporos@sfgov.org, 415-252-3215, at least 48 hours before the meeting, except for Monday meetings, for which the deadline is 4:00 p.m. the previous Friday.

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code sections 2.100-2.160) 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 415/252-3100, fax 415/252-3112 and http://www.sfethics.org/ethics/2009/12/lobbyist-ordinance-2010.html.

### KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decision 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 or to report a violation of the ordinance, contact Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at 415-554 7724; by fax at 415-554 7854; or by email at sotf@sfgov.org

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, http://www.sfgov.org/sunshine/



### SAN FRANCISCO ARTS COMMISSION

EDWIN M. LEE

March 29, 2012

TOM DECAIGNY
DIRECTOR OF
CULTURAL AFFAIRS

Honorable Members of the Sunshine Ordinance Task Force I Dr. Carlton B. Goodlett Place City Hall, Room 244 San Francisco, CA 94102

PROGRAMS

Re: Complaint #12019, Library Users Association vs. San Francisco Arts Commission

CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS
& EDUCATION
CULTURAL EQUITY GRANTS
PUBLIC ART
STREET ARTISTS LICENSES

Dear Honorable Members of the Sunshine Ordinance Task Force:

ARTS COMMISSION GALLERY 401 VAN NESS AVENUE 415.554.6080 I am writing in response to complaint #12019 submitted by the Library Users Association. The San Francisco Arts Commission (SFAC) received notice of the complaint from the Sunshine Ordinance Task Force on March 29, 2012.

WWW.SFARTSCOMMISSION.ORG

In complaint # 12019, Mr. Warfield states that the Arts Commission inappropriately redacted "contact information from supporters of retention of the existing Bernal Heights Branch Library Victor Jara multi-cultural historic mural, and others" in the information we provided to the Library Users Association.

ARTSCOMMISSION@SFGOV.ORG

On Monday, March 19, 2012, the Arts Commission received Mr. Warfield's request for the following information:

"...to inspect, in your office, and also have copies sent via email of your organization's communications sent and received this year with regard to notification of parties / individuals about the upcoming Visual Arts Committee meeting on Wednesday, March 21."

On Tuesday, March 20, 2012, I, Kate Patterson, responded on behalf of the Arts Commission with the requested electronic copies of all of the Arts Commission's communications regarding notification for the Wednesday, March 21, 2012 meeting of the Visual Arts Committee. Per Mr. Warfield's request, copies of this correspondence were also made available at the Arts Commission's front desk for his review at his convenience.

As noted by Mr. Warfield, the private emails addresses and mailing addresses of those with whom we corresponded about this meeting were redacted to protect the individuals' right to privacy under Article 1, Section 1, of the California Constitution. Our rationale for these redactions was included in our response.

CITY AND COUNTY OF SAN FRANCISCO

At the March 7, 2012 meeting of the Sunshine Ordinance Task Force, the Task Force voted 7-0 to find the Arts Commission in violation of the Sunshine Ordinance for redacting the private information on speaker cards used at public meetings. Mr.

Warfield's complaint concerns the redaction of private contact information from emails, which were sent to individuals at the Arts Commission and not documents presented in a public forum. Therefore, we do not feel that the Sunshine Task Force's March 7 decision has any bearing on our decision to protect the privacy of individuals in accordance with Article I, Section I of the California Constitution.

My correspondence with Mr. Warfield regarding this matter is enclosed for your review.

Sincerely,

Kate Patterson Public Relations Manager 415-252- 4638

### Patterson, Kate

From:

Patterson, Kate

Sent:

Tuesday, March 20, 2012 12:15 PM

To:

'libraryusers2004@yahoo.com'

Cc:

DeCaigny, Tom; Taleporos, Zoe (zoe.taleporos@sfgov.org)

Subject:

RE: Immediate Disclosure Request

Attachments:

Warfield IDR 3\_20\_12 (3).pdf

Importance:

High

Dear Mr. Warfield,

I am writing in response to your public records request of March 20, 2012 in which you asked for:

1. Library Users Association would like to inspect, in your office, and also have copies sent via email of your organization's communications sent and received this year with regard to notification of parties / individuals about the upcoming Visual Arts Committee meeting on Wednesday, March 21.

Please find attached electric copies of all of our communications regarding notification for the upcoming Visual Arts Committee meeting on Wednesday, March 21, 2012. I will leave copies of this correspondence for your review at our front desk, which is located at 25 Van Ness, Suite 345. Please note that we have redacted personal telephone, address and email information on these documents in order to protect the individuals' right to privacy under Article 1, Section 1, of the California Constitution.

Please note that as of Friday, March 16, the Arts Commission has complied with is obligation under the Sunshine Act to post meeting information 72 hours in advance by:

- Sending an agenda for the Visual Arts Committee meeting to the Library so that it can be posted and viewable by the public;
- Posting a copy of the agenda outside of our office at 25 Van Ness, Ste. 345; and
- Posting a copy of the agenda online, which you can review here: <a href="http://www.sfgov3.org/index.aspx?page=3503">http://www.sfgov3.org/index.aspx?page=3503</a>

Sincerely,

### Kate Patterson

Public Relations Manager San Francisco Arts Commission 25 Van Ness Avenue, Suite 345 San Francisco, CA 94102

**T:** 415-252-4638 **F:** 415-252-2595

Website | e-Newsletter | Twitter | Facebook | YouTube | Flickr

From: Library Users Association < libraryusers 2004@yahoo.com >

Reply-To: "libraryusers2004@yahoo.com" < libraryusers2004@yahoo.com>

Date: Mon, 19 Mar 2012 20:57:12 -0700

**To:** Tom DeCaigny < <u>Tom.DeCaigny@sfgov.org</u>> **Cc:** "<u>JdBeltran@sfgov.org</u>" < <u>JdBeltran@sfgov.org</u>>

Subject: Immediate Disclosure Request

Dear Sir and Madam:

Library Users Association would like to inspect, in your office, and also have copies sent via email of your organization's communications sent and received this year with regard to notification of parties / individuals about the upcoming Visual Arts Committee meeting on Wednesday, March 21.

Please provide on a rolling basis if necessary.

Thank you.

Peter Warfield Executive Director Library Users Association 415/7 5 3 - 2 1 8 0