



**SUNSHINE ORDINANCE TASK FORCE**  
**Complaint Committee**  
**CITY AND COUNTY OF SAN FRANCISCO**  
**MINUTES**

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

**June 16, 2015 - 4:00 PM**

**Special Meeting**

**Members:** Lee Hepner (Chair), Allyson Washburn, Shaun Haines

**1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

The meeting was called to order at 4:01 p.m.

Member Pilpel was appointed to the Complaint Committee for the meeting of June 16, 2015, in place of Member Washburn. At the call of the roll Members Hepner, Haines, and Pilpel were noted present. There was a quorum.

There were no agenda changes.

**2. Public Comment:** Members of the public may address the Complaint Committee on matters that are within Committee's jurisdiction, but not on today's agenda.

**Speakers:**

Patrick Monette-Shaw provided an update regarding the Board of Supervisor's approval of an amendment to the Sunshine Ordinance in regard of Officials Calendars and the minutes policy of the SF Retirement Board.

Thomas Picarello commented on the vote of the Board of Supervisors in regards to the amendment to the Sunshine Ordinance and requested that the Compliance and Amendments Committee meeting as soon as possible.

Michael Petrelis advocated for the televising of SOTF meetings.

3. **File No. 15063:** Complaint filed by Michael Petrelis against District Attorney George Gascon and the Office of the District Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, and 67.29-5, for failure to respond to an Immediate Disclosure Request for public records in a timely and/or adequate manner and failure to maintain a daily calendar wherein is recorded the time and place of each meeting or event attended. (00:07:30 - 00:40:00)

**Member Pilpel, seconded by Member Hepner, moved to find jurisdiction on matter.**

Public Comment:

None.

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

Ayes: 3 - Pilpel, Haines, Hepner

Noes: 0 - None

Absent: 1 - Washburn

Michael Petrelis (Complainant) provided a summary of the complaint and requested the Task Force find violations. There were no speakers in support of the Complainant. Alex Bastian, District Attorney's Office (Respondent), provided a summary of the department's position, acknowledged that the response to the request was not timely and stated that due to the investigative nature of the department certain items cannot be placed in the calendar in order to protect various parties. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal.

The Complaint Committee requested that the District Attorney's Office provide information in regards to the possibility that additional calendars are kept on behalf of the District Attorney and information as to what may or may not be disclosed in regards to the District Attorney's calendar.

**Member Hepner, seconded by Member Haines, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation to find a violation of Administrative Code (Sunshine Ordinance), Sections 67.25(a) and 67.29-5, for failure to responded to an Immediate Disclosure Request in a timely manner and failure to maintain a daily calendar wherein is recorded the time and place of each meeting or event attend.**

Pubic Comment:

Thomas Picarello expressed support for the motion and suggested that additional information be provided prior to the hearing date.

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

Ayes: 3 - Pilpel, Haines, Hepner

Noes: 0 - None

Absent: 1 - Washburn

4. **File No. 15087:** Complaint filed by Alex Aldrich against General Manager Phil Ginsburg and the Recreation and Park Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to a request for public records in an adequate manner. (00:40:00 - 01:20:00)

**Member Pilpel, seconded by Member Hepner, moved to find jurisdiction on matter.**

Public Comment:

None.

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

Ayes: 3 - Pilpel, Haines, Hepner

Noes: 0 - None

Absent: 1 - Washburn

Alex Aldrich (Complainant) provided a summary of the complaint and requested the Task Force to find violations. Tom Porton spoke in support of the Complainant. Eric Pawlowsky, Recreation and Park Department (Respondent), provided a summary of the department's position and stated that the department does not have any records response to the request. There were no speakers in support of the Respondent. A question and answer period followed. There were no rebuttals from either party.

Mr. Pawlowsky stated that the Recreation and Park Department has a long standing regulation that bicycling is not allowed on earthen trails except for the interior greenbelt and certain section of the Oak Woodland in Golden Gate Park. The regulation is not codified or written in any format. It was further stated that the Complainant was not previously informed that there are no written regulations regarding bicycling in the parks.

The Committee expressed concern that the Recreation and Park Department is enforcing a policy that cannot be provided in a written form and that the policy has never been formally approved/adopted. The question as to how the policy was developed has not been answered. The issue may be beyond the scope of the SOTF.

**Member Pilpel, seconded by Member Hepner, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation to find a violation of Administrative Code (Sunshine Ordinance), Sections 67.21(b), for failure to provided a public record within 10 days.**

Pubic Comment:

Patrick Monette-Shaw suggested that the committee refer the matter to the SOTF for an additional hearing.

Male Speaker provided examples of signs being posted in the park based on policies that do not exist.

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

Ayes: 3 - Pilpel, Haines, Hepner

Noes: 0 - None

Absent: 1 - Washburn

Item Nos. 5 and 7 were heard together at the Request of the Complainant.

5. **File No. 15052:** Complaint filed by Patrick Monette-Shaw against Jay Huish, Norm Nickens, Bob Shaw, and Victor Makras, San Francisco Employee Retirement System (SFERS) for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, and 67.29-7, for failure to respond and immediate disclosure request, to make available documents in any form requested which is available or easily generated by the department, and to maintain and preserve all documents and correspondence. (01:20:00 - 01:55:00)

**Member Pilpel, seconded by Member Hepner, moved to find jurisdiction on File Nos. 15052 and 15054.**

Public Comment:

None.

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

Ayes: 3 - Pilpel, Haines, Hepner

Noes: 0 - None

Absent: 1 - Washburn

Patrick Monette-Shaw (Complainant) provided a summary of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Norm Nickens (SFERS) and Sophie Hayward (Mayor's Office of Housing and Community Development (Respondents), provided a summary of the department's positions. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal.

Upon review it was determined that the Complainant received the requested record in a pdf format and not as an excel spreadsheet as request. SFERS stated that they were never in possession of the excel version of the document in question and provided the document in the only way possible. MOHCD stated that they could not locate the excel version of the document and provided the pdf version in order to comply with the Immediate Disclosure Request. The Complainant believes that a violation should be found as SFERS and MOHCD have not performed their duties to maintain records in a professional manner.

It is the finding of the Committee that the Respondents complied with the Sunshine Ordinance by provided a pdf version of the requested document. However, the Committee requests that SFERS and MOHCD perform an additional search of previously sent emails, computer backup and other possible location in order to produce/provide an excel version of the requested document as originally requested by the Complainant.

Any additional documents that are found should be transmitted to the SOTF Administrator and Mr. Monette-Shaw prior to the July 1, 2015, meeting of the SOTF to discuss the matter.

**Member Pilpel, seconded by Member Haines, moved to refer File Nos. 15052 and 15054 to the Sunshine Ordinance Task Force with the recommendation that no violation occurred and that the matter be concluded.**

Public Comment:

Silvia Johnson expressed various opinions regarding the matter.

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

Ayes: 3 - Pilpel, Haines, Hepner

Noes: 0 - None

Absent: 1 - Washburn

6. **File No. 15053:** Complaint filed by Patrick Monette-Shaw against Olson Lee, Maria Benjamin, Eugene Flannery, Mayor's Office of Housing and Community Development (MOHCD), for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.24(a)(1), 67.25(a), 67.26, 67.27(a) and 67.29-7(a), for failure to respond and immediate disclosure request in a timely and/or complete manner.

**Member Pilpel, seconded by Member Hepner, moved to find jurisdiction on matter.**

Public Comment:

None.

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

Ayes: 3 - Pilpel, Haines, Hepner

Noes: 0 - None

Absent: 1 - Washburn

Patrick Monette-Shaw (Complainant) provided a summary of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Sophie Hayward (Mayor's Office of Housing and Community Development (MOHCD)) (Respondents), provided a summary of the department's position and acknowledged that the response to the request was not timely. Eugene Flannery (MOHCD) spoke in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal.

Upon review of testimony and documentation, the Committee determined that the MOHCD responded to the request and provided responsive records that were available. However, the large volume of information provided to the Complaint made it difficult to find specific information. The information requested either does not exist or was provided in a format that is not easily found. The Committee suggests that the parties

work together in the future to determine the exact nature of the information requested in order to produce a user friendly response.

**Member Pilpel, seconded by Member Haines, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation to find a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely manner.**

Public Comment:

Silvia Johnson expressed various opinions regarding the matter.

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

Ayes: 3 - Pilpel, Haines, Hepner

Noes: 0 - None

Absent: 1 - Washburn

7. **File No. 15054:** Complaint filed by Patrick Monette-Shaw against the Olson Lee, Maria Benjamin, and Eugene Flannery, Mayor’s Office of Housing and Community Development (MOHCD), for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, and 67.29-7, for failure to respond and immediate disclosure request, to make available documents in any form requested which is available or easily generated by the department, and to maintain and preserve all documents and correspondence.

File No. 15052 and 15054 were heard together. See Item No. 5 (File No. 15052).

8. **Announcements, Comments, Questions, and Future Agenda Items.**

Chair Lee provided an updated on the Sunshine Ordinance update being considered by the Board of Supervisors regard the calendar of city officials.

Public Comment:

Silvia Johnson expressed various opinions regarding the matter.

9. **ADJOURNMENT**

**There being no further business the meeting was adjourned at 7:01 p.m.**

APPROVED: 7/1/15



Victor Young  
Administrator  
Sunshine Ordinance Task Force

N.B. The Minutes of this meeting set forth all actions taken by the Sunshine Ordinance Task Force on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.