



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 26, 2018
5:30 PM – 7:30 PM

Regular Meeting

Members: Leuwam Tesfai (Chair), Fiona Hinze and Bruce Wolfe

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

Chair Tesfai called the meeting to order at 5:36 pm. On the call of the roll Chair Tesfai and Members Hinze and B. Wolfe were noted present. There was a quorum.

There were no agenda changes.

2. Approval of the May 22, 2018, Complaint Committee meeting minutes.

Member B. Wolfe seconded by Member Hinze, moved to approve the May 22, 2018, meeting minutes.

Public Comment:

Ann Treboux spoke about her experience of being confronted by Ann Trickey at sidewalk of Market and Spear Streets.

The motion PASSED by the following vote:

Ayes: 3 - Chair Tesfai, Member Hinze and Member Wolfe
Noes: 0 - None

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

Speakers:

Ray Hartz stated that Friends of the Public Library is a scam.

Anne Treboux submitted the following summary of her public comment "On June 15, 2018, on the sidewalk of Market at Spear, a female stood within 6 inches of my face. She took two cell phone photos. I said nothing and took a video of the incident. She said, 'Don't shove me. What you shoved me? Stop touching me. You shoved me. I have to call police and file a report.' She stood within inches of me while she made a call which was not to SFPD. I showed the video to someone who identified her as Anne Trickey of the SF Arts Commission. I filed a harassment report against her and dropped off a copy of the video. Trickey filed a battery report. This is a false report. I have been harassed by staff at the SFAC for years. Their claim that they have no documents relative to their constant allegations is true because they did not take place."

The Complaint Committee (Committee) shall hold hearing(s) on File No(s). 17086, 17087, 18035, 18036, 18037, 18038, 18039, 18040 and 18041 to: 1) determine if the Sunshine Ordinance Task Force (Task Force) has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force. The Task Force, upon receipt of the report and/or recommendation from the Committee, shall schedule and conduct a hearing on the merits of the complaint.

4. **File No. 17086:** Complaint filed by Ray Hartz against Dennis Herrera and Bradley Russi, Office of the City Attorney, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(i), by acting as legal counsel for city employees or any person having custody of public records for the purpose of denying access to the public. (00:5:38 – 00:6:04)

Ray Hartz (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Hartz stated that the Friends of the San Francisco Public Library have been withholding public records on the advice of the City Attorney. Mr. Hartz also stated that the San Francisco Public Librarian was unlawfully advised to not turn over fund raising documents. Mr. Hartz stated that the Friends of the Public Library is unaware of how Library money is raised and spent.

John Cote, Office of the City Attorney (Respondent), provided a summary of the department's position. Mr. Cote stated that Mr. Hartz has no claim regarding noncompliance with the Sunshine Ordinance against the City Attorney's Office. Mr. Cote stated that Deputy City Attorney Brad Russi wrote a memo requested by the Public Library addressing Sunshine Ordinance, Section 67.29-6, regarding how the Friends of the Public Library should comply with the Sunshine Ordinance. Mr. Cote stated that pursuant to the San Francisco Charter the Office of the City Attorney is required to provide legal services to all city agencies and that it supersedes the Sunshine Ordinance.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Member B. Wolfe requested the SOTF Deputy City Attorney provide written advice/comment regarding the Public Library's position that the Friends of the Public Library is a third party entity that is only required to comply with Administrative Code (Sunshine Ordinance), Section 67.296-6, and not the entirety of the Sunshine Ordinance. Member B. Wolfe also requested the SOTF Deputy City Attorney to provide written advice regarding the Respondents statement that the City Charter supersede the Sunshine Ordinance.

Chair Tesfai stated that the city attorney did not advise the library to not comply with the Sunshine Ordinance but instead advised how to implement provisions of the Sunshine Ordinance.

Member B. Wolfe, seconded by Member Hinze, moved to find jurisdiction and referred the matter to the SOTF for hearing.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2- Wolfe and Hinze
Noes: 1 – Chair Tesfai

5. **File No. 17087:** Complaint filed by Ray Hartz against the Office of the Mayor for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.31, by failing to administer and coordinate the implementation of the provision of the Sunshine Ordinance for departments under the control of boards and commission appointed by the Mayor.

Ray Hartz (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Hartz stated that the Office of the Mayor is required to administer and coordinate the implementation of the Sunshine Ordinance to departments under the control of boards and commissions appointed by the Mayor which include the Public Librarian and members of the Library Commission. Mr. Hartz stated that the Library Commission and the Public Librarian have not complied with the Sunshine Ordinance and the Mayor failed to oversee the practices of their department and appointees.

Victor Lim, former Communication Director for Mayor Edwin Lee's and the Office of the Mayor (Respondent), provided a summary of the department's position. Mr. Lim stated that the Mayor's Office has policies and mechanisms in place to comply with provisions of the Sunshine Ordinance and there were no willful violations.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Member B. Wolfe asked if there is a specific process in the Mayor's Office to provide training and assure that the executive branch is fully aware or educated on how to implement the Sunshine Ordinance?

In response to Member Wolfe's question, Mr. Lim stated that prior to his departure from the Mayor's Office, they had spoken with the Library regarding their method for training the Department on the implementation of the Sunshine Ordinance.

Member B. Wolfe, seconded by Member Hinze, moved to find jurisdiction, refer the matter to the SOTF for hearing and requested that the Mayor's Office provide their written policy regarding Administrative Code (Sunshine Ordinance), Section 67.31, and citations of law supporting the Mayor's position.

Public Comment:

Ann Treboux stated her experiences with the Library Commission.

The motion PASSED by the following vote:

Ayes: 3 – Chair Tesfai, Member Wolfe and Member Hinze

Noes: 0 – None.

Chair Tesfai requested that Item Nos. 6 through 12 be called and heard together.

Reverend Arnold Townsend of the NAACP spoke on behalf of Petitioner Reverend Amos Brown and requested that the committee continue the matter to a future hearing date. Reverend Townsend stated that Reverend Brown was not available to participate in the hearing until late July.

Amy Beinart, Legislative Aide to Supervisor Ronen; Marty Fatooh, Legislative Aide to Supervisor Sheehey; Noelle Duong, Legislative Aide to Supervisor Kim; Jarlene Choy, Legislative Aide to Supervisor Yee; Nicholas Persky, Legislative Aide to Supervisor Fewer (Respondents), spoke to their availability for future hearing dates and requested that the committee acknowledge their attendance at the meeting.

Chair Tesfai suggested that these complaints brought by Reverend Brown be heard after the Labor Day holiday due to the transition in the Mayor's office and the vacation schedule of the various Supervisors.

Chair Tesfai, seconded by Member B. Wolfe, moved to continue File Nos. 18035, 18036, 18037, 18038, 18039, 18040 and 18041 to the call of the chair.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – Chair Tesfai, Member Wolfe and Member Hinze

Noes: 0 – None.

6. **File No. 18035:** Complaint filed by Amos Brown and the National Association for the Advancement of Colored People (NAACP) against Mayor Mark Farrell (former member of the Board of Supervisors), for allegedly violating Administrative Code, Section 67.5, and California Government Code, Sections 54950, 54952.2(b)(1), 54953.3, 54954, 54954.2 and 54954.3, by failing to make all meetings of any policy body open and public and by conducting seriatim or serial meetings.

The matter was continued to the call of the chair. (See above).

7. **File No. 18036:** Complaint filed by Amos Brown and the National Association for the Advancement of Colored People (NAACP) against Supervisor Aaron Peskin, Board of Supervisors, for allegedly violating Administrative Code, Section 67.5, and California Government Code, Sections 54950, 54952.2(b)(1), 54953.3, 54954, 54954.2 and 54954.3, by failing to make all meetings of any policy body open and public and by conducting seriatim or serial meetings.

The matter was continued to the call of the chair. (See above).

8. **File No. 18037:** Complaint filed by Amos Brown and the National Association for the Advancement of Colored People (NAACP) against Supervisor Hillary Ronen, Board of Supervisors, for allegedly violating Administrative Code, Section 67.5, and California Government Code, Sections 54950, 54952.2(b)(1), 54953.3, 54954, 54954.2 and 54954.3, by failing to make all meetings of any policy body open and public and by conducting seriatim or serial meetings.

The matter was continued to the call of the chair. (See above).

9. **File No. 18038:** Complaint filed by Amos Brown and the National Association for the Advancement of Colored People (NAACP) against Supervisor Norman Yee, Board of Supervisors, for allegedly violating Administrative Code, Section 67.5, and California Government Code, Sections 54950, 54952.2(b)(1), 54953.3, 54954, 54954.2 and 54954.3, by failing to make all meetings of any policy body open and public and by conducting seriatim or serial meetings.

The matter was continued to the call of the chair. (See above).

10. **File No. 18039:** Complaint filed by Amos Brown and the National Association for the Advancement of Colored People (NAACP) against Supervisor Sandra Lee Fewer, Board of Supervisors, for allegedly violating Administrative Code, Section 67.5, and California Government Code, Sections 54950, 54952.2(b)(1), 54953.3, 54954, 54954.2 and

54954.3, by failing to make all meetings of any policy body open and public and by conducting seriatim or serial meetings.

The matter was continued to the call of the chair. (See above).

11. **File No. 18040:** Complaint filed by Amos Brown and the National Association for the Advancement of Colored People (NAACP) against Supervisor Jane Kim, Board of Supervisors, for allegedly violating Administrative Code, Section 67.5, and California Government Code, Sections 54950, 54952.2(b)(1), 54953.3, 54954, 54954.2 and 54954.3, by failing to make all meetings of any policy body open and public and by conducting seriatim or serial meetings.

The matter was continued to the call of the chair. (See above).

12. **File No. 18041:** Complaint filed by Amos Brown and the National Association for the Advancement of Colored People (NAACP) against Supervisor Jeff Sheehy, Board of Supervisors, for allegedly violating Administrative Code, Section 67.5, and California Government Code, Sections 54950, 54952.2(b)(1), 54953.3, 54954, 54954.2 and 54954.3, by failing to make all meetings of any policy body open and public and by conducting seriatim or serial meetings.

The matter was continued to the call of the chair. (See above).

13. **Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar by members of the Committee.**

Member B. Wolfe announce that Supervisor Malia Cohen was just elected as president of the Board of Supervisor.

14. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:55 p.m.

APPROVED: August 28, 2018
Complaint Committee
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.