



# SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO MINUTES

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

January 30, 2014 – 4:00 PM

## Special Meeting

**Members:** Kitt Grant (Chair), Louise Fischer (Vice-Chair),  
Richard Knee, Allyson Washburn, David Pilpel,  
David Sims, Todd David, Chris Hyland, Bruce Oka

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

The meeting was called to order at 4:05 p.m. Members David, Grant and Sims were noted absent. There was a quorum.

Members Sims was noted present at 4:23 p.m.

**Vice Chair Fischer changed the order of the agenda by moving File No. 13034 (Item 4) to the Item 2 slot on the agenda to allow additional time for the Complainant to arrive.**

#### **Public Comment:**

Roberta Boomer (Municipal Transportation Agency) objected to any further continuations of File No. 13034; Ray Hartz Jr. stated that the requirement that a Complainant respond within 5 days before further action can be taken is not good policy and that the SOTF convenes late on many occasions; Jason Grant Garza stated that his request for IDR are often not responded to in a timely manner.

**There were no objections.**

### 2. **File No. 13033:** Complaint filed by Barry Taranto, against the Municipal Transportation Agency for allegedly violating Sunshine Ordinance §67.15(a) Public Testimony thereby censoring and abridging public testimony. (01:23:00 – 01:56:00)

Members Pilpel and Knee stated that they have had previous association with Mr. Taranto but do not believe there is any conflict of interest. There were no objections.

**Member Washburn, seconded by Member Kneel, moved to find jurisdiction.**

**Public Comment:**

None.

**The motion PASSED without objection.**

Barry Taranto (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Roberta Boomer, Municipal Transportation Agency (Respondent), presented an overview of their defense. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent waived rebuttal. The Complainant provided a rebuttal and requested the Task Force to find violations.

**Public Comment:**

Paula Datesh reminded the SOTF of their previous decision concerning public comment on individual items versus grouped items; Ray Hartz expressed concern the reduction of public comment time limits and that the Complainant only addressed their internal rules and not the Sunshine Ordinance requirements.

**Due to a lack of a motion, the Task Force FOUND NO VIOLATION.**

3. **Public Comment:**  
(01:11:00-01:23:00)

Ray Hartz Jr. described his removal from a Board of Supervisors Meeting during public comment.

Paula Datesh expressed concerns regarding actions taken by staff during Arts Commission meetings and the use of a Police Officer to act as Sergeant at Arms. Jason Garza expressed concern regarding the processing of complaints filed with the SOTF Administrator and the lack of service.

Thomas Picarello expressed disappointment with the lack of attendance of SOTF members.

4. **File No. 13034:** Complaint filed by Ray Hartz Jr., against Thomas Mazzucco, Police Commission, for allegedly violating Sunshine Ordinance §67.15(d) Public Testimony thereby abridging or prohibiting public criticism. (00:12:00-01:11:00)

**Member Knee, seconded by Member Pilpel, moved to find jurisdiction.**

**Public Comment:**

Jason Garza expressed concerns conducting hearings without a full complement of SOTF members.

**The motion PASSED without objection.**

Ray Hartz Jr. (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Inspector Monroe, Police Commission (Respondent), presented an overview of their defense. 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 and requested the Task Force to find violations.

**Public Comment:**

Paula Datesh expressed concern that intimidation is being allowed by Police Commission members; Jason Garza expressed disappointment with the decision of the Task Force; Thomas Picarello expressed his disagreement with the decision of the Task Force.

**Due to a lack of a motion, the Task Force FOUND NO VIOLATION.**

**MEETING RECESS - 5:57 PM to 6:06 PM**

5. **File No. 13036:** Complaint filed by Paula Datesh, against Howard Lazar, Arts Commission, for allegedly violating Sunshine Ordinance §67.16 Minutes and §67.9 Agendas and Related Materials thereby excluding material for public disclosure and failing to post meeting minutes. (01:56:00 – 02:39:00)

**Member Knee, seconded by Member Oka, moved to find jurisdiction.**

**Public Comment:**

None.

**The motion PASSED without objection.**

Paula Datesh (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Kate Patterson, Arts Commission (Respondent), presented an overview of the Respondent's defense. 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 and requested the Task Force to find violations.

**Member Washburn, seconded by Member Hyland, moved to find the Arts Commission in violation of Sunshine Ordinance Section 67.16 for failure to post meeting minutes for April 1, 2013, May 6, 2013, May 20, 2013, and June 3, 2013, in a timely manner.**

**Public Comment:**

None.

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

**Ayes: 7 – Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer**  
**Absent: 2 – David, Grant**

6. **File No. 13040:** Complaint filed by Paula Datesh, against Sharon Page-Ritchie, Arts Commission for allegedly violating Sunshine Ordinance §67.6(g) Conduct of Business thereby failing to post a cancelled meeting notice for the Arts Commission August 5, 2013, in a timely manner.

**Member Knee, seconded by Member Oka, moved to find jurisdiction.**

**Public Comment:**

None.

**The motion PASSED without objection.**

Paula Datesh (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Kate Patterson, Arts Commission (Respondent), presented an overview of the Respondent's defense. 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 and requested the Task Force to find violations.

**MEETING RECESS - 7:13 PM to 7:16 PM**

**Public Comment:**

None.

**Due to a lack of a motion, the Task Force FOUND NO VIOLATION.**

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

Member Knee provided information on the Society of Professional Journalist, Northern California Chapter, will hold its James Madison annual award dinner on March 20, 2014, to honor champions of the First Amendment and Freedom of Information. Additional information available at - Spjnorcal.org

Member Knee provided information on national legislation that would allow Presidential authority to negotiate a transpacific partnership. Member Knee has no objection to the partnership but opposed to secretive manner of the proceedings.

Member Pilpel provided information on the Ethics and Sunshine Training scheduled for February 25, 2014, at 6:00 p.m. and the conflict with the SOTF meeting.

**8. ADJOURNMENT**

There being no further business, the Task Force adjourned at 7:34 p.m.

**APPROVED: April 30, 2014**



**Victor Young  
Administrator  
Sunshine Ordinance Task Force**

## Agenda Item Information

Each item on the agenda may include: 1) Department or Agency cover letter and/or report; 2) Public correspondence; 3) Other explanatory documents. For more information concerning agendas, minutes, and meeting information, such as these documents, please contact the SOTF Clerk, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at:  
<http://www.sfbos.org/index.aspx?page=9811>

For information concerning Sunshine Ordinance Task Force please contact by e-mail [sof@sfgov.org](mailto:sof@sfgov.org) or by calling (415) 554-7724.

## Public Comment

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.

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 subject of the meeting or hearing;. These comments will be made a part of the official public record.

## Hearing 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.) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

## **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, 6, 9, 19, 21, 47, 49, 71, and 71L. 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 (Chapter 67 of the San Francisco Administrative Code) 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 Chapter 67 of the San Francisco Administrative Code 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 §2.100, et. seq] 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)