



# 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**

**June 6, 2012 – 4:00 PM**

## **Regular Meeting**

**Members:** Kitt Grant (Chair), Louise Fischer (Vice-Chair)  
Richard Knee, Suzanne Manneh, Allyson Washburn, David Pilpel,  
David Sims, Todd David, Chris Hyland, Jackson West

### **1. Call to Order, Roll Call, and Agenda Changes.**

The meeting was called to order at 4:11 p.m. by the Sunshine Ordinance Task Force Administrator. Member Sims and Member West were noted absent. There was a quorum.

**Member Knee, seconded by Member Washburn, moved to EXCUSE Member Sims.**

Speakers: Ray Hartz, Jr. expressed concern regarding attendance issues with the past Task Force members and to adhere to the Bylaws; Patrick Monette-Shaw spoke about the schedule of the previous Task Force; Peter Warfield expressed the importance of attendance by the Task Force Members; Michael Petrelis expressed concern with the absence of members and capturing absences in the minutes.

**The motion PASSED without objection.**

The Task Force Administrator announced that File No. 12020, William Clark v. Arts Commission (Item No. 18) was withdrawn by the Complainant; File No. 12017, Ray Hartz, Jr. v Supervisor David Campos (Item No. 15), was requested by Supervisor Campos' Office (Respondent) to be heard earlier on the agenda due to the Respondent's scheduling restraints.

**Member Fischer, seconded by Member Grant, moved to hear File No. 12017 earlier on the agenda.**

Speakers: William Clark spoke in opposition to the motion; Thomas Piccarello spoke in opposition to the motion; Ray Hartz, Jr., spoke in opposition to the motion; Patrick Monette-Shaw spoke in opposition to the motion, Dr. Kerr spoke in opposition to the motion.

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

Ayes: 4 - Pilpel, Hyland, Fischer, Grant  
Noes: 4 - Knee, Manneh, Washburn, David  
Excused: 1 - Sims  
Absent: 1 - West

**Member Pilpel, seconded by Member Knee, moved to change the order of the agenda, hearing Item Nos. 5 through 9 after Item No. 19.**

Speakers: Patrick Monette-Shaw, Allen Grossman, and Ray Hartz, Jr., spoke in favor of the motion; Peter Warfield spoke in support of hearing item no. 7 as agendized; Male Speaker spoke against moving items.

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

Ayes: 8 - Knee, Manneh, Washburn, Pilpel, David, Hyland, Fischer, Grant  
Noes: 0 -  
Excused: 1 - Sims  
Absent: 1 - West

*Recess 6:47 P.M. - 7:00 P.M.*

**2. Swearing in of appointees not previously sworn in.**

Madeleine Licavoli, Deputy Director, Office of the Clerk of the Board of Supervisors swore in appointee David Pilpel into the office of Member of the Sunshine Ordinance Task Force.

Speakers: Patrick Monette-Shaw expressed the laws members must uphold; Dr. Kerr spoke expressing concern with the purge of the Task Force; Ray Hartz expressed concern with the retaliation of the Board of Supervisors against the former members of the Task Force; Michael Petrelis expressed concern with the qualifications of the current Task Force members; Doug Comstock expressed his support for the Sunshine Ordinance Task Force; Peter Warfield expressed the purpose of the Sunshine Ordinance Task Force.

**3. Annual Election of Officers (Bylaws Art. II).**

**Member Knee, seconded by Member Manneh, moved to have the nomination for the newly elected Chair effective June 6, 2012 through the July 2012 through June 2013 fiscal year.**

Speakers: Ray Hartz, Jr. spoke in opposition to the nomination of David Pilpel as Chair; Bruce Wolfe spoke to the process of a friendly amendment, Patrick Monette-Shaw spoke in favor to the motion; Peter Warfield spoke in favor of the motion.

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

Ayes: 8 - Knee, Grant, Manneh, Washburn, Pilpel, David, Hyland, Fischer  
Excused: 1 - Sims

Absent: 1- West

**Member Fischer, seconded by Member Hyland, moved to continue the election of Chair and Vice Chair to July meeting.**

Speakers: Patrick Monette-Shaw spoke expressing concern with the members regarding their qualifications and knowledge of the bylaws; Allen Grossman spoke advising members to refer to the holdover members for guidance and experience; Ray Hartz, Jr. spoke expressing concern with the new member's knowledge of the bylaws and Sunshine Ordinance; Paul Courier spoke expressing concern with the new member's knowledge of the bylaws and Sunshine Ordinance; Pastor Gavin spoke expressing concern with the new member's knowledge of the bylaws and Sunshine Ordinance; Doug Comstock spoke advising the Task Force to amend the bylaws; Peter Warfield spoke in opposition of postponing the election of officers.

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

Ayes: 1 - Fischer

Noes: 7 - Knee, Manneh, Washburn, Pilpel, David, Hyland, Grant

Excused: 1 - Sims

Absent: 1 - West

**Member Knee nominated Member Grant for Chair. Member Fischer nominated Member Pilpel for Chair.**

Member Pilpel withdrew his nomination for Chair.

Speakers: Patrick Monette-Shaw spoke in opposition to the nomination of Member Pilpel and support of Member Grant; Bruce Wolfe spoke in support of the nomination of Grant; Michael Petrelis spoke expressing concern with experience of the nominee; Peter Warfield spoke expressing concern with the nominee; Pastor Gavin spoke expressing concern with the nominee; Doug Comstock spoke in support of the nomination of Member Grant.

**Member Grant was elected Chair by the following vote:**

Member Grant: 8 - Knee, Manneh, Washburn, Pilpel, David, Hyland, Fischer, Grant

Excused: 1 - Sims

Absent: 1- West

Chair Grant presided over the remainder of the June 6, 2012, meeting.

**Member Knee nominated Member Hyland for Vice Chair. Member Fischer nominated Member Pilpel for Vice Chair. Member Pilpel nominated Member Fischer for Vice Chair.**

Member Hyland withdrew his nomination for Vice Chair.

Speakers: Bruce Wolfe spoke expressing concern regarding building consensus; Peter Warfield spoke expressing concern with nomination process and opposition to the nomination of Member Pilpel; Ray Hartz, Jr. spoke in opposition to electing new members as Chair and Vice Chair; Allen Grossman spoke in opposition to nomination of Member Pilpel; Michael Petrelis spoke in opposition to nominations of Members Pilpel and Fischer; Patrick Monette-Shaw spoke in opposition to nominations of Members Pilpel and Fischer; Pastor Gavin spoke in opposition to nominations of Members Pilpel and Fischer; Doug Comstock spoke in support of the nomination of Member Fischer and opposition to the nomination of Member Pilpel; Paul Currier spoke in opposition to the nomination of Member Pilpel.

**Member Fischer elected Vice Chair by the following vote:**

Fischer: 8 - Knee, Manneh, Washburn, Pilpel, David, Hyland, Fischer, Grant

Excused: 1 - Sims

Absent: 1 - West

4. **Determine compliance with Sunshine Ordinance Section 67.30(a):** “At all times the Task Force shall include at least one member who shall be a member of the public who is physically handicapped and who has demonstrated interest in citizen access and participation in local government.”

Angela Cavillo, Clerk of the Board of Supervisors, presented the history of the item. Jerry Threet, Deputy City Attorney advised the Task Force on Section 67.30(a).

Member Pilpel called former Member Vice Chair Bruce Wolfe to speak on the Task Force’s continuous effort to have a member who fulfills Section 67.30 Ordinance requirement (Seats 6 - 11).

**Member Knee, seconded by Member Manneh, moved to adjourn the Task Force meeting of June 6, 2012, and not to convene thereafter until a member is appointed by the Board of Supervisors to fulfill Section 67.30(a).**

The motion was withdrawn by Member Knee.

Speakers: Patrick Monette-Shaw expressed concern with Task Force being in violation of 67.30(a); Bruce Wolfe presented the specifics of the qualification of each seat and 67.30(a); Dr. Derek Kerr expressed concern with the removal of Bruce Wolfe from the Task Force; Peter Warfield expressed concern with the Task Force being in violation of 67.30(a); Ray Hartz Jr. expressed concern with the Board of Supervisors violating 67.30(a); Mike expressed concern with adjourning the meeting and not convening for future meetings; Supervisor Campos spoke stating he was not privy to the ADA requirement and that it’s an ethical question not just a legal question in regards to moving forward; Antonio spoke in favor of complaints being heard.

SUBSTITUTE MOTION

**Member Knee, seconded by Member Manneh, moved to continue with the June 6, 2012 meeting.**

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

Ayes: 4 - Knee, Pilpel, Hyland, Fischer  
Noes: 4 - Grant, Manneh, Washburn, David  
Excused: 1 - Sims  
Absent: 1 - West

**Member Knee, seconded by Member David, moved to adjourn the June 6, 2012 meeting.**

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

Ayes: 5 - Knee, Manneh, Washburn, David, Fischer, Grant  
Noes: 2 - Pilpel, Hyland  
Excused: 1 - Sims  
Absent: 1 - West

5. **Recognition of exiting members for past service:** Hope Johnson, Richard Knee, Sue Cauthen, Hanley Chan, Jay Costa, David Snyder, James Knoebber, Bruce Wolfe.

**NO ACTION TAKEN.**

6. **Approval of Minutes from the May 2, 2012, Regular Meeting.**

**NO ACTION TAKEN.**

7. Taking action at a meeting. Quorum, required vote, Task Force's bylaws, and the City Charter Section 4.104.

**NO ACTION TAKEN.**

8. Review of outcomes from Joint Sunshine Ordinance Task Force and Ethics Commission Hearing.

**NO ACTION TAKEN.**

9. July 11, 2012, Special Meeting due to Regular scheduled meeting convening on July 4, 2012, holiday.

**NO ACTION TAKEN.**

10. **File No. 11083:** The Compliance and Amendments Committee has referred File No. 11083, Ray Hartz, Jr. against the Public Library, back to the Task Force for further action including a recommendation to the Ethics Commission.

**NO ACTION TAKEN.**

11. **File No. 11089:** Complaint filed by Robb Birkhead against the City Attorney's Office for allegedly withholding documents.

- a) Determination of jurisdiction on complaint filed by Robb Birkhead against the City Attorney's Office for allegedly withholding documents.
- b) Hearing on complaint filed by Robb Birkhead against the City Attorney's Office for allegedly withholding documents.

**NO ACTION TAKEN.**

12. **File No. 12005:** Complaint filed by Anonymous against the Municipal Transportation Agency for allegedly not providing camera footage.

- a) Determination of jurisdiction on complaint filed by Anonymous against the Municipal Transportation Agency for allegedly not providing camera footage.
- b) Hearing on complaint filed by Anonymous against the Municipal Transportation Agency for allegedly not providing camera footage.

**NO ACTION TAKEN.**

13. **File No. 12013:** Complaint filed by William Clark against Howard Lazar, Arts Commission for allegedly not providing documents of expenses charged to the Street Artist Program for FY 2010-2011.

- a) Determination of jurisdiction on complaint filed by William Clark against Howard Lazar, Arts Commission for allegedly not providing documents of expenses charged to the Street Artist Program for FY 2010-2011.
- b) Hearing on complaint filed by William Clark against Howard Lazar, Arts Commission for allegedly not providing documents of expenses charged to the Street Artist Program for FY 2010-2011.

**NO ACTION TAKEN.**

14. **File No. 12014:** Complaint filed by William Clark against Tom DeCaigny, Arts Commission for allegedly not providing an itemized list of expenditures for the Street Artist Program FY 2012-2013 budget.

- a) Determination of jurisdiction on complaint filed by William Clark against Tom DeCaigny, Arts Commission for allegedly not providing an itemized list of expenditures for the Street Artist Program FY 2012-2013 budget.
- b) Hearing on complaint filed by William Clark against Tom DeCaigny, Arts Commission for allegedly not providing an itemized list of expenditures for the Street Artist Program FY 2012-2013 budget.

**NO ACTION TAKEN.**

15. **File No. 12017:** Complaint filed by Ray Hartz, Jr. against Supervisor David Campos, Board of Supervisors for allegedly participating in the operation of the Bernal Library Art Project, violating the rights of citizens.
- a) Determination of jurisdiction on complaint filed by Ray Hartz, Jr. against Supervisor David Campos, Board of Supervisors for allegedly participating in the operation of the Bernal Library Art Project, violating the rights of citizens.
  - b) Hearing on complaint filed Ray Hartz, Jr. against Supervisor David Campos, Board of Supervisors for allegedly participating in the operation of the Bernal Library Art Project, violating the rights of citizens. )

**NO ACTION TAKEN.**

16. **File No. 12018:** Complaint filed by Ray Hartz, Jr. against Greg Suhr, Chief of Police for allegedly responding to an Immediate Disclosure Request late, incompletely, and unlawfully.
- a) Determination of jurisdiction on complaint filed by Ray Hartz, Jr. against Greg Suhr, Chief of Police for allegedly responding to an Immediate Disclosure Request late, incompletely, and unlawfully.
  - b) Hearing on complaint filed by Ray Hartz, Jr. against Greg Suhr, Chief of Police for allegedly responding to an Immediate Disclosure Request late, incompletely, and unlawfully.

**NO ACTION TAKEN.**

17. **File No. 12019:** Complaint filed by the Library Users Association against the Arts Commission for allegedly redacting contact information from supporters of retention of the Bernal Heights Branch Library, Victor Jara multi-cultural historic mural.
- a) Determination of jurisdiction on complaint filed by the Library Users Association against the Arts Commission for allegedly redacting contact information from supporters of retention of the Bernal Heights Branch Library, Victor Jara multi-cultural historic mural.
  - b) Hearing on complaint filed by the Library Users Association against the Arts Commission for allegedly redacting contact information from supporters of retention of the Bernal Heights Branch Library, Victor Jara multi-cultural historic mural.

**NO ACTION TAKEN.**

18. **File No. 12020:** Complaint filed by William Clark against the Arts Commission for allegedly not responding to a request for an audio copy of the Arts Commission March 5, 2012, meeting.
- a) Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly not responding to a request for an audio copy of the Arts Commission March 5, 2012, meeting.
  - b) Hearing on complaint filed by William Clark against the Arts Commission for allegedly not responding to a request for an audio copy of the Arts Commission March 5, 2012, meeting.

**NO ACTION TAKEN.**

19. **File No. 12021:** Complaint filed by Larry Littlejohn against Bill Ahern, Medical Examiner for allegedly not providing Medical Examiner logbooks.
- a) Determination of jurisdiction on complaint filed by Larry Littlejohn against Bill Ahern, Medical Examiner for allegedly not providing Medical Examiner logbooks.
  - b) Hearing on complaint filed by Larry Littlejohn against Bill Ahern, Medical Examiner for allegedly not providing Medical Examiner logbooks.

**NO ACTION TAKEN.**

20. **Public Comment:** Members of the public may address the Sunshine Ordinance Task Force (SOTF) on matters that are within SOTF's jurisdiction, but not on today's agenda.

Speakers: Patrick Monette-Shaw expressed concern with the Ethics Commission referring his case to the San Jose City Attorney; Michelle expressed concern with the complaint process and gave a minute of silence to those murdered in San Francisco; George Wooding expressed concern regarding his case against the Recreation and Park Department; Marco Scott expressed concern with the Police Department not releasing video footage to solve a homicide; Allen Grossman expressed concern on resolving the issue of outstanding complaint cases; Jeremy Miller expressed concern with the length of Task Force meetings and consideration of members of the public who attend; Michael Petrelis expressed concern to the hostility of City agencies when trying to resolve complaint cases; Pastor Gavin expressed concern with the hostility of respondents her compliant cases are against; Antonio asked the Task Force to hear complaint cases without bias; Paul Currier expressed frustration with compliant process; Ray Hartz, Jr. expressed concern with enforcement of referrals by the Ethics Commission and lack of resources for Task Force to succeed; uncle of Oscar Grant spoke in support of complainant of File No. 12005 to receive death certificate document requested and denied; Doug Comstock spoke giving the history regarding the decision of who would

appoint Task Force members and specifics of seats 1, 2 and 4; Peter Warfield questioned how the agenda was created; Ms. Chapman expressed frustration with the resistant her family is experiencing in obtaining evidence to solve the murder of her son Kenneth Harding Jr.; Charles Pitts spoke asking the Task Force to make decisions with the complainants in mind.

21. **Report: Education Outreach and Training Committee meeting of May 10, 2012.**

**NO ACTION TAKEN.**

22. **Report: Compliance and Amendments Committee meeting of May 15, 2012.**

**NO ACTION TAKEN.**

23. **Administrator's Report.**

**NO ACTION TAKEN.**

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

**NO ACTION TAKEN.**

25. **ADJOURNMENT**

**Member Knee, seconded by Member David, moved to ADJOURN.**

There were no speakers. **The motion PASSED without objection.**

There being no further business, the Sunshine Ordinance Task Force adjourned at the hour of 8:37 p.m.

APPROVED: April 3, 2013



Andrea Ausberry, Administrator  
Sunshine Ordinance Task Force