



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

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

November 5, 2014 - 4:00 PM

## Regular Meeting

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

Seat 1	Mark Rumold	Seat 7	Lee Hepner
Seat 2	Ali Winston	Seat 8	Todd David
Seat 3	Josh Wolf	Seat 9	Chris Hyland – <b>Vice Chair</b>
Seat 4	Rishi Chopra	Seat 10	Louise Fischer
Seat 5	Allyson Washburn - <b>Chair</b>	Seat 11	Fiona Hinze
Seat 6	David Pilpel		

Ex-officio (*non-voting*) Clerk of the Board of Supervisors or his or her designee

Ex-officio (*non-voting*) Mayor or his or her designee

- Approval of minutes from May 5, 2011, May 18, 2011, May 24, 2011, June 28, 2011, July 26, 2011, August 23, 2011, September 27, 2011, October 25, 2011, November 29, 2011, December 14, 2011, September 23, 2014, and October 1, 2014, meetings.**  
(*Discussion and Action*) (*attachment*)
- File No. 14093:** Hearing - Ethics Commission's policy discussion regarding Sunshine Ordinance Task Force referrals. (*Discussion and Action*) (*attachment*)
- Hearing: Office of the Sheriff (Respondent) request for reconsideration of the SOTF Order of Determination** - File No. 14056: Jason Grant Garza against Ross Mirkarimi, Paul Miyamoto, Kathy Gorwood, and Raymond Winters, Office of the Sheriff.  
(*Discussion and Action*) (*attachment*)
- File No. 12058:** Complaint filed by Dominic Maionchi against Recreation and Park for allegedly failing to provide records requested pertaining to berthing contracts between the City and County of San Francisco and slip holders. (*Discussion and Action*) (*attachment*)  
(*The Sunshine Ordinance Task Force (SOTF) will consider and determine how to proceed with the Ethics Commission's referral of File No. 12058 back to the SOTF and possible re-referral to the Ethics Commission.*)

6. **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. *(No Action) Public comment shall be taken at 5:00 pm or as soon thereafter as possible.*
7. **File No. 14080: Update – Peace Officer Confidentiality.** Review and analysis of policies concerning peace officer hearings and the balance between the public's right to know with peace officer confidentiality required by statute. *(Discussion) (attachment)*
8. **File No. 13091:** Complaint filed by Frank Lee against Jennifer Johnston, Civil Service Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.5 and 67.9, by holding Complainant's appeal hearing regarding claims of retaliation/discrimination against fellow law enforcement officers during a closed session of the April 1, 2013, Civil Service Commission meeting. *(Discussion and Action) (attachment)*
9. **File No. 14048:** Complaint filed by Cecilia Hairston-Omondi against Donald Ellison and the San Francisco Municipal Transportation Agency for violation of Administrative Code (Sunshine Ordinance), Sections 67.21(b), 67.21(e), and 67.29-7 for failure to comply with a request for public records and failure to provide a knowledgeable representative to respond to questions. *(Discussion and Action) (attachment)*  
*The Compliance and Amendments Committee referred the complaint to the SOTF for additional consideration.*
10. **File No. 14076:** Complaint filed by Jason Grant Garza against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.26, and 67.34 for failure to respond to an Immediate Disclosure Requests in a timely and complete manner on April 30, 2014. *(attachment)*
  - (a) Determination of jurisdiction on complaint filed by Jason Grant Garza against the Department of Public Health. *(Discussion and Action)*
  - (b) Hearing on complaint filed by Jason Grant Garza against the Department of Public Health. *(Discussion and Action)*
11. **File No. 14077:** Complaint filed by Jason Grant Garza against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.26, and 67.34 for failure to respond to three Immediate Disclosure Requests in a timely and complete manner on July 23, 2014. *(attachment)*
  - (a) Determination of jurisdiction on complaint filed by Jason Grant Garza against the Department of Public Health. *(Discussion and Action)*
  - (b) Hearing on complaint filed by Jason Grant Garza against the Department of Public Health. *(Discussion and Action)*

12. **File No. 14078:** Complaint filed by Jason Grant Garza against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.26, and 67.34 for failure to respond to three Immediate Disclosure Requests in a timely and complete manner on July 29, 2014. (*attachment*)
  - (a) Determination of jurisdiction on complaint filed by Jason Grant Garza against the Department of Public Health. (*Discussion and Action*)
  - (b) Hearing on complaint filed by Jason Grant Garza against the Department of Public Health. (*Discussion and Action*)
  
13. **File No. 14082:** Complaint filed by Jason Grant Garza against David Pine, Nancy Sarieh, Barbara Garcia, Philip Katzenberger, Department of Public Health, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, and 67.26 for failure to respond to an Immediate Disclosure Request in a timely and complete manner date August 14, 2014. (*attachment*)
  - (a) Determination of jurisdiction on complaint filed by Jason Grant Garza against David Pine, Nancy Sarieh, Barbara Garcia, Philip Katzenberger, Department of Public Health. (*Discussion and Action*)
  - (b) Hearing on complaint filed by Jason Grant Garza against David Pine, Nancy Sarieh, Barbara Garcia, Philip Katzenberger, Department of Public Health. (*Discussion and Action*)
  
14. **Proposed Amendments to the SOTF By-Laws and/or Complaint Procedures.** (*Discussion and Action*)(*attachment*)
  
15. **Administrator's Report.** (*Discussion and Action*)(*attachment*)
  
16. **Announcements, Comments, Questions, and Future Agenda Items.** (*Discussion and Action*)
  
17. **ADJOURNMENT**

### 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 [sotf@sfgov.org](mailto:sotf@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.

**LANGUAGE INTERPRETERS:** Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Wilson Ng at (415) 554-5184. **AVISO EN ESPAÑOL:** La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Derek Evans (415) 554-7702. **Paunawa:** Ang mga kahilingan ay kailangang matanggap sa loob ng 48 oras bago mag miting upang matiyak na matutugunan ang mga hiling. Mangyaring tumawag kay Joy Lamug sa (415) 554-7712.

翻譯 必須在會議前最少四十八小時提出要求  
請電 (415) 554-7719

### 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)