



SUNSHINE ORDINANCE TASK FORCE

Education, Outreach and Training Committee

CITY AND COUNTY OF SAN FRANCISCO

MINUTES

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

April 18, 2017 - 3:30 PM

Regular Meeting

Members: Josh Wolf (Chair), Eric Eldon, Louise Fischer

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

Chair Josh Wolf called the meeting to order at 3:40 p.m. On the call of the roll all members were noted present. There was a quorum.

There were no agenda changes.

2. Adoption of the minutes for the February 21, 2017, Education, Outreach, and Training Committee meetings.

The Committee discussed the approval of the meeting minutes.

Member Eldon, seconded by Member Fischer, moved to approve the February 21, 2017, meeting minutes.

Public Comment:

Speakers: None.

The motion PASSED by the following vote:

Ayes: 3 - Eldon, Fischer, Wolf

Noes: 0 - None

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

Speakers:

Ann Treboux submitted written summary of her Public Comment as follows:

"For the past 5 yers, I have been slandered and personally attacked by Kate Patterson at Sunshine hearings. She never provides evidence to support her claims and when I ask for this evidence, her response is, "I don't have to give anything. The City Attorney's Office said so". She never gives an inventory of the documents she claims to have nor does she want to turn over documents in their redacted form. I have never stalked, harassed or threightend and staff member or commissioner of of the SFAC. There is no on-going investigation or police reports. There never were any. I find this unbelievable that Patterson can continue to slander me at public hearings with no evidence and is not required to turn over documents to support her claims. _____ Ann Treboux"

4. **File No. 14047: Hearing on the Status of the Order of Determination:** Complaint filed by Thomas Peele against Supervisor Katy Tang, San Francisco Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Sections 67.21(c) and 67.25(a), by failing to respond to an Immediate Disclosure Request in a timely and complete manner. *(attachment)(Discussion and Action)*
(On January 7, 2015, the Sunshine Ordinance Task Force referred the matter to the Education, Outreach and Training Committee to discuss policies and procedures regarding processing public records requests, email retention and searchability.)

The Complainant informed the Sunshine Ordinance Task Force (Task Force) via email that he is no longer interested in pursuing the complaint. The Respondent was not present at the meeting but has previously provided a written response to the Task Force.

Member Fischer, seconded by Chair Wolf, moved find that Supervisor Katy Tang, Board of Supervisors, complied with the Order of Determination and concluded the matter.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Eldon, Fischer, Wolf

Noes: 0 - None

The Education, Outreach and Training Committee (Committee) shall hold hearing(s) on File No. 17009 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.

5. **File No. 17009:** Complaint filed by William Clark against Tom DeCaigny and the Arts Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.5 and 67.7, by failing to comply with regulations for policy bodies and post agendas for the Community Working Group of the Arts Commission. (00:06:15 – 00:54:00)

Member Fischer, seconded by Member Eldon, moved to find jurisdiction in the matter.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Eldon, Fischer, Wolf
Noes: 0 - None

William Clark (Complainant) provided an overview of the complaint and requested the Committee to find violations. Mr. Clark stated the Community Work Group is a policy body created at the direction of the Arts Commission and should be open to the public. Kate Patterson and Ann Trickey, Arts Commission (Respondent), provided a summary of the department's position and provided a summary of the Community Working Group. Ms. Patterson and Ms. Trickey stated that the Working Group was initiated by Arts Commission staff to create a focus group which provides feedback to staff and not the Arts Commission and does not proposed policy. In addition, it was stated that participants were chosen based upon a survey circulated to Street Artist. Ms. Trickey stated that the meetings were not open to the public and compared the meetings to staff meetings. A question and answer period followed.

The Committee requested that the Arts Commission responded to the following question:

- Was there a call for volunteers to serve on the Community Working Group to all Street Artists and other potential members?
- Where there any volunteers for the Community Working Group who were not allowed to participate? If volunteers were not allowed to participate as part of the Community Working Group, provide an explanation as to why volunteers were excluded.

Member Fischer, seconded by Member Eldon, moved to refer the matter to the Task Force with the recommendation that the Task Force has jurisdiction and that there were no violations of Administrative Code (Sunshine Ordinance), Sections 67.5 and 67.7.

In addition, the Committee requested that the following questions be forwarded to the Task Force City Attorney:

- Request clarification in a simplified manner as to what qualifies a body as a policy or passive meeting body.
- When a policy body sets up a working group is it also a policy body?
(Request samples of past decision or situations)
- Should the Community Working Group be defined as a policy or passive meeting body?

Public Comment:

Robert Clark stated that the Working Group is an advisory board, provided a definition of passive and policy bodies, and provided other related information.

Ann Treboux stated that there was no open call for members and that the Working Group is a passive meeting body.

Bob Planthold stated that the proposed motion is prejudicial against the complainant and provided an analysis and suggestions related to the testimony provided.

Mike Addario provided a history of the Arts Commission, stated that the artist pay for the Arts Commission and that the Arts Commission is hiding something in the closed session meetings.

The matter is tentative scheduled to be heard by the Sunshine Ordinance Task Force on June 7, 2017.

The motion PASSED by the following vote:

Ayes: 2 - Eldon, Fischer

Noes: 1 - Wolf

File Nos. 17006 and 17030 were called and heard together.

6. **File No. 17006:** Hearing - Development of support and training for policy and advisory bodies regarding procedures for posting agendas and minutes and the disconnect between the clerks who generate agenda and the webmasters who post the agendas. (00:54:00 -)

The Committee invited Bob Planthold to speak on the matter. Mr. Planthold provided a summary of his past experience with the posting of agendas and supporting documents.

Mr. Planthold provided suggestions and precautions regarding training for parties associated with agendas and supporting documents.

The Committee noted their desire to discuss the following issues further:

- Language regarding various bodies post agenda 72 hours prior to the meeting and striving to post supporting documents in the same timeframe.
- Extending the requirement for Sunshine training to include all deputies and possibly all employees.

The Committee requested that Mr. Planthold provide his suggestions in writing.

Member Eldon, seconded by Chair J. Wolf, moved to continue the matter to the next meeting of the committee.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Eldon, Fischer, Wolf

Noes: 0 - None

7. **File No. 17030:** Hearing - Development of Sunshine Training Program for Board and Commissions. (00:54:00 -)

The Committee invited Bob Planthold to speak on the matter. Mr. Planthold provided comments regarding the need to train backup and associated staff in regards to agendas and minutes.

The Committee requested that Mr. Planthold provide his suggestions in writing.

Member Eldon, seconded by Chair J. Wolf, moved to continue the matter to the next meeting of the committee.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Eldon, Fischer, Wolf

Noes: 0 - None

8. **Announcements, Comments, Questions, Future Agenda Items and Pending Calendar by Members of the Education, Outreach and Training Committee.**

There were no announcements, comments or questions.

9. **ADJOURMENT**

There being no further business the meeting was adjourned at 5:20 p.m.

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.

Approved by the Education, Outreach and Training Committee: June 20, 2017