



SUNSHINE ORDINANCE TASK FORCE
Compliance and Amendments Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES

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

October 21, 2014 – 4:00 PM

Regular Meeting

Members: Lee Hepner (Chair)
Bruce Oka, Allyson Washburn

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

The meeting was called to order at 4:02 p.m. At the call of the roll Member Oka was noted absent. There was a quorum.

2. Adoption of July 15, 2014, and August 19, 2014, Compliance and Amendments Committee minutes.

Member Washburn, seconded by Chair Hepner, moved to approve the July 15, 2014, and August 19, 2014, Compliance and Amendments Committee minutes as amended.

Public Comment:
None.

The motion passed without objection.

Item No. 3 and 4 were heard concurrently.

3. File No. 14062: Hearing on the status of the Order of Determination - Complaint filed by Jonathan Germain against Edgar Lopez, Paul Travis, and Frank Lee, Department of Public Works, for violating Administrative Code (Sunshine Ordinance), Sections 67.21(b), 67.24(a)(e), 67.25(a), 67.26, and 67.27. (00:02:00 - 00:06:30)

See Item No. 4 (File No. 14069) for notes and actions.

4. **File No. 14069:** Hearing on the status of the Order of Determination - Complaint filed by David Eisenberg against Edgar Lopez, Paul Travis and Frank Lee, Department of Public Works, for violating Administrative Code (Sunshine Ordinance), Sections 67.21(b), 67.24(a)(e), 67.25(a), 67.26, and 67.27. (00:02:00 - 00:06:30)

Jeremy Spidtz, Public Works (Complainant), provided an overview of the status of Order of Determination. Public Works has provided the requested documents. The Complainant for File No. 14062 and 14069 were satisfied with the provided documents and did not attend the meeting.

The Compliance and Amendments Committee finds that the Public Works has complied with the Order of Determination.

Public Comment:

None.

There being no motion, File No. 14063 and 14069 were concluded.

5. **File No. 14048:** Hearing on the status of the Order of Determination - 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. (00:06:30 - 00:32:00)

Cecilia Hairston-Omondi (Complainant) provided an overview of the status of Order of Determination and further stated that the SFMTA has not provided any additional documents. Chris Abola, SFMTA (Respondent), provided an overview of the department's position and compliance with the Order of Determination. Donald Ellison, SFMTA, was ill and could not attend the meeting as requested by the SOTF. A question and answer period followed.

The Compliance and Amendments Committee determined that the SFMTA has not complied with the Order of Determination. The Respondent agreed to comply with the Order of Determination and provided the requested summary that will at a minimum address the following: 1) statement as to how each of the Complainant's requests or questions were addressed and what documents were provided; 2) statement as to why a document, if any, was withheld; and 3) statement as to what documents do not exist.

Chair Hepner, seconded by Member Washburn, moved to referred the complaint to the full Sunshine Ordinance Task Force November 5, 2014, meeting.

Public Comment:

Dorian Maxwell stated that Mr. Abola is knowledgeable of the requested documents. In regards to staffing, Ms. Boomer was present at the SFMTA meeting and requests that Mr. Reiskin attend the next meeting of the SOTF.

Paula Datesh stated that the SFMTA has requested a restraining order to prevent her from entering the Union Square Garage Storage area.

The motion passed without objection.

6. **Public Comment:** Members of the public may address the Compliance and Amendments Committee on matters that are within the Committee’s jurisdiction but not on today’s agenda. (No Action) **Public Comment shall be taken after action is taken on the last hearing item or half an hour after the meeting convenes.** (00:32:00 - 00:37:30)

Public Comment:

Paula Datesh stated that the Arts Commissions has not complied with various Orders of Determinations and that phone contact with the Arts Commission is not possible.

7. **File No. 14093:** Hearing - Ethics Commission’s policy discussion regarding Sunshine Ordinance Task Force referrals. (00:37:30 - 01:09:00)

Jesse Mainardi, Deputy Executive Director, Ethics Commission, provided a summary of the proposed letter to be presented to the Ethics Commissioners and answered questions.

Public Comment:

None.

Chair Hepner will summarize the discussions and recommendations of the committee and report to the full Sunshine Ordinance Task Force on November 5, 2014.

Chair Hepner, seconded by Member Washburn, moved to referred the matter to the full Sunshine Ordinance Task Force for additional review.

Public Comment:

None.

The motion passed without objection.

8. **Administrator’s Update - Arts Commission’s Procedures and Policy Review:** Agendas, Minutes, Audio, and Public Request for Information. (01:09:00 -)

Victor Young, Administrator, SOTF, provided a summary of the efforts to work with the Arts Commission to develop solutions to various issues regarding agendas, minutes, audio, and public records requests. Paula Datesh provided a statement regarding various issues regarding the Arts Commission’s procedures. Rebecca Krell, Deputy Director and CFO, Arts Commission, provided a status report as to the progress made in resolving the backlog of minutes, requested the SOTF adopt a reasonableness standard, and addressed other issues.

In the future, the SOTF and/or its committees should address the following:

- Create a City-wide guide for departments regarding how to process public records requests.
- Monitor the Arts Commission for compliance with the Sunshine Ordinance
- Review the Good Government Guide and discuss differences of opinion
- Discuss and determine what sub-committees are subject to the Sunshine Ordinance (City Attorney's \opinion V. SOTF's opinion)

Chair Hepner, seconded by Member Washburn, moved to continue the matter to the December 16, 2014, meeting of the Compliance and Amendments Committee.

Public Comment:

None.

The motion passed without objection.

9. **Request to reopen/reconsider File No. 14026** - Consideration of the Complainant's request to reopen and reconsider the complaint.

Victor Young, Administrator, provided a summary of the complaint and request.

Chair Hepner, seconded by Member Washburn, moved to reopen the complaint and requested that the parties discuss the list of requested documents and/or a response to the status of the requested documents as follows: 1) statement as to how each of the Complainants request or questions were addressed and what documents were provided; 2) statement as to why a document, if any, was withheld; and 3) statement as to what documents do not exist.

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

There were no items.

11. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:15 p.m.

APPROVED: December 16, 2014



**Victor Young
Administrator
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.

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 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

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| 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) 554-5163; or email 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.