



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

July 10, 2017 - 4:00 PM

Regular Meeting

Members: Frank Cannata (Chair), Dave Maass and Fiona Hinze

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

Chair Frank Cannata called the meeting to order at 4:30 p.m. On the call of the roll Members Cannata, Maass and Hinze were noted present. There was a quorum.

There were no agenda changes.

Public Comment:
None.

2. Approval of the May 30, 2017, Compliance and Amendments Committee meeting minutes.

The Committee discussed the minutes.

Member Maass, seconded by Member Hinze, moved to approve the May 30, 2017, meeting minutes.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, Maass, Cannata
Noes: 0 – None

3. **Public Comment:** Members of the public may address the Committee on matters that are within the Committee's jurisdiction but not on today's agenda. *(No Action)*

Speakers:

None.

4. **File No. 16117: Hearing on the Status of the Order of Determination** - Complaint filed by Ray Hartz against City Librarian Luis Herrera and the Public Library for violating Administrative Code (Sunshine Ordinance), Section 67.29-6, by failing to maintain a written agreement with entities collecting/maintaining funds for the purpose of carry out or assisting any city function to abide by the Sunshine Ordinance. *(Discussion and Action)(attachment)*

(On March 1, 2017, the Sunshine Ordinance Task Force (SOTF) heard the matter, found violations of the Sunshine Ordinance referred the matter to the Compliance and Amendments Committee to review the draft memorandum of Understanding between the Public Library and the Friends of the Public Library to ensure that Administrative Code (Sunshine Ordinance), Section 67.29-6, has been addressed.)

Maureen Singleton, Public Library (Respondent); provided a summary of the department's position and present an advice memo from Deputy City Attorney Bradley Russi. Ms. Singleton stated that the city attorney has advised that entities who collect and manage funds to carry out or assist city functions only need to have an agreement to comply with Administrative Code (Sunshine Ordinance), Section 67.29-6, and not the entirety of the Sunshine Ordinance. Ray Hartz (Petitioner/Complainant) provided a summary of his complaint and commented on the actions of the Public Library and late submission of documentation.

The Committee opined that the advice provided by the Office of the City Attorney makes assumptions of what a court may do and was not based upon past actions.

Member Maass, seconded by Member Hinze, moved to refer the matter back to the Task Force to determine if the entities subject to Sunshine Ordinance, Section 67.29-6 must maintain a written agreement to comply with Section 67.29-6 or the entirety of the Sunshine Ordinance.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, Maass, Cannata

Noes: 0 – None

The Compliance and Amendments Committee (Committee) shall hold a hearing on File No. 17072 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. 17072:** Complaint filed by Marvin Lambert against the Historic Preservation Commission and the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.16, by failing to make draft minutes of each meeting available for inspection and copying upon request no later than ten working day after the meeting (June 7, 2017, meeting).

Marvin Lambert (Complainant) provided a summary of his complaint and the process for certain Planning Commission Actions. Christine Silva, Planning Department (Respondent) provided a summary of the department’s position and acknowledged that the draft minutes were not provided in a timely manner. Ms. Silva indicated that the Planning Department is responsible for provided support to the Historic Preservation Commission. A question and answer period followed. The parties were provided an opportunity for rebuttals.

The Committee advised Mr. Lambert of the jurisdiction of the Sunshine Ordinance Task Force and that that certain Planning Commission policy/procedures are not under the jurisdiction of the Task Force.

Member Maass, seconded by Member Hinze, moved to find that the Task Force has jurisdiction and referred the matter to the Task Force with the recommendation to find that the Historic Preservation Commission and the Planning Department violated Administrative Code (Sunshine Ordinance), Section 67.16, for failing to make draft minutes available no later than 10 working days after a meeting.

Public Comment:

Ray Hartz expressed support for the motion and commented as to who is responsible for responded to complaints.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, Maass, Cannata
Noes: 0 – None

The Committee waived the requirement for the parties to appear at the Task Force hearing as the parties have agreed that a violation occurred.

6. **File No. 17073:** Hearing to review the Sunshine Ordinance Task Force’s Public Comment procedures for witnesses and the general public.

Bob Planthold provided an overview of experience regarding witness statements, general public comment and comment on a specific motion. Mr. Planthold suggested that the public comment process be clarified.

Member Maass suggested that while speaking as a witness that only factual information related to the complaint be provide and that personal opinion be delayed until public comment is accepted.

Member Maass, seconded by Member Hinze, moved to continue the matter to the call of the chair and recommended that the public comment procedure be clarified to determine the difference between providing evidence and public comment.

Public Comment:

Ray Hartz expressed stated that the current public comment procedure is confusing and that he prefers to wait until the entire case is presented prior to make comments.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, Maass, Cannata

Noes: 0 – None

7. **Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar by Members of the Committee.**

There were no issue submitted by the members of the Committee.

Public Comment:

Ray Hartz requested hearings regarding serial offenders of the Sunshine Ordinance and who should be required to attend hearings on complaints.

8. **ADJOURNMENT**

There being no further business the meeting was adjourned at 5:39 p.m.

APPROVED: September 19, 2017
Compliance and Amendment Committee
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.