



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

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

November 14, 2016 - 4:00 PM

Regular Meeting

Members: Frank Cannata (Chair) Chris Hyland, and Dave Maass

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**
2. **Approval of the September 12, 2016, Compliance and Amendments Committee meeting minutes.** (*Discussion and Action*) (*attachment*)
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*)

4. **File No. 16053: Hearing on the Status of the Order of Determination** - Complaint filed by Joel Ekno against Officer Candy Hilder and the Police Department for violating Administrative Code (Sunshine Ordinance), Sections 67.21 (a)(b)(c) and (e), by failing to provide public records without unreasonable delay; failing to provide public records within 10 days or justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt; failing to assist a requester in identifying the existence, form and nature of any records or information maintain or assist a requester in directing a request to the proper office or staff person; and failing to send an authorized representative of the custodian of the public record able to explain the basis for the decision to withhold the records requested. *(Discussion and Action) (attachment)*
(On August 3, 2016, the SOTF heard and referred the matter to the Compliance and Amendments Committee. It was requested that that Officer Anderson (Star #835), Officer Candy Hilder, and Lt. Kathryn Waaland attend the meeting to explain why the requested records cannot be provided and/or provide the requested records (Police Report No. 160094640). In addition, please provide information as to the reason for the one month delay in responding to the records request (Records requested on February 8, 2016, and February 25, 2016. Denial of request for records not provided until March 29, 2016)).

5. **File No. 16063: Hearing on the Status of the Order of Determination** - Complaint filed by Michael Petrelis against Supervisor Scott Wiener, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25 (a), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. *(Discussion and Action) (attachment)*
(On October 5, 2016, the SOTF heard and referred the matter to the Compliance and Amendments Committee. It was requested that the Respondent provide the remainder of the requested records and/or provide an estimate of the time needed to comply with the remainder of the public records request.)

SPECIAL ORDER – The hearings on File No. 16088 and 16089 will not begin earlier than 4:30 p.m.

*The Compliance and Amendments Committee shall hold hearing(s) on File No. 16088 and 16089 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 Complainant and Respondent may attend to provide clarification, evidence and related testimony. However, attendance by the Complainant and Respondent is **not required** at the November 14, 2016, Compliance and Amendments Committee meeting.*

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. The Complaint and Respondent will be required to attend the Task Force meeting to review the merits of the complaint(s).

6. **File No. 16088:** Complaint filed by Ray Hartz against Angela Calvillo, Clerk of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.16, by failing to place a written summary of the public comment, if no more than 150 words, in the minutes (September 6, 2016). (*attachment*)
 - a) Determination of jurisdiction on the complaint. (*Discussion and Action*)
 - b) Hearing on the complaint. (*Discussion and Action*)

7. **File No. 16089:** Complaint filed by Ray Hartz against Angela Calvillo, Clerk of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.16 and 67.34, by willfully failing to place a written summary of the public comment, if no more than 150 words, in the minutes (September 20, 2016). (*attachment*)
 - a) Determination of jurisdiction on the complaint. (*Discussion and Action*)
 - b) Hearing on the complaint. (*Discussion and Action*)

8. **Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar by Members of the Committee.** (*Discussion and Action*)

The following items are pending before the Compliance and Amendments Committee and will be scheduled on a future date.

- **File No. 14101: Order of Determination** - Grossman v. Dept. of Building Inspection. (*Pending update on completion of program implementation*)
- **File No. 16103: Report:** Use of automatic ‘out-of-office’ email responses and its effect on public records requests. (Reliability, Timeliness and Possible Problems)
- **File No. 16081: Report:** City and County of San Francisco’ compliance with Senate Bill 272 (Amendment to the California Public Records Act regarding open source database and summaries and requirement for online maintenance.
- **File No. 16071: Order of Determination** – Tom Borden v. Planning Department.

9. **ADJOURNMENT**

The Sunshine Ordinance Task Force was established by [the San Francisco Administrative Code](#), Chapter 67. The purpose of the Task Force is to protect the public's interest in open government and to carry out the duties enumerated in [Chapter 67 of the San Francisco Administrative Code](#). For additional information concerning Sunshine Ordinance Task Force please contact the Task Force by e-mail sotf@sfgov.org or by calling (415) 554-7724.

Agenda Item Information

Each item on the agenda may include the following documents:

- 1) Department or Agency cover letter and/or report;
- 2) Public correspondence;
- 3) Other explanatory documents.

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

Compliance and Amendments Committee Meeting Procedures

- 1. Complainant presents his/her facts and evidence 3 minutes
- 2. City presents their facts and evidence 3 minutes
- Above total speaking times for Complainant and City to be the same.*
- 3. Matter is with the Committee for discussion and questions.
- 4. Respondent and Complainant presents clarification/rebuttal 3 minutes
- 5. Matter is with the Committee for motion and deliberation.
- 6. Public comment (Excluding Complainant & City response, witnesses) Up to 3 minutes each
- 7. Committee may continue the matter and request additional information; issue a recommendation/report and refer the matter to the Sunshine Ordinance Task Force for hearing; or find that the City Department has complied with an Order of Determination.

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, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance.

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 agenda items. These comments will be made a part of the official public record. Written communications should be submitted to the SOTF at: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102.

AGENDA PACKET: Available for review in the Office of the Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, or on the internet at: <http://www.sfbos.org/sunshine>.

AUDIO RECORDINGS: Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at: <http://www.sfbos.org/sunshine>.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Peggy Nevin 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 ka sa (415) 554-5184.

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

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, 5R, 6, 7, 7R, 7X, 9, 9R, 19, 21, 47, and 49. 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.

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 (San Francisco Administrative Code, Chapter 67) 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.

Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67 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, Section 2.100] 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