



**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**

**May 9, 2016 - 4:00 PM**

**Regular Meeting**

**Members:** Chris Hyland (Chair), David Pilpel

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

Chair Chris Hyland called the meeting to order at 4:08 p.m. On the call of the roll Members Hyland and Member Pilpel were noted present. There was a quorum.

Item 4 was taken out of order to due to the absence of the respondent for Item Nos. 2 and 3.

*The Education, Outreach and Training Committee shall hold a hearing on File No. 16008 to: 1) determine if the Sunshine Ordinance Task Force (SOTF) has Jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF. The SOTF, upon receipt of the report and/or recommendation from the Complaint Committee, shall: 1) accept the recommendation of the Committee; or 2) schedule the complaint for a hearing before the SOTF at a future date.*

- 2. File No. 16008:** Complaint filed by Michael Petrelis against Supervisor Eric Mar for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.29-5, by failing to keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended; and not completely complying with request for the calendar of Supervisor Eric Mar.

**Member Pilpel, seconded by Chair Hyland, moved to find jurisdiction on the matter.**

Public Comment:

Silvia Johnson provided general comment.

Ray Hartz provided comments not related to jurisdiction.

**The motion passed by the following vote:**

Ayes: 2 - Pilpel, Hyland

Noes: 0 - None

Michael Petrelis (Complainant) indicated via email that he was unable to attend the meeting but requested the committee to proceed without his presence. Supervisor Eric Mar's Office indicated that due to a scheduling conflict they are unable to attend the meeting.

The Committee discussed the evidence provided. Member Pilpel commented at the lack of details provided in Supervisor Mar's calendar. Member Pilpel noted that the Office of Supervisor Mar has not provided an explanation/response to the complaint.

**Chair Hyland, seconded by Member Pilpel, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation that the Task Force has jurisdiction and that a violation of Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.29-5, occurred for failure to respond to a public records request in a timely manner and failure to properly maintain a calendar.**

Public Comment:

Ray Hartz stated that the matter should be referred to the Task Force for a hearing and commented on the actions of Supervisor Mar's Office. Mr. Hartz request that an additional willful violation be added to the motion. Mr. Hartz provided additional public comment and provided an explanation as to why a willful violation should be added to the findings.

It is requested that both the Respondent and the Complainant appear before the Sunshine Ordinance Task Force to provide testimony on the matter. It is requested that Supervisor Mar or his representative provide a written explanation as to how they respond to public records request, why their response to the Complainant's request was not provided in a timely manner and why Supervisor Mar's calendar does not appear to comply with Sunshine Ordinance, Section 67.29-5, which requires that the time, place and general statement of issues discussed be tracked. All documents are to be provided prior to the meeting before the Task Force meeting tentatively scheduled for July 6, 2016.

The Committee request that the Respondent be prepared to discuss the content of Supervisor Mar's calendar, their procedure for maintaining the calendar and the reason for the delay in responding to the public records request.

Failure of Supervisor Mar or his representation, who is knowledgeable of the matter, to attend and provided the requested information may result in addition violation of Sunshine Ordinance, Sections 67.21e and 67.34, for failure to comply with a request for public records and willfully violated the Sunshine Ordinance.

**The motion passed by the following vote:**

Ayes: 2 - Pilpel, Hyland

Noes: 0 - None

3. **File No. 15072: Hearing on the Status of the Order of Determination** - Complaint filed by Ray Hartz against Supervisor Eric Mar, Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. (Discussion and Action) (attachment)

*(On June 3, 2015, the Sunshine Ordinance Task Force found that a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), occurred for failure to respond in a timely manner and referred the matter to the Education, Outreach and Training Committee to develop methods to prevent future mishandlings of Immediate Disclosure Requests.)*

Ray Hartz (Complainant) provided additional information regarding the complaint and request that additional violations be found. Supervisor Eric Mar's Office indicated that due to a scheduling conflict they are unable to attend the meeting.

The Committee discuss the matter and opined that Orders of Determination should request specific documents or actions from the Respondent.

**Chair Hyland, seconded by Member Pilpel, moved that the Committee send a letter to Supervisor Eric Mar stating the following:**

- The Sunshine Ordinance Task Force heard the complaint on June 3, 2015, and issued an Order of Determination.
- It does not appear that the Supervisor Mar has provided an official response to the Complainant.
- Notice of hearing was provided to your office but the committee was not informed of your scheduling conflict until after the meeting started.
- It is requested that Supervisor Mar or a knowledgeable representative appear at the next meeting of the Committee and that the follow issues be addressed prior to the next scheduled meeting:
  - Provide an official response to Mr. Hartz's Immediate Disclosure request with a copy to the Committee.
  - Provide written documentation of your office procedure for responding to public records request.
  - Provide written documentation of the improvements made to insure that public records request are not lost and responded to in a timely manner referenced during the June 3, 2015, meeting of the Task Force.

It is requested that Supervisor Mar or his representative provide the above listed document prior to the next Committee meeting.

Failure of Supervisor Mar or his representative to comply with the above request and to attend the next meeting of the Committee will result in the referral of the matter to the Task Force with the recommendation and a violation of Administrative Code (Sunshine Ordinance), Section 67, 34, be found for willfully violating the Sunshine Ordinance and referral to the Ethics Commission for enforcement.

Public Comment:

Ray Hartz provided additional comment regarding the matter.

Silvia Johnson provided general comments.

**The motion passed by the following vote:**

Ayes: 2 - Pilpel, Hyland

Noes: 0 - None

4. **File No. 15020:** Draft Proposed Guidance to City Departments regarding Public Records Requests.

The Committee discussed the proposed guide to best practices and possible improvements. It is the intention of the guide to provide guidance to both departments and complainants.

Provided draft guide to sample departments and the City Attorney for review and comment prior to adoption.

The Committee suggested that the following language be added:

Even if the function of responding to records request is delegated to staff it is still the responsibility of the Department Head who shall be held liable for failure to comply.

Departments must respond to a records request in some timely manner be it provision of records, request for extension or statement of no available records. It is the duty of the department representative to assist the public in finding the records requested.

Add references to a general email address for public records request and provide a link on departmental webpages.

Public Comment:

Ray Hartz provided comments on the draft guide and stated that Department Heads are ultimately responsible for any public records requests.

Silvia Johnson provided general comments.

The Committee suggested that Department Heads be copied on all complaints or to provide a note requesting that the custodian of records to forward complaints to the Department Head.

**Member Pilpel, seconded by Chair Hyland, moved refer the draft guide to the Task Force as amended.**

Public Comment:  
None.

**The motion passed by the following vote:**

Ayes: 2 - Pilpel, Hyland  
Noes: 0 - None

5. **Adoption of the minutes for the June 9, 2011; January 12, 2012; February 9, 2012; May 10, 2012; December 13, 2012; April 29, 2013; May 13, 2013; June 25, 2013; September 16, 2013; November 26, 2013; December 9, 2013; May 11, 2015; November 9, 2015, and January 11, 2016, Education, Outreach, and Training Committee meetings.**

The Committee discussed the draft minutes.

**Member Pilpel, seconded by Member Hyland, moved to continue the matter to the next meeting of the Education, Outreach and Training Committee.**

**The motion passed by the following vote:**

Ayes: 2 - Pilpel, Hyland  
Noes: 0 - None

6. **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.
7. **Announcements, Comments, Questions, Future Agenda Items and Pending Calendar.**

The following items are pending issue to be heard before the Education, Outreach, and Training Committee on a future date:

- File No. 14047: Order of Determination: Peele v. Supervisor Katy Tang - Policies and Procedures for processing request for public record
- File No. 14092: Order of Determination: Mooney v. Assessor/Recorder – (Records Retention, Index of Records links, webpage design, and comparison of information maintained by the State v. the Assessor/Recorder.)

- File No. 14114: Hearing - City Attorney's Office Policies and Procedures for processing request for public record
- File No. 14102: Hearing - Planning Department Policies and Procedures for processing request for public records
- File No. 14103: Hearing - Police Department Policies and Procedures for process request for public records
- File No. 15013: Hearing - Improving the hearing process of boards and commissions to ensure that a representative portion of the public is allowed to provide input by setting specific times for discussions and public comment.
- File No. 15044: Hearing - Developing solutions to allow the Public access to audio visual equipment at San Francisco Library Commission meetings.
- Hearing regarding the use of Yammer and other social media devices in relation to compliance with the Sunshine Ordinance. (request by Member Wolf)

Member Pilpel requested that File No. 14047 and 14092 be scheduled at the next meeting of the Committee.

8. **ADJOURNMENT**

**There being no further business the meeting was adjourned at 6:05 p.m.**

**Approved by the Education, Outreach and Training Committee: July 26, 2016**