



# SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO MINUTES

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

December 5, 2018 - 4:00 PM

## Regular Meeting

Seat 1	Matthew Cate	Seat 7	Rodman Martin
Seat 2	Lila LaHood	Seat 8	Frank Cannata
Seat 3	Josh Wolf	Seat 9	Chris Hyland - <b>Vice Chair</b>
Seat 4	Rishi Chopra	Seat 10	Matthew Yankee
Seat 5	Leuwam Tesfai	Seat 11	Fiona Hinze
Seat 6	Bruce Wolfe - <b>Chair</b>		

Ex-officio (*non-voting*) Clerk of the Board of Supervisors or his or her designee

Ex-officio (*non-voting*) Mayor or his or her designee

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

Vice-Chair Hyland called the meeting to order at 4:04 p.m. On the call of the roll Vice-Chair Hyland and Members Cate, Martin, Cannata, Yankee and Hinze were noted present. Members Chopra, LaHood, J. Wolf, Tesfai and Chair B. Wolfe were noted not present. There was a quorum.

Member J. Wolf noted present at 4:05 p.m. Members LaHood and Tesfai were noted present at 5:39 p.m.

**Vice-Chair Hyland, seconded by Member Hinze, moved to change the order of the Agenda to hear Item 7 first before Item Nos. 3 and 4 to be scheduled later on the agenda.**

Public Comment:

Ray Hartz expressed his agreement that the SOTF should continue the matter.

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

Ayes: 7 - Vice-Chair Hyland, J. Wolf, Yankee, Cate, Martin, Cannata, Hinze,

Noes: 0 - None

Absent: 4 - Chopra, LaHood, B. Wolfe and Tesfai

2. **Approval of the November 7, 2018, Sunshine Ordinance Task Force meeting minutes.**

The SOTF discussed the draft meeting minutes.

**Member Cannata, seconded by Member Hinze, moved to approve the November 7, 2018, meeting minutes.**

Public Comment:  
None.

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

Ayes: 7 - Vice-Chair Hyland, Yankee, Cate, Martin, Cannata, Hinze and J. Wolf  
Noes: 0 - None  
Absent: 4 - Chopra, B. Wolfe, LaHood, and Tesfai

3. **File No. 18012:** Complaint filed by Denta Tadesse against Lori Mazzola, City Hall Building Management, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by restricting access to all meeting of any policy body in City Hall.

John Gavin, City Hall Building Management (Respondent), requested a dismissal of Mr. Tadesse's complaints (File Nos. 18012 and 18028).

Denta Tadesse (Petitioner) was not present when the matter was called for discussion.

**Vice-Chair Hyland, seconded by Member Hinze, moved to hear the case later on the Agenda or to have the Complainant submit a written statement in support of his complaint.**

Public Comment:  
Ray Hartz spoke and agreed that the SOTF should continue the matter.

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

Ayes: 8 - Vice-Chair Hyland, Yankee, Cate, LaHood, Martin, Cannata, Hinze and J. Wolf  
Noes: 0 - None  
Absent: 3 - Chopra, B. Wolfe, and Tesfai

Mr. Tadesse arrived at approximate 6:55 p.m. and provided comments on the matter.

**Vice-Chair Hyland, seconded by Member Hinze, moved to continue the Items Nos. 3 and 4 (File Nos. 18012 and 18028) matter to the next meeting of the SOTF.**

Public Comment:  
Ray Hartz spoke and agreed that the SOTF should continue the matter.

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

Ayes: 8 - Vice-Chair Hyland, Yankee, Cate, LaHood, Martin, Cannata, Hinze and J. Wolf

Noes: 0 - None

Absent: 3 - Chopra, B. Wolfe, and Tesfai

4. **File No. 18028:** Complaint filed by Denta Tadesse against the Sheriff's Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, by restricting access to all meeting of any policy body in City Hall. (*attachment*)

Refer to item 3 for continuance of item 4.

5. **Public Comment:** Members of the public may address the Sunshine Ordinance Task Force (SOTF) on matters that are within SOTF's jurisdiction, but not on today's agenda. (*No Action*) **Public comment shall be taken at 5:00 p.m. or as soon thereafter as possible.**

Public Comment:

Ray Hartz expressed concern regarding free speech.

Michael Petrelis expressed concern with the city's compliance with the Sunshine Ordinance.

Wilson Ng (Office of the Clerk of the Board) provided comments regarding the Sunshine Ordinance 67.21.

6. **File No. 18066:** Complaint filed by Michael Petrelis against the Clerk of the Board of Supervisors for violating Administrative Code (Sunshine Ordinance), Section 67.29-1 and 67.29-5, by failing to maintain and disclose Mayor Breed's complete calendar.

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the SOTF find a violation. Mr. Petrelis stated that in August 2018 he filed an Information Disclosure Request for then Supervisor Breed's calendar which was received but was heavily redacted. Mr. Petrelis stated that he wanted to know who did the redaction, what was redacted and how was Supervisor Breed's calendar organized. Mr. Petrelis acknowledged that the response was timely.

Wilson Ng, Board of Supervisors (Respondent) provided a summary of the department's position. Mr. Ng stated the Office of the Board of Supervisor's went above and beyond what is required from the department in providing all requested records. Mr. Ng stated that the redactions were made pursuant to the City Attorney's guidelines and Supervisor Breed's staff recommendations.

Hank Heckle, Office of Mayor London Breed (Respondent) provided a summary of the department's position. Mr. Heckle stated he has recently joined the Office of the Mayor due to transitions in the Mayor's Office. Mr. Heckle also stated that the calendar was fully compliant and only non-business related matters were redacted. Mr. Heckle stated that the Mayor's office is compliant with the Sunshine Ordinance.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

The SOTF opined that there were possible issues with the redactions and suggested that Mr. Petrelis submit a request to the Supervisor of Records to review matter.

**Member J. Wolf, seconded by Member Cannata, moved to continue the matter to the call of the Chair.**

Public Comment:

Ray Hartz expressed support for the Petitioner.

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

Ayes: 8 - Vice-Chair Hyland, LaHood, J. Wolf, Yankee, Cate, Martin, Cannata, Hinze

Noes: 1 - Cate

Abstain 1 - Tesfai

Absent: 2 - Chopra, B. Wolfe

7. **File No. 17087:** Complaint filed by Ray Hartz against the Office of the Mayor for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.31, by failing to administer and coordinate the implementation of the provision of the Sunshine Ordinance for departments under the control of boards and commission appointed by the Mayor.

Ray Hartz (Petitioner) provided a summary of the Complaint and requested the SOTF find a violation. Mr. Hartz stated that he never said that the Mayor should enforce the rulings of the Sunshine Ordinance as the Ethics Commission enforces the Sunshine Ordinance. Mr. Hartz stated that he has asked that the President of the Library Commission, Jewelle Gomez, be removed from office, but that the Mayor has re-appointed this person to another term as President. Mr. Hartz stated that the current Mayor does not want to deal with the Librarian issue. Mr. Hartz also stated that the Mayor has total control over the Librarian and appoints members of the Library Commission. Mr. Hartz also stated that he has had disputes with the Library Commission regarding his right to free speech and have his 150 word public comments recorded in the Library Commission hearings. Mr. Hartz stated that he wants the City Librarian and the Library Commission to comply with the Sunshine Ordinance.

Hank Heckel, Office of the Mayor (Respondent), provided a summary of the department's position. Mr. Heckle requested that the SOTF dismiss Mr. Hartz's complaint because this matter refers to the late Mayor Edwin Lee not the current Mayor London Breed. Mr. Heckle stated that the merits of Mr. Hartz's complaint are not clear and that Mr. Hartz did not expressly complain about the current Mayor's Office. Mr. Heckle stated that it is too burdensome for the Mayor's Office to supervise all City departments individually.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

**Member J. Wolf, seconded by Member Cannata, moved to find the Office of the Mayor violated Administrative Code (Sunshine Ordinance), Section 67.31, by not enforcing and/or complying with the Sunshine Ordinance and referred the matter to the Education, Outreach and Training Committee to review what is required of the Mayor's Office pursuant to Administrative Code (Sunshine Ordinance), Section 67.31.**

Public Comment:

Michael Petrelis spoke in support of Ray Hartz position in the complaint.

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

Ayes: 7 - Vice-Chair Hyland, LaHood, J. Wolf, Yankee, Martin, Cannata, Hinze,

Noes: 1 - Cate

Absent: 3 - Chopra, B. Wolfe and Tesfai

8. **File No. 18082:** Amendments to the SOTF Complaint Procedures and Bylaws.

The SOTF discussed proposed changes to the SOTF Complaint Procedures and Bylaws.

**Member J. Wolf, seconded by Member Cate, moved to amend SOTF Bylaws Section 10.7 to read as follows: "7. The Task Force may vote to take one of the following actions including but not limited to: a) make a motion to find a violation; b) make a motion to find no violation; c) make a motion to take no further action and close the file. ~~Vote by the Task Force (Public comment at the discretion of the Chair on each motion and/or new motion if vote fails.)~~" and continue it to the next SOTF meeting.**

Administrator Young stated that this change can be noted but because this is a By-law change it needs to be continued to a future date as this change needs to be noticed at the Public Library before the language can be adopted.

Public Comment:

None.

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

Ayes: 9 - Vice-Chair Hyland, LaHood, J. Wolf, Yankee, Martin, Cannata, Cate, Hinze, Tesfai

Noes: - 0

Absent: 2 - Chopra, B. Wolfe

Member Cate, seconded by Member J. Wolf, moved to amend SOTF Complaint Procedures Section 7 to read as follows:

- “7. Attendance and at the Hearing by the Requirements for the Complainant and Respondent.”
- (a) Unless otherwise provided in these procedures the Complainant and the Respondent are required to attend the hearing regarding the complaints. However, at the discretion of the SOTF or its Committees accommodations may be made to in response to special circumstances or requests made by the Complainant to entertain special needs.
- (b) If the Complainant fails to appear at a SOTF or Committee hearing regarding their complaint without prior communication the matter may shall be tabled filed and dismissed without prejudice. Tabled Complaints dismissed without prejudice are considered closed and no further actions are to be taken. The Complainant shall be notified of the action and may request that their complaint be reopened in writing if requested within 60 days. The Complainant may also refile the complaint on a future date. The SOTF or its Chairperson shall determine if the complaint shall be reopened.

Public Comment:

None.

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

Ayes: 9 - Vice-Chair Hyland, LaHood, J. Wolf, Yankee, Martin, Cannata, Cate, Hinze, Tesfai

Noes: - 0

Absent: 2 - Chopra, B. Wolfe

9. **Reports from Sunshine Ordinance Task Force Committees.**

- Complaints Committee
- Compliance and Amendments Committee
- Education, Outreach and Training Committee
- Rules Committee
- Information Technology Ad Hoc Committee

The SOTF discussed recent actions of the committees.

Public Comment:

None.

No Action Taken.

10. **Sunshine Ordinance Task Force - Chair's Report.**

- Review and report of one or more commission, board or other policy body, or other deliberative appointive body required to comply with the Sunshine Ordinance by Compliance and Amendments and/or Education, Outreach and Training Committee
- Retreat & orientation
- Committee assignments
- Prop B - "Privacy First" measure: Effects on Sunshine Ordinance

The SOTF discussed the future SOTF meeting dates and the retreat which were scheduled as follows:

SOTF Committee hearing 1/2/19

Education, Outreach and Training Committee and Retreat & Orientation 1/15/19

Complaint Committee hearings 1/22/19

**Vice-Chair Hyland, seconded by Member Hinze, to continue the matter to the call of the chair.**

Public Comment:

None.

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

Ayes: 9 - Vice-Chair Hyland, LaHood, J. Wolf, Yankee, Martin, Cannata, Cate, Hinze, Tesfai

Noes: - 0

Absent: 2 - Chopra, B. Wolfe

11. **Staff Report, Complaints and Communications.**

SOTF Administrator Leger provided an update of matters regarding the SOTF hearing schedule, complaints and communications submitted to the SOTF as well as a summary of pending complaints and other issues.

12. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force.**

There were no announcements.

13. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:55 p.m.

**APPROVED: 1/2/19**

**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.