



**SUNSHINE ORDINANCE TASK FORCE
CITY AND COUNTY OF SAN FRANCISCO
DRAFT – MINUTES**

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

December 4, 2013 – 4:00 PM

Regular Meeting

Members: Kitt Grant (Chair), Louise Fischer (Vice-Chair),
Richard Knee, Allyson Washburn, David Pilpel,
David Sims, Todd David, Chris Hyland, Bruce Oka

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

The meeting was called to order at 4:12 p.m. All members were noted present. There was a quorum.

Chair Grant announced that the Complainant for File No. 12059 (Item 3) has withdrawn their complaint.

Member David, seconded by Member Fischer, moved to change the order of the agenda by moving File No. 13031 (Item 7) to the Item 2 slot and moving Item 2 (Records Retention) to the Item 7 slot on the agenda.

Speakers: None.

The motion PASSED by the following vote:

Ayes: 8 – Washburn, Pilpel, Sims, David, Hyland, Oka, Fischer, Grant

Noes: 1 – Knee

Chair Grant announced a request for File Nos. 13030 and 13033 (Items 6 and 8) to be continued, by the Complainant.

Member Pilpel, seconded by Member Knee, moved to accept the Complainants request for continuance of File Nos. 13030 and 13033 (Items No. 6 and 8).

Speakers: None.

The motion PASSED without objection.

2. **Proposed Sunshine Ordinance Task Force Records Retention Schedule:** The Task Force shall prepare, maintain and adopt a records retention and destruction policy as provided in §8.3 of the San Francisco Administrative Code.

Wilson Ng, Records Manager, Office of the Clerk of the Board presented the proposed retention schedule.

Member Pilpel, seconded by Member David, moved to adopt the revisions to the Sunshine Ordinance Task Force Records Retention Schedule.

Speakers: Peter Warfield expressed concerns over various aspects of the retention schedule.

The motion PASSED without objection.

3. **File No. 12059:** The Compliance and Amendments Committee has referred File No. 12059, Supreet Pabla, SEIU Local 1021 against Human Services Agency for allegedly failing to provide records requested relevant to the representation of the bargaining unit's employees.

The Complainant has withdrawn their complaint.

4. **File No. 13024:** The Compliance and Amendments Committee has referred File No. 13024, Mica Ringel against the Planning Department for allegedly failing to provide requested records associated with the proposed development of 480 Potrero Avenue. (Discussion and Action) (*attachment*) (*approximately 30 minutes*)

LuLu Hwang and Sara Jones, Planning Department (Respondent) provided an overview of the Planning Departments defense and submitted addition information (CD). There were no speakers who offered facts and evidence in support of the Respondent. Mica Ringel (Complainant) provided an overview of the complaint. There were no speakers who offered facts and evidence in support of the Complainant. A question and answer period followed. The Respondent waived rebuttal. The Complainant provided a rebuttal.

Member Knee, seconded by Member Hyland, moved to refer to the Ethics Commission.

Speakers: None.

The motion FAILED by the following vote:

Ayes: 5 – Knee, Washburn, Sims, Hyland, Oka

Noes: 4 – Pilpel, David, Fischer, Grant

Member Washburn, seconded by Member Knee, moved to refer to the Education, Outreach and Training Committee to discuss possible changes to the Planning Department procedures.

Speakers: None.

The motion PASSED without objection.

5. **Public Comment.**

Speakers: James Chafee expressed concern regarding various Public Library issues including equal access; Paula Datesh expressed concern in relation to the Arts Commissions process for replying to request for information and Immediate Disclosure Requests; Peter Warfield expressed concern regarding various Public Library issues and organization of previous SOTF decisions.

6. **File No. 13030:** Complaint filed by Charles Pitts, against the Community Housing Partnership for allegedly failing to comply with an Immediate Disclosure Request for tenant's budget of 650 Eddy St. (*attachment*)

Continuance requested by Complainant and Respondent. Motion Passed (Item 1).

7. **File No. 13031:** Complaint filed by Amber Straus, against Thelma Scott-Skillman, Interim Chancellor, City College of San Francisco for allegedly failure to comply with a public records request.

Scott Dickey, San Francisco Community College District; (Respondent) challenged jurisdiction due to the fact that it is a political subdivision of the state of California and not subject to the Sunshine Ordinance. Amber Straus (Complainant) was not aware of the jurisdictional issue.

Speakers: None.

Due to a lack of a motion, the Task Force FOUND NO JURISDICTION.

8. **File No. 13033:** Complaint filed by Barry Taranto, against the Municipal Transportation Agency for allegedly violating Sunshine Ordinance §67.15(a) Public Testimony thereby censoring and abridging public testimony.

Continuance requested by Complainant and Respondent. Motion Passed (Item 1).

RECESS 5:57 PM – 6:10 PM

9. **File No. 13035:** Complaint filed by James Chaffee v the Board of Supervisors, Budget and Finance Committee for allegedly violating Government Code §54954.3(a) and Sunshine Ordinance §67.15(a) Public Testimony by failing to provide an opportunity for public comment before taking action. (*attachment*)

Member Knee, seconded by Member Pilpel, moved to find jurisdiction.

Speakers: None.

The motion PASSED without objection.

James Chaffee (Complainant) provided an overview of the complaint. The Complainant requested the Task Force to find violations. There were no speakers who offered facts and evidence in support of the Complainant. Wilson Ng, Records Manager, Board of Supervisors (Respondent) provided an overview of the Board of Supervisors, Budget and Finance Committee defense. There were no speakers who offered facts and evidence in support of the Respondent. A question and answer period followed. The Complainant responded to questions raised throughout the discussion and further requested the Task Force to find violations. The Respondent provided a rebuttal. The Complainant provided a rebuttal and further requested the Task Force to find violations.

Member Pilpel, seconded by Member Washburn, moved to find a violation of Sunshine Ordinance §67.15(c) and Government Code §54954.3(b) for failing to allow sufficient time for public comment; referral to the Education, Outreach and Training Committee for discussions with the Budget and Finance Committee Chair.

Speakers: Paula Datesh expressed over the public comment process and described personal experiences; Peter Warfield expressed support of the motion and concerns in regards to public comment process.

The motion PASSED by the following vote:

Ayes: 8 – Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer, Grant

Noes: 1 – David

10. Approval of Minutes from the March 6, 2013 Regular Meeting.

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.

11. Approval of Minutes from the April 3, 2013 Regular Meeting.

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.

12. Approval of Minutes from the May 1, 2013 Regular Meeting.

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.

13. **Approval of Minutes from the June 5, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.
(approximately 5 minutes) (Action) (attachment)

14. **Approval of Minutes from the July 9, 2013 Special Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.

15. **Approval of Minutes from the August 7, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.

16. **Approval of Minutes from the September 4, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.

17. **Approval of Minutes from the October 2, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.

18. **Approval of Minutes from the November 6, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.

19. **Administrator's Report.**

Report was given by Victor Young, Sunshine Ordinance Task Force Administrator.

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

Member Pilpel provided an update on the Education, Outreach and Training Committee.

21. **ADJOURNMENT**

There being no further business, the Task Force adjourned at 7:50 p.m.