



SUNSHINE ORDINANCE TASK FORCE
Complaint Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES

REMOTE MEETING

February 14, 2023
5:30 PM

Regular Meeting

Members: Dean Schmidt (Chair), Laura Stein and Bruce Wolfe

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

Chair Schmidt called the meeting to order at 5:34 p.m. On the call of the roll Chair Schmidt and Members Stein and Wolfe were noted present. A quorum was present.

The Committee discussed the agenda and moved to close Item 5, File No. 20127 per the Petitioner's request.

Action: Moved by Member Stein, seconded by Member Wolfe ,to close Item 5, File No. 20127 per the Petitioner's request.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Stein, Wolfe, Schmidt
Noes: 0 - None

2. Approval of the January 17, 2023, Complaint Committee meeting minutes.

Action: Moved by Member Wolfe, seconded by Member Stein, to approve the January 17, 2023, meeting minutes.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Stein, Schmidt

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.

Speakers:

Stiliyan Bezhanski noted that he was impressed by the SOTF Administrator because he submitted two complaints and received the corresponding complaint number quickly.

4. **File No. 20036:** Complaint filed by Anonymous (ARE) against Jeff Kositsky with the Healthy Streets Operations Center for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.29-5, 67.29-7(a) by failing to maintain a Prop G calendar.

The Committee discussed the matter noting that no action is needed because this matter was concluded on November 3, 2021.

5. **File No. 20127:** Complaint filed by Anonymous (MUC) against Harlen Kelly and the Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner, 67.26 by failing to keep withholding to a minimum, 67.27 by failing to provide legal justification for withholding, and 67.29-7(a) by failing to maintain records.

See Item 1 for the disposition of this matter.

6. **File No. 22141** Complaint filed by Stiliyan Bejanski against Debra Lew and the Office of the Treasurer and Tax Collector for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Stiliyan Bejanski (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Bejanski stated that he wanted clarification of the Sunshine Ordinance because he filed an Immediate Disclosure Request with the Treasurer and Tax Collector's Office and believes he received his responsive records late.

Debra Lew (Treasurer and Tax Collector's Office) (Respondent), provided a summary of the department's position. Ms. Lew stated that her office received Mr. Bejanski's

Immediate Disclosure Request and on October 18, 2022 notified him that due to the voluminous, complex and burdensome nature of the request, they would provide records on a rolling basis. Ms. Lew stated that her office spent over 85 hours working on this request and that her office completed the request on February 14, 2023.

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

Action: Moved by Member Wolfe, seconded by Member Stein, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Stein, Schmidt

Noes: 0 - None

7. **File No. 22137** Complaint filed by Maria Schulman against Ashley Summers, Mei Ling Hui, Maria Durana and the Recreation and Parks Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Maria Schulman (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Schulman stated that on November 11, 2022 she sent an Immediate Disclosure Request to Recreation and Parks asking for a copy of the plans for the Alioto Community Park. Ms. Schulman stated that she was informed that the records were not easily available because they were located at the structural maintenance yard. Ms. Schulman stated that she did receive the requested records.

Ashley Summers (Park and Recreation Department) (Respondent), provided a summary of the department's position. Ms. Summers stated that on November 11, 2022, she received Ms. Schulman's Immediate Disclosure Request for plans to the Alioto Community Park. Ms. Summers responded that the requested records were not easily available due to safety and access issues at the structural maintenance yard and that she did not need to make an appointment to view them.

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

Action: Moved by Member Stein, seconded by Member Wolfe, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with the recommendation to consider violations of 67.21(e) for failure to respond to the records request in a complete and timely manner and 67.25 for failure to respond to an Immediate Disclosure Request because two requests were made and potentially not responded to in a timely manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Stein, Wolfe, Schmidt

Noes: 0 - None

8. **File No. 23003** Complaint filed by Karl Kramer against Carla Short, Bruce Robertson and Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Karl Kramer (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Kramer stated that he requested Cost of Doing Business of nonprofit organizations and he wants to see the figures for those organizations those records but was told that information doesn't exist. Mr. Kramer is not arguing a timeliness issue because he received his records.

Bruce Robertson, (Public Works) (Respondent), provided a summary of the department's position. Mr. Robertson stated that the confusion Mr. Kramer experienced could have been resolved in a phone call. Mr. Robertson stated that he provided a spreadsheet showing a 4% increase and that the only contract that met the criteria and the Cost of Doing Business was factored in. Mr. Robertson also stated that he had provided renegotiated contracts and fully executed agreements within two days of receipt of the request.

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

Action: Moved by Member Wolfe, seconded by Chair Schmidt, to continue the matter to the call of the Chair and request that the Petitioner contact the SOTF Administrator for confirmation of receipt of records.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Schmidt, Stein

Noes: 0 - None

9. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Complaint Committee.**

The Committee had no announcements, comments, questions or future agenda items.

Public Comment.

None.

10. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:51 p.m.

APPROVED: March 21, 2023
Complaint 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.