



# **SUNSHINE ORDINANCE TASK FORCE**

## **Complaint Committee**

### **CITY AND COUNTY OF SAN FRANCISCO**

### **MINUTES**

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

**February 26, 2019  
5:30 PM**

#### **Regular Meeting**

**Members:** Rodman Martin (Chair), Chris Hyland and Matthew Yankee

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

Chair Martin called the meeting to order at 5:40 p.m. On the call of the roll Chair Martin and Members Hyland and Yankee were noted present. A quorum was present.

There were no agenda changes.

#### **2. Approval of the January 22, 2019, Complaint Committee meeting minutes.**

**Action: Moved by Member Hyland, seconded by Member Yankee, to approve the January 22, 2019, meeting minutes.**

Public Comment:  
None.

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

Ayes: 3 - Hyland, Yankee, Martin  
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:

Peter Warfield, Library Users Association, expressed concern regarding outsourcing of city work and adjudication process of SOTF complaints.

4. **File No. 19009:** Complaint filed by Lucinda Page against Barbara Mumby and the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (00:06:21 – 00:16:23)

Lucinda Page (Petitioner) was not present for the hearing, communicated that they did not receive adequate advance notice of the meeting and that they would not be available to attend the meeting.

Barbara Mumby, San Francisco Arts Commission (Respondent), was not present at the hearing. The Arts Commission had previously communicated to the SOTF Administrator that they would not be present.

**Action: Moved by Member Hyland, seconded by Member Yankee, to find that the SOTF has jurisdiction and that the matter be continued to the call of the Chair. (The committee requested that the matter not be rescheduled for hearing until the Petitioner confirms their availability to attend the Committee hearing.)**

Public Comment:

None.

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

Ayes: 3 - Hyland, Yankee, Martin

Noes: 0 - None

5. **File No. 18085:** Complaint filed by Liz Arbus against Margaret Baumgartner and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (00:17:24 – 00:27:50)

Liz Arbus (Petitioner) was not present for the hearing. Ms. Arbus had communicated to the SOTF Administrator that they would not be available to attend the hearing.

John Cote, City Attorney's Office (Respondent), provided a summary of the department's position. Mr. Cote stated that items 5 and 6 were identical and Complainant had failed to appear for hearings in the past. Mr. Cote stated that the City Attorney's Office has reason to believe that complainant's name is not legitimate and that the Complainant is filing

duplicate requests for records and SOTF complaints under multiple names. Mr. Cote stated that this is an abuse of the Sunshine process and that the matters should be closed.

**Action: Moved by Member Hyland, seconded by Member Yankee, to find that the SOTF has jurisdiction and that the matter be continued to the call of the Chair. (The matter will not be rescheduled for hearing until the Petitioner confirms their availability to attend the Committee hearing.)**

The Committee requested that the issue regarding the requirement to attend Committee hearings be referred to the Rules Committee for discussion.

**Public Comment:**

Peter Warfield, Library User Association, stated that the rules of the SOTF are counter to the spirit of Sunshine.

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

Ayes: 3 - Hyland, Yankee, Martin

Noes: 0 - None

6. **File No. 18090:** Complaint filed by Carlos Petri against Margaret Baumgartner and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (00:28:54-00:31:45)

Carlos Petri (Petitioner) was not present for the hearing. Mr. Petri had communicated to the SOTF Administrator that they would not attend the hearing.

John Cote City Attorney's Office (Respondent), stated that the department's position is the same as item no. 5.

**Action: Moved by Member Hyland, seconded by Member Yankee, to find that the SOTF has jurisdiction and that the matter be continued to the call of the Chair. (The matter will not be rescheduled for hearing until the Petitioner confirms their availability to attend the Committee hearing.)**

**Public Comment:**

Peter Warfield stated that the SOTF should have rules that cover when a Complainant cannot appear.

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

Ayes: 3 - Hyland, Yankee, Martin

Noes: 0 - None

7. **File No. 19004:** Complaint filed by Library Users Association against the Acting City Librarian, Michael Lambert and Sue Blackman, Library Commission Secretary, 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.  
(00:33:45-01:17.21)

Peter Warfield, Library Users Association (Petitioner), provided a summary of the complaint and requested the Committee to find a violation. Mr. Warfield stated that he requested copies of 1-year, 6 and 3 month suspensions from the Library. Mr. Warfield stated that he only received the 1-year suspensions and did not receive the 6 and 3-month suspensions. Mr. Warfield stated that information was cut off the tops and bottoms of certain pages. Mr. Warfield stated that he wanted to know the basis for the redactions on the documents provided.

Sue Blackman and Roberto Lombardi, Public Library (Respondent), provided a summary of the department's position. Mr. Lombardi stated that Ms. Blackman was on vacation when the request came to his attention and takes full responsibility for Mr. Warfield's complaint. Mr. Lombardi stated that several people worked on the requested due to the voluminous nature of the request which resulted in some issues including errors/cutoffs in printing the pdfs. Mr. Lombardi stated that the redacted information usually contains addresses, library card numbers and anything that can be tracked. Mr. Lombardi stated that he would be happy to work with Mr. Warfield to resolve the issues.

Member Hyland opined that Mr. Warfield could possibly narrow the scope of his request as it looks very broad and voluminous. Member Hyland also stated that the Library should provide a computer to Mr. Warfield so that he could review the public version of the information on a disk. Mr. Lombardi responded to the opinion of Member Hyland and stated that the database information contains private information that cannot be disclosed but also stated that a disc with all of the documents in a pdf format was provided.

A question and answer period occurred.

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

Public Comment:  
None.

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

Ayes: 3 - Yankee, Hyland, Martin  
Noes: 0 - None

8. **File No. 19011:** Complaint filed by the Library Users Association against Theresa Buckley, Jose Cisneros, Christa Brown, Anne Stuhldreher and the Office of the Treasurer and Tax Collector for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(a)(b)(c), by failing to respond to a request for public records in a timely and/or complete manner and by failing to provide the requestor with assistance by directing the requestor to the proper office or staff person. (01:17.21 - )

Peter Warfield, Library Users Association (Petitioner), provided a summary of the complaint and requested the Committee to find a violation. Mr. Warfield stated that he requested the contact information of Mr. Monardo, a contractor retained by the department to create a report regarding abolishing fines for all categories of users of the Library. Mr. Warfield stated that he did not receive a satisfactory response from them and inquired with multiple parties in the Office of the Treasurer and Tax Collector.

Theresa Buckley, Office of Treasurer and Tax Collector (Respondent), provided a summary of the department's position. Ms. Buckley stated that privacy regulations precluded the department from providing Mr. Monardo's personal contact information and stated that the department does not have a business contact for Mr. Monardo. Ms. Buckley stated that several people in her office had multiple conversations with Mr. Warfield and have responded to his request in a timely manner. Ms. Buckley stated that she did not refer Mr. Warfield to another department because the Office of Treasurer and Tax Collector is the custodian of the requested record.

A question and answer period occurred.

**Action: Moved by Member Yankee, seconded by Member Hyland 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 - Yankee, Hyland, Martin

Noes: 0 - None

9. **File No. 19012:** Complaint filed by the Library Users Association against President Dr. Mary Wardell-Ghirarduzzi and the Public Library Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15, by failing to allow public speakers to speak on an item before the body at a regular or special meeting for up to three minutes.

Peter Warfield, Library Users Association (Petitioner), provided a summary of the complaint and requested the Committee to find a violation. Mr. Warfield stated that at the January 17, 2019, Library Commission meeting Dr. Mary Wardell-Ghirarduzzi, President of the Library Commission, announced that public comment would be limited to two minutes instead of three because there was a lot of material to cover at this meeting with a limited amount of time. Mr. Warfield stated that he wanted to know who decided the public comment time should be limited.

Sue Blackman, Public Library (Respondent), provided a summary of the department's position. Ms. Blackman stated that the Sunshine Ordinance allows the Library Commission to reduce the public comment time limit to ensure that the Commission will be able to hear all items on their agenda before the Library closes. Ms. Blackman stated that due to the nature of the agenda a time limit was necessary and that even with the time limit the meeting ended after hours. Ms. Blackman stated that the reduced time was announced at the beginning of the meeting and that all commenters were provided an equal amount of time to speak.

A question and answer period occurred.

**Action: Moved by Member Hyland, seconded by Member Yankee to find that the SOTF has jurisdiction and to refer the matter to the SOTF for hearing.**

Public Comment:  
None.

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

Ayes: 3 - Hyland, Yankee, Martin  
Noes: 0 - None

The committee requested copies of past Orders of Determinations regarding the reduction of the time limit for public speakers (SOTF File No.13035, Chafee v. Board of Supervisors, Budget and Finance Committee) and request a copy of the case law referenced in the City Attorney's report.

The letter also relied on *Chafee v. San Francisco Public Library*, 134 Cal. App. 4th 109 (2005), where the court allowed the reduction of public comment from three to two minutes so that the Library Commission could complete its agenda within a reasonable period of time.

10. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:42 p.m.

**APPROVED**

**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.