



SUNSHINE ORDINANCE TASK FORCE

Complaint Committee

CITY AND COUNTY OF SAN FRANCISCO

AGENDA

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

April 25, 2017
5:30 PM – 7:30 PM

Regular Meeting

Members: Leuwam Tesfai (Chair), Fiona Hinze, Bruce Wolfe

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**
2. **Approval of the March 28, 2017, Complaint Committee meeting minutes.**
(Discussion and Action) (attachment)
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. *(No Action)*

The Complaint Committee (Committee) shall hold hearings on File Nos. 17016, 17017, 17018, 17023, 17024 and 17025 to: 1) determine if the Sunshine Ordinance Task Force (Task Force) has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force. The Task Force, upon receipt of the report and/or recommendation from the Committee, shall schedule and conduct a hearing on the merits of the complaint.

4. **File No. 17016:** Complaint filed by Jerry Dratler against Ben Rosenfield and the Office of the Controller 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. *(attachment)*
 - a) Determination of jurisdiction on the complaint. *(Discussion and Action)*
 - b) Hearing on the complaint. *(Discussion and Action)*

5. **File No. 17017:** Complaint filed by Dolores Clean against Randy Quezada and the Department of Homelessness and Supportive Housing 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. (*attachment*)
 - a) Determination of jurisdiction on the complaint. (*Discussion and Action*)
 - b) Hearing on the complaint. (*Discussion and Action*)
6. **File No. 17018:** Complaint filed by Josh Wolf against President London Breed, Board of Supervisors, 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. (*attachment*)
 - a) Determination of jurisdiction on the complaint. (*Discussion and Action*)
 - b) Hearing on the complaint. (*Discussion and Action*)
7. **File No. 17023:** Complaint filed by Ann Treboux 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 complete and/or timely manner. (*attachment*)
 - a) Determination of jurisdiction on the complaint. (*Discussion and Action*)
 - b) Hearing on the complaint. (*Discussion and Action*)
8. **File No. 17024:** Complaint filed by Gregory Berlin against the Office of the Treasurer and Tax Collector, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to a request for public records in a timely and/or complete manner. (*attachment*)
 - a) Determination of jurisdiction on the complaint. (*Discussion and Action*)
 - b) Hearing on the complaint. (*Discussion and Action*)
9. **File No. 17025:** Complaint filed by the SF Urban Forest Coalition against Michael Eng, Jonas Ionin, and Christine Silva, Planning Department, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24(c), 67.25, and 67.34, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. (*attachment*)
 - a) Determination of jurisdiction on the complaint. (*Discussion and Action*)
 - b) Hearing on the complaint. (*Discussion and Action*)

10. **Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar.** (*Discussion and Action*)
11. **ADJOURNMENT**

The Sunshine Ordinance Task Force was established by [the San Francisco Administrative Code](#), Chapter 67. The purpose of the Task Force is to protect the public's interest in open government and to carry out the duties enumerated in [Chapter 67 of the San Francisco Administrative Code](#). For additional information concerning Sunshine Ordinance Task Force please contact the Task Force by e-mail sotf@sfgov.org or by calling (415) 554-7724.

Agenda Item Information

Each item on the agenda may include the following documents:

- 1) Department or Agency cover letter and/or report;
- 2) Public correspondence;
- 3) Other explanatory documents.

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

Meeting Procedures

1. The Complaint Committee shall review the merits of the complaint
2. Respondent and Complainant presents clarification/rebuttal 3 minutes
3. Matter is with the Task Force for motion and deliberation.
4. Public comment (Excluding Complainant & City response, witnesses) Up to 3 minutes each
5. Action by the Committee

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the agenda items. These comments will be made a part of the official public record. Written communications should be submitted to the SOTF at: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102.

AGENDA PACKET: Available for review in the Office of the Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, or on the internet at: <http://www.sfbos.org/sunshine>.

AUDIO RECORDINGS: Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at: <http://www.sfbos.org/sunshine>.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Peggy Nevin at (415) 554-5184.

AVISO EN ESPAÑOL: La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Derek Evans (415) 554-7702.

Paunawa: Ang mga kahilingan ay kailangang matanggap sa loob ng 48 oras bago mag miting upang matiyak na matutugunan ang mga hiling. Mangyaring tumawag ka sa (415) 554-5184.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719

Disability Access

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 5R, 6, 7, 7R, 7X, 9, 9R, 19, 21, 47, and 49. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102; phone (415) 554-7724; fax (415) 554-7854; or email sotf@sfgov.org.

Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67 on the Internet at <http://www.sfbos.org/sunshine>.

Cell Phones, Pagers and Similar Sound-Producing Electronic Devices

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (Chapter 67A of the San Francisco Administrative Code).

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site www.sfgov.org/ethics

File No. N/A

Item No. 2

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

SOTF – Complaint Committee Date: April 25, 2017

<input type="checkbox"/>	Petition/Complaint	Page: <u> </u>
<input type="checkbox"/>	Memorandum - Deputy City Attorney	Page: <u> </u>
<input type="checkbox"/>	Complainant's Supporting Documents	Page: <u> </u>
<input type="checkbox"/>	Respondent's Response	Page: <u> </u>
<input type="checkbox"/>	Correspondence	Page: <u> </u>
<input type="checkbox"/>	Order of Determination	Page: <u> </u>
<input checked="" type="checkbox"/>	Minutes	Page: <u>2</u>
<input type="checkbox"/>	Committee Recommendation/Referral	Page: <u> </u>
<input type="checkbox"/>	Administrator's Report	Page: <u> </u>
<input type="checkbox"/>	No Attachments	

OTHER

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Completed by: V. Young Date 04/21/17

*An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.



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

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

March 28, 2017
5:30 PM – 7:30 PM

Regular Meeting

Members: Leuwam Tesfai (Chair), Fiona Hinze, Victoria Baranetsky

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

Chair Leuwam Tesfai called the meeting to order at 5:35 p.m. On the call of the roll Chair Tesfai and Member Hinze were noted present. Member Baranetsky was noted absent. There was a quorum.

2. Approval of the February 28, 2017, Complaint Committee meeting minutes.

The Committee discussed the draft minutes.

Member Hinze, seconded by Chair Tesfai, moved to approve the February 28, 2017, Complaint Committee meeting minutes.

Public Comment:

Speakers: None.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Tesfai

Noes: 0 - None

Absent: 1 - Baranetsky

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:

None.

The Complaint Committee (Committee) shall hold hearing(s) on File No(s). 16113, 17011, 17014 and 17016 to: 1) determine if the Sunshine Ordinance Task Force (Task Force) has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force. The Task Force, upon receipt of the report and/or recommendation from the Committee, shall schedule and conduct a hearing on the merits of the complaint.

4. **File No. 16113:** Complaint filed by Larry Chan against Lieutenant Kathryn Waaland and the San Francisco Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Lt. Kathryn Waaland and Ashly Worsham, Police Department (Respondent) provided a summary of the department's position and answered questions from the Committee. Ms. Worsham stated that the case file in question is considered open until the Police Chief takes action. In addition, it was stated by the Police Department representatives that even if the case file is closed the requested record will still be provided in a redacted format pursuant to California Evidence Code, Section 6254(f), and Penal Code, Sections 832.5, 832.7 and 832.8. Larry Chan provided a summary of the complaint and stated that the records are needed to prepare his case.

Member Hinze, seconded by Chair Tesfai, moved to refer the matter to the Task Force with the recommendation to find Jurisdiction and without recommendation regarding violation of Administrative Code (Sunshine Ordinance), Section 67.21.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Tesfai

Noes: 0 - None

Absent: 1 - Baranetsky

5. **File No. 17011:** Complaint filed by Carol Lau against the Office of the Treasurer and Tax Collector for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a complete manner.

Member Hinze, seconded by Chair Tesfai, moved to find Jurisdiction over the matter.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Tesfai
Noes: 0 - None
Absent: 1 - Baranetsky

Carol Lau (Complainant) provided a summary of the complaint and answered questions from the Committee. Ms. Lau stated that at a minimum, a copy of her own letter to the department should have been found and provided. Debra Lew and Alexander Delvner (Treasurer and Collector's Office) provided a summary of the department's position and stated the various sections of the office were surveyed regarding the request and no documents responsive to the request were found.

Member Hinze, seconded by Chair Tesfai, moved to refer the matter to the Task Force with the recommendation to find Jurisdiction and find the Office of the Treasurer and Tax Collector violated Administrative Code (Sunshine Ordinance), Section 67.21.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Tesfai
Noes: 0 - None
Absent: 1 - Baranetsky

6. **File No. 17014:** Complaint filed by David Dippel against Ester Casco and the San Francisco Board of Education for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request for public records in a timely and/or complete manner. (*attachment*)

The Complainant withdrew the complaint prior to the meeting. No actions were taken by the Committee.

7. **File No. 17016:** Complaint filed by Jerry Dratler against Ben Rosenfield and the Office of the Controller 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.

Member Hinze, seconded by Chair Tesfai, moved to find Jurisdiction over the matter.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Tesfai
Noes: 0 - None
Absent: 1 - Baranetsky

Jerry Dratler (Complainant) provided a summary of the complaint and answered questions from the Committee. Tonia Lediju, Office of the Controller (Respondent) provided a summary of the department's position, stated that all records have been provided and/or posted on the department's website and answered questions from the Committee.

The Committee requested that the matter be continued in order to provide an opportunity for the Committee to review the draft reports to be provided by Mr. Dratler and the final reports posted on the Controller's website.

Member Hinze, seconded by Chair Tesfai, moved to continue the matter to the next meeting of the Committee.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Tesfai
Noes: 0 - None
Absent: 1 - Baranetsky

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

There were no announcements or comments by members of the Committee.

9. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:45 p.m.

APPROVED: DRAFT
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.