



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

January 23, 2018
5:30 PM – 7:30 PM

Regular Meeting

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

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**
2. Approval of the November 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 hearing(s) on File No(s). 17129, 17122, 17123, 17124, 17130 and 17133 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. 17129:** Complaint filed by Patrick Roddie against the Department of Public Health 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. (*attachment*)
 - a) Determination of jurisdiction on the complaint. (*Discussion and Action*)
 - b) Hearing on the complaint. (*Discussion and Action*)

5. **File No. 17122:** Complaint filed by the La Playa Park Neighborhood Association against Supervisor Katy Tang (Board of Supervisors) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a complete manner. *(attachment)*
 - a) Determination of jurisdiction on the complaint. *(Discussion and Action)*
 - b) Hearing on the complaint. *(Discussion and Action)*
6. **File No. 17123:** Complaint filed by Anonymous against the Juvenile Probation Commission 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. *(attachment)*
 - a) Determination of jurisdiction on the complaint. *(Discussion and Action)*
 - b) Hearing on the complaint. *(Discussion and Action)*
7. **File No. 17124** Complaint filed by William Simpson against the Fire 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. *(attachment)*
 - a) Determination of jurisdiction on the complaint. *(Discussion and Action)*
 - b) Hearing on the complaint. *(Discussion and Action)*
8. **File No. 17130:** Complaint filed by Patrick Mooney and Steve Tom against Tim Frye and the Planning 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. *(attachment)*
 - a) Determination of jurisdiction on the complaint. *(Discussion and Action)*
 - b) Hearing on the complaint. *(Discussion and Action)*
9. **File No. 17133:** Complaint filed by Patrick Mooney and Steve Tom against Shannon Ferguson, Tim Frye and the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.7-1, by failing to provide adequate notice of hearing. *(attachment)*
 - a) Determination of jurisdiction on the complaint. *(Discussion and Action)*
 - b) Hearing on the complaint. *(Discussion and Action)*

The Complaint Committee (Committee) shall review File No(s). 17134, 17136, 18001, 18002 and 18003 to determine if the Sunshine Ordinance Task Force has jurisdiction and determine if the requested records are public pursuant to Administrative Code (Sunshine Ordinance), Sections 67.21(e). The Complainant and Respondent are **not required** to attend the January 23, 2018, Complaint Committee meeting but may attend to provide testimony related to the above listed determinations. A hearing to review the merits of the complaint will be scheduled on a future date.

10. **File No. 17134:** Complaint filed by Thomas Busse against the San Francisco Public Utilities for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, 67.24(g)(i), 67.27 by failing to respond to a public records request in a timely and/or complete manner and against the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21(i), for acting as legal counsel for denying access to a public record. (*attachment*)
 - a) Determination of jurisdiction on the complaint. (*Discussion and Action*)
11. **File No 17136:** Complaint filed by Patrick Monette-Shaw against the Department of Human Resources for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25 and 67.34, by willfully 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*)
12. **File No. 18001:** Complaint filed by Julian Sarkar against Jose Cisneros and 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 timely and/or complete manner. (*attachment*)
 - a) Determination of jurisdiction on the complaint. (*Discussion and Action*)
13. **File No. 18002:** Complaint filed by Ann Treboux against Tom DeCaigny and Anne Trickey, Arts Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 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*)
14. **File No. 18003:** Complaint filed by Ann Treboux against the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.7, 67.20, 67.25 and 67.27, by failing to make supporting documents available, failing to response to an Immediate Disclosure Request in a complete manner and failing to provide justification for withholding records. (*attachment*)
 - a) Determination of jurisdiction on the complaint. (*Discussion and Action*)

15. **Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar by members of the Committee.** (*Discussion and Action*)
16. **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

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