



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**

**July 23, 2019
5:30 PM**

Regular Meeting

Members: Rodman Martin (Chair), Bruce Wolfe and Matthew Cate

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

Chair Martin called the meeting to order at 5:35 p.m. On the call of the roll Chair Martin and Members B. Wolfe and Cate were noted present. A quorum was present.

There were no agenda changes.

2. 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.

3. Approval of the June 25, 2019, Complaint Committee meeting minutes.

Action: Moved by Member B. Wolfe, seconded by Member Cate, to approve the June 25, 2019, meeting minutes.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Cate and Martin
Noes: 0 - None

4. **File No. 19060:** Complaint filed by Ashley Rhodes against the Arts Commission for allegedly violating Administrative Code, Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

Ashley Rhodes (Petitioner) was not present for the hearing and did not communicate to the SOTF Administrator that he would not be present.

Kate Patterson (Arts Commission) (Respondent), was present at the hearing.

Action: Moved by Chair Martin, seconded by Member B. Wolfe, to continue the matter 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:

None.

The motion PASSED by the following vote:

Ayes: 3 - Martin, B. Wolfe, Cate

Noes: 0 - None

5. **File No. 19025:** Complaint filed by Jamie Whitaker against the Homelessness and Supportive Housing 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. (00:04:31 – 00:32:04)

Jamie Whitaker (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Whitaker stated that he emailed Homelessness and Supportive Housing (HSH) on March 20, 2019, regarding the Navigation Center on the Embarcadero and he received a response from Caitlin at HSH.org later that day. Mr. Whitaker stated that on April 8th he filed a complaint with the SOTF because he had not received a response. Mr. Whitaker stated that subsequent to that HSH provided the responsive documents.

Abigale Stewart-Khan (Homelessness and Supportive Housing) (Respondent), provided a summary of the department's position. Ms. Stewart-Khan stated that HSH responded on March 20 and invoked an extension on April 9, 2019, due to the need to coordinate with other departments. Ms. Stewart-Khan stated that there had been several departures in her office and that they recently hired two people and were looking to hire another new person. Ms. Stewart-Khan stated that because of the personnel shortage, the Mayor's Office stepped in to assist responding to Mr. Whitaker's request. Ms. Stewart-Khan stated all requested documents were provided to the Complainant by April 26, 2019.

Hank Heckel, Compliance Officer, (Mayor's Office) provided a summary of the department's position. Mr. Heckel stated that there had been many requests related to Seawall Lot 330, the Navigation Center on the Embarcadero. Mr. Heckel stated that his

office provided assistance to HSH in responding to Mr. Whitaker's complaint. Mr. Heckel stated that the Mayor's Office wants departments to respond to records requests in a timely manner. Mr. Heckel stated that all responsive documents were provided to the Complainant and that there should be no violation of the Sunshine Ordinance.

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

Action: Moved by Member B. Wolfe, seconded by Member Cate, to find that the SOTF has jurisdiction, 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 - B. Wolfe, Cate, Martin

Noes: 0 - None

6. **File No. 19058:** Complaint filed by Robert M. Smith against the Fine Arts Museum of San Francisco 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. (00:34:00 -

Robert Smith (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Smith stated that the Museum invoked an extension of time to respond to his Immediate Disclosure Request to consult with their City Attorney. Mr. Smith stated that the Museum promised to provide documents within a "reasonable amount of time" and that they were violating the law. Mr. Smith stated that the documents provided were also located on the Museum's website. Mr. Smith stated that the Museum, on the advice of their City Attorney, is not required to provide a privilege log of records they are not producing and that there is no way to tell what records are outstanding.

Melissa Powers, (Fine Arts Museums) (Respondent), provided a summary of the department's position. Ms. Powers stated that Mr. Smith's Immediate Disclosure Request asked for documents related to Museum Board members' terms expiring. Ms. Powers stated that the Museums did invoke an extension to respond to Mr. Smith's request to consult with the City Attorneys' Office as allowed by Administrative Code (Sunshine Ordinance) 67.5(d). Ms. Powers stated that the Museum did provide seven confidential meeting agendas and minutes and other documents. Ms. Powers stated that the Museum will continue to conduct a review of emails, however, Mr. Smith has been provided all documents related to this matter and nothing has been withheld.

Member B. Wolfe stated that in the Minutes, the word slate refers to a group of people for election. Member Wolfe stated that he agrees with Mr. Smith and that the Minutes do not reveal the makeup and seats that would be assigned for a particular officer-ship. Member Wolfe stated that as reflected in the Minutes, this is not a slate, but a structure and that Mr. Smith expected a list of names for those positions.

Megan Bourne, Chief of Staff and Secretary to the Board of Trustees of the Fine Arts Museum of San Francisco (FAMSF) and the Corporation of the Fine Arts Museums (Co-FAM) spoke about the documents provided to Mr. Smith. Ms. Bourne stated this was a clumsily written indication that the positions that needed to be filled were the President and Vice-President of FAMSF and the Chair, Vice-Chair and Treasurer of Co-FAM. Ms. Bourne stated that these positions were expiring in June 2016, that needed to be filled and not the creation of new positions. Ms. Bourne stated that several members of the Board of Trustees were discussing these positions outside of the meeting

Member B. Wolfe expressed concern that members of the Board of Trustees were discussing creating a slate with FAMSF and Co-FAM after adjournment of the meeting. Member Wolfe stated that there is a timeliness issue and no future date on when the Petitioner will receive subsequent documents.

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

Action: Moved by Member Cate, seconded by Member B. 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.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Cate, B. Wolfe, Martin
Noes: 0 - None

7. **File No. 19068:** Complaint filed by Sophia De Anda against the Human Services Agency 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.

Sophia De Anda (Petitioner) was not present for the hearing and did not communicate to the SOTF Administrator that she would not be present.

Ken Pang, Vladimir Rudakov, Vivian Chiang, Akiles Ceron, Marina Vertinski (Human Services Agency) (Respondents), were present at the hearing.

Action: Moved by Member B. Wolfe, seconded by Member Cate, to continue the matter 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:

None.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Cate, Martin

Noes: 0 - None

8. ADJOURNMENT

There being no further business the meeting was adjourned at 7:28 p.m.

APPROVED: 8/20/19

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.