



**SUNSHINE ORDINANCE TASK FORCE**  
**Complaint Committee**  
**CITY AND COUNTY OF SAN FRANCISCO**  
**MINUTES**  
**REMOTE REGULAR MEETING**

**Listen/Public Call-In Phone Number**  
**1-415-906-4659**  
**Meeting ID: 608 700 868#**

**February 16, 2021**  
**5:30 PM**

**Members:** Dean Schmidt (Chair) and Matthew Yankee, Bruce Wolfe

**Remote Access to Information and Participation**

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference.

Members of the public may participate by phone or may submit their comments by email to: [Cheryl.Leger@sfgov.org](mailto:Cheryl.Leger@sfgov.org); all comments received will be made a part of the official record. Sunshine Ordinance Task Force agendas and their associated documents are available at <https://sfbos.org/sunshine>.

As the COVID-19 disease progresses, please visit the Sunshine Ordinance Task Force website regularly to be updated on the current situation as it affects the legislative process.

**Meeting Decorum:** Any member of the Sunshine Ordinance Task Force may call for decorum due to disorderly conduct of meeting participants. Persons who engage in threatening and/or menacing behavior may be asked to leave.

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

Chair Schmidt called the meeting to order at 5:33 p.m. On the call of the roll Chair Schmidt and Members Yankee and Wolfe were noted present. A quorum was present.

Item No. 6 was withdrawn by the Complainant.

2. **Approval of the January 19, 2021, Complaint Committee meeting minutes.**

**Action: Moved by Yankee, seconded by Member Wolfe, to approve the January 19, 2021, meeting minutes.**

Public Comment:

None.

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

Ayes: 3 - Yankee, Wolfe, 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. *(No Action)*

Speakers:

Anonymous provide updates on past complaints and actions by various departments regarding Prop. G calendar and metadata software. Anonymous noted that the Police Commission is reconsidering their position regarding metadata.

4. **File No. 19061:** Complaint filed by John Hooper against the Office of Economic and Workforce Development for violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

*(On December 2, 2020, the SOTF requested that Mr. Hopper provide a bullet point list of missing documents to the Office of Economic and Workforce Development and that the matter be referred to the Complaint Committee for review and to ensure that the Petitioner receives his requested records.)*

John Hooper (Complainant) provided an update on his complaint and status of documents disclosure. Mr. Hooper stated that the records provided are readily available or inaccurate. Mr. Hooper stated that that Public Works should not have replied on behalf of the Office of Economic and Workforce Development. Mr. Hooper noted why he believes certain documents must exist and certain questions should be answered.

Maryanne Thompson (Office of Economic and Workforce Development) (Respondent); provided a summary of the departments position. Ms. Thompson provide a

summary/history of the public records request and the actions of the SOTF. Ms. Thompson stated that Public Works responded as both departments received the exact same request and that the response from both departments would be identical. Ms. Thompson stated that all records in their possession have been provided. Ms. Thompson stated that Mr. Hooper did not provide a bullet point list of missing documents but instead submitted request for additional records. Ms. Thompson stated that over 11,000 responsive pages of documents have been provided to Mr. Hooper on various occasions.

The Committee discussed the matter and requested clarifications/information from the parties. The Committee suggested that the Respondent indicated in detail if the 21 requested documents (bullet points list) (SOTF Page 739) were provided and why he believes there should be additional documents.

**Action: Moved by Chair Schmidt, seconded by Member Wolfe, to continue the matter to the call of the chair.**

The Committee requested Mr. Hooper to provide details (on bullet point list provided by Mr. Hooper) of any items not provide and detail information on what item is believed to be missing and why.

**Public Comment:**

Anonymous stated that the most important issue is if the Department is required go to the contracted party to retrieved documents.

Mr. Sullivan stated that he requested invoices from the Controller and was referred to OEWD and Public Works and provided a summary of the issues. Mr. Sullivan stated that a reason should be provided as to why invoices are being withheld.

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

Ayes: 3 - Yankee, Wolfe, Schmidt

Noes: 0 - None

5. **File No. 19062:** Complaint filed by John Hooper against Public Works for alleged violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

*(On December 2, 2020 the SOTF requested that Mr. Hooper provide the same bullet point list of missing documents as in file no.19061 to the Respondent and referred the matter to the Complaint Committee for review and to ensure that the Petitioner receives his requested records.)*

John Hooper (Complainant) provided an update on his complaint and status of documents disclosure. Mr. Hooper stated there is some confusion regarding a custodian of records responding on behalf of two departments. Mr. Hooper stated that he did not received the requested invoices, records of payment and other requested documents.

David Steinberg (Public Works) (Respondent); provided a summary of the departments position. Ms. Steinberg stated that Mr. Hooper did not provide a list of specific missing documents but instead provided a broad list of missing document category. Mr. Steinberg stated that reference invoice, presentation and other requested are present in the SOTF packet. Mr. Steinberg stated that Public Works does not have invoices as they do not have a contract with Parks Alliance and assumes that OEWD, the contracting department, would have the invoices.

**Action: Moved by Member Yankee, seconded by Member Wolfe, to refer the matter to the SOTF with the recommendation to find no violation.**

**Public Comment:**

Anonymous inquired as to the timeline of the request and response. Anonymous is concerned that the non-contracted department entity will not provide any records. Anonymous stated that the documents belong to the city as a whole and not just an individual department.

Mr. Sullivan stated that the records should be with the city and that the city has a 3-year retention policy.

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

Ayes: 3 - Yankee, Wolfe, Schmidt

Noes: 0 - None

6. **File No. 20029:** Complaint filed by Michael Petrelis against the Department of Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 by failing to respond to a records request in a timely and complete manner.

Item No. 6, File No. 20029 was withdrawn by the Complainant via email on February 16, 2021, at 5:00 p.m.

7. **File No. 19115:** Complaint filed by Ann Treboux against Margaret Baumgartner and the Office of the City Attorney for allegedly violating Administrative Code, (Sunshine Ordinance) Sections 67.25 by failing to respond to an Immediate Disclosure Request for public records in a timely and/or complete manner.

Ann Treboux (Complainant) provided a summary of the complaint and request the SOTF to find a violation. Ms. Treboux stated she provide a written timeline of her request and that a request may be sent to individual employees. Ms. Treboux stated that Ms. Baumgartner was the attorney involved in the case and that Ms. Baumgartner was not response to the request and various reminders.

John Cote (Office of the City Attorney) (Respondent); provided a summary of the departments position. Mr. Cote request that the matter be table due to violation of SOTF procedures. Mr. Cote referenced the departments written response. Mr. Cote provided

a summary of the case which involves Ms. Treboux and therefore Ms. Treboux has access to all of the records as a party to the court case.

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

Public Comment:

Anonymous stated that court documents are public and disclosable upon request and it doesn't matter if one is a party to the court case.

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

Ayes: 3 - Yankee, Wolfe, Schmidt

Noes: 0 - None

8. **File No. 19126:** Complaint filed by Ann Treboux against Rebecca Krell 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.

Ann Treboux (Complainant) provided a summary of the complaint and request the SOTF to find a violation. Ms. Treboux request to added Rebecca Krell as a respondent. Ms. Treboux state that she did not receive a response in a timely manner and only received unresponsive documents.

There was no representative from Respondent (Arts Commission) present at the meeting.

**Action: Moved by Member Wolfe, seconded by Member Yankee, to find that the SOTF has jurisdiction, the records are public and the refer the matter to the SOTF for hearing (adding Rebecca Krell as a respondent).**

Public Comment:

Anonymous stated that all records should be available no matter the circumstance.

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

Ayes: 3 - Yankee, Wolfe, Schmidt

Noes: 0 - None

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

Public Comment:

None.

10. **ADJOURNMENT**

There being no further business the meeting was adjourned at 8:33 p.m.

**APPROVED: 3/16/21**

**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.