



SUNSHINE ORDINANCE TASK FORCE

Education, Outreach and Training Committee

CITY AND COUNTY OF SAN FRANCISCO

MINUTES

REMOTE MEETING

October 12, 2021
5:30 PM

Remote Regular Meeting

Members: Chris Hyland (Chair), Jaya Padmanabhan

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

Chair Hyland called the meeting to order at 5:31 p.m. On the call of the roll Chair Hyland and Member Padmanabhan were noted present. A quorum was present.

There were no agenda changes.

2. Approval of the September 14, 2021, Complaint Committee meeting minutes.

Action: Moved by Chair Hyland, seconded by Member Padmanabhan to approve the September 14, 2021, meeting minutes.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 - Hyland, Padmanabhan
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:

Anonymous #3 spoke about the City's choice to use NextRequest and Gov A to track Sunshine requests. Anonymous #3 noted that the City's responses have been terrible and often time you cannot see your own requests.

David Pilpel stated that he drafted a six paragraph possible memo that the SOTF could issue to all city department heads and all chairs of policy bodies. Mr. Pilpel noted that he is still adjusting the text.

4. **File No. 21108:** Complaint filed by Anonymous against City Attorney Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, 67.26, and 67.27 and California Public Records Action, Section(s) 6253(c), by failing to respond to a public records request in a timely and/or complete manner, failing to keep withholdings to a minimum, failing to provide justification for withholdings and failing to provide a determination within 10 days.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that in March 2021 he requested communications between the City Attorney and Recology. Anonymous stated that at the end of August, his access to records was denied.

John Cote (City Attorney's Office) (Respondent), provided a summary of the department's position. Mr. Cote asked that the Committee refer to his written response provided on September 13, 2021. Mr. Cote stated that the City Attorney declined to produce records under Evidence Code 1040.

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

Action: Moved by Chair Hyland, seconded by Member Padmanabhan, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing. The Committee referenced Administrative Code, Sunshine Ordinance, Section 67.24(b)(2), and requested the Respondent to provide a response regarding the code section, and once received forward to the full SOTF.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Hyland, Padmanabhan

Noes: 0 - None

5. **File No. 21086:** Complaint filed by Anonymous against District Attorney Chesa Boudin and the Office of the District Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26, 67.27, 67.25, 67.24 and California Government Code 6254.5 by failing to respond to a public records request in a timely and/or complete manner.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that he requested communications from the District Attorney's office involving a juvenile which was initially provided to Ms. Lim and Mr. Balco and later denied to him. Anonymous is arguing that this is a violation of Government Code 6254.5. Anonymous requested the document originally provided to Mr. Balco.

Robyn Burke (District Attorney's Office) (Respondent), provided a summary of the department's position. Ms. Burke stated that contact information of a journalist was confidential and mistakenly provided.

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

Action: Moved by Member Padmanabhan, seconded by Chair Hyland, to find that the SOTF has jurisdiction, that the requested records are public and referred the matter to the SOTF for hearing with the recommendation that that the SOTF find a violation of Administrative Code, Sunshine Ordinance, Sections 67.26 by failing to keep withholding to a minimum and 67.27 for citing justifications that do not apply.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Padmanabhan, Hyland

Noes: 0 - None

6. **File No. 21110:** Complaint filed by Hilary166 against District Attorney Chesa Boudin for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing respond to a public records request in a timely and/or complete manner.

The Petitioner did not appear and did not inform the SOTF Administrator of their absence.

Robyn Burke (District Attorney's Office) (Respondent), provided a summary of the department's position. Ms. Burke was present and prepared to have the matter heard.

Action: Moved by Member Padmanabhan, seconded by Chair Hyland, to table the matter due to the Petitioner's absence without prior notice.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Padmanabhan, Hyland

Noes: 0 - None

7. **File No. 21087:** Complaint filed by Wynship Hillier against the Behavioral Health Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.7, 67.9, and 67.15, by failing to make documents available to the public as soon as they are available, by failing to list proposed actions on the agenda, acting on a matter not listed on the agenda and by failing to approve a rule allowing the public to address the body; and California Government Code 54954(a) by failing to provide the time and place for holding regular meetings. (January 20, 2021, February 3, 2021, February 9, 2021, February 18, 2021, and June 12, 2021, meetings).

Wynship Hillier (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Hillier stated that he had three separate complaints all of which have similarities and differences. Mr. Hillier stated that he is in the process of formulating another complaint in which some violations were not covered at the latest Sunshine Hearing.

Geoffrey Grier (Behavioral Health Commission) (Respondent), provided a summary of the department's position. Mr. Grier stated that the January, February 3 and 9 Behavioral Health Commission agendas were posted timely and included public comment. Mr. Grier noted that the February 9 Executive Committee agenda was also posted and the records were made available 72 hours prior to the hearing. Mr. Grier also stated there was no hearing in June. Mr. Grier stated that all proposed meeting Agendas are available to the Commissioners and the public.

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

Chair Hyland requested that Mr. Hillier provide a summary of all allegations of violations including dates, onto an Excel spreadsheet and tie it to the Sunshine Ordinance.

Action: Moved by Chair Hyland, seconded by Member Padmanabhan, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing. The Committee requested that the Petitioner provide a summary of his complaints in an Excel spreadsheet outlining an index of allegations and violations and once received forward to the full SOTF.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Hyland, Padmanabhan

Noes: 0 - None

8. Announcements, Comments, Questions, and Future Agenda Items by Members of the Education, Outreach and Training Committee.

Chair Hyland stated that the Committee should request that parties agree to make an appearance in writing so that a back up case can be adjudicated in their place. Chair Hyland noted that when the agenda notice goes out there is a section requesting an appearance of both the Petitioner and Respondent. This is an issue for the Rules Committee to review.

No actions taken.

Public Comment

None.

9. ADJOURNMENT

There being no further business the meeting was adjourned at 7:06 p.m.

APPROVED: November 9, 2021

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.