



SUNSHINE ORDINANCE TASK FORCE

Education, Outreach and Training Committee

CITY AND COUNTY OF SAN FRANCISCO

MINUTES

REMOTE MEETING

November 9, 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 5:33 p.m. On the call of the roll Chair Hyland and Member Padmanabhan were noted present. Member was noted absent. A quorum was present.

There were no agenda changes.

2. Approval of the October 12, 2021, Education, Outreach and Training Committee meeting minutes.

The Committee discussed the October 12 meeting minutes. Chair Hyland made suggested amendments.

Action: Moved by Chair Hyland, seconded by Member Padmanabhan, to approve the October 12, 2021, meeting minutes with amendments.

Public Comment:

Anonymous #3 requested that if John Cote no longer works at the City Attorney's Office that his replacement be contacted for City Attorney materials

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:

Michael Petrelis stated that he is very happy and grateful that San Francisco still has the SOTF and salutes the volunteers that participate in this process.

Anonymous #3 stated that if any cases are related to Covid Orders, to reference CPRA 6253(c) if the records were not provided in a prompt manner.

4. **File No. 21101:** Complaint filed by Liza Murawski against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.15 and 67.21, by failing to provide meeting minutes upon request and failing to respond to a public records request in a timely and/or complete manner.

Liza Murawski (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Murawski spoke regarding the RAD (Rental Assistance Demonstration for the Community) construction of the building where people living in the building are seeking mental health services. Ms. Murawski stated that she is seeking records, including meeting minutes and financial records, that document over that 400K was approved for the construction and after four years is still not complete. Christine Padilla (Department of Public Health (DPH)) (Respondent), provided a summary of the department's position. Ms. Padilla stated that on June 9, 2021, DPH received the request for records regarding housing information through Conard House. Ms. Padilla stated that on June 16, 2021, the Custodian at that time conducted a search and found no responsive documents. Ms. Padilla stated that the custodian at the time of the request is no longer with DPH.

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, find that the requested records are public and to refer the matter to the SOTF for hearing with the recommendation for a violation of 67.21(c) by failing to provide the requestor assistance in identifying the requested records. Per the request of Chair Hyland, Administrative Code 12L.2 has been included in the Minutes of this hearing.

SEC. 12L.2 CONTRACT LANGUAGE ESTABLISHING PUBLIC ACCESS TO NONPROFIT ORGANIZATIONS.

(a) Each contracting agency of the City or any department thereof, acting for or on behalf of the City, shall include in all contracts between it and any nonprofit organization which

are subject to this Chapter, provisions imposing the requirements set forth in Sections 12L.4 through 12L.7, inclusive.

(b) Each contracting agency of the City or any department thereof shall include in every invitation to submit proposals or requests for City-administered funding provisions requiring that any nonprofit organization submitting such a proposal or request provide information regarding its efforts to comply with this Chapter, and further include a summary stating, to the best of the nonprofit organization's knowledge, all complaints concerning the nonprofit organization filed with any contracting agency of the City or any department thereof under this Chapter in the preceding two years which that City agency or department has deemed to be substantiated and the disposition of each such complaint, or a statement that no such complaints have been filed in the preceding two years.

(c) In furtherance of the purposes of this Chapter, the Controller, in consultation with the City Attorney, shall create the provisions described in Subsections (a) and (b), above, consistent with the provisions of this Chapter. (Added by Ord. 198-98, App. 6/19/98)

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Padmanabhan, Hyland

Noes: 0 - None

5. **File No. 21124:** Complaint filed by Marc Norton against the Department of Public Health (DPH) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Marc Norton Marc Norton (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Norton stated that in April 2021 he submitted a records request to DPH asking for any and all written documents between the City and the Giants, Warriors or Bon Appetit regarding reopening protocols at Oracle Park or Chase Center. Mr. Norton stated that he followed up with several more requests but received no documents whatsoever until he filed a complaint with the Sunshine Ordinance Task Force in September. Mr. Norton stated that he then received some documents from DPH, but only three (3) documents pertaining to Oracle Park subsequent to April 2021 and that there clearly must be significantly more documents subsequent to that date.

Christine Padilla (Department of Public Health (DPH)) (Respondent), provided a summary of the department's position. Ms. Padilla stated that on April 22, 2021, DPH received a request from Mr. Norton seeking documents regarding Oracle Park and the Giants. Ms. Padilla stated that DPH did a search and on September 25 provided the

responsive records. Ms. Padilla stated that Mr. Norton has received over 100 emails. Ms. Padilla noted that the City Attorney concurred there were no other records.

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, find that the requested records are public and to refer the matter to the SOTF for hearing with the recommendation that they find violations of 67.21 by failing to provide guidance on locating records; 67.25 failing to respond to an Immediate Disclosure Request in a timely manner; 67.26 by failing to keep withholding to a minimum and 67.27 by failing to provide justification for withholding.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Padmanabhan, Hyland

Noes: 0 - None

Chair Hyland requested that DPH provide an index of records that have been released to date; run a search and provide records and an index of records for the time period of May 1, 2021, through November 9, 2021, for documents relating to the Oracle Park request, and provide any justifications for redactions for the past and future, including any documents that were withheld due to alleged duplication, to be completed within 30 days.

6. **File No. 21096:** Complaint filed by Michael Petrelis against District Attorney Chesa Boudin and the Office of the District Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Petrelis stated that he made two separate Immediate Disclosure Requests; the first for July 8-12 records and the second for July 12-18 for written communications, emails and information on whatsapp from Chesa Boudin and David Campos. Mr. Petrelis stated that he received 650 separate records from Mr. Campos. Mr. Petrelis stated that the DA's office requested that he provide narrowed search terms due to the number of emails requiring redaction. Mr. Petrelis stated that nothing in the emails from Mr. Campos was redacted. Mr. Petrelis noted that he still has not received records from Mr. Boudin's Office.

Robyn Burke (District Attorney's Office) (Respondent), provided a summary of the department's position. Ms. Burke stated that her office is happy to work with Mr. Petrelis and will provide the remainder of the requested records by November 23, 2021.

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 and recommend that the SOTF find the District Attorney's Office in violation of 67.25 by failure to respond to an Immediate Disclosure Request in a complete and/or timely manner and that the respondent has agreed to provide the remaining records by November 23, 2021.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 - Hyland, Padmanabhan,
Noes: 0 - None

7. **File No. 21139:** Complaint filed by Harris Hudson against Randy Quezada and the San Francisco Port for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Harris Hudson (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Hudson stated that on February 9, 2021, he sent a records request for emails to the Port of San Francisco and as of February 29, 2021 he had not received his records. Mr. Hudson stated that the response may not be valid due to a false statement of sbf failure, the test of which is done by the recipient.

Randy Quezada (Port of San Francisco) (Respondent), provided a summary of the department's position. Mr. Quezada stated that on March 4 his office provided all requested records to Mr. Hudson.

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, find that the requested records are public and to refer the matter to the SOTF for hearing with the recommendation to find a violation of 67.25 for failure to respond to an Immediate Disclosure Request in a complete and/or timely manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Padmanabhan, Hyland

Noes: 0 - None

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

The Committee had no further comments, questions or requests.

9. **ADJOURNMENT**

There being no further business the meeting was adjourned at 8:02 p.m.

APPROVED: 12/14/21

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.