



SUNSHINE ORDINANCE TASK FORCE
Complaint Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES

REMOTE REGULAR MEETING

January 17, 2023
5:30 PM

Members: Dean Schmidt (Chair), Laura Stein and Bruce Wolfe

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

Chair Schmidt called the meeting to order at 5:32 p.m. On the call of the roll Chair Schmidt and Member Stein were noted present. Member Wolfe was noted absent. A quorum was present.

There were no agenda changes.

1A. FINDINGS TO ALLOW TELECONFERENCED MEETINGS UNDER CALIFORNIA GOVERNMENT CODE SECTION 54953(e).

The Task Force is expected to consider a motion setting forth findings required under Assembly Bill 361 (AB 361) that would allow the committee to hold the meeting remotely according to the modified Brown Act teleconferencing set forth in AB 361.

Action: Moved by Chair Schmidt, seconded by Member Stein, to approve the motion 1A.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein
Absent: 1 - Wolfe

2. **Approval of the December 20, 2022, Complaint Committee meeting minutes.**

The Committee discussed the Minutes and two suggested edits.

Action: Moved by Chair Schmidt, seconded by Member Stein, to approve the December 20, 2022, meeting minutes as amended.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein

Absent: 1 - Wolfe

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 requested that the Board of Supervisors find funding to air the Sunshine Task Force meetings.

Member Wolfe was noted present at 5:45 PM.

4. **File No. 22117** Complaint filed by Carnitas Bandit against the Department of Building Inspection 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.

Carnitas Bandit (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Bandit stated that he made a request to the Department of Building Inspection for information on a property located on Leavenworth and one of the owners was a member of the School Board.

Patrick Hannan (Department of Building Inspection) (Respondent), provided a summary of the department's position. Mr. Hannan stated that though he doesn't understand the purpose of the request his department provided records timely and redacted the owners name per Government Code 6254(c) to protect their privacy.

Member Wolfe requested that Mr. Hannan provide the written policy used to respond to this request in regards to personal privacy.

Action: Moved by Member Wolfe, seconded by Member Stein, 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 - Wolfe, Stein, Schmidt

Noes: 0 - None

5. **File No. 22131** Complaint filed by Michael Petrelis against Supervisor Gordon Mar, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to respond to a request for Proposition G Calendar 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 submitted a request for Supervisor Gordon Mar's Prop G calendar records on October 15, 2022, and never received them. Mr. Petrelis inquired what happens to a supervisor's email and Prop G calendar records when they leave office?

Representative for the Office of Gordon Mar, Board of Supervisors (Respondent), was not present and did not notify the Administrator of their absence.

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

Action: Moved by Member Stein, seconded by Member Wolfe, to find that the SOTF has jurisdiction, that the requested records are public and to refer the matter to the SOTF consent calendar for a violation of 67.29-5 for failing to respond to a Prop G calendar request and 67.21(e) for failing to send a representative to attend the hearing and recommend that the Deputy Director of Operations be contacted for information on the location of records when a member of the Board of Supervisors leaves office.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Stein, Wolfe, Schmidt

Noes: 0 - None

6. **File No. 22130** Complaint filed by Michael Petrelis against Supervisor Catherine Stefani, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to respond to a request for Proposition G Calendar 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 submitted Prop G calendar requests to all Supervisors offices because he wanted to see how the Supervisors would respond. Mr. Petrelis stated that the response from Supervisor Catherine Stefanie's office was not provided timely.

Dominica Donovan (Office of Supervisor Catherine Stefanie, Board of Supervisors) (Respondent), provided a summary of the department's position. Ms. Donovan concurred that Supervisor Stefanie's Office did not provide the requested records in a timely manner.

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

Action: Moved by Member Stein, seconded by Member Wolfe, to find that the SOTF has jurisdiction, and referred the complaint to the SOTF Consent Calendar to find a violation of 67.29-5.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Stein, Wolfe, Schmidt
Noes: 0 - None

7. **File No. 22146** Complaint filed by Maria Schulman against the Department of Animal Care and Control 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.

Maria Schulman (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Schulman stated that in December 2022, she made an Immediate Disclosure Request for records that were in the possession of the Respondent and regarding the Respondent's decision to invoke the rule of reason. Ms. Schulman believes that not all records were provided. Ms. Schulman stated that the respondent provided some records but did not include a specific email exchange. Ms. Schulman believes the respondent is in violation of Administrative Code 67.21(i) for withholding records.

Justine Alberto (Animal Care and Control) (Respondent), provided a summary of the department's position. Ms. Alberton stated that on December 23, 2022, her office received an Immediate Disclosure Request from Ms. Schulman who asked that the department prioritize it. Ms. Alberto stated that they responded the next day with two documents - Good Government Guide and redacted records based on advice by the City Attorney's Office.

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

Action: Moved by Chair Schmidt, seconded by Member Wolfe, 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 - Schmidt, Wolfe, Stein

Noes: 0 - None

8. **File No. 22147** Complaint filed by Maria Schulman against David Steinberg and Public Works 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.

Maria Schulman (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Schulman stated that NextRequest allows you to write into the request Immediate Disclosure Request within the request and does not provide a subject line to include this information. Ms. Schulman stated she received a message that the request was blocked and that the request was responded to as a typical records request. In addition, Ms. Schulman stated that the response was needlessly complicated.

David Steinberg (Public Works) (Respondent), provided a summary of the department's position. Mr. Steinberg stated that Public Works acknowledged that the records are public and believes that the request was not a proper noted as a Immediate Disclosure Request, however records were promptly provided.

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

Action: Moved by Member Wolfe, seconded by Chair Schmidt, 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 - Wolfe, Schmidt, Stein

Noes: 0 - None

9. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:38 p.m.

APPROVED: February 14, 2023

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.