



# City and County of San Francisco

## Meeting Minutes

### Complaint Committee

City Hall  
1 Dr. Carlton B. Goodlett Place,  
Room 244  
San Francisco, CA 94102-4689

*Members: Dean Schmidt, Laura Stein, and Saul Sugarman*

*Clerk: Patricia Petersen*

*(415) 554-7719 ~ [patricia.petersen@sfgov.org](mailto:patricia.petersen@sfgov.org)*

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**Tuesday, July 16, 2024**

**5:30 pm  
Regular Meeting**

**City Hall, Room 408**

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1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES (00:01:11)

Chair Schmidt called the meeting to order at 5:30 p.m. On the call of the roll, Chair Schmidt and Members Stein and Sugarman were noted present. A quorum was present.

2. Approval of the June 18, 2024, Complaint Committee meeting minutes. (00:02:29)

**Action: Moved by Member Stein, seconded by Chair Schmidt, to approve the June 18, 2024 minutes upon confirmation of who moved and seconded the motion on Item 6.**

Public Comment: 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. (00:06:24)

Public Comment: None.

4. **File No. 23068:** Complaint filed by Laurent Philonenko against Phil Ginsburg and the Recreation and Parks Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to provide public records in a timely and/or complete manner; 67.28 by failing to make public records available for inspection and copying; California Public Records Act (CPRA) 6253(a) by failing to allow public records to be available for inspection. (00:08:20)

Laurent Philonenko (Complainant) provided a summary of their complaint. Mr. Philonenko stated his concern that there are no minutes or documentation available regarding the negotiation of a multimillion-dollar engineering contract for the San Francisco Marina Improvement and Remediation Project.

Ashley Summers, Manager II (Respondent) provided a summary of the department's position. Ms. Summers stated that Complainant's initial questions were reframed as a records request and materials related to those questions were provided. Ms. Summers further stated that there were no formal briefings for commissioners. Ms. Summers stated that a recording of the committee meeting has been produced, but there is no requirement to keep minutes because subcommittees are not chartered bodies.

A question-and-answer period occurred.

**Action: Moved by Member Sugarman, seconded by Member Stein, to find that the Task Force has jurisdiction over the matter, that the requested records are public, and to refer the matter to the Task Force Consent Agenda with a finding of no violation because the requested records appear to have been provided in a timely manner.**

Chair Schmidt asked whether there were similar older cases pending an initial Committee hearing, and why. The Clerk was asked to review the status of outstanding cases and report back to the Complaint Committee.

Public Comment:

Evelyn Graham stated that in their experience with project Keep the Waterfront Open, the Recreation and Parks Department has been resistant to sharing information with the public.

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

Ayes: 3 – Schmidt, Stein, Sugarman

Noes: 0 – None

5. **File No. 24028:** Complaint filed by HVSafe against the Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25 for failing to respond to an Immediate Disclosure Request in a timely and/or complete manner and California Public Records Act 6253 for failure to provide a determination of disclosable public records within 10 days. (00:48:55)

Richard Johnson (Complainant) provided a summary of their complaint. Mr. Johnson stated that SFMTA provided its responsive documents but admitted that its response was late.

Caroline Celaya, Manager, Public Records Requests (Respondent) provided a summary of the department's position. Ms. Celaya stated that the request was received while she was on vacation and was unaware that it had not been taken care of until the Complaint was received two months later.

A question-and-answer period occurred.

**Action: Moved by Member Stein, seconded by Sugarman, to find that the Task Force has jurisdiction over the matter, that the requested records are public, to refer the matter to the Task Force Consent Agenda and to find a violation of Administrative Code (Sunshine Ordinance), Section(s) 67.25 for failing to respond to an Immediate Disclosure Request in a timely manner as both Petitioner and Respondent acknowledge that the documents were provided late.**

Public Comment: NONE.

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

Ayes: 3 – Schmidt, Stein, Sugarman

Noes: 0 – None

6. **File No. 24037:** Complaint filed by Richard Hylton against the Police Department for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner. (01:05:44)

Richard Hylton (Complainant) provided a summary of the complaint. Mr. Hylton stated that he sought a 175-page report cited in a Police Department chart and arrest records from July 2018 through December 2023. Mr. Hylton further stated that the Police Department requested several extensions, and that their request for assistance was not addressed.

Sgt Walter Ware (Respondent) provided a summary of the department's position. Sgt Ware stated that the department requested several extensions of time to respond. Sgt Ware further stated that the report, which had not been described with specificity, was identified and released, and links to the data were provided in the State of California OpenJustice portal.

A question-and-answer period occurred.

**Action: Moved by Member Sugarman, seconded by Chair Schmidt, to find that the Task Force has jurisdiction over the matter, that the requested records are public, and refer the matter for a hearing before the full Task Force with a recommendation of a timeliness violation and a possible violation for full production of the records.**

**The Complaint Committee recommends that within 10 business days Sgt. Walter Ware email screenshots of the Portal to Complainant to show that the requested data has been provided.**

Public Comment:

Richard Johnson stated that open government requires current IT skills, and the City departments lack those technology skills. Being able to find information would save both citizens and Committee members time.

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

Ayes: 3 – Schmidt, Stein, Sugarman

Noes: 0 – None

7. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Complaint Committee.** (01:48:05)

A discussion occurred regarding performance metrics. The members discussed replacing committee meetings with an additional meeting of the full Task Force to redistribute caseloads.

**ADJOURNMENT** (02:07:27)

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

**APPROVED: 8/20/2024**  
**Complaint Committee**  
**Sunshine Ordinance Task Force**

N.B. the Minutes of this meeting set forth all actions taken by the Complaint Committee of the Sunshine Ordinance Task Force on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.

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