



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

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

April 21, 2015 - 5:00 PM

Special Meeting

Members: Lee Hepner (Chair),
Allyson Washburn, Rishi Chopra

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

The meeting was called to order at 5:53 p.m. At the call of the roll, Member Chopra was noted absent. There was a quorum.

Allyson Washburn, Chair, Sunshine Ordinance Task Force (SOTF), appointed SOTF Member David Pilpel as a member of the Complaint Committee for the meeting of April 21, 2015.

File Nos. 15029 and 15021 were called and heard concurrently.

- 2. File No. 15029:** Complaint filed by Michael Petrelis against Angela Calvillo, Clerk of the Board of Supervisors, London Breed, President, and David Campos, Member, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, for failure to respond to a request for public records in a timely and/or complete manner. (00:03:00 - 01:27:00)

Member Washburn, seconded by Member Pilpel, moved to find jurisdiction on File Nos. 15029 and 15021.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Pilpel, Washburn, Hepner
Noes: 0 - None
Absent: 1 - Chopra

Michael Petrelis (Complainant) provided a summary of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Wilson Ng, Records Manager, Office of the Clerk of the Board of Supervisors; Carolyn Goossen, Legislative Aide, Office of Supervisor David Campos and Conor Johnston, Legislative Aide, Office of President Breed (Respondents), provided a summary of their position that public records requests must specify an identifiable record or category of record sought and that the records request as provided is not only too burdensome but is indiscriminate, expansive, and not an identifiable subject. There were no speakers in support of the Respondent. A question and answer period followed.

The Complaint Committee was not able to provide a recommendation regarding the complaint at this time. The following question related to the complaints will be referred to the Office of the City Attorney and scheduled at the June 3, 2015, Sunshine Ordinance Task Force Meeting:

- Does the burden to provide the record exceed the need of the public?
- Are the requested documents an identifiable and specific record?
- Is “any and all emails” an identifiable record pursuant to California Government Code 6253?
- What is the threshold for applying the rule of reason?
- How much time must a department allocate to respond to a public records request under the rule of reason?

The Committee requests that the Respondents demonstrate the burden that the public records request would place on their office if possible.

With the agreement of both the Complainant and the Respondent it was determined that the only disputed issues remaining are as follows:

- Failure to comply with the request for a copy of all of former Board of Supervisors Member David Chiu’s emails for the period of January 1, 2014, through December 31, 2014.
- Failure to comply with the request for a copy of all of Board of Supervisors President London Breed’s emails for the period of January 1, 2015, through March 15, 2015.
- Failure to comply with the request for a copy of all of Board of Supervisors Member David Campos’ emails for the period of January 1, 2014, through March 1, 2015.

File No. 15021 was combined into File No. 15029.

Member Hepner, seconded by Member Washburn, move to refer File No. 15029 to the Sunshine Ordinance Task Force without recommendation for a hearing on June 3, 2015.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Pilpel, Washburn, Hepner

Noes: 0 - None

Absent: 1 - Chopra

3. **File No. 15022:** Complaint filed by Michael Petrelis against London Breed, President, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21(1), for failure to make records available in any form requested which is easily generated. (01:36:00 -02:11:00)

Member Pilpel, seconded by Member Hepner, moved to find jurisdiction on the matter.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Pilpel, Washburn, Hepner

Noes: 0 - None

Absent: 1 - Chopra

Michael Petrelis (Complainant), provided a summary of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. The Respondent was not present for the meeting. However, Conor Johnston, Legislative Aide to President London Breed, stated by email that the Office of President London Breed will provide future records in other formats as needed. Wilson Ng, Records Manager, Office of the Clerk of the Board (COB), provided a summary of the COB's role in the complaint and answered questions regarding the matter. Mr. Ng offered to provide training to Supervisors in regards to providing records in other formats. There were no speakers in support of the Respondent. A question and answer period followed. The Complainant provided a rebuttal.

Member Pilpel stated that he believed that a miscommunication occurred and that better efforts to communicate between the parties could have resolved the issue. Member Pilpel stated that he believed that even though it is not required, the Respondent should have complied with the request that the records be converted into a pdf format as the task was not an extreme burden.

The Complaint Committee does not believe a violation occurred but suggested that an improved method should be found to comply with public records document formatting requests. The requested records were provided in a timely manner. There is currently no requirement for members of the Board of Supervisors to maintain a calendar pursuant to Sunshine Ordinance, Section 67.29-5. Legislative action is currently pending regarding the matter.

Member Pilpel, seconded by Member Hepner, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation that no violation occurred and that the matter be concluded.

It was further noted that the Complaint Committee acknowledged President London Breed's office statement that they will endeavor to provide documents in other formats as requested by members of the public. Mr. Ng agreed to provide technical support to the members of the Board of Supervisors and provide an update to the Sunshine Ordinance Task Force.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Pilpel, Washburn, Hepner
Noes: 0 - None
Absent: 1 - Chopra

4. **File No. 15021:** Complaint filed by Michael Petrelis against Supervisor David Campos, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File Nos. 15029 and 15021 were called and heard concurrently. See File No. 15021 for actions. File No. 15021 was combined into File No. 15029.

5. **File No. 15033:** Complaint filed by Michael Petrelis against Supervisor David Campos, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. (01:27:00 - 01:36:00)

Member Washburn, seconded by Member Pilpel, moved to find jurisdiction in the matter.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Pilpel, Washburn, Hepner
Noes: 0 - None
Absent: 1 - Chopra

Michael Petrelis (Complainant) provided a summary of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Carolyn Goossen, Legislative Aide, Supervisor David Campos (Respondent), provided a summary of her position. Ms. Goossen acknowledged that the response to the immediate

disclosure request was late as Supervisor Campos cannot always review his emails on a daily basis due to the nature of the Supervisor's workload. As a result of the complaint, Supervisor Campos now sends an automated reply to all incoming emails asking that request that requires an immediate response be sent to support staff's alternate email addresses. There were no speakers in support of the Respondent. A question and answer period followed.

The Complaint Committee advised the Complainant that the exact words "Immediate Disclosure Request" must be included in the title of an email in order for it to be considered valid. As the Complainant's request only listed "IDR" in the email request the Complaint Committee does not believe that a violation has occurred.

The Complaint Committee requested that Wilson Ng, Records Manager, Board of Supervisors, communicate with members of the Board of Supervisors and their staff to suggest that the following automated message, currently being used by Supervisor Campos, be sent in response to all incoming emails:

"Due to the quantity of emails I receive, I am not always able to read every email every day. Therefore, if this email requires immediate attention or is a sunshine or records request, please forward the email to my legislative aides at the following addresses: _____. Thank You."

Mr. Ng will communicate with the Clerk of the Board regarding the request.

Member Hepner, seconded by Member Washburn, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation that no violation occurred and that the matter be concluded.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Pilpel, Washburn, Hepner

Noes: 0 - None

Absent: 1 - Chopra

6. **Public Comment:** Members of the public may address the Complaint Committee on matters that are within Committee's jurisdiction, but not on today's agenda.

Speakers:

Michael Petrelis stated that the Task Force meetings should be broadcast on television.

7. **Announcements, Comments, Questions, and Future Agenda Items.**

There were none.

8. **ADJOURNMENT**

There being no further business the meeting was adjourned at 8:10 p.m.

**APPROVED by the Sunshine Ordinance Task
Force: May 6, 2015**



**Victor Young
Administrator
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.