



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

November 10, 2014 – 5:30 PM

Special Meeting

Members: Chris Hyland (Chair), David Pilpel,
Todd David, Ali Winston, Josh Wolf

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

The meeting was called to order at 6:52 p.m. Members David and Winston were noted absent. There was a quorum.

2. Adoption of April 12, 2011, May 10, 2011, and June 14, 2011, Complaint Committee meeting minutes.

Member Pilpel, seconded by Member Hyland, moved to continue the matter to the call of the chair.

Public Comment:
None.

The motion passed by the following vote:

Ayes: 3 - Pilpel, Wolf, Hyland
Noes: 0 -
Absent: - David, Winston

The Complaint Committee shall hold a hearing on File No. 14098, 14091, and 14092 to: 1) determine if the Sunshine Ordinance Task Force (SOTF) has Jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF. The SOTF, upon receipt of the report and/or recommendation from the Complaint Committee, shall: 1) review and adopt the recommendation of the Complaint Committee; 2) schedule the complaint for a hearing before the SOTF at a future date; or 3) immediately hold a hearing on the merits of the complaint.

3. **File No. 14098:** Complaint filed by the Charles Grisham against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25 for failure to respond to requests for public records in a timely and complete manner.

Member Pilpel, seconded by Member Hyland, moved to find jurisdiction on File No. 14098.

Public Comment:

None.

The motion passed without objection.

Charles Grisham (Complainant), provided a summary of the complaint and suggested that the matter be delayed to allow for time to amend the complaint to clarify what documents are requested. Mr. Grisham believes that Public Works is not maintaining a safe route of travel for pedestrians in the public right of way and requests documents regarding the subject. Mr. Grisham requests that Mr. Lee be found to be willfully withholding documents. Frank Lee, Public Works (Respondent), provided a summary of the actions taken to satisfy the Complainant request. A question and answer period followed.

The EOTC determined that the complaint is a duplicate of File No. 14067.

The EOTC requests that the Respondent provide the following: 1) information regarding design standards for public safety in the public right of way; 2) documents responsive to the Complainant's request for pre-litigation, current or pending legal claims against the city involving Public Works; and 3) email communications between the Director of Public Works, construction managers and street inspectors regarding ground conditions and other issue related to the Complainant's request.

Member Hyland, seconded by Member Wolf, move to refer the matter to the Education Outreach and Training Committee to be heard with the duplicate/companion file (File No. 14067).

Public Comment:

None.

The motion passed without objection.

File No. 14091 and 14092 heard concurrently. Mr. Mooney requested ADA accommodation. Mr. Mooney is unable to attend in person and requested the committee to proceed with a review of his complaint based on his written testimony.

4. **File No. 14091:** Complaint filed by Shawn Karl Mooney against the Office of the Assessor-Recorder for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 for failure to respond to requests for public records in a timely and complete manner.

Determination of jurisdiction noted under File No. 14092.

Eddy McCaffrey, Communications Director, Assessor/Recorder (Respondent), provided a summary of the department's defense. Mr. McCaffrey stated that the Assessor/Recorder is allowed to provide the requested form 502 in an alternate format and is currently working with the Complainant to provide the request information. The Assessor/Recorder does not receive or maintain form 502s. Renee Martin, Custodian of Records, Port of San Francisco, stated that the Port of San Francisco does not provide form 502 to the Assessor/Record but instead provided relevant information in the form of the rent roll.

Member Pilpel, seconded by Member Hyland, moved to refer the matter to the Education, and Training Committee for additional review and to monitor compliance with the Complainant's request.

Public Comment:
None.

The motion passed without objection.

5. **File No. 14092:** Complaint filed by Shawn Karl Mooney against the Office of the Assessor-Recorder and the Port of San Francisco for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29 for failure to provide an index of records.

Member Pilpel, seconded by Member Hyland, moved to find jurisdiction on File No. 14091 and 14092.

Public Comment:
None.

The motion passed without objection.

Renee Martin, Custodian of Records, Port of San Francisco, stated that the Port's index of records was inadvertently removed from the City Administrator's website. Upon notice of the error the problem was corrected.

Eddy McCaffrey, Communications Director, Assessor/Recorder (Respondent), stated that the department does not currently have an index of records posted online but is working with the City Attorney to post their index of records within 3 to 6 months. Renee Martin, Custodian of Records, Port of San Francisco, stated that the Port's index of records was inadvertently removed from the City Administrator's website. Upon notice of the error the problem was corrected. Victor Young, Administrator of the SOTF, confirmed that the Port of San Francisco's index of records was available online in the appropriate location.

Mempel Pilpel, seconded by Member Hyland, moved to find: 1) that the Port of San Francisco is not in violation of the Sunshine Ordinance and dismisses the complaint; and 2) that the Assessor/Recorder has not yet posted an index of records and shall be referred to the Education, Outreach and Training Committee to monitor compliance.

Public Comment:
None.

The motion passed without objection.

6. **Public Comment:**
None.

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

There were no comments.

8. **ADJOURNMENT**

There being no further business the meeting was adjourned 7:31 p.m.

**APPROVED by the Sunshine Ordinance Task
Force: April 1, 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.