



SUNSHINE ORDINANCE TASK FORCE

Education, Outreach and Training Committee

CITY AND COUNTY OF SAN FRANCISCO

MINUTES

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

July 26, 2016 - 4:00 PM

Special Meeting

Members: Chris Hyland (Chair), Frank Cannata and Bruce Wolfe

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

Chair Chris Hyland called the meeting to order at 4:02 p.m. On the call of the roll Members Hyland, Cannata and Wolfe were noted present. There was a quorum.

2. Adoption of the minutes for the June 9, 2011; January 12, 2012; February 9, 2012; May 10, 2012; December 13, 2012; April 29, 2013; May 13, 2013; June 25, 2013; September 16, 2013; November 26, 2013; December 9, 2013; May 11, 2015; November 9, 2015; January 11, 2016; and May 9, 2016, Education, Outreach, and Training Committee meetings.

The Committee discussed the approval of the meeting minutes.

Member Wolfe, seconded by Member Cannata, moved to adopt the Education, Outreach and Training Committee June 9, 2011; January 12, 2012; February 9, 2012; May 10, 2012; December 13, 2012; April 29, 2013; May 13, 2013; June 25, 2013; September 16, 2013; November 26, 2013; December 9, 2013; May 11, 2015; November 9, 2015; January 11, 2016; and May 9, 2016, Education, Outreach, and Training Committee meeting minutes.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Cannata, Hyland

Noes: 0 - None

3. **File No. 15072: Hearing on the Status of the Order of Determination** - Complaint filed by Ray Hartz against Supervisor Eric Mar, Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

(On June 3, 2015, the Sunshine Ordinance Task Force found that a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), occurred for failure to respond in a timely manner and referred the matter to the Education, Outreach and Training Committee to develop methods to prevent future mishandlings of Immediate Disclosure Requests.)

Ray Hartz (Complainant) provided a summary of the complaint and stated that a response to the Immediate Disclosure Request has not yet been provided. Angelina Yu, Legislative Aide to Supervisor Eric Mar (Respondent), provided a summary of the department's position and provided a summary of the improvements made to their procedure for responding to public records requests. On July 26, 2016, Ms. Yu provided an official response to Mr. Hartz's request as requested by the Committee. The Complaint and the Respondent provided rebuttals.

Chair Hyland provided a history of the Task Force hearings on the matter and the lack of attendance of the person knowledgeable of the complaint at past meetings.

Member Hyland, seconded by Member Cannata, moved to refer the matter back to the Sunshine Ordinance Task Force with the recommendation to find additional violations of Administrative Code (Sunshine Ordinance), Sections 67.21(e) and 67.34, for failing to comply or not fully complying with a request for public records and for willfully failing to discharge duties imposed by the Sunshine Ordinance, the Brown Act and the Public Records Act.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Cannata, Hyland

Noes: 0 - None

The Committee requested Respondent to provide a written response to the Immediate Disclosure Request; provide a written policy for responding to public records request, and provide a record/log of Sunshine public records requests received in the last 12 months (Date of receipt, response, and other actions).

4. **File No. 14047: Hearing on the Status of the Order of Determination:** Complaint filed by Thomas Peele against Supervisor Katy Tang, Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Sections 67.21(c) and 67.25(a), by failing to respond to an Immediate Disclosure Request in a timely and complete manner.

(On January 7, 2015, the Task Force found a violation of Administrative Code (Sunshine Ordinance), Sections 67.21 (c) and 67.25 (a), and referred the matter to the Education, Outreach and Training Committee to review Supervisor Tang's policy for processing public records request.)

Sunshine Ordinance Administrator Victor Young stated that the Mr. Peele (Complainant) was not aware of the purpose of the hearing and requested a continuance of the matter.

The Committee discussed the matter and determined that the desire of former Chair Washburn for the Committee to review Supervisor Tang's office policy for processing public records request. The Committee suggested that the matter be continued and that Mr. Peele be contacted to insure there are no misunderstandings and to deter how to proceed with the complaint in the future.

Member Wolfe, seconded by Member Cannata, moved to continue the matter to the call of the chair.

Public Comment:

Ray Hartz agreed with the motion and stated that legislative aides should not need additional training as to how to comply with the Sunshine Ordinance.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Cannata, Hyland

Noes: 0 - None

The Education, Outreach and Training Committee shall hold a hearing on File Nos. 16048 and 16049 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) accept the recommendation of the Committee; or 2) schedule the complaint for a hearing before the SOTF at a future date.

5. **File No. 16048:** Complaint filed by Ann Treboux against the Fine Arts Museum for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.16, by failing to post meeting minutes online (September 2010).

Member Wolfe, seconded by Member Cannata, moved to find jurisdiction on the matter.

Public Comment:

None.

The motion passed by the following vote:

Ayes: 3 - Wolfe, Cannata, Hyland

Noes: 0 - None

Ann Treboux (Complainant) provided a summary of the complaint and requested the Task Force to find violation. There were no speakers in support of the Complainant. Megan Bourne, Fine Arts Museum (Respondent), provided a summary of the department's position. Ms. Bourne acknowledged that the September 30, 2010, meeting minutes were not posted and actions will be taken to correct the problem. In addition, Ms. Bourne stated the Fine Arts Museum will be improving their practices by posting the draft minutes on their website within 10 days of the meeting. There were no speakers in support of the Respondent. A question and answer period followed. The Complaint and the Respondent were provided an opportunity for rebuttals.

Member Wolfe, seconded by Member Cannata, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation to find violations of Administrative Code (Sunshine Ordinance), Sections 67.16, for failure to post various draft meeting minutes online within 10 days of the meeting.

Public Comment:

Ray Hartz agreed with the motion to find violation and stated that Orders of Determinations are needed to establish a pattern of behavior.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Cannata, Hyland

Noes: 0 - None

The Committee acknowledged the efforts of Ms. Bourne and the Fine Arts Museums to improve their process for posting meeting minutes and does not believe that a referral to the Committee for follow up is needed.

6. **File No. 16049:** Complaint filed by Ann Treboux against the Fine Arts Museum for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-6, by failing to disclose sources of outside funding over \$100 on the department's website.

Member Hyland, seconded by Member Cannata, moved to find jurisdiction on the matter.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Cannata, Hyland

Noes: 0 - None

Ann Treboux (Complainant) provided a summary of the complaint and requested the Task Force to find violation. There were no speakers in support of the Complainant. Megan Bourne, Fine Arts Museum (Respondent), provided a summary of the department's position. Ms. Bourne described the financial structure of the Fine Arts Museum and supporting organizations. There were no speakers in support of the Respondent. A question and answer period followed. The Complaint and the Respondent were provided an opportunity for rebuttals.

The Committee acknowledged that some donation information is listed in various meeting minutes. However, the Committee determined that the donation information should be posted on the department's website as a separate document listing dollar amounts, sources and other information required by the Sunshine Ordinance.

Ms. Bourne requested time to consult with other stakeholders to determine how/if the Fine Arts Museum can comply with the Sunshine Ordinance donation posting requirements.

Member Wolfe, seconded by Member Cannata, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation to find violations of Administrative Code (Sunshine Ordinance), Section 67.29-6, for failure to disclose, on their website, donations of funds over \$100.

Public Comment:

Ray Hartz agreed with the motion to find violations of the Sunshine Ordinance.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Cannata, Hyland

Noes: 0 - None

The Committee recommends that the matter be referred to the Compliance and Amendments Committee to review the Fine Arts Museum findings in regards to the posting of donation information online.

7. **File No. 15020:** Hearing - Policies and Procedures Guide: How to Respond to Request for Public Records.

The Committee discussed the Policies and Procedure Guide and provided suggestions for improvements.

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

Public Comment:

Ray Hartz commented on the guide and suggested that the guide should not be considered law and that departments should have a custodian of records who understand the Sunshine Ordinance.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Cannata, Hyland

Noes: 0 - None

8. **Public Comment:** Members of the public may address the Education, Outreach and Training Committee on matters that are within the Committee's jurisdiction but not on today's agenda.

Speakers:

Ray Hartz provided comments on the Library Commission's recent actions.

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

The following items are pending issues to be heard before the Education, Outreach, and Training Committee on a future date:

- File No. 14114: Hearing - City Attorney's Office Policies and Procedures for processing request for public record
- File No. 14102: Hearing - Planning Department Policies and Procedures for processing request for public records

- File No. 14103: Hearing - Police Department Policies and Procedures for processing request for public records
- File No. 15013: Hearing - Improving the hearing process of boards and commissions to ensure that a representative portion of the public is allowed to provide input by setting specific times for discussions and public comment.
- File No. 15044: Hearing - Developing solutions to allow the public access to audio visual equipments at San Francisco Library Commission meetings.
- Hearing regarding the use of Yammer and other social media devices in relation to compliance with the Sunshine Ordinance. (request by Member Wolf)
- File No. 16036: Hearing on the Status of the Order of Determination.

The Committee discussed the future work of the Education, Outreach and Training Committee.

10. **ADJOURMENT**

There being no further business the meeting was adjourned at 6:59 p.m.

Approved by the Education, Outreach and Training Committee: December 20, 2016