



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**

December 20, 2016 - 3:30 PM

Regular Meeting

Members: Josh Wolf (Chair), Eric Eldon, Louise Fischer

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

Chair Josh Wolf called the meeting to order at 3:42 p.m. On the call of the roll Members Eldon, Fischer and Wolf were noted present. There was a quorum.

2. Adoption of the minutes for the July 26, 2016, Education, Outreach, and Training Committee meetings.

The Committee discussed the approval of the meeting minutes.

Member Fischer, second by Member Eldon, moved to approve the July 26, 2016, meeting minutes.

Public Comment:

Speakers: None.

The motion PASSED by the following vote:

Ayes: 3 - Fischer, Eldon, Wolf

Noes: 0 - None

3. **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.

Speaker:

None.

4. **File No. 14092: Hearing on the Status of the Order of Determination** - Complaint filed by Shawn Karl Mooney against the Office of the Assessor-Recorder for violating Administrative Code (Sunshine Ordinance), Section 67.29 for failure to provide an index of records.

(On February 3, 2016, the Sunshine Ordinance Task Force found that a violation of Administrative Code (Sunshine Ordinance), Section 67.29, occurred for failure to provide an index of records and referred the matter to the Education, Outreach and Training Committee. The Task Force requests that the Assessor-Recorder be prepared to discuss the following:

- Records Retention Policy*
- Index of Records and links to it from the Assessor-Recorder's webpage*
- Inserting information regarding how to request Public Records on their webpage*
- Comparison of the type of information posted online by the California State Board of Equalization vs. the San Francisco Assessor-Recorder's Office to determine if there are any inadequacies.)*

Edward McCaffrey, Assessor/Recorders Office (Respondent) provided an update on the department's Index of Records and responded to questions from the Committee.

Member Eldon, seconded by Member Fischer, moved to find that the Office of the Assessor-Recorder complied with the Order of Determination and concluded the matter.

Public Comment:

Speakers: None.

The motion PASSED by the following vote:

Ayes: 3 - Fischer, Eldon, Wolf

Noes: 0 - None

The Education Outreach and Training Committee (Committee) shall hold hearing(s) on File No. 16090 to: 1) determine if the Sunshine Ordinance Task Force (Task Force) has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force. The Complainant and Respondent may attend to provide clarification, evidence and related testimony. However, attendance by the Complainant and Respondent are **not required** at the December 20, 2016, Complaint Committee meeting.

The Task Force, upon receipt of the report and/or recommendation from the Committee, shall schedule and conduct a hearing on the merits of the complaint. The Complaint and Respondent will be required to attend the Task Force meeting to review the merits of the complaint(s).

5. **File No. 16090:** Complaint filed by Shawn Mooney against the Assessor/Recorder's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, for failure respond to a public records request in a timely and complete manner.

Shawn Mooney informed the Committee via e-mail that he was unable to attend. In addition, Mr. Mooney stated that he has recently received the requested records but wanted to proceed with the complaint due to the lateness of the response. Edward McCaffrey, Assessor/Recorders Office (Respondent) provided a summary of the department's position and provided a summary of the changes made to their procedure to improve their ability to respond to public records requests in a timely manner. Mr. McCaffrey acknowledged that the response was late due to complexity, volume and uniqueness of the request for records. However, Mr. McCaffrey stated that new process/procedures have been developed and don't believe that there will be delays in the future.

The Committee opined that while a violation of the Sunshine Ordinance did occur they believe that the Assessor/Recorder has made significant strides to improve the process to prevent future violations and do not believe any additional actions are necessary at this time.

Member Fischer, seconded by Member Eldon, moved to find that the Sunshine Ordinance Task Force has jurisdiction and to refer the matter to the Task Force with the recommendation to find that the Office of the Assessor-Recorder violated Administrative Code (Sunshine Ordinance), Section 67.21(b) by failing to respond to a public records request in a timely manner.

Public Comment:

Speakers: None.

The motion PASSED by the following vote:

Ayes: 3 - Fischer, Eldon, Wolf

Noes: 0 - None

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

Upon discussion of the possibility of a creating a guide to departments regarding responding to public records request the Committee decided to table the matter.

Chair Wolf, seconded by Member Eldon, moved to TABLE the matter.

Public Comment:

Speakers: None.

The motion PASSED by the following vote:

Ayes: 3 - Fischer, Eldon, Wolf

Noes: 0 - None

7. **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. 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 platform in relation to compliance with the Sunshine Ordinance. (requested by Member Wolf)
- File No. 14047: Hearing on the Status of the Order of Determination: Complaint filed by Thomas Peele against Supervisor Katy Tang, San Francisco 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.
- File No. 15143: Hearing – Development of Support and Training regarding requirements to post agendas in accordance with the Sunshine Ordinance as evidenced by the complaint filed by Bob Planthold against Sonja Kos and Becky Hogue of the Pedestrian Safety Advisory Committee for violating Administrative Code (Sunshine Ordinance), Section 67.7, for failure to meet agenda posting requirements and California Government Code, Sections 54952(b) and 64952.6 for taking actions without a quorum (File No. 15143).
- File No. 16036: Hearing on the Status of the Order of Determination: Complaint filed by Bob Planthold against the State Legislation Committee for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.7, by failing to post the April 13, 2016, agenda online 72 hours prior to the meeting and failing to post cancellation notices for prior meetings.

Task Force Administrator Victor Young provided an update on the status of the pending issue.

The Committee reviewed the pending issues and discussed future agenda items.

Member Eldon requested a hearing/discussion regarding departments uploading additional records or the maximum number of records online for public access without additional human intervention.

The Committee requested hearings regarding social media platforms in regards to Sunshine.

Public Comment:

Speakers None.

8. **ADJOURMENT**

There being no further business the meeting was adjourned at 4:05 p.m.

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.

Approved by the Education, Outreach and Training Committee: February 21, 2017