



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

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

January 24, 2017
5:30 PM - 7:30 PM

Regular Meeting

Members: Leuwam Tesfai (Chair); Fiona Hinze, Victoria Baranetsky

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

Chair Leuwam Tesfai called the meeting to order at 5:34 p.m. On the call of the roll Chair Tesfai, Member Hinze and Member Cannata were noted present. There was a quorum.

Member Baranetsky was noted excused. Member Cannata was appointed to the Committee in place of Member Baranetsky for the January 24, 2017, Complaint Committee meeting.

There were no agenda changes.

2. Approval of the December 20, 2016, Complaint Committee meeting minutes.

The Committee discussed the draft minutes.

Member Hinze, seconded by Member Cannata, moved to approve the December 20, 2017, Complaint Committee meeting minutes.

Public Comment:

Speakers: None.

The motion PASSED by the following vote:

Ayes: 3 - Cannata, Hinze, Tesfai

Noes: 0 - 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.

Speakers:

None.

The Complaint Committee (Committee) shall hold hearing(s) on File No(s). 16027, 16028, 16113, 16119, 16084, 16083, and 17001 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 is **not required** at the January 24, 2017, 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).

4. **File No. 16027:** Complaint filed by Charles Pitts against Kenneth Reggio and the Episcopal Community Services (non-profit agency) for allegedly violating Administrative Code (Sunshine Ordinance), Sections 12L.5 and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (00:02:00 – 00:15:00)

Ken Reggio, Episcopal Community Services (Complainant), provided a summary of the organizations position and answered questions from the Committee. Mr. Reggio stated that the Episcopal Community Services is a non-profit agency and not subject to the provision of Administrative Code (Sunshine Ordinance), Chapter 67. Mr. Reggio stated that Administrative Code 12L governs non-profit agencies and was not applicable in the complaint. In addition, Mr. Reggio stated that the Episcopal Community Services received Mr. Pitts request and provided the document Mr. Pitts.

The Committee opined that the Task Force does not have jurisdiction over the complaint as the Episcopal Community Services is a non-profit and subject Administrative Code 12L.5 (b) and stated that Administrative Code (Sunshine Ordinance), Chapter 67, is not applicable.

Member Hinze, seconded by Member Cannata, moved to refer the matter to the Task Force with a recommendation to find that the Task Force DOES NOT have jurisdiction over the complaint against the Episcopal Community Services.

Public Comment:

Ann Treboux comment on the incomplete complaint form submitted by the Complainant.

The motion PASSED by the following vote:

Ayes: 3 - Cannata, Hinze, Tesfai

Noes: 0 - None

5. **File No. 16028:** Complaint filed by Charles Pitts against Sam Dodge and the Human Services Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (00:15:00 – 00:21:00)

Member Hinze, seconded by Member Cannata, moved find that the Sunshine Ordinance Task Force has jurisdiction.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Cannata, Hinze, Tesfai

Noes: 0 - None

The Committee reviewed the written complaint and response submitted by the parties and opined that the Human Services Agency (Respondent) responded to Mr. Pitts (Complainant) in a timely manner. The Human Services Agency's written response stated that they do not have response document and referred Mr. Pitts to the Episcopal Community Services who provided the requested records in a timely manner.

Member Cannata, seconded by Member Hinze, moved to refer the matter to the Task Force with the recommendation to find that Sam Dodge and the Human Services Agency DID NOT violated Administrative Code (Sunshine Ordinance), Section 67.25.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 3 - Cannata, Hinze, Tesfai

Noes: 0 - None

6. **File No. 16113:** Complaint filed by Larry Chan against Lieutenant Kathryn Waaland and the San Francisco Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner. (00:21:00 – 00:38:00)

Member Cannata, seconded by Member Hinze, moved find that the Sunshine Ordinance Task Force has jurisdiction.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Cannata, Hinze, Tesfai

Noes: 0 - None

The Committee reviewed the written complaint and response submitted by the parties. Upon review of the records the Committee requested that the following questions be forwarded to the Respondent:

- Was the case/investigation ongoing or completed at the time the public records request was submitted?
- What type of information was redacted from the provided documents?
- Why was it necessary to redact the entire page?
- Why was the redaction necessary (Please provide detailed and specific information)?

Member Cannata, seconded by Member Hinze, move to continue the matter to the call of the chair.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Cannata, Hinze, Tesfai

Noes: 0 - None

7. **File No. 16119:** Complaint filed by Ellen Tsang against Director John Rahaim and the Planning Department, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.24, 67.25, and 67.26, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (00:38:00 – 01:15:00)

Ellen Tsang (Complainant) provided a summary of the complaint and stated that documents were not provided. Christine Silva, Planning Department (Respondent)

provided a summary of the department's position and acknowledged that the response to the Immediate Disclosure Request was late. Ms. Silva stated that the Planning Department retrieved the answer responsive to Ms. Tsang questions from various sources which may or may not be help by the Planning Department.

Upon questioning by the Committee it appears that there was a misunderstanding between the parties as to what Ms. Tsang was requesting. It appears that Ms. Tsang wanted copies of the documents that were used to answer her questions while the Planning Department only provided answers to Ms. Tsang questions.

The Committee requested that the Planning Department provide copies of the DR regarding 2650 Hyde Street and to provide a reference specific pages that relate to each of Ms. Tsang questions submitted on December 21, 2016. In addition, if the Planning Department does not have response records in their possession they should provide the statement in writing.

Member Hinze, seconded by Member Cannata, move to refer the matter to the Task Force with the recommendation to find jurisdiction and to find that Director John Rahaim and the Planning Department violated Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and complete manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Cannata, Hinze, Tesfai

Noes: 0 - None

The Committee suggests that either the Task Force or the Compliance and Amendments Committee verify that the DR for 2650 Hyde Street and references to Ms. Tsang questions is provided.

8. **File No. 16084:** Complaint filed by Ann Treboux against Mayor Edwin Lee and the Office of the Mayor, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (01:15:00 – 01:38:00)

Ann Treboux (Complainant) provided a summary of the complaint and stated that she has not received all of the requested records. Victor Lim, Mayor's Office (Respondent) acknowledged that the response to the Immediate Disclosure Request was late and described the steps taken to improve the procedures for responding to future requests. Mr. Lim stated that the Mayor's Office has responded to Ms. Treboux request on 2 different occasion and all records in their possession have been provided.

Upon review of the documents and the testimony the Committee opined that Mayor's Office has provided all records in their possession but there is a possibility that certain documents that may have been response to Ms. Treboux request were not retained for a variety of reason. The Committee requested the Mayor's Office to provide a written statement to the Complainant indicated that all records have been provided and the department has no additional responsive documents.

Member Hinze, seconded by Member Cannata, move to refer the matter to the Task Force with the recommendation to find jurisdiction and to find that Mayor Edwin Lee and the Office of the Mayor violated Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Cannata, Hinze, Tesfai

Noes: 0 - None

9. **File No. 16083:** Complaint filed by Ann Treboux against Kate Patterson and the Arts Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a complete manner. (01:38:00 – 01:52:00)

Ann Treboux (Complainant) provided a summary of her complaint.

Upon review of the testimony and submitted documents the Committee requested that Kate Patterson appear before the committee to provided additional details regarding her response to the Immediate Disclosure Request submitted by Ms. Treboux.

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

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Cannata, Hinze, Tesfai

Noes: 0 - None

10. **File No. 17001:** Complaint filed by Ann Treboux against Kate Patterson and the Arts Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Member Hinze, seconded by Member Cannata, moved to find jurisdiction.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Cannata, Hinze, Tesfai

Noes: 0 - None

Chair Tesfai, seconded by member Cannata, moved to continue the matter to the call of the chair and to adjourn the meeting.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Cannata, Hinze, Tesfai

Noes: 0 - None

11. **Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar.**

There were no announcements.

12. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:32 p.m.

**APPROVED: DRAFT
Complaint Committee
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.

