



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**

**March 28, 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 5:35 p.m. On the call of the roll Chair Tesfai and Member Hinze were noted present. Member Baranetsky was noted absent. There was a quorum.

2. Approval of the February 28, 2017, Complaint Committee meeting minutes.

The Committee discussed the draft minutes.

Member Hinze, seconded by Chair Tesfai, moved to approve the February 28, 2017, Complaint Committee meeting minutes.

Public Comment:

Speakers: None.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Tesfai

Noes: 0 - None

Absent: 1 - Baranetsky

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). 16113, 17011, 17014 and 17016 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 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.

4. **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), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Lt. Kathryn Waaland and Ashly Worsham, Police Department (Respondent) provided a summary of the department's position and answered questions from the Committee. Ms. Worsham stated that the case file in question is considered open until the Police Chief takes action. In addition, it was stated by the Police Department representatives that even if the case file is closed the requested record will still be provided in a redacted format pursuant to California Evidence Code, Section 6254(f), and Penal Code, Sections 832.5, 832.7 and 832.8. Larry Chan provided a summary of the complaint and stated that the records are needed to prepare his case.

Member Hinze, seconded by Chair Tesfai, moved to refer the matter to the Task Force with the recommendation to find Jurisdiction and without recommendation regarding violation of Administrative Code (Sunshine Ordinance), Section 67.21.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Tesfai

Noes: 0 - None

Absent: 1 - Baranetsky

5. **File No. 17011:** Complaint filed by Carol Lau against the Office of the Treasurer and Tax Collector for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a complete manner.

Member Hinze, seconded by Chair Tesfai, moved to find Jurisdiction over the matter.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Tesfai
Noes: 0 - None
Absent: 1 - Baranetsky

Carol Lau (Complainant) provided a summary of the complaint and answered questions from the Committee. Ms. Lau stated that at a minimum, a copy of her own letter to the department should have been found and provided. Debra Lew and Alexander Delvner (Treasurer and Collector's Office) provided a summary of the department's position and stated the various sections of the office were surveyed regarding the request and no documents responsive to the request were found.

Member Hinze, seconded by Chair Tesfai, moved to refer the matter to the Task Force with the recommendation to find Jurisdiction and find the Office of the Treasurer and Tax Collector violated Administrative Code (Sunshine Ordinance), Section 67.21.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Tesfai
Noes: 0 - None
Absent: 1 - Baranetsky

6. **File No. 17014:** Complaint filed by David Dippel against Ester Casco and the San Francisco Board of Education for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request for public records in a timely and/or complete manner. (*attachment*)

The Complainant withdrew the complaint prior to the meeting. No actions were taken by the Committee.

7. **File No. 17016:** Complaint filed by Jerry Dratler against Ben Rosenfield and the Office of the Controller for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

Member Hinze, seconded by Chair Tesfai, moved to find Jurisdiction over the matter.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Tesfai
Noes: 0 - None
Absent: 1 - Baranetsky

Jerry Dratler (Complainant) provided a summary of the complaint and answered questions from the Committee. Tonia Lediju, Office of the Controller (Respondent) provided a summary of the department's position, stated that all records have been provided and/or posted on the department's website and answered questions from the Committee.

The Committee requested that the matter be continued in order to provide an opportunity for the Committee to review the draft reports to be provided by Mr. Dratler and the final reports posted on the Controller's website.

Member Hinze, seconded by Chair Tesfai, moved to continue the matter to the next meeting of the Committee.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, Tesfai
Noes: 0 - None
Absent: 1 - Baranetsky

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

There were no announcements or comments by members of the Committee.

9. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:45 p.m.

APPROVED: April 25, 2017
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.