



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**

**June 27, 2017
5:30 PM – 7:30 PM**

Regular Meeting

Members: Leuwam Tesfai (Chair), Fiona Hinze, Bruce Wolfe

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

Chair Leuwam Tesfai called the meeting to order at 5:30 p.m. On the call of the roll Chair Tesfai, Member Hinze and Member Wolfe were noted present. There was a quorum.

Public Comment:

Ann Treboux requested that her matter (File No. 17042) be moved to the beginning of the agenda.

There were no agenda changes.

2. Approval of the May 23, 2017, Complaint Committee meeting minutes.

The Committee discussed the draft minutes.

Member Wolfe, seconded by Member Hinze, moved to approve the May 23, 2017, Complaint Committee meeting minutes.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, 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:

Ann Treboux objected to late night emails from Chair Wolfe and stated that Chair Wolfe participated in ex-parte communications.

The Complaint Committee (Committee) shall hold hearing(s) on File No. 17039 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. 17039:** Complaint filed by Thomas Busse against the San Francisco Public Finance Authority for allegedly violating Administrative Code (Sunshine Ordinance), Chapter 67, by failing to notice and conduct public hearings and failing to respond to request for public records.

(On May 23, 2017, the Complaint heard the matter, determine that the Sunshine Ordinance Task Force has jurisdiction, and continued the matter.)

Task Force Administrator Young informed the Committee that Clerk of the Board, Angela Calvillo, requested the hearing be delay to allow time for research on the matter to be conducted. Mr. Young indicated that Mr. Busse (Complainant) was informed of the situation.

Member Hinze, seconded by Member Wolfe, moved to continue the matter to the next meeting of the Complaint Committee.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Hinze, Tesfai

Noes: 0 - None

The Complaint Committee (Committee) shall review File No(s). 17055, 17056, 17057 and 17058 to determine if the Sunshine Ordinance Task Force has jurisdiction and determine if the requested records are public pursuant to Administrative Code (Sunshine Ordinance), Section 67.21(e). The Complainant and Respondent are **not required** to attend the June 27, 2017, Complaint Committee meeting but may attend to provide testimony related to the above listed determinations. A hearing to review the merits of the complaint will be scheduled on a future date.

5. **File No. 17055:** Complaint filed by Denta Tadesse against Donna Adkins and the Mayor's Office on Disability for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.5 and 67.13, by restricting access to public meetings creating barriers to attending a meeting of a policy body.

Denta Tadesse (Petitioner) provided a summary of the complaint and requested the Committee to find that the Task Force has jurisdiction in the matter. Mr. Tadesse stated that the advice provided to the Sheriff by the Mayor's Office on Disability regarding ADA service animals prevented him from entering the building to attend a specific meeting on April 17, 2017. Director Nicole Bohn, Mayor's Office on Disability (Respondent) provided a summary of the ADA support animal regulations and stated that her office has no records regarding the provision of specific advice that would restrict access to a meeting on April 17, 2017. Ms. Bohn stated that the nature of the advice provided is dependent upon the situation provided by the requester.

The Committee requested that Mr. Tadesse provide evidence that the Mayor's Office of Disability provided specific advice that resulted in restriction of access to the April 17, 2017, meeting in question.

Member Hinze, seconded by Member Wolfe, moved to continue the matter to the next meeting of the Complaint Committee and requested that Mr. Tadesse provide evidence that the Mayor's Office of Disability provided specific advice that result in his restriction to access the April 17, 2017, meeting in question and violation of Sunshine Ordinance, Sections 67.5 and 67.13.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Hinze, Tesfai
Noes: 0 - None

6. **File No. 17056:** Complaint filed by Denta Tadesse against Candace Carpenter and the Office of Citizen Complaints for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely manner. (00:23:35 – 00:36:00)

Denta Tadesse (Petitioner) provided a summary of the complaint and requested the Committee to find that the Task Force has jurisdiction in the matter. Mr. Tadesse stated that the Office of Citizens Complaints is in possession of the requested records but they have either been provided an overly redacted format or were not provided. Mr. Tadesse stated that he is looking for information as to why his complaint was denied. The issue as to whether the document were appropriately redacted or withheld are in question.

Member Wolfe, seconded by Member Hinze, moved to find that the Task Force has jurisdiction in the matter, find that the requested records are public, and continued the matter to the next meeting of the Complaint Committee to review the merits of the complaint.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Hinze, Tesfai

Noes: 0 - None

7. **File No. 17057:** Complaint filed by Denta Tadesse against George Colthran and Robin Reitzes, Office of the City Attorney; for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.24, by failing to protect the right to privacy of a member of the public. (00:36:00 – 00:52:00)

Denta Tadesse (Petitioner) provided a summary of the complaint and requested Committee to find that the Task Force has jurisdiction in the matter. Mr. Tadesse stated that the City Attorney violated his right to privacy by not providing documents in a sealed envelope.

The Committee questioned why the Office of the City Attorney was involve with the service of the SFMTA notice. Chair Wolfe indicated that Administrative Code (Sunshine Ordinance), Section 67.24(d)(2) may be relevant and requested that the Office of the City Attorney attend the next meeting of the Complaint Committee to address the issue.

“67.24 (d) Law Enforcement Information.

The District Attorney, Chief of Police, and Sheriff are encouraged to cooperate with the press and other members of the public in allowing access to local records pertaining to investigations, arrests, and other law enforcement activity.

However, no provision of this ordinance is intended to abrogate or interfere with

the constitutional and statutory power and duties of the District Attorney and Sheriff as interpreted under Government Code section 25303, or other applicable State law or judicial decision. Records pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public once the District Attorney or court determines that a prosecution will not be sought against the subject involved, or once the statute of limitations for filing charges has expired, whichever occurs first. Notwithstanding the occurrence of any such event, individual items of information in the following categories may be segregated and withheld if, on the particular facts, the public interest in nondisclosure clearly and substantially outweighs the public interest in disclosure: ...

(2) Personal or otherwise private information related to or unrelated to the investigation if disclosure would constitute an unwarranted invasion of privacy;”

Member Hinze, seconded by Member Wolfe, moved to continue the matter to the next meeting of the Complaint Committee and to request that the Office of the City Attorney send a representative to address the matter.

Public Comment:

Ann Treboux stated that the matter is not under the jurisdiction of the Task Force.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Hinze, Tesfai

Noes: 0 - None

File No. 17058: Complaint filed by Denta Tadesse against John Haley and Tom Nolan, San Francisco Municipal Transportation Agency, 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. (00:52:00 – 00:57:00)

Denta Tadesse (Petitioner) provided a summary of the complaint and requested Committee to find that the Task Force has jurisdiction in the matter. Mr. Tadesse stated that SFMTA retroactively created the document in question.

The Committee requested that Mr. Tadesse provide evidence related to his accusation.

Chair Tesfai, seconded by Member Hinze, moved to find that the Task Force has jurisdiction in the matter, find that the requested records are public, and continued the matter to the next meeting of the Complaint Committee to review the merits of the complaint.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Hinze, Tesfai

Noes: 0 - None

8. **File No. 17042:** Hearing to provide an opportunity for Ann Treboux and the Arts Commissions to discuss submitted complaints, standards of operations and compliance with the Sunshine Ordinance in an effort to resolve the source cause of the complaints. (00:52:00 – 02:00:00)

Ann Treboux (Petitioner) objected to any attempt to mediate her complaints and provided a summary of her issues with the Arts Commission's responses to her requests and inquiries. Ms. Treboux requested a stop to slander and personal attacks. Kate Patterson, Arts Commission (Respondent), provided a summary of Art Commission interactions with Ms. Treboux. Ms. Patterson stated that the volume of Immediate Disclosure Requests, duplicate requests and other actions make it difficult for the Arts Commission to perform their functions. In response to the Committee's questions, Ms. Patterson suggested that all requests be provided in one document once a week, replace Immediate Disclosure Requests with regular public records requests and to send all requests directly to the Custodian of Records. Ms. Patterson stated that the Arts Commission is consider adopting software to track and respond to public records requests.

The Committee provided several suggestions including the possibility of creating a checklist to responding to requests. The Committee requested that Ms. Treboux review her pending complaints and provide a list of items that can be combined or withdrawn.

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

Public Comment:

Speakers: None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Hinze, Tesfai

Noes: 0 - None

9. **Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar by members of the Committee.**

There were no announce, comments or questions.

Public Comment:

None.

10. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:30 p.m.

APPROVED: July 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.