



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

July 25, 2017
5:30 PM – 7:30 PM

Regular Meeting

Members: Leuwam Tesfai (Chair), Chris Hyland and Bruce Wolfe

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 Wolfe were noted present. There was a quorum.

Member B. Wolfe, seconded by Chair Tesfai, moved to hear Items Nos. 10-15 out of order after Item No. 4.

Public Comment:

Michael Petrelis ask question regarding the change to the agenda order.

Ann Treboux made general comments related to the agenda order change.

The motion PASSED by the following vote:

Ayes: 2 – B. Wolfe, Tesfai

Noes: 0 – None

Absent: 1 – Hyland

Member Chris Hyland was noted present at 5:40 p.m.

2. **Approval of the June 27, 2017, Complaint Committee meeting minutes.**

The Committee discussed the draft minutes.

Member Wolfe, seconded by Chair Tesfai, moved to approve the June 27, 2017, Complaint Committee meeting minutes.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hyland, 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:

Michael Petrelis noted the presence of newly install cameras in the meeting room and inquired as to the status of broadcasting Task Force meetings.

Ann Treboux noted the retirement of Howard Lazar, Arts Commission, and described her experience with the staff at the Arts Commission.

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, invited the Board of Supervisors and the Board of Education to attend the hearing and continued the matter.)

Thomas Busse (Petitioner) provided a summary of the complaint and his response to the letters submitted by the San Francisco Unified School District (SFUSD) and the Clerk of the Board of Supervisors. Mr. Busse stated that the Public Finance Authority is still active and that records should be available regarding the body.

Member Bruce Wolfe, seconded by Chair Tesfai, moved to refer the matter to the Task Force for hearing without recommendations and requested that the SFUSD and the Board of Supervisors attend the meeting.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 – B. Wolfe, Tesfai
Noes: 1 – Hyland

5. **File No. 17071:** Complaint filed by Michael Petrelis against Supervisor Jeff Sheehy, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and complete manner.

Member Hyland, seconded by Member B. Wolfe, moved to find that the Task Force has jurisdiction in the matter and find that the requested records are public.

Public Comment:
Bill Barnes, Office of Supervisor Jeff Sheehy, objected to the Petitioner's allegations and the finding of jurisdiction. Mr. Barnes stated that the complaint is based on personal issues that occurred prior to Supervisor Sheehy taking office.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hyland, Tesfai
Noes: 0 – None

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Petrelis stated that an extension of time to respond is only allowed under certain circumstances and questioned which department was consulted in regards to the public records in question. Bill Barnes, Office of Supervisor Jeff Sheehy (Respondent), objected to the personal attacks and provided a summary of Supervisor Sheehy's position. Mr. Barnes stated that after the initial review of the requested public records, the Office of the City Attorney was consulted to determine if Supervisor Sheehy's records regarding his membership on a state agency should also be disclosed. Mr. Barnes stated that it was determined only the records related to Supervisor Sheehy's time with the Board of Supervisors would be disclosed. Mr. Barnes provided the following timeline: 6/14/17 IDR received, 6/16/17, extension of time requested; 6/23/17, additional extension of time requested; 7/5/17, final response provided. Mr. Barnes stated that the Office of Supervisor Sheehy may not send a representative to the Full Task Force Hearing.

The Committee opined that Sunshine Ordinance, Section 67.25(a), may be relevant.

Member Tesfai, seconded by B. Wolfe, moved to refer the matter to the Task Force for hearing without recommendation.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 – B. Wolfe, Tesfai
Noes: 1 – Hyland

6. **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), Section 67.5, by restricting access to public meetings.
(On June 27, 2017, the Complaint Committee continued the matter to a future date.)

Member B. Wolfe, seconded by Member Hyland, moved to find that the Task Force has jurisdiction in the matter and find that the requested records are public.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hyland, Tesfai
Noes: 0 – None

The Petitioner was not present during the hearing. Donna Atkins and Director Nicole Bohn, Mayor's Office on Disability (Respondent), provided a summary of the complaint. Ms. Atkin indicated that she responded to questions from City Hall building management regarding ADA policy regarding service animals and that she was not aware of the detail of the situation that occurred on April 4, 2017. Ms. Atkin provided a summary of ADA policy on service animals, definition of maintain control of a service animal and that the Petitioner could have attended the meeting if they left their service animal outside of the building. Ms. Atkins stated that they only provided a summary of ADA policy and did not provide any specific advice to bar entrance to a specific meeting.

Member B. Wolfe, seconded by Hyland, moved to refer the matter to the Task Force for hearing without recommendation.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hyland, Tesfai
Noes: 0 – None

7. **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.

(On June 27, 2017, the Complaint Committee determined that the Task Force has jurisdiction and continued the matter to a future date.)

The Petitioner was not present during the hearing. Ines Frankel and Candace Carpenter, Department of Police Accountability (Respondent), provided a summary of the complaint and stated that the Office of Citizen Complaints is now the Department of Police Accountability. Ms. Frankel provided a summary of the functions and procedures of the Department of Police Accountability in their roles to review complaints against police officers. Ms. Carpenter stated that the bank video was obtained via subpoena and cannot be disclosed as a public record. Ms. Frankel stated that it is the policy of the department to not provide copies of investigative documents but they will meet with the complainant to discuss a complaint only if a non-disclosure agreement is signed. Ms. Carpenter stated that the Petitioner refused to sign a non-disclosure agreement. Ms. Frankel stated that there are several state and federal codes that prevent the disclosure of the information collected during an investigation and that the public is informed of the restrictions as needed.

Member B. Wolfe, seconded by Hyland, moved to refer the matter to the Task Force for hearing without recommendation.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 – B. Wolfe, Tesfai

Noes: 0 – None

Absent: 1 – Hyland

8. **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), Chapter 67, by failing to protect the right to privacy of a member of the public.

(On June 27, 2017, the Complaint Committee continued the matter to a future date.)

Member B. Wolfe, seconded by Member Hyland, moved to find that the Task Force has jurisdiction in the matter and find that the requested records are public.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hyland, Tesfai

Noes: 0 – None

The Petitioner was not present during the hearing. Andrea Guzman, Office of the City Attorney (Respondent), provided a summary of the complaint. Ms. Guzman stated that the Office of the City Attorney was serving notice to the Petitioner on behalf of their client (SFMTA). Ms. Guzman stated that there was no public records request in question and that Sunshine Ordinance, Section 67.24, only applies to law enforcement and civil actions. Ms. Guzman stated that the Office of the City Attorney was not charged with reviewing the records to determine if they were public or not. Ms. Guzman stated that their representative was not allowed entry in the building and were forced to leave documents for the Petitioner with the manager.

Member B. Wolfe, seconded by Hyland, moved to refer the matter to the Task Force for hearing without recommendation.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hyland, Tesfai

Noes: 0 – None

9. **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.

(On June 27, 2017, the Complaint Committee determined that the Task Force has jurisdiction and continued the matter to a future date.)

The Petitioner was not present during the hearing. Caroline Celaya, San Francisco Municipal Transportation Agency (SFMTA) (Respondent), provided a summary of the complaint and stated that Mr. Haley and Mr. Nolan were not responsible for responding to the request for public records. Ms. Celaya stated that the public records request was submitted online and that all records were provided in a timely manner and that no documents were created retroactively. Administrator Victor Young indicated that the Petitioner appeared to be concerned that policy/records were created and applied retroactively.

Chair Tesfai, seconded by Member B. Wolfe, moved to refer the matter to the Task Force for hearing without recommendation.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hyland, Tesfai

Noes: 0 – None

The Complaint Committee (Committee) shall review File No(s). 17068, 17070, 17075, 17076, 17077 and 17082 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 July 25, 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.

10. **File No. 17068:** Complaint filed by Ann Treboux against 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.

The Complaint Committee reviewed the matter to determine if the Sunshine Ordinance Task Force has jurisdiction.

Member B. Wolfe, seconded by Member Hyland, moved to determine that the Sunshine Ordinance Task Force has jurisdiction and that the documents in question are public records. (The matter will be scheduled for a hearing on the merits of the complaint on a future date.)

Public Comment:

Ann Treboux provided comments regarding jurisdiction.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hyland, Tesfai

Noes: 0 – None

11. **File No. 17070:** Complaint filed by Michael Addario against Kate Patterson and the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.24, by failing to respond to a public records request in a complete manner.

The Complaint Committee reviewed the matter to determine if the Sunshine Ordinance Task Force has jurisdiction.

Member B. Wolfe, seconded by Member Hyland, moved to determine that the Sunshine Ordinance Task Force has jurisdiction and that the documents in question are public records. (The matter will be scheduled for a hearing on the merits of the complaint on a future date.)

Public Comment:

Mike Addario provided comments regarding jurisdiction.

Ann Treboux stated that the Task Force has jurisdiction.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hyland, Tesfai

Noes: 0 – None

12. **File No. 17075:** Complaint filed by Anonymous against Director John Rahaim and the Planning Department 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.

The Complaint Committee reviewed the matter to determine if the Sunshine Ordinance Task Force has jurisdiction.

Member B. Wolfe, seconded by Member Hyland, moved to determine that the Sunshine Ordinance Task Force has jurisdiction and that the documents in question are public records. (The matter will be scheduled for a hearing on the merits of the complaint on a future date.)

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hyland, Tesfai

Noes: 0 – None

13. **File No. 17076:** Complaint filed by Ann Treboux against the Arts Commission 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.

The Complaint Committee reviewed the matter to determine if the Sunshine Ordinance Task Force has jurisdiction.

Member Hyland, seconded by Member B. Wolfe, moved to determine that the Sunshine Ordinance Task Force has jurisdiction and that the documents in question are public records. (The matter will be scheduled for a hearing on the merits of the complaint on a future date.)

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hyland, Tesfai

Noes: 0 – None

14. **File No. 17077:** Complaint filed by Ann Treboux against the Dwight Moor, Office of the City Attorney, 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.

The Complaint Committee reviewed the matter to determine if the Sunshine Ordinance Task Force has jurisdiction.

Member Hyland, seconded by Member B. Wolfe, moved to determine that the Sunshine Ordinance Task Force has jurisdiction and that the documents in question are public records. (The matter will be scheduled for a hearing on the merits of the complaint on a future date.)

Public Comment:

Ann Treboux provided statements regarding jurisdiction.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hyland, Tesfai

Noes: 0 – None

15. **File No. 17082:** Complaint filed by Anonymous against Luis Herrera and the Public Library 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.

The Complaint Committee reviewed the matter to determine if the Sunshine Ordinance Task Force has jurisdiction.

Member B. Wolfe, seconded by Member Hyland, moved to determine that the Sunshine Ordinance Task Force has jurisdiction and that the documents in question are public records. (The matter will be scheduled for a hearing on the merits of the complaint on a future date.)

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hyland, Tesfai

Noes: 0 – None

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

Member Bruce Wolfe provided comments regarding the use of close circuit television to watch meetings inside of City Hall and the lack of access to the public.

17. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:38 p.m.

APPROVED: August 22, 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.