



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**

August 15, 2017 - 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 3:34 p.m. On the call of the roll Chair Josh Wolf, Member Eldon and Member Fischer were noted present. There was a quorum.

There were no agenda changes.

2. Adoption of the minutes for the June 20, 2017, Education, Outreach, and Training Committee meetings.

The Committee discussed the approval of the meeting minutes.

Member Fischer, seconded by Member Eldon, moved to approve the June 20, 2017, meeting minutes.

Public Comment:

Speakers: None.

The motion PASSED by the following vote:

Ayes: 3 - Eldon, Fischer, 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.

Speakers:

Michael Petrelis commented on the presence of video cameras in the meeting room and inquired as to the possibility of televising Task Force Meetings.

Ann Treboux commented on the blanket rejection of public records request by the Arts Commission.

The Education, Outreach and Training Committee (Committee) shall hold hearing(s) on File Nos. 17083 and 17077 to: 1) determine if the Sunshine Ordinance Task Force (Task Force) has jurisdiction; 2) review the merits of the complaints; and 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. 17083:** Complaint filed by Michael Petrelis against the Police 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.

Member Fischer, seconded by Member Eldon, moved to find jurisdiction in the matter and find that the requested records are public.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Eldon, Fischer, Wolf

Noes: 0 - None

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Petrelis stated that pursuant to Administrative Code, Section 67.8-1, closed session audio recordings should be released whenever all rationales for closing the session are no longer applicable. Sgt. Angela Rodriguez, Police Commission (Respondent), provided a summary of the department's position. Sgt. Rodriguez stated that, pursuant to the California Penal Code, personnel/discipline matter and records containing officer information is confidential and cannot be released. It was stated that the Police Commission chose to not disclose their closed session discussion at the time the meeting occurred.

The Committee opined that the confidentiality of closed session discussion regarding personnel and officer information appears to be valid. However, the issue of confidentiality of closed session for pending/expired litigation needs to be discussed

further and suggested that the Petitioner request the Police Commission schedule a hearing to determine if previous closed session discussion should be released.

Member Fischer, seconded by Member J. Wolf, 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 - Eldon, Fischer, Wolf

Noes: 0 - None

5. **File No. 17077:** Complaint filed by Ann Treboux against Dwight Moore, 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.

(On July 24, 2017, the Complaint Committee determined that the Task Force has jurisdiction over the matter.)

Ann Treboux (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Treboux discussed the submission of CDs as a document admissible in the court system and stated that she has not received the requested investigative notes. John Cote, Office of the City Attorney (Respondent), provided a summary of the department's response and stated that all responsive records in possession of the Office of the City Attorney have been provided. Mr. Cote acknowledged that the response to the request was late as the recipient of the email request was out of the office for over two weeks. Mr. Cote stated that an automatic response to incoming emails was sent to Ms. Treboux informing of the planned absence.

Member Eldon, seconded by Member Fischer, 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 - Eldon, Fischer, Wolf

Noes: 0 - None

6. **Announcements, Comments, Questions, Future Agenda Items and Pending Calendar by Members of the Education, Outreach and Training Committee.**

There were no issues brought forward by the members of the Committee.

7. **ADJOURNMENT**

There being no further business the meeting was adjourned at 4:40 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: October 17, 2017