



SUNSHINE ORDINANCE TASK FORCE
Compliance and Amendments Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES

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

September 24, 2019
4:30 PM

Regular Meeting

Members: Frank Cannata (Chair), Fiona Hinze and Chris Hyland

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

Chair LaHood called the meeting to order at 4:30 p.m. On the call of the roll Chair LaHood and Members Hyland and Hinze were noted present. A quorum was present.

SOTF Administrator Leger noted that the Petitioner/Complainant for Item 7, File No. 19087 would not be available for the hearing.

2. Approval of the August 27, 2019, Compliance and Amendments Committee meeting minutes.

Action: Moved by Member Hinze, seconded by Chair LaHood to approve the August 27, 2019, meeting minutes. Member Hyland abstained from the vote.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 - Hinze, LaHood
Noes: 0 - None
Abstain: 1 - Hyland

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:

Ray Hartz commented on the purpose of SOTF Committee meetings.

4. **File No. 19048: Hearing on the Status of the Order of Determination:** Complaint filed by Justin Barker against the San Francisco Zoo for violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner. (00:06:06 - 00:19:08)

Justin Barker (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Barker stated that he requested documents from the Zoo because he wanted a clearer understanding of how the Zoo operates. Mr. Barker stated that the Zoo should obey the law and the Sunshine Ordinance. Mr. Barker stated that at the last SOTF hearing, the Respondent, Mr. Waters (SF Zoo) cited California Business and Professions Code, Section 4857, and California Government Code, Section 6253, as the reason the Zoo will not turn over request records in addition to attorney-client privilege. Mr. Barker asked that this matter be referred to the Ethics Commission.

Respondent was not present and did not inform the SOTF Administrator that they would not appear. Respondent provided a written response outlining the Zoo’s position prior to the meeting.

A question and answer period occurred.

Action: Moved by Member Hyland, seconded by Member Hinze, to refer the matter to the SOTF with the recommendation that the SOTF forward the matter to the Ethics Commission and the District Attorney’s Office.

Public Comment:

Ray Hartz stated that he supports sending the matter back to the SOTF because the Zoo has no intention of following the law and that there is no legal basis for withholding documents.

The motion PASSED by the following vote:

Ayes: 3 - Hyland, Hinze, LaHood

Noes: 0 - None

5. **File No. 16117: Hearing on the Status of the Order of Determination:** Complaint filed by Ray Hartz against City Librarian Luis Herrera and the Public Library for violating Administrative Code (Sunshine Ordinance), Section 67.29-6, by failing to disclose the amount and source of all outside funds or services worth more than one hundred dollars in aggregate, accepted by the Public Library for the purpose of carrying out or assisting any City function, on their website. (00:19:09 - 00:53:28)

Ray Hartz (Petitioner) provided a summary of the complaint. Mr. Hartz stated that the Public Library has protected the Friends of the Public Library and the SOTF has found the Library in violation of the Sunshine Ordinance. Mr. Hartz stated that the Friends of the Public Library raises millions and the Library only gets ten percent of that money. Mr. Hartz stated that the Library uses the website to steer the general public to the Friends and that the Library is not taking its responsibilities seriously.

Maureen Singleton (Public Library) (Respondent), provided a summary of the department's position. Ms. Singleton stated that the Deputy City Attorney advised the Library that they are only required to comply with Administrative Code (Sunshine Ordinance), Section 67.29-6, and not the entire Sunshine Ordinance. Ms. Singleton stated that the donor list is available on the Library website and that they have complied with the Sunshine Ordinance.

Maria Sappella (Public Library) spoke in support of the Respondent. Ms. Sappella stated that the Library has complied with the Order of Determination.

A question and answer period occurred.

Action: Moved by Member Hyland, seconded by Member Hinze, to find City Librarian Luis Herrera and the Public Library complied with the Order of Determination and closed the file.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Hyland, Hinze, LaHood
Noes: 0 – None

6. **File No. 19017: Hearing on the Status of the Order of Determination:** Complaint filed by Elica Vafaie, Asian Americans Advancing Justice, Asian Law Caucus, Jeffrey Wang, Council on American-Islamic Relations, San Francisco Bay Area, Alan Schlosser No. CA American Civil Liberties Union of Northern California against Lt. Kathryn Waaland and the Police Department for violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner. (00:53:31 – 01:07:46)

Javeria Jamil (Asian American Advancing Justice, Asian law Caucus, Jeffrey Wang, Council on American-Islamic Relations, San Francisco Bay Area, Alan Schlosser No. CA American Civil Liberties Union of Northern California) (Petitioner) provided a summary of the complaint. Ms. Jamil stated that the Police Department refuses to release the white paper document and will only disclose the subject of that document. Ms. Jamil stated that the Police Department is not in compliance with the SOTF Order of Determination.

Lt. Andy Cox (Police Department) (Respondent), provided a summary of the department's position. Lt. Cox stated that the Police Department has an Order Denying Petitioner's Motion for Preemptory Writ of Mandate from the Superior Court and that this issue is currently in appeal. Lt. Cox stated that the Order denies Complainant's motion to release the white paper. Lt. Cox stated that the Police Department will not release the white paper document.

Member Hyland opined that the SOTF needs to hear from their DCA on whether a superior court judge trumps Sunshine and to provide comments on the Writ of Mandate.

A question and answer period occurred.

Action: Moved by Member Hyland, seconded by Member Hinze, to refer the matter to the SOTF. The Committee requested that the SOTF Deputy City Attorney advise the SOTF regarding whether the Sunshine Ordinance overrides a Superior Court Writ of Mandate.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Hyland, Hinze, LaHood

Noes: 0 - None

7. **File No. 19087:** Complaint filed by Peter Dolan against the San Francisco Port 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. (01:09:37 - 01:10:39)

Peter Dolan, Petitioner, informed the SOTF Administrator that they would not be present for the hearing.

The Respondent was not present for the hearing and did not inform the SOTF Administrator of their nonappearance.

Action: Moved by Member Hyland, seconded by Member Hinze, to continue the matter to the Call of the Chair.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Hyland, Hinze, LaHood

Noes: 0 - None

8. **File No. 19089:** Complaint filed by Anonymous against Dennis Herrera, Bradley Russi and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(d), by failing to provide a determination in response to a petition in a timely and/or complete manner. (01:11:09 - 01:38:11)

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that on May 8, 2019, he filed an Immediate Disclosure Request to the Mayor's office for calendar records. Anonymous stated that the Mayor's Office responded but he felt that response was inadequate. Anonymous stated that on May 15, 2019, he filed a petition to the Supervisor of Records, Bradley Russi but has not yet received a determination. Anonymous stated that on August 26, 2019, Mr. Russi denied Petitioner's request for records. Anonymous stated that Mr. Russi violated 67.21(d) by not providing a response in a timely manner.

John Cote (City Attorney's Office) (Respondent), provided a summary of the department's position. Mr. Cote referred to written response dated September 5, 2019.

A question and answer period occurred.

Action: Moved by Member Hyland, seconded by Member Hinze, to find that the SOTF has jurisdiction.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Hyland, Hinze, LaHood
Noes: 0 - None

Mr. Cote stated that this matter is about a request for a determination, not records and that the City Attorney's Office does not have to provide a determination within 10 days as the Supervisor of Records.

Action: Moved by Member Hyland, seconded by Member Hinze, to find that the requested records are public and to refer the matter to the SOTF for hearing.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Hyland, Hinze, LaHood
Noes: 0 - None

9. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:17 p.m.

APPROVED: 11/26/19
Compliance and Amendments 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.