



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

December 17, 2019
5:30 PM

Regular Meeting

Members: Rodman Martin (Chair), Matthew Yankee and Josh Wolf

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

Chair Martin called the meeting to order at 5:34 p.m. On the call of the roll Chair Martin and Members Yankee and J. Wolf were noted present. A quorum was present.

The SOTF Administrator noted that the Respondent in File No. 19098 requested a continuance due to a scheduling conflict. The Complainant agreed to the continuance.

2. Approval of the November 19, 2019, Complaint Committee meeting minutes.

Action: Moved by Member Yankee, seconded by Chair Martin, to approve the November 19, 2019, meeting minutes.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Yankee, Martin, J. Wolf
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.

The following public comment was submitted by Anonymous.

- I issued IDRs for 2 weeks of calendars and 10-20 emails from 25 agencies.
- The agencies doing the best are: Building Inspection, Airport, Animal Care, Public Utilities, Public Library. Their processes and tools should be replicated across the City.
- On the other end of the spectrum are agencies that have refused to respond to an IDR in over a week, refuse to justify withholdings, refuse to produce exact PDF copies.
- I am happy to negotiate corrections to procedural requirements with agencies that act in good faith, but agencies that choose to resist, limit, or refuse to acknowledge the entirety of rights protected by the Sunshine Ordinance, the CPRA, or California Constitution will be brought before you for enforcement.
- In the end: every agency, for every request, must produce every disclosable public record to every requestor. The City can achieve that with consistent policies.

4. **File No. 19112:** Complaint filed by Anonymous against Chief William Scott and Lt. R. Andrew Cox and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26, 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing to respond to a public records request in a timely and/or complete manner, failing to justify withholding of records and failing to maintain a Proposition G calendar. (00:04:25 - 00:15:09)

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that he made an Immediate Disclosure Request for the Police Chief Scott's Proposition G and Non-Proposition G calendars. Anonymous stated that only the Proposition G calendar was provided in an incomplete and untimely manner. Anonymous stated that many calendar entries were redacted without legal citations.

Lt. Andrew Cox (Police Department) (Respondent), provided a summary of the department's position. Lt Cox stated that there was a miscommunication and he accepts responsibility for the late response. Lt Cox stated that the Police Department provided Chief Scott's Proposition G calendar with redactions.

A question and answer period occurred.

Action: Moved by Member Yankee, seconded by Chair Martin, to find that the SOTF has jurisdiction, 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 - Yankee, Martin, J. Wolf

Noes: 0 - None

5. **File No. 19098:** Complaint filed by Anonymous against Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner.

The Respondent informed the SOTF Administrator that due to a scheduling conflict, they would be unavailable for the hearing and requested a postponement. The Complainant agreed to postpone the hearing.

Action: Moved by Chair Martin, second by Member Yankee to continue File No. 19098 to the Call of the Chair.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Martin, Yankee, Wolf

Noes: 0 - None

6. **File No. 19084:** Complaint filed by Mo Green against the City Attorney's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a request for documents in a timely and/or complete manner. (00:15:24 - 00:52:41)

Mo Green (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Green stated that on July 31, 2019, he submitted a public records request to the City Attorney's Office. Mr. Green stated that they have submitted over 8,000 records that were not responsive to his request.

John Cote (City Attorney's Office) (Respondent), provided a summary of the department's position. Mr. Cote stated the City Attorney's Office is in litigation with Mr. Green. Mr. Cote stated that Mr. Green has submitted interrogatories and requests for production of records which have been overseen by the Court. Mr. Cote stated that the City Attorney's Office has complied with Mr. Green's original records requests. Mr.

Cote stated that on October 23, 2019, Mr. Green submitted another records request to the City Attorney's Office, which concerned pending litigation. Mr. Cote stated that the City Attorney's Office responded on November 4, 2019, regarding attorney/client privileged records. Mr. Cote stated that all responsive records, except those that are privileged, have been provided. Mr. Cote stated that this matter should be closed.

A question and answer period occurred.

Action: Moved by Member J. Wolf, seconded by Member Yankee, to find that the SOTF has jurisdiction, that the requested records are public and to refer the matter to the SOTF for hearing.

Public Comment:

Anonymous provided the following written public comment:

Comment is directed solely at the Task Force and is not legal advice. The City Attorney's office should have simply complied with Mr. Green's valid requests, and their failure to do so cannot be held against Mr. Green. Mr. Green already explicitly requested these public records under the Sunshine Ordinance. City Attorney must meet the full requirements of the Sunshine Ordinance including justifying each and every redaction and withholding with clear reference to an exemption. City Attorney has thus not complied in a timely or complete manner and the Task Force should not permit this kind of delaying behavior.

The motion PASSED by the following vote:

Ayes: 3 - J. Wolf, Yankee, Martin
Noes: 0 - None

7. **File No. 19085:** Complaint filed by Mo Green against the Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a request for documents in a timely and/or complete manner. (00:53:20 – 01:03:25)

Mo Green (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Green stated that on July 31, 2019, he submitted a public records request to the San Francisco Public Utilities Commission (PUC). Mr. Green stated that the PUC provided organization charts and other records but no information on job vacancies and applicants. Mr. Green stated that many documents were redacted, such as the breakdown of different races, without legal citations. Mr. Green stated that he also received applicants' job announcements and resumes. Mr. Green stated that he did not receive sufficient responses under Sunshine.

Kesine Yip (Public Utilities Commission, (PUC)) (Respondent), provided a summary of the department's position. Ms. Yip stated that following the October 15, 2019,

Complaint Committee hearing, Mr. Green submitted a voluminous request for records. Ms. Yip stated that the Custodian of Records, Michelle Peters, requested an extension of time to respond and also asked the Petitioner to narrow the scope of his records request. Ms. Yip stated that many records were not in their possession and that those that were provided, certain personal information was redacted.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Action: Moved by Member Yankee, seconded by Chair Martin, to find that the SOTF has jurisdiction, 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 - Yankee, Martin, J. Wolf

Noes: 0 - None

8. All matters listed hereunder are considered to be routine by the Sunshine Ordinance Task Force (SOTF) and were acted upon by a single roll call vote of the Complaint Committee (Committee) to determination whether or not the SOTF has jurisdiction and to determine if the requested records are public pursuant to Administrative Code (Sunshine Ordinance), Section 67.21(e). There was no separate discussion of these items. The Complainant and Respondent for File Nos. 19091, 19094, 19097, 19109, 19110, 19117, 19118, 19119, 19120, 19121, 19122, 19123, 19124, 19125, 19126 and 19127 were **not required** to attend the December 17, 2019, Complaint Committee meeting but could attend to provide testimony related to the determination as to whether or not the SOTF has jurisdiction. A hearing to review the merits of the complaints will be scheduled on a future date. (01:04:00 - 01:05:27)

No action taken.

Public Comment:

None.

9. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:34 p.m.

APPROVED: September 15, 2020
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.