



**SUNSHINE ORDINANCE TASK FORCE**  
**Complaint Committee**  
**CITY AND COUNTY OF SAN FRANCISCO**  
**MINUTES**

**REMOTE MEETING**

**April 20, 2021**  
**5:30 PM**

**Regular Meeting**

**Members:** Dean Schmidt (Chair), Laura Stein and Kai Forsley

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

Chair Schmidt called the meeting to order at 5:33 p.m. On the call of the roll Chair Schmidt and Members Stein and Forsley were noted present. A quorum was present.

The Petitioner for item 10 withdrew their complaint via email prior to the meeting.

**2. Approval of the March 23, 2021, Complaint Committee meeting minutes.**

There were no changes in the Minutes.

Public Comment:

None.

Vote to approve the March 23, 2021, Minutes will take place at the May Complaint Committee meeting.

**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:

Anonymous noted that Item No. 2 required a motion. Anonymous stated that there are a few people who could not access the meeting and clarification of instructions is needed.

Zach Karnazes stated SOTF meetings are conducted in a different way than other public meetings. Mr. Karnazes stated that in other public meetings one would normally press \*3 to access the meeting via video. Mr. Karnazes asked if SOTF meetings can provide a similar video option for its meetings.

4. **File No. 20065:** Complaint filed by Zach Karnazes against the Department of Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 by failing to respond to a records request in a timely and complete manner,

Zach Karnazes (Petitioner) provided a summary of the complaint and requested the Committee to not find a violation. Mr. Karnazes stated that he has received his records and would like to withdraw his complaint.

David Steinberg (Public Works) (Respondent), provided a summary of the department's position. Mr. Steinberg stated that he provided all responsive records on a rolling basis.

The matter was withdrawn by the Petitioner during the meeting.

5. **File No. 20067:** Complaint filed by Zach Karnazes against the Mayor's Office on Disability for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 by failing to respond to a public records request in a timely and complete manner.

Zach Karnazes (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Karnazes stated that he requested records regarding his disability cases filed with the City over one month before the pandemic began. Mr. Karnazes stated he made many follow-up requests for those records and was ignored for over five months. Mr. Karnazes is requesting the committee to find a violation for failure to respond in a timely manner.

Deborah Kaplan (Mayor's Office on Disability) (Respondent), provided a summary of the department's position. Ms. Kaplan stated that in April 2020, the Office informed Mr. Karnazes that they were not fully staffed due to the deployment of Disaster Service Workers. Ms. Kaplan stated that as staff became available, they located records, redacted them and made them available on a rolling basis. Ms. Kaplan stated all responsive records were provided by January 2021.

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

**Action: Moved by Member Stein, seconded by Member Forsley, to find that the SOTF has jurisdiction, that the requested records are public and to refer the matter to the SOTF for hearing. The Committee opined that though the Petitioner received his records it took just under a year to comply with the request.**

Public Comment:

Anonymous stated that the Respondent violated the law after the Mayor suspended certain provisions of the law. Anonymous also stated that the City Attorney provided a memo that addressed the California Public Records Act. Anonymous opined that this was an unreasonable delay.

**The motion PASSED by the following vote:**

Ayes: 3 - Stein, Forsley, Schmidt  
Noes: 0 - None

6. **File No. 19143:** Complaint filed by Anonymous against Sheriff Paul Miyamoto, James Wilson and the Sheriff's Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24, 67.25 and 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that they filed an Immediate Disclosure Request at the end of 2019 asking for 10 emails from personal accounts. Anonymous stated that those emails fall under the case *City of San Jose*. Anonymous stated that the Respondent provided a list of exemptions to his request and cited the public interest balancing tests and deliberative process.

Alison Lambert (Sheriff's Office) (Respondent), provided a summary of the department's position. Ms. Lambert stated that her office takes full responsibility for the incomplete response. Ms. Lambert also stated that the Sheriff's Office has taken remedial action and provided training on responding to records requests.

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

**Action: Moved by Member Stein, seconded by Member Forsley, 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:

Zach Karnazes thanked the Petitioner for their good work noting that parties are not paid. Mr. Karnazes stated that this is not the first time the Sheriff's Office has not handled Sunshine cases properly.

**The motion PASSED by the following vote:**

Ayes: 3 - Stein, Forsley, Schmidt  
Noes: 0 - None

7. **File No. 20009:** Complaint filed by Anonymous against Sheriff Paul Miyamoto, Lt. J. Quanico and the Sheriff's Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.26 and 67.27, by failing to justify withholding and keeping withholding to a minimum.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous opined that this is another example of unresponsiveness and inaction by the Respondent. Anonymous stated that the Respondent did not justify their redactions. Anonymous noted that it is Dennis Herrera's responsibility to provide Sunshine training to City Departments.

Alison Lambert (Sheriff's Office) (Respondent), provided a summary of the department's position. Ms. Lambert acknowledged errors in the production of records. Ms. Lambert stated that the records were provided without justifications. Ms. Lambert stated that her office has implemented changes to prevent this type of response from happening again.

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

**Action: Moved by Member Stein, seconded by Member Forsley, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with the recommendation to combine File Nos. 19143 and 20009.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Stein, Forsley, Schmidt

Noes: 0 - None

Chair Schmidt called for a short break and to resume the meeting at 7:05 pm.

8. **File No. 20093:** Complaint filed by Karl Kramer against Department of Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 by failing to respond to a records request in a timely and/or complete manner.

Karl Kramer, San Francisco Living Wage Coalition, (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Kramer stated that on July 24, 2020, he submitted his records request. Mr. Kramer noted that when submitting budget requests to the Mayor's Office or the Board of Supervisors, departments need to include the cost-of-living adjustment so that the Controller's Office can certify if additional funding is required.

David Steinberg (Public Works) (Respondent), provided a summary of the department's position. Mr. Steinberg stated that when the Deputy Director of Finance from his office

received the request it was unclear that it was a records request and was unaware of the request until the complaint was filed with the SOTF. Mr. Steinberg acknowledged that the MCO was part of the budget submission. Mr. Steinberg stated that his department does not have calculations and that they are not required to create them. Mr. Steinberg stated that the Finance Department has provided all responsive records.

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

**Action: Moved by Member Stein, seconded by Chair Schmidt, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with a recommendation to find violations for timeliness.**

Public Comment:

Anonymous commented on the motion regarding whether or not records exist and what this committee should do is review file no. 19047 where Anonymous alleged the Mayor had certain calendar records. Anonymous stated that two days after the hearing the records were released. Anonymous suggested that Mr. Steinberg follow up with the Supervisor of Records, file a request to see if the records do exist.

**The motion PASSED by the following vote:**

Ayes: 3 - Stein, Schmidt, Forsley

Noes: 0 - None

9. **File No. 20095:** Complaint filed by Karl Kramer against Human Rights Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 by failing to respond to a records request in a timely and/or complete manner.

Karl Kramer, San Francisco Living Wage Coalition (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Kramer stated that the request was sent on June 11, 2020 and that on July 25, 2020, his office filed a complaint. Mr. Kramer noted their willingness to withdraw the complaint if he receives this year's budget MCO calculation in the budget.

Sheryl Davis (Human Rights Commission) (Respondent), provided a summary of the department's position. Ms. Davis acknowledged that in June her office received the request for records. Ms. Davis stated that the request initially was sent to an employee no longer working in her office for more than five years. Ms. Davis stated that several staff, including the Records Manager, were deployed and directed to work at the Covid Command Center which resulted in a delayed response. Ms. Davis stated that on August 3, 2020, her office responded but noted that there were no responsive records. Ms. Davis also noted that the requested records do not exist.

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

**Action: Moved by Member Stein, seconded by Member Forsley, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with a recommendation to find a violation for timeliness. The Committee requested that within 30 days the parties exchange records and that the complainant may withdraw the complaint if satisfied with the response.**

Public Comment:

Anonymous stated they disagree with the committee hope that the Petitioner withdraws the complaint. Anonymous stated that there is lots of information on the Human Rights Commission and Minimum Compensation Ordinance records.

**The motion PASSED by the following vote:**

Ayes: 3 - Stein, Forsley, Schmidt

Noes: 0 - None

10. **File No. 20096:** Complaint filed by Anonymous against Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 by failing to respond to a records request in a timely and/or complete manner.

The Petitioner requested via email before the hearing that their complaint be withdrawn.

11. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Complaint Committee.**

Chair Schmidt stated that at this time he encourages members to speak freely regarding future issues for the Committee to discuss.

Member Stein requested that Chair Schmidt ask SOTF Chair Wolfe that the SOTF Deputy City Attorney provide advice or an analysis regarding where the Mayor's different proclamations regarding the Covid-19 emergency and its effect on Sunshine Ordinance Requests.

Public Comment:

Peter Warfield, Executive Director of Library Users Assn., Box 170554, San Francisco, CA 94117 commented on there not being an opportunity to approach people in person who are participating in the hearing. Mr. Warfield expressed support with the discussion regarding repetition of records in the Agenda.

Anonymous noted their agreement with Member Stein in that not all the records included in the packets need to be provided but does understand that those documents are part of the evidence.

12. **ADJOURNMENT**

There being no further business the meeting was adjourned at 8:45 p.m.

**APPROVED: 5/18/21**  
**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.