



SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO MINUTES

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

January 2, 2019 - 4:00 PM

Regular Meeting

Seat 1	Matthew Cate	Seat 7	Rodman Martin
Seat 2	Lila LaHood	Seat 8	Frank Cannata
Seat 3	Josh Wolf	Seat 9	Chris Hyland - Vice Chair
Seat 4	Rishi Chopra	Seat 10	Matthew Yankee
Seat 5	Leuwam Tesfai	Seat 11	Fiona Hinze
Seat 6	Bruce Wolfe - Chair		

Ex-officio (*non-voting*) Clerk of the Board of Supervisors or his or her designee

Ex-officio (*non-voting*) Mayor or his or her designee

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

Chair B. Wolfe called the meeting to order at 4:01 pm. On the call of the roll Chair B. Wolfe, Vice Chair Hyland and Members Cate, LaHood, J. Wolf, Martin, Cannata, Yankee and Hinze were noted present. Members Chopra and Tesfai was noted absent. There was a quorum.

2. Approval of minutes from the Sunshine Ordinance Task Force December 5, 2018, meeting.

The SOTF discussed the draft meeting minutes and suggested amendments.

Member J. Wolf, seconded by Member Cate, moved to approve the December 5, 2018, meeting minutes as amended.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - J. Wolf, Cate, LaHood, Martin, Cannata, Hyland, Yankee, Hinze,
B. Wolfe

Absent: 2 - Tesfai, Chopra

Noes: 0 - None

3. **File No. 18012:** Complaint filed by Denta Tadesse against Lori Mazzola, City Hall Building Management, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, by restricting access to all meeting of any policy body in City Hall.

(On August 21, 2018, the Education, Outreach and Training Committee (EOTC) determined that the SOTF has jurisdiction and referred the matter to the SOTF for hearing. The EOTC requested that both the Respondent and SOTF provide information as to whether the City Hall service animal policies are consistent with ADA.)

Vice Chair Hyland, seconded by Member Cate, moved to table the matter until Petitioner arrives.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Hyland, Cate, LaHood, J. Wolf, Martin, Cannata, Yankee, Hinze,
B. Wolfe

Absent: 2 - Tesfai, Chopra

Noes: 0 - None

Member Hinze, seconded by Vice Chair Hyland, moved to take the matter off the table and hear the complaint.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Hyland, Cate, LaHood, J. Wolf, Martin, Cannata, Yankee, Hinze,
B. Wolfe

Absent: 2 - Tesfai, Chopra

Noes: 0 - None

Denta Tadesse (Petitioner) provided a summary of his complaint and requested the Committee to find a violation. Mr. Tadesse stated that he should be allowed to enter City Hall without restrictions and that he is disabled and reasonable accommodation should be made when entering the building. Mr. Tadesse stated that reasonable accommodation was not met and referred to 28 Code of Federal Regulations. Mr. Tadesse stated that his service dog has the proper California assistance tag, has been neutered and that his dog does not wear a vest or badge. Mr. Tadesse read the San Francisco Superior Court decision stating that he is in control of his animal.

John Gavin, Chief Policy Advisor, City Hall Office of Building Management, (Respondent), provided a summary of the department's position. Mr. Gavin stated that it

is the policy of City Hall that when entering the building that all service animals must be leashed which he stated Mr. Tedesse does not do. Mr. Gavin asked that this matter be dismissed.

A question and answer period occurred. Mr. Tadesse left the hearing to check on his dog and was unavailable for rebuttals and a vote on his matter.

Chair B. Wolfe inquired as to what entity decides the City Hall Policy on service animals, that the requirement to have them leashed is against ADA policy and that voice control is acceptable pursuant to ADA.

Member Hinze, seconded by Member Cannata, moved to continue the matter to the call of the chair.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Hinze, Cannata, Cate, LaHood, J. Wolf, Martin, Hyland, Yankee,

B. Wolfe

Absent: 2 - Tesfai, Chopra

Noes: 0 - None

4. **File No. 18028:** Complaint filed by Denta Tadesse against the Sheriff's Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, by restricting access to all meeting of any policy body in City Hall. *(attachment)*
(On August 21, 2018, the Education, Outreach and Training Committee (EOTC) determined that the SOTF has jurisdiction and referred the matter to the SOTF for hearing. The EOTC requested that both the Respondent and SOTF provide information as to whether the City Hall service animal policies are consistent with ADA).

The SOTF was informed that the Respondent was unable to attend the meeting.

Member Hinze, seconded by Member Hyland, moved to continue the matter to the call of the chair.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Hinze, Hyland, Cate, LaHood, J. Wolf, Martin, Cannata, Yankee,

B. Wolfe

Absent: 2 - Tesfai, Chopra

Noes: 0 - None

5. **File No. 18058:** Complaint filed by Deonte Walker and Tamara Reed against the San Francisco Municipal Transportation Agency for 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 December 18, 2018, Compliance and Amendments Committee re-referred the matter the SOTF and requested the SFMTA to provide the following records or provide and explanation as to why they cannot be provided:

- *Workers compensation form with the signatures of Mr. Walker and his supervisor*
- *Updated and approved leaves and vacation schedule)*

Tamara Reed and Deonte Walker (Petitioners) provided a summary of the complaint and requested the Committee find a violation. Ms. Reed stated that there appears to be a discrepancy with the different versions of the documents provided.

Don Ellison, Director of Human Resources, San Francisco Municipal Transportation Agency (SFMTA) (Respondent), provided a summary of the department's position. Mr. Ellison confirmed that all requested records have been provided to the Petitioner.

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

The SOTF opined that the SFMTA has provided the requested records to the Petitioner and complied with the SOTF Order of Determination. The SOTF stated that they only have the authority to ensure that public records are provided and does not analyze the content or implications of such records.

Member J. Wolf, seconded by Member Yankee, moved to find that the SFMTA complied with the Order of Determination and concluded the complaint.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 9 - J. Wolf, Yankee, Hinze, Hyland, Cate, LaHood, Martin, Cannata,
B. Wolfe
Absent: 2 - Tesfai, Chopra
Noes: 0 - None

6. **Public Comment:** Members of the public may address the Sunshine Ordinance Task Force (SOTF) on matters that are within SOTF's jurisdiction, but not on today's agenda. *(No Action) Public comment shall be taken at 5:00 p.m. or as soon thereafter as possible.*

Speakers:
None.

7. **File No. 18059:** Complaint filed by William J. Clark against the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.16, by failing to make meeting minutes available in a timely manner. (June 5, 2018 - Advisory Committee of Street Artists and Crafts Examiners).

(On August 28, 2018, the Complaint Committee determined that the SOTF has jurisdiction and that the requested records are public and referred the matter to the SOTF for hearing. The Complaint Committee requested that the Arts Commission and SOTF counsel provide documentation as to whether or not the Advisory Committee is a Charter Committee subject to the rules related to policy bodies.)

The SOTF was informed that the Petitioner was unable to attend the meeting due to illness.

Member Hinze, seconded by Member Cannata, moved to continue the matter to the call of the chair.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Hinze, Cannata, J. Wolf, Yankee, Hyland, Cate, LaHood, Martin,
B. Wolfe

Absent: 2 - Tesfai, Chopra

Noes: 0 - None

8. **File No. 18054:** Complaint filed by Mike Black against the Office of the Controller for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by inappropriately invoking provisions for extensions of time to respond due to the voluminous nature of a request or need to consult with another department.

(On July 17, 2018, Compliance and Amendments Committee found jurisdiction and that the records are public. On August 28, 2018, the Complaint Committee referred the matter to the full SOTF for hearing.)

Mike Black (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Black stated that there were no new hearing officers for the Vicious and Dangerous Dog hearings and that the Respondent never stated this.

Todd Rydstrom (Office of the Controller) (Respondent), provided a summary of the department's position. Mr. Rydstrom spoke about the process for hiring from the contracting pool. Mr. Rydstrom stated that he is the Custodian of Records for the Office of the Controller and often needs to consult with other city departments to determine if certain records exist. Mr. Rydstrom stated that he asked Mr. Black to narrow the scope of his request and that he was invoking an extension of 14 days to respond to Mr. Black. Mr. Rydstrom stated that he responded to both of Mr. Black's Immediate Disclosure Requests in a timely manner.

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

Member Cannata stated that the extension of time to respond should have been 10 days instead of 14. Chair Wolfe stated that the Office of the Controller did due diligence.

Member Hyland, seconded by Member Cate, moved to find that the Office of the Controller DID NOT violate Administrative Code, Section 67.25, by inappropriately invoking provisions for extensions of time to respond due to the voluminous nature of a request or need to consult with another department.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Hyland, Cate, J. Wolf, Hinze, Yankee, Cannata, LaHood, Martin,
B. Wolfe

Absent: 2 - Tesfai, Chopra

Noes: 0 - None

SPECIAL ORDER

The hearings on File No(s). 18075 will not begin earlier than 5:30 p.m.

9. **File No. 18075:** Complaint filed by Kevin Williams against District Attorney George Gascon for allegedly violating Administrative Code, (Sunshine Ordinance) Sections 67.25 and 67.29-5, by failing to respond to a request for public records (for business calendars) in a timely and/or complete manner.

(On October 16, 2018, Education, Outreach and Training Committee found that the SOTF has jurisdiction, found that the requested records are public and referred the matter to the SOTF for hearing.)

Kevin Williams (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Williams stated that only past dates on Gascon's calendar (Prop G) were provided and that the reason future dates were not provided is because he is a Black man. Mr. Williams stated that the District Attorney's Office willfully violated Sunshine Ordinance, Section 67.25 and restated that section into the record.

Nikesh Patel, Assistant District Attorney, Office of the District Attorney (Respondent), provided a summary of the department's position. Mr. Patel stated that the future schedule/calendar dates of the District Attorney (DA) were not provide due to security precautions. Mr. Patel stated that his department provided all Prop G records in response to Mr. Williams' request and that the records were provided in a timely manner. Mr. Patel stated that the DA keeps two separate calendars; one for past and one for future events, the later being unavailable to the public because of section 67.29-5. Mr. Patel stated that the reasons for not turning over the future calendar are not personal but due to the necessary security precautions.

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

Member J. Wolf opined that the calendar of future items might be considered draft material. Member Cate opined that the DA's calendar could have been produced if every line had been redacted.

The SOTF opined that future schedule/calendars are public records and should be provided in a redacted format.

Member Cate, seconded by Member LaHood, moved to find that District Attorney George Gascon, violated Administrative Code, Section 67.21, by failing to provide the requested records (future calendars).

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 9 - Cate, LaHood, Hyland, Hinze, Cannata, J. Wolf, Martin, Yankee,
B. Wolfe
Absent: 2 - Tesfai, Chopra
Noes: 0 – None.

10. **File No. 18082: Proposed Amendments to the SOTF Bylaws.**

There was further discussion of proposed amendments to the Sunshine Ordinance Task Force Bylaws.

Member Cannata, seconded by Member Hinze, moved to adopt the proposed amendment to the SOTF Bylaws as amended.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 9 - Cate, LaHood, Hyland, Hinze, Cannata, J. Wolf, Martin, Yankee,
B. Wolfe
Absent: 2 - Tesfai, Chopra
Noes: 0 - None.

11. **Reports from Sunshine Ordinance Task Force Committees.**

- Compliance and Amendments Committee
- Education, Outreach and Training Committee
- Rules Committee
- Possible reassignments for different committees

The SOTF discussed the recent activities of the Committees.

Public Comment:
None.

No Actions Taken.

12. **Sunshine Ordinance Task Force – Chair’s Report.**

- Discussion of effects and benefits of Prop B on Sunshine Ordinance and SOTF
- SOTF Member Orientation

Chair Wolfe presented the Chair’s Report.

Public Comment:
None.

No Actions Taken.

13. **Staff Report, Complaints and Communications.**

SOTF Administrator Leger present the Staff Report and responded to questions from the SOTF.

Public Comment:
None.

No Actions Taken.

14. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force.**

- SOTF Orientation/Retreat scheduled for January 15, 2019.

15. **ADJOURNMENT**

There being no further business the meeting was adjourned at 9:14 p.m.

APPROVED: 2/6/19
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.