



# 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

March 4, 2020 - 4:00 PM

## Regular Meeting

Seat 1	Vacant	Seat 7	Rodman Martin
Seat 2	Lila LaHood	Seat 8	Vacant
Seat 3	Josh Wolf - <b>Vice Chair</b>	Seat 9	Chris Hyland
Seat 4	Vacant	Seat 10	Matthew Yankee
Seat 5	Leuwam Tesfai	Seat 11	Fiona Hinze
Seat 6	Bruce Wolfe - <b>Chair</b>		

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

**Meeting Decorum:** Any member of the Sunshine Ordinance Task Force may call for decorum due to disorderly conduct of meeting participants. Persons who engage in threatening and/or menacing behavior may be asked to leave.

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

Chair B. Wolfe called the meeting to order at 4:13 PM. On the call of the roll Chair B. Wolfe and Members LaHood, Tesfai, Martin, Hyland, Yankee, and Hinze were noted present. Vice Chair J. Wolf was noted not present. A quorum was present.

There were no agenda changes.

Public Comment:

None.

**Action: Moved by Chair Wolfe, seconded by Member Tesfai, to hear Item No. 10 out of order prior to Item No. 3.**

Public Comment:

None.

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

Ayes: 7 - Hyland, Hinze, LaHood, Tesfai, Martin, Yankee, B. Wolfe

Noes: 0 - None  
Absent: 1 - J. Wolf

2. **Approval of minutes from the Special Meeting of the Sunshine Ordinance Task Force of January 14, 2020, and the Sunshine Ordinance Task Force February 5, 2020.**

**Action: Moved by Member Yankee, seconded by Member Lahood, approved the February 5, 2020, minutes as amended to Item 6 to correct the vote count to ‘Ayes – 7’.**

Public Comment:  
None.

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

Ayes: 7 - Hyland, Hinze, LaHood, Tesfai, Martin, Yankee, B. Wolfe  
Noes: 0 - None  
Absent: 1 - J. Wolf

**Action: Moved by Chair B. Wolfe, seconded by Member Tesfai, continue January 14, 2020, to the call of the chair and requested the review of the votes listed in the minutes.**

Public Comment:  
None.

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

Ayes: 7 - Hyland, Hinze, LaHood, Tesfai, Martin, Yankee, B. Wolfe  
Noes: 0 - None  
Absent: 1 - J. Wolf

3. **File No. 19048:** Complaint filed by Justin Barker against the San Francisco Zoo for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Member LaHood provided a summary of the complaint. Member LaHood noted that the Respondent did not appear at the Compliance and Amendments Committee hearing and provided written response with their position. Member LaHood stated that the Compliance and Amendments Committee requested that the Matter be referred to the Ethics Commission and the District Attorney for enforcement.

Justin Barker (Respondent), responded to questions from the SOTF and provided an update on the complaint.

The Respondent was not present at the meeting.

Upon discussion the SOTF opined that File No. 19048 should be scheduled to be heard at the same time File No. 19092 is scheduled before the SOTF in order to provide all aspects of the issue to the Ethics Commission and the District Attorney at the same time.

**Action: Moved by Member Yankee, seconded by Member Hinze, to continue the matter to the call of the chair and request that the matter be rescheduled to be heard at the same time File No. 19092 is scheduled before the SOTF.**

Public Comment:

None.

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

Ayes: 7 - Hyland, Hinze, LaHood, Tesfai, Martin, Yankee, B. Wolfe

Noes: 0 - None

Absent: 1 - J. Wolf

4. **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:

Denta Tadesse provided a summary of his previous complaints and requested that they be reopened due to errors in the records and lack of audio recordings.

Vice Chair Josh Wolf was noted present at 5:21 p.m.

5. **File No. 19109:** Complaint filed by Stephen Malloy against Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24, 67.25, 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner.

Stephen Malloy (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Malloy provided a timeline of the request for records and responses received. Mr. Malloy stated that he does not believe that all records have been provided and displayed a list of employees who may have records regarding the matter.

Veronica Vien, Department of Public Health (Respondent), provided a summary of the department's position. Ms. Vien stated that the request was received, and thousands of records have been and will be retrieved and will be provided on a rolling basis as they are reviewed for redactions. Ms. Vien stated that there were technical issues with the search that will be resolved. Ms. Vien stated that she would be happy to review the list of employees listed by Mr. Malloy to determine if they have any responsive records.

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

**Action: Moved by Member LaHood, seconded by Member Martin, to find that the Department of Public Health violated Administrative Code (Sunshine Ordinance), Section 67.25(b)(d) by failing to responded to the request for public records in a timely and/or complete manner and inappropriately requesting a 14 day extension instead of the allowed 10 day extension of time to respond. In addition, the matter will be referred to the Compliance and Amendments Committee to verify that the remainder of the requested records are provided to the Petitioner.**

Public Comment:

None.

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

Ayes: 8 - Hyland, Hinze, LaHood, Tesfai, J. Wolf, Martin, Yankee, B. Wolfe  
Noes: 0— None

6. **File No. 19110:** Complaint filed by Stephen Malloy against the Fire Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24, 67.25, 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner.

Stephen Malloy (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Malloy stated that the matter is similar to his previous case in which he would like records from all parties who touched the case and note that the departments are not performing their due diligences to search for records.

John Tucker, Fire Department (Respondent), provided a summary of the department's position. Mr. Tucker acknowledged that the Fire Department was late in their response but have proved all records located. Mr. Tucker provided a description as to how public records requested are processed and noted that steps have been taken to prevent issues in the future. Mr. Tucker stated that the search for records should be completed by the end of next week.

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

**Action: Moved by Member LaHood, seconded by Member Yankee, to find that the Fire Department violated Administrative Code (Sunshine Ordinance), Section 67.25(a)(d) by failing to respond to the request for public records in a timely and/or complete manner. In addition, the matter will be referred to the Compliance and Amendments Committee to verify that the remainder of the requested records are provided to the Petitioner.**

Public Comment:

None.

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

Ayes: 8 - Hyland, Hinze, LaHood, Tesfai, J. Wolf, Martin, Yankee, B. Wolfe  
Noes: 0 - None

7. **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.

Mo Green (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Green stated that the records he received were irrelevant to his request. Mr. Green noted that there are discrepancies with the provided records and that the redactions are not justified.

The Respondent was not present at the hearing.

Upon discussion the SOTF noted that a request for records via the Public Records Act (PRA) was not initially submitted with the complaint as the records were provided via a discovery process. Upon the petitioner's request for record via PRA the same documents were provided.

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

**Action: Moved by Member Yankee, seconded by Member Martin, to find that the Office of the City Attorney violated Administrative Code (Sunshine Ordinance), Section 67.24(c) by inappropriately redacting public records.**

Public Comment:  
None.

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

Ayes: 8 - Hyland, Hinze, LaHood, Tesfai, J. Wolf, Martin, Yankee, B. Wolfe  
Noes: 0 - None

8. **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.

Mo Green (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Green stated he did not receive all of the records and the department did not respond to his question and request for clarification. Mr. Green stated that the documents were redacted inappropriately.

Kesinee Yip, Public Utilities Commission (Respondent), provided a summary of the department's position. Ms. Yip provided a timeline of the request for public records and responses provided. Ms. Yip noted that the request was voluminous and that there are 3

additional recent requests that are being fulfilled currently. Ms. Yip stated that on November 18, 2020, it was requested that the Petitioner provide information on any information that was missing or outstanding.

The SOTF noted that a reason for each redaction or omission be noted individually with a citation for each.

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

**Action: Moved by Member Yankee, seconded by Member Martin, to find that the Public Utilities Commission violated Administrative Code (Sunshine Ordinance), Section 67.24(c) by inappropriately redacting public records.**

Public Comment:  
None.

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

Ayes: 8 - Hyland, Hinze, LaHood, Tesfai, J. Wolf, Martin, Yankee, B. Wolfe  
Noes: 0 – None

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

- Complaints Committee
  - Meeting cancelled due to lack of quorum
- Compliance and Amendments Committee
  - February 25, 2020 Compliance and Amendments Committee Minutes
- Education, Outreach and Training Committee
- Rules Committee
- Information Technology Ad Hoc Committee

The SOTF provided reports on the Committee actions.

Public Comment:  
None.

10. **Sunshine Ordinance Task Force – Chair’s Report. Legal Counsel report on caselaw affecting California Public Records Act, Brown Act and Sunshine Ordinance among any other matters:**

- *Xavier Becerra, as Attorney General v. The Superior Court of the City and County of San Francisco, First Amendment Coalition, et al.*
- *San Francisco Urban Forest v. City and County of San Francisco*
- AB 2093

Chair Bruce Wolfe present the Chair’s Report. Deputy City Attorney Mark Price-Wolf provided an explanation of pending courts case regarding possible charges for redacting documents. Member Yankee provide a summary and update regarding Assemble Bill 2093 regarding the retention of electronic documents such as emails for two years. Chair

Wolfe provided a summary of the change to the duties of the SOTF Deputy City Attorney regarding summaries of complaints vs. legal advice.

Public Comment:  
None.

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

- Task Force and Committee hearing schedule
- Complaints submitted and hearing files created
- Communications to the Task Force
- Summary of pending complaints and other issues

Administrator Victor Young presented the Staff Report.

Members Martin, J. Wolf and Hyland confirmed their intent to attend the Complaint committee Meeting on 3/17/20.

Members LaHood, Hinze and B. Wolfe confirmed their intent to attend the Compliance and Amendments Committee on 3/24/20.

Public Comment:  
None.

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

The SOTF discussed the change to the Deputy City Attorney’s rules in preparing reports and providing legal advice to the SOTF, possible additional to budget to hire additional staff and other related issues.

Public Comment:  
None.

13. **ADJOURNMENT**

There being no further business the meeting was adjourned at 8:10 p.m.

**APPROVED: 7/1/2020**  
**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.