



# 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 7, 2018 - 4:00 PM

## Regular Meeting

Seat 1	vacant	Seat 7	Dave Maass
Seat 2	Eric Eldon	Seat 8	Frank Cannata
Seat 3	Josh Wolf	Seat 9	Chris Hyland - <b>Vice Chair</b>
Seat 4	Rishi Chopra	Seat 10	Louise Fischer
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

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

Chair Bruce Wolfe called the meeting to order at 4:05 p.m. Members Chopra, J. Wolf, Maass, and Fischer were noted absent. There was a quorum.

### 2. Approval of minutes from the Sunshine Ordinance Task Force February 7, 2018, meeting.

The SOTF discussed the February 7, 2018, meeting minutes.

**Member Cannata, seconded by Member Hinze, moved to approve the February 7, 2018, meeting minutes.**

Public Comment:

None.

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

Ayes: 6 – Eldon, Tesfai, Cannata, Hinze, Hyland, B. Wolfe

Noes: 0 – None

Absent: 4 – Chopra, J. Wolf, Maass, Fischer

Members J. Wolf and Maass were noted present at 4:20 p.m.

Member Fischer was noted present at 4:40 p.m.

3. **File No. 17129:** Complaint filed by Patrick Roddie against the Department of Public Health 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.  
*(On January 23, 2018, the Complaint Committee determined that the SOTF has jurisdiction and referred the matter to the SOTF for hearing. On February 7, 2018, the SOTF heard the matter and continued it to the call of the Chair.)*

Patrick Roddie (Petitioner), provided a summary of the complaint and requested the SOTF to find violation. Mr. Roddie stated that California statues does not apply and provided reason why California Department of Public Health provided documents are not useable for research purposes. There were no speakers on behalf of the Petitioner. Linda Acosta, Department of Public Health (Respondent), provided a summary of the department's position. Ms. Acosta stated that the California Department of Public Health and the Office of the City Attorney has advised that the requested death records must be obtain directly from the state pursuant to the California Health and Safety Code, Sections 102230a and 10231. There were no speakers on behalf of the Respondent. A question and answer period occurred. The Petitioner and Respondent were provided an opportunity for rebuttals.

The SOTF requested that Erika Campos, Vital Records, Department of Public Health, attend the Committee and SOTF meeting and to answer questions related to the processing and filing or records related to deaths in San Francisco. In addition, the SOTF has posed the following questions:

Is there any information maintained by the City and County of San Francisco that is being withheld (related to records of death)?

Can San Francisco numbers be provided regarding death over a certain time period (from CCSF maintain records)?

How does California Health and Safety Code, Section 102231, apply to records being maintain by the City and County of San Francisco?

**Vice Chair Hyland, seconded by Member Hinze moved to continue the matter to the call of the chair and refer the matter to the Compliance and Amendments Committee. The SOTF requests that a person knowledgeable of the methods used by the City and County of San Francisco to report and track death that occurred attend the Committee and SOTF meetings.**

Public Comment:

Francisco Da Costa responded to questions posed by Member Maass.

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

Ayes: 9 – Eldon, J. Wolf, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland,  
B. Wolfe

Noes: 0 – None

4. **File No. 17132:** Complaint filed by Anonymous against Eric Pawlowsky and Recreation and Parks Department 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.

*(On January 30, 2018, the Compliance and Amendments Committee determined that the SOTF has jurisdiction and referred the matter to the SOTF for hearing.)*

The Petitioner was not present at the hearing. The representative from Recreation and Parks was present but did not speak. SOTF Administrator Young noted that the Petitioner was informed of the Committee and SOTF hearings on multiple occasions.

**Member Fischer, seconded by Member Cannata, moved to table and close the complaint due to the non-appearance of the Petitioner at the scheduled hearings.**

Public Comment:

None.

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

Ayes: 7 – Eldon, Tesfai, Cannata, Fischer, Hinze, Hyland, B. Wolfe

Noes: 2 – J. Wolf, Maass

5. **File No. 18007:** Complaint filed by Michael Petrelis against Former Acting Mayor London Breed and the Office of the Mayor 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.

*(On February 20, 2018, the Education, Outreach and Training Committee determined that the SOTF has jurisdiction and referred the matter to the SOTF for hearing.)*

Michael Petrelis (Petitioner), provided a summary of the complaint and requested the SOTF to find violation. Mr. Petrelis stated that it is the Mayor's responsibility to release detailed calendars and that it took too long for the details to be released. There were no speakers on behalf of the Petitioner. Victor Lim, Office of the Mayor (Respondent), provided a summary of the department's position. Mr. Lim acknowledged that the response was late due to the untimely death of Mayor Lee. Mr. Lim stated that meetings were not held in the Mayor's Office and additional time was needed to track down detailed information for calendar tracking purposes. There were no speakers on behalf of the Respondent. A question and answer period occurred. The Petitioner and Respondent were provided an opportunity for rebuttals.

**Member Maass, seconded by Member J. Wolf, moved to find that Former Acting Mayor London Breed and the Office of the Mayor violated Administrative Code (Sunshine Ordinance), Section 67.29-5, by failing to make detailed calendars available to the public within three days of the calendar entry date.**

Public Comment:

Ann Treboux provided information on previous decision against the Mayor's Office.

Francisco Da Costa commented on statements made by Member Maass and Victor Lim and stated that the meeting should be televised.

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

Ayes: 9 – Eldon, J. Wolf, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland, B. Wolfe

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:

Ann Treboux provided comments regarding the Arts Commissions reason for not providing public records. Ms. Treboux submitted a 150 word summary that was not a summary of her verbal statements.

Michael Petrelis requested that SOTF meetings be televised and requested the SOTF to implement time limits on each complaint.

The meeting was recessed from 5:51 p.m. to 6:05 p.m.

### **SPECIAL ORDER**

**The hearings on File No. 17096 will not begin earlier than 5:30 p.m.**

7. **File No. 17096:** Complaint filed by Kevin Williams against Kate Patterson and the Arts Commission 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.

*(On January 30, 2018, the Compliance and Amendments Committee authorized the re-referral of the matter to the SOTF at the discretion of the Committee Chair.)*

Member Cannata provided a summary of the Committee findings regarding the matter.

Kevin Williams (Petitioner), provided a summary of the complaint and requested the SOTF to find violation. Mr. Williams stated that the Arts Commission is willfully withholding records and has not provided information regarding missing funding.

Kate Patterson (Respondent), provided a summary of the department's position. Ms. Patterson stated that the Arts Commission has provided all of their records. In response to questions, Ms. Patterson stated that the Office of the City Attorney has advised that 14 day extensions are allowed. Ms. Patterson stated that the 26 items requested were voluminous and the full 14 days was needed to review and organize the records prior to transmitting them to the Petitioner. There were no speakers on behalf of the Respondent. A question and answer period occurred. The Petitioner and Respondent were provided an opportunity for rebuttals.

The SOTF review the alleged violations provided by Mr. Williams. The SOTF found that Administrative Code, Section 67.21(e), in regards to the 45 day requirement to determine if a record is public to apply to the SOTF and not the Arts Commission. The SOTF found that Administrative Code, Section 67.21(i) regarding actions by the Office of the City Attorney to not apply to the Arts Commission and noted that the letter referenced by Mr. Williams was advices from the SOTF legal counsel to the SOTF. In regards to Section 67.24(e), the SOTF opined that the Arts Commission has provided their records. The SOTF opined that pursuant to Section 67.25 the Arts Commission is allowed a 10 day extension and that documents should have been provided on a rolling basis.

The SOTF opined that the Sunshine Ordinance only allows for a 10 day extension and that records should be provided on a rolling basis as they become available. The SOTF stated that it appears that the Arts Commission has provided all information in their possession and that other city departments and the Bayview Opera House may have additional records.

**Member Cannata, seconded by Member J. Wolf, moved to find that Kate Patterson and the Arts Commission violated Administrative Code (Sunshine Ordinance), Sections 67.25(b) and (d), by failing to respond to an Immediate Disclosure Request in a timely manner and failing to provide records on a rolling basis as they become available.**

Public Comment:

None.

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

Ayes: 9 – Eldon, J. Wolf, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland,  
B. Wolfe

Noes: 0 – None

8. **File No. 17135:** Hearing to determine if Administrative Code (Sunshine Ordinance), Section 67.21, regarding the legality of a named respondent in a public records request, who is in custody of records, transferring their responsibility of fulfilling the request to another member of staff without notifying the requester.

*One of the following two options may be considered and adopted:*

- All city employees are considered custodian of records and must personally respond to public records requests directed to them to be sure that all documents in their possession are provided.
- The City Department as a whole and their assigned custodian of records is responsible for responding to a public records request and is therefore responsible for collecting records from individual employees providing it to the requester.

Chair Wolfe provided a summary on the matter.

**Chair Wolfe requested that the matter be continued to the call of the chair.**

Public Comment:

None.

**The motion PASSED without objection.**

**9. Sunshine Ordinance Task Force - Annual Report.**

Chair Wolfe provided a summary on the status of the Annual Report.

Public Comment:

None.

No action taken.

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

- Complaints Committee
- Compliance and Amendments Committee
- Education, Outreach and Training Committee
- Rules Committee
- Information Technology Ad Hoc Committee

The Chairs of the Committees provided an update on their recent activities.

Public Comment:

None.

No actions taken.

**11. Sunshine Ordinance Task Force - Chair's Report.**

Chair Wolfe had no items to report.

Public Comment.

None.

12. **Administrator’s 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

SOTF Administrator Victor Young presented the Administrator’s Report.

Public Comment:

None.

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

There were no announcements.

14. **ADJOURNMENT**

**By a rise in vote the meeting was adjourned without objection at 7:49 p.m.**

N.B. The Minutes of this meeting set forth all actions taken by the Sunshine Ordinance SOTF on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.

**APPROVED by the Sunshine Ordinance SOTF: April 4, 2018**