



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

May 1, 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 4:02 PM. On the call of the roll Chair B. Wolfe and Members Cate, LaHood, Tesfai, Martin, Cannata and Yankee were noted present. Vice Chair Hyland and Members J. Wolf, Chopra and Hinze were noted not present. A quorum was present.

Chair B. Wolfe stated a public apology to William and Bob Clark regarding their case, File No. 18059 which was not heard on May 1, 2019, but is scheduled for the June 5, 2019, hearing.

The SOTF Administrator informed the SOTF that the Petitioner's contact information for File No. 18030 is no longer valid and there has been no communication from the Petitioner.

Public Comment:

None.

2. **Approval of minutes from the Sunshine Ordinance Task Force April 3, 2019, meeting.**

The SOTF discussed the draft meeting minutes.

Action: Moved by Member Cannata, seconded by Member Yankee, to approve the April 3, 2019, meeting minutes.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 - Cannata, Yankee, Cate, LaHood, Tesfai, Martin, B. Wolfe

Noes: 0 - None

Absent: 4 - J. Wolf, Hinze, Hyland, Chopra

Vice-Chair Hyland was noted present at 4:14 PM.

3. **File No. 18030:** Complaint filed by Patrick Roddie against the San Francisco Police Department 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. (00:05:15 – 00:07:53)

Patrick Roddie (Petitioner) was not present for the hearing and did not contact the Administrator to advise of his absence. The contact information for the Petitioner appears to have been disconnected or closed.

Lt. Kathryn Waaland (Police Department) (Respondent), was present for the hearing but did not provide any testimony.

Chair B. Wolfe and Vice-Chair Hyland provided comment and requested that the SOTF table the matter.

Action: Moved by Member Cannata, seconded by Member Cate to table and close the matter.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 8 - Cannata, Cate, LaHood, Tesfai, Martin, Hyland, Yankee, B. Wolfe

Noes: 0 - None

Absent: 3 - J. Wolf, Hinze, Chopra

Chair B. Wolfe requested that a letter addressed to Mr. Roddie be sent by first class mail to inform Mr. Roddie that this matter is closed and to advise him that he can contact the SOTF Administrator should he choose to reopen the file in the future.

Member Josh Wolf was noted present at 4:23 PM.

4. **File No. 18093:** Complaint filed by Yolanda Jones against Officer Rick Yick and the Police Department for allegedly 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. (00:07:00 – 00:49:47)

Yolanda Jones (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Jones stated that she requested car washing logs were kept by Officer Rick Yick, Police Fleet Manager, of the Police Department. Ms. Jones stated that they were told that those records were destroyed. Ms. Jones stated that they wanted to find out what different vendors charged for their services. Ms. Jones stated that she still needs records from March 2018 through March 2019.

Steven Betz, Police Department (Respondent), provided a summary of the department's position. Mr. Betz stated that at the time the logs were requested, the Police Department was between contracts with vendors. Mr. Betz stated that Mr. Yick created personal logs and that when the logs were completed the information was given to the Fiscal Department who reported payments. Mr. Betz stated that when Officer Yick was transferred out of his job, those logs were destroyed because they were his own records and were the equivalent of a draft. Mr. Betz stated that the information Ms. Jones requested is available through receipts paid by Fiscal. Mr. Betz stated that the Police Department complied with Ms. Jones request for records last week and that this matter should be dismissed.

Lt. Kathryn Waaland, Police Department, spoke in support of the Respondent.

Armand Johnson spoke in support of the Petitioner.

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

Action: Moved by Member Hyland, seconded by Member Tesfai, to find that the Police Department violated Administrative Code (Sunshine Ordinance), Section 67.25, by failing to make documents available in a complete and timely manner.

Public Comment:

None.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 2 - Hinze, Chopra

5. **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. (00:51:55 – 01:00:21)*

Speakers:

Peggy O'Donnell provided a clarification regarding File No. 18081 on the April 3, 2019, SOTF minutes.

Sandra Weese confirmed that her hearing will not begin before 6:00 PM.

Denta Tadesse spoke about how his complaints are scheduled.

Member Hinze was noted present at 5:30 PM.

Member Tesfai was noted absent at 6:00 PM and for the remainder of the meeting.

6. **File No. 18011:** Complaint filed by Denta Tadesse against John Haley and the San Francisco Municipal Transportation Agency (SFMTA) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-2, by failing to update the SFMTA website on a weekly basis. *(01:01:23 - 02:03:25)*

Roberta Boomer, Board Secretary, San Francisco Municipal Transportation Agency (SFMTA), Respondent, provided a summary of the department's position. Ms. Boomer introduced Dovid Coplon, Digital Communications Coordinator, Assessible Services Division (SFMTA) and Matthew West, also in Accessible Services, ADA Issues and Policy Changes (SFMTA). Mr. West stated that the notices are direct communications to operators and are reissued every year. Mr. West stated that all notices expire yearly on December 31st and they are generally reissued January 1st. Mr. West stated the public is informed accordingly when changing a policy. Mr. West also stated policy updates are generally provided to the public and noticed bulletins are provided to operators and updated online. Mr. West stated that Muni had a general policy that did not specify if a passenger with a service animal on a cable car must have the service animal on the owner's lap until it became Muni wide on January 6, 2017. In response to the SOTF, Ms. Boomer stated that this policy was not adopted by the SFMTA Board. Ms. Boomer

stated that the SFMTA Board is a policy body but is not involved in the day-to-day operations of Muni.

Denta Tadesse (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Tadesse stated that at the time he was riding on the cable car with his service animal off leash, the operator stated that he was afraid of his dog because she is a Pitbull Terrier. Mr. Tadesse stated that after asking for reasonable accommodation, which was refused, he was advised to leave the cable car and then he was arrested. Mr. Tadesse stated that after that incident, Mr. West provided the policy allowing service animals on cable cars as long as the animal is under control. Mr. Tadesse stated that until January 6, 2017, there was no policy regarding historic cable cars and having a service animal on the owner's lap while riding on the exterior of the cable car on the SFMTA website.

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

Action: Moved by Member Hyland, seconded by Member Cannata, to find that the San Francisco Municipal Transportation Agency violated Administrative Code (Sunshine Ordinance), Section 67.29-2, by not providing the policy of service animals riding on the cable cars before January 6, 2017, on the SFMTA website in a timely manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 8 - Hyland, Cannata, Yankee, Martin, J. Wolf, LaHood, Hinze, B. Wolfe

Noes: 1 - Cate

Absent: 2 - Tesfai and Chopra

7. **File No. 18067:** Complaint filed by Betty Mackey against the Treasure Island Development Authority 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. (02:03:48 – 02:06:49)

Betty Mackey (Petitioner) was not present for the hearing. Ms. Mackey emailed the Administrator in late March, 2019, and asked the Administrator to schedule her hearing in May. Ms. Mackey communicated to the Administrator in late April that she was no longer available to attend the May 1, 2019, SOTF meeting and requested a continuance.

Bob Beck, Director, Treasure Island Development Authority (Respondent) was present and available for the hearing.

Action: Moved by Member Cannata, seconded by Member LaHood, to table and close the matter.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 8 - Cannata, LaHood, Martin, J. Wolf, Hinze, Hyland, Yankee,
B. Wolfe

Noes: 0 - None

Absent: 3 - Tesfai, Cate, Chopra

8. **File No. 18083:** Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly 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. (02:06:55 – 02:49:09)

Chair B. Wolfe and Vice-Chair Hyland discussed File No. 18049 and referenced the MOU for the Fine Arts Museums.

Robert Smith (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Smith stated that he has not received records regarding the Muslim Fashions exhibit except for a few non-substantive documents such as the cocktail party invitation. Mr. Smith asked that the SOTF to find the Museum in violation of the law and to forward the matter to the District Attorney.

Melissa Powers, Fine Arts Museum (Respondent), was not present and communicated to SOTF, prior to the hearing, that due to previous commitments they are unable to send a representative to the hearing.

A question and answer period occurred. Mr. Smith provided a rebuttal.

Action: Moved by Member Cannata, seconded by Member Hinze, to find that the Fine Arts Museum of San Francisco violated Administrative Code (Sunshine Ordinance), Sections 67.21(a) and (e), by not providing the requested documents in a timely and/or complete manner and for not sending a representative to the hearing. In addition, the matter was referred to the Compliance and Amendments to ensure that the remaining requested documents have been provided.

Public Comment:

Richard Knee spoke about the Museum's MOU, that there may be evidence of willful violation on the part of the Museum and to support referring the matter to the Ethics Commission.

The motion PASSED by the following vote:

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

9. **File No. 18095:** Complaint filed by Sandra Weese against Kevin Guy and the Office of Short-Term Rentals for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (02:49:22 - 03:55:27)

Member Cannata and Vice Chair Hyland stated that they knew the Respondent and that would not restrict them from being fair and impartial at the hearing.

Sandra Weese (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Weese stated that on November 22, 2018, she submitted a records request for a list of all registrants with contact information registered with San Francisco's Office of Short-Term Rentals. Ms. Weese stated that Kevin Guy responded with a certificate number, a street name, street type and a zip code. Ms. Weese stated that Mr. Guy responded stating that he could not provide the information based on Administrative Code, Section 41(a), which states that they can redact any permanent resident's names, street names and unit numbers from public review. Ms. Weese stated that she has received this same information from many cities and that provided examples in the packet.

Kevin Guy, Director, Office of Short-Term Rentals (Respondent), provided a summary of the department's position. Mr. Guy stated that the language that was cited does come directly from Administrative Code, Section 41(a). Based upon advice from the City Attorney, Mr. Guy stated that the registry in question shall be available for public review except that the department shall redact any name and address. Mr. Guy stated that the identifying information of a host would allow the public to locate the listing and the date when property is vacated. Mr. Guy stated that hosts provide personal information including tax forms, credit card or email information with the expectation of privacy.

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

Member J. Wolf asked Mr. Guy what state or city code was used to justify the redactions?

Mr. Guy stated that due to several media requests asking for detailed maps and in consultation with the City Attorneys' Office, the Office of Short-Term Rentals has utilized Administrative Code, Section 41(a), and the City Attorney's Good Government Guide as a basis for redacting personal identifying information.

Action: Moved by Member Cate, seconded by Member Martin, to find that the Office of Short-Terms Rentals violated Administrative Code, Sections 67.21(b), 67.26 and 67.27, by not providing the requested documents in a timely and/or complete manner and redacting personal information without provide justification. In addition, the SOTF requested that the legal justification for redaction be provided and/or that the un-redacted documents be provided and referred the matter to the Compliance and Amendments Committee.

Public Comment:
None.

The motion PASSED by the following vote:

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

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 SOTF discussed the recent activities of the Committees.

Public Comment:
None.

No actions taken.

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

Chair B. Wolfe stated that he was almost done drafting the SOTF letter to the Board of Supervisors, the District Attorneys' Office and the Ethics Commission regarding the Police Commission hearing.

Public Comment:
None.

No actions taken.

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 presented the Staff Report and responded to questions from the SOTF.

Public Comment:
None.

No actions taken.

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

There were no announcement.

Public Comment:
None.

No actions taken.

14. **ADJOURNMENT**

There being no further business the meeting was adjourned at 8:23 PM.

APPROVED: June 5, 2019
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.