



SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO MINUTES DRAFT

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

June 7, 2017 - 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 - Vice Chair
Seat 4	Rishi Chopra	Seat 10	Louise Fischer
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 Wolfe called the meeting to order at 4:00 p.m. Member Chopra was noted absent. There was a quorum.

2. Approval of minutes from the Sunshine Ordinance Task Force May 3, 2017, meeting.

The Task Force discussed the May 3, 2017, meeting minutes.

Member Hinze, seconded by Member J. Wolf, moved to approve the May 3, 2017, meeting minutes.

Public Comment:

None.

The motion PASSED by the following vote:

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

Noes: 0 – None

Absent: 1 – Chopra

3. **File No. 16113: Reconsideration of Order of Determination:** Complaint filed by Larry Chan against Lieutenant Kathryn Waaland and the San Francisco Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner. (00:02:32 – 00:47:00)

(On May 12, 2017, the Respondent request reconsideration of the Order of Determination issued by the Task Force.)

Chair Wolfe stated that the purpose of the meeting to reconsider an Order of Determination is determine if new information exist and whether or not the matter should be scheduled for hearing to continue discussion on the complaint.

Lt. Kathryn Waaland, Police Department and Steven Becks, Legal Affairs - Police Department (Respondent), provided an overview of the complaint and stated that the Police Department was unable to present information to the Task Force due to a misunderstanding of the start time of the previous meeting of the Task Force. The Police Department stated the 5 page redacted document in question was redacted because it contains personnel information and that the document has already been provided to Mr. Chan with the sender information redacted. The Police Department suggested that there may be some confusion due to the different number of pages in the transmittal of the same document due to different print styles. The Police Department stated that the requested records have been provided and that they will not release any additional redacted information. The Police Department stated that they were prepared to present information at the last meeting of the Task Force, but due to a misunderstanding of the meeting time the Respondent arrived after the complaint was heard by the Task Force.

The Task Force opined that they are unable to confirm the statement of the Police Department without the presence of the Petitioner as the redacted pages provided to the Task Force are completely blacked-out.

Vice Chair Hyland, seconded by Member Hinze, moved to deny the Police Department's request for reconsideration of the Order of Determination (File No. 16113).

Public Comment:

Ann Treboux stated that the Police Commission meeting on the same day as the Task Force may have cause a conflict of scheduling.

The motion FAILED by the following vote:

Ayes: 4 – Maass, Cannata, Hinze, Hyland

Noes: 5 – Eldon, J. Wolf, Tesfai, Fischer, B.Wolfe

Absent: 1 – Chopra

Member J. Wolf, seconded by Member Tesfai, moved to approve the Police Department's request for reconsideration of the Order of Determination (File No. 16113).

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 6 – Eldon, J. Wolf, Tesfai, Maass, Cannata, Hyland

Noes: 3 – Fischer, Hinze, B. Wolfe

Absent: 1 – Chopra

4. **File No. 17009:** Complaint filed by William Clark against Tom DeCaigny and the Arts Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.5 and 67.7, by failing to comply with regulations for policy bodies and post agendas for the Community Working Group of the Arts Commission. (00:47:00 – 02:34:00)
(On April 18, 2017, the Education, Outreach and Training Committee heard the matter, determined that the Task Force has jurisdiction in the matter and referred the matter to the Task Force with recommendations.)

Member J. Wolfe provided a summary of the Committee hearing and recommendation on the matter.

William Clark (Petitioner) provided an overview of the complaint and requested that the Task Force find violations. Mr. Clark stated that the Community Working Group is a policy body as the Arts Commission approved the Work Plan which included a provision regarding the Community Working Group. Bob Clark, Mike Addario, Catheryn Callahan, and Ann Treboux spoke in support of the Petitioner. Kate Patterson and Rebekah Krell, Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that the Community Working Group is a focus group which provided their suggestions to a member of staff and not directly to the Arts Commission. Ms. Patterson stated that the Arts Commission did not specifically create the Community Working Group, but instead approved a working planning which suggests that staff organize a working group. Abbey Alice spoke in support of the Respondent. A question and answer period followed. The Respondent and Petitioner were provided the opportunity for rebuttals.

Nicholas Colla, Deputy City Attorney, responded to question from the Task Force.

The Task Force opined that they the Community Working Group appears to be a passive meeting body as the Arts Commission approved a working plan which authorized the creation of the Community Working Group.

Member Mass moved to continue the matter to the next meeting of the Task Force. The motion FAILED due to the lack of a second.

Vice Chair Hyland, seconded by Member Hinze, moved to find that Tom DeCaigny and the Arts Commission violated Administrative Code (Sunshine Ordinance), Section 67.4(a), by failing to make a passive meeting (Community Working Group of the Arts Commission) accessible to individuals upon inquiry.

Public Comment:

Peter Warfield, Library Users Association, stated that the difference between policy and passive meeting bodies is confusing and provided related information.

The motion PASSED by the following vote:

Ayes: 6 – Eldon, J. Wolf, Tesfai, Cannata, Hinze, Hyland

Noes: 3 – Maass, Fischer, Wolfe

Absent: 1 – Chopra

Chair Wolfe referred the matter to the Education, Outreach and Training Committee to determine the intent of the Arts Commission and their staff in authorizing the Community Working Group and to develop a method to create a body that can perform the desired function.

The meeting was recessed from 6:36 p.m. to 6:50 p.m.

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. **Public comment shall be taken at 5:00 p.m. or as soon thereafter as possible. (02:34:00 – 02:44:00)**

Speaker:

Ann Treboux made public comment and submitted the following summary of her testimony:

“Kate Patterson spent time on Riker’s Island. Kate Patterson was arrested for selling bottle caps. Everyone at the San Francisco Arts commission is afraid of Kate Patterson. Kate Patterson goes to commissioner’s homes and offices to the point where one commissioner was forced to get a restraining order against her. Kate Paterson called me at home when I was pregnant. The director of cultural affairs is afraid of Kate Patterson. Kate Patterson isn’t allowed into 401 Van Ness Ave. Kate Patterson sends menacing emails. Kate Patterson harass staff at the San Francisco Arts Commission. Kate Paterson appears at the San Francisco Arts Commission Offices unannounced and we have called the police on her. Kate Patterson has many restraining orders against her. Kate Patterson makes menacing remarks at public meetings. Kate Patterson has mental health issues.”

Peter Warfield, Library Users Association, asked questions about the cameras in the hearing room and suggested an improved process regarding speaking on behalf of a party vs speaking during public comment. Mr. Warfield requested that the Task Force define the basis for determining the difference between passive and policy bodies.

Ellen Tsang provided a summary of the hearing regarding File No. 17027 and the actions of the Committee.

6. **File No. 17017:** Complaint filed by Dolores Clean against Randy Quezada and the Department of Homelessness and Supportive Housing 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. (02:44:00 – 03:19:00) *(On April 25, 2017, the Complaint Committee heard the matter, determined that the Task Force has jurisdiction in the matter and referred the matter to the Task Force with recommendations.)*

Member J. Wolf provided a summary of the Committee hearing and recommendation on the matter.

Dolores Clean (Petitioner) provided an overview of the complaint and requested that the Task Force find violations. Mr. Clean stated that when Twitter is used for public work it becomes a public record that there should not be any targeted deletions of records. There were no speakers in support of the Petitioner. Randy Quezada, Department of Homelessness and Supportive Housing (Respondent), provided a summary of the department's position and acknowledged that the response to the public records request was not timely. Mr. Quezada note that the department is relatively new and that they are working on establishing policy and procedures regarding public records. Mr. Quezada stated that the department no longer block Twitter accounts and would appreciate any advice that the Task Force can provide regarding the use of Twitter. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent and Petitioner were provided the opportunity for rebuttals.

Member Tesfai, seconded by Member Hinze, moved to find Randy Quezada and the Department of Homelessness and Supportive Housing violated Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely manner.

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

Absent: 1 – Chopra

Member Maass, seconded by Member Eldon, moved to recuse Member Josh Wolf from hearing File No. 17018.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 8 – Eldon, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland, B. Wolfe

Noes: 0 – None

Recused: 1 - J. Wolf

Absent: 1 – Chopra

7. **File No. 17018:** Complaint filed by Josh Wolf against President London Breed, Board of Supervisors, 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. (03:19:00 – 03:46:00)

(On April 25, 2017, the Complaint Committee heard the matter, determined that the Task Force has jurisdiction in the matter and referred the matter to the Task Force with recommendations.)

Member Tesfai provided a summary of the Committee hearing and recommendation on the matter.

Josh Wolf (Petitioner) provided an overview of the complaint and requested that the Task Force find violations. Mr. Wolf stated that his attempts to follow up with the Respondent were ignored. Mike Addario spoke on behalf of the Petitioner. The Respondent was not present and has not submitted a response. Task Force Administrator Victor Young noted that the Respondent was notified of the complaint and the hearing. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent and Petitioner were provided the opportunity for rebuttals.

Member Cannata, seconded by Member Tesfai, moved to find that President London Breed, Board of Supervisors, violated Administrative Code (Sunshine Ordinance), Sections 67.21(e) and 67.25, for failing to attend the hearing and explain the basis for its decision to withhold the records requested and failing to respond to an Immediate Disclosure Request.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 8 – Eldon, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland, B. Wolfe

Noes: 0 – None

Recused: 1 - J. Wolf

Absent: 1 – Chopra

Member Maass, seconded by Vice Chair Hyland, moved to recuse Member Dave Maass from hearing File No. 17047.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 8 – Eldon, Tesfai, J. Wolf, Cannata, Fischer, Hinze, Hyland, B. Wolfe
Noes: 0 – None
Recused: 1 – Maass
Absent: 1 – Chopra

8. **File No. 17047:** Complaint filed by Angela Greben against President London Breed, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to request for public records in a timely and/or complete manner. (03:46:00 – 04:47:00)
(On May 30, 2017, the Compliance and Amendments Committee heard the matter, determined that the Task Force has jurisdiction in the matter and referred the matter to the Task Force without recommendations.)

Neither the Petitioner nor the Respondent were present and there was no notice provided to the Task Force regarding a reason for the absence. Upon discussion the Task Force determine that they could not proceed without further information and testimony from the parties.

Vice Chair Hyland, seconded by member Cannata, moved to refer the matter to Committee.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 8 – Eldon, Tesfai, J. Wolf, Cannata, Fischer, Hinze, Hyland, B. Wolfe
Noes: 0 – None
Recused: 1 – Maass
Absent: 1 – Chopra

9. **File No. 17040: Sunshine Ordinance Task Force - Annual Report.**
Annual Report (discussion): Including specific flags that have come before us where Supervisors may be unaware of departments or other official processes are inconsistent or withholds of informational.

The Task Force discussed the draft Annual Report and proposed additions.

Public Comment:

None.

No action taken.

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

- Ethics Commission's proposed updates to their retention and records management policy.
- Independent Legal Counsel - Ethics Commission's discussion regarding the ethical firewall required by the Deputy City Attorneys assigned to commissions and other bodies by the City Attorney's Office (CAO) and the CAO's representation of the city and employees. (*Ethics Commission's May 22, 2017, meeting*)
- Request for Training & Participation in City's Training Materials – Due to various in-city and out-of-city entities asking the SOTF for advice on various items the SOTF's participation in the creation of the city's Sunshine training materials should be considered.
- Inquiry from San Diego County Regional Airport Authority regarding training addressing Personal Electronic Devices (City of San Jose V. Superior Court).
- Report - California Bar Association Conference regarding Public Records.
- Update on the installation of video cameras and possibility of broadcasting SOTF meetings.

Chair Wolfe presented the Chair's Report. The Task Force discussed the issues presented by the Chair.

Public Comment:

None.

No action taken.

11. File No. 16093: Review and possible amendments to the Sunshine Ordinance Task Force By-Laws and Complaint Procedures.

Member Maass proposed a Rules Committee hearing to discuss the follow issues:

- Hearings for parties who are unable to attend a Task Force hearing in person for various reasons.
- Process for complaints and other issues to be initiated by members of the Task Force.

Public Comment:

None.

No Actions taken.

12. **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

Committee Chairs Tesfai, J. Wolf, Cannata, Maass and Hinze provided an update on the status of their committee and future plans.

Public Comment:

None.

No Actions taken.

13. **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

Task Force Administrator Victor Young provided a summary of the Administrator’s Report.

Public Comment:

None.

No Actions taken.

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

Member Maass requested hearings regarding Police Department body cameras and Police Department recent implementation of a system to track and respond to public records request.

15. **ADJOURNMENT**

Member Cannata moved to adjourn the meeting.

By a rise in vote the meeting was adjourned without objection at 9:05 p.m.

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.

APPROVED by the Sunshine Ordinance Task Force: DRAFT