

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
February 27, 2017**

DATE ISSUED
February 1, 2017

CASE TITLE – Mike Black v. Animal Care and Control (File No. 16109)

FACTS OF THE CASE

On November 7, 2016, the following complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 16109: Complaint filed by Mike Black against Animal Care and Control for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.24, and 67.26, and Government Code, Sections 6252(e) and 6253(a), by failing to respond to a request for Public records in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On December 20, 2016, the Complaint Committee (Committee) acting in its capacity to hear complaints heard the matter and referred it to the Task Force for hearing.

On February 1, 2017, the SOTF reviewed the recommendation from Committee and held a hearing to review the merits of the complaint.

Mike Black (Petitioner/Complainant) provided an overview of the complaint and requested that the SOTF find violations. Mr. Black stated that he has yet to receive an un-redacted copy of the dog license application, the dog license and communication related to the decision to not enforce lease laws. There were no speakers in support of the Petitioner/Complainant. Diana Christensen, Animal Care and Control (ACC) (Respondent), provided a summary of the department's position. Ms. Christensen stated that she has recently assumed the duties of the custodian of records and is working on correcting certain public records request procedures. Ms. Christensen stated that due to the voluminous nature of the request, technical issue and misinterpretations by the previous custodian of records, the response to the public records request had been delayed. A question and answer period followed. The Respondent and Complainant were provided the opportunity for rebuttals.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that a violation of Administrative Code (Sunshine Ordinance), Sections 67.21(d) and 67.24(i), occurred.

ORDER OF DETERMINATION

Member Tesfai, seconded by Member Baranetsky, moved to find that Animal Care and Control violated Administrative Code (Sunshine Ordinance), Sections 67.21(d), 67.24(i) and 67.26, by failing to respond to a public records request in a timely and complete manner, withholding records and not citing an appropriate provision of the Sunshine Ordinance and inappropriately withholding records in its entirety.

Vice Chair Hyland request that the question regarding violation of Administrative Code (Sunshine Ordinance), Section 67.26, for inappropriately withholding records in its entirety be divided and voted upon separately in regards to the redaction/withholding of the dog license/application.

The motion to find that Animal Care and Control violated Administrative Code (Sunshine Ordinance), Sections 67.21(d) and 67.24(i) PASSED by the following vote:

Ayes: 6 - Baranetsky, Tesfai, Cannata, Hinze, Hyland, B. Wolfe
Noes: 1 - Fischer
Absent: 1 - Chopra
Excused: 3 - Eldon, J. Wolf, Maass

The motion to find that Animal Care and Control violated Administrative Code (Sunshine Ordinance), Section 67.26 FAILED by the following vote:

Ayes: 4 - Baranetsky, Tesfai, Cannata, B. Wolfe
Noes: 3 - Fischer, Hinze, Hyland
Absent: 1 - Chopra
Excused: 3 - Eldon, J. Wolf, Maass

The Task Force referred the matter to the Compliance and Amendments Committee and requested that Animal Care and Control provide records related to the city's dog leash law from January 1, 2014, through February 1, 2016.


Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Mike Black (Petitioner/Complainant)
Diana Christensen, Animal Care and Control (Respondent)