



SUNSHINE ORDINANCE TASK FORCE
Complaint Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES

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

May 22, 2018
5:30 PM – 7:30 PM

Regular Meeting

Members: Leuwam Tesfai (Chair), Fiona Hinze and Bruce Wolfe

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

Chair Tesfai called the meeting to order at 5:35 p.m. On the call of the roll Chair Tesfai and Member Hinze were noted present. Member Wolfe was noted not present. There was a quorum.

SOTF Administrator Young suggested that Items 8-11 be called out of order. Item Nos. 8 – 11 (File Nos. 18031, 18034, 18044 and 18046) were not scheduled for hearing on the merits and are only scheduled for determination of jurisdiction.

Member Wolfe was noted present at 5:35

Member Hinze, seconded by Member Wolfe, moved to call Items 8 through 11 out of order.

Public Comment:

Ann Treboux commented that File No. 18046 should read Ann Treboux against Kate Patterson Murphy of the Arts Commission.

The Motion passed by the following vote:

Ayes: 3 – Wolfe, Hinze and Tesfai

Noes: 0 – None

2. Approval of the April 24, 2018, Complaint Committee meeting minutes.

Member Hinze, seconded by Member Wolfe, moved to approve the April 24, 2018, meeting minutes.

Public Comment:

None.

The motion PASSED by following vote:

Ayes: 3 – Wolfe, Hinze and Tesfai

Noes: 0 – None

3. Public Comment: Members of the public may address the Committee on matters that are within the Committee’s jurisdiction but not on today’s agenda.

Speaker:

Ann Treboux submitted the follow summary of her public comment:

“I attended the April 18, 2018 Board of Permits and Appeals hearing about Early Days statue. After the hearing, I was going to the bathroom and was approached in the hallway by the previous public speaker. He said he was a private investigator but declined to show ID. He then said, he was with the Manhattan District Attorney’s Office and that I was selling stolen goods. His name is Martin Huerta who is the husband of Barbara Mumby of the SFAC. Huerta is an out-of-work musician. This needs to stop?”

The Complaint Committee (Committee) shall hold hearing(s) on File No(s). 17061, 17126, 18025 and 18030 to: 1) determine if the Sunshine Ordinance Task Force (Task Force) has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force. The Task Force, upon receipt of the report and/or recommendation from the Committee, shall schedule and conduct a hearing on the merits of the complaint.

4. File No. 17061: Complaint filed by Ann Treboux against the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.16, by failing to comply with the Sunshine Ordinance requirements regarding submitted public comment summaries. (00:11:41 – 00:26:00)

Ann Treboux (Complaint/Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Treboux stated that her 150 word summary was not included into the meeting minutes of the meeting in question. Ms. Treboux provided an update of this item and stated that her request to review the audio recording of the meeting was ignored.

Representatives from the Arts Commission (Respondent) were not present and only informed the SOTF of the inability to attend one hour prior to the meeting. SOTF Administrator Young summarized the Arts Commission's written argument which stated that Ms. Treboux was not at the meeting in question and a 150 word summary was not submitted to the Arts Commission.

The Committee requested that the Arts Commission provide a copy of the audio recording of the meeting in question to the SOTF and Ms. Treboux so that the absence of Ms. Treboux at the meeting in question can be verified.

Upon review of the SOTF records it was determined that the Arts Commission provided the requested audio recording to the SOTF prior to the meeting.

Member Wolfe, seconded by Hinze, moved to continue the matter to the call of the Chair.

Public Comment:

Peter Warfield provided samples of his problematic experiences with the Arts Commission including their failure to comply with requests for appointments to listen to Arts Commission audio recordings.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hinze, Tesfai

Noes: 0 – None

5. **File No. 17126:** Complaint filed by Ann Treboux against Sharon Page-Ritchie and the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.16, by failing to make minutes available no later than ten working days after the meeting (Arts Commission meeting November 6, 2017, meeting). (00:26:00 – 00:33:00)

Ann Treboux (Complainant/Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Treboux stated that there was a clear violation of 67.16 as the audio recording of the minutes were not posted in a timely manner. Ms. Treboux stated that she received an email from Sharon Page-Ritchie (Arts Commission) stating that the Department of Technology has been informed of the issue.

Representatives from the Arts Commission (Respondents) were not present and only informed the SOTF of the inability to attend one hour prior to the meeting. SOTF Administrator Young stated that the Arts Commission provided a written summary.

The Committee opined that there appeared to be a technical anomaly that the Arts Commissions resolved when it was brought to their attention.

Member Hinze, seconded by Member B. Wolfe, moved to refer the matter to the full Task Force for hearing without recommendation.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hinze, Tesfai

Noes: 0 – None

- 6. 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. (00:33:00 –)

Patrick Roddie (Complainant/Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Roddie stated that the Police Department has not responded to the public records request. Mr. Roddie also stated that in the course of a Police Officer's duties they must have records of calling other city agencies regarding deaths and Police investigations into deaths.

Lt. Katherine Waaland, San Francisco Police Department (SFPD) (Respondent), provided a summary of the department's position. Lt. Waaland stated that the request for public records was mailed to the wrong address as the Police Department moved out of 850 Bryant several years ago. Lt. Waaland also stated that the first time the Police Department became aware of the request was upon the receipt of the complaint filed with the SOTF, which the Police Department responded to within a day. Lt. Waaland stated that the Police Department is not the custodian of the requested records regarding deaths and referred Mr. Roddie to the Department of Emergency Management. Lt. Waaland also testified that public records request was received on April 3, 2018, and the SFPD responded on April 5, 2018. A question and answer period occurred.

Member B. Wolfe, seconded by Member Hinze, moved to find that the Sunshine Ordinance Task Force has jurisdiction, to find that the records are public and to refer the matter to the full Task Force for hearing without recommendation.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hinze, Tesfai

Noes: 0 – None

- 7. Item No. 18025:** Complaint filed by Patrick Roddie against the Department of Emergency Management (DEM) 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.

Patrick Roddie (Complainant/Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Roddie stated that the Department of Emergency Management has not responded to his request for public records and provided a summary of his understanding of how the Fire, Police and other San Francisco City departments interact in regards to death records. Mr. Roddie stated that DEM refused to provide the requested records due to the voluminous/burdensome nature of the request. Mr. Roddie stated that he is getting the “run around” with the various city departments referring him to other city agencies for records. A representative from the Department of Emergency Management (Respondent) was not present and the SOTF did not receive notice regarding the absence. A question and answer period occurred.

Public Comment:

None.

Chair Tesfai, seconded by B. Wolfe, moved to find that the Sunshine Ordinance Task Force has jurisdiction, to find that the records are public, and to refer the matter to the full Task Force for hearing without recommendation.

The Committee requested that DEM send a person most knowledgeable of the DEM’s technical system regarding how their department stores and retrieves data and printed data related to Mr. Roddie’s request. An explanation is requested as to why Mr. Roddie’s request is considered to be burdensome and voluminous.

Public Comment.

None.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hinze, Tesfai

Noes: 0 – None

The Complaint Committee (Committee) shall review File No(s). 18031, 18034, 18044 and 18046 to determine if the Sunshine Ordinance Task Force has jurisdiction and determine if the requested records are public pursuant to Administrative Code (Sunshine Ordinance), Sections 67.21(e). The Complainant and Respondent are **not required** to attend the May 22, 2018, Complaint Committee meeting but may attend to provide testimony related to the above listed determinations. A hearing to review the merits of the complaint will be scheduled on a future date.

Chair Tesfai called Items 8 through 11 to be heard together.

- 8. File No. 18031:** Complaint filed by Patrick Roddie against the San Francisco Fire 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.

The Committee reviewed Items 8 through 11 to determine if the SOTF has Jurisdiction.

Member Hinze, seconded by Chair Tesfai, moved to find that the SOTF has jurisdiction and to find that the records are public.

Public Comment:

None.

The motion PASSED by the following vote without objection:

Ayes: 3 – B. Wolfe, Hinze, Tesfai

Noes: 0 – None

- 9. File No. 18034:** Complaint filed by Anonymous against the Department of Building Inspection 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.

See File No. 18031 for discussion and actions.

- 10. File No. 18044:** Complaint filed by Ann Treboux against Dwight Moore and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(a)(d)(e), 67.26, 67.29.5 and 67.34 4, 67.25, 67.26 and 67.27, by willfully failing to respond to an Immediate Disclosure Request.

See File No. 18031 for discussion and actions.

- 11. File No. 18046:** Complaint filed by Ann Treboux 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.

See File No. 18031 for discussion and actions.

- 12. Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar by members of the Committee.**

Member B. Wolfe requested information on the full Task Force future meeting dates. Administrator Young stated that the members of the Task Force were polled for their availability for June and July and found that there would be quorum issues. Administrator Young stated that the Rules Committee of the Board of Supervisors has not yet scheduled a meeting to consider appointing members to the SOTF.

- 13. ADJOURNMENT**

There being no further business the meeting was adjourned at 6:28 p.m.

**APPROVED: June 26, 2018
Complaint Committee
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.