



**SUNSHINE ORDINANCE TASK FORCE**  
**Education, Outreach and Training Committee**  
**CITY AND COUNTY OF SAN FRANCISCO**  
**MINUTES**

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

**April 17, 2018 - 3:30 PM**

**Regular Meeting**

**Members:** Josh Wolf (Chair), Eric Eldon, Louise Fischer

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

Chair Josh Wolf called the meeting to order at 3:43 p.m. On the call of the roll Chair Wolf and Members Eldon and Fischer were noted present. There was a quorum.

There were no agenda changes.

**2. Adoption of the minutes for the February 20, 2018, Education, Outreach, and Training Committee meetings.**

The Committee discussed the approval of the meeting minutes.

**Member Fischer, seconded by Member Eldon, moved to approve the February 20, 2018, meeting minutes as amended.**

Public Comment:  
None.

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

Ayes: 3 – Eldon, Fischer, J. Wolf  
Noes: 0 – None

3. **Public Comment:** Members of the public may address the Education, Outreach and Training Committee on matters that are within the Committee's jurisdiction but not on today's agenda.

Speakers:

None.

The Education, Outreach and Training Committee (Committee) shall hold hearing(s) on File Nos. 18001 and 18017 to: 1) determine if the Sunshine Ordinance Task Force (Task Force) has jurisdiction; 2) review the merits of the complaints; and 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. 18001:** Complaint filed by Julian Sarkar against Jose Cisneros and the Office of the Treasurer and Tax Collector 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.

Julian Sakar (Petitioner) provided a summary of the complaint and requested the Committee to find violations. Mr. Sakar stated that his initial request for records was mishandled by the Treasurer/Tax Collector and he did not receive a response until additional inquiries were submitted. Mr. Sakar stated that he is looking for information as to how the Treasurer/Tax Collector received his name and targeted him for review. Theresa Buckley, Office of the Treasurer and Tax Collector (Respondent) provided a summary of the department's position and provided a summary of how the department is organized and separated into different sections that act independently. Ms. Buckley acknowledged that the November 30, 2017, letter requesting records was mishandled as communication but the Treasure/Tax Collector has since provided responsive records to the November 30, 2017, and December 19, 2017(received on December 28, 2017), request for records. Ms. Buckley stated that certain records were withheld for confidentiality purposes pursuant to Business and Taxation Code, Section 6.22-1(h). Ms. Buckley stated that providing a description of the records that have been withheld will violate confidentiality requirements. A question and answer period occurred. The Petitioner and Respondent were provided an opportunity for rebuttals.

The Committee suggested that the Respondent provide a simplified index of records that will not violate confidentiality, listing the number and type of records that have been withheld and the reason each record was withheld. The Committee requested that the parties work together to determine if certain confidential topics pertaining to Mr. Sakar can be discussed at the full Task Force hearing. As there is a possibility that records were transmitted to the wrong address, the Committee requested the Respondent to resend their responsive records to the Petitioner.

The Committee noted that the SOTF's jurisdiction is limited to the existence and timely disclosure of public records and cannot review operational policies and procedures of departments that are not covered by Administrative Code (Sunshine Ordinance), Chapter 67.

## **San Francisco Business and Taxation Code**

### **SEC. 6.22-1. CONFIDENTIALITY.**

(a) The information in a taxpayer's return is confidential, as is any information the Tax Collector learns about a taxpayer's business from the taxpayer or in response to the Tax Collector's request for information made under Sections 6.4-1 or 6.5-1. Information regarding the Tax Collector's investigation of a particular taxpayer, including the fact that the Tax Collector has sent a request for information to a particular taxpayer or is investigating a particular taxpayer, is also confidential. Except as permitted by this Section or as otherwise required by law, neither the Tax Collector nor his or her staff, nor any other of the City's current or former employees or agents may disclose taxpayer confidential information to any person.

(b) At the discretion of the Tax Collector, otherwise confidential information may be disclosed in any judicial proceeding or administrative proceeding pertaining to tax administration, determination, assessment, collection, or enforcement, of any civil or criminal liability arising under the Business and Tax Regulations Code if the information concerns a person who is a party to the proceeding, or the proceeding arose out of, or in connection with determining that person's civil or criminal liability, or the collection of that person's liability with respect to any tax imposed thereunder.

(c) At the discretion of the Tax Collector, disclosure of otherwise confidential information may be made to the extent such disclosures are reasonably necessary to obtaining information bearing a direct relationship to the determination, assessment, collection, or enforcement of any civil or criminal liability arising under the Business and Tax Regulations Code.

(d) At the discretion of the Tax Collector, the Tax Collector may disclose otherwise confidential information to employees or agents of the Tax Collector or other City employees who are engaged in matters preparatory to any judicial or administrative proceeding pertaining to the administration or enforcement of any civil or criminal liability arising out of the Business and Tax Regulations Code.

(e) If the Tax Collector determines that a liability owing from a taxpayer may be collected from another person, the Tax Collector may disclose to such other person information relevant to the determination and collection of tax due or owing from the taxpayer.

(f) The taxpayer, his successors, receivers, trustees, executors, administrators, assignees and guarantors, and their duly authorized legal representatives if directly interested, may be given information regarding the items included in the measure and amount of any unpaid tax or amounts of tax required to be collected, interest and penalties.

(g) Notwithstanding any other provision of the Business and Tax Regulations Code or of any City ordinance, the Tax Collector is authorized to enter into agreements with other

public agencies providing for the exchange of information for official purposes of said agencies, and to implement any such agreement through the exchange of information.

(h) Notwithstanding any other provision of the Business and Tax Regulations Code or of any City ordinance, the Tax Collector shall provide any and all information to the Controller that is needed to fulfill the Controller's responsibilities under Section 3.105 of the Charter. With regard to all such information provided by the Tax Collector, the Controller shall be subject to the confidentiality provisions of subsection (a) of this Section.

(i) The Tax Collector may disclose to any City employee or agent for official purposes any information described in subsection (a) in aggregate or other form that does not disclose the identity of particular taxpayers.

(j) Nothing in this Section shall impose any liability upon the Tax Collector or any employee or agent thereof for any disclosures of confidential information made in the performance of his or her duties.

**Member Fischer, seconded by Member Eldon, moved to find jurisdiction in the matter, find that the requested records are public, and referred the matter to the SOTF for hearing with the recommendation to find a violation of Administrative Code (Sunshine Ordinance), Section 67.21 for failing to respond to a public records requests in a timely manner.**

Public Comment:

None.

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

Ayes: 3 – Eldon, Fischer, J. Wolf

Noes: 0 – None

5. **File No. 18017:** Complaint Filed by Aaron Goodman against the San Francisco Municipal Transportation Agency (SFMTA) for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.7 and 67.7-1, by taking action on an item prior to posting an agenda.

Aaron Goodman (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Goodman submitted additional documents at the meeting and there were no objections to the late submission of supporting documents. Mr. Goodman stated that there was no outreach to the public or involved parties regarding the SFMTA's December 5, 2017, meeting. Mr. Goodman provided a summary of the effect resulting from the SFMTA's actions. Roberta Boomer and Tom Folks, SFMTA (Respondent), provided a summary of the department's position. Ms. Boomer stated that the SFMTA Board of Directors complied with all Sunshine Ordinance requirements regarding the posting and noticing of the SFMTA Board of Director's December 5, 2017, meeting. Ms. Boomer stated that the requirements listed in San Francisco Transportation Code, Section 202, does not apply to the SFMTA Board of Directors meetings. However, Ms. Boomer stated that the November 3, 2017, Traffic

Engineer hearing complied with the Transportation Code listed below. A question and answer period occurred. The Petitioner and Respondent were provided an opportunity for rebuttals.

The Committee noted that the complaint was referred to the SOTF from the Ethics Commission and stated that the SOTF may only considered aspects of the complaint that pertain to Administrative Code (Sunshine Ordinance), Chapter 67. The Committee noted that departmental policy and procedures not related to Administrative Code (Sunshine Ordinance), Chapter 67, is not under the jurisdiction of the SOTF.

## **San Francisco Transportation Code SEC. 202. NOTICE OF PUBLIC HEARING.**

The City Traffic Engineer shall post localized notices of public hearings for changes implemented pursuant to subsections 201(b) or 201(c). Such notices shall be posted on at least two utility poles in the affected area for no less than 10 calendar days prior to the hearing. The notice of the public hearing shall also be posted on the SFMTA website.

**Member Fischer, seconded by Member Eldon, moved to find jurisdiction in the matter and referred the matter to the SOTF for hearing without recommendations.**

Public Comment:

None.

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

Ayes: 3 – Eldon, Fischer, J. Wolf

Noes: 0 – None

### **6. Announcements, Comments, Questions, Future Agenda Items and Pending Calendar by Members of the Education, Outreach and Training Committee.**

There were no announcements or comments.

Public Comment:

None.

### **7. ADJOURNMENT**

There being no further business the meeting was adjourned at 4:46 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 Education, Outreach and Training Committee: June 19, 2018**