



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

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

September 17, 2019
5:30 PM

Regular Meeting

Members: Rodman Martin (Chair), Bruce Wolfe and Matthew Cate

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

Chair Martin called the meeting to order at 5:34 p.m. On the call of the roll Chair Martin and Member Cate were noted present. Member B. Wolfe was noted not present. A quorum was present.

Member Bruce Wolfe was noted present at 5:36 PM.

2. Approval of the August 20, 2019, Complaint Committee meeting minutes.

Action: Moved by Member Cate, seconded by Member B. Wolfe, to approve the August 20, 2019, meeting minutes.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Cate, B. Wolfe, Martin
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.

Speakers:

None.

4. **File No. 19060:** Complaint filed by Ashley Rhodes against the Arts Commission for allegedly violating Administrative Code, Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner. (00:05:21 – 00:07:17)

No parties were present for the hearing and the SOTF was not provided notification of the absence.

Action: Moved by Member Cate, seconded by Chair Martin, to forward the matter to the SOTF for hearing to close the file due to non-appearance at the hearing.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Cate, Martin, B. Wolfe

Noes: 0 - None

5. **File No. 19077:** Complaint filed by Ahimsa Porter Sumchai against Mayor London Breed 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 and 67.7 for not posting the Agenda in a timely manner. (00:37:26 - 01:06:20)

Dr. Ahimsa Porter Sumchai (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Dr. Sumchai, a female doctor of color, stated that she was excluded from and not notified of a July 17, 2019, meeting at UCSF with independent scientists and the Citizens Advisory Committee (CAC) of Hunters Point Shipyard regarding radiological testing at the Hunters Point Shipyard. Dr. Sumchai stated that this Committee is a passive body not a policy body and that she is not sure if there are Sunshine Ordinance violations. Dr. Sumchai met with Dr. Baums who was a presenter at the July 17 meeting. Dr. Baums informed Dr. Sumchai that he is in charge of the four male scientists were instructed by the Mayor's Office not to talk with Dr. Sumchai. Dr. Sumchai stated that she has correspondence documenting this and evidence that she was removed from lists. Dr. Sumchai believes that there were violations of freedom of speech and scientific integrity.

Hank Heckel, Compliance Coordinator (Mayor's Office) (Respondent), provided a summary of the department's position. Mr. Heckel stated that this CAC addresses issues with relation to Hunters Point Shipyard and that Dr. Sumchai is a regular participant at these meetings. Mr. Heckel stated that when he was forwarded the complaint, it was the

first time he had heard that Dr. Sumchai was not informed of the meeting and not allowed to speak. Mr. Heckel stated that the CAC did its research and that there was no deliberate effort to exclude Dr. Sumchai from the meeting. Mr. Heckel stated that records show that the meeting was properly noticed. Mr. Heckel stated that he believes there were no Sunshine violations.

Micha Fobbs (Hunters Point Shipyard Citizens Advisory Committee (CAC), spoke on behalf of the Respondent. Mr. Fobbs stated that Dr. Sumchai was not deliberately excluded from any meeting of the CAC. Mr. Fobbs stated that Dr. Sumchai did sign in at meeting and people who fill out the sign in sheet are provide notice of meeting.

A question and answer period occurred.

Action: Moved by Member Wolfe, seconded by Member Cate, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - B. Wolfe, Cate, Martin

Noes: 0 - None

6. **File No. 19078:** Complaint filed by Stephen McGeown against Matt Haney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 for failing to respond to a public records request in a timely manner.

The Petitioner/Complainant withdrew their complaint prior to the meeting. No action taken by the Committee.

7. **File No. 19079:** Complaint filed by Thomas Picarello against the Dept. of Homelessness and Supportive Housing for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25 for failing to respond to an Immediate Disclosure Request in a timely manner. (00:10:50 – 00:37:26)

Thomas Picarello (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Picarello stated that he filed an Immediate Disclosure Request on July 16, 2019, for the contracts between Homelessness and Supportive Housing (HSH) and Community Housing Partnership (CHP) from Tenant Services regarding the building he was living in. Mr. Picarello stated that he also requested the contracts between Housing and Urban Development (HUD) and CHP. Mr. Picarello stated that the documents from CHP were not received in a timely manner.

Tanya Ellis (Department of Homelessness and Supportive Housing (HSH)) (Respondent), provided a summary of the department's position. Ms. Ellis stated that HSH received Mr. Picarello's Immediate Disclosure Request on July 16, 2019 and requested a 10-day extension of time to respond due to the voluminous complexities of searching for and reviewing records and the need to consult with another agency. Ms. Ellis stated that HSH responded to Mr. Picarello's request on July 30, 2019 and provided responsive documents in PDF format per his request that were in their possession, in a timely manner. Ms. Ellis stated that she explained to Mr. Picarello that he should contact CHP for his other requested documents.

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

Action: Moved by Member Cate, seconded by Member Wolfe, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Cate, B. Wolfe, Martin

Noes: 0 - None

8. **File No. 19076:** Complaint filed by Maria Schulman against Animal Care and Control, 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. (01:06:27 - 01:29:03)

Maria Schulman (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Schulman stated that she requested email correspondence from Animal Care and Control (ACC) between certain individuals and that the records were not provided in a timely manner. Ms. Schulman stated that she sent a follow up request and that ACC responded to an incorrect email address. Ms. Schulman is not certain that she received all responsive records.

Justine Alberta (Animal Care and Control) (Respondent), provided a summary of the department's position. Ms. Alberta stated that on July 9, 2019, ACC received the follow up email from Ms. Schulman requesting records. Ms. Alberta stated that Diana Christensen sent a response on July 26, 2019. Ms. Alberta stated that Ms. Schulman notified ACC that the response went to an email address that Ms. Schulman did not provide to Ms. Christensen. Ms. Alberta stated that the email address used was provided by Ms. Schulman via telephone. Ms. Alberta stated that all responsive records have since been provided to Ms. Schulman.

A question and answer period occurred.

Action: Moved by Member Wolfe, seconded by Chair Martin, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing. Th Committee requested the Respondent bring the legal citation that allows for the redactions of records of dogs not deemed to be vicious and dangerous.

Public Comment:

Xavier Blake asked if Ms. Christensen continues to work for Animal Care and Control because she visited their office.

The motion PASSED by the following vote:

Ayes: 3 - B. Wolfe, Martin, Cate

Noes: 0 - None

9. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:07 p.m.

**APPROVED: DRAFT
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.