



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

**REMOTE REGULAR MEETING**

**November 17, 2020**  
**5:30 PM**

**Members:** Fiona Hinze (Chair), Matthew Yankee and Dean Schmidt

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

Chair Hinze called the meeting to order at 5:40 p.m. On the call of the roll Chair Hinze and Members Yankee and Schmidt were noted present. A quorum was present.

The SOTF Administrator informed the Committee that File Nos. 19122 and 19146 were withdrawn by the Petitioner via a facsimile letter dated November 17, 2020.

**2. Approval of the October 20, 2020, Complaint Committee meeting minutes.**

**Action: Moved by Member Yankee, seconded by Member Schmidt, to approve the October 20, 2020, meeting minutes.**

Public Comment:  
None.

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

Ayes: 3 - Hinze, Yankee, Schmidt  
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. 19134:** Complaint filed by Anonymous against Rob Reiter and City Hall Building Management for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that he sent a letter December 7, 2019, to City Hall Building Management requesting all emails with metadata from the department heads. Anonymous stated that he sent a reminder on December 14, 2019. Anonymous stated that the department did not provide a timely response to his request. Anonymous noted that Naomi Kelly is the Department Head of Building Management. Anonymous requested that, per the Complaint Procedures Rule 10(c), the Committee combine File Nos. 19134 with 19136 on the agenda as they have similar issues.

Chair Hinze stated that the Committee will be addressing each complaint individually and acknowledged Anonymous' request that these matters be combined.

Tal Quetone (City Hall Building Management) (Respondent), provided a summary of the department's position. Mr. Quetone stated that he sent responsive records to Anonymous in a timely manner. Mr. Quetone stated that the Real Estate Division is within the City Administrator's Office. Mr. Quetone stated that he can speak to the request sent to City Administrator Naomi Kelly, not on building management. Mr. Quetone stated that Rob Reiter works in the Real Estate Division and is not a department head and thus a Prop G request would not apply to him. Mr. Quetone also noted that File No. 19136 is against the City Administrator not Rob Reiter. Mr. Quetone asked to wait until the other item is called to address combining the two matters.

Anonymous stated that he has not had a chance to review the records because he received them only in the last day. Anonymous noted that the respondent did not send the email to the requested address and instead they responded to Anonymous' personal email. Anonymous believes that it is not a complete response.

Combined into File No. 19136 (See File No. 19136 for action)

5. **File No. 19136:** Complaint filed by Anonymous against Naomi Kelly and the Office of the City Administrator for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that on page 17 of the pdf item 5, December 7, 2019, he filed an Immediate Disclosure Request for Prop G and non-prop G calendars. Anonymous stated that he is aware that Naomi Kelly is the department head. Anonymous stated that the responsive records appear to be incomplete, that there is non-minimal withholding, no metadata records and has not had a chance to review the

records. Anonymous opined that there may be a violation and quoted the *City of San Jose* case.

Tal Quetone (City Hall Building Management) (Respondent), provided a summary of the department's position. Mr. Quetone stated that the Department received the Immediate Disclosure Request and the response was provided in a timely manner. Mr. Quetone stated that there have been unforeseen staffing shortages and emails went unresponded. Mr. Quetone clarified that City Hall Building Management falls under the Office of the City Administrator. Mr. Quetone stated that he did not have a problem combining the two files.

**Action: Moved by Member Yankee, second by Member Schmidt, to combine Files Nos. 19134 and 19136 and have respondent Naomi Kelly Office of the City Administrator and City Hall Building Management named, that the records are public and refer the matter to the SOTF.**

Public Comment:

None.

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

Ayes: 3 - Yankee, Schmidt, Hinze

Noes: 0 - None

6. **File No. 19122:** Complaint filed by Anonymous against City Librarian Michael Lambert and the Public Library 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.

The SOTF Administrator informed the Committee that File Nos. 19122 and 19146 were withdrawn by the Petitioner via a facsimile letter dated November 17, 2020.

7. **File No. 19146:** Complaint filed by Anonymous against City Librarian Michael Lambert and the Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to request for public records in a timely and/or complete manner.

The SOTF Administrator informed the Committee that File Nos. 19122 and 19146 were withdrawn by the Petitioner via a facsimile letter dated November 17, 2020.

8. **Discussion regarding new Complaint Form.**

Anonymous provided a draft form based on an idea from another public commentator who acknowledged that it is difficult to make sure all evidence is presented to the SOTF because members of the public do not understand the law. Anonymous noted that people can use check boxes and provide the SOTF with an organization of the facts. Anonymous noted that he addressed every section of the Sunshine Ordinance.

Anonymous stated that at the bottom of each section it allows for documents to be presented as evidence. Anonymous noted that the last page is completely optional as some prefer to write a brief.

Chair Hinze opined that the form is fantastic but that it does not address open meetings.

Member Schmidt stated that he was impressed that Anonymous provided the form to the SOTF and any effort to make this a better process great.

Member Yankee opined that Member Schmidt and Chair Hinze both summed it up well. Member Yankee noted that this is a great service for people who want to submit a complaint does a great job taking down the road of what might need for a hearing.

**Acton: Moved by Member Schmidt, second by Member Yankee, to recommend to the SOTF that the Complaint Committee make use of this form as a standalone form or in combination with what already exists and continue the discussion to the next Complaint Committee hearing.**

Public Comment:  
None.

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

Ayes: 3 - Schmidt, Yankee, Hinze  
Noes: 0 - None

9. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Complaint Committee.**

No action taken.

10. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:55 p.m.

**APPROVED: December 15, 2020  
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.