



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

**REMOTE MEETING**

**December 15, 2020**  
**5:30 PM**

**Regular Meeting**

**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 5:32 p.m. On the call of the roll Chair Hinze and Members Yankee and Schmidt were noted present. A quorum was present.

There were no agenda changes.

**2. Approval of the November 17, 2020, and December 2, 2020, Complaint Committee meeting minutes.**

**Action: Moved by Member Yankee, seconded by Member Schmidt, to approve the November 17, 2020, and the December 2, 2020, Complaint Committee meeting minutes.**

Public Comment:  
None.

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

Ayes: 3 - Yankee, Schmidt, Hinze  
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.

Anonymous stated that he knows that there is a group of public employees called Custodians Records Group and he has reviewed their latest meeting agenda. Anonymous stated that David Steinberg Custodian of Public Works who ran the meeting, announced a new proposal to maximize access to the SOTF.

4. **File No. 20033:** Complaint filed by Anonymous against London Breed for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.29-5 by failing to maintain a Prop G calendar.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that the Mayor's Prop G calendar was not provided as requested. Anonymous noted that certain calendared data was not included. Anonymous stated that the Mayor's calendar does not provide the subject discussed only who she met with. Anonymous stated that the calendar includes a consistently repeated subject line and that there should have been a general statement of issues discussed. Anonymous also noted that only three days after the actual date of the meeting and after the meeting is over was the calendar provided and in none of those cases was a general statement of issues included. In addition, Anonymous stated that meeting times are random.

Hank Heckel (Office of the Mayor) (Respondent), provided a summary of the department's position. Mr. Heckel stated that it is their practice to keep a calendar and provide it upon request and is updated every three days. Mr. Heckel stated that the Mayor's Office has provided many hundreds of entries and those descriptions are accurate and descriptive. Mr. Heckel noted the meeting descriptions state what the meeting is about, the attendees and full agendas and minutes are not required. Mr. Heckel stated that recurring meetings, such as those that are regularly occurring with senior staff without a prearranged agenda are just a check in on the issues of the day. Mr. Heckel stated that the Mayor's Office takes Prop G seriously and keeps the calendar regular and accurate.

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

Public Comment:  
None.

**Action: Moved by Member Yankee, seconded by Member Schmidt, to find that the SOTF has jurisdiction, 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 - Yankee, Schmidt, Hinze  
Noes: 0 - None

5. **File No. 20040:** Complaint filed by Anonymous against Amy Hart of the Office of the Medical Examiner for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-5 by to keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that he is asking all agencies for their Prop G calendars. Anonymous stated the responsive records provided by the Medical Examiner's Office was inadequate and that it was not clear what he is looking at. Anonymous noted that Ms. Hart's outlook calendar contained one readable meeting, that there was no invitation or subject matter. Anonymous stated that on November 12, 13, 14, and 16 there were inadequate meetings descriptions on the summary page which is noncompliant.

The SOTF Administrator stated that no representative from the Office of the Medical Examiner was present and that they did not inform of their absence.

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

Public Comment:  
None.

**Action: Moved by Member Schmidt, seconded by Member Yankee, to find that the SOTF has jurisdiction, 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 - Schmidt, Yankee, Hinze  
Noes: 0 - None

6. **File No. 20041:** Complaint filed by Anonymous against Controller Ben Rosenfield for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-5 by failing to keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that there is no dispute that the Controller is the head of his department. Anonymous noted as an example on page 228 of the Agenda packet the meeting that says “Ted” which is not compliant. Anonymous also stated that an ad hoc Police Group meeting, which takes place weekly does not identify the issues discussed at this meeting. Anonymous stated that statement of issues in several calendar entries are not provided. Anonymous wants to know what issues the Mayor is discussing with Controller Rosenfield at this meeting that have not been provided?

Todd Rydstrom, Deputy Controller (Controller’s Office) (Respondent), provided a summary of the department’s position. Mr. Rydstrom stated that for purposes of the record, his office takes all public information requests seriously and that they strive to be a model of transparency. Mr. Rydstrom stated that the Controller’s Office supports 24/7 access to the public and that they work to promote efficient and accountable government. Mr. Rydstrom stated that his office is committed to the SOTF and will take the examples noted by Anonymous back to the office for review and bring to the attention to our office.

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

Public Comment:  
None.

**Action: Moved by Member Schmidt, seconded by Member Yankee, to find that the SOTF has jurisdiction, 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 - Schmidt, Yankee, Hinze  
Noes: 0 – None

7. **File No. 20042:** Complaint filed by Anonymous against Executive Director Elaine Forbes, Port, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-5 by to keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous asked what did they discuss at these meetings? Anonymous stated that the Port failed to provide dates and times of meetings. Anonymous asked that the Port provide the actual instance of a recurrence of the time and that often times they will change from their base of recurrence. Anonymous noted that date and location of meetings are often not provided. Anonymous stated that these records are public by definition.

Lila LaCroix (Port of San Francisco) (Respondent), provided a summary of the department's position. Ms. LaCroix stated that she is the Custodian for Port of San Francisco. Ms. LaCroix stated that Director Forbes believes in transparency and its requirements as directed by Sunshine. Ms. LaCroix stated that Director Forbes strives to always in compliance with Administrative Code 67.29-5 and wants to ensure the Committee and the Petitioner that they do take this seriously. Ms. LaCroix stated that going forward all items will include all required information.

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

Public Comment:

None.

**Action: Moved by Member Schmidt, seconded by Member Yankee, to find that the SOTF has jurisdiction, 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 - Schmidt, Yankee, Hinze

Noes: 0 - None

8. **File No. 20044:** Complaint filed by Anonymous against Grant Colfax of the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-5 by failing to keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that they do not itemize issues

discussed with specific. Anonymous noted that Mr. Colfax's calendar does not include issues discussed at meetings which need to be included because Colfax attended those meetings. Anonymous stated that many meeting descriptions were not recorded properly. Anonymous noted that he had to wait one year to get requested information. Anonymous opined that he also did not receive a statement of issues discussed within three business day after a meeting has taken place.

Veronica Vien (Department of Public Health, DPH) (Respondent), provided a summary of the department's position. Ms. Vien began by saying that the Dept. of Public Health took this complaint seriously and that they are making sure that all calendar entries are up to Prop G standards. Ms. Vien stated that during Dr. Colfax's first year there was little clerical support staff there working for Dr. Colfax. Ms. Vien stated that DPH has transitioned to making sure that handwritten calendar and Prop G calendar are maintained. Ms. Vien agrees that Prop G calendar is public record and the Department is working to ensure that Dr. Colfax's calendar is compliant.

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

Public Comment:

None.

**Action: Moved by Member Yankee, seconded by Member Schmidt, to find that the SOTF has jurisdiction, 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 - Yankee, Schmidt, Hinze

Noes: 0 - None

**9. Discussion regarding new Complaint Form.**

Anonymous stated that many people do not know their rights under the law and prepared a shorter version of a Bill of Rights.

Member Yankee noted that he likes the revisions submitted by Anonymous and agreed that too many pages could deter a person from filing a complaint. However, it helps serve the purpose of giving the SOTF guidance and discussion.

Member Schmidt opined that this is a good contribution from a member of the public and the Committee appreciates that this is an upgrade. Member Schmidt concurred with

Administrator Young in that the SOTF doesn't want to put in too much extra verbiage for cases that do not come up often. If saying part of the mission is to give a bill of rights.

Administrator Young suggested using the word "department" in place of "Custodian of Records". Administrator Young also noted that the form does not have anything regarding public meetings and that there is no way to translate this onto an online format. Google forms are simple and can be submitted online.

Member Yankee opined that Google forms are not the best method. Member Yankee requested that the Administrator prepare a pdf form with check boxes and have the Petitioner then attach it back to the complaint. Member Yankee suggested that a discussion on the Bill of Rights may be separate. Member Yankee requested that Administrators Young and Leger work on getting this to IT and create a fillable pdf form.

**Action: Moved by Member Yankee, second by Member Schmidt to move that the Committee ask the Administrators to adapt the revised complaint form into a fillable pdf form; strike the introductory paragraph and present it to the full SOTF for review with the revised title.**

Public Comment:

Anonymous stated that if striking first paragraph probably do want the whole thing. Would suggest, he is not a third party and he is a person with an agenda and wants to make sure that everyone have access. Anonymous urges the full SOTF to fully read to make certain it is the voice of the SOTF.

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

Ayes: 3 - Yankee, Schmidt, Hinze

Noes: 0 - None

10. **ADJOURNMENT**

There being no further business the meeting was adjourned at 8:01 p.m.

**APPROVED: January 19, 2021  
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.