



SUNSHINE ORDINANCE TASK FORCE

Complaint Committee

CITY AND COUNTY OF SAN FRANCISCO

MINUTES

REMOTE MEETING

October 19, 2021
5:30 PM

Remote Regular Meeting

Members: Dean Schmidt (Chair), Laura Stein

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

Chair Schmidt called the meeting to order at 5:42 p.m. On the call of the roll Chair Schmidt and Member Stein were noted present. A quorum was present.

There were no agenda changes.

2. Approval of the September 21, 2021, Complaint Committee meeting minutes.

Action: Moved by Member Stein seconded by Chair Schmidt to approve the -
September 21, 2021, meeting minutes.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 - Stein, 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. 21094:** Complaint filed by William Peters against the Police Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.8-1, 67.21, 67.24(h) and California Government Code, Section 54956.9, by failing to respond to a requested for public records in a timely and/or complete manner (Close Session audio recordings – March 6, 2019)

William Peters (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Peters requested the audio recording of the Police Commission hearing regarding the Chris Kohrs matter. Mr. Peters stated that the Police Commission falsely stated that there was a secret conversation. Mr. Peters stated that this was not a litigation matter and that evidence is disclosable.

Lt. Stacy Youngblood (Police Commission) (Respondent), provided a summary of the department's position. Lt. Youngblood stated that Mr. Peters requested the audio recording of Chris Kohrs matter heard by the Police Commission. Lt. Youngblood stated that the closed session of the recording was not released. Lt. Youngblood noted that Mr. Kohrs was before the SOTF and stated that the matter is regarding personnel records, which are confidential.

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

Action: Moved by Chair Schmidt, seconded by Member Stein, to refer the matter to the SOTF, that the request seems to be a duplicate request for information in a case that was already heard by the SOTF as well as the request for reconsideration and that the party may have supported that case.

Public Comment:

Speaker No. 1 stated that the records are public because this is a personnel matter and not related to litigation, so the information is disclosable. Speaker No. 1 stated that the SOTF has a high degree of transparency which keeps everyone honest and ethical.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein

Noes: 0 - None

5. **File No. 21114:** Monica Price and the First Amendment Coalition against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing respond to a public records request in a timely and/or complete manner.

Monica Price (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Price stated that on August 3, 2021, she requested

records regarding the cause of death of Mr. Clements who was under the influence of drugs and passed away of a heart attack while in police custody. Ms. Price stated that the Police Department stated that they have no records which she believes is not true. Ms. Price stated that she believes Mr. Clements death was caused by use of force.

Lt. Arran Pera (Police Department) (Respondent), provided a summary of the department's position. Lt. Pera stated that they received the request for records including audio and video of when Mr. Clements died in police custody on August 10. Lt. Pera stated that the Police Department had no responsive records. Lt. Pera stated that officer use of force caused the death of Mr. Clements was investigated by the Police Department and the District Attorney and that Ms. Price's claim that Mr. Clements died as a direct use of force by the Police Department was found to be false.

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

Action: Moved by Chair Schmidt, seconded by Member Stein, 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: 2 - Schmidt, Stein

Noes: 0 - None

6. **File No. 21115:** Monica Price and the First Amendment Coalition against the Office of the District Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing respond to a public records request in a timely and/or complete manner.

Monica Price (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Price stated that she requested the records from the District Attorney regarding the death of Mr. Clements and received a generic response due to the backlog. Ms. Price believes the District Attorney's Office has not provided all responsive records including bodycam footage. Ms. Price stated that her office received records but that they were heavily redacted and no justification key was provided.

Robyn Burke (District Attorney's Office) (Respondent), provided a summary of the department's position. Ms. Burke stated that SB1421 records are not public but makes them available when they can and on the advice of the City Attorney and in this case released the records to Ms. Price. Ms. Burke stated that to her knowledge the District Attorney's Office provide the full investigation file.

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

Action: Moved by Member Stein, seconded by Chair Schmidt, 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: 2 - Stein, Schmidt
Noes: 0 - None

7. **File No. 21085:** Complaint filed by Kevin Carroll, the Hotel Council of San Francisco and Matthew C. Alvarez against Angela Calvillo, Clerk of the Board of Supervisors for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.1 and 67.7 by failing to provide fair and equitable access to members of the public (Board of Supervisors, Budget and Finance June 25, 2021, meeting).

Kevin Carroll, President of the Hotel Counsel of San Francisco (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Carroll stated that this complaint involves the hearing before the Board of Supervisors on June 25, 2021, where he believes that preferential treatment was given to some members of the public when public comment was called. Mr. Carroll stated that instructions that the caller could call in at 10:00 am. Mr. Carroll stated that he has always followed instructions on how to provide public comment but thinks preferential treatment was given to other trade organizations.

Wilson Ng (Board of Supervisors) (Respondent), provided a summary of the department's position. Mr. Ng stated that Board of Supervisor meetings are held on Tuesdays and Public Comment Day is a chance for the public to speak. Mr. Ng noted that prior to Covid, language and digital accommodation would take logistical priority for community based nonprofits and members of the public. In a remote setting the Office of the Clerk of the Board provides public comment instructions in four different languages with instructions to provide audio/video presentations in advance. Mr. Ng stated that under agenda meeting procedures, it clearly states that people are required to provide their materials in advance.

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

Action: Moved by Chair Schmidt, seconded by Member Stein, to find that the SOTF has jurisdiction, find that this a public meeting matter and to refer the matter to the SOTF for hearing with the recommendation to Mr. Carrol and Mr. Alvarez have brought in a violation of due process.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein

Noes: 0 - None

8. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Complaint Committee.** (*Discussion and Action*)

Chair Schmidt stated that the Complaint Committee should schedule a future agenda item for Member Stein who has created a process for organizing complaint files.

9. **ADJOURNMENT**

There being no further business the meeting was adjourned at 8:03 p.m.

APPROVED: November 16, 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.