



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

September 20, 2022
5:30 PM

Remote Regular Meeting

Members: Dean Schmidt (Chair), Laura Stein and Bruce Wolfe

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

Chair Schmidt called the meeting to order at 5:36 p.m. On the call of the roll Chair Schmidt and Member Stein were noted present. Member Wolfe was noted absent. A quorum was present.

The SOTF Administrator spoke about the recess the committee will take this evening.

There were no agenda changes.

2. Approval of the August 16, 2022, Complaint Committee meeting minutes.

Action: Moved by Chair Schmidt, seconded by Member Stein, to approve the August 16, 2022, meeting minutes.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein

Noes: 0 - None

Absent: 1 - Wolfe

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:

Zach K. stated that he is a disability and human rights advocate and spoke about Administrator Leger's job performance.

Chair Schmidt called a recess at 5:54 PM until 6:15 PM.

The Committee resumed its hearing at 6:18 PM.

Roll Call: Schmidt, Stein present

4. **File No. 21128:** Complaint filed by Maria Schulman against Mayara Ruski Agosto Sa, and the San Francisco Public Utilities Commission (SFPUC) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, 67.26(b) and 67.27, and California Public Records Action, Section 6253(d), by failing to respond to a request for public records in a timely and/or complete manner and failing to provide written justification for withholdings.

Maria Schulman (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Schulman stated that on August 25, 2021, she filed a records request for a wastewater report with the SFPUC. Ms. Schulman stated that in response she received a lot of records without properly keyed redactions. Ms. Schulman stated that several pages were completely redacted and that more information than just the name and email address were redacted.

Mayara Ruski Augusto Sa (Public Utilities Commission (SFPUC)) (Respondent), provided a summary of the department's position. Ms. Augusto Sa stated that her department received a wastewater report request from Ms. Schulman on August 26, 2021, which was the Labor Day weekend. Ms. Augusto Sa noted that the Mayor's Proclamation was also enforced allowing city departments an extension of time to respond to records requests. Ms. Augusto Sa stated that on September 8, 2021, the requested records were provided timely and that justifications for all redactions were properly made.

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 for consideration of timeliness delays and overbroad interpretation of privacy exemptions.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Stein, Schmidt

Noes: 0 - None

Absent: 1 - Wolfe

5. **File No. 21132:** Complaint filed by Maria Schulman against Sherrie Valdez and the Department of Public Health (DPH) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

Maria Schulman (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Schulman stated that she filed her request on September 21, 2021, and responsive records were not provided within 10 days. Ms. Schulman stated that she was told those records were part of an open investigation and until the matter is closed, the records could not be provided. Ms. Schulman received all of her requested records on October 14, 2021, which is not timely.

Adaku Ude (Department of Public Health (DPH)) (Respondent), provided a summary of the department's position. Ms. Ude stated that on September 21, 2021, Ms. Schulman's records request was received via email. Ms. Ude stated there was an open investigation and told Ms. Schulman that the records would be provided once the case had closed. Ms. Ude stated that Ms. Schulman's records were provided on October 14, 2021, and the request was closed.

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

Absent: 1 - Wolfe

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

Chair Schmidt thinks the bottleneck of cases lies with the SOTF,

7. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:03 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.