



# **SUNSHINE ORDINANCE TASK FORCE**

## **Education, Outreach and Training Committee**

### **CITY AND COUNTY OF SAN FRANCISCO**

#### **MINUTES**

#### **REMOTE MEETING**

**March 8, 2022**  
**5:30 PM**

#### **Remote Regular Meeting**

**Members:** Chris Hyland (Chair), Jaya Padmanabhan and Matthew Yankee

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

Chair Hyland called the meeting to order at 5:33 p.m. On the call of the roll Chair Hyland and Members Padmanabhan and Yankee were noted present. A quorum was present.

There were no agenda changes.

#### **2. File No. 22009: Complaint filed by Hanley Chan against Mary Murphy and Victor Olivieri (Veterans Affairs Commission) for allegedly violating Administrator Code (Sunshine Ordinance), Section(s) 67.5, 67.6, 67.7, and 67.7.1, by failing to post an agenda and provide notice of hearing at least 72 hours before the meeting.**

Hanley Chan (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Chan stated that members of the Veterans Affairs Commission were not notified changes to the By-laws. Mr. Chan requested that a meeting of the Veterans Affairs Rules Committee take place to discuss and implement those changes.

Mary Murphy (Veterans Affairs Commission) (Respondent), provided a summary of the department's position. Ms. Murphy stated that the complaints about a meeting of the Rules Committee that was never held.

Victor Olivieri, Chair of the Rules Committee, stated that the Rules Committee did not meet in January. Mr. Olivieri stated that the email threads show that the complaint was filed by a disgruntled Commission member, that the Rules Committee did not meet in January, that the items that were posted in a timely manner for the meeting held in

February. Mr. Olivieri stated that he created the draft by-law by himself to present to the Commission and its committees for review and possible consideration.

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

**Action: Moved by Chair Hyland, seconded by Member Padmanabhan, to continue the matter to the Call of the Chair to allow Mr. Chan until June 1, 2022, to submit additional findings and documentation. The Committee also requests that Ms. Mary Murphy and Mr. Victor Olivieri produce the requested email thread that was referenced in the packet within five business days.**

Public Comment:

Courtney Ellington, CEO and first Vice Commander of District 8 noted that the situation was mishandled at the lowest level. Ms. Ellington stated that Mr. Olivieri is manipulating other people who are in the hospital fighting to get better.

Romano Alado commented on the actions of Mr. Olivieri. .

Charles Baker stated that he was raised in San Francisco and is an Airforce Veteran on the actions of Mr. Olivieri.

Michael Nutty stated that he is serving on the Board of Directors that deals with veterans and that he finds it concerting when a member of a commission is not taken seriously.

Joan Lee stated she was a Desert Storm veteran And commented on the actions of Mr. Olivieri.

Anthony Ellington is a San Francisco resident and commented on the action of Mr. Olivieri.

Sean Michaux stated that he is a Navy veteran and supports Mr. Chan.

Countess Chandler stated she is an Army Veteran and that Mr. Olivieri is clearly abusing his power by changing the by-laws.

Anonymous #3 stated that the speakers are on the right track discussing serrata meeting violations. Anonymous #3 suggested that a review of the email for possible violation is advisable.

Wynship Hillier agreed with Anonymous #3.

Karena Seng stated that the complaint at issue is about transparency and Sunshine laws. Ms. Seng stated that Mr. Olivieri is trying to evade Sunshine laws and not follow the by-laws.

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

Ayes: 3 - Hyland, Padmanabhan, Yankee

Noes: 0 - None

3. **Approval of the January 11, 2022, Education, Outreach and Training Committee meeting minutes.**

The Committee discussed the minutes.

**Action: Moved by Chair Hyland, seconded by Member Padmanabhan, to continue the matter to the next meeting as amended.**

Public Comment:

None.

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

Ayes: 3 - Hyland, Padmanabhan, Yankee

Noes: 0 - None

4. **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:

Wynship Hillier provided the following written summary of his public comment: "Last November, I checked whether the Behavioral Health Commission announced their regular meeting on the 17th via the Government Documents department of the public library. BHC did not announce their meeting at all there, but, as I checked the meeting notices binder every day leading up to the 17th, I saw that many other public bodies were publishing notices of their meetings at various times after the 72-hour deadline for doing so. Government Documents stamps each notice with the time or date it was received and organizes them by the date of the meeting. Consequently, EOTC could easily identify bodies who are publishing their notices late by monitoring this binder or possibly enlist the help of Government Documents in doing so."

5. **File No. 22012:** Complaint filed by Anonymous (SFT) against Director Greg Colfax and the Department of Public Health for allegedly violating Administrator Code (Sunshine

Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Anonymous #3 (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous #3 stated that this was one of his standard requests made to a variety of agencies without using NextRequest. Anonymous #3 stated that DPH requested that he identify who in the Mayor's Office would locate the requested records. Anonymous #3 stated that the search for his records was improperly conducted and should have been made public, not private. Anonymous #3 stated that if they stopped closing NextRequest, he will withdraw his complaint.

Sophie Tran (Department of Public Health (DPH)) (Respondent), provided a summary of the department's position. Ms. Tran provided a timeline of events. On February 15, 2020, the requestor opened a request. Ms. Tran stated that on February 16, an internal request was initiated to copy and paste. Ms. Tran stated that on February 17, DPH asked the requestor to narrow their request, however they did not receive a response. Ms. Tran stated that on February 28, DPH sent a response to the complainant attaching the email request from NextRequest again asking for clarification of the request. Mr. Tran stated that on March 3, 2022, DPH, issued an email to the department to produce records that were made available to the requestor.

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

**Action: Moved by Member Padmanabhan, seconded by Member Yankee, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with a recommendation to find a violation of 67.21(b) for failing to provide the requested records in a timely and complete manner.**

Public Comment:

None.

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

Ayes: 3 - Hyland, Padmanabhan, Yankee

Noes: 0 - None

6. **File No. 22013:** Complaint filed by Yuli Huang against David Steinberg and Public Works for allegedly violating Administrator Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Yuli Huang (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Huang requested detailed calculations to determine how the contractor should install pilings into the ground. Mr. Huang stated this

calculation is public and is between the contractor and DPW. Mr. Huang stated that the contractor was to submit those calculations when responding to the proposal and did not provide them. Mr. Huang stated the information is a public record and DPW did not provide it.

David Steinberg (Public Works (DPW)) (Respondent), provided a summary of the department's position. Mr. Steinberg stated that DPW acknowledges the SOTF has jurisdiction. Mr. Steinberg stated that DPW has provided responsive records and records that may be responsive. Mr. Steinberg stated that Mr. Huang's request was for a submitted calculations package. Mr. Steinberg stated that their expert says no such record exists. Mr. Steinberg requested that the Committee close the complaint with no violation.

Raymond Lewis, DPW, stated that the records Mr. Huang is referring to is for metaling for shoring work. Mr. Lewis stated that DPW did receive and approve trench methodology, but did not get information on how they do that. Mr. Lewis stated that information was provided to Mr. Huang.

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

**Action: Moved by Member Yankee, seconded by Member Padmanabhan, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with a recommendation to find no violation.**

Public Comment:

Anonymous #3 stated that if money is exchanged at the time the request was made and though the manuals say it exists, then the City has to ask the contractor if the record exists.

Wynship Hillier provided the following written summary of his public comment: "California Evidence Code § 664 states, 'It is presumed that official duty has been regularly performed. . . .' In the case in which regulations or professional practice require that certain documents or information be created or exist, this section means that the public is entitled to a presumption that they exist and may be requested. Should an agency respond to such a request with 'no responsive documents,' and the requestor contest this response, the requestor is due a rebuttal of the presumption, or, in other words, either an admission that the agency violated regulations or professional practice, or an account of why regulations or professional practice were not followed."

Member Yankee amended their original motion.

**Action: Moved by Member Yankee, seconded by Member Padmanabhan, to find jurisdiction, that the records are public and to forward the matter to the SOTF with**

**a recommendation to find no violation and to request that DPW ask their contractor for the information pursuant to Section 67.24(e)(1) and report those findings to the Petitioner within the next five business days.**

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

Ayes: 3 - Yankee, Padmanabhan, Hyland

Noes: 0 - None

7. **File No. 22017:** Hearing to review and possible consolidation of complaints filed by Wynship Hillier against the Behavioral Health Commission.

Wynship Hillier (complainant) provided a summary of the complaints and requested the Committee to find violations.

Geoffrey Grier (Behavioral Health Commission) (Respondent) acknowledged that some errors did occur in the past but not to the extent alleged by Mr. Hillier. Mr. Grier stated that in an effort to move forward and get back to business they will not contest the findings of the SOTF.

The EOTC consolidated the hearing on the following complaint files into File No. 22017 and referred the complaints to the SOTF for review on their Consent Agenda (File Nos. 21021, 21036, 21087, 21095, 21099, 21103, and 21118).

The EOTC noted that the SOTF, through File No. 20100, previously found that the Behavioral Health Commission (BHC) violated certain sections of the Sunshine Ordinance regarding BHC past meeting/agendas that apply to the current complaints.

**Moved by Chair Hyland, seconded by Member Yankee, to recommend that the SOTF, via Consent Agenda, find that the BHC and its Committees, at various meetings that occurred from period of September 8, 2020, through April 13, 2021, violated one or more of the following Sunshine Ordinance Sections:**

- **67.7(a) by failing to provide an adequate description of the agenda items;**
- **67.7(a) by failing to post their Agenda 72 hours in advance of the meeting;**
- **67.7(b) by failing to provide a clear description of the matters;**
- **67.7(b) by failing to post supporting documents on-line or make them available as soon as they are available;**
- **67.7(g) by failing to include notices of rights under the Sunshine Ordinance on the agenda;**
- **67.9(a) by failing to post supplementary documents for the meeting on the internet;**
- **67.15(a) by failing to allow public comment for each item on the agenda.**

**The EOTC further requests that the SOTF refer the matter to the Compliance and Amendments Committee to review future agendas/meetings of the BHC, no earlier**

than the issue date of the Order of Determination, and not to extend beyond three months, regarding compliance with the Sunshine Ordinance Sections listed above or related violations.

The EOTC further requests that the BHC provide their manual or description of their procedure/practices implemented to address the violations listed above. In an effort to document compliances with posting requirements of the Sunshine Ordinance, the EOTC requests that the BHC maintain a log of when agendas and supporting documents are posted along with any other relevant data.

The EOTC acknowledges that the Respondent accepted the recommendation of the EOTC via “No Contest” in an effort to resolve the complaints and move forward.

Public Comment:

Peter Warfield, Executive Director Library Users Association.  
[libraryusers2004@yahoo.com](mailto:libraryusers2004@yahoo.com), P.O. Box 170544, San Francisco, California, 94117-0544. Mr. Warfield was not able to hear the full matter but is troubled by the objective.

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

Ayes: 3 - Hyland, Padmanabhan, Yankee

Noes: 0 - None

8. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Education, Outreach and Training Committee.**

There were no announcements.

Public Comment:

Peter Warfield stated that there should be scheduling for evaluation and comments by the SOTF and the public of this process of consent agendas should be scheduled before any conclusion of this trial process.

9. **ADJOURNMENT**

There being no further business the meeting was adjourned at 9:03 p.m.

**APPROVED: May 24, 2022**  
**Education, Outreach and Training 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.