



# **SUNSHINE ORDINANCE TASK FORCE**

## **Complaint Committee**

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

### **MINUTES**

**Hearing Room 408  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689**

**April 18, 2023  
SCHEDULE START TIME 5:30 PM**

#### **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 5:34 p.m. On the call of the roll Chair Schmidt and Member Stein were noted present. Member Wolfe was noted absent. There was a quorum.

Mayara Ruski Augusto Sa of the Public Utilities Commission requested that item 8 be heard first. The respondent Karl Kramer agreed to the agenda change.

#### **2. Approval of the March 21, 2023, Complaint Committee meeting minutes.**

**Action: Moved by Chair Schmidt, seconded by Member Stein, moved to approve the March 21, 2023, 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:

None.

4. **File No. 21009:** Complaint filed by Anonymous (ARE) against Hank Heckel, Mayor London Breed and the Office of the Mayor for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21(k) and the California Public Records Act, Section 6254.21, by making an illegal written demand to not disclose the Mayor's telephone number, by failing to include a statement describing a threat or fear for the safety of the Mayor or any person residing at the Mayor's home address, and by failing to designate in writing an agent authorized by the Mayor to make a written demand pursuant to 6254.21.

Anonymous (Petitioner) was not present for the hearing and did not notify the Administrator of their absence.

Hank Heckel (Mayor's Office) (Respondent), was present for the hearing.

**Action: Moved by Chair Schmidt, seconded by Member Wolfe, to table the matter per Complaint Procedures Section 7(b), inform the Petitioner that their case is closed and that they have sixty days from this date to reopen their case and proceed with the hearing.**

Public Comment:

None.

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

Ayes: 3 - Schmidt, Wolfe, Stein

Noes: 0 - None

5. **File No. 21017:** Complaint filed by Anonymous (ARE) against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(d), by failing, as the supervisor of records, to inform the petitioner as soon as possible and within 10 days of its determinations whether the record requested is public.

Anonymous (Petitioner) was not present for the hearing and did not notify the Administrator of their absence.

Jenn Kwart (City Attorney's Office) (Respondent) was present for the hearing.

**Action: Moved by Chair Schmidt, seconded by Member Stein, to table the matter per Complaint Procedures Section 7(b), inform the Petitioner that their case is closed and that they have sixty days from this date to reopen their case and proceed with the hearing.**

Public Comment:

None.

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

Ayes: 3 - Schmidt, Stein, Wolfe

Noes: 0 - None

6. **File No. 23007** Complaint filed by Pic Van Cleef against Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.7-1(c) for failing to properly notice a public notice; for failure to inform the residents of the proposal, the length of time planned for the activity and the effect of the proposal or activity and by failing to state that persons who are unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing, that these comments will be made a part of the official public record.

Pic Van Cleef (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Van Cleef stated that this matter began with an establishment that wanted to start a cannabis store and the notification area. Mr. Van Cleef stated that the Planning Department and Planning Commission were in violation of the law regarding posting notices at the door, failing to designate someone to notify the community of the notice and failing to use language familiar to non-English speaking citizens.

(Planning Department) (Respondent), provided a summary of the department's position. Ms. Lynch stated that the term cannabis was used in the notice, as defined with the Planning Code. Also, in response to the Complainant's presentation regarding the staff person, there is noted at the bottom of the page a translation, in various languages, of this notice and what to do if you are unable to attend the meeting. Ms. Lynch also stated that at the bottom of the page there is information on how to contact the Planning Department and additional language on the hearing as required by Planning Code 333 notification procedures regarding public notice.

**Action: Moved by Chair Schmidt, seconded by Member Stein, find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF because the parties produced evidence regarding that might indicate the actual size of the document on the door and produce any and all affidavits of posting and mailing the notice, reference made to Planning Code 333 and Administrative Code 91.7 for hearing.**

Public Comment:

None.

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

Ayes: 3 - Schmidt, Stein, Wolfe

Noes: 0 - None

Recess at 7:28 PM returning at 7:33 PM.

7. **File No. 23008** Complaint filed by Emperor Norton's Revenge against Cathy Mulkey Meyer and the Human Rights Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

The Petitioner was not present for the hearing and did not notify the Administrator of their absence.

Cathy Mulkey Meyer (Human Rights Commission) (Respondent), was present.

**Action: Moved by Chair Schmidt, seconded by Member Wolfe, to table the matter per Complaint Procedures Section 7(b), inform the Petitioner that their case is closed and that they have sixty days from this date to reopen their case and proceed with the hearing.**

Public Comment:

None.

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

Ayes: 3 - Schmidt, Wolfe, Stein

Noes: 0 - None

8. **File No. 23010** Complaint filed by Karl Kramer against Dennis Herrera, Charles Perl, and the Public Utilities Commission 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.

Karl Kramer (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Kramer stated that his initial request was sent on December 16, 2022. On January 17, 2023, the CPUC (California Public Utilities Commission) sent a spreadsheet including individual items in the organization but not a collective amount, nor did it show a CPI increase.

Mayara Ruski Augusto Sa (California Public Utilities Commission (CPUC)) (Respondent), provided a summary of the department's position. Ms. Sa stated that originally Mr. Kramer was requesting figures for cost-of-living adjustment adjustments. Even though they are not a general fund department, Mr. Kramer requested CPI increases which were provided in 2017 - 2021 and 2022. Ms. Sa stated that the spreadsheet lists all vendors by name and their dollar amounts were provided, but Mr. Kramer was looking for all the figures to add up the total dollar amount.

Laura Bush, Budget Director, Public Utilities Commission, stated that those figures were provided. Ms. Bush stated that the records Mr. Kramer is requesting would require that new documents be created with new analysis. Ms. Bush stated that spreadsheets from 2017 until 2022 were provided and that the rates of the CPI increases were shown and worked with the Contracts Team to provide those records.

**Action: Moved by Chair Schmidt, seconded by Member Wolfe, 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 the recommendation to find no violation.**

Public Comment:

None.

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

Ayes: 2 - Schmidt, Wolfe

Noes: 1 - Stein

9. **File No. 23014:** Complaint filed by Sara Watson against the San Francisco Fire Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Sara Watson (Petitioner) was not present for the hearing and did not notify the Administrator of their absence.

John Tucker (Fire Department) (Respondent), was present.

**Action: Moved by Chair Schmidt, seconded by Member Stein, to table the matter per Complaint Procedures Section 7(b), inform the Petitioner that their case is closed and that they have sixty days from this date to reopen their case and proceed with the hearing.**

Public Comment:

None.

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

Ayes: 3 - Schmidt, Stein, Wolfe

Noes: 0 - None

10. **File No. 23016:** Complaint filed by Rosa L. the Department of Emergency Management for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Rosa L. (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Rosa L. on December 22, 2022, made a records request to the Department of Emergency Management. Rosa L. stated that she was requesting records pertaining to homeless sweeps in San Francisco and the delays pertaining to records requests. Rosa L. stated that records were produced a few days before the hearing.

Victor Lim (Department of Emergency Management) (Respondent), provided a summary of the department's position. Mr. Lim stated that he is responsible for not responding to the records responses in a timely manner. Mr. Lim appreciated the requestor following up on this issue. Mr. Lim stated that his department is short-staffed, there is a litigation hold regarding homelessness which required the city attorney to review all records before they are released.

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 Consent Calendar with the recommendation to find that there is a violation of Administrative Code, Sunshine Ordinance, Section 67.21 for failure to respond in a timely and complete manner and refer this case to the Compliance and Amendments Committee to follow up with the Acting Custodian of Record of the Department of Emergency Management on obtaining the remaining records.**

Public Comment:

None.

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

Ayes: 3 - Stein, Schmidt, Wolfe

Noes: 0 - None

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

Chair Schmidt announced that he will be absent for the May 16 Complaint Committee, June 7 Sunshine Ordinance Task Force and June 20 Complaint Committee hearings.

**12. ADJOURNMENT**

There being no further business the meeting was adjourned at 8:09 p.m.

**APPROVED: June 20, 2023**

**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.