



SUNSHINE ORDINANCE TASK FORCE
Education, Outreach and Training Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES

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

June 19, 2018 - 3:30 PM

Regular Meeting

Members: Josh Wolf (Chair), Bruce Wolfe and Louise Fischer

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

Chair Josh Wolf called the meeting to order at 3:52 p.m. On the call of the roll Chair Josh Wolf and Member Louise Fischer were noted present. Member Bruce Wolfe was noted not present. There was a quorum.

SOTF Administrator Young noted that Item Nos. 6 and 7 were withdrawn prior to the meeting.

2. Adoption of the minutes for the April 17, 2018, Education, Outreach, and Training Committee meetings.

Member Fischer, seconded by Chair J. Wolf, moved to approve the April 17, 2018, meeting minutes.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 – Fischer, J. Wolf

Noes: 0 – None

Absent: 1 – B. Wolfe

3. **Public Comment:** Members of the public may address the Education, Outreach and Training Committee on matters that are within the Committee's jurisdiction but not on today's agenda.

Speakers:

None.

4. **File No. 17104: Hearing on the Status of the Order of Determination:** Complaint filed by Kathleen Courtney and the Russian Hill Community Association against Nicholas Foster and the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

(On January 16, 2018, the SOTF heard the matter and found a violation of Administrative Code (Sunshine Ordinance), Section 67.21. The SOTF referred the matter to the Education, Outreach and Training Committee to review the Planning Department's procedures, policy and training to insure that public records are being made available to the public in a timely manner.)

Jonas Ionin, Planning Department (Respondent), provided a summary of the department's position. Mr. Ionin stated that policy and procedures manuals with respect to public records retention at the Planning Department do not exist. Mr. Ionin also stated that training is performed verbally by supervisors and that management is responsible for making sure planners and other staff members comply with policies related to public records retention. Mr. Ionin stated that there was a computer glitch that was corrected which prevented staff from being able to provide all the records requested by Ms. Courtney.

Kathleen Courtney (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Courtney expressed concern that there were no written policies and procedures for training new employees at the Planning Department with regards to public records retention and compliance with the Sunshine Ordinance.

Chair Josh Wolf expressed concern that policies and procedures were not maintained but acknowledged that Mr. Ionin stated that the Planning Department will create a procedures manual in the near future.

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

Member Hinze, seconded by Member Wolfe, moved to find that the Planning Department complied with the Order of Determination. *(Chair Wolf noted that the matter is scheduled before the Compliance and Amendments Committee to confirm that documents that were accidently hidden have posted online as intended by the Planning Department and that the documents related to the compliant have been provided.)*

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 – Fischer, J. Wolf

Noes: 0 – None

Absent: 1 – B. Wolfe

The Education, Outreach and Training Committee (Committee) shall hold hearing(s) on File Nos. 18022, 18034 and 18047 to: 1) determine if the Sunshine Ordinance Task Force (Task Force) has jurisdiction; 2) review the merits of the complaints; and 3) issue a report and/or recommendation to the Task Force. The Task Force, upon receipt of the report and/or recommendation from the Committee, shall schedule and conduct a hearing on the merits of the complaint.

5. **File No. 18022:** Complaint filed by Kevin Williams against the Bayview Opera House and the Arts Commission for allegedly violating Administrative Code, Section 12L.5 (Nonprofit Public Access Ordinance), by failing to respond to a request for public records in a timely and/or complete manner.

(Pursuant to Administrative Code, Section 12L.5, Mr. Williams submitted a complaint against the Bayview Opera House to the Arts Commission. The Arts Commission considered the complaint and issued a response. Mr. Williams has requested that the SOTF provide an advisory opinion regarding the complaint.)

Kevin Williams (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Williams stated that he has completed the steps to find information detailing costs of an over \$3,000,000 renovation to the Bayview Operahouse. Mr. Williams stated that the Arts Commission owns the building and that the Operahouse received the funds and that there should be detailed records from both the Arts Commission and the Bayview Operahouse. Mr. Williams stated that he was told by the Arts Commission and the Bayview Operahouse that they did not have the requested documents. Mr. Williams stated that he wants a complete disclosure of documents related to the renovation, and does not want to go to other City departments.

Kate Patterson, Arts Commission (Respondent), provided a summary of the department's position. Kate Patterson stated that the Bayview Operahouse has provided records in compliances with the requirements of Administrative Code, Section 12L.5, but has not provided records requested by Mr. Williams that are outside the scope of Administrative Code, 12L. Ms. Patterson also stated that the Arts Commission does not have the documents requested by Mr. Williams related to the renovation of the Bayview Operahouse. Ms. Patterson stated that she previously referred Mr. Williams to the City departments responsible for the renovation.

Barbara Ockel, Bayview Operahouse, (Respondent) provided a summary of the Bayview Operahouse's position. Mr. Ockel stated that the Bayview Operahouse sent a letter to the Arts Commission in response to the Arts Commission's recommendations.

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

The Committee requested that Ms. Ockel be prepared to attend the SOTF meeting on the matter.

Public Comment:

Francisco de Costa stated that the Bayview Operahouse staff is obstructing Kevin Williams' ability to obtain public records due to the Operahouse's unlawful business practices.

Member Fischer, seconded by Chair J. Wolfe, moved to find that the SOTF has jurisdiction and to refer the matter to the SOTF for hearing.

The motion PASSED by the following vote:

Ayes: 2 – Fischer, Chair J. Wolf

Noes: 0 – None

Absent: 1 – B. Wolfe

6. **File No. 18034:** Complaint filed by Anonymous against the Department of Building Inspection for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

The Complainant withdrew their complaint prior to the meeting.

7. **File No. 18047:** Complaint filed by Anonymous against the San Francisco Municipal Transportation Agency (SFMTA) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

The Complainant withdrew their complaint prior to the meeting.

8. **Announcements, Comments, Questions, Future Agenda Items and Pending Calendar by Members of the Education, Outreach and Training Committee.**
(Discussion and Action)

9. There were no comments.

ADJOURNMENT

There being no further business the meeting was adjourned at 4:33 p.m.

APPROVED: DRAFT

Education, Outreach and Training Committee

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.