



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

August 21, 2018 - 3:30 PM

Regular Meeting

Members: Josh Wolf (Chair), Bruce Wolfe

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

Chair Josh Wolf called the meeting to order at 4:03 pm. On the call of the roll Chair Josh Wolf and Member Bruce Wolfe were noted present. There was a quorum.

2. Adoption of the minutes for the June 19, 2018, Education, Outreach, and Training Committee meeting.

Member B. Wolfe, seconded by Chair J. Wolf, moved to approve the June 19, 2018, meeting minutes.

Public Comment:
None

The motion PASSED by the following vote:

Ayes: 2 – B. Wolfe, J. Wolf
Noes: 0 – None

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.

Public Comment:
None

The Education, Outreach and Training Committee (Committee) shall hold hearing(s) on File Nos. 18058, 18011, 18028 and 18012 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.

4. **File No. 18058:** Complaint filed by Deonte Walker and Tamara Reed against the San Francisco Municipal Transportation Agency 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 July 17, 2018, The Compliance and Amendments Committee determined that the SOTF has jurisdiction over the matter.)

Tamara Reed and Deonte Walker (Petitioners) provided a summary of their complaint and requested the Committee find a violation. Ms. Reed stated that in early April both she and Mr. Walker went to Human Resources and explained that Mr. Walker needed his personnel records as well as other documents. Ms. Reed stated that she had also emailed Donald Ellison (SFMTA) explaining the documents she needed and did not receive a response. Ms. Reed stated that some of the requested documents included a copy of Mr. Walker's personnel file, the Memorandum of Understanding (MOU), timesheets for day shifts switch repairs and supervisors, the AWOL policy and definition, Job Classification No. 7458 Service List test, Mr. Walker's workers comp form signed by both Mr. Walker and his supervisor, Mr. Walker's leaves that were in the system and vacation schedule. Ms. Reed stated that she received the MOU, Civil Service List, timesheets but still does not have the leaves policy, AWOL documents and disabled worker policy. There were no speakers on behalf of the Petitioner.

Donald Ellison, Director of Human Resources and Cheryl Lynn Norona, Labor Representative, San Francisco Municipal Transportation Agency (SFMTA) (Respondents) provided a summary of the department's position. Mr. Ellison acknowledged that the SFMTA's response was not timely but all requested documents have been provided. Mr. Ellison stated that the timeliness issue was an issue because the request was not made through the SFMTA's public records requests system on their website. Ms. Norona stated that all documents were provided by their public records manager, Caroline Celaya, who was able to enter them into the system and provided them to Ms. Reed. There were no speakers on behalf of the Respondent.

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

Member B. Wolfe stated that on May 11, 2018, the SFMTA indicated to the Petitioner stated that they have 14 days to respond is not in the Sunshine Ordinance. Member B. Wolfe stated that when making a public records request the Respondent has 10 days to provide the requested records. Member B. Wolfe stated that when making an immediate disclosure request, one must respond by the end of the next business day and determine if

they have the records and if so, when someone can expect to receive them. If the documents are voluminous, the documents would come on a rolling basis. Member B. Wolfe requested that the above information be noted for the full SOTF.

Member B. Wolfe, seconded by Chair J. Wolf, moved to find that the records are public and referred the matter to the SOTF for hearing.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 – B. Wolfe, Chair J. Wolf

Noes: 0 – None

5. **File No. 18011:** Complaint filed by Denta Tadesse against John Haley and the San Francisco Municipal Transportation Agency (SFMTA) for allegedly violating administrative Code (Sunshine Ordinance), Section 67.29-2, by failing to update the SFMTA website on a weekly basis.

Denta Tadesse (Petitioner) provided a summary of his complaint and requested the Committee find a violation. Mr. Tadesse stated that his dog is a registered service animal, that he has complied with all laws related to service animals in San Francisco and that his service animal (a pit bull terrier) has a leash and collar. Mr. Tadesse stated that his issue with the SFMTA is that he is required to have his service animal on his lap while on the exterior of the Cable Car. Mr. Tadesse stated that in 2013, 2014, 2015 and 2016 this regulation was not on the SFMTA website and since his arrest, on January 6, 2017, this rule was reflected on the SFMTA website. Mr. Tadesse also stated that he is currently experiencing financial hardship and is homeless. In response to Member B. Wolfe inquiry as to how Mr. Tadesse became aware that this rule was imposed in 2017, Mr. Tadesse stated that he received an outline from Ed Reiskin and Cheryl Brinkman, via emails, regarding the SFMTA's policy Cable Cars and buses. Mr. Tadesse stated that he checked the SFMTA's website regularly and the policy was only posted on January 6, 2017, of which he took a screen shot and included it in the record. Mr. Tadesse stated that it is his goal to be able to take public transit and have his service animal with him. Mr. Tadesse also stated that the public should be made aware of the rules and that the rules should be posted in an easy to access location. There were no speakers on behalf of the Petitioner.

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

A representative from the SFMTA (Respondent) was not present due to a conflict of schedules.

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

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 – B. Wolfe, Chair J. Wolf

Noes: 0 – None

6. **File No. 18028:** Complaint filed by Denta Tadesse against the Sheriff's Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, by restricting access to all meeting of any policy body in City Hall.

Denta Tadesse (Petitioner) provided a summary of his complaint and requested the Committee find a violation. Mr. Tadesse stated that his complaint is about not being allowed to enter City Hall by the Sheriff's Department due to his service animal. Mr. Tadesse stated that the Sheriff's Department indicated that his service animal was not under control or leashed and referred him to the Mayor's Office on Disability on several times. Mr. Tadesse stated that he has personal reasons for not using a leash and that his dog is always under his control. Mr. Tadesse stated that he is now homeless because of these personal reasons. Mr. Tadesse stated that he was granted a one week's stay signed by a judge and the Sheriff's departed refused to meet to review the document. Mr. Tadesse stated that he was evicted from his apartment on the very next day. There were no speakers on behalf of the Petitioner.

Mark Nicco, legal counsel, Sheriff's Department (Respondent) provided a summary of the department's position. Mr. Nicco stated that this issue is solely about building rules regarding service animals and that there are no exceptions. Mr. Nicco stated that animals need to be under the control of their companion, need to be on a leash and that this rule is enforced by the Sheriff's Department on everyone who enters the building with a service animal. Mr. Nicco stated that this particular complaint is not restricting Mr. Tadesse's from attending a public meeting. Mr. Nicco stated that after viewing a video of Mr. Tadesse's attempt to enter City Hall, there is no evidence that the Sheriff Department's enforcement of the rules was ethnically motivated. Mr. Nicco stated that the video demonstrated that the Sheriff's Officers were calm and respectful of Mr. Tadesse and were only enforcing the building rules and that Mr. Tadesse refused to follow City Hall rules when entering the building.

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

Member B. Wolfe requested that both the Respondent and Sunshine Task Force legal counsel provide research on whether the law on the building rules are consistent with ADA law or whether the building rules impose a separate restriction that is not contemplated by ADA law regarding service animals.

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

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 – B. Wolfe, Chair J. Wolf

Noes: 0 – None

7. **File No. 18012:** Complaint filed by Denta Tadesse against Lori Mazzola, City Hall Building Management, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, by restricting access to all meeting of any policy body in City Hall.

Denta Tadesse (Petitioner) provided a summary of his complaint and requested the Committee find a violation. Mr. Tadesse stated that this complaint is an extension of the prior complaint (File No. 18028). Mr. Tadesse stated that he was unable to reach Lori Mazzola (City Hall, Building Manager) after multiple attempts. Mr. Tadesse stated that he wants to be in compliance with the law and that he always carries her leash, but that only he should make the determination of when his service animal should be on her leash. Mr. Tadesse stated that he disagrees with the rules regarding admission to City Hall with a service animal and that he should have been allowed to attend meetings at City Hall because his service animal is always under his control without a leash. There were no speakers on behalf of the Petitioner.

John Gavin, San Francisco Real Estate Division (Respondent) provided a summary of the department's position. Mr. Gavin stated that when Mr. Tadesse came to the office for additional clarification regarding service animals in City Hall, Mr. Tadesse was informed by Lori Mazzola that he could enter the building as long as his service animal was on a leash.

Mr. Gavin stated that this advice was provided based upon ADA regulations which stated that service animals be under the control of the handler at all times and that the service animal must be harnessed, leashed or tethered while in public places unless these devices interfered with the work of the service animal or a person's disability prevents use of the device. Mr. Gavin stated that Mr. Tadesse uses voice signals to control his service animal but indicated that Mr. Tadesse stated that he does use the leash when needed and carries it with him. Mr. Gavin stated that this rule was implemented in consultation with the Mayor's Office on Disability.

Member B. Wolfe requested that both the Respondent and Sunshine Task Force legal counsel provide research on whether the law on the building rules are consistent with ADA law or whether the building rules impose a separate restriction that is not contemplated by ADA law regarding service animals.

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

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 – B. Wolfe, Chair J. Wolf

Noes: 0 – None

Mr. Tadesse requested that he be allowed to bring his dog off leash to the full SOTF meeting to demonstrate that he has full control of his service animal. Chair J. Wolf stated that if Mr. Tadesse decides to bring his dog to the Task Force hearing on a leash, it will not set a precedence on his case.

8. **ADJOURNMENT**

There being no further business the meeting was adjourned at 5:34 p.m.

APPROVED:

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.