



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

February 20, 2018 - 3:30 PM

Regular Meeting

Members: Josh Wolf (Chair), Eric Eldon, Louise Fischer

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

Chair Josh Wolf called the meeting to order at 3:40 p.m. On the call of the roll Chair Wolf and Member Eldon were noted present. Member Fischer was noted not present. There was a quorum.

There were no agenda changes.

2. Adoption of the minutes for the October 17, 2017, Education, Outreach, and Training Committee meetings.

The Committee discussed the approval of the meeting minutes.

Member Eldon, seconded by Chair J. Wolf, moved to approve the October 17, 2017, meeting minutes.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 - Eldon, J. Wolf
Noes: 0 – None
Absent: 1 – Fischer

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:

Nancy Cross requested the Sunshine Ordinance Task review the procedure used by the Public Library to accept and post agendas in at the Government Document Section at the Main Public Library submitted to the Public Library as required by the Sunshine Ordinance and the Human Services Commission for not making copies of the agenda packet available at the hearing. (The Committee suggested that Ms. Cross file a complaint with the SOTF.)

The Education, Outreach and Training Committee (Committee) shall hold hearing(s) on File Nos. 18007, 17087, 17086, and 17109 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. 18007:** Complaint filed by Michael Petrelis against Former Acting Mayor London Breed and the Office of the Mayor 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.

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Petrelis stated that a list of attendees was not provided until requested as a follow-up on a later date. Victor Lim, Office of the Mayor (Respondent), provided a summary of the department's position. Mr. Lim stated that an initial response was provided in a timely manner and a follow-up response was provided in response to additional questions from Mr. Petrelis. Mr. Lim stated that due to the one time unusual circumstance of London Breed serving the dual roles of President of the Board of Supervisors and Acting Mayor additional time was needed to consolidate the calendar of two offices and insure that all of the required information was provided. Mr. Lim stated that the requested calendars have been provided. A question and answer period occurred. The Petitioner and Respondent were provided an opportunity for rebuttals.

Member Eldon, seconded by Chair J. Wolf, moved to find jurisdiction in the matter, find that the requested records are public and referred the matter to the SOTF for hearing with the recommendation to find a violation of Administrative Code (Sunshine Ordinance), Section 67.21(d), for failing to respond to an Immediate Disclosure Request in a timely and complete manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Eldon, J. Wolf

Noes: 0 – None

Absent: 1 – Fischer

5. **File No. 17087:** Complaint filed by Ray Hartz against the Office of the Mayor for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.31, by failing to administer and coordinate the implementation of the provision of the Sunshine Ordinance for departments under the control of boards and commission appointed by the Mayor.

The Petitioner was not present at the meeting. Victor Lim, Office of the Mayor (Respondent), was present but did not speak on the matter.

Member Eldon, seconded by Chair J. Wolf, moved to table/close the matter pursuant to the SOTF Complaint Procedures which states “If the Complainant fails to appear at a SOTF or Committee hearing regarding their complaint without prior communication the matter shall be tabled without prejudice (Tabled complaints are considered closed and no further actions are to be taken.) The Complainant shall be notified of the action and may request that their complaint be reopened in writing if requested within 60 days. The SOTF or its Chair shall determine if the complaint shall be reopened.”

Public Comment:

Ann Treboux expressed agreement that testimony should not be accepted if the matter will be tabled.

The motion PASSED by the following vote:

Ayes: 2 - Eldon, J. Wolf

Noes: 0 – None

Absent: 1 – Fischer

6. **File No. 17086:** Complaint filed by Ray Hartz against Dennis Herrera and Bradley Russi, Office of the City Attorney, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(i), by acting as legal counsel for city employees or any person having custody of public records for the purpose of denying access to the public.

The Petitioner was not present at the meeting. John Cote, Office of the City Attorney (Respondent), was present but did not speak on the matter.

Member Eldon, seconded by Chair J. Wolf, moved to table/close the matter pursuant to the SOTF Complaint Procedures which states “If the Complainant fails to appear at a SOTF or Committee hearing regarding their complaint without prior communication the matter shall be tabled without prejudice (Tabled complaints are

considered closed and no further actions are to be taken.) The Complainant shall be notified of the action and may request that their complaint be reopened in writing if requested within 60 days. The SOTF or its Chair shall determine if the complaint shall be reopened.”

Public Comment:

Ann Treboux expressed agreement that testimony should not be accepted if the matter will be tabled.

The motion PASSED by the following vote:

Ayes: 2 - Eldon, J. Wolf

Noes: 0 – None

Absent: 1 – Fischer

7. **File No. 17109:** Complaint filed by Ann Treboux against Diana Rosenstein, Office of the City Attorney, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Ann Treboux (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Treboux stated that the Office of City Attorney used a bad email address and she never received a response to the public records request. John Cote, Office of the Mayor (Respondent), provided a summary of the department’s position. Mr. Cote stated that when an attempt was made to reply to Ms. Treboux original email request an auto response was received stating that the email address was invalid. Mr. Cote stated that within minutes of receiving the undelivered notice an attempt was made to find an alternate means to respond and a previous email address for Ms. Treboux was used. Upon review of the documents it appears that an underscore was somehow added to Ms. Treboux email address. Mr. Cote stated that the Office of the City Attorney was unaware that their response was not delivered until a complaint was filed with the SOTF and all attempts were made to respond to Ms. Treboux request in a timely manner. In regards to the Office of the City Attorney’s response, Mr. Cote stated that the documents were not provided as they are protected from disclose pursuant to attorney client privilege, work product protection, evidence code and other related exemptions. A question and answer period occurred. The Petitioner and Respondent were provided an opportunity for rebuttals.

Upon discussion of the response provided, the committee advised that the SOTF may inquire as to what records exist and why each specific document is exempt from disclosure. The committee suggested that a list of existing records with specific code allowing for the protection of each document be provided.

Chair J. Wolf, seconded by Member Eldon, moved to find jurisdiction in the matter, find that the requested records are public and referred the matter to the SOTF for hearing with the recommendation to find a violation of Administrative Code

(Sunshine Ordinance), Section 67.21, for failing to respond to an Immediate Disclosure Request in a timely manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Eldon, J. Wolf

Noes: 0 – None

Absent: 1 – Fischer

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

There were no announcements.

9. **ADJOURNMENT**

There being no further business the meeting was adjourned at 5:05 p.m.

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.

Approved by the Education, Outreach and Training Committee: April 17, 2018