



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

January 11, 2016 - 4:00 PM

Regular Meeting

Members: Chris Hyland (Chair), David Pilpel, Josh Wolf

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

Chair Chris Hyland called the meeting to order at 4:02 p.m. On the call of the roll Members Hyland and Wolf were present. Member Pilpel was not present. There was a quorum.

There were no agenda changes.

The Education, Outreach and Training Committee held a hearing on File Nos. 15095, 15163, and 15166 to: 1) determine if the Sunshine Ordinance Task Force (SOTF) has Jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF. The SOTF, upon receipt of the report and/or recommendation from the Complaint Committee, shall: 1) accept the recommendation of the Committee; or 2) schedule the complaint for a hearing before the SOTF at a future date.

- 2. File No. 15095:** Complaint filed by Daniel Tomasevich against Public Works 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.
(00:02:00 – 00:30:00)

Member Wolf, seconded by Chair Hyland, moved to find jurisdiction on the matter.

Public Comment:
None.

The motion passed by the following vote:

Ayes: 2 - Wolf, Hyland

Noes: 0 - None

Absent: 1 - Pilpel

Daniel Tomasevich (Complainant) provided a summary of the complaint and requested the Task Force to find violation. Mary Miles spoke in support of the Complainant. Jeremy Spitz, Public Works (Respondent), provided a summary of the department's position. Mr. Spitz stated that the department overlooked the Immediate Disclosure Request portion of the public records request and assumed they were allowed 10 days to respond instead of the next business day. If it was known that it was an Immediate Disclosure Request Public Works would have requested an extension due to the nature of the request. Mr. Spitz stated that all available records have been provided to the Complainant. There were no speakers in support of the Respondent. A question and answer period followed. The Complaint and the Respondent provided rebuttals.

Chair Hyland, seconded by Member Wolf, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation to find violations of Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner and failure to request an extension of time to respond to an Immediate Disclosure Request.

Public Comment:

None.

The motion passed by the following vote:

Ayes: 2 - Wolf, Hyland

Noes: 0 - None

Absent: 1 - Pilpel

3. **File No. 15163:** Complaint filed by Michael Petrelis against Steve Kawa and the Mayor's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to completely comply with a request for the calendar of Steve Kawa. (00:30:00 – 00:52:00)

Chair Hyland, seconded by Member Wolf, moved to find jurisdiction on the matter.

Public Comment:

None.

The motion passed by the following vote:

Ayes: 2 - Wolf, Hyland
Noes: 0 - None
Absent: 1 – Pilpel

Michael Petrelis (Complainant) provided a summary of the complaint and requested the Task Force to find violation. There were no speakers in support of the Complainant. Kirsten Macaulay and Carl Nicita, Mayor's Office (Respondent), provided a summary of the department's position. It was stated that the Mayor's retention policy only require that staff maintain records for 2 week and that the calendar in question is regularly deleted. There were no speakers in support of the Respondent. A question and answer period followed. The Complaint and the Respondent provide rebuttals.

The Committee requested that the Mayor's Office provide a copy of their retention policy and any correspondence or similar documents from the Office of the City Attorney regarding the approval/review of the Mayor's retention policy. In addition, The Committee requested that Ms. Macaulay, Mr. Nicita and any other knowledgeable party attend the next meeting of the Task Force regarding possible violations of Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25 and 67.29-7 for failure to respond to an Immediate Disclosure Request in a timely and complete manner and for failure to maintain records in a professional manner.

Chair Hyland, seconded by Member Wolf, moved to refer the matter to the Sunshine Ordinance Task Force without recommendation for additional hearings on the merits of the complaint (de novo hearing).

Public Comment:
None.

The motion passed by the following vote:

Ayes: 2 - Wolf, Hyland
Noes: 0 - None
Absent: 1 - Pilpel

Member Pilpel was noted present at 5:03 p.m.

4. **File No. 15166:** Complaint filed by Michael Petrelis against the San Francisco Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 for failure to respond to a request for public records, submitted via Twitter, in a timely and/or complete manner. (00:52:00 – 01:26:00)

Chair Hyland, seconded by Member Wolf, moved to find jurisdiction on the matter.

Public Comment:
None.

The motion passed by the following vote:

Ayes: 2 - Wolf, Hyland

Noes: 0 - None

Absent: 1 – Pilpel

Michael Petrelis (Complainant) provided a summary of the complaint and requested the Task Force to find violation. There were no speakers in support of the Complainant. Sgt. Michael Andraychak, Police Department (Respondent), provided a summary of the department's position. Sgt. Andraychak stated that the Police Department does not consider Twitter an appropriate means of communication with members of the public due to various restrictions on length and that Twitter is used to broadcast news to the public and that the Twitter account is not monitored for incoming communication. Mr. Petrelis was provided an alternate means to make his request. There were no speakers in support of the Respondent. A question and answer period followed. The Complaint and the Respondent provide rebuttals.

The Committee opined that the Sunshine Ordinance does not list Twitter as an official means of communicating with departments and noted the potential problems with using social media as a means of communication. However, as technology advances amendments to the Sunshine Ordinance will be needed in the future.

Chair Hyland, seconded by Member Pilpel, move to refer the matter to the Sunshine Ordinance Task Force with the recommendation that no violation of Administrative Code, Chapter 67 occurred.

Public Comment:

None.

The motion passed by the following vote:

Ayes: 3 - Wolf, Pilpel, Hyland

Noes: 0 - None

5. **File No. 15020:** Hearing - Policies and Procedures Guide: How to Responding to Request for Public Records.

Member Pilpel provided verbal information on the matter.

Chair Hyland, seconded by Member Wolf, moved to continue the matter (Item Nos. 5 and 6) to the call of the Chair.

Public Comment:

None.

The motion passed by the following vote:

Ayes: 3 - Wolf, Pilpel, Hyland
Noes: 0 - None

6. **Adoption of the minutes for the June 9, 2011; January 12, 2012; February 9, 2012; May 10, 2012; December 13, 2012; April 29, 2013; May 13, 2013; June 25, 2013; September 16, 2013; November 26, 2013; December 9, 2013; May 11, 2015; and November 9, 2015, Education, Outreach, and Training Committee meetings.**

Chair Hyland, seconded by Member Wolf, moved to continue the matter (Item Nos. 5 and 6) to the call of the Chair.

Public Comment:
None.

The motion passed by the following vote:

Ayes: 3 - Wolf, Pilpel, Hyland

7. **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.

8. **Announcements, Comments, Questions, Future Agenda Items and Pending Calendar.**

The following items are pending issue to be heard before the Education, Outreach, and Training Committee on a future date:

- File No. 14047: Order of Determination: Peele v. Supervisor Katy Tang - Policies and Procedures for processing request for public record (*Scheduled 7/13/15*)
- File No. 14114: Hearing - City Attorney's Office Policies and Procedures for processing request for public record
- File No. 14102: Hearing - Planning Department Policies and Procedures for processing request for public records
- File No. 14103: Hearing - Police Department Policies and Procedures for process request for public records
- File No. 15013: Hearing - Improving the hearing process of boards and commissions to ensure that a representative portion of the public is allowed to provide input by setting specific times for discussions and public comment.
- File No. 15044: Hearing - Developing solutions to allow the Public access to audio visual equipments at San Francisco Library Commission meetings.

- Hearing regarding the use of Yammer and other social media devices in relation to compliance with the Sunshine Ordinance. (request by Member Wolf)
- File No. 15072: Order of Determination: Hartz V. Supervisor Eric Mar - Policies regard processing public records requests.
- File No. 15143: Order of Determination: Planthold V. Pedestrian Safety Advisory Committee. (Training for advisory and policy bodies).

There were no comments or announcements.

Public Comment:

None.

9. **ADJOURNMENT**

There being no further business the meeting was adjourned at 5:36 p.m.

Approved by the Education, Outreach and Training Committee: July 26, 2016