



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

November 10, 2014 - 4:00 PM

Regular Meeting

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

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

The meeting was called to order at 4:03 p.m. Members David and Winston were noted absent. There was a quorum.

2. Adoption of the January 13, 2014, February 10, 2014, April 14, 2014, May 12, 2014, July 14, 2014, and September 8, 2014, Education, Outreach and Training Committee meeting minutes.

Member Pilpel, seconded by Member Hyland, moved to adopt the meeting minutes as amended.

Public Comment:

None.

The motion passed by the following vote:

Ayes: 3 - Pilpel, Wolf, Hyland

Noes: 0 - None

Absent: - David, Winston

3. **File No. 11068: Hearing on the Status of the Order of Determination** - Complaint filed by Anonymous against the Planning Department for violating Administrative Code (Sunshine Ordinance), Section 67.21(a) for failure to provide copies of all Parkmerced project documents. (00:02:00 - 00:48:00)

Anonymous (Complainant) provided a summary of the complaint and stated that she does not believe that all requested documents have been provided. The Complainant further requests an index and a chronology of the documents provided. Jonas Ionin, Custodian of Records, Planning Department (Respondent) provided a summary of the department's position and stated that the Planning Department has provided all relevant documents. Mr. Ionin also stated that all documents related to the Parkmerced project are available on the Planning Department's website. A question and answer period followed. The Complainant and the Respondent provided rebuttals.

Member Pilpel, seconded by Member Hyland, moved to continue the matter to the next meeting of the Education, Outreach, and Training Committee (January 12, 2015).

Public Comment:

None.

The committee requested that the Planning Department do the following:

- Review the Task Force file and summarize documents already provided to the Complainant in the form of an index of documents.
- Consult Elizabeth Watty, Planning Department, to determine if an index of provided documents was created.
- If possible, provide the date that public records were provided to the Complainant.

The committee requested that the Complainant review the Planning Department website and provide a list of any documents that have not been provided or is not available on the Planning Department's website.

The Complainant agreed to consolidate all complaints filed against the Planning Department regarding the Parkmerced project to be heard at the next meeting of the Education, Outreach and Training Committee. The following files will be scheduled with File No. 11068: File No. 13085, 14037, 14038, 14039, and 14040. The following is a list of other complaints by Anonymous regarding the Parkmerced project: File No. 12047 (Office of the City Attorney); File Nos. 13063 through 14070 (various members of the Board of Supervisors).

The committee requested that the file be divided to create a hearing file to consider the Planning Department's policies and procedures for processing public records requests (File No. 14102).

The motion passed by the following vote:

Ayes: 3 - Pilpel, Wolf, Hyland

Noes: 0 - None

Absent: - David, Winston

File No. 14102 (Divided from File No. 11068) - Hearing - Planning Department - Review of Policies and Procedures for processing public records requests.

Member Pilpel, seconded by Member Hyland, moved to continue the matter to the next meeting of the Education, Outreach and Training Committee (January 12, 2015).

Public Comment:

None.

The motion passed without objection.

4. **File No. 14043: Hearing on the status of the Order of Determination** – Complaint filed by Emmanuel Kourkoulos against Deputy Chief Lyn Tamioka, Police Department, for violating Administrative Code (Sunshine Ordinance), Sections 67.24(g) and 67.27(d) for failing to provide the requester an explanation of the nature of exempt information and suggest alternative sources for information. (00:48:00 - 01:06:00)

Emmanuel Kourkoulos (Complainant), provided an update on the status of the Order of Determination further stated that he has not received all requested documents. Sgt. William McCarthy, Police Department (Respondent), provided an update on the department's position and summarized the department's policy regarding privacy of police reports to protect victims of crime. Sgt. McCarthy further stated that if a copy of the requested police report is provided the entire narrative of the report would be redacted.

The committee requested that the Police Department provide the department's online instructions as to how to obtain a police report and other public records along with any internal policies and procedures.

Member Pilpel, seconded by Member Hyland, moved to continue the matter to the next meeting of the Education, Outreach and Training Committee (January 12, 2015). However, with the agreement from the Complainant, the complaint shall be considered concluded upon receipt, from the Police Department, of the redacted Police Report ending in 386.

Public Comment:

None.

The motion passed by the following vote:

Ayes: 3 - Pilpel, Wolf, Hyland

Noes: 0 - None

Absent: - David, Winston

The committee requested that a hearing file be created on the Police Department's policies and procedures for processing public records requests and General Order 3.16 regarding the release of police reports. (*File No. 14103*)

5. **Public Comment:**

None.

6. **File No. 14054: Hearing on the status of the Order of Determination** - Complaint filed by Philip Carleton against Richard Lee and the Department of Public Health for violating Administrative Code (Sunshine Ordinance), Sections 67.21(b) and 67.25(a) for failure to respond to a request for public records in a timely manner. (*01:07:00 - 01:34:00*)

Philip Carleton (Complainant) provided a summary of the status of the Order of Determination and stated that the department has provided copies of the reports in question but has not posted them online. Richard Lee, Acting Director of Environmental Health; Nancy Sarieh, Custodian of Public Records, Department of Public Health (DPH) (Respondents) provided a summary of the department's position.

Member Pilpel suggested that the DPH revise and centralize their website design to make it easier for the public to navigate and find documents. However, Member Pilpel stated that not all reports are required to be posted online.

The Committee requested that DPH provide a letter confirming that a copy of the powerpoint presentation has been posted online and provide a copy of DPH's memo regarding changes to policies and procedures related to processing public records requests.

Member Hyland, seconded by Member Wolf, moved to continue the matter to the call of the chair with the provision that upon receipt of the requested confirmation letter (subject to review and approval of the chair) the matter shall be concluded.

Public Comment:

None.

The motion passed by the following vote:

Ayes: 3 - Pilpel, Wolf, Hyland

Noes: 0 - None

Absent: - David, Winston

The Committee requested that a hearing file be created regarding the Department of Public Health's policies and procedures for processing public records requests and to discuss DPH website design. (*File No. 14104*)

7. **File No. 14084: Hearing on the status of the Order of Determination** - Complaint filed by Jason Grant Garza against Barbara Garcia and Faye DeGuzman, Department of Public Health, for violating Administrative Code (Sunshine Ordinance), Sections 67.21(a)(e), 67.29, and 67.29-7 for failure to provide the requested San Francisco General Hospital video recording, failure to maintain the index of records, and failure to send a knowledgeable representative to the Task Force meeting. (01:34:00 - 01:48:00)

Nancy Sarieh, Custodian of Records, DPH; (Respondent), provided an update on the compliance with the Order of Determination. Basil Price, Director of Security, DPH, provided a summary of video retention policy and clarified that the video retention period is one year. Ms. Sarieh addressed questions regarding the department's index of records. The index of records is maintained by the City Administrator. Proposed updates from DPH are submitted to the City Administrator periodically. Member Pilpel suggested that a method be created to temporarily correct portions of the index of records until the City Administrator can update the entire index. Eric Kondo, Chief Engineer, San Francisco General Hospital, described the server issue that caused the permanent deletion of 3 weeks of video. Mr. Knodo stated that the recording system is in good working order at this time.

Public Comment:

None.

Due to the lack of a motion the matter was concluded.

8. **File No. 14056: Hearing on the status of the Order of Determination** - Complaint filed by Jason Grant Garza against Ross Mirkarimi, Paul Miyamoto, Kathy Gorwood, and Raymond Winters, Office of the Sheriff, for violating Administrative Code (Sunshine Ordinance), Sections 67.21(a) and 67.29 for failure to provide the video retention policy to the Complainant and failure to maintain the index of records.

Freya Horne, Attorney representing the Office of the Sheriff (Respondent), stated that the City Administrator is not currently accepting updates to the index of records. The index of records is maintained by the City Administrator with proposed updates from the department submitted periodically. Member Pilpel suggested that a method be created to temporarily correct portions of the index of records until the City Administrator can update the entire index.

Public Comment:

None.

Due to the lack of a motion the matter was concluded.

Meeting Recessed - 6:01 p.m. to 6:03 p.m.

9. **File No. 14067: Hearing on the status of the Order of Determination** - Complaint filed by Charles Grisham against Frank Lee, Department of Public Works, for violating Administrative Code (Sunshine Ordinance), Section 67.21(c) for failure to assist the requester in identifying the existence, form and nature of a requested record. (01:48:00 -)

Charles Grisham (Complainant) provided an update on the status of the complaint. Jeremy Spitz and Frank Lee, Public Works (Respondent), provided an update on the status of compliance with the Order of Determination and summarized the department's policies and procedures regarding public records requests. The Respondents further stated that Public Works does not have a centralized method to effectively search for documents regarding claims. They stated that the request was so broad that Public Works was unable to provide a timely response. Public Works reaffirmed that the City Attorney's Office maintains information regarding claims. The Complainant and the Respondents provided rebuttals.

The Committee requested that Public Works provide their policies and procedures regarding public records requests and training provided to staff (previously listed in the Order of Determination) in writing at the next meeting of the EOTC. The Committee further stated that Public Works' records retention policy, listed on their website, does list claims and requested that the department provide the documents requested by the Complainant.

Member Pilpel, seconded by Member Wolf, moved to continue the matter to the call of the chair.

Public Comment:
None.

The motion passed by the following vote:

Ayes: 3 - Pilpel, Wolf, Hyland
Noes: 0 - None
Absent: - David, Winston

Chair Hyland requested that the Task Force Administrator provide a summary of complaints against Public Works.

File No. 14098 is a companion file and shall be heard in conjunction with File No. 14067 at future Task Force meetings.

10. **Communications:** Request regarding Sunshine Ordinance training for various communities.

The Committee reviewed a request for training and requested that the Task Force Administrator inquire as to what training topic is requested, when the training is requested, and who is the training for.

Public Comment:

None.

11. **File No. 14065:** Hearing - Civil Grand Jury Report - Ethics in the City: Promise, Practice or Pretense (Follow-up of Task Force responses to the Civil Grand Jury Report)

Committee members discussed proposed follow-up responses to the Civil Grand Jury Report.

Member Pilpel, seconded by Member Hyland, moved to continue the matter to the next meeting of the Education, Outreach, and Training Committee. It was further requested that an invitation be provided to Member Hepner to discuss the matter.

Public Comment:

None.

The motion passed without objection.

12. **Announcements, Comments, Questions, and Future Agenda Items.**

The next meeting of the Education, Outreach, and Training Committee is January 12, 2015.

Public Comment:

None.

13. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:51 p.m.

APPROVED: January 12, 2015



Victor Young
Administrator
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.