

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TTD/TTY No. (415) 554-5227

ORDER OF DETERMINATION
September 20, 2019

DATE DECISION ISSUED
August 7, 2019

CASE TITLE – Mark Sullivan v. Chris Corgas and the Office of Economic and Workforce Development
(File No. 19031)

FACTS OF THE CASE

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 19031: Complaint filed by Mark Sullivan against Chris Corgas and the Office of Economic and Workforce Development for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.1(a)(c)(d) and (g), by failing to allow access to records; 67.5 by failing to require that meetings be open and public and 67.32 by failing the provision of services to other agencies.

HEARING ON THE COMPLAINT

On May 21, 2019, Education, Outreach and Training Committee acting in its capacity to hear petitions/complaints heard the matter.

Mark Sullivan (Petitioner) provided a summary of the complaint and requested the SOTF to find a violation. Mr. Sullivan stated that in an email, Mr. Corgas and Mr. Goldberg (Public Works) discussed the draft Agenda for the March 26, 2018, meeting of the Mission Dolores Green Benefits District which was attached to the email which could not be provided upon request. Mr. Sullivan stated that another email shows Mr. Corgas and Jeff Sheehy discussing the composition of the Green Benefits District meeting and the agenda. Mr. Sullivan stated that the draft agenda referenced in the email was not provided and that they cannot know what documents have not been provided.

John Hooper, spoke on behalf of the Petitioner and provided comment on Green Benefit Districts formation committees.

Marianne Thompson, Office of Economic and Workforce Development (OEWD) (Respondent), provided a summary of the department's position. Ms. Thompson stated that some of the attachments included in emails are not records but

picture files such as signatures. Ms. Thompson provided an overview of the process to create a green benefit district. Ms. Thompson stated that green benefit districts are informal and not subject to the Brown Act until they are officially formed. Ms. Thompson stated that a diligent search for the requested records took place and the draft agenda in question was not found.

Jonathan Goldberg, Public Works, spoke on behalf of the Respondent and confirmed that the Custodian of Records complied with the records retention policy. Mr. Goldberg stated that there was no reason for retaining the draft agenda.

A question and answer period occurred.

The Committee noted that the complaint is against the city department and that the SOTF previously found that the SOTF does not have jurisdiction over Green Benefit District (File No. 18086.) Upon discussion the Committee opined that that issue of contention is the draft agenda that was attached to an email.

On May 21, 2019 the Committee moved to find that the SOTF has jurisdiction, find that the requested records, if they existed, are public and to refer the matter to the SOTF for hearing.

On August 7, 2019, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Mark Sullivan (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Sullivan stated that he believes that Ms. Thompson has provided all the documents she has in her possession, however he has not yet received all of the request records. Mr. Sullivan stated that there is evidence that additional documents exist, including an Agenda and maps of the (Green Benefits District) GBD district, from a March 26, 2018, Mission Dolores Green Benefit District Meeting that was attended by Supervisor Sheehy and Chris Corgas, not citizens in the neighborhood.

Marianne Mazzucco-Thompson, (Office of Economic and Workforce Development) (Respondent), provided a summary of the department's position. Ms. Mazzucco-Thompson stated that all records have been provided including draft agenda in question. Ms. Mazzucco-Thompson stated that there were no maps in the possession of OEWD. Ms. Mazzucco-Thompson stated that these meetings were early in the process of forming a GBD and that Supervisor Sheehy met with members of the public regarding the formation of this committee.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that the Office of Economic and Workforce Development DID NOT VIOLATE Administrative Code (Sunshine Ordinance), Sections 67.1, 67.5 and 67.32.

DECISION AND ORDER OF DETERMINATIONS

Action: Moved by Member Yankee, seconded by Member Cannata, to find that the Office of Economic and Workforce Development did not violate Administrative Code (Sunshine Ordinance), Sections 67.1, 67.5 and 67.32.

The motion PASSED by the following vote:

Ayes: 9 - Yankee, Cannata, Martin, J. Wolf, Tesfai, LaHood, Cate, Hinze,
B. Wolfe

Noes: 0

Absent: 1 - Chopra

Excused: 1 - Hyland



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Mark Sullivan (Petitioner/Complainant)
Marianne Mazzuco-Thompson, Office of Economic and Workforce Development
(Respondent)