

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
May 5, 2023**

DATE DECISION ISSUED
April 5, 2023

CASE TITLE

File No. 22001: Complaint filed by Andrew Sisneros against Caroline Celaya and the San Francisco Municipal Transportation Agency (SFMTA) for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.1, 67.8, 67.9, 67.21, 67.25 and 67.26, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

HEARING AND ACTION ON THE COMPLAINT

On January 18, 2022, the Complaint Committee acting in its capacity to hear petitions/complaints heard the matter.

Action: Moved by Member Stein, seconded by Chair Schmidt, to find that the SOTF has jurisdiction, to refer the matter to the SOTF for hearing and to question if the records are properly exempt under Evidence Code 1040 and to recommend a violation under Administrative Code (Sunshine Ordinance) Section 67.26 for failing to provide minimum withholding.

The motion PASSED by the following vote:

Ayes: 2 - Stein, Schmidt
Noes: 0 - None

On April 5, 2023, the SOTF held a hearing to review the recommendation from committee and/or to review the merits of the petition/complaint.

Action: Moved by Member Hill, seconded by Member Padmanabhan, to find that the SFMTA violated Administrative Code (Sunshine Ordinance), Section(s) 67.21(c), a *custodian of a public record* shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular

subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person; and Administrative Code 67.26, No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by Section 67.27 of this Article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any City employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request and close the file.

The motion PASSED by the following vote:

Ayes: 9 - Hill, Padmanabhan, Yankee, Wolfe, Wong, Hyland, Stein,
LaHood, Schmidt

Noes: 0 - None

The Order of Determination was approved
by the Sunshine Ordinance Task Force
on: May 3, 2023

cc. Petitioner
Respondent