

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
October 5, 2022

DATE DECISION ISSUED
August 3, 2022

CASE TITLE - File No. 22037

Complaint filed by Anonymous (ARE) against Arnold Townsend (Redistricting Task Force (RTF)) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

HEARING AND ACTION ON THE COMPLAINT

On June 21, 2022, the Complaint Committee acting in its capacity to hear petitions/complaints heard the matter.

Moved by Chair Schmidt, seconded by Member Stein, to find that there is jurisdiction, that the requested records are public and to forward matter no. 22037 to the Sunshine Ordinance Task Force (SOTF) with the recommendation to find violations of Administrative Code, Sunshine Ordinance, Sections 67.21(b) for failure to respond in a complete and timely manner and 67.21(e) for failure to send a knowledgeable representative to attend the hearing and explain the decision to withhold the records and that the involved named person, Arnold Townsend of the Redistricting Task Force and the Clerk of the Board, have failed to cure the lack of designation of any responsible custodian.

On August 3, 2022, the SOTF held a hearing to review the recommendation form committee and/or to review the merits of the petition/complaint.

Moved by Member Padmanabhan, seconded by Member Schmidt, to find Rev. Arnold Townsend, the previous Chair of the Redistricting Task Force, violated Administrative Code, Sunshine Ordinance, Section(s) 67.21(b) by failing to provide the requested records within 10 days of receipt; 67.25(a) by failing to acknowledge receipt of an Immediate Disclosure Request; and 67.25(a) by failing to responded within one day; and California Public Records Act 6253(c) by failing to provide notice that there were disclosable records within 10 days.

The motion was passed by the following vote:

Ayes: 8 - Padmanabhan, Schmidt, Wolfe, Wong, Hyland, Yankee,
LaHood, Neighbors

Noes: 0 - None

Absent: 2 - Hill, Stein

Action: Moved by Chair Yankee, seconded by Vice-Chair Wong, to order the City Attorney's Office, Clerk of the Board of Supervisors Office and Department of Elections to search **Arnold Townsend's** email address and ask them to reach out to Mr. Townsend to obtain records in his possession under *Smith v. San Jose*.

The motion was passed by the following vote:

Ayes: 6 - Yankee, Wolfe, Wong, Hyland, LaHood, Neighbors

Noes: 2 - Schmidt, Padmanabhan

Absent: 2 - Hill, Stein

Matt Yankee, Chair
Sunshine Ordinance Task Force

cc. Anonymous (Complainant)
John Arntz, Department of Elections
Arnold Townsend, Redistricting Task Force (Respondent)