



**SUNSHINE ORDINANCE TASK FORCE**  
**Compliance and Amendments Committee**  
**CITY AND COUNTY OF SAN FRANCISCO**  
**MINUTES - DRAFT**

**Hearing Room 408**  
**City Hall, 1 Dr. Carlton B. Goodlett Place**  
**San Francisco, CA 94102-4689**

**March 13, 2017 - 4:00 PM**

**Regular Meeting**

**Members:** Frank Cannata (Chair) Chris Hyland, and Dave Maass

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

Chair Frank Cannata called the meeting to order at 4:02 p.m. On the call of the roll Members Cannata, Hyland and Maass were noted present. There was a quorum.

Member Maass, seconded by Member Hyland, moved to call Item No.10 out of order after Item No. 1.

Public Comment:  
None.

Member Hinze was appointed to serve on the Compliance and Amendments Committee in place of Member Hyland for the January 9, 2017, meeting.

**The motion PASSED by the following vote:**

Ayes: 3 - Maass, Hyland, Cannata  
Noes: 0 - None

**2. Approval of the January 9, 2017, Compliance and Amendments Committee meeting minutes. (00:03:00 – 00:04:00)**

The Committee discussed the minutes.

**Member Maass, seconded by Member Hinze, moved to approve the January 9, 2017, meeting minutes.**

Public Comment:  
None.

**The motion PASSED by the following vote:**

Ayes: 3 - Maass, Hyland, Cannata  
Noes: 0 - None

3. **Public Comment:** Members of the public may address the Committee on matters that are within the Committee's jurisdiction but not on today's agenda.

Speakers:

Ann Treboux described her experience with the Arts Commission and their slanderous and retaliatory activities.

Richard Knee comment on Sunshine Week and stated that the James Madison Award dinner is scheduled for March 22, 2017, at the Madison Club.

4. **File No. 17013:** Presentation/Report: San Franciscans for Sunshine – Proposed Amendments to the Sunshine Ordinance. (00:06:30 – 00:36:20)

Allyson Washburn and Richard Knee presented the San Franciscans for Sunshine's proposed amendments to the Sunshine Ordinance and answered questions from the Committee.

The Committee suggested that additional hearings be scheduled to discuss potential changes to the Sunshine Ordinance.

Public Comment:  
None.

**Member Hyland, seconded by Member Maass, moved to continue the matter to the call of the chair.**

Public Comment:  
None.

**The motion PASSED by the following vote:**

Ayes: 3 - Maass, Hyland, Cannata  
Noes: 0 - None

5. **File No. 16092: Hearing on the Status of the Order of Determination –** Complaint filed by Anonymous against Dr. Lydia Leung. Department of Public Health, for violating Administrative Code (Sunshine Ordinance), Section 67.25(a), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (00:36:20 – 00:42:00)  
*(On February 1, 2017, the Sunshine Ordinance Task Force (SOTF) heard the matter, found violations of the Sunshine Ordinance, requested that the Respondent provide all communications and documents related to the Family Health Center Patient Advisory Committee for the period of January 1, 2014, through September 18, 2016, and/or provide justification for any redactions/withholdings, and referred the matter to the Compliance and Amendments Committee.)*

The Complainant was not present. Lucia Angel, Department of Public Health (Respondent) provided an update on the status of her progress with fulfilling the public records request. Ms. Angel stated that the nature of the records and the need for redaction has delay the process.

Public Comment:  
None.

The Committee requested that copies of the requested records to be collected mailed to the Complainant prior to the next meeting of the Committee.

**Member Hyland, seconded by Member Maass, moved to continue the matter to the next meeting of the Committee.**

Public Comment:  
None.

**The motion PASSED by the following vote:**

Ayes: 3 - Maass, Hyland, Cannata  
Noes: 0 - None

6. **File No. 16106: Hearing on the Status of the Order of Determination –** Complaint filed by Anonymous against Andrew Perry, Anne Brask and the Planning Department, for violating Administrative Code (Sunshine Ordinance), Section 67.21(c), by failing to 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 department. (00:42:00 – 01:02:00)  
*(On February 1, 2017, the Sunshine Ordinance Task Force (SOTF) heard the matter, found violations of the Sunshine Ordinance, requested that the Respondent contact the Complainant to determine which Planning Code Sections are relevant to the property in question and provide other related records and referred the matter to the Compliance and Amendments Committee.)*

Anonymous (Complainant) provided a summary of his complaint and stated that the he has not received the request records. Anonymous stated that in addition to the list of Planning Code sections applied to the property in question he requested an explanation and notes as to how the Planning Code sections were applied. Christine Silva, Planning Department (Respondent), provided a summary of the department's position and stated that the list of Planning Code sections applied were provided and that no additional records exist. Ms. Silva stated that via other public records request copies of the entire file regarding the matter has been provided to the Complainant.

**Member Hyland, seconded by Member Maass, moved to find that the Planning Department has complied with the Order of Determination and concluded the matter.**

Public Comment:  
None.

**The motion PASSED by the following vote:**

Ayes: 3 - Maass, Hyland, Cannata  
Noes: 0 - None

7. **File No. 16108:** Complaint filed by Ann Treboux against Jennifer Norris, War Memorial, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (01:02:00 – 01:22:00)

**Member Maass, seconded by Member Hyland, moved to find jurisdiction in the matter.**

Public Comment:  
None.

**The motion PASSED by the following vote:**

Ayes: 3 - Maass, Hyland, Cannata  
Noes: 0 - None

Ann Treboux (Complainant); provided a summary of her complaint and requested the Task Force to find violations. Jennifer Norris, War Memorial (Respondent); provided a summary of the departments position. Ms. Norris stated that on October 24, 2016, Ms. Treboux message was accidently sent to the junk folder by the email system and not discovered until November 3, 2016. Mr. Norris stated she has receive numerous emails from Mr. Treboux in the past and is unaware of why the email was sent to the junk folder. Ms. Norris stated that all records in possession of the War Memorial has been provided to Ms. Treboux.

**Member Maass, seconded by Member Hyland, moved to refer the matter to the May 3, 2017, meeting of the Sunshine Ordinance Task Force with the recommendation to find jurisdiction and find that Jennifer Norris and the War Memorial violated Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure request in a timely manner.**

In addition, the Committee requests that the Department of Technology review the issues discussed in the complaint and provide an explanation as to why Ms. Treboux email was labeled as junk mail and information regarding junk mail versus clutter mail.

Public Comment:  
None.

**The motion PASSED by the following vote:**

Ayes: 3 - Maass, Hyland, Cannata  
Noes: 0 - None

8. **File No. 16118:** Complaint filed by Tom Borden against John Rahaim and the Planning Department, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.7 (g) 67.15(b), by failing to included required Sunshine language in the agenda and failing to provide an opportunity for each member of the public to directly address the body concerning that item prior to action (December 15, 2016). (01:02:00 – 01:51:00)

**Member Maass, seconded by Member Hyland, moved to find jurisdiction in the matter.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Maass, Hyland, Cannata

Noes: 0 - None

Tom Borden (Complainant); provided a summary of his complaint and requested the Task Force to find violations. Christine Silva, Planning Department (Respondent); provided a summary of the departments position. Ms. Silva stated that the required Sunshine language on agenda's was printed onto the pdf version of the agenda and available as a website link on the online version. Ms. Silva stated that it is common practice to call and hearing multiply agenda items covering the same subject matter to be heard together and provided one public comment period for the grouped agenda items.

The Committee opined that the link to the required Sunshine Ordinance Language required by Administrative Code 67.7(g) was not easily recognizable and obvious and suggested that the Sunshine Ordinance Language instead be listed in its entirety in the online agenda.

The Committee requested that complaint be expanded to include the Recreation and Park Commission. Mr. Borden agreed to the inclusion of Recreation and Park Commission in the complaint.

**Member Maass, seconded by Member Hyland, moved to refer the matter to the May 3, 2017, Sunshine Ordinance Task Force with the recommendation to find jurisdiction and find that John Rahaim and the Planning Department violated Administrative Code (Sunshine Ordinance), Section, 67.7(g), 67.15, and 67.16, by failing to ensure that notices and agenda for regular and special meetings include Sunshine Information, failing to provide separate public comment opportunity for each item listed on the agenda, and failing to list member of the public who spoke on each matter and whether such speaker support or opposed the matter and a brief summary of each person's statement in the meeting minutes.**

In addition, Member Mass, seconded by Member Hyland, moved to refer the matter to the Sunshine Ordinance Task Force to add the Recreation and Park Commission as a Respondent without recommendation for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.7(g), 67.15 and 67.16 for failing to ensure that notices and agenda for regular and special meetings include Sunshine Information, failing to provide separate public comment opportunity for each item listed on the agenda, and failing to list member of the public who spoke on each matter and whether such speaker support or opposed the matter and a brief summary of each person's statement in the meeting minutes.

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Maass, Hyland, Cannata

Noes: 0 - None

The meeting was recessed from 5:52 p.m. and reconvened at 6:00 p.m.

9. **File No. 16109: Hearing on the Status of the Order of Determination –** Complaint filed by Mike Black against Animal Care and Control for violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(d) and 67.24(i), by failing to respond to a public records request in a timely and complete manner and withholding records and not citing an appropriate provision of the Sunshine Ordinance. (01:51:00 – )

*(On February 1, 2017, the Sunshine Ordinance Task Force (SOTF) heard the matter, found violations of the Sunshine Ordinance, requested that the Respondent provide records related to the City's dog leash laws for the period of January 1, 2014, through February 1, 2016, and referred the matter to the Compliance and Amendments Committee.)*

Mike Black (Complainant); provided a summary of his complaint and stated that Animal Care and Control has not provided all of the requested records. Diane Christensen, Animal Care and Control (Respondent); provided a summary of the departments position. Ms. Christensen stated that the request for records was submitted to the department well before her start date with the department six months ago and disapproves of Mr. Black's disparaging remarks regarding her work product and ethics. Ms. Christensen acknowledged that there are certain records that were lost due to technical issue and that certain records were not maintain electronically. However, Ms. Christensen stated that she has performed a diligent search and all available records have been provided to Mr. Black.

The Committee requested that Ms. Christensen perform a detailed search for information related to certain emails provided by Mr. Black. In addition, the Committee requested that Ms. Christensen contact Administrative Services' Information Technology Department to determine if the city's Information Technology Department have reviewed the issue of regarding retrieving the lost segments of email records and provide information as to why the records were lost.

**Member Hyland, seconded by Member Maass, moved to continue the matter to the next meeting of the Compliance and Amendments Committee.**

Public Comment:  
None.

**The motion PASSED by the following vote:**

Ayes: 3 - Maass, Hyland, Cannata  
Noes: 0 - None

10. **Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar by Members of the Committee.**

- File No. 16117 – Hearing on the Status of the Order of Determination - Complaint filed by Ray Hartz against City Librarian Luis Herrera and the Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-6, by failing to disclose the amount and source of all outside funds or services worth more than one hundred dollars in aggregate, accepted by the Public Library for the purpose of carrying out or assisting any City function, on their website. *(To be scheduled on a future agenda)*

**Member Mass, seconded by Member Hyland, moved to submit a request for public records to City Librarian Luis Herrera and the Public Library requesting any records (emails, advice letter, correspondence and other documents) regarding contracts/agreements with the Friends of the Public required by Sunshine Ordinance Section 67.29-6 for the period of 1999 to present and to submit a request for public records to the Office of the City Attorney requesting any records related to advice provided to city departments regarding Sunshine Ordinance, Section 67.29-6.**

Public Comment:  
None.



**The motion PASSED by the following vote:**

Ayes: 3 - Maass, Hyland, Cannata

Noes: 0 - None

Member Maass provided information regarding ‘Sunshine Week’.

The Committee discussed the availability for the May meeting of the Compliance and Amendment Committee and consider rescheduling the May 8, 2017, meeting of the Committee to May 30, 2017.

11. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:47 p.m.

APPROVED: DRAFT

Compliance and Amendment Committee

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.