



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 20, 2018 - 4:30 PM

Regular Meeting

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

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

Chair Frank Cannata called the meeting to order at 4:31 p.m. On the call of the roll Chair Cannata, Member Hyland and Member Maass were noted present. There was a quorum.

There were no agenda changes.

2. Approval of the January 30, 2018, Compliance and Amendments Committee meeting minutes.

The Committee discussed the minutes.

Member Hyland, seconded by Member Maass, moved to approve the January 30, 2018, 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:

None.

4. **File No. 18019:** Update on digital services consolidation in the City and County of San Francisco in regards to websites, upgrades and developing standards to meet the Sunshine Ordinance requirements.

Carrie Bishop, Chief Digital Services Officer, provided a summary of the city's effort to create a single, streamlined, comprehension and user friendly website that exceeds minimum standards. Ms. Bishop provided statistics and history of the separate website system currently used by the city currently. A question and answer period occurred. The Committee expressed their concerns and desire and expressed their wish to continue to work with the stakeholders to insure that Sunshine Ordinance requirements are addressed during the process.

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. 17094: Hearing on the Status of the Order of Determination** - Complaint filed by Michael Petrelis against President London Breed, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. *(On February 27, 2018, the SOTF heard the matter and found a violation of Administrative Code, Sections 67.21(e) and 67.25. The matter was referred to the Compliance and Amendments Committee and it was requested that the Respondent attend the meeting as required by Administrative Code, Section 67.21(e), to explain the basis for the decision to withhold requested records).*

SOTF Administrator Young noted that Michael Petrelis (Petitioner) requested that the Committee hear his complaint without his presence. Mr. Young indicated that notice of hearing was provided to President London Breed, Board of Supervisors (Respondent), on multiple occasions and no response was received. A representative from the Office of President London Breed was not present at the hearing.

The Committee discussed the background of the complaint and the failure of the Respondent to appear at any of the multiple hearings on the complaint. The Committee noted that the Respondent appears to have a pattern of non-compliance with request for public records and failure to appear at noticed hearings pursuant to Administrative Code (Sunshine Ordinance), Section 67.21(e). In addition, Member Maass noted that pursuant to Sunshine Ordinance, section 67.21(e), the SOTF is required to notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of the Sunshine Ordinance.

Member Maass request that reference to previous SOTF complaints against President Breed, in which President Breed or her representative failed to appear before the SOTF, be listed for review as follows:

- File No. 15029-2 Michael Petrelis
- File No. 15038 Ray Hartz
- File No. 15060 Michael Petrelis
- File No. 17018 Josh Wolfe
- File No. 17047 Angela Greben

Member Maass, seconded by Member Hyland, moved to refer the matter to the SOTF with the recommendation that the district attorney be notified the failure of President London Breed, Board of Supervisors, to comply with the public’s request for public record and failure to send representative to SOTF hearing, to provide explanation of the basis for her decision to withhold requested records.

Public Comment:

None.

The motion PASSED by the following vote:

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

The Compliance and Amendments Committee shall hold a hearing on File No. 18006 to: 1) determine if the Sunshine Ordinance Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force. The Task Force, upon receipt of the report and/or recommendation from the Committee, shall schedule and conduct a hearing on the merits of the complaint.

6. **File No. 18006:** Complaint filed by John Votruba against Director Tom Hui, Department of Inspection, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

John Votruba (Petitioner) provided a summary of his complaint and requested that the Committee find violations. Mr. Votruba stated that the building plans were not available to all parties and that the Planning Department was not able to provide the requested plan. Mr. Votruba stated that the Department of Building Inspection (DBI) has a policy of allowing access to view plans but will not provide copies. William Strawn, DBI (Respondent), provided a summary of the department's position. Mr. Strawn stated that building plans are considered to be copyrighted documents and DBI cannot provide copies to members of the public without the permission of the architect and project sponsor. Mr. Strawn stated that the building plans are available for viewing in their office. Mr. Strawn referenced California Health and Safety Code, Section 19851, which states the following:

- (a) The official copy of the plans maintained by the building department of the city or county provided for under Section 19850 shall be open for inspection only on the premises of the building department as a public record. The copy may not be duplicated in whole or in part except (1) with the written permission, which permission shall not be unreasonably withheld as specified in subdivision (f), of the certified, licensed or registered professional or his or her successor, if any, who signed the original documents and the written permission of the original or current owner of the building, or, if the building is part of a common interest development, with the written permission of the board of directors or governing body of the association established to manage the common interest development, or (2) by order of a proper court or upon the request of any state agency.
- (b) Any building department of a city or county, which is requested to duplicate the official copy of the plans maintained by the building department, shall request written permission to do so from the certified, licensed, or registered professional, or his or her successor, if any, who signed the original documents and from (1) the original or current owner of the building or (2), if the building is part of a common interest development, from the board of directors or other governing body of the association established to manage the common interest development.

The Committee suggested that the Petitioner request the building plans from the Planning Department again as there was a time period in which the Planning Department had difficulty finding their own records online. The Committee provided suggestions to Mr.

Votruba in regards to presenting information to the Historic Preservation Commission without copies of the building plans.

The Committee requested that Deputy City Attorney Nicholas Collas provide advice regarding state codes which limits requirements of the Sunshine Ordinance to provide copies of public records. Does California Health and Safety Code, Section 19851, copy restriction override Sunshine Ordinance, Section 67.21(a), requirement for custodians of records to furnish copies of public records upon payment of a reasonable copying charge?

Member Hyland, seconded by Member Maass, moved to find that the SOTF has jurisdiction in the matter, find that the requested records are public and referred the matter to the SOTF for hearing.

Public Comment:

Speakers: None.

The motion PASSED by the following vote:

Ayes: 3 – Maass, Hyland, Cannata

Noes: 0 – None

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

There were no announcements.

8. **ADJOURNMENT**

There being no further business the meeting was adjourned at 5:39 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.