



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

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

April 16, 2019
4:30 PM

Regular Meeting

Members: Frank Cannata (Chair), Fiona Hinze and Chris Hyland

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

Chair Cannata called the meeting to order at 4:30 p.m. On the call of the roll Chair Cannata and Members Hyland and Hinze were noted present. A quorum was present.

There were no agenda changes.

2. Approval of the December 18, 2018, Compliance and Amendments Committee meeting minutes.

Action: Moved by Member Hyland, seconded by Member Hinze, to approve the December 18, 2018, meeting minutes.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Cannata, Hinze, Hyland
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. 18049:** Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner. (00:01:59 - 00:48:38)

Robert M. Smith (Petitioner) provided a summary of the complaint. Mr. Smith stated that he received 7187 pages of documents and correspondence from the Museum which mostly relate to Co-FAM (Corporation of the Fine Arts Museum) and FAMSF (Fine Arts Museums of San Francisco). Mr. Smith stated that he was not able to go through all the document received before the hearing, however there were several that had redactions where the information is public and should not have been redacted. Mr. Smith inquired as to why the number of documents to be provided were reduced from 62,000 as outlined at the March 6, 2019, SOTF meeting to 32,000 on April 16, 2019.

Melissa Powers (Fine Arts Museum) (Respondent), provided a summary of the department's position. Ms. Powers stated that their Information Technology (IT) department was able to create a new algorithm thereby narrowing the scope of the required documents to be sent to Mr. Smith. Ms. Powers stated that those documents were a combination of documents, emails and email attachments. Ms. Powers stated that the basis of the redactions was personal privacy (telephone numbers, etc.). Ms. Powers stated that approximately 24,000 documents remain to be sent to Mr. Smith and she does not want to promise that the next batch of 5,000 documents can be reviewed and sent to Mr. Smith in the requested timeframe. Ms. Powers also stated that Mr. Smith sent a new records request after the April 3, 2019, SOTF meeting.

A question and answer period occurred.

Member Hyland request that an index of documents and delivery to Mr. Smith be provided. Member Hyland noted that the next batch of approximately 5,000 documents should be delivered by May 1, 2019, and thereafter another 5,000 every two weeks.

Member Hyland requested/suggested the following:

- Mr. Smith maintain a log of materials that he feels have been redacted incorrectly and resubmit them to the Museum for additional information/clarification.
- The Petitioner be provided the new algorithm used by the Museum to identify documents

- All documents be delivered to the Petitioner within three months
- All documents be provided to the Petitioner and the SOTF Administrator (via disc., thumb drive or other electronic device)

Member Hyland suggested that the matter be revisited at the next Complaint Committee hearing scheduled for May 28, 2019.

Action: Moved by Member Hyland, seconded by Member Hinze, to continue the matter to the call of the chair and to refer the matter to the May 28, 2019, Complaint Committee hearing for review and a status report of documents sent to Petitioner Robert M. Smith.

Public Comment:
None.

The motion PASSED by the following vote:

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

The Compliance and Amendments Committee heard File Nos. 18012 and 18028 together.

5. **File No. 18012: Hearing on the Status of the Order of Determination** - Complaint filed by Denta Tadesse against Lori Mazzola, City Hall Building Management, for violating Administrative Code (Sunshine Ordinance), Section 67.13(a), by failing to allow access to a meeting of a policy body. (00:49:00-01:13:30)

See File No. 18028 for action and details.

6. **File No. 18028: Hearing on the Status of the Order of Determination** - Complaint filed by Denta Tadesse against the Sheriff's Department for violating Administrative Code (Sunshine Ordinance), Section 67.13(a), by failing to allow access to a meeting of a policy body.

Chair Cannata noted that the purpose of the hearing is to determine if the Respondents have complied with the SOTF Order of Determination regarding entry into City Hall with service animals off leash and under control. Chair Cannata noted that ADA Regulations does not specifically state that the service animal is required to be leashed.

Mr. Tadesse (Petitioner) stated that he was unable to enter City Hall with his service animal off leash, about one month ago, despite the SOTF Order of Determination.

John Gavin, Office of Building Management, City Hall (Respondent), stated that his office consulted with the City Attorney and it is the policy of Building Management to

allow service animals on a leash into City Hall. Mr. Gavin stated that he was referring to a City Attorney memo dated April 13, 2018.

Captain William Kelleher, Field Office Division of the Sheriff's Department (Respondent), provided a summary of the department's position. Captain Kelleher stated that a new training bulletin will be put out regarding two exceptions to the rule where a service animal can be off leash if the handler is unable because of a disability to use a harness or tether. Captain Kelleher also stated that the harness or tether would not be required if that would interfere the service animal's safety or effective performance of their work or tasks. Captain Kelleher stated that a public entity may ask what work or task that the animal has been trained to perform if that task is not obvious. Captain Kelleher stated that once that person has provided an answer, they would be admitted to City Hall. Captain Kelleher stated that the Sheriff's Department takes directive from Deputy City Attorney Matthew Lee. Captain Kelleher stated that training will begin on April 22, 2019, and continue through the end of the week.

Action: Moved by Member Hinze seconded by Member Hyland, to continue the matter to the call of the chair or until the Committee is provided additional information regarding Mr. Tadesse's access to City Hall with his service animal under control and off leash.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Hinze, Hyland, Cannata

Noes: 0 - None

7. **File No. 18010:** Complaint filed by Denta Tadesse against the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Chapter 67, regarding violation of the rights to privacy. (01:13:35-01:46:16)

Chair Cannata stated that this hearing is for jurisdiction only as there are no public records involved.

John Cote, Office of the City Attorney, (Respondent) provided a summary of the department's position. Mr. Cote referred to the City Attorney's March 14, 2019, response to this matter. Mr. Cote requested that this matter be dismissed for lack of jurisdiction consistent with the finding with regard to complaint no. 17057 in which the SOTF did not find jurisdiction with matters subject to personal privacy.

Denta Tadesse, (Petitioner), provided a summary of the complaint. Mr. Tadesse stated that this matter arose from the City Attorney's office giving the SFMTA meeting information to Mr. Tadesse's building manager in an open envelope on February 7, 2018. Mr. Tadesse stated that the information regarding the SFMTA's decision to revoke his

right to ride cable cars with his service animal was included in the packet. Mr. Tadesse stated that this process should have been held under the closed meeting process. Mr. Tadesse stated that the information he got from the SFMTA stated that this board meeting was confidential and would be held as a closed meeting. Mr. Tadesse stated that the rules of professional conduct were violated.

John Cote stated that Mr. Tadesse was speaking of another complaint (17057) not about the scheduled matter before the Committee. Mr. Cote stated that this matter before the Committee, just like File No. 17057, should be dismissed because issues of personal privacy are not subject to jurisdiction and there is no record of a public records request received by their office.

Chair Cannata suggested that this file be closed and that Mr. Tadesse should resubmit a new complaint.

Member Hyland stated that this matter should be referred to the SOTF with the recommendation that they not find jurisdiction.

Action: Moved by Member Hyland, seconded by Member Hinze, refer the matter to the SOTF with the recommendation that SOTF does not have jurisdiction over right to privacy.

Public Comment:
None

The motion PASSED by the following vote:

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

8. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:28 p.m.

APPROVED
Compliance and Amendments 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.