



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

**1 Dr. Carlton B. Goodlett Place
City Hall, Room 408
San Francisco, California 94102**

**April 25, 2023
4:30 PM**

Members: Lila LaHood (Chair), Jennifer Wong, and Bruce Wolfe

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

Chair LaHood called the meeting to order at 4:40 p.m. On the call of the roll Chair LaHood and Member Wong were noted present. Member Wolfe was noted absent. A quorum was present.

Chair LaHood noted that the Petitioner in Item 4 (File No. 22113) requested that their matter be heard after Item 7 (File No. 23001) due to a late arrival from their work schedule. Chair LaHood also noted that the respondent had no objection to this request.

Chair LaHood stated that item 8 will be rescheduled and heard at the June 27, 2023 meeting.

2. Approval of the February 21, 2023, Compliance and Amendments Committee meeting minutes.

Action: Moved by Chair LaHood, seconded by Member Wong, that the matter is continued until the next Compliance and Amendments Committee including the suggested changes by Member Wong.

Public Comment:

None.

Member Wolfe was noted present at 4:47 pm.

The motion PASSED by the following vote:

Ayes: 3 - LaHood, Wong, Wolfe

Noes: 0 - None

Absent: 0 - None

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.

3. **File No. 22113:** Complaint filed by Anonymous (SFS) against Virginia Donohue and the Department of Animal Care and Control for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.26 for keeping withholding to a minimum, and 67.27 for failing to provide justification of withholding.

Anonymous (Petitioner) stated that they filed an Immediate Disclosure Request for Prop G calendar entries for the dates requested on October 5, 2022. Anonymous stated that records were provided after October 30, 2022. Anonymous stated that additional records were provided after their complaint was filed. Anonymous stated that there was one improper redaction on the July 20 entry. Anonymous requested that the Committee find violations of 67.21 for failure to respond to a records request in a complete and timely manner, 67.26 for failing to keep withholding to a minimum, and 67.27 for failure to provide a redaction key.

Justine Alberto (Animal Care and Control, Respondent), provided a summary of the department's position. Ms. Alberto stated that her department was unaware of the records request until October 7, 2022. Ms. Alberto stated that all records were provided through December 30, 2022. Ms. Alberto stated there was a need to consult with another department which contributed to the late response. Ms. Alberto stated that some documents were redacted and that a redaction key was provided. Ms. Alberto stated that all 8,176 pages of records were provided on a rolling basis.

Action: Moved by Member Wong, seconded by Chair LaHood, to find that the SOTF has jurisdiction, that the requested records are public, and to refer the matter to the SOTF for hearing with the recommendation for a violation of Administrative Code, Sunshine Ordinance, Section(s) 67.26 for failure to keep withholding to a minimum, Section(s) 67.27 for not providing a complete redaction key for each redaction and justification for withholding a violation of Section(s) 67.29-5 for not providing justification for withholding.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Wong, LaHood

Noes: 0 - None

Absent: 1 - Wolfe

4. **File No. 23018:** Complaint filed by Ralowe Ampu against the Fire Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

Ralowe Ampu (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Ampu stated that on July 7, 2022, there was a fire in the building he lived in. Mr. Ampu contacted the Fire Department and asked what the cause of the fire was and requested a copy of the fire report. Mr. Ampu stated that it was not until he filed a Sunshine request that he received a response, six months later. Mr. Ampu stated that no HIPPA information was included. Mr. Ampu stated that the report he received was bare bones and didn't include the requested information.

Fire Marshall Lt. Chad Law (Fire Department, Respondent), provided a summary of the department's position. Lt. Law stated that he oversees the Custodian of Records for Fire Department investigation reports. Lt. Law stated that in this instance the Bureau of Fire Investigation does not create reports. Lt. Law stated that his department was contacted on August 16, 2023, via email, and he responded the same day that there was no written report available. Lt. Law stated that the report was completed on March 1, 2023, and sent out to the Petitioner on March 2, 2023.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Action: Moved by Member Wong, seconded by Member Wolfe, to find that the SOTF has jurisdiction, that the requested records are public, and to refer the matter to the SOTF for hearing with the recommendation to find a violation of Administrative Code, Sunshine Ordinance Section(s) 67.21(c) for failing to assist the requestor by directing them to the proper staff for a response.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wong, Wolfe, LaHood

Noes: 0 - None

5. **File No. 22125:** Complaint filed by HVSafe against Rich Hillis and the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

HVSafe (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. HVSafe stated that the request was for immediate information and was sent on August 24, 2022, but that records were not received until January 2023. The records were not received in a timely manner.

Laura Lynch (Planning Department, Respondent), provided a summary of the department's position. Ms. Lynch stated that the records were delayed and the email may have been sent to a junk folder and that there is no excuse for the delay in receipt of records. Ms. Lynch stated that her department is working to remedy this situation and will begin demoing NextRequest soon.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Action: Moved by Chair LaHood, seconded by Member Wolfe, to find that the SOTF has jurisdiction, that the requested records are public, and to refer the matter to the SOTF for hearing with a recommendation to find a violation of Administrative Code, Sunshine Ordinance Section(s) 67.21 for failure to respond in a complete and timely manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - LaHood, Wolfe, Wong

Noes: 0 - None

Member Wolfe was noted absent at 5:43 PM.

6. **File No. 23001:** Complaint filed by Olga Tikhonova against the San Francisco Police Department 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.

Olga Tikhonova (Petitioner) was not present for the hearing and did not notify the SOTF Administrator of their absence.

Lt. William Toomey (Police Department, Respondent), was present for the hearing.

Action: Moved by Chair LaHood, seconded by Member Wong, to table the case, contact the Petitioner, and let them know that they have sixty days to respond per SOTF Complaint Procedure 7B.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - LaHood, Wong

Noes: 0 - None

Absent: 1 - Wolfe

7. Committee members will review Articles I and II of the Sunshine Ordinance and discuss possible amendments to recommend to the full Task Force. Recommendations proposed by members of the public at previous committee meetings will be taken into consideration.

Action: Moved by Chair LaHood, seconded by Member Wong, that this item be rescheduled and heard at the June 27, 2023 Compliance and Amendments Committee meeting.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - LaHood, Wong

Noes: 0 - None

Absent: 1 - Wolfe

8. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Compliance and Amendments Committee.**

Chair LaHood repeated that agenda Item 8 will be heard at the June Compliance and Amendments Committee meeting and will include the same links as in this agenda. Documents from members of the public will also be made available.

Public Comment:

David Pilpel suggested that a document be drafted to ask provocative questions on whether the Ordinance will be strengthened for all policy bodies in the City.

The meeting was recessed at 6:02 PM and reconvened at 6:12 PM.

On roll call, Chair LaHood and Member Wong were present. Member Wolfe left the meeting at 5:43 PM.

9. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:40 p.m.

APPROVED: October 24, 2023
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 the published agenda.