



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

REMOTE REGULAR MEETING

April 27, 2021
4:30 PM

Members: Lila LaHood (Chair), Jennifer Wong and Laurie Jones Neighbors

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

Chair LaHood called the meeting to order at 4:42 p.m. On the call of the roll Chair LaHood and Members Neighbors and Wong were noted present. A quorum was present.

SOTF Administrator Leger noted that Michael Petrelis emailed the SOTF Administrator on April 27, 2021, to withdraw his complaints (File Nos. 20085 and 20101).

2. Approval of the October 27, 2020, Compliance and Amendments Committee meeting minutes.

The Committee discussed the minutes.

Action: Moved by Chair LaHood, seconded by Member Neighbors, to continue the matter to the call of the Chair.

Public Comment:

Peter Warfield, Executive Director, Library Users Association, (libraryusers2004@yahoo.com - P.O Box 170544, San Francisco, CA 94117-0544) thanked the Chair for taking public comment because it is appropriate for every agenda item.

The motion PASSED by the following vote:

Ayes: 3 - LaHood, Neighbors, Wong
Noes: 0 - None

3. **Approval of the February 23, 2021, Compliance and Amendments Committee meeting minutes.**

The Committee discussed the minutes.

Action: Moved by Member Wong, seconded by Member Neighbors, to approve the February 23, 2021, meeting minutes.

Public Comment:

Peter Warfield addressed the issue of a person's name and that it is important to be recognized in meeting minutes.

The motion PASSED by the following vote:

Ayes: 3 - Wong, Neighbors, LaHood
Noes: 0 - None

4. **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.

Peter Warfield discussed James Chaffee's complaint File No. 20068 and stated that Mr. Chaffee's agenda item was sent and postmarked after the time he would have been able to make the meeting.

5. **File No. 20085:** Complaint filed by Michael Petrelis against the Police Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15, by failing to allow participation in public comment during the June 17, 2020, Police Commission meeting.

Mr. Petrelis (Petitioner) withdrew the complaint via email on April 27, 2021.

Public Comment:

None.

6. **File No. 20101:** Complaint filed by Michael Petrelis against Chesa Boudin and the District Attorney’s Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(e) by failing to respond to a records request in a timely and/or complete manner; 67.26 by failing to keep withholding to a minimum and 67.27 by failing to provide justification for withholding responsive documents.

Mr. Petrelis (Petitioner) withdrew the complaint via email on April 27, 2021.

Public Comment:
None.

7. **File No. 20089:** Complaint filed by Maxine Doogan against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 by failing to respond to a records request in a timely and/or complete manner.

The Petitioner was not present for the hearing and did not notify the SOTF Administrator of the absence.

The Respondent was not present for the hearing and did not notify the SOTF Administrator of the absence.

Member Neighbors disclosed her professional relationship with the Department of Public Health and stated that it would not be a conflict of interest.

Action: Moved by Chair LaHood, seconded by Member Neighbors, to continue the matter to the Call of the Chair.

The SOTF Administrator clarified that the matter should be closed/filed and that the Petitioner has 30 days from the date of the hearing to request that the complaint be reopened.

Public Comment:
None.

Chair LaHood rescinded the motion.

Action: Moved by Chair LaHood, seconded by Member Neighbors, to close the complaint. The SOTF Administrator will notify Petitioner of the action. The Petitioner may request that the complaint be reopened within the next 30 days.

Public Comment:

Peter Warfield expressed disappointment that there was no public comment on the two matters that were withdrawn.

The motion PASSED by the following vote:

Ayes: 3 - LaHood, Neighbors, Wong

Noes: 0 - None

8. **File No. 19140:** Complaint filed by Stephen Malloy against the Department of Human Resources for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a request for public records in a timely and/or complete manner.

Stephen Malloy (Petitioner) provided a summary of the complaint and responded to questions from the Committee. Mr. Malloy stated that he did not receive any new records from Mr. Winsiski and that the records he did receive had already been provided. Mr. Malloy stated that he was supposed to receive records containing the correct legal citations, metadata as well as emails from several parties, all of which had been previously requested. Mr. Malloy stated that the redacted documents provided are not compliant with the Ordinance and that Mr. Winsiski needs to complete an additional search for those records and demonstrate due diligence.

Ted Wisinski (Department of Human Resources, (DHR)) (Respondent), provided a summary of the department's position. Mr. Wisinski stated that the records provided were previously provided but contained new justifications and metadata. Mr. Wisinski acknowledged that the DHR had not sent a representative to previous hearings. Mr. Wisinski noted that records that were withheld are attorney work product and therefore not public records.

A question and answer period occurred.

Action: Moved by Chair LaHood, seconded by Member Neighbors, to continue the matter to the Call of the Chair to allow the Committee to seek guidance from SOTF Deputy City Attorney regarding attorney/client privilege, requested that both parties appear at the next scheduled hearing and requested that the Respondent show compliance with the Ordinance.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - LaHood, Neighbors, Wong

Noes: 0 - None

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

Chair LaHood inquired about the next Compliance and Amendments Committee hearing. Member Neighbors asked where Orders of Determination are kept on the webpage.

Public Comment:

None.

10. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:14 p.m.

APPROVED: DRAFT

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.