



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

May 30, 2017 - 4:30 PM

Special 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 4:30 p.m. On the call of the roll Members Cannata, Hyland and Maass were noted present. There was a quorum.

Public Comment:

Peter Warfield, Library Users Association, stated that Item No. 6 on the agenda was misleading and that a member of the public wouldn't know what the complaint is regarding.

2. Approval of the March 13, 2017, Compliance and Amendments Committee meeting minutes.

The Committee discussed the minutes and proposed corrections.

Member Maass, seconded by Member Hyland, moved to approve the March 13, 2017, meeting minutes as amended.

Public Comment:

Peter Warfield provided comments regarding the minutes, suggested corrections and thanked the Committee for their actions at the last Committee meeting.

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:

Male Speaker expressed concern regarding the removal of parking spaces in a small area without notice and requested assistance. (The Committee stated that they do not have jurisdiction and provided suggestions.)

Peter Warfield, Library Users Association, stated that the Committee agenda is misleading in regards to the complaint filed by Mr. Hartz against the Public Library, muddles the situation and that the City Attorney is not providing support to the SOTF and is bias against the Complainant.

Ray Hartz stated that the City Attorney advice memo is not adequate and are biased. Mr. Hartz provided comments regarding the Public Library's actions.

4. **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. (00:24:00 – 00:38:30)

(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.)

Anonymous (Complainant) provided a summary of his complaint and stated that not all documents have been provided. Anonymous specified that he has not receive specific agendas in 2014 and stated that Public Health did not send the documents to him directly. Lucia Angel, Public Health (Respondent) provided a summary of the department's position and stated that all records have been provided and that the documents were mailed to Anonymous' post office box. Ms. Angel stated that a list of all the documents provided was created for the parties review and no other records exist. A question and answer period followed. The parties were provided an opportunity for rebuttals.

Member Hyland, seconded by Member Maass, moved to find that the Respondent complied with the Order of Determination and concluded the complaint.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Maass, Hyland, Cannata

Noes: 0 - None

5. **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. (00:38:30 – 00:58:00)
(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, thanked the Task Force for their attention to the matter and expressed his intention to request additional information from Animal Care and Control (ACC) in his effort to produce a documentary. Mr. Black stated that he does not believe that ACC has provided all of the requested records but will agree to conclude the complaint due to time constraints. Diane Christensen, Animal Care and Control (Respondent), provided a summary of the departments position. Ms. Christensen stated that additional searches for records were performed and all records have been provided to Mr. Black. Ms. Christensen stated that there is a false assumption that certain records should exist. A question and answer period followed. The parties were provided an opportunity for rebuttals.

Member Maass, seconded by Chair Cannata, moved to conclude the complaint without findings regarding compliance with the Order of Determination at the request of the Complainant who does not believe that all records have been provided but wants to conclude the matter.

Public Comment:

Ray Hartz stated that the Order of Determination to find violation stands and the decision of the Committee does not affect the Order.

Luis Dillon stated that the Task Force needs to have more authority regarding compliance with the Sunshine Ordinance.

The motion PASSED by the following vote:

Ayes: 3 - Maass, Hyland, Cannata

Noes: 0 - None

6. **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. (00:58:00 – 01:36:00) *(On March 1, 2017, the Sunshine Ordinance Task Force (SOTF) heard the matter, found violations of the Sunshine Ordinance referred the matter to the Compliance and Amendments Committee to review the draft Memorandum of Understanding between the Public Library and the Friends of the Public Library to ensure that Administrative Code (Sunshine Ordinance), Section 67.29-6, has been addressed.)*

Ray Hartz (Complainant) clarified the nature of his complaint and stated that the Respondent has not complied with the Order of Determination for the Friend of the Public Library to comply with the entirety of the Sunshine Ordinance. Michael Lambert, Deputy City Librarian, Public Library (Respondent); provided a summary of the department's position and stated that the Friends of the Public Library has signed an agreement regarding compliance with Sunshine Ordinance, Section 67.29-6. A question and answer period followed. The parties were provided an opportunity for rebuttals.

The Committee requested that the Public Library amend their agreement with the Friends of the Public Library to require compliance with the entirety of Sunshine Ordinance and not limit compliance with only Section 67.29-6 of the Sunshine Ordinance. The Committee requested that the agreement be reflected in the Memorandum of Understanding and not as a separate agreement. In addition, the Committee requested that the Public Library be prepared to discuss retroactive application of the Sunshine Ordinance to the Friends of the Public Library.

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

Public Comment:

Luis Dillon stated that the non-compliance with the Sunshine Ordinance is damaging as it allows fund raising without accountability.

Peter Warfield, Library Users Association, stated that he does not support the motion, there is no compliance and the MOU should not be approved. Mr. Warfield provided sample situations regarding his concerns.

The motion PASSED by the following vote:

Ayes: 3 - Maass, Hyland, Cannata

Noes: 0 - None

Member Maass requested that he be recused from hearing File No. 17047 due to past associates with the Complainant.

Member Hyland, seconded by Chair Cannata, moved to excuse/recuse Member Maass from hearing File No. 17047.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 - Hyland, Cannata
Noes: 0 - None
Excused: 1 - Maass

7. **File No. 17047:** Complaint filed by Angela Greben against President London Breed, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to request for public records in a timely and/or complete manner. (01:36:00 – 01:44:00)

Member Hyland, seconded by Chair Cannata, moved to find that the Task Force has jurisdiction in the matter.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 - Hyland, Cannata
Noes: 0 - None
Excused: 1 - Maass

The Complainant or Respondent were not present at the hearing and no prior notice was provided to the Task Force.

Chair Cannata, seconded by Member Hyland, moved to refer the matter to the Task Force without recommendations.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 2 - Hyland, Cannata
Noes: 0 - None
Excused: 1 - Maass

8. **File No. 17059:** Hearing regarding the citywide drone policy and its compliance with the Sunshine Ordinance.

Member Maass provided a summary of the hearing matter and suggested that another committee may want to schedule a hearing regarding the matter due to time constraints.

The Committee requested that city representatives be invited to attend the meeting regarding the drone policy and that they be prepared to discuss the following:

All aspects related to raw data (collection, storage etc.) and access to the records in compliance with the Sunshine Ordinance.

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

Public Comment:

Ray Hartz stated that police body cameras are Public Records subject to redaction due to investigates. Mr. Hartz stated that unless the law regarding an issue is broken there is no reason to address the subject.

The motion PASSED by the following vote:

Ayes: 3 - Maass, Hyland, Cannata

Noes: 0 - None

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

- Hearing: Review of the Sunshine Ordinance Task Force recommendation regarding joint meeting, public comment at joint meetings and actions by joint bodies.

Public Comment:

Peter Warfield, Library Users Association protested the intrusion of non-chairs for prerogative of the Chair/points of order in a previous complaint. Mr. Warfield stated that the hostility of the member is toxic and reference previous case heard by the Task Force. Mr. Warfield thank Member Maass for his request for information and request that the City Attorney memo be scheduled for a hearing.

10. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:39 p.m.

APPROVED: July 10, 2017
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.