



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

June 18, 2019
4:30 PM

Regular Meeting

Members: Frank Cannata (Chair), Fiona Hinze and Matthew Yankee

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

Chair Cannata called the meeting to order at 4:32 p.m. On the call of the roll Chair Cannata and Members Yankee and Hinze were noted present. A quorum was present.

2. Approval of the April 16, 2019, Compliance and Amendments Committee meeting minutes.

Action: Moved by Member Hinze seconded by Member Yankee to approve the April 16, 2019, meeting minutes.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, Yankee, 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. 18079: Hearing on the Status of the Order of Determination:** Complaint filed by Ellen Tsang against Lily Madjus and the Department of Building Inspection (DBI) for violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner. (00:05:00 – 00:48:00)

Ellen Tsang (Petitioner), provided a summary of her complaint. Ms. Tsang stated that the Respondent was unresponsive to her emails.

Lily Madjus (Department of Building Inspection) (Respondent), provided a summary of the department’s position. Ms. Madjus stated that the department provided hard copies of the unredacted documents that Ms. Tsang requested during the Education, Outreach and Training Committee hearing of May 21, 2019. Ms. Madjus stated that she had also provided the same documents in email format on five different occasions.

Chair Cannata asked Ms. Tsang if she had reviewed the hard copy of the documents she received from the Respondent at the May 21, 2019, Education, Outreach and Training Committee hearing. Chair Cannata asked Ms. Tsang if the documents were responsive to her request.

Ms. Tsang stated that she had not reviewed all the documents.

Action: Moved by Member Yankee, seconded by Member Hinze, to find that the Respondent complied with the Order of Determination and closed the file.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – Yankee, Hinze, Cannata

Noes: 0 – None

5. **File No. 18095: Hearing on the Status of the Order of Determination** - Complaint filed by Sandra Weese against Kevin Guy and the Office of Short-Term Rentals for violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Sandra Weese (Petitioner) provided a summary of the complaint. Ms. Weese stated that she has not received any documents from the Office of Short-Term Rentals as required by the Order of Determination.

Christine Silva, Commission Affairs Manager, (Planning Department, Office of Short-Term Rentals) (Respondent), provided a summary of the department's position. Ms. Silva stated that the Office of Short-Term Rentals relied on advice from their Deputy City Attorney to not provide the requested records. Ms. Silva read an excerpt from the memo drafted by their Deputy City Attorney. Ms. Silva stated that revealing personal information including email addresses and telephone numbers of the registrants would violate personal privacy and cripple the program.

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

Action: Moved by Member Hinze, seconded by Member Yankee, to include the memo drafted by Deputy City Attorney for the Office of Short-Terms rentals into evidence and to move this item back to the SOTF for consideration without recommendation.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 –Hinze, Yankee, Cannata

Noes: 0 – None

6. **File No. 19048:** Complaint filed by Justin Barker against the San Francisco Zoo 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.

Justin Barker (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Barker stated that he requested the final report of the Accreditation Committee, the medical records of various animals including reports regarding use of psychotropic drugs on animals. Mr. Barker also stated that he requested the Zoo's financial records and lease agreement with the City. Mr. Barker stated that there was no written explanation on why a Black Rhinoceros loaned to the San Diego Zoo died.

Dr. Waters (San Francisco Zoo) (Respondent), provided a summary of the department's position. Dr. Waters stated that he oversees all the animals at the Zoo. Dr. Waters stated that the Zoo's financial information is on line and available at City Hall. Dr. Waters stated that all requirements of the Accreditation Report have been met however the Zoo does not disclose this report. Dr. Waters also stated that the veterinary care of animals is covered under this report and that it is not disclosed to the public.

John Phillips, attorney for the San Francisco Zoo, stated that Mr. Barker requested information about the animals at the Zoo, the Zoo's Lease Agreement with the City and the Zoo's financial information. Mr. Phillips stated that the Lease Agreement and the Zoo's financial information were provided.

Chair Cannata stated that the financial information is on line as well as the animal status. Chair Cannata wanted to know if the 1993 Lease Agreement with the City is current.

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

Action: Moved by Member Hinze, seconded by Member Yankee, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing and that the Zoo provide the current lease to the SOTF and the Administrator.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Hinze, Yankee, Cannata

Noes: 0 – None

7. **File No. 19039:** Complaint filed by Annmarie Mabbutt against the Fine Arts Museums and Members of Board of Trustees of for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, 67.6, 67.7 (a)(d) by failing to make the meeting open to the public and failing to properly post a meeting agenda; Section 67.13(a) by created barriers to attendance; Section 67.14(b) by failing to create an audio recording of the meeting; and Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

Annmarie Mabbutt, Petitioner, was not present for the hearing and provided notice late on June 18, 2019 at 4:34 pm, that she could not appear.

Melissa Powers, Fine Arts Museums, (Respondent) was present for the hearing.

Chair Cannata stated that Ms. Mabbutt's complaint was very difficult to adjudicate and that the Petitioner needs to clarify and separate her complaints.

Action: Moved by Member Hinze, seconded by Member Yankee, to continue to the call of the Chair.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, Yankee, Cannata

Noes: 0 – None

8. ADJOURNMENT

There being no further business the meeting was adjourned at 6:56 p.m.

**APPROVED: August 27, 2019
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.