



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

REMOTE MEETING VIA VIDEOCONFERENCE

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Public Comment Call-in:

1 (415) 655-0001 / Meeting ID: 2499 478 4713 # #

(press *3 to enter the speaker line)

June 28, 2022 - 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 Wong and Neighbors were noted present. A quorum was present.

There were two agenda changes. Regarding the first change, Item No. 6, File No. 20059 the Petitioner and Respondent agreed to postpone the hearing on this matter until the August Compliance and Amendments Committee. Regarding the second change, Item No. 22055, the Petitioner withdrew their complaint because they had received their requested records timely.

Public Comment:

Peter Warfield agreed with the two proposed agenda changes.

Member Wolfe was noted present at 4:48 PM.

2. **Approval of the April 26, 2022, Compliance and Amendments Committee meeting minutes.**

The Committee discussed the April 26, 2022, Compliance and Amendments Committee meeting minutes.

Action: Moved by Member Wong, seconded by Member Neighbors, to approve the April 26, 2022, meeting minutes.

Public Comment:

Peter Warfield, Executive Director Library Users Association, libraryusers2004@yahoo.com, P.O. Box 170544, San Francisco, California, 94117-0544. Mr. Warfield noted and requested that detail of what were requested amendments and who requested them be included in the April minutes.

The motion PASSED by the following vote:

Ayes: 3 - Wong, Neighbors, LaHood
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.

Stiliyan Bejanski wanted to report an issue with the online submission form, that it is confusing and that he is not sure if the confusion in his complaint was deliberate.

Peter Warfield noted that the Task Force is using a relatively new procedure with respect to the technology and it has its own variations on how it works and thinks it would be helpful to know what options are taken, what is recorded and what the public can request

4. **File No. 21165:** Complaint filed by Library Users Association, Peter Warfield, Executive Director against San Francisco City Librarian Michael Lambert and the San Francisco Public Library for violating Administrator Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Peter Warfield (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Warfield stated that he has not received any email addresses but did receive a June 8 email from Ms. Shaub on behalf of the library stating that the library will continue to not provide the personal email addresses as ordered by the SOTF.

Margot Shaub (Public Library) (Respondent), provided a summary of the department's position. Ms. Shaub stated that her office will continue to not provide email addresses of

the Library Commissioners per the advice of their city attorney and based on CPRA 6254(c) and 6254(k). Ms. Shaub stated that members of the public can communicate with the Commissioners through her office.

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

Action: Moved by Chair LaHood, seconded by Member Wong that the Compliance and Amendments Committee is returning this item to the SOTF with the recommendation that in regard to Smith v. San Jose the violation be forwarded to the Board of Supervisors recommending that the City should generate government email addresses and that the Education, Outreach and Training Committee develop and implement an education campaign about the implications of Smith v. San Jose on communications practices of commissioners and commission staff.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - LaHood, Wong, Neighbors

Noes: 0 - None

5. **File No. 21011:** Complaint filed by the Electronic Frontier Foundation against the Police Department for violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27(d), by failing to respond to a public records request in a timely and complete manner, failing to keep withholding to a minimum and failing to provide assistance/information regarding alternate sources of information requested.

David Maass (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Maass stated that the response he received from the SFPD was identical to the previous response and that when he reviewed the redactions they did not provide a key. There was no additional new information.

Lt. Kathryn Waaland (Police Department) (Respondent), provided a summary of the department's position. Lt. Waaland stated that December 20, 2021, and on January 6, 2022, the SFPD provided an additional response to the request. On March 14, 2022, the SFPD reevaluated the records and provided additional documents. Lt. Waaland stated that on June 1, 2022, the SFPD provided a revised supplemental response to the petitioner.

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

Action: Moved by Chair LaHood, seconded by Member Neighbors that the Compliance and Amendments Committee requests a response from the San Francisco Police Department regarding both items 2 and 2, 3 and 4 and would like a detailed response to the questionnaire provided in the format indicated in the respondent's questionnaire (Item 3 (a. The name and job title of the person who performed the search; b. the method and search terms utilized; c. The devices, forms of communication, and/or systems that were searched; d. the dates of these searches; e. Copies of communications used to conduct the search (such as emails to staff directing them to conduct a search, IT tickets/queries, etc., f. any other information that will help us understand your search methods) into the record by July 15, 2022 and wants to know about the process and would like to see all active data sharing agreements with NCRIC or an explanation of why they can't be located.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - LaHood, Neighbors, Wong

Noes: 0 - None

6. **File No. 20059:** Complaint filed by Anonymous against the Department of Public Health for violating Administrative Code (Sunshine Ordinance), Section 67.25 by failing to respond to an Immediate Disclosure request in a timely and complete manner.

The Petitioner and Respondent requested a postponement until the August 2022.

Public Comment:

None.

No actions taken.

7. **File No. 22055:** Complaint filed by Mark Sullivan against the Office of the District Attorney for allegedly violating Administrator Code Section(s) 67.21(b) and California Public Records Act, Section 6253(c), by failing to respond to a public records request in a timely and/or complete manner.

See above motion, Item 1 where the Petitioner requested that this matter be closed.

8. **File No. 22057:** Complaint filed by Stiliyan Bezhanski against Chanbory Son and the Planning Department for allegedly violating California Public Records Act, Sections 6254(c)(k) regarding failure to redact personal contact information.

Chair LaHood requested that item 9 be heard before Item 8.

Action: Moved by Chair LaHood, seconded by Member Neighbors to have Item 9 heard before Item 8.

Public Comment:

None.

The motion PASSED by the following vote:

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

The Committee heard Item 9 before Item 8.

Action: Moved by Chair LaHood, seconded by Member Wong, to postpone Item 8 to the Call of the Chair.

Public Comment:

None.

The motion PASSED by the following vote:

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

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

Member Wolfe stated that San Franciscans for Sunshine want to move their proposals of amendments to the Sunshine Ordinance and potential charter amendments and wanted to offer them time and schedule for this item to be heard on this committee's future agenda and then the Sunshine Task Force agenda.

Chair LaHood suggesting speaking with Chair Yankee to take up this matter at a future meeting of the SOTF.

Public Comment:

Alison Washburn hopes to have this item on a future agenda of this committee and possibly the SOTF agenda. Ms. Washburn noted that Member Wong and former Member Lewam Tesfai were members of San Franciscans for Sunshine. Ms. Washburn stated that there is a need for amendments and updates to the Ordinance and wants Article 4 to be a charter amendment. Ms. Washburn has been meeting with members of the Board of Supervisors, but this item is not high on their list. Ms. Washburn was hoping that this Committee take on this item and work to update the Ordinance and bring these changes to the Board of Supervisors.

10. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:47 p.m.

APPROVED: August 23, 2022
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.

1. **File No. 17134:** Complaint filed by Thomas Busse against the San Francisco Public Utilities Commission (SFPUC) for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.24(g)(i), and 67.27, by failing to respond to a public records request in a timely and/or complete manner. (00:05:00 – 00:48:00) *Note the discussion time of the meeting*

Name of Petitioner (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. **Name of Petitioner** stated that _____.

Name of Respondent (Name of Department) (Respondent), provided a summary of the department's position. **Name of Respondent** stated that _____.

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

Member Hinze, seconded by Member Wolfe, moved to _____ (find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing.

Public Comment:

Name of commenter or state None.

The motion PASSED by the following vote:

Ayes: 3 – B. Wolfe, Hinze, Tesfai

Noes: 0 – None

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

List comments or announce or state There were no announcements or comments.

3. **ADJOURNMENT**

There being no further business the meeting was adjourned at **7:28 p.m.**

APPROVED: DRAFT

Complaint Committee

Sunshine Ordinance Task Force

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