



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

REMOTE REGULAR MEETING

July 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 4:33 p.m. On the call of the roll Chair LaHood and Members Neighbors and Wong were noted present. A quorum was present.

There were no agenda changes.

2. Approval of the June 22, 2021, Compliance and Amendments Committee meeting minutes.

The Committee discuss the draft minutes and proposed an amendment.

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

Public Comment:

Peter Warfield, Executive Director Library Users Association,
libraryusers2004@yahoo.com; P.O. Box 170544, San Francisco, CA 94117-0544.
Mr. Warfield provided comments on democratic open meetings with public comment in person and issues with public comment in remote meetings.

Anonymous #3 express support for Mr. Warfield comments. Anonymous #3 stated that the minutes should not be approved until the audio is posted.

The motion PASSED by the following vote:

Ayes: 3 - LaHood, Neighbors, Wong

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:

Peter Warfield, Executive Director, Library Users Association, suggested that the motion should contain additional details.

Mark Sullivan provided the following written public comment. When the task force echoes the incivility of an interrupting shout by implying I am about to lie, it only reinforces the behavior. The exchange was unfair to me or any petitioner. Epstein Court: Local business people want to form property owners associations improve their local community, they are free to do so. They may hold their meetings in secret. Participation in such purely private, purely voluntary organizations differs dramatically from participation in a BID. Private owners' organization membership is voluntary, and can be terminated at will. "Membership" in a BID involuntary for a majority of the property owners within BID. Creation of such a BID is not a petition filed by a majority property owners but a petition filed by property owners who will pay more than 30 percent (GBD) of assessments levied. Once BID is created, "membership" lasts for five years cannot be voluntarily terminated by individuals.

Anonymous #3 stated that Sean Elsbernd took screen shots and accidentally sent an email bragging about deleting them. Anonymous stated that the day before Dennis Herrera also sent a confidential draft of litigation material to a reporter. Anonymous #3 stated that public officials are selectively abusing public access to records.

4. **File No. 20079:** Complaint filed by Shane Anderies 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; 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner; 67.26 by failing to keep withholding to a minimum and 67.27 failing to provide justification for withholding responsive documents.

Chair LaHood provided a summary of her discussion with the Deputy City Attorney's office regarding Signal apps.

Shane Anderies (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Anderies stated that he wanted to focus on 67.26, withholding kept to a minimum. Mr. Anderies noted that Ms. Burke stated they only

searched Mr. Boudin's emails. Mr. Anderies noted that 67.26 states that departments should keep withholding to a minimum and disclose what was done. Mr. Anderies stated that he has a witness who will state that the search was never conducted.

David Campos (District Attorneys Office) (Respondent), provided a summary of the department's position. Mr. Campos stated that Mr. Anderies argument is not correct. Mr. Campos stated that the District Attorney's IT Department conducted an extensive search, complied with their Sunshine obligations and no additional responsive records were found.

Robyn Burke (District Attorney's Office) stated that IT did a search on the DA's account and a backend search was conducted for records in the department. Ms. Burke noted that a small number of records were withheld due to attorney/client privilege.

A question and answer period occurred.

Action: moved by Member Neighbors, seconded by Member Wong, to find that District Attorney Chesa Boudin and the District Attorney's Office have complied with requests for a search of "Signal" and other messaging apps related to the original records request and have found no additional responsive records. The Committee referred the matter back to the SOTF for additional consideration of the case.

Public Comment:

Anonymous #3 stated that the SOTF did not previously find a violation but referred the matter to the Compliance and Amendments Committee for review. Anonymous suggested that the Committee move to refer the matter back to the SOTF.

Peter Warfield, Executive Director, Library Users Association, expressed support the Anonymous #3's comments and noted that 67.29-7 addresses the requirement to maintain records in a professional manner.

Member Neighbors, with the agreement of Member Wong, amended the motion as follows:

Action: Moved by Member Neighbors, seconded by Member Wong, to find that District Attorney Chesa Bourdin and the District Attorney's Office have complied with the Committee's request to conduct a search of "Signal" and other messaging applications related to the original records request and have found no additional responsive records. In addition, the Committee referred the matter back to the SOTF.

Public Comment:

Anonymous #3 expressed support of the amended motion and the need for the SOTF to finish their investigation.

Peter Warfield, Executive Director, Library Users Association, expressed support of Anonymous #3's statement and stated the search should have been conducted at the time of the original request.

The motion PASSED by the following vote:

Ayes: 3 - Neighbors, Wong, LaHood

Noes: 0 - None

5. **File No. 20093:** Complaint filed by Karl Kramer against Public Works 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.

Karl Kramer (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Kramer stated that his initial request was sent June 2020 and he filed his complaint on July 5, 2020. Mr. Kramer agreed to withdraw his complaint if he received upcoming figures for 2021.

David Steinberg (Public Works) (Respondent), provided a summary of the department's position. Mr. Steinberg stated that the complaint was for public records which were provided. Mr. Steinberg noted that he was sent additional requests for records on June 2, 2020 and June 15, 2020. Mr. Steinberg stated that Mr. Kramer asked new questions regarding the records that was not part of the original request for records. Mr. Steinberg stated that he referred Mr. Kramer to Devin Macauley who provided answers. Mr. Steinberg asked the committee to find no violation for failure to provide documents.

A question and answer period occurred.

Action: Moved by Member Wong, seconded by Member Neighbors, to refer the matter back to the SOTF as the parties performed an additional exchange of records that did not satisfy the Complainant's request.

Public Comment:

Anonymous #3 commented on Mr. Steinberg's statement regarding how the department will handle timeliness issues in the future. Anonymous #3 stated that the Committee should find whether the respondent responded in a timely manner.

The motion PASSED by the following vote:

Ayes: 3 - Wong, Neighbors, LaHood

Noes: 0 - None

6. **File No. 21044:** Complaint filed by Manuel Pallib against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 by failing respond to a records request in a complete and timely manner and 67.24 for not disclosing public information.

Karl Kramer was present for the hearing and stated that he is representing Petitioner Manuel Pallib who is withdrawing his complaint.

David Steinberg (Public Works) (Respondent), was present for the hearing.

Administrator Victor Young stated that Mr. Kramer cannot represent the Petitioner without written authorization.

Action: Moved by Chair LaHood, seconded by Member Neighbors, to table the matter without prejudice for nonappearance.

Public Comment:

Anonymous #3 stated that organizational names are important and it should be added.

Peter Warfield, Executive Director, Library Users Association, provided his contact information and noted that the Committee should listen to what Anonymous #3 stated.

The motion PASSED by the following vote:

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

7. **Announcements, Comments, questions, and future Agenda Items by Members of the Compliance and Amendments Committee.**

Chair LaHood opined that the agenda packets often contain a lot of documents and the Administrator is required to capture the records which can seem daunting to the Committee members. Chair LaHood also noted the amount of work required to indexing records is difficult and that there should be a discussion with the SOTF regarding this issue. Chair LaHood noted she had a discussion with their Deputy City Attorney who stated that they will provide a memo on attorney/client privilege to the Committee.

Public Comment:

Peter Warfield, Executive Director, Library Users Association, suggested that all items noted by the Committee are appropriate for discussion and would be useful.

Anonymous #3 stated that the issues discussed should be agendized by Chair Wolfe. Anonymous #3 expressed agreement with Member Neighbors' suggestions.

Mark Sullivan expressed agreement with the Committee's requests.

8. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:06 p.m.

APPROVED: 9/28/21

**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.