



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

REMOTE MEETING

Listen/Public Call-In Phone Number
1-415-906-4659
Meeting ID: 587 575 838#

July 28, 2020 - 4:30 PM

Members: Lila LaHood (Chair), Fiona Hinze and Bruce Wolfe

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

Chair LaHood called the meeting to order at 4:36 p.m. On the call of the roll Chair LaHood and Members Hinze and B. Wolfe were noted present. A quorum was present.

There were no agenda changes.

2. Approval of the February 25, 2020, Compliance and Amendments Committee meeting minutes.

Action: Moved by Member Hinze, seconded by Member Wolfe to approve the February 25, 2020, meeting minutes.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - LaHood, B. Wolfe, Hinze
Noes: 0 - None
Absent: 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:

Anonymous asked if there had been an update or changes to the Mayor's Proclamations regarding contracts that would normally be addressed by the Sunshine Task Force.

4. **File No. 19109:** Complaint filed by Stephen Malloy against Dept. of Public Health for violating Administrative Code (Sunshine Ordinance), Sections 67.24, 67.25, 67.26 and 67.27 by failing to respond to a public records request in a timely and/or complete manner.

Stephen Malloy (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Malloy stated that he originally filed his case in May 2019 and on October 4, 2019, the Dept. of Public Health (DPH) released only 9 emails. Mr. Malloy stated that he provided DPH with a list of all persons who worked on his case and requested their email records. Mr. Malloy stated that he has not received all his requested records. Mr. Malloy opined that Covid-19 is not the problem; that this is a violation of Administrative Code, Section 67.34; the willful failure of DPH to release those requested records.

Veronica Vien (Department of Public Health) (Respondent), provided a summary of the department's position. Ms. Vien stated that the matter was heard in February 2020 and that DPH wants to work with Mr. Malloy. Ms. Vien noted that DPH received Mr. Malloy's list of individuals requesting their emails and asked for a list of search terms. Ms. Vien stated that her department is working to respond to Mr. Malloy's request, however due to Covid-19, technical difficulties and the challenges of working remotely, DPH has been providing limited responses. Ms. Vien noted that 1,000s of emails need to be converted into pdf, reviewed for sensitive information and redacted

Member B. Wolfe stated that this case was heard in October 2019 and wondered why DPH was unable to provide Mr. Malloy his requested records on a rolling basis. Member B. Wolfe noted that he was concerned about timeliness and opined that DPH may be withholding records for another reason. Member B. Wolfe opined that this matter should be referred back to the SOTF to find a violation of Administrative Code, Section 67.34.

Action: Moved by Member B. Wolfe, seconded by Member Hinze, to refer the matter back to the SOTF with the recommendation to find that Department of Public Health Manager Grant Colfax in violation of Administrative Code, Section 67.34, for willful failure and official misconduct for failure to implement the Sunshine Ordinance Task Force Order of Determination.

Public Comment:

Anonymous asked if the Complainant named a department head or manager in the original complaint?

The motion PASSED by the following vote:

Ayes: 3 - B. Wolfe, Hinze, LaHood
Noes: 0 - None
Absent: 0 - None

5. **File No. 19110:** Complaint filed by Stephen Malloy against the Fire Department for violating Administrative Code (Sunshine Ordinance), Sections 67.24, 67.25, 67.26 and 67.27 by failing to respond to a public records request in a timely and/or complete manner.

Stephen Malloy (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Malloy opined that being a black gay man is the reason other city departments did not release records was to protect those offices from misconduct charges. Mr. Malloy stated that he received his requested records and noted that he takes no issue with the Fire Department.

John Tucker (Fire Department) (Respondent), provided a summary of the department's position. Mr. Tucker stated that as a gay man he understood what Mr. Malloy was experiencing. Mr. Tucker stated that the requested Fire Department records were provided to Mr. Malloy.

Action: Moved by Member B. Wolfe, seconded by Member Hinze, to close the file.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - B. Wolfe, Hinze, LaHood
Noes: 0 - None
Absent: 0 - None

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

Member B. Wolfe stated that he was contacted by San Franciscan’s For Sunshine regarding amendments to the Sunshine Ordinance and that there will be no opportunity for this to be on the November Ballot. Member B. Wolfe opined that the Compliance and Amendments Committee should begin a review of the work this group has completed.

Chair LaHood asked Member B. Wolfe to forward materials he has received committee members and to put this matter on the agenda for their next meeting.

Member B. Wolfe stated that before the Complaint Committee and the SOTF can hear cases, there are barriers and issues such as technology and attendance and participation of the parties at a virtual meeting to be addressed. Member B. Wolfe also noted that a process for committees to meet and complaints to be heard must be identified and must be in place before they can proceed.

Public Comment:

Anonymous stated that he filed a complaint with the SOTF before the shutdown and that it makes no sense to move forward until the Mayor’s proclamation, which prohibits the Task Force from doing its work, is nullified.

No action taken.

7. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:04 p.m.

APPROVED: 8/25/2020
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.