



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

REMOTE REGULAR MEETING

September 28, 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 discussed the Minutes and requested a change to add Peter Warfield's name and address.

Action: Moved by Member Wong, seconded by Member Neighbors, to approve the June 22, 2021, minutes with the recommended change.

Public Comment:

Peter Warfield, Executive Director of Library Users Assn.,
libraryusers2004@yahoo.com; P.O. Box 170544, San Francisco, CA 94117-0544.
Mr. Warfield requested that more details be provided in future minutes.

The motion PASSED by the following vote:

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

3. Approval of the July 27, 2021, Compliance and Amendments Committee meeting minutes.

The Committee discussed the July 27, 2021, minutes and noted one change.

Action: Moved by Member Wong, seconded by Member Neighbors, to approve the July 27, 2021, minutes with the recommended change.

Public Comment:

Mark Sullivan provided a written public comment and a change to the July 27, 2021, minutes.

David Steinburg was looking for clarification but believes the Minutes are correct

Peter Warfield, Executive Director of Library Users Assn., provided contact information. Mr. Warfield requested that more details about people's organizations be provided in the minutes.

The motion PASSED by the following vote:

Ayes: 3 - Wong, Neighbors, LaHood

Noes: 0 - None

4. Approval of the August 24, 2021, Compliance and Amendments Committee meeting minutes.

The Committee discussed the August 24, 2021, minutes and noted changes.

Action: Moved by Member Neighbors, seconded by Member Wong, to approve the minutes with no changes.

Public Comment:

Peter Warfield provided his contact information and noted that the point of public comment is for people to say what they want to say. It is not up to the Committee to edit people's public comment.

Member Neighbors rescinded their motion.

Action: Moved by Member Neighbors, seconded by Member Wong, to continue the approval of the August 24 minutes to the call of the Chair to the next October Compliance and Amendments meeting.

The motion PASSED by the following vote:

Ayes: 3 - Neighbors, Wong, LaHood

Noes: 0 - None

5. **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:

Mark Sullivan provided the following written public comment. Taskforce members need to read and understand actual the actual complaints submitted. Taskforce members rely too much on short oral comment time, not under oath, often contradicts the actual records submitted. Taskforce members that actually do the work. This is greatly appreciated. Many see Sunshine Ordinance pinnacle in public access laws. It as an add-on to state public access laws. Both CPRA and Brown Act have clauses that "allow local agencies to impose requirements upon themselves which allow greater access", local public access law is less than the state law, language in the state law prevails. The Sunshine Ordinance specifically states this. Many places the Sunshine Ordinance impose greater requirements like passive meeting bodies. Many places the Sunshine Ordinance fails, in definitions or in specific language. The task force must use the language "which would result in greater or more expedited public access shall apply." Sec. 67.5 and 67.21 (k).

Peter Warfield, provided his contact information. Mr. Warfield stated that he appears to be faulted when advocating accurate and full minutes and the simple courtesy of what he considers to be important. Mr. Warfield stated it was not his intention to insult the Committee Chair.

6. **File No. 19061:** Complaint filed by John Hooper against the Office of Economic and Workforce Development for violating Administrative Code (Sunshine Ordinance), Section 67.21(b), by failing to respond to a public records request in a timely and/or complete manner.

John Hooper (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Hooper stated that he cannot locate the documents that directed OEWD to go to Parks Alliance and obtain responsive records. Mr. Hooper noted that he has not received records from Parks Alliance.

Marianne Mazzucco Thompson (Department of Economic and Workforce Development) (Respondent), provided a summary of the department's position. Ms. Thompson stated that Mr. Hooper is referring to the original request of three years ago wherein the records from Parks Alliance were provided to him. Ms. Thompson also stated that she provided the spread sheet that was the monkey survey which also were records from Parks Alliance.

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 Committee request that Ms. Thompson and the Office of Economic and Workforce Development send to their counterpart at Parks Alliance requesting on behalf of Mr. Hooper for new records and that both the request and the response from Parks Alliance be provided to the SOTF Administrator, Mr. Hooper and the Compliance and Amendments Committee and that this action take place before the next Committee hearing.

Public Comment:

Anonymous #3 noted that he did not hear the beginning of the case but did hear the end and generally agrees because OEWD and Ms. Thompson should be directed to and provide those records from Parks Alliance.

Chair LaHood amended their motion.

Moved by Chair LaHood, second by Member Neighbors, that the Committee is requesting that Ms. Mazzucco-Thompson and the OEWD send to the appropriate counterpart at Parks Alliance and request on behalf of Mr. Hooper the original nine requests for responsive records and both the written request and written response be provided to the SFOT Administrator, Mr. Hooper and the Compliance and Amendments Committee for their October meeting within fourteen days.

Public Comment:

Anonymous #3 noted thanks to Member Neighbors for seeing the source document and is expressed frustration that there were nine requests. Anonymous #3 stated that the requested records should be sent to Mr. Hooper.

The motion PASSED by the following vote:

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

- 7. File No. 19062:** Complaint filed by John Hooper against Public Works 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.

John Hooper (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Hooper stated that he was unsure if Mr. Steinburg had corresponded with Parks Alliance.

David Steinburg (Public Works) (Respondent), provided a summary of the department's position. Mr. Steinburg stated that on July 7 the SOTF ordered him to send a letter to Parks Alliance for records not yet received. Mr. Steinberg stated that on August 12 he sent a letter to Parks Alliance requesting a copy of the grant agreement. On August 26 Parks Alliance wrote that they didn't have records, but would review their records to confirm if they had it. Mr. Steinburg informed Chair Wolfe that he provided a link to records to Mr. Hooper.

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

Action: Moved by Member Neighbors, seconded by Member Wong, that the Committee is requesting of Mr. Steinberg and Public Works recontact Parks Alliance asking for an update on responsive records including clear language of the full requests of all nine paragraphs and requesting that the written inquiry to be made within 14 days and written response be provided to SOTF Administrator, Mr. Hooper and the Compliance and Amendments Committee for their October hearing.

Public Comment:

Anonymous #3 agrees with Member Neighbors motion. Anonymous #3 noted that Mr. Steinburg needs to clarify the records request with Parks Alliance because at the end of the day Mr. Hooper should get what he wants.

Mark Sullivan stated that the bulk of the money OEWD received was \$25,000 and because the contract is with the City and County of San Francisco, not OEWD. Mr. Sullivan noted that the records retention policy is that documents should be kept for two years.

Peter Warfield provided his contact information and noted that he is not a party to the action but wanted to acknowledge Anonymous' #3, said about being precise which is valuable in all things we do.

The motion PASSED by the following vote:

Ayes: 3 - Neighbors, Wong, LaHood

Noes: 0 - None

8. **File No. 20082:** Complaint filed by Library Users Association against Mary Ghirarduzzi and the Library Commission for violating Administrative Code (Sunshine Ordinance), Section 67.15 by failing to allow participation in public comment during a remote Library Commission meeting July 9, 2020.

Peter Warfield (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Warfield stated that at Library Commission meetings

changes remain to be taken in order for the general public to be allowed to make public comment. Mr. Warfield provided several examples of when the public has been dropped from the call trying to make public comment. Mr. Warfield also noted there have been technical issues at many Library Commission meetings causing the inability of people to make their comments.

Margot Shaub (Library Commission) (Respondent), provided a summary of the department's position. Ms. Shaub described the process the Library Commission uses when allowing public comment. Ms. Shaub noted that the WebEx platform is used by the Library Commission for their meetings which was recommended by their City Attorney. Ms. Shaub stated that their Agenda provides directions on how to join the meeting.

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 Committee asks Ms. Shaub and the Library Commission to allow their media services team perform a user interface testing with the WebEx system and make sure that the instructions on the agenda reflect the user experience, explore adding a help line and consider other ways of improving meetings that include identifying commission members and other staff as they speak and report back in writing within the SOTF administrator, Mr. Warfield and forward that information to the Compliance and Amendments Committee within four weeks.

Public Comment:

Anonymous #3 stated that the law provides that everyone beg the same time to speak and that the Committee should ask the Library Commission to not start the timer until the speaker is ready.

Mark Sullivan suggested that the Commission run their system just like the SOTF.

The motion PASSED by the following vote:

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

- 9. File No. 20093:** Complaint filed by Karl Kramer against Department of Public Works for 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 on June 7 he received information from the Public Works and had questions regarding their responses. Mr. Kramer stated

that he requested to speak with Devon McAuley because Mr. McAuley provided the responses. Mr. Kramer noted however they were not transparent nor provided in a timely manner.

David Steinburg (Public Works) (Respondent), provided a summary of the department's position. Mr. Steinburg stated that he was first made aware of the request by SOTF Administrator Leger and that no one in his office recognized this as a records request. Mr. Steinburg stated that he provided all responsive records to Mr. Kramer and follow up records. Mr. Steinburg told Mr. Kramer that Devon McAuley had the requested information. Mr. Steinburg stated that Mr. Kramer is seeking an unjustifiable timeliness violation.

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

Action: Moved by Member Wong, seconded by Member Neighbors, to refer the case back to the SOTF because the matter was not resolved after an exchange of records.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wong, Neighbors, LaHood

Noes: 0 - None

- 10. File No. 21109: Hearing Regarding Request for Reconsideration of Complaint 18086.** Complaint filed by Mark Sullivan against the Mission Dolores Green Benefit District Formation Committee for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.14, by failing to allow video and audio recording filming and still photography of a policy body.

Mark Sullivan (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Sullivan stated that Green Benefits District Committees (GBD) are upheld by state law which provides procedures on forming those Committees. Mr. Sullivan noted that there is a court case which deals with starting businesses and making improvements in districts. Mr. Sullivan stated that in that case simply swap out GBD and input Property Owners Association and refer to Mission Dolores Green Benefits District. Mr. Sullivan stated that the City never handled the functions of GBDs and were constructed by local property owners.

The respondent was not present for the hearing and did not inform the Administrator of their absence.

David Steinburg stated that Public Works was not involved in the Complaint but was involved in working for GBDs. Mr. Steinburg noted that GBD resident Conan McHugh copied him on some communications when the complaint was scheduled. Mr. Steinburg stated that Mr. McHugh confirmed that this particular GBD was disbanded and does not exist.

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

Action: Moved by Member Neighbors, seconded by Member Wong, that complaint 21109 regarding reconsideration of complaint 18086 that the committee found jurisdiction based on their understanding of the role of Public Works and recommends a hearing on the complaint by the SOTF.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Neighbors, Wong, LaHood

Noes: 0 - None

11. Announcements, Comments, Questions, and Future Agenda Items by Members of the Compliance and Amendments Committee. (Discussion and Action)

No actions taken.

Public Comment.

None.

12. ADJOURNMENT

There being no further business the meeting was adjourned at 9:58 p.m.

**APPROVED: DRAFT
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.