



**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**

**November 13, 2017 - 4:30 PM**

**Special Meeting**

**Members:** Frank Cannata (Chair), Dave Maass and Chris Hyland

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

Chair Frank Cannata called the meeting to order at 4:30 p.m. On the call of the roll Chair Cannata and Members Hyland and Maass were noted present. There was a quorum.

Administrator Victor Young noted that File No. 17090 was withdrawn by the Complainant.

Public Comment:  
None.

**2. Approval of the September 19, 2017, Compliance and Amendments Committee meeting minutes.**

The Committee discussed the minutes.

**Member Maass, seconded by Member Hyland, moved to approve the September 19, 2017, meeting minutes.**

Public Comment:  
None.

**The motion PASSED by the following vote:**

Ayes: 3 – Maass, Hyland, 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. *(No Action)*

Speakers:

None.

The Compliance and Amendments Committee (Committee) shall hold a hearing on File Nos. 17090, 17075, 17092 and 17112 to: 1) determine if the Sunshine Ordinance Task Force (Task Force) has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force. The Task Force, upon receipt of the report and/or recommendation from the Committee, shall schedule and conduct a hearing on the merits of the complaint.

4. **File No. 17090:** Complaint filed by Alvin Ja against the Office of Economic and Workforce Development (OEWD) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to an Disclosure Request in a complete manner.

*(On September 19, 2017, the Compliance and Amendments Committee determined that the Task Force has jurisdiction continued the matter to the call of the chair.)*

On November 13, 2017, the Complainant withdrew the complaint via email. No actions taken by the committee.

5. **File No. 17075:** Complaint filed by Anonymous against Director John Rahaim and the Planning Department, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

*(On September 19, 2017, the Compliance and Amendments Committee determined that the Task Force has jurisdiction continued the matter to the call of the chair.)*

Anonymous (Complainant) and Christine Silva, Planning Department (Respondent); provided and overview and responded to questions raised through the discussion. Anonymous stated that he met with the Planning Department to clarify what records were requested. However, Anonymous stated that the cd provided to him was blank and that he just received a copy of the records. Anonymous stated that he did not have time to review the records to determine if all records were provided. Ms. Silva provided a summary of the actions taken by the Planning Department to provided records to Anonymous.

The Committee stated that the Planning Department has previously acknowledged that their response to the public records request was late. The Committee suggested that the Complainant review the records provided and provide a response prior to the matter being scheduled before the SOTF.

**Member Hyland, seconded by Member Maass, moved to refer the matter to the Sunshine Ordinance Task Force for hearing.**

Public Comment:  
None.

**The motion PASSED by the following vote:**

Ayes: 3 – Maass, Hyland, Cannata  
Noes: 0 – None

6. **File No. 17092:** Complaint filed by Ellen Tsang against John Rahaim, Anne Brask and the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and complete manner.

*(On September 19, 2017, the Compliance and Amendments Committee determined that the Task Force has jurisdiction continued the matter to the call of the chair.)*

Ellen Tsang (Complainant) and Christine Silva, Planning Department (Respondent); provided an overview and responded to questions raised through the discussion. Ms. Tsang stated that since the last meeting before the Committee the Planning Department has provided the requested records. Ms. Tsang request that the matter be referred to the SOTF for hearing so that Order of Determination can be issued to document the violation. Ms. Silva provided a summary the actions taken by the Planning Department. Ms. Silva previously stated at the September 19, 2017, meeting that Planning was not aware of an August 16, 2017. Ms. Silva stated that the Planning Department has since provided all responsive records to the August 16, 2017, request.

The Committee stated that the Planning Department has previously acknowledged that a response was not provided for the August 16, 2017, request for records.

**Member Hyland, seconded by Member Maass, moved to refer the matter to the Sunshine Ordinance Task Force for hearing.**

Public Comment:  
None.

**The motion PASSED by the following vote:**

Ayes: 3 – Maass, Hyland, Cannata  
Noes: 0 – None

7. **File No. 17112:** Complaint filed by Marvin Lambert against the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and complete manner.

Marvin Lambert (Petitioner) provided a summary of his complaint and requested the Committee to find violations. Mr. Lambert stated that the Planning Department has no basis to invoke attorney client privileges. Mr. Lambert provided a list of circumstance where withholding of records is allowed and stated that the Planning Department has not met the criteria for withholding records. There were no speakers in support of the Petitioner. Christine Silva (Respondent) provided a summary of the department's position. Ms. Silva stated that a response was provided on the same day the public records requested was received. Ms. Silva stated that attorney client communications and work product does not need to be disclosed pursuant to California Government Code Sections 6254(k) and 6276.04. Ms. Silva stated that privileged communications was accidentally provided to the Petitioner and that the Planning Department requested that Mr. Lambert destroy privileged information that were provided accidentally. There were no speakers on behalf of the Respondent. A question and answer period occurred. The Petitioner and Respondent were provided an opportunity for rebuttals.

The Committee opined that legal advice from the City Attorney and additional discussion with the full Sunshine Ordinance Task Force is needed and requested that the matter be referred to the SOTF for hearing.

California Government Code 6254(k)

Except as provided in Sections 6254.7 and 6254.13, this chapter does not require the disclosure of any of the following records:

(k) Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

**Member Maass, seconded by Member Hyland, moved to find that the Task Force has jurisdiction in the matter, to find that the requested records are public and to refer the matter to the Task Force for hearing.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 – Maass, Hyland, Cannata

Noes: 0 – None

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

There were no announcement or comments.

Public Comment:

None.

9. **ADJOURNMENT**

There being no further business the meeting was adjourned at 5:15 p.m.

APPROVED: January 30, 2018  
Compliance and Amendment 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.