



**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**

**December 18, 2018 - 4:30 PM**

**Regular Meeting**

**Members:** Frank Cannata (Chair), Lila LaHood and Chris Hyland

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

Chair Cannata called the meeting to order at 4:35 p.m. On the call of the roll Chair Cannata, and Members LaHood and Hyland were noted present. There was a quorum.

There were no agenda changes.

**2) Approval of the September 18, 2018, Compliance and Amendments Committee meeting minutes.**

**Member LaHood, seconded by Member Hyland, moved to approve the September 18, 2018, meeting minutes.**

Public Comment:

None.

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

Ayes: 3 - Cannata, LaHood, Hyland

Noes: 0 - None

**3) Consent Agenda - Determination of Jurisdiction (File No(s) 18085, 18090 and 18091.**

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Sunshine Ordinance Task Force (SOTF) and will be acted upon by a single roll call vote of the Compliance and Amendments Committee (Committee) to determine whether or not the SOTF has jurisdiction and to determine if the requested records are public pursuant to Administrative Code (Sunshine Ordinance), Section 67.21(e). There will be no separate discussion of these items unless a member of the Committee so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item. The Complainant and Respondent for File No(s). 18085, 18090, and 18091 are **not required** to attend the December 18, 2018, Committee meeting but may attend to provide testimony related to the determination as to whether or not the SOTF has jurisdiction. A hearing to review the merits of the complaint will be scheduled on a future date.

- a) **File No. 18085:** Complaint filed by Liz Arbus against Margaret Baumgartner 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.
- b) **File No. 18090:** Complaint filed by Carlos Petri against Margaret Baumgartner 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.
- c) **File No. 18091:** Complaint filed by Mark Zuckerberg against Kate Patterson 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.

Determination of jurisdiction on Complaint No(s). 18085, 18090, and 18091.

**Member LaHood, seconded by Member Hyland, moved to find that the SOTF has jurisdiction over File Nos. 18085, 18090 and 18091 and find that the requested records are public.**

*(A hearing to review the merits of the complaint will be scheduled on a future date.)*

Public Comment:

None.

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

Ayes: 3 - Cannata, LaHood Hyland

Noes: 0 - None

- 4) **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)*

Public Comment:

None.

- 5) **File No. 18001: Hearing on the Status of the Order of Determination** - Complaint filed by Julian Sarkar against Jose Cisneros and the Office of the Treasurer and Tax Collector's Office (TTX) for violating Administrative Code (Sunshine Ordinance, Section 67.21), by failing to respond to a request for public records in a timely manner.

*(On October 3, 2018, the SOTF referred the matter to the Compliance and Amendments Committee to ensure that redacted copies of requested records have been provided to the Petitioner.)*

Administrator Young stated that this matter was heard by the SOTF on October 3, 2018, and that the SOTF referred it to Compliance and Amendments Committee to determine if the Respondent has complied with the SOTF's request to provide a privilege log.

Julian Sarkar (Petitioner) provided a summary of the complaint and requested the SOTF find a violation. Mr. Sarkar stated that he was provided the letter from Ms. Buckley stating that her office had provided as much as they could and due to evidentiary privileges. Mr. Sarkar authorized the SOTF to proceed with future hearings without his presence. Mr. Sarkar stated that he wants the SOTF to enforce their order to produce documents because he might possibly go to court.

Theresa Buckley, Office of the Treasurer and Tax Collector (Respondent), provided a summary of the department's position. Ms. Buckley stated that on November 13, 2018, she wrote a letter to the SOTF regarding the October 3, 2018, hearing summarizing their position set forth indicating that her office had produced the non-privileged documents to Mr. Sarkar and would not provide any other form of the redact document. Ms. Buckley stated that she produced the requested documents in compliance with Business and Tax Regulations 6.22-1, California Evidence Code 1040 and Government Code 62.54(k) and that the request redacted would infringe on the rights of provider of information.

**Chair Cannata, seconded by Member Hyland, moved that the Compliance and Amendments Committee referred the matter to the SOTF with a recommendation that the matter be referred to the District Attorney and/or the Attorney General for enforcement due to the failure to comply with the SOTF's Order to provide redacted records pursuant to Administrative Code Section 67.21(e).**

Public Comment:

None.

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

Ayes: 3 - Cannata, LaHood, Hyland

Noes: 0 – None

- 6) **File No. 18058: Hearing on the Status of the Order of Determination** - Complaint filed by Deonte Walker and Tamara Reed against the San Francisco Municipal Transportation Agency for violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

*(On October 3, 2018, the SOTF referred the matter to the Compliance and Amendments Committee to ensure that the following documents have been provided to the Petitioner:*

- *Mr. Walker's personnel file*
- *Workers compensation form with the signatures of Mr. Walker and his supervisor*
- *Updated and approved leaves and vacation schedule*
- *AWOL policy/dates and documentation*
- *Page numbers of the MOU related to the leave policy/requests)*

Tamara Reed and Deonte Walker (Petitioner) provided a summary of the complaint and requested the SOTF find a violation. Ms. Reed stated that not all records have been provided to them by Don Ellison of the SFMTA. Upon discussion it was determined that the following items have not yet been provided.

- *Workers compensation form with the signatures of Mr. Walker and his supervisor*
- *Updated and approved leaves and vacation schedule*

Donald Ellison, Director of Human Resources, San Francisco Municipal Transportation Agency (SFMTA) (Respondent), was out ill and unable to provide a summary of the department's position.

**Chair Cannata, seconded by Member LaHood, moved to refer the matter to the SOTF and requested that the SFMTA provide the below listed items to the SOTF and the Petitioner or provided an explanation as to why the records cannot be provided. The Committee requested that these documents be provided before the January 2, 2019, SOTF hearing. (If confidentially/redactions are an issue please bring copies to the meeting so that it can be provided directly to the Petitioner.)**

- *Workers compensation form with the signatures of Mr. Walker and his supervisor*
- *Updated and approved leaves and vacation schedule*

Public Comment:

None.

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

Ayes: 3 - Cannata, LaHood Hyland

Noes: 0 - None

The Compliance and Amendments Committee (Committee) shall hold a hearing on File No. 18086 to 1) determine if the Sunshine Ordinance Task Force (SOTF) 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.

- 7) **File No. 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.

Conan McHugh (Respondent) provided a summary of the Mission Dolores Green Benefit District Formation Committee (GBD) (Respondent) position within the community. Mr. McHugh stated that this particular GBD committee is made up of neighbors and business owners within the district trying to be good neighbors and make a difference. Mr. McHugh stated that this GBD was not created by ordinance or resolution and is not a city agency or an initiative of a policy body or passive body. Mr. McHugh stated that they are not receiving money from the City and that the neighbors are all volunteers. Mr. McHugh stated that many neighbors volunteer their time and that some funding came from former Supervisor Jeff Sheehy. Mr. McHugh stated that several neighbors got together to discuss the litter and safety issues in their neighborhood. Mr. McHugh stated that they do communicate frequently with the Department of Rec and Parks. Mr. McHugh stated that this particular community group plans to continue to meet to look at ways to improve the neighborhood and that they are not contingent on the GBD.

Mark Sullivan (Petitioner) provided a summary of his position regarding the GBD. Mr. Sullivan stated that Ordinance 14-14, Article 15(a) provided an opportunity for this GBD committee to form and that this committee is required to follow this Article. Mr. Sullivan stated that this committee makes decisions that neighbors cannot opt out of, decide what the boundaries are, the way to vote and when the vote is going to happen. Mr. Sullivan stated that this group votes on decisions that affect their neighbors. Mr. Sullivan stated that if they do form a GBD, it would have to be voted on by the City.

Jim Chappell explained that this is a group of volunteer neighbors who have not received money from the city and they have no obligations to this GBD. Mr. Chappell said that they are not sanctioned by any City department. Mr. Chappell explained that they have lobbied city departments on behalf of their GBD and neither has obligations to the other. Mr. Chappell stated that former Supervisor Jeff Sheehy directed the money to city departments, it did not come to the GBD.

Jonathan Goldberg, San Francisco Public Works, Green Benefits District Program Manager, provided a summary of the Mission Dolores GBD. Mr. Goldberg stated that this particular group is conducting outreach in order to determine what is feasible for them to pursue the formation of an assessment district. Mr. Goldberg stated that this GBD is a collection of business owners and neighbors. Mr. Goldberg stated that Ordinance 14-14 dictates the steps required to create a GBD which includes Board of Supervisor legislation to become a formal

entity. Mr. Goldberg stated that this group of neighbors is going through the process to determine what is feasible and appropriate for this district at this time. Mr. Goldberg stated that this committee was not created by any city department. Mr. Goldberg stated that the City Attorney makes certain that these committees get a refresher on the Brown Act and Sunshine Ordinance once they have been officially formed.

**Member LaHood, seconded by Member Hyland, moved to refer the matter to the SOTF with the recommendation to find that the SOTF does NOT have jurisdiction over the Mission Dolores Green Benefit District at this time.**

Public Comment:

Roger Hoffman spoke regarding the two meetings of the Mission Dolores Formation Committee that he attended.

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

Ayes: 3 - Cannata, LaHood Hyland

Noes: 0 - None

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

There were no announcements or comments.

**9) ADJOURNMENT**

There being no further business the meeting was adjourned at 5:43 p.m.

**APPROVED**

**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.