

Item No. 2

Committee: Complaint Committee

Date: 10/15/2024

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|---|-------------|
| ☐ Complaint Summary | Page: _____ |
| ☐ Complaint | Page: _____ |
| ☐ Complainant's Supporting Documents | Page: _____ |
| ☐ Respondent's Supporting Documents | Page: _____ |
| ☐ Other Documents <i>(Notice of Hearing, Communications, etc.)</i> | Page: _____ |
| ☐ Public Correspondence | Page: _____ |

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Completed By: Patricia H. Petersen (9/10/2024)



City and County of San Francisco

Meeting Agenda

Complaint Committee

City Hall
1 Dr. Carlton B. Goodlett
Place, Room 244
San Francisco, CA
94102-4689

Members: Dean Schmidt (Chair), Laura Stein, and Saul Sugarman

Clerk: Patricia H. Petersen
(415) 554-7719 ~ sotf@sfgov.org

Tuesday, September 17, 2024

**5:30 pm
Regular Meeting**

City Hall, Room 408

1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES (00:00:04)

Chair Schmidt called the meeting to order at 5:32 p.m. On the call of the roll, Chair Schmidt, Member Stein, and Member Sugarman were noted present. A quorum was present.

2. Approval of the August 20, 2024, Complaint Committee meeting minutes. (00:01:59)

Action: Moved by Member Stein, seconded by Member Sugarman, to approve the August 20, 2024 minutes.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 3 – Schmidt, Stein, Sugarman

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. (00:04:15)

Public Comment: None.

4. **File No. 24041:** Complaint filed by Rosa L. against David Chiu and the City Attorney's Office for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (00:43:20)

Rosa L. (Complainant) provided a summary of their complaint, stating that Respondent responded timely to her 6/29/2024 IDR (for texts or chats) and 6/30/2024 IDR (for emails) with the Mayor, but no responsive records were found. Rosa L. requested that the SOTF ask how they communicate if not via these platforms.

Jen Kwart, Director of Communications & Media Relations at the City Attorney's Office (Respondent) provided a summary of the department's position. Ms. Kwart stated that the Mayor and City Attorney very rarely communicate by text, and that such texts are limited to one-off scheduling communications, e.g., "can I call you now." These types of communications are not subject to the department's records retention policy and may be discarded.

A question-and-answer period occurred.

Action: Moved by Member Stein, seconded by Member Sugarman, to find that the SOTF has jurisdiction, that the requested records are public, and refer the matter to the full Task Force with a recommendation to find that there were no violations with respect to this request.

The Committee noted that while it appears that no responsive records exist, the SOTF should consider whether the retention policy of the City Attorney's Office comports with the letter or spirit of the California Public Records Act or Sunshine Ordinance. The Committee also noted that Ms. Kwart stated she will provide a copy of the City Attorney's Office records retention policy.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 3 – Schmidt, Stein, Sugarman

Noes: 0 – None

5. **File No. 24043:** Complaint filed by Rosa L. against the Department of Emergency Management for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (01:24:15)

Rosa L. (Complainant) provided a summary of their complaint, stating that they received no response to an IDR submitted 6/29/2024. Rosa L. further stated that they submitted a request for an update on 8/14/2024 which Respondent replied to on 8/19/2024, stating the initial IDR could not be found and they were going to respond.

Jackie Thornhill, Public Relations Officer at the Department of Emergency Management (Respondent) provided a summary of the department's position. Ms. Thornhill stated that the department has been unable to determine what happened with the initial IDR, but measures are being taken to prevent future occurrences. Ms. Thornhill further stated that there is no consistent practice for document deletion and that she is working on the development of a document retention policy which does not currently exist.

A question-and-answer period occurred.

Action: Moved by Stein, seconded by Member Sugarman, to find that the SOTF has jurisdiction over the matter, that the requested records are public, and refer the matter to the SOTF Consent Agenda with a recommendation to find a violation of Sec. 67.21 by failing to respond to a public records request in a timely and/or complete manner.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 3 – Schmidt, Stein, Sugarman

Noes: 0 – None

6. **File No. 24048:** Complaint filed by Rosa L. against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner. (01:50:21)

Rosa L. (Complainant) provided a summary of their complaint, stating that they submitted a [Public Records Act] request on 7/2/2024 that was ignored for one month. Rosa L. further stated that the Police Department has acknowledged that it violated the law due to a delay in locating and reviewing responsive documents and has started to fulfill the request.

Lt. Beauchamp, Police Department (Respondent) provided a summary of the department's position, stating that an unforeseen technical error that led to requests not being assigned correctly has been addressed. Lt. Beauchamp further stated the majority of the responses have been supplied since 8/7/2024 but emails are still being researched.

A question-and-answer period occurred.

Action: Moved by Member Stein, seconded by Chair Schmidt, to find that the SOTF has jurisdiction over the matter, that the requested records are public, and refer the matter to the full SOTF Consent Agenda with a recommendation to find a violation of Sec. 67.21 by failing to respond to a public records request in a timely and/or complete manner.

The Committee further requested production of the remaining records under Sec. 67.21, to be monitored by the Compliance and Amendments Committee. The Committee noted that this request was not acknowledged or responded to in a timely manner and the Police Department acknowledged their lack of timeliness.

The motion PASSED by the following vote:

Ayes: 3 – Schmidt, Stein, Sugarman

Noes: 0 – None

7. Announcements, Comments, Questions, and Future Agenda Items by Members of the Complaint Committee (00:10:03)

A discussion occurred about public records retention policies, future Task Force projects, and holding effective meetings

Public Comment: None.

8. ADJOURNMENT (02:13:10)

There being no further business the meeting was adjourned at 7:45 p.m.

APPROVED: _____
Complaint Committee
Sunshine Ordinance Task Force

N.B. the Minutes of this meeting set forth all actions taken by the Complaint Committee of the Sunshine Ordinance Task Force on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.

###

§ 2 of 44 results Original terms [West's Annotated California Codes](#)[Government Code](#)[Title 1. General](#)[Division 10. Access to Public Records](#)

West's Ann.Cal.Gov.Code T. 1, D. 10, Refs & Annos

[Currentness](#)

Editors' Notes

GENERAL NOTES

2023 Electronic Pocket Part Update

<Division 10 was added by Stats.2021, c. 614 (A.B.473), § 2, eff. Jan. 1, 2022, operative Jan. 1, 2023.>

OPERATIVE EFFECT

<For operative effect of Division 10, see **Government Code § 7931.000**.>

PUBLISHER'S NOTE

<The following table was provided by the California Law Revision Commission, and is reproduced with minor modifications. The original table was published in the California Law Revision Commission recommendation titled "California Public Records Act Clean-Up" [46 Cal. L. Revision Comm'n Reports 207 (2019)].>

DERIVATION TABLE

This table shows the derivation of each proposed provision in this recommendation. Unless otherwise indicated, all statutory references are to the **Government Code**.

New Section	Old Section
7920.000	6251
7920.005	new
7920.100	new
7920.105	new
7920.110	new
7920.115	new
7920.120	new
7920.200	6260
7920.500	6254.21(f)

7920.505	new
7920.510	6252(a)
7920.515	6252(b)
7920.520	6252 (c)
7920.525(a)	6252(d)
7920.525(b)	new
7920.530	6252(e)
7920.535	6254.24
7920.540	6252(f)
7920.545	6252(g)
7921.000	6250
7921.005	6253.3
7921.010	6270
7921.300	6257.5
7921.305	6252.5
7921.310	6252.7
7921.500	6254 next-to-last ¶
7921.505	6254.5
7921.505(a)	6254.5 2d sent
7921.505(b)	6254.5 1st sent
7921.505(c)	6254.5(a)-(i)
7921.700	6263
7921.705	6264
7921.710	6265
7922.000	6255(a)
7922.200	6254.29
7922.205	6254.27
7922.210	6254.28
7922.500	6253(d) 1st sent
7922.505	6253(e)
7922.525	6253(a)
7922.525(a)	6253(a) 1st sent
7922.525(b)	6253(a) 2d sent
7922.530(a)	6253(b)
7922.530(b)	6253(d)(1)
7922.530(c)	6253(d)(2)
7922.535	6253(c)
7922.535(a)	6253(c) 1st, 4th sent
7922.535(b)	6253(c) 2d, 3d sent
7922.535(c)	6253(c) 5th sent
7922.540(a)	6255(b)
7922.540(b)	6253(d)(3)
7922.540(c)	new
7922.545	6253(f)

7922.545(a)	6253(f) 1st sent
7922.545(b)	6253(f) 2d sent
7922.570-7922.580	6253.9
7922.570(a)	6253.9 intro cl 1st part
7922.570(b)	6253.9 intro cl 2d part, (a)(1), (a)(2) 1st sent
7922.570(c)	6253.9(d)
7922.575(a)	6253.9(a)(2) 2d sent
7922.575(b)	6253.9(b)
7922.580(a)	6253.9(c)
7922.580(b)	6253.9(e)
7922.580(c)	6253.9(f)
7922.580(d)	6253.9(g)
7922.585	6254.9
7922.600	6253.1(a)-(c)
7922.605	6253.1(d)
7922.630	6253.4(a) 1st ¶
7922.635	6253.4(a) 2d ¶
7922.640	6253.4(b)
7922.680	6253.10
7922.700-7922.725	6270.5
7922.700(a)	6270.5(c)(1)
7922.700(b)	6270.5(c)(3)
7922.705	6270.5(c)(2)
7922.710(a)	6270.5(a) 1st sent
7922.710(b)	6270.5(f)
7922.715(a)	6270.5(a) 2d sent
7922.715(b)	6270.5(a) 3d sent
7922.720(a), (b)	6270.5(a) 4th sent
7922.720(c)	6270.5(e)
7922.725(a)	6270.5(b)
7922.725(b)	6270.5(d)
7923.000	6258 1st sent
7923.005	6258 2d sent
7923.100-7923.500	6259 (except (c) 1st sent intro cl)
7923.100	6259(a) 1st sent
7923.105	6259(a) 2d sent
7923.110	6259(b)
7923.115(a)-(b)	6259(d)
7923.115(c)	6259(e)
7923.500	6259(c) (except obsolete intro cl)
7923.600-7923.625	6254(f)
7923.600(a)	6254(f) 1st sent
7923.600(b)	6254(f) 2d ¶
7923.605(a)	6254(f) 2d sent

7923.605(b)	6254(f) 3d sent
7923.610	6254(f) 3d ¶ (re 6254(f)(1)), 6254(f)(1)
7923.615(a)	6254(f) 3d ¶ (re 6254(f)(2)), 6254(f)(2)(A) 1st sent
7923.615(b)	6254(f)(2)(A) 2d, 3d sent
7923.615(c)	6254(f)(2)(B)
7923.620(a)	6254(f) 3d ¶ (re 6254(f)(3)), 6254(f)(3) 1st, 2d sent
7923.620(b)	6254(f)(3) 3d sent
7923.620(c)	6254(f)(3) 4th sent
7923.625	6254(f)(4)
7923.630	new
7923.650	6262
7923.655	6254.30
7923.655(a)	6254.30 1st sent
7923.655(b)	6254.30 2d sent
7923.700	6254(z)
7923.750	6254.4.5
7923.755	6254.17
7923.800-7923.805	6254(u)
7923.800	6254(u)(1)
7923.805	6254(u)(2)-(3)
7924.000	6254.4
7924.005	6253.6
7924.100	6253.5(c)
7924.105	6253.5(d)
7924.110(a)-(b)	6253.5(a) 1st sent
7924.110(c)	6253.5(a) 2d sent
7924.110(d)	6253.5(b)
7924.300-7924.335	6254.2
7924.300	6254.2(a)
7924.305(a)	6254.2(b)
7924.305(b)	6254.2(c)
7924.305(c)	6254.2(d)
7924.305(d)	6254.2(e)
7924.305(e)	6254.2(m)
7924.305(f)	6254.2(f)
7924.310(a)-(b)	6254.2(h)
7924.310(c)	6254.2(k)
7924.315	6254.2(i)
7924.320	6254.2(j)
7924.325	6254.2(n)
7924.330	6254.2(l)
7924.335	6254.2(g)
7924.500	6254.11
7924.505	6254(o)

7924.510	6254.7 (except (c))
7924.510(a)	6254.7(a)
7924.510(b)	6254.7(b)
7924.510(c)	6254.7(d) 1st sent
7924.510(d)	6254.7(e)
7924.510(e)	6254.7(f)
7924.510(f)	6254.7(d) 2d sent
7924.700	6254.7(c)
7924.900	6253.8(a)-(e)
7925.000	6254(i)
7925.005	6254(n)
7925.010	6254(x)
7926.000	6254(s)
7926.100	6254(ac)
7926.200	6254 last ¶ (unlabeled)
7926.205	6254.22
7926.205(a)	6254.22 1st sent
7926.205(b)	6254.22 2d sent
7926.205(c)	6254.22 3d & 4th sent
7926.210	6254(t)
7926.215	6254.14(a)
7926.215(a)	6254.14(a)(1)
7926.215(b)	6254.14(a)(2)
7926.215(c)	6254.14(a)(3)
7926.215(d)	6254.14(a)(4)
7926.215(e)	6254.14(a)(5)
7926.220(a)	6254(q)(1)
7926.220(b)	6254(q)(2)
7926.220(c)	6254(q)(3)
7926.220(d)	6254(q)(4), 6254.14(b) (re 6254(q))
7926.225(a)	6254(v)(1)
7926.225(b)	6254(v)(2)
7926.225(c)	6254(v)(3)
7926.225(d)	6254(v)(4), 6254.14(b) (re 6254(v))
7926.230(a)	6254(y)(1)
7926.230(b)	6254(y)(2)
7926.230(c)	6254(y)(3)
7926.230(d)	6254(y)(4), 6254.14(b) (re 6254(y))
7926.230(e)	6254(y)(5)
7926.235	6254(w)
7926.235(a)	6254(w)(1)
7926.235(b)	6254(w)(2)
7926.235(c)	6254(w)(3)
7926.300	6253.2

7926.400-7926.430	6254.18
7926.400	6254.18(b)
7926.400(a)	6254.18(b)(1)
7926.400(b)	6254.18(b)(2)
7926.400(c)	6254.18(b)(3)
7926.400(d)	6254.18(b)(4)
7926.405	6254.18(a)
7926.410	6254.18(c)
7926.415	6254.18(d)
7926.415(a)	6254.18(d) 1st sent
7926.415(b)	6254.18(d) 3d sent
7926.415(c)	6254.18(d) 2d sent
7926.420	6254.18(e)
7926.425	6254.18(f)
7926.430	6254.18(g)
7926.500	6270.7
7927.000	6254(r)
7927.005	6254.10
7927.100	6254(j)
7927.105	6267
7927.200	6254(b)
7927.205	6254.25
7927.300	6254(e)
7927.305	6253.21
7927.400	6254.20
7927.405	6254.1(b)
7927.410	6254.16
7927.415	6254.1(a)
7927.420	6252.6
7927.500	6254(a)
7927.600	6254.6
7927.605	6254.15
7927.700	6254(c)
7927.705	6254(k)
7928.000	6254 (l)
7928.005-7928.010	6268
7928.005	6268(a)
7928.010(a)	6268(b)
7928.010(b)	6268(c)
7928.015	6268.5
7928.100	6254(m)
7928.200-7928.230	6254.21 (except (f))
7928.200(a)	6254.21(g)
7928.200(b)	6254.21(e)

7928.205	6254.21(a)
7928.210	6254.21(b)
7928.215-7928.225	6254.21(c)
7928.215	6254.21(c)(1)
7928.215(a)	6254.21(c)(1)(E)
7928.215(b)	6254.21(c)(1)(A)
7928.215(c)	6254.21(c)(1)(B)
7928.215(d)	6254.21(c)(1)(C)
7928.215(e)	6254.21(c)(1)(D)
7928.220	6254.21(c)(3)
7928.225	6254.21(c)(2)
7928.230	6254.21(d)
7928.300	6254.3
7928.400	6254.8
7928.405	6254(p)(1)
7928.410	6254(p)(2)
7928.700	6253.31
7928.705	6254(h)
7928.710(a)	6254.26(c)
7928.710(b)	6254.26(a)
7928.710(c)	6254.26(b)
7928.715	6254.33
7928.720	6261
7928.800	6270.6
7929.000	6254(d)
7929.005	6254.12
7929.010	6254.35
7929.200	6254(aa)
7929.205	6254(ab)
7929.205(a)	6254(ab) 2d sent
7929.205(b)	6254(ab) 1st sent
7929.205(c)	6254(ab) 3d sent
7929.210	6254.19
7929.215	6254.23
7929.400-7929.430	6254(ad)
7929.400	6254(ad)(1)
7929.405	6254(ad)(2)
7929.410	6254(ad)(3)
7929.415	6254(ad)(4)
7929.420	6254(ad)(5)
7929.425	6254(ad)(6)
7929.430	6254(ad)(7)
7929.600	6254.1(c)
7929.605	6254(g)

7929.610	6254.13
7930.000-7930.215	6275-6276.48
7930.000	6275
7930.005	6276
7930.100	6276.01
7930.105	6276.02
7930.110	6276.04
7930.115	6276.06
7930.120	6276.08
7930.125	6276.10
7930.130	6276.12
7930.135	6276.14
7930.140	6276.16
7930.145	6276.18
7930.150	6276.22
7930.155	6276.24
7930.160	6276.26
7930.165	6276.28
7930.170	6276.30
7930.175	6276.32
7930.180	6276.34
7930.185	6276.36
7930.190	6276.38
7930.195	6276.40
7930.200	6276.42
7930.205	6276.44
7930.210	6276.46
7930.215	6276.48

Relevant Additional Resources

Additional Resources listed below contain your search terms.

HISTORICAL AND STATUTORY NOTES

2021 Legislation

For legislative findings and declarations concerning the California Public Records Act recodification from [Stats.2021, c. 614](#) (A.B.473), see Historical and Statutory Notes under **Government Code § 7920.000**.

CROSS REFERENCES

Bay Area Housing Finance Authority, regional expenditure plan, public participation processes, see **Government Code § 64511**.

California Tourism Marketing Act, exemption for information obtained to determine assessments, see **Government Code § 13995.54**.

City auditor, public records, see **Government Code § 36525**.

Climate resilience district, meetings, public records, see **Government Code § 62311**.

Duties of state agency heads relative to records and information collection practices, see **Government Code § 12274**.

Electronic recording delivery systems, exemption of audit reports from disclosure under California Public Records Act, see **Government Code § 27394**.

Enhanced infrastructure financing district, public financing authority, application of this division, see **Government Code § 53398.51.1**.

Exemptions from public disclosure of items in custody of State Archives, exemption not applicable to item seventy-five years after it was created, notice of public access, see **Government Code § 12237**.

Financial and legal records of California Indian tribes and tribal business enterprises, disclosure, see **Government Code § 63048.63**.

Local agencies, sexual harassment prevention training and education records, see **Government Code § 53237.2**.

Local agency auditors, public records, see **Government Code § 26908.5**.

Local agency ethics training records, status as public records subject to disclosure, see **Government Code § 53235.2**.

Local agency expense report forms, status as public records subject to disclosure, see **Government Code § 53232.3**.

Long Beach Civic Center, contracting and procurement procedures, negotiations, disclosure of documents, see **Government Code § 5976**.

Procedures for destruction or disposal of records of special districts, copies not required, destruction or disposal of certain records prohibited, see **Government Code § 60201**.

Public employees' health benefits, disclosure of cost, utilization, actual claim payments, and contract allowance amounts for health care services rendered, see **Government Code § 22854.5**.

Tribal Nation Grant Fund Program, preventing disclosure of confidential information, see **Government Code § 12019.55**.

West's Ann. Cal. Gov. Code T. 1, D. 10, Refs & Annos, CA GOVT T. 1, D. 10, Refs & Annos Current with Ch. 1 of 2023-24 1st Ex.Sess, and urgency legislation through Ch. 2 of 2023 Reg.Sess. Some statute sections may be more current, see credits for details.

End of Document

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