



**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**

**August 16, 2016 - 4:00 PM**

**Regular Meeting**

**Members:** Frank Cannata (Chair), Chris Hyland, and Bruce Wolfe

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

Chair Frank Cannata called the meeting to order at 4:05 p.m. On the call of the roll Members Cannata and Hyland were present. Member Wolfe was excused until his arrival at 5:20 p.m.

**2. Approval of the June 21, 2016, Compliance and Amendments Committee meeting minutes.**

The Committee discussed the minutes.

**Member Hyland, seconded by Chair Cannata, moved to approve the June 21, 2016, meeting minutes.**

Public Comment:

Ray Hartz stated that pursuant to Roberts Rules of Order the Committee has 6 months to make corrections to the minutes.

Peter Warfield stated that the Committee should do their best to provide accurate minutes and provided suggests to amend the minutes on page 1, Item No. 2 regarding the bylaw's reference to the agenda order.

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

Ayes: 2 - Hyland, Cannata

Noes: 0 - None

Excused: 1- Wolfe

3. **File No. 15139: Hearing on the Status of the Order of Determination:** Complaint filed by Shawn Mooney against the Assessor/Recorder's Office for violating Administrative Code (Sunshine Ordinance), Section 67.21 (b), by failing to respond to a public records request in a timely manner. (00:04:00 – 01:01:00)

*(On May 4, 2016, the Sunshine Ordinance Task Force referred the matter to the Compliance and Amendments Committee with instructions for the Complainant to provide a detailed and specific list of records not yet provided and for the Assessor/Recorder to provide a summary of the responsive documents/responses provided for each of the requested records.)*

Shawn Mooney (Complainant) provided a summary of the complaint and provide a list of outstanding issues. Eddie McCaffrey, Assessor/Recorder's Office (Respondent), provided a summary of the department's effort to respond to the public records request. A question and answer period followed.

Upon review of the testimony and submitted documents the Committee determined that the Assessor/Recorder's Office has provided the requested records. However, the information contain in the 502p forms was provided to the Complainant but not the 502p form itself as members of the public may or may not have used a 502p form to submit the required information. The Assessor/Recorder could not confirm if the Tax Roll Account Numbers were provided to the Complainant.

**Member Hyland, seconded by Chair Cannata, moved to continue the matter to the call of the chair. The purpose of the continued hearing shall be to verify whether or not the Tax Roll Account Numbers were provided to the Complainant.**

Public Comment:

Ray Hartz stated that even though the 502p form may not have been used the Assessor/Recorder should provide the forms that they do have on file.

Peter Warfield stated that outdated technology should not be used as a reason for a delayed response and stated that the provision of the original 502p form is useful for finding errors.

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

Ayes: 2 - Hyland, Cannata

Noes: 0 - None

Excused: 1- Wolfe

4. **File No. 16014: Hearing on the Status of the Order of Determination:** Complaint filed by Ray Hartz against Sue Blackman and the Library Commission for violating Administrative Code (Sunshine Ordinance), Sections 67.21 (b) and (c), by failing to respond to a public records request in a timely and complete manner and failing to assist a requester in identifying the existence, form and nature of any records or information maintained. (01:01:00 – 01:13:00)  
*(On July 6, 2016, the Sunshine Ordinance Task Force referred the matter to the Compliance and Amendments Committee and requested the Respondent to authorize the release of documents by the Police Department and the Office of the City Attorney.)*

Ray Hartz (Complainant) provided a summary of the complaint and requested the Committee to uphold the violation. Sue Blackman, Public Library (Respondent), provided a summary of the department’s efforts to comply with the Order of Determination. Both parties confirmed that the requested records were provided pursuant to the Order of Determination. A question and answer period followed.

**Member Hyland, seconded by Chair Cannata, moved to find that Sue Blackman and the Library Commission complied with the Order of Determination and concluded the matter.**

Public Comment:

Peter Warfield expressed concern with Ms. Blackman’s statement that Mr. Hartz should have sent his request directly to the Police Department and the Office of the City Attorney.

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

Ayes: 2 - Hyland, Cannata  
Noes: 0 - None  
Excused: 1- Wolfe

The Committee recessed from 5:21 p.m. to 5:26 p.m.

*The Compliance and Amendments Committee held hearings on File Nos. 15161, 15162, and 16050 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 SOTF. The SOTF, upon receipt of the report and/or recommendation from the Committee, shall: 1) accept the recommendation of the Committee; 2) schedule the complaint for a hearing before the SOTF at a future date; or 3) immediately hold a hearing on the merits of the complaint.*

5. **File No. 15161:** Complaint filed by the Library Users Association against Laura Lent and the San Francisco Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to public records requests, submitted orally, in a timely and/or adequate manner in regards to BiblioCommons Webinar. (01:13:00 – 03:15:00)

**Member Hyland, seconded by Chair Cannata, moved to find jurisdiction on the matter.**

Public Comment:

Peter Warfield stated that the Task Force has jurisdiction in the matter.

Ray Hartz stated that the Task Force has jurisdiction in the matter and that the Library has a history of being unresponsive.

Nick P. stated that the Task Force has jurisdiction in the matter.

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

Ayes: 3 - Wolfe, Hyland, Cannata

Noes: 0 - None

Peter Warfield (Complainant) provided a summary of the complaint and requested the Committee to find violations. Mr. Warfield provided details of his interaction with Library staff and stated that Ms. Lent requested that the records request be provided in a written format. Mr. Warfield stated that the current complaint is not duplicative of his previous complaint filings. Nick P. spoke in support of the Complainant. Michael Lambert and Laura Lent, Public Library (Respondent), provided a summary of the department's position. Mr. Lambert stated that the complaint was duplicative of complaints previously adjudicated by the Task Force and provided a summary of the Library's interaction with Mr. Warfield in regards to BiblioCommons. Ms. Lent summarized her interaction with Mr. Warfield. Ms. Lent acknowledged that on February 20, 2015, Mr. Warfield made an oral request for records and that she was unaware of how to properly respond to the request. There were no speakers in support of the Respondent. A question and answer period followed. Neither party could provide the date that the request records were provided to the Mr. Warfield. The Complaint and the Respondent were provided the opportunity for rebuttals.

Member Hyland provided a history of Mr. Warfield's previous complaints against the Public Library in regards to BiblioCommons and expressed his opinion that the complaint is duplicative and that the Task Force has previously adjudicated the issue.

Upon review of the testimony and the submitted documents the Committee determined that the records orally requested by Mr. Warfield on February 20, 2015, were provided but it could not be determined if they were provided in a timely manner. The Committee opined that a request for public records can be made orally and that it is not required for the request to be made in a written format.

**Member Wolfe, seconded by Member Hyland, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation to find jurisdiction and to find violation of Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to the February 20, 2015, oral request for public records in a timely manner.**

Public Comment:

Nick P. stated that the Committee is mistreating Mr. Warfield and shared his previous experiences with the Public Library.

Ray Hartz expressed support for the motion and provided a summary of the complaint and Sunshine Ordinance requirements.

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

Ayes: 3 - Wolfe, Hyland, Cannata

Noes: 0 - None

The Committee acknowledged that the Public Library has improved their process for handling oral public records requests and recommends that the matter not be referred to Committee for follow up.

The Committee recessed from 7:26 p.m. to 7:35 p.m.

The Committee tabled Item No. 6 (File No. 15162) and called Item No. 8 (General Public Comment) out of order, without objection.

The Committee recalled Item No. 6 (File No. 15162) without objection.

6. **File No. 15162:** Complaint filed by the Library Users Association against Deputy City Librarian Michael Lambert and City Librarian Luis Herrera, and the San Francisco Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.22, for failure to respond to public records requests, submitted orally, and by discouraging staff from providing information orally, in a timely and/or adequate manner in regards to BiblioCommons. (03:30:00 – 04:18:00)

**Member Hyland, seconded by Member Wolfe, moved to find jurisdiction on the matter.**

Public Comment:

None.

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

Ayes: 3 - Wolfe, Hyland, Cannata

Noes: 0 - None

Peter Warfield (Complainant) provided a summary of the complaint and requested the Committee to find violation. Mr. Warfield provided details of his interaction with Library staff and stated that he should be allowed to interact with individual staff members at the Library because various staff members have expertise in different areas of BiblioCommons that a point person cannot provide. There were no speakers in support of the Complainant. Michael Lambert and Laura Lent, Public Library (Respondent), provided a summary of the department's position. Mr. Lambert stated Mr. Warfield was not barred from contacting individual Library staff members and provided a summary of various meetings between Library staff members and Mr. Warfield. However, Mr. Lambert stated that due to the limited resources, the technical nature of BiblioCommons and with the advice of the Office of the City Attorney, Ms. Lent was designated as the primary contact person. There were no speakers in support of the Respondent. A question and answer period followed. The Complaint and the Respondent were provided the opportunity for rebuttals.

Upon review of the testimony and the submitted documents the Committee does not believe that Mr. Warfield was restricted from contacting various members of the Public Library staff. In addition, the Committee believes that the designation of Ms. Lent as the point person for BiblioCommons questions and setting a 15 minute limit is allowable under the Sunshine Ordinance, Section 67.22.

Member Wolfe opined that it is the choice of individual members of Library staff to not speak with Mr. Warfield and that issues with individual's actions should be addressed to their supervisor.

**Chair Cannata, seconded by Member Hyland, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation to find jurisdiction and to find that there were no violation of Administrative Code (Sunshine Ordinance), Chapter 67.**

Public Comment:

Ray Hartz stated that the decision of the Committee was a slippery slope and provided examples. Mr. Hartz stated that the Library was trying to control the flow of information being provided to the public.

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

Ayes: 3 - Wolfe, Hyland, Cannata

Noes: 0 - None

7. **File No. 16050:** Complaint filed by Anonymous against Director John Rahaim and the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25 and 67.32, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (04:18:00 – )

**Member Wolfe, seconded by Member Hyland, moved to find jurisdiction on the matter.**

Public Comment:

None.

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

Ayes: 3 - Wolfe, Hyland, Cannata

Noes: 0 - None

Anonymous (Complainant) provided a summary of the complaint and requested the Committee to find violations. Anonymous stated that the Planning Department was informed to provide all responses via U.S. Postal Service. There were no speakers in support of the Complainant. Christine Silva, Planning Department (Respondent), provided a summary of the department's position. Ms. Silva stated that a request for a 14 day extension was transmitted via email and U.S. Postal Service. There were no speakers in support of the Respondent. A question and answer period followed. The Complaint and the Respondent were provided an opportunity for rebuttals.

Upon review of the testimony and the submitted documents the Committee stated that the Planning Department request for a 14 day extension was invalid. Pursuant to Sunshine Ordinance, Section 67.25 (b), requested for extension is limited to 10 days.

The Committee requests that the Planning Department communicate to their staff the requirements of Sunshine Ordinance, Section 67.21 (b), which states that public records

requests may be delivered orally, or in writing by fax, postal delivery, or email. In addition, care should be taken to honor requests of the public to provide a response via fax, postal delivery, or email.

**Member Wolfe, seconded by Member Hyland, moved to refer the matter to the Sunshine Ordinance Task Force with the recommendation to find jurisdiction and to find a violation of Administrative Code (Sunshine Ordinance), Sections 67.25 (a) and (b) by failing to respond to an Immediate Disclosure Request in a timely manner and by failing to request an extension of time to respond in an appropriate manner.**

Public Comment:

Ray Hartz stated that the decision of the Committee was a slippery slope and provided examples.

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

Ayes: 3 - Wolfe, Hyland, Cannata

Noes: 0 - None

8. **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. (03:15:00 – 03:30:00)

Speakers:

Ray Hartz presented his complaint filings against the Public Library and Supervisor Mark Farrell and requested a hearing before the full Task Force within 45 days.

Nick P. stated that the technology issues at the Public Library is too big for the Task Force to handle and the issues should be brought to the proper body.

Peter Warfield questioned what the Task Force should do in regards to repeat violators of the Sunshine Ordinance. Mr. Warfield stated that the format for finding violations is difficult.

9. **Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar.**

The following items are pending before the Compliance and Amendments Committee and will be scheduled on a future date.

- File No. 14101: Order of Determination - Grossman v. Dept. of Building Inspection. (*Pending update on completion of program implementation*)

Member Wolfe stated that as Chair of the Task Force he intends to refer certain issues regarding repeated violations of the Sunshine Ordinance to the Compliance and Amendments Committee for review and possible action.



Public Comment:

Peter Warfield stated that the Task Force should address training of both the Task Force Members and the members of the public.

10. **ADJOURNMENT**

**There being no further business the meeting was adjourned at 9:25 p.m.**

**APPROVED: 09/12/16**

**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.