



SUNSHINE ORDINANCE TASK FORCE
Education, Outreach and Training Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES - DRAFT

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

May 21, 2019 - 4:00 PM

Regular Meeting

Members: Josh Wolf (Chair), Fiona Hinze, Matthew Yankee

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

Chair Chris Hyland called the meeting to order at 4:02 pm. On the call of the roll Chair Hyland, Members Yankee and Hinze were noted present. A quorum was present.

Action: Moved by Member Hinze and seconded by Member Yankee to call items 4 and 5 at the end of the hearing.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Hinze, Yankee, Hyland
Noes: 0 - None

2. Adoption of the minutes for the January 15, 2019, Education, Outreach, and Training Committee meeting.

Action: Moved by Member Yankee, seconded by Member Hinze, to approve the January 15, 2019, meeting minutes.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Hinze, Yankee, Hyland

Noes: 0 - None

3. **Public Comment:** Members of the public may address the Education, Outreach and Training Committee on matters that are within the Committee's jurisdiction but not on today's agenda.

Public Comment:

None.

The Chair requested that File Nos. 18012 and 18028 be called together.

4. **File No. 18012: Hearing on the Status of the Order of Determination** - Complaint filed by Denta Tadesse against Lori Mazzola, City Hall Building Management, for violating Administrative Code (Sunshine Ordinance), Section 67.13(a), by failing to allow access to a meeting of a policy body.

See File No. 18028 for meeting details.

5. **File No. 18028: Hearing on the Status of the Order of Determination** - Complaint filed by Denta Tadesse against the Sheriff's Department for violating Administrative Code (Sunshine Ordinance), Section 67.13(a), by failing to allow access to a meeting of a policy body. (02:01:11 – 02:13:30)

Neither the Petitioner nor the Respondent were present for the hearing.

Administrator Young provided an overview of the Compliance and Amendments Committee hearing of April 16, 2019. Administrator Young stated that Captain William Kelleher of the Sheriff's Department stated that training for all employees would take place. Chair Hyland asked the Administrator to contact the Sheriff's Department and ask that they send the SOTF the new training materials and signage around City Hall, if it exists and to confirm that training has taken place. Chair Hyland noted the absence of both City Hall Building Management and the Sheriff's Department at this hearing. Chair Hyland also wants City Hall Building Management to confirm that they have updated their Policy Manual on Service Animals.

Action: Moved by Member Yankee and seconded by Member Hinze to continue the matter to the call of the chair and to refer this matter to the next Compliance and Committee hearing with a request to the Sheriff's Department and Building Management provide the requested documents and that they attend the hearing.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Yankee, Hinze, Hyland

Noes: 0 - None

6. **File No. 18079: Hearing on the Status of the Order of Determination:** Complaint filed by Ellen Tsang against Lily Madjus and the Department of Building Inspection (DBI) for violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner. (00:04:53 – 00:28:31)

Ellen Tsang (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Tsang stated that the documents in question were not provided in a timely manner. Ms. Tsang commented of the timeliness and work product of the Department of Building Inspections. Ms. Tsang requested a continuance in order to have time to review the documents presented during the meeting.

Lily Madjus, Custodian of Records (Department of Building Inspection, “DBI”) (Respondent), provided a summary of the department’s position. Ms. Madjus stated that all records were previously provide to Ms. Tsang electronically as requested. Ms. Madjus stated that the DBI responds to the numerous requests and is not trying to hide any records. Ms. Madjus stated that she has complied with the SOTF Order of Determination and provided unredacted records and provided copies to Ms. Tsang, the SOTF Administrator and the Committee members. Ms. Madjus provided an overview of DBI’s response and the documents provided to Ms. Tsang.

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

Action: Member Hinze, seconded by Member Yankee, moved to refer the matter to the next Compliance and Amendments Committee hearing of June 18, 2019, and to review the status of the Order of Determination.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Hinze, Yankee, Hyland

Noes: 0 - None

7. **File No. 19031:** Complaint filed by Mark Sullivan against Chris Corgas and the Office of Economic and Workforce Development for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.1(a)(c)(d)(g), by failing to allow access to records; 67.5 by failing to require that meetings be open and public and 67.32 by failing the provision of services to other agencies. (00:28:53 – 01:06:15)

Mark Sullivan (Petitioner) provided a summary of the complaint and requested the SOTF to find a violation. Mr. Sullivan stated that in an email, Mr. Corgas and Mr. Goldberg (Public Works) discussed the draft Agenda for the March 26, 2018, meeting of the Mission Dolores Green Benefits District which was attached to the email. Mr. Sullivan asked the Custodians of Records of Public Works and the Office of Economic and Workforce Development for a copy of the draft Agenda and was told it cannot be located. Another email shows Mr. Corgas and Jeff Sheehy discussing the composition of the Green Benefits District meeting and the Agenda. Mr. Sullivan stated that the draft Agenda referenced in the email was not provided and that they cannot know what documents have not been provided.

John Hooper, spoke on behalf of the Petitioner and provided comment on Green Benefit Districts formation committees.

Marianne Thompson, Custodian of Records, Office of Economic and Workforce Development (OEWD) (Respondent), provided a summary of the department's position. Ms. Thompson stated that some of the attachments included in emails are not records but picture files such as signatures. Ms. Thompson provided an overview of the process to create a green benefit district. Ms. Thompson stated that green benefit districts are informal and not subject to the Brown Act until they are officially formed. Ms. Thompson stated that a diligent search for the requested records took place and the draft agenda in question was not found.

Jonathan Goldberg, Public Works, spoke on behalf of the Respondent and confirmed that the Custodian of Records complied with the records retention policy. Mr. Goldberg stated that there was no reason for retaining the draft Agenda.

A question and answer period occurred.

The Committee noted that the complaint is against the city department and that the SOTF previously found that the SOFT does not have jurisdiction over the green benefit district (File No. 18086.) Upon discussion the Committee opined that that issue of contention is the draft agenda that was attached to an email.

Action: Moved by Member Yankee, seconded by Member Hinze, to find that the SOTF has jurisdiction, find that the requested records, if they existed, are public and to refer the matter to the SOTF for hearing.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Yankee, Hinze, Hyland

Noes: 0 - None

8. **File No. 19032:** Complaint filed by Mark Sullivan against Jonathan Goldberg, David Steinberg and Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21(a)(c)(d)(g), by failing to respond to a public records request in a timely and/or complete manner; 67.5 requiring that meetings be open and public and 67.32 provision of services to other agencies. (01:06:20 – 02:00:11)

Mark Sullivan (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Sullivan stated that in the Respondent's response claims that Public Works has not entered into a contract with SFPark Alliance and that the contract is with OEWD. Mr. Sullivan stated that Public Works should have either provided the contract or obtained the contract on behalf of the Petitioner. Mr. Sullivan stated that DPW has a green benefits manager who regularly interacts with the green benefits formation committees. Mr. Sullivan stated that GBD committees would not exist without a formation committee and by the Ordinance. Mr. Sullivan stated that the documents submitted show that Mr. Goldberg attended five separate Mission Dolores GBD meetings to answer questions,

John Hooper provided comments regarding the Petitioner's complaint.

Rick Correll provided comments regarding the proposed GBD and that possibly Mr. Sullivan could get documents from Place Lab aka SFPark Alliance.

David Steinberg, Custodian of Records for Public Works (Respondent), provided a summary of the department's position. Mr. Steinberg stated that DPW has received 33 separate records requests from Mr. Sullivan regarding green benefits districts and has provided all requested documents. Mr. Steinberg stated that they recently updated their records retention policy and described the process used to search for the requested records and emails. Mr. Steinberg described the process for retaining emails and documents. Mr. Steinberg stated that his department has no additional documents to turn over to Mr. Sullivan and further stated that all requested records were provided to multiple parties on multiple occasions. Mr. Steinberg also stated that they did not have the Place Lab contract in question as it was not administered by Public Works but by OEWD.

Marianne Thompson provided a summary of how green benefits districts work and their relationships with contractors. Ms. Thompson also provided information on how OEWD contracts are managed and work.

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

The Committee noted that the complaint is against the city department and that the SOTF previously found that the SOFT does not have jurisdiction over the Green Benefit District (File No. 18086.) Member Yankee suggested that Mr. Sullivan refile his complaint and use SFParks Alliance as the Respondent and keep it separate from the employees and that both cases be heard at the same time. Upon discussion the Committee opined that that issue of contention is the provision of the contract with OEWD.

Due to the related issues in File Nos. 19031 and 19032 and with the agreement of the Petitioner and the Committee requested that the matters be scheduled and heard together before the SOTF.

Action: Moved by Member Yankee, seconded by Member Hinze to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing together.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Yankee, Hinze, Hyland

Noes: 0 - None

9. **ADJOURNMENT**

The meeting was adjourned at 6:12 PM.