



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

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

October 16, 2018 - 4:00 PM

Rescheduled Meeting

Members: Josh Wolf (Chair), Fiona Hinze, Chris Hyland

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

Chair Josh Wolf called the meeting to order at 4:02 pm. On the call of the roll Chair Josh Wolf, Members Hyland and Hinze were noted present. There was a quorum.

2. Adoption of the minutes for the August 21, 2018, Education, Outreach, and Training Committee meetings.

Member Hinze, seconded by Member Hyland, moved to approve the August 21, 2018, meeting minutes.

Public Comment:
None

The motion PASSED by the following vote:

Ayes: 3 - Hinze, Hyland, J. Wolf
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:

Ann Treboux provided the following written summary of her public comment: "I don't know Anne Trickey. I responded to 29 items that lacked merit; evidence and or don't pertain to Civil Code 527.8. It took days. I have 2 tapes of the "Anne Trickey Performance" of June 15, 2018, which show once again that she has lied under oath. She has harassed my friends and family since 2015. She has slandered me to various SFPD officers and street artists. This needs to stop."

Francisco Da Costa expressed concern regarding a check list for committee members pertaining to SOTF meetings and due diligence.

(Chair Wolf responded to Mr. Da Costa's public comment.)

The Education, Outreach and Training Committee (Committee) shall hold hearing(s) on File Nos. 18075, 18067, 18005 and 17074 to: 1) determine if the Sunshine Ordinance Task Force (Task Force) has jurisdiction; 2) review the merits of the complaints; and 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. 18075:** Complaint filed by Kevin Williams against District Attorney George Gascon for allegedly violating Administrative Code, (Sunshine Ordinance) Sections 67.25 and 67.29-5, by failing to respond to a request for public records (for business calendars) in a timely and/or complete manner.

The Office of the District Attorney submitted a letter by Deputy City Attorney Wayne Snodgrass in lieu of appearance for File No. 18075. The Respondent did not appear at the hearing.

Mr. Williams (Petitioner) objected to the City Attorney's letter on procedure and merit grounds.

Member Hyland, seconded by Member Hinze, moved to not accept the letter written by the City Attorney Wayne Snodgrass in lieu of appearing.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Hyland, Hinze, Chair J. Wolf

Noes: 0 - None

Kevin Williams (Petitioner) provided a summary of his complaint and requested the Committee find a violation. Mr. Williams stated he wished to have his complaint heard before the full SOTF. Mr. Williams stated that the District Attorney's office violated Sunshine Ordinance Code 67.25 to timely respond to the complaint and 67.29-5 by failing to keep an accurate calendar. Mr. Williams stated that he disagrees with the District Attorney's response indicating that the calendar must be made publically available three days prior to an appointment or event. Mr. Williams stated that the District Attorney failed to turn over calendar records three days before the events take place and instead turned over calendar records after the scheduled event took place.

A question and answer period occurred.

Chair Wolf asked if Mr. Williams' Immediate Disclosure Request was responded to in a timely manner. Mr. Williams stated that the District Attorney's response was timely and as the District Attorney's Office invoked a ten-day extension of time and responded with records. Mr. Williams stated that he wanted the records of appointments three days after the appointment is made not three days after it takes place.

Member Hinze, seconded by Member Hyland, moved to find that the SOTF has jurisdiction, the records are public and to refer the matter to the SOTF for hearing regarding a possible a violation of Sunshine Ordinance, Section 67.29-5.

Public Comment:

Francisco Da Costa stated that he has been before the SOTF and other Committees before.

The motion PASSED by the following vote:

Ayes: 3 - Hinze, Hyland and Chair J. Wolf

Noes: 0 - None

5. **File No. 18067:** Complaint filed by Betty Mackey against the Treasure Island Development Authority for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Chair J. Wolf disclosed is past association with Betty Mackey and indicated that he can impartial and that there is no conflict of interest.

Betty Mackey (Petitioner) provided a summary of her complaint and requested the Committee find a violation. Ms. Mackey stated that she submitted a Sunshine request to the Treasure Island Development Authority (TIDA) requesting sources of funding from Housing and Urban Development (HUD), Swords to Plow Shares and other organizations that receive federal funding. Ms. Mackey stated that she spoke with Victor Young (Board of Supervisors) who stated that he would contact TIDA and see where the request was and subsequently received a note from Peter Summerville (TIDA) who apologized,

stated that they had not received her request and that TIDA would send a response within one week. Ms. Mackey stated that the materials she received are insufficient. Ms. Mackey stated that she was upset that TIDA did not respond to her email requests and responded only the Sunshine Task Force.

Bob Beck (Respondent) provided a summary of the Treasure Island Development Authority's (TIDA) position. Mr. Beck stated that there was an oversight with regard to Ms. Mackey's request and they failed to respond in a timely manner. Mr. Beck stated that on August 10, 2018, Peter Summerville sent a response to Ms. Mackey requesting clarity of her request. Mr. Beck stated that the materials TIDA had provided were in response to federal grants to the Treasure Island Development Authority. Mr. Beck stated that when Ms. Mackey's IDR was received, they responded to it three days after the request was received on August 10, 2018. However, Mr. Beck stated they failed to respond to her follow-up request.

A question and answer period occurred.

Chair Wolf asked what Mr. Beck's office has done to ensure that document requests are responded to in a timely manner. Mr. Beck stated that they have received four requests within the last few months and that Peter Summerville serves as the Custodian of Records for these requests. Mr. Beck also stated that they notify the City Administrator's office of TIDA reports when they receive Sunshine requests.

Chair Wolf asked Ms. Mackey if she could make a list of what she knows she has not received. Ms. Mackey said that she itemized the documents she wanted in her original request to TIDA.

Chair Wolf requested that records received by Ms. Mackey be put into the file.

Member Hinze, seconded by Chair J. Wolf, moved to find that the records are public and refer the matter to the SOTF for hearing with a recommendation to find a violation of Sunshine Ordinance, Section 67.21.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Hinze, Chair J. Wolf and Hyland

Noes: 0 - None

(Staff noted that the question of jurisdiction was not addressed by the Committee. Issues regarding jurisdiction was reference by the SOTF Deputy City Attorney)

6. **File No. 18005:** Complaint filed by Ann Treboux against Director Tom DeCaigny, Kate Patterson and the Arts Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.4, 67.25, 67.26 and 67.27, by failing to respond to an Immediate Disclosure Request in a complete manner.

Ann Treboux (Petitioner) provided a summary of her complaint and requested the Committee find a violation. Ms. Treboux referenced a timeline regarding the request for records via NextRequest. The file was closed on February 5, 2018, and was not made available to the public nor was it published. Ms. Treboux stated that the original Immediate Disclosure Request was related to the Commissioner's Luncheon at Caputo's Restaurant, was made available to staff and not herself. Ms. Treboux stated that she went to Caputo's Restaurant on January 23, 2018, expecting to take part in an advisory meeting and nothing was scheduled. Ms. Treboux's original request was sent on January 17, 2018 and she did not receive documents until February 2, 2018.

Rebekah Krell, Arts Commission (Respondent) provided a summary of the department's position. Ms. Krell stated that there was a misunderstanding and Kate Patterson thought Ms. Treboux was requesting the agenda for the Committee of Street Artists and Craft Examiners which was taking place on January 23, 2018. Ms. Krell stated that upon receipt of Ms. Treboux clarification that she was referring to the special notice for the meeting taking place at Caputo's Restaurant notice was provided. Ms. Krell stated that it was suggested to Ms. Treboux that she reach out to Francis Tsing for additional information related to this meeting. Ms. Krell stated that the meeting at Caputo's Restaurant was not sponsored by the Arts Commission and that they turned over the related documents that were in their possession.

Chair J. Wolf opined that the first response took place within 24 hours and asked Ms. Treboux if she was not able to access those records. Chair J. Wolf asked Ms. Treboux if the January 23, 2018, agenda and January 12, 2018, Commissioner's luncheon were provided and what was missing from the Arts Commission's response of January 23, 2018. Chair J. Wolf asked Ms. Krell if anyone else has had trouble getting documents provided on NextRequest in which Ms. Krell replied, no.

Chair J. Wolf, seconded by Member Hinze, moved to find that the SOTF has jurisdiction, that the records are public and referred the matter to the SOTF for hearing.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Chair J. Wolf, Hinze and Hyland

Noes: 0 - None

7. **File No. 17074:** Complaint filed by Ann Treboux against the Arts Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.14, by failing to post audio recordings on the City's website within seventy-two hours of the date of the meeting or hearing (June 20, 2017, Street Artist meeting).

Ann Treboux (Petitioner) provided a summary of her complaint and requested the Committee find a violation. Ms. Treboux stated that Anne Trickey appeared at the Street Artists meeting and is the person responsible for posting the minutes and the audio. Ms. Treboux stated that she notified the Arts Commission that the audio was not posted and asked Ms. Patterson to send the audio to her via email. Ms. Treboux stated that the Arts Commission does not monitor audio and agenda postings.

Rebekah Krell, Arts Commission (Respondent) provided a summary of the department's position. Ms. Krell stated that the Arts Commission did post the audio within the 72-hour time period. Ms. Krell stated that she followed up with Granicus, the City's host for audio and video posting, to resolve technical problems with posting the audio file. Ms. Krell stated that the technical problems were resolved and the audio is on the website.

Chair Wolf, seconded by Member Hinze, moved to find that the SOTF had jurisdiction, that the documents are public and refer the matter to the full SOTF.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Chair J. Wolf, Hinze and Hyland

Noes: 0 - None

8. **ADJOURNMENT**

There being no further business the meeting was adjourned at 5:25 p.m.

APPROVED: DRAFT

Education, Outreach and Training Committee

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.