



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

REMOTE MEETING

March 28, 2023
5:30 PM

Regular Meeting

Members: Chris Hyland (Chair), Jaya Padmanabhan and Thuan Thao Hill

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

Member Padmanabhan called the meeting to order at 6:01 p.m. On the call of the roll Members Padmanabhan and Hill were noted present. Chair Hyland was noted absent. A quorum was present.

There were no agenda changes.

2. Approval of the January 24, 2023, Education, Outreach and Training Committee meeting minutes.

Action: Moved by Member Hill, seconded by Member Padmanabhan, to approve the January 24, 2023, meeting minutes as amended.

Public Comment:

David Pilpel provided suggested changes to the January minutes.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Hill, Padmanabhan,

Noes: 0 - None

Absent: 1 - Hyland

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.

Speakers:

None.

4. **File No. 23004** Complaint filed by Amy Silverstein against Scott Reiber and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.1(a) by failing to serve the public and reach its decisions in full view of the public, (d) by failing to let the public know what their government and those acting on behalf of their Government are doing; 67.24(b)(1)(i)-(ii), (i) by failing to provide information on litigation materials; 67.36 by failing to allow the Sunshine Ordinance to supersede other local laws.

Amy Silverstein (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Silverstein requested two documents from the Respondent claims by taxpayers and cases that involve the City and its settlements. Ms. Silverstein stated that the City did provide some settlement agreements for cases that went to litigation and settlement agreements where the taxpayer waived their confidentiality. Ms. Silverstein stated that the issue is redacted confidential information that shows a claim for refund; that refund can have personal and private information and can put the taxpayer's confidential business information at risk for exposure. Ms. Silverstein received the information requested but is still looking for all claims where the taxpayer waived confidentiality.

Jen Kwart (City Attorney's Office) (Respondent), provided a summary of the department's position. Ms. Kwart stated that the petitioner is correct, and this does come down to confidentiality. Ms. Kwart stated that her office did provide information that could be legally disclosed. Ms. Kwart noted that tax information is self-reported to the government and the agency certifies the confidentiality and part of that process is that the taxpayer has the right to ask for a refund and that information will remain confidential unless they choose to pursue litigation. These records must be disclosed but not prelitigation claims. In addition, redaction poses a problem because these settlements need to go before the Board of Supervisors for approval and once that happens the businesses can match up the unredacted claim or the underlying claims form.

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

Action: Moved by Member Padmanabhan, seconded by Member Hill, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF to consider interpretation of prelitigation claims.

Public Comment:

David Pilpel stated that this is an important case because prelitigation claims are discussed and claims against the city are filed with the Controller's Office, the Tax Collector is not the primary office and agrees that the issue is about redaction.

The motion PASSED by the following vote:

Ayes: 2 - Padmanabhan, Hill

Noes: 0 - None

Absent: 1 - Hyland

5. **File No. 22023:** Complaint filed by Lance Carnes against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Lance Carnes (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Carnes stated that he sent several records requests to Public Works during September 2021 and again on December 15, 2021, and the responses always contained misleading information. Mr. Carnes was seeking information regarding the location of trees and submitted 238 records requests in the last two years. Mr. Carnes stated that he received the numbering information for trees, but it was always inaccurate. Mr. Carnes stated that he encouraged Public Works to use a method of longitude and latitude to measure the placement of trees, which he did on his own with success using the Google Maps program.

David Steinberg (Public Works) (Respondent), provided a summary of the department's position. Mr. Steinberg noted that there were errors in tree numbering and for requests submitted by Mr. Carnes. However, DPW released the information and the database is continuously updated. Mr. Steinberg stated that responsive records were always sent to Mr. Carnes in a complete and timely manner.

Chris Buck (Public Works) (Respondent), stated that this request is about naming conventions because there were 10 applications that incorporate 32 trees and Mr. Carnes had questions about four trees because they were showing up on his Google Maps. Mr. Buck stated that a lot of the discussion with Mr. Carnes centered around naming trees. Mr. Buck stated there was no conspiracy on why those numbers change.

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

Action: Moved by Member Hill, seconded by Member Padmanabhan, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with a recommendation to find no violation and to include this item on the April Consent Calendar.

Member Hill revised their motion.

Action: Moved by Member Hill, seconded by Member Padmanabhan, to find the records are public, there is jurisdiction and to forward the matter to the SOTF with a recommendation to find no violation.

Public Comment:

David Pilpel expressed support for the motion.

The motion PASSED by the following vote:

Ayes: 2 - Hill, Padmanabhan

Noes: 0 - None

Absent: 1 - Hyland

6. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Education, Outreach and Training Committee.**

There were no announcements.

7. **ADJOURNMENT**

There being no further business the meeting was adjourned at 8:06 p.m.

**APPROVED: DRAFT
Education, Outreach and Training 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.