



City and County of San Francisco

Meeting Minutes

Education, Outreach and Training Committee

Members: Chris Hyland (Chair), David Pilpel

Clerk: Patricia Petersen

(415) 554-7719 ~ patricia.petersen@sfgov.org

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

Tuesday, May 28, 2024

5:30 pm
Regular Meeting

City Hall, Room 408

1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES. (00:01:21)

Chair Hyland called the meeting to order at 5:36 p.m. On the call of the roll, Chair Hyland and Members Pilpel and Kumar were noted present. A quorum was present.

2. Approval of the minutes from the Education, Outreach and Training Committee January 23, 2024, regular meeting. (00:03:05)

Member Pilpel provided edits to the draft January 23, 2024 minutes.

Action: Moved by Member Pilpel, seconded by Chair Hyland, to approve the January 23, 2024 minutes as amended.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 3 – Hyland, Pilpel, Kumar

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. (00:08:33)

Public Comment: None.

4. **File No. 24020** Complaint filed by Beth Winegarner against David Serrano Sewell and the Office of the Medical Examiner 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. (00:09:29)

Beth Winegarner (Complainant), provided a summary of the complaint. Ms. Winegarner stated that following an initial request and follow-up inquiry she received a partial response after 28 days. Ms. Winegarner further stated that after submitting a second request and follow-up communication she received the requested data after 42 days.

Sophie Hayward, Legislation and Public Affairs Director, Office of the City Administrator (Respondent), provided a summary of the department's position. Ms. Hayward stated that regarding the initial request, the department did not have responsive records in the format that was requested and considered the matter closed. Ms. Hayward stated that the second request was treated as a media inquiry received as the initial public records request had been closed; the requested document was provided after Complainant clarified her request.

A question-and-answer period occurred, including a conversation about data centralization, the department's website, and the department's annual report.

Action: Moved by Chair Hyland, seconded by Member Pilpel, to find that the SOTF has jurisdiction over the matter, that the requested records are public, and refer the matter to the Task Force Consent Calendar with a recommendation to find a violation that the Office of the Medical Examiner violated Administrative Code Section(s) 67.21(b) by failing to respond to a public records request in a timely and complete manner.

The Respondent acknowledged that the referenced violation occurred.

Public Comment:

Matthew Lotacki stated that agencies invoke the 14-day extensions as a free delay irrespective of the complexity of the request.

The motion PASSED by the following vote:

Ayes: 3 – Hyland, Pilpel, Kumar

Noes: 0 – None

5. **File No. 24021:** Complaint filed by Matthew Lotocki 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. (00:51:18)

Matthew Lotocki (Complainant), provided a summary of the complaint. Mr. Lotocki stated that he submitted a public records request seeking the location of the City's automatic license plate reader cameras, but the Police Department withheld this information citing California Government Code §7923.600 which limits the disclosure of intelligence information or security procedures. Mr. Lotocki stated that upon his rebuttal, the Police Department now states that it is withholding the requested locations as security files.

Lt. Christopher G. Beauchamp (Respondent), provided a summary of the department's position. Lt. Beauchamp stated that withholding the records is consistent with the purpose of the exemption in California Government Code §7923.600(a) which provides that investigatory or security files compiled by a local police agency do not have to be disclosed.

A question-and-answer period occurred.

Action: Moved by Member Pilpel, seconded by Chair Hyland, to find that the SOTF has jurisdiction over the matter, that the requested records are public, and refer the matter to the full Task Force discussion and action.

The Committee requested that the Task Force Deputy City Attorney (DCA) provide an analysis of the case law cited in this matter, regarding Government Code §7923.600(a), Administrative Code Sec. 67.24(d), and Administrative Code Sec. 19(b) in relation to the Sunshine Ordinance. In addition, the Task Force requests that the DCA examine the data resulting from Automated License Plate Recognition cameras and whether that data will be subject to public disclosure.

The Committee recommended that the Task Force Chair not schedule this matter until the DCA's analysis memo is received.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 3 – Hyland, Pilpel, Kumar

Noes: 0 – None

6. **File No. 24022:** Complaint filed by Paul Kniha against the Municipal Transportation Agency for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner. (01:44:21)

Paul Kniha (Complainant), provided a summary of the complaint. Mr. Kniha stated that when he joined a March 29, 2024 SFMTA Color Curb hearing via Teams he received an automated message that the transcription and recording of the public hearing had begun. Mr. Kniha further stated transcripts have been provided in the past, but when he requested a copy of those documents the agency said it did not have that transcript.

Hank Willson, Parking Policy Manager, and Caroline Celaya, Manager, Public Records Requests, San Francisco Municipal Transportation Agency (Respondent), provided a summary of the department's position. Mr. Willson stated that although there is a pop-up indicating that a transcript and video recording has begun, testing of his work Microsoft Teams account did not automatically create a written transcript even when a video recording is on. Mr. Willson further stated Mr. Kniha was provided a copy of the video record.

A question-and-answer period occurred.

Moved by Chair Hyland, seconded by Member Pilpel, to continue the matter to the next meeting of the Education, Outreach and Training Committee and have Mr. Hank Willson and a senior member of the IT staff present to respond to questions about the March 29, 2024 Microsoft Teams video and transcript file, and to answer questions about the SFMTA’s policies with regarding the use of Microsoft Teams.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 3 – Hyland, Pilpel, Kumar

Noes: 0 – None

7. **File No. 24024:** 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 public records request in a timely and/or complete manner. (02:42:24)

Rosa L. (Complainant) was not present.

Lt. Christopher G. Beauchamp (Respondent) was present.

Action: Moved by Member Pilpel, seconded by Member Kumar, to table the matter without prejudice due to non-appearance of the Petitioner pursuant to SOTF Complaint Procedure 7(b).

Public Comment: None

The motion PASSED by the following vote:

Ayes: 3 – Hyland, Pilpel, Kumar

Noes: 0 – None

8. **File No. 24025:** Complaint filed by Anonymous (SFPD) against the Police Department 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; 67.25(a)(d) by failing to respond to an Immediate Disclosure Request in a timely and complete manner and if needed provide requested records on a rolling basis, 67.34 for willful violation. (02:47:15)

Anonymous (Complainant), provided a summary of the complaint. Anonymous stated that they submitted an Immediate Disclosure Request on March 11, 2024, and accepts the Police Department’s rationale of the request being outside the immediate disclosure requirements. Anonymous further states that that their present concern is that the Police Department is misstating its obligation to timely respond to and produce public records.

Lt. Christopher G. Beauchamp (Respondent), provided a summary of the department’s position. Lt. Beauchamp stated that Complainant confuses the Police Department’s duty to respond with its duty to produce responsive documents. Lt. Beauchamp further stated that the requested documents are in the public domain and the Police Department could have invoked exemptions to produce the requested high-resolution photographs but directed an individual to identify and create responsive photos from historic negatives; 36 of the requested 43 photographs have been produced.

A question-and-answer period occurred.

Action: Moved by Member Kuman, seconded by Member Pilpel, to find that the SOTF has jurisdiction over the matter, that the requested records are public, and to refer the matter to the full Task Force Consent Calendar with a recommendation that no violation occurred.

The EOTC also recognized that the efforts of the Police Department were above and beyond what was necessary to satisfy Complainant’s request for higher-resolution photos.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 3 – Hyland, Pilpel, Kumar
Noes: 0 – None

- 9. Announcements, Comments, Questions, and Future Agenda Items by Members of the Education Outreach and Training Committee. (03:33:40)

There was a general discussion about future meetings.

Public Comment: None.

- 10. ADJOURNMENT (03:38:29)

There being no further business the meeting was adjourned at 9:12 p.m.

**APPROVED: _____
Education, Outreach and Training Committee
Sunshine ordinance Task Force**

N.B. the Minutes of this meeting set forth all actions taken by the SOTF Education, Outreach and Training Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.

#####