



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

Minutes

REMOTE REGULAR MEETING

June 8, 2021 - 5:30 PM

Regular Meeting

Members: Chris Hyland (Chair), Kevin Frazier and Jaya Padmanabhan

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

Chair Hyland called the meeting to order at 5:33 p.m. On the call of the roll Chair Hyland and Members Frazier and Padmanabhan were noted present. A quorum was present.

There were no agenda changes.

2. Adoption of the minutes for the May 11, 2021, Education, Outreach, and Training Committee meeting.

The Committee discussed the May 11, 2021, Minutes and provided recommended changes.

Action: Moved by Member Frazier, seconded by Member Padmanabhan, to approve the May 11, 2021, meeting minutes with amendments.

Public Comment:

Peter Warfield, Executive Director of Library Users Association, libraryusers2004@yahoo.com, P.O. Box 170544, San Francisco, California 94117-0544. Mr. Warfield stated that his email address was left out of the May 11, 2021 minutes.

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.

Mr. Warfield suggested that a SOTF hearing take place to learn about and discuss the various platforms used by different City Agencies for public meetings, what the Committee has learned about them and get input from the public.

Anonymous wanted to use this time to discuss asking the Mayor's Office to issue an executive order that all departments under her control implement the Sunshine Ordinance. Anonymous stated that many City Agencies do not take Sunshine Ordinance Task Force seriously.

Majick Altman stated that she has been attending a lot of meetings online, that the process is not democratic, and members of the public have not been asked what they want.

Liza Murawski noted that the difficulties experienced by members of the public who have visual and hearing impairments while navigating the meetings and posted agendas. Ms. Murawski asked the Committee to change the platform to allow those with disabilities to participate in hearings.

4. **File No. 20055:** Complaint filed by Liza Murawski against the Department of Public Health 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.

Liza Murawski (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Murawski stated that she submitted seventy-two pages of FOIA requests for records to determine case management in Single Room Occupancy (SRO) and treatment facilities. Ms. Murawski stated that the lack of records provided by the Department of Public Health (DPH) shows the need for cultural understanding, demonstrates violations of case management processes and ratios showing poor case management under DPH. Ms. Murawski noted that public and consumer health care needs to be transparent.

Veronica Vien (Department of Public Health) (Respondent), provided a summary of the department's position. Ms. Vien stated that Ms. Murawski is requesting records and numbers pertaining to DPH contractor Conard Mental Health Services. Ms. Vien stated that she followed up with her team and they concluded they do not have access to the Conard House treatment ratios requested by Ms. Murawski and she is trying to locate the other requested records. Ms. Vien also stated that her office does not have a breakdown of Behavioral Health supportive housing services. Ms. Vien noted that with the five remaining requests, a search will be conducted within the next five weeks.

A question and answer period occurred.

Action: The Education, Outreach and Training Committee moved to find there is jurisdiction, that the records are public, and refer the matter to the Task Force with the recommendation to find a violation for timeliness (67.21).

Public Comment:

Anonymous stated that even if the respondent doesn't want to complete ratio calculations, the SOTF Ordinance allows the Petitioner to ask for that information. Anonymous noted that any public record that would answer the request should be turned over.

Peter Warfield supports Anonymous' comments and noted that 67.21(c) there is a duty to assist the requestor in identifying the existence of the records or to forward the request to the proper department.

Chair Hyland instructed the respondent to list each request with a due date and forward it to the SOTF Administrator before the close of business, June 11, 2021.

The motion PASSED by the following vote:

Ayes: 3 - Frazier, Padmanabhan, Hyland

Noes: 0 - None

5. **File No. 20100:** Complaint filed by Wynship Hillier against the Behavioral Health Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.7(a) by failing to post the Agenda 72 hours prior to a meeting and to provide a description of each item of business; 67.7(b) by failing to post documents on the website or make available to the public; 67.7(d) by failing to take action on any item not on the Agenda; 67.7(g) by failing to allow public comment; 67.9(a) by failing to post relevant documents on the internet; and 67.16(a) by failing to provide disability access information.

Wynship Hillier (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Hillier stated that the Commission has agreed to correct the violation of 67.29-2, posting of minutes with a two-day deadline. Mr. Hillier stated that the information was not provided for those with disabilities. Mr. Hillier noted that Government Code 54952.2(a), which requires that a majority of the members be present, that the terms shall be for three years and not until a successor is appointed to the Commission. Mr. Hillier noted that holdover appointments do not apply.

Geoffrey Grier (Behavioral Health Commission) (Respondent), provided a summary of the department's position. Grier stated that he was not aware of the complaint until the morning of the meeting and did not have a chance to review the records. Mr. Grier disagrees with Mr. Hillier's accusation that disability information was not provided on the Agenda. Mr. Grier stated that due to a technical issue and DPH's process the posting of the Agenda was bumped to the next day for publication.

A question and answer period occurred.

Action: Moved by Chair Hyland, seconded by Member Frazier, to find jurisdiction, that the records are public and refer the matter to the SOTF to consider the following violations, 67.7 for failing to comply with Agenda requirements, 67.15 for failing to allow public comment and 67.29-for failing to maintain and update their webpage and access.

Public Comment:

Majick Altman stated that she hoped public comment would take place before the motion was announced.

Anonymous stated the SOTF is not required to prove intent and bad faith and that all that applies when the case goes to the Ethics Commission. Anonymous suggested that the issue be addressed at the Compliance and Amendments Committee.

The motion PASSED by the following vote:

Ayes: 3 - Hyland, Frazier, Padmanabhan

Noes: 0 - None

6. **File No. 20106:** Complaint filed by Mimi Klausner against the Police Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.7 by grouping several agenda items into one and 67.15 by failing to provide an opportunity for public comment during a Police Commission meeting of August 19, 2020.

Kim Klausner (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Klausner stated that the Police Commission has responded to her complaint. Ms. Klausner stated that the Police Commission now schedules public comment as Item 1 on agendas. Ms. Klausner requested that reports be separated into individual items to allow public comment on each matter separately.

Majick Altman spoke in support of the Petitioner.

Sgt. Stacy Youngblood (Police Commission) (Respondent), provided a summary of the department's position. Sgt. Youngblood stated that he is not in a position to incorporate all the suggested changes but will have the Commissioner's review those issues. Sgt. Youngblood stated that he was unaware that the Petitioner wanted public comment at the start of each hearing. Sgt. Youngblood stated that there is a ten-minute limit to each presentation at the direction of the chairperson.

A question and answer period occurred.

Action: Moved by Member Padmanabhan, seconded by Member Frazier, to find jurisdiction, that the records are public and to forward the matter to the SOTF for hearing.

Public Comment:

Wynship Hillier agreed with Public Commenter Majick Altman that it is important the agenda say that public comment is taken because people need to decide if the items on the agenda need comment.

Anonymous noted agreement with Mr. Hillier. Anonymous stated that if the agendas are not clear on what comment is being asked on the reports, then the commenter does not know what is happening at the public meeting.

Peter Warfield stated that matters on the Agenda are strictly regulated and that there must be a determination after the Agenda is sent out. Mr. Warfield noted that 67.7 addresses potential problems when you combine an agenda item.

The motion PASSED by the following vote:

Ayes: 3 - Padmanabhan, Frazier, Hyland

Noes: 0 - None

Member Frazier was noted absent at 8:30 PM.

7. **File No. 20115:** Complaint filed by Lisette Moldanado against the Department of Homelessness and Supportive Housing for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

The Petitioner was not present and did not inform the SOTF Administrator of their absence prior to the meeting.

Emily Cohen (Department of Homelessness and Supportive Housing) (Respondent), provided a summary of the department's position. Ms. Cohen stated that the Petitioner did not submit an appropriate or recognized records request and is asked the Committee to continue the matter. Ms. Cohen stated that her staff sent an email to the Petitioner making themselves available to her.

A question and answer period occurred.

Action: Moved by Chair Hyland, seconded by Member Padmanabhan, to table the matter and asked the SOTF Administrator to send a follow up email to the Petitioner informing them of the ruling.

Public Comment:

Anonymous agreed with the motion and noted that it is not appropriate for the Respondent to reply.

Peter Warfield stated the committee has taken a very generous position in allowing the Petitioner to appear or reopen the case.

Anonymous #2 supports the position to table the matter and finds it heartening that the committee provided an opportunity for both parties to participate.

The motion PASSED by the following vote:

Ayes: 2 - Hyland, Padmanabhan

Noes: 0 - None

Absent: 1 - Frazier

8. **File No. 21007:** Complaint filed by Jarmee Thieu against Kimberly Ackerman and the Municipal Transportation Agency, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Jarmee Thieu (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Thieu stated that on September 16, 2018, she emailed her supervisor asking for family medical leave and on September 17, 2018, she was terminated from her position. Ms. Thieu stated that she requested all records including emails regarding her release from the SFMTA Human Resources Department and was told that none exist. Ms. Thieu requested assistance from the SOTF in helping her obtain those records for litigation purposes.

Annie Knight (Municipal Transportation Agency (SFMTA)) (Respondent), provided a summary of the department's position. Ms. Knight stated that on September 15, 2019, she emailed Ms. Thieu her written exercises, probationary release forms, her excel skills test and stated that no email records of then the SFMTA Omnibus Human Resources employee, Dolores Blanding existed. Ms. Knight confirmed that the Human Resources records retention policy is two years.

Chair Hyland asked Ms. Knight to run an additional six-month email search and include Dolores Blanding and Jarmee Thieu as search terms as well as HR records and forms regarding Ms. Thieu. Chair Hyland asked that this search take place in the next 30 days and forward to Ms. Thieu and the SOTF Administrator.

A question and answer period occurred.

Action: Moved by Member Padmanabhan, seconded by Chair Hyland to find jurisdiction, that the records are public and to forward the matter to the SOTF with no recommendation for hearing.

Public Comment:

Peter Warfield expressed support for the motion.

The motion PASSED by the following vote:

Ayes: 2 - Padmanabhan, Hyland

Noes: 0 - None

Absent: 1 - Frazier

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

Public Comment:

Peter Warfield suggested that the SOTF spread the word about its decisions regarding violations regarding what would satisfy the law. Mr. Warfield stated that he would like more information on NextRequest because he finds it confusing.

10. **ADJOURNMENT**

The meeting adjourned at 9:19 PM.

