



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

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

RESCHEDULED MEETING

September 26, 2023
4:30 PM

Regular Meeting

Members: Chris Hyland (Chair), David Pilpel, and Thuan Thao Hill

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

Member Pilpel called the meeting to order at 4:37 p.m. On the call of the roll, Members Pilpel and Hill were noted present. Chair Hyland was noted absent. A quorum was present.

Action: Moved by Member Hill, seconded by Member Pilpel, to remove items 7 and 8 from the agenda and move items 2 and 3 after item 6.

Public Comment:

Mark Sullivan stated that he was not happy that his complaints will not be heard by the Committee today but is agreeable.

Joe Dworetzky stated that he had no objections to the motion.

The motion PASSED by the following vote:

Ayes: 2 - Hill, Pilpel

Noes: 0 - None

Absent: 1 - Hyland

2. **Approval of the minutes from the Education, Outreach and Training Committee May 23, 2023 regular meeting.**

Member Pilpel provided suggested edits.

Action: Moved by Member Pilpel, seconded by Member Hill, to approve the May 23, 2023, minutes as amended.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Pilpel, Hill

Noes: 0 - None

Absent: 1 - Hyland

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.

Speakers:

None.

4. **File No. 23063** Complaint filed by Patrick Monette-Shaw against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to provide public records in a timely and/or complete manner.

Petitioner Patrick Monnette-Shaw was absent but requested a continuance in advance. Victor Lim (Department of Public Health, Respondent) had no objection to the continuance request.

Action: Moved by Member Hill, seconded by Member Pilpel, to continue the matter to the call of the Chair.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 2 - Hill, Pilpel

Noes: 0 - None

Absent: 1 - Hyland

5. **File No. 23060:** Complaint filed by Joe Dworetzky against the Department of Homelessness and Supportive Housing for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

Joe Dworetzky (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Dworetzky stated he filed a records request on May 13, 2023, and they responded on May 15, 2023, stating that they needed additional time to respond. Mr. Dworetzky filed a petition with the Supervisor of Records because many of the requested records were public and had not been released.

Jeff Hamilton (Department of Homelessness and Supportive Housing, Respondent), provided a summary of the department's position. Mr. Hamilton stated that on January 25, 2023, his office received their first request from Mr. Dworetzky and subsequently received an additional 14 requests; two of those were opened and responded to; three requests were opened and closed. Mr. Hamilton stated that the records were provided on a rolling basis. Mr. Hamilton confirmed that all records released to Mr. Dworetzky were reviewed by him and his supervisors and that no confidentiality was compromised.

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

Action: Moved by Member Hill, seconded by Member Pilpel, to find that the Task Force has jurisdiction, find that the requested records are public, and refer the matter to the Task Force for hearing, with a recommendation to find a violation of 67.21(b) for not responding to the records request in a complete and timely manner.

Public Comment:

Mark Sullivan provided the following written public comment.

“67.21(k) > stronger > CPRA 7922.535 (b) unusual circumstances “No notice shall specify a date that would result in an extension for more than 14 days.” (c) “(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.” 7922.5 “Nothing in this division shall be construed to permit an agency to delay or obstruct” If you allow a rolling basis for a non-IDR request. The agency must 67.21(d) ““rolling” basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected.” Records on this request did not seem to total a voluminous request. Agencies should actually search first to get a ballpark figure before invoking voluminous or it makes the whole public record laws meaningless to “without delay”.

The motion PASSED by the following vote:

Ayes: 2 - Hill, Pilpel

Noes: 0 - None

Absent: 1 - Hyland

6. **File No. 22129** Complaint filed by HVSafe against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request for public records in a timely and/or complete manner.

Misch Reckers (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Reckers stated that HVSafe requested a copy of a recording of a Police Department community meeting.

Richard Johnson (speaking on behalf of the Petitioner) noted that HVSafe, a nonprofit organization, was hosting Zoom meetings at the time for the Police Department.

Lt. William Toomey (Police Department, Respondent), provided a summary of the department's position. Lt. Toomey acknowledged the failure to respond in a timely manner. Lt. Toomey stated that his department is not in possession of the recording and does not regularly use recordings such as this one in the normal course of business. Lt. Toomey stated that his understanding is that the recording no longer exists.

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

Action: Moved by Member Pilpel, seconded by Member Hill, to continue the matter to the call of the Chair.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Pilpel, Hill

Noes: 0 - None

Absent: 1 - Hyland

7. **File No. 22115** Complaint filed by Mark Sullivan against Bruce Wolfe (Sunshine Ordinance Task Force) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(e) by failing to provide access to the requested records; 67.25 by failing to respond to an Immediate Disclosure Request in a complete and timely manner; and California Public Records Act 6253(d) for willful delay and obstruction to access of a public record.

8. **File No. 22116** Complaint filed by Mark Sullivan against Bruce Wolfe (Sunshine Ordinance Task Force) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.1(g) when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process; 67.21(b) by failing to comply with a request for public information.

Please see item 1 for the disposition of this item.

9. **Hearing - Education, Outreach and Training Workplan.**

Members Pilpel and Hill discussed the processes and procedures of this committee and different roles other Task Force committees have. Member Hill expressed interest in updating the Task Force website.

Public Comment:

None.

No action taken.

10. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force.**

Member Pilpel stated that he is in favor of starting the meeting earlier than 5:30 PM and asked if Chair Hyland can be available at the earlier time.

No action taken.

11. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:19 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.