



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

REMOTE MEETING

September 27, 2022
5:30 PM

Remote Regular Meeting

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

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 Member Padmanabhan were noted present. Member Hill was noted absent. A quorum was present.

There were no agenda changes.

2. Approval of the May 24, 2022, Education, Outreach and Training Committee meeting minutes.

Action: Moved by Member Padmanabhan, seconded by Chair Hyland, to approve the May 24, 2022, meeting minutes.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Padmanabhan, Hyland
Noes: 0 - None
Absent: 0 - Hill

3. Approval of the July 26, 2022, Education, Outreach and Training Committee meeting minutes.

Action: Moved by Chair Hyland, seconded by Member Padmanabhan, to approve the July 26, 2022, meeting minutes.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Hyland, Padmanabhan

Noes: 0 - None

Absent: 1 - Hill

4. **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:

Andrew Sisneros thanked the present SOTF members noting that without their service he would not have been granted an Order of Determination in 2015 that vindicated him a wrongful termination case and that it would not have happened without the Task Force.

5. **File No. 22096:** Complaint filed by Andrew Sisneros against Caroline Celaya and the San Francisco Municipal Transportation Agency (SFMTA) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, 67.26 and 67.27, and California Public Records Act, Section(s), 6254(c), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner

Andrew Sisneros (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Sisneros stated that on July 25, 2022, he made a request for documents from a grievance result given in 2018 along with a request for other materials. Mr. Sisneros stated that the SFMTA requested an extension to respond to the request and then denied the request noting that the records contained personal and private information. Ms. Sisneros stated that records were provided in redacted format. Mr. Sisneros further stated that he asked for grievance numbers and the SFMTA stated that information was private.

Doris Kang (San Francisco Municipal Transportation Agency) (Respondent), provided a summary of the department's position. Ms. Kang stated that there is an employee data privacy **policy** which states that discipline records can only be shared with the employee or a representative of the union and that discipline documents are part of the employee's file and are not disclosable. Ms. Kang further noted that any documents previously disclosed were done so in error.

Kimberly Ackerman, (San Francisco Municipal Transportation Agency) (Respondent), provide additional clarification of Ms. Kang's remarks that the SFMTA withheld the information that Mr. Sisneros requested because disclosure of an employees disciplinary action would have violated the right to privacy. Ms. Ackerman stated the updated policy states that probationary extension can only be shared with the employee's permission or with a representative of the union.

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

Action: Moved by Member Padmanabhan, seconded by Chair Hyland, 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 a violation of 67.26 for failing to keep withholding to a minimum.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Padmanabhan, Hyland,

Noes: 0 - None

Absent: 1 - Hill

6. **File No. 22097:** Complaint filed by Andrew Sisneros against Caroline Celaya and the San Francisco Municipal Transportation Agency (SFMTA) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, 67.26 and 67.27, and California Public Records Act, Section(s), 6254(c), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Andrew Sisneros (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Sisneros stated that this complaint is similar to the previous complaint.

Kimberly Ackerman (San Francisco Municipal Transportation Agency) (Respondent), provided a summary of the department's position. Ms. Ackerman stated that information was withheld because it is related to a disciplinary action. Ms. Ackerman stated she consulted with the City Attorney and was advised that this was part of the personnel file and could not be disclosed. Ms. Ackerman agreed to provide, on a rolling basis, an index of redacted materials responsive to Mr. Sisneros request and to include the grievance number for tracking purposes.

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

Action: Moved by Member Padmanabhan, seconded by Chair Hyland, 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 a violation of 67.26 for failing to keep withholding to a minimum.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Padmanabhan, Hyland

Noes: 0 - None

Absent: 1 - Hill

7. **Discussion of a local media notification list for the SOTF.** Currently the SOTF posts meeting notices, agendas etc. on its website and also the public library. Discussion on ways SOTF can let members of the public be automatically notified (probably via email) of SOTF meetings/agendas.

Victor Young, Assistant Clerk (Clerk of the Board of Supervisors' Office), stated that the SOTF agenda packet is posted both online and at the Board of Supervisors kiosk. Mr. Young stated that they do notify members of the body and parties that are directly involved of agenda and minutes posting. Mr. Young also stated that the Public Library gets the agenda packet which is posted on the 5th Floor of the Main Library. Mr. Young stated that a media list is not a requirement of the Ordinance.

Action: Moved by Chair Hyland, seconded by Member Padmanabhan to continue the matter to the call of the Chair.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Hyland, Padmanabhan

Noes: 0 - None

Absent: 1 - Hill

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

Public Comment:

None.

9. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:13 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.