



SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO MINUTES

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

February 6, 2019 - 4:00 PM

Regular Meeting

Seat 1	Matthew Cate	Seat 7	Rodman Martin
Seat 2	Lila LaHood	Seat 8	Frank Cannata
Seat 3	Josh Wolf	Seat 9	Chris Hyland - Vice Chair
Seat 4	Rishi Chopra	Seat 10	Matthew Yankee
Seat 5	Leuwam Tesfai	Seat 11	Fiona Hinze
Seat 6	Bruce Wolfe - Chair		

Ex-officio (*non-voting*) Clerk of the Board of Supervisors or his or her designee

Ex-officio (*non-voting*) Mayor or his or her designee

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

Chair B. Wolfe called the meeting to order at 4:07 pm. On the call of the roll Chair B. Wolfe, Vice-Chair Hyland and Members Cate, LaHood, Martin, Cannata, Yankee and Hinze were noted present. Members Chopra, J. Wolf and Tesfai were noted absent. There was a quorum.

Item No. 8 (File No. 18067) was continued to the call of the chair. (see below).

2. Approval of minutes from the Sunshine Ordinance Task Force January 2, 2019, meeting.

The SOTF discussed the draft meeting minutes and requested that Item No. 8, on the January 2, 2019, meeting minutes be corrected to delete duplicated listing of names.

Action: Moved by Member Yankee, seconded by Member Hinze, to approve the January 2, 2019, meeting minutes as amended.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 8 - Cate, LaHood, Martin, Cannata, Hyland, Yankee, Hinze, B. Wolfe

Noes: 0 - None

Absent: 3 - J. Wolf, Tesfai, Chopra

Members J. Wolf and Tesfai were noted present at 4:12 p.m.

3. File No. 19005: Supervisor's Record Reports - 2017 and 2018.

John Cote (Office of the City Attorney) presented a summary of the 2017 and 2018 Supervisor's Record Reports. (00:13.06-00:24:51)

Public Comment:

None.

There were no actions taken on the matter.

4. File No. 18012: Complaint filed by Denta Tadesse against Lori Mazzola, City Hall Building Management, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, by restricting access to all meeting of any policy body in City Hall. (00:25:53-00:51:40)

(On August 21, 2018, the Education, Outreach and Training Committee determined that the SOTF has jurisdiction and referred the matter to the SOTF for hearing. EOTC requested that both the Respondent and SOTF provide research on whether the law on the building rules are consistent with ADA law or whether the building rules impose a separate restriction that is not contemplated by ADA law regarding service animals. On November 7, 2018, the SOTF determined that records submitted late by the Respondent be entered into the record and considered for the December 5, 2018, meeting. On December 5, 2018, the SOTF moved to continue the matter. On January 2, 2019, this matter was continued at the point of rebuttals.)

John Gavin, Chief Policy Advisor, City Hall Office of Building Management, (Respondent), presented the department's position. Mr. Gavin stated that it was not apparent to the Sheriff's Department that Mr. Tadesse's service animal was under his control and that it is the policy of City Hall that when entering the building that all service animals must be leashed. Mr. Gavin stated that the option was given to Mr. Tadesse to enter the building with his service animal on a leash.

Denta Tadesse (Petitioner) provided a summary of his complaint and requested the Committee find a violation. Mr. Tadesse provided a recording of Donna Atkins's (Mayor's Office on Disability) request that he put his service animal on a leash along with her interpretation of City Hall's ADA policy. Mr. Tadesse stated that his service animal is under his control. Mr. Tadesse stated that he has a physical and mental disability which adds to the challenges he already faces and that those disabilities prevent him from using a leash. Mr. Tadesse stated that when he goes through different security checks he only puts his service animal on a leash until he feels safe.

Member J. Wolf inquired as to who determined whether a leash would interfere with Mr. Tadesse's ability to enter City Hall?

Member Cate inquired as to who decides whether the animal is under control? Member Cate stated that when a disability is not acknowledged someone sues the City. Member Cate agrees with Deputy City Attorney Colla that there is no case law or guidance.

A question and answer period occurred.

Public Comment:
None.

Action: Moved by Member J. Wolf, seconded Vice-Chair Hyland to find that Lori Mazzola and City Hall Building Management violated Administrative Code (Sunshine Ordinance), Section 67.13(a), by failing to make public meetings accessible to persons with disabilities caused by their mandatory service animal leash requirements.

The motion PASSED by the following vote:

Ayes: 9 - J. Wolf, Hyland, LaHood, Martin, Cannata, Yankee, Hinze, B. Wolfe, Tesfai
Noes: 1 - Cate
Absent: 1 - Chopra

5. **File No. 18028:** Complaint filed by Denta Tadesse against the Sheriff's Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, by restricting access to all meeting of any policy body in City Hall. (00:54:34-01:51:12) *(On August 21, 2018, the Education, Outreach and Training Committee determined that the SOTF has jurisdiction and referred the matter to the SOTF for hearing. EOTC requested that both the Respondent and SOTF provide research on whether the law on the building rules is consistent with ADA law or whether the building rules impose a separate restriction that is not contemplated by ADA law regarding service animals. On December 5, 2018, the SOTF moved to continue the matter until a later hearing date.)*

Denta Tadesse (Petitioner) provided a summary of his complaint and requested the Committee to find a violation. Mr. Tadesse provided a recording of Donna Atkins (Mayor's Office on Disability) wherein she stated that Mr. Tadesse could leave his service animal outside. Mr. Tadesse stated that he was asking for reasonable accommodation pursuant to ADA.

Mark Nicco, Sheriff's Office (Respondent) provided a summary of the department's position. Mr. Nicco provided a summary of the Sheriff's Department's policy regarding service animals entering City Hall. Mr. Nicco stated that on the day Mr. Tadesse was not allowed into City Hall the task that Mr. Tadesse's service animal was to perform off leash was not made known. Mr. Nicco stated that the Sheriff's Office did not create the policy

regarding service animals in City Hall. Mr. Nicco stated that he is not an expert on ADA law and would be interested in the ADA policy creation process.

Public Comment:

None.

Action: Moved by Member J. Wolf, seconded by Vice-Chair Hyland to find that the Sheriff's Department violated Administrative Code (Sunshine Ordinance), Section 67.13(a), by failing to make public meetings accessible to persons with disabilities caused by their mandatory service animal leash requirements.

The motion PASSED by the following vote:

Ayes: 8 - Hinze, Hyland, LaHood, J. Wolf, Martin, Cannata, Yankee, B. Wolfe

Noes: 1 - Cate

Absent: 2 - Tesfai, Chopra

Chair B. Wolfe referred File Nos. 18012 and 18028 to the Compliance and Amendments Committee to monitor the Petitioners ability to enter City Hall with his service animal off lease pursuant to Administrative Code (Sunshine Ordinance), Section 67.13(a) which states the following:

"No policy body shall conduct any meeting, conference or other function in any facility that excludes persons on the basis of actual or presumed class identity or characteristics, or which is inaccessible to persons with physical disabilities, or where members of the public may not be present without making a payment or purchase. Whenever the Board of Supervisors, a board or commission enumerated in the charter, or any committee thereof anticipates that the number of persons attending the meeting will exceed the legal capacity of the meeting room, any public address system used to amplify sound in the meeting room shall be extended by supplementary speakers to permit the overflow audience to listen to the proceedings in an adjacent room or passageway, unless such supplementary speakers would disrupt the operation of a City office."

6. **Public Comment:** Members of the public may address the Sunshine Ordinance Task Force (SOTF) on matters that are within SOTF's jurisdiction, but not on today's agenda. *(No Action) Public comment shall be taken at 5:00 p.m. or as soon thereafter as possible.*

Speakers:

Peter Warfield provided his objection to allowing only two complaints to be heard per committee hearing.

7. **File No. 18001:** Complaint filed by Julian Sarkar against Jose Cisneros and the Office of the Treasurer and Tax Collector's (TTX) for violating Administrative Code (Sunshine Ordinance, Section 67.21), by failing to respond to a request for public records in a timely manner. (01:52:05-02:04:02)

(On December 18, 2018, the Compliance and Amendments Committee referred the matter to the SOTF with a recommendation that the matter be referred to the District Attorney and/or the Attorney General for enforcement due to the failure to comply with the SOTF's Order to provide redacted records pursuant to Administrative Code Section 67.21(e).)

Member Cannata provided a summary of the Compliance and Amendments Committee hearing on the matter.

Julian Sarkar (Petitioner) was not present but previously advised the SOTF that he would not be present and authorized the SOTF to proceed without his presence.

Theresa Buckley, Office of the Treasurer and Tax Collector (TTX) (Respondent); provided a summary of the department's position. Ms. Buckley referenced relevant Business and Taxation Code sections to justify withholding of public records. Ms. Buckley stated that the provision of a redacted version of the documents would still reveal confidential information due to the nature of the spreadsheet.

Public Comment:

Peter Warfield commented on the alleged violation by the Office of the Treasurer and Tax Collector and that this matter should go to the District Attorney's Office for compliance.

Action: Moved by Member Cannata, seconded by Member Martin, to refer the matter to the District Attorney's Office, pursuant the Administrative Code (Sunshine Ordinance), Section 67.21(e) for compliance of the Sunshine Ordinance.

Speakers:

Peter Warfield agreed with the motion to refer the matter to the District Attorney for enforcement.

The motion PASSED by the following vote:

Ayes: 9 - J. Wolf, Hyland, LaHood, Martin, Cannata, Yankee, Hinze, B. Wolfe, Cate

Noes: 0 - None

Absent: 2 - Tesfai, Chopra

Member Tesfai was noted absent at 6:00 pm. and for the remainder of the meeting.

8. **File No. 18067:** Complaint filed by Betty Mackey against the Treasure Island Development Authority 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.

(On August 28, 2108, the Complaint Committee moved to find that the SOTF has jurisdiction and that the records requested are public. On October 16, 2018, Education, Outreach and Training Committee moved to find the records public, to find a violation of Administrative Code Section 67.21 by failing to respond to public records request in a timely and/or complete manner and to refer the matter to the SOTF for hearing.)

Action: Moved by Member Cannata, seconded by Member Hinze, to continue the matter to the call of the chair at the request of the Petitioner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - J. Wolf, Hyland, LaHood, Martin, Cannata, Yankee, Hinze, B. Wolfe, Cate

Noes: 0 - None

Absent: 2 - Tesfai, Chopra

9. **File No. 18079:** Complaint filed by Ellen Tsang against Lily Madjus and the Department of Building Inspection (DBI) 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. (02:08:13-02:40:02)

(November 27, 2018, Complaint Committee moved to find that the SOTF has jurisdiction, that the requested records are public and to refer the matter to the SOTF for hearing.)

Ellen Tsang (Petitioner) provided a summary of her complaint and requested the SOTF grant her a continuance to review documents received via email from Lily Madjus, Department of Building Inspection on February 4, 2019. Ms. Tsang stated that Ms. Madjus had sent six emails with many pages of attachments and that she wanted to review the documents before the hearing in this matter could take place.

Lily Madjus, Department of Building Inspection (Respondent), provided a summary of the department's response. Ms. Madjus stated that the Immediate Disclosure Request was voluminous and she requested an extension of time to respond. Ms. Madjus stated that all requested document were provided to Ms. Tsang in November, 2018. Ms. Madjus stated she again provided all requested documents again on February 4, 2019, via several emails.

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

Action: Moved by Member J. Wolf, seconded by Member Cate, to continue the matter to the call of the chair for the discovery portion of the hearing.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 9 - Hinze, Hyland, Cate, LaHood, J. Wolf, Martin, Cannata, Yankee,
B. Wolfe
Noes: 0 - None
Absent: 2 - Tesfai, Chopra

10. **Reports from Sunshine Ordinance Task Force Committees.**

- Complaints Committee
- Compliance and Amendments Committee
- Education, Outreach and Training Committee
- Rules Committee
- Possible reassignments for different committees

The SOTF discussed the recent activities of the Committees.

Member Tesfai is stepping down as Chair of the Complaints Committee and joining Education, Outreach and Training Committee. Member Martin will Chair the Complaints Committee along with Members Hyland and Cate. Member Yankee will serve as an alternate member in place of Member Cate through April 2019. The meeting will continue to be scheduled at 5:30 pm.

The Compliance and Amendments Committee will be chaired by Member Cannata along with Members Hyland and LaHood. The meetings will continue to be scheduled to begin at 4:30 pm.

The Rules Committee will be chaired by Member Hinze along with Members Hyland and Yankee.

Public Comment:
None.

No Actions Taken.

11. **Sunshine Ordinance Task Force – Chair’s Report.**

Chair B. Wolfe present the Chair’s Report and stated that he will forward a draft Annual Report before the March 2019 meeting.

Public Comment:
None.

No Actions Taken.

12. **Staff Report, Complaints and Communications.**

SOTF Administrator Leger presented the Staff Report and responded to questions from the SOTF.

Public Comment:
None.

No Actions Taken.

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

There were Announcements.

Public Comment:
None.

14. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:37 p.m.

APPROVED: March 6, 2019
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.