



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

April 4, 2018 - 4:00 PM

Regular Meeting

Seat 1	vacant	Seat 7	Dave Maass
Seat 2	Eric Eldon	Seat 8	Frank Cannata
Seat 3	Josh Wolf	Seat 9	Chris Hyland - Vice Chair
Seat 4	Rishi Chopra	Seat 10	Louise Fischer
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

Vice Chair Chris Hyland called the meeting to order at 5:38 p.m. Vice Chair Hyland, Members Eldon, Maass, Cannata, Fischer and Hinze were noted present. Members Chopra, J. Wolf and Bruce Wolfe were noted absent. There was a quorum.

Member Tesfai was noted present at 5:42 p.m.

Marc Bruno requested that File Nos. 17114, 17115 and 17097 be continued to a future date due to pending litigation.

Member Cannata, seconded by Member Hinze, moved to continue File Nos. 17114, 17115 and 17097 to the call of the chair.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 – Eldon, Tesfai, Maass, Cannata, Hyland, Fischer, Hinze

Noes: 0 – None

Absent: 3 – Chopra, J. Wolf, B. Wolfe

2. **Approval of minutes from the Sunshine Ordinance Task Force March 7, 2018, meeting.**

Member Cannata, seconded by Member Hinze moved to approve the March 7, 2018, meeting minutes.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 – Eldon, Tesfai, Maass, Cannata, Hyland, Fischer, Hinze

Noes: 0 – None

Absent: 3 – Chopra, J. Wolf, B. Wolfe

3. **File No. 17123:** Complaint filed by the Anonymous against the Juvenile Probation Commission 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 January 23, 2018, Complaint Committee, determined that the Task Force has jurisdiction over the matter and referred the matter to the SOTF.)

Anonymous (Petitioner) provided a summary of the complaint and requested the SOTF to find violation. Anonymous stated that during his tenure with the department the requested audio recording and other records were created. Anonymous stated that the departmental records should have been maintained by the department and not discarded. There were no speakers on behalf of the Petitioner. Pauline Silva-Re, Juvenile Probation Commission (Respondent), provided a summary of the department's position. Ms. Silva-Re stated that a comprehensive search for the requested records was conducted and no response records were found. Ms. Silva-Re stated that upon her recent arrival to the Juvenile Probation Commission it appear that records for the timeframe of 2002 through 2007 were not maintained and/or lost. There were no speakers on behalf of the Respondent. A question and answer period occurred. The Petitioner and Respondent were provided an opportunity for rebuttals.

Member Cannata, seconded by Member Tesfai, moved to find that the Juvenile Probation Commission violated Administrative Code (Sunshine Ordinance), Section 67.29-7, by failing to maintain and preserve, in a professional and businesslike manner, all public records and documents.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 – Eldon, Tesfai, Maass, Cannata, Hyland, Fischer, Hinze

Noes: 0 – None

Absent: 3 – Chopra, J. Wolf, B. Wolfe

4. **File No. 17094:** Complaint filed by Michael Petrelis against President London Breed, Board of Supervisors, 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.

(On March 20, 2018, the Compliance and Amendments Committee heard the matter and referred it to the SOTF with the recommendation that the District Attorney be notified of the violation of Administrative Code (Sunshine Ordinance), Section 67.21(e), and request compliance action be taken.)

Michael Petrelis (Petitioner) was present but was unable to remain until the conclusion of his complaint. The SOTF discussed the failure of President London Breed or her representative to appear at multiple noticed hearings before the SOTF to discuss the reason for withholding records.

Member Maass, seconded by Member Cannata, moved to refer the matter to the District Attorney for review and possible enforcement.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 – Eldon, Tesfai, Maass, Cannata, Hyland, Fischer, Hinze

Noes: 0 – None

Absent: 3 – Chopra, J. Wolf, B. Wolfe

The SOTF authorized Chair Wolfe to finalize and send the referral letter to the Office of the District Attorney.

5. **File No. 18006:** Complaint filed by John Votruba against Director Tom Hui, Department Building of Inspection, 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 March 20, 2018, the Compliance and Amendments Committee determined that the SOTF Force has jurisdiction and referred the matter to the SOTF.)

John Votruba (Petitioner) provided a summary of the complaint and requested the SOTF to find violation. Mr. Votruba stated that a copy of the plans is needed to be present to the Historic Preservation Commission and other bodies as evidence. There were no speakers on behalf of the Petitioner. William Strawn, Department of Building Inspection (Respondent), provided a summary of the department's position. Mr. Strawn stated that pursuant to California Health and Safety Code, Section 19851, building departments of the city or county shall allow inspections of official plans but may not duplicate plans without the written permission from both the project sponsor and the architect due to copyright infringement issues. Mr. Strawn stated that the Petitioner has not made a request to get permission to release copies of the plans. There were no speakers on behalf of the Respondent. A question and answer period occurred. The Petitioner and Respondent were provided an opportunity for rebuttals.

Deputy City Attorney (DCA) Colla advised the SOTF that the state code regarding the restriction on copying plans in the possession of the Department of Building Inspection takes precedence over the Sunshine Ordinance's requirement to make copies of public records available. DCA Colla suggested that a complaint with the Fire Department regarding code violations may resolve the issue as the Fire Department may be able to request the record for review.

Member Cannata, seconded by Member Hinze, moved to find that the Department of Building Inspection DID NOT violate Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 – Eldon, Tesfai, Maass, Cannata, Hyland, Fischer, Hinze

Noes: 0 – None

Absent: 3 – Chopra, J. Wolf, B. Wolfe

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:

None.

SPECIAL ORDER

The hearings on File Nos. 17114, 17115 and 17097 will not begin earlier than 5:00 p.m.

7. **File No. 17114:** Complaint filed by Marc Bruno against the Department of Building Inspection for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a public records request in a timely and/or complete manner.
(On October 17, 2017, the Education, Outreach and Training Committee determined that the SOTF has jurisdiction and referred the matter to the SOTF.)

File Nos. 17114, 17115 and 17097 were continued to the call of the chair during "Agenda Changes".

8. **File No. 17115:** Complaint filed by Marc Bruno against the Board of Appeals for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a public records request in a timely and/or complete manner.
(On October 17, 2017, the Education, Outreach and Training Committee determined that the SOTF has jurisdiction and referred the matter to the SOTF.)

File Nos. 17114, 17115 and 17097 were continued to the call of the chair during “Agenda Changes”.

9. **File No. 17097:** Complaint filed by Marc Bruno against the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a public records request in a timely and/or complete manner.
(On October 17, 2017, the Education, Outreach and Training Committee determined that the SOTF has jurisdiction and referred the matter to the SOTF.)

File Nos. 17114, 17115 and 17097 were continued to the call of the chair during “Agenda Changes”.

10. **Sunshine Ordinance Task Force - Annual Report.**

The matter was continued to the call of the chair without objection.

Public Comment:

None.

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

- Complaints Committee
- Compliance and Amendments Committee
- Education, Outreach and Training Committee
- Rules Committee
- Information Technology Ad Hoc Committee

The Committee Chairs provided updates on their Committee’s recent actions.

No actions taken.

Public Comment:

None.

12. **Sunshine Ordinance Task Force - Chair's Report.**

There were no items to report by the Chair.

No actions taken.

Public Comment:

None.

13. **Administrator's Report, Complaints and Communications.**

- Task Force and Committee hearing schedule
- Complaints submitted and hearing files created
- Communications to the Task Force
 - 3/27/18 - Ethic Commission information regarding "no file-no vote"
 - 3/13/18 - National Association for Advancement of Colored People request to the SOTF to investigate the Board of Supervisor
 - 3/12/18 - Kevin Harvey communication regarding safety cameras
- Summary of pending complaints and other issues

SOTF Administrator Victor Young presented the Administrator's Report.

The SOTF requested the Administrator to contact the National Association for Advancement of Colored People to determine if they would like to open a complaint and attend the meetings related to the potential complaint.

Public Comment:

None.

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

There were no announcements.

15. **ADJOURNMENT**

By a rise in vote the meeting was adjourned without objection at 7:20 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Sunshine Ordinance SOTF on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.

APPROVED by the Sunshine Ordinance SOTF: June 6, 2018