



SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO AGENDA

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

September 4, 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 - Vice Chair	Seat 9	Chris Hyland
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**
2. **Approval of minutes from the Sunshine Ordinance Task Force August 7, 2019, meeting.** (*Discussion and Action*) (*attachment*)

3. **File No. 19010:** Hearing to consider action to close Sunshine complaints due inactivity and non-compliance with the SOTF Complaint Procedures for the following files:
(Discussion and Action) (attachment)

17026 Ann Treboux V Arts Commission
17028 Ann Treboux V Arts Commission
17029 Ann Treboux V Arts Commission
17033 Ann Treboux V Arts Commission
17074 Ann Treboux V Arts Commission
17098 Ann Treboux V Arts Commission
17106 Ann Treboux V Arts Commission
17107 Ann Treboux V Office of the Mayor
17108 Ann Treboux V Arts Commission
17126 Ann Treboux V Arts Commission
17127 Ann Treboux V Arts Commission
17128 Ann Treboux V Arts Commission
18002 Ann Treboux V Arts Commission
18003 Ann Treboux V Arts Commission
18005 Ann Treboux V Arts Commission
18033 Ann Treboux V Arts Commission
18042 Ann Treboux V Arts Commission
18044 Ann Treboux V City Attorney
18045 Ann Treboux V Arts Commission
18046 Ann Treboux V Arts Commission
18053 Ann Treboux V Arts Commission
18056 Ann Treboux V Arts Commission
18057 Ann Treboux V Arts Commission
18063 Ann Treboux V Arts Commission
18064 Ann Treboux V Arts Commission
18065 Ann Treboux V Historic Preservation Commission
18074 Ann Treboux V Arts Commission
18078 Ann Treboux V War Memorial
18084 Ann Treboux V Arts Commission

4. **File No. 17101:** Complaint filed by Randy Sinki against the Arts Commission 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.
(attachment)

(October 25, 2017, the Complaint Committee determined that the Task Force has jurisdiction and that the records are public. On April 24, 2018, the Complaint Committee referred the matter to the SOTF with the recommendation of no violation.)

- a) Hearing on the complaint. (Discussion and Action)

5. **File No. 18018:** Complaint filed by Randi Sinki against the Arts Commission for allegedly violating Administrative Code, Sections 67.14, by failing to make audio recording available online within 72 hours. (*attachment*)
(*April 24, 2018, The Complaint Committee referred the matter to the SOTF without recommendation*)
 - a) Hearing on the complaint. (*Discussion and Action*)
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*).
7. **File No. 17134:** Complaint filed by Thomas Busse against the San Francisco Public Utilities for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, 67.24(g)(i), 67.27 by failing to respond to a public records request in a timely and/or complete manner and against the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21(i), for acting as legal counsel for denying access to a public record. (*attachment*)
(*February 27, 2018, the Complaint Committee continued the matter to the call of the Chair. On March 27, 2018, the Complaint Committee continued the matter to the call of the Chair. On April 27, 2018, the Complaint Committee referred the matter to the SOTF for hearing.*)
 - a) Hearing on the complaint. (*Discussion and Action*)
8. **File No. 18013:** Complaint filed by Thomas Busse against the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21(i), for acting as legal counsel to denying access to a public record. (*attachment*)
(*On March 27, 2018, the Complaint Committee heard the matter and referred it to the SOTF for hearing.*)
 - a) Hearing on the complaint. (*Discussion and Action*)
9. **File No. 17086:** Complaint filed by Ray Hartz against Dennis Herrera and Bradley Russi, Office of the City Attorney, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(i), by acting as legal counsel for city employees or any person having custody of public records for the purpose of denying access to the public. (*attachment*)
(*On February 20, 2018, The EOTC heard the matter and tabled the matter due to the non-appearance of the Petitioner without notice. On February 23, 2018, Notice of Action of committee sent to Petitioner with the request to reopen complaint approved by Chair Wolfe. On June 26, 2018, the Complaint Committee moved to find jurisdiction and referred the matter to the SOTF for hearing.*)
 - a) Hearing on the complaint. (*Discussion and Action*)

SPECIAL ORDER

The hearings on File Nos. 18081 and 19058 will not begin earlier than 5:30 p.m.

10. **File No. 18081:** Complaint filed by David Tucker against the Office of Labor Standards Enforcement for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.24(b)(2), by failing to respond to a request for litigation documents in a timely and/or complete manner. *(attachment)*
(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 without recommendation. On April 3, 2019 the SOTF did not find that the Office of Labor Standards Enforcement violate Administrative Code (Sunshine Ordinance), Section 67.24(b)(2). On May 9, 2019, the Petitioner appealed the SOTF decision and requested that the matter be reheard.)
 - a) Hearing on the complaint. *(Discussion and Action)*
11. **File No. 19058:** Complaint filed by Robert M. Smith against the Fine Arts Museum of San Francisco 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. *(attachment)*
(On July 23, 2019 the Complaint Committee found jurisdiction, that the records are public and referred to the SOTF.)
 - a) Hearing on the complaint. *(Discussion and Action)*
12. **Reports from Sunshine Ordinance Task Force Committees.** *(attachment) (Discussion and Action)*
 - Complaints Committee
 - Compliance and Amendments Committee
 - Education, Outreach and Training Committee
 - Rules Committee
 - Information Technology Ad Hoc Committee
13. **Sunshine Ordinance Task Force – Chair’s Report.** *(Discussion and Action).*
14. **Staff Report, Complaints and Communications.** *(Discussion and Action)*
(attachment)
 - Task Force and Committee hearing schedule
 - Complaints submitted and hearing files created
 - Communications to the Task Force
 - Summary of pending complaints and other issues
15. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force.** *(Discussion and Action)*
16. **ADJOURNMENT**

The Sunshine Ordinance Task Force was established by the San Francisco Administrative Code, Chapter 67. The purpose of the Task Force is to protect the public's interest in open government and to carry out the duties enumerated in Chapter 67 of the San Francisco Administrative Code. For additional information concerning Sunshine Ordinance Task Force please contact the Task Force by e-mail sotf@sfgov.org or by calling (415) 554-7724.

Agenda Item Information

Each item on the agenda may include the following documents:

- 1) Department or Agency cover letter and/or report;
- 2) Public correspondence;
- 3) Other explanatory documents.

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

Meeting Procedures

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|----|--|----------------------|
| 1. | Complainant presents his/her facts and evidence | 5 minutes |
| | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds | 5 minutes |
| | Other parties of City respond | Up to 3 minutes each |
| | <i>Above total speaking times for Complainant and City to be the same.</i> | |
| 3. | Matter is with the Task Force for discussion and questions. | |
| 4. | Respondent and Complainant presents clarification/rebuttal | 3 minutes |
| 5. | Matter is with the Task Force for motion and deliberation. | |
| 6. | Public comment (Excluding Complainant & City response, witnesses) | Up to 3 minutes each |
| 7. | Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.) | |

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the agenda items. These

comments will be made a part of the official public record. Written communications should be submitted to the SOTF at:

1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102.

AGENDA PACKET: Available for review in the Office of the Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, or on the internet at: <http://www.sfbos.org/sunshine>.

AUDIO RECORDINGS: Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at: <http://www.sfbos.org/sunshine>.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Peggy Nevin at (415) 554-5184.

Paunawa: Ang mga kahilingan ay kailangang matanggap sa loob ng 48 oras bago mag miting upang matiyak na matutugunan ang mga hiling. Mangyaring tumawag ka sa (415) 554-5184.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719

Disability Access

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 5R, 6, 7, 7R, 7X, 9, 9R, 19, 21, 47, and 49. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102; phone (415) 554-7724; fax (415) 554-5163; or email sotf@sfgov.org.

Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67 on the Internet at <http://www.sfbos.org/sunshine>.

Cell Phones, Pagers and Similar Sound-Producing Electronic Devices

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (Chapter 67A of the San Francisco Administrative Code).

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site www.sfgov.org/ethics