



# SUNSHINE ORDINANCE SOTF CITY AND COUNTY OF SAN FRANCISCO MINUTES

Hearing Room 408

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

October 4, 2017 - 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 - <b>Vice Chair</b>
Seat 4	Rishi Chopra	Seat 10	Louise Fischer
Seat 5	Leuwam Tesfai	Seat 11	Fiona Hinze
Seat 6	Bruce Wolfe - <b>Chair</b>		

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 Bruce Wolfe called the meeting to order at 4:01 p.m. Members Chopra, Fischer and J. Wolf were noted absent. There was a quorum.

Member Fischer was noted present at 4:06 p.m.

### 2. **Approval of minutes from the Sunshine Ordinance SOTF (SOTF) September 6, 2017, meeting.**

The SOTF discussed the September 6, 2017, meeting minutes. Member Maass requested that a summary of public comment be listed in the minutes and if the comments are not comprehensible or coherent to note it as such.

**Member Maass, seconded by Member Hinze, moved to approve the September 6, 2017, meeting minutes.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 7 – Eldon, Tesfai, Maass, Cannata, Hinze, Hyland, B. Wolfe

Noes: 0 – None

Absent: 3 – Chopra, J. Wolf, Fischer

3. **File No. 17083:** Complaint filed by Michael Petrelis against the Police 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.

(00:03:00 – 00:28:00)

*(On August 15, 2017, the Education Outreach and Training Committee, determined that the SOTF has jurisdiction over the matter and referred the matter to the SOTF.)*

The Petitioner was not present for the hearing on the matter. There were no speakers in support of the Petitioner. Sgt. Angela Rodriguez, Police Department (Respondent), provided a summary of the department's position. Sgt. Rodriguez stated that Mr. Petrelis petitioned the Police Commission to review and determine whether or not to disclose their closed session discussion in question and that the Police Commission voted again to not disclose. Sgt. Rodriguez provided a summary of the type of information discussed during the close session and stated that Penal Code 832.7 and California Government Code 6253(c) allows for withholding of discussion related to disciplinary and personnel matter. In addition, Sgt. Rodriguez stated that certain portions of the requested records are protected under attorney client privilege. There were no speakers in support of the Respondent. A question and answer period followed. The Petitioner and Respondent were provided an opportunity for rebuttals.

The SOTF noted that Immediate Disclosure Requests cannot be automatically converted into a standard public records request but the department can request extensions of time to respond for reasons listed in the Sunshine Ordinance.

Deputy City Attorney Colla answered questions from the SOTF and provided comments on the matter.

**Member Tesfai, seconded by Member Fischer, moved to find that the Police Commission did not violate Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 8 – Eldon, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland, B. Wolfe

Noes: 0 – None

Absent: 2 – Chopra, J. Wolf

4. **File No. 17071:** Complaint filed by Michael Petrelis against Supervisor Jeff Sheehy, 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 complete manner. (00:28:00 – 00:43:00)  
*(On July 25, 2017, the Complaint Committee determined that the SOTF has jurisdiction and referred the matter to the SOTF. On September 6, 2017, the SOTF continued the matter to the call of the chair.)*

The Petitioner was not present for the hearing on the matter. There were no speakers in support of the Petitioner. The Respondent was not present for the hearing on the matter. There were no speakers in support of the Respondent. A question and answer period followed.

Member Tesfai cautioned the SOTF regarding the allowance of a continuance based upon the number of SOTF members present at any particular meeting unless all parties are allowed the same opportunity.

**Member Maass, seconded by Member Tesfai, moved to find that Supervisor Jeff Sheehy, Board of Supervisors, violated Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely manner.**

Public Comment:  
None.

**The motion PASSED by the following vote:**

Ayes: 8 – Eldon, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland, B. Wolfe  
Noes: 0 – None  
Absent: 2 – Chopra, J. Wolf

5. **File No. 17057:** Complaint filed by Denta Tadesse against George Colthran and Robin Reitzes, Office of the City Attorney; for allegedly violating Administrative Code (Sunshine Ordinance), Chapter 67, by failing to protect the right to privacy of a member of the public. (00:43:00 – 01:05:00)  
*(On July 25, 2017, the Complaint Committee determined that the SOTF has jurisdiction and referred the matter to the SOTF.)*

Denta Tadesse (Petitioner), provided a summary of the complaint and requested the SOTF to find violations. Mr. Tadesse provided a history of the issue and the adverse consequences that occurred due to the documents being delivered in an unsealed envelope. Mr. Tadesse requested a referral to the Ethics Commission. There were no speakers in support of the Petitioner. John Cote, Office of the City Attorney (Respondent), provided a summary of the department's position. Mr. Cote stated that the issue of personal privacy is not under the jurisdiction of the SOTF. Mr. Cote stated that Administrative Code, Section 67.24, does not apply as a request for public records was not filed. There were no speakers in support of the Respondent. A question and answer

period followed. The Petitioner and Respondent were provided an opportunity for rebuttals.

Upon discussion it was noted that documents may be served to third party for delivery via a reception desk or office manager if the entrance to the specific location is restricted. Chair Wolfe advised the Petitioner that the SOTF can only refer issues related to willful violations of the Sunshine Ordinance to the Ethics Commission.

Deputy City Attorney Colla answered questions from the SOTF and provided comments on the matter.

**Member Maass, seconded by Member Tesfai, moved to find that the Sunshine Ordinance Task Force does not have jurisdiction of the subject matter of personal privacy and procedures for serving documents.**

Public Comment:  
None.

**The motion PASSED by the following vote:**

Ayes: 8 – Eldon, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland, B. Wolfe  
Noes: 0 – None  
Absent: 2 – Chopra, J. Wolf

6. **File No. 17077:** Complaint filed by Ann Treboux against Dwight Moore, Office of the City Attorney, 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. (01:05:00 – 01:34:00)  
(On August 15, 2017, the Education Outreach and Training Committee, determined that the SOTF has jurisdiction over the matter and referred the matter to the SOTF.)

Ann Treboux (Petitioner), provided a summary of the complaint and requested the SOTF to find violations. Ms. Treboux stated that she has not received the “investigator’s notes”. There were no speakers in support of the Petitioner. John Cote, Office of the City Attorney (Respondent), provided a summary of the department’s position. Mr. Cote stated that Dwight Moore was out of the office at the time the request was received and provided proof that an out of office message was sent to Ms. Treboux. Mr. Cote stated that when the request for records was reviewed upon Mr. Moore’s return to the office, a response was provided stating that there were no responsive records. There were no speakers in support of the Respondent. A question and answer period followed. The Petitioner and Respondent were provided an opportunity for rebuttals.

The SOTF opined that central email account set up for public records requests should be monitored even if the custodian of records is out of the office and suggested that it is acceptable for individual email account users to refer members of the public to a specific person who can provide assistance.

Deputy City Attorney Colla answered questions from the SOTF and provided comments on the matter.

**Member Eldon, seconded by Member Cannata, moved to find Dwight Moore, and the Office of the City Attorney, violated Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely manner.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 8 – Eldon, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland, B. Wolfe

Noes: 0 – None

Absent: 2 – Chopra, J. Wolf

**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. *Public comment shall be taken at 5:00 p.m. or as soon thereafter as possible.*

Speaker:

Ann Treboux submitted the following summary of her public comment:

“Anne Trickey of the SF Arts Commission is a pathological liar. At a Board of Permits and Appeals hearing last month, she claimed that a 5 story landmark building in NYC was a Japanese restaurant because she did a google map search. She claimed that she had a photo a mailboxes in the building and, “my name is not on them”. There are no mailboxes in the building. Two weeks ago she called by family in NYC. She called 80 year old Non-English speaking people who filed police reports on her. Trickey also claimed that she has a photo of me selling massed produced items from a table on Market street. She showed a google map photo of a street corner. I was not in the photo. After SF Board of Appeals Hearing, Margaret Baumgartner stole my documents which were on the podium. She didn’t return all of them and a complaint was filed against her at the CA Bar.”

The meeting was in recess from 5:36 p.m. to 5:47 p.m.

**SPECIAL ORDER**

**The hearings on File Nos. 17009, 17019, 17045 and 17067 will not begin earlier than 5:30 p.m.**

7. **Reconsideration of Complaint: File No. 17009:** Complaint filed by William Clark against Tom DeCaigny and the Arts Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.5 and 67.7, by failing to comply with regulations for policy bodies and post agendas for the Community Working Group of the Arts Commission. (01:34:00 – 03:31:00)  
(On August 2, 2017, the SOTF granted a request for reconsideration of the Order of Determination issued on the complaint.)

William Clark (Petitioner), provided a summary of the complaint and requested the SOTF to amend the Order of Determination to find that the Community Working Group is a policy body. Mr. Clark stated that the Community Working Group was created by the Arts Commission and is therefore a policy body. The SOTF requested documentation of the new evidences and the resolution approving the creation of the Community Working Group. Mr. Clark requested a continuance in order to collect the documents requested by the SOTF.

Kate Patterson, Arts Commission, and Deputy City Attorney Colla answered questions from the SOTF and provided comments on the matter.

**Member Tesfai, seconded by Vice Chair Hyland, moved to continue the matter to the call of the chair and requested that the Arts Commission provide Resolution 030716-79 and the March 7, 2017, audio recording of the Arts Commission be provided for review.**

Public Comment:

Robert Clark provided comment in support of the continuance.

Ann Treboux objected to the continuance as no new documents have been submitted.

**The motion FAILED by the following vote:**

Ayes: 5 – Eldon, Tesfai, Hinze, Hyland, B. Wolfe

Noes: 3 – Maass, Cannata, Fischer

Absent: 2 – Chopra, J. Wolf

Vice Chair Hyland, moved to find that the Arts Commission violated Administrative Code (Sunshine) Ordinance, Section 67.5, by allowing a policy body to meet in private (not open to the public). The motion was rescinded.

Public Comment:

Robert Clark expressed support for the motion.

Ann Treboux stated that the Street Artist Program is fractured and commented on the actions of William Clark and Robert Clark.

**Member Maass, seconded by Vice Chair Hyland, moved to continue the matter to the call of the chair and requested that the Community Working Group's establishing resolution, meeting minutes from the March 7, 2017, link to the audio recording of the meeting in question and any other supporting documents be provided by the Art Commission.**

Public Comment:

None.

Chair Wolfe, seconded Vice Chair Hyland, moved to temporarily table the motion to continue. The motion passed without objection.

Public Comment:

Robert Clark objected to the motion to temporarily table the motion to continue.

Ann Treboux expressed her concern regarding the length of the meeting.

Chair Wolfe, seconded by Vice Chair Hyland, moved to remove the motion to continue from the table. The motion passed without objection.

**The motion to continue the matter to the call of the chair and request the Arts Commission to provide requested documents PASSED by the following vote:**

Ayes: 8 – Eldon, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland, B. Wolfe

Noes: 0 – None

Absent: 2 – Chopra, J. Wolf

8. **File No. 17019:** Complaint filed by Ann Treboux against Howard Lazar and the Arts Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a complete and/or timely manner. (03:31:00 – 03:46:00)

*(On August 22, 2017, the Complaint Committee, determined that the SOTF has jurisdiction over the matter and referred the matter to the SOTF.)*

Ann Treboux (Petitioner), provided a summary of the complaint and requested the SOTF to find violations. Ms. Treboux stated that she only received a web page link and did not get specific documents. There were no speakers in support of the Petitioner. Kate Patterson, Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson acknowledged that the department's response was late due to issues with AOL emails being automatically sent to junk mail. Ms. Patterson noted that staff members are instructed to search for public records requests and to forward them to Kate Patterson for review and response. Ms. Patterson stated that all records have been provided and a request for clarification was requested after the initial response. There were no speakers in support of the Respondent. A question and answer period followed. The Petitioner and Respondent were provided an opportunity for rebuttals.

The SOTF opined that providing a weblink to documents is a valid method to respond to a request for public records.

**Member Tesfai, seconded by Member Cannata, moved to find that Howard Lazar and the Arts Commission violated Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely manner.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 8 – Eldon, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland, B. Wolfe

Noes: 0 – None

Absent: 2 – Chopra, J. Wolf

9. **File No. 17045:** Complaint filed by Ann Treboux against Kate Patterson and 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. (03:46:00 – 03:54:00)

*(On August 22, 2017, the Complaint Committee, determined that the SOTF has jurisdiction over the matter and referred the matter to the SOTF.)*

Ann Treboux (Petitioner), provided a summary of the complaint and requested the SOTF to find violations. Ms. Treboux stated documents should have been provided on a rolling basis if they were not available at the time of the public records request and suggested that the Arts Commission is in need of training. There were no speakers in support of the Petitioner. Kate Patterson, Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson acknowledged that the department's response was late as the fax was received late in the day and the fax machine was not checked. Ms. Patterson stated that at the time of the request no records existed and the records were provided when they became available. There were no speakers in support of the Respondent. A question and answer period followed. The Petitioner and Respondent were provided an opportunity for rebuttals.

**Member Tesfai, seconded by Member Eldon, moved to find that Kate Patterson and the Arts Commission violated Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely manner.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 8 – Eldon, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland, B. Wolfe

Noes: 0 – None

Absent: 2 – Chopra, J. Wolf



10. **File No. 17067:** Complaint filed by Ann Treboux against Ann Tricky and the Arts Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.7, by failing to post an agenda for a policy body (Program Director Hearing, June 14, 2017). (03:54:00 – 04:15:00)  
(On August 22, 2017, the Complaint Committee, determined that the SOTF has jurisdiction over the matter and referred the matter to the SOTF.)

Ann Treboux (Petitioner), provided a summary of the complaint and requested the SOTF to find violations. Ms. Treboux described her experiences with Program Director's meeting and noted that the notice of hearing reference a public hearing. There were no speakers in support of the Petitioner. Kate Patterson, Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that the Program Director's meeting is not a policy body and is intended as a means for the Program Director to resolve issues with specific street artist. Ms. Patterson stated that members of the public are allowed to attend but notices are only provided to street artists. Ms. Patterson requested a continuance in order to gather additional information regarding the content in the notice of hearing for the Program Director's meetings. There were no speakers in support of the Respondent. A question and answer period followed. The Petitioner and Respondent were provided an opportunity for rebuttals.

**Member Hinze, seconded by Vice Chair Hyland, moved to continue the matter to the call of the chair.**

Public Comment:

Thomas Busse described his experience working with secretaries of similar boards and commissions.

**The motion PASSED by the following vote:**

Ayes: 7 – Eldon, Tesfai, Maass, Fischer, Hinze, Hyland, B. Wolfe

Noes: 1 – Cannata

Absent: 2 – Chopra, J. Wolf

11. **Sunshine Ordinance SOTF - Annual Report.**

Chair B. Wolfe provided a status report on the progress of the Annual Report.

Public Comment:

None.

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

**12. Reports from Sunshine Ordinance SOTF Committees.**

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

The committee chairs provided a summary of the actions of their committees.

Public Comment:

None.

No actions taken.

**13. File No. 17105:** Hearings to review legislation and policy at the Federal, State, and local (San Francisco) level as well as other jurisdictions related to the Sunshine Ordinance and California Public Records Act.

Chair Wolfe provided a summary of the new hearing item and Member Maass provided a summary of issues related to legislation related to the Sunshine Ordinance and Public Records Act.

Public Comment:

Thomas Busse commented on Assemblyman Dan Walters draft initiative and requested the SOTF to issue a letter regarding the matter. *(The SOTF indicated that they are unable to issue letters of support/opposition.)*

No actions taken.

**14. Sunshine Ordinance SOTF - Chair's Report.**

- Potential Special Sunshine Ordinance SOTF meetings

Chair B. Wolfe provided a summary of the need to conduct a special SOTF meeting to address the backlog of complaints.

Public Comment:

Thomas Busse stated that the SOTF falls under Charter law and provided an explanation.

No actions taken.

15. **Administrator’s Report, Complaints and Communications.**

- SOTF and Committee hearing schedule
- Complaints submitted and hearing files created
- Communications to the SOTF
- Summary of pending complaints and other issues

SOTF Administrator Victor Young presented the Administrator’s Report.

The SOTF requested that a breakdown of pending complaints indicated those pending before Committees and the full SOTF.

Public Comment:  
None.

No actions taken.

16. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance SOTF.**

Member Tesfai noted that she will be absent from the November 1, 2017, meeting.

Member Maass provided information on Data Demo Day.

Chair B. Wolfe provided information on the city’s Index of Records and suggested that members of the SOTF review the website.

17. **ADJOURNMENT**

**By a rise in vote the meeting was adjourned without objection at 9:18 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: 11/1/17**