

1.



**City and County of
San Francisco**
Meeting Minutes
Sunshine Ordinance Task Force

**City Hall
1 Dr. Carlton B.
Goodlett Place,
Room 244
San Francisco, CA
94102-4689**

Members:

Seat 1	Dean Schmidt	Seat 7	Matthew Yankee - Chair
Seat 2	Lila LaHood	Seat 8	Chris Hyland
Seat 3	Saul Sugarman	Seat 9	David Pilpel
Seat 4	Ankita Kumar	Seat 10	Vacant
Seat 5	Maxine Anderson	Seat 11	Bruce Wolfe
Seat 6	Laura Stein - Vice-Chair		
Ex-officio	<i>(non-voting)</i> Clerk of the Board of Supervisors or their designee		
Ex-officio	<i>(non-voting)</i> Mayor or their designee		

Clerk: Patricia H. Petersen
(415) 554-7719 ~ sotf@sfgov.org

Wednesday, Dec. 4, 2024

**4:00 pm
Regular Meeting**

City Hall, Room 408

1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES (00:00:19)

Chair Yankee called the meeting to order at 4:09 p.m. On the call of the roll, Chair Yankee, Vice-Chair Stein and Members Schmidt, Sugarman, Pilpel and Wolfe were noted present. Members LaHood, Kumar, Anderson and Hyland were noted absent. There was a quorum. Task Force Administrator Pat Petersen was noted present. Deputy City Attorney Valerie Lopez was noted present at 4:10 p.m.

Member Hyland was noted present at 4:13 p.m.

Public Comment: None.

2. Approval of the minutes from the Sunshine Ordinance Task Force Meeting of September 4, 2024. (00:02:46)

Action: Moved by Vice-Chair Stein, seconded by Member Hyland, to approve the September 4, 2024 minutes as included in the packet.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 6 – Stein, Hyland, Schmidt, Sugarman, Wolfe, Yankee

Noes: 1 – Pilpel

Absent: LaHood, Kumar, Anderson

3. **Approval of the minutes from the Sunshine Ordinance Task Force Meeting of October 2, 2024.** (*Discussion and Action*) (09:42:05)

Action: Moved by Vice-Chair Stein, seconded by Member Hyland, to approve the October 2, 2024 minutes as included in the packet.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 6 – Stein, Hyland, Schmidt, Sugarman, Wolfe, Yankee

Noes: 1 – Pilpel

Absent: LaHood, Kumar, Anderson

Member Lahood was noted present at 4:24 p.m.

4. **Approval of Orders of Determination:** (*Discussion and Action*) (00:13:01)

- **File No. 23086:** Mike Spencer v. Police Department
- **File No. 24021:** Matthew Lotocki v. Police Department
- **File No. 24047:** Rosa L. v. Police Department
- **File No. 24048:** Rosa L. v. Police Department
- **File No. 24053:** Ellen Tsang v. Planning Department
- **File No. 24054:** Michael Petrelis v. Mayor's Office

Action: Moved by Member Pilpel, seconded by Vice-Chair Stein, to approve Orders of Determination for File No(s). 23086, 24021, 24047, 24048, 24053 and 24054, as amended.

Public comment: None.

The motion PASSED by the following vote:

Ayes: 8 – Pilpel, Stein, Schmidt, LaHood, Sugarman, Hyland, Wolfe, Yankee

Noes: 0 - None

Absent: 2 – Kumar, Anderson

5. **Annual Supervisor of Records Report from City Attorney:** Review and potential acceptance of the annual report for calendar year 2023. (00:23:54)

Member Sugarman noted absent at 4:46 p.m and for the remainder of the meeting.

Action: Moved by Member Pilpel, seconded by Member Wolfe, to accept and file the Annual Supervisor of Records Report for Calendar Year 2023.

Public Comment: Matthew Lotocki cited case resolution statistics from the Report. Rosa L. stated her concern about the findings of wrongdoing contained in the Report.

The motion PASSED by the following vote:

Ayes: 7 - Pilpel, Wolfe, Schmidt, LaHood, Hyland, Stein, Yankee

Noes: 0 - None

Absent: Sugarman, Kumar, Anderson

6. **Hearing - Sunshine Ordinance Task Force Meeting Minutes:** Consider and potentially approve procedures for approving SOTF meeting minutes, including a process for SOTF members to propose edits to draft meeting minutes. (00:45:03)

The Task Force members discussed processes, timelines and requirements for drafting and approving meeting minutes.

Action: Moved by Member Pilpel, seconded by Vice Chair-Stein, to discontinue the inclusion of the California Public Records Act reference chart of renumbered code sections with the published minutes, and instead post a publicly available chart on the website and in the Task Force reference binder.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 7 - Pilpel, Stein, Schmidt, LaHood, Hyland, Wolfe, Yankee

Noes: 0 - None

Absent: 3 – Sugarman, Kumar, Anderson

7. **Hearing – Orders of Determination:** Consider and potentially approve procedures for approving SOTF Orders of Determinations (ODs), including the requirement in SOTF Complaint Procedures Section C(5) that the SOTF “will also notify the parties by email of their orders on the business day following the hearing.” (03:50:51)

The Task Force discussed the timeline for informing the parties of findings made by the Task Force, and the process of of drafting and approving Order of Determinations.

Public Comment: Geoff asked about matters being heard out of numerical order.

No actions taken.

8. **Administrator's Report.** (04:00:04)

- Task Force and Committee tentative hearing schedule with potential adjustments
- Complaints and Hearing Requests
- SOTF Member Attendance
- Communications

Administrator Petersen presented the Administrator's report and responded to questions from the Task Force.

The Task Force members discussed the inclusion of pending tasks and closed cases on the Administrator's Report.

No action taken.

9. **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. (TIME)

Public Comment: Geoff asked about how to access the Administrator's Report.

10. **Hearing - Closing Pending Complaint Files:** Hearing to consider closing the following complaint files pursuant to SOTF Complaint Procedure C(9). (01:14:10)

- 10a. **File No. 22070:** Maria Schulman v. Sara Maunder and the Department of Police Accountability
- 10b. **File No. 22077:** Maria Schulman v. Department of Police Accountability
- 10c. **File No. 22111:** Maria Schulman v. Virginia Donahoe and Animal Care and Control
- 10d. **File No. 22137:** Maria Schulman v. Ashley Summers, Mei Ling Hui, Maria Durana and the Recreation and Parks Department
- 10e. **File No. 22146:** Maria Schulman v. Department of Animal Care and Control
- 10f. **File No. 22147:** Maria Schulman v. David Steinberg and Public Works
- 10g. **File No. 23027:** Maria Schulman v. Department of Police Accountability
- 10h. **File No. 23028:** Maria Schulman v. Sara Maunder and the Department of Police Accountability
- 10i. **File No. 23035:** Maria Schulman v. Sara Maunder and the Department of Police Accountability

- 10j. **File No. 23037:** Maria Schulman v. Sara Maunder and the Department of Police Accountability
- 10k. **File No. 23043:** Maria Schulman v. Police Department
- 10l. **File No. 23065:** Maria Schulman v. Lila LaHood, Chair of the Sunshine Ordinance Task Force Compliance and Amendments Committee
- 10m. **File No. 23066:** Maria Schulman v. Cheryl Leger, Sunshine Ordinance Task Force Administrator

A discussion occurred about the history of scheduling Maria Schulman's matters for hearing.

Action: Motion by Member Hyland, seconded by Member Schmidt, to severed Item 10L to be considered separately.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 7 - Hyland, Schmidt, LaHood, Pilpel, Wolfe, Stein, Yankee
Absent: 3 – Sugarman, Kuman, Anderson

Action: Motion by Member Hyland , seconded by Member Wolfe, to Close Items 10A through 10K and 10M.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 7 - Hyland, Wolfe, Schmidt, LaHood, Pilpel, Stein, Yankee
Absent: 3 – Sugarman, Kumar, Anderson

Action: Moved by Chair Yankee, seconded by Member Wolfe, to recuse Member LaHood.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 7 – Yankee, Wolfe, Schmidt, LaHood, Hyland, Pilpel, Stein
Noes: 0 – None
Absent: 3 - Sugarman, Kumar, Anderson

Public Comment: Geo states that had wanted to speak during Public Comment.

Action: Moved by Pilpel, seconded by Member Wolfe, to Close Item 10L.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 6 - Pilpel, Wolfe, Schmidt, Hyland, Stein, Yankee

Noes: 0 - None

Absent: 3 – Sugarman, Kumar, Anderson

Recused: 1 - LaHood

Recess was taken from 6:08 until 6:23 p.m. The members were noted present.

11. **File No. 23099:** Complaint filed by Mark LaCroix against the San Francisco Fire Commission for allegedly violating Administrative Code (Sunshine Ordinance), 67.5 by failing to conduct meetings of any policy body open and public; 67.10 conducting a closed session hearing on a non-permitted topic, and 67.11 by failing to properly notice a closed session hearing. (02:14:05)

(On August 7, 2024, the Task Force moved to find a violation of Administrative Code Section 67.10(b), regarding the January 12, 2022 Fire Commission meeting as to item 5C.

The Task Force further found that in light of the previous motion, Ms. LaHood asked the Fire Commission to release the portion of the January 12, 2022 closed session pertain to item 5C and requested a response from the Commission.)

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

Action: Moved by Member Wolfe, seconded by Member LaHood, to refer/return the matter to the Complaint Committee for consideration of a violation of Administrative Code (Sunshine Ordinance), Section 67.21.

Public Comment: Michael Crotty [sic] stated that the Fire Commission violated the Brown act in citing personnel reasons for hearing a matter in closed session. Anonymous stated that the Task Force should protect the people from corruption.

The motion PASSED by the following vote:

Ayes: 6 - Wolfe, LaHood, Schmidt, Hyland, Stein, Yankee

Noes: 1 - Pilpel

Absent: 3 – Sugarman, Kumar, Anderson

12. **File No. 24042:** Complaint filed by Rosa L. against the Office of the Mayor for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (03:14:00)

(On 10/2/2024, moved by Chair Yankee, seconded by Member Anderson, found that Mayor London Breed violated Administrative Code (Sunshine Ordinance), Section(s) 67.29-7, by failing to maintain and preserve in a professional and businesslike manner the requested correspondence and failing to disclose such records in accordance with this Ordinance.

The Task Force requested that Mayor Breed confirm with the Task Force if she intends to maintain her correspondence in compliance with Administrative Code Section 67.29-7 going forward.

The Task Force, moved by Member Schmidt, seconded by Member Hyland, further found that the Mayor's non-production in this case constitutes a willful failure to comply with Administrative Code (Sunshine Ordinance) Section(s) 67.29-7 and therefore a willful failure under Section 67.34, and referred this matter to the Ethics Commission.)

- a) Consider rescinding the Sunshine Ordinance Task Force's prior action referring Mayor London Beed to the Ethics Commission due to the Mayor's upcoming departure from office. *(Discussion and Action)*

The Task Force members discussed options for proceeding with a referral of File No. 24042 to the Ethics Commission.

Public Comment: Geoff asked if the Task Force has the ability to enforce public records requests. Rosa L. stated that she strongly agrees that the sending the referral to the Ethics Commission because it is important to set a goal or marker. Mark LaCroix supports the referral to the Ethics Commission.

No actions taken.

13. **Hearing – Update on Sunshine Ordinance Task Force’s 2024 Annual Report**
(04:12:29)

Members of the public and the SOTF can view the 2024 Annual Report proposal online at:
<https://docs.google.com/document/d/1gE9XCjztYkpb6fB7FlzSGDryfMg-YsKK/edit?usp=sharing&oid=105519330310899598939&rtpof=true&sd=true>

No password or identification is required. Public comments on this document can be sent directly to lstein.sotf@gmail.com or made during public comment on this agenda item.

Member Stein stated that the spreadsheet with data for the report will be posted online.

Public Comment: None.

No actions taken.

14. **Hearing on Sunshine Ordinance Amendments:** Discussion regarding potential amendments to the Sunshine Ordinance and the related work of the Compliance and Amendments Committee. (04:20:25)

The Task Force members discussed amendments to specific language, amendment objectives, and the role of the Task Force.

Public Comment: None.

No actions taken.

Member Hyland was noted absent at 8:30 p.m. and for the remainder of the meeting.

15. **Hearing on Proposition E:** Discussion regarding the implications of Proposition E as approved by San Francisco’s voters at the November 5, 2024 Election. (04:58:53)

The Task Force members discussed methodologies for valuing the work of the Sunshine Ordinance Task Force and possible effects of Proposition E on its continued operations.

DCA Lopez provided an overview of the timeline and processes that the Budget and Legislative Analyst (BLA) will follow to develop recommendations to the mayor and Board of Supervisors on ways to modify, eliminate, or combine appointive boards and commissions. DCA Lopez further stated that the Sunshine Ordinance Task Force was created by ordinance in August 1993 and amended by the voters in November 1999; therefore, changes are made by a charter amendment that is drafted and recommended by the City Attorney’s Office. DCA Lopez stated that the Task Force cannot be amended or rescinded without voter approval.

Public Comment: None.

No actions taken.

16. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force (05:24:50)**

(Note: Public Comment on this item is limited to subject matters presented by members of the SOTF.)

Member Pilpel noted that the Department of Public Works has an item on its agenda regarding the impact of the Sunshine Ordinance on their operations, and he will be providing comment as an individual, not as a member of the Task Force.

Public Comment: None.

No action taken.

17. **ADJOURNMENT (05:30:35)**

There being no further business the meeting was adjourned at 9:39 p.m.

Approved: 1/21/2025

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.

###