



SUNSHINE ORDINANCE TASK FORCE

Complaint Committee

CITY AND COUNTY OF SAN FRANCISCO

MINUTES

REMOTE SPECIAL MEETING

December 2, 2020
3:30 PM

Members: Fiona Hinze (Chair), Matthew Yankee and Dean Schmidt

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

Chair Hinze called the meeting to order at 3:36 p.m. On the call of the roll Chair Hinze and Members Yankee and Schmidt were noted present. A quorum was present.

There were no agenda changes.

2. Public Comment: Members of the public may address the Committee on matters that are within the Committee's jurisdiction but not on today's agenda.

Speaker:

Speaker requested consideration of 2nd draft of a new complaint form. Speaker stated that it is shorter and is intended to educate the public on their public records rights.

3. File No. 20011: Complaint filed by Ahimsa Porter Sumchai against Mayor London Breed 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.

Dr. Ahimsa Porter Sumchai (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Dr. Sumchai spoke about a series of events that have occurred that support the original complaint submitted in July 2019, File No. 19077. Dr. Sumchai stated that in File No. 19077, her complaint was that the meeting had fundamental flaws because shortly after 6:00 pm there was no quorum and she offered a YouTube video that documents that two members are not present. Dr. Sumchai states that minutes that Heckel referred to in File No. 19077 were falsified. Dr. Sumchai stated that she has an audio tape in which Dr. Bahlms was directed by the Mayor to not speak with Dr. Sumchai. Dr. Sumchai noted that she was deliberately excluded from the

meeting notice. Dr. Sumchai stated that she wants this matter sent to the City Attorney's Office.

Hank Heckel (Mayor's Office) (Respondent), provided a summary of the department's position. Mr. Heckel stated that Dr. Sumchai is focused on adjudication of 19077, which was decided in favor of the Mayor's Office and an Order of Determination was issued. Mr. Heckel stated that he researched Dr. Sumchai's claims and interviewed the committee members and found there was no deliberate desire to exclude Dr. Sumchai. Mr. Heckel stated that the meeting was announced 72 hours in advanced and an agenda was forwarded to the Library. Mr. Heckel stated that all required notifications were followed. Mr. Heckel stated that Dr. Sumchai did participate in the meeting referenced.

The Committee inquired if the issue is regarding an improperly run meeting and if this is a request for reconsideration for a prior ruling of the SOTF or regarding issues surrounding subsequent meetings?

Dr. Sumchai stated that meetings that took place in July prompted illegalities including conduct of scientists who met secretly when the meeting should have been public.

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

Action: Moved by Member Yankee, second by Member Schmidt to find that the SOTF has no jurisdiction regarding Sunshine Ordinance Section 67.21 (public records request) and requested that a new file be opened with the appropriate complaint listed.

Public Comment:

Speaker stated that you should not dismiss this matter, and you are obligated by your rules to give the complainant the benefit of the doubt.

Member Yankee rescinded the Motion.

Hank Heckel stated that the complaint is not regarding public records request. Mr. Heckel opined that Dr. Sumchai is complaining about access to a meeting of the Hunter's Point Shipyard Advisory Committee which the Mayor's Office has no control over. Mr. Heckel stated that there have been no open meeting violations against the Mayor's office.

Dr. Sumchai stated that she has provided information on activities that have demonstrated defamation of her character and that this has not been a fair forum. Dr. Sumchai noted that there have been many documented open meeting violations.

Action: Moved by Member Yankee, second by Member Schmidt to continue the matter to the Call of the Chair and requested the Administrator adjust the complaint to reflect a public meeting and not a public records complaint against the Office of the Mayor.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Yankee, Schmidt, Hinze
Noes: 0 - None

4. **ADJOURNMENT**

There being no further business the meeting was adjourned at 4:28 p.m.

APPROVED: January 19, 2021
Complaint Committee
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.