



**SUNSHINE ORDINANCE TASK FORCE
Compliance and Amendments Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES**

REMOTE REGULAR MEETING

**February 21, 2023
4:30 PM**

Members: Lila LaHood (Chair), Jennifer Wong, and Bruce Wolfe

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

Chair LaHood called the meeting to order at 4:37 p.m. On the call of the roll Chair LaHood and Members Wolfe and Wong were noted present. A quorum was present.

There were no agenda changes.

2. Approval of the December 27, 2022, Compliance and Amendments Committee meeting minutes.

Member Wong provided suggested changes to the minutes.

Action: Moved by Member Wolfe, seconded by Member Wong, to approve the December 27, 2022, minutes with suggested edits.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Wong, LaHood

Noes: 0 - None

3. **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.

Speakers:

None.

4. **File No. 22012:** Complaint filed by Anonymous (SFT) against Director Grant Colfax and the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Anonymous (Petitioner) was not present for the hearing and did not notify the SOTF Administrator of their absence.

Natalie Pojman (Department of Public Health (DPH, Respondent), was present for the hearing but did not provide a statement.

Chair LaHood read item 5 of the December 27, 2022 minutes, stating that this item should go directly to the SOTF with a Compliance and Amendments Committee recommendation.

No action taken.

Public Comment:

None.

5. **File No. 22092:** Hearing to review the Behavioral Health Commission’s compliance with the Sunshine Ordinance (Sections listed below) for meetings that occurred after April 13, 2021.

On April 6, 2022, the SOTF referred the matter to the Compliance and Amendments Committee to monitor future Behavioral Health Commission meetings for compliance with the following sections of the Sunshine Ordinance:

- 67.7(a) providing an adequate description of the agenda items;
- 67.7(a) posting agenda 72 hours in advance of the meeting;
- 67.7(b) providing a clear description of the agenda matters;
- 67.7(b) posting supporting documents on-line or making them available as soon as they are available;
- 67.7(g) including notices of rights under the Sunshine Ordinance on the agenda;
- 67.9(a) posting supplementary documents for the meeting on the internet;
- 67.15(a) allowing public comment for each item on the agenda.

The SOTF requests that the Behavioral Health Commission provide their manual or description of their procedure/practices implemented to address the code sections listed. In an effort to document compliance with posting requirements of the Sunshine Ordinance, the SOTF requests that the Behavioral Health Commission maintain a log of when agendas and supporting documents are posted along with any other relevant data.

Marlo Simmons (Respondent, Behavioral Health Commission) provided a summary of the Department's response. Ms. Simmons provided a tracking log of Behavioral Health Commission meetings, including dates of the hearings, the chair and its description of documents and when making the 72-hour posting requirement and that errors are not intentional. Ms. Simmons noted that general public comment is agendized at the close of the meeting as well as for each agenda item.

Amber Gray (Respondent, Behavioral Health Commission) stated that she just completed a training with the City Attorney and next will be participating in a training for the Commission members. Ms. Gray stated that agenda postings take place before the 72-hour deadline.

Member Wolfe suggested that the Commission receive additional training from the Education, Outreach and Training Committee.

Geoffrey Grier (Behavioral Health Commission) (Respondent), provided a summary of the department's position. Mr. Grier stated that there is a place for public comment in each category and on each agenda item.

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

Action: Moved by Member Wolfe, seconded by Member Wong, that the Compliance and Amendments Committee is satisfied with the outcome of the monitoring of this complaint, that the file be closed, and that the Committee refers the Behavioral Health Commission to the Education, Outreach and Training Committee for review of the agenda construction to ensure that public comment is taken for every item and offering helpful advice regarding agenda item descriptions.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Wong, LaHood

Noes: 0 - None

6. **File No. 23001** Complaint filed by Olga Tikhonova against the San Francisco Police Department 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.

Ms. Tikhonova (Petitioner) was not present for the hearing and did not notify the SOTF Administrator of their absence.

Lt. William Toomey (Police Department, Respondent), was present for the hearing.

Action: Moved by Member Wolfe, seconded by Member Wong, to continue the matter to the call of the Chair.

Public Comment:

Andrew J. White stated that this case is a direct correlation to File No. 21001. Mr. White also stated that this item was like his and wanted to shine light on that information.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Wong, LaHood

Noes: 0 - None

7. **File No. 23002** Complaint filed by Stiliyan Bezhanski against Debra Lew and the Office of the Treasurer and Tax Collector for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, and California Government Code Section(s) 6253(c), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Stiliyan Bezhanski (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Bezhanski stated that he submitted an Immediate Disclosure Request for records on December 8, 2022, and the due date was January 2, 2023. Mr. Bezhanski stated that he has not received his records.

Debra Lew (Office of the Treasurer and Tax Collector, Respondent), provided a summary of the department's position. Ms. Lew stated that responsive records were provided on December 16, 23, and 27, 2022 and her department has been diligently working on other requests propounded by Mr. Bezhanski. Ms. Lew stated that over 100 hours have been spent on rolling responses due to Mr. Bezhanski. Ms. Lew also stated that there is pending litigation which has slowed the process of providing responses to the records requests.

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

Action: Moved by Member Wolfe, seconded by Member Wong, to find that the SOTF has jurisdiction, find that the requested records are public, and to refer the matter to the SOTF with the recommendation to have File Nos. 23002 and 22141 be combined.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Wong, LaHood

Noes: 0 - None

8. Summary of possible amendments to the Sunshine Ordinance proposed by members of the public presented to the Committee for possible forwarding to the Sunshine Task Force.

Chair LaHood stated that the purpose was to create a list of proposed changes and edits by members of the public for further submission and discussion. However, some ideas conflict with each other.

Member Wolfe stated that the SOTF shall propose to the Board of Supervisors these amendments and when the SOTF sees fit, that amendments need to be made and if the public is proposing arguments or proposals to bring to the SOTF's attention and the SOTF agrees that a change should be made without the public initiation and with adjustment to the Board, this committee should do the due diligence and bring the proposals forward.

Public Comment:

Wynship Hillier provided the following written public comment: "Mr. Hillier said that he had sent Chair LaHood a recommended amendment to the Sunshine Ordinance in April of 2021. He also said, responding to statements by Mr. Wolfe, that he did not understand how policy bodies could hold retreats, because retreats could be neither regular meetings, because of the time and place at which they are held, nor special meetings, which may not process discussion-only items. He also said he did not understand how 'work groups' could be convened, unless they were made up of less than a quorum of any policy body."

9. Announcements, Comments, Questions, and Future Agenda Items by Members of the Compliance and Amendments Committee.

Chair LaHood requested that Committee members provide items for discussion.

10. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:39 PM.

APPROVED: April 25, 2023
Compliance and Amendments 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.