



SUNSHINE ORDINANCE TASK FORCE

Complaint Committee

CITY AND COUNTY OF SAN FRANCISCO

MINUTES

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

July 18, 2023

5:30 PM

Regular Meeting

Members: Dean Schmidt (Chair), Laura Stein and Bruce Wolfe

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

Chair Schmidt called the meeting to order at 5:34 p.m. On the call of the roll Members Stein and Wolfe were noted present. There was a quorum.

The following was noted as an agenda change. Regarding, Item No. 4, File No. 23006, the petitioner emailed the SOTF Administrator requesting that they remove and close the matter from the agenda.

Public Comment:

Michael Petrelis thanked the Committee for consolidating Items 7 (File No. 23050) and 8 (File No. 23051).

David Pilpel noted that item 4 may possibly need an agenda change and asked if it was possible to amend the agenda change and then repost as a modified agenda.

2. Approval of the June 20, 2023, Complaint Committee meeting minutes.

The Committee discussed the June 20, 2023, Complaint Committee meeting minutes.

Action: Moved by Chair Schmidt, seconded by Member Wolfe, to approve the June 20, 2023, minutes as amended.

Public Comment:

Peter Warfield, Executive Director Library Users Association, libraryusers2004@yahoo.com, P.O. Box 170544, San Francisco, California, 94117-0544. Mr. Warfield noted that he can't see Member Wolfe, the person on the right and that in the past remote participants were visible on the large screen.

The motion PASSED by the following vote:

Ayes: 3 - Schmidt, Wolfe, Stein

Noes: 0 - None

Absent: 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:

Peter Warfield stated that he was looking for the procedures for setting up a committee hearing.

David Pilpel agreed with Mr. Warfield on this point and that boiler point agendas should be used for the SOTF so that procedures apply to hearings.

4. **File No. 23006** Complaint filed by Amy Silverstein against the Office of the Treasurer and Tax Collector's Office for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.1(a) by failing to serve the public and reach its decisions in full view of the public, (d) by failing to let the public know what their government and those acting on behalf of their Government are doing; 67.24(b)(1)(i)-(ii), (i) by failing to provide information on litigation materials; and 67.36 by failing to allow the Sunshine Ordinance to supersede other local laws.

Petitioner was not present for the hearing but did notify the SOTF Administrator of their absence.

Debra Lew, Treasurer and Tax Collector's Office (Respondent) was present for the hearing.

The matter was withdrawn and there was no action by the committee.

Public Comment:

David Pilpel understood that the matter was withdrawn.

Peter Warfield thanked Mr. Pilpel for answering the question and did not understand who spoke about this item being withdrawn.

5. **File No. 23052** Complaint filed by Stiliyan Bejanski against Debra Lew and the Office of the Treasurer and Tax Collector for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, and California Government Code Section(s) 6253(c), by failing to respond to a records request in a timely and/or complete manner.

Stiliyan Bejanski (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Bejanski stated that the response to his Immediate Disclosure Request took longer to process due to the Covid emergency and pending litigation. This request took most of the time out of the eight complaints Mr. Bejanski submitted.

Christopher Tirrell (Office of the Treasurer and Tax Collector) (Respondent), provided a summary of the department's position. Mr. Tirrell stated that was an immediate disclosure request. Mr. Tirrell stated that there were over 240 responsive items and many required redactions and review. The response was provided timely.

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

Action: Moved by Member Stein, seconded by Chair Schmidt, to find that this was an Immediate Disclosure Request and the Treasurer and Tax Collector's Office, despite ongoing litigation, responded to timely and to find that the SOTF has jurisdiction, the requested records are public, and referred the matter to the SOTF Consent Agenda with the recommendation to find no violation.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Stein, Schmidt

Noes: 0 - None

Absent: 1 - Wolfe

6. **File No. 23034** Complaint filed by the Library Users Association against the San Francisco Public Library 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.

Peter Warfield (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Warfield stated that he was refused entrance to the library offices by City Librarian Margot Shaub because he did not have an appointment. Mr. Warfield was told that if he returned to the offices within 15 minutes, he would receive his requested records.

Margot Shaub (Public Library), (Respondent) provided a summary of the department's position. Ms. Shaub noted that there is a dispute about the facts as they happened. Ms. Shaub told Mr. Warfield that the offices close at 5:00 pm and suggested that he return in 15 minutes to receive his requested records and Mr. Warfield refused.

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

Action: Moved by Member Wolfe, seconded by Member Stein to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF with no recommendation for a violation.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Stein, Schmidt

Noes: 0 - None

Absent: 0 - None

7. **File No. 23050** Complaint filed by Michael Petrelis against Supervisor Aaron Peskin, President of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to respond to a request for Proposition G Calendar in a timely and/or complete manner.

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Petrelis stated that it is not clear how long Supervisor Peskin participates in meetings, or topics discussed and who the attendees are. Mr. Petrelis stated that Supervisor Peskin has been at City Hall since 2001 and that he is unfamiliar with how to keep a Prop G calendar and that he disrespects the Sunshine Laws. Mr. Petrelis noted that there is incomplete information on Supervisor Pekins's topics discussed and attendees on the Prop G calendar.

Calvin Yan (Supervisor Peskin's Office, Board of Supervisors), (Respondent) provided a summary of the department's position. Mr. Yan stated that he produced the information Mr. Petrelis asked for including resolving the issues on the April 16 through 27, 2023 calendar. Mr. Yan also noted that he did not initially answer questions asked of Supervisor Peskin.

Action: Moved by Chair Schmidt, seconded by Member Stein to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Stein, Schmidt

Noes: 0 - None

Absent: 0 - None

8. **File No. 23051** Complaint filed by Michael Petrelis against Supervisor Dean Preston, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to respond to a request for Proposition G Calendar in a timely and/or complete manner.

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Petrelis stated that this complaint is about the response date of Supervisor Preston's Prop G calendar. Mr. Petrelis stated that the law requires that the calendar be produced within three days. The records were not produced timely.

Jennifer Bolen (Supervisor Dean Preston's Office) (Respondent) provided a summary of the department's position. Ms. Bolen concurred that the Supervisor's Office did not produce the records in a timely manner.

Action: Moved by Member Stein, seconded by Member Wolfe, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF Consent Agenda with the recommendation to find a violation of timeliness under Administrative Code, Sunshine Ordinance, Section 67.29-5 for failure to timely provide the Supervisor's Prop G calendar.

Public Comment:

Peter Warfield thinks that the SOTF should consider duties to record changes to the law when dozens of violations would be valuable for the Task Force to consider.

The motion PASSED by the following vote:

Ayes: 2 - Stein, Wolfe

Noes: 0 - None

Absent: 1 - Schmidt

9. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Complaint Committee.**

Chair Schmidt and Members Stein and Wolfe had no comments.

10. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:14 p.m.

APPROVED: August 15, 2023
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.