



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

REMOTE REGULAR MEETING

Listen/Public Call-In Phone Number

1-415-906-4659

Meeting ID: 544 958 602 #

If you wish to make a statement during general Public Comment, please press *6 and unmute your telephone to speak. Please press *6 to mute your telephone once you are done with your statement.

May 25, 2021 - 4:30 PM

Members: Lila LaHood (Chair), Jennifer Wong and Laurie Jones Neighbors

Remote Access to Information and Participation

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via videoconference.

Members of the public may participate by phone or may submit their comments by email to: Cheryl.Leger@sfgov.org; all comments received will be made a part of the official record. Sunshine Ordinance Task Force agendas and their associated documents are available at <https://sfbos.org/sunshine>.

PUBLIC COMMENT CALL IN

1-415-906-4659

Meeting ID: 544 958 602 #

As the COVID-19 disease progresses, please visit the Sunshine Ordinance Task Force website regularly to be updated on the current situation as it affects the legislative process.

Meeting Decorum: Any member of the Sunshine Ordinance Task Force may call for decorum due to disorderly conduct of meeting participants. Persons who engage in threatening and/or menacing behavior may be asked to leave.

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**
2. **Approval of the April 27, 2020 Compliance and Amendments Committee meeting minutes.** *(Discussion and action) (attachment)*
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. *(No Action)*
4. **File No. 19145: Hearing regarding request for reconsideration.** Complaint filed by Chris Kohrs against the Police Commission the SOTF found that the Police Commission **DID NOT** violate Administrative Code (Sunshine Ordinance), Sections 67.5 and 67.21, for failing to respond to a public records request in a timely and/or complete manner. *(attachments)*

(January 26, 2021, the Compliance and Amendments Committee moved to refer the matter back to SOTF with findings that the recordings of the closed sessions exist and that while some of them have been produced to the petitioner, under the justification of Penal Code 832.7, we also find that the records are public under 67.8-1. In addition, the Committee makes no judgement except to report these findings, under the justification of 832.7(a) which the respondent is upholding as justification or withholding the records and that the SOTF should consider Penal Code 832.7(b) as a test if (a) actually applies. On April 26, 2021, the SOTF received a timely request for reconsideration from the Petitioner.)

 - a) Hearing on the complaint. *(Discussion and Action)*
5. **File No. 20123:** Complaint filed by Maya Zubkovskaya against the Department of Emergency Management for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24(d)(2), by failing to disclose certain portions of law enforcement information. *(attachments)*
 - a) Determination of Jurisdiction. *(Discussion and Action)*
 - b) Hearing on the complaint. *(Discussion and Action)*

6. **File No. 20079:** Complaint filed by Shane Anderies against District Attorney's Office and Chesa Boudin for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(e) failing to respond to a records request in a timely and/or complete manner; 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner; 67.26 withholding kept to a minimum and 67.27 failing to provide justification for withholding responsive documents. (*attachments*)
(March 16, 2021, the Complaint Committee found that the SOTF has jurisdiction, the records are public and referred the matter to the SOTF for hearing. In addition, the Committee requested that the Respondent provide information regarding how their search was conducted and what search terms were used. The Committee also requested that the Complainant provide information regarding their rationale, in this specific case, about Attorney Client Privilege and a subsequent response from the Respondent. On May 5, 2021, the SOTF requested that the District Attorney's Office representative verify whether the Signal search was done when originally requested, and if a new search returns responsive messages and that they be turned over.)
- a) Hearing on the complaint. (*Discussion and Action*).
7. **File No. 20134:** Complaint filed by Mark Sullivan against the Office of Economic and Workforce Development 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. (*attachments*)
- a) Determination of Jurisdiction. (*Discussion and Action*)
- b) Hearing on the complaint. (*Discussion and Action*)

8. **File No. 19140:** Complaint filed by Stephen Malloy against the Department of Human Resources for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a request for public records in a timely and/or complete manner. (*attachments*)

(January 26, 2021 Compliance and Amendments Committee moved to return to SOTF with recommendation for escalation due to noncompliance and no representative from DHR present. On March 3, 2021, the SOTF moved to refer the matter to the Ethics Commission for enforcement of the SOTF Order of Determination, requested that the Department of Human Resources produce the requested documents and that the Ethics Commission find a violation of Administrative Code, Sunshine Ordinance Section 67.34 for willful failure to comply. On April 7, 2021, DHR forwarded a response and responsive records to Mr. Malloy. On April 27, 2021 the Compliance and Amendments Committee moved to continue the matter to the Call of the Chair to allow the Committee to seek guidance from SOTF Deputy City Attorney regarding attorney/client privilege, requested that both parties appear at the next scheduled hearing and requested that the Respondent show compliance with the Ordinance.)

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

Part 1 of 3

Part 2 of 3

Part 3 of 3

9. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Compliance and Amendments Committee.** (*Discussion and Action*)
10. **ADJOURNMENT**

The Sunshine Ordinance Task Force was established by [the San Francisco Administrative Code](#), Chapter 67. The purpose of the Task Force is to protect the public's interest in open government and to carry out the duties enumerated in [Chapter 67 of the San Francisco Administrative Code](#). For additional information concerning Sunshine Ordinance Task Force please contact the Task Force by e-mail sotf@sfgov.org or by calling (415) 554-7724.

Agenda Item Information

Each item on the agenda may include the following documents:

- 1) Department or Agency cover letter and/or report;
- 2) Public correspondence;
- 3) Other explanatory documents.

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

Meeting Procedures

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the agenda items. These comments will be made a part of the official public record. Written communications should be submitted to the SOTF at:

1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102.

AGENDA PACKET: Available for review in the Office of the Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, or on the internet at: <http://www.sfbos.org/sunshine>.

AUDIO RECORDINGS: Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at: <http://www.sfbos.org/sunshine>.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Peggy Nevin at (415) 554-5184.

Paunawa: Ang mga kahilingan ay kailangang matanggap sa loob ng 48 oras bago mag miting upang matiyak na matutugunan ang mga hiling. Mangyaring tumawag ka sa (415) 554-5184.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719

Disability Access

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 5R, 6, 7, 7R, 7X, 9, 9R, 19, 21, 47, and 49. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102; phone (415) 554-7724; fax (415) 554-5163; or email sotf@sfgov.org.

Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67 on the Internet at <http://www.sfbos.org/sunshine>.

Cell Phones, Pagers and Similar Sound-Producing Electronic Devices

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (Chapter 67A of the San Francisco Administrative Code).

Ethics Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site www.sfgov.org/ethics

Under Campaign and Governmental Conduct Code, Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision, or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit sfethics.org.