



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

Minutes

REGULAR MEETING

Hearing Room 408

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

June 27, 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 4:34 p.m. On the call of the roll, Chair LaHood and Members Wong and Wolfe were noted present. Also, present were Administrators Leger and Young. A quorum was present.

There were no agenda changes.

2. Approval of the minutes from the April 25, 2023, Compliance and Amendments Committee meeting.

Action: Moved by Chair LaHood, seconded by Member Wolfe, to approve the April 25, 2023, minutes as amended by Member Wong and Mr. Pilpel, including acknowledging the presence of Member Wolfe for the items on the agenda for which he was present.

Public Comment:

David Pilpel provided edits on the minutes.

The motion PASSED by the following vote:

Ayes: 3 - LaHood, Wolfe, Wong

Noes: 0 - None

Chair LaHood called for the approval of the February 21, 2023, minutes as amended at the April 25, 2023, Compliance and Amendments Committee meeting to be added to the agenda for approval at the next committee meeting.

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.

None.

4. **File No. 22014:** Complaint filed by Sergei Severinov against Lt. Lynn Reilly and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(b), by failing to respond to a public records request in a timely and/or complete manner.

Sergei Severinov (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Severinov stated that he received a letter from the Police Department dated December 17, 2022, indicating that certain emails were withheld due to attorney/client privilege and ongoing litigation. The letter also stated that the Police Department refused to conduct a search and/or disclosed at the June 7, 2023, the task Force hearing that there are additional emails that should also have been made public. Mr. Severinov also stated that his request for records is more than one year old.

Lt. William Toomey (Police Department, Respondent), provided a summary of the department's position. Lt. Toomey stated that on June 9, 2023, the Police Department provided body camera footage to Mr. Severinov. Lt. Toomey noted that the Police Department has received many requests for these same records using different emails. Lt. Toomey further stated that the Department has provided 607 documents, including emails and correspondence, however documents between the Police Department and their Deputy City Attorney have been omitted due to attorney/client privilege. Lt. Toomey also confirmed that the materials would be sent to the Petitioner the next day.

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

Action: Moved by Member Wong, seconded by Member Wolfe, to find that the Police Department had complied with the Order of Determination and to close the matter.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – Wong, Wolfe, LaHood

Noes: 0 – None

5. **File No. 22020:** Complaint filed by Sergei Severinov against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(c), by failing to respond to a public records request in a timely and/or complete manner.

Sergei Severinov (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Severinov stated that his children were detained, that his underage daughter was molested, and those are the records he is seeking and he has not received them.

Lt. William Toomey (Police Department, Respondent), provided a summary of the department's position. Lt. Toomey stated that a list of responsive records was provided to the Task Force on June 21, 2023. Lt. Toomey also stated that Mr. Severinov can contact the Department of Emergency Management to get the records they maintain. Lt. Toomey stated that the Police Department provided two documents.

Member Wolfe stated that regarding Section 67.21(c) the Respondent is required to identify records that are within their jurisdiction and suggests that this matter be continued, to engage legal counsel be engaged on the nature of these records and if this matter is within the Task Force's jurisdiction.

Member Wolfe was noted absent at 7:00 PM.

Chair LaHood appreciated that Lt. Toomey has provided everything and given that Mr. Severinov is not satisfied, the Committee needs to consult with their Deputy City Attorney regarding whether any additional forms need to be provided to understand this complaint.

Action: Moved by Chair LaHood, seconded by Member Wong, to continue the matter to the next Compliance and Amendments Committee hearing in August 2023.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - LaHood, Wong

Noes: 0 - None

Absent: 1 - Wolfe

6. **File No. 22010:** Complaint filed by Ron Cicero against the Police Department 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.

Ron Cicero (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Cicero stated that he received an email from Lt. William Toomey indicating that the correct officer to contact is Sgt. Adam Lobsinger. Mr. Cicero also stated that he did not receive a response from Chief William Scott, and he is frustrated. Mr. Cicero noted that he intends to file suit.

Sgt. Adam Lobsinger (Police Department, Respondent), was not present for the hearing and did not notify the Task Force Administrator in advance.

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

Action: Moved by Chair LaHood, seconded by Member Wong, to continue the matter to the Call of the Chair and contact Sgt. Lobsinger as to why the Police Department representative at the hearing.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - LaHood, Wong

Noes: 0 - None

Absent: 1 - Wolfe

The meeting was in recess from 7:21 p.m. until 7:30 p.m.

7. **File No. 23027** Complaint filed by Maria Schulman against the Department of Police Accountability 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; 67.26, by failing to keep withholding to a minimum and 67.27, by failing to provide justification of withholding.

Maria Schulman (Petitioner) was not present for the hearing and did not notify the Task Force Administrator in advance.

Sara Maunder (Department of Police Accountability, Respondent), was present for the hearing.

Action: Moved by Chair LaHood, seconded by Member Wong, to continue the matter to the Call of the Chair.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - LaHood, Wong

Noes: 0 - None

Absent: 1 - Wolfe

David Pilpel suggested calling item 8 before item 7 due to the potential absence of the Petitioner in item 7.

8. **File No. 23033:** Complaint filed by Andrew J. White against the Department of Police Accountability for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner; 67.7(a), by failing to notice the hearing 72 hours in advance; and 67.7(b) by failing to provide meaningful descriptions of agenda items that are sufficiently clear and specific to alert a person of average intelligence.

Andrew J. White (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. White stated that he was denied a case review hearing and a chance to approach and locate the officers related to an incident on July 7, 2018, when he was a victim of misuse of a taser and to locate his hospital records related to this incident and telephone records.

Sara Maunder (Department of Police Accountability, Respondent), provided a summary of the department's position. Ms. Maunder stated that her office does not have those telephone records and that the next option for Mr. White is to request a case hearing and to contact Ms. Calderon for assistance. Ms. Maunder stated that the opportunity for a investigative hearing has passed.

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

Action: Moved by Chair LaHood, seconded by Member Wong, to recommend that the Task Force has no jurisdiction and to forward the matter to the Consent calendar.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - LaHood, Wong

Noes: 0 - None

Absent: 1 - Wolfe

9. **File No. 23019** Complaint filed by Olga Tikhonova against the Planning 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.

Olga Tikhonova (Petitioner) was not present for the hearing and did not notify the Task Force Administrator in advance.

Laura Lynch (Planning Department, Respondent), was present for the hearing.

Action: Moved by Chair LaHood, seconded by Member Wong, to table the matter per Complaint Procedure 7B, without prejudice, and to inform the parties that they have sixty days to request that the matter be re-opened.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - LaHood, Wong

Noes: 0 - None

Absent: 1 - Wolfe

10. Committee members will review Articles I and II of the Sunshine Ordinance and discuss possible amendments to recommend to the full Task Force. Recommendations proposed by members of the public at previous committee meetings will be taken into consideration.

Public Comment:

Allyson Washburn is a former Chair of the Task Force and currently Chair of San Franciscans for Sunshine. Ms. Washburn provided in detail that since 2016 the Task Force should move forward with some of the suggested amendments and correct original drafting errors. Maxine Anderson is a member of the League of Women Voters and is interested in avenues for information. Ms. Anderson stated that as a part of drafting the Ordinance, a central location for scheduling meetings is imperative. David Pilpel stated that he is more interested in the difference that still exists between Charter boards and commissions and other policy bodies as set up in City codes.

Chair LaHood opened the dialogue with possibly changing the Task Force to a Commission.

Allyson Washburn opened the discussion making a pitch for the Sunshine Commission. Also, to consider what a passive meeting body means and what is the responsibility of those at the meeting.

Maxine Anderson agreed with Ms. Washburn and further stated that definitions are imperative so that the public understands their importance and can add transparency to this body.

David Pilpel stated that he has been thinking about this since 2005, still has those edits, and that a lot of those edits still make sense today.

Member Wolfe stated that he thinks going through section by section would be helpful and make it a more robust discussion. Member Wolfe wants to be cognizant of the 2024 ballot and the need to hear it once it is out of the committee.

Chair LaHood and Member Wong noted that technology and holidays continue to change and if recognized by a member of the body, could use more detail.

Public Comment on Sections 67.4, 67.5 and 67.6:

Allyson Washburn thinks that a consistent time and place for meetings is essential and to change the language from 72-hours to three business days so that the public knows when and where to attend the meeting.

Maxine Anderson agrees with everything that has been stated so far.

David Pilpel stated that Section 67.6 regarding meetings can be discussed on another night, as well as what takes place before, during, and after, and the specific requirements that should apply to meetings.

Allyson Washburn suggested that under the definition of policy body, to expand what that means, not just conditions that are mentioned in the Charter.

Maxine Anderson stated the importance of establishing consistency for policy bodies and to have consistency in what makes sense, otherwise the public will be confused as to what kind of framework for policy bodies to follow.

David Pilpel noted that sometimes you can have too much process. Mr. Pilpel noted that benefits and burdens have tradeoffs.

Action: Moved by Chair LaHood, seconded by Member Wong, to continue further discussion on this item to the August 2023 Compliance and Amendments Committee meeting.

Public Comment:

David Pilpel asked about Member Wong’s schedule and supports the motion.

Maxine Anderson suggested that when agendaizing the discussion, to put the way it will be discussed.

The motion PASSED by the following vote:

Ayes: 2 - LaHood, Wong

Noes: 0 - None

Absent: 1 - Wolfe

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

No announcements or comments from the Members.

Public Comment:

None.

No action taken.

12. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:44 p.m.

**APPROVED: February 27, 2024
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.