



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

**MINUTES - DRAFT**

**REMOTE REGULAR MEETING**

**October 26, 2021**  
**4:30 PM**

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

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

Chair LaHood called the meeting to order at 4:35 p.m. On the call of the roll Chair LaHood and Members Neighbors and Wong were noted present. A quorum was present.

There were no agenda changes.

**2. Approval of the August 24, 2021, Compliance and Amendments Committee meeting minutes.**

The Committee discussed the August 24, 2021 Compliance and Amendments Committee minutes.

**Action: Moved by Member Wong, seconded by Chair LaHood, to approve the Minutes of August 24, 2021, with one modification.**

Public Comment:

Peter Warfield, Executive Director Library Users Assn.,  
[libraryusers2004@yahoo.com](mailto:libraryusers2004@yahoo.com); P.O. Box 170544, San Francisco, CA 94117-0544.  
Mr. Warfield stated that it is odd to have references to giving contact information provided where those occur.

Mark Sullivan provided corrections for his comments on items 7 and 8.

**The motion PASSED by the following vote:**

Ayes: 3 - Wong, LaHood, Neighbors

Noes: 0 - None

3. **Approval of the September 28, 2021, Compliance and Amendments Committee meeting minutes.**

The Committee discussed the September 28, 2021, Compliance and Amendments Committee minutes.

**Action: Moved by Member Wong, seconded by Member Neighbors, to approve the Minutes of September 28, 2021, with recommended amendments provided by Anonymoose #3.**

Public Comment:

Mr. Warfield stated that the law requires that you provide minutes detailing what each person says during public comment and that it is important that fair and accurate minutes are provided.

Mark Sullivan apologized for the last comment and suggested that the committee carry public comment like the SOTF.

**The motion PASSED by the following vote:**

Ayes: 3 - Wong, Neighbors, LaHood

Noes: 0 - None

4. **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 provided contact information. Mr. Warfield urged the Committee to be strict with regard to law that can harm members of the public.

Mark Sullivan provided the following written public comment.

“ Passive bodies advisory or ceremonial. The way to determine passive body whether advice goes to policy body allows public comment on forming policy. What process makes policy from their advice? 67.4 (3) “need not provide opportunities comment, person presiding may discretion, entertain comments relevant business” Standing alone ambiguous on discretion applied person or allowing all. Clause not standalove. 67.1 (g) says “person before a policy body or passive meeting body, that person, has the right to open and public process.” Deconstructed. When public comment is allowed person indicates speak, right to open process, dictionary “accessible, available access”. Implies equality. Public process in clause other definition of open exposed, viewable. Open and public process not redundant. Important! 67.1 (g) Logically open and public process equal requirement for policy or passive

body. Person presiding cannot have discretion to a person as would pertain to a policy body is false. Discretion be allowed all persons.”

5. **File No. 19061:** Complaint filed by John Hooper against the Office of Economic and Workforce Development for violating Administrative Code (Sunshine Ordinance), Section 67.21(b), by failing to respond to a public records request in a timely and/or complete manner.

John Hooper (Petitioner) provided a summary of the complaint and expressed interest in closing this case. Mr. Hooper stated that the Office of Economic and Workforce Development, through Hank Heckel, has provided all requested records.

Marianne Thompson (Department of Economic and Workforce Development) (Respondent), provided a summary of the department’s position. Ms. Thompson stated that through Hank Heckel all requested records have been provided to Mr. Hooper.

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

**Action: Moved by Chair LaHood, seconded by Member Neighbors, to close the matter because the Petitioner is satisfied with the records provided.**

Public Comment:

Peter Warfield provided his contact information. Mr. Warfield stated that the Ordinance has time limits and consequences for not meeting those requirements. Mr. Warfield noted that there was a violation found.

David Steinberg stated that Mr. Hooper received duplicate documents from OEWD.

**The motion PASSED by the following vote:**

Ayes: 3 - LaHood, Neighbors, Wong

Noes: 0 - None

6. **File No. 19062:** Complaint filed by John Hooper against Public Works 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.

John Hooper (Petitioner) provided a summary of the complaint and requested the Committee find no violation. Mr. Hooper acknowledged that Mr. Steinberg went to Parks Alliance to request records and that Parks Alliance had no additional records to provide. Mr. Hooper stated that Jonathan Goldberg was the Green Benefits District (GBD) Manager and worked at Public Works.

David Steinberg (Department of Public Works) (Respondent), provided a summary of the department's position. Mr. Steinberg stated that Mr. Hooper is correct that Jonathan Goldberg was employed by Public Works as the GBD Manager and that through him Mr. Steinberg was able to release records to Mr. Hooper.

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

**Action: Moved by Chair LaHood, seconded by Member Wong, to close the matter because the Petitioner is satisfied with their response.**

Public Comment:

Mark Sullivan stated that the Parks Alliance contract is not with Public Works, however the SOTF requested that Mr. Steinberg go to Parks Alliance to retrieve the same records that OEWD received.

Mr. Warfield provided his contact information. Mr. Warfield stated that he is not a party to the complaint. Mr. Warfield agreed with Member Neighbors and the committee has the power and discretion in 67.30 to advise to recommend proposed amendments to the law.

**The motion PASSED by the following vote:**

Ayes: 3 - LaHood, Wong, Neighbors

Noes: 0 - None

7. **File No. 20082:** Complaint filed by Library Users Association against Mary Ghirarduzzi and the Library Commission for violating Administrative Code (Sunshine Ordinance), Section 67.15 by failing to allow participation in public comment during the remote Library Commission meeting of July 9, 2020.

Peter Warfield (Petitioner) provided a summary of the complaint and requested the Committee to monitor the Library Commission's to improve participation during public comment. Mr. Warfield stated that no changes have been made to allow members of the public to make public comment during Library Commission meetings. Mr. Warfield stated that the Library Commission should follow the same protocol as the Sunshine Task Force.

Margot Shaub (Library Commission) (Respondent), provided a summary of the department's position. Ms. Shaub stated that more information has been added to Agendas and introduced Bill Colt, Library IT Department. Ms. Shaub noted that there was no change to the process, just more explicit instructions for calling in to public comment.

Mr. Colt stated at the beginning of the pandemic he worked with the Dept. of Technology who proposed using WebEx as an online meeting platform for public comment at Library Commission hearings due to the ease of participating by phone and best to allow the Commission to conduct its business. Mr. Colt stated that his department worked closely with Ms. Shaub to write comprehensive call-in instructions for people calling in for public Comment. Mr. Colt stated that several tests of the system were conducted and there were no technical issues.

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

**Action: Moved by Member Wong, seconded by Member Neighbors, to continue monitoring the matter until the next Compliance and Amendments Committee and have the emails sent by Ms. Shaub forwarded to the Administrator, Mr. Warfield and the Committee on the status of what they have accomplished and that Mr. Warfield and the Committee are seeking improvements on the announcement of the number of callers in the queue, looking for public commentators to be identified not just by their telephone numbers and requested that the Library Commission establish a help line.**

Public Comment:

Mark Sullivan suggested that the telephone call-in number be posted at the top of the front page of the Agenda and added that the Mayor's Office on Disability weigh in on the changes to assure that they are complying with the Brown Act and Administrative Code 67.13.

**The motion PASSED by the following vote:**

Ayes: 3 - Wong, Neighbors, LaHood

Noes: 0 - None

8. **File No. 21111:** Complaint filed by Karl Kramer against Doug Yakel and the San Francisco Airport Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing respond to a records request in a timely and/or complete manner

Karl Kramer (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Kramer stated that his student intern sent a request for copies of contracts with United and American Airlines and Avis Car Rental and Starbucks. Mr. Kramer stated that American and United Airlines requested additional time to respond to the request. Mr. Kramer stated that his intern sent a follow up request and then on August 25, 2021, his office filed a complaint. Mr. Kramer stated that his intern may have sent the request to the wrong people. Mr. Kramer stated that he just wants the contracts from American and United Airlines.

Doug Yakel (San Francisco Airport) (Respondent), provided a summary of the department's position. Mr. Yakel concurred that the records were not sent in a timely manner. On July 19 in response to the request for records, Mr. Yakel's office sent the requested contracts through a special link. Mr. Yakel stated that if Mr. Kramer still has not received the contracts, he will forward again.

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

**Action: Moved by Member Neighbors, 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 for hearing with the request that the SOTF find a violation for 67.21, timeliness.**

Public Comment:

None

**The motion PASSED by the following vote:**

Ayes: 3 - Neighbors, Wong, LaHood

Noes: 0 - None

9. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Compliance and Amendments Committee.** Chair LaHood stated that all SOTF members are reading through the Agenda and that each one of us can perform well.

Public Comment:

Mark Sullivan stated that the Committee is doing a good job and thanked them for their service.

No actions taken.

10. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:33 p.m.

**APPROVED: DRAFT  
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.