



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

REMOTE REGULAR MEETING

**November 23, 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 4:33 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 October 26, 2020, Compliance and Amendments Committee meeting minutes.

Action: Moved by Chair LaHood, seconded by Member Neighbors, to approve the minutes as amended.

Public Comment:

Peter Warfield, Executive Director Library Users Association, libraryusers2004@yahoo.com; P.O. Box 170544, San Francisco, CA 94117-0544 expressed disappointment in the Minutes.

Anonymous #3 stated that he was not present and the meeting and that Mr. Sullivan's comments were not clear.

David Pilpel stated that in general there needs to be action minutes. Mr. Pilpel noted that some of the points require a brief summary of public comment but is not sure that applies to subcommittees.

Mark Sullivan stated that he provided written public comment for Item 7 of the Complaint Committee minutes.

The motion PASSED by the following vote:

Ayes: 3 - LaHood, Neighbors, Wong

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:

Peter Warfield provided his contact information, commented on the quality of the minutes and stated that minutes are crucial to understanding what is considered lawful.

Mark Sullivan stated that on November 22nd he sent a number of ideas for enforcement and hopes that the Compliance and Amendments Committee reviewed his suggestions.

Anonymous #3 agreed with the two prior speakers. Anonymous #3 stated that minutes become the Orders of Determination which are then forwarded to the District Attorney, the Attorney General. Anonymous #3 stated that it matters what your reasoning is when other bodies use your determinations.

4. **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 a remote Library Commission meeting on July 9, 2020.

Margot Shaub (Public Library) (Respondent), provided a summary of the department's position. Margot Shaub stated there have been no issues with public comment during Library Commission hearings. Ms. Shaub noted that additional directions have been recently instituted to make public comment easier for the general public to understand.

Peter Warfield (Petitioner) provided a summary of the complaint. Mr. Warfield stated that for those with less experience using public comment at Library Commission hearings, changes in the process still need refining. Mr. Warfield noted that no one at the Library Commission asked for his opinion on suggested changes to public comment. Mr. Warfield stated that at the last Library Commission hearing there was a loud buzz which interfered with his ability to make clear public comment. Mr. Warfield stated that there remain issues regarding public comment.

Member Neighbors stated that she attended a Library Commission hearing and understands what Mr. Warfield is referring to with regards to the loud buzzing. Member Neighbors stated that they were impressed with the operator handling the calls ensuring that everyone was able to make public comment and that no one was left in the queue.

Chair LaHood stated that Mr. Warfield is upset about the public comment process and the Committee wants to make certain Mr. Warfield is happy. Chair LaHood stated that Ms. Shaub has resolved some of the issues discussed and there has been compliance. Chair LaHood stated that how the public comment queue is handled and how raised hands are handled is a function of the system. Chair LaHood stated that the Library has taken the necessary steps to modify the process and have made progress.

Action: Moved by Member Wong, seconded by Member Neighbors, to find that the Library Commission has complied with the Order of Determination and closed the file.

Public Comment:

David Pilpel stated that he read in the newspaper that Mary Ghiraduzzi's husband passed away. Mr. Pilpel also noted that his experience with the Library Commission has generally been very good.

Anonymous #3 noted with regards to hand lowering and the reason it happened to Mr. Warfield is because he lowered the hand. Anonymous #3 noted his experience at the Police Commission with raising his hand and that this is not a matter of technology.

Mark Sullivan stated that the buzzing noise Mr. Warfield experienced is because of feedback on the open microphone.

The motion PASSED by the following vote:

Ayes: 3 - Wong, Neighbors, LaHood

Noes: 0 - None

2. File No. 21154: Hearing to review issues related to attorney/client privilege.

Chair LaHood began the discussion by reiterating the importance of attorney/client privilege and the reason the City departments often rely on it. Chair LaHood stated that with regard to enforcement, that individuals cannot waive attorney/client privilege, only the City can. Chair LaHood also noted that when consenting to disclosure, to make certain that information is not withheld because they are covered by attorney/client privilege.

David Pilpel stated that there is no right or wrong answer to this question and the City Attorney needs to follow Ethics rules.

Anonymous #3 agreed with Mr. Pilpel. Anonymous #3 stated that they are not confused about what is attorney/client privilege and work product privilege and has written to the

City Attorney. Anonymous #3 noted that the Good Government Guide does not lead to good judgment in cases.

Mark Sullivan stated that the Courts have not clearly defined attorney/client privilege as to a private client and cited several relevant cases.

Peter Warfield noted appreciation for the looser approach to this topic. Mr. Warfield stated that the attached materials, including the 2009 memo, were too old and he was surprised that there has not been further discussion on this subject.

Public Comment:

Peter Warfield provided his contact information and noted appreciation for everyone's comments and different perspectives.

Anonymous #3 thanked the Committee for having an open discussion on the subject of attorney/client privilege.

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

Public Comment.

Peter Warfield provided his contact information and noted that attorney/client privilege is a good subject to take up in the future.

5. ADJOURNMENT

There being no further business the meeting was adjourned at 7:10 p.m.

**APPROVED: January 25, 2022
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.