



# SUNSHINE ORDINANCE TASK FORCE

## CITY AND COUNTY OF SAN FRANCISCO

### Minutes - Draft

Room 278  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

January 14, 2020 - 4:00 PM

### Special Meeting

Seat 1	Vacant	Seat 7	Rodman Martin
Seat 2	Lila LaHood	Seat 8	Vacant
Seat 3	Josh Wolf- <b>Vice Chair</b>	Seat 9	Chris Hyland
Seat 4	Vacant	Seat 10	Matthew Yankee
Seat 5	Leuwam Tesfai	Seat 11	Fiona Hinze
Seat 6	Bruce Wolfe - <b>Chair</b>		

Ex-officio (*non-voting*) Clerk of the Board of Supervisors or his or her designee

Ex-officio (*non-voting*) Mayor or his or her designee

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

Chair B. Wolfe called the meeting to order at 4:03 PM. On the call of the roll Chair B. Wolfe and Members Yankee, Martin, Tesfai, LaHood, Hyland and Hinze were noted present. Vice Chair J. Wolf and Member Tesfai were noted not present. A quorum was present.

Vice Chair J. Wolf was noted present at 4:12 PM.

#### 2. **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.

Anonymous provided the following public comment:

- Thank you to Mr. Heckel and Mayor's Office who began providing "exact copy" PDFs of emails, including attachments, images, email addresses, and with some headers and metadata. They have begun production of minimal calendar metadata too. Every agency must produce emails in this fashion.
- Verification of every department's records compliance is on-going. The report of this audit will be published in media and sent to the Mayor and SOTF. Congrats to Planning: the only agency with a perfect score.
- Due to wide inconsistency, both legally and practically, seen between agencies, a recommendation to create a Chief Public Information Officer will be proposed to

SOTF, Mayor, and the Board. CPIO would take input from SOTF, City Attorney, and Dept of Technology to create consistent practices for all agencies and provide practical (not legal) advice on how to produce records enforcing the public's right of access in a safe and cost-effective manner.

3. **File No. 20003:** Sunshine Ordinance Task Force Strategic Planning and Orientation.

- Review of 2019

Chair B. Wolfe opened the meeting and stated that he wanted a frank discussion of the past year and that he was open to hearing concerns and issues. Chair B. Wolfe stated that he is required to prepare a report to the Board of Supervisors.

Member Yankee stated that he is concerned about asking that City Boards or Commissions prepare and produce minutes. Member Yankee stated that there needs to be a way to catalogue Orders of Determination.

Member LaHood stated that her concerns include identifying what is and what is not a public record and 12L disclosures for nonprofits.

Deputy City Attorney (DCA) Thoreen stated that in Administrative Code, Sunshine Ordinance 67.5(b) there is a separate provision that pertains to any entity that manages or operates the City's property where there are activities.

Chair B. Wolfe stated that the Bayview Opera House is a 12L matter and that it is not a 67.5(b) relationship. Chair B. Wolfe stated that it is a bit confusing but the SOTF will hear a case regarding the University of California that will directly address those issues.

Member J. Wolf the San Francisco Zoo and the various Museums in San Francisco that do not work directly with the City.

Member Martin referred to the past matters involving the Museum as COFAM and FAM where the Museum stated that there is a shared server and that they cannot separate emails.

Member Hyland asked about having the SOTF meetings televised and if there is any progress on that issue.

Member J. Wolf stated that there is a particular motivation to have SOTF meetings filmed.

Chair B. Wolfe stated that with regard to having the SOTF hearings filmed, the SOTF is scheduled at the same time as the Police Commission creating a conflict.

Member Hyland stated that it might be useful to have a DCA presence at the Complaint Committee hearings to provide advice. Member Hyland stated that he also wanted to see commentary about pieces of the Charter or a ruling that may be useful when searching the database of Orders of Determination.

Chair B. Wolfe stated that he would like to categorize materials to show the past evolution and history of information used when going back to when the SOTF first started.

- Review of Information Technology Committee Hearings

Member Yankee stated that the SOTF should consider accepting metadata as a public record. Member Yankee stated there are issues with redacting information. Member Yankee stated that there were no experts who spoke at the last Information Technology meeting. Member Yankee stated that Anonymous has worked through some of the metadata issues with other Departments. Member Yankee stated that it would be useful for the SOTF DCA to create a memo regarding metadata that can be tweaked as they go along.

Chair B. Wolfe stated that the Information Technology Committee should be a standing committee and not ad hoc.

- Review of Sunshine Ordinance & Robert's Rules

Chair B. Wolfe stated that he includes this item each year the SOTF has an Orientation meeting. Chair B. Wolfe stated that this meeting provides an informal setting to discuss the Rules. Chair B. Wolfe stated that this meeting is to review the discovery process including the jurisdiction coming from other Committees, to hear parties and their witnesses and to get clarification of the issues.

Member Hyland suggested that the Administrator include a short post Committee meeting statement on the Agenda Packet Contents List of the requirements including when it has made certain documents available to the SOTF.

- Review of Committee Charges

Chair B. Wolfe wanted to make sure that each Committee knows what it is required to do.

Chair B. Wolfe stated that the Complaint Committee is set up to review the process of filing complaints. Chair B. Wolfe stated that in the past the Chair's recommendations of the Committee were put into the Orders of Determination and the SOTF was approving those recommendations. Chair B. Wolfe stated that there were numerous complaints from the public regarding this system, so it was decided that process was unethical.

Chair B. Wolfe stated that the Compliance and Amendments Committee only meets when issues arise that would require a review of a matter. Chair B. Wolfe stated that they are in receipt of suggested amendments coming from San Franciscans for Sunshine. Chair B. Wolfe stated that those amendments might be worthwhile to review and possibly get the SOTF to put those suggestions before the Board of Supervisors, go through the legislative process and get approval to

put on the ballot. Chair B. Wolfe stated that there may be items that need to be updated.

Chair B. Wolfe stated that the Education, Outreach and Training Committee is a hard committee because it deals with outside commissions and neighborhood groups where the Sunshine Ordinance is addressed. Chair B. Wolfe stated that this Committee is responsible for availing themselves to educate and speak with neighborhood groups and committees. Chair B. Wolfe stated that he has been called to give advice to several advisory committees. Chair B. Wolfe stated that in the past he has dealt with Department Heads who were unaware that their group was not in compliance with the Sunshine Ordinance.

Member Yankee stated that the Information Technology Committee has met twice in in the last few months but was unable to schedule an expert to provide information on metadata.

Member Hinze stated that the Rules Committee meets when the SOTF sends a request for advice on the By-Laws or the Complaint Procedures or in general when the SOTF has an issue.

- Administrator's Report and Recommendations

The Administrator asked that the SOTF to email suggestions or changes they wish to see in the monthly reports.

- Legal counsel report and recommendations

Deputy City Attorney Peder Thoreen stated that he had seen a couple of themes consistently, one of which is Metadata, that he will preparing in a memo. Mr. Thoreen also stated that the relationship between the City and other entities that are administrative in nature. Mr. Thoreen also stated that the things on his radar are the many complaints coming in that reference metadata from Anonymous.

- New and continuing issues & legislation

There have been no new issues and legislation.

- SOTF Committee assignments

Chair B. Wolfe stated that he would like to see more promotion on what the SOTF does in the community so that the general public knows what the Sunshine Task Force does. Chair B. Wolfe suggested that the members post issues before the Committee and Orders of Determination on social media. Vice-Chair J. Wolf stated that he would like to see a communications person hired for the SOTF to navigate social media. Member Hyland suggested that a student intern be hired to work with the SOTF Administrator. Vice-Chair J. Wolf wanted to know if the Sunshine Task Force want to utilize additional public channels to social media to extend our reach? Chair B. Wolfe confirmed that Leuwam Tesfai would chair the

Education, Outreach and Training Committee since her departure from the Complaints Committee.

4. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force.**

Member LaHood asked which month does the SOTF not meet. Member Hinze stated that the SOTF never has a month off.

5. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:17 p.m.

**APPROVED: Draft  
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.

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](mailto: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

- |    |                                                                                                              |                      |
|----|--------------------------------------------------------------------------------------------------------------|----------------------|
| 1. | Complainant presents his/her facts and evidence                                                              | 5 minutes            |
|    | Other parties of Complainant present facts and evidence                                                      | Up to 3 minutes each |
| 2. | City responds                                                                                                | 5 minutes            |
|    | Other parties of City respond                                                                                | Up to 3 minutes each |
|    | <i>Above total speaking times for Complainant and City to be the same.</i>                                   |                      |
| 3. | Matter is with the Task Force for discussion and questions.                                                  |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal                                                   | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.                                                   |                      |
| 6. | Public comment (Excluding Complainant & City response, witnesses)                                            | Up to 3 minutes each |
| 7. | Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.) |                      |

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](mailto: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](http://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](http://sfethics.org).