



**SUNSHINE ORDINANCE TASK FORCE
CITY AND COUNTY OF SAN FRANCISCO
AGENDA**

**Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

REGULAR MEETING

February 7, 2024 – 4:00 PM

**(NOTE: Hearings on complaints will begin no earlier than 5:00 P.M.)
(See below for additional details.)**

Remote Access and/or In-Person Participation

The Sunshine Ordinance Task Force and its committees convene hybrid meetings that allow in-person attendance, in-person public comment, remote access for petitioners and respondents, and remote public comment via teleconference (via Webex).

Webex Remote Link/Log-in:

<http://tinyurl.com/vz8yytyj>

Password: sunshine

Telephone Call-in:

1 (415) 655-0001 / Meeting ID: 2661 557 9731 # #

(press *3 to enter the speaker line)

Seat 1	Dean Schmidt	Seat 7	Matthew Yankee - Chair
Seat 2	Lila LaHood	Seat 8	Chris Hyland
Seat 3	Saul Sugarman	Seat 9	David Pilpel
Seat 4	Ankita Kumar	Seat 10	Thuan Thao Hill
Seat 5	Maxine Anderson	Seat 11	Bruce Wolfe
Seat 6	Laura Stein - Vice-Chair		

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

Members of the public may participate by phone or may submit their comments by email to: sof@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>.

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 Order of Determination for File No. 21084 (Charles Perkins and Concerned Residents of the Sunset against Phil Ginsburg and the Recreation and Parks Department) and amend the minutes from the Sunshine Ordinance Task Force January 5, 2022 regular meeting.** (*Discussion and Action*) ([attachments](#))
3. **Committee Duties and Membership:** Discuss the duties of each Sunshine Ordinance Task Force Committee and review the Committees' membership. (*Discussion Only; Committee assignments are determined by the Chair pursuant to Article III, Section 2 of the By-Laws and do not require action by the full Task Force.*) ([attachments](#))
4. **Administrator's Report, Complaints and Communications.** (*Discussion and Action*) ([attachments](#))
 - Task Force and Committee tentative hearing schedule with potential adjustments
 - Complaints and Hearing Requests submitted
 - Complaint Committee minutes
5. **Hearing – Attorney/Client Privileged Memorandum:** Hearing to potentially waive attorney/client privilege on all or part of the January 2021 legal advice memorandum referenced in File No. 22052. (*Discussion and Action*) ([attachment](#))
(*On January 3, 2024, the Task Force moved to waive the attorney/client privilege and release the legal advice memo related to File No. 22052 pending communication between the City Attorney's Office and Chair Yankee regarding format and timing of the release.*)
6. **Public Comment:** Members of the public may address the Sunshine Ordinance Task Force (SOTF) on matters that are within SOTF's jurisdiction, but not on today's agenda. **Public comment shall be taken at 5:00 p.m. or as soon thereafter as possible.** (*No Action*)

NOTE: Hearings on complaints and other agenda items listed below will begin no earlier than 5:00 P.M.

7. **CONSENT AGENDA** - The Sunshine Ordinance Task Force shall review **File No. 23016** to affirm the Committee's findings regarding the Sunshine Ordinance Task Force's jurisdiction; violations of the Sunshine Ordinance, Brown Act, or California Public Records Act; and, if applicable, to issue an Order of Determination and refer matters to a Committee for monitoring. The Complainant and Respondent are not required to attend the February 7, 2024 Sunshine Task Force meeting but may attend to provide testimony during the public comment period for this item related to the above-listed determinations. (*Discussion and Action*) (*attachments*)

File No. 23016: Complaint filed by Rosa L. against the Department of Emergency Management 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.

(On April 18, 2023, the Complaint Committee moved to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF Consent Calendar with the recommendation to find that there is a violation of Administrative Code, Sunshine Ordinance, Section 67.21 for failure to respond in a timely and complete manner and refer this case to the Compliance and Amendments Committee to follow up with the Acting Custodian of Record of the Department of Emergency Management on obtaining the remaining records.)

8. **File No. 23098:** Hearing to potentially close Complaint File No. 23098 (Mark Sullivan against the Ethics Commission regarding Sunshine Ordinance Section 67.35(d) Enforcement Provision) due to the petition being outside the scope of matters that the SOTF can hear as a complaint. (*Discussion and Action*) (*attachments*)
9. **File No. 20008:** Complaint filed by Ann Treboux against Dwight Moore and the Office of the City Attorney, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25 and 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (*attachments*)

(On November 21, 2023, the Complaint Committee moved to find that the requested records are public, the SOTF has jurisdiction, and referred the matter to the SOTF with the recommendation to find a violation of Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

On January 3, 2024 the Task Force moved to continue the matter until the February 7, 2024 hearing.)

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

10. **File No. 21128: Hearing Regarding Request for Reconsideration of Complaint:** Complaint filed by Maria Schulman against Mayara Ruski Agosto Sa and the San Francisco Public Utilities Commission (SFPUC) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, 67.26(b) and 67.27, and California Public Records Action, Section 6253(d), by failing to respond to a request for public records in a timely and/or complete manner and failing to provide written justification for withholdings. (*attachments*)

(On April 5, 2023 the Sunshine Task Force Moved by Vice-Chair Wong, seconded by Member Wolfe, to find a violation of Administrative Code, (Sunshine Ordinance), Section(s) 67.26 for not keying by footnote, or other clear reference, and not keeping withholding to a minimum; order that the PUC key their redactions and/or unredact information that does not fall under their justifications for redactions; and to send this case to the Compliance and Amendments Committee for monitoring. On July 25, 2023, the Sunshine Task Force moved to find that the San Francisco Public Utilities Commission violated Administrative Code (Sunshine Ordinance), Section(s) 67.21(e) by failing to comply with the SOTF order within 5 business days and orders that the SFPUC provide an unredacted document regarding San Francisco per capita average of water usage (page 892 of the agenda packet) to the Petitioner and the SOTF Administrator. The SOTF authorized Chair Yankee to review the requested document, verify compliance with the request of the SOTF and close the complaint.

(On August 17, 2023, the Petitioner submitted a timely request for reconsideration.)

- a) Hearing to grant or deny the request for reconsideration. (*Discussion and Action*)

Part 1 of 2

Part 2 of 2

11. **File No. 21140:** Complaint filed by Maria Schulman against the Office of the City Attorney 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. (*attachments*)

(On October 18, 2022 the Complaint Committee moved, to find that the SOTF has jurisdiction, find that the requested records are public and referred the matter to the SOTF for hearing for consideration of CPRA 6253(c) for the time frame of response and consideration of proper withholding of documents.)

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

Part 1 of 3

Part 2 of 3

Part 3 of 3

12. **File No. 22134** Complaint filed by Michael Petrelis against Mayor London Breed 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. *(attachments)*
(On March 21, 2023, the Complaint Committee moved to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing and consideration of a violation of Administrative Code, Sunshine Ordinance Section(s) 67.21 for timeliness.)
- a) Hearing on the complaint. *(Discussion and Action)*
13. **File No. 22135** Complaint filed by Michael Petrelis against Mayor London Breed for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to respond to a public records request for Mayor London Breed's Prop G calendar in a timely and/or complete manner. *(attachments)*
(On March 21, 2023, the Complaint Committee moved to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing and consideration of a violation of Administrative Code, Sunshine Ordinance Section(s) 67.29-5(a) for failing to provide Prop G calendars in a timely manner.)
- a) Hearing on the complaint. *(Discussion and Action)*
14. **File No. 23013(C)** Complaint filed by Chris Ward Kline against Mayor's Office for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, 67.24(b), and 67.25 by failing to respond to a request for public records in a timely and/or complete manner. *(attachments)*
(On March 21, 2023, the Complaint Committee moved to find that the SOTF has jurisdiction, to find that certain public records are involved and forward to the SOTF with the recommendation that the Petitioner clarify which request is at issue in relation to each agency.)
- a) Hearing on the complaint. *(Discussion and Action)*

15. **File No. 23013(D)** Complaint filed by Chris Ward Kline against Department of Emergency Management for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, 67.24(b)(o), and 67.25 by failing to respond to a request for public records in a timely and/or complete manner. (*attachments*)
(On March 21, 2023, the Complaint Committee moved to find that the SOTF has jurisdiction, to find that certain public records are involved and forward to the SOTF with the recommendation that the Petitioner clarify which request is at issue in relation to each agency.)
- a) Hearing on the complaint. (*Discussion and Action*)

Part 1 of 5

Part 2 of 5

Part 3 of 5

Part 4 of 5

Part 5 of 5

16. **Hearing - Update on 2023 Annual Report.**

SOTF members may view all documents and comment on narrative documents online. Members of the public may view all documents and send any comments to Lstein.sotf@gmail.com.

Current documents related to the 2023 Annual Report are publicly available on a shared Google drive at:

https://docs.google.com/document/d/1BjkPyPMxeBeuvVbFbcNg_1hvObB-71KX/edit?usp=sharing&ouid=105519330310899598939&rtpof=true&sd=true

Complaint Resolution Data for 2023 is publicly available on a shared Google drive at:

<https://docs.google.com/spreadsheets/d/1mZIXGEXaTh8PRKToQN0eoOYEwwQtECGi/edit?usp=sharing&ouid=105519330310899598939&rtpof=true&sd=true>

(Discussion Only) (attachments)

17. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force.** (*Discussion and Action*)
(Note: Public Comment on this item is limited to subject matters presented by members of the SOTF.)
18. **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

- | | | |
|----|--|----------------------|
| 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 bos@sfgov.org or call (415) 554-7725.

AVISO EN ESPAÑOL: La solicitud para un traductor debe recibirse antes de mediodía de el Viernes anterior a la reunion. Llame bos@sfgov.org or (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.