



# SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO MINUTES

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

## REGULAR MEETING

February 7, 2024 - 4:00 PM

Seat 1	Dean Schmidt	Seat 7	Matthew Yankee - <b>Chair</b>
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 - <b>Vice-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 Yankee called the meeting to order at 4:10 Mp.m. On the call of the roll Chair Yankee and Members LaHood, Schmidt, Anderson, Sugarman, Hyland were noted present. Vice-Chair Stein and Members Kumar and Pilpel were noted absent. Members Wolfe and Hill appeared remotely. Task Force staff present included Administrator Leger, Administrator Petersen and Administrator Young. Deputy City Attorney Kelly Collins was also present. A quorum was present.

There were no agenda changes.

Public Comment:

Ann Treboux expressed her opposition to statements made by Michael Petrelis.

Peter Warfield, Library Users Association, [libraryusers2004@yahoo.com](mailto:libraryusers2004@yahoo.com), P.O. Box 170544, San Francisco, California, 94117-0544, stated that he appreciates it when people consider requests for 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.**

The Task Force discussed the Ethics referral and amendments.

**Action: Moved by Member Hyland, seconded by Member Anderson, to approve the Order of Determination for File No. 21084 as amended and amend the Minutes as well.**

Public Comment:

Charles Perkins asked why this issue was referred back to the Ethics Commission and doesn't know why it languished.

Peter Warfield, Library Users Association, noted that this issue needs follow through and that it would be worth understanding why it took so long to resolve.

**The Motion PASSED by the following vote.**

Ayes: 8 - Hyland, Anderson, LaHood, Sugarman, Wolfe, Hill, Schmidt, Yankee

Noes: 0 - None

Absent: 3 - Pilpel, Stein, Kumar

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.*)

Chair Yankee provided information on each Task Force Committee and its members. Member LaHood described the work of the Compliance and Amendments Committee. Member Hyland added a synopsis of the Education, Outreach, and Training Committee's work. Member Schmidt presented a description of the work of the Complaint Committee and member contributions.

Public Comment:

Peter Warfield, Library Users Association, noted that he wished that the Complaint Committee would work harder on bringing out the facts of a complaint.

4. **Administrator's Report, Complaints and Communications.**

Task Force Administrator Leger presented the Administrator's Report.

Public Comment:

Mark Sullivan stated and provided the following written public comment:

“Peter Warfield asked for more clarity when providing a report or approving minutes because there needs to show or state the item that is being proposed and what the action is.”

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.

The Task Force discussed the purpose of releasing the advice memo drafted by the City Attorney’s Office dated January 21, 2021 to the public related to the Fine Arts Museums.

Public Comment:

Lee Heidhues stated he was present in January 2024 for the Task Force hearing where Task Force members voted to release the City Attorney memo and is glad this memo is now being resolved.

Peter Warfield, Library Users Association, stated that this is what needs to be clear that when an attorney provides advice, it is up to the Task Force to decide how to proceed.

Member Kumar was noted present at 4:58 p.m.

No action taken.

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.***

Michael Petrelis requested that Task Force meetings be broadcast on SFGovTV and that the Board of Supervisors allocate the funds to do so.

Ann Treboux stated that pursuant to Section 67.14(c) every meeting held at City Hall is public and the city shall post the agenda and minutes on [www.sfgov.org](http://www.sfgov.org).

Peter Warfield, Library Users Association, inquired as to the duties of Task Force committees and commented on the Library Commission’s lack of disclosure of member contact information.

Maria Schulman stated that the previous public commentators made great points, thinks that Michael Petrelis should be on SFGovTV and that transcripts should be provided as well.

Mark Sullivan stated and provided the following written public Comment:

“Sec 67.31 administrators to assist access meetings and records.  
Suggestion: Preload the compliance to a record request that comes in as a complaint. The task force gets a complaint. Assigns file number. Resubmit record

request to the department head asking records for compliance or claims of exemption be sent to both SOTF/ petitioner. Department head also noticed that the complaint could be sent to the Ethics Commission for non-compliance. A willing task force member could be assigned if a request going off rails, Compliance, Education and Complaint Committees can see if the record request was complied with and if the petitioner is satisfied or still wants to pursue a determination for the original complaint or if the complaint should be moved forward to the full task force because issues or Ethics referral. Sequence of immediate action, notice to the department head, and hopefully reduce full SOTF hearings on each complaint.

**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.

**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.

The Task Force discussed the Consent Agenda item.

**Action: Moved by Member Anderson, seconded by Member LaHood, to adopt the recommendation of the Complaint Committee and moved to find a violation of Section 67.21 for failure to respond in a timely and complete manner and to refer the matter to the Compliance and Amendments Committee to follow up with the action of the Custodian of Records for the Department of Emergency Management.**

Public Comment:

Jackie Thornhill of the Department of Emergency Management (Respondent) noted that the Task Force has failed to respond to records requests in the past and identify their priority.

Rosa L. (Petitioner) stated that she sent an email to the Task Force in June 2023 after a Complaint Committee hearing and she wanted to share that she is owed records requested. Rosa L stated she works with the media and is concerned about the lack of responses from the Department of Emergency Management, has two outstanding requests from 2022, that and it is now 2024.

**The Motion PASSED by the following vote.**

Ayes: 9 - Anderson, LaHood, Kumar, Sugarman, Wolfe, Hill, Hyland, Schmidt,  
Yankee

Noes: 0 - None

Absent: 2 - Pilpel, Stein

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 Task Force can hear as a complaint.

Member Schmidt noted that not every case had to have two hearings (committee and Task Force).

Victor Young (Sunshine Ordinance Task Force, Staff) responded to questions from the Task Force.

**Action: Moved by Member Hyland, seconded by Member Wolfe, to not accept the complaint filing.**

Public Comment:

Chris Ward Kline stated he believes the matter should be heard by the Task Force.

Mark Sullivan stated and provided the following written public comment:

“The clerk's office is misrepresenting the complaint and I am not asking for you to be an appeal court. Task force's motion to me of using 67.35(d) waiting 40 days, If the task force wants to send people to court, use 67.35(a) and not 67.35(d). The Ethics Commission did not investigate public access law complaint. They took action as an ethics complaint. Only willful complaints against elected officers and department heads. Advising city bodies ways to implement the Ordinance is in your scope 67.30(c). Whether they take your advice is not in your scope. Better that you agree, disagree or in between Ethics. Ethics has lawyers does not make them right. They are arguing a position. Ethics Sunshine Procedures section 10(B) allows enforcement against any city official or employee, OD comes from task force. Little resemblance Sec 67.35(d) “Any person may institute proceedings for enforcement and penalties under this act”

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

Ayes: 8 - Hyland, Wolfe, Anderson, LaHood, Kumar, Sugarman, Hill, Yankee

Noes: 1 - Schmidt

Absent: 2 - Pilpel, Stein

The meeting was in recess from 6:19 to 6:31 p.m.

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.

Ann Treboux (Petitioner) provided a summary of the complaint and requested the Task Force find a violation. Ms. Treboux stated that she emailed a records request to Dwight Moore of the City Attorney's Office at Dwight [Moore@sfgov.org](mailto:Moore@sfgov.org), which she later learned was the incorrect address. Ms. Treboux also noted that she received records from the Appellate Court in which the Motion to Augment was provided but the amicus brief was not.

Jen Kwart Office of the City Attorney, (Respondent) provided a summary of the department's position. Ms. Kwart stated that her office has not altered any documents. Ms. Kwart stated that Ms. Treboux wanted the city's appellate documents along with several other motions. Ms. Kwart stated that the Appellate brief was filed using True Filing.

**Action: Moved by Member Schmidt, seconded by Member Anderson, to find that the Office of the City Attorney violated Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to produce records in a timely manner and orders that the Motion to Augment dated October 16, 2019 and the Response to the Amicus brief dated November 22, 2019 be produced within five business days. The matter shall be referred to the Compliance and Amendments Committee if the complainant states that they have not received the records.**

Public Comment:

None.

**The Motion PASSED by the following vote.**

Ayes: 10 - Schmidt, Andersen, Hyland, Wolfe, LaHood, Kumar, Sugarman, Hill, Yankee, Pilpel  
Noes: 0 - None  
Absent: 1 - Stein

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.

Member Pilpel was noted present at 7:12 PM.

The Task Force discussed Ms. Schulman’s request for reconsideration.

Maria Schulman (Complainant) stated that witness testimony did not provide new information, however the remarks made by Member Wolfe on April 4, 2021 and the ruling are relevant.

**Action: Moved by Chair Yankee, seconded by Member Hyland, to deny the request for reconsideration.**

Public Comment:

None

**The Motion PASSED by the following vote.**

Ayes: 9 - Yankee, Hyland, Schmidt, Anderson, LaHood, Kumar, Sugarman, Hill,  
Pilpel  
Noes: 1 - Wolfe  
Absent: 1 - Stein

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.

Maria Schulman (Petitioner) was not present for the hearing.

Jen Kwart (City Attorney’s Office, Respondent) was present for the hearing.

**Action: Moved by Member Hill, seconded by Member Wolfe, to dismiss the complaint without prejudice pursuant to Complaint Procedure 7B.**

Public Comment:

None

**The Motion PASSED by the following vote.**

Ayes: 10 - Hill, Wolfe, Yankee, Hyland, Schmidt, Anderson, LaHood, Kumar,  
Sugarman, Pilpel  
Noes: 0 - None  
Absent: 1 - Stein

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.

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Task Force find a violation. Mr. Petrelis stated he believes the problem is the Mayor.

Hank Heckel, (Mayor's Office, Respondent) provided a summary of the department's position. Mr. Heckel stated that the initial request came in on September 26, 2022 for all Prop G calendars of the Mayor between January 21, 2022 through the entire calendar year. Mr. Heckel stated that Mr. Petrelis did not want to narrow the focus of his request, which caused an increase in time to complete. The production of records was completed on December 5, 2022.

**Action: Moved by Member Pilpel, seconded by Member Kumar, to find no violation.**

Public Comment:

None,

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

Ayes: 7 - Pilpel, Kumar, Andersen, Hill, Hyland, LaHood, Sugarman

Noes: 3 - Schmidt, Yankee, Wolfe

Absent: 1 - Stein

The meeting was in recess from 9:18 p.m. to – 9:30 p.m.

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.

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Task Force find a violation. Mr. Petrelis stated that he sent a request for the mayor's calendar and received his responsive records on the following Monday because there is a 3-day requirement that the request for the calendar of the Chief of Staff. Mr. Petrelis' request for the Mayor's calendar was provided within the requirements of Prop G.

Hank Heckel (Mayor's Office, Respondent) provided a summary of the department's position. Mr. Heckel stated that the initial request came in on October 22, 2022 for all Prop G calendars of the Mayor for 10 months and the response was that records would be provided on a rolling basis.



**Action: Moved by Member Andersen, seconded by Member Hill, to find that the Mayor's Office violated Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to provide Prop G calendars in a timely and/or complete manner.**

Public Comment:

Chris Ward Kline stated that printing a calendar takes seconds.

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

Ayes: 10 - Andersen, Hill, Wolfe, Yankee, Hyland, Schmidt, LaHood, Kumar, Sugarman, Pilpel

Noes: 0 - None

Absent: 1 - Stein

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.

Chris Ward Kline (Petitioner) provided a summary of the complaint and requested the Task Force to find a violation. Mr. Kline stated that the City is under constant surveillance and the Federal Bureau of Investigation is reviewing the matter.

Hank Heckel, (Mayor's Office, Respondent), provided a summary of the department's position. Mr. Heckel stated that other departments handle records related to surveillance and that Mayor's Office has no relevant records. Mr. Heckel noted that the Mayor's Office does not have any records pertaining to Mr. Kline.

**Action: Moved by Member Pilpel, seconded by Member Schmidt, to find no violation.**

Public Comment:

None.

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

Ayes: 10 - Pilpel, Schmidt, Andersen, Hill, Wolfe, Yankee, Hyland, LaHood, Kumar, Sugarman

Noes: 0 - None

Absent: 1 - Stein

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.

Chris Ward Kline (Petitioner) provided a summary of the complaint and requested the Task Force to find a violation. Mr. Kline stated he submitted a request for records on January 28, 2023, and he received his records on February 7, 2023.

Jackie Thornhill, (Department of Emergency Management (DEM), Respondent) provided a summary of the department's position. Ms. Thornhill stated that the request was received on September 4, 2022 for electronic indices for main file references. Ms. Thornhill stated that 10 days later her colleague informed Mr. Klein that the response of DEM is that they do not have responsive records. Ms. Thornhill stated that on October 22, 2022, her office received another request for information that asked about surveillance and GPS data. Ms. Thornhill stated that her office responded in a timely manner that they do not have responsive records.

**Action: Moved by Member LaHood, seconded by Member Sugarman, to find no violation.**

Public Comment:

None.

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

Ayes: 10 - LaHood, Sugarman, Pilpel, Schmidt, Andersen, Hill, Wolfe, Yankee, Hyland, Kumar

Noes: 0 - None

Absent: 1 - Stein

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

The Task Force discussed the Annual Report which is currently being drafted by Vice-Chair Stein.

Public Comment:

None.

No action taken.

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

No comments and no action taken.

18. **ADJOURNMENT**

There being no further business the meeting was adjourned at 10:42 p.m.

**APPROVED: March 6, 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.