



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

## REMOTE REGULAR MEETING

March 2, 2022 - 4:00 PM

### Regular Remote Meeting

Seat 1	Dean Schmidt	Seat 7	Matthew Yankee - <b>Vice-Chair</b>
Seat 2	Lila LaHood	Seat 8	Chris Hyland
Seat 3	Vacant	Seat 9	Laurie Jones Neighbors
Seat 4	Jaya Padmanabhan	Seat 10	Vacant
Seat 5	Jennifer Wong	Seat 11	Bruce Wolfe - <b>Chair</b>
Seat 6	Laura Stein		

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 4:05 P.M. On the call of the roll Chair B. Wolfe and Members, Schmidt, LaHood, Wong, Stein, Yankee, Hyland, Neighbors were noted present. Members Wong and Padmanabhan were noted absent. A quorum was present.

There were no agenda changes.

#### 1A. FINDINGS TO ALLOW TELECONFERENCED MEETINGS UNDER CALIFORNIA GOVERNMENT CODE SECTION 54953(e).

The Task Force is expected to consider a motion setting forth findings required under Assembly Bill 361 (AB 361) that would allow the committee to hold the meeting remotely according to the modified Brown Act teleconferencing set forth in AB 361.

Chair Wolfe stated that they received a communication from Deputy City Attorney Price-Wolf that there is a previous communication to not have to do this probably because AB 361 has not been repealed and will require that members participate remotely.

The SOTF noted that every thirty days, the SOTF must have findings for continued meetings of this body, to recognize that the state of emergency will continue to impact the body and as long as local officials continue to recommend

that emergency procedures remain in place. The SOTF is required to approve these findings, or the remote meeting cannot take place.

**Action: Moved by Vice-Chair Yankee, seconded by Member LaHood, to approve the attached motion 1A.**

Public Comment:

None.

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

Ayes: 7 - Yankee, LaHood, B. Wolfe, Neighbors, Stein, Hyland, Schmidt

Noes: 0 - None

Absent: 2 - Wong, Padmanabhan

Member Wong was noted present at 4:15 PM.

2. **Approval of the minutes from the Sunshine Ordinance Task Force January 25, 2022, special meeting.**

The SOTF discussed the draft January 25, 2022, meeting minutes.

**Action: Moved by Member LaHood, seconded by Member Stein to approve the January 25, 2022, SOTF minutes.**

Public Comment:

None

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

Ayes: 8 - LaHood, Stein, Yankee, B. Wolfe, Neighbors, Hyland, Schmidt, Wong

Noes: 0 - None

Absent: 1 - Padmanabhan

3. **Approval of the minutes from the Sunshine Ordinance Task Force February 2, 2022, meeting.**

The SOTF discussed the draft February 2, 2022, meeting minutes and recommended changes.

**Action: Moved by Member Hyland, seconded by Member Wong to approve the February 2, 2022, minutes.**

Member Hyland rescinded their motion.

**Action: Moved by Member Hyland, seconded by Member Wong, to refer to the edits presented by Mr. Hillier regarding item 6, that the comments are substantive actions and postpone this item to the April SOTF meeting and include file no. 20100 and instruct the administrator to listen to the recording.**

Public Comment:

Wynship Hillier provided the following written summary of his public comment. "I ask for postponement of these minutes because substantive changes are required regarding item no. 6 on them. First, Ms. Leger's summary of my presentation badly misrepresents what I said (nonsubstantive). I sent her a 150-word summary of my presentation and ask that it be included. Additionally, Member Stein's motion was to close, not table, the item. Lastly, the motion that had been forwarded from the Oct. 6, 2021, meeting and which was approved included that "no action be taken" on whether the Behavioral Health Commission was a policy body and on the question of holdover service by Commission members. Taking no action finally disposed of these items. It is not the same as not voting on them, and they must appear in the minutes. RONR (12th ed.) 48:4(6)(b)."

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

Ayes: 8 - Hyland, Wong, LaHood, Stein, B. Wolfe, Neighbors, Yankee, Schmidt  
Noes: 0 - None  
Absent: 1 - Padmanabhan

4. **File No. 21085:** Complaint filed by Kevin Carroll, the Hotel Council of San Francisco and Matthew C. Alvarez against Angela Calvillo, Clerk of the Board of Supervisors for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.1 and 67.7 by failing to provide fair and equitable access to members of the public (Board of Supervisors, Budget and Finance June 25, 2021, meeting).

Administrator Young stated that due to the Redistricting Task Force meetings the Clerk of the Board is unavailable and requested that this item be continued until May. Administrator Young stated there is a continuing conflict as all senior management is required to attend that meeting.

**Moved by Member Stein, seconded by Member Neighbors to continue the matter until the May 2022 SOTF**

Kevin Carroll (Complainant) stated he had been waiting since July 2021 to have his case heard and thinks it unfair to postpone the hearing at this time.

Vice-Chair Yankee noted that Wilson Ng's response was timely and agrees with the Petitioner that the SOTF hearing on this matter should take place in April.

Public Comment:

None.

Member Stein withdrew their motion.

**Action: Moved by Vice-Chair Yankee, seconded by Member Neighbors to continue the matter until April and requests that the SOTF Administrator confer with the respondent to find a time slot that would work for both parties.**

Public Comment:

None.

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

Ayes: 8 - Yankee, Neighbors, Hyland, Wong, LaHood, Stein, B. Wolfe, Schmidt

Noes: 0 - None

Absent: 1 - Padmanabhan

The SOTF meeting recessed from 4:50 until 5:00 PM.

5. **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. *(No Action). Public comment shall be taken at 5:00 p.m. or as soon thereafter as possible.*

Wynship Hillier provided the following written summary of his public comment. "At your February 2022 regular meeting, I commented on item no. 2, approval of the minutes for the January regular meeting. I asked that 150-word summaries of my public comments on item nos. 4 and 5 (renumbered from 9), which I had sent to Ms. Leger immediately after the January meeting, be included in the minutes for it. I also asked that the January minutes show item no. 9 in the position in which it was heard during the meeting, which was after item no. 4. The Commission then voted on and approved the minutes as amended by all three of my suggestions. Ms. Leger did not execute on the Task Force's decision. She made only one of the three approved amendments."

6. **File No. 21094:** Complaint filed by William Peters against the Police Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.8-1, 67.21, 67.24(h) and California Government Code, Section 54956.9, by failing to respond to a requested for public records in a timely and/or complete manner (Close Session audio recordings – March 6, 2019).

The Petitioner was not present for the hearing and did not inform the Administrator of their absence.

Respondent, Lt. Stacy Youngblood of the Police Commission, was present.

**Action: Moved by Member Hyland, seconded by Member Wong, to table the matter and close the file and have Section 7 of the Complaint Procedures enforced for purposes of contacting the Petitioner.**

Public Comment:

None.

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

Ayes: 8 - Hyland, Wong, Yankee, Neighbors, LaHood, Stein, B. Wolfe, Schmidt

Noes: 0 - None

Absent: 1 - Padmanabhan

7. **File No. 21101:** Complaint filed by Liza Murawski against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.15 and 67.21, by failing to provide meeting minutes upon request and failing to respond to a public records request in a timely and/or complete manner.

Liza Murawski (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Murawski stated that she requested from the Department of Public Health documentation of public board of directors meetings of Conard House and documentation of RAD conversions for the last seven years without success. Ms. Murawski stated that the information and pdfs received today are outdated materials.

Sophie Tran (Department of Public Health, (DPH)) (Respondent), provided a summary of the department's position. Ms. Tran apologized for not providing the requested records to Ms. Murawski sooner. Ms. Tran stated that a search was conducted for Ms. Murawski's May 27 request and Public Health does not have the responsive records. Ms. Tran stated that on August 2021, Ms. Murawski filed a complaint with SOTF because DPH failed to produce the records as requested. Ms. Tran stated Anne Quaintance of Conard House responded stating that they are a private organization and not under the jurisdiction of Sunshine and that she made a reasonable effort to provide the requested records.

Alex Jackson, Acting Director for Behavioral Health Systems, and is responsible for Conard House, spoke in support of the Respondent. Mr. Jackson said that DPH oversees the clinical services that are on site and contractually provided through Conard. Mr. Jackson said there are a total of 450 clients and not every client receives mental health services. Mr. Jackson stated that there is some confusion with the fact that there is property management associated with each management site and sites that have outpatient mental health services.

Natalie Pojman, Interim Custodian of Records, spoke on behalf of DPH.

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

**Action: Moved by Member Schmidt, seconded by Member Stein, to find no violations of the law and close the file.**

Public Comment:

None.

Member Schmidt amended their motion.

**Action: Moved by Member Schmidt, seconded by Member Stein, moved to find no violations against Conard House or any individual named at the Department of Public Health.**

Public Comment:

Wynship Hillier provided the following written summary of his public comment. "I have no opinion on the motion at hand but wish to comment on a remark by Vice-Chair Yankee that the Sunshine Ordinance does not require policy bodies that are not Charter boards and commissions to publish minutes. While \*S.F. Admin. Code\* § 67.16 is limited to Charter boards and commissions, § 67.5 subjects the meetings of all policy bodies to the Brown Act, and \*Cal. Gov't Code\* § 54953(c)(2) requires that "The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action."

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

Ayes: 8 - Schmidt, Stein Hyland, Wong, Yankee, Neighbors, LaHood, B. Wolfe  
Noes: 0 - None  
Absent: 1 - Padmanabhan

**8. Hearing: Disposition and possible actions on complaints filed by Bob Planthold (deceased).**

Chair Wolfe stated that though Bob Planthold is no longer with us, and because he had complaints in the pipeline, Mr. Planthold would demand that his complaints be heard in his absence.

**Action: Moved by Chair Wolfe, second by Member Schmidt to have Bob Planthold's complaints set for hearing to the call of the Chair.**

Public Comment:

None.

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

Ayes: 8 - B. Wolfe, Schmidt, Stein Hyland, Wong, Yankee, Neighbors, LaHood  
Noes: 0 - None  
Absent: 1 - Padmanabhan

9. **Hearing: SOTF Determination of administrative status on Order of Determination (filed/active) as per Admin Code 67.21 and SOTF Complaint Procedure.**

Chair Wolfe asked does the Order of Determination, as a piece of paper, determine the action or is the action taken at a meeting the determination?

Member Schmidt stated that the Order is a separate entity and it probably does say it is conveyed to the agency. Member Schmidt further noted that when you have a determination, the law says that you give an immediate order. Member Schmidt stated that it doesn't have to be a legal brief but should be in writing and convey it as the clock starts ticking when received.

Deputy City Attorney Price-Wolf provided an analogy in that the court might rule from the bench and maybe five or 10 days later they write an analysis which might flush out the details. Price-Wolf stated when the judge rules from the bench it is the order and the oral order can be detailed enough.

**Action: Moved by Chair Wolfe, seconded by Member Wong, that the SOTF declares that an Order of Determination is active at adjournment of the meeting per Administrative Code, Sunshine Ordinance, Section 67.21(e) and that the Complaint Procedures in Section E reflect that the amendments of that be reviewed by the Complaint Committee as to form and the final language brought back to the April meeting and effective immediately all orders are effective at the closure of the meeting.**

Chair Wolfe rescinded their original motion.

**Action: Moved by Chair Wolfe, seconded by Member Wong, that the SOTF declares that Determinations are effective immediately and that Respondent and Custodian are ordered to comply within five business days from the hearing at which the complaint was heard as per Administrative Code, Sunshine Ordinance, Section 67.21(e) of the meeting, that the written communication of the Determination and the order to comply be sent immediately, the business day following the hearing, that a referral to the Complaint Committee to amend the complaint procedure to (a) reverse sections D and E and (b) that the language reflecting those motions be amended to reflect the motions and return back to the SOTF in April for approval.**

Public Comment:

None.

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

Ayes: 8 - B. Wolfe, Wong, Schmidt, Stein Hyland, Yankee, Neighbors, LaHood  
Noes: 0 - None  
Absent: 1 - Padmanabhan

10. **Hearing: Review of Assembly Bill AB361 and related issues (continuing item).**

Chair Wolfe stated that the SOTF is advised to continue its review of AB361 as per the Notice and if action were warranted it would be to advise the Board of Supervisors, including the Mayor, who are responsible for implementing Sunshine.

**Action: Moved by Member Wong, seconded by Member Schmidt to refer this matter to the Technology Committee for consideration to develop a communication including the suggested points by former SOTF Member Pilpel and other points the Committee deems necessary to be delivered to the pertinent meeting bodies, committees, Board of Supervisors and Mayor and that the recommendation be returned to SOTF in April.**

Public Comment:

None.

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

Ayes: 8 - Wong, Schmidt, B. Wolfe, Stein Hyland, Yankee, Neighbors, LaHood

Noes: 0 - None

Absent: 1 - Padmanabhan

11. **Hearing: Composition of SOTF Agenda Packets - mandatory review of pilot program.**

**Action: Moved by Vice-Chair Yankee, seconded by Member Stein to continue the discussion item on the respondent packet pilot program to the Call of the Chair.**

Public Comment:

None.

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

Ayes: 8 - Wong, Schmidt, B. Wolfe, Stein Hyland, Yankee, Neighbors, LaHood

Noes: 0 - None

Absent: 1 - Padmanabhan



12. **National Sunshine Week (March 13 – 19, 2022).** *(Discussion and Action)*

Member Stein volunteered to create a Twitter account in recognition of National Sunshine Week.

**Action: Moved by Vice-Chair Yankee, seconded by Member LaHood that in commemoration of National Sunshine Week that the SOTF will endeavor to create a Twitter account to post as soon as possible.**

Public Comment:

David Pilpel encourages that whoever manages this account to bear in mind that the Police Department blocked Michael Petrelis' twitter account and cautions to not set up for people to use or misuse in ways that are foreseeable and could come with its own set of issues.

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

Ayes: 8 - Yankee, LaHood, Wong, Schmidt, B. Wolfe, Stein Hyland, Neighbors  
Noes: 0 - None  
Absent: 1 - Padmanabhan

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

Administrator Leger presented the Administrator's Report to the SOTF and responded to questions.

Public Comment:

David Pilpel stated that it looks like there are almost 200 cases pending with 65 pending before the SOTF and at the rate of five cases heard per evening it would take twelve months to get through the backlog. Mr. Pilpel stated he has given up on AB361 memo because it is very dated and hybrid meetings will begin next week.

No action taken.

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

Chair Wolfe and Member LaHood expressed frustration with how Teams was working.

Public Comment.

None.

15. **ADJOURNMENT**

There being no further business the meeting was adjourned at 8:35 pm.

**APPROVED: 4/6/22**

**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.