

Item No. 5

Committee: Sunshine Ordinance Task Force

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<input type="checkbox"/> Complaint	Page: _____
<input type="checkbox"/> Complainant's Supporting Documents	Page: _____
<input type="checkbox"/> Respondent's Supporting Documents	Page: _____
<input type="checkbox"/> Other Documents <i>(Notice of Hearing, Communications, etc.)</i>	Page: _____
<input type="checkbox"/> Public Correspondence	Page: _____

<input checked="" type="checkbox"/>	<u>Amendments to By-Laws and</u>	Page:	<u>2</u>
<input type="checkbox"/>	<u>Complaint Procedures</u>	Page:	<u>          </u>
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Completed By: Cheryl Leger (March 27, 2024)

**SUNSHINE ORDINANCE TASK FORCE**

**Tel:** 415 554-4442  
**Fax:** 415 554-7854  
**TDD/TTY:** 415 554-5227



**City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco 94102-4689**

**NOTICE OF PUBLIC HEARING**

**SUNSHINE ORDINANCE TASK FORCE**

NOTICE IS HEREBY GIVEN THAT the Sunshine Ordinance Task Force will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** April 3, 2024  
**Time:** 4:00 p.m.  
**Location:** Remote Meeting  
**Subject:** Adoption of Amendments to the Sunshine Ordinance Task Force By-Law Amendments (attached).

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the members of the Task Force. Written comments should be addressed to Cheryl Leger, Administrator, Sunshine Ordinance Task Force, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Agenda information relating to this matter will be available for public review by Friday, March 15, 2024.

Cheryl Leger, Assistant Clerk  
Sunshine Ordinance Task Force

## **PROPOSED REVISION TO BYLAWS – FEBRUARY 20, 2024 COMPLAINT CMTE. MTG.**

To accommodate the February 20, 2024 proposed amendment to Complaint procedures, a revision would need to be made to the bylaws.

At ARTICLE VI. COMMITTEES, Section 1, subsections a, b, c, and d, all to include the same added provision in final sentence: “Committee shall schedule priority review for 67.21 claims including where appropriate determinations and orders, and hearings on complaints to review jurisdiction and the merits of the complaint in order to provide recommendations to the Full Task Force.”

## SUNSHINE ORDINANCE TASK FORCE

Tel: 415 554-7724  
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City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
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### City and County of San Francisco Sunshine Ordinance Task Force By-Laws

#### ARTICLE I. NAME, AUTHORITY, PURPOSE, AND CONTACT INFORMATION

**Section 1. Name and Authority.** The Sunshine Ordinance Task Force ("Task Force") was established pursuant to San Francisco Administrative Code (Sunshine Ordinance), Section 67.30 (a).

**Section 2. Purpose.** The Task Force shall protect the public's interest in open government and have the powers and duties enumerated in San Francisco Administrative Code, Chapter 67 (Sunshine Ordinance).

**Section 3. Contact Information:** Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.  
Email Address: [sotf@sfgov.org](mailto:sotf@sfgov.org) Phone: 415-554-7724

#### ARTICLE II. MEMBERSHIP AND ATTENDANCE.

**Section 1. Membership.** The Task Force shall be composed of eleven voting members appointed by the Board of Supervisors pursuant to San Francisco Administrative Code, Section 67.30 (a). In addition, The Mayor or his/her designee and the Clerk of the Board of Supervisors or his/her designee serve as nonvoting members of the Task Force.

**Section 2. Attendance.** Members of the Task Force shall notify the Task Force Administrator and the SOTF Chair if a member is unable to attend a regular meeting of the Task Force. The Task Force Administrator shall notify any member who misses two consecutive or three regular meetings in any twelve-month period of time. If a third consecutive or fourth subsequent absence from a regular meeting occurs in that same twelve-months, the Chair or Vice-Chair (acting in the absence of the Chair) of the Task Force shall notify the Board of Supervisors of the member's lack of attendance.

**Section 3. Holdover.** Members may serve past the expiration of their term until they are replaced.

**Section 4. Parental Leave Policy.** Administrative Code Chapter 67B authorizes members of the Sunshine Ordinance Task Force to take parental leave in certain circumstances. The terms of the

parental leave policy are set forth in Administrative Code Section 67B.1. That section is incorporated by reference into these bylaws. The Task Force Administrator shall provide a copy of Section 67B.1 to each member of the Sunshine Ordinance Task Force when the member assumes office. Any member who intends to take parental leave under this policy must inform the Task Force Administrator and the Chairperson of the Sunshine Ordinance Task Force in writing. To the extent feasible, the member's written notice shall state the beginning and end dates of the leave and whether the member intends to participate in Sunshine Ordinance Task Force meetings remotely during the leave. The notice is not binding on the member and does not limit the member's rights under the parental leave policy, but rather is intended to aid the Task Force Administrator and the Chairperson in planning the work and the meetings of the Sunshine Ordinance Task Force while the member is on parental leave.

### **ARTICLE III. OFFICERS AND DUTIES.**

**Section 1. Officers and Duties.** The Officers of this Task Force shall be a Chair and a Vice Chair.

**Section 2. Duties of the Chair.** The Chair shall preside at meetings of the Task Force. The Chair, working with the Administrator and Task Force members, shall oversee the preparation of the agenda for the Task Force meetings. The Chair shall appoint and may remove the chair and members of committees and shall perform all other duties as prescribed by the Task Force or by these By-Laws which are necessary or incident to the office.

**Section 3. Duties of the Vice Chair.** In the absence or inability of the Chair to act, the Vice Chair shall preside at the meetings and perform the duties of the Chair. In the event of the absence of the Chair and the Vice Chair, the remaining Task Force members shall elect one of the members to act temporarily as Chair.

**Section 4. Terms of Office.** The Officers shall hold offices for one year and until their successors are elected.

**Section 5. Election of Officers.** The officers shall be elected at the first regular meeting of the Task Force held after April 27th of each year, or at a subsequent meeting, the date of which shall be fixed by the Task Force at the first regular meeting after April 27th of each year. If any Task Force office becomes vacant, that office shall be filled at the first meeting after the vacancy occurs.

### **ARTICLE IV. MEETINGS.**

**Section 1. Regular Meetings.** Regular meetings of the Task Force shall be held on the first Wednesday of the month at 4:00 p.m. at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408, San Francisco, California.

**Section 2. Special Meetings.** The Chair or a majority of the members of the Task Force may call special meetings of the Task Force.

**Section 3. Notice of Meetings.** The agendas of all meetings shall be posted on the Task Force web site, at the meeting site, the San Francisco Main Library, Government Information Center and the office of the Task Force. Agendas and notices shall be e-mailed or otherwise provided to each Task Force member.

**Section 4. Cancellation of Meetings.** The Chair may cancel a meeting if ~~they are~~ informed by the Task Force Administrator that a quorum will not be present or for other good cause. Notices of cancellation shall be posted on the Task Force web site, at the meeting site, the San Francisco Main Library, Government Information Center, and the office of the Task Force.

**Section 5. Conduct of Meetings.**

(a) Meetings of the Task Force shall be conducted in compliance with all applicable laws, including but not limited to the Ralph M. Brown Act (Government Code Section 54950 et. seq.), the San Francisco Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and the Task Force's By-Laws. Except where state or local laws or other rules provide to the contrary, meetings shall be governed by Robert's Rules of Order.

(b) When a member of the Task Force desires to address the Task Force, he/she shall seek recognition by addressing the Chair, and when recognized, shall proceed to speak. The member shall confine their comments or remarks to the question before the Task Force.

(c) Sound producing electronic devices shall be silenced during meetings of the Task Force. The Chair may issue a warning to any member of the public whose electronic device disrupts the Task Force meeting. In the event of repeated disruptions caused by pagers, cell phones or any sound producing device, the Chair shall direct the offending member of the public to leave the meeting.

**Section 6. Setting Agendas.** The Task Force Administrator, at the direction of the Chair, shall prepare the agenda for meetings. The agenda for all regular meetings shall contain an item during which Task Force members may request items for the Task Force to consider at future meetings. The Task Force Administrator, at the direction of the Chair, may also include multiple files to be considered as one item, namely the Consent Calendar, which consists of matters routine in nature and not likely to be subject to debate or inquiry by the Members or the public and which will typically be adopted in one motion, such as cases where both parties acknowledge specific violations have taken place and there is no dispute over substantive facts or when the Respondent pleads no contest.

**Section 7. Action at a Meeting; Quorum and Required Vote.** The presence of a majority of the Task Force members (six) shall constitute a quorum. The affirmative vote of a majority of the members of the Task Force (six) shall be required for the approval of all substantive matters. Procedural matters shall require an affirmative vote of a majority of the members present. At committee meetings a quorum shall be a majority of the members of the committee. If a quorum is not present, no official action may be taken, except roll call, recess or adjournment.

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**Section 8. Voting and Abstention.** Task Force members must be present to participate and vote. Each Task Force member present shall vote “Yes” or “No” when a question is posed, unless the member is excused from voting by a motion adopted by a majority of the Task Force members present or the member has a conflict of interest that precludes participation in the discussion and vote. The Task Force shall take action on items by roll call, voice vote or by show of hands. The minutes shall reflect how each Task Force member voted on each question.

**Section 9. Order of Business.** The Task Force may change the order of agenda items at any meeting. The normal order of business at Task Force meetings shall be:

- Call to Order
- Roll Call and Agenda Changes
- Approval of Meeting Minutes
- Consent Calendar
- Administrator’s Report
- General Public Comment (will not be heard until 5:00 PM or later)
- Hearings on the Jurisdiction and Hearings on the merits of Complaints (will not be heard until 5:00 PM or later)
- Committee Reports
- Other Policy Matters
- Future Agenda Items
- Adjournment

**Section 10. Consent Calendar Procedures.** After the Consent Calendar item is introduced by the Administrator, any Member may request one or more individual files be removed from the Consent Calendar and addressed on the same day's agenda as an independent item. The Administrator shall read into the record each item removed from the Consent Calendar. If Consent Calendar items are removed, they will be discussed immediately after adoption of the balance of the Consent Calendar. After an opportunity for public comment is provided, all matters remaining on the Consent Calendar shall be approved by a single action, with such single action to have the effect of individual action on each matter.

### **Section 11. Hearing Procedures for Complaints**

The Task Force shall hold hearings on the merits of complaints pursuant to the following procedure:

1. The Complainant presents his/her facts and evidence. (5 minutes)  
Other parties of Complainant present facts and evidence. (Up to 3 minutes each)
2. The Respondent presents his or her facts and evidence. (5 minutes)  
Other parties of City respond. (Up to 3 minutes each)
3. The complaint is with the Task Force for discussion and questions to parties.
4. Respondent and Complainant present clarification/rebuttal based on Task Force discussions. (3 minutes)
5. The complaint is with the Task Force for motion and deliberation.
6. Public Comment (Excluding Complainant and City response and witnesses.)

7. The Task Force may vote to take one of the following actions:
- a) make a motion to find a violation;
  - b) make a motion to find no violation;
  - c) make a motion to take no further action and close the file.

**Section 12. Public Comment.** Members of the public may comment on each agenda item at the Task Force or committee meeting. The Chair shall permit each person who wishes to speak on an agenda item to be heard once for up to three minutes. Members of the public may address the Task Force on matters within the jurisdiction of the Task Force but not on the agenda once for up to three minutes during general public comment. The Chair shall allot each member of the public the same maximum speaking time at the beginning of each agenda item, excluding persons making presentations requested by the Task Force. The Chair may limit the time permitted for public comment consistent with state and local laws. 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 minutes.

## **ARTICLE V. TASK FORCE RECORDS.**

**Section 1. Minutes.** Minutes shall be taken at all meetings of the Task Force and its committees and shall comply with the provisions of the San Francisco Sunshine Ordinance that apply to Charter boards and commissions. In the event a committee does not meet for a period of six months after its last meeting, the minutes of that meeting shall be agendized at the full Task Force for review and approval.

**Section 2. Public Review File.** The Task Force shall maintain a public review file.

**Section 3. Records Retention Policy.** The Task Force records shall be maintained pursuant to the records retention and destruction policy and scheduled approved by the Board of Supervisors.

**Section 4. Audio Recordings.** The Task Force shall make and retain audio recordings of all meetings of the Task Force and its committees.

## **ARTICLE VI. COMMITTEES.**

**Section 1. Standing Committees.** The Task Force may form standing committees to advise the Task Force on its on-going functions, hold hearings, make recommendations, and perform delegated tasks. The standing committees shall be composed of less than a quorum of members of the Task Force. The Chair of the Task Force shall appoint or remove the Chair and members of the Standing Committees. The Task Force shall establish the following Standing Committees: Rules Committee; Education, Outreach and Training Committee; Complaints Committee; and Compliance & Amendments Committee.

**(a) Rules Committee.** The Rules Committee shall review matters related to amendments to the Task Force by-laws and procedures for Task Force meetings and shall assist the Chair of the Task Force to ensure that all annual objectives enumerated in the Sunshine Ordinance are met by the Task Force. In addition, the Rules Committee shall schedule priority review for 67.21 claims



including where appropriate determinations and orders, and hearings on complaints to review jurisdiction and the merits of the complaint in order to provide recommendations to the Full Task Force.

**(b) Education, Outreach, and Training Committee.** The Education, Outreach and Training Committee may monitor compliance with the Orders of Determination adopted by the Task Force, maintain an ongoing education and training program for City employees and the public, and make recommendations to the Task Force regarding outreach and publicity to the media. In addition, the Education, Outreach and Training Committee shall schedule priority review for 67.21 claims including where appropriate determinations and orders, and hearings on complaints to review jurisdiction and the merits of the complaint in order to provide recommendations to the Full Task Force.

**(c) Complaint Committee.** The Complaint Committee shall monitor the complaint process and make recommendations to the Task Force regarding how the complaints should be handled. The Complaint Committee shall schedule priority review for 67.21 claims including where appropriate determinations and orders, and hearings on complaints to review jurisdiction and the merits of the complaint in order to provide recommendations to the Full Task Force.

**(d) Compliance & Amendments Committee.** The Compliance and Amendments Committee may monitor compliance with the Orders of Determination adopted by the Task Force, monitor changes in state law and court decisions affecting access to public meetings and records, and make recommendations to the Task Force regarding amendments to the Sunshine Ordinance. In addition, the Compliance and Amendments Committee shall schedule priority review for 67.21 claims including where appropriate determinations and orders, and hearings on complaints to review jurisdiction and the merits of the complaint in order to provide recommendations to the Full Task Force.

**Section 2. Special or Ad Hoc Committees.** Upon approval by a majority of the members of the Task Force, the Task Force may form special or ad hoc committees. Special committees shall be formed for a specific purpose and cease to exist after completion of a designated task. Special committees may be composed of members of the Task Force and may include members of the public, city officials or city employees as well.

## **ARTICLE VII. AMENDMENT TO THE BY-LAWS**

The Task Force may amend these by-laws at the next meeting held at least 14 calendar days after an initial meeting at which the proposed amendments were presented. A notice of intent to amend the bylaws shall be posted at the same location as other Task Force notices before the proposed amendments may be adopted.

Adopted 8/22/2000

Amended 8/27/2002

Amended 3/25/2008

Amended 4/28/2009

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Amended 4/26/2011  
Amended 12/5/2012  
Amended 4/1/2015  
Amended 12/6/2017  
Amended 1/2/2019  
Amended 6/5/2019  
Amended 7/16/2019  
Amended 8/7/2019  
Amended 6/1/2022  
Amended 10/5/2022  
Amended 11/2/22

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## **San Francisco Sunshine Ordinance Task Force (SOTF)**

### **COMPLAINT PROCEDURES**

This document explains how to bring a complaint to the SOTF, how to present and support your complaint, and the process the SOTF follows to consider and resolve your complaint. The SOTF exists to help the public gain access to public records and meetings. We will work with you to resolve your complaint informally, and if necessary to formally schedule your complaint for a hearing before the full task force.

#### **A. STEP 1: CONTACT SOTF ABOUT RESOLVING YOUR REQUEST**

1. If you believe you have been improperly denied access to public records or public meetings, you may contact the SOTF Administrator to discuss the issue. The Administrator will attempt to resolve the issue by mediating with the appropriate City or County agency. You may contact the Administrator by phone at 415-554-7724, by email at [sotf@sfgov.org](mailto:sotf@sfgov.org) or in person at Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683

2. If unable to reach a resolution, the Administrator will advise you of your right to file a petition with the Supervisor of Records (the City Attorney's Office) and to file a formal complaint with the SOTF.

#### **B. STEP 2: FILE A COMPLAINT WITH THE SOTF**

1. If the Administrator is not able to obtain an informal resolution, you may submit a complaint form or letter to the SOTF.

2. Carefully review the recommendations below on how to present your complaint. To present an effective complaint, the SOTF strongly recommends that you include the following:

- The name of the City or County agency, department or governmental body which is the object of your complaint.
- The person(s) who handled your request at that agency (example: John Smith at the Police Department).
- A clear and concise description of what occurred. This description may include what documents were requested, what response was received, the dates of the request and response, and other pertinent information.
- A clear and concise description of how public records and/or public meeting laws were violated. Include references to the relevant sections of the law whenever possible.

For example, if you believe records were not provided in a timely fashion, state that they were not provided within the 10 days required and cite the applicable section of the law if you know it (example: Sunshine Ordinance, Section 67.21(a)).

- Documentation that directly supports or shows that the alleged violations occurred (example: your dated request for information and an agency's dated response). Choose your documentation carefully and avoid supplementary material that does not clearly address whether public records and meetings laws were violated. Good documentation is critical to presenting your case effectively. Please submit only 1 copy of each supporting document, including email exchanges.
- Information on how we can best contact you by email, phone, and surface mail. If you want to remain anonymous, you should list "Anonymous" as your name, use alternate anonymous contact information, and ensure that your submissions do not include information that might reveal your identity. We will not accept the use of alias or alternative names on complaints, and we do not redact or edit submissions. All submissions are public records open to public review. It is your responsibility to protect your confidential personal information.

3. SOTF will work with you to ensure that you present the strongest possible case. However, if your case lacks basic information necessary to make a reasoned determination, we may decline to consider your case.

4. Once we receive your complaint, we will send the named respondent written notice via email of the complaint and a request for response within 5 business days. If a current email address for a respondent is not known, the notice shall be sent to the head of their department or agency, or to the public body of which they are/were a member. Failure to respond to a SOTF complaint or to provide the requested documents may lead to a determination that the City or County agency violated the Sunshine Ordinance.

### **C. SOTF PUBLIC HEARING PROCEDURE**

1A. Priority Handling of 67.21 Petitions: Petitions that assert violations of S.F. Admin. Code sec. 67.21(b) shall be designated for priority handling and assigned upon receipt immediately to a complaints calendar in a committee, to effect compliance with S.F. Admin. Code sec. 67.21(e) time requirements. The committee shall be informed of the date of the applicable 45-day deadline mandated by section 67.21(e). The Petitioner and Respondent shall be required to attend when the Committee reviews the petition.

The Committee shall review all Section 67.21(b) claims and assign for hearing before the full Task Force on a hearing date prior to the applicable 45-day limit. The Committee shall review to 1) ascertain if the SOTF has jurisdiction and the records are public and if the complaint is new or duplicates a previous complaint by the same complainant; 2) review the merits of the

complaint; and/or 3) issue a report and/or recommendation to the SOTF. In cases of any violations of Section 67.21(b) the Committee shall submit a proposed determination and order to be placed on the following month's Task Force meeting consent calendar. Any Section 21(b) claim the Committee does not forward to the consent calendar shall be scheduled for final consideration at the next SOTF meeting per 21(e). The Committee shall instruct the parties to provide any further supplemental information that might inform the full SOTF's determinations and orders and clarify significant legal issues.

This priority process will not alter the process for deciding other kinds of petitions/complaints as set forth below at 1B.

1B. Committee Hearing Schedule (other than Priority 67.21 Petitions): At the discretion of the Chair, all other complaints will be referred to the next available Committee to conduct a hearing to 1) determine if the SOTF has jurisdiction and if the complaint is new or duplicates a previous complaint by the same complainant; 2) review the merits of the complaint; and/or 3) issue a report and/or recommendation to the SOTF. The Complainant and Respondent are required to attend the Committee hearing to review the complaint.

2. All members of the SOTF are responsible for being familiar with the complaint issues prior to the committee hearing the SOTF Deputy City Attorney or the SOTF Administrator, may prepare upon request by the SOTF, a memorandum to assist the SOTF in understanding the issues.

3. The Administrator shall advise the complainant and the affected department/agency of the date, time, and location of the Committee and/or Full Task Force meetings at which the complaint will be discussed. The Administrator shall inform both parties of the deadline to submit any supporting documentation. Both parties shall be held to the stated deadline: five working days before the hearing.

4. Upon receipt of the referral/recommendation from its Committees, the SOTF shall conduct a public hearing. Members of the public who attend meetings of the Sunshine Ordinance Task Force are expected to behave responsibly and respectfully. 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. This provision supplements the rules and policies adopted by City Hall, the Sheriff's Office, or the Board of Supervisors related to decorum, prohibited conduct or activities, noise, etc. and is not meant to be exhaustive.

5. After hearing all testimonies, the SOTF shall determine if violations of the Sunshine Ordinance have occurred and/or provide other directives as needed. Orders stated at the conclusion of the SOTF complaint hearing are effective immediately and compliance is required within 5 business days of the hearing. The task force will also notify the parties by email of their orders on the business day following the hearing. A memorandum summarizing the

reasoning behind the decision and order may be issued by the Task Force at a later date.

#### 6. Documentation:

To ensure that the SOTF can review documentation prior to meeting, it is requested that supporting documentation be provided at least five working days prior to the hearing date to both the Task Force and the opposing party (Respondent or Complainant). Any documents or other evidence provided less than five days prior to the meeting may not be reviewed or may not be allowed as evidence.

(If documents are provided less than five working days prior to the hearing, the complaint hearing may be continued unless the opposing party agrees to allow the late acceptance of the new evidence. The Task Force reserves the right to determine if any late submission of documents will have an impact on the complaint hearings and to take actions as needed.)

#### 7. Attendance and Requirements for the Complainant and Respondent:

(a) Unless otherwise provided in these procedures the Complainant and the Respondent are required to attend the hearings regarding complaints. However, at the discretion of the SOTF or its Committees, accommodations may be made in response to special circumstances or requests made by the Complainant and/or the Respondent.

(b) If the Complainant fails to appear at a SOTF or Committee hearing regarding their complaint without prior communication the matter may be filed and dismissed without prejudice. Complaints dismissed without prejudice are considered closed and no further actions are to be taken. The Complainant shall be notified of the action and may request that their complaint be reopened in writing if requested within 60 days. The Complainant may also refile the complaint on a future date. The SOTF or its Chairperson shall determine if the complaint shall be reopened.

(c) Complainant may authorize a knowledgeable person to represent them at SOTF hearings. The signed letter authorizing a representative must be submitted with the following information: File No. and statement that the third party is authorized to represent the complainant. The SOTF reserves the right to verify information as needed.

(d) After an initial in-person appearance, the Complainant may authorize the SOTF to proceed with the hearing in absentia on the complaint without the Complainant's presence at the hearing. The only information that will be considered from the Complainant will be the submitted written documents or information provided at prior hearings. Complainant waives their rights to provide testimony if they authorize the SOTF to proceed without their attendance.

## 8. Continuances:

(a) A complainant may waive the 45-day rule and request a continuance. If the request is received five business days in advance of the scheduled hearing it shall be granted. For requests submitted less than five business days in advance or for requests for subsequent continuances, the request may be granted by a simple majority vote of the members present.

(b) If a respondent submits a request for continuance at least five business days in advance, upon agreement of the complainant the continuance shall be granted. If the complainant does not agree to the continuance, the request for continuance is not made within five business days, or the respondent is requesting a subsequent continuance, such continuance shall be granted by a simple majority vote of the members present.

(c) In order to provide determinations in a timely manner the SOTF will schedule complaints for hearing as soon as possible at the discretion of the Chair. If the Complainant is unable or refuses to attend a scheduled hearing on a specific date within 120 days, the SOTF may schedule a hearing to consider taking no further action and to close the file due to inactivity.

(d) It shall be the policy to grant continuances if requested by the Complainant for the first time. The SOTF Chair and their designee is authorized to grant a first-time continuance request at their discretion. Further continuances are at the discretion of the Chair.

## 9. Administrator's Authority to Table/Close Files:

At the discretion of the Task Force Administrator, complaint hearings may be delayed or scheduled before the SOTF for hearing to consider tabling the matter if the Complainant is unresponsive to communication attempts.

After six months have elapsed and at the discretion of the Administrator, the Administrator may inform the Complainant that complaint files will be closed unless they provide confirmation of intent to attend a hearing on a specific date.

The Complainant will be notified of the intent to table/close complaint files and the matter will be scheduled before the SOTF for consideration of tabling/closing the complaint due to inactivity.

## 10. Combining Petitions/Complaints

The Complaint Committee or other Committee authorized to process complaints shall review and determine whether or not to combine complaints for a single hearing prior to scheduling before the Task Force. However, at the Task Force hearing, members may request that certain items/complaints be severed and heard separately. If a complaint is severed at the time of hearing, the parties, with approval of the Task Force, may request a continuance of the severed

item.

The following criteria shall be used to determine if complaints should be combined for hearing purposes:

- Same nucleus of facts
- Same Complainant and Respondent
- Same Complaint and/or Administrative Codes Section in question
- Issues or violations must be within 90 days of submission of the initial complaint

11. Limiting the number of complaints per Petitioner/Complainant to be schedule at each meeting

The SOTF and its Committees shall limit each Petitioner/Complainant to a maximum of two (2) complaints per meeting. The Chair of the SOTF or its Committees may exceed the maximum number of complaints per Petitioner/Complainant per meeting at their discretion.

#### **D. DEPARTMENT TO COMPLY WITH SOTF ORDER**

1. If a public records violation is found, the custodian of records shall be ordered to provide the record to the complainant within five business days after the hearing at which the orders were announced. The Administrator will also send notice of any orders to the complainant and the respondent on the business day following a complaint hearing. The SOTF may also request that the Compliance and Amendments or another SOTF Committee monitor and review whether a department has complied with SOTF's orders.

2. If there is a failure to comply, a SOTF Committee of the SOTF may recommend that the SOTF notify the District Attorney, the California Attorney General, the Board of Supervisors and/or the Ethics Commission, who may take measures they deem necessary to ensure compliance with the Ordinance. A copy of the order shall be included with any such notification.

3. If appropriate, the respondent and complainant shall be sent a notice that the District Attorney, California Attorney General, Board of Supervisors and Ethics Commission have been contacted, and of the complainant's independent right to pursue the issue in court.

#### **E. REQUEST FOR RECONSIDERATION OF TASK FORCE FINDINGS**

1. The petitioner or respondent may submit a request for reconsideration of any SOTF order within 30 days only in cases where new and pertinent information becomes available. The petitioning party must provide the new information, new supporting documents, and a written explanation of why or how this new information should change the SOTF's determination. The petitioning party must also certify that the new information and new supporting documents were not available at the time of the original complaint. The SOTF will accept no more than one



request for reconsideration from each party for any given complaint. A request for reconsideration is not an appeal or a rehearing of the entire case; it addresses only whether the new information is pertinent to the outcome.

2. The SOTF or one of its committees shall consider a request for reconsideration at its next available meeting to determine whether the information and supporting materials are new, and whether they warrant a reconsideration of the outcome of the complaint.

3. The Reconsideration Hearing Procedure:

(a) If the request for reconsideration is granted, we will reopen the complaint and schedule it for the next available hearing before the SOTF in order to consider the new information exclusively.

(b) The SOTF's previous vote to find violation shall be considered rescinded with a vote pending action.

(c) The requester of the reconsideration shall be provided five (5) minutes to provide testimony as to how the new information provided will affect the decision of the SOTF.

(d) The opposing parties will be provided five (5) minutes to provide testimony regarding the new information provided. NOTE: Testimony should be limited to the submitted new information.

(e) The SOTF may perform one of the following actions based upon the new information submitted by the petitioner:

(i) Move to revote on the original motion without changes

(ii) Move to substitute a motion with a different action (f) Accept public comment on the motion

(g) SOTF votes on the motion

(h) If the actions of the SOTF changes, a Revised Order of Determination will be issued. An additional Orders of Determination will not be issued by the SOTF if their decision is unchanged.

## **F. DOCUMENTATION AND INFORMATION REGARDING INDIVIDUAL COMPLAINTS**

The Administrator shall keep a file of all documents and a log of all petitions filed with the SOTF, including the dates of each petition, the department/agency against which it was made, the nature of the complaint and its status. This file shall be in compliance with its records and retention schedule.

## **G. CORRESPONDENCE**

1. Communications and/or written arguments to the SOTF or its individual members regarding open SOTF complaints shall be placed into the complaint file and distributed to complainants, respondents, the public, and members of the SOTF as part of the agenda packet material upon scheduling for hearing.
2. New complaint filings, general communications to the SOTF, and communications in which the SOTF was copied will be logged and listed in Administrator's Report for review at the regularly scheduled meeting of the SOTF.
3. If so requested and at the discretion of the Chair of the SOTF and/or his/her designee, communications not related to an open complaint will be included in the Administrator's Report for the SOTF's review; and/or forwarded to the members of the SOTF.
4. It is the preference of the members of the SOTF to limit forwarded communications as the SOTF cannot discuss requests or take actions outside of a noticed public hearing. Requests for communications to be immediately forwarded to the members of the SOTF must specifically be stated on the request.

#### **H. MISCELLANEOUS**

The Chair of the SOTF and his/her designee has the authority to take actions on any issues not directly addressed by the By-Laws or Complaint Procedures.

#### **Addendum Complaint Procedure Summary**

You may fill out a complaint form or access a form online at [sfgov.org/site/sunshine](http://sfgov.org/site/sunshine), or you may send a letter by U.S. mail or e-mail filing a formal complaint. File the complaint with the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Pl., Room 244, San Francisco, CA 94102-4689; or you may submit it by fax to (415) 554-5163 or e-mail to [sotf@sfgov.org](mailto:sotf@sfgov.org).

The SOTF staff, upon review of the complaint for completeness, shall refer the complaint to the Respondent who has five days to respond to the complaint.

The complaint shall be scheduled for a hearing before the SOTF or its Committee. Both parties shall be notified of the scheduled hearing date.

Additional supporting documents may be submitted but must be received five working days prior to the hearing date in order to be included in the packet material.

At the Committee hearing, the Committee shall: a) determine jurisdiction; b) review the merits of the complaint; and c) refer the matter with recommendations to the SOTF.

At the SOTF hearing, the SOTF will review the recommendation of its Committee and conduct a

hearing on the merits of the complaint.

If the SOTF determines any violations occurred, the custodian will be ordered to comply at the conclusion of the hearing and a written notice provided to all parties by email the following business day. At the discretion of the Chair the matter may be referred to Committee for following up on directives and/or compliance.

If a motion to find violations fails or if no motion is made, no violation is found and the matter is closed and essentially dismissed. The maker of the motion may vote against their own motion but cannot speak against it.

If needed the SOTF can refer the complaint to the Ethics Commission and/or the Board of Supervisor for enforcement proceedings.

For further information, contact the Sunshine Ordinance Task Force Administrator, at (415) 554-7724.