



City and County of San Francisco

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

Meeting Minutes - DRAFT

Sunshine Ordinance Task Force

Members:

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	Vacant
Seat 5	Maxine Anderson	Seat 11	Bruce Wolfe
Seat 6	Laura Stein – Vice-Chair		
Ex-officio	<i>(non-voting)</i> Clerk of the Board of Supervisors or his or her designee		
Ex-officio	<i>(non-voting)</i> Mayor or his or her designee		

Clerk: Cheryl Leger
(415) 554-4442 ~ Cheryl.Leger@sfgov.org

Wednesday, May 1, 2024

4:00 pm
Regular Meeting

City Hall, Room 408

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

Chair Yankee called the meeting to order at 4:05 p.m. On the call of the roll, Chair Yankee, and Members Schmidt, Wolfe, Anderson, Hyland, LaHood, and Kumar were noted present. Member Wolfe appeared remotely. Vice-Chair Stein and Members Pilpel and Sugarman were noted absent. Deputy City Attorney Adam Shapiro was present. A quorum was present.

Public Comment:

Peter Warfield, Library Users Association, libraryusers2004@yahoo.com, P.O. Box 170544, San Francisco, California, 94117-0544 expressed frustration regarding the Task Force agenda being temporarily unavailable Monday April 29, 2024. Mr. Warfield also stated that his Order of Determination was unavailable on the website.

Chair Yankee spoke about the issue of the agenda not being online due to technical difficulties that were addressed.

No action taken.

2. **Approval of the minutes from the Sunshine Ordinance Task Force Meeting of March 6, 2024.**

The Task Force discussed March 6, 2024 minutes.

Action: Moved by Member Anderson, second by Member LaHood, to approve the March 6, 2024 meeting minutes.

Public Comment:

Peter Warfield stated the importance of providing contact information so that members of the public may approach each other. Mr. Warfield also addressed his frustration that the minutes do not provide both an oral public comment and their associated written comments together in the Minutes.

The motion PASSED by the following vote:

Ayes: 7 - Anderson, LaHood, Hyland, Wolfe, Schmidt, Yankee, Kumar

Noes: 0 - None

Absent: 3 - Pilpel, Sugarman, Stein

3. **Approval of the minutes from the Sunshine Ordinance Task Force Meeting of April 3, 2024.**

The Task Force discussed April 3, 2024 minutes.

Action: Moved by Member LaHood, seconded Member Wolfe to continue the minutes to the call of the Chair.

Public Comment:

Peter Warfield expressed displeasure with the April minutes.

The motion PASSED by the following vote:

Ayes: 7 - LaHood, Wolfe, Anderson, Hyland, Schmidt, Yankee, Kumar

Noes: 0 - None

Absent: 3 - Pilpel, Sugarman, Stein

4. **Approval of Orders of Determination:**

From the February 7, 2024, Sunshine Task Force meeting:

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

File No. 22134 - Complaint filed by Michael Petrelis against Mayor London Breed

File No. 22135 - Complaint filed by Michael Petrelis against Mayor London Breed

File No. 23013(C) - Complaint filed by Chris Ward Kline against the Mayor’s Office

File No. 23013(D) - Complaint filed by Chris Ward Kline against the Department of Emergency Management

File No. 23098 - Complaint filed by Mark Sullivan against the Ethics Commission

From the March 6, 2024, Sunshine Task Force meeting:

File No. 21125 - Complaint filed by Liza Murawski against the Department of Public Health

File No. 22129 - Complaint filed by HVSafe against the Police Department

File No. 24003 - Complaint filed by Anonymous (ACU) v. Fine Arts Museums

File No. 23020 and 23036 - Complaint filed by Paul Kniha against the Municipal Transportation Agency

File No. 23024 - Complaint filed by Paul Kniha against the Municipal Transportation Agency

File No. 23033 - Complaint filed by Andrew J. White against the Department of Police Accountability

From April 3, 2024 Sunshine Task Force meeting:

File No. 23034 - Complaint filed by Library Users Assn. against Margot Shaub, Michael Lambert, and the San Francisco Public Library

The Task Force discussed the Orders of Determination.

Action: Moved by Chair Yankee, seconded by Member LaHood, to approve all the Orders of Determination except to remove File No. 23098, and to continue File Nos. 21125/22125 and 23034 to the call of the Chair.

Public Comment:

Peter Warfield stated that when he hovered over the agenda, his Order of Determination 23034 was not linked.

The motion PASSED by the following vote:

Ayes: 7 - Yankee, LaHood, Wolfe, Anderson, Hyland, Schmidt, Kumar

Noes: 0 - None

Absent: 3 - Pilpel, Sugarman, Stein

5. **Election of Sunshine Ordinance Task Force Officers pursuant to Article III, Section 5 of the By-Laws.**

Action: Moved by Member Hyland, seconded by Member Anderson, to continue this item until after the Board of Supervisors makes their appointments or reappointments to the Task Force.

Member Wolfe noted that the Board of Supervisors often does not make appointments to all SOTF seats at the same time.

Member Hyland, with agreement of Member Anderson, rescinded his motion.

Chair Yankee noted that Vice-Chair Stein had communicated to him that she would accept a nomination for Vice-Chair in her absence.

- a) Nominations and election of Chair.

Action: Moved by Member Hyland, seconded by Member LaHood, to nominate and elect Matthew Yankee for the position of Chair.

Public Comment:

Peter Warfield stated he had hoped to see other nominations and hear speeches on what they had accomplished but didn't disagree with nominator's statements.

The motion PASSED by the following vote:

Ayes: 7 - Hyland, LaHood, Yankee, Wolfe, Anderson, Schmidt, Kumar
Noes: 0 - None
Absent: 3 - Pilpel, Sugarman, Stein

- b) Nominations and election of Vice-Chair.

Action: Moved by Member Schmidt, seconded by Member Anderson, to nominate and elect Laura Stein for the position of Vice-Chair.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 – Schmidt, Anderson, LaHood, Hyland, Yankee, Wolfe, Kumar
Noes: 0 – None
Absent: 3 – Pilpel, Sugarman, Stein

Member Wolfe was noted absent at 5:02 PM.

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

Administrator Leger presented the Report and responded to questions. The Task Force noted that the July 3, 2024 SOTF hearing may have to be cancelled due to the holiday and resulting in a possible lack of quorum. The Task Force asked the Administrator to research available hearing rooms for a Special meeting in July.

Member Kumar will fill in for Member Hyland at the Education, Outreach and Training Committee meeting on May 28, 2024 and will permanently join the Complaint Committee starting in June.

Public Comment:

None.

No action taken.

7. **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)*

Peter Warfield noted that in his opinion the Orders of Determination are opaque regarding what is happening, whether there was a violation or not and also lacked basic information.

A recess was taken from 5:15 PM until 5:26 PM.

8. **File No. 23007** Complaint filed by Pic Van Cleef against Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.7-1(c) for failing to properly notice a public notice; for failure to inform the residents of the proposal, the length of time planned for the activity and the effect of the proposal or activity and by failing to state that persons who are unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing, that these comments will be made a part of the official public record.

Pic Van Cleef (Petitioner) provided a summary of the complaint and requested the Task Force to find violations. Mr. Van Cleef stated that only the front of the Notice, not the backside, was in public view and there had been no canvassing in the neighborhood regarding this. Mr. Van Cleef stated that on the back side of the Notice, which was not displayed, included information on the meeting and who to contact. Mr. Van Cleef also noted that many of the citizens were not familiar with the term cannabis and did not understand that the store opening was for the sale and distribution of marijuana. Mr. Van Cleef stated that many citizens in his neighborhood speak fluent Spanish or Chinese and their streets were not canvassed, and notification was not provided in their native languages.

Jonas Ionin (Planning Department) provided a summary of the department’s position. Mr. Ionin stated that Notices were mailed, telephone numbers were provided on the Notices and people could call in their native language to get information. Mr. Ionin stated that the back side of Notices are usually not posted and have had no issues in the past. Mr. Ionin said the requirements of the Ordinance were met.

Deputy City Attorney Shapiro spoke about the Notice and stated that if the Notice provides information that the public and was been mailed, that satisfies the law.

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

Action: Moved by Chair Yankee, seconded by Member Hyland, to find that the Planning Department violated Administrative Code (Sunshine Ordinance), Section(s) 67.7-1(C) by failing to post the back side of the Notice which contained information required by subsection (C).

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 6 - Yankee, Hyland, Schmidt, Anderson, LaHood, Kumar

Noes: 0 - None

Absent: 4 - Pilpel, Sugarman, Stein, Wolfe

9. **File No. 23030** Complaint filed by Michael Turon against the Assessor-Recorder’s Office 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; 67.26 by failing to keep withholding to a minimum; CPRA 6253(b) by failing to provide “exact copies of records” CPRA 6253.9 by failing to provide the “electronic format in which you hold the information” CPRA 6254.5 by withholding exemptions already waived by providing the records to the public before this request.

Michael Turon (Petitioner), provided a summary of the complaint and requested the Task Force to find violations. Mr. Turon stated that this was an Immediate Disclosure Request served on November 18, 2023. The responsive records were delayed and concerned issues like transparency, exemptions and withholding of records under Administrative Code, Sunshine Ordinance Section 67.26. Mr. Turon stated that the main issue of this complaint is the accessibility of documents to new employees and whether they are routinely available. Mr. Turon said in October 2023, he was notified that they withheld 99 documents and that he has not received the records and therefore not compliance with Section 67.26.

Derek Ah Nin, Assessor Recorders Office (Respondent) provided a summary of the department’s position. Mr. Nin stated that on November 18, 2022, his office received an Immediate Disclosure Request from Mr. Turon. On November 22, 2022, his office

responded to the request by providing records on a rolling basis. Mr. Nin stated that on October 24, 2023 his office provided a total of 229 records and that 99 documents were withheld of which they informed Mr. Turon. Mr. Nin stated that Assessor information is confidential and requires redaction and the Recorder information was disclosed.

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

Action: Moved by Chair Yankee, seconded by Member Hyland, to continue the matter to the call of the Chair, request that SOTF Deputy City Attorney Adam Shapiro provide a memo on Revenue and Tax Code 408, and not require the appearance of either party when this matter will be re-heard.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 – Yankee, Hyland, Schmidt, Anderson, Wolfe, LaHood, Kumar

Noes: 0 – None

Absent: 3 – Stein, Sugarman, Pilpel

Deputy City Attorney Adam Shapiro stated that his office would provide a memo for the Task Force on Evidence Code, Section 408 and how it applies but will not provide conclusions at this hearing.

Member Wolfe returned to the hearing at 6:30 PM remotely.

10. **File No. 23050** Complaint filed by Michael Petrelis against Supervisor Aaron Peskin, President of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to respond to a request for Proposition G Calendar in a timely and/or complete manner.

Michael Petrelis (Petitioner) was not present for the hearing and had not notified the SOTF Administrator of his absence.

Calvin Yan was present on behalf of Supervisor Aaron Peskin (Respondent).

Action: Moved by Member Schmidt, seconded by Member Kumar, to close the file pursuant to Complaint Procedure 7B due to non-appearance without notice.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 - Schmidt, Kumar, Yankee, Hyland, Anderson, Wolfe, LaHood

Noes: 0 - None

Absent: 3 - Stein, Sugarman, Pilpel

11. **File No. 23048:** Complaint filed by Rosa L. against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

Rosa L. (Petitioner) provided a summary of the complaint and requested the Task Force to find violations. Rosa L. stated that on December 27, 2022, she filed a request for body cam footage, tent encampment records, photos and incident reports taken on specific dates. Rosa L. also stated that the Police Department did not respond to her request for one month.

Lt. Christopher Beauchamp (Respondent, Police Department) provided a summary of the department's position. Lt. Beauchamp concedes that the Police Department did not respond to Rosa L in a timely manner. Lt. Beauchamp stated that February 27, 2023, the Petitioner asked for further clarification on that issue and closed the response due to lack of response. Lt. Beauchamp also noted that that he was working on providing records and is in contact with Sgt. Walker to ensure there is a response.

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

Action: Moved by Member LaHood, seconded by Member Schmidt, to find that the Police Department violated Administrative Code (Sunshine Ordinance), Section(s) 67.21(b), by failing to provide public records in a timely manner and order that Lt. Christopher Beauchamp provide responsive records by the June 2024 Task Force hearing along with an update on any records that are in the process of being produced. The Task Force further moved to continue the matter to the June 5, 2024, SOTF meeting.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 - LaHood, Schmidt, Kumar, Yankee, Hyland, Anderson, Wolfe

Noes: 0 - None

Absent: 3 - Stein, Sugarman, Pilpel

12. **File No. 23060:** Complaint filed by Joe Dworetzky against the Department of Homelessness and Supportive Housing 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.

Joe Dworetzky (Petitioner) provided a summary of the complaint and requested the Task Force to find violations. Mr. Dworetzky noted that the long delay in getting the documents violates the Sunshine Ordinance and he wants to focus on the practice of the department which allows them to manipulate distribution of the materials. Mr. Dworetzky also mentioned that at the end of the production, the respondent continued providing responsive records on a rolling basis. Mr. Dworetzky stated that after sixty days of waiting for additional records, they were finally provided on a rolling basis.

Dylan Schneider (Respondent, Department of Homelessness and Supportive Housing) provided a summary of the department's position. Ms. Schneider stated that her department received several records requests from Mr. Dworetzky between January and June 2023 and produced those nonprivileged records immediately on a rolling basis. Ms. Schneider stated that the City Attorney's Office reviewed records and found different overlaying confidentialities. Ms. Schneider also stated that some of Mr. Dworetzky's requests required City Attorney review and pertained to the same shelter site.

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

Action: Moved by Member Wolfe, seconded by Member Kumar, that the Department of Homelessness and Supportive Housing violated Administrative Code (Sunshine Ordinance), Section(s) 67.21(b), by failing to respond to a public records request in a timely manner.

Public Comment:

Peter Warfield stated that the Petitioner should strongly request strict enforcement from these things happening again.

Dan Rosenheim, Projects Editor at Bay City News, noted that timeliness is important regarding homeless sweeps and shares Mr. Dworetzky's frustration on how his documents have been treated.

The motion PASSED by the following vote:

Ayes: 7 - Wolfe, Kumar, LaHood, Schmidt, Yankee, Hyland, Anderson

Noes: 0 - None

Absent: 3 - Stein, Sugarman, Pilpel

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

Member LaHood requested that their Deputy City Attorney review what Administrative Code, Sunshine Ordinance, Section 67.25 as it pertains to records requests because it is titled with Immediacy of response and relations between b, c, and d and not stated anywhere else.

Member Anderson asked if future meeting minutes could include a time stamp for each item indicating where in the audio recording the related discussion occurred.

Public Comment:

None.

No action taken.

14. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:49 p.m.

APPROVED: DRAFT
Sunshine Ordinance Task Force

N.B. The Minutes of this meeting set forth all actions taken by the Sunshine Ordinance Task Force on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.