



SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO AGENDA

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

Regular Meeting
June 7, 2023 - 4:00 PM

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

Remote Access and/or In-Person Participation

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

Webex Remote Link/Log-in:

<https://bit.ly/3p8hPCr>

Password: sunshine

Telephone Call-in:

1 (415) 655-0001 / Meeting ID: 2597 403 0108 # #

(press *3 to enter the speaker line)

Seat 1	Dean Schmidt	Seat 7	Matthew Yankee - Chair
Seat 2	Lila LaHood	Seat 8	Chris Hyland
Seat 3	Vacant	Seat 9	Vacant
Seat 4	Vacant	Seat 10	Thuan Thao Hill
Seat 5	Jennifer Wong - Vice-Chair	Seat 11	Bruce Wolfe
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

Members of the public may participate by phone or may submit their comments by email to: sotf@sfgov.org; all comments received will be made a part of the official record. Sunshine Ordinance Task Force agendas and their associated documents are available at <https://sfbos.org/sunshine>.

Meeting Decorum: Any member of the Sunshine Ordinance Task Force may call for decorum due to the disorderly conduct of meeting participants. Persons who engage in threatening and/or menacing behavior may be asked to leave.

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**
2. **Approval of the minutes from the Sunshine Ordinance Task Force Regular Meeting of May 3, 2023.** (*Discussion and Action*) ([attachments](#))
3. **Approval of the Orders of Determination:** (*Discussion and Action*) ([attachments](#))

File No. 22007, Anonymous v. Thomas Campbell and the Fine Arts Museums

File No. 22010, Ron Cicero v. Police Department

File No. 22107, Peter Warfield and Library Users Assn. v.

City Librarian and the Public Library

4. **Administrator's Report, Complaints and Communications.** (*Discussion and Action*) ([attachments](#))
 - Task Force and Committee tentative hearing schedule with potential adjustments as deemed necessary
 - Complaints and Hearing Requests submitted
 - Complaint Committee minutes
 - Communications
 - Record of emails received
5. **Hearing – Budget Appropriation:** Discussion and potential action regarding a request to increase appropriations dedicated to the Sunshine Ordinance Task Force for next fiscal year's budget. (*Discussion and Action*)
6. **Public Comment:** Members of the public may address the Sunshine Ordinance Task Force (SOTF) on matters that are within SOTF's jurisdiction, but not on today's agenda. ***Public comment shall be taken at 5:00 p.m. or as soon thereafter as possible. (No Action)***

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

7. **File No. 22020:** Complaint filed by Sergei Severinov against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(c), by failing to respond to a public records request in a timely and/or complete manner. *(attachments)*
- (On April 19, 2022, the Complaint Committee moved that that the records are public, there is jurisdiction and forward to the SOTF to refer the matter to the SOTF for hearing and request the SOTF decide whether there are violations of Administrative Code, Sunshine Ordinance, Sections 67.21(b) by failing to provide the requested records in a complete and timely manner and 67.21(c) by failing to assist the requestor in obtaining their records and request that File Nos. 22014 and 22020 be heard concurrently.*
- On September 7, 2022, the full Task Force heard File. 22014 and moved find that the Police Department violated Administrative Code, Sunshine Ordinance Section(s) 67.21(c) by failing to provide assistance in finding the records and 67.27 by failing to provide an explicit justification in writing for the withholding records. The SOTF ordered the Police Department to provide more extensive assistance in locating the requested records and further orders the Police Department to provide a justification or location of the existence of records for each of the 25 separate requests in the complainant's overall request and forward the matter to the Compliance and Amendments Committee.)*
- a) Consider action to combine this file with File 22014. *(Discussion and Action)*
 - b) If the files are not combined, proceed with a hearing on the complaint. *(Discussion and Action)*
8. **File No. 22012:** Complaint filed by Anonymous (SFT) against Director Grant Colfax and the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner. *(attachments)*
- (On December 27, 2022, the Compliance and Amendments Committee moved to refer the records retention letter from the Department of Public Health to the SOTF about Citywide Microsoft Teams retention policy with the recommendation that the SOTF issue a letter to the Board of Supervisors that this policy be updated to be in compliance with the Sunshine Ordinance.)*
- a) Hearing on the recommended action proposed by the Compliance and Amendments Committee. *(Discussion and Action)*

9. **File No. 22015:** Complaint filed by Anonymous (MUC) against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, 67.25(d), 67.69-7(a); and 67.34, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner; failing to provide records on a rolling basis; failing to preserve and maintain records; and willfully violating the Sunshine Ordinance. (*attachments*)
(*On April 19, 2022, the Complaint Committee moved that the records are public, there is jurisdiction and to forward the matter to the SOTF to decide if there is a violation of 67.21 and California Public Records Act 6253(c).*)
 - a) Hearing on the complaint. (*Discussion and Action*)

10. **File No. 22023:** Complaint filed by Lance Carnes against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner. (*attachments*)
(*On March 28, 2023 the Education, Outreach, and Training Committee moved to find the records are public, there is jurisdiction and to forward the matter to the SOTF with a recommendation to find no violation.*)
 - a) Hearing on the complaint. (*Discussion and Action*)

11. **File No. 22022:** Complaint filed by Stiliyan Bejanski against the Office of the Treasurer and Tax Collector for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25 and Government Code, Section 6253(c), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (*attachments*)
(*On April 19, 2022, the Complaint Committee moved to find that the SOTF has jurisdiction, that the requested records are public and to refer the matter to the SOTF for hearing and requested the SOTF determine if there is a violation of Administrative Code, Sunshine Ordinance, Sections 67.21(b) by failing to provide the requested records in a complete and timely manner and 67.21(c) by failing to assist the requestor in obtaining their records.*)
 - a) Hearing on the complaint. (*Discussion and Action*)

12. **CONSENT AGENDA** - The Sunshine Ordinance Task Force shall review **File No. 22125** to affirm that the Sunshine Ordinance Task Force has jurisdiction; that the noted violations of the Sunshine Ordinance, Brown Act, or California Public Records Act occurred; 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 June 7, 2023, Sunshine Task Force meeting but may attend to provide testimony during the public comment period for this item related to the above-listed determinations. *(Discussion and Action)*

File No. 22125 Complaint filed by HVSafe against Rich Hillis and the Planning Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. *(attachments)*

(On April 25, 2023, the Compliance and Amendments Committee moved to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with a recommendation for a violation of 67.21 for failure to respond in a complete and timely manner.)

13. **Hearing – Sunshine Ordinance Amendment:** Consider proposing an amendment to the Sunshine Ordinance regarding electronic communications by City officials and requiring the use of official City email addresses. *(Discussion and Action)*
(On May 3, 2023 as part of the hearing for File No. 21165, the full Task Force moved that the SOTF agendaize for the June 2023 SOTF meeting an item to discuss and take possible action on recommendations for an amendment to the Ordinance as we are empowered to do in 67.30(c) regarding electronic communications by City Officials.)
14. **Hearing – Sunshine Ordinance Amendment:** Consider proposing an amendment to the Sunshine Ordinance regarding the requirement in Administrative Code 67.30(a) that "...the task force shall include at least one member who shall be a member of the public who is physically handicapped...". *(Discussion and Action) (attachments)*
15. **Oral report on a meeting with various Custodians of Records by Member Stein and Chair Yankee.** *(Discussion Only)*
16. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force.** *(Discussion and Action)*
(Note: Public Comment on this item is limited to subject matters presented by members of the SOTF.)
17. **ADJOURNMENT.**

The Sunshine Ordinance Task Force was established by the San Francisco Administrative Code, Chapter 67. The purpose of the Task Force is to protect the public's interest in open government and to carry out the duties enumerated in Chapter 67 of the San Francisco Administrative Code. For additional information concerning Sunshine Ordinance Task Force please contact the Task Force by e-mail sotf@sfgov.org or by calling (415) 554-7724.

Agenda Item Information

Each item on the agenda may include the following documents:

- 1) Department or Agency cover letter and/or report;
- 2) Public correspondence;
- 3) Other explanatory documents.

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

Meeting Procedures

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| 1. | Complainant presents his/her facts and evidence | 5 minutes |
| | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds | 5 minutes |
| | Other parties of City respond | Up to 3 minutes each |
| | <i>Above total speaking times for Complainant and City to be the same.</i> | |
| 3. | Matter is with the Task Force for discussion and questions | |
| 4. | Respondent and Complainant presents clarification/rebuttal | 3 minutes |
| 5. | Matter is with the Task Force for motion and deliberation | |
| 6. | Public comment (Excluding Complainant & City response, witnesses) | Up to 3 minutes each |
| 7. | Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.) | |

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the agenda items. These

comments will be made a part of the official public record. Written communications should be submitted to the SOTF at:

1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102.

AGENDA PACKET: Available for review in the Office of the Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, or on the internet at: <http://www.sfbos.org/sunshine>.

AUDIO RECORDINGS: Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at: <http://www.sfbos.org/sunshine>.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Wilson Ng at (415) 554-7725.

Paunawa: Ang mga kahilingan ay kailangang matanggap sa loob ng 48 oras bago mag miting upang matiyak na matutugunan ang mga hiling. Mangyaring tumawag ka sa (415) 554-5184.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719

Disability Access

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 5R, 6, 7, 7R, 7X, 9, 9R, 19, 21, 47, and 49. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102; phone (415) 554-7724; fax (415) 554-5163; or email sotf@sfgov.org.

Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67 on the Internet at <http://www.sfbos.org/sunshine>.

Cell Phones, Pagers and Similar Sound-Producing Electronic Devices

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (Chapter 67A of the San Francisco Administrative Code).

Ethics Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site www.sfgov.org/ethics.

Under Campaign and Governmental Conduct Code, Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision, or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit sfethics.org.