



SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO MINUTES

REMOTE SPECIAL MEETING

June 13, 2022 - 7:00 PM

Seat 1	Dean Schmidt	Seat 7	Matthew Yankee - Chair
Seat 2	Lila LaHood	Seat 8	Chris Hyland
Seat 3	Vacant	Seat 9	Laurie Jones Neighbors
Seat 4	Jaya Padmanabhan	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

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

Chair Yankee called the meeting to order at 7:03 PM. On the call of the roll Chair Yankee and Members, Schmidt, Padmanabhan, Stein, Hill, Wolfe and Neighbors were noted present. Members LaHood, Wong and Hyland were noted absent. A quorum was present.

There were no changes.

2. **Hearing:** Determination of an “authorized representative of the custodian of the public records” and/or the successor custodian of public records for Redistricting Task Force members pursuant to Administrative Code 67.21; and the development of a process to hear complaints filed against members of the Redistricting Task Force.

Chair Yankee stated that the reason this meeting was called is because there are eight complaints against members of the Redistricting Task Force (RDT) from several complainants. Chair Yankee stated that RDT members were all city officials whose work for San Francisco has concluded and the RDT has likely disbanded. Chair Yankee pondered what happens to the records of people who are no longer city employees.

Member Hill asked if the emails of RDT members are private or are they maintained by the City and County of San Francisco? And are they already available to the City?

Member Wolfe suggested starting with the Board of Supervisors because they maintain the records.

Public Comment:

David Pilpel noted that the SOTF is not discussing the merits of the Complaint just how do you reach a RDT member regarding a records request directed to them when they are no longer serving in office. Are they in some capacity still serving and what are the reasons for leaving offices?

Chair Yankee stated that the RDT is not part of the office of the Mayor, they are not elected officials nor are they part of any City department. Chair Yankee expressed concern that the RDT members would be the custodian of their records at the time of their service, but if the SOTF sent out notices to each member, they might say they are no longer city officials.

Member Wolfe questioned who is the Custodian of Record when individuals no longer work for the City? Member Wolfe stated that a responsible party needs to be named, that there must be way to preserve those records and suggested requesting the Board of Supervisors serve a subpoena.

Action: Moved by Member Wolfe, seconded by Member Neighbors, that the SOTF requests the Board of Supervisors to issue a subpoena under its rules of order as appropriate to order all records and communications in every medium in possession of, created by, or received by the RDT to be retained and that communications to the RDT members instructing them to retain any and all records including electronics records from their emails accounts, text messaging or other types as per *Smith v. San Jose* 238 Cal. App. 2d 601.

Public Comment:

David Pilpel stated that RDT member Townsend filed a form 700 on April 1 and Reiner filed a leaving office form indicating that she completed her service. Mr. Pilpel expressed support involving the Supervisor of Records. Mr. Pilpel stated this is a multi-layered problem.

Peter Warfield, Peter Warfield, Executive Director, Library Users Association, libraryusers2004@yahoo.com, P.O. Box 170544, San Francisco, California, 94117-0544 expressed support for the motion.

Member Wolfe rescinded their motion.

Action: Moved by Chair Yankee, seconded by Member Wolfe, that under Administrative Code, Sunshine Ordinance, Section 67.21(e) that the Clerk of the Board and the Office of the Clerk be added to each of the pending complaints against each of the Redistricting Task Force members as an authorized representative pursuant to Ordinance No. 94-21, File No. 210606 and RDT By-Laws Article 5, section 1.

Public Comment:

David Pilpel expressed support for the motion and noted that the discussion on subpoena powers may be premature because a hearing has not taken place and there may be a way around this issue.

The motion PASSED by the following vote:

Ayes: 7 - Yankee, Wolfe, Schmidt, Neighbors, Stein, Padmanabhan, Hill

Noes: 0 - None

Absent: 3 - LaHood, Wong and Hyland

3. **Hearing:** Presentation/discussion of the text of Bills AB1944 and AB2449.

Member Wolfe stated that the main issue is that it would allow meetings to be held remotely in entirety and could be held at a location that may or may not be accessible to the public and that the location may not be revealed publicly. Also, if the meeting were held in a private location and if the technology goes dead, they may be unable to continue those meetings. This bill would not commence until 2024 and would be repealed in 2030. Member Wolfe stated that the city should take a watch position.

Action: Moved by Member Wolfe, seconded by Member Neighbors, to send a memo to the San Francisco State Legislation Committee to take a position of watch for bills AB1944 and AB2449 as they will affect implementation of the Brown Act and will provide further recommendation as the bills take their process and direct the administrator to forward a copy of this resolution to the San Francisco State Legislative Committee.

Public Comment:

David Pilpel agreed with the motion requesting that the city take a watch position and has read the resolution as these bills would apply to all local bodies throughout the state and all documents related to the meeting be posted on the meetings website and not somewhere obscure.

Peter Warfield thinks the SOTF is moving in the right direction to basically express its concerns and cannot disagree with what has head so far.

The motion PASSED by the following vote:

Ayes: 7 - Wolfe, Neighbors, Yankee, Schmidt, Stein, Padmanabhan, Hill

Noes: 0 - None

Absent: 3 - LaHood, Wong and Hyland

4. **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)

David Pilpel provided comment on the June 7, SOTF meeting that didn't happen and say that the SOTF not taking public comment after roll call was a poor choice and would have agreed that the meeting take place.

Peter Warfield stated that at the previously scheduled meeting there was a problem, and it was cancelled, and he wanted to find out what happened and lay it out for the public.

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

Member Wolfe wondered if the item regarding the SOTF wanting to bring a complaint forward is on the Rules Committee Agenda.

Public Comment:

None.

6. **ADJOURNMENT**

There being no further business the meeting was adjourned at 9:52 PM.

APPROVED: 7/6/22
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.