



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

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

## Regular Meeting

September 6, 2023 - 4:00 PM

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

Seat 1	Dean Schmidt	Seat 7	Matthew Yankee - <b>Chair</b>
Seat 2	Lila LaHood	Seat 8	Chris Hyland
Seat 3	Saul Sugarman	Seat 9	David Pilpel
Seat 4	Vacant	Seat 10	Thuan Thao Hill
Seat 5	Jennifer Wong - <b>Vice-Chair</b>	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 4:14 PM. On the call of the roll Chair Yankee and Members LaHood, Hyland, Schmidt, Pilpel were noted present. Vice-Chair Wong and Member Wolfe appeared remotely. Members Stein, Hill and Sugarman were noted absent. A quorum was present.

The Task Force discussed possible agenda changes. Chelsea Boilard, San Francisco Public Utilities Commission, requested that Item 11 be heard earlier in the meeting due to childcare issues.

**Action: Moved by Chair Yankee, seconded by Member Hyland, to hear Item 11 (File No. 22032) before Item 10 (File No. 22031).**

Public Comment: Michael Petrelis wanted to confirm that he could make a public comment before his items are addressed and that he has no comment on the present action.

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

Ayes: 7 - Yankee, Hyland, LaHood, Wolfe, Schmidt, Wong, Pilpel

Noes: 0 - None

Absent: 3 - Stein, Hill, Sugarman

2. **Approval of the minutes from the Sunshine Ordinance Task Force Special Meeting of August 22, 2023.**

Member Pilpel and Member LaHood provided proposed edits to the minutes.

**Action: Moved by Member Pilpel, seconded by Member LaHood, to approve the SOTF August 22, 2023, minutes as amended.**

Public Comment: None.

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

Ayes: 7 - Pilpel, LaHood, Yankee, Hyland, Wolfe, Schmidt, Wong

Noes: 0 - None

Absent: 3 - Stein, Hill, Sugarman

3. **Approval of the Order of Determination:**

**File No. 22054:** Stiliyan Bezhanski against Debra Lew and the Treasurer and Tax Collector's Office.

**Action: Moved by Member Pilpel, seconded by Member Wolfe, to approve the Order of Determination for File No. 22054 as amended.**

Public Comment: None.

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

Ayes: 7 - Pilpel, Wolfe, Hyland, LaHood, Schmidt, Yankee, Wong

Noes: 0 - None

Absent: 3 - Stein, Hill, Sugarman

4. **Hearing - SOTF Complaint Procedures:** Consider approving amendments to the Sunshine Ordinance Task Force's Complaint Procedures.

The Task Force discussed the proposed edits to the Complaint Procedures.

**Action: Moved by Chair Yankee, seconded by Member Pilpel, to accept all edits except for edits on C2.**

Public Comment: None.

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

Ayes: 7 - Yankee, Pilpel, Wolfe, Hyland, LaHood, Schmidt, Wong

Noes: 0 - None

Absent: 3 - Stein, Hill, Sugarman

**Action: Moved by Chair Yankee, seconded by Member Hyland, to amend the following sentence in C2 to read that “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.”**

Public Comment: None

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

Ayes: 7 - Yankee, Hyland, Pilpel, Wolfe, LaHood, Schmidt, Wong

Noes: 0 - None

Absent: 3 - Stein, Hill, Sugarman

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.

Michael Petrelis stated that it is important to hear from members of the public, thanked the SOTF, going requested the SOTF meetings be broadcast on SFGOVTV.

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

6. **CONSENT AGENDA** - The Sunshine Ordinance Task Force shall review **File Nos. 23051 and 23052** to affirm the Committee’s findings regarding the Sunshine Ordinance Task Force’s jurisdiction; violations of the Sunshine Ordinance, Brown Act, or California Public Records Act; 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 September 6, 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.

**6A. File No. 23051** Complaint filed by Michael Petrelis against Supervisor Dean Preston, 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.

**6B. File No. 23052** Complaint filed by Stiliyan Bejanski against Debra Lew and the Office of the Treasurer and Tax Collector for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, and California Government Code Section(s) 6253(c), by failing to respond to a records request in a timely and/or complete manner.

**Action: Moved by Member Wolfe, seconded by Member Schmidt, to approve the calendar for Item 6A to recommend a violation of 67.29-5 for tardiness in providing the Prop G Calendar and 6B to recommend finding no violation.**

Public Comment: None

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

Ayes: 7 - Wolfe, Schmidt, Yankee, Hyland, Pilpel, LaHood, Wong

Noes: 0 - None

Absent: 3 - Stein, Hill, Sugarman

7. **File No. 22112:** Complaint filed by Michael Petrelis against Jonas Ionin and the Planning Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.7 for failure to post an agenda in a complete and/or timely manner.

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Task Force find a violation. Mr. Petrelis stated that the issue of combining both the Historic Preservation Commission and the Planning Commission meetings at a joint meeting to discuss the Castro Theatre should have been agenzized.

Laura Lynch (Planning Commission) (Respondent), provided a summary of the department's position. Ms. Lynch stated that the information was provided in advance of the meeting. Ms. Lynch stated that the meeting was properly agenzized and posted as a joint meeting. Ms. Lynch noted that under public comment each person is allotted up to three minutes to speak. Ms. Lynch stated that this complaint was not about the joint hearing, but instead the September 29, 2022, agenda and what action items are allowed including public comment.

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

**Action: Moved by Member Pilpel, seconded by Member Wolfe who later withdrew his second, subsequently seconded by Member Schmidt, to find that Jonis Ionin and the Planning Department violated Administrative Code (Sunshine Ordinance), Section 67.7(a), by failing to post an agenda at least 72 hours before a meeting containing a description of each item of business to be transacted or discussed at the meeting, the agenda shall specify for each item of business, proposed action or statement of business the items for discussion only and in addition posted on the website; Section 67.7(b) by failing to provide a description that is meaningful and is sufficiently clear and to alert a person of average intelligence and education whose interests are effected by the item that he or she may have reason to attend the meeting or seek more information on the item, the description should be clear and easily understood; and the Brown Act, Section 54954.2(a)(1) for failing to provide notice that at least 72-hours before a regular meeting, the legislative body of the local agency or its designee shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting.**

**Action: Moved by Member Wolfe, to amend the motion to include a Brown Act violation 54952.2 for a violation of serial meeting as there appears to be evidence that Planning Commission secretary admitted to internal conversations to create a joint meeting that did not receive prior approval by either of the commissions.**

The motion failed due to a lack of a second.

Public Comment: None.

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

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

**Action: Moved by Chair Yankee, second by Member Wolfe, to find that Jonis Ionin and the Planning Department violated of Administrative Code (Sunshine Ordinance), Section 67.15(a), by failing to provide an opportunity for members of the public to directly address the policy body on the items specifically with regard to item B(2).**

Public Comment: None

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

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

**Action: Moved by Member Schmidt, seconded by Chair Yankee to find that Jonis Ionin and the Planning Department, violated Administrative Code (Sunshine Ordinance), Section 67.15, by failing to have the Historical Preservation and the Planning Commission make separated and individual vote on the matters listed on the joint agenda and not treating them as separate.**

Member Schmidt withdrew their motion.

The meeting recessed at 7:12 and reconvened at 7:18 PM. All members were noted present.

8. **File No. 22010:** Complaint filed by Ron Cicero against the Police Department 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.

Ron Cicero (Petitioner) provided an update regarding the status of his complaint. Mr. Cicero stated that it has been three years and he continues to wait for the evidence in the Zebra case to be located and released to him. Mr. Cicero further stated that because a

letter was previously sent to the Chief of Police regarding his request, the Chief or someone in his department should have responded and didn't.

Sgt. Kathryn Winters (Police Department) (Respondent), provided a summary of the department's position. Sgt. Winters stated that she has approached the homicide unit and there has been zero progress within the last few weeks. Sgt. Winters stated that only one facility has the referenced historic records but she is not sure if those are the records Mr. Cicero is referring to. Sgt. Winters stated she has asked Mr. Cicero to reach out to his source and identify which room in the Hall of Justice the boxes are located. Sgt. Winters also asked Mr. Cicero to accompany her to the Hall of Justice and transfer the materials down to homicide to determine what can be released. Sgt. Winters reiterated that the public records process is actually her biggest priority and she wants to fix it and make certain that records requests are handled in a timely manner.

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

**Action: Moved by Member Hyland, seconded by Member LaHood, to continue the matter to the Call of the Chair. It was requested that an invitation be sent to the Chief of Police requesting their appearance (anticipated to be Wednesday, October 4, 2023, Sunshine Task Force hearing), and to also extend an invitation to the Chief's First Assistant, the head of the property unit and Sgt. Winters to appear at the hearing.**

Public Comment: None.

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

Ayes: 7 - Hyland, LaHood, Wolfe, Yankee, Pilpel, Schmidt, Wong

Noes: 0 - None

Absent: 3 - Stein, Hill, Sugarman

9. **File No. 22141:** Complaint filed by Stiliyan Bezhanski against Debra Lew and the Office of the Treasurer and Tax Collector 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.

Stiliyan Bezhanski (Petitioner) provided a summary of the complaint and requested the Task Force find a violation. Mr. Bezhanski stated that on October 17, 2022, he submitted a records request to the Office of the Treasurer and Tax Collector's Office. Mr. Bezhanski stated that he did not receive his records in a timely manner.

Christopher Tirrell (Office of the Treasurer and Tax Collector's Office) (Respondent), provided a summary of the department's position. Mr. Tirrell stated that his office received a records request from Stiliyan Bezhanski on October 17, 2022. Mr. Tirrell stated that over 1,500 responsive emails and attachments were produced, and the request was completed and responses were provided to the petitioner in a timely manner.

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

**Action: Moved by Chair Yankee, seconded by Member Pilpel, to find no violation.**

Public Comment: None.

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

Ayes: 7 - Yankee, Pilpel, Hyland, LaHood, Wolfe, Schmidt, Wong

Noes: 0 - None

Absent: 3 - Stein, Hill, Sugarman

10. **File No. 22031:** Complaint filed by Gizelle Rabi and Karl Kramer against City Administrator Carmen Chu and the Office of the City Administrator for allegedly violating Administrator Code (Sunshine Ordinance), Section(s) 67.21 by failing to respond to a request for public records in a timely and/or complete manner.

Karl Kramer (Petitioner) provided a summary of the complaint and requested the Task Force find a violation. Mr. Kramer stated that on December 23, 2021, the email request was sent to Carmen Chu. Mr. Kramer stated the response provided by the City Administrator only had a lump sum for each nonprofit and this is analogous for adding up the figures which have been requested each year.

Vivien Po (City Administrator's Office) (Respondent), provided a summary of the department's position. Ms. Po requested that this complaint be dismissed because Mr. Kramer is requesting records that do not exist. Ms. Po stated that her department did provide the information of each nonprofit and the cost of doing business in a timely manner.

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

**Action: Moved by Member Pilpel, seconded by Member LaHood, to find no violation.**

Public Comment: None.

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

Ayes: 6 - Pilpel, LaHood, Schmidt, Yankee, Hyland, Wong

Noes: 1 - Wolfe

Absent: 3 - Stein, Hill, Sugarman

11. **File No. 22032:** Complaint filed by Gizelle Rabi and Karl Kramer against Charles Perl and the San Francisco Public Utilities Commission for allegedly violating Administrator Code (Sunshine Ordinance), Section(s) 67.21 by failing to respond to a request for public records in a timely and/or complete manner.

Karl Kramer (Petitioner) provided a summary of the complaint and requested the Task Force find a violation. Mr. Kramer stated that On December 23, 2021 his office requested information on nonprofits and the contracts and the cost of doing business for fiscal year 2011. On December 27 SFPUC responded stating they had no records.

Chelsea Boilard (San Francisco Public Utilities Commission); (Respondent), provided a summary of the department's position. Ms. Boilard stated that the dates Mr. Kramer asked about, her office indicated that they had no responding records. Ms. Boilard also stated there is a second request and they would like to defer the discussion until it is agendaized. Ms. Boilard requested that the SOTF find no violation and requests that this case be dismissed.

Laura Bush (San Francisco Public Utilities Commission) (Respondent), provided an additional summary of the department's position. Ms. Bush stated that her department does not show the cost of doing business in 2020 and 2021 and that they do not have those allocations.

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

**Action: Moved by Member Schmidt, seconded by Member Pilpel, find no violation.**

Public Comment: None.

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

Ayes: 6 - Schmidt, Pilpel, Yankee, Hyland, LaHood, Wong

Noes: 1 - Wolfe

Absent: 3 - Stein, Hill, Sugarman

12. **File No. 22117:** Complaint filed by Carnitas Bandit against the Department of Building Inspection for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a complete manner.

Carnitas Bandit (Petitioner) was not present for the hearing and did not notify the SOTF Administrator of their absence.

Patrick Hannon (Department of Building Inspection) (Respondent), was present for the hearing.

**Action: Moved by Chair Yankee, seconded by Member Hyland, to close the file under Complaint Procedure Section 7B.**

Public Comment: None



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

Ayes: 7 - Yankee, Hyland, Wolfe, Schmidt, Pilpel, LaHood, Schmidt

Noes: 0 - None

Absent: 3 - Stein, Hill, Sugarman

13. **Hearing – Authorize a letter from the Sunshine Ordinance Task Force to the Board of Supervisors regarding the use of City email addresses by City Board and Commission Members.**

The Task Force discussed the letter drafted by Member Hill regarding city email addresses for board/commission members.

Member Pilpel provided a summary of his research and suggested that this letter should be addressed to the Board of Supervisors for possible legislative action. Member Pilpel suggested that he work with a Task Force member to tweak the letter and present it to the Board of Supervisors.

Member Wolfe stated that the letter should be approved and sent because it sends the message that the Task Force wants.

**Action: Moved by Member Wolfe, seconded by Member Schmidt, to approve and send the letter substantially in this form.**

Public Comment: None

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

Ayes: 7 - Wolfe, Schmidt, Yankee, Hyland, Pilpel, LaHood, Schmidt

Noes: 0 - None

Absent: 3 - Stein, Hill, Sugarman

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

Member Schmidt thanked Vice Chair Wong for her service on the Task Force. Chair Yankee stated that with Vice Chair Wong’s upcoming resignation, the Task Force will need to select a new Vice Chair in October.

Member Pilpel stated that he watched several city meetings online.

No action taken.

Public Comment: None.

15. **ADJOURNMENT**

There being no further business the meeting was adjourned at 10:00 pm.

**APPROVED: 10/4/23**  
**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.