



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

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

## REGULAR MEETING

October 4, 2023 - 4:00 PM

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	Vacant	Seat 11	Bruce Wolfe
Seat 6	Laura Stein - <b>Vice-Chair</b>		

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 4:01 PM. On the call of the roll Chair Yankee and Members LaHood, Hill, Stein, Schmidt, Pilpel, Sugarman and Hyland were noted present. Member Wolfe appeared remotely. A quorum was present.

The Task Force discussed the agenda.

**Action: Moved by Member LaHood, seconded by Member Wolfe to continue Items 10 and 11 to the call of the Chair.**

Public Comment:

Jen Kwart stated they had no opposition to continue the case for Ms. Schulman against the City Attorney's Office

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

Ayes: 9 - LaHood, Wolfe, Stein, Schmidt, Hyland, Sugarman, Hill, Yankee,  
Pilpel  
Noes: 0 - None

2. **Approval of the minutes from the Sunshine Ordinance Task Force Regular Meeting of September 6, 2023.**

The Task Force discussed the minutes.

**Action: Moved by Member Pilpel, seconded by Member LaHood, to approve the September 6, 2023 minutes as amended.**

Public Comment: None.

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

Ayes: 9 - Pilpel, LaHood, Wolfe, Stein, Schmidt, Hyland, Sugarman, Hill,  
Yankee  
Noes: 0 - None

3. **Approval of the minutes from the Sunshine Ordinance Task Force Regular Meeting of May 3, 2023.**

The Task Force discussed the minutes.

**Action: Moved by Member Pilpel, seconded by Member Hill, to approve the May 3, 2023, minutes as amended.**

Public Comment: None.

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

Ayes: 9 - Pilpel, Hill, LaHood, Wolfe, Stein, Schmidt, Hyland, Sugarman,  
Yankee  
Noes: 0 - None

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

**File No. 23051** Complaint filed by Michael Petrelis against Supervisor Dean Preston, Board of Supervisors

**File No. 23052** Complaint filed by Stiliyan Bezhanski against Debra Lew and the Office of the Treasurer and Tax Collector

**File No. 22112:** Complaint filed by Michael Petrelis against Jonas Ionin and the Planning Commission

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

**File No. 22031:** Complaint filed by Gizelle Rabi and Karl Kramer against City Administrator Carmen Chu and the Office of the City Administrator

**File No. 22032:** Complaint filed by Gizelle Rabi and Karl Kramer against Charles Perl and the San Francisco Public Utilities Commission

The Task Force discussed the draft Orders of Determination.

**Action: Moved by Member Wolfe, seconded by Member Hill, to approve the Orders of Determination as amended.**

Public Comment: None.

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

Ayes: 9 - Wolfe, Hill, LaHood, Pilpel, Stein, Schmidt, Hyland, Sugarman,  
Yankee

Noes: 0 - None

5. **Nominations and election of Vice-Chair of the Sunshine Ordinance Task Force pursuant to Article III, Section 5 of the By-Laws.**

Member Hyland nominated Member LaHood for the position of Vice-Chair.

Member LaHood declined the nomination.

Member Schmidt nominated Member Stein for the position of Vice-Chair.

Member Stein accepted the nomination.

**Action: Moved by Member Hyland, seconded by Member LaHood, to elect Member Stein as Vice-Chair.**

Public Comment: None.

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

Ayes: 9 - Hyland, LaHood, Wolfe, Hill, Pilpel, Stein, Schmidt, Sugarman,  
Yankee

Noes: 0 - None

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

- 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

The Task Force discussed the Administrator's Report.

Member LaHood requested that the Compliance and Amendments Committee (CAC) meet on December 19, 2023, from 4:00 p.m. until 5:30 p.m. and cancel the December 26, 2023 meeting.

Member Pilpel stated that he will participate in Compliance and Amendments Committee hearings.

Member Wolfe was noted absent at 4:50 p.m. and present at 4:53 p.m.

**Action: Moved by Member LaHood, seconded by Member Wolfe, to reschedule the December Compliance and Amendments Committee meeting to December 19, 2023, from 4:00 p.m. until 5:30 p.m.**

Public Comment: None.

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

Ayes: 9 - LaHood, Wolfe, Hyland, Hill, Pilpel, Stein, Schmidt, Sugarman,  
Yankee  
Noes: 0 - None

- 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.*

Speakers: None.

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

- 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 a summary of the status of his complaint. Mr. Cicero stated that his requested documents from November 2020 have not yet been provided due to an outside investigation.

Sgt. Kathryn Winters (Police Department) (Respondent), provided a summary of the department's position. Sgt. Winters stated that the requested records are located at Building 606. Sgt. Winters stated they were required to get specific clearance to go to the facility under supervision. Sgt. Winters stated they were informed that there are two other open law enforcement investigations but were not granted further access to the evidence.

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

**Action: Moved by Member Pilpel, seconded by Member Wolfe to continue the matter until two months from October 4, 2023, and to seek more information from the police department who will provide it in response to a list of questions that will be given to them by the SOTF shortly.**

Public Comment: None.

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

Ayes: 9 - Pilpel, Wolfe, LaHood, Hyland, Hill, Stein, Schmidt, Sugarman,  
Yankee  
Noes: 0 - None

The SOTF recessed from 7:00 p.m. and reconvened at 7:11 p.m. A quorum was present.

9. **File No. 22052:** Complaint filed by Lee Heidhues against Megan Bourne and the Fine Arts Museum for violating Administrative Code Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Chair Yankee request clarification as to the confidentiality of the Deputy City Attorney advice memo due to attorney/client privilege, and it was determined that the SOTF could not disclose the advice at this time.

Lee Heidhues (Petitioner) provided a summary of the status of his complaint. Mr. Heidhues inquired if he could see the conclusion of the DCA Price Wolf advice memo.

Paria Dea (Fine Arts Museum) (Respondent), provided a summary of the department's position. Ms. Dea stated that they have no additional information to provide.

Member Pilpel requested that attorney/client privilege of the memo and its conclusion be waived and asked if the city attorney could publish it as an opinion if privilege is waived.

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

**Action: Moved by Chair Yankee, seconded by Vice-Chair Stein, to agendaize for the December 6, 2023, Sunshine Task Force hearing the consideration of waiving attorney/client privilege on all or part of the January 2021 memo, to close file number 22052, and to recognize the validity of the July 25, 2023 order.**

Public Comment: None.

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

Ayes: 9 - Yankee, Stein, Pilpel, Wolfe, LaHood, Hyland, Hill, Schmidt,  
Sugarman  
Noes: 0 - None

10. **File No. 21128: Hearing Regarding Request for Reconsideration of this Complaint:** Complaint filed by Maria Schulman against Mayara Ruski Agosto Sa, and the San Francisco Public Utilities Commission (SFPUC) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, 67.26(b) and 67.27, and California Public Records Action, Section 6253(d), by failing to respond to a request for public records in a timely and/or complete manner and failing to provide written justification for withholdings.

See Item 1 for the disposition of this case.

11. **File No. 21140:** Complaint filed by Maria Schulman against the Office of the City Attorney 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.

See Item 1 for the disposition of this case.

12. **File No. 22045:** Complaint filed by Gizelle Rabi and Karl Kramer against Sheryl Evans Davis and the Human Rights Commission, for allegedly violating Administrative Code 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, 2022, he sent a request for figures on the funds of specific nonprofit Minimum Compensation Ordinance (MCO) and Cost of Doing Business (CODB) information for 2021 and received a response from Cathy Melky Meyer on March 16, 2023, that they don't have records responsive to this request. Mr. Kramer stated that Ms. Meyer provided three sets of files: MCO and CODB for fiscal years 2019, 2020 and 2021. Ms. Meyer's office also sent grant documents from 2021 and 2022 on May 3, 2023.

Sheryl Evans Davis and the Human Rights Commission were not present for the hearing and did not notify the SOTF Administrator of their absence.

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

**Action: Moved by Vice-Chair Stein, seconded by Chair Yankee, to find that the Human Rights Commission violated Administrative Code (Sunshine Ordinance), Section(s) 67.21(b), by failing to provide the requested records in a timely and complete manner and 67.21(e) by failing to send a representative to the SOTF hearing.**

Public Comment: None.

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

Ayes: 9 - Stein, Yankee, Pilpel, Wolfe, LaHood, Hyland, Hill, Schmidt,  
Sugarman

Noes: 0 - None

13. **File No. 22046:** Complaint filed by Gizelle Rabi and Karl Kramer against Shireen McSpadden and the Department of Homelessness and Supportive Housing for allegedly violating Administrator Code 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, 2022, he made a request for the allocations to the nonprofit organizations for the Minimum Compensation Ordinance (MCO) and Cost of Doing Business (CODB) funds for 2020 and 2021 asking for specific nonprofits and never received a response. Mr. Kramer stated that on March 4, 2023, he sent another email and received a response from Jeff Hamilton who sent the MCO figures for 2019, not 2020 or 2021.

Dylan Schneider (Department of Homelessness and Supportive Housing) (Respondent), provided a summary of the department's position. Ms. Schneider stated they responded to Mr. Kramer's request on January 20, 2022, and provided MCO and CODB allocation summaries for 2019 and 2021. Ms. Schneider also stated that her department does not have a breakdown into further aggregated numbers.

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

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

Public Comment: None.

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

Ayes: 9 - Schmidt, Hill, Stein, Yankee, Pilpel, Wolfe, LaHood, Hyland,  
Sugarman

Noes: 0 - None

14. **Hearing – Remote Public Comment:** Discuss a proposal to limit remote public comment at meetings of the Board of Supervisors and potentially approve a letter from the Sunshine Ordinance Task Force to provide feedback on the proposal.

Member Pilpel drafted a letter regarding the Board of Supervisors' proposal to change to the Board rules that would eliminate most remote public comment.

Members discussed various edits to the letter.

**Action: Moved by Vice-Chair Stein, seconded by Member Sugarman, to approve the letter as amended.**

Public Comment: None.

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

Ayes: 9 - Stein, Sugarman, Schmidt, Hill, Yankee, Pilpel, Wolfe, LaHood,  
Hyland  
Noes: 0 - None

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

Chair Yankee stated that the BOS Rules Committee has recommended a replacement member for Vice-Chair Wong who resigned from the SOTF.

Member Pilpel suggested doing policy work at the end of the hearing so that cases may be done as early as possible.

16. **ADJOURNMENT**

There being no further business the meeting was adjourned at 10:14 pm.

**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.