



# SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO AGENDA REMOTE REGULAR MEETING

Listen/Public Call-In Phone Number

1-415-906-4659

Meeting ID: 392 048 610#

**If you wish to make a statement during general Public Comment, please press \*6 and unmute your telephone to speak. Please press \*6 to mute your telephone once you are done with your statement.**

**November 3, 2021 - 4:00 PM**

Seat 1	Dean Schmidt	Seat 7	Matthew Yankee - <b>Vice-Chair</b>
Seat 2	Lila LaHood	Seat 8	Chris Hyland
Seat 3	Vacant	Seat 9	Laurie Jones Neighbors
Seat 4	Jaya Padmanabhan	Seat 10	Vacant
Seat 5	Jennifer Wong	Seat 11	Bruce Wolfe - <b>Chair</b>
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

## **Remote Access to Information and Participation**

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference.

Members of the public may participate by phone or may submit their comments by email to: [Cheryl.Leger@sfgov.org](mailto:Cheryl.Leger@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>.

**PUBLIC COMMENT CALL IN**

**1-415-906-4659**

**Meeting ID: 392 048 610#**

As the COVID-19 disease progresses, please visit the Sunshine Ordinance Task Force website regularly to be updated on the current situation as it affects the legislative process.

**Meeting Decorum:** Any member of the Sunshine Ordinance Task Force may call for decorum due to 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.**
  - 1A. **FINDINGS TO ALLOW TELECONFERENCED MEETINGS UNDER CALIFORNIA GOVERNMENT CODE SECTION 54953(e).**

The Task Force is expected to consider a motion setting forth findings required under Assembly Bill 361 (AB 361) that would allow the committee to hold the meeting remotely according to the modified Brown Act teleconferencing set forth in AB 361. (*attachments*) (*Discussion and Action*)
2. **Approval of the minutes from the Sunshine Ordinance Task Force October 6, 2021, meeting.** (*Discussion and Action*) (*attachments*)
3. **Board of Supervisors Ordinance #201132 - Campaign and Governmental Conduct Code - Behested Payments** - Effects on SOTF Members and possible additional proposed amendments to present to the Board of Supervisors based on discussion of this issue. (*Discussion and Action*) (*attachments*)  
(*On October 6, 2021, the SOTF continued the item to the Call of the Chair.*)
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*). **Public comment shall be taken at 5:00 p.m. or as soon thereafter as possible.**
5. **File No. 20056:** Complaint filed by Anonymous against City Librarian Michael Lambert for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b)(1) by failing to respond to a records request in a complete and timely manner. (*attachments*)  
(*On June 15, 2021, the Complaint 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. On October 6, 2021, the SOTF continued the matter to the Call of the Chair.*)
  - a) Hearing on the complaint. (*Discussion and Action*)

6. **File No. 21008:** Complaint filed by Stiliyan Bejanski against the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and complete manner. *(attachments)*  
*(On June 15, 2021, the Complaint Committed found that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing.)*
  - a) Hearing on the complaint. *(Discussion and Action)*
  
7. **File No. 20117:** Complaint filed by Stiliyan Bejanski against Jonas Ionin and the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24, by failing to provide public records; 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; 67.27 by failing to justify withholding and 67.29 by failing to provide an index of records. *(attachments)*  
*(On June 15, 2021, the Complaint Committee found that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing.)*
  - a) Hearing on the complaint. *(Discussion and Action)*
  
8. **File No. 21007:** Complaint filed by Jarmee Thieu against Kimberly Ackerman and the Municipal Transportation Agency, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and complete manner. *(attachments)*  
*(On June 8, 2021, the Education, Outreach and Training Committee moved to find jurisdiction, that the records are public and to forward the matter to the SOTF with no recommendations for hearing.)*
  - a) Hearing on the complaint. *(Discussion and Action)*
  
9. **File No. 21039:** Complaint filed by Karl Kramer against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a request for public records in a timely and/or complete manner. *(attachments)*  
*(On July 20, 2021, the Complaint Committee found that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing.)*
  - a) Hearing on the complaint. *(Discussion and Action)*

10. **File No. 21066:** Complaint filed by Karl Kramer against Carmen Chu and the Office of the City Administrator for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 by failing respond to a records request in a timely and/or complete manner. (*attachments*)  
(On August 24, 2021, the Compliance and Amendments Committee found that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing.)
- a) Hearing on the complaint. (*Discussion and Action*)
11. **File No. 21069:** Complaint filed by Mark Sullivan against David Steinberg and the Department of Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b)(c) by failing to respond to a records request in a timely and/or complete manner and by failing to assist the requester, 67.25(a) by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, CPRA Section 6253(c) by failing to notify the requestor of the possession of records of the agency and by failing to notify the person making the request of the determination and the reasons for withholding, CPRA Section 6253.1(a)(1) by failing to identify records and information that are responsive to the request or to the purpose of the request.  
(*attachments*)  
(On September 21, 2021, the Complaint Committee found that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing and requests the SOTF to find a violation of Administrative Code, Section 67.21 and to amend the complaint and remove claim regarding 67.3.)
- a) Hearing on the complaint. (*Discussion and Action*)
12. **CONSENT AGENDA** - The Sunshine Task Force (Committee) shall review File Nos, 20036, 20044, 20045, 20046, 20047, 20048, 20051, to determine if the Sunshine Ordinance Task Force has jurisdiction and determine if the requested records are public pursuant to Administrative Code (Sunshine Ordinance), Sections 67.21(e) and whether or not any person has violated the Sunshine Ordinance, California Public Records Act, or Brown Act pursuant to Administrative Code (Sunshine Ordinance) Section 67.30(c), and, if applicable, to issue an Order of Determination and refer matters to the Compliance and Amendments Committee for monitoring. The Complainant and Respondent are not required to attend the November 3, 2021, Sunshine Task Force meeting but may attend to provide testimony related to the above listed determinations.
- a. **File 20036:** Anonymous v. Director of Homelessness and Supportive Housing Jeff Kositsky for violating Admin Code 67.29-5 by failing to record general statements of issues discussed for meetings in the Proposition G calendar for November 10-17, 2019, within 3 business days of the meetings **and** Admin Code 67.29-7(a) for failing to maintain and preserve all documents and correspondence in a professional and businesslike manner by not instituting and complying with a retention policy.  
(*attachments*)

- b. **File No. 20044:** Anonymous v. Director of Health Grant Colfax for violating Admin Code 67.29-5 by failing to record general statements of issues discussed and the identity of attendees for meetings in the Proposition G calendar for November 10-17, 2019, within 3 business days of the meetings. (*attachments*)
  - c. **File No. 20045:** Anonymous v. Fire Chief Jeanine Nicholson for violating Admin Code 67.29-5 by failing to record general statements of issues discussed and the identity of attendees for meetings in the Proposition G calendar for November 10-17, 2019, within 3 business days of the meetings. (*attachments*)
  - d. **File No. 20046:** Complaint filed by Anonymous against Joaquin Torres of the Department of Economic and Workforce Development for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-5 by to keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended. (*attachments*)
  - e. **File No. 20047:** Complaint filed by Anonymous against John Arntz, Department of Elections for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-5 by to keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended. (*attachments*)
  - f. **File No. 20048:** Complaint filed by Anonymous against Manohar Raju of the Public Defender's Office for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-5 by to keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended. (*attachments*)
  - g. **File No. 20051:** Complaint filed by Anonymous against Trent Rhorer Human Services Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-5 by to keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended. (*attachments*)
    - 1) Determination of jurisdiction on complaints A-G. (Discussion and Action)
    - 2) Determination to find noncompliance or violation of A 67.29-5 and 67.29-7(a) and Items B-J for noncompliance or violations of 67.29-5.
13. **Composition of SOTF Respondent Packets.** (*attachments*) (*Discussion and Action*)
14. **Review of Draft Complaint Form.** (*Discussion and Action*)
- <https://docs.google.com/forms/d/e/1FAIpQLSe-oJq3NG27yAIGODZPSwJWwSL-euYaFYmXMhSNoKOAjgh03w/viewform>

15. **Chair's Report.** (*attachments*) (*Discussion and Action*)  
(*On October 6, 2021, the SOTF continued the matter to the Call of the Chair.*)
- **Systemwide SOTF Advisory: Timeliness of Response (DRAFT)**
  - **Reporting of deaths due to COVID-19 in SF in relation to File 18024**  
This complaint dealt with a request for death counts in SF from SFDPH. Recent publication and data collection on deaths due to COVID-19 appear puts into question SFDPH practices on monitoring deaths in SF.  
<https://sf.gov/data/covid-19-population-characteristics>;  
[https://sfgov.org/sunshine/sites/default/files/SOTF\\_Order\\_18024.pdf](https://sfgov.org/sunshine/sites/default/files/SOTF_Order_18024.pdf)
16. **Administrator's Report, Complaints and Communications.** (*Discussion and Action*)  
(*attachments*)
- Task Force and Committee hearing schedule
  - Complaints submitted and hearing files created
  - Public Communications
  - Complaint Committee minutes
  - Record of emails received
17. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force.** (*Discussion and Action*)
18. **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](mailto: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

- |    |  |                      |
|----|--|----------------------|
| 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](mailto: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](http://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](http://sfethics.org).