



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

REMOTE SPECIAL MEETING

November 10, 2020 - 4:00 PM

Seat 1	Dean Schmidt	Seat 7	Vacant
Seat 2	Lila LaHood	Seat 8	Vacant
Seat 3	Vacant	Seat 9	Chris Hyland
Seat 4	Vacant	Seat 10	Matthew Yankee - Vice-Chair
Seat 5	Jennifer Wong	Seat 11	Fiona Hinze
Seat 6	Bruce Wolfe - Chair		

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 B. Wolfe called the meeting to order at 4:09 PM. On the call of the roll Chair B. Wolfe and Members LaHood, Schmidt, Wong, Hyland, Yankee and Hinze were noted present. A quorum was present.

Chair Wolfe stated that the SOTF mandated that File Nos. 19048 and 19092 be heard together when this was previously brought before the SOTF and was overlooked when creating the agenda. Chair Wolfe asked the SOTF Deputy City Attorney whether the SOTF can add 19048 considering that this is all part of the same issue and because the SOTF ordered to have these two items heard together.

Deputy City Price-Wolf opined that both files are identical and therefore noticing and agendizing them for the same public meeting is acceptable. Price-Wolf noted that leaving out the other file could be substantive as long as the only issues to be discussed are the same including parties or issues.

Member Yankee recalled that the one matter on the agenda ruled favorability for the Petitioner that the issues were the same and the SOTF ruled in both cases there was a violation. Member Yankee stated that the SOTF should continue with hearing for this meeting.

Bill Barnes (City Administrator's Office) (Respondent) stated that he provided written comments and is here to speak on that item.

No actions taken.

2. **Election of new Vice-Chair.**

Member Hinze nominated Matthew Yankee to be the new Vice-Chair.

Action: Moved by Member Hinze, seconded by Member LaHood, to elect Member Matthew Yankee as Vice-Chair of the Sunshine Ordinance Task Force.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 - Hinze, LaHood, Hyland, Yankee, Wong, Schmidt, B. Wolfe

Noes: 0 - None

3. **Inquiry regarding quorum under Charter Section 4.104.**

Chair Wolfe opened the discussion by noting that this matter is on agenda is because the SOTF received a letter from Wynship Hillier that highlights issues regarding Charter Section 4.104. Chair Wolfe stated that Article 4 is specific to the Executive branch and Article 2 is specific to the Legislative branch of City government and the separation of the two. Chair Wolfe stated that Mr. Hillier's issue is with the San Francisco Behavioral Health Commission (BHC) and whether 4.104 applies to it or not.

Wynship Hillier stated the issue before SOTF was recently heard by Compliance and Amendments Committee and regarding the BHC and Charter section 4.104. Mr. Hillier stated that the BHC doesn't have quorum because they only have five members appointed and that holdover appointments may not be counted. Mr. Hillier stated that the BHC was established by the Board of Supervisors and is not a Charter commission or executive commission.

Chair Wolfe noted that Section 4.104(a) focuses on boards or commissions and does not specify other branches of government. Chair Wolfe stated that Article 4 is specific to the Executive branch. Chair Wolfe stated that the SOTF was not created by the Executive branch but by the voters. SOTF needs to develop a position that the committee can stand on as more cases are heard regarding the different branches of government. Chair Wolfe stated that the Charter was written in 1997. Chair Wolfe opined that Article 4 under Executive branch, paragraph b refers to a board commission or other unit of government.

Member Hyland stated that this is something to open a file on and review in the coming weeks and that perhaps get the DCA Price-Wolf to weigh in on this issue. Member Hyland stated that this is important enough to assign to two people and present to the board.

DCA Price-Wolf stated that this issue is important for the SOTF address. DCA Price-Wolf asked Member Hyland if he could review old minutes and discuss with the SOTF.

Public Comment:

Wynship Hillier wanted to clarify that Prop B that it did add to 4.104(b), however he does believe the section was already there but did not address teleconferences.

No actions taken.

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)*.

Wynship Hillier noted that when an issue is referred to a committee it should require a vote.

5. **File No. 20118: Discussion regarding The San Francisco League of Women Voters idea to create a one stop shop to post agendas and meeting announcements.**

Member Wong stated that the matter was already in process.

Chair Wolfe stated that this matter is based upon the work done over the summer regarding Supervisor Fewer's Resolution regarding transparency of meetings for members of the public. Chair Wolfe stated that the SOTF wanted to make a recommendation to Supervisor's Resolution to either accept or adjust and forward to her for acceptance.

Action: Moved by Member Wong, second by Member Hyland, to approve the memo outlining the one stop shop idea to post agendas and meeting announcements presented by the League of Women Voters and send to President Norman Yee and Supervisor Sandra Fewer.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 - Wong, Hyland, Hinze, LaHood, Yankee, Schmidt, B. Wolfe
Noes: 0 - None

Former Member Leuwam Tesfai stated that she is pleased that the SOTF is using the memo, glad that it will be helpful and that is making her appearance at the Administrator's request.

6. **File No. 19092:** Complaint filed by Justin Barker against the San Francisco Zoo for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Chair Wolfe stated that there are two cases to be addressed, 19092 which is noted on the agenda and 19048. Chair Wolfe stated that the issue is regarding the contract between the Zoo and the City and whether the Zoo is required to comply with Sunshine. Chair Wolfe stated that the Zoo has cited codes supporting their argument regarding withholding of veterinary records. Chair Wolfe noted that because Zoo is a contractor with the City and owns the animals and the operations and hires the Zoological Society to operate its functions. The SOTF feels that unless there was a citation for nondisclosure, the Zoological Society must provide the requested information as outlined in the Order of Determination.

Bill Barnes (City Administrator's Office) (Respondent), provided a summary of the department's position. Mr. Barnes stated that the City Administrator is not the contracting agency with the Zoo and according to the City Charter and noted that the agreement was entered into with the Department of Recreation and Parks. Mr. Barnes stated that the City Attorney approves that all contracts to form and that all the terms and provisions are enforced.

Member Yankee noted that the part of the contract that applies to this matter can be found on page 66, section 16.2, which has specific language regarding how the Sunshine Ordinance may apply. Member Yankee stated that Mr. Barker has not received those records and that portion of the contract says that he is entitled those records.

Chair Wolfe stated that the SOTF has asked, but Recreation and Park has declined. If the City Administrator does not have authority to oversee the contract and Recreation and Parks, then more information is needed. Chair Wolfe expressed concern that the Zoological Society might claim the same defense in providing the information to the Committee.

Member Yankee stating that the SOTF went through the process of finding a violation and this is more an enforcement issue. Member Yankee noted that SOTF decided that the Zoo does need to provide information.

Mr. Barnes stated that he recalled a similar circumstance and understands the problem for the SOTF and is happy to look into the matter and assist Mr. Barker with his records request.

Mr. Barker (Petitioner) stated that he just wants the records, and if there is a next step, happy to continue down the line. Mr. Barker wants accountability and enforcement.

Chair Wolfe noted that the contracting agency is Recreation and Parks and ultimately they are responsible for getting records and for enforcement of the contract. Chair Wolfe stated that Recreation and Parks declined to appear at the Compliance and Amendments Committee hearing leaving it to the Zoological Society. Chair Wolfe stated that there are

animals and assets and it would be incumbent to send a letter to them and include Order of Determination and the reasons the SOTF came to this conclusion.

Action: Moved by Member Yankee, second by Member Hyland, to draft a letter to the Department of Recreation and Parks regarding SOTF enforcement of the Order of Determination and reference the Lease Agreement, page 66, paragraph 16.2 signed July 1, 1993, between the City and the San Francisco Zoo. The SOTF is requesting that Recreation and Parks respond within 14 calendar days from date of the letter or this matter will be referred to the Ethics Commission.

Public comment:

None.

The motion PASSED by the following vote:

Ayes: 7 - Yankee, Hyland, Wong, Hinze, LaHood, Schmidt, B. Wolfe

Noes: 0 - None

7. **File No. 19076:** Reconsideration of SOTF Findings.

Anonymous (Petitioner) requested a postponement of her matter. Anonymous was not present for the hearing.

Justine Alberto (Animal Care and Control) (Respondent) informed the SOTF Administrator that both she and Virginia Donohue would be on vacation and unavailable for the hearing.

(Note: The November 4, 2020, SOTF hearing on the matter determined that the motion for reconsideration failed.)

No Action Taken.

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

Member Hyland requested that the SOTF Administrator include the title of the meeting and time in the header of the Teams meeting invite.

Chair Wolfe stated that he is looking into having SOTF meetings streamed.

9. **ADJOURNMENT.**

There being no further business the meeting was adjourned at 5:49 p.m.

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.