



City and County of San Francisco

Special Meeting Minutes

Sunshine Ordinance Task Force

City Hall
1 Dr. Carlton B. Goodlett Place,
Room 244
San Francisco, CA 94102-4689

Members:

Seat 1	Dean Schmidt	Seat 7	Matthew Yankee - Chair
Seat 2	Lila LaHood	Seat 8	Chris Hyland
Seat 3	Saul Sugarman	Seat 9	David Pilpel
Seat 4	Ankita Kumar	Seat 10	Vacant
Seat 5	Maxine Anderson	Seat 11	Bruce Wolfe
Seat 6	Laura Stein - Vice-Chair		
Ex-officio	<i>(non-voting)</i> Clerk of the Board of Supervisors or their designee		
Ex-officio	<i>(non-voting)</i> Mayor or their designee		

Clerk: Patricia H. Petersen
(415) 554-7719 ~ sof@sfgov.org

**Tuesday,
November 19, 2024**

**4:00 pm
Special Meeting**

City Hall, Room 408

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES (00:00:18)**

Chair Yankee called the meeting to order at 4:18 p.m. On the call of the roll, Chair Yankee, Vice Chair Stein and Members Schmidt, LaHood, Sugarman, Kumar, Anderson, Hyland and Pilpel were noted present. Member Wolfe was noted absent. There was a quorum. Task Force Administrator Pat Petersen was noted present.

Action: Moved by Chair Yankee, seconded by Vice-Chair Stein, to accept Respondent's evidence of compliance and Petitioner's request to withdraw their complaint (File 23067) (Item 10).

Public Comment: Michael Petrelis posed questions regarding the process about File 24054 (Item 9).

The motion PASSED by the following vote:

Ayes: 9 - Yankee, Stein, Schmidt, LaHood, Sugarman, Kumar Anderson, Hyland, Pilpel
Noes: 0 - None
Absent: 1 - Wolfe

2. **Approval of the minutes from the Sunshine Ordinance Task Force Meeting of August 7, 2024 (00:15:08)**

Action: Moved by Member Pilpel, seconded by Member Kumar, to approve the August 7, 2024 minutes with the proposed amendments.

Public Comment: Mark LaCroix stated that edits were needed to File Nos. 23095 and 23099.

The motion PASSED by the following vote:

Ayes: 8 – Pilpel, Kumar, Schmidt, LaHood, Sugarman, Anderson, Hyland, Stein
Noes: 1 - Yankee
Absent: 1- Wolfe

The meeting was in recess from 4:59 p.m. until 5:18 p.m. Roll call was taken and there was a quorum.

3. **Approval of the minutes from the Sunshine Ordinance Task Force Meeting of September 4, 2024 (04:46:06)**

Action: Moved by Pilpel, seconded by Member Anderson, to continue Items 3 and 4 to the December 4, 2025 Special Meeting of the Sunshine Ordinance Task Force.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 8 – Pilpel, Anderson, Schmidt, LaHood, Sugarman, Hyland, Stein, Yankee
Noes: 0 - None
Absent: 2 - Wolfe, Kumar

4. **Approval of the minutes from the Sunshine Ordinance Task Force Meeting of October 2, 2024 (04:47:12)**

See Action taken at Item 3.

5. **Approval of Orders of Determination: (04:51:34)**

- **File No. 23058:** Paul Kniha against the San Francisco Municipal Transportation Agency
- **File No. 23067:** Kimo Crossman against the Office of the Chief Medical Examiner
- **File No. 23068:** Laurent Philonenko against Phil Ginsburg and the Recreation and Parks Department
- **File No. 23081:** Zahir Nasri against the San Francisco International Airport
- **File No. 23086:** Mike Spencer against the Police Department
- **File No. 23090:** Lance Carnes against Public Works

- **File No. 23095:** Mark LaCroix against the SF Fire Commission
- **File No. 23099:** Mark LaCroix against the SF Fire Commission
- **File No. 23100:** Jimmer Cassiol against the City Administrator’s Office
- **File No. 24009:** Paul Kniha against Hakem, Ibrahim, Tracy Minicucci and the Municipal Transportation Agency
- **File No. 24020:** Beth Winegarner against David Serrano Sewell and the Office of the Medical Examiner
- **File No. 24025:** Anonymous against the Police Department
- **File No. 24028:** HVSafe against the Municipal Transportation Agency
- **File No. 24041** Rosa L. v. City Attorney
- **File No. 24042** Rosa L. v. Mayor’s Office
- **File No. 24043** Rosa L. v. Department of Emergency Management
- **File No. 24044:** Rosa L. V. Police Department
- **File No. 24045:** Sophia De Anda v. Human Services Agency
- **File No. 24047:** Rosa L. v. Police Department
- **File No. 24048** Rosa L. v. Police Department

Member Pilpel requested that Files Nos. 23086, 24047, and 24048 be pulled and continued to a future meeting.

Action: Moved by Member Pilpel, seconded by Member Anderson, to approve the Orders of Determination with the suggested edits and other non-substantive edits following review by Chair Yankee, except for the following files that will be continued to the call of the chair: File Nos. 23086, 24047, and 24048.

Member Sugarman was noted absent at 9:22 pm.

Public Comment: Mr. LaCroix stated that [the Summary] for File 23095 should be say “67.12” and not “67.5” and asked for a statement that the requested records are public.

The motion PASSED by the following vote:

Ayes: 7 – Pilpel, Anderson, Schmidt, LaHood, Hyland, Stein, Yankee

Noes: 0 - None

Absent: 3 – Wolfe, Kumar, Sugarman

6. **Hearing - Review of the 2025 Annual Meeting Calendar:** Discussion and adoption of the 2025 meeting calendar of the Sunshine Ordinance Task Force and its Committees. (03:35:02)

The Task Force members discussed the meeting calendar and dates for Special Meetings.

Action: Moved by Member Pilpel, seconded by Vice-Chair Stein, to adopt the 2025 meeting calendar of the Sunshine Ordinance Task Force and its Committees.

Public comment. None.

The motion PASSED by the following vote:

Ayes: 8 – Pilpel, Stein, Schmidt, LaHood, Sugarman, Anderson, Hyland, Yankee

Noes: 0 - None

Absent: 2 – Wolfe, Kumar

7. **Administrator’s Report. (03:51:08)**

- Task Force and Committee tentative hearing schedule with potential adjustments
- Complaints and Hearing Requests
- SOTF Member Attendance
- Communications

The Task Force agreed to hold a combined meeting on 1/21/2024 of the Complaint Committee (4:00 p.m. to 5:30 p.m.), followed by a Special Meeting of the Sunshine Task Force (beginning at 5:30 p.m.). The Task Force members discussed closed cases, cases referred for follow-up, communications to outgoing officials, and continuity among departmental public records officers.

Public Comment: None.

No Actions Taken.

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SPECIAL ORDER 5:00 P.M.
Public Comment, Consent Agenda, and Complaint Hearings Agenda

**(Note: Public Comment, Consent Agenda, and hearings on
Complaints listed below will begin at 5:00 P.M.
or as soon thereafter as possible.**

8. **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. (00:58:38)

Public Comment: None.

CONSENT AGENDA – Item 9 (00:59:37)

The Sunshine Ordinance Task Force shall review **File 24054** to affirm the Committee's finding 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 November 19, 2024*** Sunshine Ordinance Task Force meeting but may attend to provide testimony during the public comment period for this item related to the determinations listed below.

9. **File No. 24054:** Complaint filed by Michael Petrelis against the Mayor's Office 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. (01:01:37)

(On 10/15/2024, the Complaint Committee found that the SOTF has jurisdiction, that the requested records are public, and referred the matter to the SOTF Consent Agenda with a recommendation to find no violation of Administrative Code (Sunshine Ordinance) Section 67.21 for the reason that the Committee does not have evidence that the two parties have texted about City business and that one of the parties is a private party and not subject to the Sunshine Ordinance.)

Action: Moved by Member Pilpel, seconded by Member Anderson, to accept the recommendation of the Committee and approve the Consent Agenda.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 9 – Pilpel, Anderson, Schmidt, LaHood, Sugarman, Kumar, Hyland, Stein, Yankee

Noes: 0 - None

Absent: 1 - Wolfe

COMPLAINT HEARING AGENDA – Items 10 through 13

The Sunshine Ordinance Task Force (SOTF) shall conduct hearings to review **File Nos. 23067, 24021, 23096 and 24053**. The Petitioner/Complainant and Respondent will be provided an opportunity to provide facts and evidence. The SOTF will discuss the matters and ask questions as needed. The Petitioner/Complainant and Respondent will be an opportunity to provide clarifications/rebuttals. Public Comment will be requested on each item prior to action by the SOTF (see below Meeting Procedures). Only the Respondent in File 23067 is required to attend. Both the Petitioner/Complainant and Respondent in File Nos. 24021, 23096 and 24053 are **required to attend the November 19, 2024** Sunshine Ordinance Task Force meeting.

10. **File No. 23067:** Complaint filed by Kimo Crossman against the Office of the Chief Medical Examiner for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to provide public records in a timely and/or complete manner; 67.28 by failing to make public records available for inspection and copying; California Public Records Act (CPRA) 6253(a) by failing to allow public records to be available for inspection; and CPRA 6253.1(a) by failing to allow access to an electronic public record. *(On 8/7/2024, the SOTF found a violation of Sunshine Ordinance Section 67.28 against the Office of the Chief Medical Examiner for charging a member of the public for a public record and ordered the Office of the Chief Medical Examiner to make available to members of the public a digital copy free of charge and send a verification to the SOTF Administrator that these changes will take place within 10 days.)*

The matter was withdrawn prior to the meeting. See **Item 1**.

11. **File No. 24021** Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner. (01:09:15) *(On October 2, 2024, the Task Force found that the Police Department violated Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to provide the requested records. The SOTF orders the Police Department to provide the requested records, and to send the file to the Compliance and Amendments Committee for follow-up.*

On 10/22/2024, the Compliance and Amendments Committee moved that if the Police Department does not deliver requested records to Petitioner and the Compliance and Amendments Committee (CAC) by 10/31/2024, the CAC will recommend that this matter be returned to the full SOTF for consideration of a violation of Sec. 67.34 for willful violation of the SOTF's 10/2/2024 SOTF order of determination. The CAC further instructed the SOTF Administrator to include San Francisco Police Chief William Scott and Director of Crime Strategy Ryan Kao on the distribution list of the Notice of Hearing of the 11/6/2024 SOTF Regular Meeting.)

Matthew Lotocki (Petitioner) provided comments on their complaint. Mr. Lotocki stated that has not been provided the Automated License Plate Reader (APLR) map, and that it is troubling that the Police Department is not complying with the Task Force's order.

Lt. Beauchamp (Respondent) provided a summary of the department's position. Lt. Beauchamp stated that the Police Department, in consultation with counsel, believes that that public safety is being balanced against the release of public records in regard to the APLR map.

A question-and-answer period occurred. The Task Force discussed the extent to which the Task Force can provide injunctive relief, the options for referrals to the Ethics Commission, and possibilities for providing petitioners optimal outcomes.

Action: Moved by Member Anderson, seconded by Member Hyland, to find that the SF Police Department violated Administrative Code Chapter 67 as stated in the Order of Determination for the release of public records, and referred the matter to the Ethics Commission under the Commission's Section 10(B) regulation for enforcement.

Public Comment: Mark LaCroix stated that he believes the Task Force has significant power.

The motion PASSED by the following vote:

Ayes: 7 - Anderson, Hyland, Schmidt, LaHood, Sugarman, Pilpel, Yankee

Noes: 2 – Sugarman, Stein

Absent: 1 - Wolfe

12. **File No. 23096:** Complaint filed by Paul Kniha against the San Francisco Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(k) by failing to provide records that may fall under the scope of attorney/client privileged in a timely and/or complete manner. (03:00:14)

(On 1/16/2024, the Complaint Committee found that the SOTF has jurisdiction, that the requested documents are public, and forwarded the matter to the SOTF to consider whether the documents were properly redacted/withheld.)

Paul Kniha (Petitioner) provided comments on their complaint. Mr. Kniha stated that he seeks confirmation that the requested communication is subject to attorney client privilege and requested that the Task Force hear his item and make a determination.

Shana Dines (Respondent) provided a summary of the department's position. Ms. Dines stated appreciation of Mr. Kniha's acknowledgement of the department's assertion of attorney client privilege. Ms. Dines further stated that there are no other communications to produce, and agreed to provide a version showing that the communication was with a member of the City Attorney's Office.

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

Action: Motion by Chair Yankee, seconded by Member Anderson, to continue the matter to the call of the chair pursuant to the agreement for Respondent to provide a redacted record.

Public Comment: None

The motion PASSED by the following vote:

Ayes: 8 – Yankee, Anderson, Schmidt, LaHood, Sugarman, Hyland, Pilpel, Stein
Noes - 0
Absent: 2 – Wolfe, Kumar

The meeting was in recess from 7:43 p.m. until 7:54 p.m. Roll call was taken and there was a quorum.

13. **File No. 24053:** Complaint filed by Ellen Tsang against the Planning Department for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (02:12:05)

(On 10/15/2024, the Complaint Committee found that the SOTF has jurisdiction, that the requested documents are public, and referred the matter to the full SOTF with a recommendation to find that the Planning Department violated Administrative Code (Sunshine Ordinance) Section 67.21, by failing to provide the requested records, and Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. The Committee ordered the Planning Department to respond directly that they did not have the documents or produce the documents. The Committee noted that the Planning Department did not submit a written response to the Complaint Committee and requests one prior to the SOTF meeting.)

Ellen Tsang (Petitioner) provided comments on their complaint and requested that the Task Force find violations.

Jonas Ionin (Respondent) provided a summary of the department's position. Mr. Ionin stated that all documents in their possession have been provided and that there are no documents regarding the decision-making process.

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

Action: Moved by Member Schmidt, seconded by Member Pilpel, to find no violation(s).

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 8 – Schmidt, Pilpel, LaHood, Sugarman, Kumar, Anderson, Hyland, Yankee
Noes: 1 - Stein
Absent: 1 - Wolfe

Member Kumar was noted absent at 7:20 p.m.

14. **Hearing - Communication to City Officials on Sunshine Requirements:** Discuss and potentially approve a communication to certain current, departing, and incoming city officials regarding their requirements under the Sunshine Ordinance, California Public Records Act, and Brown Act. (04:15:35)

The Task Force members discussed the structure of the communication, additional language to consider, and how to disseminate it. Chair Yankee stated that he will request a memo from counsel regarding the impact to the Task Force of Prop E.

Action: Motion by Member Sugarman, seconded by Member Hyland, to approve the memorandum with the edits as discussed, and authorize the Chair to send the memorandum.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 8 – Sugarman, Hyland, Schmidt, LaHood, Anderson, Pilpel, Stein, Yankee
Noes: 0 - None
Absent: 2 – Wolfe, Kumar

15. **Hearing - Sunshine Ordinance Task Force Annual Report:** Authorize Production of SOTF's 2024 Annual Report. (04:27:04)

Members of the public and the SOTF can view the 2024 Annual Report proposal online at: <https://docs.google.com/document/d/1gE9XCjztYkpb6fB7FlzSGDryfMg-YsKK/edit?usp=sharing&oid=105519330310899598939&rtpof=true&sd=true>

No password or identification is required. Public comments on this document can be sent directly to lstein.sotf@gmail.com or made during public comment on this agenda item.

The Task Force members discussed data collection options, additional topics to include in the report, promoting the report and its findings, and the proposed schedule for preparing and issuing the report.

Action: Moved by Chair Yankee, seconded by Member LaHood, to authorize the production of the 2024 Annual Report pursuant to Vice-Chair Stein’s proposal.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 8 – Yankee, LaHood, Schmidt, Sugarman, Anderson, Hyland, Pilpel, Stein

Noes: 0 - None

Absent: 2 – Wolfe, Kumar

16. Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force (05:13:59)

The Task Force members discussed providing the Task Force Administrator with comments to the Compliance and Amendments Committee’s proposed amendments to the ordinance, that counsel will be asked for a memorandum regarding the effect of Prop D and Prop E, interest in a mayoral appointee to the Task Force, pending referrals to the Ethics Commission for persons leaving office, and promoting the value added of the Task Force.

Public Comment: None.

17. ADJOURNMENT

There being no further business the meeting was adjourned at 9:49 p.m.

Approved: 1/21/2025

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.

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