



**SUNSHINE ORDINANCE TASK FORCE**  
**Compliance and Amendments Committee**  
**CITY AND COUNTY OF SAN FRANCISCO**  
**MINUTES - DRAFT**

**REMOTE REGULAR MEETING**

**November 24, 2020 - 4:30 PM**

**Members:** Lila LaHood (Chair), Jennifer Wong and Bruce Wolfe

**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 videoconference.

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: 953 744 045#**

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**

Chair LaHood called the meeting to order at 4:35 p.m. On the call of the roll Chair LaHood and Members Wong and Wolfe were noted present. A quorum was present.

There were no agenda changes.

2. **Approval of the October 27, 2020, Compliance and Amendments Committee meeting minutes.**

Action: Moved by Member Wolfe, seconded by Member Wong, to approve the October 27, 2020, meeting minutes.

The Motions was rescinded.

Public Comment:

Mr. Hilliard objected to certain items listed in Item 4, of the October 27, 2020, Minutes.

Anonymous stated he could not find the audio of the meeting online.

Speaker requested information on the proposed changes to the minutes by Mr. Hilliard.

Chris Kohrs commented on the minutes and proposed additional changes.

**Action: Moved by Member Wong, seconded by Member Wolfe, to continue the minutes to the next meeting.**

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

Ayes: 3 - Wolfe, Wong, LaHood

Noes: 0 - None

3. **Public Comment:** Members of the public may address the Committee on matters that are within the Committee's jurisdiction but not on today's agenda.

Speakers:

Anonymous stated that City Attorney Dennis Herrera treats the Sunshine Ordinance with contempt and thumbs his nose at this Task Force's authority, as delegated by the people of San Francisco, to be the arbiters of what information is disclosable in San Francisco. You previously found that he personally violated 67.29-5, and that his office violated 67.26 and more, in SOTF cases 19108 and 19044. He ignores your orders and does not comply.

In the most recent cases a single email was requested from Herrera's office which has between 2-3 pages of metadata. In 59 days Herrera has been unable or unwilling to determine whether or not the public records in this case are disclosable. His office lacks even the basic competence to provide a notice of extension within 10 days as required by the CPRA. Whether Herrera's actions are due to malice or incompetence, you should hold him accountable.

Speaker commented on the Police Commission discussion of items not on the agenda.

4. **File No. 20010:** Complaint filed by Patrick Monette-Shaw against the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b) and 67.25(d), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Patrick Monette-Shaw (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Monette-Shaw reference items submitted and stated the Petitioner converted his Immediate Disclosure Request to a standard complaint. Mr. Monette-Shaw stated that he submitted on December 26, 2019, the City Attorney's Office stated they would respond on January 6, and later requested an additional extension for time to respond.

John Cote (Office of the City Attorney) (Respondent), provided a summary of the department's position. Mr. Cote referenced the Office of City Attorney (OCA) written response. Mr. Cote stated that IDR is limited to simple and easily responded to request. Mr. Cote stated that the OCA is not required to create records and therefore the statutory deadline does not apply in this case.

**Action: Moved by Member Wolfe, seconded by Member Wong, to find that the SOTF has jurisdiction, the documents are public and referred the matter to the SOTF for hearing.**

Public Comment:

Anonymous stated that the OCA should have stated that no records exist under the Public Records Act as the documents did not exist or provide other related records in a timely manner.

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

Ayes: 3 - Wolfe, Wong, LaHood

Noes: 0 - None

5. **File No. 19145:** Complaint filed by Chris Khors against the Police Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.5 and 67.21, by failing to respond to a public records request in a timely and/or complete manner.  
*(On October 7, 2020, the SOTF moved to continue the matter to the call of the Chair, requested that that Sgt. Youngblood provide a recording of the closed session of the Police Commission hearing and request that the SOTF Deputy City Attorney provide an analysis of the issue.)*

Chris Khors (Petitioner) responded to questions from the Committee and provided an overview of the complaint. Mr. Khors stated that he did not receive an unredacted/unaltered audio recording. Mr. Khors stated that he recalls certain statements that were not present on the audio record, noted that the audio recording was broken into several parts and provide other instances supporting his allegation.

Sgt. Youngblood (Police Commission) (Respondent) responded to questions from the Committee and stated that the audio recording cannot be provided without a court order. Sgt. Youngblood stated that case in question is still open due to pending lawsuits. Sgt. Youngblood stated that due to the fact that the record is a personnel record, it is not disclosable but was provided to Mr. Khors once a waiver was signed. Sgt. Youngblood stated that the audio recording was provided and was not altered as alleged by Mr. Khors. Sgt. Youngblood stated they only record the closed session and SFGOV.TV records the public portion of the meeting.

Upon discussion the Committee expressed concern that the SOTF Deputy City Attorney has not yet provided an official analysis of the issue. The Committee referenced the following site:

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB1421](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1421)

Member Wolfe inquired if time codes review of the meeting for the various portions of the meeting in order to check for gaps in the recording. Member Wolfe asked questions regarding the recording method used by the Police Commission.

**Action: Moved by Member Wolfe, seconded by Member Wong, to refer the matter to the SOTF for hearing with the recommendation that Sunshine Ordinance, Section 67.8-1, occurred for not recording the closed session in its entirety.**

**The Committee requestion the following:**

**Request DCA Price-Wolfe to provide advice on this matter prior to the SOTF meeting for discussion of possible disclosure to the public.**

**Police Commission policy on recording of closed session.**

**Time Code of the complete meeting and the complete closed session portion of the meeting.**

Public Comment:

Anonymous commented on the previous hearing on the matter, questions the proceedings of the SOTF and stated that the violation did occur.

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

Ayes: 3 - Wolfe, Wong, LaHood

Noes: 0 - None

6. **File No. 19131:** Complaint filed by Anonymous against Jose Cisneros, Theresa Buckley and the Treasurer's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.24, 67.26, 67.27, by failing to respond to a request for records in a timely and/or complete manner, failing to assist, withheld more than the minimally exempt portion of a public record.

*(On January 28, 2019, the Compliance and Amendments Committee determined that the SOTF has jurisdiction.)*

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous referred to submitted documents regarding request for Prop G calendars. Anonymous stated that printing and scanning is not a copy of a record previously ruled upon by the SOTF. Anonymous stated that the issues in question are future calendar, metadata, and printing and copying documents.

Debra Lew (Office of the Treasurer and Tax Collector (Respondent), provided a summary of the department's position. Ms. Lew stated that past and future calendars were requested. Ms. Lew stated that documents were produce and redacted. Ms. Lew provided reasons for the redactions made. Ms. Lew stated that there is no state law to release metadata and the release of metadata may cause a security risk. Ms. Lew stated if metadata is disclosed it would constitute waiver of the right to redact metadata in the future.

**Action: Moved by Member Wolfe, seconded by Member Wong, to find that the records are public and referred the matter to the SOTF for hearing.**

Public Comment:

None.

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

Ayes: 3 - Wolfe, Wong, LaHood

Noes: 0 - None

7. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Compliance and Amendments Committee**

Member Wong requested a hearing on how Sunshine should be applied to blocking on social media account.

Public Comment:

Anonymous commented on the proposed hearing and reference President Trumps block and muted list on social media. Anonymous commented of proposed changes to the Sunshine Ordinance.

8. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:32 p.m.

**APPROVED: DRAFT**  
**Compliance and Amendments Committee**  
**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.