



City and County of San Francisco Sunshine Ordinance Task Force

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

Regular Meeting

AGENDA

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 his or her designee		
Ex-officio	<i>(non-voting)</i> Mayor or his or her designee		

Clerk: Cheryl Leger
(415) 554-4442 ~ cheryl.leger@sfgov.org

Wednesday, August 7, 2024

4:00 pm
Regular Meeting

City Hall, Room 408

(NOTE: Hearings on complaints will begin no earlier than 5:00 P.M.)
(See below for additional details.)

Remote Access and/or In-Person Participation

The Sunshine Ordinance Task Force and its committees convene hybrid meetings that allow in-person attendance, in-person public comment, remote access for petitioners and respondents, and remote public comment via teleconference (via Webex).

Webex Remote Link/Log-in:
<https://tinyurl.com/57af4fsr>
Password: sunshine

Telephone Call-in:
[1 \(415\) 655-0001 / Meeting ID: 2662 102 7735 # #](tel:14156550001)
(press *3 to enter the speaker line)

Members of the public may participate by phone or may submit their comments by email to: sotf@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>.

Meeting Decorum: Any member of the Sunshine Ordinance Task Force may call for decorum due to the 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.**
2. **Approval of the minutes from the Sunshine Ordinance Task Force Meeting of May 3, 2024.** (*Discussion and Action*) ([Attachments](#))
3. **Approval of the minutes from the Sunshine Ordinance Task Force Meeting of June 5, 2024.** (*Discussion and Action*) ([Attachments](#))
4. **Approval of Orders of Determination:** (*Discussion and Action*) ([Attachments](#))

From the June 5, 2024, Sunshine Task Force meeting:

- **File No. 23030:** Complaint filed by Michael Turon against the Assessor-Recorder's Office
 - **File No. 23093** Complaint filed by Michael Petrelis against the Mayor's Office
 - **File No. 23079** Complaint filed by Lance Carnes against Public Works
 - **File No. 24001:** Complaint filed by Rosa L. against the Department of Public Health
 - **File No. 24005:** Complaint filed by Anonymous (ACU) against the Fine Arts Museum Board of Trustees
 - **File No. 24013** Complaint filed by Michael Petrelis against Supervisor Ahsha Safai, Board of Supervisors,
 - **File No. 24014:** Complaint filed by Rosa L. against the Police Department
 - **File No. 24016:** Complaint filed by Paul Kniha against the Municipal Transportation Agency
 - **File No. 24017:** Complaint filed by Paul Kniha against the Municipal Transportation Agency
5. **File No. 24032: Annual Supervisor of Records Report from City Attorney:** Review and potential acceptance of the annual report. (*Discussion and Action*) ([Attachments](#))
<https://www.sfcityattorney.org/wp-content/uploads/2024/01/23rd-Annual-SOR-Report.pdf>
 6. **Administrator's Report, Complaints, Communications, and Meeting Schedule.** (*Discussion and Possible Action*) ([Attachments](#))
 - Task Force and Committee tentative hearing schedule with potential adjustments
 - Complaints and Hearing Requests
 - Communications

7. **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. (No Action)*

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

8. **CONSENT AGENDA** - The Sunshine Ordinance Task Force shall review **File Nos. 23068, 24020, 24025 and 24028** to affirm the Committee's findings 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 August 7, 2024**, Sunshine Task Force meeting but may attend to provide testimony during the public comment period. *(Discussion and Action)*

8A. File No. 23068: Complaint filed by Laurent Philonenko against Phil Ginsburg and the Recreation and Parks Department 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. *(Discussion and Action)* ([Attachments](#))
(On July 16, 2024, the Complaint Committee moved to find to find that the SOTF has jurisdiction over the matter, that the requested records are public, and to find that THE Consent Calendar with a finding of no violation because all the requested records were provided in a timely manner.)

8B. File No. 24020 Complaint filed by Beth Winegarner against David Serrano Sewell and the Office of the Medical Examiner 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. ([Attachments](#))
(On May 28, 2024, the Education, Outreach and Training Committee moved to find that the SOTF has jurisdiction, the requested records are public, and to refer the matter to the Task Force Consent Calendar with a recommendation to find a violation that the Office of the Medical Examiner violated Administrative Code Section(s) 67.21(b) by failing to respond to a public records request in a timely and complete manner.) The Respondent acknowledged that the referenced violation occurred.)

8C. File No. 24025: Complaint filed by Anonymous (SFPD) 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; 67.25(a)(d) by failing to respond to an Immediate Disclosure Request in a timely and complete manner and if needed provide requested records on a rolling basis, 67.34 for willful violation. ([Attachments](#))

(On May 28, 2024, the Education, Outreach and Training Committee to find that the SOTF has jurisdiction over the matter, that the requested records are public, and to refer the matter to the full Task Force Consent Calendar with a recommendation that no violation occurred. The EOTC also recognized that the efforts of the Police Department were above and beyond what was necessary to satisfy Complainant's request for higher-resolution photos.)

8D. File No. 24028: Complaint filed by HVSafe against the Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25 for failing to respond to an Immediate Disclosure Request in a timely and/or complete manner and California Public Records Act 6253 for failure to provide a determination of disclosable public records within 10 days. ([Attachments](#))

(On July 16, 2024 the Complaint Committee moved to find that the SOTF has jurisdiction over the matter, that the requested records are public, and to refer the matter to the Consent Agenda of the Task Force and find a violation of Administrative Code (Sunshine Ordinance), Section(s) 67.25 for failing to respond to an Immediate Disclosure Request in a timely manner and California Public Records Act 6253 for failure to provide a determination of disclosable public records within 10 days. As both petition and respondent acknowledge that the documents were provided late.)

9. **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. ([Attachments](#))

(On January 16, 2024, the Complaint Committee moved to find that the SOTF has jurisdiction, that the requested documents are public, and to refer the matter to the full Task Force for a hearing to consider whether there are any of the alleged violations, as well as failing to send an authorized representative to the hearing (Sec. 67.21(e)).

- a) Hearing on the complaint. (*Discussion and Action*)

10. **File No. 23086:** Complaint filed by Mike Spencer 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. ([Attachments](#))

(On June 5, 2024, the Task Force moved to continue File No. 23086 until such time as the Task Force receives a copy of the Wynkoop memo in the possession of the Petitioner or evidence of a declination letter from the District Attorney provided by Lt. Christopher Beauchamp on whether these records should be made public.)

- a) Hearing on the complaint. (*Discussion and Action*)

11. **File No. 23081** Complaint filed by Zahir Nasri against San Francisco International Airport (Ground Transportation Unit) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to provide public records in a timely and/or complete manner. ([Attachments](#))
(On November 21, 2023, the Complaint Committee moved to find that the requested records are public, the SOTF has jurisdiction, and refer the matter to the SOTF for consideration of a timeliness violation.)
 - b) Hearing on the complaint. (*Discussion and Action*)

12. **File No. 23095:** Complaint filed by Mark LaCroix against the San Francisco Fire Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.10(b) by failing to consider the appointment, employment, evaluation of performance, or dismissal of a City employee, if the policy body has the authority to appoint, employ, or dismiss the employee, or to hear complaints or charges brought against the employee by another person or employee unless the employee complained of requests a public hearing. respond to a public records request in a timely and/or complete manner; 67.11 prior to any closed session, a policy body shall state the general reason or reasons for the closed session, and shall cite the statutory authority, including the specific section and subdivision, or other legal authority under which the session is being held; 67.12 by failing to disclose closed session discussions and actions. ([Attachments](#))
(On February 20, 2024, the Complaint Committee moved to find that the SOTF has jurisdiction, and to forward the matter to the full Task Force with the recommendation to find a violation of Administrative Code, Section(s) 67.11 for failing to state a general reason for the closed session and to consider whether there is a 67.10(b) violation regarding fees.)
 - a) Hearing on the complaint. (*Discussion and Action*)

13. **File No. 23099:** Complaint filed by Mark LaCroix against the San Francisco Fire Commission for allegedly violating Administrative Code (Sunshine Ordinance), 67.5 by failing to conduct meetings of any policy body open and public; 67.10 conducting a closed session hearing on a non-permitted topic, and 67.11 by failing to properly notice a closed session hearing. ([Attachments](#))
(On February 20, 2024, the Complaint Committee moved by Chair Schmidt, seconded by Member Stein, to find that the SOTF has jurisdiction and to forward the matter to the full Task Force. The Committee requested that the matter be heard on the same day as File No. 23095, as the parties are the same and the issues are similar but not the same.)
 - a) Hearing on the complaint. (*Discussion and Action*)

14. **File No. 23013A** Complaint filed by Chris Ward Kline against Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, 67.24(b)(o), and 67.25 by failing to respond to a request for public records in a timely and/or complete manner. ([Attachments](#))
(On March 21, 2023, the Complaint Committee moved to find that the SOTF has jurisdiction, find that certain public records are involved and forward to the SOTF with the recommendation that the Petitioner clarify which request is at issue in relation to each agency.)
 - a) Hearing on the complaint. *(Discussion and Action)*
15. **Interpreting the Subsections of Administrative Code 67.25** *(Discussion Only)*
[Attachments](#)
16. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force.** *(Discussion and Action)*
(Note: Public Comment on this item is limited to subject matters presented by members of the SOTF.)
17. **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 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

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|----|--|----------------------|
| 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 two (2) business days in advance of the meeting to help ensure availability. Contact bos@sfgov.org or call (415) 554-7725.

AVISO EN ESPAÑOL: La solicitud para un traductor debe recibirse antes de mediodía de el Viernes anterior a la reunion. Llame bos@sfgov.org or (415) 554-5184.

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 two (2) business days prior to the meeting: 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.

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

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.