



City and County of San Francisco

Meeting Agenda

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

Sunshine Ordinance Task Force

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 ~ sotf@sfgov.org

**Wednesday,
September 4, 2024**

**4:00 pm
Regular Meeting**

City Hall, Room 408

NOTE: Hearings on Complaints will begin no earlier than 5:00 p.m. (see details below)

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/2hy2y9xf>

Password: sunshine

Telephone Call-in:

[1 \(415\) 655-0001 / Meeting ID: 2664 510 2167 # #](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://www.sfgov.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 August 7, 2024.** (*Discussion and Action*) ([attachments](#))
3. **Approval of Orders of Determination:** (*Discussion and Action*) ([attachments](#))

From the August 7, 2024 Sunshine Ordinance Task Force Meeting:

- **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. 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
4. **Administrator's Report, Complaints and Communications.** (*Discussion and Action*) ([attachments](#))
 - Task Force and Committee tentative hearing schedule with potential adjustments
 - Complaints and Hearing Requests
 5. **Consider waiving SOTF By-Law Article II, Section 2 regarding meeting attendance by Vice-Chair Stein.** (*Discussion and Action*) ([attachment](#))
 6. **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.

7. **CONSENT AGENDA** - The Sunshine Ordinance Task Force (SOTF) shall review the Complaints listed below to affirm the Committee's findings regarding the SOTF'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 September 4, 2024*** Sunshine Task Force meeting but may attend to provide testimony during the public comment period for this item related to the above-listed determinations. *(Discussion and Action)*

7A. File No. 24044: Complaint filed by Rosa L. 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. ([attachments](#))
(On August 20, 2024 the Complaint Committee moved to find that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the SOTF Consent Agenda with a recommendation to find a violation of Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner. The Committee further noted that Respondent acknowledges a violation of Section 67.21 and ordered production of all responsive documents pursuant to Section 67.21.)

7B. File No. 24045: Complaint filed by Sophia De Anda against the Human Services Agency 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 August 20, 2024 the Complaint Committee moved to find that the SOTF does not have jurisdiction and referred the matter to the SOTF Consent Agenda due to lack of a specific records request in this matter.)

7C. File No. 24047: Complaint filed by Rosa L. against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. ([attachments](#))
(On August 20, 2024 the Complaint Committee moved to find that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the SOTF Consent Agenda with a recommendation to find a violation of Administrative Code, Section 67.21, for failing to respond to a public records request in a timely manner, and noted the Police Department's acknowledgement that their response was not timely.)

8. **File No. 23058** Complaint filed by Paul Kniha against the San Francisco Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.5 by failing to allow meetings to be open and public; 67.13 by failing to allow access to an open and public meeting and 67.21 by failing to provide responsive records in a timely and/or complete manner. ([attachments](#))
(On October 17, 2023 the Complaint Committee moved to find that the SOTF has jurisdiction, the records are public and referred the matter to the SOTF for hearing. The Committee suggested that the SOTF first determine whether the hearing falls under the Sunshine Ordinance or Brown Act provisions. The Complaint Committee noted that it appears that certain relevant documents have not yet been provided to match up the specific documents requested at issue with the claims made that certain documents have not been produced.)
 - a) Hearing on the complaint. (*Discussion and Action*)

9. **File No. 24009:** Complaint filed by Paul Kniha against Hakem Ibrahim, Tracy Minicucci and the Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section(s); 67.15 by failing to provide an opportunity for members of the public to address the body. ([attachments](#))
(On April 23, 2024 the Complaint Committee moved to refer the matter to the SOTF for hearing with a recommendation that the Task Force cannot determine a violation due to a lack of jurisdiction.)
 - a) Hearing on the complaint. (*Discussion and Action*)

10. **File No. 23090** Complaint filed by Lance Carnes against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to provide responsive records in a timely and/or complete manner. ([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 SOTF for a hearing, including consideration of whether there is a provision of timely/complete records violation or a record-keeping violation under San Francisco Administrative Code Sec. 67.2-7.)
 - a) Hearing on the complaint. (*Discussion and Action*)

11. **File No. 23100:** Complaint filed by Jimmer Cassiol against the City Administrator'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. ([attachments](#))
(On February 20, 2024, the Complaint Committee moved to find that the SOTF has jurisdiction, that the requested records are public, and to forward the matter to the SOTF for a hearing. The Complaint Committee requested information regarding why the exemptions under Section 67.21 apply and to determine whether there is a violation for failure to send a representative to the hearing.)
 - a) Hearing on the complaint. (*Discussion and Action*)

12. **File No. 24002:** Complaint filed by Anonymous (ACU) against the Fine Arts Museum for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.7(b), by failing to provide a meaningful, concise and clear description to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item. ([attachments](#))
(On February 20, 2024 the Complaint Committee moved to find that the SOTF has jurisdiction over the public meeting and to forward the matter to the SOTF for a hearing with a recommendation to review whether there is a violation of Administrative Code, Section 67.7(b) for failing to provide a clear agenda descriptions; violation for including letters received after the meeting took place in the minutes; and violation of Section 67.21(e) by failing to send an authorized representative to the hearing.)
 - a) Hearing on the complaint. (*Discussion and Action*)

13. **File No. 24051: Hearing - Interpreting the Subsections of Administrative Code 67.25.** (*Discussion and Action*) ([attachments](#))

14. **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.)

15. **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 48 hours 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 business days 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.

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.

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