



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,
October 2, 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/3n7mma8t>

Password: sunshine

Telephone Call-in:

[1 \(415\) 655-0001 / Meeting ID: 2664 930 8872 # #](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 the minutes from the Sunshine Ordinance Task Force Meeting of September 4, 2024** (*Discussion and Action*) ([attachments](#))
4. **Approval of Orders of Determination:** (*Discussion and Action*) ([attachments](#))
 - **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. 24044:** Rosa L. V. Police Department
 - **File No. 24045:** Sophia De Anda v. Human Services Agency
 - **File No. 24047:** Rosa L. v. Police Department
5. **Hearing on Sunshine Ordinance Task Force Meeting Administration** - Discuss ideas to reduce the length of SOTF meetings, modify the agenda layout, and avoid instances of non-appearance by parties to complaints. (*Discussion Only*)
6. **Administrator's Report.** (*Discussion and Action*) ([attachments](#))
 - Task Force and Committee tentative hearing schedule with potential adjustments
 - Complaints and Hearing Requests
 - SOTF Member Attendance
 - Communications

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.**

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. *(No Action)*

CONSENT AGENDA - Items 8 through 9

The Sunshine Ordinance Task Force shall review **File Nos. 24043 and 24048** 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 October 2, 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.

8. **File No. 24043:** Complaint filed by Rosa L. against the Department of Emergency Management 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. *(Discussion and Action)* ([attachments](#))
(On September 17, 2024, the Complaint Committee found 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 Sec. 67.21 by failing to respond to a public records request in a timely and/or complete manner.)
9. **File No. 24048:** 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 records request in a timely and/or complete manner. *(Discussion and Action)* ([attachments](#))
(On September 17, 2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full SOTF Consent Agenda with a recommendation to find a violation of Sec. 67.21 by failing to respond to a public records request in a timely and/or complete manner.)

The Committee further requested production of the remaining records under Sec. 67.21, to be monitored by the Compliance and Amendments Committee. The Committee noted that this request was not acknowledged or responded to in a timely manner and the Police Department acknowledged their lack of timeliness.)

COMPLAINT HEARING AGENDA – Items 10 through 14

The Sunshine Ordinance Task Force (SOTF) shall conduct hearings to review **File Nos. 21145, 24021, 24037, 24041 and 24042**. 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). The Petitioner/Complainant and Respondent are *required to attend the October 2, 2024 Sunshine Ordinance Task Force meeting*.

10. **File No. 21145:** Complaint filed by Maria Schulman against Sara Maunder and the Department of Police Accountability for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner. ([attachments](#))

(On 10/18/2022, the Complaint Committee found that the SOTF has jurisdiction, that the requested records are public and referred the matter to the SOTF for a hearing regarding timeliness of records production.)

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

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. ([attachments](#))

(On 5/28/2024, the Education, Outreach and Training Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force discussion and action.

The Committee requested that the Task Force Deputy City Attorney (DCA) provide an analysis of the case law cited in this matter regarding Government Code §7923.600(a), Administrative Code Sec. 67.24(d), and Administrative Code Sec. 19(b) in relation to the Sunshine Ordinance. In addition, the Task Force requested that the DCA examine the data resulting from Automated License Plate Recognition cameras and whether that data will be subject to public disclosure.

The Committee recommended that the Task Force Chair not schedule this matter until the DCA's analysis memo is received.)

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

12. **File No. 24037:** Complaint filed by Richard Hylton against the Police Department for allegedly violating the 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 7/16/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter for a hearing before the full Task Force with a recommendation of a timeliness violation and a possible violation for full production of the records. The Complaint Committee recommended that within 10 business days Sgt. Walter Ware email screenshots of the Portal to Complainant to show that the requested data has been provided.)
- a) Hearing on the complaint. (*Discussion and Action*)
13. **File No. 24041:** Complaint filed by Rosa L. against David Chiu and the City Attorney's Office 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 9/17/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force with a recommendation to find that there were no violations with respect to this request.
- The Committee noted that while it appears that no responsive records exist, the SOTF should consider whether the retention policy of the City Attorney's Office comports with the letter or spirit of the California Public Records Act or Sunshine Ordinance. The Committee also noted that Ms. Kwart stated she will provide a copy of the City Attorney's Office records retention policy.)*
- a) Hearing on the complaint. (*Discussion and Action*)
14. **File No. 24042:** Complaint filed by Rosa L. against the Office of the Mayor 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 8/20/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force 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 requested that the Mayor's Office produce its retention policy prior to the hearing.)*
- a) Hearing on the complaint. (*Discussion and Action*)

15. **Hearing on Sunshine Ordinance Amendments** - Discussion regarding potential amendments to the Sunshine Ordinance and the related work of the Compliance and Amendments Committee. *(Discussion Only)*

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: Language services are available in Spanish, Chinese and Filipino for requests made at least two (2) business days in advance of the meeting, to help ensure availability. For more information or to request services, contact (415) 554-5184.

傳譯服務: 所有常規及特別市參事會會議和常務委員會會議將提供西班牙文, 中文以及菲律賓文的傳譯服務, 但必須在會議前最少兩 (2) 個工作日作出請求, 以確保能獲取到傳譯服務. 將因應請求提供交替傳譯服務, 以便公眾向有關政府機構發表意見. 如需更多資訊或請求有關服務, 請發電郵至 bos@sfgov.org 或致電 (415) 554-5184 聯絡我們.

INTÉRPRETES DE IDIOMAS: Para asegurar la disponibilidad de los servicios de interpretación en chino, filipino y español, presente su petición por lo menos con dos (2) días hábiles de antelación previo a la reunión. Para más información o para solicitar los servicios, envíe su mensaje a bos@sfgov.org o llame al (415) 554-5184.

TAGA SALIN-WIKA: Ipaabot sa amin ang mga kahilingan sa pag salin-wika sa Kastila, Tsino at Pilipino ng hindi bababa sa dalawang araw bago ang pulong. Makakatulong ito upang tiyakin na ang mga serbisyo ay nakalaan at nakahanda. Para sa dagdag kaalaman o para humiling ng serbisyo, maki pagugnayan po sa bos@sfgov.org o tumawag sa (415) 554-5184.

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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