



# City and County of San Francisco

## Meeting Minutes

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 - <b>Chair</b>
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 - <b>Vice-Chair</b>		
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 ~ [soff@sfgov.org](mailto:soff@sfgov.org)*

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**Wednesday,  
October 2, 2024**

**4:00 pm  
Regular Meeting**

**City Hall, Room 408**

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

Chair Yankee called the meeting to order at 4:11 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. Members Wolfe was noted absent. Deputy City Attorney Jose Zelidon-Zepeda was present. There was a quorum.

A discussion was held regarding the order in which the evening's files would be heard.

Public Comment: None.

**2. Approval of the minutes from the Sunshine Ordinance Task Force Meeting of August 7, 2024 (00:42:40)**

**Action: Moved by Member Pilpel, seconded by Member Anderson, to continue the matter to the November 6, 2024 meeting of the Sunshine Ordinance Task Force.**

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

3. **Approval of the minutes from the Sunshine Ordinance Task Force Meeting of September 4, 2024 (00:46:05)**

**Action: Moved by Member Pilpel, seconded by Member Anderson, to continue the matter to the November 6, 2024 meeting of the Sunshine Ordinance Task Force.**

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

4. **Approval of Orders of Determination (00:52:34)**

- **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. 24044:** Rosa L. V. Police Department
- **File No. 24045:** Sophia De Anda v. Human Services Agency
- **File No. 24047:** Rosa L. v. Police Department

**Action: Moved by Member Pilpel, seconded by Member Stein, to continue the matter to the November 6, 2024 meeting of the Sunshine Ordinance Task Force.**

Public Comment: None

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

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

Noes: 0 - None

Absent: 1- Wolfe

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. (00:04:36)

The SOTF discussed ideas to reduce the length of SOTF meetings, including deadlines for parties to confirm their attendance, consequences for a failure to attend without prior approval, and alleviating gaps in scheduling by instituting a process for having backup cases ready for hearing.

Public Comment: None.

No Actions Taken.

6. **Administrator’s Report.** (04:31:43)

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

A discussion occurred regarding scheduling adjustments for the holidays. The November 19, 2024 regular meeting of the Complaint Committee was cancelled. The November 26, 2024 regular meeting of the Education, Outreach and Training Committee was cancelled and rescheduled for November 19<sup>th</sup>. Clerk Petersen was asked to explore alternate dates for the January 2025 SOTF meeting.

**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. (00:55:12)

Public Comment: None.

**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. (00:55:15)

*(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.)*

**Action: Moved by Member Pilpel, seconded by Member LaHood, to adopt the recommendation of the Complaint Committee.**

Public Comment: None

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

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

Noes: 0 - None

Absent: 1- Wolfe

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. (00:57:09)

*(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.*

**Action: Moved by Chair Yankee, seconded by Member Sugarman, to approve the recommendation of the Complaint Committee with an edit that the words “The committee further requested ...” be stricken and replaced with “The SOTF Orders the” production of the remaining records under Section 67.21, to be monitored by the Compliance and Amendments Committee.**

Public Comment: None

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

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

Noes: 0 - None

Absent: 1- Wolfe

#### **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. (01:08:55)

*(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)*

Maria Schulman (Petitioner) was not present, having notified the SOTF after the Agenda had been posted that she was unable to attend.

Sara Maunder and the Department of Police Accountability (Respondent) were not present.

A discussion regarding proposals for closing aged and stale cases occurred.

**Action: Moved by Chair Yankee, seconded by Member Stein, to close the file pursuant to Complaint Procedure 7(b) and further instruct the Administrator not to reopen the file.**

Public Comment: None.

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

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

Noes: 0 - None

Absent: 1- Wolfe

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. (01:18:59)

*(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.)*

Matthew Lotocki (Petitioner) provided a summary of his complaint. Mr. Lotocki stated that he submitted a public records request seeking the location of the City's Automatic License Plate Reader (APLR) cameras, but the Police Department withheld the information citing California Government Code Section 7923.600 which limits the disclosure of security and intelligence information. Mr. Lotocki further stated that upon his rebuttal, the Police Department now states that it is withholding the requested locations as security files even though cameras are not exempt under the law enforcement exemption, and the cameras are not installed as a general security measure.

Lt. Christopher G. Beauchamp (Respondent), provided a summary of the department's position. Lt. Beauchamp stated that investigatory security files, which the Police Department defines as APLR (spell out if you can )mapped cameras, are exempt from public records. Lt. Beauchamp further stated that until the Supreme Court determines in the ACLU spell out if you can case about whether the exemption applies, the Police Department will continue to use the exemption.

**Action: Moved by Member Anderson, seconded by Member Schmidt, to find 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.**

Public Comment: None.

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

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

Member Pilpel is noted absent at 6:15 p.m.

Recess was taken from 6:15 p.m. until 6:28 p.m. The members were present with the exception of Member Pilpel.

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. (02:17:42)  
*(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.)*

Richard Hylton (Petitioner) was not present, having notified the SOTF that he would not attend the meeting.

**Action: Moved by Chair Yankee, seconded by Member Anderson, to close the file pursuant to Complaint Procedure 7(b) that the task force followed the appropriate procedures to schedule this hearing, and further instruct the Administrator not to reopen the file.**

Public Comment: None.

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

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

Noes: 0 - None

Absent: 2 – Wolfe, Pilpel

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. (02:24:08)

*(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)*

Rosa L. (Petitioner) provided a summary of her complaint in File No. 24041 (Item 13) and File No. 24042 (Item 14), stating that she was able to request and obtain text messages but that stopped in 2020 when she publicized public records of texts between the Mayor and the Chief of Police about homeless sweeps. Rosa L. stated that she sent subsequent records requests to a variety of agencies and the Mayor's Office and that, e.g., texts provided by the Department of Public Works but not the Mayor's office confirmed that the Mayor deletes her text messages. Rosa L. further stated that she has recently submitted multiple public records requests for the Mayor's latest text message, but there were none.



Jen Kwart (City Attorney's Office, Respondent) provided a summary of the department's position. Ms. Kwart stated that the Mayor and City Attorney very rarely communicate by text. Ms. Kwart further stated that there is a difference between the definition of a record for purposes of disclosure and the definition of a record for purposes of retention. City Attorney deletes insignificant texts such as "can I call you" texts, but generally does not conduct substantive business via text message.

A discussion occurred regarding the relationship between public records and records for retention purposes under state and local law.

**Action: Moved by Chair Yankee, seconded by Member Kumar, to find that City Attorney David Chiu violated Administrative Code (Sunshine Ordinance) Section(s) 67.29-7 by failing to maintain and preserve in a professional and businesslike manner the requested correspondence and failing to disclose such records in accordance with this Ordinance.**

**The SOTF requests that City Attorney Chiu confirm with the SOTF if he intends to maintain his correspondence in compliance with Administrative Code Section 67.29-7 going forward.**

Public Comment: None.

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

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

Noes: 0 - None

Absent: 2 – Wolfe, Pilpel

**Action: Moved by Member Schmidt that the SOTF finds that the City Attorney's Office current usage of its 2015 records retention policy is in violation of the preservation and maintenance requirements of Administrative Code (Sunshine Ordinance) Section 67.29-7.**

The action failed for lack of a second.

**Action: Moved by Member Kumar to find a violation of Administrative Code (Sunshine Ordinance) Section 67.27(d) for failing to inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.**

The action failed for lack of a second.

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. (03:52:51)

*(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.)*

Hank Heckel (Office of the Mayor, Respondent) provided a summary of the department's position. Mr. Heckel stated that the Office of Mayor is in full compliance with its records retention policy which states that documents and materials which have no legal significance may be destroyed when no longer needed. Mr. Heckel further stated that members of the office sometimes may use their own phones to send miscellaneous texts but communications that memorialize official actions are not transmitted through text.

A discussion occurred regarding preservation of correspondence and documents as required by Administrative Code (Sunshine Ordinance) Section(s) 67.29-7 and the practicality of immediately deleting texts.

**Action: Moved by Chair Yankee, seconded by Member Anderson, to find that Mayor London Breed violated Administrative Code (Sunshine Ordinance), Section(s) 67.29-7, by failing to maintain and preserve in a professional and businesslike manner the requested correspondence and failing to disclose such records in accordance with this Ordinance.**

**The SOTF requests that Mayor Breed confirm with the SOTF if she intends to maintain her correspondence in compliance with Administrative Code Section 67.29-7 going forward.**

Public Comment: None.

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

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

Noes: 0 - None

Absent: 2 – Wolfe, Pilpel

**Action: Motion by Member Schmidt, seconded by Member Hyland, to find that the Mayor's non-production in this case constitutes a willful failure to comply with Administrative Code (Sunshine Ordinance) Section(s) 67.29-7 and therefore a willful failure under Section 67.34, and refer this matter to the Ethics Commission.**

Public Comment: None.

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

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

Noes: 0 - None

Absent: 2 – Wolfe, Pilpel

Recess was taken from 8:56 p.m. until 9:02 p.m. The members were present with the exception of Member Pilpel.

15. **Hearing on Sunshine Ordinance Amendments - Discussion regarding potential amendments to the Sunshine Ordinance and the related work of the Compliance and Amendments Committee.** (05:04:28)

Member LaHood provided an overview of the process regarding potential amendments in the areas of consistency, updating government code sections, centralizing the point of contact for public records requests at the department level, shifting the role of Supervisor of Records, records retention policies, and identifying what happens to public records of entitlements eliminated under Prop D.

No Action Taken.

16. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force** (05:21:56)

*(Note: Public Comment on this item is limited to subject matters presented by members of the SOTF.)*

Public Comment: None

No Actions Taken.

17. **ADJOURNMENT** (05:22:21)

There being no further business, the meeting was adjourned at 9:33 p.m.

**APPROVED: 12/4/2024**  
**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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