



City and County of San Francisco

Meeting Minutes

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

Complaint Committee

Members: Dean Schmidt (Chair), Laura Stein, and Saul Sugarman

Clerk: Patricia H. Petersen
(415) 554-7719 ~ sotf@sfgov.org

Tuesday, October 15, 2024

5:30 pm
Regular Meeting

City Hall, Room 408

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES (00:00:04)**

Chair Schmidt called the meeting to order at 5:32 p.m. On the call of the roll, Chair Schmidt, Member Stein, and Member Sugarman were noted present. A quorum was present.

Chair Schmidt stated that Item 4 would be heard after Item 7.

Clerk Petersen noted that Item 5 had been withdrawn.

2. **Approval of the September 17, 2024, Complaint Committee meeting minutes. (00:03:02)**

Action: Moved by Chair Schmidt, seconded by Member Stein, to approve the September 17, 2024 minutes.

Public Comment:

Michael Petrelis asked that the Committee approve the minutes.

The motion PASSED by the following vote:

Ayes: 3 – Schmidt, Stein, Sugarman

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. (00:05:34)

Public Comment:

Michael Petrelis stated his opposition to Prop D, and that the possible elimination of the Sunshine Ordinance Task Force would harm local democracy. Mr. Petrelis also stated his wish that the Board of Supervisors allocate funds to broadcast the monthly SOTF meetings on SFGovTV.

4. **Hearing on Complaint Committee Administration – Discuss Role in Advancing Expansion of SOTF Role per Administrative Code (Sunshine Ordinance), Section(s) 67.30 Authorizations (01:17:29)**

Chair Schmidt stated that while there have been improved procedural efficiencies there is potential for a broader role for the SOTF to explore, including the limits of the SOTF's jurisdiction. The Committee discussed potential actions for expansion.

Public Comment: None.

No actions were taken.

5. **File No. 24049:** Complaint filed by Michael Petrelis against Andrea Aiello (Castro Community Benefit District) 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. (00:07:39)

Chair Schmidt stated that Petitioner had withdrawn the matter but called the matter for procedural issues. .

The Committee discussed the rationale for consideration of jurisdiction questions by the full Task Force, the nexus of public/private partnerships and the public's right to information, applicability of the California Public Records Act, the introduction of procedural controls when setting agendas to ensure cases advance as scheduled, and the impacts of a late withdrawal of an agenda item.

Mr. Petrelis stated that having two items agendaized for the same evening was challenging and requested that going forward there be only one item per evening.

Public Comment: None.

No action was taken.

6. **File No. 24053:** Complaint filed by Ellen Tsang against the Planning Department for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (00:30:04)

Ellen Tsang (Petitioner) provided a summary of her case. Ms. Tsang stated that she has received no response to an Immediate Disclosure Request for three items sent 8/14/2024 or a follow-up request on 8/25/2024.

Jonas Ionin (Planning Department, Respondent), provided a summary of the department's position. Mr. Ionin stated that all documents in the department's possession were provided, and that Petitioner's request concerns whether gates swing in or out.

A question-and-answer period occurred.

Action: Moved by Member Stein, seconded by Member Sugarman, to find that the SOTF has jurisdiction, that the requested documents are public, and refer the matter to the full SOTF with a recommendation to find that the Planning Department violated Administrative Code (Sunshine Ordinance) Section 67.21, by failing to provide the requested records, and Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. The Committee orders the Planning Department to respond directly that they did not have the documents or produce the documents. The Committee notes that the Planning Department did not submit a written response to the Complaint Committee and requests one prior to the SOTF meeting.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 3 – Stein, Sugarman, Schmidt

Noes: 0 – None

7. **File No. 24054:** Complaint filed by Michael Petrelis against the Mayor'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. (00:59:44)

Michael Petrelis (Petitioner) provided a summary of his complaint. Mr. Petrelis stated that the Mayor's Office informed him that there were no responsive records regarding his request for any and all texts between the Mayor and Gary Tan.

Hank Heckel (Mayor's Office, Respondent) provided a summary of the department's complaint. Mr. Heckel stated that Mr. Petrelis's request was received on 9/9/2024 and, following an inquiry for such texts, responded timely on 9/19/2024 informing him that no responsive records were found.

A question-and-answer period occurred.

Action: Moved by Member Sugarman, seconded by Chair Schmidt. to find that the SOTF has jurisdiction, that the requested records are public, and refer the matter to the SOTF Consent Agenda with a recommendation to find no violation of Administrative Code (Sunshine Ordinance) Section 67.21 for the reason that the Committee does not have evidence that the two parties have texted about City business and that one of the parties is a private party and not subject to the Sunshine Ordinance.

Public Comment: none.

The motion PASSED by the following vote:

Ayes: 3 – Sugarman, Schmidt, Stein
Noes: 0 – None

8. Announcements, Comments, Questions, and Future Agenda Items by Members of the Complaint Committee. (01:59:31)

Public Comment: None.

No Actions taken.

9. ADJOURNMENT (02:00:05)

There being no further business the meeting was adjourned at 7:32 p.m.

**Approved: 12/17/2024
Complaint Committee
Sunshine Ordinance Task Force**

N.B. the Minutes of this meeting set forth all actions taken by the Complaint Committee of 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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