



City and County of San Francisco

Meeting Minutes

Complaint Committee

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

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

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

Tuesday, December 17, 2024

5:30 pm
Regular Meeting

City Hall, Room 408

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES (00:00:02)**

Chair Schmidt called the meeting to order at 5:30 p.m. On the call of the roll, Chair Schmidt and Member Sugarman were noted present. Member Stein was noted absent. A quorum was present.

Clerk Petersen noted that Item 7 had been withdrawn.

2. **Approval of the October 15, 2024, Complaint Committee meeting minutes. (00:02:54)**

Action: Moved by Chair Schmidt, seconded by Member Sugarman, to approve the October 15, 2024 minutes.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 2 – Schmidt, Sugarman

Noes: 0 – None

Absent: 1 - Stein

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. (00:04:21).

Public Comment: None.

4. **Hearing on Complaint Committee Administration** – Discuss Role in Advancing Expansion of SOTF Role per Administrative Code (Sunshine Ordinance), Section(s) 67.30 Authorizations (00:05:05)

The members discussed having this be a regular item on Complaint Committee agendas.

Public Comment: None.

5. **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. (00:09:34)

(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.

On August 7, 2024, the Task Force moved to find a violation of Administrative Code Section 67.10(b), regarding the January 12, 2022 Fire Commission meeting as to item 5C.

The Task Force further found that in light of the previous motion, Ms. LaHood asked the Fire Commission to release the portion of the January 12, 2022 closed session pertain to item 5C and requested a response from the Commission.

On 12/4/2024, the Task Force, moved by Member Wolfe and seconded by Member LaHood, referred/returned the matter to the Complaint Committee for consideration of a violation of Administrative Code (Sunshine Ordinance), Section 67.21.)

Mark LaCroix (Complainant) stated that per Section 67.8-1 “closed session recordings shall be made available whenever all rationales for closing the session are no longer applicable.” Mr. LaCroix further stated that he did not know that he was to pursue a remedy under Section 67.21.

Maureen Conefrey (Respondent) stated her objection to this hearing as the matter has been adjudicated with a violation found. Ms. Conefrey further stated that the City Attorney’s Office advised that Fire Commission could go into closed session to discuss the personal schedules of the Fire Commissioners to schedule non-disciplinary separation hearings.

A question-and-answer period occurred.

Action: Moved by Chair Schmidt, seconded by Member Sugarman, to refer the matter to the full Task Force with the recommendation to find a violation of Section 67.21 and order production of the audiotape of the closed session that the Task Force has considered pertaining to Section 5C.

Public Comment: Speaker stated that unless the record is made available, we will not know if the discussion included the disposition of the cases.

The motion PASSED by the following vote:

Ayes: 2 – Schmidt, Sugarman

Noes: 0 – None

Absent: 1 - Stein

6. **File No. 24056:** 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 and 12L4(c)(2), by failing to allow for at least 30 minutes of public comment at each designated public meeting. (00:41:51)

(Determination regarding jurisdiction required prior to scheduling a SOTF hearing on the complaint (pursuant to Administrative Code 67.21 or 12L4(c)(2)) or referring the complaint to the city agency who administers the contract for the Castro Community Benefit District (pursuant to Administrative Code 12L Nonprofit Public Access Ordinance).

Michael Petrelis (Complainant) stated that the Sunshine laws apply to the Castro Community Benefit District because they are listed on the sfgov.org website for community benefit districts and their tax filings indicate that they receive funds in excess of the threshold for non-profits.

Andrea Aiello / Castro Community Benefit District (Respondent) stated that the Castro Community Benefit District (CBD) is a standalone 501(c)(3) that has a management agreement signed by the Office of Economic and Workforce Development (OEWD) and is funded through a special assessment fee imposed on parcels within their footprint. Ms. Aiello further stated that the Castro CBD also receives two recurring grants from OEWD to fund community ambassadors and provide cleaning services. Ms. Aiello referenced their disclosure requirements per Section 67.24(e), and also stated that the Castro CBD complies with Section 12L and allows at least 30 minutes of designated public comment and each speaker is given 2 minutes.

A question-and-answer period occurred.

Action: Moved by Chair Schmidt, seconded by Member Sugarman, to refer the matter for consideration by the full Task Force, with a recommendation of a finding of no jurisdiction over the Castro Community Benefit District, and no ability under

Administrative Code Section 12L (Nonprofits) to provide an advisory opinion due to a failure to meet preconditions.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 2 – Schmidt, Sugarman

Noes: 0 – None

Absent: 1 - Stein

7. **File No. 24063:** Complaint filed by Neil Cullen against the Department of Human Resources 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. (01:35:39)

The matter was withdrawn prior to the meeting. See Item 1.

8. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Complaint Committee.** (01:35:55)

Public Comment: None.

9. **ADJOURNMENT** (01:37:05)

There being no further business the meeting was adjourned at 7:07 p.m.

Approved: _____
SOTF – Complaint Committee

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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