



# City and County of San Francisco

## Meeting Minutes

### Sunshine Ordinance Task Force

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

#### 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 his or her designee		
Ex-officio	<i>(non-voting)</i> Mayor or his or her designee		

*Clerk: Cheryl Leger*  
(415) 554-4442 ~ [cheryl.leger@sfgov.org](mailto:cheryl.leger@sfgov.org)

**June 5, 2024**

**4:00 pm  
Regular Meeting**

**City Hall, Room 408**

#### 1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

Chair Yankee called the meeting to order at 4:04 p.m. On the call of the roll Chair Yankee, Vice-Chair Stein and Members Wolfe, Pilpel, Hyland, Anderson, Sugarman, LaHood and Schmidt were noted present. Members Anderson and Kumar were noted absent. Deputy City Attorney Michel Deeb was present. There was a quorum.

There were no agenda changes.

Public Comment:

None.

#### 2. **Approval of the minutes from the Sunshine Ordinance Task Force Meeting of April 3, 2024.**

**Action: Moved by Vice-Chair Stein, seconded by Member Hyland, to approve the April 3, 2024, meeting minutes as amended.**

Public Comment:

Peter Warfield, Library Users Association, [libraryusers2004@yahoo.com](mailto:libraryusers2004@yahoo.com), P.O. Box 170544, San Francisco, California, 94117-0544 expressed frustration with the minutes.

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

Ayes: 7 - Stein, Hyland, LaHood, Wolfe, Schmidt, Yankee, Sugarman

Noes: 1 - Pilpel

Absent: 2 - Anderson, Kumar

**3. Approval of the minutes from the Sunshine Ordinance Task Force Meeting of May 1, 2024.**

**Action: Moved by Vice-Chair Stein, seconded by Member Hyland, to continue the matter to the Call of the Chair.**

Public Comment:

Peter Warfield stated that the minutes should be continued until July because the agenda posted online was down for several hours prior to the hearing.

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

Ayes: 8 - Stein, Hyland, Yankee, LaHood, Wolfe, Schmidt, Sugarman, Pilpel

Noes: 0 - None

Absent: 2 - Anderson, Kumar

**4. Approval of Orders of Determination.**

The Task Force discussed the Orders of Determination.

**Action: Moved by Vice-Chair Stein, seconded by Member LaHood, to approve the Orders of Determination as amended.**

Public Comment:

Peter Warfield expressed frustration regarding the no violation verdict which suggests that the library correctly stated their case. Mr. Warfield also noted that he did everything correctly even though his case was resolved in favor of the library.

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

Ayes: 7 - Stein, LaHood, Hyland, Wolfe, Schmidt, Yankee, Sugarman

Noes: 1 - Pilpel

Absent: 2 - Anderson, Kumar

Member Kumar was noted present at 4:44 P.M.

**5. Administrator's Report, Complaints and Communications.**

The Task Force discussed the Administrator's Report.

Chair Yankee cancelled the July 3, 2024 Task Force meeting and stated that the next meeting will take place on August 7, 2024.

As Chair of the Committee, Member Hyland cancelled the Education, Outreach and Training Committee July 23, 2024 meeting.

The Task Force reaffirmed that the Compliance and Amendments Committee June 25, 2024 meeting will take place.

Member Kumar was reassigned to the Education, Outreach and Training Committee from the Complaint Committee.

**Public Comment:**

Peter Warfield stated that the Administrator's Report is often unclear about actual decisions regarding meeting dates which is important and on what action the Task Force is taking or a formal vote.

No action taken.

**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.**Speaker(s):**

Peter Warfield stated that he wants meeting transcripts for the Task Force made available to the public.

**7. CONSENT AGENDA** - The Sunshine Ordinance Task Force shall review **File Nos. 24001, 24005, 24013, 24014, 24016, 24017** 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 June 5, 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.

**File No. 24001:** Complaint filed by Rosa L. against the Department of Public Health for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner.

*(On April 23, 2024 the Complaint Committee moved Action: Moved by Chair Schmidt, seconded by Member Sugarman, to find that the Sunshine Ordinance Task Force has jurisdiction over the matter, that the requested records are public, and refer the matter to full Task Force Consent Agenda with a recommendation to find that the Department of Public Health violated Administrative Code, Section(s) 67.21(c) for inadequate efforts to assist the Complainant in refining their search for public records.*

*The Committee requested that there be an order that the Department of Public Health document the location and produced documents that are responsive, and that the response and refinement process be reviewed by the Compliance and Amendments Committee (“CAC”). The CAC will review the efforts by the parties to determine a searchable refined list of DPH employees who served as point persons involved in the encampment resolution regarding COVID.*

*The Committee further recommends that the matter be referred to the Compliance and Amendments Committee to monitor compliance with the Committee’s request to provide documentation of the located and produced documents that are responsive.)*

**File No. 24005:** Complaint filed by Anonymous (ACU) against the Fine Arts Museum Board of Trustees for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.7(a), 67.7(d), and 67.16, by failing to post a meaningful agenda in a timely manner; acting on an item that does not appear in the posted agenda; failing to post minutes online; and California Government Code Section 54953(c) by taking action by secret ballot.

*(On April 23, 2024 the Complaint Committee moved to find that the Sunshine Ordinance Task Force has jurisdiction over the matter, that the records are public, and referred the matter to the full Task Force Consent Agenda with a recommendation to find that the Fine Arts Museums violated Administrative Code, Section(s) 67.7(a) by failing to post an agenda with meaningful descriptions in a timely manner, 67.7(d) for acting on an item that does not appear in the posted agenda, and California Government Code Sec. 54953(c) by taking action by secret ballot. In addition, the Committee found no violation of Administrative Code, Section(s) 67.16, for failing to post minutes online. The Committee noted that the Respondent acknowledged that the response was late and the Board bylaws have a different definition of quorum.)*

**File No. 24013:** Complaint filed by Michael Petrelis against Supervisor Ahsha Safai, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to respond to a request for Proposition G Calendar in a timely and/or complete manner.

*(On April 23, 2024 the Complaint Committee moved to find that the Sunshine Ordinance Task Force has jurisdiction over the matter, that the requested public records are public, and refer the matter to the full Task Force Consent Agenda with a recommendation to find that Supervisor Ahsha Safaia violated Administrative Code, Section(s) 67.29-5 by failing to provide a Proposition G Calendar in a timely manner.)*

**File No. 24014:** 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.

*(On April 23, 2024 the Complaint Committee moved to find that the Sunshine Ordinance Task Force has jurisdiction over the matter, that the requested records are public, and refer the matter to the full Task Force Consent Agenda, with a recommendation to find that the Police Department violated Administrative Code, Section(s) 67.21(b), by failing to respond to a public records request in a timely and/or complete manner.*

*The Committee noted that the Respondent acknowledged that the referenced violation occurred.)*

**File No. 24016:** Complaint filed by Paul Kniha against the Municipal Transportation Agency 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.

*(On April 23, 2024, the Complaint Committee moved to find that the Sunshine Ordinance Task Force has jurisdiction over the matter, that the requested records are public, and refer the matter to the full Task Force Consent Agenda with a recommendation to find no violation because the information requested was under attorney-client privilege.)*

**File No. 24017:** Complaint filed by Paul Kniha against the Municipal Transportation Agency 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.

*(On April 23, 2024 the Complaint Committee moved to find that the Sunshine Ordinance Task Force has jurisdiction over the matter, that the requested records are public, and refer the matter to the full Task Force Consent Agenda with a recommendation to find no violation of Administrative Code, Section(s) 67.21 as all records were provided in a timely manner (within 10 days).)*

The Task Force discussed the Consent Agenda items.

**Action: Moved by Member Pilpel, seconded by Member Wolfe, to approve the Consent Agenda and adopt the recommendations of the Committees.**

Public Comment:

Michael Petrelis expressed his appreciation of the discussion and discussed the use of acronyms.

Victor Lim (Department of Public Health) stated that he will discuss the Consent Agenda at the Compliance and Amendments Committee June 25, 2024 meeting.

Ann Marie spoke regarding complaint File No. 24005 and the illegal secret ballot regarding the term limits for Museum Trustees.

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

Ayes: 9 - Pilpel, Wolfe, Stein, LaHood, Hyland, Schmidt, Yankee, Sugarman, Kumar

Noes: 0 - None.

Absent: 1 - Anderson

Recess was taken from 5:44 until 5:58. Upon resumption of the meeting a quorum was noted present.

8. **File No. 23030:** Complaint filed by Michael Turon against the Assessor-Recorder'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; 67.26 by failing to keep withholding to a minimum; CPRA 6253(b) by failing to provide "exact copies of records" CPRA 6253.9 by failing to provide the "electronic format in which you hold the information" CPRA 6254.5 by withholding exemptions already waived by providing the records to the public before this request.

The Task Force discussed the confidential memo provided by the City Attorney's Office.

Deputy City Attorney Adam Shapiro spoke generally without disclosing communications and privileged information and deferred to the Task Force for guidance. The Task Force discussed the various exemptions being asserted by the Assessor-Recorder's Office.

**Action: Moved by Chair Yankee, seconded Member Hyland, to find that the Assessor-Recorder violated Administrative Code (Sunshine Ordinance), Section(s) 67.25(a), by failing to respond in a timely manner and closed the file.**

Public Comment:

None.

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

Ayes: 9 - Yankee, Hyland, Pilpel, Wolfe, Stein, LaHood, Schmidt, Sugarman,  
Kumar

Noes: 0 - None.

Absent: 1 - Anderson

9. **File No. 23048:** Complaint filed by Rosa L. 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.

Rosa L. (Petitioner) was not present for the hearing and did not notify the Task Force Administrator of their absence.

Lt. Christopher Beauchamp (Police Department, Respondent) provided a summary of the department's position. Lt. Beauchamp stated that responsive records were provided on May 13, 2024 and June 10, 2024.

**Action: Moved by Chair Yankee, seconded by Vice-Chair Stein, to close the file.**

Public Comment:

None.

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

Ayes: 9 - Yankee, Stein, Hyland, Pilpel, Wolfe, LaHood, Schmidt, Sugarman,  
Kumar

Noes: 0 - None.

Absent: 1 - Anderson

10. **File No. 23093** Complaint filed by Michael Petrelis against the Mayor's Office for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5 by

failing to respond to a public records request for Prop G calendar entries in a timely and/or complete manner.

Michael Petrelis (Petitioner) provided a summary of his complaint and stated he requested Sean Elsbernd’s Prop G calendar several months ago. Mr. Petrelis stated he received some records, but he is not sure if he has all of them. Mr. Petrelis stated he also requested that the Mayor’s Office not forward those records to the City Attorney for review. Mr. Petrelis requested a ruling from the Task Force in his favor.

Hank Heckel, Mayor’s Office, (Respondent) provided a summary of the department’s position. Mr. Heckel stated that the Mayor’s Office provided Mr. Elsbernd’s calendar that included city related entries from June 1, 2023 through October 13, 2023. He also stated that Mr. Elsbernd’s calendar is not covered by Prop. G.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

**Action: Moved by Member Pilpel, seconded by Member Kumar, to find no violation.**

Public Comment:

None.

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

Ayes: 2 - Pilpel, Kumar

Noes: 7 - Yankee, Stein, Hyland, Wolfe, LaHood, Schmidt, Sugarman

Absent: 1 - Anderson

**Action: Moved by Vice-Chair Stein, seconded by Member Wolfe, to find that the Mayor’s Office violated Administrative Code (Sunshine Ordinance), Section(s) 67.21(b), by failing to provide records within 10 days and find that the Prop G calendar does not apply to this item.**

Public Comment:

None.

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

Ayes: 8 - Stein, Wolfe, Yankee, Hyland, LaHood, Schmidt, Sugarman, Kumar

Noes: 1 - Pilpel

Absent: 1 - Anderson



11. **File No. 23053:** Complaint filed by Sergei Severinov against the Police Department for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.21(b), by failing to respond to a public records request in a timely and/or complete manner.

Sergei Severinov (Petitioner) was not present for the hearing and did not notify the Task Force Administrator of their absence.

Lt. Christopher Beauchamp (Police Department, Respondent) provided a summary of the department's position. Lt. Beauchamp stated that his department provided Mr. Severinov records on several dates. Lt. Beauchamp also noted that on March 4, 2024 he sent a letter to Administrator Leger and Mr. Severinov that included links to bodycam footage.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

**Action: Moved by Chair Yankee, seconded by Member LaHood, to refer File No. 23053 to the Compliance and Amendments Committee June 25, 2024 agenda to investigate consolidation and closure.**

Public Comment:

None.

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

Ayes: 9 - Yankee, LaHood, Stein, Wolfe, Hyland, Schmidt, Sugarman, Pilpel, Kumar

Noes: 0 - None

Absent: 1 - Anderson

12. **File No. 23086:** Complaint filed by Mike Spencer 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.

Mike Spencer (Petitioner) provided a summary of their complaint. Mr. Spencer described a murder at a halfway house that took place in 1998. Mr. Spencer stated that no arrests were made in connection with the crime. Mr. Spencer stated that the District Attorney stated that they will not prosecute a one-witness crime. Mr. Spencer stated that the Police never solicited help from the public.

Lt Christopher Beauchamp (Police Department, Respondent) provided a summary of the department's position. Lt. Beauchamp stated he retrieved the case file to see why the District Attorney was not inclined to prosecute the case and learned where the entire file was stored. Lt. Beauchamp stated that upon reviewing the notes there was no specific document saying that the DA declined to prosecute and until that happens, he will still claim the exemption under 67.24(d).

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

**Action: Moved by Vice-Chair Stein, seconded by Member Kumar, to continue File No. 23086 until such time as the Task Force receives a copy of the Wynkoop memo in the possession of the Petitioner or evidence of a declination letter from the District Attorney provided by Lt. Christopher Beauchamp on whether these records should be made public.**

Public Comment:

None.

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

Ayes: 9 - Stein, Kumar, Yankee, LaHood, Wolfe, Hyland, Schmidt, Sugarman, Pilpel

Noes: 0 - None

Absent: 1 - Anderson

13. **File No. 23079** 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.

Lance Carnes (Petitioner) provided a summary of their complaint. Mr. Carnes requested information regarding a tree at 5<sup>th</sup> and Market Street that Public Works determined was dead and therefore a hazard to the public. Mr. Carnes stated that Public Works determined that an emergency tree removal was necessary. Mr. Carnes requested a photograph of this tree, which was provided. Mr. Carnes noted that the photograph of the tree was from 2020.

David Steinberg (Public Works, Respondent) provided a summary of the department's position. Mr. Steinberg stated that Mr. Carnes submitted two records requests regarding this specific tree at 5<sup>th</sup> and Market Streets. Regarding the first request submitted on June 12, 2023, records were provided. Regarding the second request there were no responsive records.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

**Action: Moved by Member LaHood, seconded by Member Pilpel, to find no violation.**

Public Comment:

None.

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

Ayes: 9 - LaHood, Pilpel, Stein, Kumar, Yankee, Wolfe, Hyland, Schmidt,  
Sugarman

Noes: 0 - None

Absent: 1 - Anderson

**14. Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force.**

Member Pilpel asked if there is any City Attorney legal advice pending. Deputy City Attorney Michel Deeb replied yes, and that as the requests come in, they volunteer for the assignments. A discussion occurred regarding the best way to track outstanding requests from the Task Force for legal advice.

Member Wolfe asked for an update on the Granicus software for the OD database.

Public Comment:

None.

**15. ADJOURNMENT**

There being no further business the meeting was adjourned at 9:23 p.m.

**APPROVED: August 7, 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.