



# 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 ~ [sotf@sfgov.org](mailto:sotf@sfgov.org)*

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**Wednesday,  
September 4, 2024**

**4:00 p.m.  
Regular Meeting**

**City Hall, Room 408**

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1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES. (00:01:17)

Chair Yankee called the meeting to order at 4:05 p.m. On the call of the roll Chair Yankee, Vice Chair Stein and Members Schmidt, Sugarman, Anderson, Pilpel and Wolfe were noted present. Members Hyland, Kumar, and LaHood were noted absent. Deputy City Attorney Jose Zelidon was present. There was a quorum. Task Force staff Pat Petersen was present.

Chair Yankee noted that Item 2 will be heard after Item 5.

Public Comment: None.

2. Approval of the minutes from the Sunshine Ordinance Task Force Meeting of August 7, 2024. (01:37:50)

**Action: Moved by Chair Yankee, seconded by Member Pilpel, to continue the approval of the minutes from the Sunshine Ordinance Task Force Meeting of August 7, 2024 to the October 2, 2024 meeting of the Task Force.**

Public Comment: None

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

Ayes: 10 -Yankee, Pilpel, Schmidt, LaHood, Sugarman, Kumar, Anderson, Hyland, Wolfe, Stein

Noes: 0 - None

3. Approval of Orders of Determination (00:03:50)

From the August 7, 2024 Sunshine Ordinance Task Force Meeting:

- 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. 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

Member Hyland was noted present at 4:11 p.m.

Member Kumar was noted present 4:16 p.m.

Member LaHood was noted present at 4:21 p.m.

**Action: Moved by Member Pilpel, seconded by Member Wolfe, to continue Item 3 to the October 2, 2024 Task Force Meeting.**

Public Comment: None:

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

Ayes: 10 – Pilpel, Wolfe, Schmidt, LaHood, Sugarman, Kumar, Anderson, Hyland, Stein, Yankee

Noes: 0 - None

4. Administrator’s Report, Complaints and Communications. (00:18:44)

Acting Administrator Petersen presented the Administrator’s Report to the Task Force and responded to questions.

The September 24, 2024 meeting of the Education, Outreach and Training Committee will be cancelled. Member LaHood reiterated that the Compliance and Amendments Committee meeting scheduled for December 24, 2024 is cancelled.

Member Kumar will be absent from the October 2, 2024 and November 6, 2024 Task Force meetings.

Public Comment: None.

- 5. Consider waiving SOTF By-Law Article II, Section 2 regarding meeting attendance by Vice-Chair Stein. (00:39:25)

**Action: Moved by Chair Yankee, seconded by Member LaHood, to recuse Vice-Chair Stein from Item 5.**

Public Comment: None.

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

Ayes: 10 – Yankee, LaHood, Schmidt, Sugarman, Kumar, Anderson, Hyland, Pilpel, Wolfe, Stein  
Noes: 0 – None

Member Sugarman was noted absent at 4:59 p.m. and returned at 5:01 pm.  
Member Schmidt was noted absent at 5:02 p.m. and returned at 5:03 p.m.  
Member Anderson was noted absent at 5:07 p.m. and returned at 5:14 p.m.

**Action: Moved by Member Anderson, seconded by Member Kumar, that due to a procedural administrative error by the SOTF Administrator, notice was not given to Member Stein that in missing three (3) regular meetings she was subject to a fourth (4<sup>th</sup>) meeting trigger of a notice to the Board of Supervisors. As a result of this procedural error, the SOTF waives the requirement that Chair Yankee give notice to the Board of Supervisors.**

Public comment: None

Ayes: 9 – Anderson, Kumar, Schmidt, LaHood, Sugarman, Hyland, Pilpel, Wolfe, Yankee  
Noes: 0 – None  
Recusals: 1 - Stein

- 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. Public comment shall be taken at 5:00 p.m. or as soon thereafter as possible. (01:39:37)

Public comment: None

**NOTE: Hearings on complaints and other agenda items listed below will begin no earlier than 5:00 p.m.**

7. CONSENT AGENDA - The Sunshine Ordinance Task Force (SOTF) shall review the Complaints listed below to affirm the Committee's findings regarding the SOTF'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 September 4, 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. (01:49:26)

**7A. File No. 24044:** 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 August 20, 2024 the Complaint Committee moved to find 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 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 noted that Respondent acknowledges a violation of Section 67.21 and ordered production of all responsive documents pursuant to Section 67.21.)*

**7B. File No. 24045:** Complaint filed by Sophia De Anda against the Human Services Agency 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 August 20, 2024 the Complaint Committee moved to find that the SOTF does not have jurisdiction and referred the matter to the SOTF Consent Agenda due to lack of a specific records request in this matter.)*

**7C. File No. 24047:** Complaint filed by Rosa L. against the Police Department 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 August 20, 2024 the Complaint Committee moved to find 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 Administrative Code, Section 67.21, for failing to respond to a public records request in a timely manner, and noted the Police Department's acknowledgement that their response was not timely.)*

**Action: Moved by Member Hyland, seconded by Member Pilpel, to approve the Consent Agenda and accept the recommendations.**

Public Comment: None.

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

Ayes: 10 – Hyland, Pilpel, Schmidt, LaHood, Sugarman, Kumar, Anderson, Wolfe, Stein, Yankee

Noes: 0 - None

8. **File No. 23058** Complaint filed by Paul Kniha against the San Francisco Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.5 by failing to allow meetings to be open and public; 67.13 by failing to allow access to an open and public meeting and 67.21 by failing to provide responsive records in a timely and/or complete manner. (02:04:40)

*(On October 17, 2023 the Complaint Committee moved to find that the SOTF has jurisdiction, the records are public and referred the matter to the SOTF for hearing. The Committee suggested that the SOTF first determine whether the hearing falls under the Sunshine Ordinance or Brown Act provisions. The Complaint Committee noted that it appears that certain relevant documents have not yet been provided to match up the specific documents requested at issue with the claims made that certain documents have not been produced.)*

Paul Kniha (Complainant) provided a summary of his complaint and stated that Respondent implemented a new rule regarding the number of comments a person is allowed to make and that his microphone was muted when he requested clarification. Mr. Kniha stated that he has an outstanding request for a meeting transcript, which is a Teams function and indicated as such at the start of a meeting

Hank Willson (San Francisco Municipal Transportation Agency) (Respondent) provided a summary of the department's position. Mr. Willson stated that the Color Curb hearing is conducted by a single hearing officer and is not considered a meeting under the Sunshine Ordinance or the Brown Act. Audio and video copies of the Color Curb hearing have been provided to Complainant; the SFMTA does not create written transcripts of Teams meetings and per SFMTA counsel we are not required to create new records.

A question-and-answer period occurred.

**Action: Moved by Member Pilpel, seconded by Member Schmidt, to find that the San Francisco Municipal Transportation Agency did not violate Administrative Code (Sunshine Ordinance) Section 67.5 by failing to allow meetings to be open and public, or Section 67.13 by failing to prohibit barriers to attendance, because the SOTF finds that the SFMTA color curb hearings as they are currently constituted are not subject to requirements for policy bodies or passive meeting bodies as defined by the Sunshine Ordinance.**

Public Comment:

Barry Taranto stated that he monitors meetings for reasons similar to this matter, because what happens can have a broad impact.

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

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

Noes: 1 - Wolfe

**Action: Moved by Member Sugarman, seconded by Member Pilpel, to find that the San Francisco Municipal Transportation Agency did not violate Administrative Code (Sunshine Ordinance) Section 67.21 by failing to provide responsive records in a timely and/or complete manner, finding that responsive records were provided, with a recommendation that the SFMTA generate the transcripts of past public hearings upon request, and generate transcripts for videos of all future public hearings, and to send to the Education, Outreach and Training and Committee for follow-up.**

## Public comment:

Barry Taranto stated that the transcript(s) exist, and the public has a right to know how SFMTA is making its decisions.

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

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

Noes: 1 - Wolfe

9. **File No. 24009:** Complaint filed by Paul Kniha against Hakam Ibrahim, Tracy Minicucci, and the Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section(s); 67.15 by failing to provide an opportunity for members of the public to address the body. (04:10:33)

*(On April 23, 2024 the Complaint Committee moved to refer the matter to the SOTF for hearing with a recommendation that the Task Force cannot determine a violation due to a lack of jurisdiction.)*

Paul Kniha (Complainant) provided a summary of his complaint, and stated that Respondent suppressed my comments regarding an item on the 12/15/2023 agenda regarding blue-zone accessible parking

Hank Willson (San Francisco Municipal Transportation Agency) (Respondent) provided a summary of the department's position. Mr. Willson stated that the Color Curb hearing is not a meeting under the Sunshine Ordinance as it is conducted by a single hearing officer and not a policy body.

A question-and-answer period occurred.

**Action: Moved by Member Wolfe, seconded by Member Schmidt, to find that Hakam Ibrahim, Tracy Minicucci, and the Municipal Transportation Agency did not violate Administrative Code (Sunshine Ordinance), Section(s), Section 67.15 by failing to provide an opportunity for members of the public to address the body.**

Public Comment:

Barry Taranto noted the lengthy process to get a taxi zone, and that Mr. Kniha addressed the matter quickly.

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

Ayes: 10 – Wolfe, Schmidt, LaHood, Sugarman, Kumar, Anderson, Hyland, Pilpel, Stein, Yankee  
Noes: 0 - None

The SOTF recessed at 8:40 p.m. and reconvened at 8:56 p.m. A quorum was present.

10. **File No. 23090** 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. (04:50:48)  
*(On January 16, 2024, the Complaint Committee moved to find that the SOTF has jurisdiction, that the requested documents are public, and to refer the matter to the SOTF for a hearing, including consideration of whether there is a provision of timely/complete records violation or a record-keeping violation under San Francisco Administrative Code Section 67.2-7.)*

Lance Carnes (Complainant) provided a summary of his complaint and stated that the response received from Respondent had errors and extraneous photos.

David Steinberg (Department of Public Works) (Respondent) stated that timely records were provided to Complainant. Mr. Steinberg stated that Complainant and Public Works do not agree on the trees listed in the DPW database.

A question-and-answer period occurred.

**Action: Moved by Member Hyland, seconded by Member Anderson, to find that Public Works did not violate Administrative Code (Sunshine Ordinance), Section(s) 67.21 for failing to provide public records in a timely manner.**

Public comment: None.

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

Ayes: 10 – Hyland, Anderson, Schmidt, LaHood, Sugarman, Kumar, Pilpel, Wolfe, Stein, Yankee  
Noes: 0 - None

11. **File No. 23100:** Complaint filed by Jimmer Cassiol against the City Administrator'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. (05:36:58)

*(On February 20, 2024, the Complaint Committee moved to find that the SOTF has jurisdiction, that the requested records are public, and to forward the matter to the SOTF for a hearing. The Complaint Committee requested information regarding why the exemptions under Section 67.21 apply and to determine whether there is a violation for failure to send a representative to the hearing.)*

Jimmer Cassiol (Complainant) provided a summary of his complaint and stated that he requested communications exchanged during a one-month period between his former manager and an HR staff person.

Respondent (City Administrator's Office) was not present.

**Action: Moved by Member Stein, seconded by Member Anderson, to find that the City Administrator's Office violated Administrative Code (Sunshine Ordinance) Sections 67.21 by failing to respond in a timely manner, 67.21(b) and 67.27 for not providing specific citations for withholding documents, and 67.21(e) for failing to send an authorized representative to the hearing.**

**The Task Force orders the City Administrator to provide citations from the Sunshine Ordinance or the CPRA for withholding emails regarding Jimmer Cassiol, and orders that any outstanding, non-exempt documents be provided with keyed citations for any redactions. The Task Force refers the case to the Compliance and Amendments Committee for compliance.**

Public Comment: None

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

Ayes: 10 – Stein, Anderson, Schmidt, LaHood, Sugarman, Kumar, Hyland, Pilpel, Wolfe, Yankee  
Noes: 0 - None



12. **File No. 24002:** Complaint filed by Anonymous (ACU) against the Fine Arts Museum for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.7(b), by failing to provide a meaningful, concise and clear description to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item. (06:20:05)

*(On February 20, 2024 the Complaint Committee moved to find that the SOTF has jurisdiction over the public meeting and to forward the matter to the SOTF for a hearing with a recommendation to review whether there is a violation of Administrative Code, Section 67.7(b) for failing to provide a clear agenda descriptions; violation for including letters received after the meeting took place in the minutes; and violation of Section 67.21(e) by failing to send an authorized representative to the hearing.)*

Anonymous (ACU) was not present. Paria Dea (Fine Arts Museums, Respondent) was present.

**Moved by Chair Yankee, seconded by Member Wolfe, to close the case per Complaint Procedure, Section 7(b) due to non-appearance of the Petitioner.**

Public Comments: None.

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

Ayes: 9 – Yankee, Wolfe, Schmidt, LaHood, Kumar, Anderson, Hyland, Pilpel,  
Stein  
Noes: 1 - Sugarman

13. **File No. 24051:** Hearing - Interpreting the Subsections of Administrative Code 67.25. (06:31:34)

The Task Force discussed the applicability of Sections 67.25(b), (c) and (d) to Immediate Disclosure Requests versus any type of public records request.

Member Stein was noted absent at 10:49 p.m. and returned at 10:52 p.m.

Deputy City Attorney Zelidon stated that the interpretation of the Office of the City Attorney is consistent with the Good Government Guide, and that sections (b), (c) and (d) apply broadly to the Sunshine Ordinance.

Public Comment: None

14. Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force. (06:56:10)

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

A discussion occurred regarding ways to confirm in advance the availability of parties to attend a hearing.

Public Comment: None.

15. ADJOURNMENT (07:04:02)

There being no further business, the meeting was adjourned at 11:09 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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