



City and County of San Francisco

Sunshine Ordinance Task Force Education, Outreach and Training Committee

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

Meeting Minutes

Members: Chris Hyland (Chair), David Pilpel, and Ankita Kumar

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

Tuesday, January 28, 2025

**5:30 p.m.
Regular Meeting**

City Hall, Room 408

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES** (*Discussion and Action*) (00:01:21)

Acting Chair Pilpel called the meeting to order at 5:30 p.m. On the call of the roll, Acting Chair Pilpel and Member Kumar were present. Chair Hyland was not present. A quorum was present. Clerk Patricia Petersen was present.

A request for a Continuance was received for Item 8.

Public Comment: Jen Reck, Executive Co-Chair of the advisory board of the Castro LGBTQ Cultural District, stated that she is attending the meeting.

2. **Approval of the May 28, 2024, Education, Outreach and Training Committee meeting minutes.** (00:05:09)

Action: Moved by Acting Chair Pilpel, seconded by Member Kumar, to approve the May 28, 2024 minutes as amended.

Public Comment: None.

Ayes: 2 - Pilpel, Kumar

Noes: 0 - None

Absent: 1 – Hyland

Chair Hyland was noted present at 5:40 p.m., at which time he chaired the rest of the meeting.

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. (00:11:30)

None.

4. **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. (00:12:43)

(On 9/4/2024, the SOTF found 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.

The SOTF further found 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 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.)

Paul Kniha (Petitioner), stated that a transcript has not been provided. Mr. Kniha stated that public hearings are still discriminatory based on who is speaking. Mr. Kniha further stated that microphones are turned off for those who don’t have the agendas in front of them and that public comments are ignored.

Hank Willson (Parking Policy Manager, SFMTA – Respondent), stated that Mr. Kniha’s statements have been adjudicated by the SOTF and they have found not to be in violation. Mr. Willson further stated that transcripts have not been produced, and they are not downloaded and saved automatically, they are not required to be produced and should not be used as evidence as they contain errors.

Action: Moved by Chair Hyland to close File No. 23058 without prejudice.

The motion was withdrawn by Chair Hyland.

Action: Motion by Member Kumar that for future proceedings the SFMTA should make available or try its best to make available all documents concerned with video and audio meetings which include a transcript and to follow the Sunshine Ordinance when it comes to disclosure of materials.

The motion was withdrawn by Member Kumar.

Action: Motion by Chair Hyland, seconded by Member Pilpel, to close File No. 23058 without prejudice.

Public comment: None.

The motion PASSED by the following vote:

Ayes: 3 – Hyland, Pilpel, Kumar

Noes: 0 - None

Absent: 0 - None

5. **File No. 24022:** Complaint filed by Paul Kniha against the Municipal Transportation Agency 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. (Items 5, 6, and 7 called together at 01:33:25)
(On 5/28/2024, the EOTC, moved by Chair Hyland, seconded by Member Pilpel, moved to continue the matter to the next meeting of the Education, Outreach and Training Committee and have Mr. Hank Willson and a senior member of the IT staff present to respond to questions about the March 29, 2024 Microsoft Teams video and transcript file, and to answer questions about the SFMTA's policies regarding the use of Microsoft Teams.
6. **File No. 24030:** Complaint filed by Paul Kniha against the Municipal Transportation Agency 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. (Items 5, 6, and 7 called together at 01:33:25)
7. **File No. 24036:** Complaint filed by Paul Kniha against the Municipal Transportation Agency 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. (Items 5, 6, and 7 called together at 01:33:25)

Paul Kniha (Petitioner) stated that the SFMTA meetings no longer serve the function of collecting public input, and that public comments are not communicated to the City traffic engineer. Mr. Kniha further stated that the transcripts point out the violations that the agency makes during the meetings on a regular basis and hold the SFMTA accountable to its own policies.

Hank Willson (Parking Policy Manager at SFMTA, Respondent) stated that changes are made based on inputs received, and all information and notes are provided to the City traffic engineer. Mr. Willson further stated that videos of the hearings are available and that nothing is withheld. Mr. Willson stated that transcripts are not required by the Sunshine Ordinance and are not produced because they contain errors and would be confusing for the public. Mr. Willson further stated that transcripts are not turned off; rather, they are not created.

Action: Motion by Chair Hyland, seconded by Member Pilpel, that the Task Force has jurisdiction in File Nos. 24022, 24030, and 24036 over these public records and refers the matters to the Full Task Force consent calendar.

The Committee further finds that these public records per Section 67.21(L) are available and easily generated by the MTA and does not recommend a finding of violation. However, the Committee requests that the MTA produce the transcripts from the March 29, April 26, and May 31, 2024 color curb hearings and send the transcripts to Mr. Kniha within 14 calendar days. The Committee further requests that the MTA produce future color curb hearing transcripts upon request. The Committee requests that the MTA propose a policy on transparency and transcripts for public-facing events, hearings, and meetings.

Public comment: None

The motion PASSED by the following vote:

Ayes: 3 – Hyland, Pilpel, Kumar

Noes: 0 - None

Absent: 0 - None

8. **File No. 24058:** Complaint filed by Michael Petrelis against the Castro LGBTQ Cultural District for allegedly violating the Administrative Code (Sunshine Ordinance), Section 67.25), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (02:16:28)

Michael Petrelis (Petitioner) requested a continuance prior to the meeting, and was not present.

Jen Reck (Respondent) stated that after the 10/24/2024 meeting of the Arts & Culture Committee, the Petitioner requested his zoom recording. Ms. Reck further stated that the record is solely to ensure that the minutes are accurate and offered that the minutes would be provided once they were approved by the Committee at its next meeting. Ms. Reck stated that the Committee meets monthly, that the November and December meetings were on holidays, that the 1/23/2025 meeting was not held due to lack of quorum and met 1/27/2025 to approve the minutes which have been sent to Mr. Petrelis.

Action: Motion by Member Pilpel, seconded by Chair Hyland, to table the matter for lack of jurisdiction at this time.

Public comment: None.

The motion PASSED by the following vote:

Ayes: 3 – Pilpel, Hyland, Kumar

Noes: 0 - None

Absent: 0 - None

9. **File No. 24060:** Complaint filed by Lou Barberini against Jesus Yanez, Police Commissioner, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.7(d), by discussing a matter not appearing on the posted agenda. (02:49:32)

Lou Barberini (Petitioner) stated that at the November 6, 2024 Police Commission meeting Commissioner Yanez spoke for 5 minutes about a personal item that was not on the agenda.

Commissioner Yanez (Respondent) stated that he understands that the meeting was agendaized appropriately and that commissioners are required to speak to the items as published. Commissioner Yanez further stated that following conversations with the City Attorney's Office and the Commission, his questions directed to the Police Chief during his report were appropriate.

Sergeant Stacy Youngblood (Police Department, Respondent) stated that no action was on the Police Chief's report, and that Commissioner Yanez asked the Police Chief questions.

The parties provided rebuttals.

Motion by Member Pilpel, seconded by Member Kumar, that the SOTF has jurisdiction, and that the matter be forwarded the full Task Force for hearing.

The Committee requests that the Task Force focus on Section 67.7(d) and watch the 5:00 video (to be linked in the Agenda) as background and asks that the Commission Secretary provide the agenda and minutes, noting the discussion was not part of the agenda.

Public comment: Ilona Yanez (Petitioner's wife) stated that non-agendaized matters regularly come up in the meetings, and that items are agendaized if there is a question about further action. Ms. Yanez stated that the discussion in question is about public safety and the safety of her and Commissioner Yanez, and that the Petitioner here is asking questions to further his personal agenda.

The motion PASSED by the following vote:

Ayes: 3 – Pilpel, Kumar, Hyland
Noes: 0 - None
Absent: 0 - None

10. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Complaint Committee.** (03:43:36)

Committee members discussed inviting the creator of the Sunshine Ordinance training to a future Committee meeting and developing guides regarding Administrative Code Chapter 12L (Nonprofits) and Community Benefit Districts.

Public Comment: None.

11. **ADJOURNMENT at 9:21** (03:52:47)

There being no further business, the meeting was adjourned at 9:21 p.m.

Approved: _____
Education, Outreach and Training Committee
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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