



City and County of San Francisco

Special 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 - Chair |
| 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 - Vice-Chair | | |
| 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

Tuesday, Jan. 21, 2025

5:30 p.m.
Special Meeting

City Hall, Room 408

NOTE: Hearings on Complaints will begin no earlier than 5:00 p.m. (see details below)

1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES (00:00:43)

Chair Yankee called the meeting to order at 5:59 p.m. On the call of the roll, Chair Yankee, Vice-Chair Stein, and Members Schmidt, LaHood, Kumar, Anderson, Hyland, and Wolfe were noted present. Members Sugarman and Pilpel were noted absent. There was a quorum. Task Force Administrator Pat Petersen was also present. Deputy City Attorney Jose Zelidon was noted present.

Public Comment: None.

2. Approval of the minutes from the Sunshine Ordinance Task Force Meeting of November 19, 2024. (00:03:47)

Action: Moved by Member Wolfe, seconded by Member Anderson, to approve the Minutes of November 19, 2024.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 8 – Wolfe, Anderson, Schmidt, LaHood, Kuman, Hyland, Stein, Yankee

Noes: 0 - None

Absent: 2 - Pilpel, Sugarman

3. **Approval of the minutes from the Sunshine Ordinance Task Force Meeting of December 4, 2024 (00:06:51)**

Action: Moved by Member Wolfe, seconded by Member Stein, to approve the Minutes of December 4, 2024.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 8 – Wolfe, Stein, Schmidt, LaHood, Kumar, Anderson, Hyland, Yankee

Noes: 0 - None

Absent: 2 - Pilpel, Sugarman

4. **Administrator’s Report (00:08:21)**

Public Comment: None

Task Force members discussed inviting the City Attorney to a meeting of the Education, Outreach and Training Committee to collaborate on updates to the City’s Sunshine Ordinance training.

Member Pilpel was noted present at 6:14 p.m.

5. **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. (00:47:50)

None.

6. **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. (00:48:41)

(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.

On December 17, 2024, the Complaint Committee, moved by Chair Schmidt, seconded by Member Sugarman, referred 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.)

Mark LaCroix (Petitioner) stated that he is asking for a finding of a violation of Section 67.8-1(a), which requires that all closed session of any policy body by this Ordinance shall be either audio recorded or audio and video recorded in their entirety and retained for at least ten years, or permanently where technologically and economically feasible.

Maureen Conefrey / Fire Department (Respondent) stated that her objection to the complaint is that it has been adjudicated, and a violation was found. Ms. Conefrey further stated that the closed session hearing is part of the crux of a Superior Court case brought by Mr. LaCroix against the City and County of San Francisco and the Fire Department, there is a stay on a discovery motion that was granted in 2023, and 26 federal cases are pending resolution that would involve this closed session hearing. Ms. Conefrey provided a summary of the Fire Commission's decision to not disclose audio tape of the closed session hearing on January 12, 2022.

A question-and-answer period occurred.

The parties had an opportunity for rebuttals. Deputy Cit Attorney Jose Zelidon stated that he can confer with his colleagues if there are potential conflicts between the Brown Act and the Sunshine Ordinance.

Action: Moved by Member Schmidt, seconded by Member Wolfe, to find a violation of Administrative Code (Sunshine Ordinance) Section 67.21 and order production of the audio tape of the closed session of the Fire Commission held January 12, 2022 regarding Item 5C.

Public Comment: None.

The motion PASSED by the following vote:

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

Noes: 1 – Pilpel

Absent: 1 - Sugarman

The meeting was in recess from 7:51 p.m. to 8:01 p.m.

7. **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. (02:00:34)

(On 12/17/2024, this matter was heard before the Complaint Committee for a 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

The Complaint Committee, moved by Chair Schmidt and seconded by Member Sugarman, referred 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.)

Michael Petrelis (Petitioner) stated that the creation of community benefit districts is a means for evading the Sunshine Ordinance, and he should not have to file a complaint with the Office of Economic & Workforce Development. Mr. Petrelis further stated that Executive Director Aiello should not be permitted to limit the search for public records to one word.

Executive Director Aiello (Respondent) stated that the scope of the Task Force is the City and County of San Francisco and has no jurisdiction over the Castro Community Benefit District, a legally distinct non-profit private entity. Executive Director Aiello stated that they comply with the Brown Act and acknowledged that under its contract to operate it is subject to Administrative Code Section 67.24(e) regarding contract bids and proposals. Executive Director Aiello further stated that reference to a 6-minute limit on public comment can be taken off their agendas.

A question-and-answer period occurred.

Jackie Hazelwood (Community Benefit District Program Director at the Office of Economic & Workforce Development) stated that community benefit districts that receive at least \$250,000 per year from the City are subject to Administrative Code Chapter 12L. Ms. Hazelwood further stated that the Petitioner had submitted a request to their office for the records.

The parties had an opportunity for rebuttals.

Action: Moved by Member Pilpel, seconded by Member Hyland, to find no jurisdiction in this matter at this time.

Public Comment: Jackie Hazelwood stated that she agreed that community benefit districts are not subject to the Sunshine Ordinance.

The motion PASSED by the following vote:

Ayes: 6 – Pilpel, Hyland, Schmidt, Kumar, Anderson, Stein

Noes: 3 - LaHood, Wolfe, Yankee

Absent: 1 – Sugarman

8. **Hearing – Update on Sunshine Ordinance Task Force’s 2024 Annual Report**
(03:01:07)

Members of the public and the SOTF can view the 2024 Annual Report proposal online at:
<https://docs.google.com/document/d/1gE9XCjztYkpb6fB7FlzSGDryfMg-YsKK/edit?usp=sharing&oid=105519330310899598939&rtpof=true&sd=true>

No password or identification is required. Public comments on this document can be sent directly to lstein.sotf@gmail.com or made during public comment on this agenda item.

Vice-Chair Stein stated that the Annual Report will be placed on the Task Force Agenda for February 5, 2025.

Public Comment: None.

No action taken.

9. **Hearing on Sunshine Ordinance Amendments:** Discussion regarding potential amendments to the Sunshine Ordinance and the related work of the Compliance and Amendments Committee. (03:06:50)item

Chair LaHood noted that comments will be brought to the Task Force after the Compliance and Amendments Committee meets on 1/30/2025.

Public Comment: None.

No action taken.

10. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force (03:11:44)**

Member Pilpel asked that the City Attorney’s Office inform the Sunshine Ordinance Task Force of relevant actions by the federal Department of Government Efficiency. Member Pilpel further commented regarding filling the ex-officio seats and the appointment of Eddie McCaffrey to staff the Committee on Information Technology.

Public Comment: None

11. **ADJOURNMENT (03:17:59)**

There being no further business, the meeting was adjourned at 9:19 p.m.

Approved: 3/5/2025
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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