



**SUNSHINE ORDINANCE TASK FORCE
CITY AND COUNTY OF SAN FRANCISCO
MINUTES - Draft
REMOTE RETREAT MEETING**

January 25, 2022 - 6:30 PM

Seat 1	Dean Schmidt	Seat 7	Matthew Yankee - Vice-Chair
Seat 2	Lila LaHood	Seat 8	Chris Hyland
Seat 3	Vacant	Seat 9	Laurie Jones Neighbors
Seat 4	Jaya Padmanabhan	Seat 10	Vacant
Seat 5	Jennifer Wong	Seat 11	Bruce Wolfe - Chair
Seat 6	Laura Stein		

Ex-officio (*non-voting*) Clerk of the Board of Supervisors or his or her designee
Ex-officio (*non-voting*) Mayor or his or her designee

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

Action: Moved by Chair Wolfe, seconded by Member Wong to adjust the agenda and have item 4 heard after item 1A and item 9 heard after item 5.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Wolfe, Wong, Yankee, LaHood, Neighbors, Stein, Padmanabhan,
Hyland, Schmidt
Noes: 0 - None

- 1A. FINDINGS TO ALLOW TELECONFERENCED MEETINGS UNDER CALIFORNIA GOVERNMENT CODE SECTION 54953(e).**
The Task Force is expected to consider a motion setting forth findings required under Assembly Bill 361 (AB 361) that would allow the committee to hold the meeting remotely according to the modified Brown Act teleconferencing set forth in AB 361.

The SOTF noted that every thirty days, the SOTF must have findings for continued meetings of this body, to recognize that the state of emergency will continue to impact the body and as long as local officials continue to recommend that emergency procedures

remain in place. The SOTF is required to approve these findings, or the remote meeting cannot take place.

Action: Moved by Vice-Chair Yankee, seconded by Member LaHood to approve the attached motion 1A.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 9 - Yankee, LaHood, B. Wolfe, Neighbors, Wong, Stein, Padmanabhan, Hyland, Schmidt

Noes: 0 - None

2. **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.

Mark Sullivan provided the following written public comment. Combining complaints Procedure 10: Committee authorized to process complaints can or not combine." One criteria "Issues or violations must be within 90 days of submission of the initial complaint" Keywords maybe overlooked: issues and must. Combing a complaint is squarely taskforce's responsibility and is not the petitioners or taskforce administrator. Burden of proof is on custodian of records to show that they are releasing responsive records and following the law. Now, I am not sure how all these other violations/obstructions a custodian comes up with fits within your procedures as written. Luckily, the procedures have both a combining and severance clauses. I will give you the additional evidence of violations and new obstructions. It will be up to you to decide how to handle them procedurally.

3. **Review of SOTF Administrator's authority to determine if complaints are valid pursuant to complaint procedures.**

Chair Wolfe included the matter on the agenda to provide the SOTF members an understanding of the authority the SOTF has given the Administrator to help facilitate the process of closing cases due to noncommunication from the Petitioner.

Public Comment:

David Pilpel suggested clarifying changes or reconfirming the powers under existing complaint procedures.

4. **Hearing -- Review of Assembly Bill AB361 and related issues. (Open Meetings of State and Local Agencies). Mr. David Pilpel is invited to make a presentation.**

David Pilpel provided an explanation of his memo regarding AB361 which was passed in September 2021.

Chair Wolfe noted that the SOTF does not have a standard web conferencing platform which means that members of the public need to learn the different web plan which means people with disabilities have a difficult experience trying to use it.

Mr. Pilpel stated that having a consistent platform may not be possible because the SOTF has its own approach and each person should be identified and certain practices should be spelled out and read by the Clerk. Mr. Pilpel stated that having standardized expectations for the general public is more important.

Public Comment:

None.

Action: Moved by Member LaHood, seconded by Member Padmanabhan to continue the discussion to the February hearing.

The motion PASSED by the following vote:

Ayes: 9 - LaHood, Padmanabhan, Yankee, B. Wolfe, Neighbors, Wong, Stein, Hyland, Schmidt

Noes: 0 - None

5. Hearing – Presentation by SOTF Legal Advisor/Counsel, DCA Helen Castillo & DCA Marc Price-Wolf.

- a) Review of Attorney/Client Privilege.

Deputy City Attorney Marc Price-Wolf presented the role in attorney/client privilege including the topics of when information is privileged and not.

- b) New law, codes and regulations that effect the Sunshine Ordinance and SOTF.

Deputy City Attorney Helen Castillo presented an update on new laws, codes and regulations that effect the SOTF.

Public Comment:

Mark Sullivan questioned if the attorney gives their work product to the client, does it become attorney privileged or does the public have a right to know?

David Pilpel spoke about the City Attorney memos that had previously been provided by their offices and that both the SOTF and the general public found to be useful and informative.

No action taken.

6. **SOTF meeting duration.**

Chair Wolfe spoke about why the SOTF meetings take a lot of time.

Member LaHood suggested that because SOTF meetings take place remotely, there is less of a feeling to get more accomplished than in prior years when meetings took place at City Hall.

Public Comment:

David Pilpel suggested that on the second Tuesday of the month, have a SOTF hearing instead of a committee hearing and have Education, Outreach and Training Committee and Compliance and Amendments Committee alternate scheduled hearings on the fourth Tuesday of the month.

Member Hyland agreed with the members and that the breakdown of each case should be reviewed. Member Hyland also noted that this SOTF committee is the best he has worked with.

Chair Wolfe suggested that items not be continued if there is not enough discussion. Chair Wolfe also stated that an expedited process should be invoked. Chair Wolfe also suggested having another meeting in the near future. Chair Wolfe asked the SOTF to review the Statement of Incompatible Activities and note that there are resources to get answers to questions.

7. **Review of Instructions for the Respondent Form.**

No action taken.

8. **Review of Statement of Incompatible Activities Filing Requirement and Public Engagement by SOTF Members.**

No action taken.

9. **Hearing - Emergency Orders in effect and restrictions that are in place and related to Covid-19 Emergency Order.**

Deputy City Attorney Helen Castillo addressed the Mayor's March 2020 Order suspending the requirements of an Immediate Disclosure Response, which was reversed. DCA Castillo provided an analysis of the 14-day notice and the 10-business day notice stating that it is up to the SOTF on whether to accept the advice.

Public Comment:

David Pilpel provided a brief legislative history of the SOTF prior to 1993 when the Ordinance was passed by the Board of Supervisors and the Mayor.

No action taken.

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

No action taken.

11. **ADJOURNMENT**

There being no further business the meeting was adjourned at 9:46 PM.

APPROVED: DRAFT
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.