



SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO AGENDA

REGULAR MEETING

REMOTE REGULAR MEETING VIA VIDEOCONFERENCE

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Password: sunshine

Public Comment Call-in:

1 (415) 655-0001 / Meeting ID: 2488 813 6147 ##
(press *3 to enter the speaker line)

February 1, 2023 - 4:00 PM

Seat 1	Dean Schmidt	Seat 7	Matthew Yankee - Chair
Seat 2	Lila LaHood	Seat 8	Chris Hyland
Seat 3	Vacant	Seat 9	Vacant
Seat 4	Jaya Padmanabhan	Seat 10	Thuan Thao Hill
Seat 5	Jennifer Wong - Vice-Chair	Seat 11	Bruce Wolfe
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

Remote Access to Information and Participation

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference.

Members of the public may participate by phone or may submit their comments by email to: sotf@sfgov.org; all comments received will be made a part of the official record. Sunshine Ordinance Task Force agendas and their associated documents are available at <https://sfbos.org/sunshine>.

As the COVID-19 disease progresses, please visit the Sunshine Ordinance Task Force website regularly to be updated on the current situation as it affects the legislative process.

Meeting Decorum: Any member of the Sunshine Ordinance Task Force may call for decorum due to disorderly conduct of meeting participants. Persons who engage in threatening and/or menacing behavior may be asked to leave.

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES.**
 - 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. (*Discussion and Action*) (*attachments*)
2. **Approval of the minutes from the Sunshine Ordinance Task Force Regular Meeting of December 7, 2022.** (*Discussion and Action*) (*attachments*)
3. **Approval of the Orders of Determination:**
File Nos. 22014, 21126, 22084, 20009, 20120, 21007, 21008, 21021, 21036, 21039, 21052, 21066, 21081, 21084, 21085, 21086, 21088, 21114, 21124, 21126, 21139, 21141, 21144, 21148, 21152, 21159, 22013 (*Discussion and Action*) (*attachments*)
4. **File No. 22143: Annual Supervisor of Records Report from City Attorney:** Review and potential acceptance of the annual report. (*Discussion and Action*)

<i>Item4 Part 1 of 2</i>	<i>Item 4, Part 1, 2 of 2</i>
<i>Item 4, Part 2, Part 1 of 2</i>	<i>Item 4, Part 2, Part 2 of 2</i>
<i>Item 4, Part 3, 1 of 2</i>	<i>Item 4, Part 3, 2 of 2</i>
<i>Item 4</i>	<i>Item 5</i>
<i>Item 4, Part 6, Part 1 of 2</i>	<i>Item 4, Part 6, Part 2 of 2</i>
5. **Administrator's Report, Complaints and Communications.** (*Discussion and Action*) (*attachments*)
 - Task Force and Committee tentative hearing schedule
 - Complaints submitted and hearing files created
 - Public Communications
 - Complaint Committee minutes
 - Record of emails received

5A. Communication from the City Attorney's Office: Discuss the memorandum entitled "Legal Rules Governing Participation by Members of Policy Bodies in Meetings Beginning March 1, 2023" and potentially develop related procedures for Sunshine Ordinance Task Force meetings as they transition back to being held in-person. *(Discussion and Action) (attachments)*

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. *(No Action). Public comment shall be taken at 5:00 p.m. or as soon thereafter as possible.*

NOTE: Hearings on complaints and other agenda items listed below will begin no earlier than 5:00 P.M.

7. **Closing Pending Complaints:** Hearing to consider closing the following complaint files and dismissing them without prejudice pursuant to SOTF Complaint Procedure 7(b). The Complainant has communicated to the Task Force Administrator that they will not be attending hearings for these files. *(Discussion and Action) (attachments)*

1. File 20014 - Anonymous v. City Attorney
2. File 20030 - Anonymous v. City Attorney
3. File 20063 - Anonymous v. Dept. of Police Accountability
4. File 20074 - Anonymous v. City Attorney
5. File 20080 - Anonymous v. J. Kositsky
6. File 20081 - Anonymous v. Controller's Office
7. File 20110 - Anonymous v. Sheriff's Office
8. File 20111 - Anonymous v. Mayor's Office
9. File 20113 - Anonymous v. Mayor's Office
10. File 20114 - Anonymous v. Dennis Herrera, City Attorney
11. File 20121 - Anonymous v. Sheriff's Office
12. File 20130 - Anonymous v. David Steinberg and Dept of Public Works
13. File 20133 - Anonymous v. Dennis Herrera, Brittney Feitelberg, John Cote
14. File 20135 - Anonymous v. Lt. Andrew Cox, Chief William Scott
15. File 20136 - Anonymous v. J. Givner, O Buta, D. Herrera and the Office of the City Attorney
16. File 20138 - Anonymous v. Mayor's Office
17. File 20139 - Anonymous v. Alaraic Degrafinried
18. File 20140 - Anonymous v. Naomi Kelly
19. File 20141 - Anonymous v. D. Herrera, O. Buta and the Office of the City Attorney
20. File 20142 - Anonymous v. Medical Examiner
21. File 21005 - Anonymous v. C. Boudin and the District Attorney's Office
22. File 21006 - Anonymous v. Mayor Breed and Hank Heckel
23. File 21013 - Anonymous v. Dept. of Public Health
24. File 21020 - Anonymous v. Office of the Clerk of the Board
25. File 21022 - Anonymous v. Dept. of Emergency Management
26. File 21023 - Anonymous v. Mayor Breed and Hank Heckel
27. File 21028 - Anonymous v. Clerk of the Board Calvillo
28. File 21029 - Anonymous v. Supervisor Gordon Mar

29. File 21030 - Anonymous v. Supervisor Dean Preston
 30. File 21031 - Anonymous v. Dept. of Police Accountability
 31. File 21037 - Anonymous v. Dept. of Emergency Management
 32. File 21045 - Anonymous v. Ethics Commission
 33. File 21051 - Anonymous v. District Attorney
 34. File 21053 - Anonymous v. Public Utilities Commission
 35. File 21061 - Anonymous v. Dennis Herrera, John Cote, Brad Russi, Jon Givner, Randy Parent
 36. File 21076 - Anonymous v. Public Utilities Commission and Acting General Manager Michael Carlin
 37. File 21079 - Anonymous v. Public Library, Michael Lambert, Margot Shaub
 38. File 21082 - Anonymous v. Recreation and Parks
 39. File 21083 - Anonymous v. Recreation and Parks
 40. File 21092 - Anonymous v. Public Utilities Commission
 41. File 21102 - Anonymous v. Recreation and Parks Dept., Phil Ginsburg
 42. File 21104 - Anonymous v. Supervisor Preston
 43. File 21105 - Anonymous v. Chesa Boudin, Kate Chatfield and the District Attorney's Office
 44. File 21123 - Anonymous v. Port and Port Commission
 45. File 21127 - Anonymous v. Office of the Mayor, Mayor London Breed and Hank Heckel
 46. File 21130 - Anonymous v. City and County of San Francisco
 47. File 21135 - Anonymous v. Supervisor Ronen
 48. File 21138 - Anonymous v. Chesa Boudin
 49. File 21147 - Anonymous v. Dennis Herrera and the City Attorney's Office
 50. File 21164 - Anonymous v. Dept. of Emergency Management
 51. File 22025 - Anonymous v. District Attorney
 52. File 22026 - Anonymous v. Mayor's Office
 53. File 22042 - Anonymous v. Ben Rosenfield
 54. File 22051 - Anonymous v. Trent Rhorer, Human Services Agency
 55. File 22090 - Anonymous v. Mayor London Breed
8. **File No. 22018:** Complaint filed by Peter Drekmeier against the San Francisco Public Utilities Commission 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. (*attachments*)
- (On April 19, 2022, the Complaint Committee moved to find the records are public, there is jurisdiction and forward the case to the SOTF and consider a violation of 67.21 by asserting attorney/client privilege as an exemption to all the documents sought by a petitioner and a violation of 67.24(b)(2).)*
- a) Hearing on the complaint. (*Discussion and Action*)

9. **File No. 21128:** Complaint filed by Maria Schulman against Mayara Ruski, Augusto Sa, and the San Francisco Public Utilities Commission (SFPUC) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, 67.26(b) and 67.27, and California Public Records Action, Section 6253(d), by failing to respond to a request for public records in a timely and/or complete manner and failing to provide written justification for withholdings. (*attachments*)
(On September 20, 2022, the Complaint Committee moved to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing for consideration of timeliness delays and overbroad interpretation of privacy exemptions.)
- a) Hearing on the complaint. (*Discussion and Action*)
10. **File No. 21132:** Complaint filed by Maria Schulman against Sherrie Valdez and the Department of Public Health (DPH) 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. (*attachments*)
(On September 20, 2022, the Complaint Committee moved by Member Stein, seconded by Chair Schmidt, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing.)
- a) Hearing on the complaint. (*Discussion and Action*)
11. **File No. 18086:** Complaint filed by Mark Sullivan against the Mission Dolores Green Benefit District Formation Committee for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.14, by failing to allow video and audio recording filming and still photography of a policy body. (*attachments*)
(On March 6, 2019, a motion by the Sunshine Ordinance Task Force to find jurisdiction FAILED. On September 28, 2021, the Compliance and Amendments Committee moved to grant the request for reconsideration of Complaint No. 18086 as the Committee now finds jurisdiction based on their understanding of the role of Public Works. On November 2, 2022, the Sunshine Ordinance Task Force moved to allow the reconsideration of this matter.)
- Item 11 Part 1 of 2 Item 11 Part 2 of 2
- a) Hearing on the complaint. (*Discussion and Action*)
12. **Complaints Involving the SOTF:** Potential consideration of rescinding votes taken by the Sunshine Ordinance Task Force on Item #4B from its November 2, 2022, regular meeting and Items #6A & #6B from its December 7, 2022, regular meeting. (*Discussion and Action*) (*attachments*)

13. **File No. 23004: CONSENT AGENDA** - The Sunshine Ordinance Task Force shall review File Nos. 22131 and 22110 to affirm that the Sunshine Ordinance Task Force has jurisdiction; that the noted violations of the Sunshine Ordinance, Brown Act, or California Public Records Act occurred; 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 February 1, 2023, Sunshine Task Force meeting but may attend to provide testimony during the public comment period for this item related to the above listed determinations. *(Discussion and Action)* ([attachments](#))

13(A). File No. 22131 Complaint filed by Michael Petrelis against Supervisor Gordon Mar, 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. ([attachments](#))

(On January 17, 2023, Complaint Committee requested that this matter be included in the Consent Calendar for a violation of 67.29-5 for failing to respond to a Prop G calendar and Administrative Code, Sunshine Ordinance Section 67.21(e) by Supervisor Mar for failing to attend the hearing and referred the matter to the Compliance and Amendments Committee to follow up about where records go when a supervisor leaves office and to obtain the most current contact information of a former member of the Board of Supervisors and make sure they are properly notified when scheduled before the SOTF.)

13(B). File No. 22110 Complaint filed by Anonymous (ARE) against Supervisor Matt Dorsey for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21(b) for failure to respond to a records request within 10 days, 67.25 failure to acknowledge an immediate disclosure request within one business day and for violations of Government Code 6253(c) for failure to respond to a public records request in a timely manner. ([attachments](#))

(On October 28, 2022, the Complaint Committee moved to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF Consent Agenda for violations of 67.25 failing to respond to an Immediate Disclosure Request in a complete and/or timely manner.)

14. **Annual Report:** Updates and discussion regarding the Annual Report of the Sunshine Ordinance Task Force. *(Discussion Only)*
15. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force.** *(Discussion and Action)*
(Note: Public Comment on this item is limited to subject matters presented by members of the SOTF.)
16. **ADJOURNMENT**

The Sunshine Ordinance Task Force was established by the San Francisco Administrative Code, Chapter 67. The purpose of the Task Force is to protect the public's interest in open government and to carry out the duties enumerated in Chapter 67 of the San Francisco Administrative Code. For additional information concerning Sunshine Ordinance Task Force please contact the Task Force by e-mail sotf@sfgov.org or by calling (415) 554-7724.

Agenda Item Information

Each item on the agenda may include the following documents:

- 1) Department or Agency cover letter and/or report;
- 2) Public correspondence;
- 3) Other explanatory documents.

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

Meeting Procedures

- | | | |
|----|--|----------------------|
| 1. | Complainant presents his/her facts and evidence | 5 minutes |
| | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds | 5 minutes |
| | Other parties of City respond | Up to 3 minutes each |
| | <i>Above total speaking times for Complainant and City to be the same.</i> | |
| 3. | Matter is with the Task Force for discussion and questions. | |
| 4. | Respondent and Complainant presents clarification/rebuttal | 3 minutes |
| 5. | Matter is with the Task Force for motion and deliberation. | |
| 6. | Public comment (Excluding Complainant & City response, witnesses) | Up to 3 minutes each |
| 7. | Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.) | |

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the agenda items. These

comments will be made a part of the official public record. Written communications should be submitted to the SOTF at:

1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102.

AGENDA PACKET: Available for review in the Office of the Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, or on the internet at: <http://www.sfbos.org/sunshine>.

AUDIO RECORDINGS: Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at: <http://www.sfbos.org/sunshine>.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Wilson Ng at (415) 554-7725.

Paunawa: Ang mga kahilingan ay kailangang matanggap sa loob ng 48 oras bago mag miting upang matiyak na matutugunan ang mga hiling. Mangyaring tumawag ka sa (415) 554-5184.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719

Disability Access

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 5R, 6, 7, 7R, 7X, 9, 9R, 19, 21, 47, and 49. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102; phone (415) 554-7724; fax (415) 554-5163; or email sotf@sfgov.org.

Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67 on the Internet at <http://www.sfbos.org/sunshine>.

Cell Phones, Pagers and Similar Sound-Producing Electronic Devices

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (Chapter 67A of the San Francisco Administrative Code).

Ethics Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site www.sfgov.org/ethics

Under Campaign and Governmental Conduct Code, Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision, or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit sfethics.org.