



# SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO AGENDA REMOTE REGULAR MEETING

Listen/Public Call-In Phone Number

1-415-906-4659

Meeting ID: 961 409 601#

**If you wish to make a statement during general Public Comment, please press \*6 and unmute your telephone to speak. Please press \*6 to mute your telephone once you are done with your statement.**

**February 2, 2022 - 4:00 PM**

Seat 1	Dean Schmidt	Seat 7	Matthew Yankee - <b>Vice-Chair</b>
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 - <b>Chair</b>
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: [Cheryl.Leger@sfgov.org](mailto:Cheryl.Leger@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>.

**PUBLIC COMMENT CALL IN**

**1-415-906-4659**

**Meeting ID: : 961 409 601#**

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. (*attachments*) (*Discussion and Action*)

2. **Approval of the minutes from the Sunshine Ordinance Task Force January 5, 2022, meeting.** (*Discussion and Action*) (*attachments*)

3. **File No. 19140:** Complaint filed by Stephen Malloy against the Department of Human Resources for violating Administrative Code (Sunshine Ordinance), Sections 67.21(e) for not sending an authorized representative to the hearing; 67.25, by failing to respond to a request for public records in a timely and/or complete manner; 67.24(h) for deliberative process exemption; 67.26 for keeping withholding to a minimum and 67.27 not providing a footnote and key legal citations. (*Discussion and Action*) (*attachments*)

*(On May 25, 2021, the Compliance and Amendments Committee moved to request that the Department of Human Resources review the documents it has presented including redactions on the basis of attorney/client privilege, to justify those redactions and to remove unnecessary redactions on header fields including but not limited to, from, date and time stamps and complete a new search to locate additional responsive records. 1/21/21 Order of Determination issued. 6/22/21 CAC moved to continue the matter to the next Compliance and Amendments Committee with the request to comply with previous requests listed below. (The motion was amended to refer the matter the SOTF for hearing.)*

4. **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.**

5. **File No. 20011:** Complaint filed by Ahimsa Porter Sumchai against Mayor London Breed and the Office of the Mayor for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.15, 67.5 and 67.6, by failing to have a meeting quorum and failing to conduct business in a proper manner, failing to notice the time and place of the meeting, failing to allow public comment. *(Discussion and Action) (attachments)*  
*(On October 6, 2021, the SOTF continued the matter to the Call of the Chair pending the results of research by the SOTF Deputy City Attorney and committee review (to be determined by the Chair) prior to additional SOTF hearings. On December 21, 2021, the Complaint Committee Moved to send the matter to the SOTF for consideration of the case which may include whether to disclose advice from our Deputy City Attorney to the public. On January 5, 2022, the SOTF moved by Member Stein, seconded by Member Hyland, to waive the attorney/client privilege for cases 20100 and 20011).*

a) Hearing on the complaint. *(Discussion and Action)*

Item 5, Part 1 of 7

Item 5, Part 2 of 7

Item 5, Part 3 of 7

Item 5, Part 4 of 7

Item 5, Part 5 of 7

Item 5, Part 6 of 7

Item 5, Part 7 of 7

6. **File No. 20100:** Complaint filed by Wynship Hillier against the Behavioral Health Commission, formerly known as the Mental Health Board for allegedly violating, Section 67.7(a) failing to post the Agenda 72 hours in advance and failure to provide a description of each item of business; 67.7(b) failing to post documents on the website or make available to the public; 67.7(d) failure to take action on any item not on the Agenda; 67.7(g) failing to allow public comment; 67.9(a) failure to post relevant documents on the internet. *(Discussion and Action) (attachments)*

*(On October 6, 2021, moved by Chair Wolfe, seconded by Vice-Chair Yankee, to continue the matter to the Call of the Chair to review the status of the Behavioral Health Commission as to whether it falls under the jurisdiction of the Ordinance under 67.3(d) and to further review how the holdover provisions apply. On January 5, 2022, the SOTF moved by Member Stein, seconded by Member Hyland, to waive the attorney/client privilege for cases 20100 and 20011.)*

a) Hearing on the complaint. *(Discussion and Action)*

7. **File No. 21114:** Monica Price and the First Amendment Coalition against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing respond to a public records request in a timely and/or complete manner. *(Discussion and Action) (attachments)*  
*(On October 19, 2021, the Complaint Committee found jurisdiction, that the records public and referred the matter to the SOTF.)*
  - a) Hearing on the complaint. *(Discussion and Action)*
8. **File No. 21115:** Monica Price and the First Amendment Coalition against the Office of the District Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing respond to a public records request in a timely and/or complete manner. *(Discussion and Action) (attachments)*  
*(On October 19, 2021, the Complaint Committee found jurisdiction, that the records public and referred the matter to the SOTF.)*
  - a) Hearing on the complaint. *(Discussion and Action)*
9. **Chair's Report:** *(Discussion and Action)*
  - a. BOS Budget Ask for additional staffing: Outreach plan for SOTF and general public support to achieve success.
  - b. Annual Report: Collect items to include.
10. **Administrator's Report, Complaints and Communications.** *(Discussion and Action) (attachments)*
  - Task Force and Committee hearing schedule
  - Complaints submitted and hearing files created
  - Public Communications
  - Complaint Committee minutes
  - Record of emails received
11. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force.** *(Discussion and Action)*
12. **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](mailto: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](mailto: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](http://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](http://sfethics.org).