



SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO AGENDA

REMOTE REGULAR MEETING

REMOTE MEETING VIA VIDEOCONFERENCE

<https://bit.ly/3skItXr>

Password: sunshine

Public Comment Call-in:

1 (415) 655-0001 / Meeting ID: 2499 046 2101# #

(press *3 to enter the speaker line)

June 1, 2022 - 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	Laurie Jones Neighbors
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: 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>.

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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 May 4, 2022, regular meeting.** *(Discussion and Action)* ([attachments](#))
3. **File No. 22061: Proposed amendments to By-Laws, Section 9 regarding Order of Business to move the Administrator’s Report to after approval of the meeting minutes. Notice of Hearing to consider changes posted May 18, 2022.** *(Discussion and action)* ([attachments](#))
4. **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
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. *(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.

6. **File No. 21141:** Complaint filed by Claudia Ovalles against the Office of the District Attorney 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 December 21, 2021, the Complaint Committee moved to find that the SOTF has jurisdiction, the requested records are public and to refer the matter to the SOTF for hearing. On May 4, 2022, the SOTF continued the matter at the request of the Petitioner.*)
 - a) Hearing on the complaint. (*Discussion and Action*)

7. **File No. 21148:** Complaint filed by Jordan Santagata and Karl Kramer against the San Francisco Employees' Retirement System for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, 67.24, and 67.25 and California Public Records Act, Section(s) 6254.26, by failing to respond to a request for public records in a timely and/or complete manner. (*attachments*)
(*On December 21, 2021, the Complaint Committee moved that the SOTF has jurisdiction, the records are public and requested that the SOTF address whether anything in the Sunshine Ordinance might override exemptions in the CPRA. The Committee recommended that the SOTF review Administrative Code (Sunshine Ordinance) Sections 67.21(k) by failing to release public information related to the CPRA, and 67.25(c) by failing to respond immediately to the request and by failing to direct the requestor to an alternative source of information.*)
 - a) Hearing on the complaint. (*Discussion and Action*)

8. **File No. 21011:** Complaint filed by the Electronic Frontier Foundation against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27(d), by failing to respond to a public records request in a timely and complete manner, failing to keep withholding to a minimum and failing to provide assistance/information regarding alternate sources of information requested. . (*attachments*)
(*On June 15, 2021, the Complaint Committee moved to find that there is jurisdiction, that the requested records are public and to refer the matter to the SOTF for hearing.*)
 - a) Hearing on the complaint. (*Discussion and Action*)

9. **File No. 21165:** Complaint filed by Library Users Association, Peter Warfield, Executive Director against San Francisco City Librarian Michael Lambert and the San Francisco Public Library for allegedly violating Administrator Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner. (*attachments*)
(*On January 18, 2022, the Complaint Committee moved to find to find that the SOTF has jurisdiction, that the requested records are public and referred the matter to the SOTF for hearing in regard to a determination of timeliness violation and question whether email addresses are exempt information.*)
 - a) Hearing on the complaint. (*Discussion and Action*)
10. **File No. 22062: CONSENT AGENDA** - The Sunshine Ordinance Task Force shall review File Nos. 22032, 22034, 22048, 22055, to determine if the Sunshine Ordinance Task Force has jurisdiction; if the requested records are public; if it finds and upholds the alleged violations noted in each file; and, if applicable, to issue an Order of Determination and refer matters to the Compliance and Amendments Committee for monitoring. Hearings on each item will not be conducted unless requested by a member of the Task Force. Complainants and Respondents are not required to attend the June 1, 2022, Sunshine Task Ordinance Force meeting, but they may attend to provide testimony related to the above listed determinations. (*Discussion and Action*)
 - a) **File No. 22032:** Complaint filed by Gizelle Rabi and Karl Kramer against Charles Perl and the San Francisco Public Utilities Commission for allegedly violating Administrator 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*)
 - b) **File No. 22034:** Complaint filed by Gizelle Rabi and Karl Kramer against Crispin Hollings and the Sheriff's Department for allegedly violating Administrator 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*)
 - c) **File No. 22048:** Complaint filed by Anonymous (ARE) against John Arntz and the Department of Elections for allegedly violating Administrator Code Section(s) 67.21(k), by requiring agreement to terms and conditions prior to releasing public records. (*attachments*)
 - d) **File No. 22055:** Complaint filed by Mark Sullivan against the Office of the District Attorney for allegedly violating Administrator Code Section(s) 67.21(b) and California Public Records Act, Section 6253(c), by failing to respond to a public records request in a timely and/or complete manner. (*attachments*)
 - a) Hearing on the complaint. (*Discussion and Action*)
11. **Hearing: Presentation/discussion of the text of Bills AB 1944 and AB 2449.** (*Discussion and Action*) (*attachments*)

12. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force.** *(Discussion and Action)*
13. **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

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|----|--------------------------------------------------------------------------------------------------------------|----------------------|
| 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.