



SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO REMOTE MEETING MINUTES

Listen/Public Call-In Phone Number
1-415-906-4659
Meeting ID: 206 402 165#

June 23, 2020 - 5:00 PM

Special Meeting

Seat 1	Vacant	Seat 7	Vacant
Seat 2	Lila LaHood	Seat 8	Vacant
Seat 3	Josh Wolf - Vice Chair	Seat 9	Chris Hyland
Seat 4	Vacant	Seat 10	Matthew Yankee
Seat 5	Leuwam Tesfai	Seat 11	Fiona Hinze
Seat 6	Bruce Wolfe - Chair		

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 Gavin Newsom’s statewide order for all residents to “Stay at Home” – and the numerous local and state proclamations, orders and supplemental direction – aggressive directives have been issued to slow down and reduce the spread of the COVID-19 virus. Pursuant to the lifted restrictions on video conferencing and teleconferencing, Sunshine Ordinance Task Force meetings will be held through teleconferencing and will allow remote public comment.

PUBLIC CALL IN

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As the COVID-19 disease progresses, please visit the Sunshine Ordinance Task Force’s website (<https://sfgov.org/sunshine>) regularly to be updated on the current situation.

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**

Chair B. Wolfe called the meeting to order at 5:07 PM. On the call of the roll Chair B. Wolfe and Members J. Wolf, LaHood, Hyland, Yankee and Hinze were noted present. A quorum was present. Member Tesfai was noted present at 5:39 PM.

Chair B. Wolfe requested that approval of Sunshine Ordinance Task Force June 10, 2020 minutes move to item 2 from item 4.

Public Comment:

Peter Warfield provided comment on the organization of the Agenda and the importance that members of the public be allowed public comment.

2. **Approval of minutes from the Sunshine Ordinance Task Force June 10, 2020, meeting.**

Action: Moved by Member Yankee, seconded by Member LaHood, to approve the June 10, 2020, meeting minutes.

Public Comment:

Peter Warfield stated that as a telephone participant he cannot see the other participants and he would like clarity of items and the name of the person speaking. Mr. Warfield provided no public comment on the Minutes.

The motion PASSED by the following vote:

Ayes: 6 - Hyland, Yankee, J. Wolf, LaHood, Hinze, B. Wolfe
Noes: 0 - None
Absent: 1 - Tesfai

3. **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.

Peter Warfield stated that on March 13, 2020, the Public Library closed. Mr. Warfield stated that he rushed to find a computer to notify people of his lack of internet access. Mr. Warfield opined that the City was pulling away from providing internet access to people who did not have a computer. Mr. Warfield stated that there are services provided over the phone but do not fill the gap.

Anonymous #1: Anonymous stated that if there is video of the meeting that would be great. Anonymous stated that he is a supporter of people who do not have access to computer. Anonymous stated that technology can be built so that meetings are publicly viewed and asked that the SOTF follow up with the Department of Technology.

4. **File No. 20072:** Per Board of Supervisors File No. 200552 – Authorizing Sunshine Ordinance Task Force to meet in June 2020 and inclusive of Administrative Code, Chapter 67 et al. but not limited to Administrative Code 67.30(c) - SF Sunshine Ordinance: Hearing to consider the impact of emergency orders, due to COVID 19, which resulted in the temporary suspension of various provisions of the California Public Records Act, Ralph M. Brown Open Meetings Act, San Francisco Sunshine Ordinance and other related laws and statutes that may apply within the jurisdiction of Sunshine Ordinance Task Force. (*Discussion and Action*) (*attachments*)
- Public records request delayed during the emergency
 - Issues related to lack of meeting postings
 - Lack of access to the meetings during the emergency
 - Planning and standards for future emergencies

Chair Wolfe stated that he wanted to review the recommendations made during the last SOTF hearing for the Board of Supervisors and ongoing work that SOTF members agreed to take on. Chair Wolfe stated that the Index to Records needs to be activated by departments listed and was not yet listed on index.sfgov.org webpage. Chair Wolfe reviewed and read into the record Administrative Code, Sunshine Ordinance Section 67.29 (Index to Records). Chair Wolfe stated that the second item was to implement 67.24(e) with regards to City contracts. Chair Wolfe stated that this item referenced Hotels for the Homeless. Chair Wolfe stated that past contracts had been withheld from disclosure due to potential conflicts with hotels acquiring future contracts. Chair Wolfe stated that the SOTF found this to be noncompliant. Chair Wolfe stated that SOTF is making a recommendation that the Board of Supervisors take action on it. Chair Wolfe stated that public meetings need a standardized web conferencing platform identified by the city and approved so everyone has some predictability on what software is being used. Chair Wolfe stated that the City is in violation of Administrative Code, Sunshine Ordinance Section 67.13 regarding barriers to meetings. Chair Wolfe stated that the City is noncompliant to this section because of the general public's limited access to noticing and public meetings. Chair Wolfe stated that the SOTF wants Board of Supervisor to assure that barriers to meetings are reduced as much as possible.

- Increase in parity of public meetings to the Sunshine Ordinance.

Chair Wolfe stated that as public meetings take place virtually meeting bodies need to work as close to the Sunshine Ordinance as possible. Chair Wolfe stated that the scope of work should be compared to the Executive Orders. Chair Wolfe stated that now that all meeting bodies are deemed to meet, the question now addresses the scope of public access to meetings, records and the types of committee meetings the general public can attend. Chair Wolfe stated that a review of the scope of public access should be narrowed based on the limited number of public meetings.

Chair Wolfe stated that the continuity of operations, managed under the Controller's Office, should include language stating that the California Public Records Act, the Ralph M. Brown Act and the Sunshine Ordinance are active and must be complied with.

Chair Wolfe noted for the record that Rodman Martin is no longer with SOTF due to a residency change and thanked him for his service.

Chair Wolfe stated that Member Martin was going to take up the issue of backlog work with the SOTF Administrator. Chair Wolfe stated that Member LaHood was going to address delays on public records requests. Chair Wolfe stated Member Hinze was going to address the request that American Sign Language be available for all virtual Board of Supervisors meetings. Chair Wolfe stated that Member Tesfai will address the one stop shop plan. Chair Wolfe stated that Member Tesfai will also advise the Board of Supervisors and the Mayor's Office on how to implement items such as access to the daily calendars, which offices are open and not and use the Board of Supervisors' agenda template. Chair Wolfe stated that this information would be provided on every department webpage. Chair Wolfe stated that Member J. Wolf was to research tools for virtual conferencing. Chair Wolfe stated that he was going to research what offices are remote or taking extended leave and not working. Chair Wolfe stated that he was also going to monitor enforcement and research the Key Act of 2012.

Member LaHood stated that she doesn't have enough new information to report beyond what was discussed last week. Member LaHood stated that some journalists have received some of their requested information however there have been delays. Member LaHood stated with regard to contracts with hotels in the City, agencies have not received permission to release information about negotiated contracts.

Member Hinze stated that she still needs to follow up with Mayor's Office on Disability regarding best practices of sign language interpreters.

Member Tesfai was noted present at 5:39 pm.

Member Tesfai stated that she has discussed with the League of Women Voters (LWV) the one stop shop plan for policy bodies and that the next step is to prepare a formal recommendation from the SOTF. Member Tesfai stated that LWV would like to engage the Mayor's Office and Department of Technology to discuss a platform and implementation for the one stop shop calendar. Member Tesfai stated that Departments need to be compliant and work together to publish a calendar along with agendas on the sfgov.org website. Member Tesfai stated that many meetings take place across city departments and policy bodies and stressed

the importance of not putting all the burden on one person to create these calendars.

Member J. Wolf stated that he has nothing new to report. Member J. Wolf stated that he is aware of various tools used for virtual conferencing and that SOTF choose to use tools provided by the City.

Member Tesfai stated that the Department of Technology has contracting practices in place. Member Tesfai stated that the City needs to consider platforming requirements for using Microsoft Teams.

Member J. Wolf stated that the SOTF should be completely agnostic about existing contracts and the use of Microsoft Teams. Member J. Wolf state that the SOTF is not recommending a specific technology company. Member J. Wolf stated that the City has many contracts with technology companies that have web conferencing systems.

Chair Wolfe stated that Member Tesfai's comments about existing contracts for services provided may not be really workable and there could be possible Brown Act violations possible. Chair Wolfe stated that many state offices are meeting through Zoom which has created issues.

Chair Wolfe stated he would report on monitoring enforcement. Chair Wolfe stated he reviewed some old First Amendment Coalition newsletters regarding the Richard McKee Bill of 2012, signed into law by Gov. Jerry Brown, tightened Brown Act enforcement. Chair Wolfe stated that this Bill strengthened the public's ability to enforce the Brown Act and pursue violations made by any agency. Chair Wolfe stated that a recommendation to the Board of Supervisors for monitoring enforcement should be made. Chair Wolfe stated that this recommendation made under Administrative Code, Sunshine Ordinance Section 67.30(d) would authorize the SOTF to invoke a cease and desist letter to meeting bodies. Chair Wolfe stated that his other idea for monitoring would be to determine if there are issues with meetings and/or public records requests.

Public Comment:

Peter Warfield stated appreciation for taking up these issues. Mr. Warfield stated that these issues are difficult for those without internet access. Mr. Warfield stated that digital equity is present and that those who do not have access to the internet include the poor, people of color and the elderly.

Anonymous 1# stated that he had three comments. First, Anonymous stated that he agrees with Vice-Chair Wolf regarding how to fulfill the requirements of the law on virtual meetings held publicly. Second, the McKee Bill fulfills the requirements of state law and not local government

agencies. Third, the motion made at the June 10, 2020, SOTF hearing amended to include comments made by Anonymous.

Chair Wolfe stated that the shelter in place order is indefinite. Chair Wolfe stated that the SOTF will need to find a way to narrow on how the Sunshine Ordinance is being applied. Chair Wolfe stated members of the public were having problems just getting information on the process of the emergency. Chair Wolfe stated that this includes retrieving information from the Emergency Operations Center and from the City Health Center. Chair Wolfe stated that there could have been passive meetings taking place with health officers and/or public officials that the public and the SOTF have no knowledge of.

Chair Wolfe stated that there will continue to be two meetings per month with the Clerk's staff to administrate these remote meetings. Chair Wolfe stated that Task Force meetings will take place on the first and third Wednesdays of the month.

Chair Wolfe announced that appointments will be moving forward soon. Chair Wolfe stated that The New America nominated seat that language will be changed should be on next week's Board of Supervisors agenda. Chair Wolfe has asked all nominating organizations to due diligence to get nominees put forward as soon as they can.

Member Yankee stated that at last SOTF meeting the Task Force did not approve the March 6, 2020, meeting minutes.

Member Tesfai stated that she will not be continuing her work on the Task Force and that the League of Women Voters is ready to nominate someone new who will participate on SOTF.

Chair Wolfe stated that New American Media no longer exists. Chair Wolfe stated that the Society of Journalist Professionals will nominate someone for membership to the SOTF.

Public Comment:

Peter Warfield, Library Users Association, stated that to reach him via email address Libraryusers2004@yahoo.com. Mr. Warfield stated that with respect to the meeting schedule in the past the SOTF did not meet on the same day as the Board of Supervisors. Mr. Warfield stated now it is difficult to attend either meeting because they are held close to the same time. Mr. Warfield suggested that an advice phone line be added so that members of the public can make suggestions for change.

Anonymous 1# stated that regarding future agenda items, the way the Chair described item 2 or 4, it is going to take the Task Force time to draft the letters to the Board of Supervisors.

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

Note actions.

6. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:41 PM.

APPROVED: 8/12/2020
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.