



# 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: 484 583 694#**

**July 1, 2020 - 5:00 PM**

## **Special Meeting**

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

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.

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 4:11 PM. On the call of the roll Chair B. Wolfe and Members J. Wolf, LaHood, Hyland, Yankee, Tesfai and Hinze were noted present. A quorum was present.

Public Comment:

Speakers: None.

2. **Approval of minutes from the Sunshine Ordinance Task Force March 4, 2020, meeting.**

**Action: Moved by Member Yankee, seconded by Vice-Chair J. Wolf, to approve the March 4, 2020, meeting minutes.**

Public Comment:

Speakers: None.

**The motion PASSED by the following vote:**

Ayes: 7 - Yankee, J. Wolf, Tesfai, Hyland, LaHood, Hinze, B. Wolfe

Noes: 0 - None

Absent: 0 - None

**Approval of minutes from the Sunshine Ordinance Task Force June 23, 2020, meeting.**

**Action: Moved by Member LaHood, seconded by Member Tesfai, to approve the June 23, 2020, meeting minutes in concept.**

Public Comment:

Anonymous #1 stated that it would be helpful for the Chair to address the problem with the minutes.

**The motion PASSED by the following vote:**

Ayes: 7 - LaHood, Tesfai, Yankee, J. Wolf, Hyland, Hinze, B. Wolfe

Noes: 0 - None

Absent: 0 - None

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.

Speakers:

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 do not have a computer. Mr. Warfield noted that there are services provided over the phone but do not fill the gap.

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

Richard Rothman stated that a special MTA Board meeting was held and no public comment was on the agenda. Mr. Rothman stated that their Board Secretary told him public comment was not required for that meeting.

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.

- 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 asked that SOTF Members report on their ongoing work assignments. Member LaHood was to report on public records requests; Member Hinze on American Sign Language (ASL); Member Tesfai one stop shop and Chair Wolfe monitoring and enforcement for offices that are active in whole or part.

Member LaHood reported that 14 new cases had been filed with SOTF and that the majority were requesting information related to the pandemic. Member LaHood stated that only one case addressed public comment instructions, one was related to how remote meetings were handled but that the vast majority were regular Sunshine complaints.

Member LaHood also noted that certain City contracts were not made available due to ongoing negotiations with current vendors.

Member Hinze stated that she had a scheduled appointment with the Director on Disability of the Mayor's Office regarding American Sign Language (ASL) interpreters at meetings. Member Hinze stated that she and Vice-Chair J. Wolf were working to identify various available platforms.

Chair Wolfe noted that all press conferences have ASL interpreters and if needed at hearings members of the public can make a request for one before a meeting. Chair Wolfe stated that hearing rooms have been outfitted with headphones for the hearing impaired however at this time ASL is not provided for virtual meetings. Chair Wolfe recognized that there is no ASL interpreter present at SOTF meetings.

Member Tesfai stated that there has not been much progress on the one stop shop agenda. Member Tesfai reported that the League of Women Voters (LWV) has been focused mostly on recruitment to replace her, the application process and nominating someone to the SOTF.

Vice-Chair J. Wolf stated that at the last SOTF meeting it was requested that he compose a platform to identify a list of categories making online meetings as close to parity as possible. Vice-Chair J. Wolf noted that this list was intended to be technical specifications and that there may not be software that could address all the issues. They are as follows:

- Unlimited number of viewers;
- Ability to have public viewers to raise a hand during public comment;
- Ability to mute the public except when called on to participate in public comment;
- Need to support video and audio and cross common platforms IOS, MacOS, Android and Windows;
- Need to facilitate call-in and functionality without web access for dial in
- The recording needs to be available immediately and uploaded to the web;
- Facilitate automated closed captioning;
- Meetings to be ported to live video podcast over sfgov.tv;
- The ability to turn off features;
- Need to mask public participant's phone numbers.
- Need to have enough internet connectivity;
- Needs to be a chat box available;
- Need to have active staff including their contact information

Public Comment:

Anonymous #2 stated that it would help to understand the Mayor's position and asked if all emergency restrictions that were previously placed on Sunshine had been lifted?

Jenny Say stated that she agrees with the points suggested by Vice-Chair J. Wolf and that meetings of elected officials, including the Board of Supervisors, should be visually broadcast so that they are seen by members of the public.

Chair Wolfe stated that he has not completed his work on active offices, however he suggested that departments post on their website hours of operation, contact information and instructions on how to file a public records request. Chair Wolfe opined that NextRequest information should also be included.

Chair Wolfe stated that his category was monitoring and enforcement of the Sunshine Ordinance Task Force during the pandemic and provided an update.

**Action: Moved by Member Yankee, seconded by Member LaHood, to recommend that the technical specifications below are moved forward to the Board of Supervisors for review and action:**

- **ASL for video broadcasting and training for participants,**
- **Virtual conference platform to allow unlimited participants;**
- **Ability to have public viewers to raise a hand during public comment;**
- **Ability for the moderator to mute the public except when called on to participate in public comment;**
- **Support video and audio across common platforms IOS, MacOS, Android and Windows;**
- **Facilitate web accessibility for dial in;**
- **The recording to be available immediately and uploaded to the web;**
- **Facilitate automated closed captioning;**
- **Meetings to be ported over sfgov.tv and if there is a chat box, that it be memorialized;**
- **The ability to turn off features;**
- **Mask public participant's phone numbers to keep anonymity of callers and review current systems in place that may provide that;**
- **Provide video feed of committee members participating in hearing for the purposes of quorum;**
- **Assure that there is enough internet connectivity;**
- **Post active offices and staff including contact information and public records contact information on every home page;**

Public Comment:

Denta Tadesse stated that he filed complaints in 2017 and 2018, that enforcement has not worked for him and that each of his complaints had an issue. Mr. Tadesse stated that his complaints are not being followed through and that his personal situation has gotten worse.

Anonymous #1 stated thanks for sending the above recommendations to the Board of Supervisors. Anonymous #1 stated that in the June 10, 2020 minutes SOTF voted to have paragraphs 6, 7b and 7c of the Mayor's 5<sup>th</sup> Supplemental Proclamation suspend the Sunshine Ordinance.

**The motion PASSED by the following vote:**

Ayes: 6 - Yankee, LaHood, J. Wolf, Hyland, Hinze, B. Wolfe

Noes: 0 - None

Absent: 1 - Tesfai

Member Tesfai was noted not present at 5:30 PM.

**5. Sunshine Ordinance Task Force Member Nomination Introduced by Supervisor Peskin.**

Ordinance amending Administrative Code to designate the Northern California Chapter of the Society of Professional Journalists as the nominating body with authority to recommend nominees to the Board of Supervisors to hold the seat on the Sunshine Ordinance Task Force designated for a journalist from a racial/ethnic-minority-owned news organization.

Chair Wolfe stated that the New American Media seat may be transferred to the Northern California Society of Professional Journalists. Chair Wolfe requested that the Board of Supervisors include language that would state that it would be used only for this particular purpose. Chair Wolfe noted that the SOTF may have to wait until the Rules Committee hears the matter.

Public Comment:

Anonymous #1 stated that he takes no issue with the language introduced by Supervisor Peskin but believes it is inappropriate for the Board of Supervisors to make changes to the Sunshine Ordinance unrelated to privacy and protecting an individual's right to that.

Chair Wolfe stated that all amendments need to be reviewed by the SOTF first and then the SOTF will provide proposals for amendments to the Board of Supervisors.

No action taken.

6. **Administrator’s Report, Complaints and Communications.**

SOTF Administrator presented the report.

Public Comment:

Anonymous #1 stated that he was not concerned about identification while on the phone. Anonymous stated that no actions were taken by agencies after his Orders of Determination were issued and he would like to get them referred for action.

Anonymous #2 spoke about the suspension of the Ordinance with regards to contracts. Anonymous stated that he takes issue regarding when enforcement of City contracts is resolved as stated by Member LaHood. Anonymous also takes issue with the parts of Sunshine that have been suspended. Anonymous stated that he wanted clarification of how the Charter Amendment is being manipulated and was not intended by the voters.

No actions taken.

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

Member LaHood inquired about the next meeting of the Compliance and Amendments Committee.

Member Yankee suggested that the Board of Supervisors review and weigh in on the SOTF recommendations before the SOTF meets again. Member Yankee feels that there is not much more the SOTF can do at this point.

Public Comment:

Anonymous #1 asked if the SOTF is able, to schedule two shorter meetings per month.

No actions taken.

8. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:01 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.