



# SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO MINUTES

**Hearing Room 408  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689**

## **Special Meeting**

**August 22, 2023 - 6:00 PM**

Seat 1	Dean Schmidt	Seat 7	Matthew Yankee - <b>Chair</b>
Seat 2	Lila LaHood	Seat 8	Chris Hyland
Seat 3	Saul Sugarman	Seat 9	David Pilpel
Seat 4	Vacant	Seat 10	Thuan Thao Hill
Seat 5	Jennifer Wong - <b>Vice-Chair</b>	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

### **1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

Chair Yankee called the meeting to order at 6:03 PM. On the call of the roll Chair Yankee and Members LaHood, Sugarman, Stein, Hyland, Pilpel and Wolfe were noted present. Vice-Chair Wong and Members Hill and Schmidt were noted absent. Member Wolfe appeared remotely. A quorum was present.

Public Comment: None.

No action was taken.

### **2. Welcome new Task Force Members and Introductory Remarks.**

Chair Yankee introduced and welcomed new members of the Task Force Saul Sugarman and David Pilpel. Mr. Sugarman is a long-time journalist. Mr. Pilpel is returning to the SOTF after serving in the past as Vice-Chair and Chair of the SOTF. Both new members gave introductory remarks.

Public Comment: None.

No action was taken.

Member Schmidt was noted present at 6:12 PM.

3. **Approval of the minutes from the Sunshine Ordinance Task Force Special Meeting of July 25, 2023.**

Member Pilpel provided suggested edits to the minutes.

**Action: Moved by Member Pilpel, seconded by Member Hyland, to approve the July 25, 2023, Sunshine Ordinance Task Force Special Meeting minutes as amended.**

Public Comment: None.

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

Ayes: 8 - Pilpel, Hyland, LaHood, Stein, Wolfe, Schmidt, Yankee, Sugarman

Noes: 0 - None

Absent: 2 - Wong, Hill

4. **Approval of the minutes from the Sunshine Ordinance Task Force Rules Committee Meeting of October 11, 2022, pursuant to Bylaws Article V, Section 1.**

Member Pilpel provided suggested edits to the minutes.

**Action: Moved by Member Pilpel, seconded by Member Hyland, to approve the October 11, 2022, Rules Committee minutes as amended.**

Public Comment: None.

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

Ayes: 8 - Pilpel, Hyland, LaHood, Stein, Wolfe, Schmidt, Yankee, Sugarman

Noes: 0 - None

Absent: 2 - Wong, Hill

5. **Approval of the minutes from the Sunshine Ordinance Task Force Information Technology Committee Meeting of March 22, 2022, pursuant to Bylaws Article V, Section 1.**

Member Pilpel provided suggested edits to the minutes.

**Action: Moved by Member Pilpel, seconded by Member Wolfe, to approve the March 22, 2022, Information Technology Committee minutes as amended.**

Public Comment: None.

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

Ayes: 8 - Pilpel, Wolfe, Hyland, LaHood, Stein, Schmidt, Yankee, Sugarman  
Noes: 0 - None  
Absent: 2 - Wong, Hill

**6. Approval of the minutes from the Sunshine Ordinance Task Force Information Technology Committee Meeting of July 12, 2022, pursuant to Bylaws Article V, Section 1.**

Member Pilpel provided suggested edits to the minutes.

**Action: Moved by Member Pilpel, seconded by Member Wolfe, to approve the July 12, 2022, Information Technology Committee minutes as amended.**

Public Comment: None.

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

Ayes: 8 - Pilpel, Wolfe, Hyland, LaHood, Stein, Schmidt, Yankee, Sugarman  
Noes: 0 - None  
Absent: 2 - Wong, Hill

**7. Approval of Orders of Determination:**

File No. 22132 - Michael Petrelis against Supervisor Ahsha Safai, Board of Supervisors,  
File No. 22133 - Michael Petrelis against Supervisor Dean Preston, Board of Supervisors  
File No. 22052 - Lee Heidhues against Megan Bourne and the Fine Arts Museum  
File No. 22082 - Michael Petrelis against the Department of Public Health  
File No. 22080 - Mukund Rathi and the Electronic Frontier Foundation against  
Lieutenant Lynn Reilly and the Police Department  
File No. 21150 - Maria Schulman against Justine Alberto and the Animal Care and  
Control Department

The Task Force discussed the Orders of Determination.

**Action: Moved by Member Pilpel, seconded by Member Stein, to approve Orders of Determination for File Nos. 22132, 22133, 22052, 22082, and 21150 as amended.**

Public Comment: None.

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

Ayes: 8 - Pilpel, Stein, Wolfe, Hyland, LaHood, Schmidt, Yankee, Sugarman  
Noes: 0 - None  
Absent: 2 - Wong, Hill

8. **Administrator's Report, Complaints and Communications.**

SOTF Administrator Leger presented the Administrator's Report.

The SOTF discussed format changes to one section of the Report.

Member LaHood announced that she will be absent on December 26, 2023, and that another SOTF Member should chair the Compliance and Amendments Committee on that date.

Member Wolfe announced that there is a vacancy on the Complaint Committee and Member Hyland announced that there is also a vacancy on the Education Outreach and Training Committee. Member Sugarman was assigned to the Complaint Committee and Member Pilpel was assigned to the Education, Outreach and Training Committee. Member Pilpel questioned the value of listing all the incoming email list. Member Wolfe noted Administrative Code 67.23 states the requirements of policy body communications.

Public Comment: None.

No action was taken.

9. **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. ***Public comment shall be taken at 6:30 p.m. or as soon thereafter as possible.***

No speakers.

**NOTE: Hearings on complaints and other agenda items listed below will begin no earlier than 6:30 P.M.**

10. **File No. 22054: Complaint filed by Stiliyan Bezhanski against Debra Lew and the Treasurer and Tax Collector's Office** for allegedly violating Administrative Code, (Sunshine Ordinance), Section(s) 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Stiliyan Bezhanski (Petitioner) provided a summary of the complaint and requested the Task Force to find a violation. Mr. Bezhanski stated that he filed his request on May 10, 2022. Mr. Bezhanski also stated that there was a significant delay in receiving a response and that he will continue to file complaints. Mr. Bezhanski stated that he is discussing a violation and public records request and improved charts for 2021.

Christopher Tirrell (Department the Treasurer and Tax Collector) (Respondent), provided a summary of the department's position. Mr. Tirrell stated that his department responded on May 12, 2022, and that the focus of the response was whether the materials were redacted, and they were. Mr. Tirrell stated that the response was complete and timely and that his department provided 630 records with a redaction log.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

**Action: Moved by Member Schmidt, seconded by Member Stein, to find no violation.**

Public Comment: None.

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

Ayes: 8 - Schmidt, Stein, Pilpel, Wolfe, Hyland, LaHood, Yankee, Sugarman

Noes: 0 - None

Absent: 2 - Wong, Hill

The SOTF recessed at 7:40 PM and returned at 7:46 PM. A quorum was present.

11. **Close Pending Complaint Files:** Hearing to consider closing the following complaint files and dismissing them without prejudice due to unresponsiveness and inactivity, pursuant to SOTF Complaint Procedure C9.

*19098 - Anonymous v. Police Department*

*20041 - Anonymous v. Controller Ben Rosenfield*

*20042 - Anonymous v. Elaine Forbes*

*20053 - Anonymous v. Lt. Kathryn Waaland and the Police Department*

*20059 - Anonymous v. Dept. of Public Health*

*20083 - Anonymous v. Chief William Scott*

*20104 - Anonymous v. City Attorney*

*21040 - Anonymous v. City Attorney Dennis Herrera*

*21077 - Anonymous v. Dept. of Elections*

*21091 - Anonymous v. Herrera and Feitelberg*

*21098 - Anonymous v. Police Commission*

*21106 - Anonymous v. Dennis Herrera and the Office of the City Attorney*

*21107 - Anonymous v. PUC*

*21108 - Anonymous v. Dennis Herrera and the Office of the City Attorney*

*21120 - Anonymous v. Mayor Breed and Hank Heckel and the Office of the Mayor*

*21131 - Anonymous v. Paul Henderson and the Dept. of Police Accountability*

*21133 - Anonymous v. Chief William Scott and the Police Department*

*21156 - Anonymous v. Sheriff's Office*

*22048 - Anonymous v. Dept. of Elections*

*22071 - Anonymous v. Mayor's Office*

*22103 - Anonymous v. LeAnn Pelham (Ethics Commission)*

*22104 - Anonymous v. Charles Jung*

*22113 - Anonymous v. Animal Care and Control*

*22123 - Anonymous v. Herera and the PUC*

Member Stein noted that the petitioner was not present. Member LaHood stated that while petitioner filed many complaints over the years, filling Task Force agendas the complaints were helpful in training individuals, departments, and agencies regarding the

Sunshine Ordinance. Member Pilpel requested that the SOTF Administrator draft a conclusory email to the petitioner stating that the cases were to be closed.

**Action: Moved by Member Stein, seconded by Member LaHood to close the files.**

Public Comment: None.

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

Ayes: 8 - Stein, LaHood, Schmidt, Pilpel, Wolfe, Hyland, Yankee, Sugarman

Noes: 0 - None

Absent: 2 - Wong, Hill

12. **Hearing – Sunshine Ordinance Amendment:** Consider sending a communication and/or proposing an amendment to the Sunshine Ordinance regarding electronic communications by City officials and requiring the use of official City email addresses.

A copy of the letter drafted by Member Hill regarding city email addresses was provided. Member Pilpel stated he wants to work on the letter to the Board of Supervisors requiring city agencies to issue city email accounts to members of decision-making bodies can be accomplished. Member Schmidt stated that he agrees with Member Pilpel that the letter seems confusing but does speak about boards and commissions and does think that eventually an amendment to the Ordinance is needed for requested emails to become city wide. Member Pilpel offered to rewrite the letter drafted by Member Hill.

**Action: Moved by Member Hyland, seconded by Member Wolfe, to authorize Member Pilpel to redraft the letter regarding proposed city email addresses and work with SOTF legal counsel to draft a proposed ordinance regarding city email addresses and to continue the matter to the call of the chair.**

Public Comment: None.

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

Ayes: 8 - Hyland, Wolfe, Stein, LaHood, Schmidt, Pilpel, Yankee, Sugarman

Noes: 0 - None

Absent: 2 - Wong, Hill

13. **Hearing – Sunshine Ordinance Amendment:** Consider proposing an amendment to the Sunshine Ordinance regarding the requirement in Administrative Code 67.30(a) that "...the task force shall include at least one member who shall be a member of the public who is physically handicapped.

Chair Yankee requested that the SOTF propose to the Board of Supervisors a word change from a person who is physically handicapped to a person with a disability. Member Sugarman stated that he is a person with a disability who was willing to share that with the Board of Supervisors. Member Sugarman stated that this issue was addressed in his application process, and he was told that his condition did not apply

because he did not have a physical disability. Chair Yankee stated that the Mayor's Office on Disability did not feel comfortable issuing a recruitment announcement recruiting someone with the physical handicapped language and preferred using disability.

Member Wolfe requested that the Board of Supervisors change handicapped to disability.

**Action: Moved by Member Stein, seconded by Member Wolfe, that the SOTF propose an amendment to Administrative Code (Sunshine Ordinance) Section 67.30(a), to state that at least one member shall be a member of the public with a physical disability.**

Public Comment: None.

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

Ayes: 7 - Stein, Wolfe, Hyland, LaHood, Schmidt, Yankee, Sugarman

Noes: 1 - Pilpel

Absent: 2 - Wong, Hill

14. **Hearing – Sunshine Ordinance Amendment Process:** Receive an update from the Compliance and Amendments Committee regarding their work considering various amendments to the Sunshine Ordinance and discuss a potential timeline for consideration and action by the full Task Force.

Member LaHood stated that during the past Compliance and Amendments Committee meetings they had been looking at the Ordinance and taking suggestions from members of the public. Member LaHood stated that the Committee hopes to complete this project by April 2024, but that it might take longer pending resolution of other case issues. Chair Yankee stated that the Ordinance might need to be introduced by May-June 2024.

Member Pilpel noted that this matter may not make the November 2024 ballot.

Member LaHood noted that many who bring SOTF cases

Public Comment: None.

Recess taken at 9:23 PM. The hearing resumed at 9:30 PM. A quorum was present.

15. **Hearing – Enforcing SOTF Orders for Public Records:** Discuss the role of the Compliance and Amendments Committee and the District Attorney/Attorney General in enforcing SOTF orders under Administrative Code Section 67.21(e) and consider formally requesting the attendance of the District Attorney or her representative at a future SOTF meeting for further discussion on this topic.
- Member LaHood noted that many who bring SOTF cases are frustrated about the process of getting their records through the Compliance and Amendments Committee after the Task Force issued an order of determination. Member LaHood suggests that if complainants don't want to go through the compliance process, the SOTF should offer to

send their Order of determination to the Ethics Commission, Board of Supervisors or District Attorney. Chair Yankee stated that referring cases to the District Attorney comes up repeatedly and it might be timely to have the District Attorney speak to the SOTF.

**Action: Moved by Chair Yankee, seconded by Member Wolfe, to authorize the Chair to invite the District Attorney and/or their representative to attend a Task Force meeting to discuss their role in enforcement under the Sunshine Ordinance, the Brown Act and California Public Records Act.**

Public Comment: None.

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

Ayes: 8 - Yankee, Wolfe, Stein, Hyland, LaHood, Schmidt, Pilpel, Sugarman

Noes: 0 - None

Absent: 2 - Wong, Hill

16. **Hearing – Response Timeline to Public Records Requests:** Discuss the implications of Administrative Code Sections 67.21 and 67.25 when public records requests are sent to City employees and officials who are not employed full-time, and potentially consider drafting advisory information on this topic.

Chair Yankee stated that not every city official is a full-time employee and that many employees and City officials are volunteers or part-time employees. If those part-time employees receive an immediate disclosure request and are unable to respond timely, the Task Force can address certain complaints. Member LaHood stated that she experienced this scenario due to being on vacation and not realizing that she had received an Immediate Disclosure Request until she received the complaint. Member Stein suggested that the problem is due to the way an Immediate Disclosure Request is written and should be redrafted.

Public Comment: None.

No action was taken.

17. **Hearing – Public Comment at SOTF Meetings:** Discuss public comment periods at SOTF meetings and their ideal placement for agenda items.

Chair Yankee stated that public comment does not get triggered until after a complaint is heard and before a motion and is often helpful when figuring out a motion but is oddly placed in the sequence. Member Wolfe stated that the SOTF is bound by Robert's Rules which require that public comment comes after a motion is made according to the Brown Act provisions. Member Wolfe continued that at almost every meeting body where public comment is given, it is made before the motion is made. Member Pilpel stated that under the By-Laws Section 5A the SOTF agreed to use Robert's Rules and that Robert's Rules does not speak to public comment.

Public Comment: None.



No action was taken.

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

Member Pilpel stated that the meeting was great due to not having a heavy caseload and reflected that Task Force members have a range of views about the case log.

Public Comment. None.

19. **ADJOURNMENT**

There being no further business the meeting was adjourned at 10:46 PM.

**APPROVED: September 6, 2023**  
**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.