



SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO AGENDA

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

Regular Meeting

September 6, 2023 - 4:00 PM

(NOTE: Hearings on complaints will begin no earlier than 5:00 P.M.)
(See below for additional details.)

Remote Access and/or In-Person Participation

The Sunshine Ordinance Task Force and its committees convene hybrid meetings that allow in-person attendance, in-person public comment, remote access for petitioners and respondents, and remote public comment via teleconference (via Webex).

Webex Remote Link/Log-in:

<https://tinyurl.com/bdf5wv6u>

Password: sunshine

Telephone Call-in:

[1 \(415\) 655-0001 / Meeting ID: 2591 776 0254 # #](tel:14156550001)

(press *3 to enter the speaker line)

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|--------|-----------------------------------|---------|-------------------------------|
| Seat 1 | Dean Schmidt | Seat 7 | Matthew Yankee - Chair |
| 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 - 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

Members of the public may participate by phone or may submit their comments by email to: sotf@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>.

Meeting Decorum: Any member of the Sunshine Ordinance Task Force may call for decorum due to the 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**
2. **Approval of the minutes from the Sunshine Ordinance Task Force Special Meeting of August 22, 2023.** (*Discussion and Action*) ([attachments](#))
3. **Approval of the Orders of Determination:** (*Discussion and Action*) ([attachments](#))

File No. 22054: Stiliyan Bezhanski against Debra Lew and the Treasurer and Tax Collector's Office

4. **Hearing - SOTF Complaint Procedures:** Consider approving the attached amendments to the Sunshine Ordinance Task Force's Complaint Procedures. (*Discussion and Action*) ([attachments](#))
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. **Public comment shall be taken at 5:00 p.m. or as soon thereafter as possible.** (*No Action*)

NOTE: Hearings on complaints and other agenda items listed below will begin no earlier than 5:00 P.M.

6. **CONSENT AGENDA** - The Sunshine Ordinance Task Force shall review **File Nos. 23051 and 23052** to affirm the Committee's findings regarding the Sunshine Ordinance Task Force's jurisdiction; violations of the Sunshine Ordinance, Brown Act, or California Public Records Act; and, if applicable, to issue an Order of Determination and refer matters to a Committee for monitoring. The Complainant and Respondent are not required to attend the September 6, 2023, Sunshine Task Force meeting but may attend to provide testimony during the public comment period for this item related to the above-listed determinations. (*Discussion and Action*) ([attachments](#))

6A. File No. 23051 Complaint filed by Michael Petrelis against Supervisor Dean Preston, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to respond to a request for Proposition G Calendar in a timely and/or complete manner.

(On July 18, 2023, the Complaint Committee moved that the records were public, there was jurisdiction and to forward the matter to consent calendar under Administrative Code, Sunshine Ordinance, Section 67.29-5 for tardiness in providing the calendar.)

6B. File No. 23052 Complaint filed by Stiliyan Bejanski against Debra Lew and the Office of the Treasurer and Tax Collector for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, and California

Government Code Section(s) 6253(c), by failing to respond to a records request in a timely and/or complete manner.

(On July 18, 2023, the Complaint Committee moved that this was an Immediate Disclosure Request, that the department responded timely, the final release was about five weeks later and there are legal cases going on with the petitioner and the records had to be reviewed for them to be public and to forward to this item to the Consent Calendar with a recommendation for no violation.)

7. **File No. 22112:** Complaint filed by Michael Petrelis against Jonas Ionin and the Planning Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.7 for failure to post an agenda in a complete and/or timely manner. *(attachments)*

(On December 12, 2022, the Complaint Committee moved that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for consideration.)

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

8. **File No. 22010:** Complaint filed by Ron Cicero against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner. *(attachments)*

(On May 3, 2023 the SOTF moved by Chair Yankee, seconded by Member Schmidt, to find that the Police Department violated Administrative Code, Sunshine Ordinance, Section(s) 67.21(b), by failing to provide records in a timely manner; send a letter to the Chief of Police to order the persons most knowledgeable of property control and archived public records at 1995 Evans Avenue and Building 606 at Hunters Point Shipyards to search for and turn over the requested records as soon as possible and to refer the file to the Compliance and Amendments Committee for follow up.

On August 22, 2023, the Compliance and Amendments Committee moved that the matter be referred back to the SOTF with the recommendation to refer the matter to the Ethics Commission and possibly consider willful violation.)

a) Hearing on the recommended action proposed by the Compliance and Amendments Committee. *(Discussion and Action)*

9. **File No. 22141:** Complaint filed by Stiliyan Bejanski against Debra Lew and the Office of the Treasurer and Tax Collector for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner. *(attachments)*

(On February 14, 2023, the Complaint Committee moved by Member Wolfe, seconded by Member Stein, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing.)

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

10. **File No. 22031:** Complaint filed by Gizelle Rabi and Karl Kramer against City Administrator Carmen Chu and the Office of the City Administrator 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*)
(On May 17, 2022, the Complaint Committee moved by Member Wolfe, seconded by Member Stein, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing.)
 - a) Hearing on the complaint. (*Discussion and Action*)
11. **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*)
(On June 21, 2022, the Complaint Committee moved by Chair Schmidt, seconded by Member Stein, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with the recommendation that there be a finding of no violations.)
 - a) Hearing on the complaint. (*Discussion and Action*)
12. **File No. 22117:** Complaint filed by Carnitas Bandit against the Department of Building Inspection for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a complete manner. (*attachments*)
(On January 17, 2023, the Complaint Committee moved by Member Wolfe, seconded by Member Stein, to find that the SOTF has 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*)
13. **Hearing – Authorize a letter from the Sunshine Ordinance Task Force to the Board of Supervisors regarding the use of City email addresses by City Board and Commission Members.** (*Discussion and Action*) (*attachments*)
14. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Sunshine Ordinance Task Force.** (*Discussion and Action*)
(Note: Public Comment on this item is limited to subject matters presented by members of the SOTF.)
15. **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.