



# 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

## REGULAR MEETING

November 1, 2023 - 4:00 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	Maxine Anderson	Seat 11	Bruce Wolfe
Seat 6	Laura Stein - <b>Vice-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

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

Chair Yankee called the meeting to order at 4:06 PM. On the call of the roll Chair Yankee and Members, Stein, Schmidt, Anderson, Sugarman, Pilpel and Hyland were noted present. Members LaHood and Hill were noted absent. Member Wolfe appeared remotely. A quorum was present.

Public Comment:

Ann Treboux requested that that item 13 be moved up on the calendar.

**Action: Moved by Chair Yankee, seconded by Member Hyland, to move agenda item 13 to be heard after item 8.**

Public Comment:

None.

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

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

2. **Welcome to new Task Force member Maxine Anderson.**

New Task Force Member Anderson introduced herself and made general comments.

Public Comment:

None.

3. **Approval of the minutes from the Sunshine Ordinance Task Force Regular Meeting of October 4, 2023.**

The Task Force discussed the minutes and Member Pilpel's suggested edits.

**Action: Moved by Member Pilpel, seconded by Member Hyland, to adopt the minutes as amended.**

Public Comment:

None.

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

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

4. **Approval of the Orders of Determination:**

**File No. 22027:** Compliant filed by John Templeton against the Planning Department

**File No. 22028:** Compliant filed by John Templeton against the Historic Preservation Commission

**File No. 22045:** Complaint filed by Gizelle Rabi and Karl Kramer against Sheryl Evans Davis and the Human Rights Commission

**File No. 22046:** Complaint filed by Gizelle Rabi and Karl Kramer against Shireen McSpadden and the Department of Homelessness and Supportive Housing

**Action: Moved by Member Pilpel, seconded by Member Sugarman, to approve the edits on the Orders of Determination and approve the orders.**

Public Comment:

None.

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

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

Noes: 0 - None

Absent: 2 - Hill, LaHood

**5. Remote Public Comment and Participation at SOTF meetings.**

Chair Yankee stated he spoke with Clerk of the Board Angela Calvillo about the Board of Supervisors decision to no longer take public comment remotely, but that the Task Force can continue to offer remote public comment at its meetings.

Public Comment:

Michael Petrelis expressed support for remote public comment.

Ann Treboux expressed support for remote public comment.

No action taken.

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

Task Force Administrator Cheryl Leger presented the Administrator's Report and responded to questions.

Public Comment:

Ann Treboux stated that she likes the way the report is put together.

Marc Bruno stated that each City department has its own records request process.

No action taken.

The Task Force recessed at 4:55 PM and returned at 5:01 PM. A quorum was present.

**7. 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.***

Ann Treboux stated she liked the format of the Report and noted that she has learned new skills over the time spent before the Task Force.

Marc Bruno stated that he wants the general public to get help and not be discouraged by the Sunshine Process and encourages people to send items in pdf format and not use NextRequest because it is an obstruction.

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

8. **CONSENT AGENDA** - The Sunshine Ordinance Task Force shall review **File No. 23080** 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 November 1, 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.

**File No. 23080** Complaint filed by Marc Bruno against Patrick Hannan and the Department of Building Inspection for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to provide public records in a timely and/or complete manner.

Vice-Chair Stein stated that the petitioner received the photos very late, and the Complaint Committee recommends finding a violation of Administrative Code, Sunshine Ordinance Section(s) 67.25.

**Action: Moved by Member Anderson, seconded by Member Wolfe, to accept the recommendations of the Compliant Committee to find that the Department of Building Inspection violated Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner**

Public Comment:

None.

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

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

Noes: 0 - None

Absent: 2 - Hill, LaHood

9. **File No. 22057:** Complaint filed by Stiliyan Bezhanski against Chanbory Son and the Planning Department for allegedly violating California Public Records Act, Section(s) 6254(c)(k) regarding failure to redact personal contact information.

Stiliyan Bezhanski (Petitioner) stated he wanted to close the complaint.

Jonas Ionin (Planning Department, Respondent) concurred with the Petitioner.

Public Comment:

None.

No action was taken by the Task Force, and the complaint was closed.

10. **File No. 23002** Complaint filed by Stiliyan Bezhanski against Debra Lew and the Office of the Treasurer and Tax Collector for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, and California Government Code Section(s) 6253(c), 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 find a violation. Mr. Bezhanski stated that he submitted an Immediate Disclosure Request on December 8, 2022 and there was a substantial delay in receiving the records. Mr. Bezhanski stated that the most common excuse for not providing records was attorney/client privilege. Mr. Bezhanski stated that his requests were not responded to in a timely manner.

Christopher Tirrell (Office of the Treasurer and Tax Collector, Respondent), provided a summary of the department's position. Mr. Tirrell stated that his office received Mr. Bezhanski's request. However, reviewing the records took a substantial amount of time as the department had to pull over 250 emails with attachments that exceeded 500 pages. Mr. Tirrell stated that his office released 257 documents. Mr. Tirrell stated that this requestor always submits Immediate Disclosure Requests and that staff works to respond quickly. Mr. Tirrell stated that his office responded on December 9, 2022.

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

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

Public Comment:

None.

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

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

Noes: 0 - None

Absent: 2 - Hill, LaHood

11. **File No. 22114** Complaint filed by Michael Petrelis against Jonas Ionin, President Diane Matsuda and the Historic Preservation Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.15, by failing to provide an

opportunity for members of the public to address the body of interest that are within the body's jurisdiction (General Public Comment - October 5, 2022, meeting).

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Task Force find a violation. Mr. Petrelis stated that this case is about intimidation and freedom of expression. Mr. Petrelis stated he attended a Historic Preservation Commission meeting and was carrying a sign that referred to the Castro Theatre. Mr. Petrelis stated that the Commission Secretary was using tactics to try to intimidate Mr. Petrelis and seemed to want him to give up his three minutes of public comment time.

Jonas Ionin (Historic Preservation Commission, Respondent), provided a summary of the department's position. Mr. Ionin stated that Mr. Petrelis was holding a sign about the Castro Theatre and the Chair interrupted the speaker to clarify what that person was commenting about. Mr. Ionin stated that this is done in practice all the time. Mr. Ionin stated that the comments were related to the Castro Theatre and Mr. Petrelis was allowed three minutes to speak.

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

**Action: Moved by Vice-Chair Stein, seconded by Member Anderson, to find no violation.**

Public Comment:

None.

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

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

12. **File No. 22119** Complaint filed by Michael Petrelis against Supervisor Rafael Mandelman (Board of Supervisors) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to provide required calendars of certain officials in a timely and/or complete manner.

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Task Force find a violation. Mr. Petrelis stated that he gives full credit to Supervisor Mandelman's staff for providing the Supervisor's Prop G calendar in a timely and/or complete manner.

Calvin Ho (Supervisor Mandelman's Office, Respondent), provided a summary of the department's position. Mr. Ho stated that his office has been diligently responding to Prop G calendar requests in accordance with Administrative Code 67.29-5 and have made every effort to fulfill these requests.

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

**Action: Moved by Member Pilpel, seconded by Member Sugarman, to find no violation.**

Public Comment:

None.

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

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

Noes: 0 - None

Absent: 2 - Hill, LaHood

13. **Closing Pending Complaint:** Hearing to consider closing the following complaint file and dismissing it without prejudice pursuant to SOTF Complaint Procedure 7(b).

File No. 20008 – Ann Treboux v. City Attorney

Ms. Treboux (Petitioner) requested that her complaint stay open and be scheduled for hearing. Mr. Treboux agreed to appear at the November 21, 2023 Complaint Committee meeting.

Deputy City Attorney Kelly Collins, Office of the City Attorney (Respondent) stated that the respondent, Dwight Moore, had retired.

**Action: Moved by Member Schmidt, seconded by Vice-Chair Stein, to refer the matter to the Complaint Committee for hearing on November 21, 2023.**

Public Comment:

None.

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

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

Noes: 0 - None

Absent: 2 - Hill, LaHood

14. **Hearing – Annual Report:** Initial planning discussion for the 2024 Annual Report from the Sunshine Ordinance Task Force.

Vice-Chair Stein discussed the work required to prepare an Annual Report for the Task Force.

Public Comment.

None.

No action taken. This item will be included on the December 2023 Task Force agenda.

15. **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.

Members Wolfe and Pilpel presented the process they are using to update proposed amendments to the Sunshine Ordinance. Member Pilpel suggested that this item be included on the January 2024 Task Force agenda.

Public Comment.

None.

No action taken.

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

Chair Yankee stated that this next election (March 2024) will be big and that the Task Force should put out guidance on the use of social media as it relates to amendments to the Brown Act found in AB 992.

Public Comment.

None.

17. **ADJOURNMENT**

There being no further business the meeting was adjourned at 8:26 p.m.

**APPROVED: DRAFT  
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.