



SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO MINUTES

REMOTE REGULAR MEETING

November 3, 2021 - 4:00 PM

Regular Remote Meeting

Seat 1	Dean Schmidt	Seat 7	Matthew Yankee - Vice-Chair
Seat 2	Lila LaHood	Seat 8	Chris Hyland
Seat 3	Vacant	Seat 9	Laurie Jones Neighbors
Seat 4	Jaya Padmanabhan	Seat 10	Vacant
Seat 5	Jennifer Wong	Seat 11	Bruce Wolfe - Chair
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

Vice-Chair Yankee called the meeting to order at 4:04 PM. On the call of the roll Vice-Chair Yankee, and Members, Schmidt, LaHood, Padmanabhan, Wong, Stein, Hyland, Neighbors were noted present. Chair B. Wolfe was noted absent. A quorum was present.

The SOTF discussed the Agenda and no adjustments were made.

1A. FINDINGS TO ALLOW TELECONFERENCED MEETINGS UNDER CALIFORNIA GOVERNMENT CODE SECTION 54953(e).

The Task Force is expected to consider a motion setting forth findings required under Assembly Bill 361 (AB 361) that would allow the committee to hold the meeting remotely according to the modified Brown Act teleconferencing set forth in AB 361.

The SOTF noted that every thirty days, the SOTF must have findings for continued meetings of this body, to recognize that the state of emergency will continue to impact the body and as long as local officials continue to recommend that emergency procedures remain in place. The SOTF is required to approve these findings, or the remote meeting cannot take place.

Action: Moved by Member Stein, seconded by Member Hyland to approve the attached motion 1A.

Public Comment:

Patrick Monette-Shaw supported the motion and requested that the SOTF amend Item 15 due to the Chair Wolfe's absence.

Peter Warfield, Executive Director Library Users Assn. libraryusers2004@yahoo.com, P.O. Box 170544, San Francisco, California, 94117-0544. Mr. Warfield agreed with the previous public commenter regarding the change of the Chair's Report.

The motion PASSED by the following vote:

Ayes: 8 - Stein, Hyland, Neighbors, Wong, Padmanabhan, LaHood, Schmidt
Yankee

Absent: 1 - B. Wolfe

2. Approval of the minutes from the Sunshine Ordinance Task Force October 6, 2021, meeting.

The SOTF discussed the Minutes and noted requested amendments.

Action: Moved by Member Wong, seconded by Member Padmanabhan to approve the October 6, 2021, SOTF minutes.

Public Comment:

Patrick Monette-Shaw requested that the Administrator amend the October 6, 2021, SOTF minutes to add to the motion that Chair Wolfe requested that the motion include monitoring by the Compliance and Amendments Committee.

Wynship Hillier provided requested modifications to the item 7 of the October 6, 2021, SOTF minutes noting that Member Wong arrived just before the vote and Chair Wolfe asked her to remove herself from the meeting.

Peter Warfield provided his contact information and said he had three comments including providing the timing at the beginning of each item; second the SOTF Administrator's obligation to summarize 150 word submitted written public comment and last that the provision of 150 summary is an optional extra of the public.

Anonymoose #3 was not present at the October SOTF hearing but agrees with that general typos and grammatical errors that Mr. Hillier suggested.

Member Wong agreed with Mr. Hillier's comments regarding her not being present for the meeting and rescinded her motion.

Action: Moved by Member Neighbors, seconded by Member Stein that the Administrator make the changes outlined in public comment and continue approval of the October 6, 2021, minutes to the December 2021 SOTF meeting.

Public Comment:

Peter Warfield provided his contact information and stated that he believes the motion is well thought out and provides an opportunity to review them, however he is not clear on how the minutes and changes will take place.

Patrick Monette-Shaw stated that he hopes that delaying the minutes will not affect the language of the Order of Determination for another month and appreciates that Mr. Warfield did not provide his contact information.

The motion PASSED by the following vote:

Ayes: 8 - Neighbors, Stein, Hyland, Wong, Padmanabhan, LaHood, Schmidt
Yankee
Absent: 1 - B. Wolfe

3. **Board of Supervisors Ordinance #201132 - Campaign and Governmental Conduct Code - Behest Payments** - Effects on SOTF Members and possible additional proposed amendments to present to the Board of Supervisors based on discussion of this issue.

Deputy City Attorney (DCA) Helen Castillo noted that Chair Wolfe asked whether the ordinance applies to SOTF members. DCA Castillo stated that under the current version of the Ordinance Behest Payments are prohibited and that members would be censured.

Member Hyland suggested speaking with Lee Hepner for his opinion.

Vice-Chair Yankee stated that Mr. Hepner deferred to Supervisor Haney's Office for comment.

Action: Moved by Member Schmidt, Seconded by Member Hyland to continue the matter to the Call of the Chair.

Public Comment:

Patrick Monette-Shaw suggested that if the matter is continued to the Call of the Chair, that it not be included unless either Lee Hepner or Supervisor Haney can participate in the hearing.

David Pilpel supports the motion to continue the matter to the Call of the Chair and suggested that the matter not be put on the calendar until it is ready to go forward. Mr. Pilpel noted that this matter has been continued by the Rules Committee of the Board of Supervisors.

Peter Warfield provided his contact information and stated that the matter has been up and down a number of years and it would be helpful to know what the action has proposed. Mr. Warfield stated that someone on the SOTF should open the matter for discussion and possible proposed changes.

Anonymous #3 suggested that the definition of what a commissioner is be proposed by the City Attorney's Office.

The motion PASSED by the following vote:

Ayes: 8 - Schmidt, Hyland, Neighbors, Stein, Wong, Padmanabhan, LaHood, Yankee

Absent: 1 - B. Wolfe

4. **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. *(No Action). Public comment shall be taken at 5:00 p.m. or as soon thereafter as possible.*

Patrick Monette-Shaw noted that during the debate of one of his complaints heard last month, Chair Wolfe assured him that obtaining his Order of Determination would not take months and reminded the SOTF that his two other complaints heard by the SOTF in February 2021, that Mr. Monette-Shaw did not receive his Orders of Determination until June.

David Pilpel stated that the link in item 14 kept registering as an error and could not figure it out. Mr. Pilpel also noted that he wanted to talk about the memo the SOTF Administrator should have provided to the SOTF and wanted to discuss.

Anonymous #3 agrees with Mr. Monette-Shaw about the time it takes to get the Order of Determination drafted and sent out. Anonymous #3 noted that this can cause damage to one's complaint.

Mark Sullivan provided the following written public comment. Nowhere Ordinance or CPRA limit records produced. **67.25 (b)** "voluminous nature of the information requested". **6253 (c) (2)** "voluminous amount of separate and distinct records." **Neither acts use the term "keyword(s)" requires narrowing. CPRA 6257.5** "chapter does not allow limitations access record based purpose for requested, if record subject to disclosure." Any ask for keywords, asking purpose, limits access otherwise available. **"Focused /effective" is for increase record access when otherwise none. CPRA 6253.1(a)** "in order to assist public make focused effective request reasonably describes identifiable records, following"... **6253.1 (b)** deemed satisfied, agency unable to identify requested information making reasonable effort clarifying request. Not agency identified many records. **CPRA 6253 (a)** reasonably describes an identifiable record. "reasonably describes" as in finding a record or records, instead of none. **Whole category records requested must be produced. 67.25 (d)** response to request describing any category City and County shall produce.

Peter Warfield provided his contact information and stated that there is a serious problem with the SOTF Ordinance which is the enforcement agency. Mr. Warfield stated that 67.21(d) references that you must provide a determination within 45 days. Mr. Warfield stated that at the most recent Compliance and Amendments Committee hearing some things were problematic.

Wynship Hillier stated appreciation for the Chair and SOTF and the work the SOTF is doing and struggled on whether or not to make public comment. Mr. Hillier also noted that another year should not pass because of the Behavioral Health Commission's inability to make quorum.

5. **File No. 20056:** Complaint filed by Anonymous against City Librarian Michael Lambert for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b)(1) by failing to respond to a records request in a complete and timely manner.

Member Schmidt provided a synopsis of the matter at the Complaint Committee hearing.

The Petitioner was not present for the hearing and did not notify the Administrator of their absence.

Margot Shaub was present and stated that she was prepared to defend the City Librarian.

Vice-Chair Yankee suggested that the hearing be continued to a future meeting or close the file and have the 60-day clock start

Action: Moved by Member Wong, seconded by Member Schmidt to dismiss the matter without prejudice due to lack of attendance by the Petitioner.

Public Comment:

Anonymous #3 stated that this was the right call according to the Complaint Procedures and that the last time this matter was scheduled it was continued to the call of the Chair. Anonymous #3 suggested that the Administrator ask if parties can make an appearance.

Peter Warfield provided his contact information and noted that the intricacies of continued to the call of the Chair can be closely divided. Mr. Warfield noted that when James Chaffee did not make an appearance at his hearing nothing was said about the requirement of a petitioner to appear.

The motion PASSED by the following vote:

Ayes: 8 - Wong, Schmidt, Hyland, Neighbors, Stein, Padmanabhan, LaHood,
Yankee

Absent: 1 - B. Wolfe

Anonymous (Petitioner) appeared late in the hearing and requested that their matter be postponed to the December 2021 SOTF hearing.

Margot Shaub (Respondent) was not present for this part of the hearing had already provided their defense when the matter was first called.

Vice-Chair Yankee suggested that the file could be reopened per the petitioner's request or that the SOTF could pass a motion placing it on a future meeting agenda.

Action: Moved by Vice-Chair Yankee, seconded by Member Hyland to continue the matter until the December SOTF hearing.

Public Comment.

Peter Warfield provided his contact information and noted with appreciation this decision to have Anonymous's complaint heard in December.

The motion PASSED by the following vote:

Ayes: 8 - Yankee, Hyland, Schmidt, Neighbors, Stein, Padmanabhan,
LaHood, Yankee
Absent: 1 - B. Wolfe

6. **File No. 21008:** Complaint filed by Stiliyan Bejanski against the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and complete manner.

Member Schmidt provided a synopsis of this matter as discussed at the Complaint Committee hearing.

Stiliyan Bejanski (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Bejanski stated that he requested information about telephone records and on multiple occasions complained to the department without results.

Laura Lynch (Planning Department) (Respondent), provided a summary of the department's position. Ms. Lynch stated that there are specific rules for short-term rentals which she did not want to explain. Ms. Lynch stated that the Department did invoke a 10-day extension after the due date and did provide the requested records and concedes that the response was not timely.

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

Action: Moved by Member Stein, seconded by Member Schmidt, to find that the Planning Department violated Administrative Code (Sunshine Ordinance), Section 67.21(b), by failing to respond to a public records request in a complete and timely manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 8 - Stein, Schmidt, Wong, Hyland, Neighbors, Padmanabhan, LaHood, Yankee

Absent: 1 - B. Wolfe

7. **File No. 20117:** Complaint filed by Stiliyan Bejanski against Jonas Ionin and the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24, by failing to provide public records; 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, 67.26 by failing to keep withholding to a minimum; 67.27 by failing to justify withholding and 67.29 by failing to provide an index of records.

Member Schmidt provided a synopsis of the Complaint Committee hearing.

Stiliyan Bejanski (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Bejanski stated that this complaint is similar to 21008. Mr. Bejanski stated that he requested telephone recordings however the quality of the recording was poor and he requested new copies.

Laura Lynch (Planning Department) (Respondent), provided a summary of the department's position. Ms. Lynch stated that this was the first time she heard that the quality of the recordings was not good. Ms. Lynch stated that Mr. Bejanski submitted four additional requests within a two week time period. Ms. Lynch stated that her department provided all requested records and concedes a violation of 67.21(b) but requests that the Committee dismiss violations of 67.26, 67.27 and 67.29. Ms. Lynch stated that there are no phone records related to this matter and they are not withholding anything.

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

Action: Moved by Vice-Chair Yankee, seconded by Member Stein, to find that the Planning Department violated Administrative Code, (Sunshine Ordinance), Sections 67.21(b), by failing to respond to the public records request in a timely and/or complete manner.

Public Comment:

Anonymoose #3 urged that there be a motion to remove Jonas Ionin from the complaint and that the violation should not be 67.21(b), but California Public Records Act 6253(c) instead.

David Steinberg noted agreement with Anonymous and also that the 10-day requirement for records to be turned over was suspended by the Mayor, there cannot be a violation but a notification that they had records through the authority of the Mayor's Proclamation

Vice-Chair Yankee rescinded their motion.

Action: Moved by Member Stein, seconded by Vice-Chair Yankee to find no violation of 67.21(b) and CPRA 6253(c) in light of the Mayor's Proclamation.

Public Comment:

Anonymoose #3 doesn't disagree with the resolution but does disagree that any response at all within 10 days was the requirement, instead there must be within 10 days there is a notice of determination of disclosable records and requirement to notify the Petitioner if they exist and if they are disclosable and urged the committee to find there is no violation of 6253(c).

The motion PASSED by the following vote:

Ayes: 8 - Stein, Yankee, Schmidt, Wong, Hyland, Neighbors, Padmanabhan,
LaHood

Absent: 1 - B. Wolfe

8. **File No. 21007:** Complaint filed by Jarmee Thieu against Kimberly Ackerman and the Municipal Transportation Agency, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and complete manner.

Jarmee Thieu (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Thieu stated that she is waiting for records requested in September of 2020. Chair Hyland asked Ms. Knight to conduct a search and was told they don't have records. Ms. Thieu noted that in June, after Chair Hyland requested that Ms. Knight conduct a search, those records are still outstanding. Ms. Thieu stated that she was not provided separation paperwork.

Annie Knight (San Francisco Municipal Transportation Agency) (Respondent), provided a summary of the department's position. Ms. Knight stated that Chair Hyland requested that she use specific search words and proceed with another records search. Ms. Knight stated that there were approximately 5,750 emails that required redactions. Ms. Knight stated that on July 6, Ms. Thieu stated thanks for the emails and requested an additional

search for Human Resources records that remained outstanding. Ms. Knight stated that she has provided all emails to Ms. Thieu.

Caroline Celaya spoke in support of the Respondent. Ms. Celaya stated that with regards to Ms. Thieu's termination, Ms. Thieu was terminated orally and a separation packet with a termination letter included was mailed to her home.

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

Action: Moved by Member Padmanabhan seconded by Member Neighbors to find that the SFMTA and Kimberly Ackerman violated Administrative Code (Sunshine Ordinance) Sections 67.21(e) by failing to designate a person most knowledgeable to attend the hearing, 67.21(b) for unreasonable delay in providing the records in a complete and/or timely manner; 67.21(c) by failing to assist the Petitioner in locating records and 67.26 by failing to keep withholding to a minimum.

Public Comment:

Anonymoose #3 stated that the records retention policy states that everything should be retained for two years and that anyone who left the department should support a 67.29-7(A) violation.

Mark Sullivan noted that if there is a problem with retention and documents are destroyed, this would be an ethics issue and the case should be forwarded to them.

The motion PASSED by the following vote:

Ayes: 8 - Padmanabhan, Neighbors, Stein, Yankee, Schmidt, Wong, Hyland,
LaHood
Absent: 1 - B. Wolfe

Action: Moved by Member Hyland, seconded by Member Neighbors to find that the SFMTA and Kimberly Ackerman violated Administrative Code (Sunshine Ordinance), Section 67.29-7(A) by failing to provide records that survived transition of officials and SFMTA's records retention policy.

Public Comment:

Anonymoose #3 stated that the right violation is 67.29-A because the department head did not maintain all records. Anonymoose #3 also noted that 67.29-1 is about officials leaving office. Anonymoose #3 stated that 67.29-7(a) should be noted because it is the failure of the departments to maintain its records retention policy.

Mark Sullivan stated that he agrees with Anonymoose #3 in that 67.29-7(a) is the right violation because the Department head is in charge of maintaining the records retention policy.

Member Hyland amended their motion.

Action: Moved by Member Hyland, seconded by Member Neighbors to find that the SFMTA and Kimberly Ackerman violated Administrative Code (Sunshine Ordinance), Section 67.29-7(a) by failing to maintain and preserve in a professional and business-like manner all documents and correspondence including letters, emails, drafts, memoranda and shall disclose all such records in accordance with this Ordinance.

Public Comment:

Anonymoose #3 stated that this matter can be referred to the Ethics Commission.

The motion PASSED by the following vote:

Ayes: 8 - Hyland, Neighbors Stein, Yankee, Schmidt, Wong, Padmanabhan,
LaHood
Absent: 1 - B. Wolfe

Member Padmanabhan was noted absent at 8:35 PM

9. **File No. 21039:** Complaint filed by Karl Kramer against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

Member Schmidt provided a synopsis of the matter as heard by the Complaint Committee.

Karl Kramer (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Kramer stated that on December 17, 2020, a request for information on wage funds for up to July 2021 was submitted. On December 23, 2020, Veronica Vien and stated that records were not available closed the request.

Cristine Padilla (Department of Public Health, DPH) (Respondent), provided a summary of the department's position. Ms. Padilla stated that as of December 2020, there were no calculations. Ms. Padilla stated that in July 2021 DPH reopened the request and instructed the budget team that this was a renewed request. On August 23, 2021, the budget team was able to produce the requested calculations which were forwarded to Mr. Kramer's office.

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 of Administrative Code 67.21 and close the matter.

Public Comment:

Anonymous #3 stated that there was debate on whether to notice the violation however there was no violation of the law. Anonymous #3 stated that he will be requesting all emails before December 17 if they do not provide a straight answer.

Peter Warfield stated that when he hears there are no documents, he wonders what exactly was there. Mr. Warfield noted that anything that is recorded or written down is subject to a request for information.

The motion PASSED by the following vote:

Ayes: 7 - Schmidt, Stein, Hyland, Neighbors Yankee, Wong, LaHood
Absent: 2 - B. Wolfe, Padmanabhan

10. **File No. 21066:** Complaint filed by Karl Kramer against Carmen Chu and the Office of the City Administrator for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 by failing respond to a records request in a timely and/or complete manner.

Member LaHood provided a synopsis of the Compliance and Amendments Committee hearing regarding this matter.

Karl Kramer (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Kramer stated that the initial request for records was dated February 18, 2021. Mr. Kramer stated that his office sent a follow up request on April 29, 2021. Mr. Kramer stated that having not received records, his office filed a complaint on May 12. Mr. Kramer stated that Mr. Barnes submitted records today.

Bill Barnes (City Administrator's Office) (Respondent), provided a summary of the department's position. Mr. Barnes stated that on February 18 his office received the request for records and on February 23, his office conducted a search for those records. Mr. Barnes stated that all responsive records regarding Minimum Compensation Ordinance (MCO) were provided in a timely manner.

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

Action: Moved by Member LaHood, seconded by Member Wong to continue the matter to the December 2021 SOTF hearing and ask that the Petitioner and Respondent provide their requested records.

Public Comment:

Anonymous #3 stated that the future reference that the rule cited C6.

The motion PASSED by the following vote:

Ayes: 7 - LaHood, Wong, Schmidt, Stein, Hyland, Neighbors Yankee

Absent: 2 - B. Wolfe, Padmanabhan

11. **File No. 21069:** Complaint filed by Mark Sullivan against David Steinberg and the Department of Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b)(c) by failing to respond to a records request in a timely and/or complete manner and by failing to assist the requester, 67.25(a) by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, CPRA Section 6253(c) by failing to notify the requestor of the possession of records of the agency and by failing to notify the person making the request of the determination and the reasons for withholding, CPRA Section 6253.1(a)(1) by failing to identify records and information that are responsive to the request or to the purpose of the request.

Member Stein stated that originally this matter involved Sections 67.3, 67.21 and 67.25. Member Stein and Member Schmidt noted that this was a broad request involving thousands of records.

Mark Sullivan (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Sullivan stated that Mr. Steinberg informed him that his request was overly broad and requested that Mr. Sullivan narrow his request. Mr. Sullivan believed that he complied with Mr. Steinberg, however over 7,500 emails encompassing a one-year period were uncovered. Mr. Steinberg again requested that Mr. Sullivan narrow the scope which Mr. Sullivan believes he was not required to do. Mr. Sullivan stated that on May 12 records were provided and the request was closed.

David Steinberg (Department of Public Works) (Respondent), provided a summary of the department's position. Mr. Steinberg stated that Mr. Sullivan was asking for a violation of 67.21 and 67.25 and suspension of the Mayor's Proclamation. Mr. Steinberg stated that he made multiple requests asking that the Petitioner a narrowed focus and made several attempts to provide the requested records in a reasonable amount of time. Mr. Steinberg stated that Mr. Sullivan was not reasonable and would not provide search terms to allow Mr. Steinberg to narrow his request for records.

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

Action: Moved by Member Schmidt, seconded by Vice-Chair Yankee, to find that Public Works violated CPRA, Section 6253(b) by withholding all records in their entirety and orders the Respondent to resume production of records to the Petitioner and Administrative Code (Sunshine Ordinance), Section 67.26 for

withholding all records in their entirety. In addition, the matter is forwarded to the Compliance and Amendments Committee for monitoring.

Public Comment:

Anonymous #3 agrees with the motion and that records should be made available under 6253(c).

Peter Warfield provided his contact information. Mr. Warfield agreed with the motion and noted that work does not stop and that an integral part of being a public employee is to provide requested records.

The motion PASSED by the following vote:

Ayes: 7 - Schmidt, Yankee LaHood, Wong, Stein, Hyland, Neighbors
Absent: 2 - B. Wolfe, Padmanabhan

Member Hyland was noted absent at 10:45 PM.

12. **CONSENT AGENDA** - The Sunshine Task Force (Committee) shall review File Nos, 20036, 20044, 20045, 20046, 20047, 20048, 20051, to determine if the Sunshine Ordinance Task Force has jurisdiction and determine if the requested records are public pursuant to Administrative Code (Sunshine Ordinance), Sections 67.21(e) and whether or not any person has violated the Sunshine Ordinance, California Public Records Act, or Brown Act pursuant to Administrative Code (Sunshine Ordinance) Section 67.30(c), and, if applicable, to issue an Order of Determination and refer matters to the Compliance and Amendments Committee for monitoring. The Complainant and Respondent are not required to attend the November 3, 2021, Sunshine Task Force meeting but may attend to provide testimony related to the above listed determinations.
- 1) Determination of jurisdiction on complaints A-G. (Discussion and Action)
 - 2) Determination to find noncompliance or violation of A 67.29-5 and 67.29-7(a) and Items B-J for noncompliance or violations of 67.29-5.

Vice-Chair Yankee stated that this Consent Agenda was prepared as a pilot program to see if departments would like to provide a written response and then dispose of the case rather than go through a hearing process. Vice-Chair Yankee stated that letters were sent to various departments related to their Prop G calendars. Vice-Chair Yankee noted that four responses were received (one matter admitted noncompliance and three matters alleged no violation). Vice-Chair Yankee noted that there is no requirement in the Ordinance that a hearing needs to take place and that none of the respondents requested a hearing. Vice-Chair Yankee also said that the letters sent to the departments stated that if the SOTF did not receive a response from each department within 5 business days, it will be assumed that the department acknowledged no contest.

Action: Moved by Vice-Chair Yankee, seconded by Member Neighbors to approve the consent agenda.

Public Comment:

Anonymous #3 stated that he was asked for his approval to provide a group of cases that would be amenable. Anonymous #3 stated that captions for d, e, f, and g did not match the letters sent to the Respondents and should be corrected.

Peter Warfield provided his contact information. Mr. Warfield stated that this process is shocking and a departure from the procedures and not in the published Ordinance.

Mark Sullivan noted agreement with Mr. Warfield's statement and that this may reduce the number of complaints generated.

The motion PASSED by the following vote:

Ayes: 6 - Yankee, Neighbors, LaHood, Wong, Stein, Schmidt
Absent: 3 - B. Wolfe, Hyland, Padmanabhan,

Vice-Chair Yankee stated that the SOTF is backlogged with 170 cases which could amount to 30 months of bringing cases and not hearing cases for that length of time is a problem. Vice-Chair Yankee requested that the SOTF Administrator ensure that the Orders of Determination for each file on the Consent Agenda reflect the allegations in the notification letter if it differed from what was included on the agenda.

13. **Composition of SOTF Respondent Packets.**

Member Neighbors stated respondents often have more resources than do petitioners in the complaint process and that it could serve our preparation needs to have them be more specific in preparing their responses for packets. Member Neighbors noted that a previous draft of instructions for preparing complaint responses had been sent to the Task Force by Anonymoose and that she, with the input of Member Stein, had created the draft that is included in today's meeting packet. Member Neighbors asked the SOTF members to consider implementing the instructions for a brief 8-week pilot beginning on November 15, after which the Task Force could reconvene to judge its effectiveness and to make any changes needed. Member Neighbors noted that the other members determined a number of changes that needed to be made before the draft was finalized for pilot.

Action: Moved by Member Stein, seconded by Member LaHood to accept and endorse the respondent packet and begin the pilot program on November 15 and review the results eight weeks from that date.

Public Comment:

Peter Warfield provided his contact information. Mr. Warfield stated that there are problems because this is not just a statement about preparing respondents packets, but about procedures.

David Pilpel stated that he likes the form and thinks it is clear and concise and perhaps another review with suggested changes might be a good idea. Mr. Pilpel suggested trying the form for a few months and if it needs changes, do it then.

Anonymous #3 echoed Mr. Pilpel and agrees that experimenting and changing to see how things work because the end goal of the SOTF is to make certain that the City is complying with the Ordinance.

Mark Sullivan provided more suggested edits.

The motion PASSED by the following vote:

Ayes: 6 - Stein, LaHood, Yankee, Neighbors, Wong, Schmidt
Absent: 3 - B. Wolfe, Hyland, Padmanabhan

14. **Review of Draft Complaint Form.** (*Discussion and Action*)

The SOTF continued the matter to the Call of the Chair.

Action: Moved by Vice-Chair Yankee, seconded by Member Stein to continue Items 14 and 15.

The motion PASSED by the following vote:

Ayes: 6 - Yankee, Stein, LaHood, Neighbors, Wong, Schmidt,
Absent: 3 - B. Wolfe, Hyland, Padmanabhan

Public Comment.

None.

15. **Chair's Report.**

Due to the Chair's absence the SOTF continued the matter to the Call of the Chair.

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

The SOTF Administrator presented the Administrator's Report and requested that the Committee note the upcoming Compliance and Amendments Committee hearing and the Thanksgiving Holiday.

Public Comment:

Peter Warfield provided his contact information. Mr. Warfield was surprised about the calendar and does not see that there is a meeting of the Compliance and Amendments Committee.

David Pilpel made reference to a memo he submitted and that he wants to see it on the general SOTF agenda.

Anonymous #3 pointed out that public communications are attached to the Administrator's Report.

No actions taken.

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

No actions taken.

18. **ADJOURNMENT**

The SOTF moved to adjourn at 12:50 am.

**APPROVED: December 1, 2021
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.