



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

## REMOTE REGULAR MEETING

December 1, 2021 - 4:00 PM

### Regular Remote Meeting

Seat 1	Dean Schmidt	Seat 7	Matthew Yankee - <b>Vice-Chair</b>
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 - <b>Chair</b>
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 B. Wolfe called the meeting to order at 4:02 PM. On the call of the roll Chair B. Wolfe and Members, Schmidt, LaHood, Padmanabhan, Wong, Stein, Yankee, Hyland, Neighbors were noted present. A quorum was present. Ex-officio Clerk of the Board Angela Calvillo was also present.

**Action: Moved by Chair Wolfe, seconded by Member Wong, to request that Item 9 Chairs Report, (Report on lifting of Mayor's Executive Orders suspending Sunshine Ordinance, Composition of SOTF Respondent Packets) and Item #10 be moved to the beginning of the agenda.**

Public Comment:

Patrick Monette-Shaw expressed support of the motion and thanked Clerk of the Board Calvillo for appearing this evening. Mr. Monette-Shaw also requested that the Clerk consider a budget appropriation for administrative support.

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

Ayes: 9 - B. Wolfe, Wong, Yankee, LaHood, Neighbors, Stein, Padmanabhan,  
Schmidt, Hyland

Noes: 0 - None

**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. Vice-Chair Yankee requested that SOTF Administrator replace their personal name with "SOTF Administrator or designated staff" and move to approve with those amendments.

**Action: Moved by Vice-Chair Yankee, seconded by Member LaHood to approve the attached motion 1A with amendments.**

Public Comment:

Patrick Monette-Shaw suggested that the SOTF find some permanent method for approving this finding requiring teleconference meetings on a recurrent basis.

Peter Warfield, Executive Director Library Users Association. [libraryusers2004@yahoo.com](mailto:libraryusers2004@yahoo.com), P.O. Box 170544, San Francisco, California, 94117-0544 stated that providing his contact information is the best way to connect with him due to SOTF meeting remotely and no in person meetings.

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

Ayes: 9 - Yankee, LaHood, Neighbors, Stein, Wong, Padmanabhan, Schmidt, Hyland, B. Wolfe

Noes: 0 - None

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

The SOTF discussed the October 6, 2021, minutes and recommended amendments.

**Action: Moved by Member LaHood, seconded by Member Padmanabhan to approve the October 6, 2021, Sunshine Task Force minutes with recommended amendments.**

Public Comment:

Peter Warfield stated that he did not attend the October 6, 2021 SOTF meeting. Mr. Warfield addressed the process of providing a 150-word statement in place of the summary offered by the same person at the hearing.

Patrick Monette-Shaw asked the SOTF to not delay the processing of the October minutes because he has an outstanding Order of Determination.

David Pilpel agreed with Mr. Monette-Shaw that an Order of Determination should not be delayed.

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

Ayes: 9 - LaHood, Padmanabhan, Yankee, Neighbors, Stein, Wong, Schmidt, Hyland, B. Wolfe  
Noes: 0 - None

**3. Approval of the minutes from the Sunshine Ordinance Task Force November 3, 2021, meeting.**

**Action: Moved by Vice-Chair Yankee, seconded by Member Neighbors to approve the November 3, 2021, minutes, changing “committee” to “Task Force” under Item #1, including all suggested amendments provided by Anonymous #3, and the amendment to Item #2 suggested by Mr. Warfield.**

Public Comment:

Anonymous #3 sent via email four suggested amendments to the SOTF Administrator.

Peter Warfield expressed his dissatisfaction with using the abbreviation Assn instead of the word Association and that written summaries of public comment provided via email should not substitute for statements made during SOTF hearings.

Patrick Monette-Shaw stated that Mr. Warfield’s previous comment in this meeting that the reason he consistently repeats his contact information because he has been deprived under the current restrictions regarding in person meetings.

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

Ayes: 9 - Yankee, Neighbors, Stein, LaHood, Padmanabhan, Wong, Schmidt, Hyland, B. Wolfe  
Noes: 0 - None

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 stated that he has followed the SOTF for over 20 years, and that there is a desperate need to make amendments to the SOTF. Mr. Monette-Shaw also noted that Chair B. Wolfe acknowledged that there is a fundamental difference between the SOTF interpretation of the Ordinance and the City Attorney's Office interpretation.

David Pilpel referred to a communication consisting of six paragraphs he sent to the SOTF Administrator and was circulated to the members, was not made public because it was not on the agenda. Mr. Pilpel requested that this item be included in the Chair's Report at a future meeting.

Peter Warfield stated that the SOTF has recognized rightly there needs to be changes regarding practices and that it is important to trust your instincts and go ahead with improvements.

Anonymous #3 stated that sometimes the purpose of the SOTF gets lost and that it is the public's right to open access to government but that the end goal is the protection of the public's right to due process.

5. **File No. 21052:** Complaint filed by Bob Planthold against the Planning Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15 by failing to allow participation in public comment during a remote April 27, 2021, Planning Commission meeting.

Bob Planthold (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Planthold stated that he has a lifelong disability and was a SOTF member early on who made sure that persons with disabilities were able to participate in the process. Mr. Planthold stated that the Planning Commission should display on SFGOVTV the call-in number and include the same number in its Agenda postings so those with sensory impairments may participate in the process.

Laura Lynch (Planning Commission) (Respondent), provided a summary of the department's position. Ms. Lynch stated that at the April 22, 2021, Commission hearing, the incorrect access code was noted on the agenda website which occurred during the information presentation for this item. Ms. Lynch stated that after that Commission hearing, the secretary was made aware of the incorrect access code which was immediately remedied. The Secretary worked with SFGOVTV to take measures to correct the matter. Ms. Lynch also stated that Commission members met with the Mayor's Office on Disability to discuss the issue.

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

**Action: Moved by Vice-Chair Yankee, seconded by Member Schmidt, to find that the Planning Commission violated Administrative Code, Sunshine Ordinance Section 67.7(c) by failing to state the proper location of the meeting on the agenda; 67.13(a) for creating barriers to access to a public meeting, and 67.15 by failing to provide public comment on the agenda.**

Public Comment:

Peter Warfield read Administrative Code, Sunshine Ordinance Section 67.15(c) into the record which he stated covers everyone including the disabled.

Anonymous #3 agreed with the motion and noted an additional violation of 67.7(a) for not posting the agenda 72 hours before the hearing.

Vice-Chair Yankee amended and restated the motion.

**Action: Moved by Vice-Chair Yankee, second by Member Schmidt, to add findings to include 67.7(a) for failing to post 72-hour notice prior to the meeting and 67.7(c) for failing to specify a timely location that was accessible; 6.13(a) for creating barriers to access to a public meeting; and 67.15(a) for failing to provide an opportunity for members of the public to address a policy body.**

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

Ayes: 9 - Yankee, Schmidt, LaHood, Padmanabhan, Neighbors, Wong, Stein, Hyland, B. Wolfe  
Noes: 0 - None

The SOTF recessed at 7:52 p.m. and reconvened at 8:02 p.m.

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

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that on February 3, 2020, they requested all contracts and communications from November 19, 2019, through February 13, 2020, between Michael Lambert and Ace Mailing. Anonymous stated that they have not received all requested records.

Margot Shaub (Library Commission) (Respondent), provided a summary of the department's position. Ms. Shaub stated that on February 3, 2019, Ms. Sue Blackman, the former Library Commission Affairs Analyst, responded to Anonymous' request and provided communications and contracts between the Library and Ace Mailing Corporation. Ms. Shaub stated that on November 2, 2019, the Library responded again with additional records.

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

**Action: Moved by Member Padmanabhan seconded by Member Wong, to find Michael Lambert, City Librarian, violated Administrative Code (Sunshine Ordinance), Section(s) of 67.21(b) by failing to provide the requested records in a complete manner and 67.21(c) by failing to provide assistance to the Petitioner with locating the contracts.**

Public Comment:

Peter Warfield expressed support for the motion and Members Padmanabhan and LaHood and Chair B. Wolfe.

Bill Barnes spoke on behalf of the City Administrator. Mr. Barnes noted that on page 125 of the packet is addressed to Shirley Ashida. Mr. Barnes looked on the Controller's website and the contract was extended in 2019 and there is an amendment.

Anonymous #3 stated that there may not be a violation for reasons discussed by the Vice-Chair.

Mark Sullivan stated there is a violation of 67.21(c) and read the law into the record. Mr. Sullivan noted that the requestor asked for the documents and they should exist somewhere.

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

Ayes: 5 - Padmanabhan, Wong, Stein, B. Wolfe, LaHood

Noes: 4 - Yankee, Schmidt, Hyland, Neighbors

Absent: 0 – None

There being no additional motion the matter was closed.

- 7. File No. 20122:** Complaint filed by Thomas Busse against Dennis Herrera and the City Attorney's Office for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 failing to respond to a records request in a complete and timely manner.

Thomas Busse was not present for the hearing and did not notify the SOTF Administrator of their absence.

Jen Kwart (City Attorney's Office) was present for the hearing.

**Action: Moved by Member Hyland, seconded by Vice-Chair Yankee to table the matter and close the file.**

Public Comment:

Anonymous #3 stated that even though they dislike the City Attorney's Office and the fact that they were present for six hours of the hearing, perhaps the SOTF should confirm attendance of all parties at the start of each hearing.

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

Ayes: 9 - Hyland, Yankee, Padmanabhan, Wong, Schmidt, LaHood, Neighbors, Stein, B. Wolfe

Noes: 0 - None

- 8. 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.

Karl Kramer (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Kramer stated that the initial request was sent by Able Dominguez for calculations to cover an increase in the minimum compensation ordinance. Mr. Kramer stated that a check list was received from the Mayor's Budget Office to the City Administrator who forwarded the document to Mr. Kramer's Office. On February 23, 2021, Mr. Kramer received an email with attachments including information from previous years, but not the current year. On April 29, 2021, Mr. Kramer sent a reminder email to the City Administrator and on May 5, 2021, they responded they had no other records.

Bill Barnes (City Administrator's Office) (Respondent), provided a summary of the department's position. Mr. Barnes stated that on February 18, 2021, the Living Wage Coalition requested a Docusign record that did not exist before the initial request. Mr. Barnes stated that the checklist was not responsive because the calculations involved were prepared by the Mayor's Office not the City Administrator's Office.

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

**Action: Moved by Member LaHood to find that Carmen Chu and the Office of the City Administrator violated Administrative Code 67.21(b) for not sending all of the responsive documents.**

The motion died for lack of a second.

**Action: Moved by Member Schmidt, seconded by Member Neighbors to dismiss the matter and find no violation.**

Public Comment:

Anonymous #3 stated that if the department states that there are no records, they are obligated by law to direct the requestor to the responding department.

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

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

**9. Chair's Report**

- **Report on lifting of Mayor's Executive Orders suspending Sunshine Ordinance.**

The SOTF reviewed provisions that have been lifted and if a systemwide advisory should be created.

Chair B. Wolfe stated that this became effective November 15, 2021, and any complaints that come in from that point forward will require compliance with the full Sunshine Ordinance. Chair B. Wolfe noted that the entire City must now comply with the Sunshine Ordinance. Chair B. Wolfe noted that there is no action for this item, only public comment. Chair B. Wolfe noted that perhaps this matter should be addressed by the Compliance and Amendments Committee and engage legal counsel to hash this out.

Public Comment:

Anonymous #3 noted that the Mayor's March Proclamation suspended the part of the SOTF regarding meeting issues, document response deadlines and that the process resumes back to the 10-day records response deadline.

Patrick Monette-Shaw stated that all SOTF members should ignore the comments Helen Castillo made regarding the intent of the SOTF to issue a system wide advisory. The City Attorney's opinion is advice and the SOTF is independent of their Office.

Peter Warfield stated that he agrees with Anonymous #3 and hopes that the SOTF pays careful attention to what both speakers said. Mr. Warfield stated that there was a portion of the suspension that had been lifted prior to November 15.

Bob Planthold stated that he filed various complaints over the years including those that address processing Immediate Disclosure Requests (IDR). Mr. Planthold has experienced City departments ignoring IDRs.

- **Composition of SOTF Respondent Packets. Amendments to consider.**

Angela Calvillo (Clerk of the Board) opened the discussion noting the current Granicus contract dispute. Ms. Calvillo also requested that this matter be continued so that Member Neighbors and Member Stein can get together in a working group to address possible changes to the SOTF packets and the Granicus dispute. Ms. Calvillo also requested that examples be provided.



Member Neighbors stated that on November 3, 2021, the SOTF voted to begin the process of the Respondent Packet Form on November 15.

Chair Wolfe requested a review of the matter and to not implement changes without their approval.

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

The SOTF discussed the legislation. Chair B. Wolfe stated that he is monitoring this legislation and believes the SOTF should not carry this burden. Chair B. Wolfe stated this because several members work with public officials and solicit funds for their organizations. Chair B. Wolfe noted that letters were sent to the makers explaining the position of the SOTF. Chair B. Wolfe stated that two years ago the makers agreed that the SOTF was exempted. Chair B. Wolfe stated that now those same makers are reversing their positions based on state law claiming that anyone who files a Form 700 is now included.

Public Comment:

David Pilpel provided comments on the legislation and noted that this may be due to Mohamed Nuru's activities. Mr. Pilpel noted that the legislation is up before the Rules Committee on December 6, 2021.

Anonymous #3 stated that the SOTF has authority that is binding to the City which is Administrative Code, Sunshine Ordinance 67.21(e).

Mark Sullivan agreed with the two previous public commenters.

Chair Wolfe noted that if this legislation passes, it will have an impact on members who may have to resign from the SOTF if not exempted.

**Action: Moved by Chair B. Wolfe, seconded by Member LaHood, that the SOTF reaffirm its existing position, the SOTF will enforce these amendments and include the Ethics Commission opinion that the SOTF does not participate in the conduct this amendment proposes.**

Public Comment:

David Pilpel asked if there is a letter from the SOTF to the Rules Committee or the Board of Supervisors expressing their nonsupport?

Anonymous #3 agreed with Mr. Pilpel that there should be an action and agreed with Member LaHood that there should be an amendment for people already engaged in public service.

Chair B. Wolfe withdrew the motion. No action taken.

**10. Discussion regarding recommended changes to the agenda packet materials.**

Chair Wolfe stated that with regard to changes in the complaint procedures, that is usually addressed by the Rules Committee. Chair Wolfe noted that Member Stein's item involves consolidation for the complainants. Chair Wolfe stated that there are duplications of documents and discussion in email threads which needs better consolidation. Chair Wolfe suggested that Members Stein and Neighbors work with Board of Supervisor staff and get back to the SOTF at the January meeting.

Member Stein stated that she did follow the process and was told Committee approval was required and then the matter would be addressed by the full SOTF. Member Stein also asked about technologies for storage space for documents on file.

**Action: Moved by Member Schmidt, seconded by Chair B. Wolf to approve Member Stein's recommended changes to the agenda packet materials and waive the requirement for it to go to another committee.**

Public Comment:

Patrick Monette-Shaw stated that he appreciates BOS Clerk Calvillo and Member Stein's input postponing the adoption of this motion until the Granicus dispute is resolved.

Peter Warfield agreed with the previous speaker to slow down the process and get more clarity on the packets.

Bob Planthold stated that complaints may be filed by facsimile, first class mail and electronically. Mr. Planthold noted that phone calls are often used by the visually and/or audio impaired for filing complaints and making the SOTF available to all.

Anonymous #3 noted agreement with the last speaker that having accessibility for the disabled because complainants don't necessarily have the resources available to them.

David Pilpel spoke in support of Member Stein's work and that noted that this is not the first time this issue has been raised.

Anonymous #4 stated that he agrees with Mr. Planthold's comments on the critical need to provide people with disabilities or do not possess computers or access to the public records process.

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

Ayes: 9 - Schmidt, B. Wolfe, LaHood, Neighbors, Stein, Wong, Padmanabhan,  
Hyland, Yankee  
Noes: 0 - None

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

The SOTF Administrator Leger presented the report and responded to questions from the members.

Public Comment:

Anonymous #3 stated that a person can file complaints with either the Ethics Commission or the SOTF. Anonymous #3 noted the response from Ethics was that the SOTF continue to find violations and send them to the appropriate enforcement body.

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

No actions taken.

**13. ADJOURNMENT**

There being no further business the meeting was adjourned at 12:13 am.

**APPROVED: 1/5/22  
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.