



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

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Meeting ID: 453 483 253#

December 21, 2020 - 4:00 PM

Seat 1	Dean Schmidt	Seat 7	Vacant
Seat 2	Lila LaHood	Seat 8	Vacant
Seat 3	Vacant	Seat 9	Chris Hyland
Seat 4	Vacant	Seat 10	Matthew Yankee – <b>Vice-Chair</b>
Seat 5	Jennifer Wong	Seat 11	Fiona Hinze
Seat 6	Bruce Wolfe – <b>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 B. Wolfe called the meeting to order at 4:11 PM. On the call of the roll Chair B. Wolfe and Members LaHood, Schmidt, Wong, Yankee and Hinze were noted present. Member Hyland was noted not present. A quorum was present.

Chair Wolfe stated that the Committee will skip item 2 and return to it at 5:00 PM.

## 2. **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.**

Anonymous noted that this comment is about the process of obtaining metadata and that Department of Technology is releasing pilot on metadata and Anonymous is optimistic that when the January hearing takes place, hopefully everything will be working. Anonymous stated that he is getting a variety of metadata from City departments.

David Pilpel stated that he understands that this meeting is an Orientation and has hopes that the SOTF has a specific plan for how to narrow down the considerable number of cases pending. Mr. Pilpel noted that the SOTF does need to get resolution sooner rather than later.

3. **Notating which sections of Sunshine Ordinance refer to California Public Records Act and the Brown Act.**

Chair Wolfe opened the discussion noting that he was not planning on going through the entire Sunshine Ordinance, California Public Records Act (CPRA) or the Ralph M. Brown Act (Brown Act) because it would take too long to decipher which items connect to what. Chair Wolfe stated that for each item in the Sunshine Ordinance there should be a reference to the CPRA and the Brown Act. Chair Wolfe opined that since the SOTF has jurisdiction to find a violation and has oversight over all three documents, if the question is a roll over or if there is a compliance with both sets of laws should be noted in the action and the Order of Determination. Chair Wolfe stated that each is written differently but shows a base line of the law. Chair Wolfe stated that by not taking action on an item on the agenda, the SOTF however can take action if compelled to do it. Chair Wolfe stated that the SOTF can either refer the matter back to committee or can take it up at the January 2021 meeting. Chair Wolfe stated that for the purposes of this SOTF Orientation meeting he did not want a structured Agenda while discussing the Rules of Order, but a free-flowing discussion between members and will call for public comment. Chair Wolfe stated that time allotment for is item 20 minutes for each item to start but could extend if more time is required. Chair Wolfe requested that Deputy City Attorney Price-Wolf make a presentation on how his office complies with those laws.

Public Comment:

None.

4. **A reading of key provisions of the CPRA, Brown Act & Sunshine Ordinance with highlights of issues that have activated specific sections not regularly heard before.**

Member Schmidt asked if there are protocols on how the SOTF communicates with legal counsel on various issues and are there limitations of contact counsel?

Chair Wolfe stated that he will address communications with legal counsel and parties and the general public. Chair Wolfe also added the Committee will go through the Statement of Incompatible Activities and the By-laws. Chair Wolfe stated that the SOTF has an operating manual which should be read and have an agreement on how it works. Chair Wolfe stated that membership comes out of the Ordinance and that it carries two nonvoting seats; Ex Officio for both the Clerk of the Board of Supervisors and the Office of the Mayor. Chair Wolfe noted that the Clerk and the SOTF board provide a watch dog and adjudicatory kind of post and determines if the Ordinance is being implemented correctly. Chair Wolfe noted that the Mayor has the primary responsibility of the Executive branch. Chair Wolfe opined that having a Mayor's representative is essential. Chair Wolfe stated that when Gavin Newsome was Mayor that person was very good and able to bring back information to the Mayor's Office.

Member Yankee stated that it might be worth it to formally reach out to the Mayor's Office to remind them that they have a nonvoting seat and would be helpful to have those people sit in on SOTF meetings.

Chair Wolfe stated that the SOTF cannot compel the Mayor's Office to fill the seat. Chair Wolfe noted that if the Mayor's Office chooses not to participate that is up to them, there is no requirement. Chair Wolfe stated that he has had several conversations with the Clerk of the Board, Angela Calvillo and that she is not interested in finding someone to participate in SOTF meetings.

**a) A reading of our By-laws, Rules of Order & other governing documents.**

**Sunshine Ordinance Task Force By-laws;  
Article 2 – Attendance.**

Chair Wolfe noted that the By-laws are very clear but have not been updated since 2019.

Member Hinze stated that the SOTF had a discussion a few years about excused absences and what is considered excused.

Member Yankee noted that the By-Laws were updated in 2019 where it was decided to strip the excused versus non-excused and keep the language there.

**Article 3 - Officers and Duties.**

Chair Wolfe noted that the opportunity for new people to become an Officer on the SOTF should be made.

**Article 4 - Meetings**

Chair Wolf stated that SOTF does memorialize meetings which are generally scheduled at City Hall. Chair Wolfe stated that Notice of Meetings notates where the meeting notices and agendas are to be posted.

**Section 5 – Conduct of Meetings.**

Chair Wolfe noted that for chairs this is important because during public comment members of the public are encouraged to make general public comment on the item that is not pertinent to them. Chair Wolfe noted that public comment really needs to pertain to the motion. Chair Wolfe stated that when a motion is made, a member of the public might bring up an issue that was discussed. Chair Wolfe also noted that when an item is addressed it may also be included during public comment. Chair Wolfe stated that the Committee may have decided to not discuss an issue but and a member of the public may bring up a point that might remind the committee to include that point into the motion,

**Section 7 – Action at a Meeting; Quorum and Required Vote.**

Chair Wolfe stated that substantive matters require that 6-member vote.

**Public Comment:**

David Pilpel stated that roll call vote should be on all votes and that it needs to be clear who is voting for what issue.

**Section 8 – Voting and Abstention.**

Chair Wolfe noted that in San Francisco abstention is not allowed. Chair Wolfe also noted that SOTF practice is to have either a positive or negative vote.

**Section 9 – Order of Business.**

Chair Wolfe stated that this section addresses how Agendas are set up.

**Section 10 – Hearing Procedures for Complaints**

Chair Wolfe stated that this section addresses the Complaint procedure.

**Section 11 – Public Comment.**

Chair Wolfe noted that this section deals with Public Comment.

**Public Comment:**

Anonymous asked to provide three comments. Anonymous stated that on November 30, Hank Heckel and David Steinberg disclosed to him that there may be an appointment to the Mayor's non-voting seat.

- t. Anonymous wanted to make sure the rules are fair. Anonymous noted that minutes of the IT Committee have not been approved.

**4(b) A Reading of the Complaint Procedures.**

Chair Wolfe noted that the SOTF does bifurcate the process by not having the full SOTF find jurisdiction. Chair Wolfe stated the SOTF is not required to find jurisdiction. Chair Wolfe stated that Committees also determine if the record is public, that the SOTF hears the matter and should find the committee's determination is correct. Chair Wolfe also noted that the 45-day rule is why the SOTF moves that all files come through the Complaint Committee and the Complaint Committee makes sure that the file is complete.

Member Schmidt stated that as a new member of the Complaint Committee, he has seen that the SOTF does have significant legal issues which come up at different levels. Member Schmidt noted that he may see something that other people may not. Member Schmidt stated that he is not sure that SOTF has the briefing in place to make an authoritative decision.

Chair Wolfe stated that a database for searchable Orders of Determination still needs to be developed so that the public and SOTF members can see SOTF made precedent decisions. Chair Wolfe requested that the SOTF Administrator to keep track of Orders.

Member Schmidt agreed that it is useful to know if a decision was made where a certain legal issue did come up, but not sure unless there is something written down in the By-laws and not sure that a Committee should feel bound to a decision. Member Schmidt noted that a good thing to point out the vast number of previous decisions.

Member Yankee was noted absent at 5:35 pm.

Committee recessed until 6:00 pm.

Committee resumed the hearing at 6:00.

Chair Wolfe noted the lack of quorum due to Member Yankee's departure. Chair Wolfe stated that the next Orientation meeting will resume at Public Comment on item 4(b) A Reading of the Complaint Procedures on a date to be determined.

5. **ADJOURNMENT.**

The meeting was adjourned at 6:05 pm.

**APPROVED: 2/3/21**  
**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.