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San Francisco, CA

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October 14, 2025

San Francisco Commission Streamlining Task Force  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
[CommissionStreamlining@sfgov.org](mailto:CommissionStreamlining@sfgov.org)

RE: Sunshine Ordinance Task Force – OPPOSE its elimination, consolidation, or revision

Dear Commission Streamlining Task Force Members and Staff,

Please accept this correspondence on behalf of Matt Yankee and David Pilpel regarding your consideration of the Sunshine Ordinance Task Force (SOTF). We have both volunteered for many years on the SOTF and collectively have decades of experience with the issues of citizen access and participation in local government. The SOTF is one of the few bodies in the United States solely focused on ensuring access to open meetings and public records, and it serves a vital role in upholding the San Francisco value of local government transparency.

Over the past several years, the Sunshine Ordinance Task Force has made significant progress in becoming more effective and efficient in its work, despite having only a single full-time City employee assigned to it. The SOTF has issued regular annual reports with comprehensive data, analysis, and suggestions. It provides thoughtful comments to the Board of Supervisors regarding pending legislation and other matters which affect government transparency, and it provides a forum for robust public participation on those issues. Perhaps most importantly, it has essentially eliminated its backlog of complaint petitions. Thus, we strongly suggest that the Commission Streamlining Task Force recommend **no substantial changes to the Sunshine Ordinance Task Force**.

The Sunshine Ordinance Task Force was first established by ordinance in 1993 with approval of the Board of Supervisors and Mayor. San Francisco voters then approved Proposition G in 1999 which amended numerous portions of the Sunshine Ordinance, including sections related to the SOTF's composition and duties. Therefore, pursuant to Charter Section 4.100.1(e), any recommendations related to the elimination, consolidation, or revision of the SOTF are subject to voter approval.

Commission Streamlining Task Force staff has already classified the Sunshine Ordinance Task Force primarily as a regulatory body. We agree with that assessment. Indeed, Administrative Code Section 67.1(e) states that “Only a strong Open Government and Sunshine Ordinance, **enforced by a strong Sunshine Ordinance Task Force**, can protect the public's interest in open government.” The SOTF has specific regulatory duties under Administrative Code Sections 67.21(e) and 67.30(c), among them:

- Members of the public who have been denied access to a public record “may petition the Sunshine [Ordinance] Task Force for a determination whether the record requested is public.”

- The SOTF “shall inform [a] petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, of its determination whether [a] record requested, or any part of [a] record requested, is public.”
- “Upon the determination that [a] record is public, the Sunshine [Ordinance] Task Force shall immediately order the custodian of the public record to comply with [a] person's request.”
- The SOTF is empowered to “conduct a public hearing concerning [a] records request denial” and an “authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.”
- Finally, the SOTF “shall make referrals to a municipal office with enforcement power under this ordinance or under the California Public Records Act and the Brown Act whenever it concludes that any person has violated any provisions of this ordinance or the Acts.”

However, the Sunshine Ordinance Task Force also has several advisory duties. For example:

- Under Administrative Code Section 67.30(c), the SOTF advises the Board of Supervisors and provides information to other City departments on appropriate ways in which to implement the Sunshine Ordinance; reports to the Board of Supervisors at least once annually on any practical or policy problems; receives and reviews the annual report of the Supervisor of Records; and issues public reports evaluating compliance with the Sunshine Ordinance and related California laws
- Under Administrative Code Section 67.33, the SOTF assists the City Attorney’s Office with preparing the Sunshine Training required for City department heads, management employees, and all employees or officials who are required to sign an affidavit of financial interest.
- Under Administrative Code Section 12L.5(b), the SOTF provides advisory opinions when disputes arise over the disclosure of certain information from non-profit organizations contracting with the City.

Because of its unique role as both a regulatory and advisory body, the SOTF does not fit neatly into one of the templates designed by the Commission Streamlining Task Force, and **it should be exempted from the constraints of those templates**. In fact, by serving as a dual regulatory and advisory body, the SOTF has essentially been “streamlined” since its inception. Its eleven voting seats (and two non-voting seats) represent the specialized background and experience necessary to fulfill its mission. Furthermore, access to City health benefits appropriately reflects the long hours SOTF members voluntarily contribute – work that cannot easily be done by paid City employees – and it ensures participation from members in occupations often lacking access to these benefits, such as independent journalists.

If the Sunshine Ordinance Task Force were to be eliminated entirely, complaints related to the Sunshine Ordinance, Brown Act, or California Public Records Act would need to be litigated in court, as they are in most other California municipalities. Using the already overwhelmed court system is a slow and expensive process for both petitioners and the City. While the SOTF now resolves many, if not most, complaints in a matter of weeks, litigation often takes months or even years. Moreover, under Government Code Section 7923.115, if a petitioner prevails in litigation against the City, the court shall award court costs and reasonable attorney’s fees to the petitioner – and those fees can be significant. For example, the City of San Jose approved a \$500,000 payout<sup>1</sup> in 2023 after they were found to have violated the California Public

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<sup>1</sup> <https://sanjosespotlight.com/san-jose-approves-hefty-pay-out-for-california-public-records-lawsuit/>

Records Act. We are lucky in San Francisco to have generally avoided this type of costly litigation, and that is in large part due to the Sunshine Ordinance Task Force.

As a body empowered to resolve constituent complaints regarding government transparency, the SOTF's regulatory functions cannot be realistically transferred to City staff – doing so would create a classic “fox guarding the hen house” conflict of interest scenario. For instance, the Sunshine Ordinance outlines a role for a “Supervisor of Records” in the City Attorney’s Office to help resolve public records disputes, but that Office has announced<sup>2</sup> that it will not issue orders for the release of public records when petitioned, as doing so would be inconsistent with the City Attorney’s duties under the Charter to serve as the attorney for City agencies to which petitions pertain.

At first glance, the Ethics Commission may seem like a potential body to assume responsibility for SOTF functions; however, it has become abundantly clear that they have little to no interest in doing so and lack the necessary resources. For example, on June 13, 2025, the Ethics Commission refused to take action on a public records complaint<sup>3</sup> that had been referred to them for enforcement, and an August 4, 2025 memorandum<sup>4</sup> authored by the Ethics Commission’s Director of Enforcement states that the Ethics Commission has “legal limits placed on its enforcement powers regarding the Sunshine Ordinance.” In addition, that memorandum mischaracterizes Sunshine complaints as involving “minor or unintentional open government infractions” which “dilutes the limited staff and legal resources and diverts attention from matters with systemic impact or greater public harm.” San Franciscans voted for and deserve access to a dedicated oversight body for the Sunshine Ordinance; the Ethics Commission is certainly not that body.

In conclusion, we feel that the Sunshine Ordinance Task Force is the appropriate regulatory body to ensure government transparency, it adds substantial value to the City, and it saves the City significant expenses. We urge the Commission Streamlining Task Force to keep it in its current form.

Respectfully submitted,

Matt Yankee and David Pilpel

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<sup>2</sup> [https://www.sfgov.org/sunshine/sites/default/files/sotf\\_050323\\_item13.pdf](https://www.sfgov.org/sunshine/sites/default/files/sotf_050323_item13.pdf)

<sup>3</sup> [https://sfethics.org/wp-content/uploads/2025/08/Press-Release-In-the-Matter-of-Matthew-Lotocki-v.-San-Francisco-Police-Department-File-24021\\_Final.pdf](https://sfethics.org/wp-content/uploads/2025/08/Press-Release-In-the-Matter-of-Matthew-Lotocki-v.-San-Francisco-Police-Department-File-24021_Final.pdf)

<sup>4</sup> <https://sfethics.org/wp-content/uploads/2025/08/2025.08.08-Agenda-Item-6-Staffs-Memorandum-on-Proposed-Amendments-to-Enforcement-Regulations.pdf>