

GBDs represent a long-term financial commitment; therefore the formations or expansions of GBDs require the support of property owners in the district. GBDs are formed or expanded when there is widespread support among property owners who are fully informed about the proposed district.

The intent of this Agreement is to determine the level of support for the formation of a two new GBDs, one in the area surrounding Buena Vista Park and one in the area surrounding Dolores Park. This determination of support is referred to as the GBD Feasibility Phase.

III. TASKS AND DELIVERABLES FOR PROJECT AREA A: GREATER BUENA VISTA (GBV) NEIGHBORHOOD

Task 1. Support Community Meeting #1

- Grantee shall support a community meeting in Project Area A regarding the formation of a Green Benefit District. Grantee shall be responsible for:
 - Meeting preparation
 - Meeting materials
 - Meeting facilitation
 - Meeting minutes/notes
 - Meeting debrief with the Greater Buena Vista GBD steering committee.

Task 1. Deliverables

- A. Invoice for time spent completing Task 1
- B. Copy of meeting minutes/notes
- C. Sign in sheets for community meeting showing attendance

Task 2. Develop collateral

- Grantee shall develop collateral for the formation of the Greater Buena Vista GBD
- Collateral shall include, but is not limited to, the following:
 - Fact sheet
 - Frequently Asked Questions (FAQs)
 - A map of the area

Task 2 Deliverables

- D. Invoice(s) for the drafting of content, graphic design services, and the printing of collateral.
- E. A copy of the fact sheet
- F. A copy of the Frequently Asked Questions document
- G. A copy of the map of the area

Task 3. Preliminary Website and Database Management

- Grantee shall develop a website for the Project Area A GBD formation
- Grantee shall develop and manage a database of property owners for the Project Area A GBD formation

Task 3 Deliverables

- H. Invoice(s) from Ken Cook Consulting for website development and database development and management
- I. A functional website url for the Project Area A GBD formation
- J. A copy of the completed database

Task 4. Support Community Meeting #2

- Grantee shall support a community meeting in Project Area A regarding the formation of a Green Benefit District. Grantee shall be responsible for:
 - Meeting preparation
 - Meeting materials
 - Meeting facilitation
 - Meeting minutes/notes
 - Meeting debrief with the Greater Buena Vista GBD steering committee

Task 4 Deliverables

- K. Invoice for time spent completing Task 2
- L. Copy of meeting minutes/notes
- M. Sign in sheets for community meeting showing attendance

Task 5. Website Management

- Grantee shall be responsible for managing the Project Area A website
- Grantee shall be responsible for all domain hosting fees and volunteer coordination in relation to the website

Task 5 Deliverables

- N. Invoice(s) for website management work

Task 6. Analyze Survey results

- Grantee shall analyze and synthesize all GBD survey results

Task 6 Deliverables

- O. Invoice(s) for time spent analyzing and synthesizing all survey results
- P. Draft survey results

Task 7. Develop Outreach Summary Report

- Grantee shall draft an outreach summary report, which shall include the following work:
 - Content
 - Layout and design
 - Any and all revisions
- Outreach summary report shall include
 - Results of community meetings
 - Finalized survey results
 - Recommendations and suggestions for the Project Area A GBD steering committee
 - An explanation of methodology on how report was constructed

Task 7 Deliverables

- Q. Invoice(s) for the content, layout and design, and any and all revisions related to Outreach Summary Report
- R. Final Outreach Summary Report

Task 8. Ongoing Community and Stakeholder Engagement

- Grantee shall provide ongoing community and stakeholder engagement support including, but not limited to, the following:
 - Mailer productions
 - Setting up and hosting meetings
 - Making and setting up phone calls
 - Supporting Steering Committee in setting up a blog; Steering Committee will be responsible for creating and maintaining content

Task 8 Deliverables

- S. Invoice(s) for work related to Task 8, with sufficient detail to determine what was accomplished
- T. A copy of each item produced under Task 8
- U. Proof of mailing for any item that requires mailing under Task 8

IV. TASKS AND DELIVERABLES FOR PROJECT AREA B: DOLORES PARK NEIGHBORHOOD

Task 1. Monthly Steering Committee Meetings

- Grantee shall organize and facilitate monthly Project Area B steering committee meetings. Meetings shall develop the vision and mission for a potential GBD in Project Area B.
- Grantee shall build steering committee capacity for Project Area B GBD feasibility and formation.
- Grantee shall finalize Project Area B boundaries with input from steering committee.

Task 1 Deliverables

- A. Invoice(s) for time spent completing Task 1.
- B. An agenda and meeting minutes for each steering committee meeting

Task 2. Develop and Manage Website

- Grantee shall be responsible for managing the Project Area B website.
- Grantee shall be responsible for all domain hosting fees and volunteer coordination in relation to the website.

Task 2 Deliverables

- C. Invoice(s) for website development and ongoing management, including domain fees.
- D. A functional website url for Project Area B GBD formation.

Task 3. Develop Collateral

- Grantee shall develop collateral for the formation of the Dolores Park GBD.
- Collateral shall include, but is not limited to, the following:
 - Fact sheet
 - Frequently Asked Questions (FAQs)
 - A map of the area

Task 3 Deliverables

- E. Invoice(s) for the drafting of content, graphic design services, and the printing of collateral.
- F. A copy of the fact sheet.
- G. A copy of the Frequently Asked Questions document.
- H. A copy of the map of the area.

Task 4. Conduct Community Meeting #1

- Grantee shall support a community meeting in Project Area B regarding the formation of a Green Benefit District. Grantee shall be responsible for:
 - Meeting preparation
 - Meeting materials
 - Meeting facilitation
 - Meeting minutes/notes

- Meeting debrief with the Dolores Park GBD steering committee.

Task 4 Deliverables

- I. Invoice for time spent completing Task 4.
- J. Copy of meeting minutes/notes
- K. Sign in sheets for community meeting showing attendance

Task 5. Draft Property Owner and Business Databases

- Grantee shall develop and maintain a property owner databases of all parcels within Project Area B. Property owner database shall contain:
 - APN
 - Owner Name
 - SITUS
 - Mailing Address
 - Mailing City
 - Mailing State
 - Mailing Zip Code
- Grantee shall develop and maintain a business database of all businesses with Project Area B. Business database shall include:
 - Business name
 - Business address
 - Owner name
 - Owner contact info

Task 5 Deliverables

- L. Invoice(s) for time and fees related to the development of these databases.
- M. Final property owner database
- N. Final business database

Task 6. Develop Survey Questionnaire

- Grantee shall develop and draft a FPS for the proposed Dolores Park GBD. The FPS will allow City's Team and the Dolores Park GBD Steering Committee to determine if pursuing a GBD within the proposed district is feasible. Additionally, FPS results will serve as a guide for the development of the Dolores Park GBD management plan if the proposed GBD is determined to be feasible. The FPS will provide property owners and stakeholders the opportunity to give valuable feedback on what they see as the proposed district's biggest concerns and if they are interested in pursuing a GBD. The survey will be reviewed by City's Team before it is disseminated. Potential questions must include one in which the participant is directly asked if they are interested in pursuing a GBD in a yes or no format.

Task 6 Deliverables

- O. Invoice(s) for time and materials utilized on the development if a survey questionnaire.
- P. Email approval from City's Team indicating survey questionnaire meets City standards.
- Q. Finalized survey questionnaire.

Task 7. Disseminate Survey

- Grantee shall mail surveys to all property owners, merchants, and stakeholders by United States Postal Service (USPS). Grantee may also distribute surveys via email, in person, or via the internet.

Task 7 Deliverables

- R. Invoice(s) for surveying printing and postage.
- S. Invoice(s) for any work related to in person or digital release of surveys.
- T. Receipts for printing and postage

Task 8. Tabulate and Analyze Survey Results

- Grantee shall tabulate, analyze, and synthesize all GBD survey results.

Task 8 Deliverables

- U. Invoice(s) for time spent tabulating, analyzing, and synthesizing all survey results
- V. Draft survey results

Task 9. Conduct Community Meeting #2

- Grantee shall support a community meeting in Project Area B regarding the formation of a Green Benefit District. Grantee shall be responsible for:
 - Meeting preparation
 - Meeting materials
 - Meeting facilitation
 - Meeting minutes/notes
 - Meeting debrief with the Dolores Park GBD steering committee.

Task 9. Deliverables

- W. Invoice for time spent completing Task 9.
- X. Copy of meeting minutes/notes
- Y. Sign in sheets for community meeting showing attendance

Task 10. Draft and Final Survey Summary Report

- Grantee shall draft a survey summary report, which shall include the following work:
 - Content
 - Layout and design
 - Any and all revisions
- Survey summary report shall include
 - Results of community meetings
 - Finalized survey results
 - Recommendations and suggestions for the Project Area B GBD steering committee

- An explanation of methodology on how report was constructed.

Task 10. Deliverables

- Z. Invoice(s) for the content, layout and design, and any and all revisions related to Survey Summary Report
- AA. Final Survey Summary Report

Task 11. Conduct Community Meeting #3

- Grantee shall support a community meeting in Project Area B regarding the formation of a Green Benefit District. Grantee shall be responsible for:
 - Meeting preparation
 - Meeting materials
 - Meeting facilitation
 - Meeting minutes/notes
 - Meeting debrief with the Dolores Park GBD steering committee.

Task 11 Deliverables

- BB. Invoice for time spent completing Task 11.
- CC. Copy of meeting minutes/notes
- DD. Sign in sheets for community meeting showing attendance

Task 12. Ongoing Community and Stakeholder Engagement

- Grantee shall provide ongoing community and stakeholder engagement support including, but not limited to, the following:
 - Mailer productions
 - Promotional and marketing materials
 - Setting up and hosting meetings
 - Making and setting up phone calls
 - Neighborhood events

Task 12 Deliverables

- EE. Invoice(s) for work related to Task 12, with sufficient detail to determine what was accomplished.
- FF. A copy of each item produced under Task 12.
- GG. Proof of mailing for any item that requires mailing under Task 12.

Task 13. Biweekly Public Meetings to Develop Management Plan and Engineer's Report for Project Area B GBD

- Grantee shall organize and provide support for no less than 8 public meetings to develop a Project Area B GBD management plan and engineer's report.

Task 13 Deliverables

- HH. Invoice(s) for time, labor, and materials related to the completion of task 13.
II. Meeting agendas for each community meeting.
JJ. Meeting notes for each community meeting.

Task 14. Draft and Final Management Plan

- Grantee shall develop a management plan based off survey questionnaire input and public meetings.
- Grantee's first version of management plan shall be known as the draft version.
- Draft version of the management plan must be approved by a majority vote of the Project Area B steering committee.
- Draft version of the management plan shall be submitted to both City's Team and the City Attorney for review.
- Grantee shall not have a finalized management plan until an approval letter from both City's Team and the City Attorney has been received.

Task 14. Deliverables

- KK. Invoice(s) for time, materials, and labor spent on the development of draft and finalized management plan for Project Area B.
LL. All draft management plans for Project Area B.
MM. Final management plan for Project Area B.

Task 15. Draft and Final Engineer's Report

- Grantee shall develop an engineer's report based off survey questionnaire input and public meetings.
- Grantee's first version of engineer's report shall be known as the draft version.
- Draft version of the engineer's report must be approved by a majority vote of the Project Area B steering committee.
- Draft version of the engineer's report shall be submitted to both City's Team and the City Attorney for review.
- Grantee shall not have a finalized engineer's report until an approval letter from both City's Team and the City Attorney has been received.

Task 15 Deliverables

- NN. Invoice(s) for time, materials, and labor spent on the development of draft and finalized engineer's report for Project Area B,
OO. All draft engineer's report for Project Area B.
PP. Final engineer's report for Project Area B.

Task 16. Assessment Database

- Grantee shall develop an assessment database for Project Area B. Assessment database shall contain:
 - APN.
 - Owner Name.
 - SITUS.

- Parcel characteristics used to calculate assessments
- Total Assessment to be paid on that parcel.
- % that parcel's payment would be of total (% of total assessment).
- Care of.
- Mailing Address.
- Mailing City.
- Mailing State.

Task 16 Deliverables

- QQ. Invoice(s) for all time, labor, and related fees for the completion of an assessment database for Project Area B.
- RR. Final assessment database for Project Area B.

Task 17. PW and City Attorney Review and Approval

- Grantee shall obtain Public Works and City Attorney approval on the Finalized Management Plan and Engineer's Report for Project Area B.
- Grantee shall communicate the contents of the finalized Management Plan and Engineer's Report for Project Area B to the appropriate District Supervisor(s)

Task 17 Deliverables

- SS. Approval emails from Public Works and City Attorney for the finalized Management Plan and Engineer's Report.
- TT. Email indicating contents of Management Plan and Engineer's Report have been shared with the appropriate District Supervisor(s)

Task 18. Property Owner Outreach

- Grantee shall host between 5 and 10 meetings with large stakeholders in Project Area B.
- Large stakeholders shall mean the top 100 individual largest assessment holders in Project Area B.

Task 18 Deliverables

- UU. Invoice(s) for time, labor, and costs incurred in the completion of Task 18.

Task 19. Ongoing Community and Stakeholder Engagement

- Grantee shall provide ongoing community and stakeholder engagement support including, but not limited to, the following:
 - Mailer productions
 - Promotional and marketing materials
 - Setting up and hosting meetings
 - Making and setting up phone calls
 - Neighborhood events

Task 19 Deliverables

- VV. Invoice(s) for work related to Task 19, with sufficient detail to determine what was accomplished.
- WW. A copy of each item produced under Task 19.
- XX. Proof of mailing for any item that requires mailing under Task 19.

Task 20. Develop Petition campaign Outreach Materials and Strategy

- Grantee shall develop petition phase outreach materials and strategy.

Task 20 Deliverables

- YY. Invoice(s) for all time, labor, and materials used in the completion of Task 20.

Task 21. Review of Petition Package by City Attorney and PW

- Grantee shall secure approval of the City Attorney and PW prior to mailing the petition package to potential assessment payers.

Task 21 Deliverables

- ZZ. Approval email from the City Attorney
- AAA. Approval email from PW

Task 22. Develop and Mail Petition Package

- Grantee shall develop and mail a petition package to all potential assessment payers within Project Area B.

Task 22 Deliverables

- BBB. Invoice(s) for the printing and mailing of petitions

Task 23. Property Owner Outreach and Petition Tracking

- Grantee shall be responsible for property owner outreach through the petition phase.
- Grantee shall be responsible for tracking returned petitions throughout the petition phase.
- Grantee shall conduct outreach to ensure 30% or more of the total weighted assessments of the district respond in favor of forming a GBD.
- In the event the third bullet point of Task 23 is not completed, Grantee cannot bill or invoice for Tasks 24 – 31.

Task 23 Deliverables

- CCC. Invoice(s) for time, labor, and costs incurred in the completion of Task 23.
- DDD. Bi-weekly petition tracker updates to City's Team.

Task 24. Communications and Engagement for Government Audit and Oversight Committee and Board of Supervisors Hearings

- Grantee shall be responsible for all pertinent community communication and engagement related to Government Audit and Oversight Committee hearings and Board of Supervisors hearing.

Task 24 Deliverables

EEE. Invoice(s) for time, labor, and costs incurred in the completion of Task 24.

Task 25. Ongoing Community and Stakeholder Engagement

- Grantee shall provide ongoing community and stakeholder engagement support including, but not limited to, the following:
 - Mailer productions
 - Promotional and marketing materials
 - Setting up and hosting meetings
 - Making and setting up phone calls
 - Neighborhood events

Task 25 Deliverables

FFF. Invoice(s) for work related to Task 19, with sufficient detail to determine what was accomplished.

GGG. A copy of each item produced under Task 19.

HHH. Proof of mailing for any item that requires mailing under Task 19.

Task 26. Develop Ballot Campaign Outreach Materials and Strategy

- Grantee shall develop a ballot campaign strategy and develop outreach materials for the ballot phase.

Task 26 Deliverables

III. Invoice(s) for work related to Task 26.

Task 27. Develop Ballot Cover Letter and Submit to the Department of Elections

- Grantee shall develop a ballot package which shall include cover letter, final Management Plan, and final Engineer's Report and submit it to the Department of Elections via PW.

Task 27 Deliverables

JJJ. Invoice(s) for work related to Task 27 along with final version of cover letter.

Task 28. Property Owner Outreach and Ballot Tracking

- Grantee shall be responsible for property owner outreach through the balloting period, ensuring that identified “YES” votes fill out their ballot(s) and turn them into the Department of Elections via mail, courier, or in person.
- Grantee shall receive a ballot report every Friday of the balloting period from PW. Grantee shall review balloting report and provide a best guess estimate to whether or not a vote is in favor of the GBD or not. Grantee shall provide City’s Team an estimate of where the vote would land if election ended at that ballot period.

Task 28 Deliverables

KKK. Invoice(s) for any mailers sent out associated with property owner outreach during this period.

LLL. Ballot reports returned to City’s Team with updated hypotheses and vote projections.

Task 29. Communication and Engagement for Board of Supervisors Hearing and Resolution of Establishment

- Grantee shall be responsible for all pertinent community communication and engagement related to Government Audit and Oversight Committee hearing(s) and Board of Supervisors hearing(s) related to balloting.

Task 29 Deliverables

MMM. Invoice(s) for all time, materials, labor, and costs incurred in the completion of Task 29.

Task 30. Ongoing Community and Stakeholder Engagement

- Grantee shall provide ongoing community and stakeholder engagement support including, but not limited to, the following:
 - Mailer productions
 - Promotional and marketing materials
 - Setting up and hosting meetings
 - Making and setting up phone calls
 - Neighborhood events

Task 30 Deliverables

NNN. Invoice(s) for work related to Task 30, with sufficient detail to determine what was accomplished.

OOO. A copy of each item produced under Task 30.

PPP. Proof of mailing for any item that requires mailing under Task 30.

Task 31. Resolution of Establishment Signed by the Mayor and Certified by the Clerk of the Board of Supervisors

- Grantee shall provide City’s Team with a certified copy, with Mayor’s signature, of the Resolution of Establishment indicating the GBD passed the vote and has been established.

Task 31 Deliverables

QQQ. A copy of the Resolution of Establishment for Project Area B with Mayor's signature and certified by the Clerk of the Board of Supervisors.

Please allocate the following way:

Grantee: San Francisco Parks Alliance **Blanket:** Contract ID# 1000012901

Purpose/
Modules: Buena Vista and Dolores Park GBDs **Amendment** or New (circle one)

Amount to be encumbered: \$156,984.00 **Workforce** or Econ (circle one)

Grant Byron M Lam
Coordinator: _____

General Fund	Other (Specify)
IIN 18th St. Merchant Capacity Building (ACT 0093) Dept: 207767 Fund: 10010 Authority: 16652 Project: 10022531 Activity: 0093 \$25,000	DPW Dept: 2207767 Fund: 10020 Authority: 17355 Project: 10022531 Activity: 0072 Budget: FY 19 \$33,000.00 \$33,000 from DPW work order in FY 17-18 Public Works work order in FY 18-19 Dept: 207767 Fund: 10010 Authority: 16652 Project: 10022531 Activity: 0136 \$98,984.00 Public Works Order FY18-19



Approval Required

The contract document for Contract ID 1000012901 was completed outside of the PeopleSoft Financials and Procurement System. Signed documents attached.

Contract Summary

Version: 1

Vendor ID: 0000011535

Vendor Name: SAN FRANCISCO PARKS ALLIANCE

Description: Buena Vista and Dolores Park G

Contract Term: July 01, 2018 to June 30, 2020

Contract Award Amount: 156,984.00

No. of File(s): 1

File(s) Attached: Executed contract

City Representative
Completed By:

DocuSigned by:
Jennifer M. Collins

FE0E9E19101A438...

Jennifer M. Collins

Leger, Cheryl (BOS)

From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Wednesday, February 27, 2019 10:45 AM
To: SOTF, (BOS)
Subject: #2 Supporting documents for File No. 18086: Complaint filed by Mark Sullivan against the Mission Dolores Green Benefit District Formation Committee
Attachments: Dolores1.pdf; Dolores3.pdf; Dolores4.pdf; Dolores5.pdf; Dolores18.pdf; Memo Style7.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Ms. Leger,

Attached are some additional documents showing the city official Jonathan Goldberg (DPW) early involvement in the Mission Dolores GBD Formation Committee as the organizer of meetings and a conference. PR 19-517 It appears that whether or not Jonathan Goldberg was the organizer or not he attended many early formation committee meetings.

Attachment Dolores1.pdf, dated 6-12-2018 Sam Mogannam states "Jonathan and Chris, as always, thanks for your insights and guidance. We could not be doing this without you." Jonathan Goldberg (DPW) and Chris Corgas (OEWD) involvement before even the OWED/DPW grant of \$156,984.00 was given SF Park Alliance/Place Labs 7-1-2018.

I do not know if this e-mail and documents can be placed behind my e-mail with supporting documents sent 2-26-2019. It would be the best order. If not readers of this should look at my e-mail 2-26-2019 with attachments like my opening statement. There are more important documents attached to that e-mail going to the city's early involvement in the process of establishing the MDGBD formation committee and the question of jurisdiction of SOTF.

Thanks,
Mark Sullivan

List of Attachments:
Dolores1.pdf, Dolores3.pdf, Dolores4.pdf, Dolores5.pdf, Dolores18.pdf, Memo Style7.pdf

Steinberg, David (DPW)

Subject: Dolores GBD Task Force Meeting
Location: dolores Park Church 65 Dorland 4th floor

Start: Tue 6/12/2018 6:00 PM
End: Tue 6/12/2018 8:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Sam Mogannam

Hi All

Thank you for a great meeting. Loved all the energy and excitement to make our community more vibrant.

Conan, thank you for the offer to scribe a draft purpose statement.

Toral, your facilitation last night was great.

Jonathan and Chris, as always, thanks for your insights and guidance. We could not be doing this without you.

And to the original crew, thanks for bringing in the new folks.

I look forward to seeing you all next month.

Warmly

sam

Steinberg, David (DPW)

Subject: Dolores Park GBD Meeting
Location: 65 Dorland Street, 4th Fl

Start: Thu 5/17/2018 6:30 PM
End: Thu 5/17/2018 8:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Goldberg, Jonathan (DPW)

Steinberg, David (DPW)

Subject: Dolores GBD: Communications Committee
Location: 25 Ford St - San Francisco, CA, United States
Start: Thu 7/5/2018 5:30 PM
End: Thu 7/5/2018 7:30 PM
Recurrence: (none)
Meeting Status: Meeting organizer
Organizer: Goldberg, Jonathan (DPW)

Steinberg, David (DPW)

Subject: Dolores GBD Steering Committee Meeting
Location: 65 Dorland Street, Room 423

Start: Wed 8/22/2018 6:00 PM
End: Wed 8/22/2018 7:30 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Goldberg, Jonathan (DPW)

Required Attendees: rebecca@cds-sf.org; [REDACTED] Hans Kolbe;
[REDACTED]; 'Robert Brust'; Brooke Ray Rivera; 'Carolyn Thomas'; 'Sam Mogannam';
'Eric Guthertz'; toral@buildpublic.org; [REDACTED] brookeray@buildpublic.org;
[REDACTED] Toral Patel; 'Brett Lider'; 'Dana De Lara'; 'Jim Chappell'; Corgas, Christopher
(ECN); [REDACTED]; Conan McHugh

Optional Attendees: claude@sfparksalliance.org

Steinberg, David (DPW)

Subject: Mission Dolores GBD: Meeting # 2

Start: Wed 10/10/2018 5:15 PM

End: Wed 10/10/2018 8:15 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Goldberg, Jonathan (DPW)

Steinberg, David (DPW)

Subject: Dolores GBD Conference Call
Location: Conan will provide

Start: Tue 10/23/2018 6:00 PM
End: Tue 10/23/2018 7:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Goldberg, Jonathan (DPW)

Leger, Cheryl (BOS)

From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Wednesday, February 27, 2019 3:48 PM
To: SOTF, (BOS)
Subject: Supporting documents for File No. 18086: Complaint filed by Mark Sullivan against the Mission Dolores Green Benefit District Formation Committee
Attachments: chris_corgas_OEWD_helps_recruits_MDGBD_committee_members13feb18.pdf; dpw_init_isgbdgbd_100K_jan2016.pdf; Place_Lab_GBD_Amendv3_04july18.pdf; survey1.JPG; survey5priorities.JPG; survey7GBDfororagainst.JPG; oewd_sfsparkalliance_grant_01july18.pdf; openingstatement.docx

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Ms. Leger,

I would like to submit this e-mail and attachments as additional evidence into **File No. 18086: Complaint filed by Mark Sullivan against the Mission Dolores Green Benefit District Formation Committee**. All the supporting documents submitted go to the question of SOTF jurisdiction except for the video.

I am submitting my opening statement (openingstatement.docx) to the SOTF committee, which addresses SOFT jurisdiction. Neither the respondent nor I were allowed to give our opening statement at the December 18, 2018 Compliance and Amendments Committee meeting. In addition, the Compliance and Amendments Committee did not seem to follow the SOTF Deputy City Attorney instructional letter to determine whether SOFT had jurisdiction.

Attached is the July 1, 2018 OEWD and DPW grant to SF Park Alliance/ Place Labs of \$156,984.00 of which \$131,334.00 goes to helping the Mission Dolores Green Benefit District Formation Committee to establish the Mission Dolores GBD with the consultation of Place Labs. Attached is also July 4, 2018 Place Labs Amended Appendix B going into further details on the deliverables in establishing the Mission Dolores GBD. The grant file is partial missing the more boilerplate grant contract pages 7 – 25 to shorten the scrolling. The title pages, signing page and all appendix pages are included. The full grant contract is available in the public record. At the December 18, 2018 Compliance and Amendments Committee meeting, the respondent for the Mission Dolores Green Benefit District Formation Committee failed to disclose the grant money or the help of Place Labs in helping to establish the MDGBD. At least \$276,984.00 of taxpayers money has gone or is earmarked to go to the establishment of GBDs. This does not include any grants from the BOS or other city departments. oewd_sfsparkalliance_grant_01july18.pdf and Place_Lab_GBD_Amendv3_04july18.pdf

Attached are 3 .jpgs of the Mission Dolores Green Benefit District Formation Committee's neighborhood survey, which was paid for by Place Labs with city grant money. At the December 18, 2018 Compliance and Amendments Committee meeting the respondent for the Mission Dolores Green Benefit District Formation Committee said the formation committee was considering a number of community options other than a GBD, but they have failed to present any other options to the public other than a GBD in Ordinance 14-14, Article 15A. The survey, "push poll", shows only the option of a Green Benefit District. Their website, their name and the information they give out only includes the words "Green Benefit District". The SOTF Deputy City Attorney instructional letter to determine whether SOFT had jurisdiction includes snap shots of the Mission Dolores Green Benefit District Formation Committee website. The 3 jpgs are: survey1.JPG, survey5priorities.JPG and survey7GBDfororagainst.JPG.

Attached is an e-mail exchange between Chris Corgas of the Office of Economic and Workforce Development, Hans Kolbe and Sam Mogannam about recruiting Mission Dolores GBD steering committee members and setting a meeting

with them and Chris Corgas. The e-mail dates start Feb 13, 2018 well before the grant date of July 1, 2018. At the December 18, 2018 Compliance and Amendments Committee meeting the respondent for the Mission Dolores Green Benefit District Formation Committee stated that they were just a group of neighbors that got started talking in a park and that there was no city official involvement in starting their group.
chris_corgas_OEWD_helps_recruits_MDGBD_committee_members13feb18.pdf

Attached is dpw_init_isgbdgbd_100K_jan2016.pdf that lists the benefits and goals the city has in establishing Green Benefit Districts. One goal, "(3) Streamlines neighborhood outreach and communications through 1 point of contact," would essentially eliminate neighborhood associations, and make a payed GBD executive (lobbyist) the go-to person for the district and a private organization (GBD) who uses a weighted vote and weighted assessments for their existence. This "1 point of contact" would "represent all" in the GBD though their salary and existence would be mainly determined by a few. Neighbors do not get an equal choice to be in a GBD. GBDs undermine an equal vote, equal representation, and our democracy with a partial privatization of government.

Sincerely,

Mark Sullivan

List of Attachments:

openingstatement.docx

oewd_sfparksalliance_grant_01july18.pdf

Place_Lab_GBD_Amendv3_04july18.pdf

survey1.JPG

survey5priorities.JPG

survey7GBDfororagainst.JPG

chris_corgas_OEWD_helps_recruits_MDGBD_committee_members13feb18.pdf

dpw_init_isgbdgbd_100K_jan2016.pdf

econdevintern, (ECN)

From: Hans Kolbe <hanskolbe@celantrasystems.com>
Sent: Friday, February 16, 2018 9:04 AM
To: 'Robert Brust'; 'Sam Mogannam'
Cc: Corgas, Christopher (ECN)
Subject: RE: Update

I believe Sam should be there. The following week works for me, except not on Tuesday (chamber music night).

Hans Kolbe
Celantra Systems
[REDACTED]

From: Robert Brust [REDACTED]
Sent: Friday, February 16, 2018 8:32 AM
To: Sam Mogannam <[REDACTED]>
Cc: Chris Corgas <christopher.corgas@sfgov.org>; Hans Kolbe <hanskolbe@celantrasystems.com>
Subject: Re: Update

This works for me.
Robert Brust
Dolores Park Works
[REDACTED]

On Feb 16, 2018, at 4:28 AM, Sam Mogannam <[REDACTED]> wrote:

Hey all
I'd really love to be at the kickoff meeting. Can we schedule it for the following week of the 26th? I can do 6p Tuesday or Thursday. We can use our office on 20th and mission if we need space.

Thanks
Sam



Sent from my iPhone

On Feb 15, 2018, at 5:31 PM, Sam Mogannam [REDACTED] wrote:

Hi all

I'm sorry I'm just getting online. I won't be in town next Wednesday so can't be there. I also have one other person committed to attending. His name is Brett Lider. [REDACTED]

I'll see you shortly at the mtg tonight.

Thanks
Sam

On Thu, Feb 15, 2018 at 3:59 PM -0800, "Corgas, Christopher (ECN)" <christopher.corgas@sfgov.org> wrote:

Thank you all, please invite the rest of the steering committee.

Regards,

Chris Corgas, MPA

Senior Program Manager
Office of Economic and Workforce Development
1 Dr. Carlton B. Goodlett Place, Room 448
San Francisco, CA 94102
O: 415-554-6661
christopher.corgas@sfgov.org

From: Robert Brust [REDACTED]

Sent: Thursday, February 15, 2018 3:58 PM

To: Hans Kolbe <hanskolbe@celantrasystems.com>

Cc: Corgas, Christopher (ECN) <christopher.corgas@sfgov.org>; Sam Mogannam

[REDACTED]
Subject: Re: Update

We have Dolores Park Church offices, 65 Dorland for Wednesday evening, 2/21.

Robert Brust
[REDACTED]

On Feb 15, 2018, at 9:46 AM, Hans Kolbe <hanskolbe@celantrasystems.com> wrote:

Robert, can we use the church space on Dorland?

Or the Mission High School?

Hans Kolbe
Celantra Systems
[REDACTED]

From: Corgas, Christopher (ECN)
[mailto:christopher.corgas@sfgov.org]
Sent: Thursday, February 15, 2018 9:35 AM
To: Robert Brust [REDACTED] >
Cc: Sam Mogannam <[REDACTED]>; Hans Kolbe
<hanskolbe@celantrasystems.com>
Subject: RE: Update

Hi All,

Let's hold for Wednesday evening. Does anyone have space in the neighborhood or area we can use? What is everyone's preferred time? Hans/Sam can one of you invite the other members you have mentioned previously?

Thank you!

Regards,

Chris Corgas, MPA
Senior Program Manager
Office of Economic and Workforce Development
1 Dr. Carlton B. Goodlett Place, Room 448
San Francisco, CA 94102
O: 415-554-6661
christopher.corgas@sfgov.org

From: Robert Brust [REDACTED]
Sent: Tuesday, February 13, 2018 5:23 PM
To: Corgas, Christopher (ECN) <christopher.corgas@sfgov.org>
Cc: Sam Mogannam <[REDACTED]>; Hans Kolbe
<hanskolbe@celantrasystems.com>
Subject: Re: Update

Christopher, I am busy Wednesday but free that night. Anytime Monday and Tuesday is good.

Robert Brust
Dolores Park Works
[REDACTED]

On Feb 13, 2018, at 5:05 PM, Hans Kolbe
<hanskolbe@celantrasystems.com> wrote:

I sent her an invite – she has expressed interest.

Hans Kolbe
Celantra Systems
[REDACTED]

From: Corgas, Christopher (ECN)
[mailto:christopher.corgas@sfgov.org]
Sent: Tuesday, February 13, 2018 4:45 PM
To: Hans Kolbe <hanskolbe@celantrasystems.com>;
'Sam Mogannam' [REDACTED] >
Cc: 'Robert Brust' [REDACTED]
Subject: RE: Update

Hi Hans, Sam, and all,

Great job! I think we have enough to get started as well. As the steering committee moves forward lets focus on gender parity as well. I think Carolyn Thomas may be a good addition as well, thoughts?

As for an initial meeting, do you think we could get something together early next week (Monday – Wednesday)? Tuesday I have another meeting in the evening that I can't miss. Every other evening is open.

Regards,

Chris Corgas, MPA
Senior Program Manager
Office of Economic and Workforce Development
1 Dr. Carlton B. Goodlett Place, Room 448
San Francisco, CA 94102
O: 415-554-6661
christopher.corgas@sfgov.org

From: Hans Kolbe
[mailto:hanskolbe@celantrasystems.com]
Sent: Tuesday, February 13, 2018 4:24 PM
To: Corgas, Christopher (ECN)
<christopher.corgas@sfgov.org>; 'Sam Mogannam'
[REDACTED]
Cc: 'Robert Brust' <[REDACTED]>
Subject: RE: Update

Chris,

Here are the people we recruited:
Gideon Kramer, formerly Mission Dolores
Neighborhood Association, Mission history collector
Kevin O'Shea, NAG Neighborhood Action Group /
Hancock Street Neighborhood Group
Robert Brust, Dolores Works and Dolores
Ambassadors
Peter Gabel, 24th Street Noe Valley Market Square
Carolyn Kenady, Dolores Heights Improvement Club

Sam also recruited
Eric Guthertz, Principal of Mission High

I have a few more invitations outstanding. I think we
have enough to get started. Sam, Robert – any
thoughts. ?

Let's have a meeting in the week of Feb 25

Hans Kolbe
Celantra Systems
[REDACTED]

From: Corgas, Christopher (ECN)
[mailto:christopher.corgas@sfgov.org]
Sent: Tuesday, February 13, 2018 11:00 AM
To: Hans Kolbe <hanskolbe@celantrasystems.com>;
Sam Mogannam <[REDACTED]>
Subject: Update

Hi Hans and Sam,

Just would like to get an update on where you are at with steering committee members. Please provide by COB Wednesday. Also, when do you think we can get a meeting with everyone together?

Regards,

Chris Corgas, MPA

Senior Program Manager

Office of Economic and Workforce Development

1 Dr. Carlton B. Goodlett Place, Room 448

San Francisco, CA 94102

O: 415-554-6661

christopher.corgas@sfgov.org

Leger, Cheryl (BOS)

From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Tuesday, March 5, 2019 9:53 AM
To: SOTF, (BOS)
Subject: Index of sotf_030619_item6full attachment.pdf Mark Sullivan Mission Dolores GBD
Attachments: Index File No 18086 Mark Sullivan compliant against Mission Dolores Green Benefit District.docx

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Ms Leger,

Attached is an index of sotf_030619_item6full attachment.pdf in the case of Mark Sullivan and Mission Dolores GBD Formation Committee. It indexes the whole thing to pdf pages or your P stamp so that people can find things easier. I made it for myself to get to documents quickly. I thought I would share it. It is not new information, just an index.

I have no idea if can be given to all SOTF members to help them navigate the pdf. They certainly can ask me for page numbers at the hearing.

I appreciate the time you took to organize the documents. I realize I sent a lot of supporting documents, but the question of jurisdiction needed the evidence.

Thanks,
mark sullivan

Index File No 18086 Mark Sullivan compliant against Mission Dolores Green Benefit District (GBD)

Page Numbers	Description
2 P758	Complaint
11 P767	Article 15A "Green Benefit Districts" from Ordinance 14-14
17 P773	Green Benefit District Manager Job Description Dept. Public Works
20 P776	E-mail exchange City attorney's Comments on Inner Sunset GBD's Engineer's Report & Management Plan
24 P780	Jonathan Goldberg of DPW stated "The point of using City funding earlier in the GBD the City wouldn't have any leverage to direct or guide the forma on process."
26 P782	The Director of the Department of Public Works gave the suggestion to one group of citizen to form a Green Benefit District.
29 P785	Mission Dolores Green Benefit District Website screenshots by the City Attorney's Office shows "Green Benefit District" throughout the website/ no alternatives.
31 P787	Mission Dolores Green Benefit District Website explains GBD
51 P807	City Attorney's Memorandum on Complaint no. 18086
63 P819	E-mail 2-27-2019 by Mark Sullivan with additional supporting documents And an explanation for them.
65 P821	E-mail Chris Corgas (OEWD) participates in recruiting Mission Dolores GBD formation committee members and the first meeting. Getter to start at bottom up page 70 P826
71 P827	E-Mail Erin Mundy Legislative Aide Sup Mandelman
72 P828	Revised Grant Appendix B for deliverables by Place Labs/SF Park Alliance Deliverable for Mission Dolores GBD start page 77 P833
87 P843	\$156,984.00 Grant to SF Parks Alliance/Place Labs for Buena Vista and Mission Dolores GBD
107 P863	Screenshot of Mission Dolores Survey on Green Benefit Districts
108 P864	Jonathan Goldberg (DPW) explains city benefits of GBDs

109-10 P866 Screenshots of Mission Dolores Survey on Green Benefit Districts

111 P867 Mark Sullivan Opening Statement for Full Soft Hearing (since revised)

114 P870 E-mail of additional supporting documents showing Jonathan Goldberg (DPW) and Chris Corgas (OWED) helped organize the Mission Dolores GBD early on

115 P871 6-12-2018 Sam Mogannam states "Jonathan and Chris, as always, thanks for your insights and guidance. We could not be doing this without you. "

116 P872 5-17-2018 Jonathan Goldberg (DPW) Meeting Organizer for Mission Dolores GBD Formation Committee

117 P873 7-5-2018 Jonathan Goldberg (DPW) Meeting Organizer for Mission Dolores GBD Formation Committee

118 P874 8-22-2018 Jonathan Goldberg (DPW) Meeting Organizer for Mission Dolores GBD Formation Committee

119 P875 10-10-2018 Jonathan Goldberg (DPW) Meeting Organizer for Mission Dolores GBD Formation Committee

120 P876 10-23-2018 Jonathan Goldberg (DPW) Meeting Organizer for Mission Dolores GBD Formation Committee Conference Call

121 P877 E-mail Mark Sullivan additional evidence Maps of GBDs

124 P880 Mission Dolores Green Benefit District survey map

125 P881 Inner Sunset GBD survey map and GBD map showing gerrymandering

126 P882 Inner Sunset Assessment and Weighted Vote Calculations

130 P886 Ordinance 14-14

141 P897 E-mail exchanges SOTF administrator trying to find contact information for Mission Dolores Green Benefit District Formation Committee

145 P901 California Government Code 54952 (c) definition of "legislative body"
CA Attorney's Guide to Brown Act C Private or Nonprofit Corporations
and other Entities

149 P905 Correspondence between Mark Sullivan and SOFT Administrator to contact Mission Dolores GBD Formation Committee

157 P913 SOFT Administrator attempts to Contact Mission Dolores GBD Formation Committee

204 P960 Roger Hofmann Comments to Mission Dolores GBD Formation Committee being an Advisory Committee under the Sunshine Ordinance

206 P962 Conan McHugh of Mission Dolores GBD Formation Committee contacting SOTF Administrator

207 P963 Various correspondence and announcements of hearings with SOTF Administrator

Leger, Cheryl (BOS)

From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Thursday, March 28, 2019 10:26 AM
To: SOTF, (BOS)
Subject: Re: Additional questions about SOTF

Hello Ms. Leger,

I have read Section D of the Complaint Procedures and the Addendum. New information is not a problem.

Was a Order of Determination issued and on what date? From my understanding the complaint never got to an Order of Determination because the vote, 5 for and 4 against failed on continuance, and there was no Order of Determination publication?

The Addendum says: 7. If the SOTF finds violations, an Order of Determination shall be issued and provided to all parties.

I have not received any Order of Determination.

Can you please respond to this e-mail that you have received, even if you do not know the answer yet.

Thank you,
mark sullivan

Section D says:

1. Within 30 days of publication/issuance of the Order of Determination, either the petitioner/complainant or respondent may petition the SOTF for reconsideration only if information exists that was not available at the time of the hearing.

Addendum says:

7. If the SOTF finds violations, an Order of Determination shall be issued and provided to all parties. At the discretion of the Chair the matter may be referred to Committee for following up on directives and/or compliance.

On 3/22/2019 11:57 AM, SOTF, (BOS) wrote:

> Dear Mr. Sullivan:

>

> Time limit on public comment is three minutes.

> You can use the projector.

> Not sure what you mean by this statement. Does SOTF consider the question of jurisdiction on its own?

> As for the question of jurisdiction, it is always considered when a new matter is brought before a committee or the SOTF.

> Appeals process. I have attached the Complaint procedures which you can review (Section D). FOR AN APPEAL TO TAKE PLACE, THERE MUST BE NEW INFORMATION.

>

> Hope this answers some of your questions.

>

> Cheryl Leger

> Assistant Clerk, Board of Supervisors

> Tel: 415-554-7724

>

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> -----Original Message-----

> From: sfneighborhoods.net <info@sfneighborhoods.net>

> Sent: Friday, March 22, 2019 10:59 AM

> To: SOTF, (BOS) <sotf@sfgov.org>

> Subject: Re: Additional questions about SOTF

>

>

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>

> Hello Ms Leger,

>

> I have a couple more questions to add on to the below questions from my previous e-mail which I hope you received.

>

> What is the time limit for the 5pm Public Comment period of matters not before SOTF? Not that I am going to use it all.

>

> If I share one document before SOTF in that Public Comment period can I latter submit that document if I file an appeal to my only previous filed complaint?

>

> These questions all go to procedure and trying to understand the rules of SOTF.

>

> Could you send me back an e-mail just saying you have received my questions? I do realize that some questions may take some time to get an answer.

>

> Thank you for your help,

> mark

>

>

> On 3/19/2019 9:23 AM, sfneighborhoods.net wrote:
>> Hello Ms Leger,
>>
>> Thank you for your last answer. A few more questions.
>>
>> During the Public Comment period of things not before SOTF, can a
>> person use the projector to share a document?
>>
>> I take it the public can only bring up the question of jurisdiction
>> by filing a complaint that causes the question of jurisdiction to come up?
>>
>> Does SOTF consider the question of jurisdiction on it own?
>>
>> I take it that SOTF meets the first Wednesday of every month.
>>
>> This webpage
>> <https://sfgov.org/sunshine/regularly-scheduled-sotf-meetings> is out
>> of date if someone were to look at the schedule and not note 2018 at
>> the top they would think that SOTF meets every first Thursday.
>>
>> Thank you for your help,
>> mark
>>
>>
>>

Leger, Cheryl (BOS)

From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Thursday, March 28, 2019 11:18 AM
To: SOTF, (BOS)
Subject: Re: Additional questions about SOTF

Hello Ms. Leger,

Also, if people stated false information to SOTF or that is not supported by documentation that was submitted, what happens? I submit that both Conan McHugh and Jonathan Goldberg stated false information or that is not supported by documentation that was submitted and omitted information. The vote was made mainly of the testimony of people and bulk of time given to people opposed to Sunshine on the MDGBD.

I was never able to counter or respond.

Thank you for the response I just got. I am in no big hurry on getting the Order of Determination.

Thank You,
mark sullivan

On 3/22/2019 11:57 AM, SOTF, (BOS) wrote:

- > Dear Mr. Sullivan:
- >
- > Time limit on public comment is three minutes.
- > You can use the projector.
- > Not sure what you mean by this statement. Does SOTF consider the question of jurisdiction on its own?
- > As for the question of jurisdiction, it is always considered when a new matter is brought before a committee or the SOTF.
- > Appeals process. I have attached the Complaint procedures which you can review (Section D). FOR AN APPEAL TO TAKE PLACE, THERE MUST BE NEW INFORMATION.
- >
- > Hope this answers some of your questions.
- >
- > Cheryl Leger
- > Assistant Clerk, Board of Supervisors
- > Tel: 415-554-7724
- >
- > [Click here to complete a Board of Supervisors Customer Service Satisfaction form.](#)
- >
- > The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.
- >
- > Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member

of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

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>

> -----Original Message-----

> From: sfneighborhoods.net <info@sfneighborhoods.net>

> Sent: Friday, March 22, 2019 10:59 AM

> To: SOTF, (BOS) <sotf@sfgov.org>

> Subject: Re: Additional questions about SOTF

>
>

> This message is from outside the City email system. Do not open links or attachments from untrusted sources.

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> Hello Ms Leger,

>

> I have a couple more questions to add on to the below questions from my previous e-mail which I hope you received.

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>

> If I share one document before SOTF in that Public Comment period can I later submit that document if I file an appeal to my only previous filed complaint?

>

> These questions all go to procedure and trying to understand the rules of SOTF.

>

> Could you send me back an e-mail just saying you have received my questions? I do realize that some questions may take some time to get an answer.

>

> Thank you for your help,

> mark

>
>

> On 3/19/2019 9:23 AM, sfneighborhoods.net wrote:

>> Hello Ms Leger,

>>

>> Thank you for your last answer. A few more questions.

>>

>> During the Public Comment period of things not before SOTF, can a

>> person use the projector to share a document?

>>

>> I take it the public can only bring up the question of jurisdiction

>> by filing a complaint that causes the question of jurisdiction to come up?

>>

>> Does SOTF consider the question of jurisdiction on it own?

>>

>> I take it that SOTF meets the first Wednesday of every month.

>>

>> This webpage
>> <https://sfgov.org/sunshine/regularly-scheduled-sotf-meetings> is out
>> of date if someone were to look at the schedule and not note 2018 at
>> the top they would think that SOTF meets every first Thursday.
>>
>> Thank you for your help,
>> mark
>>
>>
>>

Leger, Cheryl (BOS)

From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Monday, April 29, 2019 2:27 PM
To: Leger, Cheryl (BOS)
Subject: Re: FW: PUBLIC RECORD REQUEST Immediate Disclosure Requests

Hello Ms. Leger,

On my request for SOTF to intervene on an Immediate Disclosure Request of about 6 documents, I did receive the 6 documents within the about 510 documents Ms. Marianne Thompson four days after the deadline. I don't think that Marianne Thompson/OEWD have been upholding the Sunshine Ordinance with respect to saying the screenshots of the documents as not specific enough, not replying to the request in time allowed, and "hiding" 6 Immediate Disclosure Request documents in about 510 general request documents.

I didn't want to file a SOTF complaint against Marianne Thompson/OEWD at this time. The reason for this is there are larger issues with Marianne Thompson/OEWD handling of document request. Specifically a request made Feb 11, 2019 has yet to be totally fulfilled. Part of that request was fulfilled 26 days after the request was made and the night before the SOTF March 6, 2019 hearing. The request was made by someone else other than me. That person is still trying to pursue that the request be completed by OEWD. If we do file a SOTF compliant on these issues, we would sweep it all into one complaint.

Thank You,
Mark Sullivan

On 4/29/2019 10:40 AM, Leger, Cheryl (BOS) wrote:

Dear Mr. Sullivan:

I write to ask if you have had a chance to review the many documents sent to you by Ms. Maryann Thompson? I am following up on your complaint and would like to confirm that you received the requested records you needed. Thank you.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724



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From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Tuesday, April 16, 2019 11:12 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: FW: PUBLIC RECORD REQUEST Immediate Disclosure Requests

Hello Ms Leger,

I received about 510 documents in a general request from Marianne Thompson when the Immediate Disclosure Request was for about 6 to 10 specific documents. The exact number is not known because some could be attached in one document. I was told that my Immediate Disclosure Request documents were in the 510 documents.

I have brought up the situation with the supporting PR request exchange with the Supervisor of Records (CAO) asking the following questions:

Are screenshots of a document and or text of a document specific enough for a PR request?

If you make a very specific Immediate Disclosure Request request for certain documents (about 6 to 10), can a custodian of records dump about 510 records 4 days later and say your documents are in the pile of another request?

If the answer is no to the first and yes to the second, than I guess I am satisfied. I do not suspect that will be true, but we will find out.

Thank you for your help with the PR request.

Mark Sullivan

On 4/16/2019 10:58 AM, SOTF, (BOS) wrote:

Dear Mr. Sullivan:

Last Friday, April 12, 2019, Marianne Thompson sent about 50 responses to your public records request. Has your request been satisfied? Please let me know. Thank you.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724



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From: Thompson, Marianne (ECN) <marianne.thompson@sfgov.org>
Sent: Friday, April 12, 2019 4:59 PM
To: [sfneighborhoods.net](mailto:info@sfneighborhoods.net) <info@sfneighborhoods.net>
Cc: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: PUBLIC RECORD REQUEST Immediate Disclosure Requests

Please see the documents in the previous response to your request.

We have sent you all of the documents regarding any and all Green Benefits Districts, and do not have any more documents.

M.

Marianne Mazzucco Thompson
Office of Economic and Workforce Development
City Hall, Room 448
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
P: 415-554-6297
E: Marianne.Thompson@sfgov.org



From: [sfneighborhoods.net](mailto:info@sfneighborhoods.net) [<mailto:info@sfneighborhoods.net>]
Sent: Friday, April 05, 2019 3:14 AM
To: Thompson, Marianne (ECN) <marianne.thompson@sfgov.org>
Subject: PUBLIC RECORD REQUEST Immediate Disclosure Requests

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PUBLIC RECORD REQUEST

Immediate Disclosure Requests (Requests satisfied no later than the close of business on the day following the day of the request.)

Please send me the following document(s). The document(s) can be to or from Corgas, Christopher (ECN) also misspelled as Gorgas, Christopher (ECN) . Include any attachments.

1. June 18, 2018 to June 21, 2018

Gorgas, Christopher (ECN) or Corgas, Christopher (ECN)
Subject: Clarifying action item assignments and volunteers RE: REMINDER:
Doodle Poll + Notes from 6/12 Dolores Park GBD Meeting

2. October 24, 2018

Gorgas, Christopher (ECN) or Corgas, Christopher (ECN)
Subject: Outreach Check-in: Mission Dolores GBD Feasibility Survey

3 January 10, 2018 to January 12, 2018

Corgas, Christopher (ECN)
Subject: Meeting

4 March 12, 2018

Corgas, Christopher (ECN)
Subject: Meeting Tonight

5 May 15, 2018

Corgas, Christopher (ECN)
Subject: GBD Steering Committee Meeting

6 June 1, 2018

Corgas, Christopher (ECN)
Subject: New SC member - Dolores Park GBD

Thank You,
Mark Sullivan

Leger, Cheryl (BOS)

From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Friday, May 21, 2021 11:11 AM
To: SOTF, (BOS); Bruce Wolfe (Chair, SOTF, SF)
Subject: File 21043 Complaint rewrite combining appeal of File 18086
Attachments: 21043_sotf_by_laws_sec 7 6 votes complaintform.pdf

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Hello Ms. Leger and Chairman Wolfe,

Attached is "21043_sotf_by_laws_sec 7 6 votes complaintform.pdf" is a rewrite of the complaint that combines into it other complaints and the Appeal of File 18086 which has never been heard. I have simplified the arguments and used a complaint form similar to SOTF but I believe will be more clear.

I have sent a more thorough letter to Angela Calvillo on SOTF By-laws Sec. 7 and why it violates state laws, in particularly The Brown Act.

SOTF was cced on that letter.

Thank you for your help in the matter,

mark sullivan



Made by <https://sfneighborhoods.net/>

Complaint Form for the Sunshine Ordinance Task Force

1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102

Tel. (415) 554-7724; Fax (415) 554-7854

<http://www.sfgov.org/sunshine>

E-mail: sotf@sfgov.org

Deliver Form in person, mailed, faxed or e-mail.

Petitioner/Complainant Name: Mark Sullivan

Contact Information: info@sfneighborhoods.net

(Reminder All Information Will Be Public. SOTF will not Redact or segregate information sent to them).

Date of Request: Today's date May 21-2021 This complaint combines complaints of different dates.

Appeal File No. 18086 4-26-2019 Video Taping Meeting of the MDGBD formation committee The appeal has never been heard.

File No. 20131 12-17-2020 (1 of 5 complaints) 1 being against SOTF for not hearing the appeal.

File No. 21043 2-9-2021 msullivan_vs_sotf by-laws sec7 six votes

City Official(s) and/or Employee(s), People and the Name Entity against whom the Complaint is being made: SOTF

Are you requesting a public hearing before the Sunshine Ordinance Task Force? Yes

"Public Access Laws" below will be San Francisco Sunshine Ordinance, San Francisco Administrative Code, 12L.5, California Public Records Act and/or the Ralph M. Brown Act.

If you know section(s) and subsection(s) of the public access laws that is allegedly violated Here (It is recommended to copy and paste the whole section(s) or subsection(s), but you can also put for section number (like SFSO Sec. 67.21(b)):

SFSO Sec. 67.14. Video and Audio Recording, Filming and Still Photography.

(a) Any person attending an open and public meeting of a policy body shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera, or to broadcast the proceedings, in the absence of a reasonable finding of the policy body that the recording or broadcast cannot continue without such noise, illumination or obstruction of view as to constitute a persistent disruption of the proceedings.

As to SOTF 5 vote in the affirmative and 4 against jurisdiction of SOTF File No 18086 over Green Benefit District Formation Committees and SOTF By-Laws Sec. 7 “majority of the members of the Task Force (six) shall be required for the approval” violates:

The Brown Act § 54952.6.

As used in this chapter, “action taken” means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

The Brown Act § 54952.2.

(a) As used in this chapter, “meeting” means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

Note: “Take action” has the same definition “action taken”. “Take action” is just the verb form of the noun form “action taken”.

California Constitution, Article I – Declaration of Rights, Section 3., “(2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access. A statute, court rule, or other authority adopted after the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.”

Note: SOTF determinations would be an “other authority”. This provision “shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access” goes to the whole of a determination or rule not to individual votes that make up the “authority” determination.

Jurisdiction (Section and Subsection definition in public in public access laws that support jurisdiction): SFSO 67.30 (c)

As to the Mission Dolores Green Benefit District Formation Committee or any such committee in the future.

The Brown Act § 54952

“As used in this chapter, “legislative body” means:

(c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

As to SOTF violation:

The Brown Act § 54952. As used in this chapter, “legislative body” means:

(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

San Francisco Sunshine Ordinance Section 67.5. MEETINGS TO BE OPEN AND PUBLIC; APPLICATION OF BROWN ACT All meetings of any policy body shall be open and public, and governed by the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et. seq.) and of this Article. In case of inconsistent requirements under The Brown Act and this Article, the requirement which would result in greater or more expedited public access shall apply. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Summation Court Cases related to your issues on violations or jurisdiction or other things (if known):

AARON EPSTEIN, Plaintiff and Appellant, v. HOLLYWOOD ENTERTAINMENT DISTRICT II BUSINESS IMPROVEMENT DISTRICT et al., Defendants and Respondents. 87 Cal. App. 4th 862, 872 (2001)

In this case, the Court has explained that it is sometimes improper to “elevate form over substance” and “turn a blind eye to such a subterfuge” and thus allow a local agency “to circumvent the requirements of The Brown Act.” As a result, the Court interpreted the requirement that the private entity be “created by” the elected legislative body very broadly. The Court found that it was sufficient that the City have “played some role” in bringing the private entity into existence by calling for the creation of the entity, even if it did not actually create it itself. *Thanks to the First Amendment Coalition for this summation.*

International Longshoremen's & Warehousemen's Union v. Los Angeles Export Terminal, Inc. 69 Cal. App.4th 287, B112263 (1999)

Trial Court Ruling: “The city's actions in forming LAXT “amount to the creation of LAXT by the City's elected legislative body, the Los Angeles City Council.” LAXT is a private entity created by the elected legislative body of a local agency in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation or entity, within the meaning of section 54952, subdivision (c)(1). Therefore, The Brown Act applies to the LAXT board of directors. On February 2, 1996, ILWU made a proper demand that LAXT comply with The Brown Act. “All actions taken by the LAXT [b]oard of [d]irectors within the 90 days preceding [ILWU's] demand, November 4, 1995 through February 2, 1996, are null and void” (See § 54960.1, subd. (a).)”.....

“The Act's statement of intent provides: “In enacting this chapter, the Legislature finds and declares that the public commissions, boards and [69 Cal. App. 4th 294] councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. [¶] The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.” (§ 54950; Stats. 1953, ch. 1588, § 1, p. 3270.)”.....

“In determining whether LAXT's board of directors is a legislative body within the meaning of The Brown Act, we are mindful that as a remedial statute, The Brown Act should be construed liberally in favor of openness so as to accomplish its purpose and suppress the mischief at which it is directed. (San Diego Union v. City Council (1983) 146 Cal. App. 3d 947, 955 [196 Cal. Rptr. 45] [construing open-meeting requirements].) This is consistent with the rule that “civil statutes for the protection of the public are, generally, broadly construed in favor of that protective purpose. [Citations.]” (People ex rel. Lungren v. Superior Court (1996) 14 Cal. 4th 294, 313 [58 Cal. Rptr. 2d 855, 926 P.2d 1042].)”.....

.....

“Thus, the City Council, an elected legislative body with ultimate accountability to the voters, retains plenary decision making authority over Harbor Department affairs and has jurisdiction to overturn any decision of the appointed Board of Harbor Commissioners. Here, by adopting an ordinance which approved the shareholders' agreement to form LAXT, as well as by acquiescing in the Board of Harbor Commissioners' activity in establishing LAXT, the City Council was involved in bringing LAXT into existence. Without the express or implied approval of the City Council, LAXT could not have been created. Accordingly, LAXT was created by an elected legislative body within the meaning of the statute, and the trial court properly so found.”.....

“The trial court properly held LAXT's board of directors is subject to The Brown Act because it is a legislative body within the meaning of section 54952, subdivision (c)(1)(A). This interpretation is informed by the broad purpose of The Brown Act to ensure the people's business is conducted openly. Under LAXT's constrained reading of The Brown Act, the statute's mandate may be avoided by delegating municipal authority to construct and operate a port facility to a private corporation. While there is no indication LAXT was structured in an attempt to avoid The Brown Act, LAXT's narrow reading of the statute would permit that to occur. Surely that is not what the Legislature intended.”

Description of alleged violations and attach any records to support your allegation(s):

The fact that the petitioner went to a public meeting of the Mission Dolores GBD Formation Committee (GBDFC) and started to videotape the meeting before being asked to turn the camera off, protested a little that it was a public meeting and then turned it off, has never been in dispute. The video was submitted in SOTF complaint **File No. 18086**, claiming violation of SFSO Sec. 67.14. The digital camera used was “without such noise, illumination or obstruction of view”. The meeting room, the facilitators from Place Labs/SF Park Alliance were paid for under city Contract ID# 1000012901 and a government employee with the title Green Benefit District Program Manager all participated.

Thus since the stopping of videotaping is not in dispute, the petitioner complaint revolves around 2 things: Whether SOTF has jurisdiction of a GBDFC as a private entity under The Brown Act Sec. 54952 (c)(1)(A) and while a majority of SOTF members present did vote for jurisdiction (5 to 4) it fell short of SOTF By-laws Sec. 7 six votes in the majority needed. The minority negative vote stood on jurisdiction and was used in two other complaints (SOTF File 19031 and 19032) as precedence against the petitioner. The petitioner argues that the simple majority vote was correct and should be upheld and that it is SOTF By-laws Sec. 7. that violates The Brown Act § 54952.6, The Brown Act § 54952.2 (a) and California Constitution, Article I – Declaration of Rights, Section 3.(2). If the City or SOTF puts forth arguments of a charter city, the petitioner wishes to be able to submit counter facts and arguments. They are not included in this petition.

GBDFC as a private entity under The Brown Act Sec. 54952 (c)(1)(A)

The last three attempts to establish GBDs with GBDFC have been funded by the city through contracts with private facilitators. Records show active involvement and funding of this GBDFC

for over 6 months by Place Labs/SF Park Alliance under two contracts. Records show active participation and promotion by a GBD Program Manager, a Supervisor and other government employees. All records have been previously submitted to SOTF and can be submitted again upon request.

The petitioner argues city funded GBDFC fit the definition of private entities created for the reason of establishing a government non-profit entity under a Board of Supervisor passed ordinance 14-14 establishing Article 15 A "Green Benefit Districts". The two court cases cited above have private entities more removed from government financing and direct involvement and still found the entities subject to The Brown Act under § 54952 (c)(1)(A). Article 15 A is based on state Business Improvement District (BID) law. In a case involving a BID creation EPSTEIN v. HOLLYWOOD ENTERTAINMENT DISTRICT II BUSINESS IMPROVEMENT DISTRICT (2001), the Court found that it was sufficient that the City have "played some role" in bringing the private entity into existence by calling for the creation of the entity, even if it did not actually create it itself. The other case cited above found similar.

The simple majority vote was correct and should be upheld. It is SOTF By-laws Sec. 7. that violates The Brown Act § 54952.6, The Brown Act § 54952.2 (a) and California Constitution, Article I – Declaration of Rights, Section 3.(2).

The petitioner realizes SOTF may feel or conclude some limitation to addressing this issue. Courts and legislative bodies review themselves and make changes all the time. The petitioner asks SOTF to do the best as they see fit.

It is important to keep back in mind that the SFSO Sec. 67.5 incorporates all The Brown Act and "in case of inconsistent requirements" "the requirement which would result in greater or more expedited public access shall apply."

Sunshine Ordinance Task Force By-Laws, Section 7. Action at a Meeting; Quorum and Required Vote., "The affirmative vote of a majority of the members of the Task Force (six) shall be required for the approval of all substantive matters."

The Brown Act defines "action taken" in

§ 54952.6.

"As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance."

The Brown Act requires a majority decision or an actual vote in the positive or negative.

As read, there should be the requirement of a majority decision/vote in either the positive or negative for the Sunshine Ordinance Taskforce (SOTF) to make an Order of Determination or any motion or any order. A minority negative decision/vote cannot stand just as a minority positive decision/vote cannot stand. SOFT By-laws Sec. 7 fails in requiring 6 votes in the “affirmative” and not also in the negative.

The Brown Act § 54952.6 with The Brown Act § 54952.2 (below) allows for a Simple Majority Decision/Vote of a Majority Members of a Legislative Body Sitting.

The Brown Act § 54952.6 “...decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.” There is no “all”. It is a “majority of the members” “when sitting” and this is in the definition of “action taken” on “a motion, proposal, resolution, order or ordinance.”

The Brown Act § 54952.2.

(a) “As used in this chapter, “meeting” means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.”

In the definition of “meeting” in The Brown Act § 54952.2 (a) uses “means any congregation of a majority of the members of a legislative body” .. “take action on any item that is within the subject matter jurisdiction of the legislative body.” Again, majority is not “all” members of a legislative body. It is “any congregation of a majority of the members”.

The combination of definitions in The Brown Act § 54952.6 “action taken” and The Brown Act § 54952.2 (a) “meeting” allow for a majority of the member of a legislative body or entity when sitting to make a simple majority decision/vote in the positive or negative “upon a motion, proposal, resolution, order or ordinance.” The requirement of 6 votes affirmative is a local requirement by a local government. A larger than a simple majority of a meeting of a majority of members would violate greater access laws set for in the California Constitution, The Brown Act and the San Francisco Sunshine Ordinance. SOTF is required under SFSO Sec. 67.5 Application of The Brown Act to choose “the requirement which would result in greater or more expedited public access shall apply”.

Application to SOTF

The Brown Act § 54952 definition of “legislative body” would include SOTF. The use of “entity” in The Brown Act § 54952.6 definition “action taken” would cover anything under government. The Brown Act trumps over just about everything including SFSO and city charters. It is very powerful.

SOTF By-law Sec 7 6 vote affirmative requirement violates California Constitution, Article I – Declaration of Rights, Section 3 (2)

“A statute, court rule, or other authority” (SOTF Order of Determination), “shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access.” When a majority votes in the affirmative but less than 6 and the vote is not upheld, the ruling does not further the people’s right of access broadly. If the 6 vote requirement in the affirmative is left, I think petitioners can make a good argument that their petition be heard and voted by the full 11 member SOTF. This would result in a 6 vote majority in the positive or negative. This would effectively slow petitions to SOTF on close votes to rehear a petition before a full SOTF hearing.

There is more information in my letter to Angela Calvillo, Clerk of the Board, dated 5-21-2021 which I also sent a copy to SOTF.

Attached is the request for appeal of **File No. 18086** and the “received” in the affirmative by SOTF within SOTF rules of appeal. I believe this is the fourth time I have sent this record to SOTF over a couple of years. Other records mentioned can be sent on request but are in the possession of SOTF.

Exhibit 1

Subject: RE: Appeal File No 18086 Mark Sullivan MDGBD FC video taping
From: "SOTF, (BOS)" <sotf@sfgov.org>
Date: 4/26/2019, 3:25 PM
To: sfneighborhoods.net <info@sfneighborhoods.net>

Received.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

[Click here to complete a Board of Supervisors Customer Service Satisfaction form.](#)

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-----Original Message-----

From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Friday, April 26, 2019 11:20 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Appeal File No 18086 Mark Sullivan MDGBD FC video taping

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Ms. Leger,

Attached is my appeal for File No 18086 Mark Sullivan MDGBD FC video taping with new evidence/supporting documents.

Could you please reply back to me that you have received this e-mail.
Just want to make sure my appeal is received within the 30 day window.

Thank You,
Mark Sullivan

Neighborhood improvements can be funded in a variety of ways, through fundraising, private donors, and special assessment districts.

Across North America, over 2,000 communities have created special assessment districts in order to achieve their specific neighborhood goals. In San Francisco, they are called Community and Green Benefit Districts. Dogpatch & NW Potrero Hill formed the City's first GBD in 2015.

A GBD could be used to fund improvements above and beyond the City baseline in the Mission Dolores neighborhood. If formed, property owners would pay an annual assessment for a finite term. The assessments, collected by the City Assessor's Office, would fund projects and activities decided on by a local Board, made up of property owners, businesses and other community stakeholders - rather than City Hall. It would allow our neighborhood to advocate and predictably implement a range of public improvements otherwise not available.

In the case of the Dogpatch & NW Potrero Hill, now in its third year of operation, their GBD completed 50 community projects, engaged 3,000 volunteer hours, and leveraged over \$12.5 million in outside funding.

Back

Next



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In the case of the Dogpatch & NW Potrero Hill, now in its third year of operation, their GBD completed 50 community projects, engaged 3,000 volunteer hours, and leveraged over \$12.5 million in outside funding

Back

Next



Thank you for hearing my complaint.

The main purpose of my complaint is to get a judgement as to if and when the Sunshine Ordinance applies to Green Benefit District Formation Committees and any future constructions of private/government bodies or privatization of parts of government. The complaint filed against the Mission Dolores Green Benefit District Formation Committee of stopping the videotaping at one of their public meetings is easily provable by looking at the video.

In the Sunshine Ordinance under 67.3 Definitions:

(d) "Policy Body" shall mean:

(3) Any board, commission, committee, or other body created by ordinance or resolution of the Board of Supervisors;

In regards to "policy body", I have submitted many pieces of evidence that as a Green Benefit District Formation Committee goes through the process set forth in Article 15A of Ordinance 14-14, they make policy decisions on citizens of San Francisco that the citizens cannot opt out of.

In regards to the question of creation of a body in the clause "Any board, commission, committee, or other body created by ordinance or resolution of the Board of Supervisors;", I interpret this clause to mean that it is the ordinance or resolution that creates the board, commission, committee or other body. The use of "of the Board of Supervisors" stipulates to the origin of the ordinance or resolution, but does not mean that the Board of Supervisors actively assembles or names a body created by the ordinance they have passed. Committees or other bodies that actively pursue the goals of the ordinance are a creation of that ordinance. Under this interpretation, city departments and SF citizens can create committees and other bodies in having powers given by the ordinance to make policy decisions in pursuit of the goals of the ordinance. As to Green Benefit District Formation Committees, they would not exist if not for Article 15A. The Green Benefit District goal and the process and power given to Formation Committees come from Article 15A, Ordinance 14-14 of the Board of Supervisors.

Article 15A of Ordinance 14-14 lays out the procedures a Green Benefit District Formation Committee or the city government needs to follow in order to establish a Green Benefit District. Article 15A has a couple of points that anybody establishing a Green Benefit District must go through the Board of Supervisors. The first of which is:

Under Definitions, page 2 of Article 15A

(b) **Petitions.** Notwithstanding California Streets and Highways Code Section 36621(a) or any other provision of state law to the contrary, the Board of Supervisors may initiate proceedings to establish a property and business improvement district upon receipt of a petition signed by property owners in the proposed district who will pay at least 30 percent of the assessments proposed to be levied.

After a Green Benefit District Formation Committee has made policy decisions like which property owners will be in a Green Benefit District, their assessment, their weighted vote, the Green Benefit District board composition, and how it is elected in the Green Benefit District's management plan, the BOS **may** decide to initiate proceedings to form a Green Benefit District. The Green Benefit District Formation Committee plan with a weight petition of 30% of property owners advises the BOS to initiate proceedings early in the process and before Green Benefit District is constituted. On behalf of Public Works, the City Attorney's Office reviews and makes suggested changes to the draft management plan and engineering report before the petition drive to make sure what is in them is legally OK for the BOS after the petition. It is during the policy decision and creation of a management plan that Sunshine is needed most. After a Green Benefit District is established and many important hard to change policy decisions have been made, Sunshine or no Sunshine after is not open government.

The very fact that the BOS has passed Article 15A in Ordinance 14-14 and the need to have Green Benefit District Formation Committees to reach the goal of Article 15A to establish Green Benefit Districts should be enough to have formation committees covered under the Sunshine Ordinance. The BOS, the City Attorney's Office, the Department of Public Works, and now the Office of Economic Workforce Development all participate in the formation of Green Benefit Districts. Specifically to the Mission Dolores Green Benefit District Formation Committee, SF Park Alliance and their Place Labs have been awarded a \$156,984.00 grant to explore the level of support for the formation of two GBD the Buena Vista and Dolores Park (Mission Dolores) Green Benefit Districts. Of the \$156,984.00, a \$131,334.00 goes to establishing the Mission Dolores Green Benefit District. In the supporting documents submitted, Chris Corgas of OEWD participated in the formation of the Mission Dolores GBD formation committee. In the supporting documents, Jonathan Goldberg of DPW stated "The point of using City funding earlier in the GBD formation process is to enter into a contract with all parties – community, consultant, and City – that lays out a firm set of deadlines, schedules, and deliverables. The contract is generally like a challenge grant, requiring the community to leverage the City's investment in their efforts. Otherwise, the community could fundraise as much as they'd like, hire a consultant to guide them through this process, and the City wouldn't have any leverage to direct or guide the formation process."

The representatives of Mission Dolores GBD failed to disclose at the SOTF Compliance and Amendments hearing that they were getting financial, consultation, website and survey support from SF Park Alliance Place Labs. They may not have known of the DPW and OEWD grant, but they did know about the consulting they were getting. The Mission Dolores GBD formation representatives at the last hearing stated that they were just a group of citizens exploring a variety of community options including Green Benefit Districts. They may state that, but in their survey, website and meetings they have yet to put forth any community options other than a Green Benefit District. The term Green Benefit District and GBD is in their name, on their website, what they speak about at their meetings and on the materials that the public sees.

The writers of the Sunshine Ordinance understood that the making of public policy would evolve when they wrote:

(c) Although California has a long tradition of laws designed to protect the public's access to the workings of government, every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New approaches to government constantly offer public officials additional ways to hide the making of public policy from the public. As government evolves, so must the laws designed to ensure that the process remains visible.

I do not think it was the intention of the BOS in passing Article 15A to hide anything, I just think the Sunshine Ordinance must catch up to the evolution of government.

Thank you for your time.

Appendix B--Definition of Grant Plan

The term “Grant Plan” shall mean the following:

I. PROJECT DEFINITIONS

APN – Assessor’s Parcel Number

GBD – Green Benefit District

City – City and County of San Francisco

City’s Team –

Christopher Corgas, Senior Program Manager, OEWD
Jonathan Goldberg, Program Manager, Public Works
Helen Mar, Project Specialist, OEWD

District Supervisor – Supervisor on the City and County of San Francisco Board of Supervisors, representing District 8

FPS – GBD Feasibility Phase Survey

Grantee – Place Lab (a DBA/FBN of Build Public)

Grantee’s Team –

Brooke Ray Rivera, Executive Director, Place Lab
Toral Patel, Program Manager, Place Lab

MOU – Memorandum of Understanding

OEWD – Office of Economic and Workforce Development, a department of the City.

Project Area A – Neighborhood surrounding Buena Vista Park

Project Area B – Neighborhood surrounding Dolores Park.

PW – Department of Public Works, a department of the City.

Steering Committee – A committee that will work with Grantee to determine the feasibility of GBD formation or expansion

II. DESCRIPTION OF SERVICES

A Green Benefit District is a public/private partnership in which property owners choose to make a collective contribution to the maintenance, development and promotion of their neighborhoods and public realm assets through a special assessment of their properties.

GBDs represent a long-term financial commitment; therefore the formations or expansions of GBDs require the support of property owners in the district. GBDs are formed or expanded when there is widespread support among property owners who are fully informed about the proposed district.

The intent of this Agreement is to determine the level of support for the formation of a two new GBDs, one in the area surrounding Buena Vista Park and one in the area surrounding Dolores Park. This determination of support is referred to as the GBD Feasibility Phase.

III. TASKS AND DELIVERABLES FOR PROJECT AREA A: GREATER BUENA VISTA (GBV) NEIGHBORHOOD

Task 1. Support Community Meeting #1

- Grantee shall support a community meeting in Project Area A regarding the formation of a Green Benefit District. Grantee shall be responsible for:
 - Meeting preparation
 - Meeting materials
 - Meeting facilitation
 - Meeting minutes/notes
 - Meeting debrief with the Greater Buena Vista GBD steering committee.

Task 1. Deliverables

- A. Invoice for time spent completing Task 1
- B. Copy of meeting minutes/notes
- C. Sign in sheets for community meeting showing attendance

Task 2. Develop collateral

- Grantee shall develop collateral for the formation of the Greater Buena Vista GBD
- Collateral shall include, but is not limited to, the following:
 - Fact sheet
 - Frequently Asked Questions (FAQs)
 - A map of the area

Task 2 Deliverables

- D. Invoice(s) for the drafting of content, graphic design services, and the printing of collateral.
- E. A copy of the fact sheet
- F. A copy of the Frequently Asked Questions document
- G. A copy of the map of the area

Task 3. Preliminary Website and Database Management

- Grantee shall develop a website for the Project Area A GBD formation
- Grantee shall develop and manage a database of property owners for the Project Area A GBD formation

Task 3 Deliverables

- H. Invoice(s) from Ken Cook Consulting for website development and database development and management
- I. A functional website url for the Project Area A GBD formation
- J. A copy of the completed database

Task 4. Support Community Meeting #2

- Grantee shall support a community meeting in Project Area A regarding the formation of a Green Benefit District. Grantee shall be responsible for:
 - Meeting preparation
 - Meeting materials
 - Meeting facilitation
 - Meeting minutes/notes
 - Meeting debrief with the Greater Buena Vista GBD steering committee

Task 4 Deliverables

- K. Invoice for time spent completing Task 2
- L. Copy of meeting minutes/notes
- M. Sign in sheets for community meeting showing attendance

Task 5. Website Management

- Grantee shall be responsible for managing the Project Area A website
- Grantee shall be responsible for all domain hosting fees and volunteer coordination in relation to the website

Task 5 Deliverables

- N. Invoice(s) for website management work

Task 6. Analyze Survey results

- Grantee shall analyze and synthesize all GBD survey results

Task 6 Deliverables

- O. Invoice(s) for time spent analyzing and synthesizing all survey results
- P. Draft survey results

Task 7. Develop Outreach Summary Report

- Grantee shall draft an outreach summary report, which shall include the following work:
 - Content
 - Layout and design
 - Any and all revisions
- Outreach summary report shall include
 - Results of community meetings
 - Finalized survey results
 - Recommendations and suggestions for the Project Area A GBD steering committee
 - An explanation of methodology on how report was constructed

Task 7 Deliverables

- Q. Invoice(s) for the content, layout and design, and any and all revisions related to Outreach Summary Report
- R. Final Outreach Summary Report

Task 8. Ongoing Community and Stakeholder Engagement

- Grantee shall provide ongoing community and stakeholder engagement support including, but not limited to, the following:
 - Mailer productions
 - Setting up and hosting meetings
 - Making and setting up phone calls
 - Supporting Steering Committee in setting up a blog; Steering Committee will be responsible for creating and maintaining content

Task 8 Deliverables

- S. Invoice(s) for work related to Task 8, with sufficient detail to determine what was accomplished
- T. A copy of each item produced under Task 8
- U. Proof of mailing for any item that requires mailing under Task 8

IV. TASKS AND DELIVERABLES FOR PROJECT AREA B: DOLORES PARK NEIGHBORHOOD

Task 1. Monthly Steering Committee Meetings

- Grantee shall organize and facilitate monthly Project Area B steering committee meetings. Meetings shall develop the vision and mission for a potential GBD in Project Area B.
- Grantee shall build steering committee capacity for Project Area B GBD feasibility and formation.
- Grantee shall finalize Project Area B boundaries with input from steering committee.

Task 1 Deliverables

- A. Invoice(s) for time spent completing Task 1.
- B. An agenda and meeting minutes for each steering committee meeting

Task 2. Develop and Manage Website

- Grantee shall be responsible for managing the Project Area B website.
- Grantee shall be responsible for all domain hosting fees and volunteer coordination in relation to the website.

Task 2 Deliverables

- C. Invoice(s) for website development and ongoing management, including domain fees.
- D. A functional website url for Project Area B GBD formation.

Task 3. Develop Collateral

- Grantee shall develop collateral for the formation of the Dolores Park GBD.
- Collateral shall include, but is not limited to, the following:
 - Fact sheet
 - Frequently Asked Questions (FAQs)
 - A map of the area

Task 3 Deliverables

- E. Invoice(s) for the drafting of content, graphic design services, and the printing of collateral.
- F. A copy of the fact sheet.
- G. A copy of the Frequently Asked Questions document.
- H. A copy of the map of the area.

Task 4. Conduct Community Meeting #1

- Grantee shall support a community meeting in Project Area B regarding the formation of a Green Benefit District. Grantee shall be responsible for:
 - Meeting preparation
 - Meeting materials
 - Meeting facilitation
 - Meeting minutes/notes

- Meeting debrief with the Dolores Park GBD steering committee.

Task 4 Deliverables

- I. Invoice for time spent completing Task 4.
- J. Copy of meeting minutes/notes
- K. Sign in sheets for community meeting showing attendance

Task 5. Draft Property Owner and Business Databases

- Grantee shall develop and maintain a property owner databases of all parcels within Project Area B. Property owner database shall contain:
 - APN
 - Owner Name
 - SITUS
 - Mailing Address
 - Mailing City
 - Mailing State
 - Mailing Zip Code
- Grantee shall develop and maintain a business database of all businesses with Project Area B. Business database shall include:
 - Business name
 - Business address
 - Owner name
 - Owner contact info

Task 5 Deliverables

- L. Invoice(s) for time and fees related to the development of these databases.
- M. Final property owner database
- N. Final business database

Task 6. Develop Survey Questionnaire

- Grantee shall develop and draft a FPS for the proposed Dolores Park GBD. The FPS will allow City's Team and the Dolores Park GBD Steering Committee to determine if pursuing a GBD within the proposed district is feasible. Additionally, FPS results will serve as a guide for the development of the Dolores Park GBD management plan if the proposed GBD is determined to be feasible. The FPS will provide property owners and stakeholders the opportunity to give valuable feedback on what they see as the proposed district's biggest concerns and if they are interested in pursuing a GBD. The survey will be reviewed by City's Team before it is disseminated. Potential questions must include one in which the participant is directly asked if they are interested in pursuing a GBD in a yes or no format.

Task 6 Deliverables

- O. Invoice(s) for time and materials utilized on the development if a survey questionnaire.
- P. Email approval from City's Team indicating survey questionnaire meets City standards.
- Q. Finalized survey questionnaire.

Task 7. Disseminate Survey

- Grantee shall mail surveys to all property owners, merchants, and stakeholders by United States Postal Service (USPS). Grantee may also distribute surveys via email, in person, or via the internet.

Task 7 Deliverables

- R. Invoice(s) for surveying printing and postage.
- S. Invoice(s) for any work related to in person or digital release of surveys.
- T. Receipts for printing and postage

Task 8. Tabulate and Analyze Survey Results

- Grantee shall tabulate, analyze, and synthesize all GBD survey results.

Task 8 Deliverables

- U. Invoice(s) for time spent tabulating, analyzing, and synthesizing all survey results
- V. Draft survey results

Task 9. Conduct Community Meeting #2

- Grantee shall support a community meeting in Project Area B regarding the formation of a Green Benefit District. Grantee shall be responsible for:
 - Meeting preparation
 - Meeting materials
 - Meeting facilitation
 - Meeting minutes/notes
 - Meeting debrief with the Dolores Park GBD steering committee.

Task 9. Deliverables

- W. Invoice for time spent completing Task 9.
- X. Copy of meeting minutes/notes
- Y. Sign in sheets for community meeting showing attendance

Task 10. Draft and Final Survey Summary Report

- Grantee shall draft a survey summary report, which shall include the following work:
 - Content
 - Layout and design
 - Any and all revisions
- Survey summary report shall include
 - Results of community meetings
 - Finalized survey results
 - Recommendations and suggestions for the Project Area B GBD steering committee

- An explanation of methodology on how report was constructed.

Task 10. Deliverables

- Z. Invoice(s) for the content, layout and design, and any and all revisions related to Survey Summary Report
- AA. Final Survey Summary Report

Task 11. Conduct Community Meeting #3

- Grantee shall support a community meeting in Project Area B regarding the formation of a Green Benefit District. Grantee shall be responsible for:
 - Meeting preparation
 - Meeting materials
 - Meeting facilitation
 - Meeting minutes/notes
 - Meeting debrief with the Dolores Park GBD steering committee.

Task 11 Deliverables

- BB. Invoice for time spent completing Task 11.
- CC. Copy of meeting minutes/notes
- DD. Sign in sheets for community meeting showing attendance

Task 12. Ongoing Community and Stakeholder Engagement

- Grantee shall provide ongoing community and stakeholder engagement support including, but not limited to, the following:
 - Mailer productions
 - Promotional and marketing materials
 - Setting up and hosting meetings
 - Making and setting up phone calls
 - Neighborhood events

Task 12 Deliverables

- EE. Invoice(s) for work related to Task 12, with sufficient detail to determine what was accomplished.
- FF. A copy of each item produced under Task 12.
- GG. Proof of mailing for any item that requires mailing under Task 12.

Task 13. Biweekly Public Meetings to Develop Management Plan and Engineer's Report for Project Area B GBD

- Grantee shall organize and provide support for no less than 8 public meetings to develop a Project Area B GBD management plan and engineer's report.

Task 13 Deliverables

- HH. Invoice(s) for time, labor, and materials related to the completion of task 13.
- II. Meeting agendas for each community meeting.
- JJ. Meeting notes for each community meeting.

Task 14. Draft and Final Management Plan

- Grantee shall develop a management plan based off survey questionnaire input and public meetings.
- Grantee's first version of management plan shall be known as the draft version.
- Draft version of the management plan must be approved by a majority vote of the Project Area B steering committee.
- Draft version of the management plan shall be submitted to both City's Team and the City Attorney for review.
- Grantee shall not have a finalized management plan until an approval letter from both City's Team and the City Attorney has been received.

Task 14. Deliverables

- KK. Invoice(s) for time, materials, and labor spent on the development of draft and finalized management plan for Project Area B.
- LL. All draft management plans for Project Area B.
- MM. Final management plan for Project Area B.

Task 15. Draft and Final Engineer's Report

- Grantee shall develop an engineer's report based off survey questionnaire input and public meetings.
- Grantee's first version of engineer's report shall be known as the draft version.
- Draft version of the engineer's report must be approved by a majority vote of the Project Area B steering committee.
- Draft version of the engineer's report shall be submitted to both City's Team and the City Attorney for review.
- Grantee shall not have a finalized engineer's report until an approval letter from both City's Team and the City Attorney has been received.

Task 15 Deliverables

- NN. Invoice(s) for time, materials, and labor spent on the development of draft and finalized engineer's report for Project Area B,
- OO. All draft engineer's report for Project Area B.
- PP. Final engineer's report for Project Area B.

Task 16. Assessment Database

- Grantee shall develop an assessment database for Project Area B. Assessment database shall contain:
 - APN.
 - Owner Name.
 - SITUS.

- Parcel characteristics used to calculate assessments
- Total Assessment to be paid on that parcel.
- % that parcel's payment would be of total (% of total assessment).
- Care of.
- Mailing Address.
- Mailing City.
- Mailing State.

Task 16 Deliverables

- QQ. Invoice(s) for all time, labor, and related fees for the completion of an assessment database for Project Area B.
- RR. Final assessment database for Project Area B.

Task 17. PW and City Attorney Review and Approval

- Grantee shall obtain Public Works and City Attorney approval on the Finalized Management Plan and Engineer's Report for Project Area B.
- Grantee shall communicate the contents of the finalized Management Plan and Engineer's Report for Project Area B to the appropriate District Supervisor(s)

Task 17 Deliverables

- SS. Approval emails from Public Works and City Attorney for the finalized Management Plan and Engineer's Report.
- TT. Email indicating contents of Management Plan and Engineer's Report have been shared with the appropriate District Supervisor(s)

Task 18. Property Owner Outreach

- Grantee shall host between 5 and 10 meetings with large stakeholders in Project Area B.
- Large stakeholders shall mean the top 100 individual largest assessment holders in Project Area B.

Task 18 Deliverables

- UU. Invoice(s) for time, labor, and costs incurred in the completion of Task 18.

Task 19. Ongoing Community and Stakeholder Engagement

- Grantee shall provide ongoing community and stakeholder engagement support including, but not limited to, the following:
 - Mailer productions
 - Promotional and marketing materials
 - Setting up and hosting meetings
 - Making and setting up phone calls
 - Neighborhood events

Task 19 Deliverables

- VV. Invoice(s) for work related to Task 19, with sufficient detail to determine what was accomplished.
- WW. A copy of each item produced under Task 19.
- XX. Proof of mailing for any item that requires mailing under Task 19.

Task 20. Develop Petition campaign Outreach Materials and Strategy

- Grantee shall develop petition phase outreach materials and strategy.

Task 20 Deliverables

- YY. Invoice(s) for all time, labor, and materials used in the completion of Task 20.

Task 21. Review of Petition Package by City Attorney and PW

- Grantee shall secure approval of the City Attorney and PW prior to mailing the petition package to potential assessment payers.

Task 21 Deliverables

- ZZ. Approval email from the City Attorney
- AAA. Approval email from PW

Task 22. Develop and Mail Petition Package

- Grantee shall develop and mail a petition package to all potential assessment payers within Project Area B.

Task 22 Deliverables

- BBB. Invoice(s) for the printing and mailing of petitions

Task 23. Property Owner Outreach and Petition Tracking

- Grantee shall be responsible for property owner outreach through the petition phase.
- Grantee shall be responsible for tracking returned petitions throughout the petition phase.
- Grantee shall conduct outreach to ensure 30% or more of the total weighted assessments of the district respond in favor of forming a GBD.
- In the event the third bullet point of Task 23 is not completed, Grantee cannot bill or invoice for Tasks 24 – 31.

Task 23 Deliverables

- CCC. Invoice(s) for time, labor, and costs incurred in the completion of Task 23.
- DDD. Bi-weekly petition tracker updates to City's Team.

Task 24. Communications and Engagement for Government Audit and Oversight Committee and Board of Supervisors Hearings

- Grantee shall be responsible for all pertinent community communication and engagement related to Government Audit and Oversight Committee hearings and Board of Supervisors hearing.

Task 24 Deliverables

EEE. Invoice(s) for time, labor, and costs incurred in the completion of Task 24.

Task 25. Ongoing Community and Stakeholder Engagement

- Grantee shall provide ongoing community and stakeholder engagement support including, but not limited to, the following:
 - Mailer productions
 - Promotional and marketing materials
 - Setting up and hosting meetings
 - Making and setting up phone calls
 - Neighborhood events

Task 25 Deliverables

FFF. Invoice(s) for work related to Task 19, with sufficient detail to determine what was accomplished.

GGG. A copy of each item produced under Task 19.

HHH. Proof of mailing for any item that requires mailing under Task 19.

Task 26. Develop Ballot Campaign Outreach Materials and Strategy

- Grantee shall develop a ballot campaign strategy and develop outreach materials for the ballot phase.

Task 26 Deliverables

III. Invoice(s) for work related to Task 26.

Task 27. Develop Ballot Cover Letter and Submit to the Department of Elections

- Grantee shall develop a ballot package which shall include cover letter, final Management Plan, and final Engineer's Report and submit it to the Department of Elections via PW.

Task 27 Deliverables

JJJ. Invoice(s) for work related to Task 27 along with final version of cover letter.

Task 28. Property Owner Outreach and Ballot Tracking

- Grantee shall be responsible for property owner outreach through the balloting period, ensuring that identified “YES” votes fill out their ballot(s) and turn them into the Department of Elections via mail, courier, or in person.
- Grantee shall receive a ballot report every Friday of the balloting period from PW. Grantee shall review balloting report and provide a best guess estimate to whether or not a vote is in favor of the GBD or not. Grantee shall provide City’s Team an estimate of where the vote would land if election ended at that ballot period.

Task 28 Deliverables

KKK. Invoice(s) for any mailers sent out associated with property owner outreach during this period.

LLL. Ballot reports returned to City’s Team with updated hypotheses and vote projections.

Task 29. Communication and Engagement for Board of Supervisors Hearing and Resolution of Establishment

- Grantee shall be responsible for all pertinent community communication and engagement related to Government Audit and Oversight Committee hearing(s) and Board of Supervisors hearing(s) related to balloting.

Task 29 Deliverables

MMM. Invoice(s) for all time, materials, labor, and costs incurred in the completion of Task 29.

Task 30. Ongoing Community and Stakeholder Engagement

- Grantee shall provide ongoing community and stakeholder engagement support including, but not limited to, the following:
 - Mailer productions
 - Promotional and marketing materials
 - Setting up and hosting meetings
 - Making and setting up phone calls
 - Neighborhood events

Task 30 Deliverables

NNN. Invoice(s) for work related to Task 30, with sufficient detail to determine what was accomplished.

OOO. A copy of each item produced under Task 30.

PPP. Proof of mailing for any item that requires mailing under Task 30.

Task 31. Resolution of Establishment Signed by the Mayor and Certified by the Clerk of the Board of Supervisors

- Grantee shall provide City’s Team with a certified copy, with Mayor’s signature, of the Resolution of Establishment indicating the GBD passed the vote and has been established.

Task 31 Deliverables

QQQ. A copy of the Resolution of Establishment for Project Area B with Mayor's signature and certified by the Clerk of the Board of Supervisors.

18. Considering what you know now, how strongly would you support formation of a Green Benefit District in Mission Dolores?

- ☐ I strongly favor formation of the GBD
- ☐ It is an interesting idea but I need more information
- ☐ I don't favor formation of the GBD

Back

Next



Leger, Cheryl (BOS)

From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Thursday, June 10, 2021 2:11 PM
To: SOTF, (BOS)
Subject: Additional Submission File No. 18086: Hearing regarding request for reconsideration to find out what is in the file.
Attachments: on soft by laws section 7.pdf; Rewrite 18086 sotf_by_laws_sec 7 6 votes complaintform.pdf; 2021-5-21 Calvillo Angela response.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Ms. Leger,

Attached are 3 files of addition information regarding File No 18086.

The complaint form is a rewrite of my appeal with new evidence and court cases cited. Rewrite 18086 sotf_by_laws_sec 7 6 votes complaintform.pdf

Please place in file. Thank You,

mark sullivan

I am writing in request to allow the Sunshine Ordinance Task Force (SOTF) to change its By-Laws, Section 7. Action at a Meeting; Quorum and Required Vote., "The presence of a majority of the Task Force members (six) shall constitute a quorum. The affirmative vote of a majority of the members of the Task Force (six) shall be required for the approval of all substantive matters. Procedural matters shall require an affirmative vote of a majority of the members present. At committee meetings a quorum shall be a majority of the members of the committee. If a quorum is not present, no official action may be taken, except roll call, recess or adjournment." so that SOTF can comply with The Brown Act and the California Constitution.

The following is a series of arguments as why the SOTF Sec. 7 violates The Brown and CA Constitution and why San Francisco Municipal Code Sec. 14.101 (b) in whole should not apply to SOTF. Why SOTF is a "statewide concern" and does not qualify as a "municipal affair". I am only arguing in relationship to SOTF though some of these state laws may apply to other government entities to some extent.

Let me preference this that in my first complaint with SOTF, I won the majority vote with a 5 to 4 vote but lost because of the 6 vote requirement in the affirmative. This decision was later used against me in two other complaints as precedence even though it was minority opinion and the composition of the majority changed for the next two complaints.

Rosenberg's Rules of Order "In a democracy, a simple majority vote determines a question. All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item." With SOTF and 6 vote requirement in the affirmative you can have a reverse effect, where the minority effectively cuts off the ability of the majority to take an action or discuss an item not only at the time but into the future even when new information can be presented. This is anti-democratic. It is not allowed by The Brown Act.

San Francisco Sunshine Ordinance (SFSO), Sec. 67.5 incorporates all The Brown Act and "in case of inconsistent requirements" "the requirement which would result in greater or more expedited public access shall apply." I am using SFSO in the same convention of CPRA.

The Brown Act defines "action taken" in

§ 54952.6.

"As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance."

The Brown Act requires a majority decision or an actual vote in the positive or negative.

As read, there should be the requirement of a majority decision/vote in either the positive or negative for SOTF to make an Order of Determination or any motion or any order. A minority negative decision/vote cannot stand just as a minority positive decision/vote cannot stand. SOTF By-laws Sec. 7 fails in requiring 6 votes in the “affirmative” and not also in the negative.

The Brown Act § 54952.6 with The Brown Act § 54952.2 (below) allows for a Simple Majority Decision/Vote of a Majority Members of a Legislative Body Sitting.

The Brown Act § 54952.6 “...decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.” There is no “all”. It is a “majority of the members” “when sitting” and this is in the definition of “action taken” on “a motion, proposal, resolution, order or ordinance.”

The Brown Act § 54952.2.

(a) “As used in this chapter, “meeting” means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.”

In the definition of “meeting” in The Brown Act § 54952.2 (a) uses “means any congregation of a majority of the members of a legislative body” .. “take action on any item that is within the subject matter jurisdiction of the legislative body.” Again, majority is not “all” members of a legislative body. It is “any congregation of a majority of the members”.

The combination of definitions in The Brown Act § 54952.6 “action taken” and The Brown Act § 54952.2 (a) “meeting” allow for a majority of the member of a legislative body or entity when sitting to make a simple majority decision/vote in the positive or negative “upon a motion, proposal, resolution, order or ordinance.” The requirement of 6 votes affirmative is a local requirement by a local government. A larger than a simple majority of a meeting of a majority of members would violate greater access laws set for in the California Constitution, The Brown Act and the San Francisco Sunshine Ordinance. SOTF is required under SFSO Sec. 67.5 Application of The Brown Act to choose “the requirement which would result in greater or more expedited public access shall apply”.

Application to SOTF

The Brown Act § 54952 definition of “legislative body” would include SOTF. The use of “entity” in The Brown Act § 54952.6 definition “action taken” would cover anything under government. The Brown Act trumps over just about everything including SFSO and city charters. It is very powerful.

SOTF By-law Sec 7 6 vote affirmative requirement violates California Constitution, Article I – Declaration of Rights, Section 3 (2)

“A statute, court rule, or other authority” (SOTF Order of Determination), “shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access.” When a majority votes in the affirmative but less than 6 and the vote is not upheld, the ruling does not further the people’s right of access broadly. If the 6 vote requirement in the affirmative is left, I think petitioners can make a good argument that their petition be heard and voted by the full 11 member SOTF. This would result in a 6 vote majority in the positive or negative. This would effectively slow petitions to SOTF on close votes to rehear a petition before a full SOTF hearing.

The State of California does not use a 6 vote requirement in the affirmative for passing bills.
From <http://www.leginfo.ca.gov/bil2lawx.html>

Committee Hearings: “It takes a majority vote of the full committee membership for a bill to be passed by the committee.”

“Bills that require an appropriation or that take effect immediately, generally require 27 votes in the Senate and 54 votes in the Assembly to be passed. Other bills generally require 21 votes in the Senate and 41 votes in the Assembly. If a bill is defeated, the Member may seek reconsideration and another vote.” Note these are simple majorities and even with defeat there can be a request for reconsideration.

Why the San Francisco Sunshine Ordinance and SOTF are not Municipal Affairs that Local Law can be applied to outside from of the Ordinance.

Multiple reasons, any one of which if upheld would disallow the use of San Francisco Municipal Code Sec. 14.101 (b) on SOTF. One of these reasons is even a San Francisco City Charter Municipal Code. These arguments are about a City Charter Municipal Code being applied to “statewide concerns”, especially to “public access to public information”.

The Charter of the City and County of San Francisco was adopted on November 7, 1995, and became effective July 1, 1996. The San Francisco Sunshine Ordinance of 1999 (SFSO) and importantly Sec. 67.36. Sunshine Ordinance Supersedes other Local Laws was voted in by the citizenry on November 2, 1999 but with limits. This was with the full knowledge that San Francisco was a Charter City and all the provisions in that charter. Charter city provisions “are the law of the State and have the force and effect of legislative enactments” (CA Constitution Art XI, Sec. 3) but are limited to local boundary of city and/or county. They are local “State” laws.

The San Francisco Sunshine Ordinance of 1999, Sec. 67.36. Sunshine Ordinance Supersedes other Local Laws is limited to “conflict in local law is identified, the requirement which would result in greater or more expedited public access to public information shall apply.” Use of San Francisco Municipal Code Sec. 14.101 (b)/ SOTF By-laws Sec. 7 has resulted in less public access to public information even though a majority of less than six has voted for “public access to information”.

Yes, the SFSO is local law and if it had been passed by the BOS, it would be under the San Francisco Charter requirements to an extent (more on that later), but SFSO was an ordinance passed by the voters under CA Constitution provisions in Article I and II. The act of passing an ordinance by voters is a statewide concern. The Brown Act, CPRA and “public access to government information” are also a statewide concern.

CA Constitution, Article II, Sec 1 “All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.” CA Constitution, Article II, Sec. 11. (a) “Initiative and referendum powers may be exercised by the electors” CA Constitution, Article I, Division 9, Initiative [9100-9126] “provides for the peoples to propose and ordinance before the voters and revise a county charter.” CA Constitution, Article I, Sec. 9122. “If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the county.” CA Constitution, Article I, Sec. 9125. “In all other respects, an ordinance proposed by initiative petition and adopted shall have the same force and effect as any ordinance adopted by the board of supervisors.” CA Constitution, Article XI Sec 3. (a) “For its own government, a county or city may adopt a charter by majority vote of its electors voting on the question.....A charter may be amended, revised, or repealed in the same manner.” CA Constitution, Article XVII, Sec 3 “The electors may amend the Constitution by initiative.” It is clear that the right of voters to pass an initiative is a statewide concern.

The CA Constitution allows voters to pass an ordinance like the SFSO that would supersede all local laws in conflict to including the local laws within a city charter in matters of statewide concern. CA Constitution allows for the people to “alter and reform” the CA Constitution or “law of the State” which includes City Charter law which becomes “law of the State”. CA Constitution Article XI Sec 3. (a) “The provisions of a charter are the law of the State and have the force and effect of legislative enactments.”

One of the primary reasons for city charters is to curtail the state Legislature's authority to intrude into matters of local concern. *Isaac v. City of Los Angeles*. This not the case with the SFSO as it is the local voter's authority that has intruded on matters of local concern.

San Francisco Charter City Municipal Code Article XIV SEC. 14.101. INITIATIVES.

“No initiative or declaration of policy approved by the voters shall be subject to veto, or to amendment or repeal except by the voters, unless such initiative or declaration of policy shall otherwise provide.”

CA Constitution, Article I, Sec. 9125. “No ordinance proposed by initiative petition and adopted either by the board of supervisors without submission to the voters or adopted by the voters shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance.”

It would be an uphill argument that even city charter laws outside an ordinance/initiative can effectively change or amend the intent of the ordinance with the above requirements of a vote by the people by the city charter itself and the CA Constitution. It would be an easy circumvention of the above requirements if officials can pass rules that go around the intent of the above codes and policy approved by the voters. It would be anti-democratic.

Given that the San Francisco Sunshine Ordinance was passed by the local voters by their right as a statewide concern, with full knowledge of the City and County of San Francisco charter, as an extension of and permitted by state general law (The Brown Act and CPRA), city officials cannot amend, repeal, put forth requirements on the SFSO except by a vote of the people unless provision is otherwise made in the original ordinance.

In the original ordinance passed in 1999 there are provisions for changes:

SFSO Sec 67.30 (c)“The task force shall develop appropriate goals to ensure practical and timely implementation of this chapter.”.... allows SOTF to set rules for itself that comply with The Brown Act and the CA Constitution. A simple majority vote would comply with The Brown Act and would ensure practical and timely implementation of the SFSO.

The SFSO has provisions for changes to it. 67.30 (d) “In addition to the powers specified above, the Task Force shall possess such powers as the Board of Supervisors may confer upon it by ordinance or as the People of San Francisco shall confer upon it by initiative.”

Any changes would have to be for greater access than the bare minimum of The Brown Act or CPRA so The Brown Act § 54952.6 and § 54952.2 would still stand. Because the Board of Supervisors is a municipal affair, the BOS would probably have to abide by Municipal Code Article XIV SEC. 14.101. which would require going to the voters for an ordinance/amendment and not solely by 67.30 (d) by simple passing an ordinance. There is some conflict but the charter code should win out over how the BOS can make changes.

I have yet to find any court case that addresses this majority vote issue. Court cases on The Brown Act uniformly favor broad interpretations to accomplish its purpose.

“The Brown Act should be construed liberally in favor of openness so as to accomplish its purpose and suppress the mischief at which it is directed.” (San Diego Union v. City Council (1983) 146 Cal. App. 3d 947, 955 [196 Cal. Rptr. 45] [construing open-meeting requirements].) This is consistent with the rule that "civil statutes for the protection of the public are, generally, broadly construed in favor of that protective purpose." [Citations.] (People ex rel. Lungren v. Superior Court (1996) 14 Cal. 4th 294, 313 [58 Cal. Rptr. 2d 855, 926 P.2d 1042]).”.....

The Brown Act definitions cover all conceivable entities of government including charter cities.

The Brown Act § 54951.

“As used in this chapter, “local agency” means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.”

Even if you apply SF Municipal Code Sec. 4.104 3(b) to SOTF you must read it in with The Brown Act in mind. The language could be better like “Unless otherwise required by this Charter” has another default of required by “The Brown Act”. The language of SF Municipal Code Sec. 4.104 3(b) could be written better to be more clearly align with The Brown Act.

There is wiggle room in “All appointive boards, commissions or other units of government shall act by a majority, two-thirds, three-fourths or other vote of all members.” “other vote of all members” is language so open-ended that it allows for a simple majority vote of members present that constitute a quorum.

SOTF, I am requesting a hearing on your By-law Sec 7. to change the language in it to comply with The Brown Act.

Thank you for your consideration,

mark sullivan



Made by <https://sfneighborhoods.net/>

Complaint Form for the Sunshine Ordinance Task Force

1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102

Tel. (415) 554-7724; Fax (415) 554-7854

<http://www.sfgov.org/sunshine>

E-mail: sotf@sfgov.org

Deliver Form in person, mailed, faxed or e-mail.

Petitioner/Complainant Name: Mark Sullivan

Contact Information: info@sfneighborhoods.net

(Reminder All Information Will Be Public. SOTF will not Redact or segregate information sent to them).

Date of Request: Today's date May 21-2021 This complaint combines complaints of different dates.

Appeal File No. 18086 4-26-2019 Video Taping Meeting of the MDGBD formation committee The appeal has never been heard.

File No. 20131 12-17-2020 (1 of 5 complaints) 1 being against SOTF for not hearing the appeal.

File No. 21043 2-9-2021 msullivan_vs_sotf by-laws sec7 six votes

City Official(s) and/or Employee(s), People and the Name Entity against whom the Complaint is being made: SOTF

Are you requesting a public hearing before the Sunshine Ordinance Task Force? Yes

"Public Access Laws" below will be San Francisco Sunshine Ordinance, San Francisco Administrative Code, 12L.5, California Public Records Act and/or the Ralph M. Brown Act.

If you know section(s) and subsection(s) of the public access laws that is allegedly violated Here (It is recommended to copy and paste the whole section(s) or subsection(s), but you can also put for section number (like SFSO Sec. 67.21(b)):

SFSO Sec. 67.14. Video and Audio Recording, Filming and Still Photography.

(a) Any person attending an open and public meeting of a policy body shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera, or to broadcast the proceedings, in the absence of a reasonable finding of the policy body that the recording or broadcast cannot continue without such noise, illumination or obstruction of view as to constitute a persistent disruption of the proceedings.

As to SOTF 5 vote in the affirmative and 4 against jurisdiction of SOTF File No 18086 over Green Benefit District Formation Committees and SOTF By-Laws Sec. 7 “majority of the members of the Task Force (six) shall be required for the approval” violates:

The Brown Act § 54952.6.

As used in this chapter, “action taken” means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

The Brown Act § 54952.2.

(a) As used in this chapter, “meeting” means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

Note: “Take action” has the same definition “action taken”. “Take action” is just the verb form of the noun form “action taken”.

California Constitution, Article I – Declaration of Rights, Section 3., “(2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access. A statute, court rule, or other authority adopted after the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.”

Note: SOTF determinations would be an “other authority”. This provision “shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access” goes to the whole of a determination or rule not to individual votes that make up the “authority” determination.

Jurisdiction (Section and Subsection definition in public in public access laws that support jurisdiction): SFSO 67.30 (c)

As to the Mission Dolores Green Benefit District Formation Committee or any such committee in the future.

The Brown Act § 54952

“As used in this chapter, “legislative body” means:

(c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

As to SOTF violation:

The Brown Act § 54952. As used in this chapter, “legislative body” means:

(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

San Francisco Sunshine Ordinance Section 67.5. MEETINGS TO BE OPEN AND PUBLIC; APPLICATION OF BROWN ACT All meetings of any policy body shall be open and public, and governed by the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et. seq.) and of this Article. In case of inconsistent requirements under The Brown Act and this Article, the requirement which would result in greater or more expedited public access shall apply. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Summation Court Cases related to your issues on violations or jurisdiction or other things (if known):

AARON EPSTEIN, Plaintiff and Appellant, v. HOLLYWOOD ENTERTAINMENT DISTRICT II BUSINESS IMPROVEMENT DISTRICT et al., Defendants and Respondents. 87 Cal. App. 4th 862, 872 (2001)

In this case, the Court has explained that it is sometimes improper to “elevate form over substance” and “turn a blind eye to such a subterfuge” and thus allow a local agency “to circumvent the requirements of The Brown Act.” As a result, the Court interpreted the requirement that the private entity be “created by” the elected legislative body very broadly. The Court found that it was sufficient that the City have “played some role” in bringing the private entity into existence by calling for the creation of the entity, even if it did not actually create it itself. *Thanks to the First Amendment Coalition for this summation.*

International Longshoremen's & Warehousemen's Union v. Los Angeles Export Terminal, Inc. 69 Cal. App.4th 287, B112263 (1999)

Trial Court Ruling: “The city's actions in forming LAXT “amount to the creation of LAXT by the City's elected legislative body, the Los Angeles City Council.” LAXT is a private entity created by the elected legislative body of a local agency in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation or entity, within the meaning of section 54952, subdivision (c)(1). Therefore, The Brown Act applies to the LAXT board of directors. On February 2, 1996, ILWU made a proper demand that LAXT comply with The Brown Act. “All actions taken by the LAXT [b]oard of [d]irectors within the 90 days preceding [ILWU's] demand, November 4, 1995 through February 2, 1996, are null and void” (See § 54960.1, subd. (a).)”.....

“The Act's statement of intent provides: “In enacting this chapter, the Legislature finds and declares that the public commissions, boards and [69 Cal. App. 4th 294] councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. [¶] The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.” (§ 54950; Stats. 1953, ch. 1588, § 1, p. 3270.)”.....

“In determining whether LAXT's board of directors is a legislative body within the meaning of The Brown Act, we are mindful that as a remedial statute, The Brown Act should be construed liberally in favor of openness so as to accomplish its purpose and suppress the mischief at which it is directed. (San Diego Union v. City Council (1983) 146 Cal. App. 3d 947, 955 [196 Cal. Rptr. 45] [construing open-meeting requirements].) This is consistent with the rule that “civil statutes for the protection of the public are, generally, broadly construed in favor of that protective purpose. [Citations.]” (People ex rel. Lungren v. Superior Court (1996) 14 Cal. 4th 294, 313 [58 Cal. Rptr. 2d 855, 926 P.2d 1042].)”.....

.....

“Thus, the City Council, an elected legislative body with ultimate accountability to the voters, retains plenary decision making authority over Harbor Department affairs and has jurisdiction to overturn any decision of the appointed Board of Harbor Commissioners. Here, by adopting an ordinance which approved the shareholders' agreement to form LAXT, as well as by acquiescing in the Board of Harbor Commissioners' activity in establishing LAXT, the City Council was involved in bringing LAXT into existence. Without the express or implied approval of the City Council, LAXT could not have been created. Accordingly, LAXT was created by an elected legislative body within the meaning of the statute, and the trial court properly so found.”.....

“The trial court properly held LAXT's board of directors is subject to The Brown Act because it is a legislative body within the meaning of section 54952, subdivision (c)(1)(A). This interpretation is informed by the broad purpose of The Brown Act to ensure the people's business is conducted openly. Under LAXT's constrained reading of The Brown Act, the statute's mandate may be avoided by delegating municipal authority to construct and operate a port facility to a private corporation. While there is no indication LAXT was structured in an attempt to avoid The Brown Act, LAXT's narrow reading of the statute would permit that to occur. Surely that is not what the Legislature intended.”

Description of alleged violations and attach any records to support your allegation(s):

The fact that the petitioner went to a public meeting of the Mission Dolores GBD Formation Committee (GBDFC) and started to videotape the meeting before being asked to turn the camera off, protested a little that it was a public meeting and then turned it off, has never been in dispute. The video was submitted in SOTF complaint **File No. 18086**, claiming violation of SFSO Sec. 67.14. The digital camera used was “without such noise, illumination or obstruction of view”. The meeting room, the facilitators from Place Labs/SF Park Alliance were paid for under city Contract ID# 1000012901 and a government employee with the title Green Benefit District Program Manager all participated.

Thus since the stopping of videotaping is not in dispute, the petitioner complaint revolves around 2 things: Whether SOTF has jurisdiction of a GBDFC as a private entity under The Brown Act Sec. 54952 (c)(1)(A) and while a majority of SOTF members present did vote for jurisdiction (5 to 4) it fell short of SOTF By-laws Sec. 7 six votes in the majority needed. The minority negative vote stood on jurisdiction and was used in two other complaints (SOTF File 19031 and 19032) as precedence against the petitioner. The petitioner argues that the simple majority vote was correct and should be upheld and that it is SOTF By-laws Sec. 7. that violates The Brown Act § 54952.6, The Brown Act § 54952.2 (a) and California Constitution, Article I – Declaration of Rights, Section 3.(2). If the City or SOTF puts forth arguments of a charter city, the petitioner wishes to be able to submit counter facts and arguments. They are not included in this petition.

GBDFC as a private entity under The Brown Act Sec. 54952 (c)(1)(A)

The last three attempts to establish GBDs with GBDFC have been funded by the city through contracts with private facilitators. Records show active involvement and funding of this GBDFC

for over 6 months by Place Labs/SF Park Alliance under two contracts. Records show active participation and promotion by a GBD Program Manager, a Supervisor and other government employees. All records have been previously submitted to SOTF and can be submitted again upon request.

The petitioner argues city funded GBDFC fit the definition of private entities created for the reason of establishing a government non-profit entity under a Board of Supervisor passed ordinance 14-14 establishing Article 15 A “Green Benefit Districts”. The two court cases cited above have private entities more removed from government financing and direct involvement and still found the entities subject to The Brown Act under § 54952 (c)(1)(A). Article 15 A is based on state Business Improvement District (BID) law. In a case involving a BID creation EPSTEIN v. HOLLYWOOD ENTERTAINMENT DISTRICT II BUSINESS IMPROVEMENT DISTRICT (2001), the Court found that it was sufficient that the City have “played some role” in bringing the private entity into existence by calling for the creation of the entity, even if it did not actually create it itself. The other case cited above found similar.

The simple majority vote was correct and should be upheld. It is SOTF By-laws Sec. 7. that violates The Brown Act § 54952.6, The Brown Act § 54952.2 (a) and California Constitution, Article I – Declaration of Rights, Section 3.(2).

The petitioner realizes SOTF may feel or conclude some limitation to addressing this issue. Courts and legislative bodies review themselves and make changes all the time. The petitioner asks SOTF to do the best as they see fit.

It is important to keep back in mind that the SFSO Sec. 67.5 incorporates all The Brown Act and “in case of inconsistent requirements” “the requirement which would result in greater or more expedited public access shall apply.”

Sunshine Ordinance Task Force By-Laws, Section 7, Action at a Meeting; Quorum and Required Vote., “The affirmative vote of a majority of the members of the Task Force (six) shall be required for the approval of all substantive matters.”

The Brown Act defines “action taken” in

§ 54952.6.

“As used in this chapter, “action taken” means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.”

The Brown Act requires a majority decision or an actual vote in the positive or negative.

As read, there should be the requirement of a majority decision/vote in either the positive or negative for the Sunshine Ordinance Taskforce (SOTF) to make an Order of Determination or any motion or any order. A minority negative decision/vote cannot stand just as a minority positive decision/vote cannot stand. SOTF By-laws Sec. 7 fails in requiring 6 votes in the “affirmative” and not also in the negative.

The Brown Act § 54952.6 with The Brown Act § 54952.2 (below) allows for a Simple Majority Decision/Vote of a Majority Members of a Legislative Body Sitting.

The Brown Act § 54952.6 “...decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.” There is no “all”. It is a “majority of the members” “when sitting” and this is in the definition of “action taken” on “a motion, proposal, resolution, order or ordinance.”

The Brown Act § 54952.2.

(a) “As used in this chapter, “meeting” means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.”

In the definition of “meeting” in The Brown Act § 54952.2 (a) uses “means any congregation of a majority of the members of a legislative body” .. “take action on any item that is within the subject matter jurisdiction of the legislative body.” Again, majority is not “all” members of a legislative body. It is “any congregation of a majority of the members”.

The combination of definitions in The Brown Act § 54952.6 “action taken” and The Brown Act § 54952.2 (a) “meeting” allow for a majority of the member of a legislative body or entity when sitting to make a simple majority decision/vote in the positive or negative “upon a motion, proposal, resolution, order or ordinance.” The requirement of 6 votes affirmative is a local requirement by a local government. A larger than a simple majority of a meeting of a majority of members would violate greater access laws set for in the California Constitution, The Brown Act and the San Francisco Sunshine Ordinance. SOTF is required under SFSO Sec. 67.5 Application of The Brown Act to choose “the requirement which would result in greater or more expedited public access shall apply”.

Application to SOTF

The Brown Act § 54952 definition of “legislative body” would include SOTF. The use of “entity” in The Brown Act § 54952.6 definition “action taken” would cover anything under government. The Brown Act trumps over just about everything including SFSO and city charters. It is very powerful.

SOTF By-law Sec 7 6 vote affirmative requirement violates California Constitution, Article I – Declaration of Rights, Section 3 (2)

“A statute, court rule, or other authority” (SOTF Order of Determination), “shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access.” When a majority votes in the affirmative but less than 6 and the vote is not upheld, the ruling does not further the people’s right of access broadly. If the 6 vote requirement in the affirmative is left, I think petitioners can make a good argument that their petition be heard and voted by the full 11 member SOTF. This would result in a 6 vote majority in the positive or negative. This would effectively slow petitions to SOTF on close votes to rehear a petition before a full SOTF hearing.

There is more information in my letter to Angela Calvillo, Clerk of the Board, dated 5-21-2021 which I also sent a copy to SOTF.

Attached is the request for appeal of **File No. 18086** and the “received” in the affirmative by SOTF within SOTF rules of appeal. I believe this is the fourth time I have sent this record to SOTF over a couple of years. Other records mentioned can be sent on request but are in the possession of SOTF.

Exhibit 1

Subject: RE: Appeal File No 18086 Mark Sullivan MDGBD FC video taping
From: "SOTF, (BOS)" <sotf@sfgov.org>
Date: 4/26/2019, 3:25 PM
To: sfneighborhoods.net <info@sfneighborhoods.net>

Received.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

Click here to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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-----Original Message-----

From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Friday, April 26, 2019 11:20 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Appeal File No 18086 Mark Sullivan MDGBD FC video taping

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Ms. Leger,

Attached is my appeal for File No 18086 Mark Sullivan MDGBD FC video taping with new evidence/supporting documents.

Could you please reply back to me that you have received this e-mail.
Just want to make sure my appeal is received within the 30 day window.

Thank You,
Mark Sullivan

Subject: RE: Request to allow SOTF to change its By-Laws Sec 7 from 6 votes in the affirmative to simple majority legal arguments
From: "Calvillo, Angela (BOS)" <angela.calvillo@sfgov.org>
Date: 5/21/2021, 4:24 PM
To: sfneighborhoods.net <info@sfneighborhoods.net>
CC: "SOTF, (BOS)" <sotf@sfgov.org>, "Peskin, Aaron (BOS)" <aaron.peskin@sfgov.org>, "Melgar, Myrna (BOS)" <myrna.melgar@sfgov.org>, "Somera, Alisa (BOS)" <alisa.somera@sfgov.org>

Hello Mr. Sullivan,
I hope you are doing well.

I have received your request to change the bylaws of the Sunshine Ordinance Task Force (SOTF).
As you know, the Clerk of the Board is required to provide personnel in the form of clerking to administer the SOTF, (we provide two clerks to assist with administrative tasks and think through emerging issues) however, the Clerk of the Board does not have the authority to change the bylaws of the SOTF. Changing bylaws is under the purview of the SOTF.
The Clerk of the Board does have a non-voting seat on the SOTF; however, I do not attend those meetings for various reasons.

Therefore, I have forwarded your request to the SOTF administrator for forwarding to the SOTF as a whole for their possible review, consideration and/or response.
Please let me know if I can be of further assistance. Thank you and have a great weekend.
All the best to you from here.

Angela Calvillo
Clerk of the Board

-----Original Message-----

From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Friday, May 21, 2021 10:51 AM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Cc: SOTF, (BOS) <sotf@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>
Subject: Request to allow SOTF to change its By-Laws Sec 7 from 6 votes in the affirmative to simple majority legal arguments

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Ms. Calvillo,

Attached is letter to angela calvillo on soft by laws section 7.pdf requesting to allow SOTF to change its By-Laws Sec 7 from 6 votes in the affirmative to simple majority legal arguments. If some of the arguments are accepted, it may have ramifications for other committees but I strictly basing these arguments on SOTF.

Thank you for your consideration,

mark sullivan

Leger, Cheryl (BOS)

From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Friday, July 23, 2021 2:16 PM
To: Leger, Cheryl (BOS); SOTF, (BOS)
Subject: For Inclusion into File 18086 - Epstein v. Hollywood Entertainment Dist. II Bus. Improvement Dist. (2001)
Attachments: Epstein v Hollywood Entertainment district 2 Business Improvement District 2001.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Ms. Leger,

Attached is the full court decision of Epstein v. Hollywood Entertainment Dist. II Bus. Improvement Dist. (2001) for inclusion into File 18086.

I do realize that my reconsideration is not on the Compliance and Amendment Committee agenda 7-27-2021.

Thank you for your help in this matter,

To SOTF members:

The court decision is a good read especially their discussion section as to how they came to their conclusion and refuting the arguments of the business owners trying to form a new BID.

Thank you for your time,
mark sullivan

Epstein v. Hollywood Entertainment Dist. II Bus. Improvement Dist. (2001)

<https://law.justia.com/cases/california/court-of-appeal/4th/87/862.html>

Annotate this Case

[No. B134256, Second Dist., Div. Three, Mar. 8, 2001.]

AARON EPSTEIN, Plaintiff and Appellant, v. HOLLYWOOD ENTERTAINMENT DISTRICT II BUSINESS IMPROVEMENT DISTRICT et al., Defendants and Respondents.

(Superior Court of Los Angeles County, No. BC207337, Ricardo A. Torres, Judge.)

(Opinion by Croskey, J., with Klein, P. J., and Aldrich, J., concurring.)

COUNSEL

Moskowitz, Brestoff, Winston & Blinderman, Dennis A. Winston and Barbara S. Blinderman for Plaintiff and Appellant.

Sheppard, Mullin, Richter & Hampton and Andre J. Cronthall for Defendants and Respondents Hollywood Entertainment District II Business Improvement District and Hollywood Entertainment District Property Owners Association.

James K. Hahn, City Attorney, Patricia V. Tubert and Kenneth Cirlin, Assistant City Attorneys, for Defendant and Respondent City of Los Angeles. [87 Cal. App. 4th 864]

OPINION

CROSKEY, J.-

The Hollywood Entertainment District II Business Improvement District (BID II) is a special assessment district in the City of Los Angeles (City). The Hollywood Entertainment District Property Owners Association (the POA), a 26 United States Code section 501(c)(6) nonprofit corporation, administers the funds City raises through assessments on businesses within BID II's boundaries. fn. 1 The money is used to contract for such things as security patrols, maintenance, street and alley cleaning, and a newsletter.

Aaron Epstein (plaintiff), who owns property zoned for business purposes within BID II, sued defendants to establish that the POA was required to comply with the Ralph M. Brown Act (the Brown Act or the Act) (Gov. Code, § 54950 et seq.) fn. 2 by holding noticed, open meetings and posting its agenda in advance. His motion for a preliminary injunction was denied after the

superior court concluded that the Brown Act did not apply because (1) the POA had not been created by City, and (2) the POA had preexisted the creation of BID II by at least two years.

Plaintiff filed timely notice of appeal. We reverse. The facts of this case come within the parameters of our holding in *International Longshoremen's & Warehousemen's Union v. Los Angeles Export Terminal, Inc.* (1999) 69 Cal. App. 4th 287 [81 Cal. Rptr. 2d 456] (*International Longshoremen's*), because City "played a role in bringing" the POA "into existence." The POA was not simply a preexisting corporation which just "happened" to be available to administer the funds for BID II. Instead, the record indicates that the POA was formed and structured in such a way as to take over administrative functions that normally would be handled by City. [87 Cal. App. 4th 865]

Factual and Procedural Background fn. 3

The Property and Business Improvement District Law of 1994 (Sts. & Hy. Code, § 36600 et seq.) authorizes cities to establish property and business improvement districts (BID's) in order to levy assessments on real property for certain purposes. Those purposes include acquiring, constructing, installing, or maintaining improvements (Sts. & Hy. Code, § 36606), which include such things as parks, street changes, ramps, sidewalks and pedestrian malls. (Sts. & Hy. Code, § 36610, subs. (f), (i), & (k).) A prerequisite to the creation of such a BID is a petition filed by property owners who will pay more than 50 percent of the total amount of assessments to be levied. (Sts. & Hy. Code, § 36621, subd. (a).)

On September 3, 1996, City adopted ordinance No. 171273 (the first Ordinance) to create the Hollywood Entertainment District Business Improvement District (BID I). The first Ordinance incorporated by reference a "Management District Plan," which contained information required by Streets and Highways Code section 36622. fn. 4 The Management District Plan included a "Proposed Annual Program," which included security, maintenance, marketing, streetscape and administration components. It also included a section on "Governance," which provided, in relevant part, "The Property and Business Improvement District programs will be governed by a non-profit association. Following is a partial summary of the management and operation of the proposed association." (*Italics added.*) The section on Governance made it clear that the nonprofit association, which would govern BID I, was not yet in existence. fn. 5

Articles of incorporation of the POA, the nonprofit association that did take over governance of BID I, were filed with the California Secretary of State on September 25, 1996. These articles of incorporation were dated September 5, 1996. The POA was a nonprofit mutual benefit corporation, whose specific and primary purpose was "to develop and restore the public areas of the historic core of Hollywood, California, in order to make it a more attractive and popular destination for tourists, shoppers, businesspeople and persons interested in culture and the arts." [87 Cal. App. 4th 866]

On August 18, 1998, City adopted ordinance No. 172190 (the second Ordinance) to create BID II. The second Ordinance incorporated by reference a Management District Plan, which contained information required by Streets and Highways Code section 36622. The Management District Plan for BID II, which was entitled "Hollywood Entertainment District Property

Business Improvement District Phase II," included a copy of the petition used to form BID II, which referred to BID II as an "extension" of BID I. In fact, a comparison of the map of the proposed boundaries of BID II with the map of the proposed boundaries of BID I shows that BID II simply added approximately another 10 blocks down Hollywood Boulevard to the approximately five blocks down the length of the boulevard already covered by BID I.

The Management District Plan for BID II also included a "Program and Budget," which included security, maintenance, marketing and promotion, and administration components. It also included a section on "Governance," which provided, in relevant part, "The Property and Business Improvement District programs will be governed by the Hollywood Entertainment District Property Owners Association, a 501(c)(6) non-profit corporation which was formed in 1996 to govern Phase I. Following is a summary of the management and operation of the Association as it relates to Phase II." (*Italics added.*) In addition, unlike the Management District Plan for BID I, the Management District Plan for BID II included the "Amended and Restated Bylaws" of the POA which were quite detailed. And, although the POA was to manage and operate the BID, City, by law, retained the power to "modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications." (Sts. & Hy. Code, § 36642.)

The POA's monthly meetings were not open to the public, much to the distress of plaintiff, who owns property subject to assessment in favor of BID II. Furthermore, according to plaintiff, the POA's bylaws allow it to do other things that would be prohibited by the Brown Act if it were applicable to the POA. For example, the bylaws allow meetings to take place anywhere, not solely within the POA's jurisdiction, and to take place without posting notice 72 hours in advance.

Accordingly, on March 18, 1999, plaintiff filed a complaint for declaratory and injunctive relief against defendants, seeking, among other things, a declaration that the Brown Act does apply to the POA and that, in fact, the POA's meetings are required to be open and noticed as required by the [87 Cal. App. 4th 867] Brown Act, and that any contracts let by the POA must comply with the competitive bidding requirements of City's charter. He moved for a preliminary injunction, which the superior court denied on the ground that because the POA was not created by City, and because it preexisted the creation of BID II by at least two years, the Brown Act did not apply. The order denying the motion was filed on June 11, 1999, and on August 4, 1999, plaintiff filed notice of appeal.

Contentions on Appeal

[1a] Plaintiff contends that the trial court erred by concluding that the POA was not a legislative body under the Brown Act. He further contends that because the POA is a legislative body within the meaning of the Act, and can only exercise the powers that City could delegate to it, it cannot enter into contracts without complying with the city charter's requirement of competitive bidding. Finally, he contends the trial court erred by denying him injunctive relief against the POA. Defendants dispute these contentions.

Discussion

I. Public Policy Favors Conducting the Public's Business in Open Meetings

It is clearly the public policy of this state that the proceedings of public agencies, and the conduct of the public's business, shall take place at open meetings, and that the deliberative process by which decisions related to the public's business are made shall be conducted in full view of the public. This policy is expressed in (1) the Bagley-Keene Open Meeting Act (§ 11120 et seq.), which applies to certain enumerated "state bodies" (§§ 11121, 11121.2), (2) the Grunsky-Burton Open Meeting Act (§§ 9027-9032), which applies to state agencies provided for in article IV of the California Constitution, and (3) the Brown Act (§ 54950 et seq.), which applies to districts or other local agencies, including cities. Under these various laws related to open meetings, a wide variety of even the most arcane entities must give notice of their meetings, and make such meetings open to the public. fn. 6 [87 Cal. App. 4th 868]

2. The Purpose Behind the Brown Act

[2] The Brown Act, the open meeting law applicable here, is intended to ensure the public's right to attend the meetings of public agencies. (Freedom Newspapers, Inc. v. Orange County Employees Retirement System (1993) 6 Cal. 4th 821, 825 [25 Cal. Rptr. 2d 148, 863 P.2d 218]; International Longshoremen's, supra, 69 Cal.App.4th at p. 293.) fn. 7 To achieve this aim, the Act requires, inter alia, that an agenda be posted at least 72 hours before a regular meeting and forbids action on any item not on that agenda. (§ 54954.2, subd. (a); International Longshoremen's, supra, 69 Cal.App.4th at p. 293.) The Act thus serves to facilitate public participation in all phases of local government decision making and to curb misuse of the democratic process by secret legislation of public bodies. (International Longshoremen's, supra, 69 Cal.App.4th at p. 293.)

The Brown Act specifically dictates that "[a]ll meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter." (§ 54953, subd. (a), italics added.) The term "legislative body" has numerous definitions, grouped together in section 54952. The definition that arguably may apply to the POA is found in subdivision (c)(1)(A) of section 54952. This portion of the Brown Act states, in relevant part: "As used in this chapter, 'legislative body' means: [¶] ... [¶] (c)(1) A board, commission, committee, or other multimember body that governs a private corporation or entity that ...: [¶] (A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation or entity." (§ 54952, subd. (c)(1)(A), italics added.) Thus, the question before us here, as a matter of law, is whether the POA's board of [87 Cal. App. 4th 869] directors is a legislative body within the meaning of this subdivision because the POA was created by City in order to exercise delegated governmental authority.

In answering this question, we are mindful, as we noted in International Longshoremen's, that the Brown Act is a remedial statute that must be construed liberally so as to accomplish its purpose. (International Longshoremen's, supra, 69 Cal.App.4th at p. 294; see People ex rel. Lungren v. Superior Court (1996) 14 Cal. 4th 294, 313 [58 Cal. Rptr. 2d 855, 926 P.2d 1042] ["civil statutes

for the protection of the public are, generally, broadly construed in favor of that protective purpose"].)

3. The POA's Board of Directors Is a Legislative Body Within the Meaning of the Brown Act

a. City Can Be Said to Have "Created" the POA Within the Meaning of the Brown Act

[1b] Here, just as in *International Longshoremen's*, the pivotal issue is whether City, an elected legislative body, "created" the POA in order to exercise authority that City could lawfully delegate. Therefore, we discuss in some detail the facts of *International Longshoremen's*.

In the *International Longshoremen's* case, the Los Angeles Export Terminal, Inc. (LAXT) was a private, for-profit corporation organized to design, construct and operate a facility for the export of coal. The facility would be on land leased from the harbor department of City, and the harbor department was to be a 15 percent shareholder in LAXT. The shareholders' agreement by which LAXT was set up gave the harbor department the right to appoint three of LAXT's 19 board members, plus veto power over the coal facility project. The lease of the harbor department's land was also something that had to be, and was, approved by the city council.

Thereafter, LAXT's board of directors authorized LAXT to enter into a terminal operating agreement with Pacific Carbon Services Corporation (PCS). This decision was made at a meeting that did not comply with the requirements of the Brown Act. The *International Longshoremen's and Warehousemen's Union (ILWU)* sued to nullify the agreement with PCS, and for an injunction, contending that LAXT was required to comply with the Brown Act.

The trial court agreed with the union, nullified the PCS agreement, and enjoined LAXT from making decisions without complying with the Brown [87 Cal. App. 4th 870] Act. It reached this result because it concluded that LAXT's board of directors was a legislative body within the meaning of the Brown Act. LAXT appealed, and argued, among other things, that it had not been created by the city council (a legislative body), but only by the harbor commission (an appointed body), and hence the Brown Act, by its terms, did not apply.

We disagreed. Although section 54952, subdivision (c)(1)(A), did not, and does not, define what is meant by the term "created by," we relied on the ordinary definition of "to create," which is "to bring into existence." (*International Longshoremen's*, supra, 69 Cal.App.4th at p. 295, quoting Webster's New Internat. Dict. (3d ed. 1986) p. 532.) We concluded that the "City Council was involved in bringing LAXT into existence," because (1) it had the ultimate authority to overturn the harbor commission's actions, and (2) it could have disaffirmed any steps the harbor commission took to become part of LAXT. (69 Cal.App.4th at p. 296.) We also concluded that LAXT had been created to exercise governmental authority, to wit, the development and improvement of a city harbor (§ 37386), and that the city council had delegated its governmental authority as to this aspect of City's harbor to LAXT. (69 Cal.App.4th at pp. 297-299.) Therefore, the Brown Act applied to LAXT's meetings. (Id. at pp. 299-300.)

Here, as discussed in more detail below, we conclude that City was "involved in bringing into existence" the POA to exercise delegated governmental authority, that City also retained the

authority to overturn the POA's actions, and that it could have removed, and can still remove, the POA as the entity managing the BID.

1. City "Was Involved in Bringing the POA into Existence" to Exercise Some Governmental Authority over BID I, and BID II Was Just an Extension of BID I

In the case here, the issue is whether the POA is a private corporation or entity that was created by City, the elected legislative body, to exercise some authority that City could lawfully delegate to a private corporation or entity. We conclude that here, just as in *International Longshoremen's*, the private entity, the POA, was "created" by City to exercise governmental authority over BID I, authority that City otherwise could exercise.

The POA was, in fact, "created" by City, because City "played a role in bringing" the POA "into existence." (*International Longshoremen's*, supra, 69 Cal.App.4th at p. 295.) City specifically provided in the first Ordinance that BID I would be governed by a nonprofit association, and even set forth a partial summary of the management and operation of such proposed [87 Cal. App. 4th 871] association. Within days of the adoption of the first Ordinance, the POA's articles of incorporation were prepared, and less than a month later, were filed with the Secretary of State. The POA's sole purpose was to "develop and restore the public areas of the historic core of Hollywood." And it was the POA that did, in fact, take over governance of BID I. Obviously, when City adopted the first Ordinance creating BID I that called for the creation of a nonprofit association to govern the BID I programs, the City "played a role in bringing the POA into existence."

Defendants, however, would prefer that we ignore the POA's history vis-à-vis BID I, and concentrate instead on the POA's relationship to BID II. This is because the POA's existence preceded the creation of BID II. Defendants would have us look at the POA as simply a "preexisting corporation" that just "happened" to be available to administer the funds for BID II, apparently in reliance on footnote 5 of *International Longshoremen's*. In that footnote, we opined that if LAXT, the private corporation in question there, had been a "preexisting" entity "which simply entered into a contractual arrangement" to exercise authority that the government entity could have exercised, then the private entity "would not have been a creation of the City Council" and the private entity's board of directors would not be subject to the Brown Act. (*International Longshoremen's*, supra, 69 Cal.App.4th at p. 300, fn. 5.)

There is no reason to ignore the history behind the POA, and, in fact, because the issue is the "creation" of the entity whose governing board now wields governmental authority, we must look at the circumstances surrounding the POA's birth. The record shows that the POA was formed and structured for the sole purpose of taking over City's administrative functions as to BID I. Therefore, under the Brown Act, as interpreted by us in *International Longshoremen's*, supra, 69 Cal. App. 4th 287, the POA's board of directors, vis-à-vis BID I, was subject to the Brown Act, because the board was a legislative body within the meaning of section 54952, subdivision(c)(1)(A).

Thereafter, the boundaries of BID I were extended, the new BID was called BID II, and the POA simply continued to administer the assessments collected from property owners in the enlarged

district. Obviously, the fact that the POA was already in existence and ready to take over City's legislative functions vis-à-vis BID II cannot change the result we would have reached if this case had been presented after BID I was created and before BID II had come into existence. And the connection between BID I and BID II rationally cannot be ignored in any determination of when and [87 Cal. App. 4th 872] how the POA was "created." City itself, in the Management District Plan for BID II, explicitly recognized that the POA "was formed in 1996 to govern Phase I," that the POA also would govern "Phase II," and that BID II was just an "extension" of BID I.

Under these circumstances, we would improperly elevate form over substance if we were to treat the POA as a "pre-existing" private entity with which City just "happened" to decide to do business when it turned governance of BID II over to the POA. To turn a blind eye to such a subterfuge would allow City (and, potentially, other elected legislative bodies in the future) to circumvent the requirements of the Brown Act, a statutory scheme designed to protect the public's interest in open government. This we will not do. (Plumbing, etc., Employers Council v. Quillin (1976) 64 Cal. App. 3d 215, 220 [134 Cal. Rptr. 332] [court will not place form above substance if doing so defeats the objective of a statute]; People v. Jackson (1937) 24 Cal. App. 2d 182, 192 [74 P.2d 1085], disapproved on another ground, People v. Ashley (1954) 42 Cal. 2d 246, 262 [267 P.2d 271] ["It should be and is an established principle of the law that the substance and not the mere form of transactions constitutes the proper test for determining their real character. If this were not true it would be comparatively simple to circumvent by sham the provisions of statutes framed for the protection of the public. This the law does not permit."]; see also Civ. Code, § 3528 ["The law respects form less than substance."]; People v. Reese (1934) 136 Cal. App. 657, 672 [29 P.2d 450], disapproved on another ground, People v. Ashley, supra, 42 Cal. 2d 246, 262 ["The evidence tends to prove, and the jury had the right to find, that the real intention of the defendants was to place upon the market and sell shares of stock in a corporation, and that the form of the certificates issued by them was a subterfuge adopted in order to defeat the purposes of the Corporate Securities Act. The operation of the law may not thus be circumvented."].)

In order to avoid the conclusion that the Brown Act applies, defendants characterize our treatment of the POA as a legislative body within the meaning of the Brown Act as being "contrary to the evidence produced in the trial court and unfair to the businessmen trying to improve their local community." They contend that there is no evidence that City ever "handled" the administrative functions of any BID, and that, to the contrary, the BID's and the POA were structured by the local property owners themselves from the outset to be administered by a nonprofit organization formed by the owners themselves.

This contention, however, misses the point. The fact that local property owners who wanted City to create a BID were involved in the structuring of [87 Cal. App. 4th 873] the BID, and structuring of the POA to run the BID, does not mean that City did not "play a role in bringing" the POA "into existence." A BID cannot be created by private individuals. Private individuals do not have the power to authorize tax assessments, or to create tax liens. Thus, a public entity must be involved in the creation of any BID, no matter how, when, or by whom the idea and future structuring of the BID-to-be was initiated and pursued. Here, as already noted, the POA was formed for the purpose of administering the BID. Thus, by giving the BID the necessary legal standing as a BID, and by providing that the BID would, in fact, be administered by a POA yet to

be formed, City clearly was involved in bringing into existence the POA. An operative BID was the *raison d'être* for the POA; by giving the BID the legal breath of life, the City breathed life into the POA as well.

2. City Retained the Authority to Overturn the POA's Actions

Furthermore, just as in *International Longshoremens*, supra, 69 Cal.App.4th at page 296, City, the elected legislative body with ultimate accountability to the voters, retained plenary decision making authority over the BID's activities. (Sts. & Hy. Code, § 36642.) Street and Highways Code section 36642 provides, in relevant part, that a city council "may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications." This retention of power over the POA is not only provided for by section 36642, but it is required by well-established law, which provides that a public body may only delegate the performance of its administrative functions to a private entity if it retains ultimate control over administration so that it may safeguard the public interest. (*International Longshoremens*, supra, 69 Cal.App.4th at pp. 297-298 and cases cited there.) And a nonprofit corporation to which such administrative functions are delegated must comply with the same laws and regulations as the public entity that is delegating its authority. (*International Longshoremens*, supra, 69 Cal.App.4th at p. 300; 81 Ops.Cal.Atty.Gen. 281 (1998) [when a community redevelopment agency used a nonprofit corporation to administer its housing activities, the nonprofit corporation was required to comply with the same laws applicable to the redevelopment agency itself, such as open meeting laws and public bidding and prevailing wage statutes].)

b. There Is No Legal Reason to Exempt the POA from the Operation of the Brown Act

1. The "Unfairness" and "Interference with Business" Argument

As noted above, City and the BID contend that our decision that the POA must comply with the same laws as would City, for example, the Brown Act, [87 Cal. App. 4th 874] is somehow unfair to businesspeople, and interferes with private businesses' ability to improve their areas of operation. Needless to say, if local businesspeople want to form property owners associations to try to improve their local community, they are free to do so. They may hold their meetings in secret, by invitation only, or may invite the general public, limited only by whatever laws, if any, are applicable to such groups. However, participation in such purely private, purely voluntary organizations differs dramatically from participation in a BID. For example, membership in a private business owners' organization is voluntary, and, presumably, membership can be terminated at will. In contrast, "membership" in a BID may be involuntary for a majority of the property owners within the BID. (Sts. & Hy. Code, § 36621, subd. (a) [the only prerequisite to the creation of such a BID is not a petition filed by a majority of the property owners in the proposed district, but a petition filed by property owners who will pay more than 50 percent of the total amount of assessments to be levied].) And, once the BID is created, "membership" lasts for at least five years, and cannot be voluntarily terminated by individual members. (Sts. & Hy. Code, §§ 36622, subd. (h), 36630.)

Given these differences, defendants' pleas that the result we reach here is somehow "unfair" to businesspeople are simply not persuasive. When an individual business owner's money can be taken without his or her individual consent, when it can be taken through use of the government's power to tax and assess, and when it can be used to benefit others' property through the provision of services (whether or not such services include such traditional municipal services as street and sidewalk improvements), it is clearly not "unfair" for such individual business owners to expect to have an opportunity to participate in the decisionmaking process by which one benefit or another is actually conferred. Nor is it unfair for us, given the language of the Brown Act and the rules of interpretation related to it, to validate that expectation.

2. The "Supplemental Services" Argument

Defendants also point to the "supplemental" nature of the services provided by this BID, as though this somehow obviates any need to comply with the Brown Act. Such an argument makes no sense. First, what is "supplemental" can become quite subjective. There is nothing to stop a city from proclaiming that any traditional municipal services, other than the most critical things such as fire and police protection, are "supplemental." Thus, street sweeping, the trimming of street trees, and even the purchase of new library books could be characterized as "supplemental" services. Shall we [87 Cal. App. 4th 875] interpret the Brown Act on a case-by-case basis, based on each public entity's own characterization of the topic as being one of "supplemental," versus basic, services? Shall the Brown Act apply if the legislative body is making decisions about the purchase of police cars, but not if it is deciding whether to buy new library books or to cut back the street tree maintenance program? To ask such questions is to answer them.

Second, focussing on the "supplemental" nature of the services is backward sit is not the kinds of services, so much as the nature of the source of funding to be used for them, which is relevant to the issue on appeal. Are traditional legislative bodies exempt from the Brown Act merely because they act to disperse "bonus" federal funding for special, supplemental programs and services? If a private benefactor donates \$10 million to a city to spend on "supplemental" services and programs, may the city council meet informally and secretly to decide upon the proper allocation of such funds? The obvious answer to both these questions is "No." This is so because the funds involved constitute public money. The funds do not belong to the individual council members, they belong to the public, and the public has a right to participate in any decisions about how public funds should be expended. Very simply, the Brown Act contains no exemptions for decisions about expenditures of public funds for "supplemental services."

3. The "Advisory Committee" Argument

Defendants also argue that the existence of "advisory committees" somehow obviates the need for application of the Brown Act's rules to actions taken by the POA vis-à-vis the BID. Just as there is no exemption in the Brown Act for actions on "supplemental services" taken by statutorily-defined legislative bodies, so, too, there is no exemption for actions taken by bodies such as the POA which were "previewed" by an advisory committee.

True, Streets and Highways Code section 36631, subdivision (b) provides that advisory committees "shall" comply with the Brown Act. But, contrary to the arguments of the BID and

the POA, that section does not also specify that any other entities involved in a BID are exempt from the Brown Act. When section 36631 is read in context with the Property and Business Improvement District Law of 1994 as a whole, it is apparent that the Legislature assumed the advisory committee would be making reports and recommendations about the BID to a city council (Sts. & Hy. Code, §§ 36631, subd. (a), 36633, 36640), which itself would then be taking legislative action to carry out the assessments, levies, boundary changes and improvements and activities to be funded. (See, e.g., Sts. & Hy. Code, §§ 36632, 36634, 36635, 36641, 36642, 36651.) [87 Cal. App. 4th 876]

Thus, the Legislature specified that an advisory committee's meetings about its intended reports and recommendations vis-à-vis a BID are subject to the Brown Act, and did not so specifically state that the Brown Act applies to a city council's meetings to actually carry out, modify, or disapprove such recommendations. Is this persuasive evidence that the Legislature intended to exempt city councils from the Brown Act when they make decisions about BID's? Of course not. Likewise, the Legislature's failure to expressly specify that a nonprofit corporation to whom a city has delegated its administrative functions vis-à-vis a BID must comply with the Brown Act is no evidence that the Legislature intended to exempt such a nonprofit corporation from open meeting requirements.

4. The "We Said We Didn't 'Create' the POA, So You Can't Decide We Did" Argument

Defendants urge that because City itself concluded that it did not "create" the POA, we are somehow bound by such a conclusion. Defendants characterize this determination as a finding of fact to which we must defer, citing *McCarthy v. City of Manhattan Beach* (1953) 41 Cal. 2d 879, 890 [264 P.2d 932] and *Consaul v. City of San Diego* (1992) 6 Cal. App. 4th 1781, 1792 [8 Cal. Rptr. 2d 762]. Not so. The issue of whether City was involved in bringing the POA into existence, in other words, whether City "created" it within the meaning of section 54952, subdivision (c)(1)(A), is, ultimately, a question of law.

Conclusion

The POA's status as an entity originally "created" to take over City's legislative functions was not somehow negated, annulled, or dissipated simply because its role subsequently was expanded by the geographic expansion of the area over which it exercised such functions. Nor do any of the reasons advanced by defendants justify exempting the POA from the same application of the Brown Act as would apply to City's legislative body. We therefore conclude that the POA is a legislative body within the meaning of the Brown Act, that its actions must be taken in compliance with that Act, and that the trial erred by denying plaintiff's motion for a preliminary injunction.

Disposition

The order denying plaintiff's request for a preliminary injunction is reversed and remanded. The trial court is directed to enter a preliminary injunction in favor of plaintiff in accordance with the views expressed [87 Cal. App. 4th 877] herein. In connection with any arguments that the POA is or is not bound to follow City's laws related to competitive bidding, the trial court should be

guided by our conclusion that the POA is a legislative body within the meaning of the Brown Act, and that the Brown Act does apply to actions taken by the POA in its administration of the BID. Plaintiff shall recover his costs on appeal.

Klein, P. J., and Aldrich, J., concurred.

Respondents' petition for review by the Supreme Court was denied June 13, 2001.

FN 1. BID II, City and POA may be referred to collectively as defendants in this opinion.

FN 2. All further statutory references will be to the Government Code, except as otherwise noted.

FN 3. We recite facts taken from the clerk's transcript.

FN 4. For example, Streets and Highways Code section 36622 requires a map showing each parcel of property within the district, the proposed district name, the improvements and activities proposed for each year of operation, the proposed amount to be spent to accomplish the activities and improvements each year, and the source of funding.

FN 5. Streets and Highways Code section 36622 does not require the management district plan to contain information on governance or management. However, a city council may require the management district plan to contain other items not specifically required by the state law. (§ 36622, subd. (l).)

FN 6. See, e.g., Business and Professions Code sections 3325 (meetings of the Hearing Aid Dispensers Advisory Commission must be noticed and open), 7315 (meetings of the State Board of Barbering and Cosmetology must be noticed and open); Government Code section 8790.7 (meetings of the California Collider Commission must be noticed and open); Harbors and Navigation Code sections 1153 (meetings of the Board of Pilot Commissioners must be noticed and open), 1202 (meetings for the purpose of investigating pilotage rates shall be noticed and open); Health and Safety Code section 1179.3, subdivision (b) (meetings of the Rural Health Policy Council for comments on projects in rural areas of California must be noticed and open); Insurance Code section 10089.7, subdivision (j) (meetings of the governing board and advisory panel of the California Earthquake Authority must be noticed and open); Public Resources Code section 33509 (meetings of the governing board of the Coachella Valley Mountain Conservancy must be noticed and open); Education Code section 51871.4, subdivision (g) (meetings of the Commission on Technology in Learning must be noticed and open).

FN 7. The Brown Act's statement of intent provides: "In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. [¶] The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the

people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created." (§ 54950.)

Respondents Document Submission

Leger, Cheryl (BOS)

From: Denis Mosgofian <denismosgofian@gmail.com>
Sent: Tuesday, December 18, 2018 4:46 PM
To: Roger Hofmann
Cc: Leger, Cheryl (BOS); Mark Sullivan; John Hooper; Lori Liederman; Maria Wabl; Mei Chan; David Eldred; Ray Dudum; Allan Chalmers; Karen Pierotti; Linda Chalmers; Lilian Tsi; Winton Davies; Miriam Rupert; Johnny Welch; Pam; Daniel Tomasevich; Dennis Antenore; Cynthia Pereira; Daniel Vago; Susan Wilde; Peder Jones; missiondna
Subject: Re: SOTF Comments regarding File 18086, Dec 18, 2018

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Wow! Roger. Succinct and to the point!
Denis & Lori

Sent from my iPhone

On Dec 18, 2018, at 1:07 PM, Roger Hofmann <bosco22@hotmail.com> wrote:

Dear Ms. Ledger,

Please enter my comments below into the public record for the Sunshine Ordinance Task Force (BOS) meeting scheduled for today, December 18, 2018 at 4:30pm at City Hall Room 408.

Sincerely yours,

Roger Hofmann

Comments regarding File 18086, Mark Sullivan against Mission Dolores Green Benefit District Formation Committee, Dec 18, 2018

My name is Roger Hofmann.

I attended two meetings of the Mission Dolores Formation Committee: On September 17, 2018 and November 15, 2018. I can verify that committee organizers requested that no video recordings of the meeting occur.

The first question in this case is, "Does the Sunshine Ordinance Task Force (SOTF) have jurisdiction?"

Per the City Attorney, the SOTF has jurisdiction over passive meeting bodies defined as follows in section 67.3(c) (1) of the Sunshine Ordinance:

Advisory committees created by the initiative of a member of a policy body, the mayor, or a department head.

Was the committee created by the initiative of a department head?

The complaint demonstrates that the initiative for creating the Mission Dolores Green Benefit District Formation Committee came from Mohammed Nuru, Department Head of Public Works. Funding for the committee came from DPW.

Is the committee an advisory committee?

Going forward, this committee will develop a Mission Dolores Green Benefit District management plan. The intention is to submit this plan to the Board of Supervisors for their approval. Without the advice of the Green Benefit Formation Committee, the Board of Supervisors would not entertain creation of a Mission Dolores Green Benefit District.

So the Mission Dolores Green Benefit Committee satisfies the conditions of section **67.3(c) (1)**. It is an advisory committee created by the initiative of a department head. I believe these facts show that the Sunshine Ordinance Task Force has jurisdiction over this complaint.

Leger, Cheryl (BOS)

From: Roger Hofmann <bosco22@hotmail.com>
Sent: Tuesday, December 18, 2018 7:23 PM
To: Leger, Cheryl (BOS)
Cc: mark; Lilian Tsi
Subject: Re: SOTF Comments regarding File 18086, Dec 18, 2018

Dear Ms. Leger,

Thank you for your reply. I attended the SOTF meeting this afternoon. Two important points were not addressed.

Please add the following to the file for case 18086:

Point 1

Respondent was asked if City funds were supplied to their committee. Respondent indicated that former Supervisor Sheehy provided \$11,000.

I cannot reconcile this with DPW emails indicating that DPW budgeted \$33,000 for the Mission Dolores Green Benefit District formation effort. Also, the activity this committee has performed to date - a full-color mailer to over 4,000 property owners, an on-line survey, retaining a \$100 per hour consultant, and a fancy web site, does not seem possible with that limited amount of funds.

It did not occur to me until after the meeting that an important question should have been asked: "Did **the City provide funds to the committee's consultant** to aid the committee's efforts?" Although internal DPW emails indicate that DPW budgeted \$33,000 for the Mission Dolores Green Benefit District formation, I do not know whether these funds were distributed, and if they were, to whom they were directed.

Other DPW documents indicate that this consultant, Build Public, Inc., doing business as Place Lab, was the City's contractor meant to guide Green Benefit District formation committees.

A fair assessment on whether the City is funding the formation of the Mission Dolores Green Benefit District effort needs to include possible direct City funding of this behind-the-scenes consultant.

Point 2

The "Audience Q & A Summary" from the November 15, 2018 meeting of the Mission Dolores Green Benefit District formation committee indicates that the total formation budget for the Mission Dolores Green Benefit is expected to be approximately \$150,000. This document is linked from this page: <http://www.doloresgbd.org/meetings/>

Meetings — Mission Dolores GBD

Mission Dolores GBD Home About Survey Meetings Contact Back Why a GBD? Our Committee Formation Process FAQs Links

www.doloresgbd.org

The source of funding is not disclosed. Will the City provide this funding, or a portion of this funding?

If the City has provided funding to the consultant, or expects to provide future funding of this committee effort, it casts a very different light on this issue.

Again, thank you for your consideration. My apologies for misspelling your name in my first email.

Best regards,

Roger Hofmann

From: Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>
Sent: Tuesday, December 18, 2018 2:25 PM
To: Roger Hofmann
Subject: RE: SOTF Comments regarding File 18086, Dec 18, 2018

Dear Mr. Hofmann:

Thank you for your email of today. The Sunshine Administrator does not read public comment into the record. We will put it into the file.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724



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From: Roger Hofmann <bosco22@hotmail.com>

Sent: Tuesday, December 18, 2018 1:08 PM

To: Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>

Cc: Mark Sullivan <mark@innersunset.org>; John Hooper <hooparb@aol.com>; Denis Mosgofian <denismosgofian@gmail.com>; Lori Liederman <lbiiederman@gmail.com>; 'Maria Wabl' <mariawabl@gmail.com>; Mei Chan <y2kmei@gmail.com>; David Eldred <djeldred@earthlink.net>; Ray Dudum <ray@consolidated-elec.com>; Allan Chalmers <allanchalmers@yahoo.com>; Karen Pierotti <karenpierotti@yahoo.com>; Linda Chalmers <lichalmers@yahoo.com>; Lilian Tsi <liliantsistielstra@gmail.com>; Winton Davies <wdavies@cs.stanford.edu>; Miriam Rupert <mirorrup@yahoo.co.uk>; Johnny Welch <johnnywelch@gmail.com>; 'Pam' <pshofmann@hotmail.com>; Daniel Tomasevich <dtomasevich@gmail.com>; Dennis Antenore <antenored@gmail.com>; Cynthia Pereira <cpereira02@yahoo.com>; Daniel Vago <Daniel-Vago@att.net>; Susan Wilde <wildething@sbcglobal.net>; Peder Jones <pederj@earthlink.net>; missiondna <missiondna@earthlink.net>

Subject: SOTF Comments regarding File 18086, Dec 18, 2018

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Ms. Ledger,

Please enter my comments below into the public record for the Sunshine Ordinance Task Force (BOS) meeting scheduled for today, December 18, 2018 at 4:30pm at City Hall Room 408.

Sincerely yours,

Roger Hofmann

Comments regarding File 18086, Mark Sullivan against Mission Dolores Green Benefit District Formation Committee, Dec 18, 2018

My name is Roger Hofmann.

I attended two meetings of the Mission Dolores Formation Committee: On September 17, 2018 and November 15, 2018. I can verify that committee organizers requested that no video recordings of the meeting occur.

The first question in this case is, "Does the Sunshine Ordinance Task Force (SOTF) have jurisdiction?"

Per the City Attorney, the SOTF has jurisdiction over passive meeting bodies defined as follows in section 67.3(c) (1) of the Sunshine Ordinance:

Advisory committees created by the initiative of a member of a policy body, the mayor, or a department head.

Was the committee created by the initiative of a department head?

The complaint demonstrates that the initiative for creating the Mission Dolores Green Benefit District Formation Committee came from Mohammed Nuru, Department Head of Public Works. Funding for the committee came from DPW.

Is the committee an advisory committee?

Going forward, this committee will develop a Mission Dolores Green Benefit District management plan. The intention is to submit this plan to the Board of Supervisors for their approval. Without the advice of the Green Benefit Formation Committee, the Board of Supervisors would not entertain creation of a Mission Dolores Green Benefit District.

So the Mission Dolores Green Benefit Committee satisfies the conditions of section **67.3(c)(1)**. It is an advisory committee created by the initiative of a department head. I believe these facts show that the Sunshine Ordinance Task Force has jurisdiction over this complaint.

Leger, Cheryl (BOS)

From: mark <mark@innersunsetsf.org>
Sent: Tuesday, December 18, 2018 9:35 PM
To: Roger Hofmann; Leger, Cheryl (BOS)
Cc: Lilian Tsi
Subject: Re: SOTF Comments regarding File 18086, Dec 18, 2018

Yes, Roger I think you are hitting one area the committee did not understand. I did bring up the city paying for their consultants Place Labs. The fact that Place Labs was getting city money to support the MD Formation committee activities is not legally indirect as the committee directly benefits even though it can say it does not actually handle the money.

i could list a bunch of things, but Jonathan Goldberg misinformed the committee when he said the petition was a weighted vote of 30% plus one, and the final vote was a majority +1. He failed to say that the final vote is also weighted and the MD Formation Committee decides on how much that weight will be for every person.

I do appreciate all you have done Ms. Leger, to at least have a chance to be heard.
Thank You,
mark

On 12/18/2018 7:23 PM, Roger Hofmann wrote:

Dear Ms. Leger,

Thank you for your reply. I attended the SOTF meeting this afternoon. Two important points were not addressed.

Please add the following to the file for case 18086:

Point 1

Respondent was asked if City funds were supplied to their committee. Respondent indicated that former Supervisor Sheehy provided \$11,000.

I cannot reconcile this with DPW emails indicating that DPW budgeted \$33,000 for the Mission Dolores Green Benefit District formation effort. Also, the activity this committee has performed to date - a full-color mailer to over 4,000 property owners, an on-line survey, retaining a \$100 per hour consultant, and a fancy web site, does not seem possible with that limited amount of funds.

It did not occur to me until after the meeting that an important question should have been asked: "Did the City provide funds to the committee's consultant to aid the committee's efforts?" Although internal DPW emails indicate that DPW budgeted \$33,000 for the Mission Dolores Green Benefit District formation, I do not know whether these funds were distributed, and if they were, to whom they were directed.

Other DPW documents indicate that this consultant, Build Public, Inc., doing business as Place Lab, was the City's contractor meant to guide Green Benefit District formation committees.

A fair assessment on whether the City is funding the formation of the Mission Dolores Green Benefit District effort needs to include possible direct City funding of this behind-the-scenes consultant.

Point 2

The "Audience Q & A Summary" from the November 15, 2018 meeting of the Mission Dolores Green Benefit District formation committee indicates that the total formation budget for the Mission Dolores Green Benefit is expected to be approximately \$150,000. This document is linked from this page: <http://www.doloresgbd.org/meetings/>

Meetings — Mission Dolores GBD

Mission Dolores GBD Home About Survey Meetings Contact Back Why a GBD? Our Committee Formation Process FAQs Links

www.doloresgbd.org

The source of funding is not disclosed. Will the City provide this funding, or a portion of this funding?

If the City has provided funding to the consultant, or expects to provide future funding of this committee effort, it casts a very different light on this issue.

Again, thank you for your consideration. My apologies for misspelling your name in my first email.

Best regards,

Roger Hofmann

From: Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>
Sent: Tuesday, December 18, 2018 2:25 PM
To: Roger Hofmann
Subject: RE: SOTF Comments regarding File 18086, Dec 18, 2018

Dear Mr. Hofmann:

Thank you for your email of today. The Sunshine Administrator does not read public comment into the record. We will put it into the file.

Cheryl Leger
Assistant Clerk, Board of Supervisors

Tel: 415-554-7724



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From: Roger Hofmann <bosco22@hotmail.com>

Sent: Tuesday, December 18, 2018 1:08 PM

To: Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>

Cc: Mark Sullivan <mark@innersunset.org>; John Hooper <hooparb@aol.com>; Denis Mosgofian <denismosgofian@gmail.com>; Lori Liederman <lbliederman@gmail.com>; 'Maria Wabl' <mariawabl@gmail.com>; Mei Chan <y2kmei@gmail.com>; David Eldred <djeldred@earthlink.net>; Ray Dudum <ray@consolidated-elec.com>; Allan Chalmers <allanchalmers@yahoo.com>; Karen Pierotti <karenpierotti@yahoo.com>; Linda Chalmers <lichalmers@yahoo.com>; Lilian Tsi <liliantsistielstra@gmail.com>; Winton Davies <wdavies@cs.stanford.edu>; Miriam Rupert <mirorrup@yahoo.co.uk>; Johnny Welch <johnnywelch@gmail.com>; 'Pam' <pshofmann@hotmail.com>; Daniel Tomasevich <dtomasevich@gmail.com>; Dennis Antenore <antenored@gmail.com>; Cynthia Pereira <cpereira02@yahoo.com>; Daniel Vago <Daniel-Vago@att.net>; Susan Wilde <wildething@sbcglobal.net>; Peder Jones <pederj@earthlink.net>; missiondna <missiondna@earthlink.net>

Subject: SOTF Comments regarding File 18086, Dec 18, 2018

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Sincerely yours,

Roger Hofmann

Comments regarding File 18086, Mark Sullivan against Mission Dolores Green Benefit District Formation Committee, Dec 18, 2018

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I attended two meetings of the Mission Dolores Formation Committee: On September 17, 2018 and November 15, 2018. I can verify that committee organizers requested that no video recordings of the meeting occur.

The first question in this case is, "Does the Sunshine Ordinance Task Force (SOTF) have jurisdiction?"

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Is the committee an advisory committee?

Going forward, this committee will develop a Mission Dolores Green Benefit District management plan. The intention is to submit this plan to the Board of Supervisors for their approval. Without the advice of the Green Benefit Formation Committee, the Board of Supervisors would not entertain creation of a Mission Dolores Green Benefit District.

So the Mission Dolores Green Benefit Committee satisfies the conditions of section **67.3(c) (1)**. It is an advisory committee created by the initiative of a department head. I believe these facts show that the Sunshine Ordinance Task Force has jurisdiction over this complaint.

Leger, Cheryl (BOS)

From: Conan McHugh <conanmchugh@hotmail.com>
Sent: Tuesday, December 11, 2018 7:26 PM
To: SOTF, (BOS)
Subject: Sunshine Ordinance Follow-Up

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Greetings Cheryl,

Sounds like we received a request for the Mission Dolores GDB Exploration Committee to attend an upcoming Sunshine Ordinance Task Force meeting.

The Committee is entirely comprised of local residents and business owners using our free time to take an active role in improving our neighborhood by exploring a cleaning & greening initiative.

Therefore, we have a couple of questions before committing to attend...

- 1) Given that we're not City employees or a legislative body, why is our attendance required at this time?
- 2) What specific questions can only be answered directly by us (vs answered by the City)?
- 3) How & how frequently will this request be triggered?

As demonstrated by our pro-active hosting of community meetings, we certainly prioritize transparency and will be willing to answer specific questions assuming that only we can answer them.

That said, given we're community members donating our free time, we don't want to be held hostage to whims of a select few that have more free time than we do (and may or may not live in our neighborhood).

Sincerely,

Conan

Guerrero & 20th

650.722.6347

Mission Dolores GBD Exploration Committee

Leger, Cheryl (BOS)

From: SOTF, (BOS)
To: Steinberg, David (DPW); Goldberg, Jonathan (DPW)
Subject: SOTF - Complaint filed by M. Sullivan against the Mission Dolores GBD

Dear Mr. Steinberg and Mr. Goldberg:

Mr. Steinberg, I do not believe you and I have had a chance to speak. I have had a few conversations with Mr. Goldberg during the last two weeks. I write to inform both of you that I have sent through the Mission Dolores GBD website a notice that there is an outstanding complaint against them by Mark Sullivan. The message I wrote is below:

"The Sunshine Ordinance Task Force is in receipt of a complaint by Mark Sullivan against the Mission Dolores GBD Committee. Please contact me at Cheryl.Leger@sfgov.org or telephone me at 415-554-7724 and let me know the name of the person to notify of this complaint. We would like to schedule this matter for a hearing before the Compliance and Amendments Committee of the Sunshine Ordinance Task Force on December 18, 2018. Thank you."

I have tried to send a message through the Mission Dolores GBD website hoping to get a response, but I have yet to receive acknowledgement. Mr. Steinberg, I would appreciate it if you would get in touch with me to discuss the matter. Thank you both.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724



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Leger, Cheryl (BOS)

From: Goldberg, Jonathan (DPW)
Sent: Thursday, February 28, 2019 5:17 PM
To: SOTF, (BOS); Leger, Cheryl (BOS)
Subject: RE: SOTF - Sunshine Ordinance Task Force Meeting of March 6, 2019 Agenda

Hi Cheryl,

I have two inquiries for you:

1. Item No. 6 (File No. 18086) summarizes Mr. Sullivan's complaint and then provides a synopsis of the Compliance and Amendments Committee meeting on December 18 in italics. This text states "... recommendation to find that the SOTF does NOT have jurisdiction over the Mission Dolores Green Benefit District at this time."
 - Mr. Sullivan's complaint was against the Mission Dolores Green Benefit District Formation Committee, not the Mission Dolores Green Benefit District (which is a non-existent entity). Is it possible to correct this on the SOTF meeting agenda?
1. I regret to have missed the deadline to submit a comment/note on Item No. 6 prior to dissemination of the SOTF Agenda.
 - Is it possible to submit a comment/note prior to the meeting for public record?

Regards,
Jonathan



Jonathan Goldberg
Green Benefit District
Program Manager

Operations | San Francisco Public Works | City and County of San Francisco

2323 Cesar Chavez Street | San Francisco, CA 94124 | (o) 415.695.2015 | (c) 415.304.0749

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From: SOTF, (BOS)
Sent: Thursday, February 28, 2019 3:02 PM
To: Ellen Tsang <tsangt123@yahoo.com>; Madjus, Lily (DBI) <lily.madjus@sfgov.org>; SunshineRequests, DBI (DBI) <dbi.sunshinerequests@sfgov.org>; Betty Mackey <mackey.betty@gmail.com>; Beck, Bob (MYR) <bob.beck@sfgov.org>; Summerville, Peter (ADM) <peter.summerville@sfgov.org>; TIDA, (ADM) <tida@sfgov.org>; sfneighborhoods.net <info@sfneighborhoods.net>; Goldberg, Jonathan (DPW) <jonathan.goldberg@sfdpw.org>; Conan McHugh <conanmchugh@hotmail.com>; Robert M. Smith <rms@robertmsmith.com>; Melissa Powers <mpowers@famsf.org>; SJonz@famsf.org; tklipp@yahoo.com; Lin-Wilson, Tiffany (REC) <tiffany.lin-wilson@sfgov.org>; Pawlowsky, Eric (REC) <eric.pawlowsky@sfgov.org>
Subject: SOTF - Sunshine Ordinance Task Force Meeting of March 6, 2019 Agenda

Good Afternoon:

The Agenda packet for the March 6, 2019, Sunshine Ordinance Task Force meeting at 4:00 pm hearing is available online at the following link:

https://sfgov.org/sunshine/sites/default/files/sotf_030619_agenda.pdf

The packet material is linked to each item listed on the agenda mark with an “attachment”. Click anywhere on the title of the item to open the link to the pdf of the packet material in question.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724



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Leger, Cheryl (BOS)

From: Goldberg, Jonathan (DPW)
Sent: Tuesday, May 28, 2019 10:57 AM
To: Rick Carell
Cc: chirstopher.corgas@sfgov.org; Nuru, Mohammed (DPW); SOTF, (BOS); Mandelman, Rafael (BOS)
Subject: RE: MD GBD

Hi Rick,

Thank you for reaching out. I will need to consult the Steering Committee to answer how long they will want to keep the Petition drive open (the Petition process cannot continue indefinitely).

For additional clarification about the Petition and Ballot, Public Works will review and verify all Petitions submitted as part of the MD GBD formation process. Public Works does not handle or verify the Ballot votes cast. All remitted Petitions will be submitted to the Clerk of the Board of Supervisors, scanned, and available for public review if the required threshold of support is reached to trigger the introduction of legislation associated with the formation process.

The Ballot vote is outside of the purview of Public Works – it is mailed and managed by the Department of Elections for a (state-mandated) 45 day voting period. If property owners prefer to vote in person rather than absentee, they are welcome to do so at the Department of Elections' offices in the basement of City Hall. Ballots cast are scanned and counted by the Department of Elections at the end of the 45 day voting period. Results of the election are announced at a public hearing comprised of members of the Board of Supervisors.

Regards,
Jonathan



Jonathan Goldberg
Green Benefit District
Program Manager

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2323 Cesar Chavez Street | San Francisco, CA 94124 | (o) 415.695.2015 | (c) 415.304.0749
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From: Rick Carell [mailto:rjcarell@gmail.com]
Sent: Monday, May 27, 2019 4:46 PM
To: Goldberg, Jonathan (DPW) <jonathan.goldberg@sfdpw.org>
Cc: chirstopher.corgas@sfgov.org; Nuru, Mohammed (DPW) <mohammed.nuru@sfdpw.org>; SOTF, (BOS) <sotf@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>
Subject: MD GBD

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Hi Jonathan

The MDGBD website says the petition deadline has been extended.

1. Since DPW is tasked with maintaining ballot integrity for the MDGBD petition drive, could you advise how long the voting period will remain open?
2. Will independent third parties have the opportunity to review the votes cast?

Appreciate your response.

Rick Carell
262 Cumberland St.

MISSION DOLORES GBD

HOME ABOUT CONTACTS SIGNUP FAQS DONATIONS

NEED ANOTHER PETITION FORM?

Am I a household member? *extended*

How do I get a petition form? *extended*

Leger, Cheryl (BOS)

From: Goldberg, Jonathan (DPW)
Sent: Friday, March 1, 2019 1:30 PM
To: SOTF, (BOS)
Subject: RE: SOTF - Sunshine Ordinance Task Force Meeting of March 6, 2019 Agenda

Hi Cheryl,

I understand you cannot change the posted agenda, but is it possible to add a supplemental agenda, clarifying Item No. 6?

This request is substantiated because it is the fundamental issue that has fostered the misunderstanding leading-up to this SOTF complaint. A GBD Formation Committee is not bound by the local Sunshine Ordinance, whereas a legally formed and legislated GBD (such as the reference in the Agenda to the "Mission Dolores Green Benefit District") is unquestionably bound by Brown Act's meeting and notice requirements. The Mission Dolores Green Benefit District Formation Committee has not yet initiated the process to legislate and legally form their Green Benefit District.

This distinction was affirmed during my comments at the Compliance and Amendments Committee last December. Otherwise, the Agenda Item and description as currently stated is misleading and misstates the item under discussion.

Regards,
Jonathan



Jonathan Goldberg
Green Benefit District
Program Manager

Operations | San Francisco Public Works | City and County of San Francisco
2323 Cesar Chavez Street | San Francisco, CA 94124 | (o) 415.695.2015 | (c) 415.304.0749
sfpublicworks.org • twitter.com/sfpublicworks

From: SOTF, (BOS)
Sent: Friday, March 01, 2019 9:33 AM
To: Goldberg, Jonathan (DPW) <jonathan.goldberg@sfdpw.org>
Subject: RE: SOTF - Sunshine Ordinance Task Force Meeting of March 6, 2019 Agenda

Dear MR. Goldberg:

I cannot change the Agenda as it is now published. As for missing the deadline to submit documents/records, you can email me your comment and I will bring it with me on Wednesday evening, however it is up to the Task Force on whether or not they will accept it and put it into the record. I hope this answers your questions.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724



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From: Goldberg, Jonathan (DPW)
Sent: Thursday, February 28, 2019 5:17 PM
To: SOTF, (BOS) <sotf@sfgov.org>; Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>
Subject: RE: SOTF - Sunshine Ordinance Task Force Meeting of March 6, 2019 Agenda

Hi Cheryl,

I have two inquiries for you:

1. Item No. 6 (File No. 18086) summarizes Mr. Sullivan's complaint and then provides a synopsis of the Compliance and Amendments Committee meeting on December 18 in italics. This text states ". . . recommendation to find that the SOTF does NOT have jurisdiction over the Mission Dolores Green Benefit District at this time."
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To: Ellen Tsang <tsangt123@yahoo.com>; Madjus, Lily (DBI) <lily.madjus@sfgov.org>; SunshineRequests, DBI (DBI) <dbi.sunshinerequests@sfgov.org>; Betty Mackey <mackey.betty@gmail.com>; Beck, Bob (MYR) <bob.beck@sfgov.org>; Summerville, Peter (ADM) <peter.summerville@sfgov.org>; TIDA, (ADM) <tida@sfgov.org>; sfneighborhoods.net <info@sfneighborhoods.net>; Goldberg, Jonathan (DPW) <jonathan.goldberg@sfdpw.org>; Conan McHugh <conanmchugh@hotmail.com>; Robert M. Smith <rms@robertmsmith.com>; Melissa Powers <mpowers@famsf.org>; Slonz@famsf.org; <tklipp@yahoo.com>; Lin-Wilson, Tiffany (REC) <tiffany.lin-wilson@sfgov.org>; Pawlowsky, Eric (REC) <eric.pawlowsky@sfgov.org>
Subject: SOTF - Sunshine Ordinance Task Force Meeting of March 6, 2019 Agenda

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Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724



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Leger, Cheryl (BOS)

From: Conan McHugh <conanmchugh@hotmail.com>
Sent: Monday, June 21, 2021 5:04 PM
To: SOTF, (BOS); Steinberg, David (DPW); Goldberg, Jonathan (DPW)
Subject: Re: SOTF - Compliance and Amendments Committee of the Sunshine Ordinance Task Force 06/22/21 Meeting - Agenda and Packet Online

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Cheryl and/or DPW.

Following up on my previous email which did not solicit a response.

Please ensure you have confirmation from the appropriate City Dept as I will be unable to attend tomorrow.

Also, if the Petitioner (and/or the Committee) doesn't like the continued outcomes then will we be forced re-argue the same topic until their desired result is achieved?

My neighbors and I already provided our perspective on File No 18086 at the SOTF meeting on 6 Mar 2019. The report (linked below) from that meeting clearly states the following.

"FINDINGS OF FACT AND CONCLUSION OF LAW: Based on the testimony and evidence presented, the SOTF found that the SOTF does not have jurisdiction over the Mission Dolores Green Benefit District Formation Committee."

and

"As the motion to find jurisdiction over the Mission Dolores Green Benefit District Formation Committee failed the SOTF does not have jurisdiction in this matter..."

https://sfgov.org/sunshine/sites/default/files/SOTF_Order_18086.pdf

That conclusion appears clear. Hence my sincere inquiry about what it will take for this topic to be closed.

Sincerely,
Conan

Leger, Cheryl (BOS)

From: Steinberg, David (DPW)
Sent: Monday, June 21, 2021 5:08 PM
To: Conan McHugh; SOTF, (BOS)
Subject: RE: SOTF - Compliance and Amendments Committee of the Sunshine Ordinance Task Force 06/22/21 Meeting - Agenda and Packet Online

Hi Conan,

Because the complaint was filed against the steering committee, Public Works is not a party to the complaint. I agree with you that there appears to be no reason to revisit this issue, however, I plan to attend the meeting and will speak as an interested party. Because it is too late for your response to be included in the packet, if there is anything that you would like me to bring up to the committee, please send it to me ASAP.

Regards,



David A. Steinberg
Custodian of Records & Executive Assistant to the Director
San Francisco Public Works | City and County of San Francisco
49 South Van Ness Avenue, Suite 1647 | San Francisco, CA 94103 | (628) 271-2888
sfpublicworks.org · twitter.com/sfpublicworks

For public records requests, please go to sfpublicworks.org/records.

From: Conan McHugh <conanmchugh@hotmail.com>
Sent: Monday, June 21, 2021 5:04 PM
To: SOTF, (BOS) <sotf@sfgov.org>; Steinberg, David (DPW) <david.steinberg@sfdpw.org>; Goldberg, Jonathan (DPW) <jonathan.goldberg@sfdpw.org>
Subject: Re: SOTF - Compliance and Amendments Committee of the Sunshine Ordinance Task Force 06/22/21 Meeting - Agenda and Packet Online

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Cheryl and/or DPW.

Following up on my previous email which did not solicit a response.

Please ensure you have confirmation from the appropriate City Dept as I will be unable to attend tomorrow.

Also, if the Petitioner (and/or the Committee) doesn't like the continued outcomes then will we be forced re-argue the same topic until their desired result is achieved?

My neighbors and I already provided our perspective on File No 18086 at the SOTF meeting on 6 Mar 2019. The report (linked below) from that meeting clearly states the following.

"FINDINGS OF FACT AND CONCLUSION OF LAW: Based on the testimony and evidence presented, the SOTF found that the SOTF does not have jurisdiction over the Mission Dolores Green Benefit District Formation Committee."

and

"As the motion to find jurisdiction over the Mission Dolores Green Benefit District Formation Committee failed the SOTF does not have jurisdiction in this matter..."

https://sfgov.org/sunshine/sites/default/files/SOTF_Order_18086.pdf

That conclusion appears clear. Hence my sincere inquiry about what it will take for this topic to be closed.

Sincerely,
Conan

Leger, Cheryl (BOS)

From: Conan McHugh <conanmchugh@hotmail.com>
Sent: Tuesday, July 6, 2021 7:19 PM
To: SOTF, (BOS)
Cc: Steinberg, David (DPW)
Subject: Fw: SOTF - Notice of Appearance, July 7, 2021 - Sunshine Ordinance Task Force; 4:00 PM; Remote Meeting
Attachments: 18086Represent.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Cheryl,

Please confirm you have received the attached pdf authorizing David Steinberg of San Francisco Public Works (and/or the appropriate legal representation for the Department of Public Works) to represent me and the Mission Dolores Green Benefit District Formation Committee for File No 18086 before the Sunshine Ordinance Task Force.

Sincerely,
Conan

From: Conan McHugh <conanmchugh@hotmail.com>
Sent: Wednesday, June 30, 2021 3:46 PM
To: SOTF, (BOS) <sotf@sfgov.org>; Steinberg, David (DPW) <david.steinberg@sfdpw.org>
Subject: Re: SOTF - Notice of Appearance, July 7, 2021 - Sunshine Ordinance Task Force; 4:00 PM; Remote Meeting

(For documentation in the official record.)

Cheryl.

Please confirm that the following comments are included in the agenda packet for the pertinent SOTF meeting covering File No 18086.

From my vantage point, the SOTF request regarding File No 18086

- 1) Lacks Jurisdiction,
- 2) Is Moot,
- 3) Constitutes Double Jeopardy, and
- 4) Represents Harassment/A Slippery Slope.

Jurisdiction (Lack there of)

The SOTF request lacked jurisdiction over the Mission Dolores Green Benefit District (MDGBD) formation committee because we were simply a group of neighbors donating our personal time to address the Cleanliness & Safety issues impacting our community. As part of this effort, we explored whether there was wider interest in a Green Benefit District. At the time of that exploration, we were not City Dept nor an agency, board, nor commission created by the City Charter or by Ordinance or Resolution passed by the Board

of Supervisors. Nor were we a non-profit receiving more than \$250,000 from the City. In short, we did not meet any of the requirements listed in the FAQ on the City's Sunshine Website.

<https://sfgov.org/sunshine/frequently-asked-questions>

Looking for oversight opportunities? Had we successfully passed a ballot initiative and formed a non-profit then we would have likely been subject to the Sunshine guidelines. Also, we did correspond with City employees to ensure we were following the appropriate steps to explore a GBD. Therefore, at the time of this complaint (18 Dec 2018), the Petitioner (Mr Sullivan) should have used the appropriate channels focused on requesting records from City employees, not private citizens acting on our own accord.

Please note, if you have issues finding the appropriate department to attend this upcoming meeting then that's just another sign of our self organization (and lack of interlock with the City).

Moot

This complaint and potential enforcement is moot given that the group of neighbors discussing a potential MDGBD stopped investigating this topic in Nov 2019 and refocused our efforts elsewhere. The appropriate City Dept may have noticed decreased communication from us. However, that Dept may not know that we stopped exploring this topic because (again) we were an independent group of concerned Mission Dolores neighbors (and not officially connected or formed by the City). Our ability to simply stop exploring a GBD without the City's knowledge is another data point highlighting both our independence from the City and the fact that you should discuss this matter with the appropriate City dept.co

Double Jeopardy

Asking us to re-argue this request at another SOTF meeting clearly represents double jeopardy. We already provided our perspective at the SOTF meeting on 6 Mar 2019. The report (linked below) from that meeting clearly states the following.

"FINDINGS OF FACT AND CONCLUSION OF LAW: Based on the testimony and evidence presented, the SOTF found that the SOTF does not have jurisdiction over the Mission Dolores Green Benefit District Formation Committee."

and

"As the motion to find jurisdiction over the Mission Dolores Green Benefit District Formation Committee failed the SOTF does not have jurisdiction in this matter..."

https://sfgov.org/sunshine/sites/default/files/SOTF_Order_18086.pdf

If the Petitioner (or the Committee) doesn't like the continued outcomes then will we be forced re-argue the same topic until their desired result is achieved? How much time will I be asked as a community member to volunteer to this topic? In other words, when does this end?

Harassment/Slippery Slope

If you fulfill this request then you absolutely risk discouraging neighbors from volunteering. Mr Sullivan, Mr Hooper, and their cohort clearly have strong opinions about the topic of GBDs. So much so, that they take a keen and active interest in affairs outside their neighborhood and into ours (Mission Dolores). They have made their passionate opposition clear via their multiple SOTF complaints (beyond 18086) in addition to misleading social media posts and voluminous statements to me and my neighbors during and after our GBD exploration.

Differing opinions on how to solve challenging topics is expected. Likewise, video taping (which is the foundation of this request) really isn't that big a deal assuming it's self administrated and expected ahead of time. That said, if video taping was the real concern then the Petitioner could have simply requested before

or during the meeting that we video tape ourselves. That would have a very different feel to our group of amateur presenters than a known hostile voice menacingly pointing a camera in our direction without asking. (Please note, we did thank and appreciate Mr Sullivan stopping his recording when we asked kindly. That prevented an already awkward situation from being any more awkward.)

And intentional or not, the Petitioners actions combined with other feedback have already had an impact. The negative experience caused me to focus my charity work elsewhere starting in Dec 2019 and take a 12month break from SF related volunteer efforts. Loosely applying the Sunshine Ordinance and providing additional tools of harassment will only discourage more people potential looking to make a difference in their neighborhood.

If you rule that a group of neighbors hosting an open meeting to discuss the potential interest in GBD needs video taping then where do you draw the line? Does that also mean volunteers need to fear the specter of email or other open records requests weaponized for harassment? That's a very real concern given this initial request has caused me to be called to a second SOTF meeting to answer questions about a discussion two years ago.

Volunteering can be thankless. We should be trying to encourage more people to donate their time, not erecting barriers of entry.

Sincerely,
Conan

To Whom It May Concern:

David Steinberg of San Francisco Public Works and/or the appropriate legal representation for the Department of Public Works is authorized to represent me, Conan McHugh, and the Mission Dolores Green Benefit District Formation Committee (MD GBD) for File No 18086 before the Sunshine Ordinance Task Force. A member of the DPW was selected because that was the City/County Department with which we corresponded the most during our investigation of potentially forming a Green Benefit District prior to our disbanding.

David Steinberg
Custodian of Records & Executive Assistant to the Director
San Francisco Public Works | City and County of San Francisco
david.steinberg@sfdpw.org

Sincerely,

A handwritten signature in black ink, appearing to read 'Conan McHugh', with a long horizontal line extending to the right.

Conan McHugh
Community volunteer for former MD GBD Formation Committee
File No 18086 Respondent

Leger, Cheryl (BOS)

From: Conan McHugh <conanmchugh@hotmail.com>
Sent: Tuesday, July 6, 2021 7:20 PM
To: Leger, Cheryl (BOS); SOTF, (BOS); Steinberg, David (DPW)
Subject: Fw: SOTF - Notice of Appearance, July 7, 2021 - Sunshine Ordinance Task Force; 4:00 PM; Remote Meeting

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Cheryl,

Welcome back. Please confirm that the previous submission below from 30 June 2021 was added to the pertinent SOTF agenda packet for File No 18086.

Conan

From: Conan McHugh <conanmchugh@hotmail.com>
Sent: Wednesday, June 30, 2021 3:46 PM
To: SOTF, (BOS) <sotf@sfgov.org>; Steinberg, David (DPW) <david.steinberg@sfdpw.org>
Subject: Re: SOTF - Notice of Appearance, July 7, 2021 - Sunshine Ordinance Task Force; 4:00 PM; Remote Meeting

(For documentation in the official record.)

Cheryl.

Please confirm that the following comments are included in the agenda packet for the pertinent SOTF meeting covering File No 18086.

From my vantage point, the SOTF request regarding File No 18086

- 1) Lacks Jurisdiction,
- 2) Is Moot,
- 3) Constitutes Double Jeopardy, and
- 4) Represents Harassment/A Slippery Slope.

Jurisdiction (Lack there of)

The SOTF request lacked jurisdiction over the Mission Dolores Green Benefit District (MDGBD) formation committee because we were simply a group of neighbors donating our personal time to address the Cleanliness & Safety issues impacting our community. As part of this effort, we explored whether there was wider interest in a Green Benefit District. At the time of that exploration, we were not City Dept nor an agency, board, nor commission created by the City Charter or by Ordinance or Resolution passed by the Board of Supervisors. Nor were we a non-profit receiving more than \$250,000 from the City. In short, we did not meet any of the requirements listed in the FAQ on the City's Sunshine Website.

<https://sfgov.org/sunshine/frequently-asked-questions>

Looking for oversight opportunities? Had we successfully passed a ballot initiative and formed a non-profit then we would have likely been subject to the Sunshine guidelines. Also, we did correspond with City employees to ensure we were following the appropriate steps to explore a GBD. Therefore, at the time of this complaint (18 Dec 2018), the Petitioner (Mr Sullivan) should have used the appropriate channels focused on requesting records from City employees, not private citizens acting on our own accord.

Please note, if you have issues finding the appropriate department to attend this upcoming meeting then that's just another sign of our self organization (and lack of interlock with the City).

Moot

This complaint and potential enforcement is moot given that the group of neighbors discussing a potential MDGBD stopped investigating this topic in Nov 2019 and refocused our efforts elsewhere. The appropriate City Dept may have noticed decreased communication from us. However, that Dept may not know that we stopped exploring this topic because (again) we were an independent group of concerned Mission Dolores neighbors (and not officially connected or formed by the City). Our ability to simply stop exploring a GBD without the City's knowledge is another data point highlighting both our independence from the City and the fact that you should discuss this matter with the appropriate City dept.

Double Jeopardy

Asking us to re-argue this request at another SOTF meeting clearly represents double jeopardy. We already provided our perspective at the SOTF meeting on 6 Mar 2019. The report (linked below) from that meeting clearly states the following.

"FINDINGS OF FACT AND CONCLUSION OF LAW: Based on the testimony and evidence presented, the SOTF found that the SOTF does not have jurisdiction over the Mission Dolores Green Benefit District Formation Committee."

and

"As the motion to find jurisdiction over the Mission Dolores Green Benefit District Formation Committee failed the SOTF does not have jurisdiction in this matter..."

https://sfgov.org/sunshine/sites/default/files/SOTF_Order_18086.pdf

If the Petitioner (or the Committee) doesn't like the continued outcomes then will we be forced re-argue the same topic until their desired result is achieved? How much time will I be asked as a community member to volunteer to this topic? In other words, when does this end?

Harassment/Slippery Slope

If you fulfill this request then you absolutely risk discouraging neighbors from volunteering. Mr Sullivan, Mr Hooper, and their cohort clearly have strong opinions about the topic of GBDs. So much so, that they take a keen and active interest in affairs outside their neighborhood and into ours (Mission Dolores). They have made their passionate opposition clear via their multiple SOTF complaints (beyond 18086) in addition to misleading social media posts and voluminous statements to me and my neighbors during and after our GBD exploration.

Differing opinions on how to solve challenging topics is expected. Likewise, video taping (which is the foundation of this request) really isn't that big a deal assuming it's self administrated and expected ahead of time. That said, if video taping was the real concern then the Petitioner could have simply requested before or during the meeting that we video tape ourselves. That would have a very different feel to our group of amateur presenters than a known hostile voice menacingly pointing a camera in our direction without asking. (Please note, we did thank and appreciate Mr Sullivan stopping his recording when we asked kindly. That prevented an already awkward situation from being any more awkward.)

And intentional or not, the Petitioners actions combined with other feedback have already had an impact. The negative experience caused me to focus my charity work elsewhere starting in Dec 2019 and take a 12month break from SF related volunteer efforts. Loosely applying the Sunshine Ordinance and providing additional tools of harassment will only discourage more people potential looking to make a difference in their neighborhood.

If you rule that a group of neighbors hosting an open meeting to discuss the potential interest in GBD needs video taping then where do you draw the line? Does that also mean volunteers need to fear the specter of email or other open records requests weaponized for harassment? That's a very real concern given this initial request has caused me to be called to a second SOTF meeting to answer questions about a discussion two years ago.

Volunteering can be thankless. We should be trying to encourage more people to donate their time, not erecting barriers of entry.

Sincerely,
Conan

From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Wednesday, June 23, 2021 4:22 PM
To: Anonymoose  <arecordsrequestor@protonmail.com>; Miyamoto, Paul (SHF) <paul.miyamoto@sfgov.org>; Nicco, Mark (SHF) <mark.nicco@sfgov.org>; sfneighborhoods.net <info@sfneighborhoods.net>; conanmchugh@hotmail.com <conanmchugh@hotmail.com>; Steinberg, David (DPW) <david.steinberg@sfdpw.org>; Thompson, Marianne (ECN) <marianne.thompson@sfgov.org>; JOHN HOOPER <hooparb@aol.com>; Heckel, Hank (MYR) <hank.heckel@sfgov.org>; cjkohrs <ckohrs@gmail.com>; Youngblood, Stacy (POL) <Stacy.A.Youngblood@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Wilson, James (SHF) <james.b.wilson@sfgov.org>; Quanico, James (SHF) <james.quanico@sfgov.org>
Subject: SOTF - Notice of Appearance, July 7, 2021 - Sunshine Ordinance Task Force; 4:00 PM; Remote Meeting

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: July 7, 2021

Location: Remote Meeting

Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

1. **File No. 19143:** Complaint filed by Anonymous against Sheriff Paul Miyamoto, James Wilson and the Sheriff's Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24, 67.25 and 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.
2. **File No. 20009:** Complaint filed by Anonymous against Sheriff Paul Miyamoto, Lt. J. Quanico and the Sheriff's Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.26 and 67.27, by failing to justify withholding and keeping withholding to a minimum.

Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Monday, December 3, 2018 3:59 PM
To: 'Julian.Sarkar@gmail.com'; Buckley, Theresa (TTX); 'Boomer, Roberta'; 'Celaya, Caroline'; Ellison, Donald (MTA); 'Janae Reed'; 'Carol Cypert'; Peters, Michelle (PUC); 'Public Records'
Subject: SOTF - Notice of Hearing - Compliance and Amendments Committee; December 18, 2018, 4:30 p.m.

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Compliance and Amendments Committee of the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: December 18, 2018

Location: City Hall, Room 408

Time: 4:30 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

File No. 18001: Hearing on the Status of the Order of Determination, Complaint filed by Julian Sarkar against Jose Cisneros and the Office of the Treasurer and Tax Collector for violating Administrative Code (Sunshine Ordinance, Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18058: Hearing on the Status of the Order of Determination, Complaint filed by Deonte Walker and Tamara Reed against the San Francisco Municipal Transportation Agency for violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18086: Complaint filed by Mark Sullivan against the Mission Dolores Green Benefit District Formation Committee for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.14, by failing to allow video and audio recording filming and still photography of a policy body.

File No. 18087: Complaint filed by Carol Cypert against San Francisco Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 18088: Complaint filed by Carol Cypert against San Francisco Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by **5:00 pm, December 11, 2018.**

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724



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Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Friday, January 25, 2019 10:04 AM
To: Goldberg, Jonathan (DPW); 'Conan McHugh'
Cc: 'sfneighborhoods.net'
Subject: FW: SOTF - Notice of Hearing before the Sunshine Ordinance Task Force, February 6, 2019, 4:00 pm

Dear Mr. Goldberg and Mr. McHugh:

Please see the email below. Mr. Sullivan will be out of town on February 6 which means that this matter will be heard at a later date. Let me know if you have questions.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724



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From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Thursday, January 24, 2019 5:14 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: SOTF - Notice of Hearing before the Sunshine Ordinance Task Force, February 6, 2019, 4:00 pm

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Ms. Leger,

I will be out of town in New York, NY on February 6. Can it happen in March?

Thank You,

Mark Sullivan

On 1/24/2019 1:43 PM, SOTF, (BOS) wrote:

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: February 6, 2019

Location: City Hall, Room 408

Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

File No. 18001: Complaint filed by Julian Sarkar against Jose Cisneros and the Office of the Treasurer and Tax Collector's Office (TTX) for violating Administrative Code (Sunshine Ordinance, Section 67.21), by failing to respond to a request for public records in a timely manner.

File No. 18067: Complaint filed by Betty Mackey against the Treasure Island Development Authority for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18086: Complaint filed by Mark Sullivan against the Mission Dolores Green Benefit District Formation Committee for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.14, by failing to allow video and audio recording filming and still photography of a policy body.

SPECIAL ORDER

The hearings on File Nos. 18079 and 18081 will not begin earlier than 5:00 pm.

File No. 18079: Complaint filed by Ellen Tsang against Lily Madjus and the Department of Building Inspection (DBI) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18081: Complaint filed by David Tucker against Bianca Polovina and the Office of Labor Standards Enforcement for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.24(b)(2), by failing to respond to a request for litigation documents in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by **5:00 pm, January 30, 2019.**

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724



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Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Tuesday, February 19, 2019 11:05 AM
To: 'Ellen Tsang'; Madjus, Lily (DBI); SunshineRequests, DBI (DBI); 'Betty Mackey'; Beck, Bob (MYR); Summerville, Peter (ADM); TIDA, (ADM); 'sfneighborhoods.net'; Goldberg, Jonathan (DPW); 'Conan McHugh'; 'Robert M. Smith'; 'Melissa Powers'; 'Joshua Klipp'; Lin-Wilson, Tiffany (REC); Pawlowsky, Eric (REC)
Subject: SOTF - Sunshine Ordinance Task force Notice of Hearing, March 6, 2019
Attachments: SOTF - Complaint Procedure 2018-12-05 FINAL.pdf

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: March 6, 2019
Location: City Hall, Room 408
Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

File No. 18079: Complaint filed by Ellen Tsang against Lily Madjus and the Department of Building Inspection (DBI) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18067: Complaint filed by Betty Mackey against the Treasure Island Development Authority for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18086: Complaint filed by Mark Sullivan against the Mission Dolores Green Benefit District Formation Committee for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.14, by failing to allow video and audio recording filming and still photography of a policy body.

File No. 18049: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18083: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

SPECIAL ORDER

The hearing on File Nos. 18072 will not begin earlier than 6:00 pm.


File No. 18072: Complaint filed by Joshua Klipp against the Recreation and Parks Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by **5:00 pm, February February 27, 2019.**

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

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Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Tuesday, April 30, 2019 3:25 PM
To: 'sfneighborhoods.net'
Subject: SOTF - Order of Determination; file no. 18086

Dear Mr. Sullivan:

Attached to this email is the link to your Order of Determination which has been published. I apologize for not getting this document to you sooner. Feel free to let me know if you have questions.

https://sfgov.org/sunshine/sites/default/files/SOTF_Order_18086.pdf

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724



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Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Monday, June 14, 2021 4:25 PM
To: 'team@nogbdtax.org'
Subject: SOTF - Notice of Appearance - Compliance and Amendments Committee; June 22, 2021 4:30 p.m.
Attachments: SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Compliance and Amendments Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: June 22, 2021

Location: Remote meeting; participant information to be included on the Agenda

Time: 4:30 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

File No. 19140: Complaint filed by Stephen Malloy against the Department of Human Resources for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 19124: Complaint filed by Anonymous against Chief William Scott and Lt. R. Andrew Cox and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.26, 67.27, by failing to by failing to assist in a timely or complete manner, by failing to provide a timely or complete response to a records request, by failing to provide rolling responses, by failing to withhold the minimal portion of public records, and by failing by provide written justification for withholding.

File No. 19112: Complaint filed by Anonymous against Chief William Scott and Lt. R. Andrew Cox and the Police Department for violating Administrative Code (Sunshine Ordinance), Sections 67.25, 67.26, 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing to justify withholding of records and failing to maintain a Proposition G calendar.

File No. 20108: Complaint filed by E.J. White against the Department of Police Accountability for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19098: Complaint filed by Anonymous against Police Department for violating Administrative Code (Sunshine Ordinance), Sections 67.21(b), by failing to provide copies of electronic records by printing and

Leger, Cheryl (BOS)

From: SOTF, (BOS)
To: SGM; Wisinski, Ted (HRD); Pera, Arran (POL); Anonymous Records Requester; 81227-34819567@requests.muckrock.com; Scott, William (POL); 81412-71801448@requests.muckrock.com; ajwxyz@gmail.com; Henderson, Paul (DPA); Rosenstein, Diana (DPA); 76435-93915115@requests.muckrock.com; info@sfneighborhoods.net; www.doloresgbd.org/contact; Goldberg, Jonathan (DPW); conanmchugh@hotmail.com; sanderies@andgolaw.com; Nicole Mitchell; Burke, Robyn (DAT); Boudin, Chesa (DAT)
Subject: SOTF - Notice of Appearance - Compliance and Amendments Committee; June 22, 2021 4:30 p.m.
Attachments: SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Good Morning:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Compliance and Amendments Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: June 22, 2021

Location: Remote meeting; participant information to be included on the Agenda

Time: 4:30 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

File No. 19140: Complaint filed by Stephen Malloy against the Department of Human Resources for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 19124: Complaint filed by Anonymous against Chief William Scott and Lt. R. Andrew Cox and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.26, 67.27, by failing to by failing to assist in a timely or complete manner, by failing to provide a timely or complete response to a records request, by failing to provide rolling responses, by failing to withhold the minimal portion of public records, and by failing by provide written justification for withholding.

File No. 19112: Complaint filed by Anonymous against Chief William Scott and Lt. R. Andrew Cox and the Police Department for violating Administrative Code (Sunshine Ordinance), Sections 67.25, 67.26, 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing to justify withholding of records and failing to maintain a Proposition G calendar.

File No. 20108: Complaint filed by E.J. White against the Department of Police Accountability for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19098: Complaint filed by Anonymous against Police Department for violating Administrative Code (Sunshine Ordinance), Sections 67.21(b), by failing to provide copies of electronic records by printing and scanning them instead; 67.21(k) by failing to search for all personally held public records within the scope of *City of San Jose v. Superior Court* (2017); Section 67.26 by withholding partial text message records namely the To and From of each message and also by withholding all email metadata namely email headers, and Section 67.27 by failing to key each redaction with a footnote or other clear reference to a justification.


File No. 18086: Hearing regarding request for reconsideration. Compliant filed by Mark Sullivan against the Mission Dolores Green Benefit District Formation Committee for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.14, by failing to allow video and audio recording filming and still photography of a policy body.

File No. 20079: Complaint filed by Shane Anderies against District Attorney's Office and Chesa Boudin for violating Administrative Code (Sunshine Ordinance), Sections 67.21(e) failing to respond to a records request in a timely and/or complete manner; 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner; 67.26 withholding kept to a minimum and 67.27 failing to provide justification for withholding responsive documents.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). ***For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, June 17, 2021.***

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

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Leger, Cheryl (BOS)

From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Wednesday, May 26, 2021 5:40 PM
To: SOTF, (BOS)
Subject: Sorry about missing the committee meeting Tuesday 5-25-2021, I switched day of the week to Wednesday.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Ms. Leger,

Sorry about missing the committee meeting Tuesday 5-25-2021. I switched day of the week to Wednesday. It has been a long time since I have participated in a committee meeting and forgot they were on Tuesdays.

I am good with whatever SOTF decided or will decide about my absence or the complaint.

Sorry,
mark sullivan

Leger, Cheryl (BOS)

From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Monday, June 7, 2021 2:36 PM
To: SOTF, (BOS)
Subject: link to File No. 18086: Hearing regarding request for reconsideration to find out what is in the file.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Ms. Leger,

Could I have a link to **File No. 18086: Hearing regarding request for reconsideration.** because I have no idea what is in the file right now. If not are the following in the file: the last complaint I filed that combined appeal and my problems with SOTF Bylaws Sec 7, my letter to Ms. Calvillo and the e-mail exchange with Ms. Calvillo.

If they are in the file, I am good to go.

Thanks for your help,

mark sullivan


On 6/2/2021 10:50 AM, SOTF, (BOS) wrote:

File No. 18086: Hearing regarding request for reconsideration. Compliant filed by Mark Sullivan against the Mission Dolores Green Benefit District Formation Committee for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.14, by failing to allow video and audio recording filming and still photography of a policy body.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). ***For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, June 17, 2021.***

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

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Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Wednesday, September 8, 2021 9:26 AM
To: JOHN HOOPER; Thompson, Marianne (ECN); Steinberg, David (DPW); libraryusers2004@yahoo.com; Shaub, Margot (LIB); San Francisco Living Wage; sfneighborhoods.net; Conan McHugh
Subject: SOTF - Notice of Appearance - Compliance and Amendments Committee; September 28, 2021 4:30 p.m.
Attachments: SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Good Morning:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Compliance and Amendments Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: September 28, 2021

Location: Remote meeting; participant information to be included on the Agenda

Time: 4:30 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

File No. 19061: Complaint filed by John Hooper against the Office of Economic and Workforce Development for violating Administrative Code (Sunshine Ordinance), Section 67.21(b), by failing to respond to a public records request in a timely and/or complete manner.

File No. 19062: Complaint filed by John Hooper against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 20082: Complaint filed by Library Users Association against Mary Ghirarduzzi and the Library Commission for violating Administrative Code (Sunshine Ordinance), Section 67.15 by failing to allow participation in public comment during a remote Library Commission meeting July 9, 2020.


File No. 20093: Complaint filed by Karl Kramer against Department of Public Works for violating Administrative Code (Sunshine Ordinance), Section 67.21 by failing to respond to a records request in a timely and/or complete manner.

File No. 18086: Hearing Regarding Request for Reconsideration of Complaint. Complaint filed by Mark Sullivan against the Mission Dolores Green Benefit District Formation Committee for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.14, by failing to allow video and audio recording filming and still photography of a policy body.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). ***For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, September 23, 2021.***

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

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