

Patrick Monette-Shaw

975 Sutter Street, Apt. 6

San Francisco, CA 94109

Phone: (415) 292-6969 • e-mail: pmonette-shaw@earthlink.net

July 13, 2026

Rules Committee

San Francisco Board of Supervisors

The Honorable Shamann Walton, Chair

The Honorable Stephen Sherrill, Member

The Honorable Rafael Mandelman, Member

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

“ Since the SOTF is **NOT an ‘Advisory Body,’ but is a ‘Regulatory Body’ instead, it appears Ordinance #99-26 §5.1-5 on holdover service does NOT apply to the Sunshine Ordinance Task Force. *Period!***

End of story. The Streamlining Task Force knew this.”

Urgent: Sunshine Ordinance Task Force and Holdover Appointments — Rules Committee Must Re-Instate SOTF Members Immediately

Dear Chair Walton and Rules Committee Members,

It’s totally unacceptable that San Francisco’s Sunshine Ordinance Task Force — which ensures open meetings and improved access to public records, and adjudicates potential violations of San Francisco’s Sunshine Ordinance or the California Brown Act — has been wrongly shut down due to an unforced error over its quorum.

The Rules Committee must take **urgent action** to return the Sunshine Ordinance Task Force to its previous status before Ordinance #99-26 took effect on June 27, when the SOTF was improperly deemed in violation of not having a valid quorum in order to meet.

The holdover provisions in the just-passed Ordinance #99-26 was wrongly applied to the SOTF, for a number of reasons:

1. Board of Supervisors Lack Authority to Change Previous Voter-Approved Ordinances

On November 8, 2011, San Francisco voters rejected the then **Proposition E** that was on the ballot that proposed allowing the Board of Supervisors authority to amend or repeal voter initiatives and voter-initiated Ordinances that voters had previously passed. Because the Sunshine Ordinance is a voter-approved initiative Ordinance, the Board of Supervisors have **NO** authority to amend functionality of the SOTF by Ordinance and **without** approval by the voters.

Ordinance #99-26 — that became effective on June 29, 2026 fully 31 days after the Mayor signed the Ordinance into law on May 29 — can **NOT** simply change the SOTF holdover requirements via Ordinance. That would substantially change the SOTF, which can only be done by approval of the voters at the ballot box. And of note, the companion Commission Streamlining Charter Amendment just placed on the November 2026 ballot has not yet passed, so voters have **NOT** ceded authority to the Board of Supervisors or Mayor to change holdover rules for the SOTF via Ordinance.

2. No Authority for “Retroactive” Application

There is no language in Ordinance #99-26 that allows the change in holdover provisions to be applied **retroactively** to members of Boards and Commission who were appointed to governance or policy bodies **before** Ordinance #99-26 became effective. There are no provisions in Ordinance #99-26 that applies the new rules retroactively to SOTF members who had been appointed to the SOTF before passage of Ordinance #99-26, and who may have been serving in a holdover capacity. The word “*retroactive*” is nowhere to be found in Ordinance #99-26, and nowhere is “*retroactively*” applied to current members previously appointed who may be serving in a holdover capacity.

3. The SOTF Is NOT An “Advisory Body” Subject to the Holdover Determination — It’s a “Regulatory Body”

The SOTF was deemed by the Commission Streamlining Task Force to be a “*Regulatory Body*,” not an “*Advisory Body*,” as shown in the Streamlining Task Force’s internal assessment shown in Exhibit 1 on page 5 in this testimony.

As well, the Streamlining Task Force’s “[Commission Workbook](#)” list of the City’s 152 boards, commission’s, and advisory bodies (maintained in Microsoft Excel at Row #138, Column “M”, **Type Commission**) also states that the Sunshine Ordinance Task Force is a “*Regulatory Body*,” not an “*Advisory Body*.”

Of note, page 7 of the 308-page Ordinance submitted by the Streamlining Task Force and passed as [Ordinance #99-26](#)

by the Board of Supervisors explicitly states in §5.1-5, **Hold-Over Service**, that the “tenure of **a member of any Commission or Advisory Body** shall terminate no later than 60 days after the expiration of the member’s term.”

Since the SOTF is **NOT** an “*Advisory Body*,” but is a “*Regulatory Body*” instead, it appears Ordinance #99-26, §5.1-5 on holdover service does **NOT** apply to the Sunshine Ordinance Task Force, precisely because the SOTF is not an “*Advisory Body*” or a “*Commission*” created by the City Charter. *Period!* End of story. And nowhere in Ordinance #99-26 does it state that the holdover prohibition also applies to “*Regulatory Bodies*.”

As well, the City’s Current Charter — since proposed Charter Amendments haven’t been put before voters yet proposed for November 2026 — clearly states in Charter §4.101.5, **Holdover Service by Board and Commission Members**, that the holdover restriction in the Charter applies **only** to members of Board Commissions, other bodies in the **executive branch**, or otherwise created in the Charter.

Since the SOTF is a **Legislative Branch** body, and since the SOTF was **NOT** created by the Charter, but was created by a voter-initiative Ordinance, it makes no sense that the holdover standard developed for Charter Commissions, but excludes Regulatory Bodies created by a Voter-Initiative Ordinance, is now being extended to non-Charter bodies.

“ Since the SOTF is a Legislative Branch body created by a voter-initiative Ordinance, it makes no sense that the holdover standard developed for Charter bodies is being extended to non-Charter bodies. ”

4. **California Elections Code §9217 Supersedes and Precludes Ordinance #99-26:**

State Elections Code disallows any local or municipal agency from making amendments to any voter-approved ordinance. Elections Code §9217 states:

*“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 City. The ordinance shall be considered as adopted upon the date that the vote is declared by the legislative body, and shall go into effect 10 days after that date. **No ordinance ... 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.**”*

Therefore, the Board of Supervisors, and in particular, the Rules Committee, must overturn imposition of Ordinance #99-26 §5.1-5, **Hold-Over Service**, and restore the holdover provisions to the SOTF members who were wrongly removed from the Sunshine Task Force, and allow the SOTF to resume meeting with its full quorum, immediately!

5. **Sunshine Ordinance §67.36 Supersedes and Precludes Ordinance #99-26**

It is indisputable that Sunshine Ordinance §67.36, *Supersedes Other Local Laws* — which has been continuously in effect for just shy of three decades — clearly supersedes the newly enacted Ordinance #99-26. The Sunshine Ordinance — as a voter-initiated Ordinance that can **only be changed by voters**, not by an Ordinance enacted by the Board of Supervisors — clearly states in §67.36:

“The provisions of this Sunshine Ordinance supersede other local laws. Whenever a conflict in local law is identified, the requirement which would result in greater or more expedited public access to public information shall apply.” (Added by Proposition G, 11/2/99)

Ms. Kittler, and the full the Streamlining Task Force’s should all have known that the Ordinance they submitted to the Board of Supervisors on March 2, 2026 could not simply change the holdover provisions for the SOTF via an Ordinance!

Indeed, as recently as May 20, 2014, during a Board of Supervisors meeting discussing appointments to the SOTF, Supervisor Jane Kim asked about quorum regarding holdovers. Then Deputy City Attorney Jon Givner who was advising the Board of Supervisors — and who is now the City Attorney’s Chief Assistant City Attorney, and the principal author of Ordinance #99-26 — replied to Supervisor Kim that the SOTF is not governed under the Charter. The [audiotape](#) of that meeting indicates Givner replied (at 2:46:00 on tape counter):

*“I believe there are several [Sunshine Ordinance Task Force] members whose, whose terms have, have ended who are holding over, which is **allowed under the Sunshine Ordinance Task Force**, but not under certain charter created committees ... commissions.”*

6. **Ordinance #99-26 Wrongly Altered Streamlining Task Force’s Decision on Holdover Provision**

As the meeting Commission Streamlining Task Force’s November 19, 2025 its [meeting minutes](#) document that during an agenda item discussing “*Applying Certain Charter Provisions to Additional Bodies*,” Streamlining Task Force member Sophia Kittler introduced a motion to:

“Apply a standard 60-day holdover provision (Charter Section 4.101.5) to all bodies for which the Task Force has defined member terms.”

Kittler’s motion was seconded and it passed unanimously. However, there was no mention of why Charter §4.101.5 was being applied to non-Charter bodies created by Ordinance in the Administrative Code or other codes.

“ For Kittler’s motion, there was no mention of why Charter §4.101.5 was being applied to non-Charter bodies created by Ordinance in the Administrative Code or other codes. ”

Separately, the Streamlining Task Force’s “[Decision Log](#)” — a document created to record the decisions made by the Commission Streamlining Task Force, and created in part to assist writing subsequent legislation — specifically includes an entry dated November 19, 2025 that states “*Apply the 60-day holdover provision to apply to all **decision-making and advisory bodies**.*”

So, the “*Decision Log*” did not accurately and faithfully record the motion Kittler had introduced, and instead the “*Decision Log*” entry specifically states it does not apply to “**all bodies**” the Task Force had defined member terms for, but applied only to “*decision-making and advisory bodies*.”

And of more interest, §5.1-5, **Hold-Over Service** further deviated from the motion Kittler had introduced and passed because the Ordinance does not state “*all bodies the Task Force had defined member terms*” for, or mirror the language of the “*Decision Log*” that the holdover restriction applies to “*decision-making bodies*,” but because the actual language in Ordinance #99-26 used “*the tenure of a member of any **Commission or Advisory Body** shall terminate no later than 60 days after the expiration of the member’s term.*”

7. **Exception for One Body Not Applied Equitably to the Sunshine Ordinance Task Force**

Finally, the Streamlining Task Force’s December 12, 2025 [meeting minutes](#) carved out an exception to the holdover rule, but only for the Refuse Rate Board (RRB). Streamlining Task Force Vice Chair Bruss stated that for the RRB it made sense to add “*an exception to the holdover provision to **prevent gaps in service**. She explained that the holdover exception is important given the timing of [refuse] rate cycles.*”

Given the variable timing involved when San Franciscans may file Sunshine Ordinance complaints regarding potential violations of San Francisco’s Sunshine Ordinance or the California Brown Act to the SOTF for adjudication, the Streamlining Task Force could have — and should have — created a similar exception for holdover service on the SOTF as it had for the RRB!

The Rules Committee must take **urgent action** to return the Sunshine Ordinance Task Force to its previous status before Ordinance #99-26 took effect on June 27, when the SOTF was improperly deemed in violation of not having a valid quorum in order to meet.

Respectfully submitted,

/s/

Patrick Monette-Shaw

Columnist/Reporter

Westside Observer Newspaper

July 13 2026

Sunshine Ordinance Task Force and Holdover Appointments

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cc: Victor Young, Clerk of the Rules Committee
The Honorable Connie Chan, Supervisor, District 1
The Honorable Danny Sauter, Supervisor, District 3
The Honorable Alan Wong, Supervisor, District 4
The Honorable Bilal Mahmood, District 5
The Honorable Matt Dorsey, Supervisor, District 6
The Honorable Myrna Melgar, District 7
The Honorable Jackie Fielder, Supervisor, District 9
The Honorable Chyanne Chen, District 11

Exhibit 1: Commission Streamlining Task Force:
Criteria-Based Outcomes and Associated Analysis for General Administration and Finance Bodies
Page 94

94 | Sunshine Ordinance Task Force (Board of Supervisors) | Policy Area: Public Integrity

23. Sunshine Ordinance Task Force (Board of Supervisors)

Criteria-based outcome: Keep			
Notes:			
Criteria provide no reason to eliminate			
Primary Department	BOS	Established	1993
Current Type	Regulatory	Meetings (CY24)	22
Policy Area	General City Administration	Members (as of May 2025)	11 total seats 1 vacancy (9%)
Annual Cost	\$300k ¹⁹⁴		

Hears violations of the Sunshine Ordinance. Advises the Board of Supervisors and provides information to City departments on appropriate ways in which to implement the Sunshine Ordinance to ensure that deliberations of commissions and other agencies of the City and County are conducted before the people and that City operations are open to the people's review ([Administrative Code § 67.3](#)).

Evaluation Criteria

Category	Evaluation Criteria	Result	Outcome
1 Required by state or federal law	1A. Does State or Federal law explicitly require the existence of this specific body?	No	
	1B. Does this body fulfill some function required by state or federal law?	No	
	1C. Could either another body or City staff fulfill this legal requirement?	N/A	
2 Inactivity	2A. Is this body inactive (did not meet in last year)?	No	
	2B. Is there a clear rationale to maintain the body despite its inactivity?	N/A	
3 Borderline Inactivity	3A. Is this body borderline inactive (Met < 4 times in the past year or > 25% of seats are vacant)?	No	
	3B. Could these issues be addressed by applying templates?	N/A	
4 Overlap with other bodies	4A. Do other bodies cover a similar topic or policy area?	Yes ¹⁹⁵	
	4B. Could this body reasonably be combined with others in its policy area?	No	
	4C. Could this body reasonably take on the work of others in its policy area?	No	
5 Breadth of Focus	5A. Is this body narrowly focused on a single funding source, neighborhood, age/ demographic group, or narrow topic?	Yes ¹⁹⁷	
	5B. Could those interests be adequately represented by some other body or City department?	Yes ¹⁹⁸	Consider combining or eliminating

¹⁹⁴ Per the Budget and Legislative Analyst's [Financial Analysis report](#) issued September 1, 2025

¹⁹⁵ Ethics Commission

¹⁹⁷ Sunshine Ordinance

¹⁹⁸ Ethics Commission