

**SUNSHINE ORDINANCE
TASK FORCE**



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TO: All City Departments and Agencies
FROM: Sunshine Ordinance Task Force
DATE: May 18, 2012
RE: **Placement of Public Comment Summaries in Minutes
(Sunshine Ordinance Complaint No. 11071, Hartz v. City Attorney)**

Please take notice that on December 14, 2011, the Sunshine Ordinance Task Force (“Task Force”) approved releasing this statement to all City Departments and Agencies:

Sunshine Ordinance Section 67.16 provides that “Any person speaking during a public comment period may supply a brief written summary of their comments which shall, if no more than 150 words, be included in the minutes.”

The Task Force interprets this section to require these summaries be placed within the body of meeting minutes, not as attachments to the minutes.

The Task Force interprets the phrase “included in the minutes” by using the plain meaning of the words, and finds the summaries must be placed within the body of the minutes. The Task Force does not interpret the phrase “in the minutes” to be inclusive of the meaning “attached to the minutes,” and finds no justification for authorizing an attachment where no reference to an attachment is made.

The Task Force disagrees with the Office of the City Attorney’s interpretation of the requirements for inclusion of public comment summaries in meeting minutes. Failure to include the summaries within the body of meeting minutes may result in the Task Force finding a violation of the Sunshine Ordinance, notwithstanding the City Attorney’s advice to the contrary.

The Task Force finds that an addendum is an attachment to a document, not part of the main document itself, and, accordingly, an addendum is not “in the minutes” as required under the Ordinance. The Task Force finds that the Ordinance states in simple, plain language that the summary of 150 words or less must be “in the minutes” and that requirement is not satisfied by attaching the statement as an addendum at the end of the minutes.

These findings are based on the purpose of the Sunshine Ordinance to maximize public access to public information and public meetings and limit the ability for public officials to abridge critical speech, on evidence presented at multiple Task Force hearings, and on careful Task Force deliberations over the past year.

Thank you for your attention to this matter. Attached is a copy of the Task Force letter to the City Attorney regarding this issue. Please contact the Sunshine Ordinance Task Force Administrator at sotf@sfgov.org or (415) 554-7724 with any questions or concerns.