

Date: January 21, 2009

Item No. 3

File No. \_\_\_\_\_

## SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST\*

- Continued discussion on the status of proposed Sunshine
- Ordinance amendments
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Completed by: Chris Rustom

Date: January 16, 2009

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

AMENDMENTS FOR 2008

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PROPOSED ORDINANCE AMENDMENTS

Note: Additions are single-underline;  
deletions are ~~strikethrough~~.

ARTICLE I  
IN GENERAL

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Sec. 67.1. Findings and Purpose.

Sec. 67.2. Citation.

**SECTION 67.1 FINDINGS AND PURPOSE.**

The Board of Supervisors and the People of the City and County of San Francisco find and declare:

(a) Government's duty is to serve the public, reaching its decisions in full view of the public.

(b) Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.

(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.

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1 (d) The right of the people to know what their government and those acting on  
2 behalf of their government are doing is fundamental to democracy, and with very few  
3 exceptions, that right supersedes any other policy interest government officials may use to  
4 prevent public access to information. Only in rare and unusual circumstances does the public  
5 benefit from allowing the business of government to be conducted in secret, and those  
6 circumstances should be carefully and narrowly defined to prevent public officials from  
7 abusing their authority.

8 (e) Public officials who attempt to conduct the public's business in secret should be  
9 held accountable for their actions. Only a strong Open Government and Sunshine Ordinance,  
10 enforced by a strong Sunshine Commission,<sup>1</sup> can protect the public's interest in open  
11 government.

12 (f) The people of San Francisco enact these amendments to assure that the people  
13 of the City remain in control of the government they have created.

14 (g) Private entities and individuals and employees and officials of the City and County of  
15 San Francisco have rights to privacy that must be respected. However, when a person or  
16 entity is before a policy body or passive meeting body, that person, and the public, has the  
17 right to an open and public process. (Added by Ord. 265-93, App. 8/18/93; amended by  
18 Proposition G, 11/2/99)

### 20 **SECTION 67.2. CITATION.**

21 This chapter may be cited as the San Francisco Sunshine Ordinance. (Added by Ord. 265-93,  
22 App. 8/18/93; amended by Proposition G, 11/2/99)

24 \_\_\_\_\_  
25 <sup>1</sup> The Task Force is changing its name from "Task Force" – which implies a body established for a temporary purpose – to "Commission" throughout the Ordinance. This is a non-substantive change, based on advice from Deputy City Attorney Ernest Llorente, in consultation with the City Attorney Office's government team, that the body's name change would not alter the body's appointment process or powers.

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ARTICLE II  
PUBLIC ACCESS TO MEETINGS

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- 1
- 2
- 3
- 4 Sec. 67.3. Definitions.
- 5 Sec. 67.4. Passive Meeting Bodies; Conduct of Business.
- 6 Sec. 67.5. Meetings To Be Open and Public; Application of Brown Act.
- 7 Sec. 67.6. Policy Bodies Conduct of Business; Time and Place For Meetings.
- 8 Sec. 67.7. Agenda Requirement for Regular Meetings of Policy Bodies.
- 9 Sec. 67.7-1. Public Notice Requirements.
- 10 Sec. 67.8. Agenda Disclosures: Closed Sessions.
- 11
- 12 Sec. 67.9. Agendas and Related Materials: Public Records.
- 13 Sec. 67.10. Closed Sessions: Permitted Topics.
- 14 Sec. 67.11. Statement of Reasons For Closed Sessions.
- 15 Sec. 67.12. Disclosure of Closed Session Discussions and Actions.
- 16 Sec. 67.13. Barriers to Attendance Prohibited.
- 17 Sec. 67.14. Recording, Filming and Still Photography.
- 18 Sec. 67.15. Public Testimony.
- 19 Sec. 67.16. Minutes.
- 20 Sec. 67.17. Public Comment By Members of Policy Bodies.
- 21 Sec. 67.18. Supervisor of Public Forums
- 22

23 **SECTION 67.3. DEFINITIONS.**

24 Whenever in this article the following words or phrases are used, they shall have the  
25 following meanings:

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1 (a) "City" shall mean the City and County of San Francisco.

2 (b) "Meeting" shall mean any of the following:

3 (1) A congregation of a majority of the members of a policy body at the same time  
4 and place to hear, discuss, or deliberate upon any item that is within the subject matter  
5 jurisdiction of the City.

6 (2) A series of gatherings, each of which involves less than a majority of a policy  
7 body, to hear, discuss or deliberate upon any item within the subject matter jurisdiction of the  
8 policy body, if the cumulative result is that a majority of the members of the policy body has  
9 become involved in such gatherings; or

10 (3) Any other use of personal intermediaries or communications media that could  
11 permit a majority of the members of a policy body to become aware of an item of business  
12 and of the views or positions of other members with respect thereto, and to negotiate  
13 consensus thereupon.

14 (4) "Meeting" shall not include any of the following:

15 (A) Individual contacts or conversations between a member of a policy body and  
16 another person that do not convey to the member of the policy body the views or positions of  
17 other members of the policy body upon the subject matter of the contact or conversation and  
18 in which the member of the policy body does not solicit or encourage the restatement of the  
19 views of the other members of the policy body;

20 (B) The attendance of a majority of the members of a policy body at a local,  
21 regional, state, or national conference, or at a meeting organized to address a topic of local  
22 community concern and open to the public, provided that a majority of the members of a  
23 policy body refrains from using the occasion to collectively discuss any item within the subject  
24 matter jurisdiction of the policy body; or

25

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1 (C) The attendance of a majority of the members of a policy body at a purely social,  
2 recreational, or ceremonial occasion other than one sponsored or organized by or for the  
3 policy body itself, provided that a majority of the members of the policy body refrains from  
4 using the occasion to discuss any item within the subject matter jurisdiction of the policy body.  
5 A meal gathering of a policy body before, during, or after a meeting of the policy body is part  
6 of that meeting and shall be conducted only under circumstances that permit public access to  
7 hear and observe the discussion. Such meetings shall not be conducted in restaurants or  
8 other locations where public access is possible only in consideration of making a purchase or  
9 some other payment of value.

10 (D) ~~The attendance of a majority of the members of a policy body at a meeting of a~~  
11 ~~standing committee of the policy body, provided that the members of the policy body who are~~  
12 ~~not members of the standing committee attend only as observers or as members of the~~  
13 ~~public.~~

14 (E) When a majority of members attend a meeting of another policy body to  
15 comment on a matter specifically noticed before that policy body.

16 (c) "Passive meeting body" shall mean:<sup>3</sup>

17 (1) Advisory committees created by the initiative of a member of a policy body,, or a  
18 department head other than the Mayor;

19 (2) Any group that includes City employees assigned by a policy body, the Mayor,  
20 or department head to meet with residents or community groups to obtain information that  
21

22  
23 <sup>2</sup> As noted in the Good Government Guide, "the drafters of Proposition G (November 2, 1999)  
24 inadvertently omitted section 67.3(b)(4)(C-1), formerly Section 67.3(b)(4)(D), from the text of the ordinance  
submitted to the voters." This corrects that omission.

25 <sup>3</sup> Revised 67.3(c) and (d) to: clarify ambiguity regarding "advisory" committees and bodies; make clear  
that where body is tasked with changing or implementing new policy – they are policy bodies; all bodies created  
by Mayor (except ones that include City employees to meet with residents) are now "Policy Bodies."

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1 would result in a report or recommendation from the group back to the policy body, the Mayor  
2 or department for action by the policy body, Mayor or department;

3 (3) Social, recreational or ceremonial occasions sponsored or organized by or for a  
4 policy body to which a majority of the body has been invited.

5 (4) "Passive meeting body" shall not include a committee that consists solely of City  
6 employees created by the initiative of a member of a policy body, the Mayor, or a department  
7 head to study internal departmental affairs which is not expected to modify or change City  
8 policy;

9  
10 (d) "Policy Body" shall mean:<sup>4</sup>

11 (1) The Board of Supervisors;

12 (2) Any other board, commission, or other body enumerated in the charter;

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

15 (5) Any board, commission, committee or other body, created by the Mayor or a  
16 policy body;

17 (4) Any board, commission, committee or other body, of a policy body composed of  
18 members of the Policy Body,;

19  
20 (6) Any advisory board, commission, committee, or council created by a federal,  
21 state, or local grant whose members are appointed by City officials, employees or agents.

22 (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 129-98, App. 4/17/98; Proposition G,  
23 11/2/99)

24  
25 \_\_\_\_\_  
<sup>4</sup> See above.



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1 **SECTION 67.4. PASSIVE MEETING BODIES: CONDUCT OF BUSINESS.**

2 (a) All gatherings of passive meeting bodies shall be accessible to individuals upon  
3 inquiry and to the extent that the meeting locations have sufficient capacity, facilities, furniture  
4 and equipment.

5 (b) Such gatherings must be formally noticed with a contact person's name and  
6 contact information, at least 72 hours prior to the scheduled meeting and the time, place and  
7 nature of the gathering shall be posted at the main library and on the City's website and be  
8 disclosed by mail, e-mail, or fax upon inquiry by a member of the public. If an agenda is  
9 prepared in advance for the gathering, it shall be provided upon request, and as practicable  
10 posted with the notice.<sup>5</sup>

11 <sup>6</sup>(c) Such gatherings need not provide opportunities for comment by members of the  
12 public, although the person presiding may, at his or her discretion, entertain such questions or  
13 comments from members of the public as may be relevant to the gathering.

14 (d) Such gatherings of a social or ceremonial nature need not provide refreshments  
15 to members of the public.

16 7

17 <sup>8</sup>(Added by Ord. 265-93, App. 8/18/93; amended by Ord. 287-96, App. 7/12/96;  
18 Proposition G, 11/2/99)

19  
20 **SECTION 67.5. MEETINGS TO BE OPEN AND PUBLIC; APPLICATION OF BROWN ACT.**

21  
22  
23  
24 <sup>5</sup> Revised 67.4(b), passive meeting bodies are now required to formally notice meetings at least 72 hours  
in advance; mandates enhanced notice and website posting requirements.

25 <sup>6</sup> Provision consolidated with subsection 67.4(a) above.

<sup>7</sup> Removed as unnecessary.

<sup>8</sup> Task Force recommends moving this entire section to 67.24 [not yet moved]

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1 All meetings of any policy body shall be open and public, and governed by the provisions of  
2 the Ralph M. Brown Act (Government Code Sections 54950 et. seq.) and of this article. In  
3 case of inconsistent requirements under the Brown Act and this article, the requirement which  
4 would result in greater or more expedited public access shall apply.

5 (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

### 7 **SECTION 67.6. POLICY BODY: TIME AND PLACE FOR MEETINGS.**

8 (a) Each policy body, except for bodies specified in Section 67.3(d)(5) and  
9 67.3(d)(6), shall establish by resolution or motion the time and place for holding regular  
10 meetings.

11 <sup>9</sup>(b) If a regular meeting would otherwise fall on a holiday, it shall instead be held on  
12 the next business day, unless otherwise rescheduled in advance. If a meeting must be  
13 canceled, continued or rescheduled for any reason, notice of such change shall be provided  
14 to the public as soon as is reasonably possible, including posting of a cancellation notice in  
15 the same manner as described in section 67.7(c), and mailed notice if sufficient time  
16 permits.<sup>10</sup>

17 (c) If, because of fire, flood, earthquake or other emergency, it would be unsafe to  
18 meet at the regular meeting place, meetings may be held for the duration of the emergency at  
19 some other place specified by the policy body. The change of meeting site shall be  
20 announced, by the most rapid means of communication available at the time, in a notice to the  
21 local media who have requested written notice of special meetings pursuant to Government  
22 Code Section 54956. Reasonable attempts shall be made to contact others regarding the  
23 change in meeting location.

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25 <sup>9</sup> Moved to new 67.6(f).

<sup>10</sup> Moved from old 67.6(g).

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1           (d) Meetings of bodies specified in Section 67.3(d)(5) and 67.3(d)(6) shall be  
2 preceded by notice delivered by mail, e-mail, or facsimile at least 72 hours before the time of  
3 such meeting to each person who has requested, in writing, notice of such meeting. If the  
4 advisory body elects to hold regular meetings, it shall provide by bylaws, or whatever other  
5 rule is utilized by that advisory body for the conduct of its business, for the time and place for  
6 holding such regular meetings.

7           (e) Special meetings of any policy body, including bodies identified in subsection  
8 67.3(d)(5) and 67.3(d)(6) that choose to establish regular meetings, may be called at any time  
9 by the presiding officer thereof or by a majority of the members thereof, by delivering written  
10 notice to each member of such policy body and the local media who have requested written  
11 notice of special meetings in writing. Such notice shall be delivered personally or by mail, e-  
12 mail, or facsimile as requested so that it is delivered at least 72 hours before the time of such  
13 meeting as specified in the notice. The notice shall specify the time and place of the special  
14 meeting and the business to be transacted. No other business shall be considered at such  
15 meetings. Such written notice may be dispensed with as to any member who at or prior to the  
16 time the meeting convenes files with the presiding officer or secretary of the body or  
17 commission a written waiver of notice. Such written notice may also be dispensed with as to  
18 any member who is actually present at the meeting at the time it convenes. Each special  
19 meeting shall be held at the regular meeting place of the policy body except that the policy  
20 body may designate an alternate meeting place provided that such alternate location is  
21 specified in the notice of the special meeting; further provided that the notice of the special  
22 meeting of the policy body shall be given at least 10 calendar days prior to said special  
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1 meeting being held at an alternate location. This provision shall not apply where the alternate  
2 meeting location within the same building as the regular meeting place.<sup>11</sup>

3 (f) Unless otherwise required by state or federal law or necessary to inspect real  
4 property or personal property which cannot be conveniently brought within the territory of the  
5 City and County of San Francisco or to meet with residents of property owned by the City, or  
6 to meet with residents of another jurisdiction to discuss actions of the policy body that affect  
7 those residents, all meetings of its policy bodies shall be held within the City and County of  
8 San Francisco.<sup>12</sup>

9 <sup>13</sup>(g) Each policy body shall designate one or more posting locations for notices and  
10 agendas required by this ordinance. The Sunshine Commission for Open Government shall  
11 be so notified in writing and shall maintain a master list of such designated posting locations.<sup>14</sup>

12 (h) The initial meeting of a policy body shall be considered a regular meeting and  
13 notice of the time and location of the meeting shall be given at least 10 calendar days prior to  
14 said initial meeting being held, and delivered personally or by mail, e-mail, or facsimile as  
15 requested.<sup>15</sup> (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

16  
17 **SECTION 67.7. AGENDA REQUIREMENTS; FOR MEETINGS OF POLICY BODIES.**

18 (a) At least 72 hours before a meeting, a policy body shall post an agenda  
19 containing a meaningful description of each item of business to be transacted or discussed at  
20 the meeting. Agendas shall specify whether each item of business is subject to possible  
21 action or for discussion only. If a specific action is proposed or contemplated it shall be

22  
23 <sup>11</sup> Revised to provide consistency for accepted methods of delivery of notice; to allow shorter advance time  
to provide special meeting notice to accommodate policy bodies because of increased use of  
electronic/instantaneous notice.

24 <sup>12</sup> Moved and amended from old 67.6(b).

25 <sup>13</sup> Moved to new 67.6(b).

<sup>14</sup> Revised to provide more consistency for posting notice.

<sup>15</sup> Revised to correct omission in Ordinance, to provide for notice of initial meetings.

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1 included in the agenda item. In addition, a policy body shall post a current agenda on its  
2 website at least 72 hours before a meeting, and a link to the agenda on a "central master  
3 calendar" available on the City's website where the date, time and location of all City policy  
4 body meetings shall be listed.<sup>16</sup>

5 (b) A description is meaningful if it is sufficiently clear and specific to alert a person  
6 of average intelligence and education whose interests are affected by the item that he or she  
7 may have reason to attend the meeting or seek more information on the item. The description  
8 shall be, concise and written in plain, easily understood English. It shall refer to any  
9 explanatory documents that have been provided to the policy body in connection with an  
10 agenda item, such as correspondence or reports, and such documents shall be posted  
11 adjacent to the agenda or, if such documents are of more than one page in length, made  
12 available for public inspection and copying at a location indicated on the agenda during  
13 normal office hours.

14 (c) The agenda shall specify the time and location of the regular meeting and shall  
15 be posted, at the main public library, and in the branch libraries in locations that are freely  
16 accessible to members of the public. The requirement that a policy body post copies of its  
17 agendas at the branch libraries is satisfied if the branch library has a computer upon which  
18 members of the public can access the City's website to search for agendas of meetings of  
19 City policy bodies. The agenda shall also be posted outside the meeting room as soon as  
20 practicable but no later than the start of the meeting.<sup>17</sup>

21 (d) No action or discussion shall be undertaken on any item not appearing on the  
22 posted agenda, except that members of a policy body may respond to statements made or  
23

24 <sup>16</sup> Revised to clarify language and to provide for a central master calendar to provide accessible and  
25 consistent access to meeting information.

<sup>17</sup> Revised to require posting of agendas at branch libraries, achieved through access to computers and  
master calendar provision; provides for posting agendas outside of meeting room.

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1 questions posed by persons exercising their public testimony rights, to the extent of asking a  
2 question for clarification, providing a reference to staff or other resources for factual  
3 information, or requesting staff to report back to the body at a subsequent meeting concerning  
4 the matter raised by such testimony.

5 (e) Notwithstanding subdivision (d), the policy body may take action on items of  
6 business not appearing on the posted agenda under any of the following conditions:

7 (1) Upon a determination by a majority vote of the body that an accident, disaster or  
8 work force disruption poses a threat to public health and safety.

9 (2) Upon a good faith, reasonable determination by a two-thirds vote of the body, or,  
10 if less than two-thirds of the members are present, a unanimous vote of those members  
11 present, that (A)(i) the need to take immediate action on the item is so imperative as to  
12 threaten serious injury to the public interest if action were deferred , (ii) or relates to a purely  
13 commendatory action, and (B) that the need for such action came to the attention of the body  
14 subsequent to the agenda being posted as specified in subdivision (a).

15 (3) The item was on an agenda posted pursuant to subdivision (a) for a prior  
16 meeting of the body occurring not more than five calendar days prior to the date action is  
17 taken on the item, and at the prior meeting the item was continued to the meeting at which  
18 action is being taken. In addition, notice of the continuation shall be posted with the agenda of  
19 the prior meeting specifying that a particular agenda item was continued to that meeting.<sup>18</sup>

20 (f) Each board and commission enumerated in the charter shall ensure that  
21 agendas and other material related to meetings are accessible to persons with disabilities.  
22 Upon request, materials shall be made available in alternative formats. Requests should be  
23 made to the secretary or clerk of the board or commission at least 48 hours prior to the  
24

25 \_\_\_\_\_  
<sup>18</sup> Revised to provide adequate information on the continued agenda item.

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1 meeting. Requests for material in alternative formats made less than 48 hours prior to the  
2 meeting shall be met when possible. All policy bodies and passive meeting bodies shall  
3 comply with the guidelines and recommendations of the Mayor's Office of Disabilities  
4 Accessible Public Event Checklist.<sup>19</sup>

5 (g) Each policy body shall ensure that notices and agendas for regular and special  
6 meetings shall include the following notice:

7  
8 KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE  
9 (Chapter 67 of the San Francisco Administrative Code)

10  
11 Government's duty is to serve the public, reaching its decisions in full view of the  
12 public. Commissions, boards, councils and other agencies of the City and County exist to  
13 conduct the people's business. This ordinance assures that deliberations are conducted  
14 before the people and that City operations are open to the people's review.

15  
16 FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE  
17 ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT  
18 THE SUNSHINE COMMISSION.

19  
20 (h) Each agenda of a policy body covered by this Ordinance shall include the  
21 address, area code and phone number, fax number, e-mail address, and a contact person for  
22 the Sunshine Commission . Information on how to obtain a free copy of the Sunshine  
23

24  
25 <sup>19</sup> Revised after consultation with Mayor's Office on Disability to provide that for all board and commissions  
in charter agendas and all materials related to meetings shall be made available in alternative formats for  
persons with disabilities, when requested, at least 48 hours in advance of meetings.

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1 Ordinance shall be included on each agenda. (Added by Ord. 265-93, App. 8/18/93; amended  
2 by Ord. 292-95, App. 9/8/95; Ord. 185-96, App. 5/8/96; Proposition G, 11/2/99)

3 (i) Each agenda of a policy body shall state that members of the public may submit  
4 statements and/or comments regarding any item on those bodies' meeting agendas; those  
5 statements or comments shall become a public record, regardless of whether their authors  
6 are present when the item at issue is discussed. The policy body may review and consider  
7 those statements or comments if received before or during the discussion of the item.  
8 Statements or comments received within ten business days after the meeting shall be  
9 included in the public record with a notation as to when they were received.<sup>20</sup> (Added by Ord.  
10 185-96, App. 5/8/96; amended by Proposition G, 11/2/99)

### 12 **Section 67.7-1. PUBLIC NOTICE REQUIREMENTS.**

13 (a)(1) Any public notice that is mailed, posted or published by a City department,  
14 board, agency or commission to residents residing within a specific area to inform those  
15 residents of a matter that may impact their property or that neighborhood area, shall be brief,  
16 concise and written in plain, easily understood English.

17 (2) The notice should inform the residents of the proposal or planned activity, the  
18 length of time planned for the activity, the effect of the proposal or activity, and a telephone  
19 contact for residents who have questions.

20 (3) If the notice informs the public of a public meeting or hearing, then the notice  
21 shall state that persons who are unable to attend the public meeting or hearing may submit to  
22 the City, by the time the proceeding begins, written comments regarding the subject of the  
23 meeting or hearing, that these comments will be made a part of the official public record, and  
24

25 <sup>20</sup> Added to provide members of the public with ability to weigh in on matters before the body, especially those who cannot attend meetings; consistent with the minutes requirements of old Section 67.16.



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1 that the comments will be brought to the attention of the person or persons conducting the  
2 public meeting or hearing. The notice should also state the name, address, fax and e-mail  
3 address of the person or persons to whom those written comments should be submitted.

4 (Added by Ord. 185-96, App. 5/8/96; amended by Proposition G, 11/2/99)

5  
6 **SECTION 67.8. AGENDA DISCLOSURES: CLOSED SESSIONS.<sup>21</sup>**

7 In addition to meeting requirements for closed session agendas provided in the Brown  
8 Act, Government Code Section 54954.5, any agenda shall specify and disclose the nature of  
9 any closed session by providing all of the following information:

10 (a) With respect to every item of business to be discussed in closed session pursuant  
11 to Government Code section 54956.9 (a), each agenda item for a policy body covered by this  
12 Ordinance that involves existing litigation shall identify the court, case number, and date the  
13 case was filed on the written agenda.<sup>22</sup>

14 (b) With respect to every item of business to be discussed in closed session pursuant  
15 to Government Code section 54957:

16  
17 **PUBLIC EMPLOYEE DISMISSAL/DISCIPLINE/RELEASE**

18 Number of employees affected:

19  
20 (c) With respect to every item of business to be discussed in closed session pursuant  
21 to Government Code Section 54957.6, either:

22  
23  
24 <sup>21</sup> Revised 67.8 to generally streamline and make Ordinance consistent with the current Brown Act and to  
25 focus on the provisions of the Sunshine Ordinance that exceed requirements under Brown Act. No substantive  
changes intended.

<sup>22</sup> Moved from old 67.8-1(b).

## AMENDMENTS FOR 2008

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### 1 CONFERENCE WITH NEGOTIATOR--COLLECTIVE BARGAINING

2 Name and title of City's negotiator:

3 Organization(s) representing:

4 Police officers, firefighters and airport police

5 Transit Workers

6 Nurses

7 Miscellaneous Employees

8 Anticipated issue(s) under negotiation:

9 Wages

10 Hours

11 Benefits

12 Working Conditions

13 Other (specify if known)

14 All

15

16 Where renegotiating a memorandum of understanding or negotiating a successor  
17 memorandum of understanding, the name of the memorandum of understanding:

18 In case of multiple items of business under the same category, lines may be added and  
19 the location of information may be reformatted to eliminate unnecessary duplication and  
20 space, so long as the relationship of information concerning the same item is reasonably clear  
21 to the reader. As an alternative to the inclusion of lengthy lists of names or other information in  
22 the agenda, or as a means of adding items to an earlier completed agenda, the agenda may  
23 incorporate by reference separately prepared documents containing the required information,  
24 so long as copies of those documents are posted adjacent to the agenda within the time  
25 periods required by Government Code Sections 54954.2 and 54956 and provided with any

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1 mailed or delivered notices required by Sections 54954.1 or 54956. (Added by Ord. 265-93,  
2 App. 8/18/93; amended by Proposition G, 11/2/99)

3  
4 23 24 25 26

5 **SECTION 67.9. AGENDAS AND RELATED MATERIALS: PUBLIC RECORDS.**

6 (a) Agendas of meetings, meeting packets, or documents created by a  
7 department, or any other documents on file with the clerk or secretary of the policy body, in  
8 connection with a matter anticipated for discussion or consideration at a public meeting shall  
9 be made available to the public for inspection and copying at the office of the policy body at  
10 least 48 hours before the hearing. Unless demonstrably unfeasible these materials shall be  
11 made available on the policy body's web site, at least 48 hours prior to the meeting. Public  
12 review copies of the agenda and all related documents that constitute the meeting packet  
13 shall be made available at the meeting to the public in sufficient quantities commensurate with  
14 the anticipated number of people attending the hearing. The materials that are distributed at  
15 the hearing shall be of such a quality that a person with 20/20 vision would have no difficulty  
16 reading them<sup>2728</sup>

17 (b) If any document subject to adoption, approval or award by a Policy Body is not  
18 available at least 48 hours before the meeting at which that document is scheduled to be  
19 adopted, approved or awarded and a member of the policy body requests that the matter be  
20 continued, the policy body must continue the item to a time not less than 48 hours after the  
21

22 <sup>23</sup> The provisions in this section have been moved, in order to streamline and consolidate Ordinance.

23 <sup>24</sup> Revised and moved to new 67.14(b), (c).

24 <sup>25</sup> Moved to new 67.8(a).

25 <sup>26</sup> Moved to new 67.12(e).

26 <sup>27</sup> Move to § 67.13?

27 <sup>28</sup> Revised 67.9(a), requires that agenda packets be made available for public inspection 48 hours before a  
meeting and, where practicable, posted on website.

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1 document was made available. Nothing in this subsection shall prohibit the policy body from  
2 amending a document at a meeting.<sup>29</sup>

3 3031

4 (c) Documents which are distributed prior to or during their discussion at a public  
5 meeting to members of a policy body shall be made available for public inspection  
6 immediately or as soon thereafter as is practicable.

7 (d)<sup>32</sup>

8  
9 **SECTION 67.10. CLOSED SESSIONS: PERMITTED TOPICS.**

10 A policy body may, but is not required to, hold closed sessions:

11 (a) With the Attorney General, district attorney, agency counsel, security consultant,  
12 sheriff, or chief of police, or their respective deputies, on matters posing a threat to the  
13 security of public buildings or a threat to the public's right of access to public services or public  
14 facilities.<sup>33</sup>

15 (b) To consider the appointment, employment, evaluation of performance, or dismissal  
16 of a City employee, if the policy body has the authority to appoint, employ, or dismiss the  
17 employee, or to hear complaints or charges brought against the employee by another person.  
18 If the employee, who is the subject of the discussion, requests a public hearing the hearing  
19 shall be public.<sup>34</sup> The term "employee" as used in this section shall not include any elected  
20 official, member of a policy body or applicant for such a position, or person providing services  
21

22 <sup>29</sup> New 67.9(b) requires that documents subject to adoption, approval or award by a Policy Body be  
23 available at least 48 hours in advance before the meeting at which action will be taken to ensure public's ability  
24 to review and prepare comment.

24 <sup>30</sup> Moved into subsection (a) above.

24 <sup>31</sup> Moved into subsection (a) above.

25 <sup>32</sup> Moved to new 67.29(f).

25 <sup>33</sup> Revised to be consistent with the Brown Act.

25 <sup>34</sup> Revision to clarify public employee's right to a public hearing.

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1 to the City as an independent contractor or the employee thereof, including but not limited to  
2 independent attorneys or law firms providing legal services to the City for a fee rather than a  
3 salary.

4 (c) Notwithstanding section (b), an Executive Compensation Committee established  
5 pursuant to a Memorandum of Understanding with the Municipal Executives Association may  
6 meet in closed session when evaluating the performance of an individual officer or employee  
7 subject to that Memorandum of Understanding or when establishing performance goals for  
8 such an officer or employee where the setting of such goals requires discussion of that  
9 individual's performance.

10 (d) Based on advice of its legal counsel, and on a motion and vote in open session to  
11 assert the attorney-client privilege, to confer with, or receive advice from, its legal counsel  
12 regarding pending litigation when discussion in open session concerning those matters would  
13 likely and unavoidably prejudice the position of the City in that litigation. Litigation shall be  
14 considered pending when any of the following circumstances exist:

15 (1) An adjudicatory proceeding before a court, administrative body exercising its  
16 adjudicatory authority, hearing officer, or arbitrator, to which the City is a party, has been  
17 initiated formally; or,

18 (2) A point has been reached where, in the opinion of the policy body on the advice of  
19 its legal counsel, based on existing facts and circumstances, there is a significant exposure to  
20 litigation against the City, or the body is meeting only to decide whether a closed session is  
21 authorized pursuant to that advice or, based on those facts and circumstances, the body has  
22 decided to initiate or is deciding whether to initiate litigation.

23 (3) A closed session may not be held under this section to consider the qualifications or  
24 engagement of an independent contract attorney or law firm, for litigation services or  
25 otherwise.

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1 (e) With the City's designated representatives regarding matters within the scope of  
2 collective bargaining or meeting and conferring with public employee organizations when a  
3 policy body has authority over such matters.

4 (1) Such closed sessions shall be for the purpose of reviewing the City's position and  
5 instructing its designated representatives and may take place solely prior to and during active  
6 consultations and discussions between the City's designated representatives and the  
7 representatives of employee organizations or the unrepresented employees. A policy body  
8 shall not discuss compensation or other contractual matters in closed session with one or  
9 more employees directly interested in the outcome of the negotiations.

10 (2) In addition to the closed sessions authorized by subsection 67.10(e)(1), a policy  
11 body subject to Government Code Section 3501 may hold closed sessions with its designated  
12 representatives on mandatory subjects within the scope of representation of its represented  
13 employees, as determined pursuant to Section 3504. (Added by Ord. 265-93, App. 8/18/93;  
14 amended by Ord. 37-98, App. 1/23/98; Proposition G, 11/2/99)

### 16 **SECTION 67.11. STATEMENT OF REASONS FOR CLOSED SESSIONS.**

17 Prior to any closed session, a policy body shall state the general reason or reasons for  
18 the closed session, and shall cite the statutory authority, including the specific section and  
19 subdivision, or other legal authority under which the session is being held. In the closed  
20 session, the policy body may consider only those matters covered in its statement. In the case  
21 of regular and special meetings, the statement shall be made in the agenda disclosures and  
22 specifications required by Section 67.8 of this article. In the case of adjourned and continued  
23 meetings, the statement shall be made with the same disclosures and specifications required  
24 by Section 67.8 of this article, as part of the notice provided for the meeting.  
25

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1 In the case of an item added to the agenda as a matter of urgent necessity, the  
2 statement shall be made prior to the determination of urgency and with the same disclosures  
3 and specifications as if the item had been included in the agenda pursuant to Section 67.8 of  
4 this article. Nothing in this section shall require or authorize a disclosure of information  
5 prohibited by state or federal law. (Added by Ord. 265-93, App. 8/18/93; amended by  
6 Proposition G, 11/2/99)

### 8 **SECTION 67.12. DISCLOSURE OF CLOSED SESSION DISCUSSIONS AND ACTIONS.**

9 (a) After every closed session, a policy body may in its discretion and in the public  
10 interest, disclose to the public any portion of its discussion that is not confidential under  
11 federal or state law, the Charter, or non-waivable privilege. The body shall, by motion and  
12 vote in open session, elect either to disclose no information or to disclose the information that  
13 a majority deems to be in the public interest. The disclosure shall be made through the  
14 presiding officer of the body or such other person, present in the closed session, whom he or  
15 she designates to convey the information.

16 (b) A policy body shall publicly report any action taken in closed session and the vote  
17 or abstention of every member present thereon, as follows:

18 (1) Real Property Negotiations: Approval given to a policy body's negotiator concerning  
19 real estate negotiations pursuant to Government Code Section 54956.8 shall be reported as  
20 soon as the agreement is final. If its own approval renders the agreement final, the policy  
21 body shall report that approval, the substance of the agreement and the vote thereon in open  
22 session immediately. If final approval rests with another party to the negotiations, the body  
23 shall disclose the fact of that approval, the substance of the agreement and the body's vote or  
24 votes thereon upon inquiry by any person, as soon as the other party or its agent has  
25 informed the body of its approval. If notwithstanding the final approval there are conditions

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1 precedent to the final consummation of the transaction, or there are multiple contiguous or  
2 closely located properties that are being considered for acquisition, the document referred to  
3 in subdivision (b) of this section need not be disclosed until the condition has been satisfied or  
4 the agreement has been reached with respect to all the properties, or both.

5 (2) Litigation: Direction or approval given to the body's legal counsel to prosecute,  
6 defend or seek or refrain from seeking appellate review or relief, or to otherwise enter as a  
7 party, intervenor or amicus curiae in any form of litigation as the result of a consultation  
8 pursuant to Government Code Section 54956.9 shall be reported in open session as soon as  
9 given, or at the first meeting after an adverse party has been served in the matter if immediate  
10 disclosure of the City's intentions would be contrary to the public interest. The report shall  
11 identify the adverse party or parties, any co-parties with the City, any existing claim or order to  
12 be defended against or any factual circumstances or contractual dispute giving rise to the  
13 City's complaint, petition or other litigation initiative.

14 (3) Settlement: A policy body shall neither solicit nor agree to any term in a settlement  
15 which would preclude the release of the text of the settlement itself and any related  
16 documentation communicated to or received from the adverse party or parties. Any written  
17 settlement agreement and any documents attached to or referenced in the settlement  
18 agreement shall be made publicly available at least 10 calendar days before the meeting of  
19 the policy body at which the settlement is to be approved to the extent that the settlement  
20 would commit the City or a department thereof to adopting, modifying, or discontinuing an  
21 existing policy, practice or program or to pay \$50,000 or more.<sup>35</sup> The agenda for any meeting  
22 in which a settlement subject to this section is discussed shall identify the names of the  
23 parties, the case number, the court, and the material terms of the settlement. Where the  
24 disclosure of documents in a litigation matter that has been settled could be detrimental to the

25 \_\_\_\_\_  
<sup>35</sup> Revised to clarify. No substantive change intended.



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1 city's interest in pending litigation arising from the same facts or incident and involving a party  
2 not a party to or otherwise aware of the settlement, the documents required to be disclosed by  
3 subdivision (b) of this section need not be disclosed until the other case is settled or otherwise  
4 finally concluded.

5 (4) Employee Actions: Action taken to appoint, employ, dismiss, transfer or accept the  
6 resignation of a public employee in closed session pursuant to Government Code Section  
7 54957 shall be reported immediately in a manner that names the employee, the action taken  
8 and position affected and, in the case of dismissal for a violation of law or of the policy of the  
9 City, the reason for dismissal. "Dismissal" within the meaning of this ordinance includes any  
10 termination of employment at the will of the employer rather than of the employee, however  
11 characterized. The proposed terms of any separation agreement shall be immediately  
12 disclosed as soon as presented to the body, and its final terms shall be immediately disclosed  
13 upon approval by the body.

14 (5) Collective Bargaining: Any collectively bargained agreement shall be made publicly  
15 available at least 15 calendar days before the meeting of the policy body to which the  
16 agreement is to be reported.

17 (c) Reports required to be made immediately may be made orally or in writing, but shall  
18 be supported by copies of any contracts, settlement agreements, or other documents related  
19 to the transaction that were finally approved or adopted in the closed session and that  
20 embody the information required to be disclosed immediately shall be provided to any person  
21 who has made a written request regarding that item following the posting of the agenda, or  
22 who has made a standing request for all such documentation as part of a request for notice of  
23 meetings pursuant to Government Code Sections 54954.1 or 54956.

24 (d) A written summary of the information required to be immediately reported pursuant  
25 to this section, or documents embodying that information, shall be posted by the close of

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1 business on the next business day following the meeting, in the place where the meeting  
2 agendas of the body are posted. (Added by Ord. 265-93, App. 8/18/93; amended by  
3 Proposition G, 11/2/99)

4 (e) For each agenda item of a policy body covered by this Ordinance that involves  
5 anticipated litigation, the City Attorney's Office or the policy body shall disclose at any time  
6 requested and to any member of the public whether such anticipated litigation developed into  
7 litigation and shall identify the court, case number, and date the case was filed.<sup>36</sup>

8 (f) Review of Closed Session Justifications<sup>37</sup>

9 No later than 30 days following the effective date of this subsection,

10 (1) For each closed session, each public body shall maintain a record of the date and  
11 time of the closed session, the justification for the closed session and the subject matter  
12 discussed in closed session, and shall include all minutes, recordings or other records

13 (2) At least quarterly, a public body shall review the records of prior closed meetings.  
14 The review shall determine whether any part of the minutes, recordings or other records  
15 withheld from public access can now be made accessible to the public. If the public body  
16 determines that any part of the previously withheld materials can now be disclosed, it shall do  
17 so. Upon completion of a review, the body shall adopt a resolution stating that the body has  
18 conducted the review and that all information from closed meetings that can be made  
19 available to the public, as of the date of the review, has been made available. The resolution  
20 shall also state, as precisely as possible, when and under what circumstances any remaining  
21 withheld materials may be disclosed to the public.

22  
23  
24 <sup>36</sup> Moved from old 67.8-1(b).

25 <sup>37</sup> New 67.12(f) provides a requirement for Policy Bodies to track and routinely review records of closed sessions to determine when those materials may be released to the public when justification for closed session no longer exists.

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1 (3) The Sunshine Commission is authorized to adopt any rules and regulations  
2 necessary to implement this section.

3  
4 **SECTION 67.13. BARRIERS TO ATTENDANCE PROHIBITED.**<sup>38</sup>

5 (a) No policy body shall conduct any meeting, conference or other function in any  
6 facility or in a manner that excludes persons on the basis of actual or presumed class identity  
7 or characteristics, or which is inaccessible to persons with disabilities, or where members of  
8 the public may not be present without making a payment or purchase. Whenever the Board  
9 of Supervisors, a board or commission enumerated in the charter, or any committee thereof  
10 anticipates that the number of persons attending the meeting will exceed the legal capacity of  
11 the meeting room, any public address system used to amplify sound in the meeting room shall  
12 be extended by supplementary speakers to permit the overflow audience to listen to the  
13 proceedings in an adjacent room or passageway, unless such supplementary speakers would  
14 disrupt the operation of a City office.

15 (b) All policy bodies shall provide sign language interpreters, assisted listening  
16 devices, note-takers, or other needed accommodations for persons with disabilities at each  
17 meeting, provided that a request for such services is communicated to the secretary or clerk  
18 of the board or commission. When requests for such services are made by a member or  
19 members of the public at least 72 hours prior to the meeting, - the policy body shall comply  
20 with the request. If the request is made less than 72 hours before the meeting the policy body  
21 should attempt to comply with the request, if possible.

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25 <sup>38</sup> Revised 67.13 – developed with assistance of representatives of Mayor’s Office on Disability – provides for enhanced accommodations and time frames for requesting accommodations, applied to all policy bodies and not just boards and commissions enumerated in Charter.

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1 (c) All policy bodies shall ensure that accessible seating for persons with  
2 disabilities, including those using wheelchairs, is made available for each regular and special  
3 meeting.

4 (d) All policy bodies shall include on the agenda for each regular and special  
5 meeting the following statement: "In order to assist the City's efforts to accommodate persons  
6 with severe allergies, environmental illnesses, multiple chemical sensitivity or related  
7 disabilities, attendees at public meetings are reminded that other attendees may be sensitive  
8 to various chemical based products. Please help the City accommodate these individuals."

9 (e) All Policy Bodies shall seek to provide translators at each of its regular meetings  
10 and all meetings of its committees for each language requested, where the translation is  
11 necessary to enable members of the public with limited English proficiency to participate in the  
12 proceedings provided that a request for such translation services is communicated to the  
13 Policy Body at least 48 hours before the meeting. For meetings on a Monday or a Tuesday,  
14 the request must be made by noon of the last business day of the preceding week. The  
15 Policy Body shall first solicit volunteers from the ranks of City employees and/or from the  
16 community to serve as translators. If volunteers are not available the Policy Body may next  
17 solicit translators from non-profit agencies, which may be compensated. If these options do  
18 not provide the necessary translation services, the Policy Body may employ professional  
19 translators. The unavailability of a translator shall not affect the ability of the Policy Body or its  
20 committees to deliberate or vote upon any matter presented to them.

21 (f) Boards and Commissions enumerated in the charter shall, by 2010 broadcast all  
22 meetings held in City Hall on the San Francisco Government TV channel or its successor via  
23  
24  
25

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1 real-time audio streaming and/ or real-time audio/video streaming on the Internet. All other  
2 policy bodies are encouraged to broadcast their meetings similarly as feasible.<sup>39</sup>

3 (g) All policy bodies and passive meeting bodies shall comply with the guidelines  
4 and recommendations of the Mayor's Office of Disabilities Accessible Public Event Checklist.  
5 Added by Ord. 265-93, App. 8/18/93; amended by Ord. 292-95, App. 9/8/95; Ord. 482-96,  
6 App. 12/20/96; Proposition G, 11/2/99)

7

### 8 **SECTION 67.14. RECORDING, FILMING AND STILL PHOTOGRAPHY.**<sup>40</sup>

9 (a) Any person attending an open and public meeting of a policy body or passive  
10 meeting body shall have the right to record the proceedings with an audio, video and/or digital  
11 recorder or to broadcast the proceedings, in the absence of a reasonable finding of the policy  
12 body that the recording or broadcast cannot continue without such noise, illumination or  
13 obstruction of view as to constitute a persistent disruption of the proceedings.

14 (b) All Policy Bodies shall audio record each regular and special meeting, including  
15 closed sessions. Each such audio recording, and any other recording of a meeting made at  
16 the direction of the policy body, shall be a public record subject to inspection pursuant to the  
17 California Public Records Act (Government Code Section 6250 et seq.). These recordings  
18 shall be kept indefinitely by the City, and shall not be erased or destroyed unless the  
19 recordings are being transferred into a different format for archival or accessibility  
20 requirements. . Inspection of any such recording shall be provided without charge on an  
21 appropriate play back device made available by the City; copies of any such recordings shall  
22 be provided upon request and payment for the actual cost of the medium on which the copy is

23

24 <sup>39</sup> New 67.13(f) provides that boards and commissions enumerated in the Charter shall broadcast their  
meetings on SFGTV by 2010 and encourages other policy bodies to do so.

25 <sup>40</sup> Revised 67.14 provides that in light of advances in technology, recordings of meetings shall be kept  
indefinitely; clarifies costs City can charge for making copies; and requires all policy bodies to digitally record  
meetings by 2010 and post recordings on their website within 3 days.

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1 recorded. Requests shall be made through the department, board, commission, task force, or  
2 committee whose meeting is recorded. Requests shall be completed in the order of receipt  
3 and no additional charges shall be assessed for expedited service.

4 (c) Closed session recordings, made pursuant to Section 67.14(b), shall be made  
5 available whenever all rationales for closing the session are no longer applicable. Recordings  
6 of closed sessions of bodies covered by this Ordinance wherein the justification for the closed  
7 session is "anticipated litigation" shall be released to the public in accordance with any of the  
8 following provisions: TWO years after the meeting if no litigation is filed; UPON EXPIRATION  
9 of the statute of limitations for the anticipated litigation if no litigation is filed; as soon as the  
10 controversy leading to anticipated litigation is settled or concluded.<sup>41</sup>

11 (d) All policy bodies shall be required to digitally record their meetings by 2010. Any such  
12 digital recordings that are made shall be posted on the policy bodies' website within three  
13 days. The City Administrator shall assist policy bodies in carrying out their duties under this  
14 subsection. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

15  
16 **SECTION 67.15. PUBLIC TESTIMONY.**

17 (a) Every agenda for regular and special meetings shall provide an opportunity for  
18 members of the public to directly address a policy body on any item of interest to the public  
19 that is within the policy body's subject matter jurisdiction, provided that no action shall be  
20 taken on any item not appearing on the agenda unless the action is otherwise authorized by  
21 Section 67.7(e) of this article.<sup>42</sup>

22 (b) Every agenda for special meetings at which action is proposed to be taken on  
23 an item shall provide an opportunity for each member of the public to directly address the  
24

25 <sup>41</sup> Moved from old 67.8-1(a).

<sup>42</sup> Moved to subsection (b) below for consistency. No substantive change intended.

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1 body concerning that item prior to action thereupon. However, in the case of a meeting of the  
2 Board of Supervisors, the agenda need not provide an opportunity for members of the public  
3 to address the policy body on any item that has already been considered by a committee,  
4 composed exclusively of members of the policy body, at a public meeting wherein all  
5 interested members of the public were afforded the opportunity to address the committee on  
6 the item, before or during the committee's consideration of the item, unless the item has been  
7 substantially changed since the committee heard the item, as determined by the policy body.<sup>43</sup>

### 8 (c) Time and Order of Public Speakers

9 A policy body shall adopt reasonable regulations to ensure that the intent of  
10 subdivisions (a) and (b) are carried out, including, but not limited to;

11 (1) Each policy body shall adopt a rule providing that each person wishing to speak  
12 on an item before the body at a regular or special meeting shall be permitted to be heard once  
13 for a minimum of three minutes per agenda item.<sup>44</sup>

14 (2) If the Chair of a meeting finds that a large number of speakers wish to speak on  
15 a particular item, the chair may reduce each individual speaker's time, but may not limit the  
16 time to less than two minutes per speaker. The Chair shall announce any modification of the  
17 three-minute minimum before public testimony on that item commences. The chair has  
18 discretion to provide extra time for those who need accommodation for an interpreter or  
19 because they have a disability.<sup>45</sup> Time limits shall be applied consistently to members of the  
20 public wishing to testify.

21 (3). The Chair May Allow a Designated Speaker(s)<sup>46</sup>

22  
23  
24 <sup>43</sup> Moved from subsection (a) above for consistency. No substantive change intended.

<sup>44</sup> Revised to provide a minimum of three minutes public testimony in normal course.

<sup>45</sup> Clarifies circumstances and method by which chair may set public comment to less than three minutes  
25 but no less than two minutes.

<sup>46</sup> Creates new procedure for designated public speaker(s).

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1 (A). If allowed by the chair members of the public may, for any item which is  
2 agendized for adoption or discussion by any Policy Body, authorize a Designated  
3 Speaker or Speakers, who will present the arguments regarding an issue for adoption  
4 for up to 15 minutes, or for a time which is equal to the amount of time allowed to the  
5 Department or presenting party, excluding the time required to answer questions posed  
6 by the body. The Designated Speaker(s) and the Department or other presenting party  
7 for an item to be adopted shall be allowed to speak in summary for five minutes directly  
8 prior to the vote by a Policy Body.

9 (B). It shall be the responsibility of the designated speaker to file, with the  
10 Clerk or Secretary, a Request to Authorize a Designated Speaker prior to the  
11 commencement of an item and to guarantee that at least six members of the public,  
12 present and prepared to speak, have designated their allotted speaking time to the  
13 requester.

14 (C). The Chair shall, by show of hands, determine that a designated speaker  
15 has the consent of six members of the public who are present and prepared, to speak  
16 on an issue, and shall announce the designated speaker(s).

17 (4) Rules for the Order of Speakers.<sup>47</sup>

18 A chair shall accept public testimony in a fair and evenhanded way, without  
19 manipulation in the order of speakers, absent good cause. Each policy body shall adopt  
20 regulations for the order of speaking, which shall include but not be limited to the following:

21 (A) Speaker cards, when available and submitted, shall be used in the order  
22 of submission to designate the order of speakers, except that the chair may alternate  
23 “pro” and “con” speakers if they are designated on the forms.

24  
25  

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<sup>47</sup> Provides additional guidance and limitations on order of speakers.



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1           (B) Members of the public who have not submitted speakers cards may form  
2           a line to speak and shall be called upon in the order of appearance at the front of the  
3           line, except that the chair may allow disabled or elderly-frail members of the public to  
4           speak out of turn.

5           (C) If a meeting is recessed, adjourned or the chair has ordered a break , the  
6           order of speakers from the previous session shall be maintained.

7           (d) A policy body shall not abridge, reproach or prohibit public criticism of the policy,  
8           procedures, programs or services of the City, or of any other aspect of its proposals or  
9           activities, or of the acts or omissions of the body, on the basis that the performance of one or  
10          more public employees is implicated, or on any basis other than reasonable time constraints  
11          adopted in regulations pursuant to subdivision (c) of this section.

12          (e) To facilitate public input, any agenda changes or continuances shall be  
13          announced by the presiding officer of a policy body at the beginning of a meeting, or as soon  
14          thereafter as the change or continuance becomes known to such presiding officer.

15          (f) Members of the public shall have access to all audio-visual equipment used by a  
16          department or Policy Body for presentations made to that policy body consistent with time  
17          limits provided in subsection (c). Prior notification in the agenda or public notice that a  
18          presentation will be made using audio/visual equipment or technology shall be provided,  
19          listing the specific equipment.<sup>48</sup>

### 21          **SECTION 67.16. MINUTES.**

22          (a) The clerk or secretary of all policy bodies shall record the minutes for each  
23          regular and special meeting of those bodies.<sup>49</sup>

25          <sup>48</sup> Explicitly provides public access to equipment used by city employees.

<sup>49</sup> Revised to provide that minimum minute requirements apply to all Policy Bodies.

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1 (b) The minutes shall state the time the meeting was called to order, the names of  
2 the members attending the meeting, time of each member's arrival if after commencement of  
3 the meeting and the time of each member's departure if prior to the adjournment of the  
4 meeting, the roll call vote on each matter considered at the meeting, the time the board or  
5 commission began and ended any closed session, the names of the members and the  
6 names, and titles where applicable, of any other persons attending any closed session, a list  
7 of those members of the public who spoke on each matter if the speakers identified  
8 themselves, whether such speakers supported or opposed the matter, a brief summary of  
9 each person's statement during the public comment period for each agenda item, and the  
10 time the meeting was adjourned. Any person may submit written comments that shall, if no  
11 more than 150 words, be included in the body of the minutes or attached to the minutes and  
12 noted in the item. The minutes shall also include the text of any resolution adopted by or  
13 modified by a policy body within the body of the minutes or as an attachment.<sup>50</sup>

14 (c) The draft minutes and any attachments thereto from each meeting shall be  
15 posted on the policy body's website and be available for inspection and copying upon request  
16 no later than ten working days after the meeting. The officially adopted minutes shall be  
17 available for inspection and copying upon request no later than ten working days after the  
18 meeting at which the minutes are adopted. Upon request, minutes required to be produced  
19 by this section shall be made available in alternative formats for persons with disabilities. If  
20 real time captioning is provided at a meeting, if separable, it shall also be posted on the web  
21 site. The City Administrator shall assist policy bodies in carrying out their duties under this  
22 subsection.<sup>51</sup> (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

23 \_\_\_\_\_  
24 <sup>50</sup> Provides increased information must be provided in the minutes to allow more information for public  
review, tracking and historical research purposes.

25 <sup>51</sup> Requires posting of draft minutes on policy body website, and in alternative formats where available, as  
well as posting of any real-time captioning provided at a meeting to improve public access and ability to monitor  
actions taken in public meetings.

AMENDMENTS FOR 2008

FINALIZED 6/10/2008 by the Task Force

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**SECTION 67.17. PUBLIC COMMENT BY MEMBERS OF POLICY BODIES.**

Every member of a policy body retains the full constitutional rights of a citizen to comment publicly on the wisdom or propriety of government actions, including those of the policy body of which he or she is a member. Policy bodies shall not sanction, reprove or deprive members of their rights as elected or appointed officials for expressing their judgments or opinions, including those which deal with the perceived inconsistency of non-public discussions, communications or actions with the requirements of state or federal law or of this ordinance. Every member of a policy body shall be allowed to speak freely on any issue before the body subject only to time limits, which may be imposed on all members equally.<sup>52</sup> The release of specific factual information made confidential by state or federal law including, but not limited to, the privilege for confidential attorney-client communications, may be the basis for a request for injunctive or declaratory relief, of a complaint to the Mayor seeking an accusation of misconduct, or both. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

**SECTION 67.18. SUPERVISOR OF PUBLIC FORUMS<sup>53</sup>**

(a) Within three months of the enactment of this provision, the City Attorney's office shall establish a Supervisor of Public Forums position, which can at the discretion of the City Attorney be combined with the existing Supervisor of Public Records position mandated by Section 67.21 of the Ordinance.

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<sup>52</sup> Revised to alleviate allegations of favoritism and provide equal opportunity for comment to body members.

<sup>53</sup> New 67.18 creates new Supervisor of Public Forums, consistent with existing provisions for Supervisor of Public Records.

AMENDMENTS FOR 2008

*FINALIZED 6/10/2008 by the Task Force*

1           (b) Any person may petition the Supervisor of Public Forums for a determination  
2 whether a Policy Body or Passive Meeting Body has violated any provision of Article II, Public  
3 Access to Meetings, of this Ordinance. The Supervisor of Public Forums shall inform the  
4 petitioner, as soon as possible and within 10 days, of its determination on whether a violation  
5 occurred. This determination shall be in writing. Upon determination by the Supervisor of  
6 Public Forums that a violation has occurred, the Supervisor of Public Forum shall immediately  
7 order the Policy Body or Passive Meeting Body to correct such violation as soon as possible,  
8 but no later than at its next meeting. If the Policy Body or Passive Meeting Body fails to  
9 comply with any such order, the Supervisor of Public Forums shall notify the San Francisco  
10 Ethics Commission, Board of Supervisors, District Attorney, or the State Attorney General  
11 who shall take whatever measures they deem necessary and appropriate to insure  
12 compliance with the provision of this Ordinance. The Supervisor of Public Forums shall copy  
13 the Sunshine Commission on all correspondence pertaining to its duties under this  
14 subsection.

AMENDMENTS FOR 2008

*FINALIZED 6/10/2008 by the TASK FORCE*

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Date: January 21, 2009

Item No. 4

File No. \_\_\_\_\_

## SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST\*

- Administrators Report
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Completed by: Chris Rustom

Date: January 16, 2009

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.