

Date: Feb. 9, 2010

Item No. 9
File No. _____

SUNSHINE ORDINANCE TASK FORCE
Compliance and Amendments Committee
AGENDA PACKET CONTENTS LIST*

- proposed amendments to the Sunshine Ordinance**
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Completed by: Chris Rustom

Date: Feb. 4, 2010

***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.

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DEPARTMENT OF ELECTIONS
City and County of San Francisco



JOHN ARNTZ
Director of Elections

**CALENDAR FOR THE
NOVEMBER 2, 2010
CONSOLIDATED GENERAL ELECTION
FOR LOCAL DEADLINES ONLY***

DATES (# of days before election day)	EVENT
Cal. Gov't Code § 85200; S.F. C&GC Code § 1.122	DECLARATION OF INTENT TO SOLICIT OR ACCEPT CONTRIBUTIONS. Before a candidate solicits or accepts contributions or loans or uses any personal funds for campaign purposes (excluding filing fees), the candidate must file a Candidate Intention Statement (FPPC Form 501) with the Ethics Commission and a Declaration of Intent to Solicit and Accept Contributions with the Department of Elections.
May 28 – July 22 (E-158 – E-103) CAEC §8106 SF MEC § 230	SIGNATURES IN LIEU OF FILING FEE The period during which candidates can pick up and file in-lieu petitions in order to pay for all or part of their filing fee with signatures of qualified voters. Signatures in lieu of fee are due upon filing of nomination documents, or July 22, whichever occurs first.
June 15, 5:00 p.m. (E-140) SF Charter §§ 2.113, 3.100 Per Prop. C, Nov. 2007	NOTIFICATION OF ORDINANCES AND DECLARATIONS OF POLICY TO BE SUBMITTED BY THE MAYOR OR FOUR OR MORE BOARD MEMBERS Last day for the Mayor or four or more members of the Board of Supervisors to submit an <u>original</u> proposed ordinance or declaration of policy to the Clerk of the Board's office and provide a <u>copy</u> to the Department of Elections.
July 6, 5:00 p.m. (E-120**) SF MEC § 300 (c)	SUBMISSION OF INITIATIVE MEASURES The last day to submit to the Department of Elections initiative petitions to qualify an ordinance, declaration of policy or charter amendment for the ballot.
July 12 – Aug 6, 5:00 p.m. (E-113 – E-88) CAEC §10220	NOMINATION PERIOD The period for which all candidates may obtain and file nomination documents. All nomination documents and fees must be filed no later than August 6, 2010 at 5:00 p.m. <i>Filing Fee is due upon filing of nomination documents.</i>
July 23, 5:00 p.m. (E-102) SF MEC § 300 (a)	SUBMISSION OF CHARTER AMENDMENTS & BOND MEASURES The last day for the Board of Supervisors to submit to the Department of Elections Charter amendments and bond measures. The Board of Supervisors may submit and the Director of Elections has the discretion to accept one Charter amendment or bond measure after E-102 but no later than E-95.

Revised: 11/10/2009

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<p>July 26 – August 9 (E-99 - E-85) SF MEC § 515</p>	<p>BALLOT SIMPLIFICATION COMMITTEE MEETINGS</p> <p>The Ballot Simplification Committee will prepare digests of each measure submitted to the voters to be published in the local voter information pamphlet.</p>
<p>August 2 Gov't Code § 84200(3)(B)(c)</p>	<p>FIRST SEMI-ANNUAL CAMPAIGN FINANCE STATEMENT- FPPC FORM 460</p> <p>Deadline to file campaign statements for the period January 1, 2009 to June 30, 2009. Delivery must be made in person or first class mail.</p>
<p>July 30, 5:00 p.m. (E-95) SF MEC § 300 (b)</p>	<p>SUBMISSION OF ORDINANCES & DECLARATIONS OF POLICY</p> <p>The last day for the Board of Supervisors to submit to the Department of Elections ordinances and declarations of policy.</p> <p>♦Ordinances and Declaration of Policies submitted by the Mayor or four or more Board of Supervisors should have been submitted no later than E-140 (June 15th 5pm).</p>
<p>August 2, 11 a.m. (E-92) SF MEC § 505</p>	<p>DESIGNATION OF LETTERS FOR BALLOT MEASURES</p> <p>The Department of Elections designates letters for local ballot measures according to the procedures set forth in MEC Section 505.</p>
<p>August 6, 5:00 p.m. (E-88) SF C&GCC § 1.128</p>	<p>ACCEPTANCE OR REJECTION OF VOLUNTARY CAMPAIGN SPENDING LIMITS</p> <p>The last day for candidates to file a statement with <u>the Ethics Commission</u> to indicate whether they accept or reject the City's Voluntary Spending Limits.</p>
<p>August 6, 5:00 p.m. (E-88) SF MEC § 240</p>	<p>WITHDRAWAL OF NOMINATORS (SIGNERS)</p> <p>The last day nominators may withdraw their nomination of a candidate by filing a signed and sworn statement of withdrawal with the Department of Elections.</p>
<p>August 6, 5:00 p.m. (E-88) SF MEC § 401</p>	<p>SUBMISSION OF PROPOSED TRANSLATED OR TRANSLITERATED CHINESE NAME</p> <p>Deadline for candidates for local office to submit a proposed translated or transliterated Chinese name to the Department of Elections. Proposed names should be submitted along with the supporting information and material described in the candidate guide.</p>

Revised: 11/10/2009

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<p>August 6, 5:00 p.m. (E-88) CAEC §§ 9401, 10002,10403 ED CODE § 5322</p>	<p>SUBMISSION OF <u>DISTRICT MEASURE</u></p> <p>The last day for submission of a school/college/special district measure. If a bond or tax measure is placed on the ballot, the tax rate statement is due at the same time.</p>
<p>August 6, 5:00 p.m. – August 16 5:00 p.m. (E-88 – E-78) CAEC § 9509 ED CODE § 5322</p>	<p>PUBLIC INSPECTION PERIOD: <u>DISTRICT MEASURE</u></p> <p>Period of public review of the district measures to be submitted to the voters.</p>
<p>August 7, noon – August 17, noon (E-87 – E-77) SF MEC § 590 (a) (1) (2)</p>	<p>PUBLIC INSPECTION PERIOD: CANDIDATE QUALIFICATIONS STATEMENTS & BALLOT DESIGNATIONS</p> <p>Period of public review for candidate qualifications statements for publication in the Voter Information Pamphlet. Period of public review for the ballot designations to be printed on the ballot.</p>
<p>August 7 – August 11, 5:00 p.m. (E-87 – E-83) CAEC § 10224, 10516, 10604</p>	<p>SPECIAL CIRCUMSTANCE EXTENDED FILING</p> <p>If an eligible incumbent does not file during the regular nominating period, the candidate filing period for that office shall be extended 5 calendar days for candidates other than the incumbent.</p>
<p>August 9 (E-85) SF MEC § 510</p>	<p>BALLOT QUESTIONS</p> <p>The last day for the City Attorney to submit to the Department of Elections ballot statements or questions for local measures.</p>
<p>August 9 (E-85) SF MEC § 515</p>	<p>BALLOT SIMPLIFICATION COMMITTEE DIGESTS</p> <p>The last day for the Ballot Simplification Committee to submit to the Department of Elections digest of each measure submitted to the voters to be published in the local voter information pamphlet.</p>
<p>August 9 (E-85) SF MEC § 520</p>	<p>FINANCIAL ANALYSES</p> <p>The last day for Controller to submit to the Department of Elections a financial analyses of each local measure to be submitted to the voters, including an estimate of the increase or decrease in the cost of government and/or the effect of the measure on the tax rate.</p>

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<p>August 10 noon – August 20 noon (E-84 – E-74) SF MEC § 590 (b) (1) (2) (3)</p>	<p>PUBLIC INSPECTION PERIOD: <u>BALLOT DIGESTS, FINANCIAL ANALYSES & BALLOT QUESTIONS</u> Period of public review for the Ballot Simplification Committee's digests, the Controller's financial analysis, and the City Attorney's ballot statements or questions.</p>
<p>August 12, noon – August 23, noon (E-83 – E-73**)</p>	<p>SPECIAL CIRCUMSTANCE EXTENDED PUBLIC INSPECTION PERIOD FOR CANDIDATE QUALIFICATION STATEMENTS AND BALLOT DESIGNATIONS <i>This special circumstance public inspection period is applicable only if the candidate filing period has been extended per CAEC §§ 10220, 10224, 10225, 10516, 10604</i> Period of public review for the candidate qualification statements and ballot designations submitted during the special circumstance extended filing period.</p>
<p>August 12, 11 a.m. (E-82) CAEC §13112 (b) (1) (c) (i)</p>	<p>RANDOMIZED ALPHABET DRAWING The Secretary of State shall conduct the randomized alphabet drawing to determine the order in which the candidate names will appear on the ballot.</p>
<p>August 12, noon (E-82) SF MEC § 535 (a) CAEC § 9500-9605 ED CODE § 5322</p>	<p>SUBMISSION OF PROPONENT & OPPONENT BALLOT ARGUMENTS FOR <u>LOCAL BALLOT MEASURES & DISTRICT MEASURES:</u> The last day to submit proponent and opponent ballot arguments for local ballot measures and district measures to the Department of Elections. ♦ ♦Please call the Department of Elections to determine if official proponent and/or opponent ballot arguments have been submitted.</p>
<p>August 12, 2:00 p.m. (E-82) SF MEC § 545 CAEC § 9503</p>	<p>SELECTION OF PROPONENT AND OPPONENT ARGUMENTS If the Department of Elections receives more than one proposed proponent or opponent argument for a measure, the Department will select one proponent and one opponent argument according to priority levels set by Municipal Election Code section 545 and, if necessary, by lottery.</p>
<p>August 13, noon (E-81) SF MEC § 535 (e)</p>	<p>LAST DAY TO CORRECT GRAMMATICAL, SPELLING OR FACTUAL ERRORS CONTAINED IN <u>LOCAL PROPONENT & OPPONENT BALLOT ARGUMENTS</u> The last day for the authors of proponent & opponent ballot arguments to correct errors in grammar, spelling and facts in the arguments for or against local measures.</p>

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<p>August 13, noon – August 23, noon (E-81 – E-71) SF MEC § 590 (b) (4) CAEC § 9509 ED CODE § 5322</p>	<p>PUBLIC INSPECTION PERIOD: PROPONENT & OPPONENT ARGUMENTS FOR LOCAL BALLOT MEASURES & DISTRICT MEASURES</p> <p>Period of public review of proponent and opponent arguments for publication in the Voter Information Pamphlet.</p>
<p>August 16, noon (E-78) SF MEC § 535 (b) CAEC § 9500-9605 ED CODE § 5322</p>	<p>SUBMISSION OF REBUTTAL BALLOT ARGUMENTS FOR LOCAL BALLOT MEASURES & DISTRICT MEASURES</p> <p>The last day for rebuttal arguments for local ballot measures and district measures to be submitted to the Department of Elections.</p>
<p>August 16, noon (E-78) SF MEC § 535 (c)</p>	<p>SUBMISSION OF PAID BALLOT ARGUMENTS FOR LOCAL BALLOT MEASURES</p> <p>The last day to submit paid ballot arguments for or against local measures to the Department of Elections. Paid ballot argument fees and original hard copy must be submitted together at this time.</p>
<p>August 17, noon (E-77) SF MEC § 535 (e)</p>	<p>LAST DAY TO CORRECT GRAMMATICAL, SPELLING OR FACTUAL ERRORS CONTAINED IN LOCAL MEASURE REBUTTAL & PAID BALLOT ARGUMENTS</p> <p>Last day for the authors of rebuttal and paid ballot arguments to correct errors in grammar and spelling in the arguments for or against local measures.</p>
<p>August 17, noon (E-77) SF MEC § 535 (e) ED CODE § 5322</p>	<p>LAST DAY TO CORRECT GRAMMATICAL, SPELLING OR FACTUAL ERRORS CONTAINED IN DISTRICT MEASURE REBUTTAL ARGUMENTS ONLY</p> <p>Last day for the authors of rebuttal ballot arguments to correct errors in grammar and spelling in the arguments for or against district measures.</p>
<p>August 17, noon – August 27, noon (E-77 – E-67) SF MEC §§ 590 (c), 401 (c)</p>	<p>PUBLIC INSPECTION PERIOD: CHINESE NAMES FOR LOCAL CANDIDATES</p> <p>Public review of Chinese names for all candidates for local office. Deadline for filing a legal challenge to a candidate's Chinese name is August 27, 2010, noon. A candidate may challenge the Chinese name designated for him or her by the Department of Elections. A voter may challenge the Chinese name designated for any candidate.</p>

Revised: 11/10/2009

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<p>August 17, noon – August 27, noon (E-77 – E-67) CAEC § 9509 SF MEC § 590 (c) SF MEC § 590 (b) (4) (5) ED CODE § 5322</p>	<p><u>PUBLIC INSPECTION PERIOD: LOCAL BALLOT MEASURE & DISTRICT MEASURE REBUTTAL ARGUMENTS AND PAID BALLOT ARGUMENTS</u></p> <p>Period of public review of local ballot measure & district measure rebuttal arguments, and paid ballot arguments submitted for publication in the Voter Information Pamphlet.</p>
<p>August 27, 5:00 p.m. (E-67) SF MEC §§ 260, 220(e)</p>	<p>WITHDRAWAL OF CANDIDACY OR CANDIDATE STATEMENT</p> <p>This is the last day for local candidates may withdraw their candidacy or candidate statement by filing a signed and sworn statement of withdrawal with the Department of Elections.</p>
<p>Sept. 7 – Oct. 19 (E-57** – E-14) CAEC §8601</p>	<p>STATEMENT OF WRITE-IN CANDIDACY & NOMINATION PAPERS</p> <p>During this period all write-in candidates must file their Statement of Write-In Candidacy and Nomination Papers with the Department of Elections.</p>
<p>October 5 Gov't Code § 84200.8(a)</p>	<p>FIRST PRE-ELECTION CAMPAIGN FINANCE STATEMENT – FPPC FORM 460</p> <p>Last day for candidates and committees to file campaign statements covering the period July 1 – September 30, 2010. Local candidates and committees file with the Ethics Commission. Reports must be delivered in person or by first class mail.</p>
<p>October 4 (E-29) CAEC §§ 3001, 3018</p>	<p>FIRST DAY FOR EARLY VOTING</p> <p>Available 8 a.m. to 5 p.m., Monday – Friday, at the Early Voting Counter outside of Room 48 in City Hall.</p>
<p>Oct. 17 – Nov. 1 (E-16 – E-1) (Gov't Code § 84200.7(b)(1))</p>	<p>LATE FILING REQUIREMENTS – FPPC FORM 496/497</p> <p>Candidates and committees must report late contributions and independent expenditures of \$1,000 or more within 24 hours. Reports must be delivered in person, by guaranteed overnight service, or by fax. For more information, contact the Fair Political Practices Commission at 866-275-3772.</p>
<p>October 18 (E-15) CAEC §2102</p>	<p>LAST DAY TO REGISTER TO VOTE</p> <p>Closing date for voter registration in this election.</p>
<p>October 21 Gov't Code § 84200.8(b)</p>	<p>SECOND PRE-ELECTION CAMPAIGN FINANCE STATEMENT – FPPC FORM 460</p> <p>The last day for candidates and committees to file campaign statements covering the period from Oct. 1 through Oct. 16, 2010. Reports must be delivered to the Ethics Commission in person or by guaranteed overnight mail.</p>

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October 26, 5:00 p.m. (E-7) CAEC § 3001	LAST DAY FOR VOTERS TO REQUEST A VOTE-BY-MAIL BALLOT Requests must be received by the Department of Elections by 5:00 p.m. Postmarks are not accepted.
November 2 (E)	ELECTION DAY Polls open at 7 a.m. and close at 8 p.m.
November 30 (E+28) CAEC § 15372 SF MEC § 13.108	LAST DAY TO CERTIFY ELECTION RESULTS The Department of Elections shall prepare a certified statement of results of the election and submit it to the governing body within 28 days of the election.
Jan. 31, 2011** Gov't Code § 84200	SECOND SEMI-ANNUAL CAMPAIGN FINANCE STATEMENT – FPPC FORM 460 Last day to file campaign statements for the period ending December 31, 2010. Reports must be delivered in person or by first class mail.

Code References:

Cal. Gov't Code: California Government Code
SF C&GCC: San Francisco Campaign & Governmental Conduct Code
SF MEC: San Francisco Municipal Elections Code
CAEC: California Elections Code
Ed Code: Education Code

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AMENDMENTS FOR 2008

FINALIZED 6/10/2008 by the Task Force

1
2 **ARTICLE II**
3 **PUBLIC ACCESS TO MEETINGS**
4

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

23 **SECTION 67.3. DEFINITIONS.**

24 Whenever in this Article article the following words or phrases are used, they shall have
25 the 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 ~~that is within~~ the subject matter jurisdiction
8 of the ~~City~~policy body, if the cumulative result is that a majority of the members of the policy
9 body has 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, statewide, or national conference, or at a meeting organized to address a topic of
22 local 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 ~~the topic of the gathering~~
24 ~~or any other business item~~ within the subject matter jurisdiction of the Citypolicy body; or

25

AMENDMENTS FOR 2008

FINALIZED 6/10/2008 by the Task Force

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 business-item within the subject matter jurisdiction of this
5 the policy body. A meal gathering of a policy body before, during, or after a business-meeting
6 of the policy body is part of that meeting and shall be conducted only under circumstances
7 that permit public access to hear and observe the discussion ~~of members~~. Such meetings
8 shall not be conducted in restaurants or other ~~accommodations~~ locations where public access
9 is possible only in consideration of making a purchase or 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.²

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 ~~(D) Proceedings of the Department of Social Services Child Welfare Placement and~~
17 ~~Review Committee or similar committees which exist to consider confidential information and~~
18 ~~make decisions regarding Department of Social Services clients.~~

19 (c) "Passive meeting body" shall mean:³
20
21

22 ² As noted in the Good Government Guide, "the drafters of Proposition G (November 2, 1999)
23 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.

24 ³ Revised 67.3(c) and (d) to: clarify ambiguity regarding "advisory" committees and bodies;
25 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 (1) Advisory committees created by the initiative of a member of a policy body, the
2 Mayor, or a department head other than the Mayor;

3 (2) Any group that ~~meets to discuss with or advise the Mayor or any Department~~
4 ~~Head on fiscal, economic, or policy issues;~~ includes City employees assigned by a policy body,
5 the Mayor, or department head to meet with residents or community groups to obtain
6 information that would result in a report or recommendation from the group back to the policy
7 body, the Mayor or department for action by the policy body, Mayor or department;

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

10 (4) "Passive meeting body" shall not include a committee that consists solely of City
11 ~~employees of the City and County of San Francisco~~ created by the initiative of a member of a
12 policy body, the Mayor, or a department head; to study internal departmental affairs which is
13 not expected to modify or change City policy;

14 (5) ~~Notwithstanding the provisions of paragraph (4) above, "Passive meeting body"~~
15 ~~shall include a committee that consists solely of employees of the City and County of San~~
16 ~~Francisco when such committee is reviewing, developing, modifying, or creating city policies~~
17 ~~or procedures relating to the public health, safety, or welfare or relating to services for the~~
18 ~~homeless;~~

19 (d) "Policy Body" shall mean:⁴

20 (1) The Board of Supervisors;

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

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

24
25 _____
⁴ See above; expanded categories of policy bodies.

AMENDMENTS FOR 2008

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1 ~~(4)(5)~~ Any ~~advisory board, commission, committee or other body, created by the~~
2 ~~initiative Mayor or of a policy body;~~

3 ~~(5)(4)~~ Any board, commission, committee or other body, standing committee of a policy
4 body composed of members of the Policy Body, irrespective of its composition;

5 ~~(6)~~ — "Policy Body" shall not include a committee which consists solely of employees
6 of the City and County of San Francisco, unless such committee was established by charter
7 or by ordinance or resolution of the Board of Supervisors.

8 ~~(7)(6)~~ Any advisory board, commission, committee, or council created by a federal,
9 state, or local grant whose members are appointed by ~~city~~ City officials, employees or agents.
10 (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 129-98, App. 4/17/98; Proposition G,
11 11/2/99)

12
13 **SECTION 67.4. PASSIVE MEETINGS BODIES: CONDUCT OF BUSINESS.**

14 (a) All gatherings of passive meeting bodies shall be accessible to individuals upon
15 inquiry and to the extent ~~possible consistent with the~~ that the meeting locations have sufficient
16 capacity, facilities, furniture and equipment, in which they occur.

17 ~~(1)(b)~~ Such gatherings must ~~need not be~~ formally noticed with a contact person's
18 name and contact information, at least 72 hours prior to the scheduled meeting except on the
19 City's website whenever possible, although and the time, place and nature of the gathering
20 shall be posted at the main library and on the City's website and be disclosed by mail, e-mail,
21 or fax upon inquiry by a member of the public, and any. If an agenda actually is prepared in
22 advance for the gathering, it shall be accessible to such inquirers as a public record provided
23 upon request, and as practicable posted with the notice.⁵

24
25 ⁵ 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.

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1 ~~(2) Such gatherings need not be conducted in any particular space for the~~
2 ~~accommodation of members of the public, although members of the public shall be permitted~~
3 ~~to observe on a space available basis consistent with legal and practical restrictions on~~
4 ~~occupancy.~~⁶

5 ~~(3)(c) Such gatherings of a business nature need not provide opportunities for~~
6 ~~comment by members of the public, although the person presiding may, in at his or her~~
7 ~~discretion, entertain such questions or comments from spectators members of the public as~~
8 ~~may be relevant to the business of the gathering.~~

9 ~~(4)(d) Such gatherings of a social or ceremonial nature need not provide refreshments~~
10 ~~to spectators members of the public.~~

11 ~~(5) Gatherings subject to this subsection include the following: advisory committees~~
12 ~~or other multimember bodies created in writing or by the initiative of, or otherwise primarily~~
13 ~~formed or existing to serve as a non-governmental advisor to, a member of a policy body, the~~
14 ~~Mayor, the City Administrator, a department head, or any elective officer, and social,~~
15 ~~recreational or ceremonial occasions sponsored or organized by or for a policy body to which~~
16 ~~a majority of the body has been invited. This subsection shall not apply to a committee which~~
17 ~~consists solely of employees of the City and County of San Francisco.~~⁷

18 ~~(6) Gatherings defined in section 67.3(c) subdivision (5) may hold closed sessions~~
19 ~~under circumstances allowed by this Article.~~

20 ~~(b) To the extent not inconsistent with state or federal law, a policy body shall~~
21 ~~include in any contract with an entity that owns, operates or manages any property in which~~
22 ~~the City has or will have an ownership interest, including a mortgage, and on which the entity~~
23 ~~performs a government function related to the furtherance of health, safety or welfare, a~~
24

25 ⁶ Provision consolidated with subsection 67.4(a) above.

⁷ Removed as unnecessary.

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1 ~~requirement that any meeting of the governing board of the entity to address any matter~~
2 ~~relating to the property or its government related activities on the property, or performance~~
3 ~~under the contract or grant, be conducted as provided in subdivision (a) of this section.~~
4 ~~Records made available to the governing board relating to such matters shall be likewise~~
5 ~~available to the public, at a cost not to exceed the actual cost up to 10 cents per page, or at a~~
6 ~~higher actual cost as demonstrated in writing to such governing board.~~⁸(Added by Ord. 265-
7 93, App. 8/18/93; amended by Ord. 287-96, App. 7/12/96; Proposition G, 11/2/99)

8
9 **SECTION 67.5. MEETINGS TO BE OPEN AND PUBLIC; APPLICATION OF BROWN ACT.**

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

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

15
16 **SECTION 67.6. POLICY BODY: CONDUCT OF BUSINESS; TIME AND PLACE FOR**
17 **MEETINGS.**

18 (a) Each policy body, except for ~~advisory bodies~~ specified in Section 67.3(d)(5) and
19 67.3(d)(6), shall establish by resolution or motion the time and place for holding regular
20 meetings.

21 (b) ~~Unless otherwise required by state or federal law or necessary to inspect real~~
22 ~~property or personal property which cannot be conveniently brought within the territory of the~~
23 ~~City and County of San Francisco or to meet with residents residing on property owned by the~~
24 ~~City, or to meet with residents of another jurisdiction to discuss actions of the policy body that~~

25 _____
⁸ Task Force recommends moving this entire section to new 67.24 [not yet moved].

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1 ~~affect those residents, all meetings of its policy bodies shall be held within the City and County~~
2 ~~of San Francisco.~~⁹

3 ~~(e)(b)~~ If a regular meeting would otherwise fall on a holiday, it shall instead be held on
4 the next business day, unless otherwise rescheduled in advance. If a meeting must be
5 canceled, continued or rescheduled for any reason, notice of such change shall be provided
6 to the public as soon as is reasonably possible, including posting of a cancellation notice in
7 the same manner as described in section 67.7(c), and mailed notice if sufficient time
8 permits.¹⁰

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

16 ~~(e)(d)~~ Meetings of passive meeting bodies as specified in Section 67.3(d)(5) and
17 67.3(d)(6) 67.6(d)(4) of this article shall be preceded by notice delivered personally or by mail,
18 e-mail, or facsimile as ~~reasonably requested~~ at least 72 hours before the time of such meeting
19 to each person who has requested, in writing, notice of such meeting. If the advisory body
20 elects to hold regular meetings, it shall provide by bylaws, or whatever other rule is utilized by
21 that advisory body for the conduct of its business, for the time and place for holding such
22 regular meetings. ~~In such case, no notice of regular meetings, other than the posting of an~~
23

24
25 ⁹ Moved to new 67.6(f).

¹⁰ Moved from former 67.6(g).

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1 agenda pursuant to ~~Section 67.7~~ of this article in the place used by the policy body which it
2 advises, ~~is required.~~

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

23
24 _____
25 ¹¹ 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.

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

7 ~~(g) If a meeting must be canceled, continued or rescheduled for any reason, notice~~
8 ~~of such change shall be provided to the public as soon as is reasonably possible, including~~
9 ~~posting of a cancellation notice in the same manner as described in section 67.7(c), and~~
10 ~~mailed notice if sufficient time permits.~~¹³

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

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

18
19 **SECTION 67.7. AGENDA REQUIREMENTS; REGULAR FOR MEETINGS OF POLICY**
20 **BODIES.**

21 (a) At least 72 hours before a ~~regular~~ meeting, a policy body shall post an agenda
22 containing a meaningful description of each item of business to be transacted or discussed at
23

24 ¹² Moved and amended from former 67.6(b).

¹³ Moved to new 67.6(b).

25 ¹⁴ Revised to provide more consistency for posting notice.

¹⁵ Added to correct omission in Ordinance, providing notice of initial meetings.

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1 the meeting. Agendas shall specify ~~for whether~~ each item of business ~~the proposed is~~ subject
2 to possible action or ~~a statement the item is~~ for discussion only. If a specific action is
3 proposed or contemplated it shall be included in the agenda item. In addition, a policy body
4 shall post a current agenda on its ~~Internet website~~ at least 72 hours before a regular meeting,
5 and a link to the agenda on a "central master calendar" available on the City's website where
6 the date, time and location of all City policy body meetings shall be listed.¹⁶

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

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

23 ¹⁶ Revised to clarify language and to provide for a central master calendar to provide
24 accessible and consistent access to meeting information.

25 ¹⁷ 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 (d) No action or discussion shall be undertaken on any item not appearing on the
2 posted agenda, except that members of a policy body may respond to statements made or
3 questions posed by persons exercising their public testimony rights, to the extent of asking a
4 question for clarification, providing a reference to staff or other resources for factual
5 information, or requesting staff to report back to the body at a subsequent meeting concerning
6 the matter raised by such testimony.

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

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

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

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

23 (f) Each board and commission enumerated in the charter shall ensure that
24 agendas for regular and special meetings are made available to speech and hearing impaired

25 _____
¹⁸ Revised to provide adequate information on the continued agenda item.

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1 ~~persons through telecommunications devices for the deaf, telecommunications relay services~~
2 ~~or equivalent systems, and, upon request, to sight impaired persons through Braille or~~
3 ~~enlarged type and other material related to meetings are accessible to persons with~~
4 disabilities. Upon request, materials shall be made available in alternative formats. Requests
5 should be made to the secretary or clerk of the board or commission at least 48 hours prior to
6 the meeting. Requests for material in alternative formats made less than 48 hours prior to the
7 meeting shall be met when possible. All policy bodies and passive meeting bodies shall
8 comply with the guidelines and recommendations of the Mayor's Office of Disabilities
9 Accessible Public Event Checklist.¹⁹

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

12
13 KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
14 (Chapter 67 of the San Francisco Administrative Code)

15
16 ~~Government's~~Government's duty is to serve the public, reaching its decisions in full
17 view of the public. Commissions, boards, councils and other agencies of the City and County
18 exist to conduct the people's business. This ordinance assures that deliberations are
19 conducted before the people and that City operations are open to the people's review.

20
21
22
23
24 ¹⁹ Revised after consultation with Mayor's Office on Disability to provide that for all board and
25 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 FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE
2 ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT
3 THE SUNSHINE COMMISSIONSUNSHINE ORDINANCE TASK FORCE.

4
5 (h) Each agenda of a policy body covered by this ~~Sunshine Ordinance~~ shall include
6 the address, area code and phone number, fax number, e-mail address, and a contact
7 ~~person's name~~person for the Sunshine Commission ~~Sunshine Ordinance Task Force~~.
8 Information on how to obtain a free copy of the Sunshine Ordinance shall be included on each
9 agenda. (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 292-95, App. 9/8/95; Ord.
10 185-96, App. 5/8/96; Proposition G, 11/2/99)

11 (i) Each agenda of a policy body shall state that members of the public may submit
12 statements and/or comments regarding any item on those bodies' meeting agendas; those
13 statements or comments shall become a public record, regardless of whether their authors
14 are present when the item at issue is discussed. The policy body may review and consider
15 those statements or comments if received before or during the discussion of the item.
16 Statements or comments received within ten business days after the meeting shall be
17 included in the public record with a notation as to when they were received.²⁰ (Added by Ord.
18 185-96, App. 5/8/96; amended by Proposition G, 11/2/99)

19
20 **Section 67.7-1. PUBLIC NOTICE REQUIREMENTS.**

21 (a)(1) Any public notice that is mailed, posted or published by a City department,
22 board, agency or commission to residents residing within a specific area to inform those

23
24 _____
25 ²⁰ 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
former Section 67.16.

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1 residents of a matter that may impact their property or that neighborhood area, shall be brief,
2 concise and written in plain, easily understood English.

3 ~~(2)(b)~~ The notice should inform the residents of the proposal or planned activity, the
4 length of time planned for the activity, the effect of the proposal or activity, and a telephone
5 contact for residents who have questions.

6 ~~(3)(e)~~ If the notice informs the public of a public meeting or hearing, then the notice
7 shall state that persons who are unable to attend the public meeting or hearing may submit to
8 the City, by the time the proceeding begins, written comments regarding the subject of the
9 meeting or hearing, that these comments will be made a part of the official public record, and
10 that the comments will be brought to the attention of the person or persons conducting the
11 public meeting or hearing. The notice should also state the name, and address, fax and e-
12 mail address of the person or persons to whom those written comments should be submitted.

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

14
15 **SECTION 67.8. AGENDA DISCLOSURES: CLOSED SESSIONS.²¹**

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

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

23
24 ²¹ Revised 67.8 to generally streamline and make Ordinance consistent with the current
25 requirements under Brown Act. No substantive changes intended.

²² Moved from former 67.8-1(b).

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1 ~~(a)(b) In addition to the brief general description of items to be discussed or acted upon~~
2 ~~in open and public session, the agenda posted pursuant to Government Code Section~~
3 ~~54954.2, any mailed notice given pursuant to Government Code Section 54954.1, and any~~
4 ~~call and notice delivered to the local media and posted pursuant to Government Code Section~~
5 ~~54956 shall specify and disclose the nature of any closed sessions by providing all of the~~
6 ~~following information:~~With respect to every item of business to be discussed in closed session
7 pursuant to Government Code section 54957:

8
9 ~~(1) With respect to a closed session held pursuant to Government Code Section~~
10 ~~54956.7:~~

11 ~~LICENSE/PERMIT DETERMINATION:~~

12 ~~applicant(s)~~

13 ~~The space shall be used to specify the number of persons whose applications are to be~~
14 ~~reviewed.~~

15 ~~(2) With respect to every item of business to be discussed in closed session pursuant~~
16 ~~to Government Code Section 54956.8:~~

17
18 ~~CONFERENCE WITH REAL PROPERTY NEGOTIATOR~~

19 ~~Property:~~

20 ~~Person(s) negotiating:~~

21 ~~Under negotiation:~~

22 ~~Price: Terms of payment: Both:~~

23

24 ~~The space under "Property" shall be used to list an address, including cross streets~~
25 ~~where applicable, or other description or name which permits a reasonably ready identification~~

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1 of each parcel or structure subject to negotiation. The space under "Person(s) negotiating"
2 shall be used to identify the person or persons with whom negotiations concerning that
3 property are in progress. The spaces under "Under negotiation" shall be checked off as
4 applicable to indicate which issues are to be discussed.

5
6 (3) With respect to every item of business to be discussed in closed session pursuant
7 to Government Code Section 54956.9, either:

8
9 ~~CONFERENCE WITH LEGAL COUNSEL~~

10 Existing litigation:

11 Unspecified to protect service of process

12 Unspecified to protect settlement posture

13 or:

14 ~~CONFERENCE WITH LEGAL COUNSEL~~

15 Anticipated litigation:

16 As defendant As plaintiff

17
18 The space under "Existing litigation" shall be used to specifically identify a case under
19 discussion pursuant to subdivision (a) of Government Code Section 54956.9, including the
20 case name, court, and case number, unless the identification would jeopardize the City's
21 ability to effectuate service of process upon one or more unserved parties, in which instance
22 the space in the next succeeding line shall be checked, or unless the identification would
23 jeopardize the City's ability to conclude existing settlement negotiations to its advantage, in
24 which instance the space in the next succeeding line shall be checked. If the closed session is
25 called pursuant to subdivision (b) or (c) of Section 54956.9, the appropriate space shall be

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1 checked under "Anticipated litigation" to indicate the City's anticipated position as defendant
2 or plaintiff respectively. If more than one instance of anticipated litigation is to be reviewed,
3 space may be saved by entering the number of separate instances in the "As defendant" or
4 "As plaintiff" spaces or both as appropriate.

5
6 (4) With respect to every item of business to be discussed in closed session pursuant
7 to Government Code Section 54957, either:

8
9 ~~THREAT TO PUBLIC SERVICES OR FACILITIES~~

10 Name, title and agency of law enforcement officer(s) to be conferred with:

11 or:

12 ~~PUBLIC EMPLOYEE APPOINTMENT/HIRING~~

13 Title/description of position(s) to be filled:

14 ~~PUBLIC EMPLOYEE PERFORMANCE EVALUATION~~

15 Position and, in the case of a routine evaluation, name of employee(s) being evaluated:

16 or:

17 ~~PUBLIC EMPLOYEE DISMISSAL/DISCIPLINE/RELEASE~~

18 Number of employees affected:

19 or:

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

23
24 ~~CONFERENCE WITH NEGOTIATOR--COLLECTIVE BARGAINING~~

25 Name and title of City's City's negotiator:

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- 1 Organization(s) representing:
- 2 Police officers, firefighters and airport police
- 3 Transit Workers
- 4 Nurses
- 5 Miscellaneous Employees
- 6 Anticipated issue(s) under negotiation:
- 7 Wages
- 8 Hours
- 9 Benefits
- 10 Working Conditions
- 11 Other (specify if known)
- 12 All

13

14 Where renegotiating a memorandum of understanding or negotiating a successor
15 memorandum of ~~under-standing~~understanding, the name of the memorandum of ~~under-~~
16 ~~standing~~understanding:

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

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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 ~~SECTION 67.8-1. ADDITIONAL REQUIREMENTS FOR CLOSED SESSIONS.~~²³

5 ~~(a) All closed sessions of any policy body covered by this Ordinance shall be either~~
6 ~~audio recorded or audio and video recorded in their entirety and all such recordings shall be~~
7 ~~retained for at least TEN years, or permanently where technologically and economically~~
8 ~~feasible. Closed session recordings shall be made available whenever all rationales for~~
9 ~~closing the session are no longer applicable. Recordings of closed sessions of a policy body~~
10 ~~covered by this Ordinance, wherein the justification for the closed session is due to~~
11 ~~"anticipated litigation" shall be released to the public in accordance with any of the following~~
12 ~~provisions: TWO years after the meeting if no litigation is filed; UPON EXPIRATION of the~~
13 ~~statute of limitations for the anticipated litigation if no litigation is filed; as soon as the~~
14 ~~controversy leading to anticipated litigation is settled or concluded.~~²⁴

15 ~~(b) Each agenda item for a policy body covered by this ordinance that involve existing~~
16 ~~litigation shall identify the court, case number, and date the case was filed on the written~~
17 ~~agenda.~~²⁵ ~~For each agenda item for a group covered by this ordinance that involves~~
18 ~~anticipated litigation, the City Attorney's Office or the policy body shall disclose at any time~~
19 ~~requested and to any member of the public whether such anticipated litigation developed into~~
20 ~~litigation and shall identify the court, case number, and date the case was filed.~~²⁶ (Added by
21 Proposition G, 11/2/99)

22
23 ²³ The provisions of this section have been moved in order to streamline and consolidate like
24 provision on the Ordinance.

25 ²⁴ Revised and moved to new 67.14(b), (c),

²⁵ Moved to new 67.8(a).

²⁶ Moved to new 67.12(e).

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1 SECTION 67.9. AGENDAS AND RELATED MATERIALS: PUBLIC RECORDS.

2 (a) Agendas of meetings, meeting packets, or documents created by a department,
3 and or any other documents on file with the clerk or secretary of the policy body, when
4 intended for distribution to all, or a majority of all, of the members of a policy body in
5 connection with a matter anticipated for discussion or consideration at a public meeting shall
6 be made available to the public for inspection and copying at the office of the policy body at
7 least 48 hours before the hearing. To the extent possible, such documents shall also be made
8 available through the policy body's Internet site. However, this disclosure need not include an
9 material exempt from public disclosure under this ordinance. Unless demonstrably unfeasible
10 these materials shall be made available on the policy body's web site, at least 48 hours prior
11 to the meeting. Public review copies of the agenda and all related documents that constitute
12 the meeting packet shall be made available at the meeting to the public in sufficient quantities
13 commensurate with the anticipated number of people attending the hearing. The materials
14 that are distributed at the hearing shall be of such a quality that a person with 20/20 vision
15 would have no difficulty reading them.²⁷

16 (b) If any document subject to adoption, approval or award by a Policy Body is not
17 available at least 48 hours before the meeting at which that document is scheduled to be
18 adopted, approved or awarded and a member of the policy body requests that the matter be
19 continued, the policy body must continue the item to a time not less than 48 hours after the
20 document was made available. Nothing in this subsection shall prohibit the policy body from
21 amending a document at a meeting.²⁸

22
23 ²⁷ Revised 67.9(a) requires that agenda packets be made available for public inspection 48
24 hours before a meeting and, where practicable, posted on a website.

25 ²⁸ New 67.9(b) requires that documents subject to adoption, approval or award by a Policy
Body be available at least 48 hours in advance before the meeting at which action will be
taken to ensure public's ability to review and prepare comment.

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1 ~~(b) Records which are subject to disclosure under subdivision (a) and which are~~
2 ~~intended for distribution to a policy body prior to commencement of a public meeting shall be~~
3 ~~made available for public inspection and copying upon request prior to commencement of~~
4 ~~such meeting, whether or not actually distributed to or received by the body at the time of the~~
5 ~~request.~~²⁹

6 ~~(e) Records which are subject to disclosure under subdivision (a) and which are~~
7 ~~distributed during a public meeting but prior to commencement of their discussion shall be~~
8 ~~made available for public inspection prior to commencement of, and during, their discussion.~~³⁰

9 ~~(d)(c) Records which are~~Documents which are distributed prior to or during ~~subject to~~
10 ~~disclosure under subdivision (a) and which are distributed during their discussion at a public~~
11 ~~meeting to members of a policy body shall be made available for public inspection~~
12 ~~immediately or as soon thereafter as is practicable.~~

13 ~~(e)(d) A policy body may charge a duplication fee of one cent per page for a copy of a~~
14 ~~public record prepared for consideration at a public meeting, unless a special fee has been~~
15 ~~established pursuant to the procedure set forth in Section 67.28(d). Neither this section nor~~
16 ~~the California Public Records Act (Government Code sections 6250 et seq.) shall be~~
17 ~~construed to limit or delay the public's right to inspect any record required to be disclosed by~~
18 ~~that act, whether or not distributed to a policy body.~~³¹ (Added by Ord. 265-93, App. 8/18/93;
19 ~~amended by Proposition G, 11/2/99)~~

20
21 **SECTION 67.10. CLOSED SESSIONS: PERMITTED TOPICS.**

22 A policy body may, but is not required to, hold closed sessions:
23

24 _____
²⁹ Moved into subsection (a) above.

³⁰ Moved into subsection (a) above.

³¹ Moved to new 67.29(f).

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1 (a) With the Attorney General, district attorney, agency counsel, security consultant,
2 sheriff, or chief of police, or their respective deputies, on matters posing a threat to the
3 security of public buildings or a threat to the ~~public~~"public's right of access to public services
4 or public facilities.³²

5 (b) To consider the appointment, employment, evaluation of performance, or dismissal
6 of a City employee, if the policy body has the authority to appoint, employ, or dismiss the
7 employee, or to hear complaints or charges brought against the employee by another person
8 ~~or employee unless the employee complained of requests a public hearing. The body may~~
9 ~~exclude from any such public meeting, and shall exclude from any such closed meeting,~~
10 ~~during the comments of a complainant, any or all other complainants in the matter. If the~~
11 employee, who is the subject of the discussion, requests a public hearing the hearing shall be
12 public.³³ The term "employee" as used in this section shall not include any elected official,
13 member of a policy body or applicant for such a position, or person providing services to the
14 City as an independent contractor or the employee thereof, including but not limited to
15 independent attorneys or law firms providing legal services to the City for a fee rather than a
16 salary.

17 (c) Notwithstanding section (b), an Executive Compensation Committee established
18 pursuant to a Memorandum of Understanding with the Municipal Executives Association may
19 meet in closed session when evaluating the performance of an individual officer or employee
20 subject to that Memorandum of Understanding or when establishing performance goals for
21 such an officer or employee where the setting of such goals requires discussion of that
22 ~~individual~~"individual's performance.

23
24
25 ³² Revised to be consistent with the Brown Act.

³³ Revision to clarify public employee's right to a public hearing.

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

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

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

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

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

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

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

6 7 **SECTION 67.11. STATEMENT OF REASONS FOR CLOSED SESSIONS.**

8 Prior to any closed session, a policy body shall state the general reason or reasons for
9 the closed session, and shall cite the statutory authority, including the specific section and
10 subdivision, or other legal authority under which the session is being held. In the closed
11 session, the policy body may consider only those matters covered in its statement. In the case
12 of regular and special meetings, the statement shall be made in the ~~form of the agenda~~
13 disclosures and specifications required by Section 67.8 of this article. In the case of adjourned
14 and continued meetings, the statement shall be made with the same disclosures and
15 specifications required by Section 67.8 of this article, as part of the notice provided for the
16 meeting.

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

23 24 **SECTION 67.12. DISCLOSURE OF CLOSED SESSION DISCUSSIONS AND ACTIONS.**

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

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

10 (1) Real Property Negotiations: Approval given to a policy ~~body~~body's negotiator
11 concerning real estate negotiations pursuant to Government Code Section 54956.8 shall be
12 reported as soon as the agreement is final. If its own approval renders the agreement final,
13 the policy body shall report that approval, the substance of the agreement and the vote
14 thereon in open session immediately. If final approval rests with another party to the
15 negotiations, the body shall disclose the fact of that approval, the substance of the agreement
16 and the ~~body~~body's vote or votes thereon upon inquiry by any person, as soon as the other
17 party or its agent has informed the body of its approval. If notwithstanding the final approval
18 there are conditions precedent to the final consummation of the transaction, or there are
19 multiple contiguous or closely located properties that are being considered for acquisition, the
20 document referred to in subdivision (b) of this section need not be disclosed until the condition
21 has been satisfied or the agreement has been reached with respect to all the properties, or
22 both.

23 (2) Litigation: Direction or approval given to the ~~body~~body's legal counsel to
24 prosecute, defend or seek or refrain from seeking appellate review or relief, or to otherwise
25 enter as a party, intervenor or amicus curiae in any form of litigation as the result of a

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1 consultation pursuant to Government Code Section 54956.9 shall be reported in open session
2 as soon as given, or at the first meeting after an adverse party has been served in the matter
3 if immediate disclosure of the ~~City's~~City's intentions would be contrary to the public interest.
4 The report shall identify the adverse party or parties, any co-parties with the City, any existing
5 claim or order to be defended against or any factual circumstances or contractual dispute
6 giving rise to the ~~City's~~City's complaint, petition or other litigation initiative.

7 (3) Settlement: A policy body shall neither solicit nor agree to any term in a settlement
8 which would preclude the release of the text of the settlement itself and any related
9 documentation communicated to or received from the adverse party or parties. Any written
10 settlement agreement and any documents attached to or referenced in the settlement
11 agreement shall be made publicly available at least 10 calendar days before the meeting of
12 the policy body at which the settlement is to be approved to the extent that the settlement
13 would commit the City or a department thereof to adopting, modifying, or discontinuing an
14 existing policy, practice or program or ~~otherwise acting other than to pay an amount of money~~
15 ~~less than \$50,000 or more.~~³⁴ The agenda for any meeting in which a settlement subject to this
16 section is discussed shall identify the names of the parties, the case number, the court, and
17 the material terms of the settlement. Where the disclosure of documents in a litigation matter
18 that has been settled could be detrimental to the ~~city's~~city's interest in pending litigation
19 arising from the same facts or incident and involving a party not a party to or otherwise aware
20 of the settlement, the documents required to be disclosed by subdivision (b) of this section
21 need not be disclosed until the other case is settled or otherwise finally concluded.

22 (4) Employee Actions: Action taken to appoint, employ, dismiss, transfer or accept the
23 resignation of a public employee in closed session pursuant to Government Code Section
24 54957 shall be reported immediately in a manner that names the employee, the action taken

25 _____
³⁴ Revised to clarify. No substantive change intended.

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1 and position affected and, in the case of dismissal for a violation of law or of the policy of the
2 City, the reason for dismissal. "Dismissal" within the meaning of this ordinance includes any
3 termination of employment at the will of the employer rather than of the employee, however
4 characterized. The proposed terms of any separation agreement shall be immediately
5 disclosed as soon as presented to the body, and its final terms shall be immediately disclosed
6 upon approval by the body.

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

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

17 (d) A written summary of the information required to be immediately reported pursuant
18 to this section, or documents embodying that information, shall be posted by the close of
19 business on the next business day following the meeting, in the place where the meeting
20 agendas of the body are posted. (Added by Ord. 265-93, App. 8/18/93; amended by
21 Proposition G, 11/2/99)

22 (e) For each agenda item of a policy body covered by this Ordinance that involves
23 anticipated litigation, the City Attorney's Office or the policy body shall disclose at any time
24 requested and to any member of the public whether such anticipated litigation developed into
25

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1 litigation and shall identify the court, case number, and date the case was filed.³⁵ (Added by
2 Proposition G, 11/2/99) [Moved from 67.8-1 (b)]

3 (f) Review of Closed Session Justifications³⁶

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

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

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

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

20 **SECTION 67.13. BARRIERS TO ATTENDANCE PROHIBITED.**³⁷

22 ³⁵ Moved from former 67.8-1(b).

23 ³⁶ New 67.12(f) provides a requirement for Policy Bodies to track and routinely review records
24 of closed sessions to determine when those materials may be released to the public when
25 justification for closed session no longer exists.

³⁷ Revised 67.13 – developed in consultation with Mayor’s Office on Disability to provide 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 (a) No policy body shall conduct any meeting, conference or other function in any
2 facility or in a manner that excludes persons on the basis of actual or presumed class identity
3 or characteristics, or which is inaccessible to persons with ~~physical~~ disabilities, or where
4 members of the public may not be present without making a payment or purchase. Whenever
5 the Board of Supervisors, a board or commission enumerated in the charter, or any committee
6 thereof anticipates that the number of persons attending the meeting will exceed the legal
7 capacity of the meeting room, any public address system used to amplify sound in the
8 meeting room shall be extended by supplementary speakers to permit the overflow audience
9 to listen to the proceedings in an adjacent room or passageway, unless such supplementary
10 speakers would disrupt the operation of a City office.

11 (b) ~~Each board and commission~~ All policy bodies enumerated in the charter shall
12 provide sign language interpreters, assisted listening devices, or note-takers, or other needed
13 accommodations for persons with disabilities at each regular meeting, provided that a request
14 for such services is communicated to the secretary or clerk of the board or commission, at
15 ~~least 48 hours before the meeting, except for Monday meetings, for which the deadline shall~~
16 ~~be 4 p.m. of the last business day of the preceding week.~~ When requests for such services are
17 made by a member or members of the public at least 72 hours prior to the meeting, - the
18 policy body shall comply with the request. If the request is made less than 72 hours before
19 the meeting the policy body should attempt to comply with the request, if possible.

20 (c) ~~Each board and commission~~ All policy bodies enumerated in the charter shall
21 ensure that accessible seating for persons with disabilities, including those using wheelchairs,
22 is made available for each regular and special meeting.

23 (d) ~~Each board and commission~~ All policy bodies enumerated in the charter shall
24 include on the agenda for each regular and special meeting the following statement: "In order
25 to assist the City's efforts to accommodate persons with severe allergies, environmental

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1 illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are
2 reminded that other attendees may be sensitive to various chemical based products. Please
3 help the City accommodate these individuals."

4 (e) All Policy Bodies ~~The Board of Supervisors~~ shall seek to provide translators at
5 each of its regular meetings and all meetings of its committees for each language requested,
6 where the translation is necessary to enable San Francisco residentsmembers of the public
7 with limited English proficiency to participate in the proceedings provided that a request for
8 such translation services is communicated to the Policy Body Clerk of the Board of
9 ~~Supervisors~~ at least 48 hours before the meeting. For meetings on a Monday or a Tuesday,
10 the request must be made by noon of the last business day of the preceding week. The
11 Policy Body Clerk of the Board of Supervisors shall first solicit volunteers from the ranks of
12 City employees and/or from the community to serve as translators. If volunteers are not
13 available the Policy Body Clerk of the Board of Supervisors may next solicit translators from
14 non-profit agencies, which may be compensated. If these options do not provide the
15 necessary translation services, the Policy Body Clerk may employ professional translators.
16 The unavailability of a translator shall not affect the ability of the Policy Body Board of
17 ~~Supervisors~~ or its committees to deliberate or vote upon any matter presented to them. ~~In any~~
18 ~~calendar year in which the costs to the City for providing translator services under this~~
19 ~~subsection exceeds \$20,000, the Board of Supervisors shall, as soon as possible thereafter,~~
20 ~~review the provisions of this subsection.~~

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.³⁸

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. ~~TAPE RECORDING, FILMING AND STILL PHOTOGRAPHY.~~**³⁹

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, ~~or video~~ and/or
11 digital recorder ~~or a still or motion picture camera,~~ ~~or to broadcast the proceedings,~~ in the
12 absence of a reasonable finding of the policy body that the recording or broadcast cannot
13 continue without such noise, illumination or obstruction of view as to constitute a persistent
14 disruption of the proceedings.

15 (b) All Policy Bodies ~~Each board and commission enumerated in the charter shall~~
16 audio record each regular and special meeting, including closed sessions. Each such audio
17 recording, and any other ~~audio or video~~ recording of a meeting ~~of any other policy body~~ made
18 at the direction of the policy body, shall be a public record subject to inspection pursuant to
19 the California Public Records Act (Government Code Section 6250 et seq.). These recordings
20 shall be kept indefinitely by the City, and shall not be erased or destroyed unless the
21 recordings are being transferred into a different format for archival or accessibility
22 requirements. ~~and shall not be erased or destroyed.~~ Inspection of any such recording shall

23 ³⁸ New 67.13(f) provides that boards and commissions enumerated in the Charter shall
24 broadcast their meetings on SFGTV by 2010 and encourages other policy bodies to do so.

25 ³⁹ 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 be provided without charge on an appropriate play back device made available by the City;
2 copies of any such recordings shall be provided upon request and payment for the actual cost
3 of the medium on which the copy is recorded. Requests shall be made through the
4 department, board, commission, task force, or committee whose meeting is recorded.
5 Requests shall be completed in the order of receipt and no additional charges shall be
6 assessed for expedited service.

7 (c) Closed session recordings, made pursuant to Section 67.14(b), shall be made
8 available whenever all rationales for closing the session are no longer applicable. Recordings
9 of closed sessions of bodies covered by this Ordinance wherein the justification for the closed
10 session is "anticipated litigation" shall be released to the public in accordance with any of the
11 following provisions: TWO years after the meeting if no litigation is filed; UPON EXPIRATION
12 of the statute of limitations for the anticipated litigation if no litigation is filed; as soon as the
13 controversy leading to anticipated litigation is settled or concluded.⁴⁰

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

19 SECTION 67.15. PUBLIC TESTIMONY.

20 (a) Every agenda for regular and special meetings shall provide an opportunity for
21 members of the public to directly address a policy body on any items of interest to the public
22 that ~~is~~ are within the policy body's subject matter jurisdiction, provided that no action shall be
23 taken on any item not appearing on the agenda unless the action is otherwise authorized by
24 Section 67.7(e) of this article. ~~However, in the case of a meeting of the Board of Supervisors,~~

25 _____
⁴⁰ Moved from former 67.8-1(a).

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1 ~~the agenda need not provide an opportunity for members of the public to address the Board~~
2 ~~on any item that has already been considered by a committee, composed exclusively of~~
3 ~~members of the Board, at a public meeting wherein all interested members of the public were~~
4 ~~afforded the opportunity to address the committee on the item, before or during the~~
5 ~~committee's consideration of the item, unless the item has been substantially changed since~~
6 ~~the committee heard the item, as determined by the policy body~~Board.⁴¹

7 (b) Every agenda for ~~special~~special meetings at which action is proposed to be
8 taken on an item shall provide an opportunity for each member of the public to directly
9 address the body concerning that item prior to action thereupon. However, in the case of a
10 meeting of the Board of Supervisors, the agenda need not provide an opportunity for
11 members of the public to address the policy body on any item that has already been
12 considered by a committee, composed exclusively of members of the policy body, at a public
13 meeting wherein all interested members of the public were afforded the opportunity to address
14 the committee on the item, before or during the committee's consideration of the item, unless
15 the item has been substantially changed since the committee heard the item, as determined
16 by the policy body.⁴²

17 (c) Time and Order of Public Speakers

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

20 (1) ~~regulations limiting the total amount of time allocated for public testimony on~~
21 ~~particular issues and for each individual speaker.~~ Each policy body shall adopt a rule
22 providing that each person wishing to speak on an item before the body at a regular or special
23

24
25 ⁴¹ Moved to subsection (b) below for consistency. No substantive change intended.

⁴² Moved from subsection (a) above for consistency. No substantive change intended.

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1 meeting shall be permitted to be heard once for ~~up to~~ a minimum of three minutes per agenda
2 item.⁴³

3 (2) If the Chair of a meeting finds that a large number of speakers wish to speak on
4 a particular item, the chair may reduce each individual speaker's time, but may not limit the
5 time to less than two minutes per speaker. The Chair shall announce any modification of the
6 three-minute minimum before public testimony on that item commences. The chair has
7 discretion to provide extra time for those who need accommodation for an interpreter or
8 because they have a disability. Time limits shall be applied uniformly consistently to members
9 of the public wishing to testify.⁴⁴

10 (3). The Chair May Allow a Designated Speaker(s)⁴⁵

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

19 (B). It shall be the responsibility of the designated speaker to file, with the
20 Clerk or Secretary, a Request to Authorize a Designated Speaker prior to the
21 commencement of an item and to guarantee that at least six members of the public,

22
23
24 ⁴³ Revised to provide a minimum of three minutes public testimony in normal course.

25 ⁴⁴ Clarifies circumstances and method by which chair may set public comment to less than three minutes but no less than two minutes.

⁴⁵ Creates new procedure for designated public speaker(s).

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1 present and prepared to speak, have designated their allotted speaking time to the
2 requester.

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

6 (4) Rules for the Order of Speakers.⁴⁶

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

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

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

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

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

24
25 _____
⁴⁶ Provides additional guidance and limitations on order of speakers.

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

4 (f) Members of the public shall have access to all audio-visual equipment used by a
5 department or Policy Body for presentations made to that policy body consistent with time
6 limits provided in subsection (c). Prior notification in the agenda or public notice that a
7 presentation will be made using audio/visual equipment or technology shall be provided,
8 listing the specific equipment.⁴⁷ (~~Added by Ord. 265-93, App. 8/18/93; amended by~~
9 ~~Proposition G, 11/2/99)~~

10
11 **SECTION 67.16. MINUTES.**

12 (a) ~~The clerk or secretary of each board and commission enumerated in the~~
13 ~~charter~~all policy bodies shall record the minutes for each regular and special meeting of the
14 ~~board or commission~~those bodies.⁴⁸

15 (b) The minutes shall state the time the meeting was called to order, the names of
16 the members attending the meeting, time of each member's arrival if after commencement of
17 the meeting and the time of each member's departure if prior to the adjournment of the
18 meeting, the roll call vote on each matter considered at the meeting, the time the board or
19 commission began and ended any closed session, the names of the members and the
20 names, and titles where applicable, of any other persons attending any closed session, a list
21 of those members of the public who spoke on each matter if the speakers identified
22 themselves, whether such speakers supported or opposed the matter, a brief summary of
23 each person's statement during the public comment period for each agenda item, and the

24 _____
25 ⁴⁷ Explicitly provides public access to equipment used by city employees.

⁴⁸ Revised to provide that minimum minute requirements apply to all Policy Bodies.

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1 time the meeting was adjourned. Any person ~~speaking during a public comment period may~~
2 ~~supply submit a brief written summary comments of their comments which that~~ shall, if no
3 more than 150 words, be included in the body of the minutes or attached to the minutes and
4 noted in the item. The minutes shall also include the text of any resolution adopted by or
5 modified by a policy body within the body of the minutes or as an attachment.⁴⁹

6 (c) The draft minutes and any attachments thereto from of each meeting shall be
7 posted on the policy body's website and be available for inspection and copying upon request
8 no later than ten working days after the meeting. The officially adopted minutes shall be
9 available for inspection and copying upon request no later than ten working days after the
10 meeting at which the minutes are adopted. Upon request, minutes required to be produced
11 by this section shall be made available in Braille or increased type size alternative formats for
12 persons with disabilities. If real time captioning is provided at a meeting, if separable, it shall
13 also be posted on the web site. The City Administrator shall assist policy bodies in carrying
14 out their duties under this subsection.⁵⁰ (Added by Ord. 265-93, App. 8/18/93; amended by
15 Proposition G, 11/2/99)

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

18 Every member of a policy body retains the full constitutional rights of a citizen to
19 comment publicly on the wisdom or propriety of government actions, including those of the
20 policy body of which he or she is a member. Policy bodies shall not sanction, reprove or
21 deprive members of their rights as elected or appointed officials for expressing their
22 judgments or opinions, including those which deal with the perceived inconsistency of non-

23 ⁴⁹ Provides increased information must be provided in the minutes to allow more information
24 for public review, tracking and historical research purposes.

25 ⁵⁰ 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.

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1 public discussions, communications or actions with the requirements of state or federal law or
2 of this ordinance. Every member of a policy body shall be allowed to speak freely on any
3 issue before the body subject only to time limits, which may be imposed on all members
4 equally.⁵¹ The release of specific factual information made confidential by state or federal law
5 including, but not limited to, the privilege for confidential attorney-client communications, may
6 be the basis for a request for injunctive or declaratory relief, of a complaint to the Mayor
7 seeking an accusation of misconduct, or both. (Added by Ord. 265-93, App. 8/18/93;
8 amended by Proposition G, 11/2/99)

9
10 **SECTION 67.18. SUPERVISOR OF PUBLIC FORUMS**⁵²

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

15 (b) Any person may petition the Supervisor of Public Forums for a determination
16 whether a Policy Body or Passive Meeting Body has violated any provision of Article II, Public
17 Access to Meetings, of this Ordinance. The Supervisor of Public Forums shall inform the
18 petitioner, as soon as possible and within 10 days, of its determination on whether a violation
19 occurred. This determination shall be in writing. Upon determination by the Supervisor of
20 Public Forums that a violation has occurred, the Supervisor of Public Forum shall immediately
21 order the Policy Body or Passive Meeting Body to correct such violation as soon as possible,
22 but no later than at its next meeting. If the Policy Body or Passive Meeting Body fails to

23
24 ⁵¹ Revised to alleviate allegations of favoritism and provide equal opportunity for comment to
body members.

25 ⁵² 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 comply with any such order, the Supervisor of Public Forums shall notify the San Francisco
2 Ethics Commission, Board of Supervisors, District Attorney, or the State Attorney General
3 who shall take whatever measures they deem necessary and appropriate to insure
4 compliance with the provision of this Ordinance. The Supervisor of Public Forums shall copy
5 the Sunshine Commission on all correspondence pertaining to its duties under this
6 subsection.

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