

Date: June 11, 2008

Item No. 5

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

## SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST\*

- Ordinance Sections, Article I & II
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Completed by: Frank Darby

Date: June 5, 2008

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

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

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

AMENDMENTS FOR 2007

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**PROPOSED ORDINANCE AMENDMENTS**

1  
2  
3 Amending the current Sunshine Ordinance set forth in Chapter 67 of the San Francisco  
4 Administrative Code by amending Sections 67.1; 67.2; 67.3; 67.4; 67.6; 67.7; 67.7-1; 67.9;  
5 67.13; 67.14; 67.15; 67.16; 67.21; 67.22; 67.23; 67.24; 67.25; 67.28; 67.29; 67.29-1; 67.29-3;  
6 67.29-5; 67.29-6; 67.29-7; 67.30; 67.31; 67.32; 67.33; 67.34, and 67.36 to require advisory  
7 bodies appointed by the Mayor to create policy to be considered "policy bodies;" to require  
8 passive meeting bodies to give formal notice of their meetings; to require documents prepared  
9 by the City for consideration by a policy body to be available to the public 48 hours before the  
10 meeting; to require all policy bodies to provide translators at their meetings upon request; to  
11 require all policy bodies to record their meetings and keep minutes; to permit a policy body to  
12 decline to take public comment on an item where the item was heard in committee and the  
13 public had an opportunity to speak before the committee; to give members of the public the  
14 right to speak for a minimum of three minutes on an item unless a large number of speakers  
15 wish to speak on the item or it is during general public comment before the Board of  
16 Supervisors; to require the City Administrator to monitor the City records of public officials who  
17 leave office; to require departments to maintain records consistent with City records retention  
18 policies; to make additional technical changes; and to add section 67.37 to allow the Board of  
19 Supervisors upon a two-thirds vote to amend the Sunshine Ordinance to conform to state law  
20 or allow further the public's access to government.. to require passive meeting bodies to give  
21 formal-formally notice of their meetings; to require policy bodies to provide more opportunities  
22 for the public to review public documents being considered at public meetings; to require more  
23 opportunities for public participation at policy body meetings; to require all policy bodies to  
24 record their meetings and keep those recordings indefinitely; to require the City Administrator  
25 City Attorney's Office to monitor the public documents of public officials who leave office; to

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1 ~~require other public and private entities that contract with the City to agree to follow the Open~~  
2 ~~Government Ordinance as a condition precedent to receiving funds from the City; to change~~  
3 ~~the name of the Sunshine Ordinance Task Force to the Open Government Task Force~~  
4 ~~Commission for Open Government; to provide the Commission with subpoena powers, and to~~  
5 ~~provide for the use of outside counsel to prosecute violations of the Ordinance and to make~~  
6 ~~other technical corrections to the Ordinance.~~

7  
8 Note: Additions are single-underline;  
9 deletions are ~~strikethrough~~.

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. The San Francisco Administrative Code is hereby amended by amending  
12 Section 67.1; 67.2; 67.3; 67.4; 67.6; 67.7; 67.7-1; 67.9; 67.13; 67.14; 67.15; 67.16; 67.21;  
13 67.22; 67.23; 67.24; 67.25; 67.28; 67.29; 67.29-1; 67.29-3; 67.29-5; 67.29-6; 67.29-7; 67.30;  
14 67.31; 67.32; 67.33; 67.34, and 67.36 to read as follows:  
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1  
2 **ARTICLE I**  
3 **IN GENERAL**  
4

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5 Sec. 67.1. Findings and Purpose.

6 Sec. 67.2. Citation.

7 **SECTION 67.1 FINDINGS AND PURPOSE.**

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

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

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

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

21 (d) The right of the people to know what their government and those acting on  
22 behalf of their government are doing is fundamental to democracy, and with very few  
23 exceptions, that right supersedes any other policy interest government officials may use to  
24 prevent public access to information. Only in rare and unusual circumstances does the public  
25 benefit from allowing the business of government to be conducted in secret, and those

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1 circumstances should be carefully and narrowly defined to prevent public officials from  
2 abusing their authority.

3 (e) Public officials who attempt to conduct the public's business in secret should be  
4 held accountable for their actions. Only a strong Open Government and Sunshine Ordinance,  
5 enforced by a strong ~~Sunshine Commission Sunshine Ordinance Task Force~~, can protect the  
6 public's interest in open government.

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

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

14

15 **SECTION 67.2. CITATION.**

16 This ~~Chapter~~chapter may be cited as the San Francisco Sunshine Ordinance. (Added by Ord.  
17 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

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

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- 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

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1 (C) The attendance of a majority of the members of a policy body at a purely social,  
2 recreational, or ceremonial occasion other than one sponsored or organized by or for the  
3 policy body itself, provided that a majority of the members of the policy body refrains from  
4 using the occasion to discuss any 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 ~~(C-1D)~~ The attendance of a majority of the members of a policy body at an open and  
11 noticed a meeting of a standing committee of that the policy body, provided that the members  
12 of the policy body who are not members of the standing committee attend only as  
13 observers-observers or as members of the public.

14 (E) When a majority of members attend a meeting on 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:

20 (1) Advisory committees, created by the initiative of a member of a policy body, the  
21 Mayor, the City Administrator, an elective officer, or a department head other than the Mayor,  
22 to advise on fiscal, economic or policy issues;

23 (2) Any group that meets to discuss with or advise the Mayor or any dDepartment  
24 hHead on fiscal, economic, or policy issues; consists of includes City employees assigned by a  
25 policy body, the Mayor, or department head to meet with residents or community groups to



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

3 ~~(2)~~ (3) Social, recreational or ceremonial occasions sponsored or organized by or for a  
4 policy body to which a majority of the body has been invited.

5 ~~(3)~~(4) "Passive meeting body" shall not include a committee that consists solely of City  
6 employees of the City and County of San Francisco created by the initiative of a member of a  
7 policy body, the Mayor, or a department head; to study internal departmental affairs which is  
8 not expected to modify or change City policy;

9 ~~(4)~~(5) ~~Notwithstanding the provisions of paragraph (3) (4) above, "p~~Passive meeting  
10 ~~body" shall include a committee that consists solely of employees of the City and County of~~  
11 ~~San Francisco when such committee is reviewing, developing, modifying, or creating City~~  
12 ~~policies or procedures relating to the public health, safety, or welfare or relating to services for~~  
13 ~~the homeless;~~

14 (d) "Policy Body" shall mean:

15 (1) The Board of Supervisors;

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

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

19 ~~(4)~~(5) Any advisory board, commission, committee or other body, created by the  
20 ~~initiative Mayor or of a policy body;~~

21 ~~(5)~~(4) Any board, commission, committee or other body, standing committee, ad hoc  
22 committee, and tTask fForce of a policy body composed of members of the Policy  
23 Body, irrespective of its composition.;

24 ~~(6)~~ Any body appointed by the Mayor for the purpose of creating or implementing  
25 policy.

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1       ~~(7)(6)~~ "Policy Body" shall not include a committee which consists solely of employees  
2 of the City and County of San Francisco, unless such committee was established by charter  
3 or by ordinance or resolution of the Board of Supervisors.

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

8  
9       **SECTION 67.4. PASSIVE MEETINGS BODIES: CONDUCT OF BUSINESS.**

10       ~~(a)~~ All gatherings of passive meeting bodies shall be accessible to individuals upon inquiry  
11 and to the extent possible consistent with the facilities in which they occur.

12       ~~(a)~~ Conduct of Passive Meetings:

13       ~~(1)(a)~~ All gatherings of passive meeting bodies shall be accessible open to individuals  
14 upon inquiry and to the extent that the meeting sites-locations have sufficient capacity,  
15 facilities, furniture and equipment. Such gatherings need not be conducted in any particular  
16 space for the accommodation of members of the public, although members of the public shall  
17 be permitted to observe on a space available basis consistent with legal and practical  
18 requirements and restrictions on occupancy.

19       ~~(1)(2)(b)~~ Such gatherings must *need not* be formally noticed with a contact  
20 person's, name, and contact information, at least 72 hours prior to the scheduled meeting  
21 except on the City's website whenever possible, although and the time, place and nature of the  
22 gathering shall be posted at the main library and on the City's website and be disclosed by  
23 mail, e-mail, or fax upon inquiry by a member of the public, and any. If an agenda actually is  
24 prepared in advance for the gathering, it shall be accessible to such inquirers as a public  
25 record provided upon request, and as practicable posted with the notice.

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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.~~

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.~~

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

20           ~~<sup>1</sup>(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 <sup>1</sup> Move this entire section to 67.24

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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.~~

7 ~~(b) To the extent not inconsistent with state or federal law, the City and any of its~~  
8 ~~commissions, departments or officers a policy body shall include in any contract or a grant~~  
9 ~~with an entity that owns, operates or manages any property in which the City has or will have~~  
10 ~~an ownership interest, including a mortgage, and on which the entity performs for the~~  
11 ~~performance of a government function related to the furtherance of health, safety or welfare, a~~  
12 ~~requirement that any meeting of the governing body, if any, board of the entity to address any~~  
13 ~~matter relating to the property or its government related activities on the property, or~~  
14 ~~performance under the contract or grant, be conducted as provided in subdivision (a) of this~~  
15 ~~section. Records made available to the governing bodyboard relating to such matters shall be~~  
16 ~~likewise available to the public, at a cost not to exceed the actual cost up to 10 cents per~~  
17 ~~page, or at a higher actual cost as demonstrated in writing to such governing bodyboard.~~

18 ~~(Added by Ord. 265-93, App. 8/18/93; amended by Ord. 287-96, App. 7/12/96; Proposition G,~~  
19 ~~11/2/99)~~

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

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

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

2  
3 **SECTION 67.6. POLICY BODY: CONDUCT OF BUSINESS; TIME AND PLACE FOR**  
4 **MEETINGS.**

5 (a) Each policy body, except for advisory bodies specified in Section 67.3(d)(4), (5)  
6 and 67.3(d)(6) and 67.3(d)(8), shall establish by resolution or motion the time and place for  
7 holding regular meetings.

8 (b) ~~Unless otherwise required by state or federal law or necessary to inspect real~~  
9 ~~property or personal property which cannot be conveniently brought within the territory of the~~  
10 ~~City and County of San Francisco or to meet with residents residing on property owned by the~~  
11 ~~City, or to meet with residents of another jurisdiction to discuss actions of the policy body that~~  
12 ~~affect those residents, all meetings of its policy bodies shall be held within the City and County~~  
13 ~~of San Francisco.~~

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

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

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1           ~~(e)(d)~~ Meetings of advisory ~~passive meeting bodies~~ as specified in Section ~~67.3(d)(4),~~  
2           ~~(5) and 67.3(d)(6)~~ ~~67.6(d)(4)~~ of this article shall be preceded by notice delivered personally or  
3           by mail, e-mail, or facsimile as reasonably requested at least 72 hours before the time of such  
4           meeting to each person who has requested, in writing, notice of such meeting. ~~as governed by~~  
5           ~~Section 67.7 of this Ordinance delivered personally or by mail, e-mail, or facsimile as~~  
6           ~~reasonably requested at least 72 hours before the time of such meeting to each person who~~  
7           ~~has requested, in writing, notice of such meeting.~~ If ~~the an~~ the advisory body elects to hold  
8           regular meetings, it shall provide by bylaws, or whatever other rule is utilized by that advisory  
9           body for the conduct of its business, for the time and place for holding such regular meetings.  
10          ~~In such case, no notice of regular meetings, other than the posting of an agenda pursuant to~~  
11          ~~Section 67.7 of this article in the place used by the policy body which it advises, is required.~~

12           ~~(f)(e)~~ Special meetings of any policy body, including advisory bodies identified in  
13          subsection 67.3(d)(4), (5) and 67.3(d)(6) and 67.3(d)(8) that choose to establish regular  
14          meetings ~~times~~, may be called at any time by the presiding officer thereof or by a majority of  
15          the members thereof, by delivering ~~personally or by mail~~ written notice to each member of  
16          such policy body and the local media who have requested written notice of special meetings  
17          in writing. Such notice ~~of a special meeting shall be delivered~~ personally or by mail, e-mail, or  
18          facsimile as reasonably requested so that it is delivered as described in (e) at least 72 hours  
19          before the time of such meeting as specified in the notice. The notice shall specify the time  
20          and place of the special meeting and the business to be transacted. No other business shall  
21          be considered at such meetings. Such written notice may be dispensed with as to any  
22          member who at or prior to the time the meeting convenes files with the presiding officer or  
23          secretary of the body or commission a written waiver of notice. ~~Such waiver may be given by~~  
24          ~~telegram.~~ Such written notice may also be dispensed with as to any member who is actually  
25          present at the meeting at the time it convenes. Each special meeting shall be held at the

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1 regular meeting place of the policy body except that the policy body may designate an  
2 alternate meeting place provided that such alternate location is specified in the notice of the  
3 special meeting; further provided that the notice of the special meeting of the policy body shall  
4 be given at least ~~15~~10 calendar days prior to said special meeting being held at an alternate  
5 location. This provision shall not apply where the ~~alternative~~alternate meeting location is  
6 ~~located within the same building as the regular meeting place.~~

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

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

17 (h)(g) Each policy body shall designate one or more posting locations for notices and  
18 agendas required by this ordinance. ~~The Sunshine Commission for Open Government shall~~  
19 be so notified in writing and shall cause maintain a master list to be maintained of such  
20 designated posting locations by the policy bodies.

21 (h) ~~Notice of the~~The initial meeting of a policy body shall be considered a regular  
22 meeting and notice of the time and location of the meeting shall be given at least 10 calendar  
23 days prior to said initial meeting being held, and delivered personally or by mail, e-mail, or  
24 facsimile as reasonably requested at least 72 hours before the time of such meeting as  
25

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1 ~~specified in the notice.~~ (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G,  
2 11/2/99)

3  
4 **SECTION 67.7. AGENDA REQUIREMENTS; REGULAR FOR MEETINGS OF POLICY**  
5 **BODIES.**

6 (a) At least 72 hours before a regular meeting, a policy body shall post an agenda  
7 containing a meaningful description of each item of business to be transacted or discussed at  
8 the meeting. Agendas shall specify ~~for whether~~ each item of business the proposed is subject  
9 to possible action or a statement the item is for discussion only. If a specific action is  
10 proposed or contemplated it shall be included in the agenda item. In addition, a policy body  
11 shall post a current agenda on its Internet ~~W~~website at least 72 hours before a regular  
12 meeting, and a link to the agenda on a "central master calendar" available on the City's  
13 website where the date, time and location of all City policy body meetings shall be listed.

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

23 (c) The agenda shall specify the time and location of the regular meeting and shall  
24 be posted, at the main public library, and in the branch libraries and in a locations that is are  
25 freely accessible to members of the public. The requirement that a policy body post copies of



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1 its agendas at the branch libraries is satisfied if the branch library has a computer accessible  
2 to the public upon which members of the public may can access the City's website to search  
3 for agendas of meetings of City policy bodies. The agenda shall also be posted outside the  
4 meeting room as soon as practicable but no later than the start of the meeting.

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

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

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

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

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

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1 of the prior meeting specifying that a particular agenda item was continued to that meeting.  
2 will be taken up, discussed and decided upon at the next meeting.

3 (f) Each board and commission enumerated in the charter shall ensure that  
4 agendas for regular and special meetings are made available to speech and hearing impaired  
5 persons through telecommunications devices for the deaf, telecommunications relay services  
6 or equivalent systems, and, upon request, to sight impaired persons through Braille or  
7 enlarged type and other material related to meetings are accessible to persons with  
8 disabilities. Upon request, materials shall be made available in alternative formats. Requests  
9 should be made to the secretary or clerk of the board or commission at least 48 hours prior to  
10 the meeting. Requests for material in alternative formats made less than 48 hours prior to the  
11 meeting shall be met when possible. All policy bodies and passive meeting bodies shall  
12 comply with the guidelines and recommendations of the Mayor's Office of Disabilities  
13 Accessible Public Event Checklist.

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

16  
17 **KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
18 (Chapter 67 of the San Francisco Administrative Code)

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

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1 FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE  
2 SUNSHINE ORDINANCE

3 OR TO REPORT A VIOLATION OF THE ORDINANCE,  
4 CONTACT THE SUNSHINE COMMISSION SUNSHINE ORDINANCE TASK FORCE.

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

12 (i) Each agenda of a policy body shall state that members of the public may submit  
13 statements and/or comments regarding any item on those bodies' meeting agendas; those  
14 statements or comments shall become a public record, regardless of whether their authors  
15 are present when the item at issue is discussed. The policy body may review and consider  
16 those statements or comments if received before or during the discussion of the item.  
17 Statements or comments received within ten business days after the meeting shall be  
18 included in the public record with a notation as to when they were received. (Added by Ord.  
19 185-96, App. 5/8/96; amended by Proposition G, 11/2/99)

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

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

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

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

11           ~~(b)(d) When notice is given, as provided in these articles, by public policy or advisory~~  
12 ~~bodies other than those referred to listed in Section 67.7-1, members of the public may~~  
13 ~~submit statements and/or comments regarding any item on those bodies' meeting agendas;~~  
14 ~~those statements or comments shall become a public record, regardless of whether their~~  
15 ~~authors are present when the item at issue is discussed. The policy bodies may review and~~  
16 ~~consider those statements or comments if received statements or comments shall be subject~~  
17 ~~to review and consideration by those bodies if submitted before or during the hearing on the~~  
18 ~~item. Statements or comments received within ten business days after the hearing shall go~~  
19 ~~on the public record with a notation as to when they were it was received. (Added by Ord.~~  
20 ~~185-96, App. 5/8/96; amended by Proposition G, 11/2/99)~~

21  
22           **SECTION 67.8. AGENDA DISCLOSURES: CLOSED SESSIONS.**

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

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

5           ~~(a)(b) In addition to the brief general description of items to be discussed or acted upon~~  
6 ~~in open and public session, the agenda posted pursuant to Government Code Section~~  
7 ~~54954.2, any mailed notice given pursuant to Government Code Section 54954.1, and any~~  
8 ~~call and notice delivered to the local media and posted pursuant to Government Code Section~~  
9 ~~54956 shall specify and disclose the nature of any closed sessions by providing all of the~~  
10 ~~following information:~~With respect to every item of business to be discussed in closed session  
11 pursuant to Government Code section 54957:

12  
13           ~~(1) With respect to a closed session held pursuant to Government Code Section~~  
14 ~~54956.7:~~

15 ~~LICENSE/PERMIT DETERMINATION:~~

16  
17 ~~applicant(s)~~

18  
19 ~~The space shall be used to specify the number of persons whose applications are to be~~  
20 ~~reviewed.~~

21  
22           ~~(2) With respect to every item of business to be discussed in closed session pursuant~~  
23 ~~to Government Code Section 54956.8:~~

24  
25 ~~CONFERENCE WITH REAL PROPERTY NEGOTIATOR~~

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- 1 Property:
- 2 Person(s) negotiating:
- 3 Under negotiation:
- 4 Price: Terms of payment: Both:

5

6

7

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~~The space under "Property" shall be used to list an address, including cross streets where applicable, or other description or name which permits a reasonably ready identification of each parcel or structure subject to negotiation. The space under "Person(s) negotiating" shall be used to identify the person or persons with whom negotiations concerning that property are in progress. The spaces under "Under negotiation" shall be checked off as applicable to indicate which issues are to be discussed.~~

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

~~CONFERENCE WITH LEGAL COUNSEL~~

~~Existing litigation:~~

~~Unspecified to protect service of process~~

~~Unspecified to protect settlement posture~~

~~or:~~

~~CONFERENCE WITH LEGAL COUNSEL~~

~~Anticipated litigation:~~

~~As defendant As plaintiff~~

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1           The space under "Existing litigation" shall be used to specifically identify a case under  
2 discussion pursuant to subdivision (a) of Government Code Section 54956.9, including the  
3 case name, court, and case number, unless the identification would jeopardize the City's  
4 ability to effectuate service of process upon one or more unserved parties, in which instance  
5 the space in the next succeeding line shall be checked, or unless the identification would  
6 jeopardize the City's ability to conclude existing settlement negotiations to its advantage, in  
7 which instance the space in the next succeeding line shall be checked. If the closed session is  
8 called pursuant to subdivision (b) or (c) of Section 54956.9, the appropriate space shall be  
9 checked under "Anticipated litigation" to indicate the City's anticipated position as defendant  
10 or plaintiff respectively. If more than one instance of anticipated litigation is to be reviewed,  
11 space may be saved by entering the number of separate instances in the "As defendant" or  
12 "As plaintiff" spaces or both as appropriate.

13  
14           (4) With respect to every item of business to be discussed in closed session pursuant  
15 to Government Code Section 54957, either:

16  
17 ~~THREAT TO PUBLIC SERVICES OR FACILITIES~~

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

19 or:

20 ~~PUBLIC EMPLOYEE APPOINTMENT/HIRING~~

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

22 ~~PUBLIC EMPLOYEE PERFORMANCE EVALUATION~~

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

24 or:

25 ~~PUBLIC EMPLOYEE DISMISSAL/DISCIPLINE/RELEASE~~

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1 Number of employees affected:

2 of:

3

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

6

7 CONFERENCE WITH NEGOTIATOR--COLLECTIVE BARGAINING

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

9 Organization(s) representing:

10 Police officers, firefighters and airport police

11 Transit Workers

12 Nurses

13 Miscellaneous Employees

14 Anticipated issue(s) under negotiation:

15 Wages

16 Hours

17 Benefits

18 Working Conditions

19 Other (specify if known)

20 All

21

22 Where renegotiating a memorandum of understanding or negotiating a successor  
23 memorandum of understanding, the name of the memorandum of understanding:

24 In case of multiple items of business under the same category, lines may be added and  
25 the location of information may be reformatted to eliminate unnecessary duplication and



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1 space, so long as the relationship of information concerning the same item is reasonably clear  
2 to the reader. As an alternative to the inclusion of lengthy lists of names or other information in  
3 the agenda, or as a means of adding items to an earlier completed agenda, the agenda may  
4 incorporate by reference separately prepared documents containing the required information,  
5 so long as copies of those documents are posted adjacent to the agenda within the time  
6 periods required by Government Code Sections 54954.2 and 54956 and provided with any  
7 mailed or delivered notices required by Sections 54954.1 or 54956. (Added by Ord. 265-93,  
8 App. 8/18/93; amended by Proposition G, 11/2/99)

### 9 10 ~~SECTION 67.8-1. ADDITIONAL REQUIREMENTS FOR CLOSED SESSIONS.~~

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

21 ~~(b) Each agenda item for a policy body covered by this ordinance that involve existing~~  
22 ~~litigation shall identify the court, case number, and date the case was filed on the written~~  
23 ~~agenda. For each agenda item for a group of a policy body covered by this ordinance that~~  
24 ~~involves anticipated litigation, the City Attorney's Office or the policy body shall disclose at~~  
25 ~~any time requested and to any member of the public whether such anticipated litigation~~

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1 ~~developed into litigation and shall identify the court, case number, and date the case was filed.~~

2 ~~(Added by Proposition G, 11/2/99)[Moved to 67.12 (e)]~~

3  
4 **SECTION 67.9. AGENDAS AND RELATED MATERIALS: PUBLIC RECORDS.**

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

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

24  
25  

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<sup>1</sup> Move to § 67.13?

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1 amending a document at a meeting. ~~The materials that are distributed at the hearing shall be~~  
2 ~~of such a quality that a person with 20/20 vision would have no difficulty reading them. To the~~  
3 ~~extent possible, such documents shall also be made available through the policy body's~~  
4 ~~Internet site. However, this disclosure need not include any material exempt from public~~  
5 ~~disclosure under this ordinance.~~

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

11 (c) ~~Records which are subject to disclosure under subdivision (a) and which are~~  
12 ~~distributed during a public meeting but prior to commencement of their discussion shall be~~  
13 ~~made available for public inspection prior to commencement of, and during, their discussion.~~

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

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

25

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1 **SECTION 67.10. CLOSED SESSIONS: PERMITTED TOPICS.**

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

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

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

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

25

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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'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's vote or votes thereon upon inquiry by any person, as soon as the other party  
17 or its agent has informed the body of its approval. If notwithstanding the final approval there  
18 are conditions precedent to the final consummation of the transaction, or there are multiple  
19 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'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~~. 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 and position affected and, in the case of dismissal for a violation of law or of the policy of the



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

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

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

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

21 (e) For each agenda item of a policy body covered by this Ordinance that involves  
22 anticipated litigation, the City Attorney's Office or the policy body shall disclose at any time  
23 requested and to any member of the public whether such anticipated litigation developed into  
24 litigation and shall identify the court, case number, and date the case was filed. (Added by  
25 Proposition G, 11/2/99) [Moved from 67.8-1 (b)]

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1           (f) Review of Closed Session Justifications

2           No later than 30 days following the effective date of this subsection.

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

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

15           (3) The ~~\_\_\_\_\_~~ Sunshine Commission is authorized to adopt any rules and regulations  
16 necessary to implement this section.

17  
18       **SECTION 67.13. BARRIERS TO ATTENDANCE PROHIBITED.**

19           (a) No policy body shall conduct any meeting, conference or other function in any  
20 facility or in a manner that excludes persons on the basis of actual or presumed class identity  
21 or characteristics, or which is inaccessible to persons with physical disabilities, or where  
22 members of the public may not be present without making a payment or purchase. Whenever  
23 the Board of Supervisors, a board or commission enumerated in the charter, or any committee  
24 thereof anticipates that the number of persons attending the meeting will exceed the legal  
25 capacity of the meeting room, any public address system used to amplify sound in the

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1 meeting room shall be extended by supplementary speakers to permit the overflow audience  
2 to listen to the proceedings in an adjacent room or passageway, unless such supplementary  
3 speakers would disrupt the operation of a City office.

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

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

18 (d) ~~Each board and commission~~ All policy bodies enumerated in the charter shall  
19 include on the agenda for each regular and special meeting the following statement: "In order  
20 to assist the City's efforts to accommodate persons with severe allergies, environmental  
21 illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are  
22 reminded that other attendees may be sensitive to various chemical based products. Please  
23 help the City accommodate these individuals."

24 (e) All Policy Bodies ~~The Board of Supervisors~~ shall seek to provide translators at  
25 each of its regular meetings and all meetings of its committees for each language requested,

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

16 (f) ~~Each policy body that meets in City Hall and televises its meetings on the San~~  
17 ~~Francisco Government Cable Channel may provide~~ Boards and Commissions enumerated in  
18 the charter shall, by 2010 policy bodies are encouraged to broadcast their all meetings held in  
19 City Hall on the San Francisco Government Cable TV Channel or its successor via real-time  
20 audio streaming and/ or real-time audio/video streaming on the Internet. All other policy  
21 bodies are encouraged to broadcast their meetings similarly as feasible for participation by  
22 members of the public via telephone "bridge lines" for public comment on each item in the  
23 same manner as if the member of the public were in actual physical attendance at the  
24 meeting. Each policy body subject to this provision may develop reasonable procedures for  
25 its implementation.

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1 (g) (f) All policy bodies and passive meeting bodies shall comply with the guidelines and  
2 recommendations of the Mayor's Office of Disabilities Accessible Public Event Checklist.

3 Added by Ord. 265-93, App. 8/18/93; amended by Ord. 292-95, App. 9/8/95; Ord. 482-96,  
4 App. 12/20/96; Proposition G, 11/2/99)

5  
6 **SECTION 67.14. ~~TAPE RECORDING, FILMING AND STILL PHOTOGRAPHY.~~**

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

13 (b) All policy bodies ~~Each board and commission enumerated in the charter shall~~  
14 ~~audio record each regular and special meeting, including closed sessions.~~ Each such audio  
15 recording, and any other ~~audio or video~~ recording of a meeting of any other policy body made  
16 at the direction of the policy body, shall be a public record subject to inspection pursuant to  
17 the California Public Records Act (Government Code Section 6250 et seq.). These recordings  
18 shall be kept indefinitely by the City, and shall not be erased or destroyed unless the  
19 recordings are being transferred into a different format for archival or accessibility  
20 requirements. ~~and shall not be erased or destroyed and shall be retained for at least ten~~  
21 ~~years, or permanently where technologically and economically feasible. The City may retain~~  
22 ~~these recordings digitally. The audio and/or video record shall be kept indefinitely as current~~  
23 ~~technology allows. Inspection of any such recording shall be provided without charge on an~~  
24 ~~appropriate play back device made available by the City; copies of any such recordings.~~  
25 ~~Audio records of audio taped meetings shall be provided upon request and payment for the~~

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1 ~~actual cost of the recording medium on which the copy is recorded used to make the~~  
2 ~~copy.~~ Requests shall be made through the department, board, commission, task force, or  
3 committee whose meeting is recorded. Requests shall be completed in the order of receipt  
4 and no additional charges shall be assessed for expedited service. ~~The City~~  
5 ~~Administrator shall assist policy bodies in carrying out their duties under this subsection.~~

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

13  
14 (e)(d) All policy bodies shall be encouraged required to digitally record their meetings  
15 by 20132010. Any such digital recordings that are made shall be posted on the policy bodies'  
16 website within three days. The City Administrator shall assist policy bodies in carrying out their  
17 duties under this subsection.

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

19  
20 **SECTION 67.15. PUBLIC TESTIMONY.**

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

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

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

19 (c) Time and Order of Public Speakers

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

22 (1) ~~Regulations limiting the total amount of time allocated for public testimony on~~  
23 ~~particular issues and for each individual speaker.~~ Each policy body shall adopt a rule  
24 providing that each person wishing to speak on an item before the body at a regular or special  
25

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1 meeting shall be permitted to be heard once for a minimum of three minutes on that item; per  
2 agenda item.

3 ~~(2) provided, however, if the chair~~ Chair of the a meeting finds that a large number of  
4 speakers wish to speak on a particular item, the chair may reduce each individual speaker's  
5 time, to under three five minutes, but may not limit the public speaking time to less than two  
6 minutes per speaker, unless a Designated Speaker is authorized. The Chair shall announce  
7 any modification of the five three-minute minimum before public testimony on that item  
8 commences. Notwithstanding the foregoing, during general public comment at the Board of  
9 Supervisors, the Board or its President may limit the total amount of time allocated for public  
10 testimony and for each individual speaker. The chair has discretion to provide extra time for  
11 those who need accommodation for an interpreter or because they have a disability. Time  
12 limits shall be applied uniformly consistently to members of the public wishing to testify, and  
13 any modification of the five minute minimum shall be announced before public testimony on  
14 the item commences.

15 (3). The Chair May Allow Authorizing a Designated Speaker(s)

16 (A). In order to level the playing field for disputed and controversial issues, if  
17 allowed by the chair members of the public may, for any item who are proponents or  
18 opponents of an item, which is agendized for adoption or discussion by any Policy  
19 Body, may authorize a Designated Speaker or Speakers, who will present the  
20 arguments regarding an issue for adoption for up to 15 minutes, or for a time which is  
21 equal to the amount of time allowed to the Ddepartment or presenting party, excluding  
22 the time required to answer questions posed by the body. The Designated Speaker(s)  
23 and the Ddepartment or other presenting party for an item to be adopted shall be  
24 allowed to speak in summary for five minutes directly prior to the vote by a Ppolicy  
25 Bbody.



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1           ~~(B). It shall be the responsibility of the clerk or secretary of a board or~~  
2 ~~commission to assure that the designated speaker on any issue speaks by consensus~~  
3 ~~of a group.~~

4           ~~(BC). It shall be the responsibility of the designated speaker to file, with the~~  
5 ~~Clerk or Secretary, a Request to Authorize a Designated Speaker prior to the~~  
6 ~~commencement of an item and to guarantee that at least six members of the public,~~  
7 ~~present and prepared to speak, have designated a portion of their allotted speaking~~  
8 ~~time to the requester.~~

9           ~~(CD). The Chair shall, by show of hands, or similar means, determine that a~~  
10 ~~designated speaker has the consent of six members of the public who are present and~~  
11 ~~prepared, 60% of those who wish to speak on an issue, and shall announce the~~  
12 ~~designated speaker(s).~~

13           ~~(E). The Chair may, following the announcement of a designated speaker,~~  
14 ~~determine that, due to the large number of speakers on the issue, limit the amount of~~  
15 ~~public time to less than three minutes per speaker.~~

16           ~~(4) Rules for the Order of Speakers.(c) (21) —A chair shall accept public testimony in~~  
17 ~~a fair and evenhanded way, without manipulation in the order of speakers, absent good~~  
18 ~~cause.—A policy body and each advisory committeeEach policy body shall adopt regulations~~  
19 ~~for the order of speaking, which shall include but is not be limited to the following:~~

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

23           ~~(B) Members of the public who have not submitted speakers cards may form~~  
24 ~~a line to speak and shall be called upon in the order of appearance at the front of the~~  
25

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1 line, except that the chair may allow disabled or elderly-frail members of the public to  
2 speak out of turn.

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

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

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

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

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

20  
21 **SECTION 67.16. MINUTES.**

22 ~~The clerk or secretary of each board and commission enumerated in the Charter shall~~  
23 ~~record the minutes for each regular and special meeting of the board or commission.~~

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1           (a)    The clerk or secretary of each ~~all board and commission policy bodies~~ shall  
2 record the minutes for each regular and special meeting of the ~~board or commission~~ those  
3 bodies.

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

18           (c)    The draft minutes and any attachments thereto from ~~of~~ each meeting shall be  
19 posted on the policy body's website if any and be available for inspection and copying upon  
20 request no later than ten working days after the meeting. The officially adopted minutes shall  
21 be available for inspection and copying upon request no later than ten working days after the  
22 meeting at which the minutes are adopted. Upon request, minutes required to be produced  
23 by this section shall be made available in ~~Braille or increased type size~~ alternative formats for  
24 persons with disabilities

25

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1           ~~(c) All non charter boards and commissions and their committees and sub-~~  
2 ~~committees must keep, and have available for public inspection, minutes of the proceedings~~  
3 ~~of each regular or special meeting, identifying the members in attendance, and recording the~~  
4 ~~vote of each member on action items. However, non charter boards and commissions and~~  
5 ~~their committees and sub committees need not comply with the format listed in paragraph (a)~~  
6 ~~above. If real time captioning is provided at a meeting, if separable, it shall also be posted~~  
7 ~~separately from the minutes on the web site. The City Administrator shall assist policy bodies~~  
8 ~~in carrying out their duties under this subsection. (Added by Ord. 265-93, App. 8/18/93;~~  
9 ~~amended by Proposition G, 11/2/99)~~

10  
11 **SECTION 67.17. PUBLIC COMMENT BY MEMBERS OF POLICY BODIES.**

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

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1 **SECTION 67.18. SUPERVISOR OF PUBLIC FORUMS**

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

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

