

Date: May 27, 2008

Item No. 16

File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Sunshine Ordinance Sections 67.13 to 67.18**
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Completed by: Frank Darby

Date: May 21, 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.

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PROPOSED ORDINANCE AMENDMENTS

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Amending the current Sunshine Ordinance set forth in Chapter 67 of the San Francisco Administrative Code by amending Sections 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; 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; 67.31; 67.32; 67.33; 67.34, and 67.36 to require advisory bodies appointed by the Mayor to create policy to be considered "policy bodies;" to require passive meeting bodies to give formal notice of their meetings; to require documents prepared by the City for consideration by a policy body to be available to the public 48 hours before the meeting; to require all policy bodies to provide translators at their meetings upon request; to require all policy bodies to record their meetings and keep minutes; to permit a policy body to decline to take public comment on an item where the item was heard in committee and the public had an opportunity to speak before the committee; to give members of the public the right to speak for a minimum of three minutes on an item unless a large number of speakers wish to speak on the item or it is during general public comment before the Board of Supervisors; to require the City Administrator to monitor the City records of public officials who leave office; to require departments to maintain records consistent with City records retention policies; to make additional technical changes; ~~and to add section 67.37 to allow the Board of Supervisors upon a two-thirds vote to amend the Sunshine Ordinance to conform to state law or allow further the public's access to government.. to require passive meeting bodies to give formal formally notice of their meetings; to require policy bodies to provide more opportunities for the public to review public documents being considered at public meetings; to require more opportunities for public participation at policy body meetings; to require all policy bodies to record their meetings and keep those recordings indefinitely; to require the City Administrator 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;
 deletions are ~~strikethrough~~.

9
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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2 **ARTICLE I**
3 **IN GENERAL**
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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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2 **ARTICLE II**
3 **PUBLIC ACCESS TO MEETINGS**
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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 City policy 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-4D)~~ 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 onf 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, "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 Task Force 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)

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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 ~~¹(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~~

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¹ 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)

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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 (c)(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 on 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
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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)

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

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

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

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

Section 67.7-1. PUBLIC NOTICE REQUIREMENTS.

(a)(1) Any public notice that is mailed, posted or published by a City department, board, agency or commission to residents residing within a specific area to inform those residents of a matter that may impact their property or that neighborhood area, shall be brief, 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 ~~The space under "Property" shall be used to list an address, including cross streets~~
7 ~~where applicable, or other description or name which permits a reasonably ready identification~~
8 ~~of each parcel or structure subject to negotiation. The space under "Person(s) negotiating"~~
9 ~~shall be used to identify the person or persons with whom negotiations concerning that~~
10 ~~property are in progress. The spaces under "Under negotiation" shall be checked off as~~
11 ~~applicable to indicate which issues are to be discussed.~~

12

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

15

16 ~~CONFERENCE WITH LEGAL COUNSEL~~

- 17 ~~Existing litigation:~~
- 18 ~~Unspecified to protect service of process~~
- 19 ~~Unspecified to protect settlement posture~~
- 20 ~~or:~~

21 ~~CONFERENCE WITH LEGAL COUNSEL~~

- 22 ~~Anticipated litigation:~~
- 23 ~~As defendant As plaintiff~~

24

25

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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 or:

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.¹

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

¹ 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 of 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.**
25

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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 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 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
19 **SECTION 67.13. BARRIERS TO ATTENDANCE PROHIBITED.**

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

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1 capacity of the meeting room, any public address system used to amplify sound in the
2 meeting room shall be extended by supplementary speakers to permit the overflow audience
3 to listen to the proceedings in an adjacent room or passageway, unless such supplementary
4 speakers would disrupt the operation of a City office.

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

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

19 (d) ~~Each board and commission~~ All policy bodies enumerated in the charter shall
20 include on the agenda for each regular and special meeting the following statement: "In order
21 to assist the City's efforts to accommodate persons with severe allergies, environmental
22 illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are
23 reminded that other attendees may be sensitive to various chemical based products. Please
24 help the City accommodate these individuals."
25

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

18 (f) — ~~Each policy body that meets in City Hall and televises its meetings on the San~~
19 ~~Francisco Government Cable Channel may provide~~ Boards and Commissions enumerated in
20 the charter shall, by 2010 policy bodies are encouraged to broadcast their meetings on the
21 San Francisco Government Cable Channel via audio streaming and/ or audio/video streaming
22 on the Internet. All other policy bodies are encouraged to broadcast their meetings similarly as
23 feasible for participation by members of the public via telephone “bridge lines” for public
24 comment on each item in the same manner as if the member of the public were in actual
25

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1 ~~physical attendance at the meeting. Each policy body subject to this provision may develop~~
2 ~~reasonable procedures for its implementation.~~

3 (g) (f) All policy bodies and passive meeting bodies shall comply with the guidelines and
4 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)

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

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 and shall be retained for at least ten~~
23 ~~years, or permanently where technologically and economically feasible. The City may retain~~
24 ~~these recordings digitally. The audio and/or video record shall be kept indefinitely as current~~
25 ~~technology allows. Inspection of any such recording shall be provided without charge on an~~

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1 appropriate play back device made available by the City; copies of any such recordings.
2 ~~Audio records of audio taped meetings shall be provided upon request and payment for the~~
3 ~~actual cost of the recording media used to make the copy.~~ Requests shall be made through
4 the 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 asset
6 assessed for expedited service. ~~The City Administrator shall assist policy bodies in carrying~~
7 ~~out their duties under this subsection.~~

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

15
16 (e)(d) All policy bodies shall be encouraged required to digitally record their meetings
17 by 2013. Any such digital recordings that are made shall be posted on the policy bodies'
18 website within three days. The City Administrator shall assist policy bodies in carrying out their
19 duties under this subsection.

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

21
22 **SECTION 67.15. PUBLIC TESTIMONY.**

23 (a) Every agenda for regular and special meetings shall provide an opportunity for
24 members of the public to directly address a policy body on any items of interest to the public
25 that isare within the policy body's subject matter jurisdiction, provided that no action shall be

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1 taken on any item not appearing on the agenda unless the action is otherwise authorized by
2 Section 67.7(e) of this article. ~~However, in the case of a meeting of the Board of Supervisors,~~
3 ~~in the case of a meeting of the Board of Supervisors, the agenda need not provide an~~
4 ~~opportunity for members of the public to address the policy body Board on any item that has~~
5 ~~already been considered by a committee, composed exclusively of members of the policy~~
6 ~~body Board, at a public meeting wherein all interested members of the public were afforded~~
7 ~~the opportunity to address the committee on the item, before or during the committee's~~
8 ~~consideration of the item, unless the item has been substantially changed since the committee~~
9 ~~heard the item, as determined by the policy body Board.~~

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

21 (c) Time and Order of Public Speakers

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

24 (1) ~~R~~regulations limiting the total amount of time allocated for public testimony on
25 particular issues and for each individual speaker. Each policy body shall adopt a rule

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1 providing that each person wishing to speak on an item before the body at a regular or special
2 meeting shall be permitted to be heard once for a minimum of three minutes on that item per
3 agenda item.

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

16 (3). Authorizing a Designated Speakers

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

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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 videall audio-visual
15 equipment provided by used 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.

