



SUNSHINE ORDINANCE TASK FORCE
Rules Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES - DRAFT

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

September 24, 2019
6:30 PM

Regular Meeting

Members: (Chair), Fiona Hinze, Matthew Yankee, Bruce Wolfe, Lila LaHood
and Chris Hyland

1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES

Chair Hinze called the meeting to order at 6:30 p.m. On the call of the roll Chair Hinze and Members Yankee, LaHood and Hyland were noted present. A quorum was present.

There were no agenda changes.

2. Approval of the June 18, 2019, Rules Committee meeting minutes.

Action: Moved by Member Yankee, seconded by Member Hyland, to approve the June 18, 2019, meeting minutes.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Yankee, Hyland, Hinze
Noes: 0 - None

3. **Public Comment:** Members of the public may address the Committee on matters that are within the Committee's jurisdiction but not on today's agenda.

Speakers:

None.

4. **File No. 19067:** Review and possible amendments to the Sunshine Ordinance Task Force By-Laws and Complaint Procedures.

- Code of Conduct SOTF Hearings

Chair Hinze stated that this subject matter was discussed during the June 18, 2019, Rules Committee hearing and then forwarded to the SOTF. Chair Hinze stated that the SOTF decided to send it back to the Rules Committee for further review.

Member B. Wolfe stated that the SOTF usually follows Roberts Rules regarding discussion and freedom of speech. Member Wolfe stated that the Ordinance does provide for commentary. Member Wolfe stated that the Committee understands that various custodians have received personal attacks from members of the public. Member Wolfe stated the Chair can always stop a hearing and take up the issue of decorum. Member Wolfe stated that decorum is not directed to SOTF colleagues, however people are allowed to have opinions. Member Wolfe also stated that it is up to the Chair to determine if a member of the public has crossed the line and will refer to Robert's Rules to make a determination on what to do. Member Wolfe suggested that a response letter addressed to the Custodians of the December 7, 2018, letter be drafted.

Member Hyland stated that the SOTF meetings are under control and that they have the option to have the Sheriff present at hearings. Member Hyland suggested that a preamble such as the one from the Ethics Commission be included in agenda templates.

Member Yankee stated that he wants to keep the language limited to safety. Member Yankee stated that he deals with members of the public and is interested in addressing the safety of speakers and members of the public without facing any threatening behavior during a hearing.

Member LaHood stated the importance of drafting a statement that addresses safety and security of the speakers and members of the public.

Public Comment:

Hank Heckel, Mayor's Office, stated that he wants the SOTF to address the issue of code of conduct and that he is pleased they are willing to do so. Mr. Heckel stated that there have been cases when a Custodian of Record has been uncomfortable about the conduct of members of the public and that sometimes the Custodians do not want to participate in hearings. Mr. Heckel stated that there needs to be an assurance that members of the public behave.

Marianne M. Thompson, Office of Economic and Workplace Development, spoke about her experiences in public hearings. Ms. Thompson stated that she does not want to impede someone's right to free speech and that her department is driven by the First Amendment. Ms. Thompson stated that a statement of decorum at the beginning of each hearing is necessary for everyone to be treated with respect.

David Steinberg, Public Works, stated that as a Custodian of Record, it is part of his job to appear at hearings. Mr. Steinberg stated the importance of not being subject to a hostile work environment and that bad behavior is not acceptable.

Member Wolfe stated that the SOTF is a quasi-judicial process and everyone can present their case as they see fit. Member Wolfe stated that the SOTF is made up of volunteers and that no one has come to them and told the Committee that training is necessary or to advise on what needs to happen. Member Wolfe stated that the public can present their arguments and that speaks to the First Amendment. Member Wolfe stated that he hopes the Custodians hear what the SOTF has to say, that they try to be respectful and meet the committee half-way.

- How to handle complaints filed against SOTF Administrator?

Member Wolfe stated that complaints against the SOTF are not common and that possibly they should be referred to the Ethics Commission, the only body that can hear complaints against the SOTF.

Member Yankee suggested that an option to address this under 67.21(d) and that the party should go to the Supervisor of Records first which should be in the Complaint Procedures. Member Yankee stated that Sunshine complaints filed against the SOTF Administrator should be handled the same as other Sunshine complaints.

- How we make motions; whether to find a violation or not?

Member Wolfe stated that both parties have a right to have something codified and that there needs to be a formality. Member Wolfe stated that there should be a motion if the SOTF does not find a violation. Member Wolfe stated that a SOTF member can vote against a motion because SOTF member comments may change someone's mind. Member Wolfe stated that maker of the motion can rescind their motion or the motion can be overruled. Member Wolfe stated that a complaint is considered valid and that it is up to the Complainant to prove that there was a violation.

Member Yankee stated that there needs to be six votes to find a violation.

Member Wolfe stated that the answer to the question of violation can be found in the memos provided by the SOTF Deputy City Attorneys. Member Wolfe stated that it is always good to say there was a violation or to vote on the timeliness of the response to the complaint.

Chair Hinze stated that this item should be included in the next Rules Committee Agenda.

- Minutes as they pertain to Sunshine; should other bodies provide minutes?

The Committee discussed the issue of providing committee and sub-committee meeting minutes.

Member LaHood opined that all deliberative policy bodies provide minutes as a matter of best practices.

Public Comment:
None.

There were no actions.

5. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:44 p.m.

APPROVED: DRAFT
Rules Committee
Sunshine Ordinance Task Force

N.B. The Minutes of this meeting set forth all actions taken by the Sunshine Ordinance Task Force on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.