



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

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

**October 23, 2018 - 4:00 PM**

**Special Meeting**

**Members:** Fiona Hinze (Chair), Chris Hyland, Matthew Cate

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

Chair Fiona Hinze called the meeting to order at 4:06 p.m. On the call of the roll Chair Hinze and Members Hyland and Cate were noted present. There was a quorum.

There were no agenda changes

**2. Adoption of the minutes for the September 26, 2017, Rules Committee meetings.**

Member Cate, seconded by Member Hyland moved to approve the September 26, 2017, Committee minutes.

Public Comment:  
None.

**The motion PASSED by the following vote:**

Ayes: 3 - Cate, 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.

Public Comment:  
None.

4. **File No. 18076:** Review and possible amendments to the Sunshine Ordinance Task Force By-Laws and Complaint Procedures.

The Committee discussed the following proposed changes to the SOTF By-Laws and Complaint Procedures.

The Committee reviewed and proposed revision to the draft language regarding the Rules of Reason and suggested the following:

- Rules of Reason and procedures for voluminous complaints.

Chair Hinze stated that the Committee was going to recommend adoptions of procedures to the Rules of Reason and referenced former Member Maass' memo. Member Hyland suggested legal review the memo. Chair Hinze stated that the Rule of Reason is invoked when a complaint is too voluminous and cannot be responded to as it causes an undue burden on the department. Member Hyland stated that it could be considered a vexatious complaint which they did not want to insinuate and either bring it to another meeting of the Rules Committee or bring it up to the full SOTF Committee.

- Development of a SOTF Precedence Log and policy regarding the use.

Chair Hinze stated that the Committee should create a log/database with previous Orders of Determination so that future SOTF members can reference them. Member Hyland stated that Chair B. Wolfe was exploring some online databases and that it concerned a budget issue. Chair Hinze stated that Member B. Wolfe needs to discuss this matter with Clerk of the Board Angela Calvillo regarding appropriation of monies and using free databases that the City already uses. Member Hyland stated that database development could be brought up to the Information Technology (IT) Ad Hoc Committee.

**Member Hyland, seconded by Member Cate, moved to open a file to develop a precedence log and refer to the IT Ad Hoc Committee and to develop and look at possible databases that can be used to house Orders of Determination.**

Public Comment:  
None.

**The motion PASSED by the following vote:**

Ayes: 3 - Hyland, Cate, Chair Hinze  
Noes: 0 – None

- Develop process for the SOTF to take no action on a matter.

Member Hyland stated that when a petitioner brings a matter to the Sunshine Ordinance Task Force and the respondent speaks, members discuss it and no one makes a motion and when that happens that matter goes away. Member Hyland stated that the Chair suggested language more affirmative to make a motion to take no action and not to refer it and that the Committee finds no violation. Member Hyland stated that this is more of a consideration for the public and not in Roberts Rules. Member Hyland suggested voting on the language and sending it back to the SOTF for approval. Member Hyland suggested the following language:

“In the absence of a motion, the SOTF is encouraged to make a motion to find no violation, second, vote on that to provide clearer closure on that item.”

Member Cate stated that the SOTF is encouraged to find or not find a violation and reach some kind of conclusion to give satisfaction to the parties. Member Cate stated that then, if the SOTF could not reach a conclusion, they would take no further action and close the file. Member Hyland stated that “The Task Force is encouraged to find a violation or find no violation in the items that it hears in order to provide closure to all parties and that there still may be cases where no action is taken.” Chair Hinze stated, “Further, that in those cases, the SOTF is encouraged to make a motion to take no action and close the matter.” Member Hyland stated that, “A third option still remains to take an action to make no action remains available.” Member Hyland stated, that you find a violation or make a motion to take no further action. Member Hyland stated that these are recommendations of style that they are suggesting. In the interests of finding closure for Petitioners and Respondents, the SOTF is encouraged to (a) make a motion to find a violation; (b) make a motion to find no violation; (c) make a motion to take no further action and close the file; (d) do none of the above.

In addition, SOTF Administrative Victor Young suggested that if the SOTF does not make a motion suggested by Member Hyland the following statement be announced:

“There be no motion to find a violation nor find that no violation occurred the SOTF took no actions and filed the complaint.”

**Member Cate, seconded by Member Hyland, moved to refer the matter to the SOTF with the recommendation to amend the By-laws, Article IV, Section 10, Paragraph 7, in the form as follows: (a) make a motion to find a violation; (b) make a motion to find no violation; (c) make a motion to take no further action and close the file; (d) do none of the above.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Cate, Hyland, Chair Hinze

Noes: 0 - None.

- Develop a table of standard actions for SOTF meetings.

Chair Hinze stated that there needs to be a standard to expedite the meetings and develop a standard template of actions that committee often takes. Member Hyland stated that he has seen this in other committee and it falls to the Chair to suggest that it this may involve keeping a clock on Committee members when they speak. Member Hyland suggested that Committee members do their homework and be very familiar with the material on the matter at hand. Chair Hinze stated that Chair Wolfe's intent is to do that by the Complaint Committee process. Member Hyland stated that the Committee Chair should provide an analysis and summary of the complaint to the SOTF as a standard operating procedure. Member Hyland stated that the Administrative Notes will provide the basis for what that Chair will be speaking about. Member Hyland stated that years ago the Committees adjudicated many of the matters and when they couldn't it would go to the full SOTF to resolve. Member Hyland stated that the current Chair doesn't want to do this and that it is up to the call of the Chair. Member Hyland stated that at the Complaint Committee level standard operating procedures should be (a) to review the case; (b) make sure all the information and documents are provided and continue the item if it is not provided; (c) have that Chair summarize the matter to be included in the Administrative Notes when it gets to the full SOTF. Member Hyland stated that for the SOTF to (a) find jurisdiction; (b) give both parties five minutes to speak; (c) recommend fifteen-minute discussion amongst members; (d) motions on the floor; (e) public comment on the motions; (f) vote; (g) recommendation to refer to the Committees or close the file. Member Hyland stated that this is useful information for members of the public, they are asking the right questions and the matter doesn't have to be continued. Member Hyland, stated that the Complaint Committee needs to make a recommendation regarding standard operating procedures for the benefit of the SOTF; including five minutes for Petitioner and Respondent to speak, public comment and rebuttals; all of which is subcommittee language.

- Review of Complaint Committee consent agenda procedure.

Chair Hinze stated that sometimes there is a consent agenda when there are a lot of files that can be voted on. Chair Hinze stated that in files where the committee knows there are violations, voting takes place for all files at once. Member Hinze stated that if a committee member wanted to sever a file and discuss it separately, they can but typically on a consent agenda the committee votes on all items.

**Member Hyland, seconded by Member Cate to refer to the Education, Outreach and Training Committee review the consent agenda language for the Complaint Committee procedures.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Hyland, Cate, Chair Hinze

Noes: 0 - None.

- Other issues related to the By-laws and Complaint Procedures.

Member Hyland stated that the language “and by web” as a way someone can file a complaint needs to be added to the Procedures and include a link to the online form. Member Hyland stated that the language “please include the original request with your complaint form” should be included and/or the IDR you are noticing us about. Chair Hinze stated that at a future meeting of the Rules Committee that the members take a closer look at the complaint form on the web. Member Hyland suggested that sample IDRs pop up on complaints. Member Hyland stated that he wanted the following language included in Section B(1) online, insert link and then the remaining language that follows. Member Hyland referred to Section B(2) and wanted “a timeline of original requests and subsequent receipt of materials” which he wanted the Administrator to include in the language.

**Member Hyland, seconded by Member Cate, moved to refer review of the SOTF online complaint form to the IT subcommittee for review.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Hyland, Cate, Chair Hinze

Noes: 0 - None.

Member Hyland addressed the issue of if the Complainant fails to appear for their hearing without prior communication with the Administrator and wanted to include the language in 7(b) “adequate, [48-hour or two business days] prior communication”. Member Hyland stated that he wants to have the SOTF vote on this language. Chair Hinze stated that she wants the Administrator to attempt to contact the Respondent. Member Hyland suggested the following language be included “the complaint may re-file their complaint within sixty days with the SOTF.” Member Hyland also suggested the language “the complainant may also file with a new complaint before the SOTF.”

**Member Hyland, seconded by Member Cate, moved to refer the matter to the SOTF with a recommendation to amend the Complaint procedures to read as follows:**

“If the Complainant fails to appear at a SOTF or Committee hearing regarding their complaint without prior communication the matter shall be ~~tabled~~ filed without prejudice (Filed ~~Tabled~~-complaints are considered closed and no further actions are to be taken.) The Complainant shall be notified of the action and may request that their complaint be reopened in writing if requested within 60 days. The Complaint may also refile the complaint on a future date. The SOTF or its Chairperson shall determine if the complaint shall be reopened.”

Public Comment:  
None.

**The motion PASSED by the following vote:**

Ayes: 3 - Hyland, Cate, Chair Hinze  
Noes: 0 - None.

**Member Hyland, seconded by Member Cate, move to continue discussion of Requirements for Anonymous filings and Procedures for authorizing other party to represent the complainant to the next Rules Committee hearing.**

Public Comment:  
None.

**The motion PASSED by the following vote:**

Ayes: 3 - Hyland, Cate, Chair Hinze  
Noes: 0 - None.

5. **ADJOURNMENT**

There being no further business the meeting was adjourned at 5:25 p.m.

**APPROVED**  
**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.