



**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**

**March 26, 2019 5:00 PM**

**Special Meeting**

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

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

Chair Hinze called the meeting to order at 5:03 p.m. On the call of the roll Chair Hinze, and Members Hyland and Yankee were noted present. There was a quorum.

There were no agenda changes.

**2. Approval of the October 23, 2018, Rules Committee meeting minutes.**

**Action: Moved by Member Hyland, seconded by Member Yankee, to approve the October 23, 2018, meeting minutes.**

Public Comment:  
None.

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

Ayes: 3 – Hyland, Yankee, 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. 19008:** 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 Section 67.14.

- Appropriate decorum for members of the public and the SOTF during public meetings

The Committee reviewed and proposed revisions to the draft language regarding the code of conduct and suggested the following:

Administrator Young presented a letter dated December 17, 2018, addressed to the SOTF from various Custodians of Record regarding best practices in responding to Sunshine requests and bad conduct of the public. Administrator Young stated that this letter was introduced at the December 6, 2018, SOTF meeting and was referred to the Rules Committee for review and recommendations. Member Hyland stated a member of the Rules Committee draft a new code of conduct to be reviewed by SOTF Deputy City Attorney to make certain that it does not conflict with our Charter. Member Hyland stated that after the SOTF DCA reviews the new draft it should be forwarded to Chair Hinze and then SOTF Chair Wolfe for the Agenda and distributed to Members of the Task Force. Member Hyland also suggested that those who signed the letter be invited to attend the SOTF meeting regarding this issue.

**Action: Moved by Yankee, seconded by Hyland that Chair Hinze draft this new code of conduct to be reviewed by DCA Price-Wolf for analysis and consistency with Charter after which Chair Hinze will forward the draft to SOTF Chair Wolfe for the Agenda.**

Public Comment:

None.

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

Ayes: 3 – Yankee, Hyland, Hinze

Noes: 0 – None

The Committee discussed the following proposed changes to the SOTF

- Parties not willing to attend SOTF or its committee hearings
- Requirements for Anonymous Petitioners
- Procedures for authorizing other party to represent the complainant

Administrator Young discussed the difficulties of proceeding with a complaint without the Petitioner. Administrator Young stated that the SOTF needs to ask questions and cannot proceed without that opportunity. Member Hyland and Chair Hinze agreed that

this should be formalized. Administrator Young stated that currently the Task Force does allow someone other than the complainant to go to a hearing because many times they cannot show up at the last moment. Administrator Young stated that at this point, the Task Force and Committees require the Petitioner to show up for both hearings. Member Hyland suggested that the intake form state that the SOTF requires Petitioners and Respondents to appear. Administrator Young stated that if we don't know five days before a hearing that either the Petitioner or the Respondent cannot appear it is up to the Task Force to decide if the file should be heard and that the Task Force should set a standard five-day deadline. Administrator Young discussed the need to add sections C and D to the "Attendance and Requirements for the Complainant and Respondent" section of the SOTF Public Complaint Procedure regarding showing up for a hearing; C would authorize a proxy to represent the Petitioner or Respondent, and D would authorize the Task Force to proceed with the case without the Petitioner and give a description of what the authorization will be. Member Hyland stated that there must be a personal appearance at least one time and that the call of the Chair to allow the Task Force to continue the matter. The members also discussed adding "and Respondent" after "Complainant" to the following sentence: "However, at the discretion of the SOTF or its Committees, accommodations may be made in response to special circumstances or requests made by the Complainant to entertain special needs."

Administrator Young stated that there is a need to develop a definition of what the Task Force considers to be anonymous and that there should be a set criteria or definition inserted into the procedures. Member Hyland stated that because the Task Force accepts anonymous complaints if the Petitioner wants to remain so, it is the Petitioner's responsibility to speak with the Administrator regarding their status. Member Hyland stated that there needs to be something written down to not make the burden on the Administrator.

**Action: Moved by Member Yankee, seconded by Member Hyland to have the Task Force Administrator draft new sections to the Complaint Procedures regarding "Attendance and Requirements for the Complainant and Respondent" and anonymous complaints and provide them to the Rules Committee.**

Public Comment:

None.

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

Ayes: 3 – Yankee, Hyland, Hinze

Noes: 0 – None

- SOTF Member Excused absences

Administrator Young spoke about absences from hearings and the fact that if a Task Force member is absent more than twice it needs to be reported to the Board of Supervisors under Article II, Section 2 "Attendance" of the SOTF By-Laws.

Administrator Young stated that the Committee needs to create a description of what an excused absence is and use it as a standard. Chair Hinze inquired about the Task Force having their own excused absence policy and allow the Board of Supervisor approve it. Member Hyland stated that call of the chair language should be inserted into the language of Section 67.30(e). Member Hyland stated that ultimately the Chair would have the say on what is an acceptable excused absence. Administrator Young suggested that they may need the full authority of the Task Force because there is one member who is continually absent, could not be removed and have the Board of Supervisors remove them. Member Hyland stated that there needs to be a clear definition of an excused absence.

After discussion, the Rules Committee Members suggested replacing the language in the By-Laws, Article II, Membership and Attendance, Section 2 with the following: "Members of the Task Force shall notify the Task Force Administrator, Chair and Vice-Chair if he/she is unable to attend a regular meeting of the Task Force. The Chair or Vice-Chair will determine if the absence is an excused absence. The Administrator of the Task Force shall notify any member who misses two regular meetings in any twelve-month period of time that were not excused. If a third or subsequent unexcused absence from a regular meeting occurs in that same twelve-month period, the Chair or the Vice-Chair of the Task Force shall notify the Board of Supervisors of the member's lack of attendance."

**Action: Moved by Member Hyland, seconded by Member Yankee, that the SOTF review and approve the new language of the By-Laws, Article II, Membership and Attendance, Section 2.**

Public Comment:

None.

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

Ayes: 3 – Hyland, Yankee, Hinze

Noes: 0 – None

Member Yankee suggested that the language be amended by deleting "Chair and Vice-Chair" from the first sentence. The proposed amended language is "Members of the Task Force shall notify the Task Force Administrator if he/she is unable to attend a regular meeting of the Task Force. The Chair or Vice-Chair will determine if the absence is an excused absence. The Task Force Administrator shall notify any member who misses two regular meetings in any twelve-month period of time that were not excused. If a third or subsequent unexcused absence from a regular meeting occurs in that same twelve-months, the Chair or the Vice-Chair of the Task Force shall notify the Board of Supervisors of the member's lack of attendance."

**Action: Moved by Member Yankee, seconded by Member Hyland, that the SOTF review and approve the amended language of the By-Laws, Article II, Membership and Attendance, Section 2.**

Public Comment:  
None.

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

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

- The Complaint Committee requested that the issue regarding the requirement to attend Committee hearings be referred to the Rules Committee for discussion.

Member Hyland stated that the Rules Committee addressed this item earlier in the meeting.

Public Comment:  
None.

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

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

5. **Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar by members of the Committee.**

There were no announcements or comments.

6. **ADJOURNMENT.**

There being no further business the meeting was adjourned at 6:43 PM

**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.