August 4, 2015

Ballot Simplification Committee
Department of Elections
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall, Room 48
San Francisco, CA 94102
Attn: Barbara Carr

Re: Request and Suggestion for Reconsideration of Public Hearings Ballot Measure

Dear Ms. Carr and the Ballot Simplification Committee:

I write to request that the Ballot Simplification Committee make the following modifications to the Digest for the Public Meetings of Local Policy Bodies ballot measure (the "Ballot Measure"):

- In the section titled "The Way It Is Now", the following changes should be made:
    - In the first sentence of the first paragraph, change "City meetings" to "*meetings of City 'policy bodies.'*"
    - In the second sentence of the first paragraph, add that "policy bodies" includes bodies created by "initiative of a policy body", to track the definition of "policy bodies" contained in Section 67.3(d) of the Sunshine Ordinance.
    - The last sentence of the second paragraph should read, "If a member of the public submits pre-recorded video testimony, the video *is distributed to policy body members but* does not need to be played during the meeting."
    - At the end of the third paragraph, add the following sentence: "*Some policy bodies currently including standing agenda items that are heard at or shortly after a time set on the agenda, but the set time is neither obligatory nor rigid.*"
    - Following the first sentence of the fourth paragraph, add the following text: "*In total, the City currently broadcasts live on the Internet meetings of 34 policy bodies.*"
    - At the end of the fourth paragraph, replace the sentence starting "Meetings are generally…" with the following sentence: "*Audio recordings of all policy bodies are recorded and stored online*", to reflect Section 67.14 of the Sunshine Ordinance.
- In the section titled "The Proposal", the following changes should be made:
    - In the first sentence, change "all City meetings" to "*all meetings of City policy bodies.*"
    - After the first sentence of the second paragraph, add the following text: "*which would be broadcast during the period for public comment.*"
    - At the beginning of the third paragraph, add the following predicate: "*Time-set agenda items must begin at the requested time, unless…*"
    - Add the following sentence: "*Proposition E requires full implementation within 6 months of its going into effect.*"
    - Delete the entire sentence starting, "Proposition E may be amended to further its purposes…" The Board of Supervisors retains jurisdiction to amend the

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Sunshine Ordinance regardless of the outcome of the Ballot Measure, and the definition of "its purposes" is vague and subject to dispute.

- In the section beginning, "A "YES" Vote Means":
    - Replace "City meetings" with "*meetings of all City policy bodies*."
    - After "require pre-recorded video testimony", add the text, "*and live video or audio testimony*".

While the Ballot Measure makes repeated reference to "the Board and Commissions", neither the San Francisco Charter nor the San Francisco Municipal Code provide any definition for "commissions." On the contrary, the Sunshine Ordinance clearly defines and applies to City "policy bodies", which term encompasses a broader range of bodies that would be subject to the amendments set forth in the Ballot Measure. The above-requested changes also cause the Digest to accurately reflect the existing Sunshine Ordinance, which the Ballot Measure seeks to amend.

It is also important to note that the Ballot Measure mandates implementation within 6 months of going into effect. This is clearly and objectively stated throughout the text of the ballot measure.

The requested changes are also reflected in Attachment A hereto, which sets forth proposed deletions with a ~~strikethrough~~ and proposed additions in *italics*.

Thank you in advance for your consideration.

Very truly yours,

Lee A. Hepner

(Encl.)

ATTACHMENT A

The Way It Is Now: State law and the Sunshine Ordinance approved by San Francisco voters set rules and procedures for public access to ~~City~~ meetings *of City "policy bodies."* ~~These meetings~~ *"Policy bodies"* include City boards, commissions, their committees and task forces, advisory bodies, ~~and~~ any other group created by City Charter, ordinance, or resolution, *and bodies created by initiative of policy bodies*.

Members of the public must have an opportunity to testify on any matter discussed at a public meeting. Every person must have an equal opportunity to speak. The public cannot testify from remote locations. If a member of the public submits prerecorded video testimony, the video *is distributed to policy body members but* does not need to be played during the meeting.

An agenda for every City meeting must be published at least 72 hours in advance. The agenda must include a meaningful description of each item of business. The agenda must state the time that a meeting will start, but it need not state the time a specific item will be discussed. *Some policy bodies currently including standing agenda items that are heard at or shortly after a time set on the agenda, but the set time is neither obligatory nor rigid.*

The City broadcasts live on the Internet and on its television channel meetings of the Board of Supervisors and its committees, and some other City boards, commissions, and committees. *In total, the City currently broadcasts live on the Internet meetings of 34 policy bodies.* ~~Meetings are generally recorded and stored.~~ *Audio recordings of all policy bodies are recorded and stored online.*

The San Francisco Unified School District Board of Education (School Board) and the San Francisco Community College District Governing Board (Community College Board) are under the jurisdiction of State public meeting laws but not the City's Sunshine Ordinance.

The Proposal: Proposition E would amend the Sunshine Ordinance to require the City to broadcast ~~all~~ *all meetings of City policy bodies* live on the Internet.

This measure would also allow members of the public to submit electronically during the meeting live, written, video, or audio comments from any location, *which would be broadcast during the period for public comment*. If the testimony is not in English, the City would be required to translate it, either with subtitles or a voice-over.

Proposition E would require that pre-recorded video testimony submitted 48 hours or more before a meeting be played during the period for public comment.

Proposition E also would allow a board, commission, or committee member, or a group of 50 or more members of the public, to request that discussion of a particular agenda item begin at a certain time, and that a designated amount of time be allotted for public comment on that item. The request must be made in writing at least 48 hours before a meeting. The request must be granted unless it is unreasonable or would interfere with the proper conduct of the meeting.

Proposition E states that it would also apply to all meetings of the School Board and the Community College Board.

Proposition E requires full implementation within 6 months of its going into effect.

~~Proposition E may be amended to further its purposes by an ordinance passed by a two-thirds vote of the Board of Supervisors and signed by the Mayor.~~

*Working title, for identification only. The Director of Elections determines the title of each local ballot measure; measure titles are not considered during Ballot Simplification Committee meetings.

A "YES" Vote Means: If you vote "yes," you want to amend the Sunshine Ordinance to require the City to broadcast ~~all City~~ meetings *of all City policy bodies* live on the Internet; allow members of the public to submit electronically during the meeting live, written, video, or audio comments from any location; require pre-recorded video testimony *and live video or audio testimony* to be played during a meeting; and allow the public or board, commission, or committee members to request that discussion of a particular agenda item begin at a particular time.

A "NO" Vote Means: If you vote "no," you do not want to make these changes.