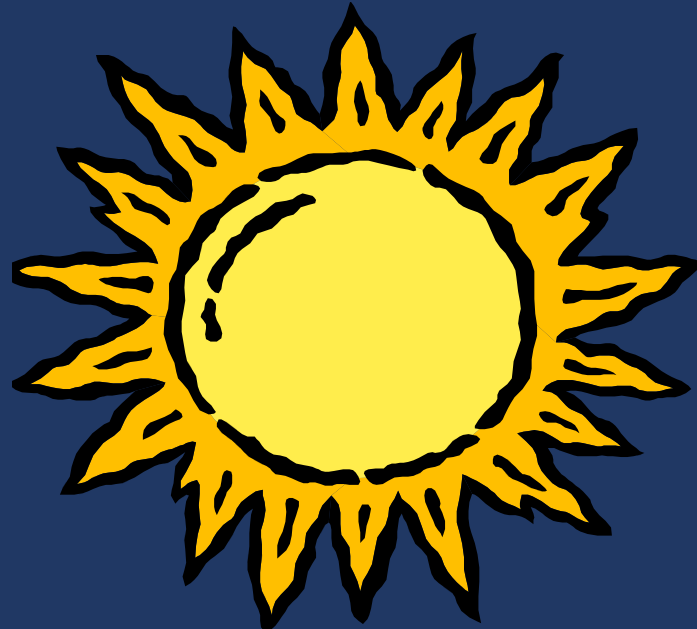


# Public Meetings

SF Commission on the Environment  
February 21, 2018



# Overview

- I. Policy bodies operate in public meetings
- II. Public notice of meetings
- III. Right of public to attend and participate in meetings
- IV. Conduct of meetings
- V. Unlawful meetings

# I. Meetings Of Policy Bodies

# What is a Meeting?

- a majority of the policy body members
- are together at the same time and place

# Examples of Meetings

- Formal meetings
- Retreats
- Site tours
- Gatherings before, during, or after a formal meeting

## **II. Notice Of Meetings**

# Posting the Agenda

## When

At least 72 hours before meeting (regular and special)

## Where

“Freely accessible” location:

- SF Public Library (required)
- Commission website (required)
- Department office (recommended)
- Meeting site (recommended)

# A Meaningful Description

Sufficiently clear and specific to [1] alert a person of average intelligence and education whose interests are affected by the item that [2] he or she may have reason to attend the meeting or seek more information on the item

- Specify item for Discussion, Discussion and Action, or Discussion and Possible Action
- Refer to explanatory documents



# Questionable Descriptions

- Real estate: legal description, no street address
- Contract: contractor name, no amount or purpose
- Legislation: bill or ordinance number, no title or subject matter
- “New Business”: no specifics
- “Director’s Report”: no specifics

**Why does it matter what  
is listed on the agenda?**

**A POLICY BODY  
MAY NOT DISCUSS OR ACT  
ON ITEMS NOT ON THE AGENDA.**

# Limited Exceptions to Agenda Requirement

- Public health/safety emergency
- Immediate need to avoid serious injury to public interest
- Item on previous agenda, and continued to next meeting no more than 5 days later

# Other Exceptions

- Announcements (brief)
- Request to agendize future items
- Direction to staff
- Limited follow-up to general public comment

# **III. Rights Of The Public**

# Four Basic Rights of the Public

- Attend
- Record
- Comment
- Receive agenda materials

# The Right To Attend

- Nondiscriminatory admission
- Disability access
- No preconditions
- No fees
- No sign-in (unless sign-in sheet notes it is optional)

# The Right To Record

- Photograph, film, audio record, broadcast
- Can curb only if body makes reasonable finding that activity would “persistently disrupt” meeting
- No obligation of body to provide equipment



# The Right To Comment – Two Forms

- On each agenda item
- General Public Comment

# Comment on Agenda Items

- Discussion Item - before conclusion of consideration
- Action Item - before action taken

# General Public Comment

- Agendize for any time during meeting
- Members may not discuss or respond substantively – limited followup OK
- Not required at special meetings

# Rights of the Speaker

- Equal time for members of the public
- Anonymity
- Freedom to criticize the body, its members, and staff

# Limits on Public Comment

- Up to three minutes per person on an item - may be less
- No right to speak off-topic
- No right to disrupt
- No right to a response

# The Right to Agenda Materials

- Intended for distribution before meeting – right to inspect/copy before meeting
- Distributed during meeting, before item heard – right to inspect before item heard
- Distributed during meeting, while item heard –
  - if from staff, right to inspect during item
  - if from member of public, right to inspect after meeting

# **IV. Conduct of Meetings**

# Rules of Order – A Few Reminders

- Seek public comment on each item
- Confine discussion to present agenda item
- Clearly phrase issue to be voted upon
- Announce specifics of vote after each action item
- If rearranging the sequence of agenda items, let public know ASAP
- If item scheduled for specific time, don't take it early
- Don't eject a speaker for abusiveness
- When announcing a recess, state time for return



# Conducting Meetings - Duties of the Commission President

- Preside over all meetings: call agenda items; recognize speakers, motions, seconds; announce votes and specific results; maintain order
- Oversee preparation and distribution of agenda
- Serve/designate others to serve as liaison to media, other City entities
- May appoint Committee Chairs for standing committees, establish additional ad hoc committees/task forces
- Perform other duties as assigned by the Commission

# V. Unlawful Meetings

# Unlawful Meetings

- “Pre-meetings”
- “Post-meetings”
- Teleconferences
- “Seriatim” (or serial) meetings

# Types of Seriatim Meetings

- Sequential – A to B, B to C, C to D
- Simultaneous – A, B, C, and D
- Spokes – A to B, A to C, A to D
- Hybrid
- One-way contact? No, but...

# How Seriatim Meetings May Occur

- Email
- Phone
- Fax
- Human intermediaries

# Non-Meetings of a Majority

- Individual communications with another person (nonmember)
- Attendance at
  - Conference open to public
  - Local meeting open to public
  - Social, recreational, ceremonial event not sponsored by or for the body

IF no collective discussion of business

# Sources

- Ralph M. Brown Act (Cal. Government Code Section 54950 *et seq.*)
- San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1 *et seq.*)
- Bylaws of SF Commission on the Environment

## Helpful References – City Attorney’s Office

- Good Government Guide
- Sunshine Training Video

**Questions?**



Neha Gupta  
Deputy City Attorney  
[neha.gupta@sfcityatty.org](mailto:neha.gupta@sfcityatty.org)  
415-554-4665