

File No. 230306

Committee Item No. 6

Board Item No. 28

# COMMITTEE/BOARD OF SUPERVISORS

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Committee: Rules Committee

Date April 3, 2023

Board of Supervisors Meeting

Date April 11, 2023

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### OTHER (Use back side if additional space is needed)

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Completed by: Victor Young Date March 29, 2023

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Amending the Rules of Order - Providing for Remote Public Comment Opportunities]

2

3 **Motion amending the Board of Supervisors' Rules of Order by creating a new Rule**  
4 **1.3.3, In-Person and Remote Public Comment, and amending Rule 4.22, Public**  
5 **Comment, to provide for remote comment opportunities by all members of the public**  
6 **who wish to comment remotely.**

7

8 WHEREAS, Since the onset of the COVID-19 health emergency in March 2020, the  
9 Board of Supervisors ("Board") has provided opportunities for members of the public to  
10 provide comment remotely, in order to allow for social distancing and reduce health risks; and

11 WHEREAS, As of March 2023, health conditions no longer impact the ability of most  
12 individuals to attend crowded public meetings in person; and

13 WHEREAS, Notwithstanding the improved health conditions that reduce the risks  
14 associated with in-person public comment, the Board finds that remote public comment has  
15 allowed for broader participation in the legislative process and has given voice to a diversity of  
16 perspectives from across the City; and

17 WHEREAS, Eliminating remote public comment would likely reduce participation in  
18 Board meetings by people who cannot attend such meetings in person for any number of  
19 legitimate reasons, such as childcare or eldercare responsibilities, work schedules, lack of  
20 resources, or illness; and

21 WHEREAS, On March 7, 2023, the Board enacted Motion No. M23-039, expressing  
22 the Board's intent to amend the Board's Rules of Order to provide for remote comment by all  
23 members of the public who wish to comment remotely, and directing the Clerk of the Board to  
24 prepare and introduce by no later than March 14, 2023, a motion to amend the Board's Rules

25

1 of Order to provide opportunities for remote public comment to all members of the public who  
2 wish to comment remotely; now, therefore, be it

3 MOVED, That the Board amends the Rules of Order of the Board of Supervisors to  
4 create a new Rule 1.3.3 and to amend Rule 4.22, to read as follows:

5  
6 **1.3.3. In-Person and Remote Public Comment.**

7 Where opportunity for public comment is required under Rules 3.8 (Public Testimony in  
8 Committee), 4.19 (Public Hearings on Appeals), and 4.22 (General Public Comment Before the Full  
9 Board of Supervisors), members of the public shall be given the option to comment in-person or  
10 remotely. For purposes of this Rule 1.3.3., “remotely” means telephonically or otherwise  
11 electronically, as determined by the Clerk of the Board of Supervisors.

12  
13 **4.22. Public Comment.** This is an opportunity for members of the public to directly  
14 address the Board on items of interest to the public that are within the subject matter  
15 jurisdiction of the Board, including items being considered at this meeting which have not  
16 been referred to committee, and excluding items which have been considered by a Board  
17 committee. Members of the public may address the Board for up to three minutes. ~~The~~  
18 ~~President or the Board may limit the total testimony to 30 minutes.~~ At the conclusion of public  
19 comment, the Board may not lawfully take action to approve or disapprove a new proposal  
20 which is not on the agenda, but may refer the proposal to a City official for review.

21 During public comment before the full Board, remarks shall be addressed to the Board  
22 as a whole, not to individual Supervisors and not to the audience. Supervisors shall not enter  
23 into debate or discussion with speakers during public comment. The President may request a  
24 City official to investigate an issue raised and later report to a committee or to the Board.

25 n:\govern\as2023\9690021\01661684.docx

## Patrick Monette-Shaw

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April 3, 2023

San Francisco Board of Supervisors Rules Committee  
The Honorable Matt Dorsey, Chair, Rules Committee  
The Honorable Shamann Walton, Member, Rules Committee  
The Honorable Ahsha Safai, Member, Rules Committee  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: **Agenda Item #6, Board File #230306: Amending the Rules of Order - Providing for Remote Public Comment Opportunities**

Dear Chair Dorsey and Rules Committee Members,

I support Agenda Item 6 on the Rules committee's agenda for April 3, but with some concerns.

I welcome, the Board of Supervisors' Rules of Order that creates new Rule 1.3.3, *In-Person and Remote Public Comment*, to allow for call-in remote public comment.

And I welcome revising Board Rule 4.22, *Public Comment*, to remove the provision that the Board President or Board could limit public comment to just 30 minutes.

Both are great steps in revising your Rules of Order.

Because a stated goal at the outset of the remote Public Comment debate had been to develop a standardized process for all Boards, Commissions and policy bodies for a uniform approach in the City, I believe you should consider making two further amendments.

1. Add in Rule 4.22 a provision of having a General Public Comment period on the agenda's for each of the Board's various committees so that members of the public can make Public Comments on items that are **not** on any given agenda, but fall within the scope of the Committee's purpose, to allow the public to bring up issues they believe the Committee should take up during future Committee hearings. Most Boards and Commissions and other policy bodies have a General Public Comment Period for just this purpose, and the Board's various Committees should do so, too.
2. I recommend the Board add a provision in the new Rule 1.3.3, *In-Person and Remote Public Comment*, that the Board of Supervisors recommends each Board, Commission, and Policy Body also adopt non-time limited remote public comment for Public Comment, again, to standardize policy in the City across every Policy Body. I recommend that because many of the Policy Bodies are adopting their own rules, some of which have not allowed, or have restricted the Remote Call-In.

Take, for example, the Health Commission, which has adopted an **inequitable three-tiered** Remote Call-In structure that requires members of the public to publicly identify themselves as have a disability in order to be granted a reasonable accommodation to speak during a non-time limited period. Having to self-identify in advance of the meeting as needing an accommodation and a "code" violates their rights under the ADA and HIPAA. The Health Commission's three-tiered public comment structure is excerpted below.

### **Extract: Health Commission's New Three-Tiered Public Comment**

Each member of the public, whether attending remotely or in person, may address the Commission for up to three minutes.

1. Members of the public attending the meeting in person will have an opportunity to provide public comment on every item. **[Unlimited Time Amount for In-Person Attendees]**

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2. Remote public comment from people who have received an accommodation due to disability, as explained on page 4, will not count toward the 20-minute limit. **[Unlimited Time Amount for People With Disabilities Who Obtain a Reasonable Accommodation Request Beforehand]**
3. In addition to in-person public comment, the Health Commission will hear up to 20 minutes of remote public comment on each agenda item. ... Because of the 20-minute time limit, it is possible that not every person in the queue will have an opportunity to provide remote public comment.

Because you are removing from Board Rule 4.22, *Public Comment* Rule the provision to restrict Public Comment to a time-restricted 30-minute period, as an equity matter you should encourage all Boards, Committees, and Policy Bodies in the City to remove any provisions restricting public comment periods to 30 minutes. This is unlikely to create a burden on Policy Bodies because most Bodies will probably not have that many remote callers or in-person attendees.

As another equity matter, the Board of Supervisors should work to direct all Boards, Committees, and Policy Bodies in the City to have only a two-tiered public comment policy: First, speakers presenting testimony who attend in-person, and second, remote callers who wish to provide public comment without having to identify as being disabled.

All Policy Bodies should be encouraged to remove any third tier requiring people to identify as being disabled forcing them to self-identify publicly to be granted a so-called “reasonable accommodation” and allow Policy Bodies to then impose a time-restrict period for all other callers.

The Board of Supervisors may need to work with the City Administrator’s Office to enact these recommendations.

Respectfully submitted,

**Patrick Monette-Shaw**

*Columnist/Reporter*

*Westside Observer* Newspaper

cc: The Honorable Aaron Peskin, Board President  
The Honorable Connie Chan, Supervisor, District 1  
The Honorable Catherine Stefani, Supervisor, District 2  
The Honorable Joel Engardio, Supervisor, District 4  
The Honorable Dean Preston, Supervisor, District 5  
The Honorable Myrna Melgar, Supervisor, District 7  
The Honorable Rafael Mandelman, Supervisor, District 8  
The Honorable Hillary Ronen, Supervisor, District 9  
Angela Calvillo, Clerk of the Board  
Victor Young, Clerk of the Rules Committee

**From:** [Richard Rothman](#)  
**To:** [Young, Victor \(BOS\)](#)  
**Cc:** [Chan, Connie \(BOS\)](#); [ChanStaff \(BOS\)](#)  
**Subject:** Rules committee item 6  
**Date:** Saturday, April 1, 2023 8:04:43 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Supervisors,  
Below are the MTA rules for calling in. This is unfair to Seniors and people who live in Districts 1,4,7,11 and 10  
There should be one rule for all City Departments and should follow the Board's rules.

Best,  
Richard Rothman

**Public Comment Call-In:** 415.655.0001 **Access Code:** 2495 036  
2708# **Password:** 6822#

**Providing Public Comment:** Members of the public attending the meeting in person will have an opportunity to provide public comment on every action or discussion item.

In addition to in-person public comment, the Board will hear up to 10 minutes of remote public comment on each action or discussion item. The Board will hear remote public comment on items in the order that commenters add themselves to the queue to comment on the item. Because of the 10-minute time limit, it is possible that not every person in the queue will have an opportunity to provide remote public comment. Remote public comment from people who have received an accommodation due to disability will not count toward the 10-minute limit.

When prompted, dial \*3 to be added to the queue. Commenters will have up to two minutes to provide comment unless otherwise noted by the Chair. Please speak clearly, ensure you are in a quiet location, and turn off any TVs or computers around you.