

## 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