

SUNSHINE ORDINANCE TASK FORCE



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City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco 94102-4689

President Aaron Peskin and Members
Board of Supervisors
1 Carlton B Goodlett Pl Ste 244
San Francisco CA 94102-4689

October 4, 2023

Re: **Oppose Eliminating Remote Public Comment at Board of Supervisors Meetings (File #231020)**

Dear President Peskin and Members:

By unanimous agreement at its October 4, 2023 regular meeting, the Sunshine Ordinance Task Force writes today regarding the anti-Semitic and racist remarks made at the Tuesday, September 26, 2023 Board of Supervisors meeting during Item 26, General Public Comment, and the Board's proposed response to those remarks.

First, we condemn the remarks made, in the strongest possible way, and completely disassociate from the ideas or views expressed. We believe that a local government public meeting should allow for reasonable dialogue and discourse on matters under the jurisdiction of that local government agency. Comments related to legislative or administrative matters, or other actions, by City departments, whether commendatory, constructively critical, or simply observations, should be welcome, but comments that violate the law or City policy, including anti-Semitic, discriminatory, harassing and racist language or threats, should be avoided or ended as soon as possible. We should not tolerate such remarks.

However, we recognize the general importance that public comment plays in our civic process, and the specific value that remote public comment has added since the COVID emergency began in 2020. We believe that more people, reflecting diverse communities and views, have been able to engage in public meetings, and provide testimony, without having to travel to City Hall or elsewhere to attend meetings in person. Those benefits are significant and tangible. While the opportunity for inappropriate comments has always been available to in-person speakers, remote public comment has added a new way for anonymous people to disrupt and distract from necessary public business. Indeed, it was not long ago that comments were made at an in-person meeting of the Building Inspection Commission, with a speaker suggesting that a previous Director of Building Inspection might be unable to perform her job duties due to being pregnant. That comment prompted Mayor Gavin Newsom to issue the Mayor's policy on discriminatory or harassing remarks made at public meetings in 2005, which is included in the City Attorney's Good Government Guide starting on page 197.

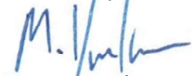
While we agree that anti-Semitic and racist remarks should be avoided, and immediately cut off if they are made, **we reject the idea that the only way to do so is to eliminate all remote public comment** at Board of Supervisors meetings, presumably Board committees, and perhaps other City Boards and Commissions, policy bodies, advisory bodies, and administrative hearings. The harm that would cause, by restricting public comment to only in-person speakers, would return to pre-2020

practices, reduce public participation, and limit public engagement to those with the ability, means, and time to attend meetings at City Hall or elsewhere.

Instead, we suggest that a balance be sought, to continue allowing, indeed encouraging, more civic engagement in public meetings through civil discourse on matters before City policy bodies, whether in-person or remote, with regular cautions about avoiding discriminatory or threatening remarks and clear guidance about what to do to isolate and remove such comments immediately. In particular, heightened concern should be anticipated regarding controversial items, including certain land use matters, litigation and personnel decisions (usually in closed session, with public comment in advance), and occasionally other items. Other than that, it appears to us that the most common venue for odd and sometimes off-topic comments comes during General Public Comment at regular Board of Supervisors meetings on Tuesdays. We are not aware of that happening during Board of Supervisors committee meetings on specific legislation or topical hearings. Thus, we suggest that additional measures be considered for your full Board meetings, including additional staff to moderate speakers or an added time delay.

We believe that further legal, policy and technology research is needed here, with possible budget implications as well, and so we suggest that City staff be asked to fully explore this issue, with all due speed, and recommend a workable approach that is at once targeted, Citywide, and adaptable. Further, guidance and training for Board and Commission members, as well as clerks and secretaries, should be refreshed. To that end, we are sending copies of this letter to certain City officials who we think should have an interest in this matter. We take this issue very seriously and would like to be involved further in the complexities here as you wish. Please do not hesitate to contact either me or Task Force Member David Pilpel for further information or assistance. Thank you in advance for your time and attention.

Sincerely,



Matt Yankee, Chair
Sunshine Ordinance Task Force

cc: Angela Calvillo, Clerk of the Board, Board of Supervisors
Carmen Chu, City Administrator
Jillian Johnson, Committee on Information Technology Director, Office of the City Administrator
Nicole Bohn, Mayor's Office on Disability Director, Office of the City Administrator
Jorge Rivas, Civic Engagement and Immigrant Affairs Director, Office of the City Administrator
David Chiu, City Attorney
Ben Rosenfield, Controller
Gayathri Thaikkendiyil, Acting Executive Director, Ethics Commission
Carol Isen, Human Resources Director
Sheryl Davis, Executive Director, Human Rights Commission
London Breed, Mayor
Linda Gerull, Executive Director, Department of Technology

From: [Board of Supervisors \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [De Asis, Edward \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS-Operations](#); [BOS-Legislative Services](#)
Subject: FW: About Motion 231020, A Motion of Appeasement
Date: Thursday, October 12, 2023 3:11:06 PM

Hello,

Please see attached for additional communication from Joe Kunzler regarding File No. 231020.

File No. 231020 - Amending the Rules of Order - Limiting Remote Public Comment Opportunities (Peskin)

Sincerely,

Joe Adkins
Office of the Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
Phone: (415) 554-5184 | Fax: (415) 554-5163
board.of.supervisors@sfgov.org | www.sfbos.org

From: Board of Supervisors (BOS)
Sent: Friday, October 6, 2023 2:39 PM
To: BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>
Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>; De Asis, Edward (BOS) <edward.deasis@sfgov.org>; Entezari, Mehran (BOS) <mehran.entezari@sfgov.org>
Subject: FW: About Motion 231020, A Motion of Appeasement

From: Joe A. Kunzler <growlernoise@gmail.com>
Sent: Friday, October 6, 2023 12:06 PM
To: Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>
Cc: Young, Victor (BOS) <victor.young@sfgov.org>; Calvillo; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Dorsey, Matt (BOS) <matt.dorsey@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Mandelman; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>
Subject: About Motion 231020, A Motion of Appeasement

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

Dear Supervisors;

I'm no Stefani but I'm gonna try. So tighten the seat belts, ok?

We know Motion 231020 is brought about with the best of intentions. To join the horde running away from the Nazi attackers.

But in 1940, Winston Churchill stood and fought - helped by American arms programs until America could get into The War. We know the rest.

In 2019, Catherine Stefani stood and fought like a mother. The NRA started to go back on their heels like the bullying, terroristic cowards they are.

In 2022, Voldomir Zelensky was offered a ride out of Ukraine and said famously, "I need ammunition, not a ride. The fight is here."

Zelensky went on to say,

"I am here. We are not putting down arms. We will be defending our country, because our weapon is truth, and our truth is that this is our land, our country, our children, and we will defend all of this."

In 2023, Catherine Stefani stood and fought like a Zelensky. Our weapons are truth, courage and some tech stuff. Simple resolve is stopping the Nazis. Washington State would be more than happy to help The State of Stefani. It's our obligation? WHY? Freedom is not free. We all wanna be Catherine Stefani and make our mark on the nation.

So I call upon you to repeal this motion of appeasement. This motion has enjoyed the sponsorship of only one Supervisor. This motion will signal clearly: You can close the skies to all over California if you spew hate. I thought THIS was also the personification of a great state in California:



This motion puts my Washington State at risk. This motion puts the entire open government community at risk.

So imagine if one city just said... NO. NO, we will *not* submit. NO, rather we will stand like a Stefani. That city is yours. The road to restoring SF's honor and luster starts on Van Ness Avenue. Not Union Street. Not California Street. Not Judah Street. Van Ness Avenue at Clerk Angela's in Supervisor Stefani's command bunker. *Thanks as you can guess WHO I stand with:*



Americans who remember WWII - and what led up to it - don't appease. Because what's next? In-person oral public comment? Worse? I must say, I must say you give a bully a victory they'll want another and another.

Remember, I've fought Alex Tsimerman and won, including a historic \$30,000 fine for campaigning without public disclosure. I know how, when and where to fight. Because somebody's gotta stand like a Stefani against the dark up here.

Literally, that's what I'm asking this Board to do:

VETO MOTION 231020 AS WELL INTENDED BUT THE WRONG DIRECTION.

STAND UP AGAINST THE NAZIS AND LEAD AS SAN FRANCISCO USED TO.

STAND LIKE A STEFANI AGAINST THE DARK AND SEND SOMEONE STEFANI-ESQUE TO SACRAMENTO TO FIX THE BROWN ACT, STOP THE

HATE AND UNLOCK THE ZELENSKY & STEFANI WITHIN.

WE CAN DO THIS;

Joe A. Kunzler

growlernoise@gmail.com

Patrick Monette-Shaw

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San Francisco, CA 94109
Phone: (415) 292-6969 • e-mail: pmonette-shaw@earthlink.net

October 13, 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 #10, Board File #231020: Opposition to Amending the Rules of Order —
Limiting Remote Public Comment Opportunities**

Dear Chair Dorsey and Rules Committee Members,

Along with the Sunshine Ordinance Task Force and Mr. Joe A. Kunzler, I also strongly oppose Supervisor Aaron Peskin's proposed Motion to amend the Board of Supervisors "*Rules of Order*" to discontinue remote public comment during Board Meetings, and meetings of the Board's various Committees.

While I strongly oppose antisemitic comments being espoused in any setting, and during any public meetings, it seems as if Supervisor Peskin's Motion is an over-reaction and goes too far, although Peskin is right to be greatly offended by any display of antisemitism.

If the antisemitic comments were actually made by a person attending a Board meeting in person, eliminating remote public comment will not fix the problem of speakers attending in person and making repugnant comments. I agree with the SOTF that **greater care should be taken by immediately cutting of the microphone of speakers attending in person** who make antisemitic remarks. That's the quickest and most effective means of silencing abhorrent abuse of Free Speech.

It also seems that curtailing remote public comment is an over-reaction to a single occurrence of antisemitic comments. In the scheme of things, how many times in recent memory has a similar problem occurred? Eliminating remote call-in for a single (or rare) occurrence of offensive public comment seems to be taking an atomic bomb to kill a poisonous rattlesnake.

As well, when the Board of Supervisors took up the issue of ending remote public comment last February, the City Administrator's Office developed standardized "rules" for City Boards and Commissions to handle remote public comment uniformly. Should Supervisor Peskin's new Motion in Board File 231020 pass, it may well lead to Boards and Commissions throughout the City also deciding to end remote dial-in public comment, which would be unhealthy for our Democracy, as Mr. Kunzler rightly notes. I agree with Kunzler that Ukrainian president Volodymyr Zelenskyy would be appalled by Peskin's extreme solution as being utterly anti-democratic.

Please unanimously vote "No" on this Motion during the Rules Committee meeting on Monday, October 16, and forward a Recommendation of "*Do Not Adopt*" during Tuesday's full Board of Supervisors meeting.

Respectfully submitted,

Patrick Monette-Shaw
Columnist/Reporter
Westside Observer Newspaper

cc: The Honorable Aaron Peskin, Board President
Angela Calvillo, Clerk of the Board of Supervisors
Victor Young, Clerk of the Rules Committee