

File No. 150156

Committee Item No. 3

Board Item No. 17

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date May 28, 2015

Board of Supervisors Meeting

Date June 23, 2015

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (MOU) |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 - Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 700 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vacancy Notice |
| <input type="checkbox"/> | <input type="checkbox"/> | Information Sheet |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Department of Human Resources Recommendation, dtd 3/27/15</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Alisa Somera Date May 22, 2015

Completed by: Alisa Somera Date June 4, 2015

1 [Administrative Code - Daily Calendars of Elected Officials and Department Heads]

2
3 **Ordinance amending the Administrative Code to require that all City elected officials**
4 **keep public daily calendars of their meetings and events, and to require that calendars**
5 **kept by elected officials and department heads include information about the identities**
6 **of people attending meetings or events.**

7
8 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. The Administrative Code is hereby amended by revising Section 67.29-5, to
17 read as follows:

18 **SEC. 67.29-5. CALENDARS OF CERTAIN OFFICIALS.**

19 (a) The Mayor, ~~The~~ City Attorney, ~~Treasurer, Assessor-Recorder, District Attorney, Public~~
20 ~~Defender, Sheriff, every member of the Board of Supervisors,~~ and every Department Head shall
21 keep or cause to be kept a daily calendar wherein is recorded the time and place of each
22 meeting or event attended by that official, either in person or by teleconference or other
23 electronic means, with the exclusion of purely personal or social events at which no City
24 business is discussed and that do not take place at City Offices or at the offices or residences
25 of people who do substantial business with or are otherwise substantially financially affected
by actions of the City. For meetings not otherwise publicly recorded, the calendar shall
include a general statement of issues discussed. Such calendars shall be public records and

1 shall be available to any requester three business days subsequent to the calendar entry
2 date.

3 (b) For meetings or events with ten or fewer attendees, the calendar shall also
4 identify the individual(s) present and organization(s) represented at each such the meeting or event if
5 known by the official, unless the official is aware that the disclosure information would reveal the
6 identity of a confidential whistleblower, would constitute an unwarranted invasion of personal
7 privacy, or would interfere with an individual's right to petition government where the individual has
8 sought and been assured confidentiality, would disclose the attendance of members or
9 representatives of a labor organization at a meeting to discuss matters within the scope of
10 representation, as that term is defined in California Government Code Section 3504, would
11 reveal personnel information not subject to disclosure, or is otherwise exempt from disclosure
12 under State and local law.

13 (bc) At any meeting or event with ten or fewer attendees, officials subject to subsection
14 (a) of this Section 67.29-5 shall attempt to identify names of attendees present, and the
15 organizations they represent; provided that an official shall not require any attendees to
16 identify themselves, unless the official is aware that those attendees are campaign
17 consultants registered with the Ethics Commission under Campaign and Governmental
18 Conduct Code Article I, Chapter 5; lobbyists registered with the Ethics Commission under
19 Campaign and Governmental Conduct Code Article II, Chapter 2; permit consultants
20 registered with the Ethics Commission under Campaign and Governmental Conduct Code
21 Article III, Chapter 4; and Developers of Major Projects, as defined in Campaign and
22 Governmental Conduct Code Section 3.510, if the Major Project is discussed at the meeting
23 or event; and employees or representatives of any entity that has received a grant from or
24 entered a contract with any City department within the previous 12 months. The official has
5 no duty to ascertain whether any attendees fall into these categories." After the Within three

1 business days after a meeting or event subject to this subsection (c), the official shall update
2 the daily calendar to include the names of the attendees and organizations identified by or
3 known to the official, and the organizations they represent.

4 (d) For the purpose of calculating the total number of attendees at a meeting or event
5 under subsections (b) and (c), an official shall not include himself or herself.

6 (e) The obligations imposed under subsections (b) and (c), and the obligations
7 imposed upon members of the Board of Supervisors under subsection (a), shall not apply to
8 meetings or events where City business is discussed only incidentally; to unplanned, casual
9 conversations with residents; or to campaign-related meetings, events, and appearances.

10 Officials are not in violation of subsections (b) or (c), and members of the Board of
11 Supervisors are not in violation of subsection (a), if they have made a good faith effort to
12 comply with their obligations thereunder.

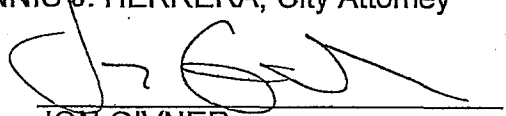
13
14 Section 2. Effective Date. This ordinance shall become effective 30 days after
15 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
16 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
17 of Supervisors overrides the Mayor's veto of the ordinance.

18
19 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
20 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
21 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
22 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
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additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
JON GIVNER
Deputy City Attorney

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REVISED LEGISLATIVE DIGEST

(6/16/2015, Amended in Board)

[Administrative Code - Daily Calendars of Elected Officials and Department Heads]

Ordinance amending the Administrative Code to require that all City elected officials keep public daily calendars of their meetings and events, and to require that calendars kept by elected officials and department heads include information about the identities of people attending meetings or events.

Existing Law

Under the San Francisco Sunshine Ordinance, the Mayor and all City department heads must keep a daily calendar that includes the time and place of each meeting or event attended by that official, and a general statement of the issues discussed at the meeting or event. The calendar does not have to include purely personal or social events at which no City business is discussed and that do not take place at City offices or at the offices or homes of people who do substantial business with or are substantially financially affected by City decisions. The calendar is a public record and must be provided to any member of the public upon request.

The calendar requirement does not apply to members of the Board of Supervisors. Additionally, the Sunshine Ordinance does not require that the calendar include the names of attendees at meetings or events, or the organizations that attendees represent.

Amendments to Current Law

The proposed ordinance would apply the calendar requirement to all City elected officials, including members of the Board of Supervisors, as well as non-elected department heads. The ordinance would require calendars to include telephone and other electronic conference calls as well as in-person meetings.

The ordinance would also require officials to include in their calendars the names of individuals attending meetings or events with ten or fewer attendees, as well as the organizations that those individuals represent, as long as the identities aren't otherwise confidential under State or local law. An official would be required to make a good faith attempt to gather names of attendees and their organizations to include in the calendar. The official could not require attendees to identify themselves, except for certain regulated groups like lobbyists, campaign consultants, and employees or representatives of entities that have received City grants or contracts in the previous twelve months. The official would have three business days after the meeting to update the calendar with names of attendees and the organizations they represent.

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The requirement to name attendees or their organizations, and the requirement for members of the Board of Supervisors to list meetings and events, would not apply meetings or events where City business is discussed only incidentally; to unplanned, casual conversations with residents; or to campaign-related meetings, events, and appearances.

Background Information

This legislative digest reflects amendments adopted by the Board of Supervisors at its June 16, 2015 meeting.

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Edwin M. Lee
Mayor

Micki Callahan
Human Resources Director

MEMORANDUM

DATE: March 27, 2015

TO: Supervisor John Avalos
Supervisor Eric Mar

FROM: Micki Callahan *Micki Callahan*
Human Resources Director

SUBJECT: BOS File No. 150156: Administrative Code - Daily Calendars of Elected Officials and Department Heads

CC: Alisa Somera, Assistant Clerk

Under San Francisco City Charter section 10.102 the Department of Human Resources (DHR) is charged with the following duties and responsibilities:

“Pursuant to and in accordance with policies, rules and procedures of the Civil Services Commission governing the merit system, the Department of Human Resources shall be the personnel department for the City and County and shall determine appointments on the basis of merit and fitness as shown by appropriate test and, except as specifically set forth in this Charter, shall perform all tests, duties and functions previously performed by the Civil Service Commission, including but not limited to authority to recruit, select, certify, appoint, train, evaluate, promote career development, classify positions, administer salaries, administer employee discipline, discharge and other related personnel activities in order to maintain an effective and responsive work force.”

“Subject to Section 11.100 hereof, the Department of Human Resources shall be responsible for management and administration of all labor relations of the City and County.”

Section 10.103 provides the following:

“The Human Resources Director shall review and resolve allegations of discrimination as defined in Article XVII of this Charter against employees or applicants, or otherwise prohibited nepotism or favoritism. Notwithstanding any other provisions of this Charter except the fiscal provisions hereof, the decision of the Human Resources Director shall forthwith be enforced by every employee and officer, unless the decision is appealed to the Commission in accordance with Section 10.101.”

“The Human Resources Director shall investigate all employee complaints concerning job-related conduct of City and County employees and shall promptly report to the source of the complaint.”

Additionally, labor negotiations are regulated by the Meyers-Milias-Brown Act (MMBA), the state law governing public employer-employee relations.

DHR supports the principles of open government and transparency. The department does, however, have some concerns about the language of this ordinance as it appears to call for disclosure of confidential meetings related

... employee investigations and discipline. In addition, because communications regarding labor matters subject to regulation of the MMBA, including disclosures relating to such communications, may interfere with labor negotiations or otherwise impinge on the mandates of the MMBA, we have provided suggested language to exempt meetings with labor on matters within the scope of representation (as defined in the MMBA), as well as confidential personnel matters, from the requirements of the ordinance.

DHR respectfully submits the following proposed language amendments, noted in double underline below:

SEC. 67.29-5. CALENDARS OF CERTAIN OFFICIALS.

The Mayor, ~~The~~ City Attorney, Treasurer, Assessor-Recorder, District Attorney, Public Defender, Sheriff, every member of the Board of Supervisors, and every Department Head shall keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended by that official, with the exclusion of purely personal or social events at which no City business is discussed and that do not take place at City Offices or at the offices or residences of people who do substantial business with or are otherwise substantially financially affected by actions of the City. The calendar shall identify the individual(s) present and organization(s) represented at each such meeting or event, unless the disclosure would reveal the identity of a confidential whistleblower, would constitute an unwarranted invasion of personal privacy, would reveal personnel information not subject to disclosure, or would interfere with an individual's right to petition government where the individual has sought and been assured confidentiality. For meetings not otherwise publicly recorded, the calendar shall include a general statement of issues discussed. Such calendars shall be public records and shall be available to any requester three business days subsequent to the calendar entry date.

This ordinance does not apply to meetings with labor organizations to discuss matters within the scope of representation as defined in California Government Code Section 3504.

Please contact DHR Chief of Policy Susan Gard at 415-551-8942 or susan.gard@sfgov.org if you have questions related to this proposal.

Somera, Alisa (BOS)

From: Bob Planthold <political_bob@att.net>
Sent: Tuesday, May 26, 2015 6:22 PM
To: Avalos, John (BOS); Tang, Katy (BOS); Cohen, Malia (BOS)
Cc: Pollock, Jeremy (BOS); Hsieh, Frances (BOS); Rubenstein, Beth (BOS); Summers, Ashley (BOS); Quizon, Dyanna (BOS); Law, Ray (BOS); Bruss, Andrea (BOS); Chan, Yoyo (BOS); Tugbenyoh, Mawuli (BOS); Somera, Alisa (BOS); Bob Planthold
Subject: 28 May Rules—items 2 and 3

Rues Committee members and staff,

I support Item 3, the requirement for Supes. also to disclose calendar of meetings.

I oppose item 2.

Item 2 —There is much history, regarding the topics covered/ addressed in this draft. Recommending passage would weaken SF's public disclosure laws on the eve of a major election. Please consider continuing this item, for further hearings.

Also, I support the analysis provided by/ through Friends of Ethics.

Item 3 —

It only makes sense for Supes. to be subject to same disclosure requirements as already applicable to the SF officials. One concern raised is the possibility of a so-called "de minimis" complaint, if somehow a Supe. failed to disclose the name of one person among several who meet with a Supe.

This is developing an hypothetical scenario to undermine an ordinance that already affects other city officials. The Ralph M. Brown Act and the Sunshine ordinance both specifically prohibit requiring any member of the public from disclosing an identifying name in order to attend a public meeting.

Even if a meeting with a Supe. on a pending measure is somehow not construed as a public meeting, the ordinance could be written so as to require those in the regulated community to report their contacts with a Supe. while also providing that a group meeting with a Supe. ought to provide the Supe. with a sign-in sheet where attendees are asked, but not required, to sign in.

Bob Planthold

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Micki Callahan, Director, Department of Human Resources

FROM: Alisa Somera, Clerk, Rules Committee
Board of Supervisors

DATE: March 19, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Avalos on February 10, 2015. This matter is being referred to you for informational purposes since it may affect your department.

File No. 150156

Ordinance amending the Administrative Code to require that all City elected officials keep public daily calendars of their meetings and events, and to require that calendars kept by elected officials and department heads include information about the identities of people attending meetings or events.

If you wish to submit any reports or documentation to be considered with the legislation, please send those to me at the Board of Supervisors, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Jose Cisneros, Treasurer
Carmen Chu, Assessor-Recorder
George Gascon, District Attorney
Jeff Adachi, Public Defender
Ross Mirkarimi, Sheriff
Naomi Kelly, City Administrator
Ben Rosenfield, City Controller
Todd Rufo, Director, Office of Economic and Workforce Development
Richard Carranza, Superintendent, SF Unified School District
Mohammed Nuru, Director, Public Works
Ed Reiskin, Executive Director, Municipal Transportation Agency
Monique Moyer, Executive Director, San Francisco Port
Harlan Kelly, Jr., General Manager, Public Utilities Commission
Phil Ginsburg, General Manager, Recreation and Park Department
John Martin, Director, San Francisco Airport

FROM: Alisa Somera, Clerk, Rules Committee
Board of Supervisors

DATE: February 17, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Avalos on February 10, 2015. This matter is being referred to you for informational purposes since it affects your department.

File No. 150156

Ordinance amending the Administrative Code to require that all City elected officials keep public daily calendars of their meetings and events, and to require that calendars kept by elected officials and department heads include information about the identities of people attending meetings or events.

If you wish to submit any reports or documentation to be considered with the legislation, please send those to me at the Board of Supervisors, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

c:
Amanda Kahn Fried, Office of Treasurer/Tax Collector
Edward McCaffrey, Office of the Assessor-Recorder
Cristine Soto DeBerry, Office of the District Attorney
Katherine Gorwood, Sheriff's Department
Todd Rydstrom, Deputy City Controller
Chris Armentrout, SF Unified School District
Jamila Brooks, SF Unified School District

Frank Lee, Public Works
Kate Breen, Municipal Transportation Agency
Janet Martinsen, Municipal Transportation Agency
Dillon Auyoung, Municipal Transportation Agency
Elaine Forbes, San Francisco Port
Juliet Ellis, Public Utilities Commission
Sarah Ballard, Recreation and Park Department
Cathy Widener, San Francisco Airport



Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Avalos, Mar

Subject:

Ordinance - Administrative Code - Daily Calendars of Elected Officials and Department Heads

The text is listed below or attached:

[Empty box for text listing]

Signature of Sponsoring Supervisor:

For Clerk's Use Only:

