

# SF BAY AREA RENTERS FEDERATION

1618 12<sup>th</sup> Street • Oakland, CA 94607 • Phone: 215.900.1457  
E-Mail: SFBARentersfed@googlegroups.com Web: www.sfbarf.org

Date: November 12, 2014

Administrator  
Sunshine Ordinance Task Force  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4683

## APPLICABLE STATUTORY SECTIONS:

**CA Government Code Sections 54950-54963, "The Ralph M. Brown Act"**  
54954.3(a) and (b) concern the opportunity for public comment.

## SUMMARY OF COMPLAINT:

The format of the Planning Commission hearings constructively violates Government Code Section 54954.3(a) "Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public," by making it impossible to know within a reasonable window<sup>1</sup> when the item of interest will be called.

## BACKGROUND:

According to our research, members of the public typically<sup>2</sup> must wait almost 2 hours to take advantage of their opportunity to address the commission for 3 minutes.

It is difficult to measure the number of people who would be commenting if commenting took only 20-30 minutes, instead of 2 hours. However, 16% of the members of public we interviewed at planning commission hearings who were there intending to testify *leave before they have an opportunity to comment*.

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<sup>1</sup> 20-30 minute window would be reasonable

<sup>2</sup> We found median wait time to be 112.5 minutes. See Appendix.

A recent study on wait times and pro-social behavior<sup>3</sup> found that every 20-minute increase in wait time resulted in a 14% decrease in participation. Extrapolating backwards suggests that the commission sees only half of the interested public for each item.

Moreover, the public that is able to comment is not a representative sample of the interested public. Based on interviews and survey data, the burden of long wait times falls heaviest on people who work for themselves, and people who can take off work but do not have paid personal time.

Long wait times are expensive. Out of eighteen people surveyed at the Planning Department's hearing on the sixteenth of October, eight had to give up wages to attend the hearing, a total of \$400, or an average of \$50 per person, in sacrificed wages; this does not include the people who were billing clients to attend the hearing. The total time spent by the 18 people we interviewed was 33 hours and 51 minutes.

Other sections of the Government Code recognize and bar indirect methods of impeding public comment. Section 54954(b) states meetings must be "held within the boundaries of the territory over which the local agency exercises jurisdiction." The Government Code recognizes that a public meeting requiring a 100 minute commute, for example, will be inaccessible to members of the public who can't spend that much time or money commuting. A 100-minute wait time excludes those same members of the public.

#### REMEDY:

Section 54954.3(b) "The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out," authorizes the planning commission to adopt a format that will reduce uncertainty and reduce wait times, restoring the public opportunity to comment.

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<sup>3</sup> Craig, Ashley Cooper and Garbarino, Ellen and Heger, Stephanie and Slonim, Robert, *Waiting to Give*. IZA Discussion Paper No. 8491. Available at SSRN: <http://ssrn.com/abstract=2505353>

We suggest each agenda *item* be scheduled. The commission's meetings may have to start earlier in the day; items that take more than their allotted times will have to be continued to another day or the following week. Items that take less than their allotted time will result in a recess between the end of the item's hearing and the beginning of the next scheduled item.

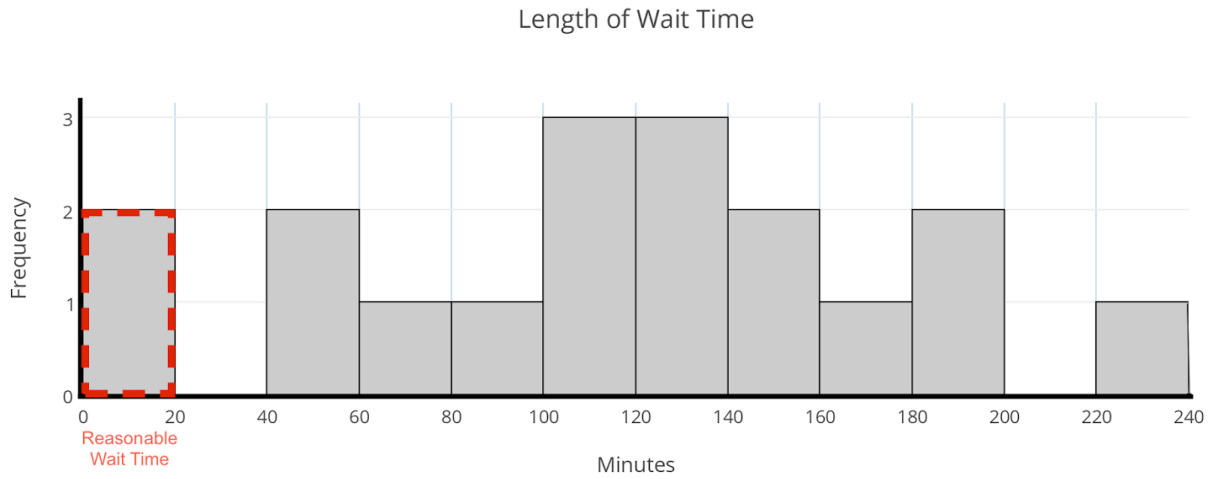
To achieve this goal, we propose the planning commission engage in a comprehensive study on the lengths each type of item takes over a three-month period, and schedule appropriately.

Sincerely,

Sade Kammen  
SF Bay Area Renters' Federation

APPENDIX:

Figure 1



Total Time Spent:

	Minutes
	0
	15
	44
	48
	75
	94
	104
	104
	105
	120
	121
	134
	150
	151
	164
	184
	194
	224
<b>Total:</b>	<b>2031</b>

People Who Left:

Minutes spent:	Left before item was half way through:	Left before item was over:
75	Yes	
105	Yes	
120	Yes	
194	Yes	
134		Yes
164		Yes
<b>Total:</b>	<b>792</b>	<b>4</b>

The total time spent by the 18 people was **33 hours and 51 minutes.**