



SF Environment

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A Department of the City and County of San Francisco

London N. Breed
Mayor

Tyrone Jue
Acting Director

City and County of San Francisco
[Commission on the Environment](#)

SPECIAL MEETING MINUTES DRAFT

Tuesday, May 10, 2022, at 6:00 PM
City Hall, Room 408
One Dr. Carlton B. Goodlett Jr. Place
San Francisco, CA 94102

Watch www.sfgovtv.org
PUBLIC COMMENT CALL-IN
1-415-655-0001 • Access Code: 2491 434 4545

This meeting will be held in person at the location listed above. As authorized by California Government Code Section 54953(e) and Mayor Breed's 45th Supplement to her February 25, 2020, emergency proclamation, it is possible that some members of the Commission on the Environment may attend this meeting remotely. In that event, those members will participate and vote by video.

Members of the public may attend the meeting to observe and provide public comment at the physical meeting location listed above or online at www.sfgovtv.org. Instructions for providing remote public comment can be viewed on pages 5-6 of this meeting agenda.

COMMISSION MEMBERS: Eddie Ahn (President), Heather Stephenson (Vice President), Elmy Bermejo, Austin Hunter, Mike Sullivan, Johanna Wald, and Sarah Wan.

ORDER OF BUSINESS

Public comment will be taken on each agenda item involving discussion or action before the Commission takes action on that item.

1. Call to Order and Roll Call.

The meeting was called to order at 6:21 p.m.

Present: Commissioners Eddie Ahn, Austin Hunter, Heather Stephenson, Mike Sullivan, and Sarah Wan.

Excused: Commissioners Elmy Bermejo and Johanna Wald.

2. Review and vote on whether to approve Resolution File 2022-03-COE, Resolution Making Findings to Allow Teleconferenced Meetings Under California Government Code Section 54953(e).

Speaker: Kyle Wehner, Commission Affairs Officer (Explanatory Document: Resolution File 2022-03-COE) (Discussion and Action)

The Commission will discuss and consider adoption of a resolution making findings that Government Code Section 54953(e) requires in order to allow the Commission to hold meetings remotely, as currently required under local law, without complying with certain Brown Act requirements.

Public Comment: David Pilpel reported that the meeting is not being broadcast on SFGovTV. Kyle Wehner noted that the meeting is web-only until the conclusion of the Board of Education meeting. Sara Greenwald began to speak about the Climate Action Plan. Kyle noted that public comment on this item is limited to comments on the resolution.

Upon a motion by Commissioner Wan and a second by Commissioner Hunter, the resolution was approved without objection. (Ayes: Commissioners Ahn, Hunter, Stephenson, Sullivan, and Wan. Noes: None; Absent: Commissioners Bermejo and Wald)

3. President's Welcome. (Discussion)

President Ahn delivered the land acknowledgment and welcomed everyone to the meeting.

Commissioner Wald joined the meeting.

Public Comment: David Pilpel reported that the meeting is not being broadcast on SFGovTV. Kyle Wehner noted the web address for the meeting feed. Sara Greenwald expressed support for additional funding for the City's Climate Action Plan.

4. Approval of Minutes of the March 22, 2022, Commission on the Environment Meeting. (Explanatory Document: March 22, 2022, Draft Minutes) (Discussion and Action)

Public Comment: David Pilpel described concerns relating to the form of the draft minutes.

Commissioner Wald exited the meeting.

Upon a motion by Commissioner Hunter and a second by Commissioner Wan, the draft minutes were approved without objection. (Ayes: Commissioners Ahn, Hunter, Stephenson, Sullivan, and Wan. Noes: None; Absent: Commissioners Bermejo and Wald)

5. General Public Comment. Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.

Public Comment: David Pilpel said the Public Integrity Review Preliminary Assessment raised important concerns and urged commissioners to take them seriously. Elena Engel expressed concern about the status of the Department of the Environment's budget request and advocated for additional funding.

6. Presentation on Public Integrity Review Preliminary Assessment and Update on the Implementation of Assessment Recommendations. Speaker: Tyrone Jue, Acting Director (Explanatory Documents: Public Integrity Review Preliminary Assessment, San Francisco Department of the Environment's Relationship with Recology and Lack of Compliance with Ethics Rules, and Letter Ending Relationship with Friends of SF Environment) (Discussion)

Commissioner Wald rejoined the meeting.

Acting Director Jue discussed the context of the Public Integrity Review Preliminary Assessment and described the Department's work to implement assessment recommendations.

Commissioner Hunter asked whether the Commission could make recommendations to the Controller's Office concerning the order and format of public hearings on the rate-setting process. Acting Director Jue said the Department will seek clarification from the Controller's Office.

Commissioner Sullivan asked about the status of a Department of Public Works order concerning the Department of the Environment's role in the rate-setting process. Acting Director Jue said it is his understanding that the order is still in place and noted the Department of Public Works could issue an additional order to provide clarity.

Commissioner Hunter noted that the Department does not produce an annual report and asked Acting Director Jue how the Department will report gifts in a manner consistent with disclosure requirements. Acting Director Jue confirmed that gifts are reported on the Department's website.

Commissioner Hunter asked whether gifts can be disclosed in the Commission's annual report. Acting Director Jue agreed that gifts and other ethics updates could be included in the annual report and featured in Director's reports throughout the year.

Commissioner Hunter suggested scheduling ethics trainings to coincide with the period preceding the Department's largest fundraising period.

Acting Director Jue described the relationship between the Department and Friends of SF Environment.

Commissioner Hunter asked whether the Department was aware of relationships between members of the board of Friends of SF Environment and other City departments or City staff. Charles Sheehan, Chief Policy and Public Affairs Officer, noted that Friends of SF Environment board members may have connections with the City and may be former City employees.

Vice President Stephenson said that ethics training should draw clear distinctions between sponsorships and gifts. Acting Director Jue and Sarah Crowley, Deputy City Attorney, noted that, per the behested payments rule, there is no distinction between sponsorships and gifts.

Commissioner Wald asked whether the Department had considered creating an ethics officer position. Acting Director Jue confirmed the Department has requested funding to create a senior position to assist with budgeting, ethics, contracts, and grant compliance. Acting Director Jue said a job description will be made available.

Commissioner Hunter asked whether the Department must receive the Commission's approval to charge fee-based tours before requesting approval from the Board of Supervisors. Acting Director Jue said the Department will investigate this issue and noted that the Commission could set a policy requiring approval of fee-based tours before pursuing other steps in the process.

Vice President Stephenson asked what percentage of the Department's historical and present budgets would have been impacted by the behested payments rule. Acting Director Jue said he will make this information available to the Commission at a future meeting.

Commissioner Wan exited the meeting.

Kyle Wehner described the authorization requirements for budget contracts, MOUs, and grants at comparable City commissions. President Ahn asked how the commissions were selected and why the Public Utilities Commission and the Department of Public Works were not featured. Charles said the Department focused on commissions that are of an approximately similar size or engage in similar activities. President Ahn asked if the Department could identify the average size of a Department of Environment grant or contract. Charles confirmed this information will be made available.

Commissioner Wald noted that, when reviewing the Department budget, the Commission should be provided with a list of contracts and grants received by the Department. Vice President Stephenson expressed support for having this information made available on a rolling basis.

Commissioner Hunter requested that the Department provide the Commission with multiple oversight options rather than a single recommendation, and asked that commissioners have a clear understanding of how much additional work they would be taking on as a result of changes that are adopted. Commissioner Hunter asked about the Department's timeline for implementing recommendations. Acting Director Jue said the Department is committed to addressing the challenges addressed in the Controller's report as soon as possible.

President Ahn requested that the Department's response to the issues raised in the Preliminary Assessment be agendaized at future Commission meetings.

Public Comment: David Pilpel described actions the Department should take in response to the Public Integrity Review Preliminary Assessment.

7. Director's Report. Speaker: Tyrone Jue, Acting Director (Discussion)

Acting Director Jue reported that the general fund request was not included in the Mayor's budget. Acting Director Jue noted that the Department remains engaged in discussions with the Mayor's Office on this issue.

Commissioner Hunter expressed his preference for an update from Acting Director Jue on his broader goals for the Department at a future Commission meeting. Acting Director Jue said the Department will make available requested information on the Department's budget at the next Commission meeting but noted that additional time will be needed to develop and present on long-term goals.

Public Comment: David Pilpel described actions the Department should take in response to the Public Integrity Review Preliminary Assessment. Sara Greenwald expressed support for the Commission's work to promote clarity and transparency at the Department.

8. New Business/Future Agenda Items. Speaker: Charles Sheehan, Chief Policy and Public Affairs Officer (Discussion)

Charles Sheehan reviewed the schedule for future meetings and potential agenda items.

Vice President Stephenson asked that the Commission review options for hybrid meetings.

There was no public comment.

9. Adjournment.

The meeting was adjourned at 8:33 p.m.

The next meeting of the Commission on the Environment is scheduled for Tuesday, May 24, 2022, at 5:00 p.m.

Information on upcoming deadlines, public hearings and meetings, as well as archived minutes and agendas, is available on the SFEnvironment.org website.

Remote Meeting Access

Attending the Meeting: Watch or Listen

Members of the public have the following options for attending the meeting:

WATCH (via SFGovTV) - www.sfgovtv.org

OR

Watch the meeting using a computer or smart device by clicking on the following link:

<https://ccsf.webex.com/ccsf/onstage/g.php?MTID=ef155c3de0f2e5f0e293fa6569e4f5330>

OR

Attend meeting in-person at City Hall, Room 408.

Participating During Public Comment: By Phone

Members of the public will have opportunities to participate during public comment. The public is asked to wait for the specific agenda item of interest before making a comment on that item. Comments will be addressed in the order they are received. When the moderator announces that the Commission is taking public comment, members of the public can:

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<ul style="list-style-type: none"> • Ensure you are in a quiet location • Speak clearly • Turn off any TVs or radios around you 	<ol style="list-style-type: none"> 1. When prompted, "raise hand" by pressing *3 and you'll be queued. 2. Callers will hear silence when waiting for your turn to speak. Operator will unmute you. 3. When prompted, callers will have the standard three minutes to provide comment.
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Participating During Public Comment: In-person

Members of the public will have opportunities to participate during public comment. The public is asked to wait for the particular agenda item before making a comment on that item. Comments will be batched so all Webex or Phone comments will typically go together, and all in-person comments will typically go together. When the moderator announces that the Commission is taking public comment, members of the public can stand before the Commission and be called forward.

Copies of explanatory documents are available (1) on the Commission's website <http://www.sfenvironment.org/commission>; and (2) upon request to the Commission Affairs Officer, at telephone number (415) 355-3709, or via e-mail at kyle.wehner@sfgov.org.

Important Information

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

NOTE: Persons unable to attend the meeting may submit to the Committee, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of Committee Members. Any written comments should be sent to: Commission Affairs Officer, Department of the Environment, 1155 Market Street, 3rd Floor, San Francisco, CA 94103 by 5:00 p.m. on the day prior to the hearing. Comments that cannot be delivered to the Commission Affairs Officer by that time may be taken directly to the hearing at the location above. When bringing handouts to meetings, please photocopy on both sides of the paper and try to use post-consumer recycled or tree-free paper. Also, please bring sufficient copies of handouts for the Commission, the Commission Affairs Officer and the public.

Public Comment

At this time, members of the public may address the Commission on items of interest that are within the subject matter jurisdiction of the Commission but are not on today's agenda. Public comment will be taken following each agenda item. Each member of the public may address the Commission for up to three minutes, unless otherwise announced by the President. If it is demonstrated that the comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

The Brown Act forbids the Commission from taking action or discussing any item or issue not appearing on the posted agenda. This rule applies to issues raised in public comment as well. In response to public comment, not on an agenda item, the Commission is limited to:

1. Briefly responding to statements made or questions posed by members of the public, or
2. Request staff to report back on a matter at a subsequent meeting, or
3. Directing staff to place the item or issue on a future agenda (Government Code Section 54954.2(a).)

Disability Access

To obtain a disability-related accommodation, including auxiliary aids or services, or to obtain meeting materials in alternative format, please contact Kyle Wehner at (415) 355-3709. Providing at least 72 hours' notice will help to ensure availability. Written reports or background materials for calendar items are available for public inspection and are available online at <https://sfenvironment.org/environment-commission>. Public comment will be taken on each item before or during consideration of the item.

The following services are available on request 72 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact Kyle Wehner at (415) 355-3709 to make arrangements for the accommodation. Late requests will be honored, if possible.

Language Access

Per the Language Access Ordinance (Chapter 91 of the San Francisco Administrative Code), Chinese, Spanish and or Filipino (Tagalog) interpreters will be available upon requests. Meeting Minutes may be translated, if requested, after they have been adopted by the Commission. Assistance in additional languages may be honored whenever possible. To request assistance with these services please contact the Commission Affairs Officer at (415) 355-3709 or kyle.wehner@sfgov.org at least 48 hours in advance of the hearing. Late requests will be honored if possible.

語言服務

根據語言服務條例(三藩市行政法典第91章), 中文、西班牙語和/或菲律賓語(泰加洛語)傳譯人員在收到要求後將會提供傳譯服務。翻譯版本的會議記錄可在委員會通過後透過要求而提供。其他語言協助在可能的情況下也將可提供。上述的要求, 請於會議前最少48小時致電 (415) 355-3709或電郵至 kyle.wehner@sfgov.org 向委員會秘書提出。逾期提出的請求, 若可能的話, 亦會被考慮接納。

Acceso A Idioma

De acuerdo con la Ordenanza de Acceso a Idiomas "Language Access Ordinance" (Capítulo 91 del Código Administrativo de San Francisco "Chapter 91 of the San Francisco Administrative Code") intérpretes de chino, español y/o filipino (tagalo) estarán disponibles de ser requeridos. Las minutas podrán ser traducidas, de ser requeridas, luego de ser aprobadas por la Comisión. La asistencia en idiomas adicionales se tomará en cuenta siempre que sea posible. Para solicitar asistencia con estos servicios favor comunicarse con el Secretario de la Comisión al (415) 355-3709, o kyle.wehner@sfgov.org por lo menos 48 horas antes de la reunión. Las solicitudes tardías serán consideradas de ser posible.

Access Sa Wika

Ayon sa Language Access Ordinance (Chapter 91 ng San Francisco Administrative Code), maaaring mag-request ng mga tagapagsalin sa wikang Tsino, Espanyol, at/o Filipino (Tagalog). Kapag hiniling, ang mga kaganapan ng miting ay maaring isalin sa ibang wika matapos ito ay aprobahan ng

komisyon. Maari din magkaroon ng tulong sa ibang wika. Sa mga ganitongu ri ng kahilingan, mangyaring tumawag sa Clerk ng Commission sa (415) 355-3709, o kyle.wehner@sfgov.org sa hindi bababa sa 48 oras bago mag miting. Kung maari, ang mga late na hiling ay posibleng pagbibigyan.

**Know your Rights under the Sunshine Ordinance
(Chapter 67 of the San Francisco Administrative Code)**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, City Hall, Room 244, One Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-5163; E-mail: sotf@sfgov.org. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.sfgov.org.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, 2nd Floor, San Francisco, CA 94102; telephone (415) 252-3100, fax (415) 252-3112, web site at www.sfgov.org/ethics.

Kyle Wehner, Commission Affairs Officer
TEL: (415) 355-3709