

**SUNSHINE ORDINANCE
TASK FORCE**



**City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TDD/TTY No. (415) 554-5227**

ORDER OF DETERMINATION

June 3, 2009

DATE THE DECISION ISSUED

May 26, 2009

RAYMOND BANKS v. SAN FRANCISCO HIV HEALTH SERVICES PLANNING COUNCIL (09022)

FACTS OF THE CASE

Complainant Raymond Banks is a member of the San Francisco HIV Health Services Planning Council ("Council"). The Council is a federally mandated and supported program made up of volunteers who, in San Francisco, are appointed by the Mayor of San Francisco. The authority for the Council comes from Title I and II of the Ryan White CARE Act of 2006.

Raymond Banks lodged a complaint with the Council against Council Members Mark Molnar, Steve Manley and Laura Thomas over their alleged efforts to call into question the conduct of member Raymond Banks at council meetings. In order to process these charges, the Council established a Special Membership Committee ("Committee") to investigate the complaint and to conduct interviews of the parties to the complaint.

On February 18, 2009, the Committee met to develop the procedures to hear the complaint. At this meeting, the Committee discussed whether to close the meeting to the public but allow access to other parties who have an interest in the case. The committee decided to conduct interviews of Council Members Mark Molnar, Steve Manley and Laura Thomas at this meeting and to conduct the interview of Raymond Banks on February 25, 2009. The Committee also scheduled a third meeting date on April 13, 2009, to wrap up the investigation.

COMPLAINT FILED

On May 10, 2009 Raymond Banks filed a complaint against the Council alleging that the Committee's closing of the investigation hearings to the public and its failure to make the testimony of the Council Members a part of the minutes of the hearings violated the Sunshine Ordinance and the State Brown Act.

ORDER OF DETERMINATION**HEARING ON THE COMPLAINT**

On May 26, 2009, Complainant Raymond Banks appeared before the Task Force and presented his claim. Respondent Agency was represented by Mark Molnar, the interim Planning Council Support Director, and Steve Manley, a co-chair of the Planning Council.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Task Force found that the February 18, 2009, meeting where the testimony of Council Members Mark Molnar, Steve Manley and Laura Thomas was taken was, in fact, open to the public. The Task Force also noted that the majority of minutes from the Council's meetings (found at the public library's Government Information Center) were in draft form and very few versions had been approved.

The Task Force also found that all of the Council's meetings, including the February 18, 2009, meeting, are audio recorded and transcribed for persons with disabilities when a request is received.

DECISION AND ORDER OF DETERMINATION

The Task Force found that the Planning Council did not violate the Sunshine Ordinance, but recommended that the Council revise its minutes of the February 18, 2009, meeting to include a one sentence summary that reflected each Council Member's position on the agenda item regarding Mr. Banks. The matter was referred to the June 11, 2009, Education, Outreach and Training Committee meeting.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on May 26, 2009, by the following vote: (Knoebber / Goldman)

Ayes: Craven-Green, Knee, Washburn, Knoebber, Johnson, Goldman, Chu

Noes: Williams

Excused: Cauthen, Chan



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Raymond Banks, complainant
Mark Molino, respondent
Ernie Llorente, Deputy City Attorney