

Date: August 10, 2010

Item No. 2
File No. _____

SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST*

- Draft Minutes: Compliance and Amendments March 9, 2010**
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Completed by: Chris Rustom

Date: August 4, 2010

***This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

** The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



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**SUNSHINE ORDINANCE TASK FORCE
COMPLIANCE AND AMENDMENTS COMMITTEE
DRAFT MEETING MINUTES
Tuesday, March 9, 2010
4:00 p.m., City Hall, Room 406**

Committee Members: Erica Craven-Green (Chair), Richard Knee, Allyson Washburn, Doyle Johnson, Nick Goldman

Call to Order: 4:00 p.m.

Roll Call: Present: Craven-Green, Knee, Washburn, Johnson, Goldman

Deputy City Attorney: Jerry Threet
Clerk: Chris Rustom

Agenda Changes: None

1. Approval of February 9, 2010, meeting minutes
Motion to continue matter to April 13, 2010. (Knee / Goldman)
Public Comment: None
Continued without objection.
2. 09075 Hearing on the status of the January 26 Order of Determination of Bred Starr against the City Attorney's Office.
Complainant Bred Starr was not present. There was no one in the audience to present facts and evidence on behalf of the complainant.
Jack Song, a public information officer with the City Attorney's Office, said his office has released two disciplinary letters to Ms. Starr, but withheld the investigative report because it comes under the attorney-client privilege and attorney work product.
Chair Craven-Green said she was not surprised by the stand taken by the City Attorney's Office. She said it was a position generally taken by county counsel and state attorneys regarding investigations of employee misconduct done by in-house attorneys.

Members then discussed the possibility of referring the matter to the Ethics

Commission, the District Attorney, the Board of Supervisors or the State Attorney General's Office.

Motion to send matter back to the Task Force for referral to an enforcement agency.

Public Comment: None

On the motion: Without objection

3. 09079 Hearing on the status of the January 26 Order of Determination of Kenneth Kinnard against the Human Rights Commission.

Complainant Kenneth Kinnard said the Human Rights Commission contacted him and said there were a few hundred documents available for his review. Those documents, he said, are not what he wanted. He said the documents he wanted were evidence related to HRC's decision to deny B&K Trucking's recertification because it was found to be operating as a broker and not as an independent trucker. He urged the committee to refer the matter to the District Attorney's Office.

Respondent Melinda Kanios of the Human Rights Commission said she has informed Mr. Kinnard by various means that B&K's certification files from 1999 and 2002, the appeals file, and the hearing officer's decision file are ready for his review. Mr. Kinnard, she said, has not responded.

Chair Craven-Green said the Task Force cannot review an HRC decision, could not determine whether a statement was inflammatory, and could not ask HRC to rewrite their minutes. The HRC, she said, was found in violation of not responding to an Immediate Disclosure Request by the end of the next business day. However, she said, she believes the HRC has produced the documents that were responsive to Mr. Kinnard's request.

In closing, Ms. Kanios said HRC would follow through with Mr. Kinnard regarding the review and copying of documents if necessary. Mr. Kinnard said the arbitrator has stated that there was no evidence to support the claim that he had played the role of a broker.

No further action.

4. Developing recommendations for the proposed electronic document retention policy of the Sunshine Ordinance Task Force.

There is nothing new or pressing to discuss. The issues Mr. Kimo Crossman presented had been visited before, she said.

Item concluded.

5. Consideration of proposed amendments to Articles I through IV of the Sunshine Ordinance, specifically but not limited to definitions and duties of policy bodies and passive meeting bodies, Sections 67.3 and 67.4.

Members suggested some changes to the language in the proposed amendments

and those were accepted without objection.

The changes included :

Delete "that is" in Section 67.3 (b)(1)

Delete "other" in Section 67.3 (b)(3)

Unstrike and reinstate Section 67.(3)(d)(5). It is related to passive meeting bodies.

Section 67.(3)(d)(1): Strike out "the Mayor" and "other than the Mayor." Sentence to read "the Mayor, a department head or someone operating with the department head's authority."

Section 67.(3)(c)(5) to read "created by the initiative of a policy body."

Unstrike and reinstate Section 67.(3)(d)(6) and change "which" to "that."

Delete (1) from Section 67.4(b).

Section 67.4(c): delete "at his and her discretion."

Section 67.4 (d) second para to read: "Gatherings subject to this subsection include the following: advisory committees created by the initiative of a member of a policy boody, the Mayor, the City Administrator, an elective officer, or a department head, or someone operating with the department head's authority ..."

Public Comment: None

Item continued.

6. Administrator's Report.

Mr. Rustom made the report.

Public Comment: None

7. Public Comment on items not listed on the agenda: None

8. Announcements, questions, and future agenda items from Committee members.

Member Johnson said he will not be at the next Task Force meeting. Ex-member Chu to be honored at next Task Force meeting.

Adjournment

The meeting adjourned at 5:20 p.m.

This meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force