

Date: May 26, 2009

Item No. 6 & 7
File No. 09022

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Raymond Banks v SF HIV Health Services Planning Council
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Completed by: Chris Rustom

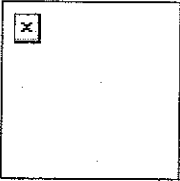
Date: May 15, 2009

***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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DENNIS J. HERRERA
City Attorney

ERNEST H. LLORENTE
Deputy City Attorney

DIRECT DIAL: (415) 554-4236
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MEMORANDUM

May 18, 2009

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

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING FACTS:

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. Certain members of the Council have brought charges against Raymond Banks and have alleged that his conduct during meetings have been detrimental to the operation of the Council. 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 decided to close the meeting to the public but to allow other parties who have an interest in the complaint to be present at the hearings. The Committee also 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.

Raymond Banks alleges that after the Committee completed its hearings it did not make the testimony of Mark Molnar, Steve Manley and Laura Thomas a part of the minutes of the hearings.

COMPLAINANT FILES COMPLAINT:

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 who brought the complaint a part of the minutes of the hearings caused the Council to be in violations of the Sunshine Ordinance and the State Brown Act.

Memorandum

THE RESPONDENTS REPLIED AS FOLLOWS:

As of the date of the drafting of this memorandum, the Respondents have not submitted a formal response to Raymond Banks' Complaint.

APPLICABLE STATUTORY SECTION:

1. Sunshine Ordinance, San Francisco Administrative Code Section 67.1 addresses Findings and Purpose.
2. Sunshine Ordinance, San Francisco Administrative Code Section 67.10(b) addresses permissible topics for closed sessions.
3. Sunshine Ordinance, San Francisco Administrative Code Section 67.16 addresses minutes of Policy Body meetings.
4. California Constitution, Article I, Section 3 addresses, open meetings.

APPLICABLE CASE LAW: NONE

ISSUES TO BE DETERMINED

1. FACTUAL ISSUES

A. Uncontested Facts:

- The complaint is within the subject matter jurisdiction of the Task Force.
- The Meetings of the Committee were closed to the public but interested parties were allowed to attend the sessions.
- The Council did not provide the testimony of those interviewed in its minutes.

B. Contested facts/ Facts in dispute:

The Task Force must determine what facts are true.

i. Relevant facts in dispute:

- Whether the closing of the Committee Meetings to the Public with a provision for those interested in the proceedings would be allowed to attend violated the open meeting laws?

Memorandum

- Whether the failure of the Committee to put the testimony of those interviewed by the Committee in the meeting minutes violated the open meeting laws?

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- Did the investigation involve an employee? (Note: 67.10 of the Ordinance allows for closed sessions if it involves an employee)
- Did the minutes of the meeting comply with the requirements of 67.16 of the Ordinance?

LEGAL ISSUES/LEGAL DETERMINATIONS;

- Were sections of the Sunshine Ordinance (Section 67.10 and 67.16), Brown Act, Public Records Act, and/or California Constitution Article I, Section three violated?
- Was there an exception to the Sunshine Ordinance, under State, Federal, or case law?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THAT THE ALLEGED VIOLATIONS TO BE TRUE OR NOT TRUE.

Memorandum**THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 59 IN 2004 PROVIDES FOR OPENNESS IN GOVERNMENT.**

Article I Section 3 provides:

- a) The people have the right to instruct their representative, petition government for redress of grievances, and assemble freely to consult for the common good.
- b)(1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
 - 2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protect by the limitation and the need for protecting that interest.
 - 3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.
 - 4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided by Section 7.
 - 5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings or public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.
 - 6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committee, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions: nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

Memorandum**ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE (THE SUNSHINE ORDINANCE) UNLESS OTHERWISE SPECIFIED**

Section 67.1 addresses Findings and Purpose

The Board of Supervisors and the People of the City and County of San Francisco find and declare:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.
- (c) Although California has a long tradition of laws designed to protect the public's access to the workings of government, every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New approaches to government constantly offer public officials additional ways to hide the making of public policy from the public. As government evolves, so must the laws designed to ensure that the process remains visible.
- (d) The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret, and those circumstances should be carefully and narrowly defined to prevent public officials from abusing their authority.
- (e) Public officials who attempt to conduct the public's business in secret should be held accountable for their actions. Only a strong Open Government and Sunshine Ordinance, enforced by a strong Sunshine Ordinance Task Force can protect the public's interest in open government.
- (f) The people of San Francisco enact these amendments to assure that the people of the City remain in control of the government they have created.
- (g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process.

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Section 67.10 addresses permitted topics for closed session of policy bodies.

Section 67.10(b) provides:

A policy body may, but is not required to hold closed sessions:

b) To consider the appointment, employment, evaluation of performance, or dismissal of a City employee, if the policy body has the authority to appoint, employ, or dismiss the employee, or to hear complaints or charges brought against the employee y another person or employee unless the employee complained of requests a public hearing. The Body may exclude from any such public meeting, and shall exclude from any such closed meeting, during the comments of a complainant, any or all other complainants in the mater. The term "employee" as used in this section shall not include any elected official, member of a policy body or applicant for such a position, or person providing services to the City as an independent contractor or the employee thereof, including but not limited to independent attorneys or law firms providing legal services to the City for a fee rather than a salary.

Section 67.16 addresses the minutes of meetings and provides:

The clerk or secretary of each board and commission enumerated in the charter shall record the minutes of each regular and special meeting of the board or commission. The minutes shall state the time the meeting was called to order, the names of the members attending the meeting, the roll call vote on each matter considered at the meeting, the time the board or commission began and ended any closed session, the names of the members and the names and titles where applicable, of any other persons attending any closed session, a list of those members of the public who spoke on each matter if the speakers identified themselves, whether such speakers supported or opposed the matter, a brief summary of each person's statement during the public comment period for each agenda item, and the time the meeting was adjourned.

THE CALIFORNIA BROWN ACT IS LOCATED IN THE STATE GOVERNMENT CODE SECTIONS 54950 ET SEQ. ALL STATUTORY REFERENCES, UNLESS STATED OTHERWISE, ARE TO THE GOVERNMENT CODE.

Section 54957 deals with Personnel Matters and the Exclusion of Witnesses

Section 54957 provides:

b(1) Subject to paragraph (2), nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed session during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee, or to hear complaints or

Memorandum

charges brought against the employee by another person or employee unless the employee requests a public session.

3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witness in the matter being investigated by the legislative body.

4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee, but shall not include any elected official, member of a legislative body or other independent contractors.



<complaints@sfgov.org>
05/11/2009 10:09 AM

To <soft@sfgov.org>
cc
bcc
Subject Sunshine Complaint

Submitted on: 5/11/2009 10:09:42 AM

Department: HIV Health Services Planning Council (Health Dept)

Contacted:

Public_Records_Violation: Yes

Public_Meeting_Violation: Yes

Meeting_Date:

Section(s)_Violated:

Description: See attached.

Hearing: Yes

Pre-Hearing: Yes

Date:

Name: Raymond Banks

Address:

City:

Zip:

Phone:

Email: 4poetics.i@gmail.com

Anonymous:

Confidentiality_Requested: No



melvin banks
<4poetics.i@gmail.com>

05/10/2009 10:58 AM

To SOTF <sotf@sfgov.org>

cc

bcc

Subject Amended complaint

Dear Sunshine,

I request that my complaint be amended. I request that the testimony of the HIV Health Services Planning Council Co Chair, Mark Molnar, Steve Manley, and Laura Thomas be made public and reflected in the minutes. Since the actions of the co chairs resulted in the creation of public documents, the letter of warning of 1/10/08 and the letter requesting my removal to Mayor Newsom 6/10/09, their testimony is part of the public domain. Therefore, the minutes of the special membership meeting on 2//18/09 (see attached) and on 4/13/09 must contain and reflect the co chairs testimony. Furthermore, the membership committee erred when it claimed that meeting should be closed to the public. I have not included the minutes of the meeting on 4/1/3/09 because they have not been approved and will subsequently do so when approved. I have highlighted the relevant sections in red. If my complaint 09015 cannot be amended, I respectfully submit a new complaint. Thank you.

Sincerely,

Raymond Banks

Council Member



2-18-09specialmembership.doc

HIV Health Services Planning Council
SPECIAL MEMBERSHIP COMMITTEE
Tuesday, February 18th, 2009
Department of Public Health
25 Van Ness Avenue, 3rd Floor, Room 330B
4:30-6:30 pm

Draft Minutes

Committee Members Present: Andrews, Banks, Flores, Harris, Hicks, Siron
Committee Members Absent: Frazier, Margolis
Others Present: Council Co-Chairs Manley, Molnar and Thomas, CM Jewell
Support Staff Present: Lee, Zhovreboff

1. Introductions

The meeting was called to order at 4:45pm by Co-Chair Hicks. Everyone introduced themselves and quorum was established.

2. Review/Approve Agenda

The agenda was reviewed and approved by consensus.

3. Review/Approve February 4th, 2009 Minutes

The February 4th, 2009 minutes were reviewed and approved by consensus.

4. Announcements

- The Committee took this time to discuss process surrounding the interviews. A few questions were raised regarding closed meetings, and it was determined that closed meetings are only closed to the public, not to Council Members, thus the questions were made available to all parties involved in the grievance process. This also brought up the question of whether the other parties would be allowed to be present during the interviews, and it was decided that they would.

- CM Andrews noted his appreciation that this process has been so open.

- Co-Chair Hicks reminded the Committee that the interviews will last a maximum of thirty minutes each, and that there was no need to stick only to the written questions.

- CM Flores asked for clarification, stating that he believed that CM Banks requested to be interviewed first, and was wondering why the Co-Chairs were now being interviewed first. Co-Chair Hicks noted that it had to do with the scheduling conflicts.

- CM Andrews noted the need for the ability of the Committee to call back the Co-Chairs for more questioning if other questions arise during the interview process with CM Banks.

- CM Flores suggested that there be three sessions, the first one being today's meeting,

the second being CM Banks' interview and the third being a chance for the committee to finish things up.

- CM Harris wanted to state on the record that all allegations have been thoroughly researched and reviewed by the Committee prior to beginning the interviews.

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P:\HIV Health Services Planning Council\Council Committees\2009\Membership\SPECIAL Meetings\Minutes\DRAFT Minutes\Copy of

February 18 2009 SPECIAL Membership DRAFT Minutes.doc

5. Public Comment

There was none.

6. Interviews – VOTE

The Committee interviewed the three Co-Chairs: Steve Manley, Laura Thomas and Mark Molnar.

The interview with Laura Thomas began at 5:03 PM.

The interview with Mark Molnar began at 5:35 PM.

The interview with Steve Manley began at 6:10 PM.

7. Determine Steps for further Investigation – VOTE

• There was discussion around the time allotment for Raymond Banks. Mr. Banks raised that, combined, the Co-Chairs had 90 minutes and felt that a 30-minute interview was unfair and would not allow him to fully present his case. The Committee replied that each Co-Chair testified separately in 30-minute intervals. Therefore, he is also to be given the same time. The Committee also shared that it had committed to a process and timeline for this investigation and in compliance with section 7.8, wished to conduct the investigation "as rapidly as possible." Members also shared that they have had a fair amount of exposure to the materials present and that any of the parties involved could submit additional information in writing if they felt they did not cover everything in the interview.

• Summary: Raymond Banks will be invited to a 30 minute interview on Wednesday, February 25, 2009 at 4:00 pm. The Committee encourages Raymond to come and participate in the interview.

8. Next Meeting Date & Agenda Items

The next Special Membership Meeting is tentatively scheduled for Wednesday, February 25th from 4:00-6:00pm, 20 Franklin Street, Derek Silva Community, San Francisco, CA 94102.

9. Adjournment

The meeting was adjourned at 6:32pm by Co-Chair Hicks.

Planning Council Members by Demographic Group (as of 5/15/09)

| | | |
|--|----|------|
| Total Planning Council Membership | 34 | 100% |
| Positive | 21 | 62% |
| Negative | 13 | 38% |
| Total Non-aligned Consumers (HIV Positive) | 15 | 44% |

Comparison of Planning Council Demographics and San Francisco Eligible Metropolitan Area (EMA) Demographics

Demographic information for the HSPPC through 4/13/09

| RACE | NUMBER | % |
|---------------------------|-----------|-------------|
| White not Hispanic | 19 | 56% |
| African American | 6 | 18% |
| Latino/Hispanic | 6 | 18% |
| Asian Pacific Islander | 2 | 6% |
| Am. Indian/Alaska Native | 0 | 0% |
| Other/Multiethnic/Unknown | 1 | 3% |
| Total | 34 | 100% |

| GENDER | NUMBER | % |
|--------------|-----------|-------------|
| Male | 22 | 65% |
| Female | 11 | 32% |
| Transgender | 1 | 3% |
| Total | 34 | 100% |

| AGE (YEARS) | NUMBER | % |
|--------------|-----------|-------------|
| 0-19 | 0 | 0% |
| 20-29 | 1 | 3% |
| 30-39 | 8 | 24% |
| 40-49 | 14 | 41% |
| 50-59 | 9 | 26% |
| 60+ | 2 | 6% |
| Total | 34 | 100% |

| RACE | NUMBER (SF+Marin+San Mateo) | % |
|---------------------------|-----------------------------|-------------|
| White not Hispanic | 12,337 + 489 + 780 = 13,606 | 62.8% |
| African American | 2,836 + 47 + 241 = 3,124 | 14.4% |
| Latino/Hispanic | 2,904 + 91 + 334 = 3,329 | 15.4% |
| Asian Pacific Islander | 944 + 15 + 108 = 1,067 | 4.9% |
| Am. Indian/Alaska Native | not listed | - |
| Other/Multiethnic/Unknown | 470 + 6 + 52 = 528 | 2.4% |
| Total | 21,654 | 100% |

| GENDER | NUMBER | % |
|--------------|-------------------------------|-------------|
| Male | 18,877 + 648 + 1,515 = 19,966 | 92.2% |
| Female | 1,349 + 74 + 265 = 1,688 | 7.8% |
| Transgender | not listed | - |
| Total | 21,654 | 100% |

| AGE (YEARS) | NUMBER | % |
|--------------|---------------------------|-------------|
| 0-19 | 90 + 4 + 5 = 99 | 0.5% |
| 20-29 | 939 + 18 + 72 = 1,029 | 4.8% |
| 30-39 | 3,763 + 100 + 244 = 4,107 | 19% |
| 40-49 | 7,936 + 245 + 596 = 8,777 | 40.5% |
| 50-59 | 5,095 + 211 + 447 = 5,753 | 26.6% |
| 60+ | 1,668 + 70 + 151 = 1,889 | 8.7% |
| Total | 21,654 | 100% |

Non-Aligned Consumers

| Age | # | % |
|--------------|-----------|----------|
| 0-19 | 0 | 0% |
| 20-29 | 1 | 6% |
| 30-39 | 1 | 6% |
| 40-49 | 8 | 50% |
| 50-59 | 5 | 31% |
| 60+ | 1 | 6% |
| Total | 16 | 1 |

Non-Aligned Consumers

| Race/Ethnicity | # | % |
|-----------------------------|-----------|-------------|
| Caucasian | 10 | 63% |
| African American | 3 | 19% |
| Latino/a | 2 | 13% |
| Asian | 1 | 6% |
| Multi-Race, Other & Unknown | 0 | 0% |
| Total | 16 | 100% |

| Gender | # | % |
|--------------|-----------|-------------|
| Male | 13 | 81% |
| Female | 3 | 19% |
| Transgender | 0 | 0% |
| Total | 16 | 100% |

Planning Council Members by Demographic Group

Total Members: 34
 Total Non-aligned Consumers: 16
 Percent Non-aligned Consumers: 47%
 Membership as of: **May 15, 2009**

Members of the Planning Council

| <u>Race / Ethnicity</u> | | <u>Number Percentage</u> | | <u>Gender</u> | | <u>Age</u> | | <u>HIV Status</u> | | <u>Number Percentage</u> | |
|--------------------------------|----|--------------------------|--------------|---------------|-------------|--------------------|-----------|-------------------|------------------|--------------------------|-------------|
| Caucasian | 19 | 56% | Male | 22 | 65% | 12 year or younger | 0 | 0% | Positive | 21 | 62% |
| African American | 6 | 18% | Female | 11 | 32% | 13-24 Years | 1 | 3% | Negative | 13 | 38% |
| Latino/a | 6 | 18% | Transgender | 1 | 3% | 25-49 Years | 25 | 74% | Unknown | 0 | 0% |
| Asian | 2 | 6% | Missing Data | 0 | 0% | Age 50 and Above | 8 | 24% | Decline to State | 0 | 0% |
| Multi-Race, Other & Unknown | 1 | 3% | TOTAL | 34 | 100% | TOTAL | 34 | 100% | TOTAL | 34 | 100% |

Non-Aligned Consumers on Planning Council

| <u>Race / Ethnicity</u> | | <u>Number Percentage</u> | | <u>Gender</u> | | <u>Age</u> | | <u>HIV Status</u> | | <u>Number Percentage</u> | |
|--------------------------------|----|--------------------------|--------------|---------------|-------------|--------------------|-----------|-------------------|------------------|--------------------------|-------------|
| Caucasian | 10 | 63% | Male | 13 | 81% | 12 Year or younger | 0 | 0% | Positive | 16 | 100% |
| African American | 3 | 19% | Female | 3 | 19% | 13 - 24 Years | 1 | 6% | Negative | 0 | 0% |
| Latino/a | 2 | 13% | Transgender | 0 | 0% | 25 - 49 Years | 11 | 69% | Unknown | 0 | 0% |
| Asian | 1 | 6% | Missing Data | 0 | 0% | Age 50 and Above | 4 | 25% | Decline to State | 0 | 0% |
| Multi-Race, Other & Unknown | 0 | 0% | TOTAL | 16 | 100% | TOTAL | 16 | 100% | TOTAL | 16 | 100% |



melvin banks
<4poetics.i@gmail.com>
05/19/2009 06:58 PM

To SOTF <sotf@sfgov.org>
cc
bcc
Subject please attach to the complaint on 5/26/09

Dear Sunshine,

The emails below are a result of your decision. Please read carefully so that you can understand the need for transparency concerning the actions of the HIV Health Services Planning Council.

Thank you,
Raymond Banks

----- Forwarded message -----

From: **Mark Molnar** <mmolnar@shanti.org>
Date: Fri, May 15, 2009 at 2:21 PM
Subject: FW: Conference Call conclusions
To: Raymond Banks <4poetics.i@gmail.com>

From: Steve Manley [steveminsf@sbcglobal.net]
Sent: Thursday, May 29, 2008 2:06 PM
To: Mark Molnar; lgthomas@gmail.com; George Stevens; Mary Lawrence Hicks
Cc: Veronica Neal
Subject: RE: Conference Call conclusions

I have attached a PDF copy of the relevant section of the Policy and Procedure manual. I think all of us should take a very close look at this and come to an agreement about some of the options that the policy gives us.

As we are all aware, there are some contradictory statements as well as some holes in the policy. Some notes of interest are:

1) "Once an allegation has been made by a member of the Council or by a member of the community, it shall be the responsibility of the person receiving the information to request that the complaint be put in writing..... I believe we have that in the form of the letter from Ray West and I would suggest that we request a written complaint from Kevin Burns regarding the treatment of Council Support. Hopefully he will be willing to do that. Nowhere does it say the the complaint must be in the form of a formal grievance, therefore I believe Ray West's letter can stand as is. In addition, the Council Co-Chairs are free to give verbal testimony regarding his various e-mails and can/should provide copies to Membership Committee members and to Steering and Full Council should that prove necessary.

2) "It shall be the responsibility of the Membership Co-Chairs to notify in writing the Council member against whom the allegation has been made. This notice shall be copied to the Mayor's representative and to City Legal Counsel." It seems like we must take this step, but not until we are ready.

3) "... If the person making the allegation and/or the person against whom the allegation has been made are members of the Membership Committee, they shall not participate in discussions of the allegation." ... "The individual against whom the complaint is made has discretion to request that all meetings regarding the allegation be open and public...." Here is a catch 22. It seems to me that we have the option, indeed the requirement, to prevent Raymond from participating in the discussions of the allegation during the special Membership Committee meeting. However, we are obligated, I believe, to post the special meeting notice along with the agenda item as we post any other meeting. This would fulfill the requirement to be open and public.

4) "Investigation may include, but is not limited to: interviewing the complainant, the accused and any witnesses; and gathering any relevant information that may substantiate the allegation." ... "The investigation, upon request of the accused, may include a public hearing and opportunity to confront and present witnesses relevant to the complaint." This part is very vague. It does not specify where in the process this must take place. It does however indicate that Council Support will have to be available to respond to any request from Raymond that he have this opportunity to confront witnesses. This could be at the first Membership Committee meeting, Steering or Full Council, but we must give him the option.

If the Membership Committee votes for removal, the next step is to take it to Steering. If Steering approves the removal, by majority vote, then an item needs to be placed on the next Council Meeting agenda and a vote must be scheduled.

The red italics are my opinions and I think we need to agree on these interpretations of Policy before we move forward. I hope this can serve as a starting point.

Cheers,
Steve

"A nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual doom." - Dr. Martin Luther King, Jr. (1929-1968)

From: George Stevens [<mailto:gstevens@ix.netcom.com>]

Sent: Wednesday, May 28, 2008 4:39 PM
To: Mark Molnar; Veronica Neal; Steve Manley
Cc: lgthomas@gmail.com; George Stevens; Mary Lawrence Hicks
Subject: Conference Call conclusions

Mark:

As you were saying when you were so electronically terminated:

1) Membership sets up a special meeting to present the complaint from Council Support and the intention to remove Raymond from the Planning Council. In addition to Membership, the council co-chairs, Veronica and the general public is invited to attend (question: do we really invite the general public?)

2) Membership committee states the case and tells Raymond that he is being asked to leave the council via a letter to the mayor. It's not a question to him, it's a statement.

3) Co-chairs send a letter to full council explaining the Council Support complaint, the decision to tell Raymond to leave based on not being able get him to agree to modify his behavior. Co-chairs stress that this is an unusual and painful decision. All members are urged to talk about this as needed.

4) The letter is sent to the mayor asking that Raymond be removed from the council.

5) Veronica talks to Michelle Long and gets back to co-chairs as needed.

6) Other steps I may have left out?

Thanks to all of you very much for a thoughtful and productive call this afternoon.

Geo.

-----Original Message-----

From: Mark Molnar

Sent: May 28, 2008 3:48 PM

To: Veronica Neal , Steve Manley

Cc: lgthomas@gmail.com, George Stevens , Mary Lawrence Hicks

Subject: RE: Conference Call

You're set up for a conference call at 3:30 today for one hour.

Call 1-877-425-7007 to join the call. Everyone besides the host will enter 77.

Mark

From: Mark Molnar
Sent: Wednesday, May 28, 2008 12:22 PM
To: 'Veronica Neal'; Steve Manley
Cc: lgthomas@gmail.com; George Stevens; Mary Lawrence Hicks
Subject: RE: Conference Call

Hi everyone,

The conference call is currently being set up for 3:30. I will let everyone know the call-in number and codes as soon I get them...

Mark

From: Veronica Neal [<mailto:vakneal@sbcglobal.net>]
Sent: Tuesday, May 27, 2008 10:56 PM
To: Steve Manley; Mark Molnar
Cc: lgthomas@gmail.com; George Stevens; Mary Lawrence Hicks
Subject: Re: Conference Call

Greetings all,

Yes, I am still available on Wed., May 28th at 3:30. Please let me know if someone will call me or if I should call if for the conference call.

Thank you, V.

Steve Manley <steveminsf@sbcglobal.net> wrote:

It looks like Veronica, George & Mary Lawrence and myself are all available today at 3:30 for a conference call regarding Raymond Banks. How about you and Laura? Unfortunately I have to leave home at Noon tomorrow and won't be back until close to 3:30 so if you (perhaps with help from PCS) get the call in information to all of us and e-mail the info to me that would be great.

Hopefully, we will talk at 3:30.

Cheers,
Steve

"A nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual doom." - Dr. Martin Luther King, Jr. (1929-1968)

Veronica Neal, MA
Diversity Trainer, Consultant, Coach
510-347-6325



7 8 Member Removal and Discipline Policy.pdf