

DRAFT
SPECIAL MEETING OF THE SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, February 25, 1998

Please note: all actions that were adopted by the Task Force are underlined

The special meeting of the Sunshine Ordinance Task Force was called to order by Chair Robert Planthold, at 4: 10 PM, on Wednesday, February 25, 1998.

Item 1. Roll Call

Members present: Bruce Brugmann, David Pilpel, Robert Planthold, Enrique Ramirez, Nancy Sutley, Timothy Taylor, David Watkins

Ex-officio members present: Lori Giorgi, Rachel Arnstine O'Hara

Members absent: Charlotte Berk, Rula Graffis, Nicole Wong

Item 2. Approval of Minutes

The minutes were corrected to reflect that Planthold reported on Item 7. Ramirez offered and Taylor seconded a motion to approve the minutes of the January 21, 1998 meeting. The motion was approved.

Item 3. Report of the Clerk

No report.

Item 4. Members' Questions and Comments

None

Item 5. SOTF Proposed Rule Change - That any proposed agenda item must be submitted in writing to the chair, the vice-chair, and the clerk at least ten days before the scheduled meeting, further, that any such text include the desire option(s) to be considered.

Brugmann asked about emergency items. Giorgi explained the Brown Act requirements providing for emergency items on an agenda. Planthold noted that the SOTF rules require the agenda to be mailed seven days before a meeting. Brugmann offered and Sutley seconded a motion to amend the proposed rule change to allow a member to contact the Chair or Vice Chair with a specific request in the period between the ten days and the closing of the agenda. Ramirez asked whether the request to have an item listed as information or action was subject to approval by the Chair. Planthold stated that by precedent it was not. The amendment Passed. The motion passed.

Item 6. Authorizing and disseminating a survey of all city departments/agencies that have "friends of" groups and /or receive support from other private agencies that support city services, with a view to how the value and scope of such may affect maximum availability to the public information on what decisions are made and how they are made by city government in relying on these non-city funds.

Brugmann presented a draft survey of city departments regarding "Friends of" groups. Sutley asked whether the definition of "Friends of" groups was inclusive or specific enough. Giorgi stated that the term "quasi-public" might need to be clarified. Ramirez noted that the definition did not include individuals not part of a group and should include persons or individuals. Ramirez offered and Taylor seconded a motion to authorize the survey with the addition of individuals. Planthold offered to be the contact. 'There was no public comment. The motion was approved.

Item 7. Authorizing City Attorney to draft text amending the Sunshine Ordinance so as to require the city departments/agencies using sole source contracts to make public the existence and dollar value of same immediately upon completion of a final draft contract but prior to any stage of approval, and further requiring such city departments/agencies to publish an annual list of same (along with a calculation of the percentage of their respective budgets that go to sole source contracts) to be included in their annual budget requests.

Planthold directed members to a memo from the Deputy City Attorney regarding possible amendments to the Sunshine Ordinance, Ramirez asked whether the Task Force was discussing that memo or the agenda item. Pilpel suggested looking at contracts for services or those with public policy implications. Ramirez raised concerns with the reporting requirements in the proposed amendment. Pilpel noted that agenda item 7 was not appropriate for an amendment to the Sunshine Ordinance but could be forwarded to the Board of Supervisors for consideration as an ordinance. Planthold pointed out that there was already language in the Sunshine Ordinance providing that drafts of contract had to be made available to the public ten days before Board of Supervisors' approval, Giorgi suggested that instead of weekly summaries, summaries be prepared only upon request. Pilpel moved and Ramirez seconded a motion to request that the City Attorney draft an ordinance to amend the administrative code to capture agenda item 7. Brugmann expressed concern that this would not provide a timely opportunity to affect negotiating position. Giorgi pointed out that the first part of item 7 would be an amendment to the Sunshine Ordinance and the second part would require a new ordinance. The motion was approved. Brugmann moved and Watkins seconded a motion to adopt the proposed amendment language in the City Attorney's memo amended to say summaries would be prepared only on request. Pilpel asked about the definition of a sole-source contract. t w o u l d include negotiations for good and services without competitive bidding. Pilpel stated he was concerned about personal services, franchises, leases and permits that did not appear to be covered by the existing proposed language. Pilpel also stated concerns about length of time or dollar value. Pilpel offered and Sutley seconded an amendment to the prior motion to ask the

City Attorney to further revise the language in the proposed changes to the Sunshine Ordinance to cover professional, personal or contractual services without competitive processes, leases and permits in either director, with anticipated revenues or expenditures of \$1 million or 10 or more years and franchises. The amendment passed. The motion as amended failed. Giorgi noted that she would prepare the language requested in the amendment that passed.

Public Comment on Items Not on the Agenda (5:40)

None.

Item 8. Library Issue from Mr. James Chaffee

Defer-red. Pilpel asked that the SOT' discuss the issue of disclosure of settlements in general,

Item 9. Report from City Attorney about Immediate Disclosure

Giorgi explained the draft attempted to clarify Administrative Code provisions regarding immediate disclosure requests. Pilpel asked that the SOTF consider acting on this item at the next meeting.

Item 10. Model agenda suggestions for increasing conformity/uniformity across city departments/agencies to make all agendas more readily understandable by the public.

Pilpel asked that the SOTF discuss description of items on agenda and asked that this item be discussed next month,

Item 11. Passive Meeting v. Open Meeting: Characteristics and requirements, using examples from current bodies.

Giorgi reported further on open meeting requirements. She stated that bodies created by ordinance are subject to open meeting requirements. Bodies created in writing by the Mayor or a member of the Board are subject to passive meeting requirements. Bodies created informally (not in writing) are not subject to any requirements. Bodies subject to passive meeting requirements are only required to provide the date and location of meetings upon request and are not required to make agendas public or take public comment, but may do so. Planthold asked about the status of bodies that are considered "official advisory bodies." Giorgi responded that they are subject to passive meeting requirements. Pilpel asked that the Deputy City Attorney provide a memo summarizing the requirements. Planthold stated he would ask about the memo in three months if it has already not been provided.

Item 12. Setting Future Agenda

- **Act** on draft text of **item 7, lines 12 -21** to amend the Sunshine **ordinance** and act on language being **drafted** by the Deputy City Attorney regarding type of contract.
- Discuss timeliness of settlement disclosures.
- Act on **draft** text to **clarify** immediate disclosure provisions.
- **Discuss** agenda item descriptions.

Adjournment

Pilpel moved and Taylor seconded adjournment at 6: 10 pm. The motion was approved.