

**DRAFT**  
**SUNSHINE ORDINANCE TASK FORCE**  
**MINUTES OF MEETING**  
**Wednesday, March 18, 1998**

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

The March meeting of the Sunshine Ordinance Task Force was called to order by Chair Robert Planthold, at 4: 10 PM, on Wednesday, March 18, 1998.

**Item 1. Roll Call**

Members present: Charlotte Berk, Bruce Brugmann, David Pilpel, Robert Planthold, Nancy Sutley, Timothy Taylor, David Watkins, Nicole Wong

Ex-officio members present: Rachel Arnstine O'Hara, John Taylor

Members absent:., Johnny Brannon, Enrique Ramirez, Timothy Taylor

**Item 2. Approval of Minutes**

Pilpel offered and Watkins seconded a motion to approve the minutes of the February 25, 1998 meeting. The motion was approved.

**Item 3. Report of the Clerk**

O'Hara reported that Johnny Brannon had been appointed to the Task Force as a member of the press and that a new task force mailing list was available.

O'Hara also announced that the terms of the following Task Force members would expire on April 27: Berk, Brugmann, Graffis, Pilpel, Planthold, Ramirez, Sutley, T. Taylor, Watkins and Wong.

Deputy City Attorney Giorgi was not in attendance due to illness, but draft legislative language she prepared for items 5 and 6 were distributed to the Task Force. Due to Giorgi's absence, several agenda items (items 7 and 9) might need to be continued until the April meeting.

**Item 4. Members' Questions and Comments**

Planthold noted that he found in the meeting room a memo describing review of public records law, including the Sunshine Ordinance that might be useful for the Task Force to review. Pilpel asked that the Task Force receive any amendments to the Sunshine Ordinance. He also noted that several responses to the sole source contract survey and the "friends of" survey were received. Pilpel also suggested that the Task Force discuss at a future meeting changes to the Sunshine Ordinance to clarify what constitutes creation of a body that is subject to open meeting requirements. Pilpel noted that the Task Force's annual report would be due soon.. Watkins asked that the Task Force consider keeping cumulative attendance records. Caravelli noted that this agenda item does not comply with the Brown Act, Public Records Act or Sunshine

Ordinance.

**Item 5. Recommend amendment to the Sunshine Ordinance, clarifying Section 67.25, relating to immediate disclosure requests.**

Pilpel noted that the origin of this amendment was language in the Sunshine Ordinance that was confusing. Pilpel moved and Brugmann seconded a motion to recommend the amendment to the Board of Supervisors. Graffis asked whether this amendment contemplated a specific amount of time? Pilpel noted that time limits (10 days or no more than 20 days without an extension) were referenced elsewhere in the Sunshine Ordinance. Caravelli suggested clarifying that the time limit should not exceed 10 days and adding language that extensions were only appropriate for more complicated requests. Pilpel offered and Brugmann seconded an amendment to the previous motion to a) add the following language to page 2, line 7: "such total time not to exceed limits provided elsewhere in this chapter" and b) substitute the following language on page 2, line 9: "Such an extension is only appropriate" and continue with the rest of the sentence. The amendment passed. The motion as amended passed. Harris asked that copies of the Sunshine Ordinance be available at Task Force meetings.

**Item 6. Approval of proposed amendment to the Sunshine Ordinance, Section 67.24, to require disclosure of documents or summaries of certain sole source negotiations and final contract awards including contract dollar amounts.**

Members were directed to new draft ordinance language based on discussions at the February meeting that referred to disclosure of documents during negotiation of sole source contracts. Brugmann noted that the origin of the draft language was a lack of meaningful public review of negotiations of significant sole source contracts that the City was involved in. Brugmann asked for the opportunity to have counsel review the new language. Wong suggested that there be more specific guidance for the summaries of respective positions of the parties. Pilpel suggested adding language to clarify that the summaries should include but not be limited to significant issues, dollar amounts and terms. Caravelli suggested adding language making draft contracts as well as final contracts available. Brugmann offered and Berk seconded a motion to continue action on this item until next month. The motion was approved. Members were urged to get any suggested language changes to Giorgi.

**Public Comment on Items Not on the Agenda (5:24)**

None.

**Item 7. Recommend amendment to the Sunshine Ordinance to require all city departments to provide annual reports of sole source contracts.**

Pilpel suggested clarifying that this item should refer to legislation, rather than an amendment to the Sunshine Ordinance. Pilpel offered and Sutley seconded a motion to continue this item until

the next meeting. The motion was approved.

**Item 8. Discussion of model agenda guidelines and wording of agenda items.**

Pilpel noted that model agenda guidelines could provide standards for city agencies on how to comply with the agenda requirements of the Sunshine Ordinance. J. Taylor suggested seeking the advice of the City Attorney since this was a matter of law. Caravelli noted that legally agendas should describe the nature of the action and that providing a list of commonly used action verbs for agencies and commissions would be helpful. J. Taylor also suggested getting sample agendas, from various committees or commissions from the public library.

**Item 9. Discussion of legal settlements - when is public disclosure of suit and substance necessary and appropriate?**

Brugmann noted that this item was raised by Mr. Chafee with respect to a settlement involving the Library. The item was continued until the April meeting.

**Item 10. Discussion of amendment to the Sunshine Ordinance to bring it into conformity with recent amendment to the Brown Act.**

This item was continued until the April meeting.

**Item 11. Setting Future Agenda**

- review of the complaint process.
- consideration of legislation to extend open meeting requirements to newly formed bodies.
- "consideration of a rule change to keep a cumulative attendance report for the Sunshine Ordinance.
- consideration of sole source contract negotiation amendment.

**Adjournment**

**The meeting adjourned at 6:05 pm.**