

DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, April 15, 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 4:16 PM, on Wednesday, April 15, 1998.

Item 1. Roll Call

Members present: Johnny **Brannon**, Bruce **Brugmann**, **Ruach Graffis**, Robert Planthold, Enrique **Ramirez**, Nancy **Sutley**, Timothy Taylor, David Watkins, Nicole Wong
Ex-officio members present: Lori **Giorgi**, Rachel Amstine **O'Hara**, John Taylor
Members absent: Charlotte Berk, David **Pilpel**

item 2. Approval of Minutes

Brannon offered and **Graffis** seconded a motion to approve the minutes of the March 18, 1998 meeting. The motion was approved. The minutes will be corrected to reflect that **Graffis** attended the March 18, meeting.

Item 3. Report of the Clerk

O'Hara introduced Susan **Frankel** from the City Attorney's office who will be replacing **Giorgi** as counsel to the SOTF in 2 months,

O'Hara distributed a number of documents to members, including a copy of the Sunshine Ordinance, a complaint against the Planning Commission, a memo reviewing public records laws and an item for the May meeting regarding the Public Health Department's request to extend an exemption for rate disclosure for a managed care contract,

Harris asked why no public copies were available of reference materials or action items. It was explained that copies of action items are made available to the public at meetings and other documents are available for public inspection from the Clerk of the Task Force and copies would be made on request.

Item 4. Members' Questions and Comments

Watkins expressed concern about the state of the equipment for tape recording Task Force meetings, **Brannon** asked whether meeting agendas were posted in the building. **Planthold** explained that agendas were posted in the Clerk's office and at the Public Library, **Brannon** agreed to see that the SOTF meetings are listed in the *Independent*. **Brannon** asked that item 14

be addressed first because he had to leave early.

Item 14. Extension of Sunshine Ordinance jurisdiction to Treasure Island Development Authority.

Planthold explained that Supervisor Yaki's resolution on the Treasure Island Development Authority (TIDA) would extend the Sunshine Ordinance to TWA. TIDA is established by the state, not the City, so the Sunshine Ordinance does not apply. Giorgi noted that the resolution may not have any legal force, but that a body such as TIDA could by policy agree to abide by the Sunshine Ordinance. Brugmann offered and Watkins and Brannon seconded a motion to support Supervisor Yaki's resolution to extend the Sunshine Ordinance to TIDA.

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

This item was continued to the May meeting because no new material was available.

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.

Brugmann offered and Watkins seconded an amendment to previously adopted language in a proposed amendment to the Sunshine Ordinance to require disclosure of leases of \$500,000 or more and of a Term of one year or more on was approved.

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

Giorgi stated that Frankel would draft this language for the next meeting.

Item 8. Discussion of legal settlements - when is public disclosure of suit and substance necessary and appropriate? (Discussion)

This issue arose from a concern about a commission considering settlement of a lawsuit in closed session. Giorgi stated that settlements are not final until a court approves them. The Board of Supervisors has final say for the City for settlements over \$6000. However, Boards and Commissions often review settlements before they go the Board for final approval because they are named plaintiffs. This review may occur in closed sessions to protect the City's position in negotiations that ultimately must be approved by the Board of Supervisors. Wong discussed a provision of the Public Records Act that public report of an action taken in closed session, including considering settlements, does not have to occur until there is final action, although the law is not clear about what constitutes final action, Brugmann asked whether the law could make clear that settlement terms be disclosed when a Commission considers it, Sutley expressed

concern about making it harder for the City to settle, rather than litigate cases. Brugmann also noted that final documents are not always made available, even after final Board action. Watkins asked for clarification about when settlement terms and documents are made available to the public.

Item 9. Authorizing support from SOTF for 22 April Finance Committee item on extending some aspects of the Sunshine Ordinance jurisdiction to city-funded non-profits.

Planthold and Graffis participated on Supervisor Ammiano's ad-hoc task force on extending sunshine to city funded non-profits. The recommendations included requiring non-profits to provide for public comment at their board meetings and require board meeting agendas must be noticed and posted. These recommendations will be heard by the Finance Committee Brugmann offered and Watkins seconded a motion to extend sunshine to City funded non-profits f i s noted that the ad-hoc task force also discussed using the SOTF to request information from the non-profits, but Planthold said he was not sure that was included in Supervisor Ammiano's drafting request to the City Attorney. Ramirez expressed concern about the burden on particularly small non-profits and noted that non-profits already had to provide certain information to their funding agencies. He suggested that the Task Force consider providing more guidance to non-profits. The motion was approved.

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

None.

Item 10. Adopt recommendation to Rules Committee supporting Supervisor Ammiano's call for: "a policy to involve the Sunshine Ordinance Task Force in the consideration and review of proposed amendments to the City's Sunshine Ordinance."

Wong offered and Sutley seconded a motion to support Supervisor Ammiano's recommendation. The motion was approved.

Item 11. Annual Report - Delegate Drafting Responsibility

Planthold explained that the Sunshine Ordinance requires the Task Force to prepare an annual report. The report is due to be considered at the June meeting. Sutley volunteered to draft the report. Ramirez offered and Wong seconded a motion noting that Sutley will draft the annual report. The motion was approved.

Item 12. SOTF Rule Change: Authorize developing and publishing a cumulative attendance chart for members.

Watkins expressed that it would be a good idea to keep a cumulative attendance chart for Task Force members for inclusion in the Annual Report and that this requires a rule change. Watkins

offered and Wong seconded a motion to include a cumulative attendance chart in the Annual Report. The motion was approved.

Item 13, Authorize drafting amending legislation to fully extend all aspects of Sunshine Ordinance jurisdiction to newly-formed bodies currently subject only to passive meeting requirements.

This items covers suggested changes to disclosure requirements for bodies subject to passive meeting requirements, that is advisory committees created in writing. Extending disclosure requirements to other kinds of groups not currently subject to passive meeting requirements, such as "friends or" could be considered at future meetings. Brugmann offered and T. Taylor seconded a motion to amend the item to remove the words "newly formed." Wong asked if the passive meeting provision could simply be deleted. Giorgi stated that the definition of these kinds of groups would have to be added to the Ordinance. J. Taylor asked whether this would apply to all advisory committees and stated in might discourage City departments from seeking public input. Sutley asked that the Task Force consider the purpose of committees. Planthold suggested continuing this item until the next meeting and asked for additional input.

Item 15. Recognition of the Clerk of the Board of Supervisors John Taylor, on the occasion of his retirement announcement, for his service to the SOTF and to fair and impartial government.

This item was continued until July.

Item 16. Setting Future Agenda

- hear the complaint against the Planning Commission.
- revisit items 5, 6, 7 and 13.
- hold elections for Sunshine Ordinance Task Force officers.
- consider Department of Public Health exemption extension request.
- hear complaint against the Fire Department.

Adjournment

Wong offered and T. Taylor seconded a motion to adjourn and the meeting was adjourned at 6:20 pm.