

**DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, June 17, 1998**

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

The June meeting of the Sunshine Ordinance Task Force was called to order by Chair Robert Planthold, at 4:05 pm on Wednesday, June 17, 1998.

Item 1. Roll Call

Members present: Johnny Brannon, Bruce Brugmann, Ruach Graffis, David Pilpel, Robert Planthold, Nancy Sutley, David Watkins, Nicolc Wong
Ex-officio members present: Susan Frankel, Rachel Amstine O'Hara, John Taylor
Members absent: Charlotte Berk, Amelia Ashley-Ward

Planthold announced that Timothy Taylor had resigned from the Task Force

Item 5. Legislative Update on Board of Supervisors proposals affecting the Sunshine Ordinance -- Presentation by Supervisor Ammiano.

This item was discussed first because of Supervisor Ammiano's schedule. Supervisor Ammiano explained that as Chair of the Rules Committee he wanted to see Boards and Commissions whose appointments came through the committee. He also explained that it was important to insure diversity on the Task Force and that there was a new sensitivity to neighborhood representation, Supervisor Ammiano noted that the Board had passed a resolution to require the matters coming before the Board regarding the Sunshine Ordinance go to the SOTF for review and comment. He asked that SOTF members come to an upcoming Rules Committee hearing to offer any views on Supervisor Brown's proposal to delete the requirement that the Society of Professional Journalists nominate two members to the SOTF. He pointed out a letter from Mayor Brown making a connection between Supervisor* Brow-n's proposal and Task Force diversity. Supervisor Ammiano explained that the non-profit accountability legislation was awaiting action by the Mayor. It could become law if the Mayor signed it or did not act within a period of time. If vetoed, it might come back to the Board. Supervisor Ammiano noted that the final legislation provided that disputes would come to the SOTF only after review by the appropriate City department. Planthold asked about a proposal by Supervisor Newsom to add a seat to the SOTF for a representative from the non-profit comity, Brugmann expressed concern about adding categories of seats to the Task Force. Pilpel noted that the SOTF had been discussing staffing and funding

Item 2. Annual Election of Officers

John Taylor conducted the annual election of Task Force officers, Taylor stated he would open the nominations, that no second was necessary, anyone could nominate or vote for his or herself

and nominations would close when there were no further nominations. The election would be determined by a majority of the Task Force. Brugmann nominated Pilpel for the position of Chair. Sutley nominated Planthold for the position of Chair. There were no more nominations. I was elected. Graffis nominated Planthold for the position of Vice-Chair. There were no more nominations. Planthold was elected Vice-Chair and Sutley for the position of Secretary. There were no more nominations. Sutley was elected Secretary. Brugmann nominated Brannon for the position of Media Liaison. There were no more nominations. Brannon was elected Media Liaison. Pilpel took over as chair of the meeting.

Item 3. Approval of Minutes

Planthold offered and Brugmann seconded a motion to approve the minutes of the May 20, 1998 meeting. The motion was approved.

item 4. Report of the Clerk

O'Hara reported that there were a number of complaints in the file and that all were responded to. All complaints were closed by the City Attorney except one. Planthold asked what procedure was used to determine that a complaint was closed. O'Hara explained that some complaints were determined not to be sunshine in nature. Other complaints are resolved by the Clerk or the City Department to the satisfaction of the complainant. Frankel also explained that the Deputy City Attorney, based on investigation or review of the law, can determine that no further action is necessary. The complainant can disagree and ask for a hearing by the SOTF. Brugmann asked about an earlier complaint against the Fire Commission. Frankel reported that it was not yet resolved.

Planthold offered and Wong seconded a motion to add Members' Questions and Comments to the agenda as it had been inadvertently omitted from the agenda. The motion was approved.

Item 4a. Members' Questions and Comments

Watkins asked if SOTF meetings could be listed in the *Independent* newspaper. Pilpel reported on his and Planthold's discussions with the Ethics Commission about assuming the administrative functions of the Task Force. Pilpel noted that there was no resolution, but that the Ethics Commission still had concerns about staffing and physical space to house the SOTF function and the budget process could answer those concerns. Pilpel suggested asking that Supervisors send letters to Finance Committee Chair Teng. Brugmann mentioned that there was an effort to add a Sunshine Initiative to the November ballot.

Public Comment on Items Not on the Agenda (5:11 pm)

Joe Partanksy from the Better Government Task Force (Contra Costa County) referred the Task Force to several reference documents on the Public Records Act and California's conflicts of

interest rule.

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

The Task Force reviewed draft legislative language concerning sole source negotiations. Brugmann asked that the draft language be changed for Sec. 67.24(e)(3)(b) to reflect a motion adopted at the March meeting. The language should read "leases or permits having total anticipated revenue or expense to the City and County of 500,000 dollars or having a term of 1 year or more;" Frankel pointed out that the Task Force should not take final action on this item given how it appeared on the agenda. Planthold recalled that in an earlier discussion of this subject, the City Attorney's office had expressed concerns that early disclosure could hurt the City's position in negotiations and about the potential burden on City departments of preparing negotiation summaries. Planthold also asked if the definitions of sole source contracts would be clear to City departments. Pilpel noted that Sec. 67.24(e)(3) attempted to narrow the definition of sole source contracts. Pilpel asked that the Deputy City Attorney review the burden issue again and that the item be recalendared for action at the July meeting.

Item 7. SOTF Annual Report -- Status Update

Sutley reported that she intended to follow a similar format as last year's annual report to the Board and outline the themes that the Task Force had focused on over the past year. Sutley stated she would have a draft ready for review by the Task Force at the July meeting. Watkins said he would produce a Task Force member attendance list for May 1997 through April 1998 to append to the report.

Item 8. Discussion of Task Force Procedures and Rules

Pilpel suggested that the Chair, Vice-Chair, Clerk of the Task Force and Deputy City Attorney meet to discuss certain Task Force procedures and rules and report back to the Task Force with any suggestions.

Item 9. Review and Comment on approved amendment to extend some aspects of the SF Administrative Code, including Sunshine Ordinance, to include some city-funded non-profits.

It was reported that the amendment had passed the Board of Supervisors and was on the Mayor's desk awaiting action. The Mayor had not indicated whether he intended to sign the legislation, veto it or not act with the prescribed time and therefore become law. Pilpel suggested that depending on the Mayor's action, the Task Force might want to discuss Section 12.L.5.b. which gives the SOTF some dispute resolution authority.

Item 5. Legislative Update on Board of Supervisors proposals affecting the Sunshine Ordinance - Reopened.

This item was reopened to discuss Supervisor Brown's proposal to change the composition of the SOTF to eliminate the recommendation for two seats by the Society of Professional Journalists (SPJ). The Mayor had sent a letter to John Taylor, Clerk of the Board of Supervisors, expressing, among other things, concern about diversity with respect to those seats. Brugmann stated that the Sunshine Ordinance provided for these seats because the Task Force was intended to be independent of city government, the Mayor and the Board of Supervisors. Wong stated that she filled one of the SPJ seats and added to the diversity of the Task Force. Task Force members were encouraged to express their thoughts on this proposal at the upcoming Rules committee hearing.

Item 10. Setting Future Agenda

- Follow-up on Task Force procedures and rules.
- Discussion of Supervisor Newsom's proposal to add a member of the non-profit community to the SOTF.
- Action on proposed legislative language on disclosure of sole source contracts.
- Review and action and the Annual Report.
- Non-profit accountability legislation update.
- Discussion of Supervisor Brown's proposal to eliminate the nomination of Task Force members by the Society of Professional Journalists.
- Hearing on the complaint against the Fire Commission if it has not been resolved,
- Discussion of the potential Sunshine ballot initiative,

item 11. Adjournment

The meeting was adjourned at 6:20 pm.