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DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, September 16, 1998

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

The regular September meeting of the Sunshine Ordinance Task Force was called to order by Chair David Pilpel, at **4:08** pm on Wednesday, September 16, 1998.

Item 1. Call to Order/Roll Call

Members present: Johnny **Brannon**, Bruce Brugmann, **Ruach** Graffis, David Pilpel, Robert Planthold, Tuesday Ray, Nancy Sutley, David Watkins

Ex-officio members present: Mario Kashou, Rachel Arnstine **O'Hara**

Members absent; Nicole Wong

Item 2. Report of the Clerk.

a. Complaint Log

b. Communications Log

O'Hara passed out the communications and complaint log. **O'Hara** noted that a new complaint had just been received and that the **Koller** complaint had been referred to the Deputy City Attorney. **Brugmann** asked for the status of the remaining complaints. Mr. **Darminan** was present at the meeting and all other complaints were with the City Attorney's office and not yet closed.

Item 3. Task Force Members' Questions and Comments

Planthold pointed out a series appearing *in* the *San Francisco Chronicle* on religious organizations which had contracts to provide services to the City. Planthold noted that the article misstated how the Sunshine Ordinance applied to these groups.

Item 4. Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to public meeting requirements.

Pilpel proposed to review Article 2 of the Sunshine Ordinance which contains the public meeting requirements section by section. He stated that the Task **Force** might discuss recommendations of certain changes to the Sunshine Ordinance, but not take any final action to forward any recommendations. He also invited people to submit written comments to the Task Force. He asked a representative of San Franciscans for Sunshine to explain their proposed amendments when the Task Force reached a particular section. 67.3 - Definition of meetings and bodies - Pilpel asked task force to consider whether the same requirements should apply to all entities defined as "policy bodies" and whether all committees that consist solely of city employees be

exempt, particular those that provide policy recommendations. 67.4 - Passive meetings - Neas, Counsel for San Franciscans for Sunshine (SFS), suggested that advisory **bodies** that provide policy recommendations be required to notice meetings. Pilpel asked that members focus specifically on the SFS' proposed definition of covered entities. Planthold gave the example of the formation of the **Mayor's** Taxi Task Force. In discussing proposed language covering entities who have contracts with the City, Neas commented that the City Attorney had raised concerns about disclosure of materials that were exempt under attorney/client privilege. During public comment, several members of the public discussed that the Taxi Task Force had explicitly been formed to provide recommendations to the City. **67.6 - Time and place -** During public comment, **Darminan** noted that some bodies did not **notify** the public of meeting cancellations and that the public library does not get all meeting notices. **O'Hara** noted that **most** bodies have mailing lists that they use to **notify** interested parties of meetings. **67.7 - agenda descriptions -** the ordinance requires that agendas provide **meaningful** description of items and Pilpel suggested adding language to ensure that the agendas provide sufficient information so that public can reasonably anticipate the contemplated action, SFS suggested agendas be posted on the **internet**. **Pilpel** also suggested that **material** be sent out via e-mail and that agendas should contain the body's internet address.

Public Comment on Items Not on the Agenda (5:09 pm)

Neas **noted** that the Rules Committee was going to hear Supervisor Brown's amendment to eliminate Society of Professional Journalists' nominations to the SOTF at its upcoming meeting. Darminan discussed his complaint against the Fire Commission stemming **from** a meeting where he was not allowed to speak and a **further** issue of not being notified when a meeting of the Fire Commission was cancelled. Pilpel stated that the SOTF would hold a formal hearing on this complaint at the October meeting.

Item 4. Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to public meeting requirements. (CONTINUATION)

67.8 - agenda disclosure for closed sessions - Pilpel suggested that case name, case number, and jurisdiction be listed for existing litigation. **67.9 - agendas and materials -** All materials distributed to a policy body become public records. Pilpel suggested that fill copies of materials which bodies are discussing at a meeting be made available to the public at the meeting. Sutley suggested posting materials on the **internet**. SFS discussed a proposal to inventory and index all public records. It was noted that the public may not know **from** the agenda that a certain document will be discussed. Sutley suggested requiring that agendas specify whether a document for an agenda item exists. **67.10 - closed sessions for public facilities and employees -** **Pilpel** asked the Deputy City Attorney to review the language for clarity and to ensure that references to the City Charter are correct. **67.11 - closed sessions for pending litigation -** Planthold asked for clarification about when litigation is considered pending. Pilpel noted that this section was intended to be a narrow exemption and should not be used to discuss policy matters which may have legal implications in closed session. **67.14 - disclosure of closed session discussions and actions -** SFS proposed changes to require disclosure of **draft** settlements or collective bargaining agreements in

anticipation of action on the settlement or agreement by a policy body. The City Attorney raised concerns about the potential impact of such a requirement on the city's bargaining position. Pilpel asked that **further** consideration be given to making this section work. The task force agreed to continue the discussion of Article II at the October meeting.

Item 5. Review agenda items for the next meeting.

- Complete discussion of Article II of the Sunshine Ordinance
- Hear formally the **Darminan** Complaint
- Start discussion of Articles I and IV of the Sunshine Ordinance
- Discuss Presidio Trust resolution
- Discuss Supervisor **Yee** proposal regarding public access to Board of Supervisors' meetings and opportunities for public participation.

Item 6, Adjournment

Planthold offered and Brugmann seconded a motion for adjournment. The meeting was adjourned at **6:03** pm.