

Sunshine Ordinance Task Force 9/28/99 Meeting Minutes

1. **The meeting was called to order** at 4:00 p.m. by Chair, David Pilpel.
2. **Present:**
Robert Planthold, Hilda Bernstein, Johnny Brannon, Angela Armstrong, Bruce Brugmann, Sue Cauthen, Tuesday Ray and David Watkins. Also Rachel Arnstine O'Hara, Clerk and Jackie Minor, Deputy City Attorney
3. **Minutes of 9/14/99:** Vote deferred to October meeting.
4. **Secretary for October meeting:** Discussion led by Brugmann re: need for permanent secretary. No action because there were no volunteers.
5. **Report of Chair -** because Mr. Murray could not attend the September task force meeting, the hearing on his complaint was deferred to the regular October meeting.
6. **Hearing on pending complaint from Telegraph Hill Dwellers** re: allegations that the Planning Department did not respond in a timely manner to a request for public records, that the Department's non-disclosure of preliminary, pre-publication environmental review documents is inappropriate and violates the Sunshine Ordinance. The hearing was continued from 9/14/99. The Chair summarized the sense of the 9/14 testimony and reiterated the issues of concern, (see above) Hillary Gitelman speaking for the Department said that the procedures for responding to public records requests and the name of the designated coordinator had been e-mailed to Planning department employees. Pilpel wanted to know if staff had or would receive training etc. The essence of the exchange between Gitelman and the members of the Task Force was the role of the consultants hired by the developer, the availability of interim work product to the developer via the consultant but the withholding of the interim reports from the public, and their eventual destruction simultaneously with the release of the final EIR report. The final report is made available to the public. Pilpel and other Task Force members continued to speak to the issues of interim releases to the public and the retention of such reports. Gitelman continued to defend the current practice with the rationale that the interim reports are unfinished incomplete documents, the material has not been vetted, and in fact is moot. Gitelman stated that the sponsor has to be involved prior to publication, otherwise could not make required adjustments. All final documents must meet Planning Department standards. Task Force members continued to raise concerns re: unfair disclosure to developer, failure to retain records for a longer period of time.

Gitelman said the Department relies on a 1983 City Attorney opinion, which the City Attorney has confirmed is still legally sufficient. A number of suggestions were made by Task Force members, re: use of the consultant, longer retention of interim documents, notice to public of projects on hold, public interest.

Peskin, the complainant on behalf of Telegraph Hill Dwellers stated that the EIRs are tainted because the public may participate only during specified stages while the developer participates throughout the process. Gitelman responded by stating the Department relies on the 1983 opinion and 1989 decision that has the right to keep documents confidential and that need supersedes the public's right to know, etc. The discussion went back and forth over the same issues. There was no meeting of the minds. Brugmann urged that a vote be deferred until November. He made a motion to that effect. Bernstein seconded to get it on the floor. Motion lost, 3 in favor al others opposed. Pilpel said there were 5 issues:

1. Revise Chap. 31 of the SFA Code entitled "Environmental Quality" to conform to the changes in state law and Planning Department procedures.
2. Recommend to the Planning Department that the department contract directly with EIR consultants.
3. Record retention policies be reviewed to determine if the present retention period is long enough.
4. Retain prepublication draft EIRs until 30 days after the final EIR is certified by the Planning Commission.
5. In the event a project is put on hold, develop procedures to notify persons who filed comments of the status of the project.

Planthold raised several concerns re: the aforesaid issues:

1. Who do you notify when a project is on hold?
2. Insufficient knowledge about Item #2 above as the records retention policy was not circulated to all members of the Task Force. Planthold also thought some items beyond the scope of the Task Force.
3. He was in favor only of point 4 above.

Brugmann said the whole procedure was outrageous. Asked for a vote on issues as stated by Pilpel.

Bernstein made motion that we vote in favor of the issues as made by Pilpel.

Ray seconded.

Discussion re: deferring the vote at this point in time since additional information was needed.

Brannon made motion that vote be deferred until October meeting and that in the interim we be provided necessary information.

Seconded by David Wilkins
Motion carried.

Public Comment:

James Chaffee quoted from Milton and then referred to Paskin and Food Not Bombs. He reported on appearance before the Library Commission in April re: because of their treatment of the public. Though he had been assured he would be able to speak, he was denied and said he felt betrayed. The Library Commission went into closed session. They chose not to arrest him. He has filed two lawsuits. States that existing laws are of no value.

Report of Education and Outreach Commission made by Hilda Bernstein who presented the draft of the 1st article in the series of information pieces for release to the newspapers. Several changes were suggested and accepted - next to last paragraph to read "Much of the above applies to private non profits which receive \$250,000 or more per year from city or City administered funds." O'Hara's telephone number will be made available.

Planthold motioned to accept draft as amended, seconded by O'Hara. Brugmann will distribute.

Meeting adjourned at 6:15 p.m.



Item 7A

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In reviewing our records, I have found that the following Minutes **from** your agency have not been received by the **SFPL** Government Information Center:
Sunshine Ordinance Task Force: Please review the attached check-in record and send all missing minutes and final copy of minutes.

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For your information, a factsheet on the posting and depository program is included in this mailing. If you have questions or would like an introduction to the Government **Information** Center and its collections, please call me at 557-4470.

Sincerely,

Terry Gwiazdowski
San Francisco/Regional Documents Librarian

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San Francisco. Sunshine Ordinance Task Force.

Minutes.

* Special d = dicit

Year	Vol.	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1994					27	25	15,	26,	*17,	21,	19,	16,	14,
1995		18,		15,	19,	17,	21 ^d ,	19,	16,	20,	16,		
1996		19,											
1997		15 ^d ,	19 ^d ,	19 ^d ,									
1998		d 21											



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POSTING AND DEPOSITORY FACTSHEET

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Official publications include meeting minutes, annual reports, special studies, environmental impact statements, periodicals, newsletters, statistical reports, pamphlets, maps, and consultant reports. If a document has popular appeal, is written about in the news media., is highly publicized or is up for public comment, please provide the Library with thirty (30) copies and they will be distributed to branch libraries. Documents of special interest to specific neighborhoods can also be distributed to those neighborhood libraries.

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Whether mailed, hand delivered or faxed, agendas should arrive in the department before 4:00 PM (Mon.-Fri.) the day you wish to have it posted. All agenda items should be on single-sided paper. Posting requirements are not met if the agenda is not received and processed by Library staff. If you require confirmation of receipt, please note it as such, and the confirmation will be faxed to you. It is the responsibility of the agency having the meeting to make sure that time requirements as specified in the Sunshine Ordinance and other open meeting laws are being followed. Please contact the City Attorney's Office for questions about compliance with the law.

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