

DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, October 21, 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 4:15 pm on Wednesday, October 21, 1998.

Item 1. Call to Order/Roll Call

Members present: Angela Armstrong, Hilda Bernstein, Bruce Brugmann, Ruach Graffis, David Pilpel, Robert Planthold, Tuesday Ray, Nancy Sutley, David Watkins

Rx-officio members present: Susan Frankel, Rachel Arnstine O'Hara, Gloria Young

Members absent: Johnny Brannon, Nicole Wong

Item 2. Chair's Introductory Remarks

Pilpel introduced and welcomed a new member of the Task Force, Hilda Rernstein and the new Clerk of the Board, Gloria Young.

Item 3, Approval of Minutes

Planthold offered and Ray seconded a motion to approve the minutes of the July 15, 1998 minutes. The minutes were approved. Planthold offered and Watkins seconded a motion to approve the minutes of the September 16, 1998 meeting. The minutes were approved.

Item 4. Report of the Clerk.

a. Complaint Log

b. Communications Log

O'Hara passed out the communications and complaint log. O'Hara asked the Task Force to consider combining the communications log and the complaint log because they duplicate each and create extra work for the Clerk. In response to an earlier question from Graffis, O'Hara explained that a case reported as closed either had a letter to the complainant from the Deputy City Attorney or were determined not to be Sunshine Ordinance related. O'Hara reported that, for example, the Deputy City Attorney had attempted to contact Mr. -Gallagher about his complaint and when after a month he did not respond, the Clerk closed the case. Brugmann stated that the Gallagher complaint asking for records from the now-defunct Protocol office raised important issues, Pilpel noted that if Task Force members felt that a complaint raised a policy matter, they should request that it be put on the agenda for a future meeting. Frankel explained that she informed Mr. Gallagher that some records of the Protocol office were available from the Controller's office. Pilpel stated that he would review the purpose of the communications log

with the Clerk and he introduced and welcomed Angela Armstrong as a new member of the Task Force. Brugmann asked that the Task Force be informed of the status of pending legislation related to the Sunshine Ordinance.

Item 5. Task Force Members' Questions and Comments

Planthold asked if other Task Force members had trouble getting responses to detailed information requests, Planthold also stated he wanted to discuss how passive meeting requirements apply to certain bodies, such as the Mayor's Disability Council. Sutley asked that the agenda and materials be completed early enough for the Clerk to mail them out on time. Armstrong asked about the procedures for filing a complaint and bringing it to the attention of Task Force.

Item 6. Review Draft Fact Sheet on Non-Profit Accountability Ordinance

Members reviewed a fact sheet about non-profitability accountability amendments to the Sunshine Ordinance based on a memo from the City Attorney's office. Planthold pointed out that a fact sheet from the Controller's had conforming language for contracts and requests for proposals. Those guidelines also point out state-chartered agencies or authorities not subject to the Sunshine Ordinance or these requirements, including the School District, the Community College District, the Redevelopment Authority, the Transportation Authority and the Housing Authority. Armstrong asked who was subject to the new requirements. Bernstein asked whether the Task Force should request a legal opinion, Pilpel stated that the fact sheet was informational. Armstrong asked how the public could tell whether a non-profit is subject to these requirements and whether City agencies should keep track of which non-profits are subject.

Public Comment on Items Not on the Agenda (5:02 pm)

There was no public comment,

Item 7. Consideration of 2 complaints by John Darminan regarding the San Francisco Fire Department and San Francisco Fire Commission

Pilpel explained that there were two complaints from Mr. Darminan: 1) he was not permitted to comment at a Fire Commission meeting and 2) the Fire Commission cancelled a hearing without notice. Under the first complaint, Darminan stated that he was stopped by the Chief of the Fire Department from speaking at a Fire Commission meeting because he was not in full uniform. Darminan pointed out that he was off-duty and there to speak as a private citizen. Fire Department regulations prohibit firefighters from wearing their uniforms off-duty, although Darminan stated that it had been the practice that members of the Fire Department could speak as a private citizen when off-duty wearing a portion of their uniforms as long as the uniform parts were covered, At that meeting, Darminan had portions of his uniform on under his coat. The Chief and the Chair of the Commission threatened Darminan when he wished to speak. He chose

not to speak. Frankel stated that in response to the original complaint, she had suggested that the Fire Department clarify its rules about **wearing** uniforms off-duty and the Fire Department had not responded. Under the second complaint, Darminan stated that he had not been notified that a special meeting of the Fire Commission had been **cancelled**. The agenda for special meeting included a hearing on his suspension.

The Fire Commission did not appear at this hearing although they had been invited. Pilpel related a memo received from the Fire Department/Commission which stated that: 1) they clarified that Fire Department rules do not allow uniforms to be worn off-duty and issued an order; and 2) the suspension hexing was cancelled because the suspension was dropped. Pilpel noted that first complaint about public testimony did not reference specific sections of the Sunshine Ordinance and that notice requirements apply to meeting agendas, but not specifically meeting cancellations, Brugmann offered and Bernstein seconded a motion to send a letter to the Fire Commission: 1) stating that Darminan provided a public service by raising this issue., 2) reprimanding the Fire Commission for their treatment of Darminan, 3) recommending that Fire Department clarify its rule regarding uniforms off-duty and apply it in a non-discriminatory manner and 4) including the failure to notify Darminan of the meeting cancellation. The motion was approved.

Item 8. Review pending legislation at the Board of Supervisors concerning the Sunshine Ordinance and consideration of comment to the Board of Supervisors relative thereto

a. Amos Brown proposal to amend section 67.30 to change the selection of two members of the Sunshine Ordinance Task Force from name.9 submitted by the local chapter of the Society of Professional Journalists to include representation of the minority press or electronic media

Pilpel noted that Supervisor Brown had been invited to appear before the Task Force to discuss his legislation. Planthold offered and Watkins seconded a motion to ask that Supervisor Brown continue his legislation until he appeared before the Task Force to discuss it. The motion was approved.

b. Gavin Newsom proposal to provide City codes on line

Mike Farah of Supervisor Newsom's office spoke about Supervisor Newsom's proposed resolution to require that City codes be put on-line. Supervisor Newsom sponsored legislation to require that commission agendas and calendars be posted on-line. That legislation was adopted and signed by the Mayor. Farah noted that the Department of Telecommunications and Information Services was concerned about the cost of putting the codes on-line and DTIS suggested that those costs be included in the City budget, Planthold offered and Ray seconded a motion that the Task Force support Supervisor Newsom's resolution to require City codes to be put on-line. The motion was approved.

Item 9. Continued consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to public meetings (Article 2 of the Ordinance),

Item 10. Continued consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to general policies (Article 1) and policy implementation (Article 4).

Items 9 and 10 were continued until the next meeting.

Item 11. Review agenda items for the next meeting.

-- Continue discussion of San Franciscans for Sunshine suggestions for amending the Sunshine Ordinance.

Item 1.2 Adjournment

The meeting was adjourned at 6:25 pm, .