

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

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

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

Item 1. Call to Order/Roll Call

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

Ex-officio members present: Rachel Arnstine **O'Hara**, Gloria Young

Staff Counsel to the Task Force: Susan Frankel

Members absent: Angela Armstrong, Nancy Sutley, Nicole Wong

Item 2. Chair's Introductory Remarks

Item 3. Approval of Minutes

No minutes were available.

Item 4. Report of the Clerk.

a. Complaint Log

b. Communications Log

O'Hara passed out the communications and complaint log related to the Sunshine Ordinance. The Clerk received an immediate disclosure request. Frankel sent a letter to Kohler requesting clarification of some aspects of her complaint.

Item 5. Task Force Members' Questions and Comments

Watkins reported on problems with taping of the **meetings**. Pilpel noted he signed the letter to the Fire Commission and Department regarding Darmanan's complaint which the Task Force heard at the October meeting. Planthold noted that he was informed that the Mayor's new Muni Task Force was deemed subject only to passive meeting requirements and that the new Muni Council was thought not to be subject to the Task Force because it consists only of **City staff**. Pilpel asked for a written opinion. Pilpel asked **Brannon** to put his concerns about the Board of Appeals in writing and asked the City Attorney to respond.

Item 6. Discussion of Sunshine Ordinance Task Force Rules and Procedures

Pilpel passed around copies of the existing rules of the Task Force which had last been amended in 1996. Pilpel asked that Task Force members review them for the next meeting and asked Planthold to contact Sue Hestor, a former Task Force member, to inquire about any other changes that the Task Force discussed at the time but might not be reflected in the last written version of the rules. Bernstein suggested that the Task Force consider an orientation for new members, a later start time to accommodate members' schedules and the distribution ahead of time of any materials to be discussed at the meeting.

Item 7. Discussion of Sunshine Ordinance Task Force Meeting Location and Schedule

Pilpel noted that the Mayor asked that all public bodies try to meet in the newly reopened City Hall and that scheduling was becoming difficult because of the number of these bodies. The fourth Tuesday of the month after 4 pm is the time slot available for the Task Force to meet in City Hall. Pilpel asked if members wanted to change the date and meet in City Hall, retain the current schedule and room or consider other options that will ensure a quorum. O'Hara noted that the room at City Hall is available anytime after 4 pm on the fourth Tuesday and that recording equipment is available in that room. Planthold suggested that members be polled.

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 add two members to the Sunshine Ordinance Task Force, one from the general public and one representative of the minority press or electronic media.

Pilpel reported that he sent Supervisor Brown comments on his proposed legislation that reflected the discussion at the December 2 meeting. The legislation passed the Rules Committee, the full Board on first reading and is up for final passage.

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

Pilpel referred back to the proposed San Franciscans for Sunshine proposed amendments that had been distributed at a prior meeting. The proposed amendment to Section 67.14 (Disclosure of closed sessions and actions) would require disclosure of pending settlement agreements for at least 15 calendar days before final approval by the City. It would also add similar disclosure requirements for collective bargaining agreements. Pilpel noted that other sections of the Ordinance provided for 10 calendar days of review and suggested expanding the disclosure requirements to any writing related to items that may be discussed in closed session. Pilpel noted the City Attorney's concern that expanding disclosure could prejudice the City's position in these discussions or negotiations. Brannon suggested providing for timely public notification of availability of proposed agreements or settlements. The Task Force also discussed whether to

conform the requirement to retain tape recordings or video tapings to the 30 days provided for in the Brown Act or potentially to require indefinite retention. Young discussed the potential cost to the City of indefinite storage for all City Boards and Commissions. Brugmann indicated he would research options, including technological solutions. Young suggested also looking at what other cities do. With respect to the time permitted for an individual's testimony, Pilpel raised a concern about items that are continued **from** one meeting to another. Bernstein also suggested clarifying that time limits should be uniform for all those who wish to speak and recommending that items with many potential commenters be heard first. Brugmann suggested that presiding officers announce at the beginning of meetings if items are to be continued, that anyone present at a meeting be given an opportunity to comment even **if an** item is continued or be allowed or encouraged to submit written comments for the record. The Task Force **asked the** Clerk of the Board to explore the status of distribution of public comments to the Board of Supervisors. **Brannon** suggested that during meetings, bodies provide a way to notify the public where they are on the agenda. The Task Force suggested preparing a user's guide to public comment.

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

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

Continued to the next meeting.

Item 11. Review schedule and agenda items for the next meeting.

- Continue balance of item 9 and **all** of item 10.
- Survey of meeting times
- Rules of order
- Discussion of Board of Supervisors' thirty day rule

Item 12. Adjournment

The meeting was adjourned.