

City and County of San Francisco
Sunshine Ordinance Task Force

Special Meeting
Tuesday, 21 December, 1999, 4:00 PM
1 Dr. Carlton B. Goodlett Place, Room 408

Present: Voting Members David **Pilpel**, Robert R. **Planthold**, **Johnny Brannon**, Angela Armstrong, Hilda **Bernstein**, **Bruce Brugmann**, Sue **Cauthan**, Tuesday Ray, David Watkins, and Judy Appel; Non-Voting Members Rachel **Arnstine O'Hara** (SOTF clerk) and Gloria Young (Clerk of the **Board**); and Deputy City Attorney Jackie Miner.

1. **Call to Order by Chair David Pilpel.**

2. **Accepting Resignation from the office of the Chair.**

David **Pilpel** resigned as president of the SOTF, departing comments by D. Pilpel. **Robert Planthold** assumed the office of SOTF chair and took over as chair of this Special Meeting.

3. **Electing Vice-Chair for the duration of the unexpired term (to April, 2000) (ACTION).**

David Watkins **nominated** Hilda **Bernstein**, seconded by Bruce **Brugmann**. Ms. Bernstein accepted the nomination.

Brannon nominated Ms. Ray, who declined the nomination

Pilpel nominated Cauthan, who declined the nomination.

Vote taken on motion nominating Hilda Bernstein as Vice-Chair of the SOTF
AYES - 10; NAYS- 0. motion passes.

Hilda **Bernstein** assumes the office of Vice-Chair of the SOTF.

4. **Adoption of Minutes**

No minutes available for adoption, matter tabled until next meeting.

5. **Report of the Transition Committee and possible adoption of recommendations there from (ACTION).**

Attachment 5.1 – minutes from the 12/7/99 Transition Committee meeting

Attachment 5.2 – minutes from the 12/14/99 Transition Committee meeting

Attachment 5.3 – Sue Cauthan's "Member Reduction Proposal" (not official document)

Attachment 5.4 – Draft Administrator, Sunshine Ordinance 'Task Force Job Description

A. **Reducing the numbers of the SOTF:**

The SOTF currently has 13 members, and the new voter passed initiative ("Prop G" or "Sunshine II") calls for a reduction to 11 members. The reduction is from

six to four members **representing** the general public. Transition **committee** discussed what process to **recommend** to **the Board** of Supervisors to carry out the reduction.

The Transition **Committee** made two recommendations on this **issue**:

1. Letter **from** City Attorney **requesting** resignations: All members of **SOTF** received a letter **from** Jackie Miner inquiring whether anyone within the **affected** seats **wanted** to resign. Nancy Sutley in **Sacramento** **agreed** to resign and **send** a letter of resignation to the Board of Supervisors. No letter had yet been received.
2. Recommend that the Board of Supervisors base their decision regarding who **to take** off of the **Task** Force be based on record of attendance.

Gloria Young **reported** on the fastest possible **timeline** of the Board of Supervisors' action.

- **1/4/00**: **introduce** resolution at the first meeting of the Board of Supervisors of 2000;
- **1/15/00**: first **meeting** of the rules committee to hear the resolution;
- **1/18/00**: vote at **the** full Board of Supervisors **meeting** as a special issue;
- The Mayor **then** has **10** days to approve.

In response to a **question** about the effect of an **open-ended** recommendation from **the** members of the **SOTF**, Ms. Young recommends that the recommendation of the **SOTF** be as specific as possible to allow for a resolution on **1/4/00**. The normal procedure used by the Board of Supervisors would be **to select** who would remain on **the** task force by lots.

SOTF members decide to discuss other issues before taking action on this **issue**.

B. Staffing New Clerk Position For SOTF:

Gloria Young **presented** a job description for **the** new clerk **position** that will be hired to staff the **SOTF** (Attachment 5.4).

Ms. Young prepared the job announcement as per the **requirements** of "Prop. **G**". There will need to be a supplemental **budget** request of the Board of Supervisors to find the **position**.

Discussion by and suggestions of members:

JKA: **suggest language** to include follow-up **on** hearings and **decisions**

DP: **HRC** will classify the position. Should be comparable with assistant level positions, should be located within the clerk's **office**, who will s/he **report** to, should include responsibilities for handling informal complaint resolution, **should** include responsibilities re new non-profit resolution.

AA: Concern regarding No. 6 and policies – **SOTF** should make **the** determination **of** policies, not the clerk.

BB: Should he specified **that the** clerk will be responsible for handling letters of resolution. What is the **interviewing** process?. **Need** to make sure that **the** individual can do **the** job.

Gloria Young will draft a final job announcement **and** send it to **members**.
Agreed to present top 3 candidates informally to members, with final decision remaining with her.

DP : Requests that the language for the supplemental request be provided to members.

C. Training of Departmental Staff:

SOTF members would like to participate in providing the training.

Report from Deputy City Attorney **Jackie Miner:** Prop G requires **training** of Department **staff**, as **well** as others, totaling more than 750 people. She suggests that a **subcommittee** be formed to address training.

Recommendation of the **Transition** Committee that SOTF members participate in training.

Discussion by members regarding degree of **participation** of members in training and whether or not a committee should be set up towards this end.

Motion by Brugman: The chair he empowered to put **together** a committee to work on training, together with the City **Attorney office**; the committee will **not** include a **quorum** of members, and will include Judy **Appel**, and that **the** chair **will** recruit other members **from** seats **not** at risk of downsizing. **HB** seconded motion.

No **discussion** on the **motion**. Vote on the motion - ayes **unanimous**. Motion passes.

D. Reduction of number of members of SOTF (return to previous discussion for action – see “A” above.):

Question: What seats are at risk?

The General Public seats **that are currently** “at risk” of being removed **are:**
David Watkins, Nancy **Sutley**, Sue Cauthen, **Ruach Graffis**, Hilda **Bernstein**.
Jackie Miner reports that her analysis is that the Consumer Advocate seats could also be considered for the **reductions** under Prop. **G** – that they could be “**commingled**.”

IIB: First, Nancy **Sutley** has offered de facto **resignation**. Second, should **co-**mingle **the** General Public and the Consumer Advocate **seats**. **Third**, should **use** attendance **as** a factor for determining who to remove, and acknowledges question of which meetings to include in **determination**.

Motion by Brugman: Attendance be a criteria for **selecting** who to remove **from** task force. Second: **IIB**. Discussion on the motion.

Vote on whether to call the **question**- ayes: BB, HB, TR, BP, JB, DW; nays: AA, DP, SC, JA. Requires 2/3 majority required to call the question, vote fails.

Continued discussion on the motion.

Amendment to the motion: Only general public seats should be considered **for** removal.

Vote called on amendment - ayes: BB, TR, BP, JB, DW; AA, DP, SC, JA; nays: HB, JB. Amendment **passes**.

Amendment to the motion by Bernstein: Include consumer advocates as seats **to** be considered for removal. No **second** and amendment fails.

Discussion: Question regarding who will **determine** attendance if this criteria is chosen for selection. Jackie Miner will calculate attendance based on records that exist. She **will** distribute the results.

Vote on motion: "**Attendance** be a criteria for selecting who to remove **from** task force, and only general public seats should be considered for removal." ayes: BB, HB, BP; nays: TR, AA, DP, JB, DW, SC, JA. Motion **fails**.

Motion by Brannon: All members subject to **removal** to appear at the Rules Committee for selection. **Second:** DP.

Substitute Motion by Bernstein: That the Task Force make no recommendation to the Board of Supervisors. **Second:** BB. Vote on whether to substitute **motion** - ayes: BB, HB, TR, BP, JA, SC; nays: AA, DP, JB, DW. Requires a majority of seven, motion fails.

Discussion and vote on main motion - ayes: JB, DP, AA; nays: DW, JA, SC, DP, TR, HB, BB. Motion fails.

Motion by Watkins: That the selection of who to **remove from** the Task Force be made by **drawing** lots. **Second:** JB. No discussion on the motion. Vote on motion- ayes: DW; nays: JA, SC, DP, TR, HB, BR, : JR, DP, AA. Motion **fails**.

Motion by Bernstein: That the Task Force make no recommendation to the Board of Supervisors. **Second:** Brugman. No **discussion** on the motion. Vote on motion- ayes BB, HB, SC, BP; nays: DW, JA, JB, TR, AA. Motion fails.

Motion by Brugman: De appointing two members based on the **record** of **attendance** as one **criteria** for **selecting** who will be dc-appointed **from** the general public seats, and that this be done in the most **expeditious** **fashion** possible. **Second:** HB.

Substitute motion by Brannon: Accept **the** resignation of two members . No second.

Sunshine Ordinance Task Force



City and County of San Francisco

Notice of Special Meeting and Agenda

Tuesday, 21 December, 1999 at 4 PM .

I. Dr. Carlton B. Goodlett Place (City Hall) in Room 408
San Francisco CA

Voting Members:

- ✓ David Pilpel, Chair
- ✓ Robert R. Planthold, Vice-Chair
- ✓ Johnny Brannon, Media Liaison
- ✓ Angela Armstrong
- ✓ Hilda Bernstein
- ✓ Bruce Brugmann
- ✓ Sue Cauthen
- ✗ Ruach Graffis
- ✓ Tuesday Ray
- ✗ Nancy Sutley
- ✓ David Watkins
- ✓ Judy Appel
- 1 Vacancy

Non-voting Members:

Rachel, Arnstine O'Hara, SOTF Clerk
Gloria Young, Clerk of the Board of Supes.

The Task Force may be contacted through its Clerk as follows:

Sunshine ordinance Task Force
City Hall., Room 362
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4683

(415) 554-6171 Voice
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1 Dr. Carlton B. Goodlett Place, #362, San Francisco, CA94102
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Sunshine Ordinance Task Force



City and County of San Francisco

Sunshine Ordinance Task Force--FINAL Agenda--21 December, 1999

1. **Call** to Order/Roll Call
2. Accepting Resignation from ^{the} office of the Chair (ACTION)
3. Electing **Vice-Chair** for the duration of the unexpired term (to April, 2000) (ACTION)
4. Adoption of Minutes
4. Report of the Transition Committee and possible adoption; of recommendations therefrom (ACTION)
5. Cancellation of Regular December Meeting of 28 December, '99 (ACTION)
6. Adjournment

Note: **Public** comment on items **NOT** appearing on this agenda but within the jurisdiction of the **Sunshine** Ordinance Task Force will take place as the **FIRST** new item to be considered after 5 PM. As always, **there is** an opportunity for **members** of the public to speak to each agenda item as it is being **considered**.

1Dr. Carlton B. Goodlett Place, #362, San Francisco, CA 94102
(415) 554 - 6171 Fax (415) 554 - 6177

S. 1

To: Members of the Trans. Comm.
From: Hilda Bernstein
Re: Confusion of membership and Minutes of 12/7/99/ meeting.
Date: 12/14/99

According to the minutes of the 12/7/99 meeting it was Sue Cauthen who volunteered to be on the Trans. Comm. not Tuesday Ray. My list included Tuesday, not Sue and since as you know Tuesday did call me to say she would not come in the event David Pilpel came creating a quorum. Neither I nor anyone else questioned the membership. As chair I take responsibility for the error.

Sue is very concerned that she may lose her seat and wishes to reopen the discussion re: downsizing. She has suggested geographic distribution Alternatively but not seriously I suggest age distribution. Unless there is consensus to the contrary I will allow 5 minutes for Sue to present her argument .

Consensus decisions reached at the 1 2/7/99 meeting were as follows:

1. David Pilpel should be asked not to attend Trans. meetings because of the possibility his presence would create a quorum. **DONE**

2. **Downsizing**- all present members to be asked if they wish to continue membership. **DONE**; attendance matrix to be prepared for submission to the Bd. of Supervisors for use as a factor in determining future membership.

3. Staffing Gloria Young reported that she would arrange for temporary staff for January and February, 2000. She expects that there will be permanent staffing by March of the year and toward that end she has prepared requirements and a description for that position Gloria agreed that the committee shall have input to the final version. I believe we all have copies of Gloria's draft.

4. **Training** It was agreed that a joint comm. from the City Att.'s office and the Task Force would develop and carry out training for City Depts.

... The main issue on today's agenda is legal interpretation of Prop. G and it's impact on the Sunshine Ordinance and its Task Force. We have some guests who will tell us their intent in crafting the Initiative. Since the drafters are not a legislative body their intent has no legal standing.

Hilda Bernstein

Notes from the 7/14/99/ Meeting of the Transition Committee

Please look at the 7/7/99 notes. Present at the 7/14/99 meeting were Bernstein, Wilkins, Cauthen, Brugmann, Armstrong and Planthold. (At the 7/7/ meeting there was bernstein, Planthold, Brugmann, Wilkins and Armstrong). Gloria Young and Jackie Minor attended both meetings.

REVIEW VU 7/7/99/ MEETING

Major items discussed 7/7/99 were downsizing, and staffing, Gloria explained the time sequence via a vis action by the Rules Comm. and the Board of Supes. I will ask her to do this for the entire Task Force.

Gloria.etc

There was a consensus decision at the 7/7/ meeting regarding downsizing.: I want to emphasize in the strongest possible way. that we are limited to a recommendation to the Bd. of Supes who alone have the authority to make that determination. Bob P said that he spoke with Nancy Sutley who is now living in Sacramento. Jackie said she would follow up with another call. The thinking was that if Nancy resigned there would be only one position to eliminate. After much discussion consensus was reached re: downsizing :

A letter would be sent to each member of the task force asking if that person was interested in resigning. No response. Additionally an attendance matrix covering the last eight months of those filling the g.p. seats and consumer seats would be sent to the Supes. for consideration as one factor in their downsizing decision.

Attendance as the factor to be considered was chosen because more than any other it speaks to commitment and effort.

Gloria Young said that pending a supplemental budget expected by March 1, 2000 she would provide temporary staff. She also agreed to prepare a job description and job Quals for the permanent staff. . SOFT was invited to make suggestions.

There was also some discussion re training and legal interpretation .

We adjourned at 5:30.

REVIEW 7/14/99 MEETING

The first item that the Transition Comm. dealt with at this meeting was the Job Desc. and Job Quals. for full time staff which would be taken on in March, 2000. I'll ask Gloria Young to speak to this item. 5 minutes for presentation

The next item was training of Dept. staff. There was discussion re: the degree to which SOTF members should or would be involved in this effort. Jackie, please. 5 minutes. The comm. consensus is to participate in training.

We revisited the issue of downsizing. This was of great concern to Sue Cauthen who because she missed the first Committee meeting through no fault of her own was

Hilda Bernstein

DRAFT

ADMINISTRATOR, SUNSHINE ORDINANCE TASK FORCE
1370 - Special Assistant XI

This position works under the direction of the Clerk of the Board of Supervisors. The Administrator, Sunshine Ordinance Task Force (SOTF) will be responsible for administrative support to the SOTF, supervising the activities of support personnel, as assigned, and performing related duties as may be assigned.

Principal Job Duties:

1. Provide administrative support to the SOTF.
2. Attend the SOTF meetings and sub-committee meetings, as required, and provide for a record of the meetings.
3. Administer the Sunshine Ordinance for the Board of Supervisors/Clerk of the Board and the SOTF.
4. Articulate the regulations of the Sunshine Ordinance as it relates to members of the public by providing brochures and other informational documents as may be necessary.
5. Review and maintain the records, files and information associated with the SOTF.
6. Research, collect and prepare policies and procedures related to the Sunshine Ordinance, as required.
7. Coordinate administrative responsibilities as assigned.
8. Act as liaison to other City departments.
9. Provide public relations, including establishing a web page for SOTF, and providing information on the Sunshine Ordinance.
10. Attend meetings of other legislative bodies as may be required.
11. Provide preliminary investigation of complaints, prepare appropriate correspondence, and oversee the complaint logs.
12. Transcribe, edit and finalize SOTF minutes and/or supervise the staff person assigned to the task.
13. Prepare an orientation packet for new SOTF members.
14. Provide assistance on other duties, as may be required.

Minimum Qualifications:

1. Possession of a Bachelors Degree in Public Administration or a closely related field, or 5 years of work related experience in a managerial role.

Gloria Young

SUNSHINE ORDINANCE TASK FORCE
December 21, 1999
MEMBER REDUCTION PROPOSALS

TO: Task Force Members

FM: Sue Cauthen

Here are some of the ideas presented for reducing the number of Task Force members to 11, from the present 13. As I understand that Nancy Sutley intends to resign, it appears that there is just one seat that needs to be eliminated. Ideas 2, 4 and 6 below would permit retention of present members.

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IDEAS FOR DOWNSIZING o.o 12/21/99 o.o (in alphabetical order)

- 1. Age
- 2. Alternates (like Assessment Appeals Board) with Full Voting Rights
- 3. Attendance
- 4. Ballot Initiative increasing size to include present members
- 5. Geographic District
- 6. Juggle existing seats so current members remain intact
- 7. Longevity of current appointment
- 8. Lots (drawing)

Sue Cauthen