

Date: February 14, 2008

Item No. 1

File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Draft Minutes: Rules For April 12, 2007**

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Completed by: Frank Darby

Date: February 11, 2008

***This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

** The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

Sunshine Ordinance Task Force



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**SUNSHINE ORDINANCE TASK FORCE
RULES COMMITTEE**

DRAFT MINUTES

Monday, April 12, 2007

4:00 p.m., City Hall, Room 406

Committee Members: Bruce Wolfe (Chair); Doug Comstock; Hanley Chan

Call to Order: 4:02 p.m.
Roll Call: Present: Wolfe, Comstock
Excused: Chan

Chair Wolfe invited Member Pilpel to sit with the Committee in voice only.

Agenda Changes: None

Deputy City Attorney: Ernie Llorente
Administrator: Frank Darby

1. Approval of minutes of March 12, 2007.

Speakers: None

Motion to approve the minutes of March 12, 2007.(Comstock / Wolfe)
Ayes: Wolfe, Comstock
Excused: Chan

2. Motion adding Sub-Section B. 8. (a) and (b) to the Task Force's Complaint Procedures: (a) A complainant may waive the 45 day rule and a continuance shall be allowed. Should the complainant again wish to continue, such continuance would be approved by a simple majority vote of the Task Force.
(b) A respondent may request a continuance, however such continuance would be approved by a simple majority vote of the Task Force. (discussion and possible action) (attachment)

David Pilpel said that the sentence regarding the 45 day rule was unclear.

Member Comstock said that using the statement "simple majority of the Task Force" does not make clear to the common person what the procedural matter is, and suggested that the language be changed to

say “simple majority of the members present.”

Speakers: Kimo Crossman asked why Member Pilpel was sitting speaking when is not assigned to the Committee. Chair Wolfe responded that he invited Member Pilpel to sit with the Committee as a guest, since he is a Member of the Task Force, in voice only; that he does not have voting authority.

Motion adding Sub-Section B. 8. (a) and (b) to the Task Force’s Complaint Procedures: (a) A complainant may waive the 45 day rule and a continuance shall be allowed. Should the complainant again wish to continue, such continuance would be approved by a simple majority vote of the members present.

(b) A respondent may request a continuance, however such continuance would be approved by a simple majority vote of the members present. (Comstock / Wolfe)

Ayes: Wolfe, Comstock

Excused: Chan

3. Discussion regarding possibly changing the six-vote affirmative vote requirement for all substantive matters as required in Section 7 of the Task Force’s By Laws.

Chair Wolfe said that there is a concern that when a sufficient number of members are not present that their could be some difficulty obtaining a favorable vote, and welcomed discussion on the matter.

Member Comstock said, that it is hard for complainants to achieve a fair hearing when three or four members are absent and six votes are required for approval, especially toward the end of a long meeting.

David Pilpel said that the Section 4.104 of the charter governs the number of members required to carry an action; that only by a charter amendment could the Task Force change the required votes.

Chair Wolfe said that it is rare that the Task Force’s has less than nine members present, and doesn’t know now to make a change regarding the required vote other than changing the Task Force’s rules.

DCA Llorente said that if the Task Force changes its quorum their will be a problem with the City charter, which applies to the Task Force. He suggested that the Task Force change it’s rules rather than the by laws, as recommended by attorney Allen Grossman, to allow one are both parties the option to automatically continue the matter if less than nine members are present; however, the matter can move forward, with less than five members, if both parties are in agreement.

Speakers: Kimo Crossman expressed dissatisfaction with the Administrator for not making copies of a letter he e-mailed for distribution to Committee Members at the meeting. He said that the six-vote requirement is “ridiculous,” and that all members should be present for a matter to go forward. He suggest that only a majority of

the members present be required to affirm an action.

Chair Wolfe read a section 4.104 sub-paragraph three of the charter and said that the Task Force had to comply with the charter regarding the required quorum.

Member Comstock said that the language in the Charter applies to the Executive branch only.

Mr. Pilpel said that Section 4.104 applies to all bodies and is not specific to the Executive branch.

Chair Wolfe asked DCA Llorente for an opinion on Section 4.104 of the charter. DCA Llorente said that it is the City Attorney's opinion that Section 4.104 is a stand-alone section and is not limited to the Executive branch.

Chair Wolfe requested an official opinion from the City Attorney be provided on the matter.

Motion amending Section 7 of the Task Force's By Laws as follows:

Section 7. Action at a Meeting; Quorum and Required Vote

The presence of a majority of the members (six members) of the Task Force shall constitute a quorum for all purposes. The affirmative vote of a majority of the members ~~of the Task Force (six votes)~~ present shall be required for the approval of all substantive matters. Procedural motions require an affirmative vote of a majority of the members present. If a quorum is not present, no official action may be taken, except roll call and adjournment. (Comstock / Wolfe)

Ayes: Wolfe, Comstock

Excused: Chan

4. Public comment for items not listed on the agenda.

Speakers: Kimo Crossman suggested that the Ordinance be amended to allow the public to use the internet to access meetings. He said, that he is disappointed that the documents provided to the clerk are not distributed to members when requested.

5. Announcements, questions, and future agenda items from Committee members.

Speakers: None

Member Comstock noted that there are technical errors in the Complaint Committee procedures.

Chair Wolfe, by consensus of the Committee requested that the Complaint Committee authorize the Administrator to correct the errors.

Adjournment

Meeting adjourned at 5:02 PM

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force.