

Date: June 24, 2008

Item No. 3

File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Draft Minutes: Task Force Special Meeting for June 10, 2008**
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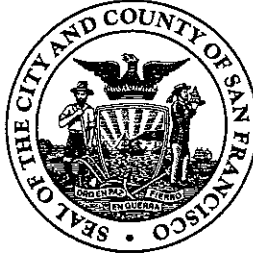
Completed by: Frank Darby

Date: June 19, 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.



<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE
SPECIAL MEETING
DRAFT MINUTES**

Tuesday, June 10, 2008
4:00 p.m., City Hall, Room 406

Task Force Members

Seat 1	Erica Craven (Vice Chair)	Seat 8	Kristin Chu (Chair)
Seat 2	Richard Knee	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Allyson Washburn	Seat 11	Marjorie Ann Williams
Seat 5	Ketaki Gokhale		
Seat 6	Doug Comstock	Ex-officio	Angela Calvillo
Seat 7	David Pilpel	Ex-officio	Harrison Sheppard

Call to Order

The meeting was called to order at: 5:04 P.M.

Roll Call

Present: Craven, Knee, Cauthen, Washburn, Gokhale, Comstock, Chu, Goldman,

Excused: Willams

Absent: Pilpel (in at 5:16 p.m.), Chan (in at 5:12 p.m.)

Deputy City Attorney: Rosa Sanchez

Administrator: Chris Rustom

1. Review of amendments developed by the Compliance and Amendments Committee and possible approval as to substance. Motion to refer to Supervisor Mirkarimi for sponsorship

Chair Chu said today's special meeting is to decide whether to try and include the proposed Sunshine Ordinance amendments in the November 2008 ballot with the help of Supervisor Ross Mirkarimi or wait until 2009.

Chair Chu asked CAC Chair Richard Knee and CAC Vice Chair Erica Craven to present an overview of the amendments. Member Comstock was also asked to explain the legislative process should members aim for the November 2008 ballot.

Member Knee deferred Article II to Member Craven because she had prepared an excellent summation on it and had some other proposals.

Member Craven said Article II contained ambiguous language that various

departments and the City Attorney's Office had brought to the Task Force's attention. She then explained the entries in Article II and gave a summary on what was done to each section.

She also suggested deleting "department head" from 67.3 (c) i and 67.3 (c) ii and replacing it with "department."

Member Knee explained what was added and changed in Articles III and IV.

Member Comstock said Chair Chu and he had visited Supervisor Ross Mirkarimi's office and had spoken to his aide Boris Delepine, who told them that the supervisor needed the document by the end of this week. The supervisor will then turn over the document to the City Attorney for approval as to form. Then comes the bargaining part where the deputy city attorney assigned to it will seek to modify the language, a move that points out flaws but mainly a time where both parties have to compromise. It then goes to the Rules Committee where it gets a public hearing and rewritten and recommended to the Board of Supervisors, which may pass on it or put it on the ballot. If they pass on it, four supervisors' support is needed to put it on the ballot.

Member Knee wanted to know if finding four supervisors would be better and easier to make it to the ballot. Member Comstock said getting a public hearing was the best way because detractors could make it an issue.

Member Cauthen said she was sure Supervisor Chris Daly would support the amendments. She also said likely support could come from Supervisor Bevan Duffy, Supervisor Jake McGoldrick and Supervisor Tom Ammiano.

Member David Pilpel said he was surprised and wanted to know why the elections schedule was changed. He also said it was important to hear from the public as well as city departments before the Task Force makes its final decision.

Member Comstock said the proposed documents had been available to all parties at the SOTF website.

Member Craven reminded members that a number of city departments have also suggested making changes to the Ordinance.

Member Hanley Chan said he would seek Supervisor Carmen Chu's support.

Members were then given five minutes each to comment.

Member Cauthen said staff support for committees that report to the BOS is important and wanted it addressed in the amendments. She also wanted the text of the resolution included in the minutes.

Member Pilpel agreed with Member Cauthen but said providing staff would be problematic because the city has over 200 policy bodies. He questioned the

practicality of 67.12 (f) (3) and wanted to know how the public would benefit from the proposed quarterly review.

Member Chan wanted the proposed amendments sent to Supervisor Mirkarimi..

Member Gokhale agreed with Member Cauthen on the staffing issue and proposed language.

Member Nick Goldman said the Task Force could continuously review the document and get nowhere. He wanted to forward the proposed amendments.

Member Knee said he did not have a problem inserting Member's Cauthen's language on staff support but reminded members that there had been discussions about a Sunshine assistance office. However, he was concerned about a person's ability to gain information about himself or herself from city departments.

Member Comstock said there is no reason for keeping public records secret as in what was said, discussed or presented during closed sessions. He also said former Task Force member Bob Planthold had suggested language that said agencies that are not required but are currently posting their agendas and minutes to continue their practice.

Member Washburn said she was satisfied that the Task Force had gone through a deliberative process. She shared Member Cauthen's staffing concern but wanted it discussed at a later date. She was also in favor of including the resolution to the minutes to give readers a clearer picture and wanted a digest that could explain the proposed amendments in under five minutes.

Chair Chu had a few questions about the proposed amendments such as why the document says two days and not two business days. Member Craven said it is one of the consistent changes that need to be made.

Public Comment: Kimo Crossman said despite the amendments, there was still provisions that allow one department to consult with another department as a reason for not complying to an Immediate Disclosure Request. The City Attorney, he said, is welcome to create materials and is welcome to provide training approved by the Sunshine Task Force. The vision is to take the City Attorney out of the process, he said. If a department needs information on how to respond to an information request, they are welcome to review the training material or contact the SOTF administrator to see how the Task Force has ruled on similar cases. He suggested adding Prop 59 provisions for broad disclosure and minimum withholding be added to the findings section in Article III, passive meeting session does not allow the public to observe meetings and a DCA should be on call for all meetings to advise and instruct with the intent of allowing everybody present access to the event and prevent it from going into closed session.

Chair Chu then asked members whether they wanted to table the amendments

or continue to forward the document to Supervisor Mirkarimi.

Member Comstock recommended forwarding the amendments.

Member Craven agreed and added that the staff support issue be addressed by the supervisor's office.

Motion to continue item and circulate document among city agencies, commissions and departments. (Pilpel /-)

No second. Motion fails

Motion to accept amendments as they were, to recommend and deliver it to Supervisor Mirkarimi for his review and comment and the City Attorney's Office for his review and comment, to add a cover letter that addresses Member Cauthen's concerns and to provide a suggested amendment if Supervisor Mirkarimi wishes to add and Member Craven's recommendation to replace "department heads" with "departments "

Ayes: Craven, Knee, Cauthen, Washburn, Chu, Comstock, Gokale, Chan, Goldman

Noes: Pilpel

Excused: Williams

Member Comstock expressed the importance of preparing an annotated version of the ordinance.

Member Craven requested Member Knee to go over Articles III & IV summaries to make clear as to what was new and what was added.

Chair Chu said she wanted the redlined version on Thursday.

Member Craven suggested the administrator send an email to city departments for their responses that were to be sent to Supervisor Mirkarimi's office.

Adjournment

The meeting was adjourned at 6:33 p.m.

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

