

DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, January 21, 1998

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

The monthly meeting of the Sunshine Ordinance Task Force was called to order by Chair Robert Planthold, at 4: 17 PM, on Wednesday, January 21, 1998.

Item 1. Roll Call

Members present: Charlotte Berk (4:28), Bruce Brugmann, Rula Graffis, David Pilpel, Robert Planthold, Enrique Ramirez (4:20), Nancy Sutley, David Watkins

Ex-officio members present: Lori Giorgi, Rachel Amstine O'Hara, John Taylor

Members absent: Zoran Basich (resigned), Timothy Taylor, Nicole Wong

Item 2. Approval of Minutes

Pilpel noted that no minutes had been typed up for the November or December meeting, but would be available at the February meeting.

Item 3. Report of the Clerk

The new clerk of the Task Force, Rachel O'Hara from the Department of Administrative Services, was introduced.

Item 4. Members' Questions and Comments

Planthold announced that Zoran Basich had resigned from the Task Force. The open seat is for a professional journalist. In response to a question from Pilpel, Giorgi stated that the answer about unclear language in the Sunshine Ordinance regarding immediate disclosure was not yet available.

Item 5. Possible Amendments to the Sunshine Ordinance

a) Make available to the public the name and scoring/rating papers of those who make evaluations of competitively bid contracts (Supervisor Ammiano).

Planthold said that this amendment would be heard by the Rules Committee of the Board of Supervisors in early February. Pilpel asked whether the Task Force was on record supporting the legislation. Giorgi noted that the Task Force sent the amendment to the Board with a letter from then chair, Byron McQuarters.

b) Extend jurisdiction to non-profits/community-based organizations for their

programs that receive city funds. (Supervisor Ammiano)

Planthold noted that there was a hearing on this amendment before the Finance Committee of the Board of Supervisors with Supervisors Kaufman, Brown, Bierman and Ammiano in attendance. Graffis reported that 60 people spoke, many who opposed, with some in support. She also noted that the matter appeared headed for a task force. Brugmann urged the Task Force to support elements of the Ammiano proposal such as access to books and records and access to meetings. Planthold asked for public comment. Caravelli noted that employees of these organizations were determining city policies, not residents. Chafee said that if organizations wanted to remain private they should not take public money. Harris stated that taxpayers are entitled to know where their money is going.

Pilpel suggested that the SOTF send a letter to the Board asking to be on the task force and requesting an opportunity to review any proposal before it goes to the Board. Ramirez expressed concern that a proposed requirement for non-profits to submit quarterly reports would be a burden on small non-profits. Planthold spoke to Supervisor Ammiano urging him to consider a link between the SOTF and any task force the Board creates. Brugmann offered a resolution, and Graffis seconded, to a) support the sunshine elements of Ammiano's proposal and b) ensure that the SOTF was represented on any task force. i n t o f o r d e r t h a t a g e n d a h a d this item as discussion, not action. Brugmann moved to amend the resolution to empower the SOTF chair to communicate that the SOTF wanted to serve on any task force for this amendment.

Planthold asked for public comment. Caravelli stated that it was redundant to create another task force. Erd urged the SOTF to get involved. The motion was approved.

Public Comment on Items Not on the Agenda (5:08)

Chafee noted an article that stated that the Library Commission met in closed session to approve settlement of litigation, but would not release details, He asked why this was not subject to the immediate disclosure requirements for closed meetings. Giorgi noted that this provision applies only to final actions and that settlements were final only when accepted by the Board and signed by the Mayor. Caravelli noted that there was no microphone for public comment. Gillespie stated that it is contrary to the intention of the Sunshine Ordinance that settlements are not subject to immediate disclosure.

Item 5. Possible Amendments to the Sunshine Ordinance (continued)

c. Regarding the possible program of performance-based compensation for certain levels of managers in city departments (Controller).

Planthold noted that the Board already acted on this amendment, but the SOTF had sent a letter to the Board raising questions. Supervisor Bierman sent a letter asking that the City Attorney answer the SOTF's questions. Planthold also stated that an article quoting his personal views on the subject were reported as the SOTF's views. The Clerk will include the City Attorney's response in the Task Force mailing.

d. Conformity with amendments to the Brown Act.

Planthold noted there was no action to conform the Sunshine Ordinance to changes in the Brown Act with respect to the interpretation of a quorum for subcommittees. Giorgi stated that the Brown Act had been amended to allow members of a parent committee to attend meetings of subcommittee of which they are not members as observers without triggering a notice of meeting of the parent committee. According to a memo from the City Attorney, the Brown Act controls and no changes are necessary. Giorgi agreed to share the memo if it was not privileged. Caravelli noted that the Sunshine Ordinance could be made more restrictive than the Brown Act.

Item 6. Effects of “Friends of” groups that support city services/on public access and open government.

Brugmann stated that he wanted to send out a survey on these groups. However, this item appeared on the agenda as a discussion and not an action item. The Task Force discussed how to avoid this problem with future agendas. Caravelli suggested the Task Force develop written criteria for developing agendas.

Item 7. Legitimacy of advance deposits as a requirement for ordering/obtaining copies of public documents (Department of Building Inspection).

Giorgi stated that the Department of Building Inspection removed its fee schedule and deposit for obtaining public documents. Planthold noted that this issue had been raised in public comment. Caravelli noted that public documents are hard to get from the Department of Building Inspection.

Item 8. Response to Sole Source Contract Survey

Planthold reported that 75 days had elapsed since the survey was sent with a request for a response within 45 days and some City departments had not yet responded, including Muni and the Public Utility Commission. Brugmann stated his intention to offer a resolution at the next meeting to ask to amend the Sunshine Ordinance to require regular and timely reports of negotiations of sole source contracts.

Item 9. Setting Future Agenda

Planthold asked that members put agenda items in writing and to ensure that action items are worded that way.

- Discuss lawsuit settlement disclosure.
- Request drafting of an amendment to the Sunshine Ordinance to require regular and timely reports of negotiations of sole source contracts.
- Receive report from City Attorney regarding immediate disclosure.
- Authorize survey of “Friends of” groups.

Adjournment

Planthold moved and Pilpel seconded adjournment at 6: 10 pm. The motion was approved.