

DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, May 20, 1998

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

The March meeting of the Sunshine Ordinance Task Force was called to order by Chair Robert Planthold, on Wednesday, May 20, 1998.

Item 1. Roll Call

Members present: Charlotte Berk, **Ruach** Graffis, David Pilpel, Robert Planthold, David Watkins, Timothy Taylor, Nicole Wong

Ex-officio members present: Susan Frankel, Rachel Arnstine **O'Hara**, John Taylor

Members absent: Johnny **Brannon**, Bruce Brugmann, Enrique Ramirez, Nancy Sutley

Item 2. Approval of Minutes

A motion was offered and seconded to approve the minutes of the April 15, 1998 meeting;. The motion was approved.

Item 3. Report of the Clerk

O'Hara noted that there were new complaints in the file that had been referred to the City Attorney or resolved.

Item 4. Members' Questions and Comments

Wong offered and Graffis seconded a motion to suspend the rules for the purposes of continuing the annual election of officers until early in the agenda for the June meeting. The motion was approved.

Item 5. Legislative Update on Board of Supervisors proposals affecting the Sunshine Ordinance.

Planthold noted that Supervisor Ammiano has offered a resolution to require that the Sunshine Ordinance Task Force review and comment on legislation affecting the Sunshine Ordinance. John Taylor reported that a proposed amendment to extend some aspects of sunshine to non-profits who receive city funds has been introduced and referred to the Finance Committee. John Taylor suggested that members review lists of legislation introduced available in the Clerk's office. John Taylor also noted that Supervisor Brown offered a resolution to delete the requirement that two members of the Task Force, one attorney and one working press, be recommended by the local chapter of the Society of Professional Journalists. The resolution would replace those slots with a

member of the press (to increase that number to two) and an attorney. The resolution has been referred to the **Rules Committee**.

Item 6. Recommend amendment to the Sunshine Ordinance to modify and extend exemption of certain types of SF DPH contracts involving capitation rates for health care services from timely disclosure.

Planthold explained that three years ago, the Department of Public Health (DPH) asked for a three year exemption from timely disclosure for contracts involving capitation rates for managed care because of concerns about the city's competitive position during negotiations. DPH is now asking that the exemption be made permanent. Dr. Mitch Katz, Director of the Department of Public Health, explained that the exemption only applies to the rates and not to the contracts, and helps to keep rates down. Dr. Katz reported that there had only been one request from the public to review contracts and the requestor was not interested in the rates. A motion was offered and seconded to recommend an amendment to the Sunshine Ordinance to make the exemption from timely disclosure requirements for capitation rates permanent. The motion was auuroved.

Item 7. Recommend Budget Estimate for Funding staff and administrative support to the SOTF.

O'Hara reported that she spent 5 - 10 hours per week on non-meeting weeks and 10 - 15 hours per week when there is a meeting. She also noted that she made 200 - 500 copies per month for Task Force business. Planthold asked that the Deputy City Attorney track her time over the next month. Piluel offered a motion to ask the Board of Supervisors and the Ethics Commission to move the Task Force under the Ethics Commission and that the Commission provide a staff person auarter time and appropriate money for copying for the SOTF. The motion was seconded. Berk asked about the Ethics Commission had the capacity to assume these functions. The motion was auuroved.

Public Comment on Items Not on the Agenda

There was no public comment.

Item 8a. Report on Non-Profit Accountability Task Force and extension of some aspects of Sunshine Ordinance jurisdiction to city-funded non-profits.

Graffis reported that the Non-Profit Accountability Task Force had four recommendations: 1. open public meetings; 2. public access to records; 3. access to Board elections; and 4. some complaint mechanisms. Graffis reported that the legislation offered by Supervisor Ammiano was weaker than the recommendations and provides for basic information to be made available to the public, public notice/access to two meetings per year and that members of the public can nominate themselves for Board positions. The proposed legislation provides that complaints can come to the Sunshine Ordinance Task Force, but there are no penalties associated with it. Planthold stated

that concerns about non-profit accountability had come up with respect to services previously provided by the city, but now contracted to non-profits not subject to Sunshine.

Item 8b. Review and Comment on draft of amendment to extend some aspects of the SF Administrative Code, including Sunshine Ordinance, to city-funded non-profits.

Planthold noted that the Task Force did not have the latest version of the draft. Pilpel offered and Wong seconded a motion to continue consideration of this item. ask the Board of Supervisors to delay action, and that Graffis provide a summary of the non-profit accountability Task Force recommendations. The motion was approved.

Item 9. Review and Comment on proposed amendment to Section 67.24 of Sunshine Ordinance to require disclosure of documents or summaries of certain sole source negotiations and final contract awards including contract dollar amounts.
Note: This item to be continued to the June meeting, at sponsor's request.

Item 10. Annual Election of Officers.

Per item 4, this item was continued to the June meeting.

Item 11. SOTF Annual Report - Status Update.

This item was continued until the June meeting.

Item 12. Discussion of Task Force Procedures and Rules.

This item was continued until the June meeting

Item 13. Setting Future Agenda

-- continue items 8b, 9, 10, 11 and 12

Adjournment