

**DRAFT**  
**SUNSHINE ORDINANCE TASK FORCE**  
**MINUTES OF MEETING**  
**Wednesday, July 15, 1998**

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

The July meeting of the Sunshine Ordinance Task Force **was** called to order by Chair **David Pilpel**, at **4:08 pm** on Wednesday, **July 15, 1998**.

**Item 1. Call to Order/Roll Call**

Members present: Charlotte **Berk**, Johnny **Brannon**, Bruce **Brugmann**, Ruach **Graffis**, David **Pilpel**, Robert **Planthold**, Nancy **Sutley**, David Watkins

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

**Members absent:** **Nicole** Wong

**Item 2. Approval of Minutes**

Watkins offered and Brugmann seconded a motion to approve the minutes of the June 17, 1998 meeting. The motion was approved.

**Item 3. Report of the Clerk.**

**O'Hara** passed around the complaint and **communications** log. She mentioned that the only outstanding case involved the European-American Forum.

**Item 4. Members' Questions and Comments**

Watkins commented about the format of the Task Force meeting agenda and whether it adequately described the intended action. He stated that it **was helpful** to have the intended action in parenthesis. **Watkins** also asked that Task Force *meetings* be listed in the *Independent*.

**Item 5. Discussion of Sunshine Ordinance Task Force rules and procedures**

Pilpel reported on a meeting with Vice-Chair Planthold, **O'Hara** and **Frankel** to discuss guidelines for developing **Task Force** meeting agendas and the **complaint** process. Pilpel noted that under procedures developed earlier in the year by the Task **Force**, members could request agenda items up to ten days **before** the meeting. **Pilpel** and **O'Hara** review the agenda request and seek input **from** the Deputy City Attorney. **Pilpel** reviewed the **complaint** procedure, noting that the Clerk of **the** Task Force and Deputy City Attorney first attempted to resolve complaints before forwarding **them** to the Task Force. **Pilpel** sought input **from** members on rules and procedures and noted that any proposed **rule** or procedure change needs ten days notice.

**Item 6. Discussion of Task Force Budget and Staffing Proposal**

**Pilpel** reported that there were no new **developments**.

**Item 7. Discussion of the role of the Sunshine Ordinance Task Force Media Liaison**

**Brannon** discussed issuing media advisories describing highlights of upcoming meetings, **Task Force** members agreed **that descriptions** of agenda items with some context and history makes sense as long as the descriptions are factual. **Brannon** asked that he get agenda items early enough to issue the media advisories well ahead of the meeting. **Brannon** agreed that the advisory should be distributed widely. **Sutley** asked whether meeting agendas could be posted on the City's web site. **Pilpel** noted that he wanted to have a discussion in the future about electronic access.

**Item 8. Adoption of 1997 - 1998 Annual Report of the Sunshine Ordinance Task Force**

Members **requested** graphical representation of the attendance list. **Pilpel** stated he would **draft** a transmittal letter to the Board of Supervisors. **Brugmann** offered and **Graffis** seconded a motion to approve the annual report and transmit it to the Board of Supervisors.

**Item 9. Discussion of Non-Profit Accountability Ordinance and its impact on the Sunshine Ordinance Task Force**

**Pilpel** reported **that** since the **last** meeting, the Mayor had signed the new ordinance. The ordinance **creates** a **sequential** review process where complaints are initially referred to the **particular** department and if they cannot be resolved, they then come to the Sunshine Ordinance Task Force under procedures developed by the Board of Supervisors. There was a discussion about whether the Task Force should try to develop complaint resolution procedures for City departments and the Board of Supervisors. The Task Force felt it would be **useful** to review the Task Force's last written complaint procedures to see **if they were** adequate. Some members **also** suggested surveying city departments to see how many non-profits may be covered.

**Item 10. Review Pending Legislation at the Board of Supervisors concerning the Sunshine Ordinance and Consideration of Comment to the Board of Supervisors relative thereto****b. Gavin Newsom proposal to create a position for a seat on the Sunshine Ordinance Task Force to be represented by the non-profit community**

Mike **Farah** from Supervisor Newsom's **office** stated that the proposal had not yet been introduced as legislation, but had been developed because of the **SOTF's** oversight role in the non-profit **accountability** legislation. **Farah** noted that in his discussions, he had heard two **criticisms** of the proposal: first, it would dilute the SOTF and that it was premature. **Planthold** asked what was meant by "demonstrated expertise **in** operations of non-profits" and whether current SOTF members who were also on non-profit boards could qualify. **Brugmann** stated, and

**Graffis** agreed, that the primary purpose of the SOTF was to promote open government and that members first needed to demonstrate an interest in open government. **Watkins** expressed concern that the proposal would reduce the number of seats to be **filled by the** general public and noted that there were existing **SOTF** vacancies. Sutley expressed that the proposal seemed premature. During public comment, Ney suggested adding a general **qualification** for SOTF members of demonstrated interest in **citizen** access.

**a. Amos Brown proposal to amend section 67.30 to delete the requirement for the selection of two members of the Sunshine Ordinance Task Force from names submitted by the local chapter of the Society of Professional Journalists**

**Pilpel** noted that a **Rules** committee hexing on this proposal, previously discussed by the **SOTF**, had been continued. In developing this proposal, Supervisor **Brown** had expressed **concern about** diversity within the **SPJ** appointments. Planthold stated that **the** Board of **Supervisors** in enacting the Sunshine Ordinance had intended the Task Force to be **an** independent body. **Brugmann** explained that **the media** organizations were concerned about **diversity**. Sutley stated that **organizations** nominating SOW members should consider **diversity**. **Brannon** offered and **Graffis** **seconded a motion that the Task Force communicate to the Board of Supervisors its concerns about the Brown proposal and mention existing vacancies on the Task Force. The motion was approved.**

**Item 13. Consideration of rescheduling regular August meeting**

**Pilpel** asked **whether** the Task Force wanted to reschedule the **regular August** meeting because of anticipated absences. The Task Force decided to keep the regular meeting date of August 19, with Vice-Chair Planthold presiding.

**Public Comment on Items Not on the Agenda (5:37 pm)**

Joe **Partansky** from the Contra Costa Open Government Task Force advised the Task Force of **some** pending legislation, including SB 2174 that would amend the Public Records Act to **clarify** that a **record** request could not be denied because of **quantity and SB** 143 that defines public agencies.

**Item 11. Recommendation to the Board of Supervisors on proposed amendment to the Sunshine Ordinance, Section 67.24, to require disclosure or summaries of certain sole source negotiations and final contract awards including contract dollar amounts**

**Brugmann** stated **that** the purpose of this amendment was to provide the **public** with timely **access to information** regarding the negotiation of sole source contracts, permits leases and **franchises**. The legislation would require **timely** disclosure of documents or **summaries** pertaining to negotiation of **such** contracts that met certain thresholds. The Task Force discussed this amendment over a number of meetings. **Brugmann** offered and **Berk** **seconded a motion to**

recommend this amendment to the Board of Supervisors. The motion was approved.

**Item 12. Discussion of proposals from the Society of Professional Journalists regarding a series of amendments to the Sunshine Ordinance**

Tom Burke, **counsel for** the Society of Professional Journalists (**SPJ**), presented a package of potential amendments to the Sunshine Ordinance that SPJ was **considering offering as a ballot** measure. The **amendments** were **intended to clarify** certain issues or close perceived loopholes and were based **on** experience with using the ordinance in practice. The proposed amendments covered subjects such as the role **of the** City Attorney, penalties for violating the Sunshine Ordinance, inventories **of** public records, access to meetings and records of advisory groups and timely **disclosure of legal settlements**.

**Adjournment**