



HIV Health Services Planning Council

SPECIAL MEMBERSHIP COMMITTEE

Wednesday, February 25th, 2009

Derek Silva Community

20 Franklin Street, San Francisco, CA 94102

4:00-6:00 pm

Minutes

Committee Members Present: Andrews, Banks, Flores, Frazier, Harris, Hicks, Siron

Committee Members Absent: Margolis

Support Staff Present: Bryson, Lee, Zhovreboff

1. Introductions

The meeting was called to order at 4:16 pm by Co-Chair Frazier. Everyone introduced themselves, and quorum was established.

2. Review/Approve Agenda

The agenda was reviewed and approved by consensus.

3. Review/Approve February 18th, 2009 Minutes

The February 18th, 2009 minutes were reviewed and a discussion of the text of the interviews ensued. CM Banks requested that his testimony be put in these minutes. The minutes were approved by consensus.

4. Announcements

- CM Banks requested the recusal of Co-Chair Hicks, due to her involvement in a discussion with the Co-Chairs prior to the meeting of 1/10/08. He also discussed his disagreement with the process that limits his testimony to only thirty minutes. He also stated his concern that the Committee did not follow their process when he allowed them to testify in aggregate.

5. Public Comment

There was no public present.

6. Interviews

The interview with Raymond Banks began at 4:25 pm.

1) What lead you to request the removal of the Co-Chairs?

He felt that this question was redundant, as he had laid out six points in the letter he wrote.

2) What is the status of your current complaint?

He answered that it is still pending.

CM Banks took the time to refute CM Molnar's claims. He noted that CM Molnar claimed that both Dennis Wheeler and Veronica Neal suggested his removal, while CM Banks brought correspondence to disprove the claim.

Co-Chair Fraizer questioned when this entire process began. CM Banks noted that he initially knew something was going wrong on 1/10/08.

CM Banks noted that some files from his Care file were mixed in with his Council file, and he was wondering how and why that occurred. He was extremely concerned about confidentiality.

CM Banks said that he knows that he makes people uncomfortable, and he believes that it goes back to the November 2007 Steering Committee Meeting. At that meeting he questioned process and the switching or changing of documents.

CM Banks addressed his point about Jack Newby, and noted that in section 10.14 of the Policy and Procedure Manual for Conflict Resolution, it states that the two parties can work it out on their own, which he believes he tried. He notes that he apologized multiple times in person and in email, but he feels that neither Jack Newby nor the Co-Chairs thought was enough. He stated that he believes that there is a hidden agenda.

As for point 1 of his grievance, CM Banks read section 67.17 of the Sunshine Ordinance, Public Comment by Members of Policy Bodies. It states:

“Every member of a policy body retains the full constitutional rights of a citizen to comment publicly on the wisdom or propriety of government actions, including those of the policy body of which he or she is a member. Policy bodies shall not sanction, reprove or deprive members of their rights as elected or appointed officials for expressing their judgments or opinions, including those which deal with the perceived inconsistency of non-public discussion, communications or actions with the requirements of state or federal or of this ordinance. The release of specific factual information made confidential by state or federal law including, but not limited to, the privilege for confidential attorney-client communications, may be the basis for a request for an injunctive or declaratory relief, of a complaint to the Mayor seeking an accusation of misconduct, or both. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)”

As for point 2 of his grievance, CM Banks read an email from David Mezzera

As for point 4 of his grievance, CM Banks stood by his opinion.

As for point 5 of his grievance, CM Banks read an email from former Council Member George Stevens, who is the person who did not follow the Rules of Respectful Engagement.

As for point 6 of his grievance, CM Banks read emails from Co-Chair Hicks and CM Molnar. CM Banks questioned what was written in Co-Chair Hicks' email, but she felt that she could not respond as it referred to an email from February of 2008.

Co-Chair Frazier asked CM Banks for a summation or “closing argument” of sorts.

He announced that he felt that this process, from the beginning to end has been unfair and secretive, and he believes that too many meetings were held off the record and out of the public purview.

Co-Chair Hicks asked if CM Banks had any supporting documents that he wanted to handout, but CM Banks stated that he did not, as he was unsure of how that would help, as it would not become part of the public record. Council Director Zhovreboff noted that any documents that are handed out will be held at the Support Staff office for a minimum of three-years.

7. Review Findings and Determine Possible Steps for further Investigation – VOTE

The Committee discussed findings from the interviews and the prior investigation and determined next steps.

CM Hicks asked the Committee if they felt that she needed to recuse herself based on what was said during CM Banks' testimony. Both CM Flores and Co-Chair Frazier said that they don't believe she does.

CM Harris noted that many new issues were brought up during the testimony, but she feels that the Committee should stick to the original grievances. She also questioned what the process would be, once the Committee makes a decision. Co-Chair Frazier answered that he feels that they should make a decision and recommend that to the Full Council. CM Andrews noted that that conflicts with what procedure 7.8, Part E1-4 of the Policy and Procedure Manual states, that the Membership Committee can make a final decisions. Co-Chair Hicks stated that no matter the outcome, she feels that they should make a comprehensive report to the Full Council so that all members can be thoroughly informed. CM Andrews noted that through this process, the Committee may have noticed gaps in policies and that those should be included in the final report.

Co-Chair Frazier brought up a letter that the Co-Chairs wrote to the Mayor requesting CM Banks' involuntary removal on 6/10/08. CM Frazier stated that he is concerned about the procedural issues that surround the Co-Chairs sending this letter without knowledge of the Full Council, as it is on Council letterhead. He also noted that there has been a coherent policy in place since 2005 which the Co-Chairs could have followed. CM Harris understands his point, but is worried about using this document as a main piece of evidence as it has not been brought before the Committee until tonight. Co-Chair Hicks believes that it would be best to bring back the Co-Chairs to question them regarding this letter.

CM Harris spoke to the idea that perhaps the Co-Chairs tried to follow protocol but found that none was there or that perhaps the procedures were unclear, and that they followed a process to the best of their knowledge.

CM Andrews suggested the Committee take a step back and decide what to do from here, what information still needs to be found and how the Committee can move forward.

The Committee discussed re-interviewing the Co-Chairs surrounding this letter. CM Andrews noted though, that none of CM Banks' complaints involve the letter and that it is the Committees charge to only investigate the six points of the grievance. Co-Chair Frazier stated that it might be a positive process for the Committee to review this letter, so that the Council does not fall in to a cycle of grievance after grievance. Co-Chair Hicks, CM Flores and CM Siron agreed. CM Andrews noted that if this were to be brought up, that perhaps other issues should be raised as well, including CM Banks' confidentiality issues.

The Committee discussed whether they should interview all three Co-Chairs or if one Co-Chair can represent all three of them. CM Harris suggested that it should be the Co-Chairs choice whether they feel comfortable with it.

CM Andrews questioned that since they will be giving time to the Co-Chairs to address the letter, will they need to give CM Banks equal time as well. They suggested giving the Co-Chairs 15 minutes as a block as well as offering 15 minutes of time to CM Banks.

8. Next Meeting Date & Agenda Items

The next Special Membership Meeting is tentatively scheduled for Wednesday, March 12th from 4-6pm at Derek Silva Community, 20 Franklin Street, San Francisco, CA 94109.

Co-Chair Frazier repeated requests from Committee Members that arose during the meeting. CM Andrews noted that CM Banks had a document that he would like to provide, and he would like to have that prior to the next meeting.

9. Adjournment

The meeting was adjourned at 6:14 pm by Co-Chair Frazier.