

File No. 12004

SOTF Item No. 16

CAC Item No. _____

SUNSHINE ORDINANCE TASK FORCE AGENDA PACKET CONTENTS LIST

Sunshine Ordinance Task Force

Date: April 4, 2012

Compliance and Amendments Committee

Date: _____

CAC/SOTF

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Order of Determination |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Complaint and supporting documents |
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Completed by: Andrea Ausberry Date March 27, 2012
 Completed by: _____ Date _____

*An asterisked item represents the cover sheet to a document that exceeds 25 pages.
 The complete document is in the file.



DENNIS J. HERRERA
City Attorney

JERRY THREET
Deputy City Attorney

Direct Dial: (415) 554-3914
Email: jerry.threet@sfgov.org

MEMORANDUM

TO: Sunshine Ordinance Task Force
FROM: Jerry Threet
Deputy City Attorney
DATE: March 22, 2012
RE: Complaint 12004 – Library Users Association v. SF Arts Commission

BACKGROUND

Complainant Library Users Association ("Complainant") alleges that the San Francisco Arts Commission (the "Commission") violated the Ordinance by requiring that Peter Warfield make appointments to listen to recordings of several meetings, by offering only 1 of 3 times slots in the middle of the afternoon for those appointments, and by limiting the time during which he could listen to one hour per week.

COMPLAINT

On January 13, 2012, Complainant filed this complaint against the Commission, without specifying which provision of the Ordinance it believed had been violated.

JURISDICTION

The Commission is a department under the Ordinance. Therefore, in general, the Task Force has jurisdiction to hear public records complaints against Commission. Commission does not contest jurisdiction.

APPLICABLE STATUTORY SECTION(S):

- Section 67.14 of the Ordinance provides that an audio recording of a meeting of a policy body is a public record subject to inspection.
- Section 67.21(a) provides that any public record is subject to inspection without making an appointment and without unreasonable delay.
- Section 6253 of the Government Code provides that public records are open to inspection at all times during a local agency's regular business hours.

APPLICABLE CASE LAW:

None.

ISSUES TO BE DETERMINED

Uncontested/Contested Facts

On January 13, 2012, Complainant filed this Complaint with the Task Force, alleging that the Commission violated the Ordinance by requiring that Peter Warfield make appointments to listen to recordings of several meetings of the Commission, by offering only 1 of 3 times slots in the middle of the afternoon for those appointments, and by limiting the time during which he could listen to the recordings to one hour per week.

MEMORANDUM

TO: Sunshine Ordinance Task Force
DATE: March 22, 2012
PAGE: 2
RE: Complaint 12004 – Library Users Association v. SF Arts Commission

In reply to this complaint, the Commission does not dispute the facts alleged by Complainant. Rather, the Commission states that it has limited staff and physical resources and argues that the restrictions described by Complainant are therefore necessary. The Commission states that staff must be available to monitor the CDs while a member of the public listens to them, and they have limited staff. The Commission also states that the recordings can only be listened to in their conference room, so that the audio will not disturb other staff members, and the conference room is heavily used and only available during limited times for listening to these recordings. Finally, the Commission alleges that it provided CDs and tape copies of the meetings so that Mr. Warfield might listen to the recordings at his leisure.

LEGAL ISSUES/LEGAL DETERMINATIONS:

- Does Section 67.21 permit the Commission to require appointments to review an audio recording of a meeting due to limited staff and resources?
- Does Government Code Section 6253?
- Do those two sections permit the Commission to limit the time per day that a member of the public may review such recordings?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

MEMORANDUM

TO: Sunshine Ordinance Task Force
DATE: March 22, 2012
PAGE: 3
RE: Complaint 12004 – Library Users Association v. SF Arts Commission

CHAPTER 67, SAN FRANCISCO ADMINISTRATIVE CODE (SUNSHINE ORDINANCE)**SEC. 67.14. TAPE RECORDING, FILMING AND STILL PHOTOGRAPHY.**

(b) Each board and commission enumerated in the charter shall audio record each regular and special meeting. *Each such audio recording, and any audio or video recording of a meeting of any other policy body made at the direction of the policy body shall be a public record* subject to inspection pursuant to the California Public Records Act (Government Code Section 6250 et seq.), and shall not be erased or destroyed. Inspection of any such recording shall be provided without charge on an appropriate play back device made available by the City.

SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS.

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) *shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person* and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

CAL. GOV'T CODE**§ 6253. PUBLIC RECORDS OPEN TO INSPECTION; AGENCY DUTIES; TIME LIMITS**

(a) Public records are *open to inspection at all times during the office hours of the state or local agency* and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.



Sunshine Complaint

complaints

to:

sotf

01/13/2012 09:25 AM

Hide Details

From: <complaints@sfgov.org>

To: <sotf@sfgov.org>

To:sotf@sfgov.org

Email:complaints@sfgov.org

DEPARTMENT:Arts Commission

CONTACTED:

PUBLIC_RECORDS_VIOLATION:Yes

PUBLIC_MEETING_VIOLATION:No

MEETING_DATE:

SECTIONS_VIOLATED:

DESCRIPTION:Library Users Association asked to listen to recordings of several meetings of the Arts Commission at its offices, but was required to make appointments to do so at the Arts Commission office. We were rationed at ONE HOUR PER WEEK, by appointment, with generally the choice of one to three time slots in the middle of the afternoon.

HEARING:Yes

PRE-HEARING:No

DATE:1/13/2012

NAME:Library Users Association

ADDRESS:

CITY:

ZIP:

PHONE:753-2180

CONTACT_EMAIL:libraryusers2004@yahoo.com,

ANONYMOUS:

CONFIDENTIALITY_REQUESTED:No

10/21/2011 08:24 4157532180

PWARFIELD

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Page 1 of 2

RE: Immediate Disclosure Request - Yahoo! Mail

To SOTF # 554-5163
from 415 753-2180 554 7711

YAHOO! MAIL
CLASSIC

Wednesday, November 2, 2011 3:28 PM

RE: Immediate Disclosure Request

From: "Page_Ritchie, Sharon" <sharon.page_ritchie@sfgov.org>
To: "libraryusers2004@yahoo.com" <libraryusers2004@yahoo.com>
Cc: "Taleporos, Zoe" <zoe.taleporos@sfgov.org>, "Beltran, JD" <jd.beltran@sfgov.org>
1 File (70KB)



ltr immed...

Please see our response attached.

Sharon Page Ritchie
Commission Secretary
San Francisco Arts Commission
415/252-2591

Website: <http://www.sfartscommission.org>
e-newsletter: <http://sfartscommission.org/newsletter>
Twitter: <http://www.twitter.com/SFAC>
Facebook: <http://www.facebook.com/sfartscommission>
YouTube: <http://www.youtube.com/ArtsCommission>
Flickr: <http://www.flickr.com/photos/sfac>

From: Library Users Association [mailto:libraryusers2004@yahoo.com]
Sent: Tuesday, November 01, 2011 12:02 PM
To: Beltran, JD
Cc: Page_Ritchie, Sharon; Taleporos, Zoe
Subject: Immediate Disclosure Request

Dear Ms. Beltran/Arts Commission:

Library Users Association would like to inspect, at your office, the following:

1. Recordings of the Visual Arts Committee meetings of September, October, and November 2009 (two years ago).
2. Recording of the Arts Commission meetings of September, October, November 2009 (two years ago).

Our first priority is to listen to, or view if available, the full Arts Commission meeting of November 2009. Please provide this material on a rolling basis, if necessary.

Please do not hesitate to call should you have any questions.

Thank you for your attention to this.

Sincerely yours,

Peter Warfield
Executive Director

Sunshine #12004 -1



SAN FRANCISCO ARTS COMMISSION

EDWIN M. LEE
MAYOR

November 2, 2011

JD BILLYAN
INTERIM DIRECTOR OF
CULTURAL AFFAIRS

Peter Warfield
Library Users Association

By e-mail: libraryusers2004@yahoo.com

PROGRAMS
CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS
& EDUCATION
CULTURAL EQUITY GRANTS
PUBLIC ART
STREET ARTISTS LICENSES

Re: Record Request November 1, 2011

ARTS COMMISSION GALLERY
401 VAN NESS AVENUE
415.354.6000

Dear Mr. Warfield:

WWW.SFARTSCOMMISSION.ORG
ARTS@SFOCALIA.GOV

I am writing in response to your immediate disclosure public records request of November 1, 2011.

In your request you ask:

"Library Users Association would like to inspect, at your office, the following:

1. Recordings of the Visual Arts Committee meetings of September, October, and November 2009 (two years ago).
2. Recording of the Arts Commission meetings of September, October, November 2009 (two years ago).

Our first priority is to listen to, or view if available, the full Arts Commission meeting of November 2009. Please provide this material on a rolling basis, if necessary."

Please be advised that we are hereby invoking an extension of not more than 14 days from November 1, 2011, to respond to your request pursuant to the California Public Records Act. Under the Public Records Act, the deadline can be extended for up to 14 days due to "the need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request" and "the need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein." (See Cal. Gov't Code §6253(c)(2) and (3)).



The City is invoking the extension on both grounds because there is a voluminous amount of records the Arts Commission staff must search through and examine to

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PWARFIELD

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November 2, 2011
Page 2

determine if it has responsive records, and Arts Commission staff will need to consult with the City Attorney's Office regarding your request. The Arts Commission will endeavor to respond to you as quickly as possible, and no later than November 15, 2011.

Please be advised that the Visual Arts Committee does not, and is not required to, make audio recordings of its meetings, and the records requested in item 1 above do not exist. According to the 2010 -2011 Good Government Guide, Part Three, Section G.1., the Visual Arts Committee, as an advisory subcommittee of the of the full Arts Commission, is not a "board or commission listed in the charter" and thus is not required to audio record its meetings.

I will be in touch with you tomorrow to arrange an appointment for you to listen to the recordings of the full Arts Commission meetings you requested.

Very truly yours,

Sharon Page Ritchie
Commission Secretary

spr

cc: Adine Varah, Deputy City Attorney
JD Beltran, Interim Director of Cultural Affairs

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10/21/2011 08:24 4157532180

PWARFIELD

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Page 1 of 2

RE: Immediate Disclosure Request - Yahoo! Mail



Friday, November 4, 2011 12:49 PM

RE: Immediate Disclosure Request

From: "Page_Ritchie, Sharon" <sharon.page_ritchie@sfgov.org>
To: "libraryusers2004@yahoo.com" <libraryusers2004@yahoo.com>

In further response to your request below, I left a message at your phone number but was cut off before I could complete my sentence.

You may come to our offices to listen to the audiotapes you requested on Tuesday, November 8 from 2:30 to 3:30 or Wednesday, November 9 from 2:30 to 3:30. Please let me know which of these times you prefer. If you cannot make either one, please provide other times that will work for you.

Sharon Page Ritchie
Commission Secretary
San Francisco Arts Commission
415/252-2591

Website: <http://www.sfartscommission.org>
e-newsletter: <http://sfartscommission.org/newsletter>
Twitter: <http://www.twitter.com/SFAC>
Facebook: <http://www.facebook.com/sfartscommission>
YouTube: <http://www.youtube.com/ArtsCommission>
Flickr: <http://www.flickr.com/photos/sfac>

From: Library Users Association [mailto:libraryusers2004@yahoo.com]
Sent: Tuesday, November 01, 2011 12:02 PM
To: Beltran, JD
Cc: Page_Ritchie, Sharon; Taleporos, Zoe
Subject: Immediate Disclosure Request

Dear Ms. Beltran/Arts Commission:

Library Users Association would like to inspect, at your office, the following:

1. Recordings of the Visual Arts Committee meetings of September, October, and November 2009 (two years ago).
2. Recording of the Arts Commission meetings of September, October, November 2009 (two years ago).

Our first priority is to listen to, or view if available, the full Arts Commission meeting of November 2009. Please provide this material on a rolling basis, if necessary.

Please do not hesitate to call should you have any questions.

Thank you for your attention to this.

Sincerely yours,

Peter Warfield
Executive Director
Library Users Association
415/753-2180

12004
- Limited time to listen
- App required
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10/21/2011 08:24 4157532180

PWARFIELD

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appointment to listen to audiotapes - Yahoo! Mail



Monday, December 5, 2011 9:12 AM

appointment to listen to audiotapes

From: "Page_Ritchie, Sharon" <sharon.page_ritchie@sfgov.org>
To: "libraryusers2004@yahoo.com" <libraryusers2004@yahoo.com>
Cc: "Beltran, JD" <jd.beltran@sfgov.org>, "Krell, Rebekah" <Rebekah.krell@sfgov.org>

Mr. Warfield, I understood from you on Friday afternoon that you were looking for a time to visit our offices and listen to Commission meeting audiotapes. The available time this week is tomorrow, Tuesday, December 6 from 2:30 to 3:30. Available times next week are EITHER Tuesday, December 13, from 2:30 to 3:30 OR Thursday, December 15, from 2:30 to 3:30.

Please let me know if you would like to schedule any of the times above. I will assume you are not coming in unless I have confirmation from you by the end of the preceding day.

Sharon Page Ritchie
Commission Secretary
San Francisco Arts Commission
415/252-2591

Website: <http://www.sfartscommission.org>
e-newsletter: <http://sfartscommission.org/newsletter>
Twitter: <http://www.twitter.com/SFAC>
Facebook: <http://www.facebook.com/sfartscommission>
YouTube: <http://www.youtube.com/ArtsCommission>
Flickr: <http://www.flickr.com/photos/sfac>

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10/21/2011 08:24 4157532180

PWARFIELD

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Page 1 of 2

RE: !? Re: appointment to listen to audiotapes - Yahoo! Mail

YAHOO! MAIL
Classic

Tuesday, December 6, 2011 5:41 PM

RE: !? Re: appointment to listen to audiotapes**From:** "Page_Ritchie, Sharon" <sharon.page_ritchie@sfgov.org>
To: "libraryusers2004@yahoo.com" <libraryusers2004@yahoo.com>
Cc: "Beltran, JD" <jd.beltran@sfgov.org>

There is a CD copy of the November 2009 recording waiting for you at the front desk. You may pick it up at your convenience during normal business hours.

Because the audiotape-to-CD process takes a few hours, I was not able to make the December copy. I will be out of the office tomorrow, and hope to copy the other tape on Thursday. I will e-mail you when that copy is ready for you to pick up.

Sharon Page Ritchie
Commission Secretary
San Francisco Arts Commission
415/252-2591

Website: <http://www.sartscommission.org>
e-newsletter: <http://sartscommission.org/newsletter>
Twitter: <http://www.twitter.com/SFAC>
Facebook: <http://www.facebook.com/sartscommission>
YouTube: <http://www.youtube.com/ArtsCommission>
Flickr: <http://www.flickr.com/photos/sfac>

From: Library Users Association (mailto:libraryusers2004@yahoo.com)
Sent: Monday, December 05, 2011 7:53 PM
To: Page_Ritchie, Sharon
Cc: Beltran, JD
Subject: !? Re: appointment to listen to audiotapes

Dear Ms. Page-Ritchie:

I consider the time limits offered below to be entirely unreasonably restrictive as to quantity of time, frequency of visits, and requirement for notice. Can you explain why I have to wait nearly two weeks after speaking about this with you about further listening time on Friday, December 2, and am offered three one-hour time slots over a period of two weeks? These are 1-1/2 to 2-1/2 hour meetings and I have requested to listen to three meeting recordings. I could come on other mornings this week and some afternoons. I could make the Thursday 12/15 2:30 to 3:30pm slot, but the two Tuesday times conflict with another commitment.

The cassette copies you provided last time are almost incomprehensible. Can the quality be improved, i.e. re-recorded to obtain usable quality? And what about the other medium, CD? I still have not heard back from you about making CD copies of the meeting recordings, even though we discussed them many days ago.

Thank you.

Peter Warfield
Executive Director
Library Users Association
415/753-2180

--- On Mon, 12/5/11, Page_Ritchie, Sharon <sharon.page_ritchie@sfgov.org> wrote:

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PWARFIELD

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Page 2 of 2

RE: !? Re: appointment to listen to audiotapes - Yahoo! Mail

From: Page_Ritchie, Sharon <sharon.page_ritchie@sfgov.org>
Subject: appointment to listen to audiotapes
To: "libraryusers2004@yahoo.com" <libraryusers2004@yahoo.com>
Cc: "Beltran, JD" <jd.beltran@sfgov.org>, "Krell, Rebekah" <Rebekah.krell@sfgov.org>
Date: Monday, December 5, 2011, 9:12 AM

Mr. Warfield, I understood from you on Friday afternoon that you were looking for a time to visit our offices and listen to Commission meeting audiotapes. The available time this week is tomorrow, Tuesday, December 6 from 2:30 to 3:30. Available times next week are EITHER Tuesday, December 13, from 2:30 to 3:30 OR Thursday, December 15, from 2:30 to 3:30.

Please let me know if you would like to schedule any of the times above. I will assume you are not coming in unless I have confirmation from you by the end of the preceding day.

Sharon Page Ritchie
Commission Secretary
San Francisco Arts Commission
415/252-2591

Website: <http://www.sfartscommission.org>
e-newsletter: <http://sfartscommission.org/newsletter>
Twitter: <http://www.twitter.com/SFAC>
Facebook: <http://www.facebook.com/sfartscommission>
YouTube: <http://www.youtube.com/ArtsCommission>
Flickr: <http://www.flickr.com/photos/sfac>

10/21/2011 08:24 4157532180

PWARFIELD

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RE: Disappointing that First 'Appointment' to listen is one hour, Tues/Wednesday/Thursd... Page 1 of 3



RE: Disappointing that First 'Appointment' to listen is one hour, Tues/Wednesday/Thursday 12-14-16...Re: FW: Immediate Disclosure Request

Monday, December 12, 2011 10:46 AM

From: "Page_Ritchie, Sharon" <sharon.page_ritchie@sfgov.org>
To: "libraryusers2004@yahoo.com" <libraryusers2004@yahoo.com>
Cc: "Beltran, JD" <jd.beltran@sfgov.org>, "Krell, Rebekah" <Rebekah.krell@sfgov.org>

Please note that the main San Francisco Public Library has several listening stations which will allow you to listen to the CDs we have provided you anytime during the Library's open hours. For more specific information, please visit the information desk at the Main Library.

Sharon Page Ritchie
Commission Secretary
San Francisco Arts Commission
415/252-2591

Website: <http://www.sfartscommission.org>
e-newsletter: <http://sfartscommission.org/newsletter>
Twitter: <http://www.twitter.com/SFAC>
Facebook: <http://www.facebook.com/sfartscommission>
YouTube: <http://www.youtube.com/ArtsCommission>
Flickr: <http://www.flickr.com/photos/sfac>

From: Library Users Association [mailto:libraryusers2004@yahoo.com]
Sent: Thursday, December 08, 2011 8:36 PM
To: Page_Ritchie, Sharon
Cc: Beltran, JD
Subject: Disappointing that First 'Appointment' to listen is one hour, Tues/Wednesday/Thursday 12-14-16...Re:
FW: Immediate Disclosure Request

Dear Ms. Page_Ritchie:

Thank you for making the CD audio copies that you did, and having them available this afternoon when I dropped by shortly before 4:30pm.

But I am very disappointed, to say the least, that I was not able to listen to these either today (briefly) or tomorrow morning. As I said to you in the office, I believe it is not reasonable and not in accordance with the Sunshine Ordinance to make a member of the public wait to listen to a meeting recording until next week, at one of your three single-hour listening options offered, one hour on the afternoon of Tuesday, Wednesday, or Thursday December 13, 14, or 15, nor to require an appointment.

That represents a first opportunity six days after the request was made, yesterday December 7. Because the Tuesday afternoon option conflicts with another commitment, I selected Wednesday, December 14 -- seven days after the request was made and a time slot allowing only a single hour to listen to a meeting that is much longer than an hour.

This delay is particularly disappointing as another staff member had just told me that the conference room was available tomorrow morning from 9am-noon. She said she could not provide a listening opportunity because she is not the custodian of the full Arts Commission record.

Peter Warfield

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PWARFIELD

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RE: Disappointing that First 'Appointment' to listen is one hour, Tues/Wednesday/Thursd... Page 2 of 3

Executive Director
Library Users Association
415/753-2180

-- On Thu, 12/8/11, Page_Ritchie, Sharon <sharon.page_ritchie@sfgov.org> wrote:

From: Page_Ritchie, Sharon <sharon.page_ritchie@sfgov.org>
Subject: FW: Immediate Disclosure Request
To: "libraryusers2004@yahoo.com" <libraryusers2004@yahoo.com>
Cc: "Beltran, JD" <jd.beltran@sfgov.org>
Date: Thursday, December 8, 2011, 3:50 PM

In further response to your request below, please be advised that CD copies of the following meeting recordings are waiting for you at our front desk:

October 5, 2009
September 12, 2011
October 3, 2011
November 16, 2011
December 5, 2011

You may pick these up during business hours.

Sharon Page Ritchie
Commission Secretary
San Francisco Arts Commission
415/252-2591

Website: <http://www.sfartscommission.org>
e-newsletter: <http://sfartscommission.org/newsletter>
Twitter: <http://www.twitter.com/SFAC>
Facebook: <http://www.facebook.com/sfartscommission>
YouTube: <http://www.youtube.com/ArtsCommission>
Flickr: <http://www.flickr.com/photos/sfac>

From: Page_Ritchie, Sharon
Sent: Thursday, December 08, 2011 9:43 AM
To: 'libraryusers2004@yahoo.com'; Beltran, JD
Subject: RE: Immediate Disclosure Request

In response to your request below, please be advised that Arts Commission meetings for September, October and November, 2011 were recorded digitally and not on audiocassette. We are happy to make CD copies for you by the end of the day today, but are not able to copy the digital files onto cassettes....

The new Director of Cultural Affairs will not start until January and does not yet have a City e-mail address.

Sharon Page Ritchie
Commission Secretary
San Francisco Arts Commission
415/252-2591

10/21/2011 08:24 4157532180

PWARFIELD

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RE: Disappointing that First 'Appointment' to listen is one hour, Tues/Wednesday/Thursd... Page 3 of 3

Website: <http://www.sfartscommission.org>
e-newsletter: <http://sfartscommission.org/newsletter>
Twitter: <http://www.twitter.com/SFAC>
Facebook: <http://www.facebook.com/sfartscommission>
YouTube: <http://www.youtube.com/ArtsCommission>
Flickr: <http://www.flickr.com/photos/sfac>

From: Library Users Association [mailto:libraryusers2004@yahoo.com]
Sent: Wednesday, December 07, 2011 4:17 PM
To: Beltran, JD
Cc: Page_Ritchie, Sharon
Subject: Immediate Disclosure Request

Dear Ms. Beltran:

This is a new request for audio recordings, with different dates than a previous, currently outstanding, prior request for meeting recordings in 2009.

We would like to inspect (listen to) at your office, audio recordings of the Arts Commission current-year meetings of September 2011; also on a lower priority, October, November and December 2011.

We would also like to have a copy of the September meeting as soon as possible, preferably in cassette format.

Please provide on a rolling basis, if necessary and let us know when we may listen to at least September 2011 as soon as possible.

Please also let us know the email address of the new director.

Thank you.

Peter Warfield
Executive Director
Library Users Association
415/753-2180.

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10/21/2011 08:24 4157532180

PWARFIELD

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RE: Question re IDR and comment/question re listening time RE: Immediate Disclosure ... Page 1 of 4

YAHOO! MAIL
Classic**RE: Question re IDR and comment/question re listening time RE: Immediate Disclosure Request - Speaker Cards, additional dates**

Tuesday, December 20, 2011 3:15 PM

From: "Page_Ritchie, Sharon" <sharon.page_ritchie@sfgov.org>
 To: "libraryusers2004@yahoo.com" <libraryusers2004@yahoo.com>
 Cc: "Beltran, JD" <jd.beltran@sfgov.org>, "Krell, Rebekah" <Rebekah.krell@sfgov.org>

In my last telephone message, I explained that I would be out of the office on Wednesday, and the conference room is booked almost all the way through the day, so Wednesday this week is not available.

Per your request below, I am confirming Thursday afternoon, December 22, from 2:30 to 3:30. Since your last visit, I have discovered how to fast-forward on the CD player, and I can show you how to do that, so you can listen to any part of the CD that you wish.

As I have said, we do have limited resources, and so we have given you CD copies which you can listen to at your convenience at the library, or on any computer with a working CD drive, or on any ordinary CD player.

Finally, I recalled my first message yesterday because I forgot to attach all of the pdf files. The final message has all of the attachments.

As you requested, I will also leave you a voicemail with this information.

Sharon Page Ritchie
 Commission Secretary
 San Francisco Arts Commission
 415/252-2591

Website: <http://www.sfartscommission.org>
 e-newsletter: <http://sfartscommission.org/newsletter>
 Twitter: <http://www.twitter.com/SFAC>
 Facebook: <http://www.facebook.com/sfartscommission>
 YouTube: <http://www.youtube.com/ArtsCommission>
 Flickr: <http://www.flickr.com/photos/sfac>

From: Library Users Association [mailto:libraryusers2004@yahoo.com]
Sent: Tuesday, December 20, 2011 1:34 PM
To: Page_Ritchie, Sharon
Cc: Beltran, JD; Krell, Rebekah
Subject: Question re IDR and comment/question re listening time RE: Immediate Disclosure Request - Speaker Cards, additional dates

Dear Ms Page-Ritchie:

I understood from your last telephone message that you were suggesting Tues/Wed./Thurs. 2:30 - 3:30 and I would like Thursday, preferable Wed. and Thurs. both.

After our meeting last week, I said it would never be possible -- in a one-hour appointment -- for me

12004 -11 *

10/21/2011 08:24 4157532180

PWARFIELD

PAGE 12

RE: Question re IDR and comment/question re listening time RE: Immediate Disclosure ... Page 2 of 4

to hear the last 20 minutes of an 80-minute CD unless your listening equipment had fast forward or there was more than one track within the recording, and neither was the case. I thought your first offer of time, made last week for this week, included a morning from 10:30 until noon, and thus recognized and attempted to deal with the problem. I would prefer the longer time and a morning this week, as soon as tomorrow.

Please respond both by voice message and email, as I have access at any one time to either one but not both phone/computer.

Again, the access restrictions are most unreasonable both as to requirement for an appointment, time per appointment, and total time per week, which has been exactly one hour except for last week when we had two one-hour appointments including one that overlapped a VAC meeting.

Regarding this IDR response: why did you want to recall the first email, and what was the difference between the two?

Thank you.

Sincerely yours,

Peter Warfield
Executive Director
Library Users Association
415/753-2180

--- On Mon, 12/19/11, Page_Ritchie, Sharon <sharon.page_ritchie@sfgov.org> wrote:

From: Page_Ritchie, Sharon <sharon.page_ritchie@sfgov.org>
Subject: RE: Immediate Disclosure Request - Speaker Cards, additional dates
To: "libraryusers2004@yahoo.com" <libraryusers2004@yahoo.com>, "Beltran, JD" <jd.beltran@sfgov.org>
Cc: "Krell, Rebekah" <Rebekah.krell@sfgov.org>
Date: Monday, December 19, 2011, 11:37 AM

In response to your request below, there are no speaker cards responsive to your request number 1 below.

In response to your request number 2 below, I am attaching copies of speaker cards for the following meetings:

full Commission September 12, 2011
full Commission November 16, 2011
Visual Arts Committee August 17, 2011
Visual Arts Committee October 19, 2011

-12



SAN FRANCISCO ARTS COMMISSION

EDWIN M. LEE
MAYOR

TOM DECAIGNY
DIRECTOR OF
CULTURAL AFFAIRS

PROGRAMS

CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS
& EDUCATION
CULTURAL EQUITY GRANTS
PUBLIC ART
STREET ARTISTS LICENSES

ARTS COMMISSION GALLERY
401 VAN NESS AVENUE
415.355.6050

February 6, 2012

Honorable Members
Sunshine Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Re: Sunshine Complaint #12004
Library Users Association v. Arts Commission

Dear Honorable Members of the Sunshine Task Force:

I am writing in response to complaint #12004, submitted on January 13, 2012 by Library Users Association, and received by our office on January 27, 2012.

The complaint says the following:

"Library Users Association asked to listen to recordings of several meetings of the Arts Commission at its offices, but was required to make appointments to do so at the Arts Commission office. We were rationed at ONE HOUR PER WEEK, by appointment, with generally the choice of one to three time slots in the middle of the afternoon."

In response to the requests of Mr. Peter Warfield of Library Users Association to listen to recordings of past Arts Commission meetings, we have supplied him with tape copies of meetings recorded on audiotape, and CD copies of the more recent meetings recorded digitally. As we advised him, he can listen to the CDs on any ordinary CD player, any computer with a functioning CD drive, or at listening stations at the Main Public Library and at many branch libraries.

As we have explained to Mr. Warfield in person, by telephone and in writing, the Arts Commission has limited resources and we have done our best to accommodate his requests. We have only one conference room in our office, and it is heavily used. To prevent disturbing staff in our open-plan offices, the recordings must be played in an enclosed room, and we do not have another appropriate space besides our single conference room. To maintain the security of both the recordings and the equipment, staff must be available to monitor them while members of the public are listening. Despite these constraints, we have done our best to accommodate Mr. Warfield's schedule. And again, we have given him copies of the recordings to listen to at his convenience.



CITY AND COUNTY OF
SAN FRANCISCO

For your convenience, we are enclosing a copy of the e-mail referred to above.

Very truly yours,

Sharon Page Ritchie
Commission Secretary

spr

cc: Tom DeCaigny, Director of Cultural Affairs

Encl: E-mail from Library Users Association, December 20, 2011 and reply from
Sharon Page Ritchie, San Francisco Arts Commission, December 20, 2011

Page_Ritchie, Sharon

From: Page_Ritchie, Sharon
Sent: Tuesday, December 20, 2011 3:15 PM
To: 'libraryusers2004@yahoo.com'
Cc: Beltran, JD; Krell, Rebekah
Subject: RE: Question re IDR and comment/question re listening time RE: Immediate Disclosure Request - Speaker Cards, additional dates

In my last telephone message, I explained that I would be out of the office on Wednesday, and the conference room is booked almost all the way through the day, so Wednesday this week is not available.

Per your request below, I am confirming Thursday afternoon, December 22, from 2:30 to 3:30. Since your last visit, I have discovered how to fast-forward on the CD player, and I can show you how to do that, so you can listen to any part of the CD that you wish.

As I have said, we do have limited resources, and so we have given you CD copies which you can listen to at your convenience at the library, or on any computer with a working CD drive, or on any ordinary CD player.

Finally, I recalled my first message yesterday because I forgot to attach all of the pdf files. The final message has all of the attachments.

As you requested, I will also leave you a voicemail with this information.

Sharon Page Ritchie
Commission Secretary
San Francisco Arts Commission
415/252-2591

Website: <http://www.sfartscommission.org>
e-newsletter: <http://sfartscommission.org/newsletter>
Twitter: <http://www.twitter.com/SFAC>
Facebook: <http://www.facebook.com/sfartscommission>
YouTube: <http://www.youtube.com/ArtsCommission>
Flickr: <http://www.flickr.com/photos/sfac>

From: Library Users Association [mailto:libraryusers2004@yahoo.com]
Sent: Tuesday, December 20, 2011 1:34 PM
To: Page_Ritchie, Sharon
Cc: Beltran, JD; Krell, Rebekah
Subject: Question re IDR and comment/question re listening time RE: Immediate Disclosure Request - Speaker Cards, additional dates

Dear M.s Page-Ritchie:

I understood from your last telephone message that you were suggesting Tues/Wed./Thurs. 2:30 - 3:30 and I would like Thursday, preferable Wed. and Thurs. both.

After our meeting last week, I said it would never be possible -- in a one-hour appointment -- for me to hear the last 20 minutes of an 80-minute CD unless your listening equipment had fast forward or there was more than one track within the recording, and neither was the case. I thought your first offer of time, made last week for this week, included a morning from 10:30 until noon, and thus recognized and attempted to deal with the

problem. I would prefer the longer time and a morning this week, as soon as tomorrow.

Please respond both by voice message and email, as I have access at any one time to either one but not both phone/computer.

Again, the access restrictions are most unreasonable both as to requirement for an appointment, time per appointment, and total time per week, which has been exactly one hour except for last week when we had two one-hour appointments including one that overlapped a VAC meeting.

Regarding this IDR response: why did you want to recall the first email, and what was the difference between the two?

Thank you.

Sincerely yours,

Peter Warfield
Executive Director
Library Users Association
415/7 5 3 - 2 1 8 0

--- On Mon, 12/19/11, Page_Ritchie, Sharon <sharon.page_ritchie@sfgov.org> wrote:

From: Page_Ritchie, Sharon <sharon.page_ritchie@sfgov.org>
Subject: RE: Immediate Disclosure Request - Speaker Cards, additional dates
To: "libraryusers2004@yahoo.com" <libraryusers2004@yahoo.com>, "Beltran, JD" <jd.beltran@sfgov.org>
Cc: "Krell, Rebekah" <Rebekah.krell@sfgov.org>
Date: Monday, December 19, 2011, 11:37 AM

In response to your request below, there are no speaker cards responsive to your request number 1 below.

In response to your request number 2 below, I am attaching copies of speaker cards for the following meetings:

full Commission September 12, 2011
full Commission November 16, 2011

Visual Arts Committee August 17, 2011
Visual Arts Committee October 19, 2011

There are no speaker cards for any of the other meetings you have requested.

Hard copies of these cards are waiting for you at the front desk of the Arts Commission office. You may pick

them up at your convenience during regular business hours.

In response to your voicemail this morning, requesting times to listen to recordings of meetings (copies of which have been supplied to you), available times are today, Monday, December 19 from 2:30 to 3:30, or tomorrow, Tuesday, December 20 from 2:30 to 3:30. Please let me know when you expect to come in.

Please note that the Arts Commission offices will be closed during the entire week of December 26 and the City holiday of Monday, January 2, 2012.

Sharon Page Ritchie
Commission Secretary
San Francisco Arts Commission
415/252-2591

Website: <http://www.sfartscommission.org>
e-newsletter: <http://sfartscommission.org/newsletter>
Twitter: <http://www.twitter.com/SFAC>
Facebook: <http://www.facebook.com/sfartscommission>
YouTube: <http://www.youtube.com/ArtsCommission>
Flickr: <http://www.flickr.com/photos/sfac>

From: Library Users Association [mailto:libraryusers2004@yahoo.com]
Sent: Thursday, December 15, 2011 3:48 PM
To: Beltran, JD
Cc: Page_Ritchie, Sharon
Subject: Immediate Disclosure Request - Speaker Cards, additional dates

Dear Ms. Beltran:

A. Library Users Association would like to inspect, at your offices, the following:

1. Filled-out Speaker cards for the (a)Arts Commission meetings, and (b) Visual Arts Committee meetings of September, October, and November of 2009 (two years ago).
2. Speaker cards for Arts Commission meetings, September 2011 through December 4, 2011 (December 5 and 12, 2011 already received, thank you) and Visual Arts Committee meetings of August 17, 2011 through the present.

If there are no speaker cards for a particular date, please provide a blank speaker card for that date.

Please provide these on a rolling basis, if necessary.

B. We would also like to receive these electronically as well.

Please note that a few of the speaker card copies recently supplied for December 5 and 12, 2011 are difficult or impossible to read, so we would like to see the originals of those, as well as the ones above, at a future visit to the department.

Thank you for your attention to this.

Sincerely,

Peter Warfield
Executive Director
Library Users Association
415/7 53 - 2 1 8 0