

Date: July 9, 2008

Item No. 1
File No. _____

SUNSHINE ORDINANCE TASK FORCE
Compliance and Amendments Committee
AGENDA PACKET CONTENTS LIST*

- Draft Minutes: Compliance and Amendments June 11, 2008**
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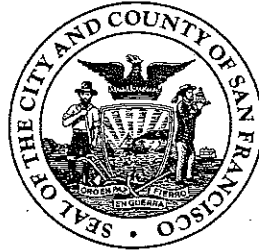
Completed by: Chris Rustom

Date: July 3, 2008

***This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

** The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



<http://www.sfgov.org/sunshine>

**SUNSHINE ORDINANCE TASK FORCE
COMPLIANCE AND AMENDMENTS COMMITTEE
DRAFT MINUTES**

Wednesday, June 11, 2008
4:00 p.m., City Hall, Room 406

Committee Members: Richard Knee, Chair; Doug Comstock Vice-Chair; Kristin Chu, Erica Craven, David Pilpel, Harrison Sheppard (ex-officio, non-voting)

Call to Order 4:10 P.M.

Roll Call
Present: Knee, Comstock, Chu, Pilpel
Absent: Sheppard
Excused: Craven

Deputy City Attorney: Rosa Sanchez
Administrator: Frank Darby
Clerk: Chris Rustom

1. Approval of minutes of May 14, 2008.

Public Comment: None

Motion to approve the minutes of May 14, 2008. (Comstock / Chu)

Ayes: Knee, Comstock, Chu

Excused: Craven, Pilpel

2. Approval of minutes of June 4, 2008.

Public Comment: None

Motion to approve the minutes of June 4, 2008. (Comstock / Chu)

Ayes: Knee, Comstock, Chu

Excused: Craven, Pilpel

3. Discussion re: developing recommendations of the document retention policy of the Board of Supervisors.

Speakers: Kimo Crossman said the issue is not about the retention policy of the Board of Supervisors but of the Sunshine Ordinance Task Force. He cited cases in San Jose, Missouri, North Carolina and Washington, D.C., where the issue of retaining email records is gaining prominence. He urged the Task Force to adopt its

own two-year preservation policy for emails and other electronic documents.

Member Comstock said he had no comment on the BOS retention policy.

Member Pilpel said if the Task Force does not have the power to change the Board of Supervisors' policy, it could certainly urge the Clerk of the Board to make changes in a manner the Task Force deems appropriate. He also wanted to separate the Sunshine Ordinance Task Force destruction and retention policy from the original that covered all departments under the Clerk of the Board.

Chair Knee continued the discussion to the July 9, 2008, meeting and requested that the Board of Supervisors retention and destruction policy be rearranged and categorized by department.

Member Pilpel requested the presence of Records and Information Manager Frank Darby at the next Compliance and Amendments Committee meeting and added that he would welcome information from Board of Supervisors management on the possibility of extending the retention period beyond what is required by law.

Continued without objection

4. Possible amendments to Article IV of the Sunshine Ordinance.

Chair Knee said since the Task Force had forwarded the proposed ordinance there was no need to take any action on the item. However, he encouraged members of the Task Force and the public to forward their views to Supervisor Ross Mirkarimi.

Public Comment:: Kimo Crossman said he would be sending his comments to the supervisor and requested notice of passive meetings between the supervisor and the City Attorney on Sunshine matters because he would like to be in attendance. He also requested the discussions be recorded for the benefit of those who are unable to attend. On the proposed ordinance, he said, it was important to keep asking for funds that would allow the Task Force to hire outside counsel to enforce the ordinance rather than rely on the Ethics Commission.

Member Pilpel said the meeting should not be structured in such a way that it would turn into a seriatim meeting.

DCA Rosa Sanchez , responding to Member Comstock's request, said she would research if the meetings could be recorded.

Chair Knee said he would contact Task Force Chairwoman Kristin Chu to let her know that the committee discussed and was in favor of recording the meetings.

5. Review of proposed amendments to Articles I and II of the Sunshine Ordinance, as time permits.

Public Comment: Kimo Crossman said he was unhappy with a section of the draft ordinance that deals with elected officials and groups regarding passive meetings. He said he has filed a complaint against the Task Force and would pursue it if the Task Force did not strengthen the language. He also said, the meeting could be

recorded because the Task Force is the client in any discussion involving the City Attorney. Member Sue Cauthen, speaking at the podium, said many bodies advising the Board of Supervisors do not have a website. She wanted to add a subsection in the proposed ordinance to read: "The appointing authority shall create a domain for policy bodies on its website."

6. Administrator's report.

Mr. Rustom said Mr. Crossman had filed two more complaints that needed to be added to the Complaint Log. One complaint was against the Ethics Commission and the other was against the City Attorney's Office.

Public Comment: Mr. Crossman said he was concerned the Task Force was not digitally recording their meetings because it was now a mandate following its approval by the supervisors following Mayor Newsom's veto. He said it was technically possible because he had seen Records Manager Frank Darby record on a laptop.

Chair Knee asked Mr. Rustom to address the issue.

Mr. Rustom said Mr. Darby had addressed the issue during the special Compliance and Amendments Committee meeting held a few days ago, but basically the holdup was because of the budget process. Chair Knee suggested that the Task Force communicate their concern on the matter. Chair Knee also instructed Mr. Rustom to contact Chairwoman Chu and request that this item be placed on the agenda for the next regular Task Force meeting.

Member Pilpel reminded the committee that the item was continued during the last regular Task Force meeting. He also asked that the deputy city attorney advise the Task Force at its next regular meeting on the implementation process.

Mr. Pilpel also said adding the nature of the complaint to the Complaint and Referral Log would be helpful. A follow up letter to the Attorney General and District Attorney would also help, he said.

7. Public comment on items not listed on the agenda.

Public Speakers: Kimo Crossman said Chairwoman Chu should be attending the Compliance and Amendments Committee meetings as it was a very active panel. He also said the purging of emails after 90 days is shocking and should be changed.

8. Announcements, questions and future agenda items from CAC members.

Member Comstock commended the committee for its work on the proposed ordinance. Chair Knee added, among others, former member Bruce Wolfe to the congratulatory list.

Adjournment: The meeting was adjourned at 7:20 p.m.

This meeting has been audio-recorded and is on file in the office of the Sunshine Ordinance Task Force