

Date: July 13, 2010

Item No. 2

File No. _____

SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST*

- Draft Minutes: March 3, 2010
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Completed by: Chris Rustom

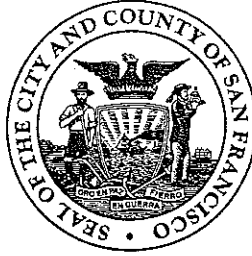
Date: July 8, 2010

***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.

Sunshine Ordinance Task Force



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**SUNSHINE ORDINANCE TASK FORCE
COMPLIANCE AND AMENDMENTS COMMITTEE
DRAFT SPECIAL MEETING MINUTES
Tuesday, March 3, 2010
4:00 p.m., City Hall, Room 406**

- Committee Members:** Erica Craven-Green (Chair), Richard Knee, Allyson Washburn, Doyle Johnson, Nick Goldman
- Call to Order:** 4:00 p.m.
- Roll Call:** Present: Craven-Green, Knee, Washburn, Johnson, Goldman
- Deputy City Attorney:** Jerry Threet
- Clerk:** Chris Rustom
- Agenda Changes:** None

1. Consideration of proposed amendments to Articles I through IV of the Sunshine Ordinance.

Members discussed the following:

Edit titles

New 67.20(a) – add s to 4th line “requests”

New 67.20(c)(4) – add comma, delete “or” and add “or custodian of records” after policy body. Should read “by the Department, Policy Body, or custodian of records.”

New 67.20(e) – In second sentence, remove City Attorney in insert department, policy body or custodian of records. Should read “However, where a requested record contains information, the majority of which is exempt from disclosure under the California Public Records Act or this Ordinance, the department, policy body or custodian of records may inform”

New 67.20(f) – Capitalize Supervisor of Public Records in all places in paragraph. Second sentence should read: “The Supervisor of Public Records shall inform the petitioner, as soon as possible but no later than 10 calendar days after a petition is filed” Final sentence should read, “The Supervisor of Public Records shall copy the Sunshine Commission on all determinations of actions on petitions under this subsection.”

New 67.22 – delete “Each custodian of a public record shall keep notes of the time and personnel used to comply with records request under this section.” I think we should remove this section (which was suggested initially by Doug Comstock) because it adds administrative burdens on employees AND doesn’t make sense, not sure why it applies only to that subsection. I don’t think this is a necessary addition to the Ordinance.

New 67.23(b) – last sentence replace “his of her” with “employee’s”; replace “accurate” with “request for.”

New 67.24(b) – First sentence insert “and contact information” after “identity” – an important issue. We have held members of the public have the right to contact information, at least email.

New 67.25(c)(2) replace “City commissioners” with “other policy body”.

New 67.25(c)(8); first sentence, delete “and there is reasonable cause to believe that complaint is well founded” – as not necessary. Second sentence, replace “and” with “or report”; insert “or at the direction of” before “an attorney”.

New 67.25(e)(1); add “” around RFB; insert “and similar requests” after (“RFQ”); insert comma after “date of issuance.”

New 67.25(e)(8); insert period after first sentence/heading. Replace “alone” with “along,”; delete “that” after unless the policy body finds

New 67.25(i) – last sentence “All withholdings” should be moved to first sentence in new 67.26.

New 67.28; add new (d) “If any information is withheld under sections (a) – (c) above, the written justification shall identify: a general description of the withheld information; the number of documents, pages, or lines of information withheld; and provide general description of withheld information, and clarify that the specific justification applicable to each piece of withheld information must be provided.

New 67.29(b) – should read “For documents routinely produced in multiple copies for distribution, e.g., meeting agendas, agenda packets, and other public records prepared for consideration at a public meeting, unless a special. . .” At end of existing sentence, add the following from (f) – “Neither this section nor the California Public Records Act shall be construed to limit or delay the public’s right to inspect any record required to be disclosed by that Act, whether or not distributed to a policy body.”

New 67.29(e) – delete “\$10.00 or less per meeting.” Unnecessary.

New 67.29(f) can be deleted, incorporated above into (b).

New 67.30(a) – insert new (6) [from old 67.29-2(e)], “Nothing in this section shall be construed to permit an agency to make information only available in an electronic format.”

New 67.30 (b) – delete “to” before transfer documents. Insert period after “electronic format.” Final sentence should read: “The electronic format shall, as reasonably practicable, be searchable and electronically archivable, deliverable via electronic mail or other electronic means, and posted on the department or policy body’s website as appropriate.”

New 67.30(d)(4) – replace “post” with “past,” insert “are posted” at end of sentence.

New 67.30(d)(5) – delete, not necessary given prior section. Renumber (6) as (5).

Delete OLD 67.21-1 [new 67.31]. Should have been deleted long ago, is now in prior section.

Delete OLD 67.29-2 [new 67.32]. Ditto above.

New 67.31 [mistakenly listed as 67.33-1 “Records and Correspondence Shall be Maintained . . .” Last sentence shall read: “The Mayor, elected officials and department heads shall maintain and preserve in a professional and businesslike manner all documents and correspondence, including but not limited to letters, e-mails, drafts, memoranda, invoices, reports and proposals, and shall be disclosed in accordance with this Ordinance.”

New 67.32(d) [Mistakenly listed as 67.33-3 Calendars of Elected Officials]. To clarify, sentence should read: “Such calendars are public records and shall be available to any requester three business days subsequent to the calendar entry date.”

New 67.32(e). To deal with electronic posting: “To the fullest extent practicable, the calendars and information required by this section shall be also posted on the department or elected official’s website at the start of each business day, but each public official subject to this section is encouraged to post his or her calendar as far in advance as possible.” Put back in 3 day requirement for disclosure and encourage to post.

New 67.32(f): “Nothing in this section shall exempt from disclosure any calendar or calendar information used for official city business that is kept by any employee or official.” [Clarifying the Task Force’s consistent position that prop g set a floor, not a ceiling on collection and release of calendar information].

Public Comment: Peter Warfield and Allen Grossman.

2. Public Comment on items not listed on the agenda: None

Adjournment

The meeting adjourned at 5:10 p.m.

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