

Date: August 10, 2010

Item No. 1
File No. _____

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

- Draft Minutes: Compliance and Amendments March 3, 2010**
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Completed by: Chris Rustom

Date: August 4, 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.



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

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

Wednesday, 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
Excused: 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 Section 67.20(a) – add “s” to 4th line “requests” in line 6.

New Section 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. . . .” on line 17.

New Section 67.20(e) – (line 10) In second sentence, remove “City Attorney” and 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 Section 67.20(f) – (line 18 and 22) 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 of its determination.” Final sentence should read, “The Supervisor of Public Records shall copy the Sunshine Commission on all

determinations or actions on petitions under this subsection.”

Mr. Allen Grossman said Deputy City Attorney Paula Jesson has often adopted the views of the City Attorney when reviewing document requests even though the office of the Supervisor of Public Records is supposed to be independent of the City Attorney’s Office

Peter Warfield of the Library Users Association said he was not given sufficient time to participate in today’s meeting and that showed the Task Force’s insincerity. He also said members have never asked him and others to see which parts of the Ordinance were useful and which were not. In addition, he said, the Ordinance should emphasize that every City employee is a Custodian of Records and should be answerable to the public.

Members and the public continued their discussion of the Supervisor of Public Records’ role. It was then decided to add a sentence between the second and third sentence in Section 67.18: “In reaching this determination the Supervisor of Records shall conduct an independent review, taking into account prior rulings if any of the Sunshine Commission on the issue.”

This sentence is also to be inserted between the second and third sentence in line 21 of page 49.

Change Section 67.20 (h) to “Release of public records.”

Change Section 67.20 (i) to “Inspection and copying of public records.”

Change line 5 to “Inspection of Public Records.”

Change (b) to “postal or hand delivery, email or other means”.

Swap Section 67.21 Subsections (b) with (c).

New Section 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.” Chair Craven-Green said this section be removed as initially suggested by former Chair Doug Comstock because it adds administrative burdens on employees and doesn’t make sense. Without objection.

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

New Section 67.24(b) – First sentence insert “and contact information” after “identity.”

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

New Section 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 Section 67.25(e)(1); add quotes around RFB; insert "and similar requests" after ("RFQ"); insert comma after "date of issuance." Without objection.

New Section 67.25(e)(8); insert period after first sentence/heading. Replace "alone" with "along," and delete "that."

New Section 67.25(i) last sentence "All withholdings" should be moved to first sentence in new Section 67.26.

New Section 67.28; add new (e) "If any information is withheld under sections (a) through (d) 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 Section 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 Section 67.29(e) – delete "\$10.00 or less per meeting."

New Section 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 Section 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. Section 30(d)(4) – replace "post" with "past," insert "are posted" at end of sentence.

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

Delete old Section 67.21-1 [new Section 67.31]. It is now in prior section.

Delete old Section 67.29-2 [new Section 67.32]. It is now in prior section.

New Section 67.31 [mistakenly listed as Section 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 Section 67.32(d) [Mistakenly listed as Section 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 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.”

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.” This was done to clarify that the Task Force’s consistent position that Prop G set a floor, not a ceiling on collection and release of calendar information.

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

Adjournment

The meeting adjourned at 5:44 p.m.

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

