

Date: Nov. 10, 2009

Item No. 7

File No. 09057

SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST*

- Peter Warfield v Clerk of the Board**
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Completed by: Chris Rustom

Date: Nov. 5, 2009

***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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ORDER OF DETERMINATION

November 3, 2009

DATE THE DECISION ISSUED

October 27, 2009

PETER WARFIELD v. CLERK OF THE BOARD OF SUPERVISORS (09057)

FACTS OF THE CASE

Complainant Peter Warfield alleges that he requested information from the Clerk of the Board of Supervisors (the "Clerk") concerning the current membership of the Library Citizen Advisory Committee ("LCAC"). He further alleges that the Deputy Clerk requested that he return in about three hours to allow the clerk's office time to redact documents responsive to the request, causing a delay in his ability to review the remainder of the file. Mr. Warfield alleges that he then requested only the two-page current membership roster, which was promptly provided with redaction of contact information of the LCAC members, without explanation of the justification for withholding that information.

COMPLAINT FILED

On September 9, 2009, Mr. Warfield filed a Complaint against the Clerk for alleged violations of Sections 67.21(a) & (b), 67.26, and 67.27 of the Sunshine Ordinance.

HEARING ON THE COMPLAINT

On October 27, 2009, Complainant Peter Warfield appeared before the Task Force and presented his claim. Respondent agency was represented by Rick Caldera, Legislative Deputy Director in the Clerk's Office.

Mr. Warfield reiterated that contact information for members of boards and committees should be public. He told the members that individuals have plenty of time to decide on what kind of information they would like to give out and withhold, and disputed the notion that identity theft (which happens on a large scale involving spammers and rarely as the result of targeting a specific individual) does not defeat public access. Mr. Warfield noted that it was hard to definitively determine where information had been redacted from the document produced because of the use of correction tape to redact

left large blank spaces and that there was no information on why the redaction had occurred.

Mr. Caldera agreed that a line should have been drawn or other marking used on redacted documents to identify where information was redacted. He also noted that the clerk's office was reviewing their policy for redaction of personal information but that the staff was working under the old rules until a new policy is implemented.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Task Force ruled that the contact information for individuals serving on government boards and committees should be publicly accessible. That members of the public need a way to be able to personally contact elected and appointed members of boards and committees who are making and implementing policy for the City. The Task Force also noted that individuals can take steps to protect their privacy while also making themselves accessible to members of the public by, for example, setting up an email account (through Gmail, for example) or a PO Box that would be used for all City business.

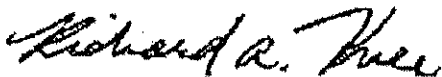
DECISION AND ORDER OF DETERMINATION

The Task Force finds that the agency violated Section(s) 67.21 (a) 67.21 (b) for failure to provide records for inspection or review on a timely basis and for making impermissible redactions. The Clerk's Office is directed to produced unredacted copies of the documents Mr. Warfield requested within 5 calendar days of this Order of Determination and to appear before the Compliance and Amendments Committee on November 10, 2009, to discuss compliance with this Order of Determination

This Order of Determination was adopted by the Sunshine Ordinance Task Force on October 27, 2009, by the following vote: (Knee / Johnson)

Ayes:, Craven-Green, Cauthen, Washburn, Knoebber, Johnson, Chu, Chan, Knee

Excused: Manneh, Goldman, Williams



Richard A. Knee, Chair, Chair
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney
Peter Warfield, complaint
Rick Caldera, respondent

