

Date: Nov. 12, 2008

Item No. 1

File No. _____

SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST*

- Draft Minutes: Compliance and Amendments on Oct. 8, 2008**
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Completed by: Chris Rustom

Date: Nov. 6, 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, October 8, 2008
4:00 p.m., City Hall, Room 406

Committee Members: Richard Knee (Chair), Erica Craven, Kristin Chu

Call to Order: 4:07 p.m.

Roll Call: **Present:** Knee, Craven, Chu

Deputy City Attorney: Ernie Llorente
Clerk: Chris Rustom

Agenda Changes: Items were heard in this order: 1, 2, 3, 4, 5, 6, 8, 7, 9

1. Chair Knee acknowledged the presence of recently appointed Sunshine Ordinance Task Force member Doyle Johnson in the audience.
2. Approval of minutes of September 10, 2008, regular meeting.

Motion to approve minutes of September 10, 2008. (Craven / Chu)

Public Comment: None

On the motion:
Ayes: Knee, Craven, Chu
3. 08024 Discussion on steps taken by the Arts Commission and the Street Artists Committee to ensure that both bodies avoid further seriatim meetings.

Respondent Howard Lazar said the Arts Commission had taken their Sunshine training on September 16, 2008, through the help of Deputy City Attorney Adine Verah, who specifically explained the need for public access to a discussion by city officers.

Chair Knee urged the commission to use the Task Force as a resource if it had questions in the future.

Complainant Mike Addario, a photographer and 5-year member of the Street Artists Program, read and submitted his response. (See Attached A)

Member Craven congratulated Mr. Addario for his detailed research but said the Task Force was unable to provide the relief he sought. Only the courts, she said, had the authority to rescind a vote taken by a committee. On the other issues presented by Mr. Addario, she suggested he approach the Ethics Commission or the Board of Supervisors.

Public comment: Kimo Crossman said there was a remedy for various sections of the Ordinance by finding the department in willful failure and subsequently official misconduct to be investigated by the Ethics Commission under Section 67.34. He also said the Ordinance requires officers to file their paperwork with the Ethics Commission under Section 67.33. He also suggested sending a letter to the commission on their vote count.

The committee found no need for further action.

4. Continued discussion re developing recommendations on the document retention policy of City departments and the Board of Supervisors.

Chair Knee said his quest was continuing and what he had provided to the committee and public was a partial draft. (See Attached B). He intended to complete the final draft in a few weeks and asked for input by the public.

Member Craven suggested to put the focus on electronic records and review what other jurisdictions are doing and also to decide what should or should not be covered by the retention schedule, should there be one.

Public Comment: Kimo Crossman said some electronic records might be over voluminous and become an issue with storage, backup and recovery. He added that the Task Force should use itself as a test bed and refine it later for other departments. He also said the Board of Supervisors had to provide funding in order for SFGTV to be able to screen and caption meetings. Allen Grossman said an explanation of the codes mentioned in the Clerk of the Board's retention and destruction policy is needed to better understand the document. He also said he went to the Clerk's Office to look up the legislative history of a code and found the file contained very little documentation. The file, he said should have contained all correspondence, drafts and anything remotely associated with it. He also said the supervisors send and receive emails on legislation that do not go through the Clerk's office and thus not included in the legislative file.

Member Craven suggested forming a special group to work on the issue because of its enormity and complexity.

Task Force Chair Chu to put item on agenda.

5. Discussion on the status of proposed Sunshine Ordinance amendments and next steps the Task Force will take regarding submitting amendments to the voters.

Public comment: Allen Grossman said he had certain views on who should be responsible to determine what the steps would be to get it on the ballot. Someone has to set up a timetable and review the document, he said. His offer to informally

edit the document for consistency was still open, he added. Kimo Crossman said he hoped former Task Force Chair Doug Comstock would be appointed as an ad hoc member if a committee were formed. He also said he had collected all the amendments to the Sunshine Ordinance since 1993 and found resistance from departments when the documents are pushed through the legislative process. He said the same was happening in Gilroy where there is a push for a Sunshine Ordinance. Because of that he suggested planning to go directly to the voters in 2010. He also said there was some time to improve some of the awkwardly written proposals.

Member Craven said she was currently going through the document and hoped to finish her annotated version by the end of next month. After that comes the cleanup, which will be followed by the hearings and approvals of the CAC and TF by the end of the year, she said.

Member Chu said the document should be revisited to see what the supervisors could pass and the rest sent to the 2009 ballot. That decision, she said, should be made in February, when two groups should be formed to push the two packets.

Chair Knee said it would be easier to qualify for the ballot in 2010 than in 2009 because of the number of signatures needed for a proposal to be eligible is 10 percent of the voter turnout in the last election. He also wanted the proposed amendments to be placed on the next CAC agenda for discussion.

6. Discussion on moving Compliance and Amendments Committee's monthly meeting from second Wednesday of the month to second Monday of the month without change in time.

Member Craven suggested that the committee recommend to the full Task Force to change their monthly meeting from Wednesday to 4:00 p.m. on the second Tuesday of the month and the discussion to take place at the full Task Force meeting.

Public comment: None

Without objection.

7. Administrator's Report.

Public comment: Kimo Crossman said he had asked for a copy of the digital recording of a meeting and had asked Mr. Rustom to bring it to the meeting but he refused. That, he said, is bad customer service. It was common for other commissions to accommodate members of the public and he wanted the Task Force to instruct Mr. Rustom to provide better service to the public. He also wanted the Task Force to review Mr. Rustom and Mr. Llorente's performance twice a year.

Mr. Rustom, asked by Chair Knee if he would like to respond, said the office works out of Room 244 where all cash transactions are done and recorded.

8. Public Comment on items not listed on the agenda to be taken at 5:00 p.m. or as soon thereafter as possible.

Public comment: Kimo Crossman said SOTF staff had not posted the audio recordings online and if DTIS will not post it there were other places where it could be posted. He also quoted Section 67.29 (iv) (c) and posed the question if supervisors would be in violation of the ordinance if they wanted to reverse a decision. On the rise of complaints, he said, it was the price to pay for open government.

9. Announcements, questions, and future agenda items from Committee members.

Member Chu said the Task Force was in receipt of a memo from the City Attorney regarding DCA Llorente's time constraints and she sought advice on how to title it on the agenda.

Member Craven said one of the ways to maximize use of the DCA's time was to rely on past rulings and findings and not to ask him or her to do additional research on the subject.

After further discussion it was agreed to title the item as "Discussion and possible action on allocation and restrictions on Deputy City Attorney's time."

Chair Knee reminded members and the audience that the California First Amendment Coalition would be holding its free speech and open government assembly at the UC Berkeley Graduate School of Journalism on October 17 and 18 and details were available at www.cfac.org.

Public comment: Kimo Crossman wondered if the person who wrote the memo on the Deputy City Attorney's time be invited to speak on the matter or if it was just a discussion item for the Task Force. Chair Knee reminded him that it was going to be a discussion and possible action item. Mr. Crossman also said past decisions and research results by the Deputy City Attorney should be put online in a searchable format. He also said the Task Force needs to make its own policy on redaction. Allen Grossman said it was important for the letter from the City Attorney to Mr. Darby be part of the package and comments submitted in advance be included

Member Craven said the packet should also include Mr. Llorente's memo and submissions made by the public.

Mr. Rustom said he did not refuse service to a member of the public but was informing that person of the procedure.

Adjournment

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

The meeting adjourned at 4:33 p.m.