

Date: June 11, 2009

Item No. 4

File No. \_\_\_\_\_

## SUNSHINE ORDINANCE TASK FORCE

Education, Outreach and Training Committee

AGENDA PACKET CONTENTS LIST\*

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Completed by: Chris Rustom

Date: June 8, 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.

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- Provide assistance to City Attorney's Office for annual Sunshine Ordinance training for all persons required to sign an affidavit of financial interest with the Ethics Commission.

- In addition, the Task Force shall possess such powers as the Board of Supervisors may confer upon it by ordinance or as the people of San Francisco shall confer upon it by initiative. (67.30 (d))

**Procedures for Petitions for Hearings (67.21 (e))**

If custodian refuses, fails to comply or incompletely complies with a records request within ten days following receipt of a request for inspection or copy of a public record, or if a request is denied or not acted upon, the person making the request may petition the Sunshine Ordinance Task Force for a determination whether the record requested is public. (Petition forms are available from the Office of the Sunshine Ordinance Task Force.) The Sunshine Ordinance Task Force shall inform the petitioner, as soon as possible and within two days after its next meeting, but in no case later than 45 days from when a petition in writing is received, of its determination. The determination shall be in writing.

The City and County of San Francisco encourages public outreach. This brochure is translated into several languages to provide better public access. No liability is assumed by the City and County of San Francisco for errors and omissions. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Administrator of the Sunshine Ordinance Task Force by mail, telephone, fax or email.

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the Internet at <http://www.sfgov.org/sunshine>

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Brochure printed in  
 English, Chinese, Vietnamese



**SUNSHINE ORDINANCE  
 TASK FORCE**

Meets 4<sup>th</sup> Tuesdays, 4:00 p.m., City Hall

**History**

- Sunshine Ordinance adopted by Board of Supervisors 8/93
- Nonprofit public access requirements added by Board of Supervisors 6/98
- Proposition G approved by citizens 11/99, effective 1/2000

**Know Your Rights  
 Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the peoples' business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the peoples' review.

**Key Sunshine provisions**

The public has a right to inspect and copy public documents

(5/8/09)

- The public has a right to attend and testify at public meetings
- The public has a right to make an Immediate Disclosure Request for documents, which requires a response at the end of the next business day.
- The Sunshine Ordinance Task Force will hold hearings on alleged violations of these rules.

**Procedures for Petitions for Hearings**

Where requested by the petition, the Sunshine Ordinance Task Force may conduct a public hearing concerning the records request. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for the decision to withhold the records requested.

Upon determination that the record is public, the Sunshine Ordinance Task Force shall immediately order the custodian of the public records to comply.

If the custodian refuses or fails to comply within five days, the Sunshine Ordinance Task Force shall notify the Ethics Commission, the District Attorney or the Attorney General who may take whatever measures are deemed necessary to insure compliance.

**Responsibilities**

- Conduct hearings on complaints of Sunshine violations and issue findings and recommendations
- Forward findings and recommendations to

the appropriate government bodies.

- Work with city agencies to assist in Sunshine compliance.
- Propose to the Board of Supervisors amendments to the Sunshine Ordinance. [67.30 (c)]
- Report to the Board of Supervisors at least once annually on any practical or policy problems encountered in the administration of the Sunshine Ordinance. [67.30 (c)]
- Receive and review the annual report of the Supervisor of Public Records (City Attorney) and request additional reports or information as it deems necessary. [67.30 (c)]
- Make referrals to a municipal office with enforcement power under the Sunshine Ordinance or under the California Public Records Act and the Brown Act, whenever it concludes that any person has violated any provisions of the Sunshine Ordinance or the Acts. [67.30 (c)]
- From time to time issue public reports evaluating compliance with the Sunshine Ordinance and related California laws by the City or any Department Office, or official. [67.30 (c)]
- Approve by-laws specifying a general schedule for meeting, requirements for attendance and procedures and criteria for removing members for non-attendance. [67.30 (c)]

- Hear report from City Administrator at least semi-annually on progress of index. [67.30 (c)]

**Membership (11 members)**

- Attorney submitted from local chapter of Society of Professional Journalists
- Journalist submitted from local chapter of Society of Professional Journalists
- From press or electronic media
- Journalist from racial/ethnic-minority-owned news organization submitted by New CA Media
- Submitted by local chapter of League of Women Voters
- From public experienced in consumer advocacy
- From public who demonstrate interest or have experience in issues of citizen access and participation in local government
- At all times the Task Force shall include at least one member who shall be a member of the public who is physically handicapped and who has demonstrated interest in citizen access and participation in local government.
- The Mayor or his/her designee, and the Clerk of the Board of Supervisors or his/her designee shall serve as non-voting members of the task force.
- The City Attorney shall serve as legal advisor to the Task Force. The Task Force shall be assigned an attorney who is experienced in public access law matters.