

Date: July 9, 2009

Item No. 5

File No. _____

SUNSHINE ORDINANCE TASK FORCE

Education, Outreach and Training Committee

AGENDA PACKET CONTENTS LIST*

- SFPUC's Sunshine procedures
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Completed by: Chris Rustom

Date: July 6, 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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Sunshine Request FAQ's

- **What is the time line for fulfilling Sunshine Requests?** Most requests must be completed within 10 calendar days of receiving the request. Requests that state "For Immediate Response" must be answered within 24 hours (or by close of business the following day).
- **Are all requests for information considered Sunshine Requests?** NO, a Sunshine Request refers to documents or other items that have been produced in the process of performing the duties of the agency or governmental body, and are to be made available to the public.
 - **We are not obligated under the Sunshine Ordinance to answer a series of questions or to create a document in response to a series of questions**
- **Do all items requested require legal or security review?** NO, items available on a city website, items already produced in response to a Sunshine Request, score sheets, RFP's do not require review. Contracts, engineering plans, personnel records are more likely to require review, When in doubt, please ask.
- **Is it necessary to keep all e-mails, notes, phone messages that relate to filling Sunshine Requests?** NO, notes that you keep in order to help fulfill the request may be destroyed once the request has been completed, they are meant as a guide to assist you in your work, they are not considered in the "public domain".
- **Is there a time line for the requestor to review documents once they have been obtained?** YES, we will notify the requestor that the items are available, and that we will keep them available for 10 business days so that the requestor has ample opportunity to review or receive them. After 10 business days, the items will be returned and the file closed.
- **How does the SFPUC determine when a contract has been awarded?** Although a "winner" will be announced, the actual "award" of the contract happens only when a resolution has been adopted at the Commission. Once awarded, the winning proposal can be made available to the general public.
- **Are members of our advisory boards and task forces allowed to make Sunshine Requests?** YES, anyone can make a Sunshine Request when they are acting on their own behalf. Each advisory board or task

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force has its own rules for how individual members can use information obtained through a Sunshine Request. Members of these Advisory Committees, Task Forces and Boards are to be given the same quality of service we give members of the general public.

- **What about press calls?** Some press calls will include requests for documents under the Sunshine Ordinance however, ~~all press calls~~ are to be given to the Director of Communications prior to any other action being taken.
- **What is "redact"?** Redact is a process for removing part of a document prior to releasing the document to the public, when performing a redact, the justification for removal of information must be noted in the space left. (ie, security reasons, attorney-client privilege, violation of privacy). Documents most commonly needing **redact** include project plans, contracts, personnel information and items containing any personal financial information. If you are unsure, please check with Tony, Diane or Suzanne for clarification.
- **Can we charge for the work we do in compliance with the Sunshine Ordinance?** NO, and YES, we cannot charge for the work we perform, only for the materials we produce for the requestor. If a document is less than 10 pages in quantity, it can be faxed to the requestor free of charge. Documents longer than 10 pages, we can charge 10cents per page for the copies we provide, and we can charge for postage.
- **What if part of the request is available, but not all of the documents?** Documents must be provided to the requestor as they are obtained, incrementally if necessary, you cannot hold part of the request while waiting for the rest of them. Once a request is open, additional documents cannot be added to the request, each new document requested will constitute a new request and to be logged in and begun on the day it is received.

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What do we do when a requestor comes in to review materials?

The requestor should notify you in advance that they are coming in to review materials. Once a time is agreed upon, you need to set up a space with the materials that will be reviewed; we are currently using the small conference room on the First Floor at 1145 Market. Please notify whoever is at the front desk that you are expecting a visitor, then escort the visitor to the room, put a sign on the door letting others know that the room is occupied, and close the door. After a few minutes, check on the requestor to make sure he/she is ok. If the requestor asks for copies to

be made, determine whether your schedule allows you time to make them at that moment, or, in the case of a large volume of copies, arrange to have the requestor return in a day or so. Requestors (visitors) should not have access to any of our work areas, desks or files.

Additional detailed information about our Obligations Under the Sunshine Ordinance can be found in the ~~Good Government Legal Guide~~ - An Overview of the Laws Governing the Conduct of Public Officials, 2006-2007 Edition. This guide is available in hard copy in the Communications Office, and electronically on the website of the office of the City Attorney

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SUNSHINE PROCEDURES FOR NEW EMPLOYEES TALKING POINTS

- I. What is Sunshine?
 - A. Federal - Public Record Act
 - B. State - Brown Act no drafts
 - C. Local - Sunshine Ordinance drafts what can be sunshined. Sunshine Ordinance Task Force monitors City agencies' compliance

- II. SFPUC Checklist process for responding
- III. How many items per month
- IV. Consequences for not responding Sunshine Ordinance Task Force

- V. What's a true Sunshine Request and what is not
 - a. Are you a contractor? - if so they should contact contracts next door
 - b. Will it take more than 15 minutes to answer?
 - c. ~~If requestor refuses to give name/address/phone# then we don't have to answer their request~~
 - d. Is request for information or documents
 - e. 15 minute rule on information
 - f. can't ask why, what or who

Give copy of log as illustration of our tracking tool

Sunshine Protocols for the SFPUC

All Sunshine Requests will be logged in to a central log, The Sunshine Request Log. One staff person will be responsible for logging in all requests and maintaining the central log. This log will be maintained on a monthly basis, beginning with January 2005.

Each Sunshine Request Log entry will include the following:

- Name, address, phone, fax and where available, e-mail address of requestor
- Documents or items requested – as specific as possible
- Date request received and Due date of response
- Request acknowledgement sent
- Team request was given to (SF, Regional, Core Business)

A log sheet will be generated for each request, printed and placed into an ORANGE folder. The Sunshine Log Manager will send an e-mail acknowledgement of the request to the requestor and place a copy of this acknowledgment into the folder with the log sheet. Sunshine requests should be acknowledged within ONE HOUR of receipt of the request. The folder will then be distributed to team leadership.

A copy of the log sheet and request acknowledgment will be sent to Tony Winnicker (either a hard copy or an electronic copy)

The staff person in charge of maintaining the central log will also maintain a storage file for closed files, to be organized by calendar date.

Each ORANGE SUNSHINE REQUEST FOLDER will be given to Team Leadership for assignment to a staff person, who will perform all tasks necessary to complete the request and provide responsive documents and items to the requestor.

We will comply with the Sunshine Ordinance by doing the following:

- Complete the ORANGE Sunshine Request File Folder – this folder will document the request on the outside, and contain the Sunshine Request Checklist, relevant correspondence with the requestor and final invoice.
- Within ONE HOUR of receiving the folder, Communicate with the requestor in writing to confirm the exact nature of the request (either by fax or e-mail)
- Determine (through research) whether the documents or items requested are currently available within the agency
- ✓ Obtain the documents or items that are available + direct requestor to *James*
- Determine whether the items are subject to either legal or security review, and perform any necessary redact prior to allowing requestor to review items *entire who home my copy*
- Communicate with the requestor the status of documents/items found – ie, they are currently available for review in our office during regular business hours, they can be viewed on our website, the cost for production will be, etc.
- Provide the documents/items to the requestor and collect any fees for duplication

- Return file, and any money collected to staff person in charge of central log so that the file can be closed

Note, it is the responsibility of the staff person who is fulfilling the request to do whatever is necessary to complete the request, and to maintain his/her own record of that process, however, once the file is closed, those internal notes do not need to be maintained in any form.

A Sunshine Team will meet weekly to review the log, evaluate progress on outstanding requests and make any necessary adjustments in staffing so that we are in compliance.

PUC Staff Assistance Available for Sunshine Requested Documents

Communications: Tony Winnicker
Suzanne Gautier
Diane Parker

Commission: Mike Housh

Contracts: Ivy Fine
Stacy Camillo

Finance: Carlos Jacobo

Personnel/Human Resources: Michele Modina

Government Affairs/External Relations: Suzanne Arena
Laura Spanjian

Power Enterprise: Karen Kubick
Angela Patane

WSIP Infrastructure: Lih Mel Liu

Local WSIP Projects: Howard Fung

Regional Projects: Chris Nelson
Husam Masri
Roy Fedetoff
Dave Rodgers

Water Enterprise: Michael Carlin
Paula Kehoe
Ellen Levin

Wastewater Enterprise: Tom Franza

Water Quality: Jim Salerno
Manouchehr Boozarpour

Security Review/Plans: Paul Mazza
Greg Suhr

Legal Review/Questions: Noreen Ambrose

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*Just like FAOs
Sunshine Requests
FAOs*

FAQ's About Sunshine Requests for PM's

- What is the basis of the Sunshine Ordinance?** The premise of both the Public Records Act and the Sunshine Ordinance is that all records in the possession of the government are public property. Absent some specific and limited exceptions, City agencies must make those records available for the public to inspect.
- What is a Sunshine Request?** The Public Records Act defines a "public record" broadly to include "any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency, regardless of the physical form or characteristics." If a document meeting the statutory definition is in the possession of a City department or agency, the document is a public record, whether or not it may be withheld from public disclosure.
- Does it matter the form the document takes?** A document does not have to be in written form to be a public record. A public record may consist of any medium that contains encoded information in the possession of a City department, such as a computer tape, video recording, cassette recording, or movie.
- What records are subject to disclosure through the Sunshine Ordinance?** The Public Records Act and the Sunshine Ordinance require the City to disclose any identifiable record in its possession. The sunshine Ordinance requires the City to make information available to a member of the public in any form requested so long as the information is available to or easily generated by the department in that form, including compact disk, video or audio tape, and printout or by computer monitor. The Sunshine Ordinance does not require a department to reprogram a computer, change the format of existing documents, or create a document not already in existence.
- Are all requests for information considered Sunshine Requests?** NO, a Sunshine Request refers to documents or other items that have been produced in the process of performing the duties of the agency or governmental body, and are to be made available to the public.
 - We are not obligated under the Sunshine Ordinance to answer a series of questions or to create a document in response to a request.
- What is the time line for fulfilling Sunshine Requests?** Most requests must be responded to and completed within ten (10) calendar days of receiving the request. Requests that state "For Immediate Response" must be answered within 24 hours (or by close of business the following day).
- What should a PM do if he or she receives a request for a document?** All Sunshine requests are timed. They must be answered within ten (10) calendar days, therefore it is imperative that the PM immediately notify Diane Parker at 4-3274 (dparker@sfwater.org), or the Communications Division at 4-3289.

- What is the PM's responsibility when notified that documents in his or her possession have been requested under the Sunshine Ordinance?** Gather all requested documents and make them available to the SFPUC employee who will then make them available to the requestor. Materials should be made available in a timely manner, and within the required ten days. Please work cooperatively with the SFPUC Communications staff member to produce responsive documents in a timely manner so the SFPUC continues to comply with the Sunshine Ordinance.
- Do all items requested require legal or security review?** NO, items available on a city website, items already produced in response to a Sunshine Request, score sheets, RFP's do not require review. Contracts, engineering plans, personnel records are more likely to require review.
- What is "redact"?** Redact is a process for removing part of a document prior to releasing the document to the public, when performing a redact, the justification for removal of information must be noted in the space left. (i.e., security reasons, attorney-client privilege, violation of privacy). Documents most commonly needing redact include project plans, contracts, personnel information, and items containing any personal financial information. If you are unsure, please check with Tony, Diane, or Suzanne for clarification.
- Who redacts documents?** While PM's are encouraged to point out sensitive areas, Deputy Chief Greg Subr of the San Francisco Police Department conducts security review on sunshine requested documents. He is assigned to homeland security for the SFPUC. Noreen Ambrose of the City Attorney's Office does legal review.
- Is there a time line for the requestor to review documents once they have been obtained?** YES, we will notify the requestor that the items are available, and that we will keep them available for 10 business days so that the requestor has ample opportunity to review or receive them. After 10 business days, the items will be returned and the file closed.
- What about press calls?** All press calls, no matter their content, should be referred immediately to the Director of Communications, Tony Winnicker at 934-5733, prior to any other action being taken.
- What if part of the request is available, but not all of the documents?** Documents must be provided to the requestor on a rolling basis as they are obtained. Part of a request cannot be held up while waiting for the rest of the requested material.

Additional detailed information about our Obligations Under the Sunshine Ordinance can be found in the Good Government Legal Guide – An Overview of the Laws Governing the Conduct of Public Officials, March 2004. This guide is available in hard copy in the Communications Office, and electronically on the website of the office of the City Attorney.