

Date: March 24, 2009

Item No. 23

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

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Report: CAC meeting of March 10, 2009**
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Completed by: Chris Rustom

Date: March 19, 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 ORDINANCE TASK FORCE  
COMPLIANCE AND AMENDMENTS COMMITTEE  
DRAFT MEETING MINUTES  
Tuesday, March 10, 2009  
4:00 p.m., City Hall, Room 406**

**Committee Members:** Richard Knee (Chair), Erica Craven, Doyle Johnson

**Call to Order:** 4:09 p.m.

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

**Deputy City Attorney:** Ernie Llorente

**Clerk:** Chris Rustom

**Agenda Changes:** None

1. Approval of February 10, 2009, scheduled meeting minutes

Motion to approve minutes of February 10, 2009, scheduled meeting (Johnson / Craven)

Public Comment: None

On the motion:

Ayes: Craven, Johnson, Knee

2. Developing recommendations for the proposed electronic document retention policy of the Board of Supervisors

Chair Knee said the Committee was more interested in creating a document retention policy for the Task Force and that it be used as an example for other city agencies and departments to follow. After further discussion among members, DCA Llorente said Ron Vinson of the Department of Technology was scheduled to appear before the Task Force for the #09003\_Rita O'Flynn v Department of Technology matter on March 24 and that interesting points could surface during deliberations. Chair Knee is to work on a draft to present at the next Committee meeting.

Public Comment: None

Motion to continued to next regular meeting. Without objection

3. Continued discussion on the proposed amendments and annotations to Articles I & II of the Sunshine Ordinance

Member Craven said she was meeting with Frank Darby and Chris Rustom to find a way to maintain the original document as well as include changes to the amendments and approved by the Committee and the Task Force.

Member Johnson wanted to know why certain paragraphs were moved in the first two Articles and Member Craven explained.

Chair Knee said the 2004 proposal package he received did not contain some sections. He also has asked Terry Francke of Californians Aware, Peter Scheer of California First Amendment Coalition, David Greene of the First Amendment Project, and Thomas Burke, who played a major role in drafting Prop G in 1998-99, to review and comment on Member Craven's annotated Articles I & II.

Members then discussed Chair Knee's memo to the Committee. It is attached to this document.

Continued to next meeting without objection.

4. The Sunshine Ordinance Task Force's response to Ethics Commission communications regarding referrals of Sunshine Ordinance violations to the Commission by the Task Force

Members discussed the dates available to meet with Ethics Commission members and agreed to let Task Force Chair Kristin Chu know that the dates were March 27, April 10 or April 24. It was noted that April 10 was Good Friday and that some members may not be able to attend.

Members also discussed the proposed letter and left it up to Chair Chu to decide what to do next.

5. Administrator's Report. (discussion only) (attachment)

Mr. Rustom made the report.

Chair Knee said Nancy Gonchar's letter to Alvin Xex on the city's workforce break down was interesting but that it was unfortunate departments and agencies do not do their own tracking.

Public Comment: None

Chair recessed meeting till 5 p.m.

6. Public Comment on items not listed on the agenda to be taken at 5:00 p.m. or as soon thereafter as possible. (no action) (no attachment)

Public Comment: None.

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

(discussion only) (no attachment)

Member Johnson reminded members about the March 15-21, 2009, Sunshine Week. Member Craven mentioned the James Madison Awards dinner on March 18, 2009.

**Adjournment**

**The meeting adjourned at 5:07 p.m.**

**Next regular meeting: Tuesday, April 14, 2009, at 4:00 p.m.**

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

March 10, 2009

To the Sunshine Ordinance Task Force Compliance and Amendments Committee:

In re: Item #3 – Continued discussion on the proposed amendments and annotations to Articles I and II of the Sunshine Ordinance – on the agenda for today's Committee meeting:

Below is a summary of provisions in Sunshine Ordinance, Articles I and II, that were part of a package proposed by the Task Force in 2004 and do not appear in the package drafted in 2008. Italicizing indicates a question of whether a provision has been removed or shifted to another section in the 2008 version.

\* \* \* \* \*

### 67.3 Definitions

#### (b) "Meeting"

#### (4) "Meeting" not to include:

(D): This subparagraph in 2004 version is deleted from or moved in 2008 version:  
*Proceedings of the Department of Social Services Child Welfare Placement and Review Committee or similar Committees which exist to consider confidential information and make decisions regarding Department of Social Services clients.*

#### (c) "Passive Meeting Body"

(5) 2008 version deletes or moves: *Notwithstanding the provisions of paragraph (4) above, "Passive meeting body" shall include a Committee that consists solely of employees of the City and County of San Francisco when such Committee is reviewing, developing, modifying, or creating city policies or procedures relating to the public health, safety, or welfare or relating to services for the homeless;*

#### (d) "Policy Body"

2008 version deletes or moves the following from 2004 version:

(5) Any standing Committee, *ad hoc Committee, and Task Force* of a policy body irrespective of its composition.

*(6) Any body appointed by the Mayor for the purpose of creating policy.*

~~(6)~~ ~~(7)~~ "Policy Body" shall not include a Committee, which consists solely of employees of the City and County of San Francisco, unless such Committee was established by charter or by ordinance or resolution of the Board of Supervisors.

(8): Becomes (6) in 2008 version: Any advisory board, commission, Committee, or council created by a federal, state, or local grant whose members are appointed by eCity officials, employees or agents.

### 67.4 Passive Meeting Bodies: Conduct of Business

(a)(2) Such gatherings need not be conducted in any particular space for the accommodation of members of the public, although members of the public shall be permitted to observe on a space available basis consistent with legal and practical restrictions on occupancy.

(a)(5) Gatherings subject to this subsection include the following: advisory Committees or other multimember bodies created in writing or by the initiative of, or otherwise primarily formed or existing to serve as a non-governmental advisor to, a member of a policy body, the Mayor, the City Administrator, a department head, or any elective officer, and social, recreational or ceremonial occasions sponsored or organized by or for a policy body to which a majority of the body has been invited. This subsection shall not apply to a Committee, which consists solely of employees of the City and County of San Francisco.

(a)(6) Gatherings defined in subdivision (5) may hold closed sessions under circumstances allowed by this Article.

(b) To the extent not inconsistent with state or federal law, ~~a policy body~~ the City and any of its commissions, departments or officers shall include in any contract or grant with an entity that owns, operates or manages any property in which the City has or will have an ownership interest, including a mortgage, and on which the entity performs for the performance of a government function related to the furtherance of health, safety or welfare, a requirement that any meeting of the governing ~~board~~ body, if any of the entity to address any matter relating to ~~the property or its government related activities on the property, or~~ performance under the contract or grant, be conducted as provided in subdivision (a) of this section. Records made available to the governing ~~board~~ body relating to such matters shall be likewise available to the public, at a cost not to exceed the actual cost up to 10 cents per page, or at a higher actual cost as demonstrated in writing to such governing ~~board~~ body.

\* \* \* \* \*

It is important to note that in the copy of the 2004 package I received from the Task Force Administrator, Sections 67.8, 67.8-1, 67.10, 67.11, 67.12 and 67.17 are missing.

Administrator Chris Rustom has informed me that he looked at all versions in the red-lined format and all the documents are missing those the sections; and that those sections are not listed in the Legislative Digest mentioning the amendments.

Respectfully submitted,  
Richard Knee  
Compliance and Amendments Committee Chair

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