

Date: April 28, 2009

Item No. 20

File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Compliance and Amendments Committee: meeting of April 14,

- 2009

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Completed by: Chris Rustom

Date: April 24, 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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<http://www.sfgov.org/sunshine>

**SUNSHINE ORDINANCE TASK FORCE
COMPLIANCE AND AMENDMENTS COMMITTEE
DRAFT MEETING MNUTES**

Tuesday, April 14, 2009
4:00 p.m., City Hall, Room 406

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

Call to Order: 4:05 p.m.

Roll Call: Present: Knee, Craven-Green, Johnson

Deputy City Attorney: Ernie Llorente

Clerk: Chris Rustom

Agenda Changes: None

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

Motion to approve minutes of March 10, 2009, scheduled meeting (Johnson / Craven-Green)

Public Comment: None

On the motion:

Ayes: Craven-Green, Johnson, Knee

2. Developing recommendations for the proposed electronic document retention policy of the Sunshine Ordinance Task Force

Chair Knee said the draft (see attached) he created was based on the Clerk of the Board's document retention policy and would request that Records and Information Manager Frank Darby and a representative of the Department of Technology be invited to the next meeting.

Member Craven-Green said emails need to be archived in a manner that is searchable and retrievable. She also said the draft should specify that documents should be made accessible to the public rather than stored online. She suggested discussing with Mr. Darby the ideal technology that could be made available to the administrator for maintaining the Task Force's email and records. That, she said, would meet the Ordinance's requirement and could be used as a model for the supervisors and other departments. It would also allow the Task Force to have a say

if the City is updating its software, she said.

Public comment: Kristin Chu, chair of the Task Force, said Ron Vinson of the Department of Technology mentioned during the last Task Force meeting that the City was planning on using the Microsoft Exchange Server software. She also said the language on the retention policy should also include the medium on which the electronic document needs to be stored. She added that the committee needs to evaluate the Google posting. (Chair Knee asked the administrator to look into the details behind the Google offering.) Joshua Arce of the Brightline Defense Project wanted to know if it was cost prohibitive to say do not delete emails. Chair Knee said he did not know but the issue would arise sometime in the future as email boxes have a limited capacity.

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

Chair Knee said he still has not heard back from his contacts and believes that they may not had a chance to review the amendments or were silent because they approve of it.

Member Craven-Green said Mr. Darby has reduced the size of the amendments considerably by disabling the track changes feature and that she was now reentering her footnotes manually in time for the May meeting. She said she will also do annotations to Articles III and IV.

Chair Knee thanked Member Craven-Green for her work on the amendments.

Public comment: None

4. Next steps on the Orders of Determination issued by the Task Force

Member Craven-Green said the item could not be discussed because it was not properly agendized and the parties involved were not notified.

Public comment: None

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

Mr. Rustom made the report.

Member Craven-Green suggested that the Orders of Determination be cc'd to the chairs of the Task Force and this committee so that they would know what to expect on the agenda.

Public comment: None

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: Joshua Arce of the Brightline Defense Project said the Task Force found the SFPUC in violation on March 24, 2009, of deleting records. He said

SFPUC representative Tony Winnicker had said that the emails are on a tape and kept for a year before it is overwritten. If that is correct, he said, the SFPUC has wiped out some and is about to erase more of the emails that he is seeking from the department. He asked that the department be told to restore the emails in question before continuing the purge.

DCA Llorente advised that the chair could not take any formal action on matters presented during the public comment session.

Matter continued to 5:00 p.m.

Public Comment reopened at 5:00 p.m. No speakers

7. Announcements, questions, and future agenda items from Committee members. (discussion only) (no attachment)

Chair Knee said a request has been submitted to have the CAC-EC meeting on April 24, 2009, be televised live and the video to be maintained on the SFGTV website.

Mr Rustom said the Clerk of the Board Angela Calvillo and Ethics Commission Executive Director John St. Croix were discussing the possibility of splitting the cost involved in broadcasting and maintaining the video.

Chair Knee said it would be lamentable if the meeting was not given maximum exposure as the SOTF and the EC have serious differences.

Adjournment

The meeting adjourned at 5:02 p.m.

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

TO: Sunshine Ordinance Task Force Compliance and Amendments Committee

FROM: Richard Knee, Committee Chair

SUBJECT: Draft guidelines for Task Force electronic records storage and disposal.

DATE: April 14, 2009

Please find below a draft of guidelines for retention and disposal of the Task Force's electronic records.

The guidelines envision a best-case scenario in terms of the City's record-storage capabilities; it is possible that limitations, particularly on capacity, will necessitate some revisions.

I am also including with this note an August 5, 2008, e-mail from Kimo Crossman, a local citizen and sunshine activist, containing additional suggestions on record-keeping methods and procedures, some of which are incorporated in the draft declarations and guidelines.

DRAFT

**GUIDELINES FOR RETENTION AND DISPOSAL OF ELECTRONIC
RECORDS OF THE SUNSHINE ORDINANCE TASK FORCE**

Declarations: All electronic records created and maintained in the conduct of business of the Task Force, its committees and subcommittees, and its administrative staff are City/County property. Therefore, they are to be organized and retained in such a way as to maximize public access thereto.

Accordingly, the Task Force hereby establishes the guidelines and schedules detailed below for retaining and destroying electronic records generated and accrued in the conduct of business of the Task Force, its committees and subcommittees, and its administrative staff.

The Task Force directs that these guidelines be posted online, and that all Task Force members and administrative personnel take training on these guidelines and schedules at least annually.

The Task Force, in accordance with Sunshine Ordinance Section 67.14, hereby declares its wish to be able as soon as possible to air all full Task Force and committee/subcommittee meetings live on SFGTV and/or over the Internet; and to video-record those meetings, and to make such recordings available online and on portable media including but not limited to DVD.

The Task Force directs that audio-recording of all full Task Force and committee/subcommittee meetings is to continue and that the recordings are to be available online and on portable media including but not limited to magnetic tape and CD.

The Task Force also directs that the Task Force Administrator and the City Department of Information Technology establish a free e-mail group (such as <http://groups.google.com>) that is fully text-searchable and able to handle e-mail attachments, to be used as an online archive of Task Force electronic communications, and that every e-mail received by or sent from the sotf@sfgov.org e-mail box be automatically copied to said e-mail group.

The Task Force hereby stipulates to a default policy of permanent preservation of each electronic record and type thereof unless it can be established that (1) the destruction of a specific record or type thereof will not compromise the public's right to know about the matter to which the record pertains; and (2) retention of the record or type thereof will strain the City/County's record-storage capacity.

The Task Force directs that, to protect information generated in the conduct of business of the Task Force, its committees and subcommittees, and its administrative staff, the Task Force Administrator and the City Department of Information Technology develop and execute written procedures for regular and frequent backup and retrieval of said information, and that those procedures be posted online.

The Task Force also directs that, in accordance with City/County and State sunshine laws, electronic records be provided in their native formats upon request, and that where any such

record contains data or metadata that are exempt or prohibited from disclosure, those data or metadata be deleted and the rest of the record be provided.

Electronic Records Retention and Destruction Schedule:

AGENDAS AND MINUTES, full Task Force and committees (T0700): Store permanently online.

ADMINISTRATOR'S REPORT (T0701): Store for 5 years online.

ANNUAL REPORTS (T0702): Store permanently online.

ANNUAL RESPONSIBILITIES AND OBJECTIVES STATEMENT (T0703): Store for 5 years online.

LETTERS TO CALIFORNIA ATTORNEY GENERAL (T0704): Store permanently online.

MEETING AUDIO-RECORDINGS (T0705): Make available on site for 5 years, then store off site permanently; make available online permanently.

BY-LAWS (T0708): Store online permanently, or until revised or superseded.

COMMUNICATIONS LOGS (T0710): Store permanently online.

COMPLAINT PROCESS: (T0712) Store online permanently, or until revised or superseded.

COMPLAINTS (T0713): Store permanently online.

COMPLAINTS LOG (T0714): Store permanently online.

GENERAL CORRESPONDENCE (T0715): Store permanently online.

LEGISLATIVE REQUESTS FROM THE TASK FORCE TO THE BOARD OF SUPERVISORS (T0718): Store permanently online.

MAILING LISTS (T0719): Store online permanently, or until revised or superseded.

MEETING PACKETS (T0720): Store permanently online.

MEMORANDA TO THE TASK FORCE (T0721): Store permanently online.

OATHS OF OFFICE (T0723): Store permanently online.

ORDERS OF DETERMINATION (T0724): Store permanently online.

PRESS RELEASES (T0725): Store permanently online.

PUBLIC RECORDS GENERAL INFORMATION (T0727): Store online permanently, or until revised or superseded.

RECORDS RETENTION SCHEDULE (T0728): Store online permanently, or until revised or superseded.

GENERAL REQUESTS FROM TASK FORCE MEMBERS (T0729): Store permanently online.

SB 90 REPORT/MANDATED-COST REIMBURSEMENT (T0731): Store permanently online.

STANDARDS OF CONDUCT: Store online permanently, or until revised or superseded.

SUNSHINE ORDINANCE HISTORY (T0733): Store permanently online.

SUPERVISOR OF PUBLIC RECORDS REPORTS (T0734): Store permanently online.

TASK FORCE MEMBERS LISTING (T0735): Store online permanently, or until revised or superseded.

TASK FORCE OPINIONS AND ADVICE LETTERS (T0736): Store permanently online.

TASK FORCE GENERAL PROCEDURES (T0737): Store online permanently, or until revised or superseded.

Authorities: The Sunshine Ordinance Task Force advises that policies regarding electronic records retention and destruction are to be governed by California and San Francisco open-government laws including but not limited to:

I. Article I, Section 3, of the California Constitution (passed by the voters as Proposition 59 in November, 2004).

II. The San Francisco Sunshine Ordinance.

III. The California Public Records Act.

IV. The California open-meetings statutes embodied in the Ralph M. Brown Act.

E-mail from Kimo Crossman, August 5, 2008

Dear CAC SOTF

I would strongly recommend the taskforce immediately adopt a long overdue policy of online transparency and efficiency as envisioned in 67.21-1 (online efficient access) and 67.29-2 (make as many records online as possible).

I propose a policy similar to the Palo Alto and pending San Jose one and which I extended in my recent cover story *More sunshine -- easily and at no cost*

Technology can allow the city to take a huge step forward in public access -- right now 3/12/08
San Francisco Bay Guardian http://www.sfbg.com/entry.php?entry_id=5872

I recommend an online archive which allows contemporaneous monitoring of SOTF Communications by subscribers and full search engine features.

A copy of any email received to the SOTF@sfgov.org email box should automatically be forwarded to a free Google email group (<http://groups.google.com/>) set up as an online archive of the task force communications. These groups are fully text searchable and can handle email attachments. Lotus Notes used by the city allows one to set a rule on an email box to do this automatic forwarding – much like an Out of Office or On Vacation message many are accustomed to seeing today. Additionally the SOTF Administrator should be instructed in writing to Carbon Copy any emails sent from the SOTF@sfgov.org email box to this same Google group.

These groups are reliable, a well tested system used by millions today and have no capacity limits. Additionally, they support RSS feeds (pull model) and email subscriptions (push model) which would allow any interested member of the public, non profits or news media to receive an instant copy of any new activity – or a digest mode can be set to receive activity for the day in one email.

Lastly, there should be an encouragement on the SOTF website that all submissions be submitted in email with born digital documents. (Word, Email, PowerPoint etc.)

“PDF/A-1a” is now the strong standard for long term preservation of digital documents. <http://www.pdfa.org/doku.php?id=pdfa:en>

The SOTF shall adopt a policy that all digital documents received shall be converted to at least “PDF/A-1a” or the most recently adopted ISO standard for such preservation.

All documents created by the SOTF shall be born digitally and posted/emailed with their native format with metadata and their PDF equivalent. Scan/OCR processing for Faxes and other Paper documents received should also result in a PDF/A-1a version

with OCR text. In either scenario, Born digital or not, the resulting PDF with text and born digital document with PDF shall be emailed to the Google group.

The Fax machine used by SOTF shall be one which can receive faxes digitally rather than printing to paper – this will save a scanning step, be more reliable, waste no toner or paper and best of all it results in a higher quality fax and OCR conversion rate.

All documents and emails created related to SOTF by other city staff including legal counsel, and SOTF member discussions should Forwarded/Carbon Copied to the above described Google Group.

It shall be the policy of SOTF that all born digital documents used for meeting packets be assembled to preserve their utility as text searchable ADA compliant pages with SCAN/OCR processing for other documents . Of course these packets will be emailed to the Google group for preservation.

The SOTF shall have a retention policy of at least 100 years for all digital documents – likely by that time storage will be so cheap there will no longer be any need for a retention policy.

The SOTF shall have two full printed meeting packets binders and one set of communications received/sent since the last two full SOTF meetings at every SOTF Committee or Full meeting.

The SOTF shall digitally record every meeting with two different model/makes of digital recorders and post the digital content online at the city or other central website by 10am the following day.

The SOTF shall provide sufficient extension cords and electricity l for observer laptops and broadband internet access (preferably Wi-Fi) at a capacity to allow high quality video streaming at every meeting.