

Date: May 24, 2011

Item No. 22

File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Draft Minutes: Task Force March 17, 2011**
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Completed by: Chris Rustom

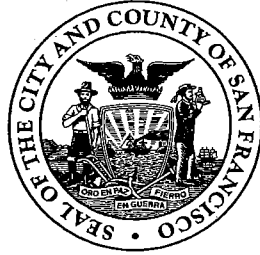
Date: May 20, 2011

***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.

Sunshine Ordinance Task Force



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<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE
SPECIAL MEETING
DRAFT MINUTES**

Tuesday, March 17, 2011
5:00 p.m., City Hall, Room 406

Task Force Members

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

Call to Order 5:06 P.M.

Roll Call Present: Knee, Washburn, Costa, Wolfe, Chan (in at 5:18 p.m.),
Johnson, West (left at 6:00 p.m.)
Excused: Cauthen, Manneh
Absent: Snyder, Knoebber,

Agenda Changes: None

Deputy City Attorney: Jerry Threet
Clerk: Chris Rustom

1. Consideration of amendments to Sunshine Ordinance.

Chair Knee explained the process to newly appointed Member Costa and Member West. He then drew up a list of sections from the Ordinance that members said needed their immediate attention. It included, name change, subpoena power, respondents' attendance at meetings, broadcast requirements, document storage, electronic records reformatting, meeting minutes, paper to electronic reproduction, hiring an outside attorney, scope of RFQs, RFIs, RFPs, overall definitions and other proposed amendments.

Public Comment: Tomas Picarello agreed with the selection.

On name change, The Task Force agreed to change its name to Sunshine

Commission.

Public Comment: Tomas Picarello spoke in support.

On subpoena power, the Task Force agreed to amend Section 67.30(d) to read: The Sunshine Ordinance Commission is authorized to (1) issue subpoenas to compel testimony and evidence from parties-in-interest to and persons with knowledge regarding complaints filed with the Commission, and (2) place under oath, during testimony, any party-in-interest to and any person claiming knowledge regarding a complaint filed with the Commission.

Public Comment: Tomas Picarello spoke in favor but wanted to know the process involved in issuing a subpoena.

On the lack of respondents attending meetings, the Task force decided:

- to add a new section to Article II.

Sec. 67.18 PUBLIC MEETING COMPLAINTS, HEARINGS

Where requested by petition, the Sunshine Ordinance Task Force may conduct a public hearing into a complaint that a policy body, an advisory body or a passive meeting body violated any of the foregoing sections in Article II of this Ordinance or any provision in the Ralph M. Brown Act that apply to the specific body. An authorized representative of that body shall attend every hearing on the matter and explain the basis for the body's conduct therein.

- To add proposed language in Sec 67.39(c) as Sec. 67.21(f) and to renumbering subsections.

(f) An authorized representative of the respondent employee, official, department, agency, policy body, or custodian of public record who has personal knowledge of the matters alleged in the complaint shall attend each Commission hearing and Commission committee hearing to explain the response to the request for access to public meetings or public information, as well as provide a detailed description of the records search conducted, and the statutory or case law basis for any decision to withhold or redact the records requested, or to bar public attendance at and/or participation in the meeting(s), as applicable.

Public Comment: None.

On broadcast requirements, add subsection (f) to Sec 67.13 to say:

(f) Boards and Commissions and other bodies subject to the Sunshine Ordinance shall, within six months of the enactment of this Ordinance, broadcast all meetings held in City Hall on the San Francisco Government TV channel (or its successor) or the City's website via real-time audio streaming and/ or real-time audio/video streaming. All other policy bodies are encouraged

to broadcast their meetings similarly as feasible.

Public Comment: Tomas Picarello said the Task Force should meet in a room in which cameras are already installed.

On document storage, Member Wolfe and Member Costa are to submit suggested language by April 14, 2011, for discussion at the April 21, 2011, meeting.

Public Comment: None.

On electronic records reformatting, members changed Sec. 67.21(l) to read: Members of the public have the right to view and receive searchable copies of electronic documents in any format in which the documents were produced or used in the conduct of the City's business. Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Metadata contained in an electronic document are officially deemed part of the public record and shall be treated as such: when such metadata include both disclosable and non-disclosable portions, the entity responding to an electronic-record request shall edit out the non-disclosable portion(s) and shall include the disclosable portion(s) in the record provided to the requester unless such editing is provably impossible. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and inseparably intertwined with information not subject to disclosure under this Ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law. "

Public Comment: Tomas Picarello said to keep the language simple because if it gets too technical voters may not like it and vote it down.

Meeting recessed at 7:01 p.m. for 8 minutes.

On paper to electronic reproduction, Sec. 67.21(k) to read as stated below and the subsections to be renumbered.

(k) When responding to Sunshine Ordinance or public record requests, every department and policy body shall, if requested, and if necessary technology and equipment are available, convert documents that are otherwise only available in hard copy/paper form into a searchable electronic format. Any document converted into an unsearchable format shall be reconverted upon request to be searchable. The electronic format shall, as reasonably

practicable, be searchable and electronically achievable for delivery via electronic mail or other electronic means, and posting on the department or policy body's website as appropriate.

Public Comment: None:

On meeting minutes, Chair Knee asked the clerk to seek the opinions of Clerk of the Board Angela Calvillo, Legislative Deputy Director Rick Caldeira and Committee Clerks within the Clerk's Office.

They then amended Sec. 67.16 to state: The clerk or secretary of each City policy and advisory body shall record the minutes for each regular and special meeting of the body. The minutes shall state the time the meeting was called to order, the names of the members attending the meeting, the roll call vote on each matter considered at the meeting, the time the body began and ended any closed session, the names of the members and the names, and titles where applicable, of any other persons attending any closed session, a list of those members of the public who spoke on each matter if the speakers identified themselves, whether such speakers supported or opposed the matter, a brief summary of each person's statement during the public comment period for each agenda item, and the time the meeting was adjourned. The minutes shall also list the time that discussion of each matter started, and shall include a summary of the position statements that members make on each matter considered at the meeting. Any person speaking during a public comment period may supply a brief written summary of their comments which shall, if no more than 150 words, be included in the body of the minutes. If those comments pertain to a matter that has been discussed at the meeting, they shall be placed in the section of the minutes dealing with that item.

Public Comment: Video broadcast of Task Force meetings are needed if only action minutes are to be taken.

2. Public Comment on items not listed on the agenda.

Public Comment: Tomas Picarello welcomed Member Costa and reminded him of his duties. He also said the Task Force should have discussed Ordinance 318-10 (Administrative Code: Publication Requirements) before it was considered and signed into law.

1:3:30

to

1:07:15

3. Announcements, questions and future agenda items from Task Force members.

2:51

Adjournment

There being no further business, the Task Force adjourned at the hour of 7:52 p.m.

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force, Rm. 244, City Hall, No. 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone 554-7724 and at <http://www.sfbos.org/index.aspx?page=9811>