

Date: July 22, 2008

Item No. 3
File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Ordinance #80-08
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Completed by: Frank Darby

Date: July 16, 2008

***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.

FILE NO. 071596

ORDINANCE NO. 80-08

1 [Audio or video recording of public meetings held in City Hall hearing rooms.]

2
3 **Ordinance amending Section 67.14 of the Administrative Code to require that any**
4 **public meeting held in a City Hall hearing room that is equipped with audio or video**
5 **recording facilities be audio or video recorded and to further require that such audio or**
6 **video recording be made available for review on the City's web site.**

7 Note: Additions are single-underline italics Times New Roman;
8 deletions are ~~striketrough italics Times New Roman~~.
9 Board amendment additions are double underlined.
Board amendment deletions are ~~striketrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. The San Francisco Administrative Code is hereby amended by amending
12 Section 67.14, to read as follows:

13 Sec. 67.14. TAPEVIDEO AND AUDIO RECORDING, FILMING AND STILL
14 PHOTOGRAPHY.

15 (a) Any person attending an open and public meeting of a policy body shall have
16 the right to record the proceedings with an audio or video recorder or a still or motion picture
17 camera, or to broadcast the proceedings, in the absence of a reasonable finding of the policy
18 body that the recording or broadcast cannot continue without such noise, illumination or
19 obstruction of view as to constitute a persistent disruption of the proceedings.

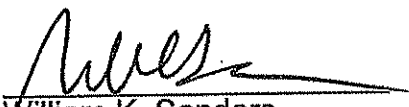
20 (b) Each board and commission enumerated in the Charter shall audio record each
21 regular and special meeting. Each such audio recording, and any audio or video recording of
22 a meeting of any other policy body made at the direction of the policy body shall be a public
23 record subject to inspection pursuant to the California Public Records Act (Government Code
24 Section 6250 et seq.), and shall not be erased or destroyed. Inspection of any such recording
25

1 shall be provided without charge on an appropriate play back device made available by the
2 City.

3 (c) Every City policy body, agency or department shall audio or video record every noticed
4 regular meeting, special meeting, or hearing open to the public held in a City Hall hearing room that is
5 equipped with audio or video recording facilities, except to the extent that such facilities may not be
6 available for technical or other reasons. Each such audio or video recording shall be a public record
7 subject to inspection pursuant to the California Public Records Act (Government Code Section 6250 et
8 seq.), and shall not be erased or destroyed. The City shall make such audio or video recording
9 available in digital form at a centralized location on the City's web site (www.sfgov.org) within
10 seventy-two hoursforty-eight hours of the date of the meeting or hearing and for a period of at least
11 two years after the date of the meeting or hearing. Inspection of any such recording shall also be
12 provided without charge on an appropriate play back device made available by the City. This
13 subsection (c) shall not be construed to limit or in any way modify the duties created by any other
14 provision of this article, including but not limited to the requirements for recording closed sessions as
15 stated in Section 67.8-1 and for recording meetings of boards and commissions enumerated in the
16 Charter as stated in subsection (b) above.

17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20
21 By:


22 William K. Sanders
23 Deputy City Attorney
24
25



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 071596

Date Passed: April 30, 2008

Ordinance amending Section 67.14 of the Administrative Code to require that any public meeting held in a City Hall hearing room that is equipped with audio or video recording facilities be audio or video recorded and to further require that such audio or video recording be made available for review on the City's web site.

April 15, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 6 - Ammiano, Daly, Dufty, Mirkarimi, Peskin, Sandoval

Noes: 5 - Alioto-Pier, Chu, Elsbernd, Maxwell, McGoldrick

April 22, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin, Sandoval

Noes: 3 - Alioto-Pier, Chu, Elsbernd

Excused: 1 - McGoldrick

April 30, 2008 Mayor — VETOED

May 13, 2008 Board of Supervisors — FINALLY PASSED

File No. 071596

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on April 22, 2008 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

The foregoing measure, having been adopted by the Board of Supervisors at the meeting of April 22, 2008 was referred to his Honor, the Mayor, in accordance with the provisions of Section 3.103 of the Charter and was returned by him under the date of April 30 2008, with his disapproval and veto hereon.

The Board of Supervisors, on May 13, 2008, overrode the Mayor's disapproval and veto by the following votes:

Ayes: 8

Noes: 3

I hereby certify that the foregoing ordinance was adopted by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo, Clerk of the Board

File No. 071596



"Kimo Crossman"
<kimo@webnetic.net>

07/02/2008 10:28 PM

"SFGTV" <sfgtv@sfgov.org>, "Jack Chin"
To <Jack.Chin@sfgov.org>, <Charles.Kremenak@sfgov.org>,
<Frank.Darby@sfgov.org>, "SOTF" <sotf@sfgov.org>,
"Allen Grossman" <grossman356@mac.com>,
cc "dougcoms@aol.com" <Dougcoms@aol.com>,
<sunshinetaskforce@gmail.com>, "SOTF"
bcc
Subject OVERDUE: SFGTV Please post digital audio of Sunshine
taskforce as Mandated

SFGTV/DTIS/SOTF, (Jack Chin, Rohan Lane, Frank Darby, Etc)

As mandated under the Mirkarimi's digital recording Sunshine enhancement (attached) in which the BOS overrode the Mayor's veto against Open Government and Transparency:

Please immediately post the below digital audio for the June 24th 2008 Sunshine Taskforce meeting which occurred on the 4th floor of City Hall on the city website.

For this meeting, this posting is mandated by End of Business Friday June 27th 2008, please note that this is required even if SFGTV, Media Services, DTIS or Clerk of the Board did not receive budget funding for the additional staff requested to record and post the digital audio. Apparently there are plans to also support live Audio Streaming of City Hall meetings not covered by SFGTV. This is great to have, but not in anyway required in the mandate. Additionally the mandate was seriously weakened to allow up to a 72 hour delay for posting digital content to address staffing concerns raised by SFGTV and Media Services even though the highest interest in audio will be the evening or morning after a meeting when people read about actions in a newspaper article or blog posting and it cannot be linked to because it is not posted yet even though as digital media it is immediately available not even requiring a rewind of a cassette.

The Mayor has fought this Open Government Transparency measure from the beginning and ultimately removed staff funding for it from his final budget to spite the Board of Supervisors when they overrode his veto. Just to address another excuse that may arise, this posting is required even if the COB and DTIS had a prior a policy against posting of digital audio on the city website – essentially their policy must be revised.

There is of course a large selection of digital video already on the city website for SFGTV which supports both download of audio only of the video or download of a much larger video with sound file (downloading allows one to use software to playback at 1.4x or even 2.0 speed to cut listening/viewing time significantly) or lastly video streaming in one's browser which works best for those with slower connections or whom which to view the useful Real-Time-Captioning or to use the connected agenda indexed for playback by agenda item.

http://www.sfgov.org/site/sfgtv_index.asp?id=31858

Ms. Calvillo, Clerk of the Board already sent Frank Darby, BOS Records Information Manager and SOTF Administrator to speak for her office saying that they clearly supported this measure in BOS committee. Unlike other departments, the COB takes direction from the BOS rather than the Mayor under the charter.

Fortunately the SOTF Chairperson Kristen Murphy Chu has asked Frank Darby the SOTF Administrator to provide an Administrator report update at every SOTF meeting (there are multiple meetings each month) on implementation of this mandate.

Jack Chin of SFGTV and Rohan Lane of Media Services have not appeared nor sent representatives as requested by SOTF at the May or June meetings (they may be available in July) and have apparently recently sent correspondence indicating that they basically believe that because the Mayor took the staffing funding which they requested to support this mandate out of their budgets and the Board of Supervisors did not add it back that this mandate will not be implemented. The staffing they requested was very insignificant they each asked for 0.5 FTE for a total ongoing cost of around \$76k. As I understand it, at Media Services the person was going to splice the continuously recording audio in the 4th level meetings rooms into respective audio meeting files. And SFGTV would use their 0.5 FTE to post this content to the city website. It doesn't take an engineer to figure out the following: many hours and probably most of each day these meeting rooms stand empty, it seems more likely this staffing was to support other departmental initiatives including live audio streaming which is certainly valuable – essentially providing live internet radio feeds for each 4th floor City Hall meeting. Apparently there are still plans to fund the purchase of Audio streaming servers and software with a Franchise fund not touched by the budget – initial plans were to implement this streaming by August 2008.

In this case Frank Darby Admin for SOTF used his city laptop to record the SOTF proceedings and has done so for over a year (but any policy member could do this as well with a cheap digital recorder from Radio Shack) after this has occurred, it must be posted within 72 hours.

67.14 (c) ... The City shall make such audio or video recording available in digital form at a centralized location on the City's web site (www.sfgov.org) within seventy-two hours ~~forty-eight hours~~ of the date of the meeting or hearing and for a period of at least two years after the date of the meeting or hearing.

From a CD digital recording I ordered and paid one dollar for and went during business hours to pickup, I have uploaded the 106M mp3 of the Sunshine

Taskforce meeting to the Presidio-based legitimate library called the Internet Archive here which hosts this content for FREE here:

<http://www.archive.org/details/SanFranciscoSunshineTaskforce2008-06-30>

From here, you can listen to the audio by selecting the Stream options if you have a music player software on your computer (free) - winamp.com or Windows Media Player

You can also download the digital file it to your computer and some playback software supports x1.4 or even x2.0 speed with minimal change in pitch.



audiorecordings.doc