Date:	July 27, 2010	Item No.	11-13
		File No.	10026

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

⊠ Ray	y Hartz v City Attorney's C	Office		
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***************************************				
Completed by:	Chris Rustom	Date:	July 22, 2010	

## \*This list reflects the explanatory documents provided

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

<sup>\*\*</sup> 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.

## CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA City Attorney

### OFFICE OF THE CITY ATTORNEY

JANA CLARK
Deputy City Attorney

Direct Dial:

(415) 554-3968

Email:

jana.clark@sfgov.org

# MEMORANDUM PRIVILEGED AND CONFIDENTIAL

TO:

Sunshine Ordinance Task Force

FROM:

Jana Clark

Deputy City Attorney

DATE:

July 22, 2010

RE:

Ray Hartz v. City Attorney's Office

#### **COMPLAINT**

#### THE COMPLAINANT ALLEGES THE FOLLOWING:

Complainant Ray Hartz alleges that the San Francisco City Attorney's Office ("CAO") has failed to comply with the requirements of Administrative Code § 67.29 by failing to provide the City Administrator with a *meaningful* index of records for CAO records on the City's website.

#### **COMPLAINANT FILES COMPLAINT:**

On May 25, 2010, Mr. Hartz filed a complaint against the CAO.

#### **JURISDICTION**

The CAO is a department of the City; and, therefore, the Task Force has jurisdiction to determine whether there was a violation.

### APPLICABLE STATUTORY SECTION(S):

#### Section 67 of the San Francisco Administrative Code:

Section 67.29 of the Sunshine Ordinance governs the establishment by the City departments and commissions of an Index of Records.

#### APPLICABLE CASE LAW:

none.

FOX PLAZA • 1390 MARKET STREET, 6<sup>th</sup> FLOOR • SAN FRANCISCO, CALIFORNIA 94102-5408 RECEPTION: (415) 554-3800 • FACSIMILE: (415) 437-4644

TO:

Sunshine Ordinance Task Force

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Ray Hartz v. City Attorney's Office

#### ISSUES TO BE DETERMINED:

#### **Contested Facts:**

Complainant alleges that, at the time of his complaint, the CAO failed to comply with the requirements of Administrative Code § 67.29 by failing to provide the City Administrator with a meaningful index of records on the City's website. Mr. Hartz alleges that the index has associated links and that clicking on those links gives no additional information. Mr. Hartz alleges further that without additional information on the respective links, the index is the equivalent of a retention schedule. Mr. Hartz alleges further that the index does not set out the manner of organization of information to aid access to make an inquiry or a request to inspect. Mr. Hartz attaches to his complaint what he represents to be the CAO's index of records and the subsequent pages he claims show the results of clicking on the respective links on the index of records.

The CAO maintains that it cannot determine the basis for the complaint from the complaint or from language of the provision cited, Sunshine Ordinance Section 67.29.

### APPLICABLE STATUTORY SECTION(S):

Section 67.29 of the Ordinance governs the maintenance of an Index of Records.

### QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- Does the CAO agree with the facts alleged by Mr. Hartz in his complaint?
- Does Mr. Hartz dispute the facts alleged by the CAO in its response?

#### LEGAL ISSUES/LEGAL DETERMINATIONS:

• If the facts alleged by the CAO are true, was it in violation of § 67.29?

#### CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE TRUE OR NOT TRUE.

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Sunshine Ordinance Task Force

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RE: Ray Hartz v. City Attorney's Office

### THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 59 IN 2004 PROVIDES FOR OPENNESS IN GOVERNMENT.

### Article I Section 3 provides:

- a) The people have the right to instruct their representative, petition government for redress of grievances, and assemble freely to consult for the common good.
- b)(1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
- 2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protect by the limitation and the need for protecting that interest.
- 3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.
- 4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided by Section 7.
- 5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings or public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.
- 6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committee, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions: nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

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### ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE (THE SUNSHINE ORDINANCE) UNLESS OTHERWISE SPECIFIED

Section 67.1 addresses Findings and Purpose

The Board of Supervisors and the People of the City and County of San Francisco find and declare:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.
- (c) Although California has a long tradition of laws designed to protect the public's access to the workings of government, every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New approaches to government constantly offer public officials additional ways to hide the making of public policy from the public. As government evolves, so must the laws designed to ensure that the process remains visible.
- (d) The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret, and those circumstances should be carefully and narrowly defined to prevent public officials from abusing their authority.
- (e) Public officials who attempt to conduct the public's business in secret should be held accountable for their actions. Only a strong Open Government and Sunshine Ordinance, enforced by a strong Sunshine Ordinance Task Force can protect the public's interest in open government.
- (f) The people of San Francisco enact these amendments to assure that the people of the City remain in control of the government they have created.
- (g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected.

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Sunshine Ordinance Task Force

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However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process.

### Section 67.29 of Ordinance provides:

The City and County shall prepare a public records index that identifies the types of information and documents maintained by the City and County departments, agencies, boards, commissions, and elected officers. The index shall be for the use of City officials, staff and the general public, and shall be organized to permit a general understanding of the types of information maintained, by which officials and departments, for which purposes and for what periods of retention, and under what manner of organization for accessing, e.g. by reference to a name, a date, a proceeding or project, or some other referencing system. The index need not be in such detail as to identify files or records concerning a specific person, transaction or other event, but shall clearly indicate where and how records of that type are kept. Any such master index shall be reviewed by appropriate staff for accuracy and presented for formal adoption to the administrative official or policy body responsible for the indexed records. The City Administrator shall be responsible for the preparation of this records index. The City Administrator shall report on the progress of the index to the Sunshine Ordinance Task Force on at least a semi-annual basis until the index is completed. Each department, agency, commission and public official shall cooperate with the City Administrator to identify the types of records it maintains, including those documents created by the entity and those documents received in the ordinary course of business and the types of requests that are regularly received. Each department, agency, commission and public official is encouraged to solicit and encourage public participation to develop a meaningful records index. The index shall clearly and meaningfully describe, with as much specificity as practicable, the individual types of records that are prepared or maintained by each department, agency, commission or public official of the City and County. The index shall be sufficient to aid the public in making an inquiry or a request to inspect. Any changes in the department, agency, commission or public official's practices or procedures affecting the accuracy of the information provided to the City Administrator shall be recorded by the City Administrator on a periodic basis so as to maintain the integrity and accuracy of the index. The index shall be continuously maintained on the City's World Wide Website and made available at public libraries within the City and County of San Francisco.

### CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA City Attorney

### OFFICE OF THE CITY ATTORNEY

JANA CLARK Deputy City Attorney

Direct Dial:

(415) 554-3968

Email:

jana.clark@sfgov.org

# MEMORANDUM PRIVILEGED AND CONFIDENTIAL

TO:

Sunshine Ordinance Task Force

FROM:

Jana Clark

Deputy City Attorney

DATE:

July 22, 2010

RE:

Nick Pasquariello v. Department of Technology (10034)

#### COMPLAINT

#### THE COMPLAINANT ALLEGES THE FOLLOWING:

Complainant Nick Pasquariello ("Complainant") alleges that he made an Immediate Disclosure Request ("IDR") to Mr. Barry Fraser at the Department of Technology ("Department") for all contracts between the Bay Area Video Coalition ("BAVC") and Salesforce.com, Inc. dba Delaware Salesforce.com ("Salesforce") in accordance with the August 20, 2009 contract between the City and BAVC (Contract), and that the Department did not provide the requested information.

#### COMPLAINANT FILES COMPLAINT:

On June 28, 2010, Complainant files this Sunshine Complaint against the Department.

#### JURISDICTION:

The Bay Area Video Coalition, or BAVC (pronounced "bay-vac"), is a nonprofit media arts center under contract with the Department of Technology ("DT") to provide public access operations for the City. See http://sfgov.org/site/publicaccess index.asp.

The Department does not contest jurisdiction.

#### APPLICABLE STATUTORY SECTION(S):

Section 12L of the Administrative Code governs public access to records and meetings of nonprofit organizations.

Section 67.24(e) of the Administrative Code governs disclosure of public information in the form of contracts, bids and proposals.

#### APPLICABLE CASE LAW:

None.

FOX PLAZA + 1390 MARKET STREET, 6<sup>TH</sup> FLOOR + SAN FRANCISCO, CALIFORNIA 94102-5408 RECEPTION: (415) 554-3800 + FACSIMILE: (415) 437-4644

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RE: Nick Pasquariello v. Department of Technology (10034)

#### ISSUES TO BE DETERMINED

#### **Uncontested Facts:**

Complainant alleges that he made an IDR to the Department for all contracts between BAVC and Salesforce and by June 24, 2010 had not received a response. Complainant sought those documents pursuant to article 12 (Disclosure of Information and Documents) and article 13 (Assignments and Subcontracting) of the Contract. Complainant did not provide a copy of the Contract. Section 12L.2 of the Sunshine Ordinance requires that all contracts between nonprofits and the City be subject to Chapter 12L of the Ordinance and imposes the requirements set forth in sections 12L.4 through 12L.7 of the Ordinance.

#### **Contested Facts:**

On June 28, 2010, on behalf of the Department, Mr. Fraser stated that the Department had no records responsive to the IDR.

#### QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- Does BAVC receive more than \$250,000 per year in City funds, such that it may be considered a "nonprofit organization" as defined by section 12L.3 of the Ordinance?
- Does the Contract include provisions imposing the requirements set forth in Sections 12L.4 through 12L.7 as required by section 12L.1 of the Ordinance?
- Does Article 13 of the Contract impose any additional disclosure requirements regarding "Assignments and Subcontracting"?
- Is Salesforce a subcontractor assigned to perform all or part of the Contract between the City and BAVC?
- Are there any documents responsive to the June 24, 2010 request?

#### LEGAL ISSUES/LEGAL DETERMINATIONS:

- Is BAVC a "nonprofit organization" as defined by section 12L.3 of the Ordinance?
- Are the documents sought by complainant required to be provided under Section 12L.5?
- Does Article 12 of the Contract require BAVC to comply with Section 67.24(e) of the Ordinance?
- Does Article 12 of the Contract require BAVC to provide the documents requested?
- If so, does that give the Task Force jurisdiction to adjudicate a violation of that contract provision?

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Nick Pasquariello v. Department of Technology (10034)

#### CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE TRUE OR NOT TRUE.

#### SAN FRANCISCO ADMINISTRATIVE CODE

#### SEC. 12L.5. PUBLIC ACCESS TO RECORDS.

- (a) Disclosure of Financial Information. Subject to Section 12L.5.(c), each nonprofit organization shall maintain and make available for public inspection and copying a packet of financial information concerning the nonprofit organization. The packet shall include, at a minimum, (1) the nonprofit organization's most recent budget as already provided to the City in connection with the nonprofit organization's application for, or in connection with the review and/or renewal of, the nonprofit organization's contract, (2) its most recently filed State and federal tax returns except to the extent those returns are privileged, and (3) any financial audits of such organization performed by or for the City and any performance evaluations of such organization performed by or for the City pursuant to a contract between the City and the nonprofit organization, to the extent that such financial audits and performance evaluations (i) are in the nonprofit organization's possession, (ii) may be publicly disclosed under the terms of the contract between the City and the nonprofit organization, and (iii) relate to the nonprofit corporation's performance under its contract with the City within the last two years. A member of the public may request additional financial information other than that described above, pursuant to Section 12L.5(b) herein; however, the provision of such additional financial information by a nonprofit organization shall be voluntary, not compulsory.
- (b) Dispute Resolution. A member of the public who requests additional financial information other than that described in Section 12L.5(a), above, or who has a complaint concerning a nonprofit organization's compliance or noncompliance with this Chapter, may submit that request or complaint to the City agency or department which is a party to and/or which administers the nonprofit organization's contract. That City agency or department shall consider the request or complaint and shall recommend a resolution thereof in accordance with procedures established by that City agency or department. Following such consideration and recommendation, the member of the public or the nonprofit organization may seek an advisory opinion concerning the request or complaint from the Sunshine Ordinance Task Force, which that Task Force shall be authorized to provide; provided, however, that failure to seek such an advisory opinion from the Sunshine Ordinance Task Force shall not prejudice the right of the member of the public and/or the nonprofit organization to obtain a review of the City agency or department's recommendation by the Board of Supervisors as provided herein. The member of

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Sunshine Ordinance Task Force

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the public or the nonprofit organization may request that the Board of Supervisors review the recommendation of the City agency or department, which review shall be conducted in accordance with procedures established by the Board of Supervisors, provided that such request is made in writing to the Clerk of the Board of Supervisors within ten days of the issuance of the City agency or department's recommendation or the Sunshine Ordinance Task Force's advisory opinion, whichever is later. Subject to Section 12L.7. herein, the recommendation of the City agency or department, or the determination of the Board of Supervisors, with respect to any request or complaint by a member of the public shall be nonbinding upon the nonprofit organization.

#### SEC. 67.24. PUBLIC INFORMATION THAT MUST BE DISCLOSED.

(e) Contracts, Bids and Proposals

(1) Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request. Immediately after any review or evaluation or rating of responses to a Request for Proposal ("RFP") has been completed, evaluation forms and score sheets and any other documents used by persons in the RFP evaluation or contractor selection process shall be available for public inspection. The names of scorers, graders or evaluators, along with their individual ratings, comments, and score sheets or comments on related documents, shall be made immediately available after the review or evaluation of a RFP has been completed.



### SUNSHINE ORDINANCE TASK FORCE

1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 Tel. (415) 554-7724; Fax (415) 554-7854 http://www.sfgov.org/sunshine

## SUNSHINE ORDINANCE COMPLAINT

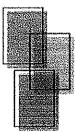
Complaint against which Department or Commission  City ATTORNEY
Name of individual contacted at Department or Commission
Alleged violation public records access Alleged violation of public meeting. Date of meeting
Sunshine Ordinance Section 67.29 IDDEX OF RECORDS  (If known, please cite specific provision(s) being violated)
Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.
CMPLY WITH SECTION 67.29.
Do you want a public hearing before the Sunshine Ordinance Task Force?  yes  no
Do you also want a pre-hearing conference before the Complaint Committee?  yes  no
Name RAY WHARTZ, Te Address 839 LOANENWORTH ST #304
Telephone No. (45) 345-9144 E-Mail Address RWHARTZ-TROSSEGLOBAL, DET
Date 5/25/10 Ray WHOULD Signature
I request confidentiality of my personal information. 🔲 yes 🔀 no

07/31/08

<sup>&</sup>lt;sup>1</sup> NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).



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### THE CITY & COUNTY OF SAN FRANCISCO

## INDEX OF RECORDS

## For City Attorney

Contact: Marisa Moret Phone: **554-5957** 

Select this link for Website Location

## INDEX OF RECORDS FOR City Attorney

- Accident Injury Reports
- Administrative Files
- Attorney Time Sheets (on-line)
- Börid Issues
- Böhli Water Agreements
- Bound Bond Transcript
- Brief Banks (various teams) (coby)
- Budget bocuments/Work Papers (copy)
- C.A. Advice Letter Database
- Cal Combensation Cases
- Calendars Prob G
- Călifoliilă Attorney General Reports
- Case Files Active
- Case Files Closed Cases Involving Long Term Public Contracts
- Case Files Closed Civil Rights/Employment/Tax
- Case Files Closed Code Enforcement
- Case Files Closed General Litigation
- Case Files Closed Significant Litigation (consumer fraud/class action/challenges.to City.laws).
- Case Files Closed Worker's Compensation
- Child Dependency Files
- Chrohological Files
- City Attorney Annual Report
- City Attorney Opinions/Index
- Civil Service Rules (copy)

Unfortunately the page you are looking for carinot be found or no longer exists. Broken links occur occasionally because the City's web site is composed of many web sites maintained by separate agencies over which we have no control.

In general our site is easy to navigate and organized in simple categories:

- · Citizeli ; in this section you will find information and services useful primarily to those who live in San Francisco, from culture to
- education, from health to transportation, etc.;

  Blishess: In this section you will find information and services useful primarily to businesses or those who work in San
- Francisco;
  Viŝitor: in this section we have placed general information that is of most value to those who want to visit or learn more about San Francisco;
- · Government : in this section we have aggregated content that relates to the City's agencies and institutions and the City's
- · Online Services: in this section Citizens and Business will find access to a variety of City's transactions that can be completed online.

Thanks for	your interest	in the City as	nd County of	San Francisco
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Contact SFGov

Accessibility

Policies

City and County of San Francisco @2000-2010



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THE CITY & COUNTY OF SAN FRANCISCO

## INDEX OF RECORDS

## **City Attorney**

Contact: Marisa Moret at 554-5957

Website: http://www.sfgov.org/site/cityattorney\_index.asp

Department or

Department/Division:

Record Category:

GENERAL AND ADMINISTRATIVE RECORDS

Record Title or

Description:

Administrative Files

On Site

Storage Period:

2 Years

Off Site

Storage Period:

1 Year

Additional Information:



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THE CITY & COUNTY OF SAN FRANCISCO

## index of records

## City Attorney

Contact: Marisa Moret at 554-5957

Website: http://www.sfgov.org/slte/cityattorney\_index.asp

Department or Department/Division:

Record Category:

PERSONNEL/HR RECORDS

Record Title or Description:

Accident - Injury Reports

On Site

Storage Period:

2 Years

Off Site

Storage Period:

5 Years

Additional Information:



Jack Song/CTYATT@CTYATT 07/08/2010 04:32 PM To SOTF/SOTF/SFGOV@SFGOV

CC

bcc

Subject RE: Complaint No. #10026\_Ray Hartz v City Attorney's Office

Honorable Members
Complaint Committee
Sunshine Ordinance Task Force
Office of the Clerk, Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Complaint No. #10026\_Ray Hartz v City Attorney's Office

Dear Members of the Complaint Committee,

Complainant Ray Hartz has submitted a complaint to the Sunshine Ordinance Task Force. He complains, without further explanation, as follows:

"City Attorney has failed, in any meaningful way, to comply with Section 67.29."

The complainant does not explain why he thinks that the City Attorney's Office has failed to comply with Sunshine Ordinance Section 67.29. Further, it is not obvious from reviewing that provision what the alleged basis for the complaint is. Accordingly, this office does not have sufficient information to respond to the alleged violation.

The City Attorney's Office is seeking a pre-hearing conference before the Complaint Committee under Rule B.6 of the Sunshine Ordinance Task Force Public Complaint Procedure to assist this office in determining on what basis the complainant believes that this office is not complying with Section 67.29. While we are not contesting the Task Force's jurisdiction to review a complaint alleging a violation of Section 67.29, and do not seek a hearing before the Complaint Committee to discuss jurisdiction, we request a hearing before the Complaint Committee to gain an understanding of the specific basis for the complaint.

Thank you for your consideration.

Best regards.

JACK SONG

Public Information Officer

OFFICE OF CITY ATTORNEY DENNIS HERRERA San Francisco City Hall, Room 234



Jack Song/CTYATT@CTYATT 07/12/2010 11:53 AM

To SOTF/SOTF/SFGOV@SFGOV

cc rwhartzjr@sbcglobal.net

bcc

Subject Re: SOTF hearing reminder: #10026\_Ray Hartz vs City Attorney's Office

Honorable Members
Complaint Committee
Sunshine Ordinance Task Force
Office of the Clerk, Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Complaint No. #10026\_Ray Hartz v City Attorney's Office

Dear Members of the Complaint Committee,

Attached is a copy of 'Office of City Attorney Record Retention and Destruction Policy" in connection with Mr. Hartz's complaint.



HartzDoc.pdf

JACK SONG
Public Information Officer

OFFICE OF CITY ATTORNEY DENNIS HERRERA San Francisco City Hall, Room 234 1 Dr. Carlton B. Goodlett Place San Francisco, California 94102-4682

(415) 554-4700 Reception (415) 554-4715 Facsimile (415) 554-6770 TTY www.sfcityattorney.org



### Matt Dorsey/CTYATT@CTYATT 07/13/2010 10:58 AM

To SOTF/SOTF/SFGOV@SFGOV, rwhartzjr@sbcglobal.net

cc Jack Song/CTYATT@CTYATT

bcc

Subject SOTF hearing matter: #10026\_Ray Hartz vs City Attorney's

It just came to my attention that a scanning mistake resulted in a document being sent to you yesterday that included odd-numbered pages, but that inadvertently omitted even-numbered pages. Please find attached the complete copy of the document we intended to provide yesterday.

I will be the City Attorney's authorized representative at this afternoon's hearing, and I look forward to ascertaining more detail to understand the basis for the aforementioned complaint.

Best, MATT DORSEY Press Secretary

OFFICE OF CITY ATTORNEY DENNIS HERRERA San Francisco City Hall, Room 234 1 Dr. Carlton B. Goodlett Place San Francisco, California 94102-4682

(415) 554-4662 Direct (415) 554-4700 Reception (415) 554-4715 Facsimile (415) 554-6770 TTY

http://www.sfcityattorney.org/



CITYATTY-RECORD-RETENTION.PDF

#### OFFICE OF THE CITY ATTORNEY

#### RECORD RETENTION AND DESTRUCTION POLICY

The City Attorney hereby adopts this Record Retention and Destruction Policy pursuant to Chapter 8 of the San Francisco Administrative Code. This policy supersedes all previous record retention and destruction policies issued by this office. This policy covers all records and documents, regardless of physical form or characteristics, made or received by the City Attorney's Office in connection with the transaction of public business. The purpose of this policy is to provide a system for managing the records of the City Attorney's Office, to safely store and retain those records that need to be retained, to comply with all applicable legal requirements regarding document retention and destruction, and to identify and establish guidelines for the destruction of those documents that are obsolete or for which retention is otherwise not required.

#### I: POLICY AND PROCEDURES

#### A. RETENTION POLICY

The City Attorney's Office shall retain documents for the period of their immediate or current use, unless longer retention is necessary to comply with contractual or legal requirements, the City Attorney has determined that a longer retention period is required for historical reference, or for other purposes as set forth below. For record retention and destruction purposes, the term "record" is defined as set forth in Section 8.1 of the San Francisco Administrative Code. Documents and other materials that do not constitute "records" under that section, including those described below in Category 4, may be destroyed when no longer needed, unless otherwise specified in Part II. Where appropriate, and with the City Attorney's written approval, team leaders may establish team retention policies that call for the retention of specific types of records for periods longer than the otherwise applicable period set forth in this policy. The records and documents of the City Attorney's Office shall be classified for purposes of retention and destruction as follows:

<u>Category 1: Permanent Retention.</u> Records that are permanent or essential shall be retained and preserved permanently.

- Permanent records. Permanent records are records required by law to be permanently retained and that are ineligible for destruction unless they are microfilmed or placed on an optical imaging system, with the film or tape placed in a State-approved storage vault, and a copy delivered to the City Attorney's Office. Admin. Code Section 8.4. Once these measures are followed, the original paper records may be destroyed. Duplicate copies of permanent records may be destroyed whenever they are no longer necessary for the efficient operation of the City Attorney's Office. Examples of permanent records include bond issues and annual reports.
- <u>Essential records.</u> Essential records are records necessary for the continuity of government and the protection of the rights and interests of individuals. Admin. Code Section 8.9. Examples of essential records include numbered City Attorney opinions, significant letter opinions and client advice letters.

Category 2: Current Records. Current records are records that for convenience, ready reference or other reasons are retained in the office space and equipment of the City Attorney's Office. Examples of current records include active

litigation and claims files, brief banks, chronological (chron) files, attorney form files, work- and legislative-assignment files, administrative files and personnel files. Current records shall be retained as follows:

- Where retention period specified by law. Where federal, state, or local law prescribes a definite period of time for retaining certain records, the City Attorney's Office will retain the records for the period specified by law. Examples of records required to be maintained for a specific period include copies of Conflict of Interest Form 700, which must be retained for 7 years pursuant to Government Code §81009(e), and accident-injury reports, which must be retained for 5 years pursuant to 29 CFR 1404.6.
- Where no retention period specified by law. Where no specific retention period is specified by law, the retention period for records that the department is required to retain shall be as specified in the attached Record Retention and Destruction Schedule. Records shall be retained for a minimum of two years, although such records may be treated as "storage records" and placed in storage at any time during the applicable retention period.

<u>Category 3:</u> Storage Records. Storage records are records that are retained off-site. Storage records are subject to the same retention requirements as current records, but are maintained at the City's off-site storage facility, or in storage facilities provided to the City Attorney by the Airport, the Port and Hetch Hetchy. Examples of storage records include closed case files and exhibits.

Category 4: No Retention Required Documents and other materials that are not "records" as defined by Admin. Code section 8.1 need not be retained unless otherwise specified by local law. Documents and other materials (including originals and duplicates) that are not otherwise required to be retained, are not necessary to the functioning or continuity of the office, or have no legal significance may be destroyed when no longer needed. Examples include materials and documents generated for the convenience of the person generating them, draft documents (other than drafts of agreements subject to disclosure pursuant to Administrative Code section 67.24(a)) that have been superseded by subsequent versions, or rendered moot by departmental action, and duplicate copies of records that are no longer needed. Specific examples include telephone message slips, miscellaneous correspondence not requiring follow-up or departmental action, notepads, e-mails that do not contain information otherwise required to be retained under this policy, and library materials that have been superseded or that are no longer needed.

With limited exceptions, no specific retention requirements are assigned to documents in this category. Instead, it is up to the originator or recipient to determine when the document's business utility has ended.

## B. RECORDS NOT ADDRESSED IN THE RECORD RETENTION SCHEDULE

Records and other documents or materials that are not required to be retained by law, and are not expressly addressed by the attached schedule may be destroyed at any time provided that they have been retained for the periods prescribed for substantially similar records. Current or storage records may be destroyed five years after they were created if they have served their purpose and are no longer required for any public business or public purpose, and destruction of the record has been approved by the Controller (for records pertaining to financial matters), the City Attorney (for records

having legal significance) and the Retirement Board (for payroll checks, time cards and related documents).

#### C. STORAGE OF RECORDS

Records may be stored in the City Attorney's office space or equipment if the records are in active use or are maintained in the office for convenience or ready reference. Examples of active files appropriately maintained in the City Attorney's office space or equipment include active chronological files, research and reference files, legislative drafting files, pending complaint files, administrative files and personnel files. Inactive records, for which use or reference has diminished sufficiently to permit removal from the City Attorney's office space or equipment, may be sent to the City's off-site storage facility or maintained in the City Attorney's storage facility.

Storage of records imposes considerable costs on the City Attorney's Office. Accordingly, records should be stored only when necessary, and should be promptly destroyed once the applicable retention period has passed and the records are no longer needed.

#### D. HISTORICAL RECORDS

Historical records are records that the City Attorney has determined are of historical interest or significance because of their age or research value even though the records are no longer of use to the City Attorney's Office. Historical Records may not be destroyed except in accordance with the procedures set forth in Administrative Code section 8.7.

#### E. DESTRUCTION OF RECORDS

It shall be the policy of the City Attorney's Office that once the requisite retention period for a record has passed, the record shall be destroyed unless there are particular circumstances that dictate that the record be retained. Team leaders may decide that records otherwise subject to this schedule are of sufficient importance to the mission of that team that the records should be retained.

It shall be the policy of the City Attorney's Office to work with contractors providing off-site storage of records to ensure that records are destroyed once the requisite time period for retention has passed.

#### F. RECORDS RELATING TO PENDING CLAIMS

It shall be the policy of the City Attorney's Office that records relating to pending claims that are otherwise eligible for destruction pursuant to this policy shall not be destroyed without the prior approval of the City Attorney or the Chief Trial Deputy.

## APPROVALS

This Record Retention and Destruction Policy and attached Schedule are hereby approved:

Dennis J. Herrera	Date
City Attorney	
	,
Steve Kawa	Date
Deputy Chief of Staff	Date
Office of the Mayor	•
Approved as to Records Relating to Financial Matters:	
Ed Harrington Controller	
Controller staff	Date
Approved as to Records Relating to Payroll Matters:	
•	
Clare M. Murphy	Date
Executive Director	
Retirement System	

### **APPROVALS**

This Record Retention and Destruction Policy and attached Schedule are hereby approved:

Jhs.	Th	,	
Dennis J. Herrera City Attorney			

3) 16 Date

195WH
Steve Kawa
Deputy Chief of Staff
Office of the Mayor

Le 20 0 6 Date

Approved as to Records Relating to Financial Matters:

Ed Harrington Controller

veanuid	W	14	~
Controller staff			)

6/9/06 Date

Approved as to Records Relating to Payroll Matters:

Clare M. Murphy

Executive Director Retirement System Data

5 -

Contact Phone Number: 554-5957

Department Name: City Attorney Department Contact: Marisa Moret

	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD	:		REMARKS
	THE BANDE OF BANKE AS SAIDLE HARRY	经收益的 医多种性 医多种性 医多种性 医多种性 医多种性 医多种性 医多种性 医多种性	Total	On Site	Off Site	
3 Files		Category 2	3 Years	2 Years	1 Year	
Attorney Time Sheets (on-line)		Calegory 2	2 Years	2 Years	Not Applicable	
	of Supervisors Closed Sessions-	Calegory 1	Permananlly	10 Years	Permeneutly	
Bond issues		Calagory 1		Permanently		
Bond Water Agreements		Calegory 1		Not Applicable		
Bound Bond Transcript		Category 1		Permanently		
Briel Banks (various teams)	teams) (copy)	Calegory 2	of No	Later of 2 Years or of No Current Use		
Budget Documents/Work P	fork Papers (copy)	Category 2	2 Years	2 Years	Not Applicable	
C.A. Advice Letter Database		Category 1	Permamently	Permanently	Not Applicable	
Cal Compensation Cases		Category 2	Later of 2 Years or of No	Later of 2	Not Applicable	
-			Current Use	Years or of No Current Use		
Calendars - Prop G	,	Category 4	2 Years	2 Years	Not Applicable	
California Allomay Ganeral Reports	Reports	Calegory 2	Later of 2 Years or of No Current Use	Later of 2 Years or of No	Not Applicable	
Case Files - Active	,	Calegory 2	Later of 2 Years or Case Closure	Later of 2 Years or Case	Not Applicable	
Case Files - Closed - Gene	General Litration	Category 3	5 Years	Not Applicable	5 Years	
	- Cases Involving Long Yern Public	Category 3	10 Years from date of contract expiration	Not Applicable	× 8	
s - Closed	– Civil Righis/Employment/Tax	Сакедогу 3	Later of 20 Years or and of City employment of all parties	Not Applicable	Later of 20 Years or end of City employment of all parties	
Casa Files - Closed - Signifi fraud/class action/challenges	<ul> <li>Significant Litigation (consumer tilenges to City laws)</li> </ul>	Category 3	20 Years	Not Applicable	20 years	
Case Files - Closed - Worker's Compensation	ars Compensation	Category 3	30 Years	Not Applicable	30 Years	
Case Files - Closed - Code	Enforcement	Calegory 3	20 Years	Not Applicable	20 years	
Contract		Calegory 2	Later of 2 years or case closure	Later of 2 years or case closure	No applicable	
Child Dependency Files		Calegory 2	Later of 2 Years or Case Closure	Later of 2 Years or Case	Not Applicable	

1 of 4

likecord Retention chart.doc

Record Category	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD			REMARKS
			Total	On Site	Off Site	
				Closure		
GENERAL AND ADMINISTRATIVE RECORDS	Chronological Files	Category 2	2 Years		Not Applicable	
	City Allomey Annual Report	Calegory 1	Permanently		Not Applicable	
	City Attorney Opinions/Index	Category 1	Pamanently		Not Applicable	
	Civil Service Rules (copy)	Catagory 2	Later of 2 Years or of No Current Use	2	Not Applicable	
GENERAL AND ADMINISTRATIVE RECORDS	Claims - Activa	Category 2	7 Years	Later of 2 Years or 1 Year from Date of Denial	6 Years	**************************************
GENERAL AND ADMINISTRATIVE RECORDS	Claims - Closed	Category 3	5 Years	Not Applicable	5 Years	
GENERAL AND ADMINISTRATIVE RECORDS	Claims Statistical Records	Category 1	Permanently	Permanently	Not Applicable	
GENERAL AND ADMINISTRATIVE RECORDS	Closed Eminent Domain Cases	Category 3	Permanently	Not Applicable	Permanently	
GENERAL AND ADMINISTRATIVE RECORDS	Closed Inverse Condemnation Cases	Category 3	Permanently	Not Applicable	Permanently	
GENERAL AND ADMINISTRATIVE RECORDS	Complaint and Inquires - Code Enforcement (not litigated)	Calegory 3	10 Years	Not Applicable	10 Years	
GENERAL AND ADMINISTRATIVE RECORDS	Complaints and Inquiries (miscellaneous)	Calegoy 4	None	Not Applicable	Not Applicable	
GENERAL AND ADMINISTRATIVE RECORDS	Correspondence Files (copy)	Calegory 2	2 Years	2 Years	Not Applicable	
GENERAL AND ADMINISTRATIVE RECORDS	Detabase of Materials/Library	Calegory 2	Later of 2 Years or of No Current Use	Later of 2 Years or of No Current Use	Not Applicable	
GENERAL AND ADMINISTRATIVE RECORDS	Emergency Plans	Calegory 2	Later of 2 Years or Until Superseded	Later of 2 Years or Until	Not Applicable	
GENERAL AND ADMINISTRATIVE RECORDS	Expert Witness Index	Calegory 2	Later of 2 Years or of No Current Use	Later of 2 Years or of No Current Use	Not Applicable	
GENERAL AND ADMINISTRATIVE RECORDS	Fax Transmillal Sheets	Calegory 4	None	Not Applicable	Not Applicable	
GENERAL AND ADMINISTRATIVE RECORDS	General Files	Calegory 2	Later of 2 Years or of No Current Use	Later of 2 Years or of No Current Use	Not Applicable	
GENERAL AND ADMINISTRATIVE RECORDS	Grand Jury Reports (copy)	Calegory 1	Permanently	Γ	Not Applicable	
GENERAL AND ADMINISTRATIVE RECORDS		Calegory 1	Pamagantiv	<u>_</u>	Permanently	
GENERAL AND ADMINISTRATIVE RECORDS	Legislation (copies approved as to form)	Category 2	2 Years	r	Not Applicable	-
GENERAL AND ADMINISTRATIVE RECORDS		Calegory 2	Later of 2 Years or of No Current Use	Later of 2 Years or of No Current Use	Not Applicable	
GENERAL AND ADMINISTRATIVE RECORDS	Legislative Drafts	Calegory 4	None	cable	Not Applicable	
GENERAL AND ADMINISTRATIVE RECORDS	Legislative Requests	Calegory 2	2 Years	1	Not Applicable	
GENERAL AND ADMINISTRATIVE RECORDS	Library Materiels	Galegory 4	Unil Superseded or of No Current Use	led or next	Not Applicable	-
	THE PARTY OF THE P		3	2		

The RECORDS	Record Category	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD		-	REMARKS
Miscaline Codes and Charletter         Category 2         2 Years         2 Years         1 Applicable To Applicable Letters (Gardinan Court of Contegory 2         2 Years         2 Years         Not Applicable To Applicable Letters (Gardinan Court of Contegory 2         2 Years         2 Years         Not Applicable To A		关系是是他的。 第二章		o Total	On Site	Off Site	
Manifest of Expenditive December         Category 1         Permanently No.         Permanently No. <t< td=""><td>1</td><td>Miscellaneous Employment Reports</td><td>L</td><td></td><td></td><td>Not Applicable</td><td></td></t<>	1	Miscellaneous Employment Reports	L			Not Applicable	
Colicio Expenditure         Category 2         2         7 Vestrs         2 Vestrs         2 Vestrs         No.         2 Vestrs         2 Vestrs         No.         2 Vestrs         No.         2 Vestrs         2 Vestrs         No.         2 Vestrs         2 Vestrs         2 Vestrs         No.         2 Vestrs         2 Vestrs         2 Vestrs         No.         3 Vestrs         2 Vestrs         3 Vestrs         2 Vestrs         3 Vestrs         2 Vestrs         2 Vestrs         2 Vestrs         2 Vestrs         2 Vestrs         2 Vestrs         3 Vestrs         2 Vestrs         3 Vestrs	GENERAL AND ADMINISTRATIVE RECORDS	Municipal Codes and Charter	Category 1	Permanently		Not Applicable	
Calegory 2   Parmarienthy 2 Vients   Parmarienthy 4 Parmarienthy 5 Vients	GENERAL AND ADMINISTRATIVE RECORDS	Office Expenditure Documents	Category 2 •	2 Years		Not Applicable	
Opilion/Advice Letters disputificant)         Category 2         Permanently Permanently Permanently Intervol 2 Vesas or Unit Intervol 2 Vesas or Octobra 2 Vesas o	GENERAL AND ADMINISTRATIVE RECORDS	Opinion/Advice Lellers (general)	Category 2	2 Years		Not Applicable	
Polibias/Procedures/Reports (copy)   Category 2   Later of 2 Years of Case   Debation Files (VGC)   Category 2   Category 3   Category 2   Category 3   Category 3   Category 3   Category 4   Category 3   Category 4   Category 4   Category 5   Category 4   Category 5   Category 5   Category 5   Category 5   Category 5   Category 5   Category 6   Category 6   Category 7   Categor	GENERAL AND ADMINISTRATIVE RECORDS	Opinion/Advice Letters (significant)	Calegory 1	Permanently	Permanently	Not Applicable	
Punchation Pilas (YGC)         Category 2         Category 2         Later of 2 Years of Case   Superasoded   Superasode	GENERAL AND ADMINISTRATIVE RECORDS	Policies/Procedures/Reports (copy)	Calegory 2	Later of 2 Years or Until	Later of 2 Years	Not Applicable	
Probation Files (VGC)         Calegory 2         Later of 2 Years of Case         Later of 2 Years of Case         Later of 2 Years of Case         Areas of Case         A				Superseded	or Until		
Purchase Orders (copy)	GENERAL AND ADMINISTRATIVE RECORDS	Prohation Flas (YGC)	Category 2	Tater of 2 Years of Case	lafer of 2	Not Applicable	
Research/Except)         Category 2         6 Years         2 Years         2 Years           Resolution Search/Exceptibles         Category 4         Kinne         1 Violes         2 Years         2 Years           Resolution Files         Category 2         Category 2         Category 3         Category 4         Lister of 2 Years or of No.         Letter of 2 Years or of No.           Inbound Bond Transcripts         Category 2         Category 2         Lister of 2 Years or of No.         Category 3           Work Assignment Files         Category 2         Lister of 2 Years or of No.         Category 3         Lister of 2 Years or of No.         Category 4         Lister of 2 Years or of No.         Category 4         Lister of 2 Years or of No.         Category 2         Lister of 2 Years or of No.         Voil Applicable No.         Voil Applic				Closure	Years of Case Closure		
Reaching and Depositis         Category 2         Syears         2 Years         2 Years           Reaching and Depositis         Category 4         Mone         2 Years         2 Years           Subject Matter Files (copy)         Category 2         Later of 2 Years or of No.         2 Years         2 Years           Subject Matter Files (copy)         Category 4         Category 2         Until Antwai of Bound Gound	GENERAL AND ADMINISTRATIVE RECORDS	Purchase Orders (copy)	Calegory 2		2 Years		
Research/Ecemplar Files	GENERAL AND ADMINISTRATIVE RECORDS	Racelots and Deposits	Category 2		2 Years	3	
Revolving Faund Records         Category 2         Category 2         E years or of No Category 2         Category 4         E years or of No Category 4         Category 4         Category 4         None         Current Use Current Use Current Use Category 2         Category 2         Category 3         Category 3         Linif Arrival of Bound Unif Arrival of Bound Current Use Current Use Category 2         Linif Arrival of Bound Unif Arrival of Bound Current Use Category 3         Category 2         Category 3         Category 4         None         Pydens or of No Category 3         Linif Arrival of Bound Current Use Category 4         Linif Arrival of Bound Current Use Category 4         Linif Arrival of Bound Current Use Category 4         Category 3         Category 4         Category 4         Category 4         Category 4         Category 4         Linif Approved Current Use Category 4         Category 4 <t< td=""><td>GENERAL AND ADMINISTRATIVE RECORDS</td><td>Research/Exemplar Files</td><td>Catagory 4</td><td></td><td>Not Applicable</td><td>ŧ</td><td></td></t<>	GENERAL AND ADMINISTRATIVE RECORDS	Research/Exemplar Files	Catagory 4		Not Applicable	ŧ	
Subject Malter Files (copy)   Category 2   Lafer of 2 Years or of No   Category 2   Current Use   Category 2   Category 2   Category 4   Category 4   Category 4   Category 5   Category 6   Category 6   Category 7   Cat	GENERAL AND ADMINISTRATIVE RECORDS	Revolving Fund Records	Category 2		2 Years		
ATIVE RECORDS         Tatelethone Logs         Category 4         Current Use         Nork Assignment Files         Category 2         Linif Arriva of Board         Until Arriva o	GENERAL AND ADMINISTRATIVE RECORDS	Subject Matter Files (copy)	Category 2	Later of 2 Years or of No	Later of 2	Not Applicable	
ATIVE RECORDS         Tavel Mone Logs         Category 4         None         Very RECORDS         Unill Antwal of Bound         Very Assignment Files         Category 2         Category 2         Later of 2 Years or of No         Category 2         Category 3         Category 4         Later of 2 Years or of No         Very Records         Category 4         Untill Antwal of Bound         Very Records         Ourment Use         Ourment Use         Ourment Use         Ourment Use         Ourment Use         Anter of 2 Years         Ourment Use         Anter of 2 Years         Ourment Use         No Years or Term         Anter of 2 Years or Term				Current Use	Years or of No Current Use		
ATIVE RECORDS         Travel Requests (copy)         Category 2         Linii Arrival of Bound         2 Years         3 Years         4 Years </td <td>GENERAL AND ADMINISTRATIVE RECORDS</td> <td>Telephone Logs</td> <td>Category 4</td> <td>None</td> <td>Not Applicable</td> <td>Not Applicable</td> <td></td>	GENERAL AND ADMINISTRATIVE RECORDS	Telephone Logs	Category 4	None	Not Applicable	Not Applicable	
ATIVE RECORDS         Unbound Bond Transcripis         Calegory 2         Unil Anival of Bound         Instruct C2	GENERAL AND ADMINISTRATIVE RECORDS	Travel Requests (copy)	Category 2	2 Years	2 Years	Not Applicable	
ATIVE RECORDS         Work Assignment Files         Category 2         Category 2         Later of 2 Years or of No Later of 2 Years or of No Vertro Current Use         Dividio         Current Use         Current Use <td>GENERAL AND ADMINISTRATIVE RECORDS</td> <td>Unbound Bond Transcripts</td> <td>Calegory 2</td> <td>Until Arrival of Bound</td> <td>Until Arrival of</td> <td>Not Applicable</td> <td></td>	GENERAL AND ADMINISTRATIVE RECORDS	Unbound Bond Transcripts	Calegory 2	Until Arrival of Bound	Until Arrival of	Not Applicable	
ATIVE RECORDS         Work Assignment Files         Category 2         Later of 2 Years or of No.         Later of 2 Years or of No.         Later of 10 Oursent Use         Current Use         Note         Mort Applicable In Service Confracts (other)         Category 4         Category	**************************************	THE PARTY OF THE P		,	Bound		
ATIVE RECORDS         Work Orders and Payments         Category 2         Current Use         Verant Orders         Current Use         Verant Orders         12 Verant         3           DS         Draft contracts subject to disclosure         Category 4         Until Approved         Un	CENERAL AND ADMINISTRATIVE RECORDS	Work Assignment Files	Category 2	Later of 2 Years or of No	Later of 2	Not Applicable	
KTIVE RECORDS         Work Orders and Peyments         Category 2         5 Years         2 Years         2 Years         3 Years         4 Years         <		-		Current Use	Years or of No Current Use		
DS         Draft contracts subject to disclosure         Category 2         Until Approved	GENERAL AND ADMINISTRATIVE RECORDS	Work Orders and Payments	Category 2	5 Years	2 Years	3 Years	
Lease Files (Cily Attorney)   Category 2   Lease Files (Cily Attorney)   Category 2   Lease Files (Other)   Lease Files (Other)   Category 4   Lease Ordered   Contract   Category 2   Lease Ordered   Category 2   Lease Ordered   Category 2   Lease Ordered   Category 3   Lease Ordered   Category 4   Category 2   Lease Ordered   Category 4   Category 2   Lease Ordered   Category 3   Category 4   Lease Ordered   Category 4   Lease Ordered   Category 5   Lease Ordered   Category 6   Category 7   Lease Ordered   Category 6   Category 7   Lease Ordered   Category 6   Category 7   Category 7   Category 7   Category 7   Category 6   Category 7   Category 7   Category 7   Category 6   Category 7   Ca	CONTRACT/GRANT RECORDS	Draff contracts subject to disclosure	Category 4	Unlii Approved	Until	Not Applicable	
DS	CONTRACTIGRANT RECORDS	Lease Files (City Attorney)	Category 2	Later of 2 Years or Term	Later of 2	5 Years	
DS         Lease Flies (other)         Category 4         None         None         Not Applicable         No           DS         Professional Service Contracts (other)         Category 4         of Contract         on Contract         contract           DS         RFPs and Responses (City Altomey)         Category 4         of Contract Use         None         None         None         None         None         None         Current Use				of Lease	Years or Term of Lease		
Professional Service Conlracts and payment records (City   Category 2   Later of 2 Years or Term   Term of Contract	CONTRACT/GRANT RECORDS		Calegory 4	None	Not Applicable	Not Applicable	
DS         Professional Service Confracts (other)         Category 4         Or Confracts (other)         Category 4         Or Confracts (other)         Category 4         Later of 2 Vears or of No.         Current Use         Current Use <td>CONTRACT/GRANT RECORDS</td> <td>nal Service</td> <td>Category 2</td> <td>Later of 2 Years or Term</td> <td>Term of</td> <td>20 years after</td> <td></td>	CONTRACT/GRANT RECORDS	nal Service	Category 2	Later of 2 Years or Term	Term of	20 years after	
DS         RFPs and Responses (City Allumey)         Calegory 2         Later of 2 Years or of No Category 2         Later of 2 Years or of No Category 2         Later of 2 Years or of No Category 2         Later of 2 Years or of No Category 4         Not Years or of No Category 4         Later of 2 Years or of No Category 4         Not Years or of No Category 4         Not Acident - Inlury Reports 5         Acident - Inlury Reports 6         Acident - Inlury	CONTRACT/GRANT RECORDS	Professional Service Confracts (other)	Category 4	None	Not Applicable	Not Applicable	
Contract Use   RFCs and Responses (City Attorney)   Calegory 2   Current Use   Calegory 4   None   None   None   None   None   None   Current Use   Calegory 4   None	CONTRACT/GRANT RECORDS	RFPs and Responses (City Allomey)	Calegory 2	Current Use	Later of 2 Years or of No	Not Applicable	
DS   RFCs and Responses (Cited)   Category 2   Later of 2 Years or of No Later of 2 A Later of			The state of the s		Current Use		
DS RPPs, RPCs and Responses (Other) Category 4 None Not Applicable Acident Inlus Reports Category 7 Years 2 Years	CONTRACT/GRANT RECORDS	RFQs and Responses (City Attorney)	Category 2	Later of 2 Years or of No Current Use	Later of 2 Years or of No Current Use	Not Applicable	
Accident Inluy Reports Category 7 Years 7 Years	CONTRACT/GRANT RECORDS	RFPs, RFCs and Responses (Other)	Category 4	None	Nol Applicable	Not Applicable	
	PERSONNEL HR RECORDS	Accident - Inlury Reports	Category 2	7 Years	2 Years	5 Years	

Record Category	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD		The state of the s	REMARKS
			Total	On Site	Off Site	おお いきある
	Conflict of Interest Form 700	Calegory 2	7 Years	2 Years	5 Years	
PERSONNEL/HR RECORDS	Discrimination and Manassment Complaints	Calegory 2	's or life	During Employee Tenura	Lesser of 50 years or life of employee	
PERSONNEL/HR RECORDS	Employment Applications	Calegory 2	2 years	2 years	Not Applicable	
Personnelhr records	Equal Opportunity Pian	Calegory 2.	3 Years	Later of 2 Years or Until Superseded	1 Year	
PERSONNEL/HR RECORDS	Family Madical Leave Act Records	Calegory 2.	Lesser of 50 years or life of employee	During Employea Tenure	Lesser of 60 years or life of employee	
Personnelhr records	Medical Information	Calegory 2.	Lesser of 50 years or life of employee	Curing Employee Tenure	Lesser of 50 years or life of employee	
Personnel/Hr records	Payroll Reports/ Timecards and Related Documents	Calegory 2		2 Years	Not Applicable	Secure parmission from the san Francisco Francisco Employaes' Retirement System prior to destruction
PERSONNEL'HR RECORDS	Personnei Files (originais)	Category 2	Lesser of 50 years or life of employee	During Employee Tenure	Lesser of 50 years or life of employee	
PERSONNEL/HR RECORDS	Work Study Contracts	Category 2	2 Years	Г	Not Applicable	
PERSONNEL/HR RECORDS	Workers' Compensation Records	Category 2	Lesser of 50 years or life of employee		Lesser of 50 years or life of employee	
NOTES on using this table:						

1. You may add rows to the table as necessary but do NOT add any columns.

2. Make sure that each date flem is conteined within one cell. You may enter returns or allow the date to wrap.

3. Do not enter page breaks and new tables. All data should be in one table only,

4. Whatever you enter into each cell will appear on the website exactly as you've written on the table.

# Ray W Hartz Jr

839 Leavenworth St, Apt 304

San Francisco CA 94109-6131

Saturday, July 10, 2010

Honorable Members Sunshine Ordinance Task Force

Room 244, City Hall

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

RE: Case #10026 Ray Hartz vs San Francisco City Attorney

**Dear Task Force Members:** 

Attached you will find examples from the CCSF – Index of Records website, as currently posted. The first page of each example is the listing for the San Francisco City Attorney, with the subsequent pages showing what results when you click on the respective links.

In each example, the associated link gives no additional information, with the exception of on-site storage information. In effect, the entire index of records for the City Attorney is nothing but a retention schedule. It in no way provides the information required by the Sunshine Ordinance to comply with either the letter of the ordinance or its spirit.

As presented at the SOTF meeting of June 22, 2010, it does not provide information "under what manner of organization for accessing, e.g. by reference to a name, a date, a proceeding or project, or some other referencing system." Neither does it provide information, as required by the ordinance, "to aid the public in making an inquiry or a request to inspect."

I would submit, once again, that this case is not an issue of whether there is a posting on the Index of Records for the San Francisco City Attorney. This complaint regards the matter of whether the posting serves in assisting citizens of the City and County of San Francisco, in their efforts to obtain public information.

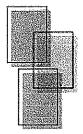
Sincerely,

Ray W. Hartz, Jr

Ray WHO?

## SFGOV

Return to Index of Records Home Page



THE CITY & COUNTY OF SAN FRANCISCO

#### records

## For City Attorney

Contact: Marisa Moret Phone: 554-5957

Select this link for Website Location



## INDEX OF RECORDS FOR City Attorney

- jexampee 3A • Accident - Injury Reports
- Administrative Files
- Attorney Time Sheets (on-line)
- Audio Tapes (Board of Supervisors Closed Sessions-Litigation)
- Bond Issues
- Bond Water Agreements
- Bound Bond Transcript
- Brief Banks (various teams) (copy)
- Budget Documents/Work Papers (copy)
- C.A. Advice Letter Database
- Cal Compensation Cases
- Calendars Prop G
- California Attorney General Reports
- Case Files Active
- Case Files Closed Cases Involving Long Term Public Contracts
- Case Files Closed Civil Rights/Employment/Tax
- Case Files Closed Code Enforcement
- Case Files Closed General Litigation
- Case Files Closed Significant Litigation (consumer fraud/class action/challenges to City laws)
- Case Files Closed Worker's Compensation
- Child Dependency Files
- Chronological Files
- City Attorney Opinions/Index
- Civil Service Rules (copy)

CASE 410026 RAY HARTZ

CITY ATTOROXY

EXAMPLE

• City Attorney Annual Report & EXMPLE 3C

example 3 B

Unfortunately the page you are looking for cannot be found or no longer exists. Broken links occur occasionally because the City's web site is composed of many web sites maintained by separate agencies over which we have no control.

In general our site is easy to navigate and organized in simple categories:

- Citizen: in this section you will find information and services useful primarily to those who live in San Francisco, from culture to education, from health to transportation, etc.;
- Business: in this section you will find information and services useful primarily to businesses or those who work in San Francisco:
- Visitor: in this section we have placed general information that is of most value to those who want to visit or learn more about San Francisco;
- Government: in this section we have aggregated content that relates to the City's agencies and institutions and the City's codes and legislation;
- Online Services: in this section Citizens and Business will find access to a variety of City's transactions that can be completed online.

Thanks for your interest in the City and County of San Franciscol

Contact SFGov

Accessibility

Policies

City and County of San Francisco @2000-2010

Example 1A

CASE #10026

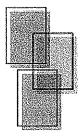
RAY HARTZ

VS

CITY ATTORNEY

## SFGOV

Return to Index of Records Home Page



THE CITY & COUNTY OF SAN FRANCISCO

## index of records



## City Attorney

Contact: Marisa Moret at 554-5957

Website: http://www.sfgov.org/site/cityattorney\_index.asp

EXAMPLE 2A

Department or

Department/Division:

Record Category:

**GENERAL AND ADMINISTRATIVE RECORDS** 

Record Title or

Description:

Administrative Files

On Site

Storage Period:

2 Years

Off Site

Storage Period:

1 Year

CASE #10026
CAY HARTZ
VS
CMY ATTORDEY

EXAMPLE 3A

Additional Information:

Unfortunately the page you are looking for cannot be found or no longer exists. Broken links occur occasionally because the City's web site is composed of many web sites maintained by separate agencies over which we have no control.

In general our site is easy to navigate and organized in simple categories:

- Citizen: in this section you will find information and services useful primarily to those who live in San Francisco, from culture to education, from health to transportation, etc.;
  Business: in this section you will find information and services useful primarily to businesses or those who work in San
- Business: in this section you will find information and services useful primarily to businesses or those who work in San Francisco;
- Visitor: in this section we have placed general information that is of most value to those who want to visit or learn more about San Francisco;
- Government: in this section we have aggregated content that relates to the City's agencies and institutions and the City's codes and legislation;
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  online.

Thanks for your interest in the City and County of San Francisco!

Contact SFGov

Accessibility

City and County of San Francisco @2000-2010

Policies

EXAMPLE 2A

CASE #10026

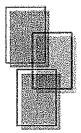
RAY HARTZ

VS

CITY ATTORNEY

**SFGOV** 

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THE CITY & COUNTY OF SAN FRANCISCO

## INDEX OF RECORDS



## City Attorney

Contact: Marisa Moret at 554-5957

Website: http://www.sfgov.org/site/cityattorney\_index.asp

Department or

Department/Division:

Record Category:

GENERAL AND ADMINISTRATIVE RECORDS

Record Title or

Description:

Budget Documents/Work Papers (copy)

On Site

Storage Period:

2 Years

Off Site

Storage Period:

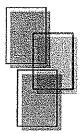
Not Applicable

Additional Information:

ENAMPLE 3B
CASE #10026
RAY HARTZ
VS
CITY ATTORNEY

SFGOV





THE CITY & COUNTY OF SAN FRANCISCO

## INDEX OF RECORDS

## City Attorney

Contact: Marisa Moret at 554-5957

Website: http://www.sfgov.org/site/cityattorney\_index.asp

Department or

Department/Division:

Record Category:

**GENERAL AND ADMINISTRATIVE RECORDS** 

Record Title or

Description:

City Attorney Annual Report

On Site

Storage Period:

Permanently

Off Site

Storage Period:

Not Applicable

Additional Information:

EXAMPLE 3C CASE #10026 RAY HARTZ VS CITY ATTORNEY