

Date: July 28, 2009

Item No. 15

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

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Approval of "Know Your Rights" brochure
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Completed by: Chris Rustom

Date: July 16, 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.

This page purposely left blank

- From public who demonstrate interest or have experience in issues of citizen access and participation in local government
- At all times the Task Force shall include at least one member who shall be a member of the public who is physically handicapped and who has demonstrated interest in citizen access and participation in local government.
- The Mayor or his/her designee, and the Clerk of the Board of Supervisors or his/her designee shall serve as non-voting members of the task force.
- The City Attorney shall serve as legal advisor to the Task Force. The Task Force shall be assigned an attorney who is experienced in public access law matters.

#### **Outreach, Violations & Education**

The City and County of San Francisco encourages public outreach. This brochure is being translated into other languages to provide better public access. No liability is assumed by the City and County of San Francisco for errors and omissions.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Administrator of the Sunshine Ordinance Task Force by mail, telephone, fax or email. (See page 6 for contact information.)

Citizens who want a free copy of the Sunshine Ordinance can request a copy from the Administrator or print Chapter 67 of the Administrative Code, which can be accessed at [www.sfgov.org/sunshine](http://www.sfgov.org/sunshine).

#### **History**

- Sunshine Ordinance adopted by Board of Supervisors 8/93
- Nonprofit public access requirements added by Board of Supervisors 6/98
- Proposition G approved by citizens 11/99, effective 1/2000

*Sunshine Ordinance Task Force*  
**1 Dr. Carlton B. Goodlett Place, Room 244**  
*San Francisco CA 94102-4689*  
**(415) 554-7724 (415) 554-7854 (fax)**  
**Email: [SOTF@sfgov.org](mailto:SOTF@sfgov.org)**



### **SUNSHINE ORDINANCE TASK FORCE**

**Meets 4<sup>th</sup> Tuesdays, 4:00 p.m., City Hall**

#### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the peoples' business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

#### **Key Sunshine Provisions**

- The public has a right to inspect and copy public documents
- The public has a right to attend and testify at public meetings
- The public has a right to make an Immediate Disclosure Request for documents, which requires a response at the end of the next business day.
- The Task Force will hold hearings on alleged violations of these rules.

## Sunshine Hearing Procedures

If a department or agency fails to comply with a public records request within 10 days or violates a public meeting rule, the requestor may ask for a Sunshine Task Force hearing. Petitions for hearings are available from the Sunshine administrator at [soff@sfgov.org](mailto:soff@sfgov.org) or 554-7724.

A representative of the department or agency's custodian of records shall attend the hearing and explain the reason for withholding the record requested or violating the public meeting rule. If the Task Force determines that the record is public, it shall order that it be provided to the requestor immediately. If the Task Force finds that a public meeting rule was violated, it shall issue a finding so stating.

If the department or agency fails to comply with this Order of Determination in five days, the Task Force may notify the Ethics Commission, the District Attorney or the Attorney General, who may take measures to assure compliance.

The Task Force must notify the requestor of the outcome of the hearing within 45 days from the time it is requested.

## Task Force Responsibilities

- Conduct hearings on complaints of Sunshine violations and issue findings and recommendations
- Forward findings and recommendations to the appropriate government bodies.
- Work with city agencies to assist in Sunshine compliance.

2.

- Propose to the Board of Supervisors amendments to the Sunshine Ordinance.

- Report to the Board of Supervisors at least once annually on any practical or policy problems encountered in the administration of the Sunshine Ordinance. [67.30 (c)]

- Receive and review the annual report of the Supervisor of Public Records (City Attorney) and request additional reports or information as it deems necessary. [67.30 (c)]

- Make referrals to a municipal office with enforcement power under the Sunshine Ordinance or under the California Public Records Act and the Brown Act, whenever it concludes that any person has violated any provisions of the Sunshine Ordinance or the Acts. [67.30 (c)]

- From time to time issue public reports evaluating compliance with the Sunshine Ordinance and related California laws by the City or any department, office, or official. [67.30 (c)]

- Approve by-laws specifying a general schedule for meeting, requirements for attendance and procedures and criteria for removing members for non-attendance. [67.30 (c)]

- Hear report from City Administrator at least semi-annually on progress of Index of Records. [67.30 (c)]

- Provide assistance to City Attorney's Office for annual Sunshine Ordinance training for all persons required to sign an affidavit of financial interest with the Ethics Commission

3.

- In addition, the Task Force shall possess such powers as the Board of Supervisors may confer upon it by ordinance or as the people of San Francisco shall confer upon it by initiative. [(67.30 (d))]

## What We Can't Do

The Sunshine Ordinance Task Force can hear complaints about public records and/or public meetings violations.

The Task Force cannot hear complaints that do not involve timely production of public records or the public's right to attend and comment at public hearings.

The Task Force cannot compel a department to create a document in response to a records request.

## Membership (11 members)

- Attorney submitted from local chapter of Society of Professional Journalists
- Journalist submitted from local chapter of Society of Professional Journalists
- From press or electronic media
- Journalist from racial/ethnic-minority-owned news organization submitted by New CA Media
- Submitted by local chapter of League of Women Voters
- From public experienced in consumer advocacy

4.