

Date: August 24, 2010

Item No. 5

File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Draft Minutes: June 1, 2010**
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Completed by: Chris Rustom

Date: August 19, 2010

***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, June 1, 2010
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	David Snyder	Seat 8	Bruce Wolfe
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	LaTonia Stokes
Seat 7	Nick Goldman	Ex-officio	(Vacant)

Call to Order 5:02 P.M.

Roll Call Present: Knee, Cauthen, Manneh, Washburn, Knoebber, Goldman, Wolfe, Chan, Johnson
Excused: Snyder, Williams

Agenda Changes: None

Deputy City Attorney: Jerry Threet
Clerk: Chris Rustom

1. Sunshine Ordinance amendments: Article IV and any portions that the Task Force wishes to revisit

Motion to switch Section 67.23 (a) with 67.23 (b) (Goldman / Cauthen)

Public Comment: Allen Grossman said departments need to designate a person to provide public information and have that person made known to the entire department. Peter Warfield said the person designated to provide public information as well as that person's backup needs to be identified and made known publicly.

On the motion:
Ayes: Cauthen, Manneh, Washburn, Knoebber, Goldman, Chan, Johnson, Knee

Section 67.23 (e) line 10 to read: In adopting this subdivision, the voters of the

City and County of San Francisco intend merely to restate and affirm court decisions recognizing the First Amendment rights of public employees.

On Section 67.23 (c) through (e):

Public Comment: Allen Grossman said the 15-minute allowance in Subsection (c) allows employees to delay giving requestors the public information they want. Peter Warfield said responding to public records requests must be part of an employee's work requirement. Anonymous Tenants said the form requirement in Subsection (c) is problematic because it does not address the issue of what happens if a request is made by email or over the phone.

Member Cauthen said the citations in Subsection (c) are incorrect and should read Sec(s) 67.20 and 67.21 rather than Sec(s) 67.21 and 67.23.

Members then further discussed Subsection (c) and moved to address it at their next meeting. Subsections (a) and (b) were also continued to the next meeting. Without objection.

Chair Knee said "any member of the public." in Section 67.23 (d) should read "other member of the public" as agreed in the past.

Motion to approve Section 67.23(d) and (e) (Goldman / Cauthen)

Public Comment: None

On the motion:

Ayes: Cauthen, Manneh, Washburn, Knoebber, Goldman, Chan, Johnson, Knee

Members then discussed their plan to prepare the amendments for the December 2011 elections.

Motion for new Subsection (b) to read: "about the affairs of the entity's policies procedures and operations available" in place of "about the affairs of the entity available" (Washburn / Goldman)

Public Comment: Peter Warfield said "activities" would be a much better word than "operations." Allen Grossman said the Ordinance needs to be tightened so that departments and agencies cannot find any wriggle room when it comes to disclosing public information. Anonymous Tenants said he was in support of the previous two speakers' comments.

Chair makes friendly amendment. New Subsection (b) to read: "Every department, agency and policy body" in place of "Every department and policy body." It was accepted.

Motion for new Subsection (b) to read: "about the affairs of the entity's policies procedures and activities available" in place of "about the affairs of the entity available" (Washburn / Goldman)

On the motion:

Ayes: Cauthen, Manneh, Washburn, Knoebber, Goldman, Wolfe Chan, Johnson, Knee

Section 67.24 (a) to read: "The clerk of the Board of Supervisors and the clerk of each policy body shall maintain a file, accessible to any person during normal office hours, at the office of the policy body or at a place nearby clearly designated to the public containing in chronological order a copy of any letter, memorandum or other communication that the clerk has received within the previous 30 calendar days or likely to be calendared within the next 30 calendar days, irrespective of subject matter, origin or recipient, except commercial solicitations, periodical publications or communications exempt from disclosure under the California Public Records Act (Government Code Section 6250 or its successor et seq.) and not deemed disclosable under Section 67.25 of this article. The public review file shall also be available online."

Public Comment: Peter Warfield of the Library Users Association said the practice of the Board of Supervisors, which lists and includes in its communications file all documents received within a 30-day period, is an example for all departments and agencies to follow. He also said Subsection (b) should say all information provided to an entity is a public record and is disclosable. Allen Grossman said parts of the amendments need to be reconciled because in some sections certain state codes are mentioned and in some places it is not. He also said "document" should be replaced with "public record" in the amendments. Kimo Crossman said in Subsection (a) all documents received by a policy body be posted on line within one business day of receipt and that confidentiality in Subsection (b) should not apply to those who correspond with the government.

Language to be worked on at next meeting is 67.19(d) on definition of "online."

Without objection.

Revisions to 67.25(b) accepted. Without objection.

On 67.25(a):

Public Comment: Peter Warfield of the Library Users Association said he is pleased with the changes because he was once denied a document because of the author's recommendation. Allen Grossman said the preamble needs to be rewritten for clarity. Kimo Crossman said the two lines added at the end of the paragraph belongs somewhere else. Anonymous Tenants wanted to know the meaning of "enhanced rights."

After further discussion, preamble to read: "Notwithstanding information disclosure exemptions otherwise available under the California Public Records Act, the following policies shall govern specific types of documents and information and shall provide enhanced rights of public access to information

and records.”

Motion to strike last two lines was made by Member Goldman, but died for a lack of a second.

On 67.25(b):

Public Comment: Kimo Crossman said the City Attorney’s Office has interpreted this paragraph in another way and uses it to not disclose certain documents by citing the attorney-client privilege. Peter Warfield said the simplest language can sometimes be the clearest. And if it is hard to understand, it is not well written. Section 67, he said, needs to be carefully revised so that the public can understand what it says and means. Allen Grossman said there are two kinds of work product, real and conditional. And it has never been clear which one the department will claim. He also suggested some changes to Section 67.25(b).

Matter continued to next meeting.

2. General public comment. Peter Warfield of the Library Users Association said there is a need to have objectives and then have a plan to accomplish it. Allen Grossman said it would be ideal if the Ethics Commission changed its procedures and spared the Task Force the torturous path it is taking to amend the Ordinance. Anonymous Tenants said the amendments do not matter if employees are not held accountable for their actions. Ellen Tsang asked members to apply the law when it comes to offenders and not to treat them favorably because of past experience.

Adjournment:

The meeting was adjourned at 7:50 p.m.
This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force

