

Date: Oct. 26, 2010

Item No. 2

File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Draft Minutes: Task Force April 20, 2010**
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Completed by: Chris Rustom

Date: Oct. 22, 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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**SUNSHINE ORDINANCE TASK FORCE
SPECIAL MEETING
DRAFT MINUTES**

Tuesday, April 20, 2010
5:00 p.m., City Hall, Room 406

Task Force Members

Seat 1	Erica Craven-Green (Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	Angela Calvillo
Seat 7	Doyle Johnson	Ex-officio	(Vacant)

Call to Order 5:09 P.M.

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

Deputy City Attorney: Jerry Threet
Clerk: Chris Rustom

1. Consideration of proposed amendments to Articles I through IV of the Sunshine Ordinance.

Chair Knee said Member Wolfe has said that he would like to revisit four provisions in Article II.

On Article III. Section 67.20:

Chair Knee said sentence in para (a) to read: "procedures and forms to streamline requests and assist members of the public who request ..."

Chair Knee said sentence in para (c)(2) to read: "~~In no event shall~~ The custodian of records shall be required to set the records aside for review for at least longer than 14 calendar days, unless agreed to between the requester and the custodian of records, but in no event shall the custodian of records be required to set the records aside for more than 14 calendar days."

Motion to reinstate a sentence in Section 67:20 to read: "to be inspected and

examined by any person, ~~and shall furnish one copy thereof upon payment of a reasonable copying charge,~~ ..." (Craven-Green / Goldman)

Public Comment: Peter Warfield of the Library Users Association said it needs to be clear that every person who is in possession of or has access to a public record document has the obligation to do certain things. He said the succeeding paragraph gives a custodian of records many ways to prevent the public from gaining access to what was considered a public record. Ray Hartz said general public comment is needed because of the way the content is being changed and by the process the change was being made. He said having a point person in a department was valid but it also creates delays when that person is not around. He said he has also seen a supervisor find fault with an employee who gave out information without first getting approval. Allen Grossman said every department has a Public Information Officer who stands in the way of a person wishing to obtain a public document and like it or not, the public has to go through their procedures. He wanted the Ordinance to say that a reason has to be provided if access to a public record was going to take more than three or four days.

Member Washburn after hearing Mr. Warfield's public comment made a friendly motion.

Motion to change intro to Section to read: "Every person having custody possession"...and "~~and shall furnish one copy thereof upon payment of a reasonable copying charge~~" (Washburn / Goldman)

On the motion:

Ayes: Craven-Green, Cauthen, Washburn, Wolfe, Chan, Goldman, Knee

Chair Knee said para (a) should read: "procedures and forms to streamline requests and assist members of the public who request"

Approved without objection.

On 67.20(c)(2):

Public Comment: Allen Grossman said the custodian of records position is used by departments to obstruct and delay public access to public records. He also said it was unreasonable for him to have to come back at a later date to inspect some Department of Building Inspection files because the records that he wanted to see were outsourced to a vendor for scanning. Giving a department any leeway, he said, does not help a requestor.

Chair Knee said he wanted to discuss Section 67.34 (old Section 67.30) because it has been suggested that the size of the Task Force be reduced and New America Media be removed as a nominee for Seat 4.

Member Wolfe wanted to know why the topic was being changed because he had objections to the language in (c)(2).

Chair Knee said the matter was approved without objection, but a roll call was necessary because opposition to the language had been raised.

Motion for (c)(2) to read: "~~In no event shall~~ The custodian of records shall be required to set the records aside for review for at least longer than 14 calendar days, unless agreed to between the requester and the custodian of records, but in no event shall the custodian of records be required to set the records aside for more than 14 calendar days." (Goldman / Washburn)

On the motion:

Ayes: Craven-Green, Washburn, Chan, Goldman, Knee

Noes: Cauthen, Wolfe

Motion fails.

Member Wolfe said the maximum number of days should be 30 rather than 14.

Motion for (c)(2) to read: "~~In no event shall~~ The custodian of records shall be required to set the records aside for review for at least longer than 14 calendar days, unless agreed to between the requester and the custodian of records, but in no event shall the custodian of records be required to set the records aside for more than 30 calendar days." (Wolfe / Goldman)

Public Comment: Allen Grossman said the custodian of records issue causes a lot of problems for the public. He said the issue is allowing the custodian of records to determine a convenient time to review a record. Ellen Tsang wanted to know what the Task Force would consider as reasonable time. She said it would be a few days for her but for the department it could mean an unlimited number of days. Anonymous Tenants said reasonable time depended on a person or department to interpret it as they wished and use it to their benefit.

On the motion:

Ayes: Craven-Green, Cauthen, Washburn, Wolfe, Chan, Goldman, Knee

On Section 67.34:

New America Media Executive Director Sandy Close said ethnic media plays a vital role is getting the government's message across to their targeted audiences. She said ethnic media had been very interested in spreading City Hall's message but had to wait until 2000 to be able to get office space in the Media Room. She said commitment to time was an issue because reporters had to cover events that most of the time are held in the evenings. But short of finding the perfect candidate for the job, she said New America Media is doing its best to explain governance to the people.

Public Comment: None.

Member Chan said New America Media's role in filling Seat 4 was important in a city as diverse as San Francisco.

Member Washburn said reducing the number of seats would not be feasible because of the Task Force's workload.

Chair Knee thanked Ms. Close for her presentation and support.

Member Craven put forward some changes that did not need a roll call.

Section 67.20(f) to read: "If the department policy body or the custodian of records~~custodian~~ refuses,..."

Section 67.20 (g) to read: "If the department policy body or the custodian of records~~custodian~~ refuses,..."

Approved without objection.

Member Craven said sentence in Section 67.20(f) should read: "(b), the person making the request may petition the supervisor Supervisor of Public Records Records for a determination whether the records requested exists and are is disclosable ..."

She added that sentence in Section 67.20(f) should read: "In reaching this determination, the Supervisor of Public Records may review all relevant documents in camera, and shall conduct ..."

Public Comment: Allen Grossman said nobody was paying attention to his suggested changes. The concerns that he has presented should be accepted, rejected or postponed, he said. It was difficult for him, he said, to keep track of the changes being made by members.

Member Wolfe said he would not object to the changes in Section 67.20 but reserved the right to reopen the matter at a later time.

The changes were approved without objection.

Chair Knee said a period was needed after "records" in Section 67.20(d) and insert "in" to read: "If the requested record, when or information is not in within ~~the possession of the record ...~~"

The change was approved without objection.

Chair Knee said the word "business" was needed in Section 67.20(f) and the sentence should read: "If the custodian refuses or fails to comply with any such order within five business days ..." and change "insure" to "ensure" in next sentence.

Chair Knee said "of" should be placed after "determination" in Section 67.20(g). The sentence should read: "the person making the request may petition the ~~Sunshine Task Force~~ Sunshine Commission for a determination of whether the records requested ..."

The changes were approved without objection.

Chair Knee said "in which" should be added to Section 67.20(i). The sentence should read: "Inspection and copying of ~~documentary~~ public records information stored in electronic form shall be made available to the person requesting the information in any form in which requested the information is held by the department ..."

Chair Knee said "but not limited to" should be added for sentence in Section 67.20(i) to read: "including but not limited to disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated."

The changes were approved without objection.

Quorum lost at 7:10 p.m.

Adjournment:

The meeting was adjourned at 7:10 p.m.
This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force