

Date: Oct. 28, 2008

Item No. 10
File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Task Force Initiatives Memo and Ad Hoc committee creation
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- _____
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- _____
- _____
- _____
- _____
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Completed by: Chris Rustom

Date: Oct. 23, 2008

***This list reflects the explanatory documents provided**

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

** The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

SUNSHINE ORDINANCE
TASK FORCE



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San Francisco 94102-4689
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MEMORANDUM

Date: October 23, 2008
To: All Task Force Members
From: Kristin Chu
Subject: Task Force Initiatives

As you know, the activities of the task force are education & advocacy, adjudication and policy development.

We are currently actively seeking opportunities for educating and advocating to both the public and city departments, developing recommended policies and procedures around the biggest open government issues and finalizing legislative amendments that will both streamline open government processes and expand our current laws.

In the coming months our committees will be very busy:

- A new electronic documents ad hoc committee will be formed (see attached),
- The E, A & O committee is redefining their role to be a proactive force in the city,
- The C & A committee is actively working on finalizing the amendments and putting together a plan for the next steps,
- The Rules committee will be looking for ways of streamlining our processes to lead to more policy and education opportunities.

To get some perspective on the work of the Task Force, I have collected statistics on our Task Force hearings in 2007 and 2008 through August (see attached). Some general thoughts about the statistics are:

- Most of the hearings are around public records (82%) rather than open meetings (18%).
 - Public records issues should be a focus of education, policy developments and amendments priorities.
- If a complaint results in a hearing we usually find a violation (69% of the time).
 - The success of Orders of Determinations and referrals should be studied and actions & alternatives developed (Rules committee?).

- The highest frequency violation (42%) is 67.21, "Process for Gaining Access to Public Records; Administrative Appeals" (see statistics for a breakdown of frequency within 67.21).
 - 67.21 should be a focus of education, policy developments and amendments priorities.
- We have a concentrated number of complainants: 49% of hearings were initiated by 5 unique complainants.
 - These 5 complainants should be included in policy and amendments development and a focus of outreach efforts.
- We have a group of respondents (city departments) with multiple hearings: 65% of hearings involved 11 unique respondents.
 - These 11 respondents should be a focus of education and outreach efforts and their feedback consulted in policy and amendments development.

2007-2008YTD SOTF Hearing Statistics
(Jan 2007 thru Aug 2008)

Hearings 84

Substance

Open Meeting 15 18%
Public Records 69 82%

Findings

No Action 9 11% No majority either for or against finding a violation.
No Violation 17 20%
Violation 58 69%

Violations

<i>Sunshine Ordinance</i>	67.1	1	1% "Findings & Purpose"
	67.14	1	1% Recording of meetings
	67.15	7	7% "Public Testimony"
	a	1	Agendas must give the public a time to speak
	c	1	Public testimony time limits, uniformity
	d	1	A bidy shall not prohibit criticism
	e	2	Agenda changes announced at the beginning
	67.16	1	1% "Minutes"
	67.21	41	42% "Process for Gaining Access to Public Records; Administrative Appeals"
	a	2	Any person that has access to a PR must make it available, etc.
	b	4	Custodian shall give PR in 10d; justify withholding etc.
	c	3	Must assist a requestor in finding PRs, etc.
	e	5	If record not given requestor may petotion the SOTF for a determination, etc.
	h	1	Supervisor of Public Records shall report to SOTF
	i	1	City Attorney shall help requestors and not act as counsel for employee etc.
	l	1	Documents shall be made available in any form requested if easily available, etc.
	1	3	"Policy Regarding Use and Purchase of Computer Systems"
	2	1	?
	67.24	5	5% "Public Information that Must Be Disclosed"
	1	1	Drafts are not expemt from disclosure, etc.
	b	3	Specifies litigation materials that are public, etc.
	e	1	Contracts, bids and proposals
	67.25	10	10% "Immediacy of Response"
	d	1	Provide on a rolling basis, etc.
	67.26	7	7% "Withholding Kept to a Minimum"
	67.27	5	5% "Justification of Withholding"
	67.29	7	7% "Index to Records"
	67.4	2	2% "Passive Meetings"
	a	2	Passive meetings shall be accessible
	67.5	1	1% "Meetings to be Open and Public; Application of Brown Act"
	67.7	1	1% "Agenda Requirements"
	67.6	1	1% "Conduct of Business; Time and Place"
	e	1	Notice of a passive meeting body etc.
	67.9	1	1% "Agendas and Related Materials: Public Records"
	e	1	Duplication fee
<i>CPRA</i>	6253.9	4	4% "Information in an Electronic Format; Costs; Application; Availability"
	a	2	Electronic documents shall be made available electronicly, etc.
<i>Brown Act</i>	54954.1	1	1% "Mailed notice (of meeting) to Persons Who Files Written Request..."
	54953.5	1	1% "Right to Record Proceedings..."
Total Violations		98	

Unique Complainants 49

Complainants with more than two hearings:

Crossman 26 31% Public Records Laws
Petrelis 4 5% Public Records Laws
Grossman 4 5% Public Records Laws
Monet-Shaw 4 5% Public Records Laws & Open meeting Laws
Hartz 3 4% Public Records Laws

Unique Respondants 38

Respondants with more than two hearings:

DPHealth 9 11% Public Records Laws & Open meeting Laws
COB/TFA 8 10% Public Records Laws
City Attorney 7 8% Public Records Laws
DA 6 7% Public Records Laws
DTIS 4 5% Public Records Laws
PUC 4 5% Public Records Laws
S. Maxwell 4 5% Open Meeting Laws
Mayor 4 5% Public Records Laws
Ethics 3 4% Public Records Laws
Taxi Commission 3 4% Public Records Laws & Open meeting Laws
Supv. Peskin 3 4% Public Records Laws

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MEMORANDUM

Date: October 14, 2008
To: Members, Sunshine Ordinance Task Force
From: Kristin Chu, Chair
Subject: Electronic Records Ad Hoc Committee

At the recommendation of the Compliance and Amendments Committee, I am creating the Electronic Records Ad Hoc Committee.

The goal of this committee is to develop a policy and procedural document on the retention and disposal of electronic records. Over the last ten years the city's primary method of communication has become computers resulting in thousand of electronic documents created a year. As the Task Force has seen in recent years, departments and agencies are managing these important public records in many different ways with varying degrees of success. The Task Force has an opportunity to develop best practices in this area and advocate for open government across the city.

Our document would seek to give direction and advice to city departments, agencies and policy bodies on the logistical, procedural and policy issues related to electronic document retention and disposal. The document's scope will be determined by the Ad Hoc Committee but may include investigation into areas such as: San Francisco's current procedures and technology capabilities, nationwide best practices for document retention technology, strategies for organizing electronic documents for easy access and examples of correspondence that needs to be retained.

I am seeking volunteers for this very important committee.

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