

Date: May 27, 2008

Item No. 17
File No. _____

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Administrators Report for May 2008
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Completed by: Frank Darby

Date: May 21, 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



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. 415) 554-7854
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Sunshine Ordinance Task Force

DATE: May 27, 2008

SUBJECT: Administrators Report for May 2008

1. Requests from community persons:
 - From April 16, 2008 through May 20, 2008, the Task Force's office responded to approximately _____ calls/e-mails/office visits from individuals requesting information regarding the Sunshine Ordinance, or to mediate request for records.
2. 2008 – Complaint/Potential Complaint Logs.
3. Referral Log
4. Communications Received Log (March 19 to May 20)
5. Orders of Determination:
 - 08017_Kimo Crossman v. SOTFA
 - 08018_Kimo Crossman v. SOTFA/COB
 - 08019_Kimo Crossman v. SOTFA/COB/DTIS
6. Ltr to COB re: SIA (5/9/08)
7. Ltr to Dennis Herrera (5/20/08)
8. COB Scanning Policy (5/12/08)
9. BOS Motion re: SOTF Appointments
10. 2006-2007 Annual Report

Complaints 2008

Date Received	Complainant	Department/Respondent	Status
1/3/2008	Kimo Crossman (08001)	District Attorney	Complaint Committee 2/12/08; Task Force 2/26/08 (No formal action taken)
1/7/2008	Hank Wilson (08002)	Public Health - HPPC	Complaint Committee 2/12/08 (Withdrawn: 2/6/08)
1/10/2008	Christian Holmer (08003)	Mayor's Office	Complaint Committee 2/12/08; Task Force 2/26/08 (Withdrawn: 2/22/08)
1/10/2008	Kimo Crossman (08004, 08005, 08007)	City Attorney	Complaint Committee 2/12/08; Task Force 2/26/08 contd.; 3/25/08 violation 67.21 (a), 67.21 (l), 67.24 (b) (i) (iii); CAC 4/9/08: Referred to Task Force; Task Force 4/22/08: Referred to Ethics (sent:5/13/08)
1/10/2008	Kimo Crossman (08005, 08004, 08007)	City Attorney	Complaint Committee 2/12/08; Task Force 2/26/08; 3/25/08 heard with 08004; CAC 4/9/08: Referred to Task Force; Task Force 4/22/08: Referred to Ethics (sent:5/13/08)
1/10/2008	Kimo Crossman (08006)	City Attorney	Complaint Committee 2/12/08; Task Force 2/26/08 contd.; 3/25/08 violation of 67.26, 67.21 (l), 67.24 (b) (1) (iii); CAC 4/9/08: Referred to Task Force; Task Force 4/22/08: Referred to Ethics (sent:5/13/08)
1/10/2008	Kimo Crossman (08007, 08004, 08005)	City Attorney	Complaint Committee 2/12/08; Task Force 2/26/08; 3/25/08 heard with 08004; CAC 4/9/08: Referred to Task Force; Task Force 4/22/08: Referred to Ethics (sent:5/13/08)
1/14/2008	Stephen Worsley (08008)	Recreation and Park	Complaint Committee 2/12/08; Task Force 2/26/08 (No formal action taken)
2/9/2008	Patrick Monett-Shaw (08009)	Board of Supervisors	Complaint Committee 3/11/08 (Withdrawn: 2/26/08)
2/11/2008	Patrick Monett-Shaw (08010)	Dept. of Health	Task Force 3/25/08 (Withdrawn 3/15/08)
2/20/2008	David Waggoner (08011)	Ethics Commission	Complaint Committee 3/11/08; Task Force 3/25/08 (No formal action taken)

Complaints 2008

3/2/2008	Kimo Crossman (08012)	Clerk of th Board, SOTF Administrator	Task Force 3/25/08 (Withdrawn 3/14/08)
3/2/2008	Kimo Crossman (08013)	SOTF Administrator	Task Force 3/25/08 (Violation 67.21 (a)); CAC 4/9/08; Referred to Task Force; Task Force 4/22/08; 5/27/08
3/4/2008	Jason Berckart (08014)	Human Rights Commission???	Pending Clarification from Complainant
3/4/2008	Deniz Bolbol (08015)	SF Zoological Society	Task Force 3/25/08 (Violation 67.25)
3/7/2008	Anonymous (08016)	SF Arts Commission	Task Force 4/22/08 (Withdrawn 3/20/08)
3/17/2008	Kimo Crossman (08017)	Clerk of the Board, SOTF Administrator	Task Force 4/22/08 (No Violation)
3/17/2008	Kimo Crossman (08018)	Clerk of the Board, SOTF Administrator	Task Force 4/22/08 (Violation 67.21-1 (a)); CAC 5/14/08 (No formal action taken)
4/8/2008	Kimo Crossman (08019)	Clerk of the Board, SOTF Administrator, DTIS	Task Force 4/22/08 (No Violation)
4/8/2008	Peter Witt (08020)	SF Taxi Commission	Task Force 4/22/08; 5/27/08
5/2/2008	Kimo Crossman (08021)	City Attorney's Office	Task Force 5/27/08
5/2/2008	Kimo Crossman (08022)	Clerk of the Board	Task Force 5/27/08

Referral Log 2007

Date Referred/Sent	Complainant	Department/Respondent	Status
1/25/2005 (Sent 1/31/05)	Cheryl Brinkman, Pat Christensen, Sue Vaughan (#05004)	Golden Gate Park Concourse Authority	Referred to Ethics Commission (EC#06-052104 Dismissed: 9/12/06)
9/26/2006 (Sent 11/3/06)	Robert Planthold (#06004)	Municipal Transportation Agency	Referred to District Attorney (No Response); Referral to Ethics Commission (EC#10-061108 Dismissed: 4/10/07)
4/24/2007 (Sent 5/17/07)	Kimo Crossman (07002-A & B)	Mayor's Office	Referred to Ethics Commission (No Response) Referred to District Attorney (No Response) Referred to Attorney General [6/28/07 AG will not intervene: referred to EC]
6/26/2007 (Sent 7/30/2007)	Kimo Crossman (07009)	Mayor's Office	Referred to Board of Supervisors (No Response) Referred to Ethics Commission (No Response) Referred to District Attorney (8/22/07 awaiting result of EC) Referred to Attorney General (No Response)
5/22/2007 (Sent 6/5/07)	Kimo Crossman (07011)	Sheriff's	Referred to the Board of Supervisors (No Response)
5/22/2007 (Sent 7/30/07)	Kimo Crossman (07023, 06025 & 06027)	Telecommunications and Information Services	Referred to Ethics Commission; (EC#02-070801 Dismissed: 1/16/08)
1/8/2008 (Sent 2/27/08)	Myrna Lim (07056)	Ethics Commission	Referred to Attorney General: Sent 2/27/08 [3/21/08 AG: Will not investigate...local matter.]
1/8/2008 (Sent 1/31/08)	Jeff Ente (07057)	Supervisor Aaron Peskin	Referred to Ethics Commission [04-080204] Referred to Attorney General [3/24/08 AG: Will not investigate. referred to Ethics]
1/8/2008 (Sent 2/27/08)	Library Users Assoc. by Exec. Dir Peter Warfield (07061 & 07062)	Library	Referred to Attorney General [3/21/08 AG: Will not investigate...local matter.]
1/8/2008 (Sent 1/31/08)	Allen Grossman (07077)	District Attorney	Referred to Ethics Commission (No Response) Referred to Attorney General [3/24/08 AG: Will not investigate. referred to Ethics]
3/25/2008 (Sent 4/24/08)	Dan Boreen (07080-A, B, & C)	Fire Department	Referred to Ethics Commission (No Response) 5/20/2008

Referral Log 2007

3/25/2008 (Sent 4/24/08)	Allen Grossman (07087)	Mayor's Office	Referred to Ethics Commission (No Response)
3/25/2008 (Sent 4/24/08)	Kimo Crossman (07094)	City Attorney	Referred to Ethics Commission (No Response)
4/22/2008 (Sent 5/13/08)	Kimo Crossman (07096)	Mayor's Office	Referred to Ethics Commission (No Response)
4/22/2008 (Sent 5/13/08)	Kimo Crossman (08004, 08005, 08007)	City Attorney	Referred to Ethics Commission (No Response)
4/22/2008 (Sent 5/13/08)	Kimo Crossman (08006)	City Attorney	Referred to Ethics Commission (No Response)

COMMUNICATIONS RECEIVED LOG
 March 19, 2008 through April 15, 2008

	DATE	FROM	DESCRIPTION
1	18-Mar	Kimo Crossman	Sunshine Week
2	19-Mar	Allen Grossman	Meeting info
3	21-Mar	Christian Holmer	Overdue DPH, PUC, Elections IDRs (4)
4	23-Mar	Dr. Ahimsa Sumchai	Torch relay
5	19-Mar	Allen Grossman	SOTF referrals
6	19-Mar	Kimo Crossman	Ohio redactions
7	19-Mar	Christian Holmer	IDR City Administrator, MONS Director (6)
8	23-Mar	Patrick Monett-Shaw	Appealing SOTF Determination
9	25-Mar	Kimo Crossman	Access to DA communications
10	26-Mar	Allen Grossman	Suggesting violations
11	26-Mar	Richard Knee	Access to DA communications
12	28-Mar	Larry	Fumes in Chamber
13	26-Mar	CFAC	Newsletter (2)
14	26-Mar	Christian Holmer	SFSM questionnaire (3)
15	26-Mar	Jett Ente	Referral outcome
16	26-Mar	Kimo Crossman	Relay route (2)
17	27-Mar	Bruce Wolfe	Relay route
18	28-Mar	Richard Knee	Relay route
19	28-Mar	Kimo Crossman	RNC emails
20	28-Mar	Stephen Willis	Music Concourse Community Partnership information
21	31-Mar	Christian Holmer	IDF Mayor's Prop G calendar (5)
22	28-Mar	Sunshine Posse	Candidate questionnaire
23	28-Mar	Sunshine Posse	DTIS date retrieval
24	31-Mar	Allen Grossman	Proposed ordinance amendments
25	31-Mar	Kimo Crossman	Mirkarimi legislation (2)
26	4-Apr	Kimo Crossman	GIS/Metadata bill
27	5-Apr	Kimo Crossman	AB 1696
28	4-Apr	Kimo Crossman	Document conversion
29	8-Apr	Kimo Crossman	DA on Fed Border Crime Grants
30	9-Apr	Allen Grossman	Environment Commission minutes
31	9-Apr	Kimo Crossman	Past SOTF minutes
32	9-Apr	Christian Holmer	DA's search for records
33	9-Apr	Kimo Crossman	Newspaper clippings on articles on SOTF
34	10-Apr	Kimo Crossman	Ethical Wall procedures
35	10-Apr	Kimo Crossman	Shasta County case on private emails
36	10-Apr	Kimo Crossman	CalAware
37	10-Apr	Kimo Crossman	Ethics referrals
38	14-Apr	Christian Holmer	Info request from Ethics
39	13-Apr	Paula	Street artist program monitorin procedure
39	11-Apr	Kimo Crossman	Readactions
40	13-Apr	Kimo Crossman	Request for file 07068
41	14-Apr	Kimo Crossman	Eliminating city jobs
42	14-Apr	H Brown	Eliminating city jobs
43	14-Apr	Bruce Wolfe	Cow Palace records request
44	15-Apr	Christian Holmer	Ethics records request
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46			
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49			
50			
51			
52			
53			

COMMUNICATIONS RECEIVED LOG
 April 16, 2008 through May 20, 2008

	DATE	FROM	DESCRIPTION
1	16-Apr	Christian Holmer	Record retention
2	16-Apr	Kimo Crossman	Petition to the Supervisor of Records 4
3	16-Apr	Zoon Nguyen	Assessor's calendar 4
4	17-Apr	Kimo Crossman	Dallas lawsuit on emails 2
5	18-Apr	Paula Jesson	Petition to the Supervisor of Records 4
6	20-Apr	Kimo Crossman	Assessor's calendar 2
7	20-Apr	Mpetrelis	Berkeley's Sunshine law 2
8	20-Apr	Patrick Monk	Update on Sunshine complaint 2
9	20-Apr	Kimo Crossman	Requesting Rules Committee meeting
10	20-Apr	Kimo Crossman	Requesting Clerk's presence
11	21-Apr	Christian Holmer	Ethics records request 4
12	21-Apr	Christian Holmer	Appeal to Supervisor of Records 5
13	21-Apr	Richard Knee	Berkeley's Sunshine law
14	22-Apr	Kimo Crossman	Watchdog blog
15	22-Apr	PRO-SF	Watchdog blog
16	22-Apr	Mpetrelis	Berkeley's Sunshine law
17	23-Apr	Allen Grossman	SOTF referrals 2
18	23-Apr	Kimo Crossman	San Jose email policy
19	23-Apr	John St. Croix	Ethics records request
20	24-Apr	Erica Craven	Agenda item request 3
21	24-Apr	Doug Comstock	Agenda item request
22	24-Apr	Christian Holmer	Mayor's calendar request 3
23	24-Apr	Kimo Crossman	PDF archiving 4
24	24-Apr	Tim Kingsbury	Assessor's calendar
25	24-Apr	Kimo Crossman	Ohio record laws
26	25-Apr	Kimo Crossman	CA assisting departments
27	25-Apr	Kimo Crossman	Lobbying against open government
28	25-Apr	Kimo Crossman	SF Weekly on Myrna Lim
29	25-Apr	Kimo Crossman	May v Shall
30	28-Apr	Sunshine Posse	Washburn questionnaire
31	28-Apr	Christian Holmer	BOS, BOE questionnaire
32	28-Apr	Ernie Llorente	Agenda item request
33	28-Apr	PRO-SF	Appeal to Supervisor of Records
34	28-Apr	Paula Jesson	Appeal to Supervisor of Records
35	28-Apr	Paula Jesson	Petition to the Supervisor of Records
36	28-Apr	Kimo Crossman	SOTF duties/org chart 2
37	28-Apr	Kimo Crossman	SOTF, COB record retention
38	29-Apr	Christian Holmer	DA's record retention and destruction schedule
39	1-May	Kimo Crossman	SOTF appointments
39	1-May	Richard Knee	SOTF appointments 2
40	1-May	H. Brown	SOTF appointments
41	1-May	Kimo Crossman	SOTF appointments 3
42	1-May	Patrick Monk	SOTF appointments
43	1-May	Wayne Lanier	SOTF appointments
44	1-May	Jason Regan	Copy of note to Fine Arts Museum
45	2-May	Patrick Monk	SFGTV broadcast schedule
46	2-May	Kimo Crossman	Newspaper article on SF Sunshine
47	6-May	Sara Vellve	Record request from Planning
48	7-May	Kimo Crossman	Record request from BOS 3
49	7-May	BOS	Record request from BOS
50	7-May	Kimo Crossman	Sunshine prosecutions
51	7-May	Bruce Wolf	Rejecting SOTF information
52	7-May	Kimo Crossman	Rejecting SOTF information
53	7-May	Dawn Duran	Appeals filed in 2007/2008

COMMUNICATIONS RECEIVED LOG

54	8-May	Sue Cauthen	Requesting info from SFMTA
55	9-May	Kimo Crossman	AG's enforcement powers 3
56	9-May	First Amendment	Open govt and free speech news
57	10-May	Doug Comstock	AG's enforcement powers
58	13-May	Kimo Crossman	Revised enforcement provisions
59	13-May	Wayne Lanier	PDF archiving
60	13-May	Jason Regan	Sunshine requirements
61	7-May	Lori Kunkel	Board of Appeals permits
62	13-May	Kimo Crossman	COB's unwritten policies
63	14-May	Wayne Lanier	COB's unwritten policies
64	15-May	Kimo Crossman	Scanning policy
65	17-May	Allen Grossman	SOTF referrals to Ethics
66	19-May	Mpetrelis	Valencia St building reconstruction

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION

DATE THE DECISION ISSUED

April 29, 2008

KIMO CROSSMAN v. SOTF ADMINISTRATOR, FRANK DARBY (08017)

FACTS OF THE CASE

On January 25, 2008, the Sunshine Posse, a group of individuals interested in public records and public meeting issues, made an Immediate Disclosure Request ("IDR") to Frank Darby, Sunshine Ordinance Task Force Administrator ("Administrator") for a copy of all e-mails sent and received by the Administrator from January 1, 2008 to January 25, 2008. The Sunshine Posse subsequently sent a supplemental request for e-mails from January 25, 2008 to February 1, 2008.

On February 6, 2008, the Administrator provided the copies of the requested materials batched in groups of 10. The total number of e-mails totaled 344.

COMPLAINT FILED

On March 2, 2008, Kimo Crossman on behalf of the Sunshine Posse filed a complaint online alleging that the Administrator violated the Ordinance by providing the e-mails in batches of 10 rather than individual documents.

HEARING ON THE COMPLAINT

On April 22, 2008, Complainant Kimo Crossman appeared before the Task Force and presented his claim. Respondent Agency was represented by Frank Darby, who presented the Agency's defense.

The issue in the case is whether the Agency violated Section(s) 67.21 and 67.25 of the Ordinance and/or Sections 6253 (b) and 6253.9 of the California Public Records Act.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented, the Task Force found that the Administrator complied with the IDR by providing the documents in an electronic format requested. The request from the Sunshine Posse did not specifically request that the e-mails should be disclosed in any particular format or by a particular method.

ORDER OF DETERMINATION

DECISION AND ORDER OF DETERMINATION

The Task Force finds no violation of the Ordinance and/or the California Public Records Act.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on April 22, 2008, by the following vote: (Chan / Cauthen)

Ayes: Craven, Knee, Cauthen, Chu, Pilpel, Chan, Goldman

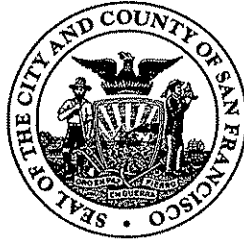
Noes: Comstock, Wolfe, Williams



Doug Comstock, Chair
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney
Kimo Crossman
Frank Darby
Angela Calvillo, Clerk of the Board

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION

DATE THE DECISION ISSUED

April 29, 2008

*KIMO CROSSMAN v SUNSHINE TASK FORCE ADMINISTRATOR AND THE CLERK OF
THE BOARD OF SUPERVISORS (08018)*

FACTS OF THE CASE

On January 25, 2008, the Sunshine Posse, a group of individuals interested in public records and public meeting issues, sent an Immediate Disclosure Request to the Clerk of the Board of Supervisors ("Clerk") and the Sunshine Ordinance Task Force Administrator ("Administrator") for all e-mails sent to or from the SOTF account or paper only documents sent to or from SOTF from January 1, 2008, to January 25, 2008. Subsequently, on February 1, 2008, the Sunshine Posse sent another request extending the period from January 26, 2008 to February 1, 2008. The Sunshine Posse asked that the documents that were paper or other medium be scanned and electronically disclosed as e-mail documents.

The Agency responded by providing approximately 40 separate e-mails containing over 300 compiled e-mails that were responsive to the request. In addition the Agency paper made copies of other documents in their existing format, relying on past practice and a narrow interpretation of the policy direction of the Board of Supervisors.

COMPLAINT FILED

On March 20, 2008, Kimo Crossman, on behalf of the Sunshine Posse, filed a complaint with the Sunshine Ordinance Task Force, alleging that the Clerk and Administrator violated the Sunshine Ordinance Sections 67.21-1 and 67.29-2 by refusing to scan and email, scan and fax, or scan and post the requested documents on a publicly accessible website.

On April 3, 2008, the Agency responded to the complaint that it notified the Sunshine Posse that the items were copied in paper format and were available for pick-up once payment for the cost of the medium was made. The Agency states that the documents are still available for pickup.

HEARING ON THE COMPLAINT

On April 22, 2008, Complainant Kimo Crossman appeared before the Task Force and presented his claim. Respondent Agency was represented by Frank Darby, who presented the Agency's defense.

ORDER OF DETERMINATION

The issue in the case is whether the Agency violated Section(s) 67.21, 67.21-1, 67.26, 67.27 and 67.29-2 of the Ordinance and/or Sections 6253, 6253.9, and/or 6255 of the California Public Records Act.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds that the Administrator should have scanned the 74 pages of paper documents, and did not give weight to arguments from the Administrator that the expenditure of time to scan and disclose as e-mail documents was greater than the time to copy and mail or arrange for pickup of requested documents. . The Task Force also found that, in light of the small number of documents at issue (74 pages) and the documents were readily accessible and easily scanned, that the request to scan and deliver the documents was reasonably practicable and should have been accommodated.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Administrator violated Section(s) 67.21-1 (a) of the Sunshine Ordinance for failure to use computer systems to reduce the cost of providing public records.

The policy of the Task Force: where practicable, documents shall be scanned and disclosed electronically if requested by the requestor in an effort to reduce the cost of compliance to the requestor and the agency.

The Task Force commends the Clerk's office efforts to improve open government and urges the Clerk's office to continue moving in the direction of broader use of technology to reduce the cost and time of responding to document requests. The agency shall scan the 74 pages of records requested and e-mail the requested records to Mr. Crossman within 5 business days of the issuance of this Order and shall appear before the Compliance and Amendments Committee on May 14, 2008.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on April 22, 2008, by the following vote: (Wolfe / Knee)

Ayes: Craven, Knee, Cauthen, Comstock, Wolfe, Williams

Noes: Chu, Pilpel, Goldman

Excused: Chan



Doug Comstock, Chair / Erica Craven, Vice-chair
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney
Kimo Crossman
Frank Darby
Angela Calvillo, Clerk of the Board

**SUNSHINE ORDINANCE
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ORDER OF DETERMINATION

DATE THE DECISION ISSUED

April 29, 2008

KIMO CROSSMAN v SUNSHINE TASK FORCE ADMINISTRATOR, THE CLERK OF THE BOARD OF SUPERVISORS AND THE DEPARTMENT OF TELECOMMUNICATIONS AND INFORMATION SERVICES (08019)

FACTS OF THE CASE

On January 25, 2008, the Sunshine Posse, a group of individuals interested in public records and public meeting issues, sent an Immediate Disclosure Request to the Clerk of the Board of Supervisors ("Clerk") and the Sunshine Ordinance Task Force Administrator ("Administrator") for all e-mails sent to or from the SOTF account or paper only documents sent to or from SOTF from January 1, 2008, to January 25, 2008. Subsequently, on February 1, 2008, the Sunshine Posse sent another request extending the period from January 26, 2008, to February 1, 2008. When the Sunshine Posse learned that some of the e-mails had been deleted, they requested that the deleted e-mails be restored and released. The request for deleted e-mails was forwarded to the Department of Telecommunications ("DTIS") and Information Services by the Administrator.

COMPLAINT FILED

On April 4, 2008, Kimo Crossman, on behalf of the Sunshine Posse, filed a complaint with the Sunshine Ordinance Task Force, alleging that the Clerk, Administrator and DTIS violated the Sunshine Ordinance Sections 67.21-1 (a), 67.21-1(b), 67.25(d) and State Government Code Sections 6253(b), 6253(c) by failing to produce erased e-mails.

HEARING ON THE COMPLAINT

On April 22, 2008, Complainant Crossman appeared before the Task Force and presented his claim. Respondent Agency was represented by Frank Darby for himself and the Clerk, and Ron Vinson represented DTIS.

The issue in the case is whether the Agency violated Section(s) 67.21. 67.21-1. 67.26 and 67.27 of the Ordinance and/or Sections 6253, 6253.9, and/or 6255 of the California Public Records Act.

ORDER OF DETERMINATION**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Mr. Darby stated that the agency's retention schedule was followed. Paper copies of official e-mails records were made and filed prior to the deletion of the e-mails. Mr. Vinson, stated that he could only provide the raw data file for each day in the period requested (i.e., one complete backup of the SOTF mailbox for each day) and was willing to do so, but there is no guarantee that it will contain deleted e-mail, noting that the backup program is run once a day and if an email is deleted prior to backup it will not be found on the server. Based on the testimony and evidence presented, the Task Force finds that there is no evidence that e-mails reflecting city business were in fact deleted (it was indicated that junk and spam e-mails may have been deleted). Therefore, the Task Force does not require that DTIS provide the 31 versions of the backed-up SOTF mailbox, which would require extensive matching to determine which, if any, e-mails may have been deleted, is warranted.

DECISION AND ORDER OF DETERMINATION

The Task Force finds no violation of the Ordinance and/or the California Public Records Act.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on April 22, 2008 by the following vote: (Pilpel / Goldman)

Ayes: Craven, Cauthen, Chu, Comstock, Pilpel, Goldman

Noes: Knee, Wolfe, Williams

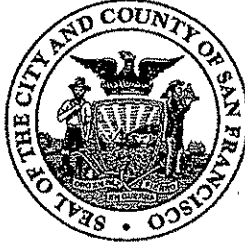
Excused: Chan



Doug Comstock, Chair
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney
Kimo Crossman
Frank Darby
Angela Calvillo, Clerk of the Board
Chris Vein, Director DTIS
Ron Vinson, DTIS

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May 9, 2008

Angela Calvillo,
Clerk of the Board of Supervisors
Rm 244. City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Statement of Incompatible Activities

Dear Ms Calvillo,

The members of the Sunshine Ordinance Task Force have expressed concerns about the proposed SIC as follows:

In general, it is not clear from the document, what language has been proposed, and by whom, nor who has struck out or inserted proposed language. The failure to include a key makes full review by the public and the Task Force less than effective.

I. Introduction

The Task Force would like to add the following to the list of laws and policies governing the conduct of public officers and employees:

- Proposition 59, enacted as Cal. Const., art. I, § 3, subd. (b), enshrining the public's right of access to information concerning the conduct of the people's business in to California's Constitution.

I. A. 1. D

Concerns were expressed that this item had been the subject of a proposed Charter amendment by Supervisor Alioto-Pier which was not approved by the Board. This appears to be another way to accomplish that goal without voter approval.

II. Mission

The Sunshine Ordinance Task Force advises the Board and the City Departments on issues relating to open meeting laws and public records laws, including but not limited to San Francisco's Sunshine Ordinance, and California's Public Records Act and the Brown Act. (S.F. Administrative Code Chapter 67.)

III.

We also have some significant concerns regarding the application of proposed sections III A 1., III A 3 and, most importantly, section B 1. to Seat One of the Task Force. Under the Ordinance, Seat One is required to be filled by an attorney nominated by the Society of Professional Journalists. The Society of Professional Journalists fulfills that role by nominating San Francisco attorneys who have demonstrated experience in

open government issues, usually from advising media clients on how to seek records under the Federal Freedom of Information Act, the California Public Records Act and local Sunshine Ordinances (e.g., San Francisco, Oakland, etc.) and undertaking litigation where necessary.

As a result, the attorneys who have occupied Seat One since the Task Force's inception have been attorneys with a wide roster of local media organization clients. For example, Erica Craven, who currently holds Seat One has represented the San Francisco Chronicle, the Contra Costa Times, the Sacramento Bee and numerous other local, regional and national media organizations. She advises her clients, and occasionally represents them before government entities and in court seeking access to federal, state and local public records.

Under the current rules, to avoid any conflicts of interest, Ms. Craven applied for and received a "3.224-2 waiver" from the Ethics Commission. That waiver was a written determination that Ms. Craven could continue to represent her clients in providing advice, including advice on matters that might appear before the Task Force, Police Commission or other City entities, without conflicting with her duties and responsibilities on the Task Force. Of course, all Seat One occupants are required to recuse themselves from consideration of any matter before the Task Force that is brought by a current or former client or otherwise creates a conflict of interest or could raise an appearance of bias.

With respect to the proposed SIC, it is unclear whether section B would still provide for a "3.224-2 waiver" or other form of written determination and allow the experienced local attorneys to continue to serve on the Task Force and while continuing to represent their existing clients on government access issues. If not, it would be extremely difficult, if not impossible, to find an experienced open government attorney to serve on the Task Force in Seat One.

This language would prevent or severely limit the ability of the Task Force to obtain a knowledgeable and experienced attorney to fill Seat One.

Similarly, the language of III B 1 places unconstitutional restrictions on employees and officers from pursuing their right (further guaranteed by the Sunshine Ordinance) to "assist, advise or represent" persons who may need assistance, advice and representation with a Sunshine request, petition to the Custodian of Records or to make a complaint. It is the current practice of members of the Task Force to recuse themselves if they have provided more than casual advice to a member of the public. It should be recognized that many members of the public do not understand the process of records requests, and require hands-on assistance, especially if they have never done it before. It is the duty of the Task Force to provide and advocate for the public, not to withhold and limit assistance.

The independence of the Task Force is essential, as the only body that is established to assist and advocate for the public with regard to public records and meetings.

III. B. 1 (Proposed language:)

A member of the Sunshine Ordinance Task Force, or Clerk employee assisting the Task Force may provide general advice to persons about matters that may appear before the Task Force if that advice and information is available to all members of the public, provided they recuse themselves from participating, as a member or Clerk employee in the adjudication, review or hearing of the matter before the Task Force to the extent that advice goes beyond providing basic or generic information about how the Sunshine process works. Nothing in this section shall preclude officers or employees from filing a Sunshine request to any department or official or a complaint with the Task Force alleging violations of the Sunshine Ordinance, Public Records Act or Brown Act. A Task Force member who, as a matter of his/her profession or outside employment, receives compensation for advising clients on issues within the jurisdiction of the Task Force, should seek a waiver holding that there is no conflict between the member's service on the Task Force and his/her outside employment. This waiver should be granted where necessary to ensure that qualified members of the public can continue to serve on the Task Force.

III. C. 3 also allows a 20-day response time, which, in our fast-paced real world seems unreasonably extended.

The SOTF would like to have a workshop or further assistance in the application and implications of this document. Perhaps Mr. St. Croix could present more background to our members. There have been no workshops or "interested persons" meetings to confer about the SIA with the officers that are affected, whereas there have been similar such meetings with employees.

Please call me (845-5778), or respond to my personal address, dougcoms@aol.com if there are any questions about this. All such communications are, of course, public, and should be addressed to the Administrator as well for distribution to all the members.

Thanking you in advance,



Doug Comstock
Chair
Sunshine Ordinance Task Force

Cc Mabel Eng, Ethics Commission

SUNSHINE ORDINANCE
TASK FORCE



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. 415) 554-7854
TDD/TTY No. (415) 554-5227

Dennis Herrera, City Attorney
Office of the City Attorney
1 Dr. Carlton B Goodlett Place, #234
San Francisco, CA 94102-4682

May 20, 2008

Dear Mr. Herrera,

To further the goal of better coordination between your office and the Sunshine Ordinance Task Force, we are writing to suggest that a new report be provided to the Task Force. Specifically, at the same time as your office provides the Task Force with the Annual Report of the Supervisor of Records, we ask that a companion report be provided including all legal actions brought during the same time period related to the Sunshine Ordinance. As you may recall, the Sunshine Ordinance already requires the Annual Report of the Supervisor of Records to include legal actions regarding petitions brought to the Supervisor of Records. The Ordinance does not presently require any report to the Task Force about other legal actions related to the Ordinance. Although there are not a large number of such matters at this time, perhaps fewer than 10 a year, that number could change in the future. In any event, such a report covering those matters, whether brought as writ petitions, appellate matters, or other actions, would further enlighten the Task Force about legal decisions that may be instructive.

Initial reaction to this idea from the Government Team in your office has been supportive, and we look forward to your written response to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "D Comstock".

Doug Comstock
Chair
Sunshine Ordinance Task Force

Cc: Ernie Llorente, Deputy City Attorney
Buck Delventhal, Deputy City Attorney
Paula Jesson, Deputy City Attorney



MEMORANDUM

Date: May 12, 2008

To: Clerk of the Board Staff
Office of the Legislative Analyst
Sunshine Ordinance Task Force
Assessment Appeals Board
Youth Commission

From: Angela Calvillo, Clerk of the Board *Angela Calvillo*

Subject: Scanning Policy

The following scanning policy is established for the department. The policy was developed in consideration of the City's Lotus Notes e-mail system, the Sunshine Ordinance, and the policy direction approved by the Board of Supervisors on December 5, 2006.

SCANNING POLICY

To the extent that it is technologically and economically feasible the Clerk's Office and its agencies will, upon request, scan paper documents for the purpose of e-mailing the requested records to the requestor. Documents will be scanned to PDF format only, which is a publicly recognized and available format. If the scanned file size exceeds 15 Mb (15 million bytes)¹ [approximately 300 pages] and/or the request is voluminous, the scanned file will not be e-mailed. Staff will not split a file in order to meet the file size limitation. The file will instead be copied to a Compact Disk (CD) and the requestor will be notified of his/her option to 1) have the CD mailed, after paying \$1.00 for the CD plus postage, or 2) pick up the CD in the Clerk's Office at a cost of \$1.00.

Documents should be scanned to the "General" folder on the control panels of the scanner menus.

¹ This is the file size limitation for the CCSF Lotus Notes system.

1 [Appointment-Sunshine Ordinance Task Force]

2

3 **Motion appointing Ketaki Gokhale, term ending April 27, 2009, Erica Craven, Richard**
4 **Knee, Sue Cauthen, Allyson Washburn, Kristin Chu, Hanley Chan and Nicholas**
5 **Goldman, terms ending April 27, 2010, to the Sunshine Ordinance Task Force,**
6 **residency requirement waived.**

7

8 **MOVED,** That the Board of Supervisors of the City and County of San Francisco does
9 hereby appoint the hereinafter designated persons to serve as members of the Sunshine
10 Ordinance Task Force, pursuant to the provisions of the San Francisco Administrative Code,
11 Section 67.30, for the terms specified:

12 Erica Craven, succeeding herself, term expired, seat 1, must be appointed from names
13 submitted by the local chapter of the Society of Professional Journalists and be an Attorney,
14 for a two-year term ending April 27, 2010.

15 Richard Knee, succeeding himself, term expired, seat 2, must be appointed from
16 names submitted by the local chapter of the Society of Professional Journalists and be a
17 Journalist, for a two-year term ending April 27, 2010.

18 Sue Cauthen, succeeding herself, term expired, seat 3, must be a member of the press
19 or electronic media with an interest in citizen access, for a two-year term ending April 27,
20 2010.

21 Ketaki Gokhale, succeeding Pueng Vongs, resigned, seat 4, must be appointed from
22 names submitted by New California Media and be a journalist from a racial/ethnic-minority-
23 owned news organization. Task Force reorganized under Proposition G and seat number
24 changed from 15 to 4, for an unexpired portion of a two-year term ending April 27, 2009.

25

1 Allyson Washburn, succeeding Kristin R. M. Chu, term expired, seat 5, must be
2 appointed from names submitted by the League of Women Voters, for a two-year term ending
3 April 27, 2010.

4 Kristin Chu, succeeding Bruce Wolfe, term expired, seat 8, must be a member of the
5 public who has demonstrated interest in or has experience in the issues of citizen access and
6 participation in local government, for a two-year term ending April 27, 2010.

7 Hanley Chan, succeeding himself, term expired, seat 9, must be a member of the
8 public who has demonstrated interest in or has experience in the issues of citizen access and
9 participation in local government, for a two-year term ending April 27, 2010 (residency
10 requirement waived).

11 Nicholas Goldman, succeeding himself, term expired, seat 10, must be a member of
12 the public who has demonstrated interest in or has experience in the issues of citizen access
13 and participation in local government, for a two-year term ending April 27, 2010.

14 FURTHER MOVED, That the Board of Supervisors makes the following findings:

- 15 1. The membership of the Sunshine Ordinance Task Force has a goal to be representative of
16 the diversity of the City and County of San Francisco.
- 17 2. Applicant Hanley Chan, who is not a resident of San Francisco, is a person with
18 experience that uniquely qualifies him to serve on Sunshine Ordinance Task Force.
- 19 3. The Sunshine Ordinance Task Force has attempted to fill this position, for which this
20 applicant was nominated, with an individual who is a City resident and who has the
21 specific experience, skills, and qualifications, but has been unable to do so at this time.
22 The Rules Committee has certified that the applicant is qualified to serve on the Sunshine
23 Ordinance Task Force.
- 24 4. After exercising due diligence, the Board of Supervisors concludes that there is no other
25 possible representative, who is a resident of San Francisco and who has the specific

1 experience, skills, or qualifications possessed by this applicant, and who is willing to serve
2 on the Sunshine Ordinance Task Force at this time; and, be it

3 FURTHER MOVED, That the Board of Supervisors waives the residency requirement
4 for Hanley Chan, as allowed in cases where no qualified City resident, willing to serve, can be
5 found, pursuant to Section 4.101 of the City Charter that requires person(s) appointed to
6 boards, commissions, and advisory bodies established by legislative act of the Board of
7 Supervisors to be resident(s) of the City and County of San Francisco.

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Motion

File Number: 080554

Date Passed:

Motion appointing Ketaki Gokhale, term ending April 27, 2009, Erica Craven, Richard Knee, Sue Cauthen, Allyson Washburn, Kristin Chu, Hanley Chan and Nicholas Goldman, terms ending April 27, 2010, to the Sunshine Ordinance Task Force, residency requirement waived.

May 13, 2008 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080554

I hereby certify that the foregoing Motion was APPROVED on May 13, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

9. **080554** **[Appointment - Sunshine Ordinance Task Force - Erica Craven, Richard Knee, Sue Cauthen, Ketaki Gokhale, Allyson Washburn, Kristin Chu, Hanley Chan and Nicholas Goldman]**

Motion appointing Erica Craven, Richard Knee, Sue Cauthen, Ketaki Gokhale, Allyson Washburn, Kristin Chu, Hanley Chan and Nicholas Goldman, terms ending April 27, 2010, to the Sunshine Ordinance Task Force, residency requirement waived.

Erica Craven, succeeding herself, term expired, seat 1, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be an Attorney, for a two-year term ending April 27, 2010.

Richard Knee, succeeding himself, term expired, seat 2, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be a Journalist, for a two-year term ending April 27, 2010.

Sue Cauthen, succeeding herself, term expired, seat 3, must be a member of the press or electronic media with an interest in citizen access, for a two-year term ending April 27, 2010.

Ketaki Gokhale, succeeding Pueng Vongs, resigned, seat 4, must be appointed from names submitted by New California Media and be a journalist from a racial/ethnic-minority-owned news organization. Task Force reorganized under Proposition G and seat number changed from 15 to 4, for an unexpired portion of a two-year term ending April 27, 2009.

Allyson Washburn, succeeding Kristin R. M. Chu, term expired, seat 5, must be appointed from names submitted by the League of Women Voters, for a two-year term ending April 27, 2010.

Kristin Chu, succeeding Bruce Wolfe, term expired, seat 8, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for a two-year term ending April 27, 2010.

Hanley Chan, succeeding himself, term expired, seat 9, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for a two-year term ending April 27, 2010 (residency requirement waived).

Nicholas Goldman, succeeding himself, term expired, seat 10, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for a two-year term ending April 27, 2010.

Question: Shall this Motion be APPROVED?

SUNSHINE ORDINANCE
TASK FORCE



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
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April 11, 2008

Aaron Peskin, President
Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Annual Report 2006 and 2007

This is to clarify that this report is for calendar years 2006 and 2007.

It is the intent of the SOTF that this Annual Report also include a summary of the compliance problems that we continually encounter. This is a departure from the normal course, but the Task Force determined that, to fulfill our mission pursuant to §67.30(c) and, in consideration of the extreme caseload and repetitive nature of some of the complaints, a full report must include such an account. For that purpose, some incidents of 2008 are discussed.

There are also two addendum items:

- Graph showing the increase in the caseload before the Task Force
- Letter to Chief Hayes-White from our lawyer on the SOTF, Erica Craven, Esq.

The letter explains the position of the Sunshine Ordinance Task Force regarding the retention, release and redaction of employees' and officials' calendars so that the Fire Department might respond more completely, we feel that it is instructive to all departments.

If there are any questions or concerns, please contact the Administrator, Frank Darby or myself at (415) 554-7724.

Thank you for your patience,

A handwritten signature in black ink, appearing to read "D Comstock".

Doug Comstock
Chair, Sunshine Ordinance Task Force

Cc: Mayor Gavin Newsom
District Attorney Kamala Harris
City Attorney Dennis Herrera
Ethics Commission

SUNSHINE ORDINANCE TASK FORCE

2006-2007 COMBINED ANNUAL REPORT

TO THE

BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

SUMMARY

The Sunshine Ordinance Task Force is pleased to present this Annual Report summarizing progress, activities, and findings of significance for 2006 and 2007.

In general, we find many examples of city employees and departments working diligently with the public to provide access to documents and information. In particular, our own very capable SOTF administrator, Frank Darby, was able to resolve many potential open government conflicts through mediation, conserving city resources while satisfying all parties.

2006 and 2007 were exceptionally busy years, with four conflicts carried over from 2005; thirty-five new complaints in 2006; and ninety-two new complaints in 2007. Sixty-three hearings were conducted to resolve these complaints. Hearing packets often exceeded three hundred pages, requiring an extraordinary level of commitment to open government from all members of the SOTF. Efforts are being made to streamline the packet materials circulated for the consideration of the Task Force without compromising the necessity of providing Members with the essential documentation required for their informed consideration.

The Task Force is grateful to San Francisco's community of sunshine advocates, who have raised and pursued a number of significant issues including access to officials' calendars (see addendum item #2) and website posting in native electronic format. These interested individuals have helped the Task Force advance its mandated goal of bringing greater sunshine to city government, even when, at times, their enthusiasm earned legitimate criticism.

2006 and 2007 SOTF accomplishments were challenged by unprecedented budget cuts; legal staff was cut back as a result. Deputy City Attorney Llorente continues to serve the Task Force dependably despite being part-time, providing much valued written and oral legal advice.

There are a number of persistent issues and patterns of non-compliance that continue to concern the Task Force. The Task Force has been giving these problems serious consideration, and is working diligently to formulate effective solutions through appropriate amendments to the ordinance.

We bring to your attention four issues we regard as serious enough to warrant the Board's attention and action. We recommend remedial actions for each finding below, and discuss each in detail in Section III of this document. The Task Force looks forward to discussing each issue with the Board and working with it to arrive at appropriate and effective solutions in the near future to the problems they present. You may contact the Chair through the SOTF office at 544-7724.

1.	SOTF and the City Attorney's office would benefit from proactive coordination, which would decrease the workload costs of the City Attorney, the Task Force, and every city department.
	The SOTF needs a process to work with the City Attorney with the goal of providing consistent, predictable advice to departments. The City Attorney has provided departments with a clear, concise Good Government Guide to help them understand their sunshine responsibilities. Major problems occur when the advice of Deputy City Attorneys conflicts with the handbook, or disagrees with the findings and rulings of the Task Force. Because department personnel rely on the advice of their assigned attorneys, they may follow that advice and still be found in violation of the Ordinance.
	ACTION: In early 2008, the SOTF Chairman will propose a meeting with the City Attorney to discuss the creation of a detailed coordinating policy and communication plan. We request representation from the President of the Board of Supervisors and the Mayor's Office.
2.	Sufficient legal resources would provide the Task Force with analysis needed to rule on complex points of law.
	The SOTF needs the restoration of its full-time legal counsel with the added responsibility, when requested by the Task Force, to furnish the Task Force with timely, neutral, authoritative memoranda of law on any disputed legal issue critical to a determination of a violation, and order to disclose public records, or the violation of the public meetings laws. More resources within the City Attorney's Office must be made available on an as-needed basis to the SOTF.
	ACTION: In early 2008, the SOTF Chairman will propose a meeting with the City Attorney to discuss the staffing needs of the SOTF.
3.	Active communication and coordination with the Ethics Commission will create a more efficient and effective open government enforcement process.
	The effective enforcement of open government laws relies on a fair, judicious process along with efficient punitive measures. The Sunshine Ordinance relies on the Ethics Commission to levy fines or other measures in response to findings of violation of the law. Unfortunately, due to ambiguities in the Ordinance, and failure to weigh factual findings made by the Task Force, the Ethics Commission has failed to enforce the Task Force's findings of willful failure to comply with the Ordinance, constituting official misconduct.

	ACTION: The Task Force intends to amend the Ordinance to provide more clarity and structure with respect to findings of willful violation and official misconduct and provide additional guidance to the Ethics Commission for enforcement referrals from the Task Force. The Task Force has and will continue to invite testimony and input from the staff of the Ethics Commission in order to increase cooperation and communication between the bodies.
4.	SOTF's leadership and direction in the operational aspects of open government could provide a much-needed resource for departments resulting in compliance cost savings.
	Given sufficient resources, we believe that the SOTF's administrative staff could be much-needed leaders for all aspects of open government operations, including web site archiving, process for efficiently responding to requests, and technical expertise.
	ACTION: The Executive Secretary to assist the Task Force is a helpful addition to the staff at SOTF and the Clerk of the Board, Angela Calvillo is to be commended for her attention to this problem and to the details of the acquisition. We also request that the Board authorize sufficient additional funding to enable the Task Force to design and implement a record-keeping system for administration of the Ordinance that may serve as a model to all other city agencies for systems that will further facilitate and improve compliance with Sunshine requests.

Finally, the Task Force is in the process of formulating recommendations for amendments to the Ordinance. We continue to seek input from the Board as well as every department and policy body for a workable resolution to the findings outlined via the amendment process. The Task Force has recommended four of the five sections for presentation to the Board. The updated text of the amendments is available on the SOTF website. We encourage everyone to read them and send comments to the Task Force.

ACCOMPLISHMENTS

- The Sunshine Ordinance Task Force continued to undertake an extensive review and discussion of the Sunshine Ordinance and propose amendments in order to clarify and streamline processes.

Thirty-five complaints were filed by community members in 2006 and 101 were filed in 2007. Of the 25 Orders of Determination issued by the Task Force in 2006; 22 went to city departments and three went to commissions. In 2007, 53 Orders of Determination were issued. Of those 47 went to departments and six went to commissions.

- The SOTF administrator responded to a total of 5,948 public inquiries.

- ❑ One hundred percent of sunshine requests made to the Task Force were responded to within five days.
- ❑ Forty-two potential complaints were resolved through mediation initiated by the SOTF administrator.
- ❑ The SOTF's Deputy City Attorney provided over 228 pieces of written legal analysis on open government complaints.
- ❑ The Compliance & Amendments Committee follows up on Orders of Determination to assure compliance and reviews the ordinance for amendment by the voters. Page 20 of this report provides a thorough account of its activities.
- ❑ The Complaint Committee reviewed and focused 35 complaints in March through December 2006, and 88 complaints during 2007. Before forwarding the complaints to the Full Task Force for hearing, the Committee was able to successfully mediate a number of them, resulting in more efficient hearings overall.
- ❑ The Web site for the SOTF was redesigned to provide greater access to individuals seeking information regarding open government laws.
- ❑ The Task Force drafted Resolution number 01-06 supporting freelance Blogger/Videographer Joshua Wolf's right, as a journalists, to protect source identities and to keep possession of unpublished/unaired materials. This resolution echoed the resolution of the Board of Supervisors, and urged the Board and the Mayor to express to San Francisco's U.S. Senate and House representatives their support of Federal shield law legislation.
- ❑ Task Force Members met with several members of the press to discuss the role of journalists and Sunshine Ordinance.
- ❑ The Education, Outreach and Training Committee updated its Mission Statement and Work Program to better reflect its function and mission.

DISCUSSION

Below we have included a detailed discussion of the concerns and related actions that we listed in the summary section. We hope this will give you a thorough understanding of the issues and concerns of the Task Force.

1. Proactive coordination with the City Attorney's office will decrease the workload and costs of the City Attorney, the Task Force, and every city department.

While the Sunshine Ordinance Task Force is empowered by 67.30 (c) to "advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement this chapter ... develop appropriate goals to ensure practical and timely implementation of this chapter ... make referrals to a municipal office with enforcement power ... whenever it concludes that any person has violated any provisions of this ordinance or the Acts," many conflicts continue to occur when the City Attorney's Office

gives advice to departments that is not consistent with the precedents and rulings of the Task Force.

While the Task Force is not empowered to make laws regulating the implementation of the Ordinance, it is vested with the implementation and operation of the laws, including advising other City departments and the finding of violations.

The City Attorney, on the other hand, is tasked with advising its clients with respect to the disclosure of documents, and at the same time is required to “act to protect and secure the rights of the people of San Francisco to access public information” (67.21(i)) and is prohibited from acting “as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public.” The City Attorney has had problems separating these two roles and through various means crossed the line from pure advice to active assistance to departments in denying access to public records through (1) ghost-written responses to requestors’ complaints; (2) a policy of providing oral advice on open government laws in an effort to avoid having to disclose its advice to Departments (as required by the Ordinance); (3) refusal to accept SOTF determinations on similar issues; (4) advising departments not to comply with specific orders of determination; and (5) reliance on permissive exemptions to disclosure.

The disputes and differences of opinion often stem from different interpretations of new laws or new legal precedents. They also stem from the fact that the Sunshine Ordinance provides for greater openness than the California Public Records Act (“PRA”), and the City Attorney’s office and departments tend to rely on the more restrictive PRA provisions without sufficient deference to the Ordinance and the intent of the votes in passing Proposition G in November of 2000.

A particular case in point, filed in 2006, involved a complaint against the Clerk of the Board, who, operating under the advice of the City Attorney, refused to provide or post documents on the website in their original electronic format but insisted on releasing information in a non-searchable portable document format (“PDF”) exclusively. The Task Force found the Clerk in violation of the law, particularly for violating a clear provision of the state PRA that mandated release of records in their original electronic format, and ordered the Clerk to release the requested documents in their original format. The Clerk, in an unprecedented manner, calendared the matter at the Board of Supervisors for hearing and subsequent vote by the members. The Board found the Task Force ruling was appropriate, and the Clerk subsequently released the documents in the requested format. While this process, taking individual cases to the Board of Supervisors for final adjudication when a department disagrees with a ruling from the Task Force, is a possible solution, as a precedent for future resolution, it would be an impractical burden for the Board to reconsider each of these disagreements, especially considering the acrimony often displayed in Sunshine disputes. It should be noted that the City Attorney continues to advise departments (other than the Board of Supervisors) to provide documents in PDF format, rather than the original electronic format as requested. Currently this advice is on the City Attorney website.

More generally, the Task Force has noted that the following issues have repeatedly occurred in the past two years and have led to numerous departments, officials and policy bodies being found in violation of the Ordinance(partial list):

1. Retention and recovery of deleted e-mail public records;
2. Redaction of address, phone numbers and e-mail addresses in certain public records;
3. Disclosure of public records in original electronic formats;
4. Disclosure of actual calendars used by public officials;
5. Disclosure of closed investigative files;
6. Disclosure of system back-up and security procedures;
7. Appearance of Respondents to Complaints at hearings and meetings;
8. Public disclosure of closed session information;
9. Information regarding concluded negotiations for contracts or franchises.

The SOTF needs a process to work with the City Attorney with the goal of providing consistent advice to departments on these and other matters. This will decrease the workload and costs of the Task Force and the City Attorney as well as the various Departments who are subject to the major disagreements between these two agencies. In early 2008, the SOTF Chairman will organize a meeting with the City Attorney to discuss the creation of a detailed coordinating policy and communication plan. We request representation from the President of the Board of Supervisors and the Mayor's Office with this effort.

2. Sufficient legal resources would provide the Task Force with analysis needed to rule on complex points of law.

The Task Force is sometimes called on to rule on complex points of law, a problem that is exacerbated by the relatively few legal cases involving California's open government laws, and the paucity of existing cases involving the Sunshine Ordinance. The Task Force is further constrained by the requirement to rule within 45 days on an issue.

The SOTF needs the restoration of its assigned legal counsel to a full-time position with responsibility, when requested by the Task Force, to furnish the Task Force with timely, neutral, authoritative analysis on any disputed legal issue critical to its determination in a particular matter before it. The Task Force would also benefit from access to a legal counsel with meditative skills to assist the administrator in settling disputes before a hearing is required.

3. Active communication and coordination with the Ethics Commission will create a more efficient and effective open government enforcement process.

The Task Force is uniquely mandated to protect the rights of citizens to access information and meetings. However, the Ethics Commission and District Attorney, to which enforcement of determinations of non-compliance are entrusted, have *never* enforced a Task Force finding of non-compliance. The District Attorney and the Attorney General have made it clear that they are not authorized to enforce the provisions of the Sunshine Ordinance, while the Ethics Commission has pointed to ambiguities in the Ordinance that makes its position unclear with respect to enforcement. The Board of Supervisors may have the resources to deal with enforcement, but there has been no clear indication of the willingness or a process to undertake such matters.

The Ethics Commission, which has not enforced any of the matters referred over the past eight years, has often come to the conclusion "Dismissed because facts did not support finding of violation." The Task Force has no means to determine what facts were considered or how the Ethics Commission determined there was no violation.

Without a means to enforce its findings, the Task Force remains purely advisory in its capacity. The SOTF's dependence on the Ethics Commission is a major obstacle that needs to be addressed, not only by amendments, but by the Ethics Commission as well.

4. SOTF's leadership and direction in the operational aspects of open government could be a much-needed resource for departments, resulting in compliance cost savings.

The Task Force must set the example for good record keeping and website maintenance as a preliminary to finding shortcomings in the record keeping and website accessibility of departments that come under its scrutiny.

Task Force rulings and findings of violation should be easily available and accessible on its website for at least two years from occurrence. However, these cases must be organized and displayed in such a way that new employees as well as seasoned records managers would have ready access to specific issues that deal with the problems they face when presented with a record request. A user-friendly index or directory should lead the inquirer to useable and up-to-date, firsthand experience about how to perform records disclosures and an appropriate guide to the redaction of protected information as well as the response requirements for summary of records available and reference to better records that may be available. There should also be comprehensive written and stored records of Task Force meetings and Hearings, with reference to topics that would be critical to an employee tasked with fulfilling a records request. It should also include records of all correspondence in both hard copy and e-mail by Task Force Members in their official capacities located with subject matter they may illuminate. Creating such a model would no doubt be labor-intensive in the initial instance, but would result in greater ease of compliance and shorten the time required of employees seeking to fill Sunshine requests.

The availability of a knowledgeable Sunshine ombudsman would also cut the time required for departments to appropriately disclose documents, and would cut unnecessary expenses associated with compliance.

The plan to hire an Executive Secretary to assist the Task Force is proceeding in a very thoughtful manner and the new Clerk of the Board is to be commended for her attention to this problem and to the details of the acquisition. This is a very positive development, and it is clearly anticipated that a knowledgeable individual will be hired who can assist employees of every department and prevent costly complaints and revisiting poorly filled records requests.

COMPLAINTS RECEIVED OR ADJUDICATED DURING 2006-2007

Date Received	Complainant	Department	Status	Violation
3/1/2006	Anonymous (#06001)	Mayor's Office of Protocol	Complaint Committee 3/14/06; Task Force 3/28/06; (Violation)	§§67.21 and 67.25
3/3/2006	Bob Kaufman (#06002)	City Attorney's Office	Complaint Committee 3/14/06; Task Force 6/27/06 (Dismissed)	
4/26/2006	John Avalos (#06003)	Mayor's Office of Communication	Complaint Committee 5/9/06; Task Force 5/23/06; (Violation)	§§67.21 and 67.25
5/19/2006	Robert Planthold (#06004)	Municipal Transportation Agency	Complaint Committee 6/27/06; Task Force 6/27/06: (Violation); Referred to DA and Ethics Commission 9/26/06 (EC #10-061108 Dismissed)	§§67.21 and 67.25
6/14/2006	Kimo Crossman (#06005)	Mayors Office	Complaint Committee 7/11/06; Task Force 7/25/06: (Violation)	§§67.15 (a), (b), and (c)
6/23/2006	Kimo Crossman (#06006)	Telecommunications and Information Services	Complaint Committee 7/11/06; Task Force 7/25/06: (Violation)	§§67.21 and 67.25
7/7/2006	Javier Gonzalez (#06007)	City Attorney's Office	Complaint Committee 8/8/06; Task Force 8/22/06 (No Violation)	
7/7/2006	Kimo Crossman (#06008)	Telecommunications and Information Services	Complaint Committee 10/10/06; Withdrawn 9/15/06; Reactivated 9/19/06; Complaint Committee 10/10/06; Task Force 10/24/06 (Violation)	§§67.21 (l) and 67.27
7/7/2006	Kimo Crossman (#06009)	Telecommunications and Information Services	Complaint Committee 10/10/06; Withdrawn 9/15/06; Reactivated 9/19/06; Complaint Committee 10/10/06; Task Force 10/24/06 (Violation)	§§67.21 (l), and 67.27
7/7/2006	Kimo Crossman (#06010)	Telecommunications and Information Services	Reviewing Doc's from Respondent; Withdrawn 9/15/06; Reactivated 9/19/06; Complaint Committee 10/10/06; Withdrawn 9/29/06	
7/13/2006	Beth Rimbey (06011)	Office of Emergency Services and Mayors Office of Communications	Complaint Committee 8/8/06; Task Force 9/26/06 (Violation)	§§67.21, 67.24 (a), 67.25, 67.26
7/20/2006	Juan De Anda (#06012)	Public Health	Complaint Committee 9/12/06; Withdrawn 9/12/06	

Date Received	Complainant	Department	Status	Violation
8/17/2006	Kimo Crossman (#06013)	Office of the Clerk of the Board	Complaint Committee 9/12/06; Task Force 9/26/06 (Motion finding a violation - failed); Task Force 10/24/06 - Reconsideration (Violation)	§§67.21 (l), Cal Gov. Code 6253.9 (a)
8/17/2006	Kimo Crossman (#06014)	Telecommunications and Information Services	Complaint Committee 9/12/06; Task Force 9/26/06 - Continued, 10/24/06 (Continued); Withdrawn 11/16/06	
8/18/2006	Allen Grossman (#06015)	Office of the Clerk of the Board/Sunshine Ordinance Task Force Administrator	Complaint Committee 9/12/06; Task Force 9/26/06; Order of Determination (Violation).	§§67.21 (l), 6253.9 (a)
9/6/2006	Robert Leslie (#06016)	City Attorney's Office	Complaint Committee 10/10/06; Withdrawn 10/2/06	
9/12/2006	Michael Petrelis (#06017)	Public Health	Complaint Committee 10/10/06; Task Force 10/24/06 (Continued); Task Force 11/28/06 (Dismissed)	
9/14/2006	Daisy Anarchy (#06018/06023)	Entertainment Commission	Complaint Committee 10/10/06; Task Force 12/20/06 (Violation)	§67.15 (a)
10/26/2006	San Francisco Survival Manual for Dr. Wayne Lanier (#06019)	Mayors Office	Complaint Committee 11/14/06; Task Force 12/20/06 (Violation)	§67.21
10/27/2006	Veronica Gaynor (#06020)	Supervisor Tom Ammiano c/o Zach Tuller	Complaint Committee 11/14/06; Withdrawn 11/14/06	
10/27/2006	Steve Lawrence (#06021)	Public Utilities Commission	Complaint Committee 11/14/06; Withdrawn 11/9/06	
11/6/2006	Michael Petrelis (#06022)	Public Health	Complaint Committee 12/12/06; Task Force 1/9/07, 2/27/07 (No Violation)	
11/11/2006	Hima B. (#06023/06018)	Entertainment Commission	Complaint Committee 12/12/06; Task Force 12/20/06 (Violation)	§67.15 (a)
11/13/2006	Michael Petrelis (#06024)	Public Health	Complaint Committee 12/12/06; Task Force 1/9/07, 2/27/07 (No Violation)	
11/19/2006	Kimo Crossman (#06025)	Telecommunications and Information Services	Complaint Committee 1/9/07; Task Force 1/23/07 (Violation); CAC 5/9/07; Task Force 5/22/07: Referred to EC w/06027 & 07023 (EC #02-070801 = Dismissed)	§67.21 (b)

Date Received	Complainant	Department	Status	Violation
11/19/2006	Kimo Crossman (#06026)	Clerk of the Board of Supervisors	Complaint Committee 12/12/06; Task Force 12/20/06 (Dismissed)	
11/19/2006	Kimo Crossman (#06027)	Telecommunications and Information Services	Complaint Committee 12/12/06; Task Force 1/9/07, 1/23/07 (Violation); CAC 5/9/07; Task Force 5/22/07: Referred to EC w/06027 & 07023 (EC #02-070801 = Dismissed)	§67.24 (e)(3)
11/19/2006	Kimo Crossman (#06028)	Sunshine Ordinance Task Force Administrator	Complaint Committee 1/9/07; Task Force 1/23/07 (Withdrawn)	
11/27/2006	Kimo Crossman (#06029)	Sunshine Ordinance Task Force Administrator/Clerk of the Board of Supervisors	Complaint Committee 12/12/06; Task Force 12/20/06 (Withdrawn)	
11/27/2006	Kimo Crossman (#06030)	Clerk of the Board of Supervisors	Complaint Committee 12/12/06; Task Force 2/27/07 (Withdrawn)	
11/30/2006	Cynthia Laird (#06031)	Public Health	Complaint Committee 1/9/07; Task Force 3/27/07 (Violation)	§67.14
12/1/2006	Michael Petrelis (#06032)	Public Health	Complaint Committee 1/9/07, 2/13/07; Task Force 2/27/07 (No Violation)	
12/19/2006	Mary McGuire (#06033)	Taxi Commission	Complaint Committee 1/9/07; Task Force 1/23/07 (Violation)	§67.7
12/20/2006	Jason Grant Garza (#06034)	Public Health	Complaint Committee 1/9/07; Task Force 1/23/07 (Violation)	§67.21 (b)
12/22/2006	Kimo Crossman (#06035)	Sunshine Ordinance Task Force Administrator/Clerk of the Board of Supervisors	Complaint Committee 2/13/07; 2/27/07 (Withdrawn)	
1/4/2007	Debra Ward (07001)	Municipal Transportation Agency	Complaint Committee 2/13/07; Task Force 3/27/07 (Violation) (Withdrawn: 5/22/07)	§ 67.21
1/9/2007	Kimo Crossman (07002-A)	Mayor's Office	Complaint Committee 2/13/07; Task Force 2/27/07; 3/27/07 (Violation); 5/17/07 = Referred to EC, DA and AG [will not intervene: referred to EC]	§ 67.27

Date Received	Complainant	Department	Status	Violation
1/9/2007	Kimo Crossman (07002-B)	Mayor's Office	Complaint Committee 2/13/07; Task Force 2/27/07; 3/27/07 (Violation); 5/17/07 = Referred to EC, DA and AG [will not intervene: referred to EC]	§ 67.29-7
1/18/2007	Steven Lawrence (07003)	Public Utilities Commission	Complaint Committee 2/13/07; Task Force 2/27/07 (Withdrawn)	
1/18/2007	Steven Lawrence (07004)	Public Utilities Commission	Complaint Committee 2/13/07; Task Force 2/27/07 (Withdrawn)	
1/22/2007	Kimo Crossman (07005 & 07007)	Telecommunications and Information Services	Complaint Committee 2/13/07; Task Force 2/27/07 (Violation)	§ 67.25
1/24/2007	Kimo Crossman (07006)	Sunshine Ordinance Task Force Administrator/COB	Complaint Committee 2/13/07; Task Force 2/27/07 (Withdrawn)	
1/26/2007	Kimo Crossman (07008)	Public Utilities Commission	Complaint Committee 2/13/07; Task Force 3/27/07 (Violation); 5/22/07 (No Action Taken)	§ 67.21
2/1/2007	Kimo Crossman (07009)	Mayor's Office	Complaint Committee 3/13/07; Task Force 3/27/07 (Violation); Referred to BOS, EC, DA and AG (6/26/07)	§ 67.21
2/5/2007	Allen Grossman (07010)	City Attorney's Office	Complaint Committee 3/13/07; Task Force 3/27/07 (No Violation)	
2/15/2007	Kimo Crossman (07011)	Sheriff's	Complaint Committee 3/13/07; Task Force 3/27/07; 4/24/07; 5/22/07 (Violation); Referred to the BOS (6/5/07)	§ 67.21
2/13/2007	Dave Tognotti (07012)	Supervisor Jake McGoldrick	Complaint Committee 3/13/07; (Withdrawn 3/9/07)	
2/15/2007	Adam Aufdencamp (07013)	Mayor's Office	Complaint Committee 3/13/07; Task Force 3/27/07; 4/24/07 (Withdrawn 4/19/07)	
2/21/2007	Dorothy Kleffner (07014)	Public Health; Marin DHHS-HIV/AIDs Care Council	Complaint Committee 4/10/07; (Withdrawn 5/3/07)	
2/20/2007	Ming Lee (07015)	Dept. on the Status of Women / La Cosa De Las Madres	Complaint Committee 4/10/07; Task Force 4/24/07; 5/22/07 (Continued to the call of the Chair)	
2/26/2007	Ming Lee (07016)	Dept. on the Status of Women / Mary Elizabeth Inn	Complaint Committee 4/10/07; Task Force 4/24/07 (No Action Taken)	

Date Received	Complainant	Department	Status	Violation
3/9/2007	Anthony Faber (07017)	Western SOMA Citizens' Planning Task Force Arts & Entertainment Focus Group	Complaint Committee 4/10/07; (Withdrawn 4/10/07)	
3/8/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07018)	Sunshine Ordinance Task Force Administrator/COB	Complaint Committee 4/10/07; Task Force 4/24/07 (Violation)	§§ 67.9 (e), 67.21 (h), and GC 54954.1
3/20/2007	Andrew Sisneros (07019)	Municipal Railway	Complaint Committee 4/10/07; Task Force 4/24/07 (Violation)	§ 67.21
3/20/2007	Patrick Monette-Shaw (07020)	Public Health	Complaint Committee 4/10/07; Task Force 4/24/07; 5/22/07 (Violation)	§ 67.4(a)(5)
3/25/2007	Kimo Crossman (07021)	Sunshine Ordinance Task Force Administrator/COB	Complaint Committee 4/10/07; Task Force 4/24/07; 5/22/07 (No Violation)	
3/26/2007	Kimo Crossman (07022)	City Attorney's Office	Complaint Committee 4/10/07; Task Force 4/24/07 (Withdrawn)	
3/27/2007	Kimo Crossman (07023)	Telecommunications and Information Services	Complaint Committee 4/10/07; Task Force 4/24/07; CAC 5/9/07; Task Force 5/22/07; Referred to EC w/06025 & 06027 (EC #02-070801 = Dismissed)	
3/27/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07024)	Sunshine Ordinance Task Force Administrator/COB	Complaint Committee 4/10/07; Task Force 4/24/07 (Withdrawn)	
3/29/2007	John Templeton (07025)	Mayor's Office - Historic Preservation Fund Committee	Complaint Committee 5/8/07; 6/12/07; Task Force 6/26/07 (Violation)	§§ 67.4 (a) and 67.6 (e)
4/16/2007	Robert Kowal (07026)	Recreation and Parks	Complaint Committee 5/8/07; (Withdrawn 4/30/07)	
4/17/2007	Kimo Crossman (07027)	Small Business Commission	Complaint Committee 5/8/07; 5/22/07 (Withdrawn)	
4/17/2007	Dan Hirsch (07028) & Kelly Saturno (07029)	Recreation and Parks	Complaint Committee 5/8/07; 6/12/07; Task Force 6/26/07 (No Violation)	
4/24/2007	Michael Petrelis (07030)	Public Health	Complaint Committee 5/8/07; 6/12/07; Task Force 6/26/07 (Violation)	§ 67.21
4/30/2007	Patrick Monette-Shaw (07031)	Public Health	Complaint Committee 6/12/07; Task Force 6/26/07 (Violation)	§ 67.21

Date Received	Complainant	Department	Status	Violation
1/17/2007 (4/30/07)	James Chaffee (07032)	Library Commission	Complaint Committee 6/12/07 (Continued: call of the Chair)	
3/19/2007 (4/30/07)	James Chaffee (07033)	Library Commission	Complaint Committee 6/12/07 (Continued: call of the Chair)	
5/1/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07034 & 07035)	Sunshine Ordinance Task Force Administrator & Clerk of the Board of Supervisors	Complaint Committee 6/12/07; Task Force 6/26/07; 7/24/07 (Withdrawn 7/17/07)	
5/1/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07036)	City Attorney's Office	Complaint Committee 6/12/07; Task Force 6/26/07; 7/24/07 (Withdrawn 7/17/07)	
5/1/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07037)	City Attorney's Office	Complaint Committee 6/12/07; Task Force 6/26/07; 7/24/07 (Withdrawn 7/17/07)	
5/10/2007	Anonymous Person (07038, 07043, & 07044)	Entertainment Commission	Complaint Committee 6/12/07; Task Force 8/28/07; 9/25/07; 10/23/07 (No Formal Action)	
5/21/2007	Paul Graham (07039)	Public Health	Complaint Committee 6/12/07; Task Force 6/26/07 (Violation)	§ 67.21
5/21/2007	Ahimsa Porter Sumchai (07040)	Supervisor Sophie Maxwell	Complaint Committee 6/12/07; Task Force 6/26/07 (Violation)	§ 67.15 (c) and (d)
5/23/2007	Ming Lee (07041)	Department On The Status of Women	Complaint Committee 6/12/07; Task Force 6/26/07 (No Violation)	
5/23/2007	Francisco Da Costa (07042)	Supervisor Sophie Maxwell	Complaint Committee 6/12/07; Task Force 6/26/07 (No Action Taken)	
5/27/2007	Patrick Monette- Shaw (07045)	SF Health Commission	Complaint Committee 7/10/07; Task Force 7/24/07 (No Action Taken)	
6/4/2007	Kimo Crossman (07046)	City Attorney Dennis Herrera	Complaint Committee 7/10/07; 8/14/2007; 9/11/07 (Withdrawn 9/6/07)	
6/4/2007	Kimo Crossman (07047)	Mayor Gavin Newsom	Complaint Committee 7/10/07; 8/14/2007; 9/11/07 (Withdrawn 9/6/07)	
6/4/2007	Kimo Crossman (07048)	Sheriff Michael Hennessey	Complaint Committee 7/10/07; 8/14/2007; 9/11/07 (Withdrawn 9/6/07)	
6/4/2007	Kimo Crossman (07049)	Telecommunications and Information Services - Chris Vein	Complaint Committee 7/10/07; 8/14/2007; 9/11/07 (Withdrawn 9/6/07)	
6/4/2007	Kimo Crossman (07050)	Public Utilities Commission - Susan Leal	Complaint Committee 7/10/07; 8/14/2007; 9/11/07 (Withdrawn 9/6/07)	

Date Received	Complainant	Department	Status	Violation
6/4/2007	Kimo Crossman (07051)	Clerk of the Board - Kay Gulbengay	Complaint Committee 7/10/07 (Withdrawn 7/11/07)	
6/25/2007	Allen Grossman & Wayne Lanier (07052)	District Attorney	Complaint Committee 7/10/07; 8/14/07; Task Force 8/28/07 (Violation)	§§ 67.21 & 67.27
6/26/2007	Kimo Crossman (07053)	Sheriff Michael Hennessey	Complaint Committee 8/14/07; 9/11/07 (Withdrawn 9/6/07)	
6/26/2007	Kimo Crossman (07054)	Sheriff Michael Hennessey	Complaint Committee 8/14/07; 9/11/07 (Withdrawn 9/6/07)	
7/5/2007	Kimo Crossman (07055)	District Attorney Kamela Harris	Complaint Committee 8/14/07; Task Force 8/28/07 (Violation)	§§ 67.21 & 67.21(c)
7/17/2007	Myrna Lim (07056)	Ethics Commission	Complaint Committee 8/14/07; Task Force 8/28/07; 9/25/07; 10/23/07 (Violation); 1/8/08 (Referred to AG) AG 3/21/08: Will not investigate...local matter	§ 67.21
7/23/2007	Jeff Ente (07057)	Supervisor Aaron Peskin	Complaint Committee 8/14/07; Task Force 8/28/07 (Violation); 1/8/08 (Referred to EC and AG); AG 3/24/08 (Will not investigate...Ethics matter)	§§ 67.21, 67.21(e), 67.29-1, & 67.29-7
7/24/2007	Hanley Chan (07058)	Police Department	Complaint Committee 8/14/07 (Withdrawn 8/3/07)	
7/30/2007	Paul Graham (07059)	Fire Department	Complaint Committee 8/14/07; Task Force 8/28/07 (Violation)	§§ 67.21 & 67.29-7(c)
8/23/2007	Alex Clark (07060)	Public Utilities Commission	Complaint Committee 10/9/07; Task Force 10/23/07 (No Formal Action)	
8/27/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07061 & 07062)	Library	Task Force 9/25/07 (Violation); 1/8/08 (Referred to AG) AG 3/21/08: Will not investigate - local matter	§§ 67.29-2; 67.29-6; 67.21
9/7/2007	Ray Hartz (07063, 07064 & 07065)	City Attorney	Complaint Committee 10/9/07; Task Force 10/23/07 (No Formal Action)	
9/10/2007	Charles Pitts (07066)	Human Services - Central City Hospitality House	Complaint Committee 10/9/07; Task Force 10/23/07; 11/27/07 (No Jurisdiction)	
9/12/2007	Jodi Watson (07067)	Entertainment Commission	Complaint Committee 10/9/07; Task Force 10/23/07 (Violation)	§ 67.25
9/13/2007	Maxine Doogan (07068)	District Attorney	Complaint Committee 10/9/07; Task Force 10/23/07 (Violation)	§§ 67.21 & 67.25
9/17/2007	Ray Hartz (07069)	Supervisor Aaron Peskin	Complaint Committee 10/9/07; Task Force 10/23/07; 11/27/07; 1/8/08 (Violation)	§ 67.21 (e)

Date Received	Complainant	Department	Status	Violation
9/19/2007	Michael Vogl (07070)	Police Department	Complaint Committee 10/9/07 (Withdrawn 9/21/07)	
9/20/2007	Dee Modglin (07071)	Mayor's Office of Housing	Complaint Committee 10/9/07; Task Force 10/23/07 (No Violation)	
9/21/2007	Randell Evans (07072)	Redevelopment Agency & Mayor's WACAC	Complaint Committee 10/9/07; Task Force 10/23/07 (No Violation)	
9/21/2007	Russell Albano (07073)	Human Resources - Workers Comp. Div	Complaint Committee 10/9/07; Task Force 10/23/07 (Violation)	§§ 67.21 & 67.25
9/21/2007	Russell Albano (07074)	Fire Department	Complaint Committee 10/9/07; Task Force 10/23/07 (Referred to CAC with File# 07073 [No Action Taken])	
9/25/2007	Laura Carroll (07075)	Mayor's Office of Housing	Complaint Committee 11/13/07; 11/27/07 (Violation)	§ 67.21
9/25/2007	Charles Bolton (07076)	Public Works	Complaint Committee 11/13/07; 11/27/07 (Violation)	§ 67.21
10/1/2007	Allen Grossman (07077)	District Attorney	Complaint Committee 11/13/07; 11/27/07 (Violation); 1/8/08 (Referred to EC and AG); AG 3/24/08 (Will not investigate...Ethics matter)	§§ 67.21, 67.21-1; 67.25, 67.26, 67.27, CPRA 6253 and 6253.9
10/2/2007	John Chapman (07078)	Controllers Office	Complaint Committee 11/13/07; 11/27/07 (No formal action)	
10/2/2007	John Chapman (07079)	Public Utilities Commission	Complaint Committee 11/13/07; 11/27/07 (No formal action)	
10/9/2007	Dan Boreen (07080-A)	Fire Department	Complaint Committee 11/13/07; 11/27/07 (Violation); CAC 1/9/08; 2/13/08; 3/12/08 (Referral) Task Force 3/25/08: Referred to Ethics Sent 4/24/08	§§ 67.26, 67.27
10/9/2007	Dan Boreen (07080-B)	Fire Department	Complaint Committee 11/13/07; 11/27/07 (Violation); CAC 1/9/08; 2/13/08; 3/12/08 (Referral) Task Force 3/25/08: Referred to Ethics sent 4/24/08	§§ 67.26, 67.27
10/9/2007	Dan Boreen (07080-C)	Fire Department	Complaint Committee 11/13/07; 11/27/07 (Violation); CAC 1/9/08; 2/13/08; 3/12/08 (Referral) Task Force 3/25/08: Referred to Ethics Sent 4/24/08	§§ 67.25, 67.26, 67.27
10/9/2007	Dan Boreen (07080-D)	Fire Department	Complaint Committee 11/13/07; 11/27/07 (Violation)	§: 67.25

Date Received	Complainant	Department	Status	Violation
10/10/2007	Hanley Chan (07081)	Police Department	Complaint Comm. 11/13/07; 11/27/07 (No violation)	
10/10/2007	Wayne Lanier (07082)	Telecommunications and Information Services	Complaint Committee 11/13/07; 12/11/07; Task Force 1/8/08 (Violation)	§ 67.26
10/17/2007	John Darmanin (07083)	Fire Commission	Complaint Committee 11/13/07; Task Force 11/27/07; 1/22/08 (No Violation)	
10/17/2007	Marcus Santiago (07084)	City Attorney's Office	Complaint Committee 11/13/07 (Withdrawn 11/11/07)	
11/2/2007	Mr. Alvin (07085)	Grants for the Arts	Complaint Committee 12/11/07; Task Force 1/8/08; 1/22/08 (No Violation)	
11/2/2007	Hank Wilson (07086)	Police Department	Complaint Committee 12/11/07; (Withdrawn 12/4/07)	
11/2/2007	Allen Grossman (07087)	Mayor's Office	Complaint Committee 12/11/07; Task Force 1/8/08 (Violation); CAC 3/12/08 (Referral); Task Force 3/25/08 (Referred to Ethics sent 4/24/08)	§§67.21 (b) (e), 67.25 (a), CPRA Sec 6253
11/3/2007	Kimo Crossman (07088)	Assessor's Office	Complaint Committee 12/11/07; Task Force 1/8/08 (Violation); CAC 3/12/08; 4/9/08 (Referral); Task Force 4/22/08	§ §67.25 (d)
11/5/2007	Kimo Crossman (07089)	District Attorney's Office	Complaint Committee 12/11/07; Task Force 1/8/08 (Violation)	§§ 67.24 (b) (iii), 67.26, 67.27
11/5/2007	Kimo Crossman (07090)	SFMTA Agency, SFMTA Commission and City Attorney's Office	Complaint Committee 12/11/07; Task Force 1/8/08 (Violation)	§ 67.24 (a) (2)
11/14/2007	Ahimsa Porter Sumchai (07091)	Supervisor Sophie Maxwell	Complaint Committee 12/11/07; Task Force 1/8/08 (Violation)	§§ 67.15 (a), 67.21 (e)
11/18/2007	Patrick Monette-Shaw (07092)	Board of Supervisors and Human Resources	Complaint Committee 12/11/07; Task Force 1/8/08; 1/22/08; 2/26/08 (Violation)	§67.10 (e) (1)
11/27/2007	Patrick Monk (07093)	Supervisor Sophie Maxwell	Complaint Comm./Task Force 1/8/08; Task Force 1/22/08 (Violation)	§§67.15 (e), 67.21 (e)

Date Received	Complainant	Department	Status	Violation
11/29/2007	Kimo Crossman (07094)	City Attorney	Complaint Committee/Task Force 1/8/08; Task Force 1/22/08; 2/26/08 (Violation); CAC 3/12/08 (Referral); Task Force 3/25/08; Referred to Ethics sent 4/24/08	§§ 67.25, 67.26, 67.29-5
11/29/2007	Kimo Crossman (07095)	City Attorney	Complaint Committee/Task Force 1/8/08; Task Force 1/22/08 (Withdrawn 1/18/08)	
11/29/2007	Kimo Crossman (07096)	Mayor's Office	Complaint Committee/Task Force 1/8/08; Task Force 1/22/08; 2/26/08 (Violation); CAC 4/9/08 (Referral) Task Force 4/22/08	§§ 67.25, 67.26, 67.29-5
11/29/2007	Steve Lawrence (07097)	Public Utilities Commission	Complaint Committee/Task Force 1/8/08; Task Force 1/22/08 (Violation); CAC 2/13/08 (No further action)	§ 67.25

AUTHORITY

Administrative Code Sections 67

Sec. 67.1 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. 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. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.30. The Sunshine Ordinance Task Force.

(a) There is hereby established a task force to be known as the Sunshine Ordinance Task Force consisting of eleven voting members appointed by the Board of Supervisors. All members must have experience and/or demonstrated interest in the issues of citizen access and participation in local government. Two members shall be appointed from individuals whose names have been submitted by the local chapter of the Society of Professional Journalists, one of whom shall be an attorney and one of whom shall be a local journalist. One member shall be appointed from the press or electronic media. One member shall be appointed from individuals whose names have been submitted by the local chapter of the League of Women Voters. Four members shall be members of the public who have demonstrated interest in or have experience in the issues of citizen access and participation in local government. Two members shall be members of the public experienced in consumer advocacy. One member shall be a journalist from a racial/ethnic-minority-owned news organization and shall be appointed from individuals whose names have been submitted by New California Media. 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 or her designee, and the Clerk of the Board of Supervisors or his or 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 Sunshine Ordinance Task Force shall, at its request, have assigned to it an attorney from within the City Attorney's Office or other appropriate City Office, who is experienced in public-access law matters. This attorney shall serve solely as a legal advisor and advocate to the Task Force and an ethical wall will be maintained between the work of this attorney on behalf of the Task Force and any person or Office that the Task Force determines may have a conflict of interest with regard to the matters being handled by the attorney.

(b) The term of each appointive member shall be two years unless earlier removed by the Board of Supervisors. In the event of such removal or in the event a vacancy otherwise occurs during the term of office of any appointive member, a successor shall be appointed for the unexpired term of the office vacated in a manner similar to that described herein for

the initial members. The task force shall elect a chair from among its appointive members. The term of office as chair shall be one year. Members of the task force shall serve without compensation.

(c) The task force shall advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement this chapter. The task force shall develop appropriate goals to ensure practical and timely implementation of this chapter. The task force shall propose to the Board of Supervisors amendments to this chapter. The task force shall report to the Board of Supervisors at least once annually on any practical or policy problems encountered in the administration of this chapter. The Task Force shall receive and review the annual report of the Supervisor of Public Records and may request additional reports or information as it deems necessary. The Task Force shall make referrals to a municipal office with enforcement power under this ordinance or under the California Public Records Act and the Brown Act whenever it concludes that any person has violated any provisions of this ordinance or the Acts. The Task Force shall, from time to time as it sees fit, issue public reports evaluating compliance with this ordinance and related California laws by the City or any Department, Office, or Official thereof.

(d) In addition to the powers specified above, 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.

(e) The Task Force Commission shall approve by-laws specifying a general schedule for meetings, requirements for attendance by Task Force members, and procedures and criteria for removing members for non-attendance. (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 118-94, App. 3/18/94; Ord. 432-94, App. 12/30/94; Ord. 287-96, App. 7/12/96; Ord. 198-98, App. 6/19/98; 387-98, App. 12/24/98; Proposition G, 11/2/99)

SOTF ORGANIZATION & COMMITTEE STRUCTURE

The Chair of the Task Force appoints committee chairs and its members. Each member of the Task Force must also be a member of a committee.

Ad Hoc Committees are appointed as needed. There have been several Ad Hoc Committee meetings to deal with suggested Sunshine Ordinance provisions for the City College Board, access to public meetings and public records at the San Francisco Community College District, and the San Francisco Unified School District's proposed Open Government Policy.

The Task Force has four Standing Committees:

- **Complaint Committee:** The committee monitors the complaint process and makes recommendations to the Task Force regarding how the complaints should be handled. If the efforts of the Administrator and the Deputy City Attorney fail to obtain the information to which a complainant is legally entitled, the matter will be referred to the Complaint Committee for a hearing to determine whether the Task Force has jurisdiction over the complaint, and to clarify the complaint. If jurisdiction is found, a Task Force hearing will be held at which time the complainant and the respondent will present the merits of their respective cases. See § VII, Addendum # 2 for a copy of the

complaint form.

Members of the Complaint Committee in 2006-2007 were: Sue Cauthen (Chair), Kristin Chu, Nicholas Goldman, and Bruce Wolfe.

- **Compliance & Amendments Committee:** This Committee was appointed in 2002. This Committee monitors compliance with the Orders of Determinations adopted by the Task Force and recommends to the Task Force amendments to the Sunshine Ordinance regarding enforcement of the Orders of Determination. The Committee also considers recommendations, amendments, and changes to the Sunshine Ordinance as provided by members of the Task Force, City departments, and the general public.

The Compliance and Amendments Committee held follow-up hearings to track compliance or non-compliance with Orders of Determination issued by the Task Force and, where necessary, sent items back to the Task Force with a recommendation that they be referred to the Ethics Commission, the District Attorney, the Board of Supervisors or the California Attorney General for investigation and appropriate action. In some cases, the Committee alerted respondent entities to the need for clear, written guidelines on responding to public records requests, or for clear, equitable policies on public comment during meetings of City bodies.

In addition, the Committee continued its review of the Sunshine Ordinance with the goal of placing a package of reforms before city voters. As this Annual Report is being drafted, the target date for a ballot initiative is November, 2008.

Some issues remain outstanding:

- Certain entities, relying on advice from the City Attorney's Office, are failing to comply with Orders of Determination directing them to make records available to requesters; or to provide electronic records in their native format when requested to do so.
- Certain entities are refusing to discuss Sunshine-related advice from the City Attorney's Office or to identify who provided said advice, even though such information must, under law, be disclosed upon request.
- Certain entities continually violate Section 67.21(e) of the Sunshine Ordinance by failing to send knowledgeable representatives to meetings of the Task Force or its committees to discuss cases in which they are the respondent. On some occasions, an entity sends a representative who has insufficient knowledge of the matter at hand; on other occasions, an entity sends no representative

Members of the Compliance and Amendments Committee in 2006-2007 were: Richard Knee (Chair), Erica Craven, and Doug Comstock.

- **Education, Outreach, and Training Committee:** Unless the public is aware of its right of access to information and participation, the value of the ordinance would be minimal. Therefore, the Education, Outreach and Training Committee was created to

provide outreach and publicity to the media, to the general public, and to oversee the preparation and publication of information.

Members of the Education, Outreach, and Training Committee in 2006-2007 were: David Pilpel (Chair), Bruce Wolfe, and Marjorie Williams.

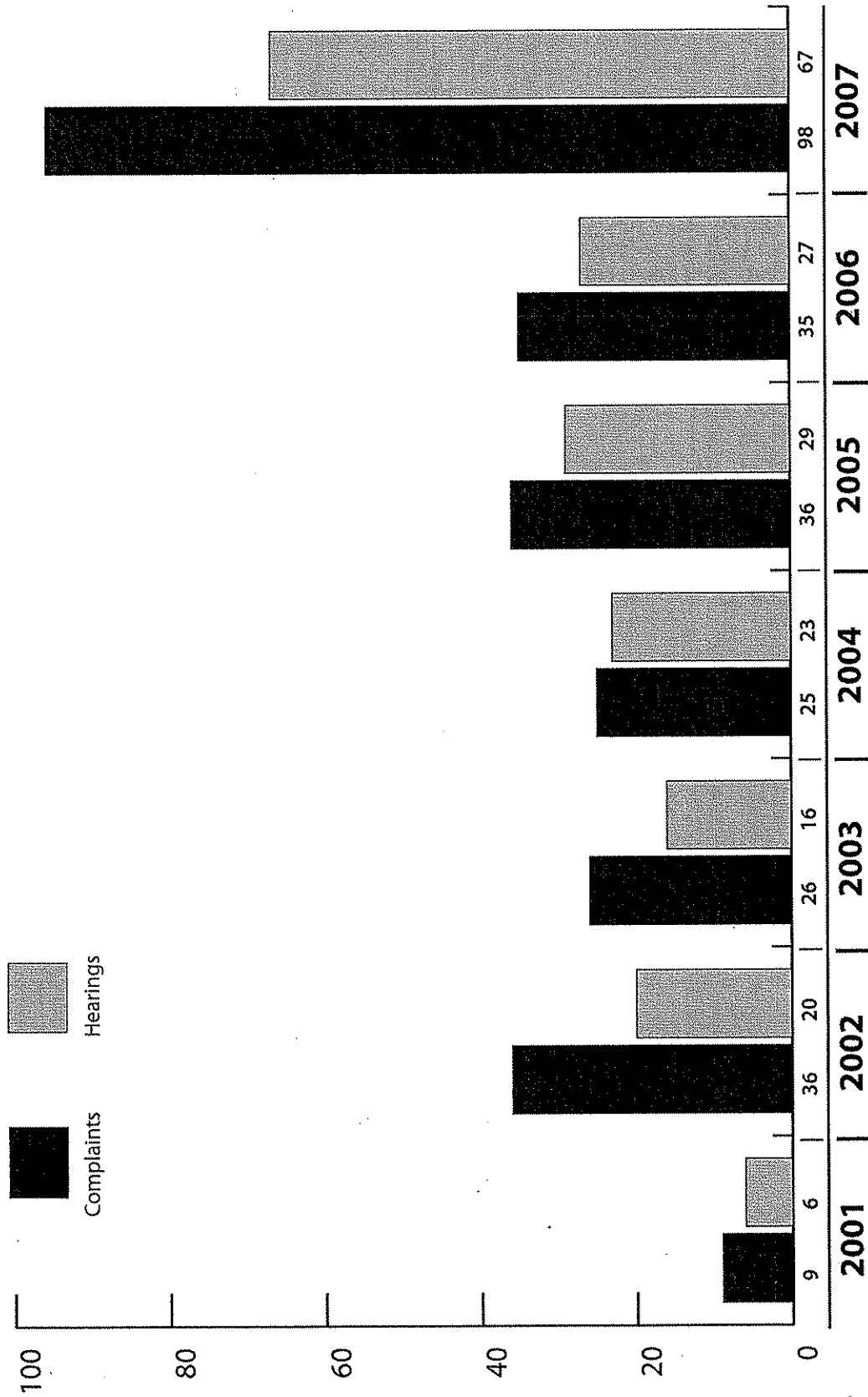
- **Rules Committee:** This committee was established to review matters related to amendments to the Task Force by-laws and procedures so the Task Force's work could proceed in an orderly manner. The committee also helps to ensure that all annual objectives enumerated in the Sunshine Ordinance are met by the Task Force. As with all committees, recommendations for action are made to the full Task Force for final action.

Members of The Rules Committee in 2006-2007 were: Bruce Wolfe (Chair), Hanley Chan, and Doug Comstock.

ADDENDA

1. Graphic representation of Task Force workload
2. Letter regarding calendar retention, release, and redaction
3. Membership of Task Force
4. Complaint Form and Overview of Procedures
5. Sunshine Ordinance Task Force Web Page Contents

Sunshine Ordinance Task Force Complaints and Hearings



**SUNSHINE ORDINANCE
TASK FORCE**



City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. 415) 554-7854
TDD/TTY No. (415) 554-5227

February 8, 2008

Chief Hayes-White
San Francisco Fire Department
698 2nd Street
San Francisco, CA 94107

I write in response to a request, made at the Sunshine Ordinance Task Force's Compliance and Amendments Committee's December 12, 2007 meeting, that the Committee express in writing the Committee's concerns about the retention, release and redaction of employees' and officials' calendars so that the Department can better respond. With apologies for the delay, I respectfully submit the following analysis.

Calendars in General.

Employees and *most* city officials are not required to keep a calendar under open government laws. However, to the extent they do – any calendar used by a city employee or official for city business (under the definitions of both the California Public Records Act ("PRA") and the Sunshine Ordinance) is a public record that is subject to release. This does not mean that all information on every city employees' or officials' calendar must be released. Consistent with prior Orders of Determination made by the Task Force, appropriate and narrow redactions may be made, for example, for security concerns or information that is of a purely personal and private nature (*e.g.*, medical appointments, information about children and spouses).

Pursuant to section 67.29-5 of the Sunshine Ordinance:

The Mayor, The City Attorney, and every Department Head shall keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended by that official, with the exclusion of purely personal or social events at which no city business is discussed and that do not take place at City Offices or at the offices or residences of people who do substantial business with or are otherwise substantially financially affected by actions of the city. For meetings not otherwise publicly recorded, the calendar shall include a general statement of issues discussed. Such calendars shall be public records and shall be available to any requester three business days subsequent to the calendar entry date.

This requirement is often referred to as the "Prop. G" calendar by the City Attorneys' office and by officials. Officials who are covered by 67.29-5 are, therefore, required to keep a calendar that contains a certain *minimum* of information. This requirement establishes a *floor* of required information to be maintained and released within three business days. This requirement, however, does not mean that any *other* information maintained on an official's calendar is automatically exempt from disclosure. To the contrary, as described above, all calendars are public records and all information that is not specifically exempt under an express exemption must be released under the normal release provisions of the Ordinance.

For information that is expressly exempt from disclosure and subsequently redacted from calendars that are released for public review, the Department must explain to the requestor (by use of footnotes or other detailed and clear explanation) why each piece of information redacted has been withheld. *See, e.g.*, section 67.26. This can often be accomplished by redacting and adding notes to a hard copy document before it is released. Providing a detailed explanation of why each piece of information has been redacted (*i.e.*, personal privacy, security) often obviates any unwarranted "suspicion" a Sunshine requestor may have when provided with a calendar with numerous, unclear or unexplained redactions.

Employee Discipline

At the Compliance and Amendments hearing there was also some discussion concerning when and whether it would be appropriate to redact the names of employees meeting with officials. Examples were given of potential whistleblowers who have a need for confidentiality and employees who were subject to complaints and potential discipline. With respect to whistleblowers or other for whom there is a demonstrated need for confidentiality, the Task Force has ruled that those names may be withheld.

With respect to meetings that involve discussing complaints and discipline, the Department indicated it was relying on section 67.24c(7) of the Ordinance which provides that the following employee records must be released:

The record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

Therefore, not surprisingly, the Department felt that employees whose misconduct had not been confirmed should not be released. However, since this provision of the

Ordinance was adopted and passed, the California Court of Appeal has confirmed a different standard for release of information regarding complaints and potential employee misconduct. Specifically:

Where complaints of a public employee's wrongdoing and resulting disciplinary investigation reveal allegations of a substantial nature, as distinct from baseless or trivial, and there is reasonable cause to believe the complaint is well founded, public employee privacy must give way to the public's right to know.

Bakersfield City School Dist. v. Superior Court, 118 Cal. App. 4th 1041, 1046 (Cal. Ct. App. 2004). The Bakersfield court confirmed that neither "a finding of the truth of the complaint contained in the personnel records or the imposition of employee discipline is a prerequisite to disclosure." *Id.*

As the Sunshine Ordinance specifically provides that Departments must follow laws (or legal opinions) that provide for greater access to public information, *see* section 67.36, the Bakersfield decision must be applied when determining whether the Department will release names of employees who have been the subject of complaints and potential disciplinary hearings.

Employee Vacation

The last point discussed at the Committee meeting was the appropriateness of redacting the names of employees who were out on vacation. Based on the recent California Supreme Court decision, *International Federation of Professional & Technical Engineers, Local 21, AFL-CIO v. Superior Court*, 42 Cal. 4th 319 (Cal. 2007), public employees do not have a reasonable expectation of privacy regarding the accrual and use of vacation time. As demonstrated by numerous news articles regarding overtime and vacation accrual and use by public employees, the public also has a significant and strong right to know when public employees are on and off the job.

I believe I have covered each of the areas that were discussed in the Compliance and Amendments Committee discussion. Please let me know if you have any questions or concerns. In closing, I'd like to express our appreciation for the Fire Department's continued efforts to respond to Sunshine Requests with a considered and thoughtful approach and for continuing to send knowledgeable representatives -- including yourself and Deputy Chief Massetani -- to respond to our questions and concerns.

Chief Joanne Hayes-White
February 7, 2008
Page 4 of 4

Regards,



Erica L. Craven

c: Rhab Boughn
Ernie Llorente
Sunshine Ordinance Task Force

**SUNSHINE ORDINANCE TASK FORCE
MEMBERS DURING 2006-2007
(Terms expire 4/27)**

Seat 1	Submitted by the local chapter of the Society of Professional Journalists and be an attorney. Appt 8/25/04.	Erica L. Craven Term ends 4/08 District 8
Seat 2	Submitted by the local chapter of the Society of Professional Journalists and be a journalist. Appt 5/3/02	Richard Knee Term ends 4/08 District 3
Seat 3	Member of the press or electronic media with an interest in citizen access. Appt 5/3/02	Sue Cauthen Term ends 4/08 District 3
Seat 4	Appointed from names submitted by New California Media now know as New America Media; be a journalist from a racial/ethnic-minority-owned news organization. Appt 4/1/06, resigned February 13, 2007.	Pueng Vongs Term ends 4/07 District 1
Seat 5	Submitted by the League of Women Voters. Appt 5/23/06.	Kristin Chu Term ends 4/08 District 1
Seat 6	Experienced in consumer advocacy. Appt 5/3/02; re-appointed 4/15/04; continues to serve as a holdover.	Doug Comstock Term ended 4/06 District 5
Seat 7	Experienced in consumer advocacy. Appt 4/15/04.	David Pilpel Term ends 4/08 District 4
Seat 8	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 6/2/05.	Bruce Wolfe Term ends 4/08 District 5
Seat 9	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 4/1/06.	Hanley Chan Term ends 4/08 District 3
Seat 10	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 6/2/05 (AKA Nick Mueller).	Nick Goldman Term ends 4/08 District 8
Seat 11	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 5/25/01; re-appointed 5/9/03; re-appointed 6/2/05; continues to serve as a holdover.	Marjorie A. Williams Term ends 4/07 District 10
Ex- Officio	Clerk of the Board or her designee (non-voting): Gloria Young served as an ex-officio member from 1/06 to 4/07	Angela Calvillo Begin 7/07
Ex- Officio	Mayor or his designee (non-voting) Appt 4/22/07	Harrison Sheppard Term ends 8/22/09 District 5



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>

Thank you for your interest in the implementation of the San Francisco Sunshine Ordinance.

The Sunshine Ordinance adopted by the citizens of the City & County of San Francisco declares that:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance will assure that their deliberations are conducted before the people and that City operations are open to the people's review.

The role of the Sunshine Ordinance Task Force is to advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement the Ordinance. The Task Force is responsible for developing appropriate goals to ensure the practical and timely implementation of the Ordinance and to report to the Board on practical or policy problems encountered in the administration of the Ordinance.

If you have encountered problems regarding compliance with the Ordinance, the Public Records Act or the Ralph M. Brown (Public Meetings) Act, we ask that you fill out the attached complaint form. Please deliver the form to Frank Darby, Administrator of the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683.

We attempt to resolve complaints informally where possible, through the affected departments and the City Attorney's office. Matters that cannot be adequately resolved, or matters that involve substantial policy considerations, may be set for hearing at a Task Force meeting. The Task Force meets the fourth Tuesday of each month at 4:00 p.m. at City Hall, Room 408.

Notice: Personal information that you provide is subject to disclosure under the California Public Records Act and the Sunshine Ordinance, except when confidentiality is specifically requested. 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).



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 _____

Name of individual contacted at Department or Commission _____

- Alleged violation public records access
- Alleged violation of public meeting. Date of meeting _____

Sunshine Ordinance Section(s) _____
(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.

Do you wish a public hearing before the Sunshine Ordinance Task Force? yes no

*(Optional)*¹
Name _____ Address _____

Telephone No. _____ E-Mail Address _____

Date _____ Signature _____

¹ NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE IS SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. 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).



Filing a Complaint with the Sunshine Ordinance Task Force

1. You may fill out a Complaint Form online or access a form at sfgov.org/site/sunshine, or you may send your own letter filing a formal complaint. File the complaint with the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Pl., Room 244, San Francisco CA 94102-4689, or you may sent it by fax to (415) 554 7854 or e-mail to sotf@sfgov.org.
2. Once your complaint is received, the Complaint Committee of the Sunshine Ordinance Task Force reviews the complaint to determine if the Sunshine Ordinance Task Force has jurisdiction.
 - Jurisdiction is defined as those items the Task Force may address as outlined in the Sunshine Ordinance
3. Once the Complaint Committee completes its consideration, the complainant is notified of the Committee's decision.
4. If the Complaint Committee finds no jurisdiction over the alleged violations in the complaint, the complainant could request reconsideration before the full Task Force at its next scheduled meeting. Should the full Task Force find jurisdiction, a full hearing on the merits would be scheduled.
5. If the Complaint Committee finds the Task Force has jurisdiction, the complainant, respondent, and the Task Force Members are notified in writing of the jurisdiction decision, and the specific matters, which the Complaint Committee has found jurisdiction.
6. The complaint is then scheduled for a hearing before the next meeting of the Sunshine Ordinance Task Force.
7. If additional information is to be submitted from the complainant or respondent, the additional material must be submitted to the Sunshine Ordinance Task Force Administrator at least seven days before the scheduled hearing before the Task Force.
 - (a.) If the complainant submits any additional material after the seven day deadline, the complainant will be informed that:
 - The Task Force may proceed without considering the new material, or
 - The complainant may waive the 45-day time line set and continue the hearing to the next Task Force meeting (the question to be the matter on which the Complaint Committee has granted jurisdiction), or
 - The complainant may withdraw the complaint and file a new complaint to be considered by the Complaint Committee, or
 - The complainant may proceed to hearing with their current complaint and file a new complaint and use the new information to support the freestanding separate complaint.
8. After the Task Force completes its public hearing, the Task Force would make an Order of Determination regarding the complaint.
9. For further information, contact the Sunshine Ordinance Task Force Administrator, Frank Darby at (415) 554 7724.

SUNSHINE ORDINANCE TASK FORCE

WEB SITE INFORMATION

In 2006-2007 the Sunshine Ordinance Task Force web page received 880,306 hits. The web page consists of:

- Current agendas and minutes
- Meeting notices
- Past years' agendas and minutes
- Public records listing and retention schedule
- By-laws of the Task Force
- Other related documents and information

Information on:

- The Sunshine Ordinance
- Membership of the Task Force
- Committee structure of the Task Force
- Non-profit requirements (Administrative Code, Chapter 12L)
- Duties and responsibilities of the Task Force
- Complaint Procedures and Form
- Frequently asked questions

