

Date: July 22, 2008

Item No. 11

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

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Draft Minutes: Compliance and Amendments for July 9, 2008.**
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Completed by: Frank Darby

Date: July 16, 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.



<http://www.sfgov.org/sunshine>

**SUNSHINE ORDINANCE TASK FORCE  
COMPLIANCE AND AMENDMENTS COMMITTEE  
DRAFT MINUTES**

Wednesday, July 9, 2008  
4:00 p.m., City Hall, Room 406

**Committee Members:** Richard Knee, Chair; Erica Craven, David Pilpel, Harrison Sheppard  
(ex-officio, non-voting)

**Call to Order** 4:13 P.M.

**Roll Call Present:** Knee, Craven, Pilpel  
**Absent:** Sheppard

**Deputy City Attorney:** Ernie Llorente  
**Clerk:** Chris Rustom

1. Approval of minutes of June 11, 2008.

Public Kimo Crossman thanked the Administrator for capturing his comments regarding the purging of emails.

Comment: None

Motion to approve the minutes of June 11, 2008. (Pilpel / Chu)  
Ayes: Knee, Craven, Pilpel

2. Discussion re: developing recommendations of the document retention policy of the Board of Supervisors.

Public Comment: Kimo Crossman said he was very concerned about certain sections of the COB's records and retention policy. He said a lawsuit was being filed in North Carolina that deals with similar issues especially the destruction and deletion of emails. He offered members a copy of a "modern" records retention policy and was told to forward it to the Administrator.

Member Pilpel wanted to know the volume of documents the administrators had accumulated over the years. Mr. Rustom said a small storage next to Frank Darby's office was full and several boxes were stacked outside his office. On SOTF records retention, Mr. Rustom said he lacked the experience but the Clerk's office procedure was to review the documents and return it to storage in boxes marked "for destruction" and the person responsible was Mr. Darby as Records and Information Manager.

Member Pilpel said his concern was the retention of TF records and did not agree with suggestions that all records be retained forever.

Chair Knee wanted clarification as to why certain numbers were added to entries in the third column from the left on page 20 of the packet. Mr. Rustom said the reason for these numbers is in the last column.

Craven said the document had a significant omission because it does not distinguish between electronic and paper records. A modern policy on retention is necessary, she said.

Chair Knee volunteered to write to several major organizations for their policies

Craven added that the committee needs to review the State code and the SF Admin code and build on it. These documents, she suggested, be part of the packet for proper discussion.

Llorente said the main focus should be on electronic records as many departments print emails for retention and erase the electronic record, which contains unseen data.

Pilpel said topics to be discussed should include

- Reviewing national models and best practices
- Records retention periods that exceed the minimum required
- Electronic records and issues associated with it.
- Emails associated with pending legislative files

Craven suggested Llorente to find and add to the packet sections of the retention policy at the city and state levels and the policies mentioned in the Good Government Guide.

Public Comment: Crossman said his research shows general retention periods for cities is two years unless the Board of Supervisors wants to change it. San Jose is working toward retaining electronic documents for 10 years for a department head and five years for a lower level employee. The State of Missouri adopted seven years for all government employees based on IRS requirements

Craven wanted Crossman's research placed in the packet.

Pilpel wanted to know the origins of Chapter 5: Electronic Mail Policy and if this section was in the Employee Handbook or was it specifically for the BOS.

Craven wanted to know what was in Chapter 4 and was there a Chapter 6. She requested the Clerk to always include the title page and table of content in the future.

Pilpel then asked Ernie if there was a connection between Index of Records and retention of records.

Public Comment: Crossman said the Index of Records and Retention of Records are linked because the index includes periods of retention

Pilpel said the Committee should look at the DA's record keeping policies.

Continued to August 6, 2008, meeting.  
Without objection.

3. Administrator's Report.

Public Comment: Crossman told the committee that he had withdrawn three complaints and would be willing to work with the Task Force on reducing its workload. Mr. Crossman, while expressed his deep concern that the meeting was not being digitally recorded, said he would be filing a complaint the Task Force because it is in violation of the law.

Pilpel said he was pleased with the log because it contains a brief description of the complaint.

Mr Rustom said there were six complaints to be heard by the Task Force on July 22, 2008, and two more complaints had been file since the Complaint Log was created.

He also said Peter Warfield's two complaints have not been acted upon because the Task Force had not given him directions at its last meeting.

Continued without objection

4. Public comment on items not listed on the agenda.

Public Speakers: Kimo Crossman said JFK Public Interest in Law (Berkeley) is starting up on different topics and would like members of the Task Force to hold an open government session. He also added that the Task Force should police itself and should not require his participation in the digital recording

5. Announcements, questions and future agenda items from CAC members.

Member Craven said members should have specific proposals on the retention policy when they meet August 6, 2008, because all background materials will be in the packet.

Adjournment: The meeting was adjourned at 4:55 p.m.

This meeting has been audio-recorded and is on file in the office of the Sunshine Ordinance Task Force