

Date: September 23, 2008

Item No. 9a
File No. 08042#

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Complaint by: Kimo Crossman v SFGTV, Media Serv., COB, SOTF-A**
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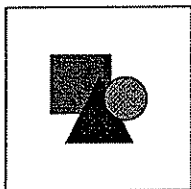
Completed by: Frank Darby

Date: September 17, 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.



DENNIS J. HERRERA
City Attorney

ERNEST H. LLORENTE
Deputy City Attorney

DIRECT DIAL: (415) 554-4236
E-MAIL: ernest.llorente@sfgov.org

MEMORANDUM

September 12, 2008

KIMO CROSSMAN v. SFGTV, MEDIA SERVICES, CLERK OF THE BOARD OF SUPERVISORS AND FRANK DARBY, SOTF ADMINISTRATOR (08042)

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING FACTS:

The San Francisco Board of Supervisors passed an ordinance that expanded section 67.14 of the Administrative Code/Sunshine Ordinance that provided for digital form of audio or video recordings of policy body meetings. After the Task Force meetings of 6/10/08 and 7/22/08, Kimo Crossman requested the digital recordings of those meetings. The Task Force administrator advised Kimo Crossman that digital recordings of those meetings are not available because the Mayor did not fund the staff positions to make digital recording machines operational.

COMPLAINANT FILES COMPLAINT

On August 1, 2008, Kimo Crossman filed a complaint against the SFGTV, Media Services, the Sunshine Task Force Administrator and the Clerk of the Board of Supervisors. alleging violation Section 67.14 of the Sunshine Ordinance as amended by the BOS. At the complaint committee hearing on 9/9/08, Kimo Crossman added the Board of Supervisors to his complaint.

RESPONDENT AGENCIES APPEARS BEFORE THE COMPLAINT COMMITTEE

On September 9, 2008, representatives from SFGTV, Media Services, Clerk of the BOS and the Task Force administrator appeared before the Complaint Committee and stated that solely due to the non funding of the staff positions necessary to implement the digital sound recording system the system is not implemented.

APPLICABLE STATUTORY SECTIONS:

1. Sunshine Ordinance, San Francisco Administrative Code Section 67.1 addresses Findings and Purpose.

Memorandum

2. Sunshine Ordinance, San Francisco Administrative Code Section 67.14 deals with tape recording.
3. Sunshine Ordinance, San Francisco Administrative Code Section 67.21 addresses general requests for public documents including records in electronic format.
5. Sunshine Ordinance, San Francisco Administrative Code Section 67.21-1 addresses the policy regarding the use and purchase of computer systems.
6. Sunshine Ordinance, San Francisco Administrative Code Section. 67.26 deals with withholding kept to a minimum.
7. Sunshine Ordinance, San Francisco Administrative Code Section. 67.27 deals with justification for withholding.
8. Sunshine Ordinance, San Francisco Administrative Code Section 67.29-2 deals with Internet Access/World Wide Web Minimum Standards.
9. California Public Records Act, Government Code Section 6253.9 deal with information in an electronic format.
10. California Public Records Act, Government Code Section 6253 deals with public records open to inspection; agency duties and time limits. California Public Records Act, Government Code Section 6255 deals with justification for withholding of records.
11. California Constitution, Article I, Section 3 addresses Assembly, petition, open meetings.

APPLICABLE CASE LAW:

none

ISSUES TO BE DETERMINED**1. FACTUAL ISSUES****A. Uncontested Facts:**

The parties agree to the following facts:

Memorandum

- Crossman submitted Public Records Requests to SOTF Administrator Darby for a digital recording of the 6/10/08 and 7/22/08 Task Force Meetings
- Administrator Darby responded in a timely fashion and stated that digital recordings of the meetings are not available because the City does not have an appropriation to fund staff who could implement the digital recording machines.

B. Contested facts/ Facts in dispute:

The Task Force must determine what facts are true.

i. Relevant facts in dispute:

Whether City departments are violating Section 67.14 of the Sunshine Ordinance for its failure to implement the digital recording of policy body meetings because of lack of funding for the implementation of the digital recording system.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- a.) none.

3. LEGAL ISSUES/ LEGAL DETERMINATIONS:

- Were sections of the Sunshine Ordinance (Section 67.21), Brown Act, and/or Public Records Act were violated?
- Was there an exception to the Sunshine Ordinance, under State, Federal, or case law?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS:

THE TASK FORCE FINDS THAT THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

Memorandum

ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE (THE SUNSHINE ORDINANCE) UNLESS OTHERWISE SPECIFIED

Section 67.1 addresses 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

Memorandum

before a policy body or passive meeting body, that person, and the public, has the right to an open and public process.

Section 67.21 addresses general requests for public documents.

This section provides:

a.) Every person having custody of any public record or public information, as defined herein, ... shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

b.) A custodian of a public record shall as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

c.) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

...

k.) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and in accordance with the enhanced disclosure requirement provided in this ordinance.

l.) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and inseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to

Memorandum

release information where the release of that information would violate a licensing agreement or copyright law.

Section 67.21-1 addresses the City's policy regarding the use and purchase of computer systems.

This section provides:

a) It is the policy of the City and County of San Francisco to utilize computer technology in order to reduce the cost of public records management, including the costs of collecting, maintaining, and disclosing records subject to disclosure to member of the public under this section. To the extent that it is technologically and economically feasible, department that use computer systems to collect and store public records shall program and design the systems to ensure convenient, efficient, and economical public access to records and shall make public records easily accessible over public networks such as the Internet.

b) Department purchasing new computer systems shall attempt to reach the following goals as a means to achieve lower costs to the public in connection with the public disclosure of records;

1) Implementing a system in which exempt information is segregated or filed separately from otherwise disclosable information.

2) Implementing a system that permits reproduction of electronic copies of records in a format that is generally recognized as an industry standard format.

3) Implementing a system that permits making records available through the largest non-profit, non-proprietary public computer network, consistent with the requirement for security of information.

Section 67.26 provides:

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute.

Memorandum

Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by section 67.27 of this article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any city employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

Section 67.27 provides:

Any withholding of information shall be justified in writing, as follows:

- a.) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.
- b.) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act of elsewhere.
- c.) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.
- d.) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

Section 67.29-2 provides:

Internet Access/World Wide Web Minimum Standards.

Each department of the City and County of San Francisco shall maintain on at World Wide Web site, or on a comparable, readily accessible location on the Internet, information that it is required to make publicly available. Each department is encouraged to make publicly available through its World Wide Web site, as much information and as many documents as possible concerning its activities. At a minimum, within six months after enactment of this provision, each department shall post on its World Wide Web site all meeting notices required under this ordinance, agendas and the minutes of all previous meetings of its policy bodies for the last three years. Notices and agendas shall be posted no later than the time that the department otherwise distributes this information to the public, allowing reasonable time for posting. Minutes of meetings shall be posted as soon as possible, but in any event within 48 hours after they have been approved. Each department shall make reasonable efforts to ensure

Memorandum

that its World Wide Web site is regularly reviewed for timeliness, and updated on at least a weekly basis. The City and County shall also make available on its World Wide Web site, or on a comparable, readily accessible location on the Internet, a current copy of the City Charter and all City Codes.

The California Constitution as Amended by Proposition 59 in 2004 provides for openness in government.

Article I Section 3 provides:

a) The people have the right to instruct their representative, petition government for redress of grievances, and assemble freely to consult for the common good.

b)(1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protect by the limitation and the need for protecting that interest.

3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.

4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided by Section 7.

5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings or public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.

6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committee, and caucuses provided by Section 7 of Article IV, state law, or

Memorandum

legislative rules adopted in furtherance of those provisions: nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

The California Public Records Act is located in the state Government Code Sections 6250 et seq. All statutory references, unless stated otherwise, are to the Government Code.

Section 6253 provides.

a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the records after deletion of the portions that are exempted by law.

b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

c) Each agency, upon a request for a copy of records, shall within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefore....

Section 6253.9 provides:

a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

(1) The agency shall make the information available in any electronic format in which it holds the information.

(2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or

Memorandum

for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in any electronic format.

b) Notwithstanding paragraph (2) of subdivision (a), the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

(1) In order to comply with the provisions of subdivision a.), the public agency would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.

(2) The request would require data compilation, extraction, or programming to produce the record.

c) Nothing in this section shall be construed to require the public agency to reconstruct a record in an electronic format if the agency no longer has the record available in an electronic format.

d) If the request is for information in other than electronic format, and the information also is in electronic format, the agency may inform the requester that the information is available in electronic format.

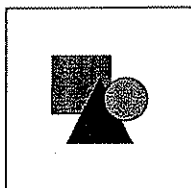
e. Nothing in this section shall be construed to permit an agency to make information available only in electronic format.

f) Nothing in this section shall be construed to require the public agency to release an electronic record in the electronic form in which it is held by the agency if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

g) Nothing in this section shall be construed to permit public access to records held by any agency to which access is otherwise restricted by statute.
Section 6255 provides:

a) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

b) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.



DENNIS J. HERRERA
City Attorney

ERNEST H. LLORENTE
Deputy City Attorney

DIRECT DIAL: (415) 554-4236
E-MAIL: ernest.llorente@sfgov.org

September 3, 2008

Nick Goldman Chair
Members of the Complaint Committee

Re: Kimo Crossman (08042) v. SFGTV, Media Services and Clerk of the Board of Supervisors.

Dear Chair Goldman and Members of the Complaint Committee:

This letter addresses the issue of whether the Sunshine Ordinance Task Force ("Task Force") has jurisdiction over the complaint of Kimo Crossman against the SFGTV, Media Services and the Clerk of the Board of Supervisors.

BACKGROUND

The San Francisco Board of Supervisors passed an ordinance that expanded section 67.14 of the Administrative Code/Sunshine Ordinance that provided for digital form of audio or video recordings of policy body meetings. After the Task Force meetings of 6/10/08 and 7/22/08, Kimo Crossman requested the digital recordings of those meetings. The Task Force administrator advised Kimo Crossman that digital recordings of those meetings are not available because the Mayor did not fund the staff positions to make digital recording machines operational.

COMPLAINT

On August 1, 2008, Kimo Crossman filed a complaint against the SFGTV, Media Services and the Clerk of the Board of Supervisors. alleging violations of the Sunshine Ordinance.

SHORT ANSWER

Based on Complainant's allegation and the applicable sections of the Sunshine Ordinance and the California Public Records Act, which are cited below, the Sunshine Ordinance Task Force *does* have jurisdiction over the allegation. The allegations are covered under (67.14) of the Ordinance.

DISCUSSION AND ANALYSIS

Article I Section 3 of the California Constitution as amended by Proposition 59 in 2004, the State Public Records Act, the State Brown Act, and the Sunshine Ordinance as amended by Proposition G in 1999 generally covers the area of Public Records and Public Meeting laws that the Sunshine Ordinance Task Force uses in its work.

FOX PLAZA · 1390 MARKET STREET, SEVENTH FLOOR · SAN FRANCISCO, CALIFORNIA 94102-5408
RECEPTION: (415) 554-3900 · FACSIMILE: (415) 554-3985

Letter to the Complaint Committee

Page 2

September 3, 2008

The Sunshine Ordinance is located in the San Francisco Administrative Code Chapter 67. All statutory references, unless stated otherwise, are to the Administrative Code. Section 67.21 generally covers requests for documents and Section 67.25 covers Immediate Disclosure Requests. CPRA Section 6253 generally covers Public Records Requests.

Sunshine Ordinance section 67.14 covers the recordings of meetings of policy bodies.

In this case, Kimo Crossman alleges violation of 67.14 of the Ordinance. This section covers the digital recordings of policy body meetings. The Task Force will determine whether the SFGTV, Media Services and the Clerk of the Board of Supervisors. violated the Ordinance.



<complaints@sfgov.org>
08/01/2008 10:59 AM

To <sotf@sfgov.org>
cc
bcc
Subject Sunshine Complaint

History This message has been forwarded

Submitted on: 8/1/2008 10:59:47 AM

Department: DTIS, SFGTV, City Administrator, Media Services, SOTF Admin, COB

Contacted: Frank Darby, Rohan Lane, Jack Chin, Chris Rustom

Public_Records_Violation: Yes

Public_Meeting_Violation: No

Meeting_Date:

Section(s)_Violated: 67.14 (c)

Description: Digital recordings of the 6/10/08 & 7/22/08 SOTF meetings were made but have not been posted on the city website.

Hearing: Yes

Date: 7/31/2008

Name: Kimo Crossman

Address:

City:

Zip:

Phone:

Email:

Anonymous:



<complaints@sfgov.org>

08/01/2008 10:59 AM

To <soff@sfgov.org>

cc

bcc

Subject Sunshine Complaint

History:

 This message has been forwarded.

Submitted on: 8/1/2008 10:59:47 AM

Department: DTIS, SFGTV, City Administrator, Media Services, SOTF Admin, COB

Contacted: Frank Darby, Rohan Lane, Jack Chin, Chris Rustom

Public_Records_Violation: Yes

Public_Meeting_Violation: No

Meeting_Date:

Section(s)_Violated: 67.14 (c)

Description: Digital recordings of the 6/10/08 & 7/22/08 SOTF meetings were made but have not been posted on the city website.

Hearing: Yes

Date: 7/31/2008

Name: Kimo Crossman

Address:

City:

Zip:

Phone:

Email:

Anonymous:

Confidentiality_Requested: Yes



"Kimo Crossman"
 <kimo@webnetic.net>
 08/01/2008 11:04 AM

To "SOTF" <sotf@sfgov.org>
 cc <grossman356@mac.com>
 bcc
 Subject RE: Sunshine Complaint

NO, No confidentiality is requested. I have never requested confidentiality. This is a public record and a public process. The taskforce as already ruled on this issue. There is no general expectation of privacy nor is disclosing info an unwarranted invasion of privacy.

Also, please confirm that the original submitted email will be part of the packet.

Lastly, please provide a complaint #

thanks

-----Original Message-----

From: SOTF [mailto:sotf@sfgov.org]
 Sent: Friday, August 01, 2008 11:00 AM
 To: kimo@webnetic.net
 Subject: Fw: Sunshine Complaint

Mr Crossman,

This is for your review and approval.

Chris Rustom
 Asst. Administrator
 Sunshine Ordinance Task Force
 1 Dr. Carlton B. Goodlett Place
 City Hall, Room 244
 San Francisco, CA 94102-4689
 SOTF@SFGov.org
 OFC: (415) 554-7724
 FAX: (415) 554-7854

Complete a SOTF Customer Satisfaction Survey by clicking the link below.
http://www.sfgov.org/site/sunshine_form.asp?id=34307

----- Forwarded by SOTF/SOTF/SFGOV on 08/01/2008 11:00 AM -----

<complaints@sfgov.org>

08/01/2008 10:59 AM

<sotf@sfgov.org>

To

cc

Subject

Sunshine Complaint



"Kimo Crossman"
<kimo@webnetic.net>
07/31/2008 11:13 PM

To "SOTF" <sotf@sfgov.org>
"Kristin Murphy Chu" <kristin@chu.com>,
cc <grossman356@mac.com>, "Rohan Lane"
<RohanLane@sfgov.org>, "Jack Chin"
bcc
Subject SOTF Complaint - Failure to post digital recording on city
website

Please include the below email chain, images and attachments in the file for this complaint.

Submitted on: 7/31/08

Department: DTIS-SFGTV/
City Administrator-Media Services/
SOTF Administrator/
Clerk of the Board

Contacted: Frank Darby, Rohan Lane, Jack Chin, Chris Rustom

Public_Records_Violation: Yes

Public_Meeting_Violation: No

Meeting_Date:

Section(s)_Violated: 67.14 (c)

Description:

Digital recordings of the 6/10/08 & 7/22/08 SOTF meetings were made but have not been posted on the city website.

c) Every City policy body, agency or department shall audio or video record every regular meeting, special meeting, or hearing open to the public held in a City Hall hearing room that is equipped with audio or video recording facilities, except to the extent that such facilities may not be available for technical or other reasons. Each such audio or video recording shall be a public record subject to inspection pursuant to the California Public Records Act (Government Code Section 6250 et seq.), and shall not be erased or destroyed. The City shall make such audio or video recording available in digital form at a centralized location on the City's web site (www.sfgov.org) within seventy-two hours of the date of the meeting or hearing and for a period of at least two years after the date of the meeting or hearing. Inspection of any such recording shall also be provided without charge on an appropriate play back device made available by the City. This subsection (c) shall not be construed to limit or in any way modify the duties created by any other provision of this article, including but not limited to the requirements for recording closed sessions as stated in Section 67.8-1 and for recording meetings of boards and

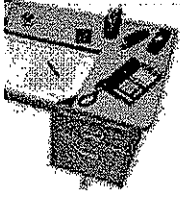
commissions enumerated in the Charter as stated in subsection (b) above.

Hearing: Yes

Date: 7/31/08

Name: Kimo Crossman

Email: kimo@webnetic.net



Frank Darby/BOS/SFGOV
08/07/2008 01:59 PM

To SOTF/SOTF/SFGOV@SFGOV
cc
bcc
Subject Fw: Response to SOTF Complaint #08042, Kimo Crossman
v. DTIS/SFGTV etal



Olga
Ryerson/ADMSVC/SFGOV
08/07/2008 12:39 PM

To Frank Darby/BOS/SFGOV@SFGOV
cc Chris Rustom/BOS/SFGOV@SFGOV
Subject Response to SOTF Complaint #08042, Kimo Crossman v.
DTIS/SFGTV etal

Dear Mr. Darby:

Please see attached response to subject complaint on behalf of the Office of the City Administrator, DTIS, SFGTV, and City Hall Media Services.

If you have any questions, please feel free to give me a call.

Sincerely,

Olga A. Ryerson
Office of the City Administrator



SOTF 8-7-08 response.pdf

Olga A. Ryerson
Executive Assistant to the City Administrator
City Hall, Room 362
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Phone: (415) 554-6927
Cell: (415) 725-7236
Fax: (415) 554-4849



OFFICE OF THE CITY ADMINISTRATOR

Gavin Newsom, Mayor
Edwin M. Lee, City Administrator

August 7, 2008

Mr. Frank Darby, Jr.
Administrator
Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Subject: SOTF Complaint #08042, Kimo Crossman v. DTIS/SFGTV et al

Dear Mr. Darby:

The Office of the City Administrator provides this initial response to the above-captioned complaint on behalf of this office, DTIS, SFGTV, and City Hall Media Services.

The above-mentioned departments and agencies contest the jurisdiction of the Sunshine Ordinance Task Force ("SOTF") to hear this matter as a complaint and request a hearing before the Complaint Committee of the SOTF on September 9, 2008. We will provide our reasons for contesting jurisdiction in a subsequent communication.

Sincerely,

A handwritten signature in cursive script that reads "Amy L. Brown".

for Edwin M. Lee
City Administrator

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

August 11, 2008

Honorable Members
Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

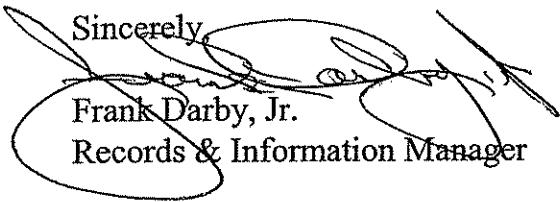
Re: Complaint #08042_Crossman vs. COB & SOTF-A, et al

Dear Task Force Members:

This letter is in response to the above titled complaint filed against the Clerk of the Board of Supervisors and the Sunshine Ordinance Task Force Administrator by Kimo Crossman.

The complainant alleges a violation of Section 67.14 (c). This allegation is without merit. Further, this matter is not within the jurisdiction of the Task Force (Sections 67.1 (e), 67.21 (e), and (h), 67.30, and 67.33). The Department is therefore contesting jurisdiction, and is requesting a pre-hearing conference with the Complaint Committee of the Sunshine Ordinance Task Force.

Sincerely,


Frank Darby, Jr.
Records & Information Manager

c: Angela Calvillo, Clerk of the Board

FILE NO. 071596

ORDINANCE NO. 80-08

1 [Audio or video recording of public meetings held in City Hall hearing rooms.]
2

3 Ordinance amending Section 67.14 of the Administrative Code to require that any
4 public meeting held in a City Hall hearing room that is equipped with audio or video
5 recording facilities be audio or video recorded and to further require that such audio or
6 video recording be made available for review on the City's web site.

7 Note: Additions are single-underline italics Times New Roman;
8 deletions are ~~strikethrough italics Times New Roman~~.
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. The San Francisco Administrative Code is hereby amended by amending
12 Section 67.14, to read as follows:

13 Sec. 67.14. TAPE/VIDEO AND AUDIO RECORDING, FILMING AND STILL
14 PHOTOGRAPHY.

15 (a) Any person attending an open and public meeting of a policy body shall have
16 the right to record the proceedings with an audio or video recorder or a still or motion picture
17 camera, or to broadcast the proceedings, in the absence of a reasonable finding of the policy
18 body that the recording or broadcast cannot continue without such noise, illumination or
19 obstruction of view as to constitute a persistent disruption of the proceedings.

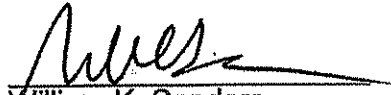
20 (b) Each board and commission enumerated in the Charter shall audio record each
21 regular and special meeting. Each such audio recording, and any audio or video recording of
22 a meeting of any other policy body made at the direction of the policy body shall be a public
23 record subject to inspection pursuant to the California Public Records Act (Government Code
24 Section 6250 et seq.), and shall not be erased or destroyed. Inspection of any such recording
25

1 shall be provided without charge on an appropriate play back device made available by the
2 City.

3 (c) Every City policy body, agency or department shall audio or video record every noticed
4 regular meeting, special meeting, or hearing open to the public held in a City Hall hearing room that is
5 equipped with audio or video recording facilities, except to the extent that such facilities may not be
6 available for technical or other reasons. Each such audio or video recording shall be a public record
7 subject to inspection pursuant to the California Public Records Act (Government Code Section 6250 et
8 seq.), and shall not be erased or destroyed. The City shall make such audio or video recording
9 available in digital form at a centralized location on the City's web site (www.sfgov.org) within
10 seventy-two hoursforty-eight hours of the date of the meeting or hearing and for a period of at least
11 two years after the date of the meeting or hearing. Inspection of any such recording shall also be
12 provided without charge on an appropriate play back device made available by the City. This
13 subsection (c) shall not be construed to limit or in any way modify the duties created by any other
14 provision of this article, including but not limited to the requirements for recording closed sessions as
15 stated in Section 67.8-1 and for recording meetings of boards and commissions enumerated in the
16 Charter as stated in subsection (b) above.

17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20
21 By:


22 William K. Sanders
23 Deputy City Attorney
24
25

Supervisor Mirkarimi
BOARD OF SUPERVISORS



City and County of San Francisco

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

Tails Ordinance

File Number: 071596

Date Passed: April 30, 2008

Ordinance amending Section 67.14 of the Administrative Code to require that any public meeting held in a City Hall hearing room that is equipped with audio or video recording facilities be audio or video recorded and to further require that such audio or video recording be made available for review on the City's web site.

April 15, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 6 - Ammiano, Daly, Dufty, Mirkarimi, Peskin, Sandoval
Noes: 5 - Alioto-Pier, Chu, Elsbernd, Maxwell, McGoldrick

April 22, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - McGoldrick

April 30, 2008 Mayor — VETOED

May 13, 2008 Board of Supervisors — FINALLY PASSED

File No. 071596

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on April 22, 2008 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

The foregoing measure, having been adopted by the Board of Supervisors at the meeting of April 22, 2008 was referred to his Honor, the Mayor, in accordance with the provisions of Section 3.103 of the Charter and was returned by him under the date of April 30 2008, with his disapproval and veto hereon.

The Board of Supervisors, on May 13, 2008, overrode the Mayor's disapproval and veto by the following votes:

Ayes: 8

Noes: 3

I hereby certify that the foregoing ordinance was adopted by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo, Clerk of the Board

File No. 071596

File No. 071596

City and County of San Francisco
Tolls Report

2

Printed at 11:25 AM on 4/23/08



"Kimo Crossman"
 <kimo@webnetic.net>
 08/11/2008 10:28 AM

To ""SOTF"" <soff@sfgov.org>, <amy.brown@sfgov.org>, <ed.lee@sfgov.org>, <olga.ryerson@sfgov.org> <grossman356@mac.com>, <home@prosf.org>, cc <Pmonette-shaw@earthlink.net>, <elc@lrolaw.com>, ""Richard Knee"" <rak0408@earthlink.net>, ""Kristin Murphy
 bcc
 Subject Submittal for #08042_Kimo Crossman v DTIS, SFGTV, Media Services, City Administrator, Clerk of the Board, SOTF Administrator

Submittal for #08042

Responding to the challenge from Frank Darby and Ed Lee that the complaint about posting digital recordings as required under 67.14C whether it can be heard by the Sunshine Taskforce. This is a matter within the purview of the taskforce because it relates to the ordinance. That's the only question for Complaints to answer.

There are other non inspection/production of public records/public meeting provisions in Sunshine – ten day rule before contract approved and written summary of verbal contract negotiations are two examples. Keeping a Department head calendar or storing records in a professional manner. Efficient use of technology. Restrictions on funds used to lobby against Open Government. Department head declaration for training. 67.21 C Info about Info queries and required referrals to DA.

The Sunshine taskforce advises and hears complaints on *any* violation of the ordinance can be heard on 67.30 C & 67.34 (failure to discharge any duty).

I have cited other relevant portions of Sunshine below on this dispute below.

67.30

(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.

SEC. 67.34. WILLFUL FAILURE SHALL BE OFFICIAL MISCONDUCT.

The willful failure of any elected official, department head, or other managerial city employee to discharge any duties imposed by the Sunshine Ordinance, the Brown Act or the Public Records Act shall be deemed official misconduct. Complaints involving allegations of willful violations of this ordinance, the Brown Act or the Public Records Act by elected officials or department heads of the City and County of San Francisco shall be handled by the Ethics Commission.

67.1

(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.**

SEC. 67.5. MEETINGS TO BE OPEN AND PUBLIC; APPLICATION OF BROWN ACT.

All meetings of any policy body shall be open and public, and governed by the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et. seq.) and of this article. **In case of inconsistent requirements under the Brown Act and this article, the requirement which would result in greater or more expedited public access shall apply.**

67.14

(c) Every City policy body, agency or department shall audio or video record every noticed regular meeting, special meeting, or hearing open to the public held in a City Hall hearing room that is equipped with audio or video recording facilities, except to the extent that such facilities may not be available for technical or other reasons. **Each such audio or video recording shall be a public record subject to inspection pursuant to the California Public Records Act (Government Code Section 6250 et seq.), and shall not be erased or destroyed. The City shall make such audio or video recording available in digital form at a centralized location on the City's web site (www.sfgov.org) within seventy-two hours of the date of the meeting or hearing and for a period of at least two years after the date of the meeting or hearing.** Inspection of any such recording shall also be provided without charge on an appropriate play back device made available by the City. This subsection (c) shall not be construed to limit or in any way modify the duties created by any other provision of this article, including but not limited to the requirements for recording closed sessions as stated in Section 67.8-1 and for recording meetings of boards and commissions enumerated in the Charter as stated in subsection (b) above.

SEC. 67.13. BARRIERS TO ATTENDANCE PROHIBITED.

(a) No policy body shall conduct any meeting, conference or other function in any facility that excludes persons on the basis of actual or presumed class identity or characteristics, or which is inaccessible to persons with physical disabilities, or where members of the public may not be present without making a payment or purchase. Whenever the Board of Supervisors, a board or commission enumerated in the charter, or any committee thereof anticipates that the number of persons attending the meeting will exceed the legal capacity of the meeting room, any public address system used to amplify sound in the meeting room shall be extended by supplementary

speakers to permit the overflow audience to listen to the proceedings in an adjacent room or passageway, unless such supplementary speakers would disrupt the operation of a City office.

SEC. 67.21-1. POLICY REGARDING USE AND PURCHASE OF COMPUTER SYSTEMS.

(a) It is the policy of the City and County of San Francisco to utilize computer technology in order to reduce the cost of public records management, including the costs of collecting, maintaining, and disclosing records subject to disclosure to members of the public under this section. **To the extent that it is technologically and economically feasible, departments that use computer systems to collect and store public records shall program and design these systems to ensure convenient, efficient, and economical public access to records and shall make public records easily accessible over public networks such as the Internet.**

(b) Departments purchasing new computer systems shall attempt to reach the following goals as a means to achieve lower costs to the public in connection with the public disclosure of records:

(1) Implementing a computer system in which exempt information is segregated or filed separately from otherwise disclosable information.

(2) Implementing a system that permits reproduction of electronic copies of records in a format that is generally recognized as an industry standard format.

(3) **Implementing a system that permits making records available through the largest non-profit, non-proprietary public computer network, consistent with the requirement for security of information.**

SEC. 67.29-2. INTERNET ACCESS/WORLD WIDE WEB MINIMUM STANDARDS.

Each department of the City and County of San Francisco shall maintain on a World Wide Web site, or on a comparable, readily accessible location on the Internet, information that it is required to make publicly available. **Each department is encouraged to make publicly available through its World Wide Web site, as much information and as many documents as possible concerning its activities.** At a minimum, within six months after enactment of this provision, each department shall post on its World Wide Web site all meeting notices required under this ordinance, agendas and the minutes of all previous meetings of its policy bodies for the last three years. Notices and agendas shall be posted no later than the time that the department otherwise distributes this information to the public, allowing reasonable time for posting. Minutes of meetings shall be posted as soon as possible, but in any event within 48 hours after they have been approved. Each department shall make reasonable efforts to ensure that its World Wide Web site is regularly reviewed for timeliness and updated on at least a weekly basis. The City and County shall also make available on its World Wide Web site, or on a comparable, readily accessible location on the Internet, a current copy of the City Charter and all City Codes.

Board of
Supervisors/BOS/SFGOV
09/02/2008 02:33 PM

To SOTF/SOTF/SFGOV@SFGOV
cc
bcc
Subject Response: Complaint #08042

Date: September 2, 2008

To: Sunshine Ordinance Task Force Members

From: Angela Calvillo, Clerk of the Board
Frank Darby, Sunshine Task Force Administrator

Re: Response - Complaint #08042
Kimo Crossman v DTIS, SFGTV, Media Services, City Administrator, Clerk of the Board, SOTF
Administrator

The Clerk of the Board and the Sunshine Ordinance Task Force Administrator concur with the City Administrator that the Sunshine Ordinance Task Force should not hear the above-captioned matter as a complaint for the reasons set forth in the City Administrator's letter of August 29, 2008 (attached). The Clerk of the Board and the Sunshine Ordinance Task Force Administrator therefore incorporate the City Administrator's letter of August 29, 2008, as our response to the above-captioned matter.



c.a. 8-29-08.pdf

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548



OFFICE OF THE CITY ADMINISTRATOR

Gavin Newsom, Mayor
Edwin M. Lee, City Administrator

August 29, 2008

Honorable Members of the Sunshine Ordinance Task Force
Attention: Complaint Committee
c/o Mr. Frank Darby Jr., SOTF Administrator
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Subject: SOTF Complaint # 08042_Kimo Crossman v. DTIS/SFGTV et al

Dear Task Force Members:

The Office of the City Administrator provides this letter as a follow-up to the August 7, 2008 letter in which this office, DTIS, SFGTV, and City Hall Media Services raised the issue of whether it is appropriate for the Sunshine Ordinance Task Force ("SOTF") to hear the above-captioned matter as a complaint. On behalf of the above-named respondents ("respondents"), this letter further addresses this issue. For the reasons explained below, the respondents believe that this matter should not be addressed as a complaint, but rather as a policy issue.

The complaint asserts that the respondents violated San Francisco Administrative Code Section 67.14(c) because, according to the complaint, recordings of the June 10, 2008 and July 22, 2008 SOTF meetings were made, but not posted on the City's website.

Section 67.14(c) was recently added to the Administrative Code by Ordinance No. 80-08. It provides in relevant part:

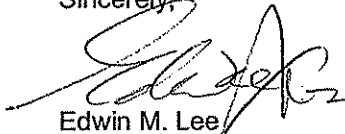
Every City policy body, agency or department shall audio or video record every noticed regular meeting, special meeting, or hearing open to the public held in a City Hall hearing room that is equipped with audio or video recording facilities, except to the extent that such facilities may not be available for technical or other reasons. . . . The City shall make such audio or video recording available in digital form at a centralized location on the City's web site (www.sfgov.org) within seventy-two hours of the date of the meeting or hearing and for a period of at least two years after the date of the meeting or hearing.

As the SOTF members know, the approved budget for the 2008-09 fiscal year did not appropriate funds to implement Section 67.14(c).

A complaint that the respondents did not post certain (or any) recordings on the website essentially challenges the failure to appropriate funds to implement the program described in Section 67.14(c). The remedy for this concern is to seek an amendment to the budget, not to find City departments and agencies in "violation" of an ordinance they have no funding to implement. For this reason, respondents request that the SOTF not treat this matter as a complaint.

However, respondents have no objection if the SOTF wishes to address the issue of the lack of funding to implement Section 67.14(c) as a policy matter at a future meeting. In fact, respondents are aware that the SOTF has already considered this issue at its July 22, 2008 meeting (agenda item # 3). At that meeting, SOTF heard testimony from both DTIS and the General Services Agency that implementation of Ordinance 80-08 is not feasible until sufficient funding is appropriated for the equipment and labor costs required for the program. Respondents recall that SOTF resolved to send a letter to Supervisor Mirkarimi urging that steps be taken to amend the budget to fund the program. If the SOTF wishes to take up this issue again as a policy matter at a future meeting, the appropriate representative(s) of respondents would be willing to attend in order to serve as an informational resource for the Task Force.

Sincerely,



Edwin M. Lee
City Administrator



"Kimo Crossman "
<kimo@webnetic.net>
09/09/2008 07:45 PM

To "SOTF" <sotf@sfgov.org>
cc
bcc
Subject submission for #08042

Please include this email and PDF in the meeting packet for 08042 for Failure to digitally record and post content on city website.

From: Barry Fraser [mailto:Barry.Fraser@SFGOV.ORG]
Sent: Tuesday, September 09, 2008 4:50 PM
To: Kimo Crossman
Cc: 'Jack Chin'
Subject: RE: Immediate Disclosure Request - streaming servers purchased in 2008

The cable revenues in this fund are restricted under state and federal law, and may only be used for capital expenses related to the construction of PEG facilities. For this year, the entire fund balance is allocated to Access SF, EATV (City College) and SFGTV to fund their respective needs to upgrade major equipment and facilities.

"Kimo Crossman " <kimo@webnetic.net>
09/08/2008 05:53 PM

To "Barry Fraser" <Barry.Fraser@SFGOV.ORG>
Cc "Jack Chin" <Jack.Chin@sfgov.org>
Subject RE: Immediate Disclosure Request - streaming servers purchased in 2008

Thank you what is the current fund balance, is there other plans for pending this money?

From: Barry Fraser [mailto:Barry.Fraser@SFGOV.ORG]
Sent: Monday, September 08, 2008 4:36 PM
To: Kimo Crossman
Cc: 'Jack Chin'
Subject: RE: Immediate Disclosure Request - streaming servers purchased in 2008

Mr. Crossman,

The equipment was not purchased because there is no funding for staff to operate it.

Barry Fraser
Telecommunications Policy Analyst
City and County of San Francisco
Department of Telecommunications and Information Services (DTIS)
One South Van Ness, 2nd Floor
San Francisco, CA 94103

Phone: 415-581-3976
Fax: 415-581-3970
barry.fraser@sfgov.org

"Kimo Crossman" <kimo@webnetic.net>

09/05/2008 07:22 PM

To: "Barry Fraser" <Barry.Fraser@SFGOV.ORG>
CC: "Jack Chin" <Jack.Chin@sfgov.org>
Subject: RE: Immediate Disclosure Request - streaming servers purchased in 2008

Thank you – why is this equipment not going to be purchased? Aren't their funds in the Franchise balance?

From: Barry Fraser [mailto:Barry.Fraser@SFGOV.ORG]
Sent: Friday, September 05, 2008 4:31 PM
To: Kimo Crossman
Cc: Jack Chin
Subject: Re: Immediate Disclosure Request - streaming servers purchased in 2008

Mr. Crossman,

Attached is a document that responds to your request. Please note that the equipment described in this document was never purchased, and this PO will be cancelled.

If you have any questions, please do not hesitate to contact me.

Barry Fraser
Telecommunications Policy Analyst
City and County of San Francisco
Department of Telecommunications and Information Services (DTIS)
One South Van Ness, 2nd Floor
San Francisco, CA 94103

Phone: 415-581-3976
Fax: 415-581-3970
barry.fraser@sfgov.org

"Kimo Crossman "
<kimo@webnetic.net>

09/03/2008 07:44 PM

To: "Jack Chin" <Jack.Chin@sfgov.org>, "Barry Fraser" <Barry.Fraser@SFGOV.ORG>
cc: dtis@sfgov.org, "Allen Grossman" <grossman356@mac.com>, <mail@csrsf.com>,
"SFGTV" <sfgtv@sfgov.org>, <Charles.Kremenak@sfgov.org>
Subject: Immediate Disclosure Request - streaming servers purchased in 2008
ct

Immediate Disclosure request

Dear SFGTV/DTIS

Please provide all public records (including but not limited to emails, invoices, PO and checks) regarding purchasing, requisition or approval to purchase any audio or video streaming or other related equipment in 2008. I am under the impression that franchise funds were used to purchase this equipment – I am not interested in any records previously provided to me i.e. proposals and earlier emails.

Please provide records on a daily incremental basis.

As we know under 67.21 and 67.26 is the responsibility of every city employee – so there should not be a resource issue in gathering the records.

It would be surprising if these documents were not readily available.

This is clearly not a voluminous request.

Prompt response with available records is required clearly:

**SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS;
ADMINISTRATIVE APPEALS.**

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A *custodian of a public record* shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

**SEC. 67.21-1. POLICY REGARDING USE AND PURCHASE OF COMPUTER
SYSTEMS.**

(a) It is the policy of the City and County of San Francisco to utilize computer technology in

order to reduce the cost of public records management, including the costs of collecting, maintaining, and disclosing records subject to disclosure to members of the public under this section. To the extent that it is technologically and economically feasible, departments that use computer systems to collect and store public records shall program and design these systems to ensure convenient, efficient, and economical public access to records and shall make public records easily accessible over public networks such as the Internet.

SEC. 67.25. IMMEDIACY OF RESPONSE.

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this article.

SEC. 67.29-7. CORRESPONDENCE AND RECORDS SHALL BE MAINTAINED.

(a) The Mayor and all Department Heads shall maintain and preserve in a professional and businesslike manner all documents and correspondence, including but not limited to letters, e-mails, drafts, memorandum, invoices, reports and proposals and shall disclose all such records in accordance with this ordinance.

6253. (a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an

identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

...

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.



stream_enc_PO.PDF