

SAN FRANCISCO REDEVELOPMENT AGENCY PUBLIC RECORDS POLICY

SEC. 1. PURPOSE.

The Redevelopment Agency of the City and County of San Francisco ("Agency") is committed to providing the public with timely and wide-ranging access to its written records and information. As a matter of law, the Agency is subject to the Public Records Act, Cal. Gov't. Code §§ 6250 et seq., because it is a state-authorized, local governmental entity established under the Community Redevelopment Law, Cal. Health & Safety Code §§ 33000. The Public Records Act establishes minimum disclosure requirements that the Agency must follow. Historically, the Agency has provided the public with greater access to its records than the disclosure requirements under state law. The Agency now desires to codify its practice of expansive disclosure by adopting this Public Records Policy ("Policy"), which is based on the Public Information and Public Records sections of the San Francisco Sunshine Ordinance, Administrative Code §§ 67.20 et seq. Accordingly, the enhanced disclosure requirements of this Policy shall govern the release of written public information, whether by inspection of the record or by providing a copy. The Public Records Act and other law, however, still remain applicable to the Agency to the extent that this Policy does not modify them.

SEC. 2. DEFINITIONS.

Whenever in this Policy the following words or phrases are used, they shall mean:

(a) "Agency" shall mean the Redevelopment Agency of the City and County of San Francisco.

(b) "Custodian of a Public Record" shall mean the person who manages a particular Agency division that retains documents pursuant to the Agency Records Management Program or other employee within the division who has custody of any public record or information.

(c) "Public Information" shall mean the content of "public records" as defined in the Public Records Act (Government Code § 6252 (e)), whether provided in documentary form or in an oral communication. "Public Information" shall not include "computer software" developed by the City and County of San Francisco as defined in the Public Records Act (Government Code Section 6254.9).

(d) "Public Records," as defined in the Public Records Act and used in this Policy, means "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by [the Agency] regardless of physical form or characteristics." Government Code § 6252 (e).

(e) "Public Records Act" shall mean the California Public Records Act at Government Code Section 6250 et seq.

(f) "Writing," as defined in the Public Records Act and used in this Policy, means "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored." Government Code § 6252 (g).

(g) "Supervisor of Records" shall mean the Executive Director of the Agency or his or her designee.

SEC. 3 CORRESPONDENCE AND RECORDS SHALL BE MAINTAINED.

(a) The Agency shall maintain and preserve in a professional and businesslike manner, consistent with the Agency's Record Management Policy, 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 Policy.

(b) In any contract, agreement or permit between the Agency and any outside entity that authorizes that entity to demand any funds or fees from citizens, the Agency shall ensure that accurate records of each transaction are maintained in a professional and businesslike manner. Failure of an entity to comply with these provisions shall be grounds for terminating the contract.

SEC. 4. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS.

(a) A Custodian of a Public Record shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, permit a person making a request under this Policy to inspect and examine a public record, or any divisible portion of a record and shall, upon request, 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 hand delivery, 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 Policy.

(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.

(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the Supervisor of Records for a determination whether the record requested is public. The Supervisor of Records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination by the Supervisor of Records that the record is public, the Supervisor of Records shall immediately order the Custodian of the Public Record to comply with the person's request.

(e) If the person making the request disagrees with the determination described in (d) above, that person may petition the Agency Commission for a determination whether the record requested is public. The Agency Commission shall hold a public hearing within 45 days from when a petition in writing is received for the purpose of determining whether the record requested, or any part of the record requested, is public. This determination shall be in writing. Upon the determination that the record is public, the Agency Commission shall immediately order the Supervisor of the Records to comply with the person's request.

(f) The administrative remedy provided under this Policy shall in no way limit the availability of remedies otherwise available to any person requesting a Public Record.

(g) In any court proceeding pursuant to this Policy, there shall be a presumption that the record sought is public, and the burden shall be upon the Agency to prove with specificity the exemption which applies.

(h) On at least an annual basis, the Supervisor of Records shall prepare a tally and report of every petition brought before it for access to records since the time of its last tally and report. The report shall at least identify for each petition the record or records sought, the custodian of those records, the ruling of the Supervisor of Records, whether any ruling was overturned by a court and whether orders given to custodians of public records were followed. The report shall also summarize any court actions during that period regarding petitions the supervisor has decided.

(i) 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 Agency, 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 Policy. Nothing in this section shall require the Agency to program or reprogram a computer to respond to a request for information except to the extent required by Section 6253.9 of the Public Records Act or to release information where (1) the release of that information would violate a licensing agreement or copyright law; (2) the release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained or (3) access to such electronic record is otherwise restricted by law.

SEC. 5 IMMEDIACY OF RESPONSE.

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6253 (c) and in this Policy, a written request for simple, routine, or otherwise readily available 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. An immediate disclosure request received after the close of the business day (5:00 p.m.) is deemed to be received on the next business day. 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 Policy are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request. Examples of simple, routine, or otherwise readily available information include agendas of the Agency Commission, current Agency fiscal year budgets, and redevelopment plans for existing project areas.

(b) Requests that are identified as an "Immediate Disclosure Request" in accordance with Subsection (a) shall be immediately referred to the Executive Director's office for appropriate assignment to staff for review and response.

(c) If the voluminous nature of the information requested, its location in a remote storage facility, the need to consult with another interested party or the need to compile data, to write programming language or a computer program, or to construct a computer report to extract data warrants an extension of 14 days as provided in Government Code Section 6253 (c), the Agency shall notify the requester by the close of business on the business day following the Agency's receipt of the request.

(d) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where, however, a record being requested contains information most of which is exempt from disclosure under the Public Records Act and this Policy, the custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for

seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

(e) Notwithstanding any provisions of California Law or this Policy, in response to a request for information describing any category of non-exempt public information, when so requested, the Agency 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.

SEC. 6 RELEASE OF ORAL PUBLIC INFORMATION.

Release of oral public information shall be accomplished as follows:

(a) The Executive Director shall designate an Agency employee(s) knowledgeable about the affairs of the Agency to provide information, including oral information, to the public about the Agency's operations, plans, policies and positions. The Executive Director may designate himself or herself for this assignment, but in any event shall arrange that an alternate be available for this function during the absence of the person assigned primary responsibility. The Executive Director may designate a person or persons for each Agency division to provide this information.

(b) The role of the person or persons so designated shall be to provide information, on a timely and responsive basis, to those members of the public who are requesting information about the Agency's operations, plans, policies and positions. Nothing in this section shall be construed as prohibiting a member of the public from requesting information from a specific Agency employee or as otherwise curtailing informal contacts between employees and members of the public about the Agency's operations, plans, policies and positions.

(c) No employee shall be required to respond to an oral inquiry or inquiries from an individual if it would take the employee more than fifteen minutes to obtain the information responsive to the inquiry or inquiries.

(d) Notwithstanding any other provisions of this Policy, Agency employees shall not be discouraged from or disciplined for disclosing any information that is public information or a Public Record to any journalist or any member of the public.

SEC. 7 PUBLIC REVIEW FILE - AGENCY COMMISSION COMMUNICATIONS.

(a) The Agency Commission Secretary shall maintain a file, accessible to any person during normal office hours, containing a copy of any letter, memorandum or other communication which the Commission Secretary has distributed to a quorum of the

Commission concerning a matter appearing on the Commission's agenda within the previous 30 days or likely to appear within the next 30 days, irrespective of subject matter, origin or recipient, except commercial solicitations, periodical publications or communications exempt from disclosure under the Public Records Act or this Policy. Multiple-page reports, studies or analyses which are accompanied by a letter or memorandum of transmittal need not be included in the file so long as the letter or memorandum of transmittal is included.

(b) Agendas of meetings and any other documents on file with the Commission Secretary, when intended for distribution to all, or a majority of all, of the Commission in connection with a matter anticipated for discussion or consideration at a public meeting shall be made available to the public. To the extent possible, such documents shall also be made available through the Agency's Internet site. However, this disclosure need not include any material exempt from public disclosure under the Public Records Act or this Policy.

(c) Records which are subject to disclosure under subdivision (b) and which are intended for distribution to the Commission prior to commencement of a public meeting shall be made available for public inspection and copying upon request prior to commencement of such meeting, whether or not actually distributed to or received by the Commission at the time of the request.

(d) Records which are subject to disclosure under subdivision (b) and which are distributed during a public meeting but prior to commencement of their discussion shall be made available for public inspection prior to commencement of, and during, their discussion.

(e) Records which are subject to disclosure under subdivision (b) and which are distributed during their discussion at a public meeting shall be made available for public inspection immediately or as soon thereafter as is practicable.

(f) The Agency may charge a duplication fee of one cent per page for a copy of a public record prepared for consideration at a public meeting, unless a special fee has been established pursuant to the procedure set forth in Section 12 (Fees for Duplication) of this Policy. Neither this section nor the Public Records Act (Government Code sections 6250 et seq.) shall be construed to limit or delay the public's right to inspect any record required to be disclosed by that Act, whether or not distributed to a policy body.

SEC. 8 PUBLIC INFORMATION THAT MUST BE DISCLOSED.

Notwithstanding the Agency's legal discretion to withhold certain information under the Public Records Act, the following policies shall govern specific types of documents and information and shall provide enhanced rights of public access to information and records:

(a) Drafts and Memoranda.

(1) Except as provided in subparagraph (2), preliminary drafts or Agency memoranda, whether in printed or electronic forms, shall be disclosed upon request notwithstanding Sections 6254 (a)¹ and 6255² of the Public Records Act. If such a document is not normally retained by the Agency in the ordinary course of business and would otherwise be disposed of, its factual content is not exempt under Section 6254 (a) of the Public Records Act, but the recommendation of the document's author may, in such circumstances, be withheld as exempt. Nothing in this Policy shall be construed as modifying the Agency's Records Management Policy regarding the retention of draft documents, except where this Policy expressly requires the preservation of records.

(2) Draft versions of an agreement being negotiated by representatives of the Agency with some other party need not be disclosed immediately upon creation but must be preserved and made available for public review for 10 days prior to the presentation of the agreement for authorization by the Commission, unless the Executive Director makes a finding that the public interest would be unavoidably and substantially harmed by compliance with this 10 day rule. In the case of negotiations for a contract, lease or other business agreement in which the Agency is offering to provide facilities or services in direct competition with other public or private entities that are not required by law to make their competing proposals public or do not in fact make their proposals public, the Executive Director may postpone public access to the final draft agreement until it is presented to the Commission for authorization.

(b) Litigation Material.

(1) Notwithstanding any exemptions otherwise provided by law, the following are Public Records subject to disclosure under this Policy:

- (i) A pre-litigation claim against the Agency;
- (ii) A record previously received or created by the Agency in the ordinary course of business that was not attorney/client privileged when it was previously received or created;

(2) Unless otherwise privileged under California law, when litigation is finally adjudicated or otherwise settled, records of all communications between the Agency and the adverse party shall be subject to disclosure, including the text and terms of any settlement.

¹ Section 6254(a) states that the following documents are not subject to disclosure requirements:

"Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure."

² Section 6255 states that an 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."

(3) Any written settlement agreement and any documents attached to, or referenced in, the settlement agreement shall be made public available at least 10 calendar days before the meeting of the Commission at which the settlement is to be approved to the extent that the settlement would commit the Agency to adopting, modifying, or discontinuing an existing policy, practice or program or paying an amount of money equal to or greater than \$50,000. In addition, if disclosure of these documents could be detrimental to the Agency's interest in pending litigation arising from the same facts or incident and involving a party who is not a party to the litigation being settled and who is not aware of the settlement, the documents described in this subsection need not be disclosed until the other cases are settled or finally resolved.

(c) Personnel Information. Notwithstanding Government Code Section 6254 (c)³, the Agency shall disclose, upon request, the following information :

(1) The job pool characteristics and employment and education histories of all employees, including at a minimum the following information:

- (i) Sex, age and ethnic group;
- (ii) Years of graduate and undergraduate study, degree(s) and major or discipline;
- (iii) Years of employment in the private and/or public sector;
- (iv) Whether currently employed in the same position for another public agency.
- (v) Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.

Nothing in this Policy, however, requires the Agency to compile job pool characteristics and employment and education histories if the Agency does not compile, in the ordinary course of business, this data in the aggregate.

(2) The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted.

(3) The job description of every employment classification.

(4) The exact gross salary and Agency-paid benefits available to every employee.

(5) Any memorandum of understanding between the Agency and a recognized employee organization.

³ Section 6254(c) states that the following documents are not subject to disclosure requirements: "Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of person privacy."

(6) Any collective bargaining agreement shall be made publicly available at least 10 calendar days before the meeting of the Commission at which the agreement is to be approved.

(7) The amount, basis, and recipient of any performance-based increase in compensation, benefits, or both, or any other bonus awarded to any employee.

(8) Unless state law prohibits disclosure, the record of any confirmed misconduct of an Agency 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.

(d) Contracts, Bids and Proposals.

(1) Information available when contract is awarded. Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the Agency and persons or firms seeking contracts shall be open to inspection immediately after the Agency has awarded a contract. Nothing in this provision requires the disclosure of the net worth of a private person or organization or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request.

(2) Information available before a contract is awarded. Evaluation forms, score sheets, and any other documents used by persons in the evaluation or contractor selection process, as well as the names of scorers, graders or evaluators, along with their individual ratings, comments, and score sheets or comments on related documents, shall be available for public inspection immediately after the Executive Director or his or her designee completes any review, evaluation, or rating of responses to a Request for Proposal ("RFP") or Request for Qualifications ("RFQ") and makes a final recommendation regarding award of a contract⁴.

(3) Information available during the course of negotiations. During the course of negotiations for:

- (i) personal, professional, or other contractual services that are not subject to a competitive process or that have only one qualified or responsive bidder after the preliminary review of responses to a RFP or RFQ;

⁴ The Executive Director makes a final recommendation when he or she transmits, to the Agency Commission and public, a Commission Memorandum describing staff's recommendation regarding a contract. For contracts within the authority of the Executive Director to award, a final recommendation occurs when the last staff reviewing the contract forwards it to the Executive Director for approval.

(ii) leases or permits having total anticipated revenue or expense to the Agency of five hundred thousand dollars (\$500,000) or more or having a term of ten years or more; or

(iii) any franchise agreements,

all documents exchanged and related to the position of the parties, including draft contracts, shall be made available for public inspection and copying upon request.

If the Agency does not prepare or exchange records during negotiations in the above-mentioned categories under Section 8 (d) (2) (i) - (iii), or if the records exchanged do not provide a meaningful representation of the respective positions, the Executive Director shall require the Agency employee who is familiar with the negotiations to prepare written summaries of the respective positions upon the Agency's receipt of a written request for such information. These written summaries will be available within five working days following the final day of negotiation of any given week and will be available for public inspection and copying. Upon completion of negotiations, the executed contract, including the dollar amount of said contract, shall be made available for inspection and copying.

At the end of each fiscal year, the Executive Director shall provide to the Agency Commission a list of all sole source contracts entered into during the past fiscal year. This list shall be made available for inspection and copying as provided for elsewhere in this Policy.

(e) Budgets and Other Financial Information. The Agency's budgets, whether tentative, proposed or adopted, and, unless confidential by law, all bills, claims, invoices, vouchers or other records of payment obligations as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made shall not be exempt from disclosure under any circumstances.

(f) Certain Transactions Involving Fees. In any contract, agreement or permit between the Agency and any outside entity that authorizes that entity to demand any funds or fees from citizens, the Agency shall ensure that accurate records of each transaction are available as Public Records except to the extent that the release of the information would constitute an unwarranted invasion of privacy.

(g) Certain Records Related to Agency's Functions and Property Interests. In any contract, agreement, or permit between the Agency and any outside entity that authorizes the entity to own, operate, or manage any property in which the Agency has or will have an ownership interest, including a mortgage, and on which the entity performs a government function related to the furtherance of health, safety or welfare, the Agency shall ensure that accurate records relating to the Agency's ownership interest or the government-related activities are available as Public Records if those records are made available to the governing board of the entity.

(h) Balancing test of Section 6255 not applicable. The Agency shall not assert Public Records Act Section 6255⁵ or any similar provision as the basis for withholding any documents or information requested under this Policy.

(i) Deliberative process exemption not applicable. The Agency shall not assert an exemption for withholding of any document or information based on a "deliberative process" exemption, either as provided by Public Records Act Section 6255⁶ or similar provision of law.

(j) Public interest exemption not applicable. The Agency shall not assert an exemption for withholding of any document or information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure. All withholdings of documents or information must be based on an express provision of this Policy providing for withholding of the specific type of information in question or on an express and specific exemption provided by Public Records Act or other law that is not forbidden by this Policy.

SEC. 9 EXEMPTIONS FROM DISCLOSURE REQUIREMENTS.

Nothing in this Policy shall be construed as prohibiting the Agency from relying on disclosure exemptions that the Public Records Act or other law authorizes and that this Policy does not forbid. These exemptions include, but are not limited to:

(a) As provided for in Section 6254 (c) of the Public Records Act subject to Section 8 (c) of this Policy, personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

(b) As provided for in Section 6254 (k) of the Public Records Act, records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege and the right of privacy under the California Constitution, article I, section 1.

Considerations of privacy based on Sections 9 (a) or 9 (b) of this Policy may cause the Agency to withhold, among other things,: (i) the names, addresses, telephone numbers, and other personal information of individuals; and (ii) information that would reveal whether a person is a recipient of Agency assistance or other governmental assistance because of his or her status as a member of a low or moderate income household.

(c) As provided for in Section 6254 (h) of the Public Records Act, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the Agency relative to the acquisition of property, or to prospective public supply

⁵ Section 6255 of the Public Records Act states that an 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."

⁶ Id.

and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. However, the law of eminent domain shall not be affected by this provision.

(d) As provided for in Section 6254 (n) of the Public Records Act, statements of personal worth or personal financial data required by the Agency and filed by an applicant with the Agency to establish his or her personal qualification for an Agency program or activity.

(e) As provided for in Section 19851 of the Health and Safety Code, official copies of building plans shall be available for inspection only and shall not be copied unless the requester has obtained written permission or a court order in accordance with Section 19851 requirements.

SEC. 10 WITHHOLDING KEPT TO A MINIMUM.

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 Public Records Act, some other statute, or this Policy. 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 11 of this Policy. 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 Agency employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

SEC. 11 JUSTIFICATION OF WITHHOLDING.

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

(a) The Agency shall cite the authority for withholding information under a specific permissive exemption in the Public Records Act, or other law, unless this Policy forbids the Agency's assertion of the permissive exemption.

(b) The Agency shall cite the specific statutory authority in the Public Records Act or other law for withholding on the basis that the law prohibits disclosure.

(c) The Agency shall cite specific statutory or case law, or any other public agency's litigation experience for withholding on the basis that disclosure would incur civil or criminal liability.

(d) When a record being requested contains information, most of which is exempt from disclosure under the Public Records Act and this Policy, 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.

SEC. 12 FEES FOR DUPLICATION.

(a) No fee shall be charged for making Public Records available for inspection at the Agency's offices.

(b) For documents routinely produced in multiple copies for distribution, e.g., meeting agendas and related materials, unless a special fee has been established pursuant to subdivision (d) of this section, the Agency may charge a fee not to exceed one cent per page, plus any postage costs.

(c) For documents assembled and copied in response to the person making the request, unless a special fee has been established pursuant to subdivision (d) of this section, a fee not to exceed 10 cents per page may be charged, plus any postage.

(d) For a Public Record in an electronic format, the Agency may establish and charge a fee in accordance with Section 6253.9 of the Public Records Act.

(e) The Agency may establish and charge a higher fee than the one cent presumptive fee in subdivision (b) and the 10 cent presumptive fee in subdivision (c) if it prepares and posts an itemized cost analysis establishing that its cost per page impression exceeds 10 cents or one cent, as the case may be. The cost per page impression shall include the following costs: one sheet of paper; one duplication cycle of the copying machine in terms of toner and other specifically identified operation or maintenance factors, excluding electrical power. Any such cost analysis shall identify the manufacturer, model, vendor and maintenance contractor, if any, of the copying machine or machines referred to.

(f) If the Agency records a meeting through video or electronic imaging system or an audio recording system, a copy of the record of the meeting shall be provided to the public upon request for the actual cost of providing a copy of the record.

SEC. 13 INDEX TO RECORDS.

Within six months of the effective date of this Policy, the Agency shall prepare a Public Records index that identifies the types of information and documents maintained by the Agency. The index shall be for the use of Agency officials, staff and the general public, and shall be organized to permit a general understanding of the types of information maintained, by which Agency staff and divisions, for which purposes and for what periods of retention, and under what manner of organization for accessing, e.g., by reference to a name, a date, a proceeding or project, or some other referencing system. The index need not be in such detail as to identify files or records concerning a specific person, transaction or other event, but shall clearly indicate where and how records of that type are kept. Any such master index shall be reviewed by appropriate staff for

accuracy and presented for formal adoption to the Executive Director. The Agency shall solicit and encourage public participation to develop a meaningful records index. The index shall clearly and meaningfully describe, with as much specificity as practicable, the individual types of records that are prepared or maintained by each division of the Agency. The index shall be sufficient to aid the public in making an inquiry or a request to inspect. The Agency shall maintain the integrity and accuracy of the index and avoid any changes in its practices or procedures affecting the accuracy of the information. The index shall be continuously maintained on the Agency's World Wide Website and made available at public libraries within the City and County of San Francisco.

SEC. 14 RECORDS SURVIVE TRANSITION OF OFFICIALS.

All documents prepared, received, or maintained by the Agency are the property of the Agency. The originals of these documents shall be maintained consistent with the records retention policies of the Agency.

SEC. 15 POLICY REGARDING USE AND PURCHASE OF COMPUTER SYSTEMS.

(a) The Agency, to the extent feasible, shall use its 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) The goal of providing economical public access to records may be achieved through the following:

(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. 16 INTERNET ACCESS/WORLD WIDE WEB MINIMUM STANDARDS.

The Agency 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. The Agency shall endeavor 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 the effective date of this Policy, the Agency shall post on its World Wide Web site all meeting notices required under this Policy, agendas and the minutes of all previous meetings of the Commission for the last

three years. Notices and agendas shall be posted no later than the time that the Agency 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. The Agency 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 Agency shall also make available on its World Wide Web site, or on a comparable, readily accessible location on the Internet, a current copy of all Redevelopment Plans.

SEC. 17 LOBBYIST ON BEHALF OF THE AGENCY.

(a) Any lobbyist who contracts for economic consideration with the Agency to represent the Agency in matters before any local, regional, state, or federal administrative or legislative body shall file a Public Records report of their activities on a quarterly basis with the San Francisco Ethics Commission. This report shall be maintained by the Ethics Commission and not be exempt from disclosure. Each quarterly report shall identify all financial expenditures by the lobbyist, the individual or entity to whom each expenditure was made, the date the expenditure was made, and specifically identify the local, state, regional or national legislative or administrative action the lobbyist supported or opposed in making the expenditure. The failure to file a quarterly report with the required disclosures shall be a violation of this Policy.

(b) No person shall be deemed a lobbyist under section (a), unless that person receives or becomes entitled to receive at least \$300 total compensation in any month for influencing legislative or administrative action on behalf of the Agency or has at least 25 separate contacts with local, state, regional or national officials for the purpose of influencing legislative or administrative action within any two consecutive months. No business or organization shall be deemed as a lobbyist under section (a) unless it compensates its employees or members for their lobbying activities on behalf of the Agency, and the compensated employees or members have at least 25 separate contacts with local, state, regional or national officials for the purpose of influencing legislative or administrative action within any two consecutive months. "Total compensation" shall be calculated by combining all compensation received from the Agency during the month for lobbying activities on matters at the local, state, regional or national level. "Total number of contacts" shall be calculated by combining all contacts made during the two-month period on behalf of the Agency for all lobbying activities on matters at the local, state, regional or national level.

(c) Funds of the Agency, including organizational dues, shall not be used to support any lobbying efforts to restrict public access to records, information, or meetings, except where such effort is solely for the purpose of protecting the identity and privacy rights of private citizens.

SEC. 18 CALENDAR OF THE EXECUTIVE DIRECTOR.

The Executive Director shall keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event that the Executive Director attends, with the exclusion of purely personal or social events at which no Agency business is discussed and that do not take place at Agency Offices or at the offices or residences of people who do substantial business with or are otherwise substantially financially affected by actions of the Agency. 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.

SEC. 19 SOURCES OF OUTSIDE FUNDING.

No Agency official, employee, or agent shall (a) accept any funds other than funds that are payable to and provided to the Agency, or (b) direct or influence the Agency's expenditure of, any money, or any goods or services worth more than one hundred dollars (\$100.00) in the aggregate, for the purpose of carrying out or assisting any Agency function unless the amount and source of all such funds is disclosed in writing to the Agency, which reports shall be deemed to be Public Records. When such funds are provided or managed by an entity, and not an individual, that entity must agree in writing to abide by this Section. The disclosure shall include the names of all individuals or organizations contributing such money and a statement as to any financial interest the contributor has involving the Agency.

SEC. 20 AMENDMENTS TO THIS POLICY.

The Agency shall only make material amendments to this Policy after it has consulted with the Sunshine Ordinance Task Force, as established under Section 67.30 of the San Francisco Administrative Code, and after the Agency Commission has held a public hearing on the amendment.

SEC. 21 EFFECTIVE DATE.

This Policy shall become effective on January 1, 2006.