

Draft Charter Article for Sunshine

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I don't have anything in here about Public Meetings - just public records.

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1) Preamble

The people of San Francisco declare as follows:

- a) The people do not delegate to the instruments of City government the authority to decide what the people may know about the operations of their government.
- b) A representative democracy fails its essential purpose when the representatives may control what the people they represent may know about the performance of their duties, thus preventing informed oversight by the people of the representatives through the electoral process.
- c) Because some City officials interpreted the prior Sunshine Ordinance of 1999 so as to thwart the intent of the people, a new Charter chapter, taking priority over all other City law, is required to eliminate any purported uncertainty about the primacy of sunshine in every government function.
- d) Nothing in this Chapter may abridge the constitutional right of natural persons to personal privacy. However, when such persons interact with City government they inherently exchange some of their privacy for the ability to influence their government.
- e) This Chapter shall serve as the successor to the Sunshine Ordinance of 1999, former Chapter 67 of the Administrative Code.

2) Definitions

- a) "Sunshine Laws" shall mean the California Public Records Act (CPRA), the Brown Act, this Chapter, and any additional law that the Board of Supervisors may designate by ordinance as a Sunshine Law.

- b) "Public information" shall mean the contents of any public record as defined pursuant to the CPRA.
- c) "Department" shall mean any City department, agency, commission, task force, board, committee, or office. Any "local agency" of the City under CPRA shall also constitute a department unless such local agency is an individual.
- d) "City official" shall mean the City and County of San Francisco, and each employee, elected or appointed officer, or department thereof. Any "local agency" of the City under CPRA shall also constitute a City official. The City may, by contract, require a contracting party to comply with one or more provisions of the Sunshine Laws; such contracting parties shall also constitute City officials for the purposes of this Chapter.
- e) "Person" shall include any natural or legal person, including those proceeding anonymously.
- f) "Senior official" shall mean the Mayor, each member of the Board of Supervisors, the City Attorney, the District Attorney, the Public Defender, the Sheriff, the Treasurer, the Assessor-Recorder, or the head of any department.

3) Sunshine Commission

- a) **Existence and jurisdiction:** There is hereby created a Sunshine Commission ("Commission") of the City and County of San Francisco composed of 11 unpaid volunteer Commissioners. No Commissioner may simultaneously serve as a City official in any other capacity. The Commission shall sit as an administrative tribunal with jurisdiction over all City officials for alleged violations of the Sunshine Laws.
- b) **Mission:** The mission of the Sunshine Commission is to ensure that City government remains open and transparent to all persons, to give effect to the will of the people of the City and County of San Francisco in enacting this Chapter, and to give effect to the will of the people of the State of California in enacting Article I, Section 3 of the Constitution. The Commission shall in all of its business have as its first priority this mission and shall broadly construe public access to meetings and information and narrowly construe any limitation on that access, taking all necessary inferences in favor of public access and against limiting that access.
- c) **Bylaws and voting:** A simple majority of then-seated Commissioners shall constitute a quorum. A simple majority of then-seated Commissioners voting in a public, open meeting shall be authorized to act in the name of the Commission to exercise any of its powers. The Commission may enact bylaws and rules of procedures not inconsistent with this Chapter.
- d) **Complaints; Authority to investigate violations:** The Commission has the authority and responsibility to investigate alleged violations of the Sunshine Laws, by any City official, of the Commission's own accord or upon the filing of a complaint by any person. Whenever it appears to the Commission that any City official has violated the Sunshine Laws, the Commission shall issue and publish an "Order to Comply" stating the names of the City officials in violation of the law, the specific laws violated, a description of the acts or omissions resulting in the violation, the complainant (if any) bringing the complaint, a statement declaring that the City officials have violated the law, and a command ordering the City officials to immediately come into compliance pursuant to this subsection. The Commission does not have the authority to issue a declaratory judgment that City practices do not violate the Sunshine Laws, but shall instead dismiss such complaints or portions thereof.

- e) **Authority to order disclosure:** The Commission has the authority to determine that public information in the custody of any City official is disclosable under the Sunshine Laws and the authority and responsibility to compel the disclosure thereof. Whenever it appears to the Commission that any City official has withheld, failed to disclose, refused to disclose, or incompletely disclosed to a complaining requester any public record or part of a public record that the Commission determines is disclosable to that requester under applicable law, the Commission shall issue and publish an "Order Compelling Disclosure" stating the names of the City officials unlawfully withholding, failing to disclose, refusing to disclose, or incompletely disclosing the information, a description of the unlawfully withheld information, the complainant entitled to the disclosure, a statement declaring the Commission's determination that the records or parts thereof are public and disclosable, a command ordering the City officials to immediately disclose the same to the requester pursuant to this subsection, and a command ordering the City officials to preserve all responsive records. If the Commission determines the quantity of records to be disclosed is so voluminous so as to not be reasonably disclosable within 5 business days, the Commission may in its sole discretion state within the order a future date by which complete disclosure is required; if no such date is specified, complete disclosure is immediately required; if such a date is specified, failure by the City officials to provide incremental disclosures without unreasonable delay, until completion, shall constitute non-compliance with the order. The Commission does not have the authority to issue a declaratory judgment that any record or part thereof is not public or not disclosable, but shall instead dismiss such complaints or portions thereof.
- f) **Duty to advise and to report:** The Commission shall advise the Board of Supervisors on any matter concerning public access to meetings or information. The Commission shall transmit to the Board of Supervisors an annual report, authored by the Ombudsperson subject to the direction and approval and in the name of the Commission, no later than March 1st summarizing all cases it heard, decisions it made, and orders it issued the prior calendar year, and any recommendations to improve public access to meetings and information.
- g) **Enforcement and appeal of orders:**
- i) All City officials must comply with orders issued by the Commission, which shall be final administrative orders binding upon the City officials named therein, or must file a timely appeal.
 - ii) Within five business days of the issuance of an order against themselves, their department, or an employee within their department, the senior official responsible for the department must provide to the Commission and the complainant (if any) either a declaration under penalty of perjury that the order has been completely complied with or a declaration under penalty of perjury that an appeal has been filed as specified below.
 - iii) Any City official against whom an order is issued by the Commission may appeal the administrative ruling of the Commission to a court of competent jurisdiction by filing suit against the Commission no later than 5 business days after the date the order is issued, and by providing the notice of appeal mentioned above, which shall automatically stay the Commission's order pending adjudication by the court. The complainant is not a proper party to such suit. The appealing City official shall bear the burden to prove with clear and convincing evidence that the City official has not violated the Sunshine Laws and/or that the information

ordered disclosed is in its entirety exempt from disclosure, as the case may be. No attorneys fees or expenses may be awarded to either the Commission or the appealing City officials under such suits.

- iv) Furthermore, a complainant may bring suit before any court of competent jurisdiction to enforce any order issued by the Commission arising out of a complaint they brought. The Commission may also bring suit in its own name to enforce any of its orders against the relevant City officials before any court of competent jurisdiction, whether or not there is a complainant and whether or not the complainant chooses to sue, if the City officials have not complied with subsection (ii) of subsection (g) of this section. The court shall as soon as practicable issue an order to show cause why an injunction should not be entered compelling the City officials to comply.
- v) The Superior Court of San Francisco shall have jurisdiction over suits brought to enforce or appeal the orders of the Commission, and over all penalties and fines issued pursuant to this section, and shall award reasonable attorneys fees and expenses against City officials in favor of a prevailing complainant other than the Commission.
- vi) The existence of a Commission order against a City official in favor of a complainant shall constitute irrebuttable evidence that a suit to enforce the order (and any related petition for mandamus under the CPRA) is not frivolous, and no award of fees or expenses may be awarded against a complainant and in favor of a City party in such a case, under any Sunshine Laws.
- h) **Fines for knowing violation:** If the Sunshine Commission determines that any senior official actually knew or should have known that their acts or omissions violated the Sunshine Laws, it shall (i) state as such within its order, (ii) refer the senior official for prosecution by the District Attorney or Attorney General pursuant to section 5(c) of this chapter, and (iii) order each such senior official to pay a fine of no more than \$10,000 for each violation. Such fine shall be cumulative to any other fines or penalties and shall be the personal liability of the senior official, and no public funds may be used to pay the fine, or reimburse, indemnify, or hold harmless the senior official. A prior Commission order or court ruling regarding a similar matter issued against the same senior official shall be sufficient, but not necessary, evidence of actual knowledge by said senior official of the unlawfulness of their acts or omissions.
- i) **Penalty for non-compliance with orders:** Any senior official that refuses to comply, fails to comply, or incompletely complies with any order issued under this section shall owe to a prevailing complainant a penalty for each business day of non-compliance after the issuance of the order pursuant to the schedule below. All senior officials found to have violated the order shall be personally, jointly, and severally liable for this penalty, and no public funds may be used to pay the penalty, or reimburse, indemnify, or hold harmless the senior official. This penalty reflects the harm to the complainant and to the public interest caused by the City's abridgement or delay of public access to information or meetings, and the determination of the people that attorneys fees and expenses do not sufficiently discourage non-compliance. The Commission is not eligible to be paid this penalty, however such penalties shall be instead payable to a non-profit, tax-exempt organization operating within the City which has as its mission public access to government meetings and information, which organization shall be selected by ordinance of the Board of Supervisors within 10 business days of the effective date of

this Chapter. This penalty is in addition to any money owed by the City to a successful petitioner under the CPRA or attorneys fees or expenses required under this section. No court may reduce or eliminate the penalty for any reason other than a final adjudication that the Commission order was unlawful, which shall eliminate the penalty. The schedule for penalties, calculated for each business day of non-compliance after the order is issued, is as follows:

- i) \$0 per day for each business day 0 through 5 business days
 - ii) \$1,000 per day for each business day 6 through 21 business days
 - iii) \$10,000 per day for each business day 22 through 60 business days
 - iv) \$100,000 per day for each business day 61 or more business days
- j) **Sunshine required:** The Commission shall perform all of its substantive business in open public meetings consistent with the Sunshine Laws and shall be permitted to meet in an appropriately noticed closed session solely to consult with its legal counsel, including but not limited to provide direction regarding suits brought by or against the Commission pursuant to this section. Closed sessions may not be attended by any party to a complaint. All submissions by complainants and City respondents shall be public records and no portion shall be withheld from disclosure unless disclosure is prohibited by state law.
- k) **Ombudsperson:** The Commission shall hire a Sunshine Ombudsperson to informally mediate public access disputes between the public and City officials, and also to investigate the compliance of City parties with Commission orders after issuance. The Ombudsperson shall act at all times under the direction and control of the Commission, may be dismissed for any or no reason by the Commission, and shall attend all open sessions of the Commission *ex officio* to advise the Commission on the compliance by City parties with its orders.
- l) **City to provide sufficient resources:** The City Attorney shall name one or more deputies to provide legal advice to the Sunshine Commission, and shall cause at least one such deputy to attend all meetings of the Sunshine Commission and of each of its committees, and shall cause all such deputies to ensure no conflict of interest arises from any representation of other City parties and the Sunshine Commission. The Commission is authorized to engage independent legal counsel of its choosing for any matter, including but not limited to suits the Commission brings against other City parties, if it determines that the City Attorney is unable or unwilling to provide legal advice. The Clerk of the Board shall provide sufficient staff to support all administrative business of the Sunshine Commission, including a full-time or full-time-equivalent Secretary of the Sunshine Commission. The Board of Supervisors shall allocate sufficient budget to the Sunshine Commission to conduct all of its business, to hire the Ombudsperson and any independent legal counsel, and to the City Attorney and Clerk of the Board to meet their respective obligations under this subsection.
- m) **Seats and Appointment:** The Board of Supervisors shall appoint all voting members of the Commission pursuant to the schedule below. However, if any Commission seat shall be vacant on the date 3 months prior to any regular election, whether due to resignation, or failure or refusal by the Board to appoint a Commissioner or any other reason, the electors shall elect such Commissioner instead. Schedule:
- i) [Copy current seat structure from Chapter 67]
- n) **Succession:** The Sunshine Commission is the legal successor to the Sunshine Ordinance Task Force. Each Task Force member holding a seat as of the effective date

of this chapter shall become a corresponding Commissioner in the corresponding Commission seat to serve out their existing term, if any. The orders of the prior Task Force shall be treated as, and be enforceable as, orders of the Commission.

4) Supervisor of Records

- a) Within 30 days of the effective date of this section or vacancy of the position, and by March 1st of each subsequent odd-numbered year, the City Attorney shall nominate a consenting attorney (i) residing within the City, (ii) licensed to practice law in California, not otherwise employed by or contracted by the City, (iii) has never served as an attorney for the City or any City official, and (iv) proficient in the practice of public records laws, to serve as the Supervisor of Records and transmit such nomination to the Board of Supervisors, who shall approve or reject such nomination within 30 days. Upon the approval of such nomination by the Board of Supervisors, such attorney shall serve *pro bono* as the Supervisor of Records until they resign, are replaced pursuant to this subsection, or are no longer residing in the City or licensed to practice law in California.
- b) The Supervisor of Records shall not serve as legal counsel to any City party and shall serve solely in the quasi-judicial, neutral, role contemplated by this section. No attorney-client relationship shall exist between the Supervisor of Records and the City or any City official or department. Neither the City Attorney nor Board of Supervisors shall be considered the employer or client of the Supervisor of Records. The Supervisor of Records shall not owe any duty of loyalty to the City Attorney, Board of Supervisors, or other City officials or departments.
- c) Any person may file a petition in writing with the Supervisor of Records alleging that a City employee, official, or department has failed to disclose a public record or part thereof requested by the complainant in accordance with this Chapter. The Supervisor of Records shall within 1 business day provide notice of the complaint to the City respondents and an opportunity to provide a written response, which shall be provided within 5 business days of the notice. All complaints and responses shall be public records, and no part thereof may be withheld from any person for any reason.
- d) The Supervisor of Records shall issue, within 10 business days of the filing of a complaint, a written determination whether or not the record requested or any part thereof is a public record, and if so, whether or not the record or any part thereof is disclosable under the Sunshine Laws. If the record or any part of the record requested is determined to be a disclosable public record, the Supervisor of Records shall issue a written order to the City respondents to immediately disclose the record or parts thereof determined to be public and disclosable.
- e) In any suit under the CPRA or this chapter, or any complaint before the Sunshine Commission, a determination by the Supervisor of Records that a record or part of a record is a disclosable public record may be rebutted only by clear and convincing evidence.
- f) All complaints, responses, determinations, and orders shall be public records, and no part thereof may be withheld from disclosure to any person for any reason.
- g) The City Attorney shall publish or cause to be published on their public website all Supervisor of Records determinations and orders within 5 business days of issuance. This is a non-discretionary, ministerial responsibility of the City Attorney, and Supervisor of Records determinations and orders published by the City Attorney shall not constitute opinions or positions of the City Attorney.

5) Responsibility of senior officials; Violation is a crime

- a) Each senior official, including but not limited to the Mayor, has the authority and responsibility to implement the provisions of the Sunshine Laws within all departments under their control, and each such person shall promulgate within their departments a procedure for complying with the Sunshine Laws, which all employees within such departments shall follow. The alleged failure of a City department or any of its employees to comply with the Sunshine Laws shall impute also to the department's senior officials, and such persons may be named as respondents in any complaint or suit brought under this Chapter.
- b) Unless a timely appeal is pending, senior officials shall order in writing relevant subordinates to immediately comply with each Sunshine Commission order. Notwithstanding any other law or contractual provision, any City official failing or refusing to comply with such order by their superior shall be terminated for cause. The issuance of such order and subsequent termination of the non-compliant subordinate shall absolve the senior official of responsibility for the non-compliance of that subordinate, unless it is shown that a pattern or practice of non-compliance is routinely permitted by the senior official.
- c) Any senior official who violates the Sunshine Laws with actual or constructive knowledge of the violation, or refuses or fails to comply with a Sunshine Commission order against themselves or their department or employee without timely appealing such order, shall be guilty of a misdemeanor, and shall be punishable therefor by imprisonment in the County Jail for a period of not more than six months. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the Sunshine Laws or Commission order is committed, continued, or permitted by such person and shall be punishable accordingly.

6) Procedure for accessing public records

- a) **Inspection of records** - Any person may request from a City official, by email, postal mail, phone, fax, in-person, or by any additional means made available by City officials for such request, inspection of identifiable public records in the custody of such respondent or in the custody of the department employing such respondent. The official shall, promptly and within 10 days, comply, or cause their department to comply, with such a request, provided, however, that if the respondent determines that the disclosable and non-disclosable portions of responsive records are not reasonably segregable so as to permit in-person inspection, such request shall instead be treated as a request for a copy of records pursuant to subsection (b) of this section and the requester shall be so notified.
- b) **Copies of records** - Any person may request from a City official, by email, postal mail, phone, fax, in-person, or by any additional means made available by City officials for such request, a copy of identifiable public records in the custody of such respondent or in the custody of the department employing such respondent. The official shall, within 10 days, comply, or cause their department to comply, with such a request.
- c) **Extension** - The 10-day deadline of subsections (a) and (b) of this section may be extended once for up to 14 additional days for any purpose permitted under the CPRA, if written notice of the extension and justification is timely provided within the initial 10 days.

- d) **Immediate disclosure** - Any written request for copies of a public request under subsection (b) of this section may be made as an Immediate Disclosure Request if the requester prominently labels their request as such using the words "Immediate Disclosure Request" on the outermost envelope or cover sheet if one is used, or otherwise in the subject line or title of the request. Initial response to such a request is due no later than the business day following the business day the request is received. If the request is either simple, routine, or otherwise readily answerable, such initial response must completely comply with the request. Otherwise, such initial response shall state that the maximum deadlines of this section will apply.
- e) **Voluminous requests; incremental response** - If compliance with a records request pursuant to this section cannot be reasonably completed within 10 days (or 24 days after extension), the official shall timely provide all records reviewed within the initial 10 day period (or 24 days with extension) and state the reasons for incomplete compliance, and shall thereafter provide incremental responses no less than once every 7 days.
- f) **Assistance** - Any person may request from a City official, by email, postal mail, phone, fax, in-person, or by any additional means made available by City officials for such request, a statement describing the existence, quantity, and form of records related to a certain topic or identified by a certain query, or assistance in formulating a records request describing the purpose of their request, quantity, and form of . The respondent shall, promptly and within 7 days, comply, or cause their department to comply, with such a request.
- g) **Electronic formats** - Copies of public records in electronic form shall be produced in any format requested by the requester, if the original record is held in that format or if the format can be easily generated by the department. If no particular format is requested, copies may be provided in any format that preserves all non-exempt information contained in the original record. No part of an electronic public record shall be considered exempt from disclosure solely based upon the format in which the record is stored.
- h) **Fees and costs** - No person shall be charged any fees or costs associated with complying with a records request, except for the actual cost of the medium in which a copy is provided and actual cost of postage, if applicable, neither of which shall apply to a request fulfilled by purely electronic means. No fees or costs for searching, redaction, or production of public records may be charged to any person.
- i) City officials are encouraged to implement procedures and systems that make records disclosure faster, more accurate, more convenient, and less costly for both the City and the public. However, such procedures and systems may not abridge any right of public access guaranteed by the Sunshine Laws, and if any such procedure or system does not support providing access to any public information required by the Sunshine Laws, an alternative method of compliance with a request must be followed.
- j) No City official may unreasonably delay access to any public record notwithstanding any other law.
- k) No City official may inquire as to the purpose of a request under this section nor may any City official discriminate based on the purpose of a request or the identity of the requester, unless required by state law.
- l) No City official may demand a requester's personally identifiable information in connection with a request under this section, provided, however, that a City official may

inform a requester that certain public information may not be disclosable under state law except to certain, identifiable, requesters.

- m) It is the responsibility of every City official to respond to records requests and assist requesters.

7) Justification and minimization of withholding

- a) **Justification** - No City official may withhold any public information without written justification that all the information withheld is exempt pursuant to either (i) an exemption under state law, or authoritative court interpretation thereof, not prohibited by this chapter or other City law, permitting non-disclosure of such information or (ii) a state law, or authoritative court interpretation thereof, prohibiting disclosure of such information.
- b) **Exemption log** - No City official may withhold the entirety of a public record unless the written justification of subsection (a) also describes the form and general subject matter (unless exempt and justified) of the withheld record. Multiple public records of the same form and general subject matter and withheld under identical provisions of law may be summarized by providing a total quantity of each such set of records.
- c) **Minimal redaction** - No City official may withhold any public record or part of a public record unless the entirety of the record or part thereof is exempt, and shall instead withhold only the minimally exempt parts by deleting or masking such parts.
- d) **Redaction key** - No City official may withhold any part of a public record unless such part is keyed by footnote or by other clear reference to a written justification pursuant to subsection (a) of this section.
- e) All justifications, keys, and logs created pursuant to this section are public records and no part may be withheld from any person for any reason.

8) Enhanced disclosure

- a) **Explicit exemptions only** - No City official may cite Gov Code 6255(a), any similar exemption, or any exemption based on a balancing test between the public interest in disclosure versus the public interest in non-disclosure, nor may they withhold any public information pursuant to such exemption. Without limiting the foregoing sentence, no City official may cite a deliberative process privilege exemption, nor Penal Code 832.7(b)(6), nor *Times Mirror Co. v. Superior Court* (1991), nor may they withhold any public information pursuant to any of these exemptions.
- b) **No rule of reason** - No City official may cite a "rule of reason" to refuse to comply with a public records request, but shall instead provide incremental responses, each of which shall not be unreasonably delayed, and may request, but not require, that a requester narrow their request.
- c) **Official information privilege limited** - Neither citation by a City official to exemption under Evidence Code 1040(b)(2) (official information privilege) nor withholding of public information pursuant to that section shall be lawful unless additional written justification of the specific, purported harm to justice is articulated.
- d) [other existing 67.24 provisions here]
- e) **Cumulative relief** - No form of relief authorized by this Chapter is exclusive of any other form of relief authorized by this Chapter or the other Sunshine Laws. No person is required, as a precondition for bringing suit under any Sunshine Law, to first pursue the administrative complaint procedures authorized by this Chapter. Failure to prevail in an administrative complaint against a City official does not preclude any suit under the

CPRA or Brown Act and such failure does not constitute evidence of the frivolity of such suit.

9) Records to be retained, searched for, and disclosed

- a) Public records prepared, owned, used, or retained by any City official are the property of the City, are not the personal property of any individual official, and must be searched and disclosed in accordance with this Chapter, regardless of whether the record is physically or electronically located on property owned by the City or by any other person. Every senior official shall prepare or cause to be prepared a policy for departments under their control that ensures that public records physically or electronically located on property not owned by the City be lawfully retained, searched, and disclosed, for example by prohibiting the location of such records on such property, requiring backup storage by the City of exact and complete copies of the original records, or by other lawful means.
- b) Every senior official shall retain and cause to be retained in a professional and businesslike manner every public record prepared, owned, used, or retained by themselves and departments under their control. Notwithstanding any other law, retention for less than one year of any email, word processing documents, spreadsheets, presentations, calendar or meeting entries, computer databases, text messages, or chat messages related to the conduct of public business shall be deemed unprofessional and unbusinesslike and is a violation of this subsection.
- c) Every senior official shall prepare or cause to be prepared a retention policy for departments under their control in compliance with this Chapter and other state and local law and shall comply with and cause their subordinates to comply with such policies.

10) Interpretation; Sunshine is supreme

- a) This Chapter provides for enhancement to the rights of access governed by the California Public Records Act and the Brown Act. In any respect where this Chapter does not provide for greater, faster, or more efficient access by the public, the CPRA or Brown Act shall govern. Except where state law explicitly prohibits access with no opportunity for local agency discretion, this Chapter shall prevail. For the avoidance of doubt, if state law is silent on any restriction on public access or if state law permits, but does not require, that a local agency prohibit access, this Chapter's greater right of access shall prevail.
- b) In order to give effect to Article I, Section 3 of the Constitution, a City ordinance or Charter provision, court rule governing City conduct, or other authority, including those in effect on the effective date of this subsection, shall be broadly construed if it furthers the people's right of access to City information or meetings, and narrowly construed if it limits the right of access.
- c) In case of conflict between this Chapter and any other Charter chapter or any other ordinance, this Chapter shall prevail, unless the other provision provides greater right of public access to City information or meetings.
- d) In case of conflict between any two provisions of City law, the provision that provides greater right of public access to City information or meetings shall prevail.
- e) Every City official must comply strictly with the provisions of the Sunshine Laws. Neither purported good faith nor advice of counsel on behalf of any City official is a defense or a mitigating factor to any violation of this Chapter, provided, however, that a good faith but ultimately incorrect belief that an act or omission was required to protect the personal

privacy interests of another person may be considered by a court as a mitigating factor, but not defense, in criminal trials brought pursuant to this Chapter.

f) All orders, fines, and penalties issued under this penalty

11) Government cannot limit that which the people have deemed public

- a) The Board of Supervisors shall not enact any law that would limit any right of access provided for by this Chapter, and any such law shall be void and of no effect. The Board of Supervisors may enact laws that provide for strictly greater right of public access than provided for by this Chapter.
- b) Neither the Mayor nor any other City official shall have any power to suspend by any action any provision of this Chapter, unless such suspension is both (i) authorized by other law and (ii) unless and until such suspension is also approved by unanimous resolution of the Board of Supervisors with a written finding that no alternative suspension causing lesser abridgement of the right of public access would effectively mitigate the harm to public health or safety, with such approved suspension automatically expiring unless re-approved by unanimous resolution with similar finding every 30 days. No suspensions may last longer than 180 days, and no suspension may be approved if any suspensions have been in effect for a total of more than 180 of the last 360 days. Any suspension violating this subsection is void and of no effect.
- c) Notwithstanding subsections (a) or (b) of this section or any other law, this section may not be abridged, suspended, or amended by any action of the Mayor, Board of Supervisors, or any other City employee or official for any reason, and this section shall prevail over any contradictory law. This section may be amended solely by ballot initiative.
- d) This section expressly limits the power of the Board of Supervisors provided for by [Charter Section 16.130\(i\)](#), and shall prevail over that subsection.