

[Board of Supervisors may respond to orders or requests for the production of City records under designated state and federal laws.]

CHARTER AMENDMENT

PROPOSITION ____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by adding Section 16.124, to authorize the Board of Supervisors to respond on behalf of the City to all orders or requests for the production of information, records, or other tangible things held by the City, the disclosure of which could violate the rights of any individuals under the State or Federal Constitutions, where the orders or requests are made under laws previously identified by the Board.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on March 4, 2004, a proposal to amend the Charter of the City and County by adding Section 16.124 to read as follows:

Note: Additions are *single-underline italics Times New Roman*.
Deletions are ~~*strikethrough italics Times New Roman*~~.

SEC. 16.124. BOARD OF SUPERVISORS AUTHORIZED TO RESPOND TO CERTAIN ORDERS OR REQUESTS FOR THE PRODUCTION OF CITY RECORDS.

(a) The Board of Supervisors may, by resolution, designate as a "watch law" any state or federal law or regulation that calls for, authorizes, or requires the production by any City officer, employee, agency, department or office of information, records, or other tangible things held by the City, the disclosure of which could violate the rights of any individuals under the State or Federal Constitutions.

(b) The Board of Supervisors may provide, by ordinance, that it shall respond on behalf of the City and County of San Francisco to all orders or requests for the production of

information, records or other tangible things served on the City and County under any law designated as a watch law.

(c) The Board may adopt procedures for expedited consideration of orders or requests for production where necessary to comply with legal deadlines for responding. Prior to acting by resolution of the full Board of Supervisors, the Board may refer the order or request to a committee of its members for a recommendation to the full Board, after consultation with the City Attorney, on an appropriate course of action. To the extent federal or state law would prohibit public disclosure of information that the Board of Supervisors needs to discuss in order to discharge its powers under this Section, the Board may meet in closed session for the limited purpose of discussing that information.

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

By: _____
THOMAS J. OWEN
Deputy City Attorney