

**SUNSHINE ORDINANCE
TASK FORCE**



**City Hall
1 Dr. Carlton B. Goodlett Place Room 244
San Francisco CA 94102-4689
Tel. No. (415) 554-7724
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June 30, 2016

LeeAnn Pelham, Executive Director
Ethics Commission
25 Van Ness Avenue Suite 220
San Francisco, CA 94102

Re: Referral to the Ethics Commission for Enforcement
Michael Petrelis v. Steve Kawa, Mayor's Office (Task Force File No. 15163)

Dear Ms. Pelham,

The Sunshine Ordinance Task Force (Task Force) hereby refers the subject complaint to the Ethics Commission (Commission) for enforcement. This referral is made pursuant to San Francisco Administrative Code (Admin. Code), section 67.30 (c), which provides that "the Task Force shall make referrals to a municipal office with enforcement power under this Ordinance or under the California Public Records Act and the Brown Act whenever it concludes that any person has violated any provisions of this ordinance or the Acts."

In this case, the Task Force finds Steve Kawa, Chief of Staff, Mayor's Office, in violation of Admin. Code Sections 67.21 and 67.29-7, and further finds the violation of Admin. Code Section 67.21 as a willful failure to discharge his duties under the Sunshine Ordinance pursuant to Admin. Code Section 67.34. Attached to this referral letter are the following documents:

- May 4, 2016 Order of Determination
- December 3, 2015 Complaint
- December 15, 2015 Response
- February 22, 2016 Amended Memorandum from Deputy City Attorney Nicholas Colla
- Supplemental Material from the Complainant
- Supplemental Material from the Respondent
- March 30, 2016 Memorandum from Deputy City Attorney Buck Delventhal

Agendas, minutes, and audio recordings of the March 2, April 6, and May 4, 2016 Task Force meetings are available on the Task Force website at:

<http://www.sfbos.org/index.aspx?page=4464>

The Order of Determination describes the complaint, the procedural history at the Task Force, and the Task Force's reasoning and findings.

Please note that Mr. Kawa was aware of the proceedings before the Task Force and was sent notices of Task Force hearings as follows:

- December 29, 2015 - Sent notice for the January 11, 2016 Education Outreach and Training Committee meeting
- February 11, 2016 - Sent notice of the March 2, 2016 Task Force meeting
- March 24, 2016 - Sent notice of the April 6, 2016 Task Force meeting
- April 15, 2016 - Sent notice of the May 4, 2016 Task Force meeting

The Task Force takes this matter very seriously and believes strongly that while the law does not currently require the Mayor's Chief of Staff to maintain an electronic calendar of meetings and events, but if he chooses to do so, that calendar should be retained as a public record for at least two years and be made available on request.

The Sunshine Ordinance requires that "the Mayor and all Department Heads shall maintain and preserve in a professional business-like 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." (Ordinance § 67.29-7.)

Central to the question of whether the Sunshine Ordinance was violated is the question of whether Mr. Kawa's calendar should have been destroyed in the first place. Chapter 8 of the City's Administrative Code ("Admin. Code") establishes the City's framework for retaining and destroying records. "Records," for purposes of this framework, include "such paper, book, photograph, film, sound recording, map, drawing or other document, or any copy thereof, as has been made or received by the department in connection with the transaction of public business and may have been retained by the department as evidence of the department's activities, for the information contained therein, or to protect the legal or financial rights of the City and County or of persons directly affected by the activities of the City and County." (Admin. Code § 8.1.)

The question, then, is whether the daily calendar of a high-level City official falls within the definition of a "record" set forth in Admin. Code § 8.1. The Task Force believes that there is little doubt on the question: it does.

Based on the testimony and evidence presented at the hearings and the Task Force's interpretation of the Ordinance and other applicable laws, the Task Force finds that the intentional destruction of Mr. Kawa's calendar violated Sections 67.21 and 67.29-7 of the Sunshine Ordinance. For the reasons explained below, the Task Force finds the violation of Section 67.21 to be willful under Section 67.34 and refers the matter to the Ethics Commission for enforcement.

The Task Force members spent a lot of time on this matter, especially former Member Mark Rumold, who drafted and revised the Order of Determination enclosed here.

The motion to refer this matter to the Ethics Commission for enforcement was passed at the May 4, 2016 Task Force meeting by the following vote:

Ayes: 6 - Wolf, Eldon, Hinze, Fischer, Hyland, Washburn

Noes: 1 - Pilpel

Absent: 2 - Chopra, Haines

Thank you for your careful attention to this matter. You may contact Task Force Administrator Victor Young at soft@sfgov.org or (415) 554-7724 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hyland". The signature is stylized with a large, sweeping flourish that extends to the left and underlines the name.

Chris Hyland
Acting Chair

Attachments

- c: Sunshine Ordinance Task Force Members
- Mark Rumold, Former Sunshine Ordinance Task Force Member
- Nicholas Colla, Deputy City Attorney
- Michael Petrelis, Complainant
- Steve Kawa, Mayor's Chief of Staff, Respondent
- Carl Nicita, Mayor's Office, Respondent
- Kirsten Macaulay, Mayor's Office, Respondent
- Mayor Edwin Lee, Mayor's Office, Respondent

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ORDER OF DETERMINATION

June 30, 2016

DATE DECISION ISSUED

May 4, 2016

CASE TITLE - Michael Petrelis v. Steve Kawa, Mayor's Office (Task Force File No. 15163)

FACTS OF THE CASE

On December 3, 2015 Michael Petrelis (Complainant) made a complaint alleging that Steve Kawa and the Mayor's Office violated Administrative Code (Sunshine Ordinance), Section 67.21, by failing to completely comply with a request for the calendar of Chief of Staff Steve Kawa.

HEARING ON THE COMPLAINT

On March 2, 2016 the Sunshine Ordinance Task Force (Task Force) heard the matter.

Michael Petrelis (Complainant) provided an overview of the complaint and requested that the Task Force find violations. There were no speakers in support of the Complainant. Kirsten Macaulay and Carl Nicita, Mayor's Office (Respondent), presented the department's position. Ms. Macaulay stated that the Office of the City Attorney approved the Mayor's Records Retention Policy and is aware of the public records request regarding Mr. Kawa's calendar and the subsequent complaint. Mr. Nicita stated that he will stop deleting Mr. Kawa's calendar every two weeks. There were no speakers in support of the Respondent. A question and answer period followed. The Complainant provided a rebuttal.

Task Force Member Mark Rumold volunteered to draft a proposed Order of Determination for future consideration by the Task Force concerning violations of Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.29-7, and 67.34. The Task Force acknowledged that the Respondent is working to comply with Mr. Petrelis' requests. The Task Force recommended that calendars should be kept for a minimum of two years.

The Task Force continued the matter to the call of the chair and requested a copy of Mr. Kawa's current calendar and the previous version of the Mayor's Records Retention Policy and requested that Mr. Kawa attend the next Task Force meeting.

Mr. Kawa and the Mayor's Office were provided a draft of this Order of Determination prior to the Task Force's subsequent meeting on April 6, 2016. The City Attorney's Office provided a written response (the "Memo") to the Task Force's draft Order of Determination on March 30, 2016.

Neither Mr. Kawa nor any representative from the City Attorney's office attended the April 6, 2016 Task Force meeting, however Mr. Kawa did send a representative and provided an example of his current calendar for the Task Force. To address issues raised by the City Attorney's Memo, Member Rumold requested the opportunity to revise the draft Order of Determination and the matter was continued again.

The final version of the Order of Determination was considered at the May 4, 2016 Task Force meeting.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The question before the Task Force is whether the intentional destruction¹ of the calendar of the Mayor's Chief of Staff, Steve Kawa, violated provisions of the Sunshine Ordinance, Admin. Code § 67.1 *et seq.* (the "Ordinance"); and, if so, whether any violation was "willful." (Ordinance § 67.34.)

Based on the testimony and evidence presented at the hearings and the Task Force's interpretation of the Ordinance and other applicable laws, the Task Force finds that the intentional destruction of Mr. Kawa's calendar violated Sections 67.21 and 67.29-7 of the Sunshine Ordinance. For the reasons explained below, the Task Force finds the violation of Section 67.21 to be willful under Section 67.34 and refers the matter to the Ethics Commission for enforcement.

* * * * *

Section 67.21 of the Sunshine Ordinance requires that "[e]very person having custody of any public record or public information ... shall ... permit the public record, or any segregable portion of a record, to be inspected and examined by any person[.]" (Ordinance § 67.21)

Public records subject to disclosure are defined very broadly, to include nearly every record in an agency's possession. (*Commission on Peace Officer Standards and Training v. Superior Ct.* (2007) 42 Cal.4th 278, 288, fn. 3; Cal. Gov. Code § 6252 (e); Ordinance § 67.20 (b) [adopting definition].)

¹ Mr. Kawa's assistant, Carl Nicita, told the Task Force that since 2013, and based on specific instructions received from Mr. Kawa, he had deleted events from Mr. Kawa's calendar that had occurred approximately two weeks in the past. (Audio Recording of March 2, 2016 Task Force Meeting ["Task Force Meeting"] at 2:38:30-2:39:00, available at http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=95&clip_id=24861.)

Yet Section 67.21's disclosure requirements — indeed, the very heart of the Sunshine Ordinance — would have little effect if City officials or employees could simply destroy public records before they were ever subject to a citizen's request.

To guard against this, the Sunshine Ordinance requires that "the Mayor and all Department Heads shall maintain and preserve in a professional business-like manner all documents and correspondence, including but not limited to letters, e-mails, drafts, memoranda, invoices, reports and proposals and shall disclose all such records in accordance with this ordinance." (Ordinance § 67.29-7.)

Central to the question of whether the Sunshine Ordinance was violated is the question of whether Mr. Kawa's calendar should have been destroyed in the first place. Chapter 8 of the City's Administrative Code ("Admin. Code") establishes the City's framework for retaining and destroying records. "Records," for purposes of this framework, include "such paper, book, photograph, film, sound recording, map, drawing or other document, or any copy thereof, as has been made or received by the department in connection with the transaction of public business and may have been retained by the department as evidence of the department's activities, for the information contained therein, or to protect the legal or financial rights of the City and County or of persons directly affected by the activities of the City and County." (Admin. Code § 8.1.)

The question, then, is whether the daily calendar of a high-level City official falls within the definition of a "record" set forth in Admin. Code § 8.1. The Task Force believes that there is little doubt on the question: it does.

Calendars — and, more precisely, calendar entries for high-level city officials — are made "in connection with the transaction of public business." Indeed, the day-to-day activities of City officials with sufficient rank or authority within City government are, by definition, carried out in "connection with the transaction of public business." Calendars of these high-ranking officials may thus be retained both for "evidence of the department's activities" and "for the information contained therein." (Admin. Code § 8.1.) That is, Mr. Kawa's daily calendar reflects not only on *his* daily activities, but on the activities of the Mayor's Office as a whole. In contrast, a lower-level staff employee's calendar might reflect the conduct of the public's business, but it is less likely to reflect broadly on departmental activities. Mr. Kawa's calendar was also retained for its informational content: one purpose of retention was to allow for follow-up meetings to be scheduled. (See, *e.g.*, March 2, 2016 Task Force Meeting at 2:04:55-05:12 [stating that retaining calendar for "two weeks was adequate time to schedule follow up meetings"].)

Mr. Kawa claimed that the deletion of his daily calendar was justified based on the Mayor's Office's Records and Document Retention and Disposal Schedule ("Mayor's Retention Schedule" or the "Schedule"). The Mayor's Retention Schedule, implemented pursuant to Chapter 8 of the Admin. Code, describes four categories of records, prescribing different retention requirements for each. Relevant here, only records falling within "Category 4" of the Schedule do not require retention. The Schedule provides some limited guidance for the types of documents that fall within Category 4, including "documents and materials generated for the use and convenience of the person generating them." (Mayor's Retention Schedule at p. 2 [P136].) According to Mr. Kawa's representatives, his calendar was a record of this type.

The Task Force finds that argument unpersuasive. As a threshold matter, Category 4 of the Schedule only applies to "documents and other materials that are *not* defined as 'records' pursuant to the Administrative Code Section 8.1." (*Id.* [emphasis added].) As explained above, the daily calendar of a high-level city official, like Mr. Kawa, is a "record" for purposes of Admin. Code Section 8.1. It thus falls outside Category 4 at the outset.

And, even if Mr. Kawa had doubt concerning the applicable retention period, the Mayor's Retention Schedule provided guidance for resolving that doubt. Section B governs "Records Not Addressed in the Record Retention Policy." (Mayor's Retention Policy at p. 2 [P136].) It states: "Records and other documents or materials that are not expressly addressed by the attached schedule may be destroyed at any time *provided that they have been retained for periods prescribed for records for substantially similar records.*" (*Id.*) One "record category" in the schedule is particularly relevant here — the "calendar" category, which sets forth a two-year retention period for "Prop G Calendar[s]." (*Id.* at p. 5 [P139].) Although the Task Force does not suggest that Mr. Kawa was required to maintain a Prop G Calendar, that record category was unquestionably the most "substantially similar" to Mr. Kawa's calendar, and should have guided his retention decision.

**The City Attorney's office suggests looking to the Prop G calendar is a "false analogy" because the Prop G calendar is a "retrospective calendar," the purpose of which is "to document meetings and events that the public official has attended, so as to inform the public." In contrast, the City Attorney argues, the purpose of "a staffer's individual calendar is not to serve an historical function or to inform the public, but rather is to allow the staffer prospectively to keep track of or schedule upcoming meetings, task, deadlines, or events." The City Attorney's conclusion, however, is contradicted by the testimony the Task Force received. According to the testimony, Mr. Kawa's calendar had both prospective and retrospective purposes. As described above, Mr. Kawa's calendar does not merely reflect his activities, but the activities of the Mayor's Office as a whole. Indeed, his calendar is likely not kept solely for his own purposes, but to inform others within the Mayor's Office of his meetings and their locations. All this underscores the similarity between Mr. Kawa's calendar and those of the officials required to keep and disclose a calendar under Prop G. Under these circumstances, a calendar of a high-ranking city official like Mr. Kawa is more "substantially similar" to a Prop G calendar than to an "administrative file."

The City Attorney suggests that interpreting the Mayor's Record Retention schedule in this way would "undermine the City's decision, made through its legislative process, regarding which officials and employees are — and are not — subject to" the Prop G requirement. Memo at 5. That suggestion is plainly incorrect. The Task Force's determination does not require Mr. Kawa to *create* a calendar, let alone satisfy the specific requirements for meetings required by Prop G. *See* Ordinance § 67.25(b)-(e). All this decision requires is that if a high-ranking city official, like Mr. Kawa, chooses to *create* a calendar, that calendar must also be *retained* as a "record" subject to the City's retention policies.

Thus, for the reasons described above, for many (if not all) high-level City officials that maintain a daily calendar, those calendars are "records" within the meaning of the City's retention mandate

and, accordingly, are required to be retained.² That conclusion, in turn, informs our decision concerning violations of the Sunshine Ordinance — specifically, the compliance of the Mayor's Office with Ordinance § 67.29-7 and Mr. Kawa's compliance with Ordinance § 67.21.

First, Ordinance § 67.29-7, as described above, requires the Mayor and all Department Heads to "maintain and preserve in a professional and businesslike manner all documents." Section 67.29-7's requirement that the Mayor "maintain and preserve" records signals the voter's intention that Ordinance § 69.29-7 was directed at City record preservation activities and obligations. We believe that, under all but the most crabbed definitions, "maintain[ing] and preserv[ing]" records in a "professional and businesslike" manner includes compliance with relevant, governing law.

The City Attorney's office argues that Ordinance § 69.29-7 only "speaks to *how* the Mayor and department heads must maintain records" not to "*what* records must be maintained." Memo at 7 (emphasis in original). Our decision here is not to the contrary. We do not believe, nor do we decide, that § 69.29-7 dictates what records must be maintained — only that regulations governing record maintenance must be followed. This speaks directly to "how" the records must be maintained: in compliance with governing law and regulations. And, in this case, we believe that those regulations were not followed. Consequently, Ordinance § 69.29-7 was violated.

Second, we also conclude that Ordinance § 67.21 was violated because Mr. Kawa, the custodian of the record, failed to "permit the public record ... to be inspected and examined" when requested. The City Attorney argues that Ordinance § 67.21 only imposes a "present-tense disclosure requirement" and does not dictate what records are subject to City retention requirements. Memo at 7. Again, we do not disagree: this order only determines that, when the City's record retention rules are violated *and* a requester seeks access to records that would have existed, but for the improper destruction of records, that Ordinance § 67.21 is violated. Mr. Kawa *should* have had the records requested by Mr. Petrelis and allowed him to inspect the records. Accordingly, we find that failure to violate § 67.21.³

* * * * *

² A previous version of this Order of Determination concluded that the destruction of Mr. Kawa's calendar also violated the State's record retention requirements. (Cal. Gov. Code § 34090.) Because the Task Force concludes that Admin. Code § 8.1 was violated, the Task Force does not need to address whether the destruction also violated state law. The City Attorney's office suggests, without citation, that the "City's records retention law ... does not expand upon the scope of records that state law requires the City to retain." This is a curious position, given that Admin. Code § 8.1 predates Cal. Gov. Code § 34090 and does not use the same language as the state laws to describe city records that must be maintained. Compare Admin. Code § 8.1 with Cal. Gov. Code § 34090. Whatever the requirements of Gov. Code § 34090, the Task Force believes that Admin. Code § 8.1 required the retention of the record requested here.

³ Mr. Petrelis' request was styled as an Immediate Disclosure Request, which imposes stringent deadlines for City responses. (See Ordinance § 67.25.) Here, the Mayor's Office responded to Mr. Petrelis' request by the close of business the following day, invoking a ten-day extension to finalize its response. Although there is some question about why an extension was necessary in this case, we believe the Mayor's Office substantially complied with the requirements of Ordinance § 67.25.

Having concluded that the intentional destruction of Mr. Kawa's calendar violated Sections 67.21 and 67.29-7 of the Ordinance, we now turn to whether those violations were "willful." The Ordinance provides: "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." (Ordinance § 67.34.)

The term "willful" is not defined in the Ordinance.⁴ In the past, the Task Force has occasionally referred matters to the Ethics Commission where we have found the city official's violation of the Ordinance to be particularly egregious, flagrant, or repeated. "Although the term 'willful' has no single, uniformly applicable definition, it refers generally to intentional conduct undertaken with knowledge or consciousness of its probable results." (*Patarak v. Williams* (2001) 91 Cal.App.4th 826, 829.) An oft-repeated definition of "willful" conduct is this: "That the person knows what he is doing, intends to do what he is doing, and is a free agent." (*Davis v. Morris* (1940) 37 Cal.App.2d 269, 274.)

Applying that definition, we conclude the violation of Ordinance § 67.29-7 was not willful. Section 67.29-7 imposes obligations on the "Mayor and Department Heads" only. Although we find that Ordinance § 67.29-7 was violated, we have received no evidence that the Mayor knew of, or played any role in, the destruction of Mr. Kawa's calendar. (See, e.g., *Calvillo-Silva v. Home Grocery* (1998) 19 Cal.4th 714, 729 ["Unlike negligence, which implies a failure to use ordinary care, and even gross negligence, which connotes such a lack of care as may be presumed to indicate a passive and indifferent attitude toward results, willful misconduct is not marked by a mere absence of care. Rather, it involves a more positive intent actually to harm another or to do an act with a positive, active and absolute disregard of its consequences."].) Accordingly, we find that Ordinance § 67.29-7 was not violated willfully.

We do believe, however, that the violation of § 67.21 was willful. Section 67.21 requires that any custodian of a public record "*shall* ... permit the public record, or any segregable portion of a record, to be inspected and examined by any person." (emphasis added). The intentional destruction of Mr. Kawa's calendar necessarily prevented the public's ability to inspect or examine the document. See *Patarak*, 91 Cal.App.4th at 829 (willful action is "intentional conduct with knowledge or consciousness of its probable results").

We have not received, in our view, a credible explanation for the calendar's destruction. Mr. Kawa's assistant stated that he destroyed the calendar based on specific instructions he received from Mr. Kawa, Task Force Meeting at 2:38:45 – March 2, 2016, and that destroying the calendar was done for "general organization and housekeeping" purposes. Task Force Meeting at 2:03:35. The explanation is perplexing. Even assuming there is some organizational or housekeeping benefit in having a "clean" calendar of past events (which, in itself, is difficult to understand), it is not at all clear why an electronic calendar — one that presumably has different settings and views that can be manipulated for users to "hide" past events — would require Mr. Kawa (or his assistant) to manually purge entries from the calendar.

⁴ We believe it is clear that Mr. Kawa is a "managerial city employee" subject to Ordinance § 67.34.

Nor does it appear from the testimony provided that Mr. Kawa received legal advice (or sought legal advice) from the City Attorney prior to deleting his calendar.⁵ Finally, the *only* category of record that Mr. Kawa's representative was instructed to regularly destroy was his calendar. That destruction occurred with the knowledge that Mr. Petrelis had previously requested the calendars of other city officials, including Mr. Kawa. Audio of Apr. 6, 2016 Task Force Meeting at 2:32:30 – 2:34:10.

Legitimate concerns exist about the integrity of public officials in this city. *See, e.g., 3 charged in San Francisco public corruption case*, AP (Jan. 22, 2016) ("All I can tell you is that we have been investigating irregularities in local government for quite some time,' Gascón said, noting the investigation was continuing.")⁶ Actions like Mr. Kawa's, that subvert laws designed to hold government officials accountable, do little to assuage those concerns. "Openness in government is essential to the functioning of a democracy. Implicit in the democratic process is the notion that government should be accountable for its actions. In order to verify accountability, individuals must have access to government files. Such access permits checks against the arbitrary exercise of official power and secrecy in the political process." (*Sierra Club v. Superior Ct.* (2013) 57 Cal.4th 157, 164). We find that Mr. Kawa's actions intentionally obstructed that "essential" public access here.

Accordingly, we conclude that Mr. Kawa's destruction of his calendar constituted a "willful failure" to discharge the "duties imposed by the Sunshine Ordinance," and we refer the matter to the Ethics Commission for its review. *See* Ordinance § 67.34.⁷

⁵ Under repeated questioning at the hearing on this matter, Mr. Kawa's representatives stated that the City Attorney was "aware of" and helped draft Mr. Kawa's response to the public records request, but had not advised that the calendars could be destroyed in advance of Mr. Kawa doing so. Task Force Meeting at 2:36:30-45. But the fact that the City Attorney helped respond to the request does not suggest that Mr. Kawa sought advice prior to deleting his calendar, despite ample opportunity to do so. *See* Task Force Meeting at 2:36:03-24 (describing annual discussion concerning Mayor's Retention Schedule with City Attorney).

⁶ Available at <http://bigstory.ap.org/article/0a3280463e9040bab4bd816c04957a7f/3-charged-san-francisco-public-corruption-case>.

⁷ The City Attorney suggests that the Task Force cannot find a "willful" violation here because the Ethics Commission's "Regulations for Handling Violations of the Sunshine Ordinance" assigns a different definition to the term — one requiring "knowledge" that the actions were taken in violation of the Ordinance. The Task Force is not aware of any authority, and the City Attorney has provided none, that suggests the Ethics Commission's interpretation of the Sunshine Ordinance controls the Task Force's own interpretation of the Ordinance. And, under any circumstances, the Task Force believes the Ethics Commission's definition of "willful" is unduly narrow. That definition extends only to an "action or failure to act *with knowledge* that such act or failure to act was a violation of the Sunshine Ordinance." Regulations, Section II(U) (emphasis added). Although the Task Force agrees that such knowing action would constitute a "willful" violation, the Task Force believes that the definition must also extend to violations that are (1) egregious, flagrant, or repeated, *and* (2) carried out with, at least, a reckless disregard for the requirements of the Ordinance. As a practical matter, under the Ethics Commission's current definition, we find it unlikely that a willful violation will ever occur. It seems improbable that a City official will ever publicly admit to their knowledge of the Ordinance's requirements and their deliberate disregard of those requirements. Rather, City officials are likely to suggest their actions were the product of ignorance of the law's requirements. Accordingly, and rather than render the

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Mayor's Office violated Administrative Code (Sunshine Ordinance), Section 67.29-7, for failure to maintain and preserve Mr. Kawa's calendar in a professional and businesslike manner. The Task Force further finds Mr. Kawa violated Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to a request for records in a complete manner and that this violation was willful under Section 67.34.

The motion to find a violation of Administrative Code, section 67.21, for failure to respond to a public records request in a timely and / or complete manner was passed at the May 4, 2016 Task Force meeting by the following vote:

Ayes: 7 - Wolf, Eldon, Pilpel, Hinze, Fischer, Hyland, Washburn

Noes: 0

Absent: 2 - Chopra, Haines

The motion to find a violation of Administrative Code Section 67.29-7 for failure to maintain records in a professional and businesslike manner, find that the violation of Administrative Code Section 67.21 was a willful failure to discharge duties imposed by the Sunshine Ordinance under Administrative Code Section 67.34, adopt this Order of Determination, authorize the Chair to make typographical and other non-substantive changes, and authorize and direct the Chair to refer this matter to the Ethics Commission for enforcement was passed at the May 4, 2016 Task Force meeting by the following vote:

Ayes: 6 - Wolf, Eldon, Hinze, Fischer, Hyland, Washburn

Noes: 1 - Pilpel

Absent: 2 - Chopra, Haines



Chris Hyland
Acting Chair

- c: Sunshine Ordinance Task Force Members
Mark Rumold, Former Sunshine Ordinance Task Force Member
Nicholas Colla, Deputy City Attorney
Michael Petrelis, Complainant
Steve Kawa, Mayor's Chief of Staff, Respondent
Carl Nicita, Mayor's Office, Respondent
Kirsten Macaulay, Mayor's Office, Respondent
Mayor Edwin Lee, Mayor's Office, Respondent

Ordinance's "willful" violation a dead letter, we believe the Ethics Commission should amend their definition to encompass such reckless actions.

From: mpetrelis@aol.com
To: [SOTF, \(BOS\)](#)
Subject: Complaint against Mayoral aide Steve Kawa
Date: Thursday, December 03, 2015 1:43:42 PM
Attachments: [STEVE KAWA - RD \(1\).pdf](#)

Dear Victor Young,

I wish to lodge a complaint against Mr. Steve Kawa, the top aide in Mayor Ed Lee's office, for failure to produce his calendar for the period specified.

The attachment is the blank calendar that was received last week and is my no stretch of the imagination compliant with sunshine law.

Please process this complaint accordingly.

Regards,
Michael Petrelis

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

From: MayorSunshineRequests, MYR (MYR) (MYR) <mayorsunshinerequests@sfgov.org>
To: 'mpetrelis@aol.com' <mpetrelis@aol.com>; MayorSunshineRequests, MYR (MYR) (MYR) <mayorsunshinerequests@sfgov.org>
Sent: Tue, Dec 1, 2015 4:18 pm
Subject: RE: Kirsten reply needed. - Re: Steve Kawa's work calendar for Jul/Aug/Sep 2015

Dear Mr. Petrelis,

Thank you for your emails. We have provided electronic copies of all records in the possession of the Mayor's Office for the time period that you requested responsive to your request. Thank you.

Kirsten Macaulay

Office of Mayor Edwin M. Lee

From: mpetrelis@aol.com [<mailto:mpetrelis@aol.com>]
Sent: Tuesday, December 01, 2015 3:20 PM
To: mpetrelis@aol.com; MayorSunshineRequests, MYR (MYR)
Subject: Kirsten reply needed. - Re: Steve Kawa's work calendar for Jul/Aug/Sep 2015

Hello Kirsten,

About a week ago, I sent you this followup message but have not heard back from you.

I have not received the requested calendar from Steve Kawa. There are no entries on the

doc you sent.

Where is the calendar with meeting dates, persons in attendance, topics discussed?

A reply is needed.

Regards,
Michael

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

From: mpetrelis <mpetrelis@aol.com>
To: mayorsunshinerequests <mayorsunshinerequests@sfgov.org>
Sent: Wed, Nov 25, 2015 10:23 am
Subject: Re: Steve Kawa's work calendar for Jul/Aug/Sep 2015

I've received a calendar that is totally blank.

Did you mean to send me such an incomplete calendar?

Lemme know when to expect an authentic calendar for Steve Kawa.

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

From: MayorSunshineRequests, MYR (MYR) (MYR) <mayorsunshinerequests@sfgov.org>
To: MayorSunshineRequests, MYR (MYR) (MYR) <mayorsunshinerequests@sfgov.org>;
'mpetrelis@aol.com' <mpetrelis@aol.com>
Sent: Mon, Nov 23, 2015 3:25 pm
Subject: RE: Steve Kawa's work calendar for Jul/Aug/Sep 2015

Requestor: Michael Petrelis
Email: mpetrelis@aol.com

Re: Public Records Request dated November 18, 2015

Dear Mr. Petrelis:

This letter responds to your Public Records Request sent and received on November 18, 2015 by the Mayor's Office via email. In your request, you ask for the following from the Mayor's Office:

1. "Electronic copy of your chief of staff Steve Kawa's calendar, for the period of July/August/September 2015."

Response:

Attached please find electronic copies of all records in the possession of the Mayor's Office responsive to your request.

If you have any questions regarding your request or would like to send another sunshine request, please do not hesitate to contact the Mayor's Office at mayorsunshinerequests@sfgov.org.

Sincerely,
Kirsten Macaulay
Mayor's Office of Communications

From: MayorSunshineRequests, MYR (MYR)
Sent: Thursday, November 19, 2015 4:50 PM
To: 'mpetrelis@aol.com'; MayorSunshineRequests, MYR (MYR)
Subject: RE: Steve Kawa's work calendar for Jul/Aug/Sep 2015

Dear Mr. Petrelis:

Although your request was sent as an Immediate Disclosure Request under San Francisco Administrative Code Section 67.25(a), it will require staff to conduct a review of files in order to find responsive records and is not "simple, routine and readily answerable." For this reason, we are not treating your request as one appropriately filed as an "immediate disclosure" request subject to Section 67.25, but as one which is subject to the normally applicable response time.

We will be able to complete your request very soon. Thank you!

Kirsten Macaulay
Office of Mayor Edwin M. Lee

From: mpetrelis@aol.com [<mailto:mpetrelis@aol.com>]
Sent: Wednesday, November 18, 2015 11:37 AM
To: MayorSunshineRequests, MYR (MYR)
Subject: IDR: Steve Kawa's work calendar for Jul/Aug/Sep 2015

Dear Mayor Ed Lee,

This is an immediate disclosure request for an electronic copy of your chief of staff Steve Kawa's calendar, for the period of July/August/September 2015.

If you have any questions, send them to me via email.

I look forward to receiving responsive public records.

Best,
Michael Petrelis



MAYOR'S OFFICE
RECORDS AND DOCUMENT RETENTION AND DISPOSAL SCHEDULE

The Mayor's Office Record Retention and Destruction Policy is adopted pursuant to Section 8.1 of the San Francisco Administrative Code, which requires each Department Head to maintain records and create a records retention and destruction schedule.

This policy covers the records and documents, regardless of physical form or characteristics, which have been made or received by the Mayor's Office in connection with the transaction of public business.

PART I POLICY AND PROCEDURES:

A. RETENTION POLICY

The Mayor's Office shall retain records for the period of their immediate or current use, unless longer retention is necessary for historical reference, to comply with contractual or legal requirements, or for records which would be essential to the continuity of government and the protection of rights and interests of individuals in an event of a major disaster, or for other purposes as set forth below. For record retention and destruction purposes, the term "record" is defined as set forth in Section 8.1 of the San Francisco Administrative Code. Documents and other materials that do not constitute "records" under that section, including those described below in Category 4, may be destroyed when no longer needed, unless otherwise specified in Part H. The records of the Mayor's Office shall be classified for purposes of retention and destruction as follows:

Category 1: Permanent Retention. Records that are permanent or essential shall be retained and preserved indefinitely.

- Permanent Records: Permanent records are records required by law to be permanently retained and which are ineligible for destruction unless they are microfilmed or placed on an optical imaging system and special measures are followed, Administrative Code Section 8.4. Once these measures are followed, the original paper records must be destroyed. Duplicate copies of permanent records may be destroyed whenever they are no longer necessary for the efficient operation of the Mayor's Office.
- Essential Records: Essential records are records necessary for the continuity of government and the protection of the rights and interests of individuals, in an event of a major disaster be preserved against possible destruction by fire, earthquake, flood, enemy attack or other cause, Administrative Code Section 8.9.

Category 2: Current Records. Current records are records that for convenience, ready reference or other reasons are retained in the office space and equipment of the Department. Current records shall be retained as follows:

- Where retention period specified by law. Where federal, state or local law prescribes a definite period of time for retaining certain records, the Mayor's Office will retain the records for the period specified by law.
- Where no retention period specified by law. Where no specific retention period is specified by law, the retention period for records that the department is required to retain shall be specified in the attached Record Retention and Destruction Schedule. Records shall be retained for a minimum of two years, although such records may be treated as "storage records" and placed in storage at any time during the applicable retention period.

Category 3: Storage Records. Storage records are records that are retained offsite. Storage records are subject to the same retention requirements as current records.

Category 4: No Retention Required. Documents and other materials that are not defined as "records" pursuant to the Administrative Code Section 8.1 need not be retained unless retention is otherwise specified by local law or required by this policy. Documents and other materials (including originals and duplicates) that are not required for retention, are not necessary to the functioning or continuity of the Department and which have no legal significance may be destroyed when no longer needed. Examples include documents and materials generated for the use and convenience of the person generating them, draft documents which have been superseded by subsequent versions and duplicate copies of records that are no longer needed. Specific examples include telephone message slips, notes from ongoing projects, preliminary drafts that have been superseded by subsequent versions, routine e-mails that do not contain information required to be retained under this policy, miscellaneous correspondence not requiring follow-up or departmental action, notepads and chronological files.

With limited exceptions, no specific retention requirements are assigned to documents in this category. Instead, it is up to the originator or recipient to determine when document's business utility has ended.

B. RECORDS NOT ADDRESSED IN THE RECORD RETENTION POLICY

Records and other documents or materials that are not expressly addressed by the attached schedule may be destroyed at any time provided that they have been retained for periods prescribed for records for substantially similar records.

C. STORAGE OF RECORDS

Active records may be stored in the Mayor's Office space or equipment if the records are in active use or are maintained in the office for convenience or ready reference. Examples of active files appropriately maintained in the Mayor's Office space or equipment include active administrative files, personnel files, contracts and grants, and civil grand jury reports. Inactive records, for which use or reference has diminished sufficiently to permit removal from the Mayor's Office space or equipment, may be sent to the City's off-site storage facility or

maintained in the Mayor's Office storage facility.

D. HISTORICAL RECORDS

Historical records are records which are no longer of use to the Mayor's Office but which because of their age or research value may be of historical interest or significance. Historical records may not be destroyed except in accordance with the procedures set forth in Administrative Code Section 8.7.

E. DESTRUCTION OF RECORDS

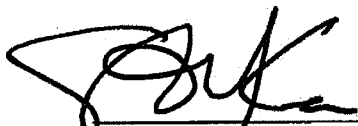
It shall be the policy of the Mayor's Office that once the requisite retention period for a record has passed; the record shall be destroyed unless there are particular circumstances that dictate that the record be retained.

F. RECORDS RELATING TO PENDING CLAIMS AND LITIGATIONS

The retention periods set forth in the attached record retention schedule shall not apply to materials that are otherwise eligible for destruction, but which may be relevant to a pending claim or litigation against the City. Once the Mayor's Office becomes aware of the existence of a claim against the office, the Mayor's Office should retain all documents and other materials related to the claim until such time as the claim or subsequent litigation has been resolved. Where the Mayor's Office has reason to believe that one or more other departments also have records relating to the claim or litigation, those departments should also be notified of the need to retain such records.

APPROVALS

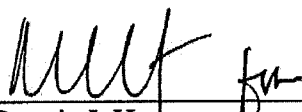
This Record Retention and Destruction Policy and attached Schedule are hereby approved:



Steve Kawa
Chief of Staff
Office of the Mayor

1/27/14
Date

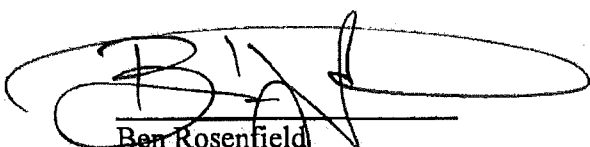
Approved as to Records of Legal Significance:



Dennis J. Herrera
City Attorney

2/13/14
Date

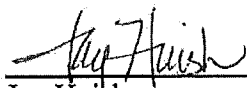
Approved as to Records Relating to Financial Matters:



Ben Rosenfield
Controller

2-13-14
Date

Approved as to Records Relating to Payroll Matters:



Jay Huish
Executive Director
Retirement System

2/28/2014
Date

DIVISION	RECORD CATEGORY	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD			REMARKS
				Total	On site	Off site	
Administration	Administration	Accident-injury report	2	7 years	2 years	5 years	29 CFR 1904.6
Administration	Administration	Administrative files	4	Current year	Current year	N/A	
Administration	Administration	Audit reports	4	Current year	Current year	N/A	
Administration	Administration	Conflict of Interest form 700	2	7years	2 years	5 years	GC Sec.81009(e)
Administration	Administration	Discrimination and harassment complaints	2	During employee tenure and 5 fiscal years post tenure	During employee tenure and 5 fiscal years post tenure	N/A	
Administration	Administration	Family Medical Leave Act Records	2	3 fiscal years	3 fiscal years	N/A	3 year minimum required by Fair Labor Standards A
Administration	Administration	Medical information	2	During employee tenure and 5 fiscal years post tenure	During employee tenure and 5 fiscal years post tenure	N/A	
Administration	Administration	Payroll Reports/Timecards and related documents	2	2 fiscal years	2 fiscal years	N/A	Secure Permission from SFERS
Administration	Administration	Personnel files	2	During employee tenure and 5 fiscal years post tenure	During employee tenure and 5 fiscal years post tenure	N/A	
Administration	Administration	Travel request (copy)	4	Current year	Current year	N/A	
Administration	Administration	Worker's Compensation Record	2	During employee tenure and 5 fiscal years post tenure	During employee tenure and 5 fiscal years post tenure	N/A	
Administration	Contracts/Grants	Contracts & Grants	2	Term of agreement plus 4 years	Term of agreement plus 4 years	N/A	
Administration	Contracts	Draft Contracts	4	Until approval	Until approval	N/A	Administrative CC Sec. 67.24 (a) (2)
Administration	Correspondences	General Correspondences	4	N/A	N/A	N/A	
Administration	Financial	Check Payments	2	2 fiscal years	2 fiscal years	N/A	
Administration	Financial	Office expenditure documents	2	2 fiscal years	2 fiscal years	N/A	
Administration	Financial	Payables (Invoices/Vendors)	2	2 fiscal years	2 fiscal years	N/A	
Administration	Financial	Purchase Orders (copy)	2	2 fiscal years	2 fiscal years	N/A	
Administration	Financial	Receipt/Deposits	2	2 fiscal years	2 fiscal years	N/A	
Administration	Financial	Work Orders	2	2 fiscal years	2 fiscal years	N/A	
Administration	Policies	Policies/Procedures	2	Later of 2 years or until superseded	Later of 2 years or until superseded	N/A	
Administration	RFA, RFQ	RFA, RFQ	2	Later of 2 years of no current use	Later of 2 years of no current use	N/A	
Scheduling	Calendar	Prop G Calendar	2	2 years	2years	N/A	
Public Policy	Public Policy and	Budget Files	2	2 fiscal years	2 fiscal years	N/A	

and Finance	Finance						
Public Policy and Finance	Reports	Grand Jury Reports (copy)	1	Permanently	Permanently	N/A	
Government Affairs	Legislative	Electronic Legislation (copies as approved to form)	4	Current year	Current year	N/A	
Government Affairs	Legislative	Electronic Legislative Drafts	4	Current year	Current year	N/A	



DENNIS J. HERRERA
City Attorney

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

BURK E. DELVENTHAL
Deputy City Attorney

2016 MAR 30 PM 3:33

Direct Dial: (415) 554-4650
Email: buck.delventhal@sfgov.org

AK

March 30, 2016

Honorable Members of the Sunshine Ordinance Task Force
c/o Clerk of the Board of Supervisors
Attn: Victor Young, Administrator
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco CA 94102

Re: **Proposed Order of Determination in Michael Petrelis v. Steve Kawa and the Mayor's Office (File No. 15163)**

Dear Honorable Task Force Members:

This letter responds to the Proposed Order of Determination (the "Order") in the above-entitled case. If adopted, the Order would reach three principal legal conclusions. It would conclude that Mr. Kawa and the Mayor's Office violated its record retention policy by periodically deleting Mr. Kawa's individual calendar. Consequently, the Order would conclude, Mr. Kawa and the Mayor's Office violated two sections of the Sunshine Ordinance – Section 67.29-7, which requires the Mayor, among others, to "maintain and preserve" records "in a professional and businesslike manner," and Section 67.21, which requires a custodian of a public record to permit its inspection and copying.¹ The Order further would conclude that Mr. Kawa's purported violation of Section 67.21 was a "willful failure" to "discharge the duties imposed by the Sunshine Ordinance," warranting referral of that violation to the Ethics Commission under Section 67.34.

We understand that the Task Force will be considering the Order at its April 6, 2016, meeting. While this case involves Mr. Kawa and the Mayor's Office specifically, it has broad ramifications for City government generally. Accordingly, this letter presents the analysis of the City Attorney's Office on the legal issues the Order addresses. Also, the Order presumes what this Office's legal advice would be regarding the destruction of an employee's individual calendar (as opposed to the calendar the Sunshine Ordinance requires elected officials and department heads to maintain). This letter avoids leaving our advice on the main legal issues the Order addresses subject to speculation.

As we explain below, each of the three principal conclusions of the Order is legally erroneous: Mr. Kawa and the Mayor's Office did not violate records retention law, and did not violate the Sunshine Ordinance; and Mr. Kawa did not willfully violate Section 67.21. Accordingly, it is advisable that the Task Force not adopt the Order.

¹ The Order concludes, in its footnote 3, that "the Mayor's Office substantially complied with the requirements of § 67.25" of the Sunshine Ordinance, regarding immediate disclosure requests. Accordingly, we do not address Section 67.25.

Letter to Honorable Members of the Sunshine Ordinance Task Force

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I. “WILLFUL” VIOLATION OF THE SUNSHINE ORDINANCE

We begin where the Order ends, with referral of the purported violation of Section 67.21 to the Ethics Commission, on the theory that it is a “willful” violation. This referral is not proper under the Sunshine Ordinance because it misuses the legal standard employed to define a “willful” violation.

The Charter vests in the Ethics Commission the power to issue regulations governing the Sunshine Ordinance. (S.F. Charter, § 15.102 [“the Commission may adopt rules and regulations relating to carrying out the purposes and provisions of ordinances regarding open meetings and public records”].) Under this Charter authority, the Ethics Commission has adopted “Regulations for Handling Violations of the Sunshine Ordinance.”² These regulations define a “willful” violation as “an action or failure to act with the knowledge that such act or failure to act was a violation of the Sunshine Ordinance.” (Regulations, Section II(U).)

There is no evidence in the record that Mr. Kawa knew that the practice of periodically deleting his individual calendar violated the Sunshine Ordinance, and the Order makes no such finding. Indeed, as explained in Sections II and III, below, this practice does not violate either records retention laws or the Sunshine Ordinance.

But rather than apply – or even acknowledge – the Ethics Commission’s definition of “willful” violation, the Order instead applies a different definition of “willful” conduct: “intentional conduct undertaken with knowledge or consciousness of its probable results,” citing *Patarak v. Williams* (2001) 91 Cal.App.4th 826, 829. *Patarak* addresses whether a landlord’s violations of the Mobilehome Residency Law (“MRL”) (Cal. Civ. Code §§ 798 et seq.) were “willful” and therefore subject to penalties under the MRL. We have no quarrel with the holding in *Patarak*; the term “willful” has different meanings in different legal contexts. But that is the point the Order misses. The Order applies a definition of “willful” that is correct in the *Patarak* context of assessing penalties under the MRL, but is incorrect for determining a “willful” violation of the Sunshine Ordinance.

As we explain below, there has been no violation of Section 67.21 of the Sunshine Ordinance in this case. But even if there had been such a violation, because there is no evidence in the record that Mr. Kawa destroyed his calendar knowing he was violating records retention law or the Sunshine Ordinance, there is no basis to conclude that it was “willful” within the meaning of Section 67.34 – as “willful” is defined by the very commission authorized to define that term, and to which the Task Force would refer this case if it adopts the Order.

II. RECORDS RETENTION REQUIREMENTS

The Order concludes that the periodic deletion of Mr. Kawa’s individual calendar violated the law governing records retention, and that this violation translates into a violation of Sections 67.29-7 and 67.21 of the Sunshine Ordinance. Because the purported Sunshine Ordinance violations presume, and depend on, a records retention law violation, we first address that issue.

Many City employees who are not elected officials or department heads – probably the vast majority of professional, technical, and supervisory employees at all ranks in the City’s

² These Regulations are on the Ethics Commission’s website and are available at <http://www.sfethics.org/files/EC.Sunshine.Regulations.effective.Nov.2013.pdf>

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bureaucracy, as well as many other City employees – keep a daily calendar for their own convenience (we generally refer to those calendars in this letter as “individual calendars”). Those individual calendars often will include both work entries and personal entries, such as a doctor’s appointment, family commitments, or lunch plans. Employees create such calendars to keep track of upcoming activities, tasks, and deadlines, and to avoid scheduling conflicts. Sometimes employees also create those calendars to assist their colleagues in knowing their whereabouts. They do not create their calendars to preserve an historical record, and the entries on such calendars have no legal significance or consequence. Indeed, neither state law nor City law requires employees (as opposed to elected officials and department heads) – whether Mr. Kawa or others – to prepare, much less to keep, an individual calendar.

The Order correctly notes that the Public Records Act defines “record” very broadly. (Cal. Gov. Code §§ 6252(e), (g) (definitions of “public records” and “writing”).) Thus, an employee’s individual calendar maintained on the City’s network is a public record and must be disclosed on request, with non-work-related entries redacted, *if the calendar has been retained*. But the universe of public records that state or City law requires the City to retain is much smaller than the universe of public records that, if in the City’s custody, must be disclosed under the Public Records Act and the Sunshine Ordinance. For example, as a general rule, employees may immediately dispose of phone message slips, notes of meetings, research notes prepared for the use of the employee creating them, and the large majority of e-mail communications employees send and receive, even though such records would generally qualify as “public records” under the Public Records Act. Similarly, if employees make notes to themselves about a meeting to attend or task to perform days later, the employees need not retain those notes. An employee’s individual calendar, which is nothing more than a compilation of such notes, likewise need not be retained.

State law requires local agencies to retain certain records. (*E.g.*, Cal. Gov. Code §§ 6200, 34090 et seq.) The City’s records retention law (Sections 8.1 through 8.9 of the Administrative Code) does not expand upon the scope of records that state law requires the City to retain. Rather, City law requires each department head to adopt a record retention schedule classifying documents subject to retention under state law into different categories. The Office of the Mayor’s record retention schedule, like those of many other City departments, includes “Category 4: No Retention Required.” Category 4 documents do not constitute “records” within the meaning of state records retention law, so they need not be retained. As the Mayor’s records retention policy explains, Category 4 records are “not necessary to the functioning or continuity of the Department” and “have no legal significance.” Examples of such documents are ones “generated for the use and convenience of the person generating them,” including telephone message slips, notes from ongoing projects, and miscellaneous correspondence.

The Office of the Mayor’s record retention schedule does not list employee calendars under any of the four categories. The records retention policy states that documents “not expressly addressed by the attached schedule may be destroyed at any time provided that they have been retained for periods prescribed” for substantially similar records. The Mayor’s Office correctly regards staff work calendars as “substantially similar” to “administrative files” and “general correspondence” listed in Category 4 on its schedule. As this letter has explained, retention of them is “not necessary to the functioning or continuity of the Department,” they “have no legal significance,” and they are “generated for the use and convenience of the person generating them.” Nevertheless, the Order concludes that employee individual calendars must be retained. This erroneous conclusion stems from two analytical errors in the Order.

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First, the Order states that a department head calendar (often referred to as the “Prop G calendar,” named for November 1999’s Proposition G) is the record most “substantially similar” to Mr. Kawa’s calendar, and therefore the two-year retention period for Prop G calendars should apply to his individual calendar. This is a false analogy. The Prop G calendar, which all elected officials and department heads must maintain in accordance with Section 67.29-5 of the Sunshine Ordinance, is a retrospective calendar. Its purpose is to create an historical record: to document meetings and events that the public official has attended, so as to inform the public. As Section 67.29-5 states, the Mayor and other officials subject to the requirement³ “shall keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended by that official...” The Prop G calendar must be made “available to any requester three business days subsequent to the calendar entry date.” By contrast, the purpose of a staffer’s individual calendar is not to serve an historical function or to inform the public, but rather is to allow the staffer prospectively to keep track of or schedule upcoming meetings, tasks, deadlines, or events. It is not created to document or publicize the staffer’s comings and goings. The Prop G calendar analogy improperly compares apples and oranges.

The analogy is concerning for another reason. The voters first imposed the Prop G calendar requirement on elected officials other than members of the Board of Supervisors, and on department heads; and last year, the City enacted an ordinance subjecting members of the Board to the requirement. (Ord. No. 118-15.) The City’s legislators – the voters, in the first instance, and the Board and Mayor, in the second – have determined which officials are subject to the Prop G calendar requirement. They have also determined which City officials and employees are *not* bound by the requirement – the Chief of Staff to the Mayor being one among many. To interpret the City’s record retention law or the Office of the Mayor’s record retention schedule to create a calendar requirement for Mr. Kawa similar to the Prop G calendar requirement would undermine the City’s decision, made through its legislative processes, regarding which officials and employees are – and are not – subject to such requirements.

Second, the Order points to a California Attorney General Opinion that defined a record under state records retention law as one that is kept “because it is necessary or convenient to the discharge of the public officer’s duties and was made or retained for the purpose of preserving its informational content for future reference.” (64 Cal. Op. Att’y Gen. 317 (1981); 1981 WL126747.) But the Order misconstrues this opinion, which, read properly, fortifies the conclusion that an employee’s individual calendar need not be retained.

The Attorney General had been asked, “Where the city clerk makes an authorized tape recording of a city council meeting to facilitate the preparation of the minutes: (a) does the public have the right to inspect the tape or (b) receive copies of the tape and (c) when may such tape be destroyed?” (1981 WL 126747, at 1.) After concluding that such a tape was a public record subject to inspection and copying, the Attorney General addressed the retention question, concluding, “the tape recording may be destroyed at any time if the purpose for which it was made and retained was solely *to facilitate the preparation of the minutes of the meeting* but if the tape was made or retained for the additional purpose of *preserving its informational content for public reference* it may not be lawfully destroyed except as expressly authorized by state law.” (*Id.* (emphasis added).) An employee’s individual calendar, like the city clerk’s tape recording in the Attorney General opinion, is made solely for the convenience of the employee, and is not made for the purpose of “preserving its informational content for public reference.”

³ The Chief of Staff to the Mayor, and chiefs of staff to other elected officials and department heads, are not subject to the Prop G calendar requirement.

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Relying on this Attorney General opinion, the Order mistakenly reasons that employees' individual calendars are subject to a two-year retention requirement under state law, because "calendar entries are added in order to establish and document future appointments, meetings, and the like, thus 'creating content for future reference.'" This takes the "future reference" terminology from the Attorney General opinion out of context. Following the Order's reasoning, the city clerk's tape recording would have to be considered to be created for future reference, because the clerk would make and keep the tape to assist the clerk in preparing meeting minutes in the future, i.e., after the meeting. Yet the Attorney General concluded that if the tape would be used simply to facilitate preparing the minutes, and not used to "preserve its informational content *for public reference* (emphasis added)," the tape need not be preserved. The opinion's "future reference" standard means – as the opinion states – for "public reference" in the future. An employee's individual calendar is not created for public reference in the future.

III. THE SUNSHINE ORDINANCE

As we explain above, deletion of an employee's individual calendar does not violate City or state law. But the Order would conclude otherwise, and would go further to erroneously find Sunshine Ordinance violations based on the purported records retention violation. Accordingly, we address the purported Sunshine Ordinance violations below.

A. Section 67.29-7

The Order would conclude that a records retention violation also violates Section 67.29-7 of the Sunshine Ordinance, which provides in relevant part:

- (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 [sic], invoices, reports and proposals and shall disclose all such records in accordance with this ordinance.

The Order reads the requirement to maintain and preserve records "in a businesslike manner" as incorporating into the Sunshine Ordinance, by implication, records retention law and departmental record retention schedules, thereby making a violation of either an automatic Sunshine Ordinance violation. This reading of the term "businesslike" effectively rewrites Section 67.29-7 in the guise of interpreting it. A court would very likely reject this reading.

Proposition G added Section 67.29-7 to the Sunshine Ordinance. If the drafters of Proposition G had intended to fold records retention laws wholesale into the Sunshine Ordinance, so that voters would understand that a records retention violation automatically would become a Sunshine Ordinance violation, there would have been a much easier way to do so – by stating so directly. Courts look with suspicion on expansive claims about a law's meaning based on interpretation of a general and ambiguous term, when the legislative body could have easily written the law to directly state the desired meaning. (*People v. Johnson* (2015) 60 Cal.4th 966, 991 ("If the Legislature had intended such a meaning, it could easily have said so"); *County of Santa Clara v. Escobar* (2016) 244 Cal.App.4th 555, 572 (citing numerous cases).)

Further, the drafters of Proposition G knew how to cross-reference records retention laws in the Sunshine Ordinance when they wanted to do so. Section 67.29-1, entitled "Records Survive Transition of Officials," states:

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All documents, prepared, received, or maintained by the Office of the Mayor, by any elected city and county official, and by the head of any City or County Department are the property of the City and County of San Francisco. The originals of these documents *shall be maintained consistent with the records retention policies of the City and County of San Francisco.*

(Emphasis added.) Thus, in the context of a City official leaving his or her position, Section 67.29-1 makes clear that originals of documents must be retained in accordance with the applicable records retention policy. Section 67.29-7(a) contains no such cross-reference. Courts recognize that the presence of a term in one part of a law, in contrast to its omission in another part of the law, raises an inference that the omission was intentional. (*In re Ethan C.* (2012) 54 Cal.4th 610, 638 (“When language is included in one portion of a statute, its omission from a different portion addressing a similar subject suggests that the omission was purposeful”).) The inference is particularly strong where the two parts of the same law were adopted at the same time and bear a close relationship to one another, as is true of Sections 67.29-1 and 67.29-7(a). (*E.g., People v. Giordano* (2007) 42 Cal.4th 644, 670.)

In requiring that records be “maintained and preserved in a professional and businesslike manner,” Section 67.29-7(a) speaks to *how* the Mayor and department heads must maintain records. The records should be reasonably organized, filed, and stored so that staff may promptly locate and produce records in response to a public records request. Neither Section 67.29-7(a) nor the Sunshine Ordinance as a whole speaks generally to *what* records must be maintained. Indeed, read literally, Section 67.29-7(a) would mean that departments must retain “all documents and correspondence,” which would conflict with records retention laws and lead to the absurd conclusion that the City must retain mountains of records that do not fall under the scope of records retention law.

B. Section 67.21

The Order also would conclude that the periodic deletion of Mr. Kawa’s individual calendar violates Section 67.21 of the Sunshine Ordinance, reasoning that “because Mr. Kawa *should* have had the records requested by Mr. Petrelis” (emphasis in original), he violated Section 67.21 for “failing to ‘permit the public record’ to be inspected.” The plain text of Section 67.21 contradicts this strained reading. As Section 67.21 states:

(a) Every person *having custody* of any public record or public information, as defined herein, ... shall ... 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

(Emphasis added.) If a record does not exist at the time of the public records request, one does not “hav[e] custody” of it. The City’s obligation under this provision as well as under subsection (b) of Section 67.21, to comply with “a request for inspection or copying,” presupposes the existence of a record at the time the City receives the request. If, at that time, there are no responsive records, the City complies with the Sunshine Ordinance by notifying the requester that there are no responsive records.

Section 67.21 imposes on the City a duty to allow members of the public to inspect and/or copy within 10 days of the request public records that are in the custody of a department. Thus, a

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March 30, 2016

department would violate Section 67.21 if it had records responsive to a request but refused (without a lawful basis) to allow inspection or copying of the records. A department would also violate Section 67.21 if it received a public records request and then proceeded to destroy a responsive record to avoid producing it – even if the department could have destroyed the record earlier under its records retention policy. But neither of those scenarios is present here. The Mayor’s Office did not refuse to “permit the public record to be inspected” as stated in the Order. Nor did it destroy Mr. Kawa’s individual calendar after receiving Mr. Petrelis’s request. Rather, the record did not exist at the time of the request.

Section 67.21 does not speak to which records are subject to retention requirements; rather, it imposes a present-tense disclosure requirement. Indeed, as one court explained, nothing in the Public Records Act – upon which Section 67.21(a) and (b) are modeled – purports to govern the destruction of records: “[The Public Records A]ct itself does not undertake to prescribe what type of information a public agency may gather, nor to designate the type of records such an agency may keep, nor to provide a method of correcting such records. Its sole function is to provide for disclosure.” (*Los Angeles Police Dept. v. Superior Court* (1977) 65 Cal.App.3d 661, 668.) In finding a violation of Section 67.21, the Order mistakenly conflates these two distinct legal requirements.

IV. CONCLUSION

The three principal legal conclusions of the Order are fundamentally flawed. The Order would determine that a “willful” violation has occurred by relying on an inapplicable definition; it would erroneously conclude that a record created solely for an employee’s personal convenience – where there is no other requirement that the record be created or maintained – must be retained; and it would compound that error by transforming a purported violation of records retention law or a department’s records retention policy into a Sunshine Ordinance violation. The Task Force would be well advised not to adopt the Order.

Respectfully submitted,

DENNIS J. HERRERA
City Attorney


BURK E. DELVENTHAL
Deputy City Attorney

cc: Steve Kawa
Michael Petrelis (via email)



December 15, 2015

SENT VIA ELECTRONIC MAIL

Honorable Members of the Sunshine Ordinance Task Force
C/O: Clerk of the Board of Supervisors
Attn: Victor Young, Administrator
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco CA 94102

Re: Mediation of SOTF Complaint No. 15163 (Petrelis v. Mayor's Office)

Honorable Members of the Sunshine Ordinance Task Force:

This letter responds to *Mediation of Complaint Filed with SOTF - Complaint No. 15163* sent to the Mayor's Office via electronic mail on Wednesday, December 9, 2015.

The complaint pertains to a public records request that Michael Petrelis sent to the Mayor's Office on November 18, 2015. The request asked for an "electronic copy of your chief of staff Steve Kawa's calendar, for the period of July/August/September 2015."

On November 23, 2015, our office timely responded to Mr. Petrelis' request by providing a print-out of Mr. Kawa's electronic calendar from Microsoft Outlook for the months of July, August, and September of 2015. Because the print-out did not contain any calendar entries, Mr. Petrelis alleges that the Mayor's Office failed to provide a complete response in violation of Section 67.21 of the Sunshine Ordinance. Mr. Kawa, however, regularly maintains his calendar retrospectively for only two weeks at any given time. Accordingly, at the time we received Mr. Petrelis' request on November 18, calendar entries for the months of July, August and September had already been removed. That is why the documents we provided to Mr. Petrelis were blank; there were no responsive records to produce. Mr. Kawa's two-week calendaring practice is consistent with the Mayor's Office Records and Document Retention and Disposal Schedule, which does not have a retention requirement for staffers' calendars and provides that "materials generated for the use and convenience of the person generating them," which describes Mr. Kawa's calendar, need not be retained. (See Section A, Category 4). As we explained to Mr. Petrelis, we do not have any other records responsive to his request. Accordingly, there has been no violation of Section 67.21.

We hope you find this information useful and will determine that there is no ground for sustaining this complaint. If you have any questions about this matter, please do not hesitate to contact me at mayorsunshinerequests@sfgov.org or Kirsten.Macaulay@sfgov.org.

Sincerely,

Kirsten Macaulay
Mayor's Office of Communications



DENNIS J. HERRERA
City Attorney

JERRY THREET
Deputy City Attorney

DIRECT DIAL: (415) 554-3914
E-MAIL: jerry.threet@sfgov.org

AMENDED MEMORANDUM

TO: Sunshine Ordinance Task Force
FROM: Jerry Threet
Deputy City Attorney
DATE: February 22, 2016
RE: Complaint No. 15163 – Michael Petrelis v. Steve Kawa & Mayor’s Office

COMPLAINT:

Complainant Michael Petrelis ("Complainant") alleges that Steve Kawa and the Mayor’s Office ("Mayor") violated Administrative Code (Sunshine Ordinance), Section 67.21, by failing to "completely comply with request for the calendar of Chief of Staff, Steve Kawa."

COMPLAINANT FILES COMPLAINT:

On December 3, 2015, Complainant filed this complaint against the Mayor, alleging a violation of section 67.21 of the Ordinance.

JURISDICTION

The Mayor’s Office is a City department, and therefore the Task Force generally has jurisdiction to hear a public records complaint against it and its staff. The mayor does not contest jurisdiction.

APPLICABLE STATUTORY SECTION(S)

Section 67 of the San Francisco Administrative Code:

- Section 67.21 governs the process for obtaining public records.
- Section 67.25 governs responding to an Immediate Disclosure Request ("IDR").

APPLICABLE CASE LAW:

None

BACKGROUND:

Complainant’s Allegations

In his December 3, 2015 email to the Task Force administrator, Complainant alleges that on November 18, 2015, he made an IDR via email for the calendar of Steve Kawa, top aide to the Mayor, for the period of July/August/September 2015. He further alleges that, in response to his request, the Mayor provided him a calendar for that time period that included no information about meetings held during the time period. Complainant further alleges that "the blank calendar that was received last week [] is by no stretch of the imagination compliant with sunshine law."

The Mayor’s Response

In a December 15, 2015 letter to the Task Force, the Mayor responded as follows:

Memorandum

TO: Sunshine Ordinance Task Force
FROM: Jerry Threet, DCA
DATE: February 22, 2016
PAGE: 2
RE: Complaint No. 15163 – Petrelis v. Mayor

On November 23, 2015, our office timely responded to Mr. Petrelis' request by providing a print-out of Mr. Kawa's electronic calendar from Microsoft Outlook for the months of July, August, and September of 2015. Because the print-out did not contain any calendar entries, Mr. Petrelis alleges that the Mayor's Office failed to provide a complete response in violation of Section 67.21 of the Sunshine Ordinance. Mr. Kawa, however, regularly maintains his calendar retrospectively for only two weeks at any given time. Accordingly, at the time we received Mr. Petrelis' request on November 18, calendar entries for the months of July, August and September had already been removed. That is why the documents we provided to Mr. Petrelis were blank; there were no responsive records to produce. Mr. Kawa's two-week calendaring practice is consistent with the Mayor's Office Records and Document Retention and Disposal Schedule, which does not have a retention requirement for staffers' calendars and provides that "materials generated for the use and convenience of the person generating them," which describes Mr. Kawa's calendar, need not be retained. (See Section A, Category 4). As we explained to Mr. Petrelis, we do not have any other records responsive to his request. Accordingly, there has been no violation of Section 67.21.

Complainant's Response to Mayor

In an email sent to the Task Force Administrator on January 31, 2016, Complainant requested that the administrator add to his complaint information that had been provided by Sunshine advocate Patrick Monette-Shaw, concerning a complaint brought by George Wooding against the Recreation and Park Department. Monette-Shaw essentially argued that, under California Government Code §6253.1(a) and §6253.1(3), the Mayor is required to assist Complainant in reasonably describing identifiable records and to provide suggestions to overcome denying access to records or information sought. Therefore, if the Mayor failed to direct Complainant to San Francisco's Department of Technology, where the records may exist on back-up tapes, they may have violated those requirements.

In addition, Monette-Shaw also noted that Government Code §34090 requires that, unless otherwise provided by law, with approval of a legislative body by resolution and the written consent the City Attorney, heads of City departments may destroy City records after a document is no longer required, but §34090 does not authorize destruction of records less than two years old. He therefore concluded that, "[b]ecause the [records the Mayor] deleted are capable of recovery, they should be treated as public records that should still be produced."

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- Does Kawa personally delete his electronic calendar entries on a rolling basis 2 weeks after an appointment has been completed?
- If not, who handles this task and exactly how is it performed?
- Is any physical copy of the calendar printed out that maintains the deleted entries?
- If not, how would Kawa reconstruct his meeting schedule at a later date, if that became necessary?

Memorandum

TO: Sunshine Ordinance Task Force
FROM: Jerry Threet, DCA
DATE: February 22, 2016
PAGE: 3
RE: Complaint No. 15163 – Petrelis v. Mayor

- Can the calendar records deleted from Kawa’s computer be recovered by the Department of Technology from City servers?
- Were any of the records at issue erased by the Mayor after receiving the records request?
- Is this a policy of the Mayor’s Office generally with regard to staff calendars, or is it particular to Kawa?
- Does Kawa or the Mayor any have other records responsive to the request that were not produced?
- Why was it necessary to take additional time to respond to the IDR, if the only responsive record was a blank calendar for which entries had already been removed?

LEGAL ISSUES/LEGAL DETERMINATIONS

- Did the Mayor violate Section 67.21 by not producing complete calendar entries in response to the records request?
- Did the Mayor violate Section 67.25 by not producing records in a timely manner?
- Did the Mayor violated Section 67.29-7, which requires that he “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 [] disclose all such records in accordance with this ordinance”?
- Does Section 67.29-7 impose an independent standard for maintaining and preserving records, or does it incorporate legal requirements imposed elsewhere, such as under local Administrative Code section 8.1 and California Govt. Code § 34090?
- If section 67.29-7 does incorporate the standards of Admin. Code section 8.1, do the calendars at issue qualify as documents that “[have] been made or received by the department in connection with the transaction of public business and may have been retained by the department as evidence of the department's activities, [or] for the information contained therein”, so as to qualify as a record subject to records retention requirements?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE [TRUE OR NOT TRUE].

* * *

Memorandum

TO: Sunshine Ordinance Task Force
FROM: Jerry Threet, DCA
DATE: February 22, 2016
PAGE: 4
RE: Complaint No. 15163 – Petrelis v. Mayor

ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE UNLESS OTHERWISE SPECIFIED (in pertinent part)

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.

(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. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

(e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, 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 that the record is public,

Memorandum

TO: Sunshine Ordinance Task Force
FROM: Jerry Threet, DCA
DATE: February 22, 2016
PAGE: 5
RE: Complaint No. 15163 – Petrelis v. Mayor

the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance. The Board of Supervisors and the City Attorney's office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

(f) The administrative remedy provided under this article shall in no way limit the availability of other administrative remedies provided to any person with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, *the superior court* shall have jurisdiction to order compliance.

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

(h) On at least an annual basis, and as otherwise requested by the Sunshine Ordinance Task Force, the supervisor of public 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 public 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. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

(i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. The City Attorney may publish legal opinions in response to a request from any person as to whether a record or information is public. All communications with the City Attorney's Office with regard to this ordinance, including petitions, requests for opinion, and opinions shall be public records.

(j) Notwithstanding the provisions of this section, the City Attorney may defend the City or a City Employee in litigation under this ordinance that is actually filed in court to any extent required by the City Charter or California Law.

(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 requirements 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

Memorandum

TO: Sunshine Ordinance Task Force
FROM: Jerry Threet, DCA
DATE: February 22, 2016
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RE: Complaint No. 15163 – Petrelis v. Mayor

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

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.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) 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 a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or 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.

(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.

Memorandum

TO: Sunshine Ordinance Task Force
FROM: Jerry Threet, DCA
DATE: February 22, 2016
PAGE: 7
RE: Complaint No. 15163 – Petrelis v. Mayor

ADMINISTRATIVE CODE CHAPTER 8: DOCUMENTS, RECORDS AND PUBLICATIONS

SEC. 8.1. "RECORDS" DEFINED.

"Records," as used in this Chapter, shall mean such paper, book, photograph, film, sound recording, map, drawing or other document, or any copy thereof, as has been made or received by the department in connection with the transaction of public business and may have been retained by the department as evidence of the department's activities, for the information contained therein, or to protect the legal or financial rights of the City and County or of persons directly affected by the activities of the City and County.



DENNIS J. HERRERA
City Attorney

JERRY THREET
Deputy City Attorney

DIRECT DIAL: (415) 554-3914
E-MAIL: jerry.threet@sfgov.org

MEMORANDUM

TO: Sunshine Ordinance Task Force
FROM: Jerry Threet
Deputy City Attorney
DATE: January 8, 2016
RE: Complaint No. 15163 – Michael Petrelis v. Steve Kawa & Mayor’s Office

COMPLAINT:

Complainant Michael Petrelis ("Complainant") alleges that Steve Kawa and the Mayor’s Office ("Mayor") violated Administrative Code (Sunshine Ordinance), Section 67.21, by failing to "completely comply with request for the calendar of Chief of Staff, Steve Kawa."

COMPLAINANT FILES COMPLAINT:

On December 3, 2015, Complainant filed this complaint against the Mayor, alleging a violation of section 67.21 of the Ordinance.

JURISDICTION

The Mayor’s Office is a City department, and therefore the Task Force generally has jurisdiction to hear a public records complaint against it and its staff. The mayor does not contest jurisdiction.

APPLICABLE STATUTORY SECTION(S)

Section 67 of the San Francisco Administrative Code:

- Section 67.21 governs the process for obtaining public records.
- Section 67.25 governs responding to an Immediate Disclosure Request ("IDR").

APPLICABLE CASE LAW:

None

BACKGROUND:

Complainant’s Allegations

In his December 3, 2015 email to the Task Force administrator, Complainant alleges that on November 18, 2015, he made an IDR via email for the calendar of Steve Kawa, top aide to the Mayor, for the period of July/August/September 2015. He further alleges that, in response to his request, the Mayor provided him a calendar for that time period that included no information about meetings held during the time period. Complainant further alleges that "the blank calendar that was received last week [] is by no stretch of the imagination compliant with sunshine law."

The Mayor’s Response

In a December 15, 2015 letter to the Task Force, the Mayor responded as follows:

Memorandum

TO: Sunshine Ordinance Task Force

FROM: Jerry Threet, DCA
DATE: January 8, 2016
PAGE: 2
RE: Complaint No. 15163 – Petrelis v. Mayor

On November 23, 2015, our office timely responded to Mr. Petrelis' request by providing a print-out of Mr. Kawa's electronic calendar from Microsoft Outlook for the months of July, August, and September of 2015. Because the print-out did not contain any calendar entries, Mr. Petrelis alleges that the Mayor's Office failed to provide a complete response in violation of Section 67.21 of the Sunshine Ordinance. Mr. Kawa, however, regularly maintains his calendar retrospectively for only two weeks at any given time. Accordingly, at the time we received Mr. Petrelis' request on November 18, calendar entries for the months of July, August and September had already been removed. That is why the documents we provided to Mr. Petrelis were blank; there were no responsive records to produce. Mr. Kawa's two-week calendaring practice is consistent with the Mayor's Office Records and Document Retention and Disposal Schedule, which does not have a retention requirement for staffers' calendars and provides that "materials generated for the use and convenience of the person generating them," which describes Mr. Kawa's calendar, need not be retained. (See Section A, Category 4). As we explained to Mr. Petrelis, we do not have any other records responsive to his request. Accordingly, there has been no violation of Section 67.21.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- Does Kawa personally delete his electronic calendar entries on a rolling basis 2 weeks after an appointment has been completed?
- Is any physical copy of the calendar printed out that maintains the deleted entries?
- If not, how would Kawa reconstruct his meeting schedule at a later date, if that became necessary?
- If not, who handles this task and exactly how is it performed?
- Is this a policy of the Mayor's Office generally, or particular to Kawa?
- Does Kawa or the Mayor any have other records responsive to the request that were not produced?
- Why was it necessary to take additional time to respond to the IDR, if the only responsive record was a blank calendar for which entries had already been removed?

LEGAL ISSUES/LEGAL DETERMINATIONS

- Did the Mayor violate Section 67.21 by not producing complete calendar entries in response to the records request?
- Did the Mayor violate Section 67.25 by not producing records in a timely manner?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

Memorandum

TO: Sunshine Ordinance Task Force

FROM: Jerry Threet, DCA
DATE: January 8, 2016
PAGE: 3
RE: Complaint No. 15163 – Petrelis v. Mayor

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

* * *

Memorandum

TO: Sunshine Ordinance Task Force

FROM: Jerry Threet, DCA
DATE: January 8, 2016
PAGE: 4
RE: Complaint No. 15163 – Petrelis v. Mayor

ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE UNLESS OTHERWISE SPECIFIED (in pertinent part)

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.

(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 petitioner, 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. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

(e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petitioner, and where otherwise

Memorandum

TO: Sunshine Ordinance Task Force

FROM: Jerry Threet, DCA
DATE: January 8, 2016
PAGE: 5
RE: Complaint No. 15163 – Petrelis v. Mayor

desirable, this determination shall be in writing. Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance. The Board of Supervisors and the City Attorney's office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

(f) The administrative remedy provided under this article shall in no way limit the availability of other administrative remedies provided to any person with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, *the superior court* shall have jurisdiction to order compliance.

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

(h) On at least an annual basis, and as otherwise requested by the Sunshine Ordinance Task Force, the supervisor of public 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 public 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. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

(i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. The City Attorney may publish legal opinions in response to a request from any person as to whether a record or information is public. All communications with the City Attorney's Office with regard to this ordinance, including petitions, requests for opinion, and opinions shall be public records.

(j) Notwithstanding the provisions of this section, the City Attorney may defend the City or a City Employee in litigation under this ordinance that is actually filed in court to any extent required by the City Charter or California Law.

(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 requirements provided in this ordinance.

Memorandum

TO: Sunshine Ordinance Task Force

FROM: Jerry Threet, DCA
DATE: January 8, 2016
PAGE: 6
RE: Complaint No. 15163 – Petrelis v. Mayor

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

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.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) 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 a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or 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.

(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.



DENNIS J. HERRERA
City Attorney

JERRY THREET
Deputy City Attorney

DIRECT DIAL: (415) 554-3914
E-MAIL: jerry.threet@sfgov.org

AMENDED MEMORANDUM

TO: Sunshine Ordinance Task Force
FROM: Jerry Threet
Deputy City Attorney
DATE: February 22, 2016
RE: Complaint No. 15163 – Michael Petrelis v. Steve Kawa & Mayor’s Office

COMPLAINT:

Complainant Michael Petrelis ("Complainant") alleges that Steve Kawa and the Mayor’s Office ("Mayor") violated Administrative Code (Sunshine Ordinance), Section 67.21, by failing to "completely comply with request for the calendar of Chief of Staff, Steve Kawa."

COMPLAINANT FILES COMPLAINT:

On December 3, 2015, Complainant filed this complaint against the Mayor, alleging a violation of section 67.21 of the Ordinance.

JURISDICTION

The Mayor’s Office is a City department, and therefore the Task Force generally has jurisdiction to hear a public records complaint against it and its staff. The mayor does not contest jurisdiction.

APPLICABLE STATUTORY SECTION(S)

Section 67 of the San Francisco Administrative Code:

- Section 67.21 governs the process for obtaining public records.
- Section 67.25 governs responding to an Immediate Disclosure Request ("IDR").

APPLICABLE CASE LAW:

None

BACKGROUND:

Complainant’s Allegations

In his December 3, 2015 email to the Task Force administrator, Complainant alleges that on November 18, 2015, he made an IDR via email for the calendar of Steve Kawa, top aide to the Mayor, for the period of July/August/September 2015. He further alleges that, in response to his request, the Mayor provided him a calendar for that time period that included no information about meetings held during the time period. Complainant further alleges that "the blank calendar that was received last week [] is by no stretch of the imagination compliant with sunshine law."

The Mayor’s Response

In a December 15, 2015 letter to the Task Force, the Mayor responded as follows:

Memorandum

TO: Sunshine Ordinance Task Force
FROM: Jerry Threet, DCA
DATE: February 22, 2016
PAGE: 2
RE: Complaint No. 15163 – Petrelis v. Mayor

On November 23, 2015, our office timely responded to Mr. Petrelis' request by providing a print-out of Mr. Kawa's electronic calendar from Microsoft Outlook for the months of July, August, and September of 2015. Because the print-out did not contain any calendar entries, Mr. Petrelis alleges that the Mayor's Office failed to provide a complete response in violation of Section 67.21 of the Sunshine Ordinance. Mr. Kawa, however, regularly maintains his calendar retrospectively for only two weeks at any given time. Accordingly, at the time we received Mr. Petrelis' request on November 18, calendar entries for the months of July, August and September had already been removed. That is why the documents we provided to Mr. Petrelis were blank; there were no responsive records to produce. Mr. Kawa's two-week calendaring practice is consistent with the Mayor's Office Records and Document Retention and Disposal Schedule, which does not have a retention requirement for staffers' calendars and provides that "materials generated for the use and convenience of the person generating them," which describes Mr. Kawa's calendar, need not be retained. (See Section A, Category 4). As we explained to Mr. Petrelis, we do not have any other records responsive to his request. Accordingly, there has been no violation of Section 67.21.

Complainant's Response to Mayor

In an email sent to the Task Force Administrator on January 31, 2016, Complainant requested that the administrator add to his complaint information that had been provided by Sunshine advocate Patrick Monette-Shaw, concerning a complaint brought by George Wooding against the Recreation and Park Department. Monette-Shaw essentially argued that, under California Government Code §6253.1(a) and §6253.1(3), the Mayor is required to assist Complainant in reasonably describing identifiable records and to provide suggestions to overcome denying access to records or information sought. Therefore, if the Mayor failed to direct Complainant to San Francisco's Department of Technology, where the records may exist on back-up tapes, they may have violated those requirements.

In addition, Monette-Shaw also noted that Government Code §34090 requires that, unless otherwise provided by law, with approval of a legislative body by resolution and the written consent the City Attorney, heads of City departments may destroy City records after a document is no longer required, but §34090 does not authorize destruction of records less than two years old. He therefore concluded that, "[b]ecause the [records the Mayor] deleted are capable of recovery, they should be treated as public records that should still be produced."

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- Does Kawa personally delete his electronic calendar entries on a rolling basis 2 weeks after an appointment has been completed?
- If not, who handles this task and exactly how is it performed?
- Is any physical copy of the calendar printed out that maintains the deleted entries?
- If not, how would Kawa reconstruct his meeting schedule at a later date, if that became necessary?

Memorandum

TO: Sunshine Ordinance Task Force
FROM: Jerry Threet, DCA
DATE: February 22, 2016
PAGE: 3
RE: Complaint No. 15163 – Petrelis v. Mayor

- Can the calendar records deleted from Kawa’s computer be recovered by the Department of Technology from City servers?
- Were any of the records at issue erased by the Mayor after receiving the records request?
- Is this a policy of the Mayor’s Office generally with regard to staff calendars, or is it particular to Kawa?
- Does Kawa or the Mayor any have other records responsive to the request that were not produced?
- Why was it necessary to take additional time to respond to the IDR, if the only responsive record was a blank calendar for which entries had already been removed?

LEGAL ISSUES/LEGAL DETERMINATIONS

- Did the Mayor violate Section 67.21 by not producing complete calendar entries in response to the records request?
- Did the Mayor violate Section 67.25 by not producing records in a timely manner?
- Did the Mayor violated Section 67.29-7, which requires that he “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 [] disclose all such records in accordance with this ordinance”?
- Does Section 67.29-7 impose an independent standard for maintaining and preserving records, or does it incorporate legal requirements imposed elsewhere, such as under local Administrative Code section 8.1 and California Govt. Code § 34090?
- If section 67.29-7 does incorporate the standards of Admin. Code section 8.1, do the calendars at issue qualify as documents that “[have] been made or received by the department in connection with the transaction of public business and may have been retained by the department as evidence of the department's activities, [or] for the information contained therein”, so as to qualify as a record subject to records retention requirements?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE [TRUE OR NOT TRUE].

* * *

Memorandum

TO: Sunshine Ordinance Task Force
FROM: Jerry Threet, DCA
DATE: February 22, 2016
PAGE: 4
RE: Complaint No. 15163 – Petrelis v. Mayor

ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE UNLESS OTHERWISE SPECIFIED (in pertinent part)

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.

(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. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

(e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, 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 that the record is public,

Memorandum

TO: Sunshine Ordinance Task Force
FROM: Jerry Threet, DCA
DATE: February 22, 2016
PAGE: 5
RE: Complaint No. 15163 – Petrelis v. Mayor

the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance. The Board of Supervisors and the City Attorney's office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

(f) The administrative remedy provided under this article shall in no way limit the availability of other administrative remedies provided to any person with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, *the superior court* shall have jurisdiction to order compliance.

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

(h) On at least an annual basis, and as otherwise requested by the Sunshine Ordinance Task Force, the supervisor of public 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 public 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. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

(i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. The City Attorney may publish legal opinions in response to a request from any person as to whether a record or information is public. All communications with the City Attorney's Office with regard to this ordinance, including petitions, requests for opinion, and opinions shall be public records.

(j) Notwithstanding the provisions of this section, the City Attorney may defend the City or a City Employee in litigation under this ordinance that is actually filed in court to any extent required by the City Charter or California Law.

(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 requirements 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

Memorandum

TO: Sunshine Ordinance Task Force
FROM: Jerry Threet, DCA
DATE: February 22, 2016
PAGE: 6
RE: Complaint No. 15163 – Petrelis v. Mayor

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

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.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) 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 a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or 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.

(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.

Memorandum

TO: Sunshine Ordinance Task Force
FROM: Jerry Threet, DCA
DATE: February 22, 2016
PAGE: 7
RE: Complaint No. 15163 – Petrelis v. Mayor

ADMINISTRATIVE CODE CHAPTER 8: DOCUMENTS, RECORDS AND PUBLICATIONS

SEC. 8.1. "RECORDS" DEFINED.

"Records," as used in this Chapter, shall mean such paper, book, photograph, film, sound recording, map, drawing or other document, or any copy thereof, as has been made or received by the department in connection with the transaction of public business and may have been retained by the department as evidence of the department's activities, for the information contained therein, or to protect the legal or financial rights of the City and County or of persons directly affected by the activities of the City and County.

Young, Victor

From: mpetrelis@aol.com
Sent: Sunday, January 31, 2016 11:18 AM
To: SOTF, (BOS); Macaulay, Kirsten (MYR); Nicita, Carl (MYR); Kawa, Steve (MYR); Threet, Jerry (CAT); Ausberry, Andrea; Calvillo, Angela (BOS)
Subject: Fwd: Mayor's 2-week deletion-of-files policy under SOTF review

Dear Victor Young,

This note from open govt watchdog Patrick Monette-Shaw contains important information regarding my complaint against the Mayor's Office over records' retention policies. I ask that you share this with members of the task force. Thanks.

*Donate to the Govt Access Project &
help put politicians' calendars online!*

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

From: pmonette-shaw <Pmonette-shaw@earthlink.net>
To: mpetrelis <mpetrelis@aol.com>
Sent: Sat, Jan 23, 2016 1:23 pm
Subject: Re: Mayor's 2-week deletion-of-files policy under SOTF review

Hi Michael

Well, in addition to the SOTF's EOT letter, let me add this, if it is not too late for you to use somehow going forward perhaps on March 16 at your next hearing. You may want to introduce in March Government Code 34090 (see below).

In George Wooding's 2011 SOTF complaint (# 11-049) against RPD, I located for him at the time, and he included in his Sunshine Complaint, the following language:

In addition to the Task Force's August 8 *Findings of Fact and Conclusions of Law* that the records I requested are related to the conduct of the public's business and fall under the definitions outlined in CPRA Section 6252, I offer the following for consideration:

- Under California Government Code §6253.1(a) and §6253.1(3), RPD is required to assist me in reasonably describing identifiable records and to provide suggestions to overcome denying access to records or information sought.
- Although the *Order of Determination* noted that under Sunshine Ordinance Section 67.21(c) RPD had failed to tell me the records requested might have been available from the Commonwealth Club, the *Order of Determination* did not go far enough. The *Order* should have also noted that RPD failed to direct me to San Francisco's Department of Technology, where the records may exist on back-up tapes.
- Government Code §34090 indicates that unless otherwise provided by law, with *approval of a legislative body by resolution and the written consent the City Attorney*, heads of City departments may destroy City records after a document is no longer required, but §34090 does not authorize destruction of records less than two years old. Further, §34090.7 provides that only duplicates of City records less than two years old may be destroyed if no longer required.
- There is nothing in Government Code §6200 and §6201 that seems to authorize deletion of City e-mails than two years old when no duplicates exist.

Because the e-mails RPD deleted are capable of recovery, they should be treated as public records that should still be produced.

George case was seminal as far as setting a precedent at SOTF.

I would almost think that if the two-year rule applies to e-mails, it should also apply to calendars, wouldn't you think?

Patrick

On 1/23/2016 8:39 AM, mpetrelis@aol.com wrote:

What did the Sunshine Ordinance Task Force's committee for education and outreach decide regarding my complaint against Mayor Ed Lee's staff routinely destroying public files? Read the letter from the SOTF:

<http://mpetrelis.blogspot.com/2016/01/mayors-2-week-deletion-of-files-policy.html>

Hit reply to unsubscribe.

*Donate to the Govt Access Project &
help put politicians' calendars online!*

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2258 / Virus Database: 4365/10957 - Release Date: 01/22/16

June 29, 2015 - July 05, 2015

June 2015						July 2015								
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
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14	15	16	17	18	19	20		12	13	14	15	16	17	18
21	22	23	24	25	26	27		19	20	21	22	23	24	25
28	29	30						26	27	28	29	30	31	

Monday, June 29

Tuesday, June 30

Wednesday, July 01

Thursday, July 02

Friday, July 03

July 06, 2015 - July 12, 2015

July 2015							August 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
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							30	31					

Monday, July 06

Tuesday, July 07

Wednesday, July 08

Thursday, July 09

Friday, July 10

July 13, 2015 - July 19, 2015

July 2015							August 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1
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Monday, July 13

Tuesday, July 14

Wednesday, July 15

Thursday, July 16

Friday, July 17

July 20, 2015 - July 26, 2015

July 2015							August 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1
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Monday, July 20

Tuesday, July 21

Wednesday, July 22

Thursday, July 23

Friday, July 24

July 27, 2015 - August 02, 2015

July 2015							August 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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12	13	14	15	16	17	18	9	10	11	12	13	14	15
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26	27	28	29	30	31		23	24	25	26	27	28	29
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Monday, July 27

Tuesday, July 28

Wednesday, July 29

Thursday, July 30

Friday, July 31

August 03, 2015 - August 09, 2015

August 2015							September 2015						
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30	31												

Monday, August 03

Tuesday, August 04

Wednesday, August 05

Thursday, August 06

Friday, August 07

August 10, 2015 - August 16, 2015

August 2015

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September 2015

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Monday, August 10

Tuesday, August 11

Wednesday, August 12

Thursday, August 13

Friday, August 14

August 17, 2015 - August 23, 2015

August 2015							September 2015						
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9	10	11	12	13	14	15	13	14	15	16	17	18	19
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23	24	25	26	27	28	29	27	28	29	30			
30	31												

Monday, August 17

Tuesday, August 18

Wednesday, August 19

Thursday, August 20

Friday, August 21

August 24, 2015 - August 30, 2015

August 2015							September 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

Monday, August 24

Tuesday, August 25

Wednesday, August 26

Thursday, August 27

Friday, August 28

August 31, 2015 - September 06, 2015

August 2015							September 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

Monday, August 31

Tuesday, September 01

Wednesday, September 02

Thursday, September 03

Friday, September 04

September 07, 2015 - September 13, 2015

September 2015

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October 2015

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Monday, September 07

Labor Day ☺

Tuesday, September 08

Wednesday, September 09

Thursday, September 10

Friday, September 11

September 14, 2015 - September 20, 2015

September 2015

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October 2015

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Monday, September 14

Tuesday, September 15

Wednesday, September 16

Thursday, September 17

Friday, September 18

September 21, 2015 - September 27, 2015

September 2015

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October 2015

Su	Mo	Tu	We	Th	Fr	Sa	
					1	2	3
4	5	6	7	8	9	10	
11	12	13	14	15	16	17	
18	19	20	21	22	23	24	
25	26	27	28	29	30	31	

Monday, September 21

Tuesday, September 22

Wednesday, September 23

Thursday, September 24

Friday, September 25

September 28, 2015 - October 04, 2015

September 2015

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October 2015

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Monday, September 28

Tuesday, September 29

Wednesday, September 30

Thursday, October 01

Friday, October 02

June 29, 2015 - July 05, 2015

June 2015						July 2015							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6				1	2	3	4
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

Monday, June 29

Tuesday, June 30

Wednesday, July 01

Thursday, July 02

Friday, July 03

July 06, 2015 - July 12, 2015

July 2015							August 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30	31					

Monday, July 06

Tuesday, July 07

Wednesday, July 08

Thursday, July 09

Friday, July 10

July 13, 2015 - July 19, 2015

July 2015

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August 2015

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Monday, July 13

Tuesday, July 14

Wednesday, July 15

Thursday, July 16

Friday, July 17

February 15, 2016 - February 21, 2016

February 2016							March 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6		1	2	3	4	5	
7	8	9	10	11	12	13	6	7	8	9	10	11	12
14	15	16	17	18	19	20	13	14	15	16	17	18	19
21	22	23	24	25	26	27	20	21	22	23	24	25	26
28	29						27	28	29	30	31		

Monday, February 15

- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- President's Day ○

Tuesday, February 16

- ← [redacted] Out of the Office →
- ← 12:00am [redacted] Out of the Office →
- 9:45am - 10:30am Police Reform Meeting - Kawa, Steve (MYR)
- 10:00am - 11:00am Memorial Service For Hadley Roff ([Delancey Street Foundation, 600 The Embarcadero]) - Kawa, Steve (MYR)
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 1:30pm - 2:00pm Meeting with Jason Elliott re: Check-in (Steve's Office) - Kawa, Steve (MYR) ○
- 2:00pm - 2:15pm 2-2:15 P.M. Meeting re: Family Homelessness (Steve's Office) - Kawa, Steve (MYR)
- 2:30pm - 2:45pm 2:30 -2:45 P.M. Meeting re: Personnel (Steve's Office) - Kawa, Steve (MYR)
- 2:45pm - 3:00pm 2:45-3 P.M. Meeting re: Scheduling (Steve's Office)
- 3:30pm - 4:00pm Meeting re: Families and Education (Steve's Office)
- 4:00pm - 4:30pm Meeting re: Personnel - Kelly, Naomi (ADM)

Wednesday, February 17

- ← [redacted] Out of the Office →
- 12:00am [redacted] Out of the Office →
- 9:45am - 10:00am 9:45-10 A.M. Meeting with Carl Nicita re: Check in (Steve's Office) - Kawa, Steve (MYR)
- 10:00am - 10:30am Meeting re: Labor (Steve's Office) - Kawa, Steve (MYR)
- 10:30am - 11:00am Meeting re: Budget (Steve's Office) - Kawa, Steve (MYR) ○
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 1:30pm - 2:00pm Meeting re: Homelessness ([City Hall, Room 200, Steve's Office]) - Kawa, Steve (MYR)
- 2:00pm - 2:15pm 2-2:15 P.M. Meeting re: California High Speed
- 2:15pm - 3:00pm Update on Homelessness (Steve's conference)
- 2:30pm - 3:00pm Meeting re: Planning
- 4:00pm - 4:30pm Meeting with Jason Elliott re: Check-in (Steve's Office)

Thursday, February 18

- ← 12:00am [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- [redacted] Out of the Office
- 9:30am - 10:00am Review of records retention policy @ senior staff check-in (Room 201) - Nicita, Carl (MYR)
- 10:00am - 10:30am Meeting re: Communications (Steve's Office) -
- 10:30am - 11:00am Meeting re: Public Safety (Steve's Office) -
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 2:00pm - 2:30pm Meeting re: Housing - Kawa, Steve (MYR)
- 2:30pm - 3:00pm Meeting re: Port
- 3:30pm - 4:00pm Meeting re: Transportation
- 4:00pm - 4:30pm Meeting with Police Chief
- 5:00pm - 5:30pm Meeting with Jason Elliott re: Check-in (Steve's Office)
- 5:30pm - 6:30pm Meeting re SB50 Debrief - Kawa, Steve (MYR)

Friday, February 19

- ← [redacted] Out of the Office →
- 12:00am [redacted] Out of the Office →
- 9:00am - 9:30am FYI: Public Safety Meeting
- 9:45am - 10:00am 9:45 -10 A.M. Call re: Environment - Kawa, Steve (MYR)
- 10:30am - 11:00am Meeting re: Public Safety
- 11:30am - 12:00pm Meeting re: Gov't Affairs & Commissions (Steve's Office) - Kawa, Steve (MYR) ○
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 2:30pm - 4:30pm Appointment - Kawa, Steve (MYR)
- 5:30pm - 7:30pm FYI: Monique Moyer Farewell Party - Kawa, Steve (MYR)

Saturday, February 20

- ← 12:00am [redacted] Out of the Office →
- ← 12:00am [redacted] Out of the Office →
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○

Sunday, February 21

- 12:00am [redacted] Out of the Office →
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○

February 22, 2016 - February 28, 2016

February 2016							March 2016							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
		1	2	3	4	5	6			1	2	3	4	5
7	8	9	10	11	12	13	6	7	8	9	10	11	12	
14	15	16	17	18	19	20	13	14	15	16	17	18	19	
21	22	23	24	25	26	27	20	21	22	23	24	25	26	
28	29						27	28	29	30	31			

Monday, February 22

- ← [redacted] Out of the Office →
- [redacted] Out of the Office (Sick)
- 10:45am - 11:00am 10:45-11 A.M. Meeting with Staff re: Public Safety Press Conference
- 11:00am - 11:30am 11 A.M. Press Event re: Public Safety ((City Hall, International Room))
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 1:30pm - 2:30pm Good Government Agenda/ Accountability with Kate, Steve, Christine, Jason (Steves conference room) - Howard, Ken (ECN) ○
- 2:30pm - 3:00pm Steve Kawa Bi-weekly Meeting (Room 200) - Rich, Ken (ECN) ○
- 4:00pm - 4:30pm Meeting with Police Chief and City Attorney - Kawa, Steve (MYR)
- 5:00pm - 5:30pm Meeting with Jason Elliott re: Check-in (Steve's Office) - Kawa, Steve (MYR) ○

Tuesday, February 23

- ← [redacted] Out of the Office →
- 9:30am - 9:45am 9:30-9:45 A.M. Meeting re: Transbay
- 10:00am - 10:15am 10-10:15 A.M. Meeting with Philip Mangano re: Homelessness
- 10:30am - 11:00am Meeting with Jennifer Friedenbach re:
- 11:15am - 11:45am Meeting re: Health Policy (Steve's Office) -
- 12:00pm - 1:00pm Steve's Time
- 1:15pm - 2:00pm 1:15-2 P.M. Lunch Meeting - Kawa, Steve (MYR) ○
- 2:00pm - 2:30pm Meeting re: 30VN (Steve Kawa's Office) - Kelly,
- 2:30pm - 3:00pm Meeting re: Scheduling (Steve's Office) - Kawa,
- 3:00pm - 3:30pm Meeting re: Personnel ((City Hall, Room 200,
- 3:30pm - 4:00pm Meeting re: DHR (Steve's Office) - Kawa, Steve
- 4:00pm - 4:30pm Meeting with Superior Court Judges re: School
- 5:00pm - 5:30pm Meeting with Jason Elliott re: Check-in (Steve's

Wednesday, February 24

- ← [redacted] Out of the Office →
- 12:00am [redacted] Out of the Office →
- 9:40am - 10:10am 9:40-10:10 A.M. Meeting with Kate Howard re: Budget (Steve's Office) - Kawa, Steve (MYR) ○
- 10:00am - 12:00pm Steve Time - Sunshine & Ethics Training (Steve's Office) - Kawa, Steve (MYR)
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 2:00pm - 3:00pm Meeting re: Budget (Steve's conference room) - Howard, Kate (MYR)
- 4:00pm - 4:30pm Meeting with Police Chief ○
- 5:00pm - 5:30pm Meeting with Jason Elliott re: Check-in (Steve's Office) - Kawa, Steve (MYR) ○

Thursday, February 25

- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- 9:45am - 10:00am 9:45-10 A.M. Meeting with Carl Nicita re: Check in (Steve's Office) - Kawa, Steve (MYR) ○
- 10:00am - 10:30am Meeting re: JPD ((City Hall, Steve's Conference Room)) - Kawa, Steve (MYR)
- 10:30am - 11:00am Meeting re: Film SF (Steve's Office) - Kawa, Steve (MYR)
- 11:30am - 12:00pm Meeting re: Economic Development ((Steve's Office)) - Kawa, Steve (MYR) ○
- 12:00pm - 1:30pm Lunch/Steve Time ○
- 2:00pm - 2:30pm Meeting re: OLSE (Steve's Office) - Kawa, Steve
- 3:00pm - 3:30pm Meeting with Jason Elliott re: Check-in (Steve's
- 3:30pm - 4:00pm Meeting re: SFPUC
- 4:00pm - 4:30pm Meeting re: Communications (Steve's Office) -

Friday, February 26

- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- [redacted] Out of the Office
- 9:15am - 10:30am 9:15-10:30 A.M. Municipal Financial Advisory Committee Meeting (City Hall, Room 201) - Liao, Jay (CON)
- 9:30am - 11:00am FYI: 9:30-11A.M. Main Library's Learning Spaces Hands-On Tour with Breakfast (The Mix, 100 Larkin St., 2 FL)
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 1:30pm - 2:00pm Meeting re: Gov't Affairs & Commissions (Steve's Office) - Kawa, Steve (MYR) ○
- 2:30pm - 3:00pm Meeting re: Evictions Data Analysis (Steve's Office) - Kawa, Steve (MYR)
- 3:15pm - 3:30pm Meeting re: Housing Accelerator Fund (Steve's Office) - Kawa, Steve (MYR)

Saturday, February 27

- ← 12:00am [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○

Sunday, February 28

- ← [redacted] out of the Office →
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○

February 29, 2016 - March 6, 2016

February 2016							March 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6			1	2	3	4	5
7	8	9	10	11	12	13	6	7	8	9	10	11	12
14	15	16	17	18	19	20	13	14	15	16	17	18	19
21	22	23	24	25	26	27	20	21	22	23	24	25	26
28	29						27	28	29	30	31		

Monday, February 29

- ← [REDACTED] Out of the Office →
- 12:00am [REDACTED] Out of the Office →
- 9:45am - 10:00am 9:45 A.M. Meeting with Todd Rufo re: Update (Steve's Office) - Kawa, Steve (MYR)
- 10:00am - 10:30am Meeting re: RPD ([City Hall, Room 200, Steve's Conference Room]) - Kawa, Steve (MYR)
- 11:00am - 12:00pm Meeting re: Dignity Fund (City hall, Room 288) - Howard, Kate (MYR)
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 3:30pm - 4:00pm Meeting re: Development
- 4:30pm - 5:00pm Meeting re: DEM ([City Hall, Room 200, Steve's Conference Room]) - Kawa, Steve (MYR)
- 5:00pm - 5:30pm Meeting with Jason Elliott re: Check-in (Steve's Office) - Kawa, Steve (MYR) ○

Tuesday, March 1

- ← [REDACTED] Out of the Office →
- ← [REDACTED] Out of the Office →
- 12:00am [REDACTED] Out of the Office →
- 9:45am - 10:30am Meeting re: Budget (Steve's Office) - Kawa, Steve (MYR) ○
- 10:30am - 11:00am Meeting re: DOSW (Steve's Office) - Kawa, Steve (MYR)
- 11:15am - 11:45am Meeting re: SFO (STEVE KAWA'S OFFICE) - John
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 2:00pm - 2:30pm Meeting re: Housing (Steve's Office) - Kawa, Steve
- 2:30pm - 3:00pm Meeting re: DPH (Mayor's Office) - Kawa, Steve
- 3:00pm - 3:15pm Meeting re: Scheduling (Steve's Office) - Kawa,
- 3:30pm - 4:00pm Meeting re: Families and Education (Steve's
- 4:00pm - 4:30pm Meeting with Jason Elliott re: Check-in (Steve's

Wednesday, March 2

- ← [REDACTED] Out of the Office →
- ← [REDACTED] Out of the Office →
- ← [REDACTED] Out of the Office →
- 9:45am - 10:00am 9:45-10 A.M. Meeting with Carl Nicita re: Check in (Steve's Office) - Kawa, Steve (MYR) ○
- 10:00am - 10:15am Meeting re: Personnel (Steve's Office) - Kawa, Steve (MYR)
- 11:00am - 12:00pm Meeting re: Real Estate (Steve Kawa's Office) - Kelly, Naomi (ADM)
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 2:00pm - 3:00pm Meeting re: Transportation/Infrastructure (Room 201)
- 3:30pm - 4:00pm Meeting with Jason Elliott re: Check-in (Steve's
- 4:00pm - 4:30pm Meeting re: Planning
- 5:00pm - 5:30pm Meeting re: Transportation (Mayor's Office) -

Thursday, March 3

- ← [REDACTED] Out of the Office →
- ← [REDACTED] Out of the Office →
- ← [REDACTED] Out of the Office →
- 12:00am [REDACTED] Out of the Office →
- 9:00am - 10:00am Call with SF Storm Incident Management Team - Chin, Thomas (ECD)
- 10:00am - 10:30am Meeting re: Personnel (Steve's Office)
- 10:30am - 11:00am Meeting re: the Haight (Steve's Office) - Kawa, Steve (MYR)
- 11:00am - 11:15am Meeting re: Protocol (Steve's Office) - Kawa, Steve (MYR)
- 12:00pm - 1:20pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 1:25pm - 1:30pm Call re: Film SF [REDACTED]
- 1:30pm - 2:00pm Meeting with Jason Elliott re: Check-in (Steve's Office) - Kawa, Steve (MYR) ○

Friday, March 4

- ← [REDACTED] Out of the Office →
- ← [REDACTED] Out of the Office →
- ← [REDACTED] Out of the Office →
- ← [REDACTED] Out of the Office →
- 12:00am Acting Mayor - Supervisor Katy Tang →
- 9:45am - 10:00am 9:45-10 A.M. Meeting with Carl Nicita re: Check in (Steve's Office) - Kawa, Steve (MYR) ○
- 10:00am - 10:30am Meeting re: Personnel (Steve's Office) - Kawa,
- 10:30am - 11:00am Meeting re: Communications (Steve's Office) -
- 11:00am - 11:30am FYI: 10:50-11:30 A.M. Irish Flag Raising
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 1:30pm - 2:00pm Meeting re: Gov't Affairs & Commissions (Steve's
- 2:00pm - 2:30pm Bi-Weekly Meeting re: HR (Steve's Office) - Kawa,
- 2:30pm - 3:00pm Meeting re: Personnel

Saturday, March 5

- ← [REDACTED] Out of the Office →
- ← [REDACTED] Out of the Office →
- ← [REDACTED] Out of the Office →
- ← [REDACTED] Out of the Office →
- ← 12:00am Acting Mayor - Supervisor Katy Tang →
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○

Sunday, March 6

- ← [REDACTED] Out of the Office →
- ← [REDACTED] Out of the Office →
- ← [REDACTED] Out of the Office →
- ← [REDACTED] Out of the Office →
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○

**March 7, 2016 -
March 13, 2016**

March 2016						April 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	
			1	2	3	4	5				1	2
6	7	8	9	10	11	12	13	14	15	16	17	18
19	20	21	22	23	24	25	26	27	28	29	30	31

Monday, March 7

- ← [Redacted] Out of the Office →
- ← 12:00am [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- 9:45am - 10:15am 9:45 A.M. Meeting re: Navigation Center (Steve's Conference Room) - Kawa, Steve (MYR)
- 11:30am - 12:00pm Commissioner Swearing-In Ceremony (Mayor's Balcony)
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 2:00pm - 2:30pm Meeting re: Caltrain (Steve's Office) - Kawa, Steve (MYR)
- 2:30pm - 3:00pm Meeting re: Development (Room 200) - Rich, Ken (ECN) ○
- 3:00pm - 3:30pm South Beach Marina Apartments and Bayside
- 3:30pm - 4:00pm Meeting with Jason Elliott re: Check-in (Steve's

Tuesday, March 8

- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- 9:45am - 10:00am 9:45-10 A.M. Meeting with Carl Nicita re: Check in (Steve's Office) - Kawa, Steve (MYR) ○
- 10:00am - 10:30am Meeting re: Budget (Steve's Office) - Kawa, Steve (MYR) ○
- 11:30am - 1:00pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 1:00pm - 2:00pm Follow up meeting on Homelessness department
- 2:00pm - 3:00pm FYI: Question Time at the Board ([City Hall, Board
- 2:00pm - 3:00pm SF Storm Incident Management Team - Chin,
- 2:30pm - 3:00pm Meeting re: Scheduling (Steve's Office) - Kawa,
- 3:00pm - 4:00pm Meeting re: Gun Violence Prevention - Kawa,
- 4:00pm - 4:30pm Meeting with Jason Elliott re: Check-in (Steve's

Wednesday, March 9

- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- 12:00am [Redacted] Out of the Office →
- 9:45am - 10:00am 9:45-10 A.M. Meeting with Carl Nicita re: Check in (Steve's Office) - Kawa, Steve (MYR) ○
- 10:00am - 10:30am Meeting re: South Beach Marina
- 10:30am - 11:00am Meeting with Jason Elliott re: Check-in (Steve's Office) - Kawa, Steve (MYR) ○
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 2:00pm - 3:00pm Meeting re: SFGH Foundation (City Hall, Room 200 1 Dr. Carlton B. Goodlett Place San Francisco 94102) - Trish Fisher
- 4:00pm - 4:30pm Meeting with Police Chief ○

Thursday, March 10

- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- ← 12:00am [Redacted] Out of the Office →
- 9:00am - 10:00am SF Storm Incident Management Team - Chin, Thomas (ECD)
- 9:45am - 10:00am 9:45-10 A.M. Meeting re: Personnel
- 10:00am - 10:30am Meeting with Labor Council re: OLSE
- 11:30am - 2:00pm School Appointment - Kawa, Steve (MYR)
- 2:15pm - 2:30pm 2:15-2:30 P.M. Meeting with Jason Elliott re:
- 3:00pm - 3:30pm Meeting re: City Jobs (Steve's Office) - Kawa, Steve
- 3:30pm - 4:00pm Meeting re: Police Department ([Steve's Office]) -
- 4:00pm - 4:30pm Meeting re: Communications (Steve's Office) -
- 4:30pm - 5:00pm Meeting re: Arts Alliance (Steve's Conference

Friday, March 11

- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- 12:00am [Redacted] Out of the Office →
- 9:45am - 10:00am 9:45-10 A.M. Meeting with Carl Nicita re: Check in (Steve's Office) - Kawa, Steve (MYR) ○
- 10:00am - 10:30am Meeting re: Transportation/Infrastructure (Steve's Office) - Kawa, Steve (MYR)
- 10:30am - 11:00am Meeting with Ethics Commission re: budget
- 11:00am - 11:30am Meeting with Staff re: Personnel
- 11:30am - 12:00pm FYI: Mayor Signing Ceremony for Tobacco
- 12:00pm - 1:15pm Lunch/Steve Time ○
- 1:15pm - 1:30pm 1:15P.M. Meeting re: Personnel (Steve's Office) -
- 1:30pm - 2:00pm Meeting re: Gov't Affairs & Commissions (Steve's

Saturday, March 12

- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○

Sunday, March 13

- ← 12:00am Tom Hui Out of the Office →
- ← Anne Kronenberg Out of the Office →
- ← 12:00am Jocelyn Kane Out of the Office →
- ← Todd Rufo Out of the Office →
- 12:00am Miguel Gamino Out of the Office →
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○

**March 14, 2016 -
March 20, 2016**

March 2016							April 2016							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
			1	2	3	4	5					1	2	
6	7	8	9	10	11	12		3	4	5	6	7	8	9
13	14	15	16	17	18	19		10	11	12	13	14	15	16
20	21	22	23	24	25	26		17	18	19	20	21	22	23
27	28	29	30	31				24	25	26	27	28	29	30

Monday, March 14

- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- ← 12:00am [redacted] Out of the Office →
- 12:00am [redacted] Out of the Office →
- 12:00am [redacted] Out of the Office →
- 12:00am [redacted] Out of the Office →
- 10:00am - 10:15am 15-Minute Meeting re: Port (Steve's Office) - Kawa, Steve (MYR)
- 10:30am - 11:00am Meeting with Jason Elliott re: Check-in (Steve's Office) - Kawa, Steve (MYR) ○
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 1:30pm - 2:00pm Meeting re: Ethics Budget Proposals (Steve's Office) - Kawa, Steve (MYR)
- 3:00pm - 3:30pm Meeting re: Homeless Department (City Hall, Room 200 - Steve's Office) - Dodge, Sam (HSA)

Tuesday, March 15

- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- 9:45am - 10:00am 9:45-10 A.M. Meeting with Carl Nicita re: Check in (Steve's Office) - Kawa, Steve (MYR) ○
- 10:00am - 10:30am Meeting re: Budget (Steve's Office) - Kawa, Steve (MYR) ○
- 10:30am - 11:00am Meeting with Jason Elliott re: Check-in (Steve's Office) - Kawa, Steve (MYR) ○
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 2:00pm - 2:30pm Mtg re: Safe Injection Sites (City Hall, Room 200) -
- 2:30pm - 3:00pm Meeting re: Scheduling (Steve's Office) - Kawa,
- 3:30pm - 4:00pm Meeting re: Families and Education (Steve's

Wednesday, March 16

- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- 9:45am - 10:00am 9:45-10 A.M. Meeting with Carl Nicita re: Check in (Steve's Office) - Kawa, Steve (MYR) ○
- 10:00am - 11:30am Meeting re: Personnel (Steve's Office) - Kawa, Steve (MYR)
- 11:30am - 1:00pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 2:00pm - 2:30pm Meeting with Jason Elliott re: Check-in (Steve's Office) - Kawa, Steve (MYR) ○
- 3:30pm - 4:00pm Meeting re: Civic Center Hotel (Steve's Office) - Kawa, Steve (MYR)

Thursday, March 17

- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- St. Patrick's Day ○
- 9:45am - 10:00am 9:45-10 A.M. Meeting with Carl Nicita re: Check in (Steve's Office) - Kawa, Steve (MYR) ○
- 10:30am - 11:30am Baby Shower (City Hall Room 200) - Nicita, Carl (MYR)
- 11:30am - 1:00pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 1:00pm - 1:30pm Meeting re: Dignity Fund (Steve's conference room) - Howard, Kate (MYR)
- 2:30pm - 3:00pm Meeting re: Communications (Steve's Office) - Kawa, Steve (MYR) ○

Friday, March 18

- ← [redacted] Out of the Office →
- ← 12:00am [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- ← 12:00am [redacted] Out of the Office →
- 9:45am - 10:00am 9:45-10 A.M. Meeting with Carl Nicita re: Check in (Steve's Office) - Kawa, Steve (MYR) ○
- 10:00am - 11:30am Meeting re: Departments (Room 201) - Nicita,
- 11:30am - 12:00pm Meeting with Supervisor Farrell (Steve's Office)
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 1:30pm - 2:00pm Meeting re: Gov't Affairs & Commissions (Steve's Office) - Kawa,
- 2:00pm - 2:15pm Meeting re: transportation (Steve's Office) - Kawa,
- 2:30pm - 3:00pm Bi-Weekly Meeting re: DHR (Steve's Office) -
- 3:00pm - 3:30pm Meeting re CCSF (Steve's Office) (City Hall, Room 305) - Whitehouse,
- 4:30pm - 6:00pm Baby Shower (City Hall Room 305) - Whitehouse,

Saturday, March 19

- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- 12:00am [redacted] Out of the Office →
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○

Sunday, March 20

- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- ← [redacted] Out of the Office →
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○

March 21, 2016 - March 27, 2016

March 2016							April 2016							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
			1	2	3	4	5					1	2	
6	7	8	9	10	11	12		3	4	5	6	7	8	9
13	14	15	16	17	18	19		10	11	12	13	14	15	16
20	21	22	23	24	25	26		17	18	19	20	21	22	23
27	28	29	30	31				24	25	26	27	28	29	30

Monday, March 21

- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- 12:00am [Redacted] Out of the Office →
- [Redacted] Out of the Office →

- 11:00am - 11:30am Transportation/Infrastructure check-in (Steve Conference room) - Howard, Kate (MYR)
- 11:30am - 12:00pm Briefing with Staff re: Homelessness announcement
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 1:30pm - 2:00pm Call re: Civic Center Hotel - Kawa, Steve (MYR)
- 2:00pm - 2:30pm Update on Guardians of the City (Steve's Office)
- 2:30pm - 3:00pm Meeting re: Development (Room 200) - Rich, Ken
- 3:30pm - 4:00pm Meeting re: Police Commission - Kawa, Steve

Tuesday, March 22

- ← Anne Kronenberg Out of the Office →
- ← Jaci Fong Out of the Office →
- ← Chief Suhr Out of the Office →
- ← 12:00am Chief Allen Nance Out of the Office →

- 9:35am - 10:00am Meeting re: Budget (Steve's Office) - Kawa, Steve (MYR) ○
- 10:00am - 11:00am Meeting re: Transportation/Infrastructure
- 10:30am - 11:30am Brussels Policy Group Conference Call -
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 1:30pm - 2:00pm Meeting re: Housing (Steve's Office) - Kawa, Steve
- 2:30pm - 3:00pm Meeting re: Planning
- 3:30pm - 4:00pm Meeting re: Warriors - Kawa, Steve (MYR)
- 5:00pm - 5:30pm Meeting with Jason Elliott re: Check-in (Steve's
- 6:00pm - 8:00pm Appointment

Wednesday, March 23

- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →

- 9:45am - 10:00am 9:45-10 A.M. Meeting with Carl Nicita re: Check in (Steve's Office) - Kawa, Steve (MYR) ○
- 10:00am - 10:30am Meeting re: Health Policy (Steve's Office) - Kawa, Steve (MYR)
- 11:00am - 11:30am Smart Cities Challenge Meeting (Steve Conference Room)
- 11:30am - 12:00pm Meeting with Jason Elliott re: Check in (Steve's Office) - Kawa, Steve (MYR)
- 12:00pm - 1:30pm Lunch/Steve Time - Kawa, Steve (MYR) ○
- 2:00pm - 2:30pm Meeting re: Scheduling (Steve's Office) - Kawa,
- 3:00pm - 3:30pm Meeting re: Government Affairs (Steve's office) -
- 4:00pm - 4:30pm Meeting re: Port - Kawa, Steve (MYR)

Thursday, March 24

- ← Anne Kronenberg Out of the Office →
- ← Jaci Fong Out of the Office →
- ← Chief Suhr Out of the Office →
- 12:00am Diana Oliva-Aroche Out of the Office →
- 12:00am Harlan Kelly out of the office →
- 12:00am Naomi Kelly Out of the Office →

- 9:45am - 10:00am 9:45-10 A.M. Meeting with Carl Nicita re: Check
- 10:00am - 11:00am Meeting with African American Collaborative
- 12:00pm - 1:00pm Lunch Meeting
- 2:00pm - 2:30pm Meeting re: Economic Development ([Steve's
- 2:30pm - 3:00pm Meeting re: Dignity Fund (Steve's Office) - Kawa,
- 3:30pm - 4:00pm Meeting with Supervisor Scott Wiener (Steve's
- 4:00pm - 4:30pm Meeting re: Communications (Steve's Office) -
- 4:30pm - 5:00pm Call with Laphonza Butler

Friday, March 25

- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- ← 12:00am [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- ← [Redacted] out of the office →
- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- 12:00am [Redacted] Out of the Office →
- 12:00am [Redacted] Out of the office →
- 12:00am [Redacted] Out of the Office →
- 12:00am [Redacted] Out of the Office →
- [Redacted] Out of the Office →
- [Redacted] Out of the Office →

Saturday, March 26

- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- ← [Redacted] out of the office →
- ← [Redacted] Out of the Office →

More Items...

Sunday, March 27

- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- ← [Redacted] Out of the Office →
- ← [Redacted] out of the office →
- ← [Redacted] Out of the Office →

More Items...

March 28, 2016

Monday

March 2016

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April 2016

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

MONDAY	
28	
← From Mar 1	[REDACTED] Out of the Office To Apr 4 →
← From Mar 14	[REDACTED] Out of the Office
← From Mar 24	[REDACTED] Out of the Office To Apr 9 →
← From Mar 24	[REDACTED] Out of the office To Apr 3 →
← From Mar 24	[REDACTED] Out of the Office To Apr 3 →
← From Mar 25	[REDACTED] Out of the Office To Apr 3 →
← From Mar 25	[REDACTED] Out of the office To Mar 31 →
← From Mar 25	[REDACTED] Out of the Office To Mar 30 →
← From Mar 27	[REDACTED] Out of the Office To Apr 3 →
	[REDACTED] Out of the Office To Apr 1 ↓
9 AM	Morning Check-in; Steve's Office; Kawa, Steve (MYR) ○
10	Strategic Directions for DataSF City hall, room 201 Tucker, John (MYR)
11	
12 PM	Lunch/Steve Time Kawa, Steve (MYR)
1	
	1:30-1:45 P.M. Meeting re: Personnel
2	Follow up re: POA; Steve's Office ; Kawa, Steve (MYR)
3	Meeting re: Development
4	Meeting re: Families and Education; Steve's Office; Kawa, Steve (MYR) ⊗
	Meeting with Staff re: Personnel
5	Meeting with Jason Elliott re: Check in; Steve's Office; Kawa, Steve (MYR) ⊗
	7:00pm - 8:00pm Vigil Service for Welton Flynn([Halstead and Grey, 1123 Sutter St])

March 29, 2016

Tuesday

March 2016							April 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30

TUESDAY	
29	
← From Mar 1	[Redacted] Out of the Office To Apr 4 →
← From Mar 24	[Redacted] Out of the Office To Apr 9 →
← From Mar 24	[Redacted] Out of the office To Apr 3 →
← From Mar 24	[Redacted] Out of the Office To Apr 3 →
← From Mar 25	[Redacted] Out of the Office To Apr 3 →
← From Mar 25	[Redacted] Out of the office To Mar 31 →
← From Mar 25	[Redacted] Out of the Office To Mar 30 →
← From Mar 27	[Redacted] Out of the Office To Apr 3 →
← From Mar 28	[Redacted] Out of the Office To Apr 1 →
	[Redacted] Out of the Office To Mar 31 →
9 AM	
	Morning Check-in; Steve's Office; Kawa, Steve (MYR) ○
10	Funeral Service for Welton Flynn [St. Mary's Cathedral, Geary/Gough] Kawa, Steve (MYR)
11	Meeting re: UCSF Meeting re: Labor; [City Hall, Room 200, Steve's Office] ; Kawa, Steve (MYR)
12 PM	Lunch/Steve Time Kawa, Steve (MYR)
1	
2	2-2:15 P.M. Meeting re: Workforce; Steve's Office; Kawa, Steve (MYR) Meeting re: Scheduling; Steve's Office; Kawa, Steve (MYR) ○
3	Meeting re: Personnel; Kawa, Steve (MYR)
4	
5	Meeting with Jason Elliott re: Check in; Steve's Office; Kawa, Steve (MYR) ○

March 30, 2016

Wednesday

March 2016							April 2016							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
			1	2	3	4	5					1	2	
6	7	8	9	10	11	12		3	4	5	6	7	8	9
13	14	15	16	17	18	19		10	11	12	13	14	15	16
20	21	22	23	24	25	26		17	18	19	20	21	22	23
27	28	29	30	31				24	25	26	27	28	29	30

WEDNESDAY

30

← From Mar 1	[REDACTED]	Out of the Office	To Apr 4 →
← From Mar 24	[REDACTED]	Out of the Office	To Apr 9 →
← From Mar 24	[REDACTED]	Out of the office	To Apr 3 →
← From Mar 24	[REDACTED]	Out of the Office	To Apr 3 →
← From Mar 25	[REDACTED]	Out of the Office	To Apr 3 →
← From Mar 25	[REDACTED]	Out of the office	To Mar 31 →
← From Mar 25	[REDACTED]	Out of the Office	To Apr 3 →
← From Mar 27	[REDACTED]	Out of the Office	To Apr 1 →
← From Mar 28	[REDACTED]	Out of the Office	To Mar 31 →
← From Mar 29	[REDACTED]	Out of the Office	To Apr 1 →
	[REDACTED]	Kawa, Steve (MYR)	To Apr 1 →

9 AM

Morning Check-in Steve's Office; Kawa, Steve (MYR)	9:45-10 A.M. Meeting with Carl Nicita re: Check In Steve's Office; Kawa, Steve (MYR)
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10

11

Meeting re: Personnel	Meeting re: Budget Steve's Office Kawa, Steve (MYR)
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12 PM

Lunch/Steve Time	
------------------	--

1

Meeting re: HR Steve's office ; Whitehouse, Melissa (MYR)	
--	--

2

Meeting re: Personnel	
Meeting re: Personnel	

3

3-3:15 P.M. Meeting with Jason Elliott re: Check in Steve's Office; Kawa, Steve (MYR)	3:15 P.M. Meeting re: Data Steve's Office; Kawa, Steve (MYR)
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4

Meeting with Police Chief	
Meeting re: Transportation/Infrastructure Steve's Conference Room; Kawa, Steve (MYR)	

5

Ausberry, Andrea

From: SOTF, (BOS)
Sent: Tuesday, December 29, 2015 1:13 PM
To: 'Daniel Tomasevich'; Lee, Frank (DPW); 'mpetrelis@aol.com'; Macaulay, Kirsten (MYR); Kawa, Steve (MYR); MayorSunshineRequests, MYR (MYR); Banuelos, Briseida (POL); Manfredi, Carlos (POL)
Cc: Calvillo, Angela (BOS)
Subject: SOTF - Notice of Hearing - Education, Outreach and Training Committee: January 11, 2016, 4:00 p.m.

Good Afternoon:

Notice is hereby given that the Education, Outreach and Training Committee of the Sunshine Ordinance Task Force has scheduled hearings on the following titled complaints, 1) to issue a determination of jurisdiction; 2) to review the merits of the complaint to focus the complaint or otherwise assist the parties to the complaint; and/or 3) to issue a report and/or recommendation to the Sunshine Ordinance Task Force.

Date: January 11, 2016

Location: City Hall, Room 408

Time: 4:00 p.m.

Complaints:

File No. 15095: Complaint filed by Daniel Tomasevich against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 15163: Complaint filed by Michael Petrelis against Steve Kawa and the Mayor's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, for failure to completely comply with request for the calendar of Steve Kawa.

File No. 15166: Complaint filed by Michael Petrelis against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 for failure to respond to a request for public records, submitted via Twitter, in a timely and/or complete manner.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion of the agenda packet, supplemental/supporting documents must be received by 5:00 pm, **January 6, 2016.**

Young, Victor

From: SOTF, (BOS)
Sent: Thursday, February 11, 2016 9:28 AM
To: 'mpetrelis@aol.com'; Macaulay, Kirsten (MYR); Kawa, Steve (MYR); Nicita, Carl (MYR); Lee, Edwin (ADM); 'jerome.roth@mto.com'; Banuelos, Briseida (POL); Woon, Chris (POL)
Cc: 'Jerry Threet'; Calvillo, Angela (BOS)
Subject: SOTF - Notice of Hearing- Sunshine Ordinance Task Force - March 2, 2016
Attachments: SOTF - Complaint Procedure 2014-11-05.pdf

Good Morning,

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: March 2, 2016

Location: City Hall, Room 408

Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints -

File No. 15163: Complaint filed by Michael Petrelis against Steve Kawa and the Mayor's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to completely comply with a request for the calendar of Steve Kawa.

File No. 16001: Complaint filed by Michael Petrelis against the Mayor Edwin Lee for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-5, by failing to keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended

File No. 16003: Complaint filed by Jerome Roth on behalf of the Blue Ribbon Panel on Transparency, Accountability and Fairness in Law Enforcement (Panel) against the San Francisco Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.27, by failing to respond to a request for public records in a timely and/or complete manner and failing to provide justification for withholding information.

Additional Documentation (evidence supporting/disputing complaint)

For any additional document not yet submitted to the Sunshine Ordinance Task Force to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

Young, Victor

From: SOTF, (BOS)
Sent: Thursday, March 24, 2016 1:25 PM
To: Nicita, Carl (MYR); Kawa, Steve (MYR); Macaulay, Kirsten (MYR); 'mpetrelis@aol.com'
Cc: Colla, Nicholas (CAT); Calvillo, Angela (BOS)
Subject: SOTF - Notice of Hearing- Sunshine Ordinance Task Force - April 6, 2016 - File No. 15163
Attachments: SOTF - Complaint Procedure 2014-11-05.pdf; 15163_OD-Draft by Rumold.doc

Good Morning,

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: April 6, 2016

Location: City Hall, Room 408

Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints -

File No. 15163: Complaint filed by Michael Petrelis against Steve Kawa and the Mayor's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.29-7, and 67.34, by failing to comply with a request for the calendar of Chief of Staff, Steve Kawa.

(On March 2, 2016, the Task Force heard and continued the matter. The Task Force requested a copy of Mr. Kawa's current calendar, a copy of the previous version of the Mayor's Record Retention Policy and requested that Steve Kawa attend the next meeting of the Task Force.)

Please note that a draft Order of Determination by Member Rumold is attached.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by **5:00 pm, March 30, 2016.**

Victor Young
Administrator
Sunshine Ordinance Task Force

Young, Victor

From: SOTF, (BOS)
Sent: Friday, April 15, 2016 9:38 AM
To: 'mpetrelis@aol.com'; Kawa, Steve (MYR); Macaulay, Kirsten (MYR); Nicita, Carl (MYR); Lee, Edwin (ADM); Mccaffrey, Edward (ASR); 'Ray'; 'Shawn Mooney'; Pelham, LeeAnn (ETH); Ethics Commission, (ETH); Blackman, Sue (LIB); Blackman, Sue (LIB); Herrera, Luis (LIB); Profitt, Stephanie (TTX); Chen, Josephine (CPC); 'Bill and Bob Clark'
Cc: Colla, Nicholas (CAT); Calvillo, Angela (BOS)
Subject: SOTF - Notice of Hearing- Sunshine Ordinance Task Force - May 4, 2016
Attachments: SOTF - Complaint Procedure 2014-11-05.pdf

Good Morning,

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: May 4, 2016

Location: City Hall, Room 408

Time: 4:00 p.m. (Please Note 5:30 Special Order for certain complaints listed below)

Complaints -

File No. 15163: Complaint filed by Michael Petrelis against Steve Kawa and the Mayor's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.29-7, and 67.34, by failing to completely respond to a public records for the calendar of Chief of Staff, Steve Kawa.

(On April 6, 2016, the Task Force heard and continued the matter. The Task Force requested copies of Mr. Kawa's current calendar, the previous version of the Mayor's Record Retention Policy and requested that Mr. Kawa attend the next Task Force meeting.)

File No. 15139: Complaint filed by Shawn Mooney against the Assessor/Recorder's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, and 67.25, for failure respond to a public records request in a timely and complete manner.

(The Complainant was not satisfied with the progress made by the Assessor/Recorder and requested a new hearing before the Task Force.)

File No. 15142: Complaint filed by William Clark against Jose Cisneros and the Office of the Treasurer and Tax Collector for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, for failure to maintain and make public records available for inspections and examination.

(The Complaint Committee recommended that the SOTF find jurisdiction and that there were no violations of Administrative Code (Sunshine Ordinance), Chapter 67. The Committee requested that the Controller's Office respond to questions prior to scheduling a hearing on this matter.)

SPECIAL ORDER – The hearing on File Nos. 16012, 16013 and 16014 will not begin earlier than 5:30 p.m.