

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TTD/TTY No. (415) 554-5227

**ORDER OF DETERMINATION
March 28, 2020**

DATE DECISION ISSUED
February 5, 2020

CASE TITLE – Anonymous v. City Attorney Dennis Herrera (File No. 19108)

FACTS OF THE CASE

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 19108: Complaint filed by Anonymous against City Attorney Dennis Herrera, Elizabeth Coolbrith and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25, 67.27, 67.29-5, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing respond to a public records request in a timely manner and/or complete manner. Failing to justify withholding of records and failing to maintain a Proposition G Calendar.

HEARING ON THE COMPLAINT

On November 26, 2019, the Compliance and Amendments Committee acting in its capacity to hear petitions/complaints heard the matter.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that the City Attorney's Office should maintain a Prop G calendar and a Non-Prop G calendar. Anonymous stated that the Prop G calendar should have been provided timely and was not. Anonymous stated that City Attorney does not maintain a Non-Prop G calendar. Anonymous maintains that the Respondent did not respond in a timely manner. Anonymous stated that upon review of the calendars submitted by the City Attorney, there were no time or location entries which is a violation. Anonymous stated that the City Attorney's Office did not provide legal justifications for not including this information in their response.

City Attorney's Office (Respondent), was unavailable for the hearing.

Action: Moved by Member Wolfe, seconded by Member Hinze, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing.

On February 5, 2020, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that on October 8, 2019, a request was submitted for City Attorney Herrera's calendar and what was received appears to be incomplete. Anonymous stated that the locations of the meetings were not listed in the calendar or the generic location of City Hall was listed.

John Cote, Office of the City Attorney (Respondent), provided a summary of the department's position. Mr. Cote noted the many requests were submitted by Anonymous in the same timeframe and described the various requests types. Mr. Cote stated that the request was received on October 8, 2020, a request for extension was requested on October 9, 2020, due to the need to consult with other city departments, and the response was provided on October 15, 2020. Mr. Cote stated that clarification regarding meeting location was provided via email and that the City Attorney does not have other calendars.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that City Attorney Dennis Herrera violated Administrative Code (Sunshine Ordinance), Section 67.29-5, by failing to note the location of meetings on the calendar and failing to note the issues to be discussed on the calendar.

DECISION AND ORDER OF DETERMINATIONS

Action: Moved by Member Yankee, seconded by Member Martin, to find that City Attorney Dennis Herrera violated Administrative Code (Sunshine Ordinance), Section 67.29-5, by failing to note the location of meetings on the calendar and failing to note the issues to be discussed on the calendar.

The motion PASSED by the following vote:

Ayes: 7 - Yankee, Hyland, Hinze, LaHood, J. Wolf, Martin, B. Wolfe
Noes: 0 - None
Absent: 1 - Tesfai

Bruce Wolfe, Chair
Sunshine Ordinance Task Force



cc. Anonymous (Petitioner/Complainant)
Dennis Herrera (Respondent)