

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Compliance and Amendments Committee

Date: February 23, 2021

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Completed by: C. Leger Date 2/18/21

*An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.

SUNSHINE ORDINANCE
TASK FORCE



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San Francisco, CA 94102-4689
Tel. No. (415) 554-7724
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ORDER OF DETERMINATION
January 12, 2021

DATE DECISION ISSUED
December 2, 2020

CASE TITLE – Anonymous v. Mayor London Breed, Hank Heckel
and the Office of the Mayor.

File No. 19103

FACTS OF THE CASE

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

File No. 19103: Complaint filed by Anonymous against Mayor London Breed, Hank Heckel and the Office of the Mayor for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25 and 67.26, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

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 he submitted a records request for the Mayor's future calendar based on Government Code 6254(f) was withheld due to rule of reason analysis. Anonymous stated that he filed a calendar request to the Supervisor of Records which also was denied on the basis of Supreme Court case *Times Mirror Company v. Superior Court*. Anonymous stated that the Mayor's office did provide her press calendar but withheld her outlook entries. Anonymous stated that the SOTF heard a case against the District Attorney's Office wherein the DA's future calendar was not provided and the SOTF opined that the records were public.

Hank Heckel (Office of the Mayor) (Respondent), provided a summary of the department's position. Mr. Heckel stated that his office received the Immediate Disclosure Request and responded the following day in a timely manner. Mr. Heckel stated that based on Government Code 6254(f), the rule of reason analysis and security interests of the Mayor's meetings, the future calendar was withheld from disclosure. Mr. Heckel stated that the Mayor's Press calendar was

provided. Mr. Heckel stated that Anonymous requested specific times and locations of meetings. Mr. Heckel stated the Police Department consults with the Mayor's Office and provides security at all internal and external meetings and to reveal this information would undermine security. Mr. Heckel stated that the Supervisor of Records stated there is a process in place so that the Police Department can plan and provide security. Mr. Heckel stated that to provide the Mayor's future calendar to Anonymous would impact security procedures.

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 December 2, 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 4, 2019, he submitted an Immediate Disclosure Request for the Mayor's future calendar. Anonymous said the Mayor's future meeting information is not entirely exempt due to security issues and should be provided with redactions for those security procedures under Gov Code 6254(f). Anonymous stated that the Times Mirror v. Superior Court 1991 53 Cal.3d 1546 case is now bad law due to Prop 59. Anonymous stated in a later case Governor Schwarzenegger was sued and did eventually turn over his past calendars. Anonymous noted that the Mayor's future calendars were not originally provided, that the Petitioner had to make a second request and then it was provided after the dates were no longer in the future.

Hank Heckel (Mayor's Office) (Respondent), provided a summary of the department's position. Mr. Heckel stated that the Mayor's Office's original position was that the Mayor's future calendars could not be disclosed. Mr. Heckel stated that disclosure of any information of Mayor's office jeopardizes the security of the Mayor. Mr. Heckel cited California Public Records Act 6254(f) and Times Mirror v. Superior Court 1991 53 Cal.3d 1546 regarding his argument that calendar and scheduling information for future calendars of the Mayor should be withheld for security reasons. Mr. Heckel noted that this provision does not obligate the police department who provides security to the Mayor. Mr. Heckel opined that this information could create a security risk if disclosed.

Chair Wolfe asked what part of a calendar entry is protected?

Mr. Heckel stated that the purpose is to protect the Mayor and so there is a limit to producing future calendar meetings. Mr. Heckel again cited 6254(f) noting that future meetings should not be disclosed. Mr. Heckel stated that once a meeting has occurred, that would become a Prop G calendar, however the Mayor's Office will not disclose future meetings due to security concerns.

FINDINGS OF FACT AND CONCLUSION OF LAW

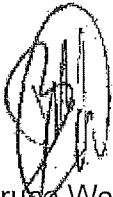
Based on the testimony and evidence presented, the SOTF found that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code (Sunshine Ordinance), Sections 67.26 by failing to keep withholding to a minimum and 67.27 by failing to provide justification of withholding.

DECISION AND ORDER OF DETERMINATIONS

Action: Moved by Member LaHood, seconded by Member Hinze, to find that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code, Sections 67.26 by failing to keep withholding to a minimum and 67.27 by failing to provide justification of withholding. In addition, the SOTF referred the matter to the Compliance and Amendments Committee to ensure that properly redacted records are provided to the Petitioner.

The motion PASSED by the following vote:

Ayes: 7 - LaHood, Hinze, Yankee, Wong, Schmidt, Hyland, Wolfe
Noes: 0 - None



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Anonymous (Petitioner/Complainant)
Mayor London Breed, Hank Heckel, and the Mayor's Office (Respondent)

Young, Victor (BOS)

From: Google Forms <sfbdsupvrs@gmail.com>
Sent: Monday, October 7, 2019 7:06 PM
To: SOTF, (BOS)
Subject: New Response Complaint Form

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Your form has a new entry.

Here are the results.

**Complaint against which
Department or
Commission**

Office of Mayor

**Name of individual
contacted at Department
or Commission**

London Breed, Hank Heckel

Alleged Violation

Public Records

**Sunshine Ordinance
Section:**

SFAC 67.21, 67.25, 67.26

**Please describe alleged
violation**

I made an IDR on Oct 4 to the Mayor for among other things: "an electronic copy of the Mayor's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive)."

On Oct. 7, the Mayor's Office withheld all information whatsoever about future meeting entries from October 21 to 28, 2019.

They haven't even provided redacted information and have instead withheld in entirety all information.

(This has nothing to do with any metadata, headers, formats, etc.)

The Mayor's contention that regular political and policy meeting entries are as a whole "records of... security procedures.... of any state or local police agency" under Gov Code 6254(f) is completely inappropriate. No where does it say that records that "necessarily provide 'security procedures' information" (Heckel letter Oct. 7) are exempt - such a broad reading would exempt nearly all information about the Mayor since knowing where the Mayor was in the past also "provide[s]" information about her security detail. Heckel has notably elided the "**records of*... security procedures" prefix of his legal citation. Of course, the CA Supreme Court and Constitution require that we interpret laws that limit disclosure narrowly, and the Mayor's interpretation of 6254(f) is absurdly broad. Shall we make a state secret the Mayor's official physical business address because it would allow us to know that she has security protecting her at City Hall? This is nonsense.

These future meeting entries are not /in their entirety/ security procedures, and instead the non-exempt portions of these records tell us very important things about the priorities, communications, political and lobbying contacts of the Mayor, and that information is completely public. Which is of course why the Mayor hides and obfuscates it. I have no interest in the security detail of the Mayor and they could merely redact that information. I suspect the vast majority of meetings have in fact absolutely no such security detail information given the non-Prop G calendars the Mayor has previously turned over.

The evidence of request and response is in the email thread from 81242-04060798@requests.muckrock.com which is incorporated by reference in this complaint.

Name

Anonymous

Email

81242-04060798@requests.muckrock.com

If anonymous, please let us know how to contact you. Thank you.

81242-04060798@requests.muckrock.com

Sent via [Google Forms Email](#)



DENNIS J. HERRERA
City Attorney

MARC PRICE WOLF
Deputy City Attorney

Direct Dial: (415) 554-3901
Email: Marc.Price.Wolf@sfcityattty.org

**MEMORANDUM
PRIVILEGED AND CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
FROM: Marc Price Wolf
Deputy City Attorney
DATE: November 5, 2019
RE: Complaint No. 19103: Anonymous v. Mayor London Breed and Office of the Mayor

COMPLAINT

Complainant Anonymous ("Complainant") alleges that the Office of the Mayor and Mayor London Breed (collectively, "Respondents"), violated the Sunshine Ordinance by refusing to provide the Mayor's future calendar information.

COMPLAINANT FILES COMPLAINT

On October 7, 2019, Complainant filed this complaint with the Task Force, alleging that Respondents failed to provide a timely and complete response to the request, in violation of Administrative Code Sections 67.21, 67.25, and 67.26.

JURISDICTION

The Mayor and the Mayor's Office are subject to the Sunshine Ordinance. Respondents do no dispute jurisdiction.

APPLICABLE STATUTORY SECTION(S)

Section 67 of the San Francisco Administrative Code:

- Section 67.21 sets forth the obligations of the Sunshine Ordinance with respect to the production of public records.
- Section 67.29-5 sets forth the requirements for certain public officer to maintain and retain calendars.
- Section 67.29-7 governs the retention of correspondence and records.

BACKGROUND

On October 4, 2019, Complainant requested from Mayor London Breed the immediate disclosure of "an electric copy of the Mayor's **prospective/expected** calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019." On October 7, 2019, Compliance Officer Hank Heckel stated that, under Cal. Gov. Code Section 6254(f), the Mayor's future events and meetings that are not public are exempt from disclosure because they "necessarily provide 'security procedures' information of a 'local police agency' given the security assigned

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to the Mayor for such events and meetings.” Complainant disagrees with Mr. Heckel’s assessment.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS

- How far in advance does the Mayor determine whether an event/meeting is “public?”
- Could the Mayor’s Office redact any responsive records, or is it impossible to redact the records and remove the security concerns?

LEGAL ISSUES/LEGAL DETERMINATIONS

- Does the Mayor’s Office rely on any other statute to claim it is properly withholding responsive records?
- Did Respondents violate the Sunshine Ordinance by failing to provide a timely and complete response to Complainant’s request?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

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

* * *

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**CHAPTER 67, SAN FRANCISCO ADMINISTRATIVE CODE (SUNSHINE
ORDINANCE)**

**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

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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, 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.

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(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 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. 67.29-5. CALENDARS OF CERTAIN OFFICIALS.

(a) The Mayor, City Attorney, Treasurer, Assessor-Recorder, District Attorney, Public Defender, Sheriff, every member of the Board of Supervisors, and every Department Head 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, either in person or by teleconference or other electronic means, with the exclusion of purely personal or social events at which no City business is discussed and that do not take place at City Offices or at the offices or residences of people who do substantial business with or are otherwise substantially financially affected by actions of the City. For meetings not otherwise publicly recorded, the calendar shall include a general statement of issues discussed. Such calendars shall be public records and shall be available to any requester three business days subsequent to the calendar entry date.

(b) For meetings or events with ten or fewer attendees, the calendar shall also identify the individual(s) present and organization(s) represented at the meeting or event if known by the official, unless the official is aware that the information would reveal the identity of a confidential whistleblower, would interfere with an individual's right to petition government where the individual has sought and been assured confidentiality, would disclose the attendance of members or representatives of a labor organization at a meeting to discuss matters within the scope of representation, as that term is defined in California Government Code Section 3504, would reveal personnel information not subject to disclosure, or is otherwise exempt from disclosure under State and local law.

(c) At any meeting or event with ten or fewer attendees, officials subject to subsection (a) of this Section 67.29-5 shall attempt to identify names of attendees present, and the organizations they represent; provided that an official shall not require any attendees to identify themselves, unless the official is aware that those attendees are campaign consultants registered with the Ethics Commission under Campaign and Governmental Conduct Code Article I, Chapter 5; lobbyists registered with the Ethics Commission under Campaign and Governmental Conduct Code Article II, Chapter 1; permit consultants registered with the Ethics Commission

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under Campaign and Governmental Conduct Code Article III, Chapter 4; Developers of Major Projects, as defined in Campaign and Governmental Conduct Code Section 3.510, if the Major Project is discussed at the meeting or event; and employees or representatives of any entity that has received a grant from or entered a contract with any City department within the previous 12 months. The official has no duty to ascertain whether any attendees fall into these categories. Within three business days after a meeting or event subject to this subsection (c), the official shall update the daily calendar to include the names of the attendees and organizations identified by or known to the official.

(d) For the purpose of calculating the total number of attendees at a meeting or event under subsections (b) and (c), an official shall not include himself or herself.

(e) The obligations imposed under subsections (b) and (c), and the obligations imposed upon members of the Board of Supervisors under subsection (a), shall not apply to meetings or events where City business is discussed only incidentally; to unplanned, casual conversations with residents; to campaign-related meetings, events, and appearances; or to meetings or events where all attendees are employees or officers in the official's City department, which for members of the Board of Supervisors shall mean that all attendees are members of the Board of Supervisors, legislative aides, or employees of the Office of the Clerk of the Board. Officials are not in violation of subsections (b) or (c), and members of the Board of Supervisors are not in violation of subsection (a), if they have made a good faith effort to comply with their obligations thereunder.

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.

(b) The Department of Elections shall keep and preserve all records and invoices relating to the design and printing of ballots and other election materials and shall keep and preserve records documenting who had custody of ballots from the time ballots are cast until ballots are received and certified by the Department of Elections.

(c) In any contract, agreement or permit between the City and any outside entity that authorizes that entity to demand any funds or fees from citizens, the City shall ensure that accurate records of each transaction are maintained in a professional and businesslike manner and are available to the public as public records under the provisions of this ordinance. Failure of an entity to comply with these provisions shall be grounds for terminating the contract or for imposing a financial penalty equal to one-half of the fees derived under the agreement or permit during the period of time when the failure was in effect. Failure of any Department Head under this provision shall be a violation of this ordinance. This paragraph shall apply to any agreement allowing an entity to tow or impound vehicles in the City and shall apply to any agreement allowing an entity to collect any fee from any persons in any pretrial diversion program.

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CAL. GOV'T CODE SECTION 6254(f) – INSPECTION OF PUBLIC RECORDS

Except as provided in Sections 6254.7 and 6254.13, this chapter does not require the disclosure of any of the following records:

...

(f) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. However, state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation. However, this subdivision does not require the disclosure of that portion of those investigative files that reflects the analysis or conclusions of the investigating officer.

Customer lists provided to a state or local police agency by an alarm or security company at the request of the agency shall be construed to be records subject to this subdivision.

Notwithstanding any other provision of this subdivision, state and local law enforcement agencies shall make public the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation:

(1) The full name and occupation of every individual arrested by the agency, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, and all charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

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(2) (A) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved. The name of a victim of any crime defined by Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor. When a person is the victim of more than one crime, information disclosing that the person is a victim of a crime defined in any of the sections of the Penal Code set forth in this subdivision may be deleted at the request of the victim, or the victim's parent or guardian if the victim is a minor, in making the report of the crime, or of any crime or incident accompanying the crime, available to the public in compliance with the requirements of this paragraph.

(B) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the names and images of a victim of human trafficking, as defined in Section 236.1 of the Penal Code, and of that victim's immediate family, other than a family member who is charged with a criminal offense arising from the same incident, may be withheld at the victim's request until the investigation or any subsequent prosecution is complete. For purposes of this subdivision, "immediate family" shall have the same meaning as that provided in paragraph (3) of subdivision (b) of Section 422.4 of the Penal Code.

(3) Subject to the restrictions of Section 841.5 of the Penal Code and this subdivision, the current address of every individual arrested by the agency and the current address of the victim of a crime, if the requester declares under penalty of perjury that the request is made for a scholarly, journalistic, political, or governmental purpose, or that the request is made for investigation purposes by a licensed private investigator as described in Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code. However, the address of the victim of any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code shall remain confidential. Address information obtained pursuant to this paragraph shall not be used directly or indirectly, or furnished to another, to sell a product or service to any individual or group of individuals, and the requester shall execute a declaration to that effect under penalty of perjury. This paragraph shall not be construed to prohibit or limit a scholarly, journalistic, political, or government use of address information obtained pursuant to this paragraph.

(4) Notwithstanding any other provision of this subdivision, commencing July 1, 2019, a video or audio recording that relates to a critical incident, as defined in subparagraph (C), may be withheld only as follows:

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RE: Complaint No. 19103: Anonymous v. Mayor London Breed and Office of the Mayor

(A) (i) During an active criminal or administrative investigation, disclosure of a recording related to a critical incident may be delayed for no longer than 45 calendar days after the date the agency knew or reasonably should have known about the incident, if, based on the facts and circumstances depicted in the recording, disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source. If an agency delays disclosure pursuant to this paragraph, the agency shall provide in writing to the requester the specific basis for the agency's determination that disclosure would substantially interfere with the investigation and the estimated date for disclosure.

(ii) After 45 days from the date the agency knew or reasonably should have known about the incident, and up to one year from that date, the agency may continue to delay disclosure of a recording if the agency demonstrates that disclosure would substantially interfere with the investigation. After one year from the date the agency knew or reasonably should have known about the incident, the agency may continue to delay disclosure of a recording only if the agency demonstrates by clear and convincing evidence that disclosure would substantially interfere with the investigation. If an agency delays disclosure pursuant to this clause, the agency shall promptly provide in writing to the requester the specific basis for the agency's determination that the interest in preventing interference with an active investigation outweighs the public interest in disclosure and provide the estimated date for the disclosure. The agency shall reassess withholding and notify the requester every 30 days. A recording withheld by the agency shall be disclosed promptly when the specific basis for withholding is resolved.

(B) (i) If the agency demonstrates, on the facts of the particular case, that the public interest in withholding a video or audio recording clearly outweighs the public interest in disclosure because the release of the recording would, based on the facts and circumstances depicted in the recording, violate the reasonable expectation of privacy of a subject depicted in the recording, the agency shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served by withholding the recording and may use redaction technology, including blurring or distorting images or audio, to obscure those specific portions of the recording that protect that interest. However, the redaction shall not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording and the recording shall not otherwise be edited or altered.

(ii) Except as provided in clause (iii), if the agency demonstrates that the reasonable expectation of privacy of a subject depicted in the recording cannot adequately be protected through redaction as described in clause (i) and that interest outweighs the public interest in disclosure, the agency may withhold the recording from the public, except that the recording, either redacted as provided in clause (i) or unredacted, shall be disclosed promptly, upon request, to any of the following:

(I) The subject of the recording whose privacy is to be protected, or their authorized representative.

(II) If the subject is a minor, the parent or legal guardian of the subject whose privacy is to be protected.

**MEMORANDUM
PRIVILEGED & CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
DATE: November 5, 2019
PAGE: 10
RE: Complaint No. 19103: Anonymous v. Mayor London Breed and Office of the Mayor

(III) If the subject whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased subject whose privacy is to be protected.

(iii) If disclosure pursuant to clause (ii) would substantially interfere with an active criminal or administrative investigation, the agency shall provide in writing to the requester the specific basis for the agency's determination that disclosure would substantially interfere with the investigation, and provide the estimated date for the disclosure of the video or audio recording. Thereafter, the recording may be withheld by the agency for 45 calendar days, subject to extensions as set forth in clause (ii) of subparagraph (A).

(C) For purposes of this paragraph, a video or audio recording relates to a critical incident if it depicts any of the following incidents:

(i) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.

(ii) An incident in which the use of force by a peace officer or custodial officer against a person resulted in death or in great bodily injury.

(D) An agency may provide greater public access to video or audio recordings than the minimum standards set forth in this paragraph.

(E) This paragraph does not alter, limit, or negate any other rights, remedies, or obligations with respect to public records regarding an incident other than a critical incident as described in subparagraph (C).

(F) For purposes of this paragraph, a peace officer does not include any peace officer employed by the Department of Corrections and Rehabilitation.

**Sunshine Ordinance Task Force
Complaint Summary**

File No. 19103

Anonymous v. Mayor's Office

Date filed with SOTF: 10/07/2019

Contacts information (Complainant information listed first):

Anonymous (81242-04060798@requests.muckrock.com) (Complainant)

Mayor London Breed, Hank Heckel (Mayor's Office) (Respondent)

File No. 19103: Complaint filed by Anonymous against Mayor London Breed, Hank Heckel and the Mayor's Offices for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25 and 67.26, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Administrative Summary if applicable:

Not related to metadata.

Complaint Attached.

Complainant/Petitioners Documents Submission

¹
#19103 Anonymous vs Mayor, et al.
Re: Future meeting information

1. **Oct 4** - IDR for (1) Oct 21-28 calendars of Mayor; and non-IDR for (2) meeting invites and (3) personal property search for above.
2. **Oct 7** - Oct 21-28 calendar (1) fully withheld under GC 6254(f) and a 'rule of reason analysis' (no citation).
3. **Oct 7** - SOTF and Sup of Records complaints filed.
4. **Oct. 9** - After complaint, they provide Press Calendar record for October. But they still withhold Outlook entries for the dates requested.
5. **Oct. 23** - Sup. of Records denies petition on add'l basis of *Times Mirror Company v Superior Court* and Evid. Code 1040 (however, Respondent does not rely on these justifications).

As of creating this presentation, no response to non-IDR parts (2) and (3) have ever been received.

19108 Anonymous v City Attorney, et al.

²
Request Part 1 (one of three parts of this complaint)

1. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to print each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately).

19108 Anonymous v City Attorney, et al.

Is the Mayor's future meeting information exempt under Gov Code 6254(f)? **No.**

- GC 6254(f) is a permissive CPRA exemption for: "Records of complaints to, or investigations conducted by, or records of intelligence information or **security procedures** of, the **office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency**, or any investigatory or security files compiled by **any other state or local police agency**, or any investigatory or security files compiled by any other state or local agency **for correctional, law enforcement, or licensing purposes. ... "**
- The records do not in fact meet the constraints of this provision.
- The Mayor's office is not the AG, DoJ, OES, or a police agency. Furthermore *the entirety* of her future calendar information is not "compiled for correctional, law enforcement, or licensing purposes."
- They are also not *in entirety* SFPD security procedure records. Much of the future calendar records are political or policy related. City must redact the security detail information, and provide everything else.

19108 Anonymous v City Attorney, et al.

Is the Mayor's future meeting information exempt under any other provision? **No.**

- *Times Mirror v Superior Court* is inapposite. The CA Supreme Court explicitly relied on the public interest balancing test exemption to exempt the Governor's future calendar. First, the Governor is treated by the CPRA as neither a state nor local agency, and therefore different rules apply. Second and more importantly, SFAC 67.24 prohibits the balancing test exemption. This case cannot apply to San Francisco officials or agencies.
- Evid. Code 1040 (official information privilege) does not apply either - between what parties was the information official?
- SFAC 67.27 requires that withholding be based solely on statutory or case law justification. Heckel's un-specified "rule of reason analysis" fails to cite any such specific reference, since, of course, there is nothing to cite.
- Finally, since they provided a press calendar, how come they did not provide the Outlook entries for those purportedly public events?

19108 Anonymous v City Attorney, et al.

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

BRADLEY A. RUSSI
DEPUTY CITY ATTORNEY

Direct Dial: (415) 554-4645
Email: brad.russi@sfcityattfy.org

October 23, 2019

*Sent via email (81242-04060798@requests.muckrock.com
72902-46637773@requests.muckrock.com)*

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records dated September 6, 2019, concerning a request to the Mayor's Office for the Mayor's calendar, and your October 7, 2019 petition also relating to a request for the Mayor's calendar. We understand your September 6, 2019 petition to relate to an August 21, 2019 request to the Mayor's Office for:

1. an electronic copy, (in the original electronic format, or alternatively in a format specified as "A" below, for all items held electronically, and a scanned copy for any physical papers), with all calendar item headers, email addresses, invitations (including but not limited to indications of who sent the invite and when), acceptances/declinations by guests, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's *prospective/expected* calendar or schedule, with all expected events/items, from August 26 to Sept 3, 2019 (inclusive). We are specifically requesting ALL calendar/scheduling items for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). If any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism), those calendars are also included within the scope of this request. Furthermore, we request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to this request present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested.

2. an electronic copy, (in the original electronic format, or alternatively in a format specified as "A" below, for all items held electronically, and a scanned copy for any physical papers), with all calendar item headers, email addresses, invitations (including but not limited to indications of who sent the invite and when), acceptances/declinations by guests, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by

CITY HALL • 1 DR. CARLTON B. GOODLETT PLACE, CITY HALL ROOM 234 • SAN FRANCISCO, CALIFORNIA 94102-4682
RECEPTION: (415) 554-4700 • FACSIMILE: (415) 554-4699

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Letter to Anonymous
October 23, 2019
Page 2

the Ordinance, of the Mayor's *past* calendar or schedule, with all events/items, from August 5 to August 16, 2019 (inclusive). We are specifically requesting ALL calendar/scheduling items for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). If any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism), those calendars are also included within the scope of this request. Furthermore, we request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to this request present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested.

In response to this request, the Mayor's Office produced responsive records on August 22, 2019 for Item 2 of the request, the calendar entries between August 5, 2019 and August 16, 2019. The Mayor's Office treated Item 1 as a standard public records request subject to the normal time deadlines rather than an immediate disclosure request, and later invoked an extension of time. On September 5, 2019, the Mayor's Office produced additional documents responsive to Item 2, for the time period between August 5 and August 16, 2019. The Mayor's Office applied a number of redactions to this production and identified for you the exemption applicable to each redaction. The Mayor's Office did not produce records responsive to Item 1 of the request, which sought the Mayor's prospective calendar for the period between August 26 and September 3, 2019, citing Section 6254(f) of the Government Code.

Your October 7, 2019 petition relates to a separate immediate disclosure request dated October 4, 2019, for the Mayor's prospective calendar for October 21 through October 28. The Mayor's Office withheld all records, citing Section 6254(f) of the Government Code.

We respond to the issues you have raised as follows:

In your September 6 petition, you request that we determine that the Mayor's Office violated the Sunshine Ordinance by not producing native files or metadata. Those issues are addressed in our response to the prior petition you submitted on the same topic, attached hereto as Exhibit A.

In your September 6 petition, you request a determination that the Mayor's Office violated the Sunshine Ordinance by declining to produce records in response to Item 1 concerning the Mayor's prospective calendar. You request a similar determination in your October 7 petition. The Mayor's Office properly declined to produce these records. Disclosure of the Mayor's prospective whereabouts raises obvious security concerns for her, and the California Supreme Court has endorsed the withholding of such records concerning a high-level government official. See *Times Mirror Company v. Superior Court*, 53 Cal.3d 1325 (1991) (Governor not required to release daily calendar due to security concerns). In *Times Mirror*, the court noted that disclosure of the calendar "would constitute a potential threat to the Governor's safety, because the information . . . will enable the reader to know in advance and with relative precision when and where the Governor may be found . . ." *Id.* at 1346 (quotation marks omitted). While the court based its conclusion in that case on Government Code Section 6255, we conclude that Section

Letter to Anonymous
October 23, 2019
Page 3

6254(f), regarding security records, also provides a proper basis to withhold the records in question. The San Francisco Police Department (“SFPD”) provides the Mayor’s security, and her prospective calendar may reflect input from the SFPD concerning security issues. And the prospective calendar is at times consulted by the SFPD in order to plan security measures regarding the Mayor. Additionally, the future calendar entries are protected under Evidence Code Section 1040 – the official information privilege – and are therefore exempt from disclosure under Government Code Section 6254(k). In light of security concerns, the Mayor’s Office holds the Mayor’s future calendar entries in confidence, and the necessity of preserving confidentiality to protect the Mayor’s wellbeing outweighs the need for public disclosure. *See* Evid. Code § 1040; *County of Los Angeles v. Superior Court*, 82 Cal. App. 4th 819; 834-35 (2000).

In your September 6 petition, you request a determination that the Mayor’s Office improperly withheld “recurrence” metadata. Our understanding is that for some of the calendar entries the Mayor’s Office produced, there is an indication that a particular appointment recurs due to an icon that appears on the printed page. We conclude that the Mayor’s Office did not improperly withhold information concerning recurrence of these events by producing the records in PDF format. As the court in *Times Mirror* recognized, disclosure of such information could allow an individual “intent on doing harm” to “use such information to discern patterns of activity.” *Id.* at 1346. Thus, the Mayor’s Office could have properly redacted any indication of recurrence under the basis discussed in the preceding paragraph, and it did not improperly withhold the details about the recurrences that you contend should be disclosed.

Finally, in your September 6 petition, you contest a number of redactions that the Mayor’s Office applied to the records on the basis of Section 6254(f), particularly information at the top of each calendar entry, some of such redactions follow the acronym “SID.” As mentioned, the Mayor has a security detail staffed by SFPD officers. That detail is part of SFPD’s Special Investigation Division, or SID. We understand that the information redacted in each of the instances you have cited in your petition relates to the Mayor’s security detail. Thus, the Mayor’s Office properly redacted it under Section 6254(f).

For the foregoing reasons, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney



Bradley A. Russi
Deputy City Attorney

Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request

Email

Office of the Mayor,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 4, 2019. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.

Mr. Heckel, Compliance Officer for the Mayor, made an intriguing assertion at the full SOTF hearing for Case 19047. While the task force ruled against the Mayor for *prior* calendar records, Mr. Heckel appeared to argue that all future meetings of the Mayor are somehow completely secret (the SOTF did not rule on future meetings since they were not requested in 19047). I will be testing that purported claim of exemption. Note that it is implausible that there would be no prospective scheduling information for upcoming events the Mayor must attend to, even though Prop G requires no such calendar be kept. All calendars, whether Prop G or not, that your agency prepared, owned, used, or retained re: the public's business are public records -- as was also ruled at SOTF 19047 (see also, Sup. of Records response of Sept. 6).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of the Mayor's future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for the Mayor's Office. The Mayor's Office is not "the office of the Attorney General [or] the Department of Justice, the Office of Emergency Services [or] any state or local police agency" so the first clause re: security procedures does not apply. Furthermore a calendar cannot be "investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes." This would be an absurd stretch of the words of the statute; every meeting is not "for correctional, law enforcement, or licensing purposes." Information regarding the security detail for the Mayor may potentially be lawfully withheld under 6254(f) - but there is a lot more to a calendar than a security detail, such as normal political and policy meetings. I don't care about the security detail, and you may exclude the security detail info from responsive records. If you believe certain parts of a meeting record are redactable under 6254(f) or otherwise you must only redact each minimal portion and cite each justification.

All records must be provided in rolling fashion.

Please read carefully the exact wording of my request as it is different than my prior ones. Please follow the Ordinance precisely as I am auditing your agency's public records regimen; as you are well aware, every violation of the Sunshine Ordinance will be appealed.

Please provide:

1. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to print each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of

disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately).

2. REGULAR DISCLOSURE: If the Mayor or any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

From: Office of the Mayor

10/07/2019

Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request

Email

Dear Anonymous,

This responds in part to your request below received by the Office of the Mayor on October 4, 2019. Regarding Item 1, marked as an immediate disclosure request, the records you have sought regarding the Mayor's "prospective/expected" calendar or schedule for the dates of October 21 to October 28 are currently exempt from disclosure, at least pursuant to Cal. Gov. Code 6254(f). Pursuant to that section and contrary to your argument below, future events and meetings of the Mayor that are not public, necessarily provide "security procedures" information of a "local police agency" given the security assigned to the Mayor for such events and meetings.

Under that provision and a rule of reason analysis, it jeopardizes the safety and security of such meetings to reveal their details in advance. A meeting that has been publicly announced is available for disclosure. Similarly past meetings are recorded in the Prop G calendar and other scheduling documents, as you have seen from our other productions.

Please let me know if you have any questions.

Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

October 4, 2019

Office of the Mayor,

**** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. ****

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Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): requests@muckrock.com<<mailto:requests@muckrock.com>>

Upload documents directly: https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81242%252F%253Femail%253Dmayorsunshinerequests%252540sfgov.org&url_auth_token=AAAxJKbo2Vje5U7JJiIkNXfIXyg%3A1iGSEg%3AKb2-HWrfbAQTxiKTZHpbY2gY3Yc

81242%252F%253Femail%253Dmayorsunshinerequests%252540sfgov.org&url_auth_token=AAAxJKbo2Vje5U7JJiIkNXfIXyg%3A1iGSEg%3AKb2-HWrfbAQTxiKTZHpbY2gY3Yc

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 81242
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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From: Anonymous Person

10/07/2019

Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly --once you send them to us there is no going back. **

I will of course appeal this. I have no interest in the security detail of the Mayor and you could merely redact that information.

I suspect the vast majority of meetings have in fact absolutely no such information given the non-Prop G calendars you have already turned over in the past.

I understand that you are an attorney, even if not the attorney for the Mayor -- your contention that regular political and policy meeting entities are as a whole "records of... security procedures.... of any state or local police agency" is completely inappropriate. No where does it say that records that "necessarily provide 'security procedures' information" are exempt - such a broad reading would exempt nearly all information about the Mayor since knowing where the Mayor was in the past also "provide[s]" information about her security detail. You have notably elided the "records of... security procedures" prefix of your citation.

These future meeting entries are not /in their entirety/ security procedures, and instead the non-exempt portions of these records tell us very important things about the priorities, communications, political and lobbying contacts of the Mayor, and that information is completely public.

Sincerely,
Anonymous

From: Anonymous Person

10/07/2019

Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request

Email

Task Force,

A new 67.21(e) petition/complaint is below. Please provide me a file number, and cc-me on the request for response to the Mayor.

Respondents: Office of Mayor, London Breed, Hank Heckel

Complainant: Anonymous (requests@muckrock.com)

Alleged Violations: SFAC 67.21, 67.26, 67.25

Original Request Date: Oct. 4, 2019

Complaint:

I made an IDR on Oct 4 to the Mayor for among other things: "an electronic copy of the Mayor's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive)."

On Oct. 7, the Mayor's Office withheld all information whatsoever about future meeting entries from October 21 to 28, 2019.

They haven't even provided redacted information and have instead withheld in entirety all information. (This has nothing to do with any metadata, headers, formats, etc.)

The Mayor's contention that regular political and policy meeting entries are as a whole "records of... security procedures.... of any state or local police agency" under Gov Code 6254(f) is completely inappropriate. No where does it say that records that "necessarily provide 'security procedures' information" (Heckel letter Oct. 7) are exempt - such a broad reading would exempt nearly all information about the Mayor since knowing where the Mayor was in the past also "provide[s]" information about her security detail. Heckel has notably elided the "*records of*... security procedures" prefix of his legal citation. Of course, the CA Supreme Court and Constitution require that we interpret laws that limit disclosure narrowly, and the Mayor's interpretation

of 6254(f) is absurdly broad. Shall we make a state secret the Mayor's official physical business address because it would allow us to know that she has security protecting her at City Hall? This is nonsense.

These future meeting entries are not /in their entirety/ security procedures, and instead the non-exempt portions of these records tell us very important things about the priorities, communications, political and lobbying contacts of the Mayor, and that information is completely public. Which is of course why the Mayor hides and obfuscates it. I have no interest in the security detail of the Mayor and they could merely redact that information. I suspect the vast majority of meetings have in fact absolutely no such security detail information given the non-Prop G calendars the Mayor has previously turned over.

The evidence of request and response is in the email thread at the bottom of this complaint e-mail.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

Thanks,

Anonymous

From: Anonymous Person

10/07/2019

Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request

Board

Supervisor of Records,

This is a new 67.21(d) petition. I as always expect a 10-day-or-earlier response, and there's no complex IT analysis required here.

I made an IDR on Oct 4 to the Mayor for among other things: "an electronic copy of the Mayor's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive)."

On Oct. 7, the Mayor's Office withheld all information whatsoever about future meeting entries from October 21 to 28, 2019.

They haven't even provided redacted information and have instead withheld in entirety all information. (This has nothing to do with any metadata, headers, formats, etc.)

The Mayor's contention that regular political and policy meeting entries are as a whole "records of... security procedures.... of any state or local police agency" under Gov Code 6254(f) is completely inappropriate. No where does it say that records that "necessarily provide 'security procedures' information" (Heckel letter Oct. 7) are exempt - such a broad reading would exempt nearly all information about the Mayor since knowing where the Mayor was in the past also "provide[s]" information about her security detail. Heckel has notably elided the "*records of*... security procedures" prefix of his legal citation. Of course, the CA Supreme Court and Constitution require that we interpret laws that limit disclosure narrowly, and the Mayor's interpretation of 6254(f) is absurdly broad. Shall we make a state secret the Mayor's official physical business address because it would allow us to know that she has security protecting her at City Hall? This is nonsense.

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The evidence of request and response is in the email thread at the bottom of this complaint e-mail.

Please provide all determinations and associated orders. There is no provision for you to refuse to provide a determination after I have made a 67.21(d) petition, regardless of what the Mayor does or does not do after this point.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

Thanks,

Anonymous

From: Office of the Mayor

10/08/2019

Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request



I am in receipt of the complaint and will process it shortly. File No. 19103 has tentatively been assigned to the complaint.

Victor Young
Assistant Clerk
Board of Supervisors
phone 415-554-7723 | fax 415-554-5163
victor.young@sfgov.org<mailto:victor.young@sfgov.org> | www.sfbos.org<http://www.sfbos.org>



~WRD000

 Download

From: Office of the Mayor

10/09/2019

Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request



Dear Anonymous,

We maintain our position regarding the security procedures exemption for future meetings that have not been announced. As I noted regarding future public meetings, those may be available when announced. For instance, see the Mayor's Press Calendar which may be found at <https://sfmayor.org/events/calendar/month/2019-10>. A copy of the entries for October is also attached. Note that this calendar was not yet populated at the time of your request.

Please let us know if you have further questions.
Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco



Anonymous Request Re October Calendar

 Download

From: Anonymous Person

10/09/2019

Subject: RE: California Public Records Act Request #19103

Email

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

The point is that your announcements should have no bearing on whether a calendar is exempt or not from disclosure. The mayor or her PR people does not get to choose for their own personal, political, or policy reasons when she does or does not release records. If you believed there was a security issue, such exemption could not have changed between yesterday and today.

Regardless, now that you have released this press document, we know for a fact that there is a non-empty set of non-exempt information about the Mayor's future calendar that not even you are withholding for security reasons.

We also know for a fact that the Mayor possesses at least 2 (and after the Order in 19047 issues, we'll find out if you have any more) calendar accounts titled "PropG, Mayor (MYR)" and "Calendar, Mayor (MYR)" that hold her business calendar info.

Why have you not produced the portions of at least those two accounts showing the at least 7 items shown on the press calendar between Oct 21 and Oct 28? Even if you redact most of the information, you must produce the records and justify all of the redactions.

Sincerely,

Anonymous

From: Office of the Mayor

10/16/2019

Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103

Email

Good Afternoon:

You have been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days.

The Respondent is required to submit a written response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice. This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:
Complaint Attached.

Both parties (Complainant and Respondent) will be contacted once a hearing date is determined.
Thank you.

Victor Young
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244
San Francisco CA 94102
phone 415-554-7723 | fax 415-554-5163
victor.young@sfgov.org<mailto:victor.young@sfgov.org> | www.sfbos.org<http://www.sfbos.org>
[CustomerSatisfactionIcon]<http://www.sfbos.org/index.aspx?page=104> Click
here<http://www.sfbos.org/index.aspx?page=104> to complete a Board of Supervisors Customer Service
Satisfaction form.

The Legislative Research Center<http://www.sfbos.org/index.aspx?page=9681> provides 24-hour access to
Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject
to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal
information provided will not be redacted. Members of the public are not required to provide personal
identifying information when they communicate with the Board of Supervisors and its committees. All
written or oral communications that members of the public submit to the Clerk's Office regarding pending
legislation or hearings will be made available to all members of the public for inspection and copying. The
Clerk's Office does not redact any information from these submissions. This means that personal information-
including names, phone numbers, addresses and similar information that a member of the public elects to
submit to the Board and its committees-may appear on the Board of Supervisors website or in other public
documents that members of the public may inspect or copy.



19103 SOTF Complaint

Download



image001

Download

From: Office of the Mayor

10/17/2019

Subject: RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103



Hi Victor,

Thank you for the notice. Kanishka and Rebecca were not involved in this request. Can we remove them as
respondents please?

Thank you,

Hank Heckel
Legal Compliance Officer
Office of the Mayor
City and County of San Francisco
(415) 554-4796



image001

Download

From: Anonymous Person

10/17/2019

Subject: RE: California Public Records Act Request #19103

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

I have not named Rebecca or Kanishka as respondents, as I do not know who they are.

However, if they are 'custodians' per SFAC 67.21 of the Mayor's future schedule, I am happy to name them in the complaint as well.

--Anonymous (19103)

From: Office of the Mayor

10/17/2019

Subject: RE: California Public Records Act Request #19103

Anonymous,

Rebecca and Kanishka are not custodians of the Mayor's future schedule and there is accordingly no basis to add them in the complaint.

Regards,

Hank Heckel
Legal Compliance Officer
Office of the Mayor
City and County of San Francisco

From: Anonymous Person

10/17/2019

Subject: RE: California Public Records Act Request #19103

Perfect - I did not name them anyway, I believe that was an administrative decision by SOTF, so I am happy to have them removed.

My complaint as filed is:

Anonymous v Mayor London Breed, Hank Heckel, and Office of the Mayor

Thanks!

From: Anonymous Person

10/20/2019

Subject: RE: California Public Records Act Request #19103

FILE 19103

SOTF,

Please add to file 19103, the attachment, and this email.

In Order 18075 (attached), Kevin Williams v. George Gascon, District Attorney, your task force found that the District Attorney must provide future calendars, and failing to do so was an SFAC 67.21 violation. "The SOTF opined that future schedule/calendars are public records and should be provided in a redacted format. "

In File 19047 (order pending), Anonymous v. Mayor London Breed, et al. your task force found that the Mayor's non-Prop G calendars are public records.

Considering those 2 cases together, it is clear that the Mayor's, non-Prop-G, future calendar must be provided, in redacted form, with specific justifications.

Sincerely,
Anonymous

From: Anonymous Person

10/20/2019

Subject: RE: California Public Records Act Request #19103

Email

FILE 19103

SOTF,

Please add to file 19103, the attachment, and this email.

In Order 18075 (attached), Kevin Williams v. George Gascon, District Attorney, your task force found that the District Attorney must provide future calendars, and failing to do so was an SFAC 67.21 violation. "The SOTF opined that future schedule/calendars are public records and should be provided in a redacted format. "

In File 19047 (order pending), Anonymous v. Mayor London Breed, et al. your task force found that the Mayor's non-Prop G calendars are public records.

Considering those 2 cases together, it is clear that the Mayor's, non-Prop-G, future calendar must be provided, in redacted form, with specific justifications.

Sincerely,
Anonymous



SOTF_Order_18075.pdf

Download

From: Office of the Mayor

10/23/2019

Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request

Email

Please see the attached response to your petitions.

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234

1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org



~WRD115

Download



Exhibit A (2)

Download



Ltr. to Muckrock 10.23.2019

Download

From: Anonymous Person

10/24/2019

Subject: RE: California Public Records Act Request #19103

Email

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

FILE 19103

Mr. Heckel,

In Order 18075 (https://sfgov.org/sunshine/sites/default/files/SOTF_Order_18075.pdf), Kevin Williams v. George Gascon, District Attorney, SOTF found:

"The SOTF opined that future schedule/calendars are public records and should be provided in a redacted format. "

and determined that failing to provide them was unlawful.

In 19047, Anonymous v. Mayor London Breed, et al. SOTF found that the Mayor's non-Prop G calendars are public records and that failing to provide them was unlawful.

Considering those 2 cases together, it is clear that the non-Prop-G, future calendar must be provided, in redacted form, with specific justifications.

Please provide them immediately. If you want to redact every line and justify it, that is your option. (see: 18075, " Member Cate opined that the DA's calendar could have been produced if every line had been redacted. ")

Sincerely,

Anonymous

From: Office of the Mayor

11/13/2019

Subject: SOTF - Notice of Appearance - Compliance and Amendments Committee; November 26, 2019 4:30 p.m.

Email

Good Evening:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Compliance and Amendments Committee to: 1) hear the merits of the

complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: November 26, 2019.

Location: City Hall, Room 408

Time: 4:30 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. 19080: Complaint filed by Paul A. Vander Waerdt against the Dept. of Homelessness and Supportive Housing for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25 for failing to respond to an Immediate Disclosure Request in a timely manner.

File No. 19103: Complaint filed by Anonymous against Mayor London Breed, Hank Heckel and the Mayor's Offices for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25 and 67.26, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

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.

File No. 19111: Complaint filed by Michael Petrelis against Supervisor Rafael Mandelman for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 19114: Complaint filed by Shane Anderies against Tyler Vu and the Public Defender's Office for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.24, 67.25, 67.26, 67.27 and 67.29 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

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 into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, November 19, 2019.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724


<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<<http://www.sfbos.org/index.aspx?page=9681>> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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image001


 Download



SOTF - Complaint Procedure 2019-10-02 FINAL

 Download

From: Anonymous Person

11/19/2019 

Subject: RE: California Public Records Act Request #19103



RE: SOTF 19103 / Oct. 4 request for Oct. 21-28 calendars

Office of Mayor,

To remind you, you fully withheld all documents responsive to IDR (1) on Oct. 7 under GC 6254(f). I believe you have never responded at all to non-IDRs (2) and (3).

Sincerely,
Anonymous

**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 6, 2019**

DATE DECISION ISSUED
January 2, 2019

CASE TITLE – Kevin Williams. v. George Gascon, District Attorney; File No. 18075

FACTS OF THE CASE

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

File No. 18075: Complaint filed by Kevin Williams against District Attorney George Gascon for allegedly violating Administrative Code, (Sunshine Ordinance) Sections 67.25 and 67.29-5, by failing to respond to a request for public records (for business calendars) in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On October 16, 2018, the Education, Outreach and Training Committee acting in its capacity to hear petitions/complaints referred the matter to the SOTF for hearing. On January 2, 2019, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the complaint.

The Office of the District Attorney submitted a letter by Deputy City Attorney Wayne Snodgrass in lieu of appearance for File No. 18075. The Respondent did not appear at the hearing.

Mr. Williams (Petitioner) objected to the City Attorney's letter on procedure and merit grounds.

Member Hyland, seconded by Member Hinze, moved to not accept the letter written by the City Attorney Wayne Snodgrass in lieu of appearing.

Kevin Williams (Petitioner) provided a summary of his complaint and requested the Committee find a violation. Mr. Williams stated he wished to have his complaint heard before the full SOTF. Mr. Williams stated that the District Attorney's office violated Sunshine Ordinance Code 67.25 to timely respond to the complaint and 67.29-5 by failing to keep an accurate calendar. Mr. Williams stated that he disagrees with the District Attorney's response indicating that the

calendar must be made publicly available three days prior to an appointment or event. Mr. Williams stated that the District Attorney failed to turn over calendar records three days before the events take place and instead turned over calendar records after the scheduled event took place.

A question and answer period occurred.

Chair J. Wolf asked if Mr. Williams' Immediate Disclosure Request was responded to in a timely manner. Mr. Williams stated that the District Attorney's response was timely and as the District Attorney's Office invoked a ten-day extension of time and responded with records. Mr. Williams stated that he wanted the records of appointments three days after the appointment is made not three days after it takes place.

Member Hinze, seconded by Member Hyland, moved to find that the SOTF has jurisdiction, the records are public and to refer the matter to the SOTF for hearing regarding a possible a violation of Sunshine Ordinance, Section 67.29-5.

On January 2, 2019, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Kevin Williams (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Williams stated that only past dates on Gascon's calendar (Prop G) were provided and that the reason future dates were not provided is because he is a Black man. Mr. Williams stated that the District Attorney's Office willfully violated Sunshine Ordinance, Section 67.25 and restated that section into the record.

Nikesh Patel, Assistant District Attorney, Office of the District Attorney (Respondent), provided a summary of the department's position. Mr. Patel stated that the future schedule/calendar dates of the District Attorney (DA) were not provide due to security precautions. Mr. Patel stated that his department provided all Prop G records in response to Mr. Williams' request and that the records were provided in a timely manner. Mr. Patel stated that the DA keeps two separate calendars; one for past and one for future events, the later being unavailable to the public because of section 67.29-5. Mr. Patel stated that the reasons for not turning over the future calendar are not personal but due to the necessary security precautions.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Member J. Wolf opined that the calendar of future items might be considered draft material. Member Cate opined that the DA's calendar could have been produced if every line had been redacted.

The SOTF opined that future schedule/calendars are public records and should be provided in a redacted format.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that District Attorney George Gascon violated Administrative Code (Sunshine Ordinance), Section 67.21.

DECISION AND ORDER OF DETERMINATIONS

Member Cate, seconded by Member LaHood, moved to find that District Attorney George Gascon violated Administrative Code (Sunshine Ordinance), Section 67.21, by failing to provide the requested records (future calendars).

The motion PASSED by the following vote:

Ayes: 9 - Cate, LaHood, Hyland, Hinze, Cannata, J. Wolf, Martin, Yankee, B. Wolfe

Absent: 2 - Tesfai, Chopra

Noes: 0 - None.



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Kevin Williams (Petitioner/Complainant)
George Gascon, District Attorney (Respondent)
Nikesh Patel, Office of the District Attorney (Respondent)

Leger, Cheryl (BOS)

From: 81242-04060798@requests.muckrock.com
Sent: Monday, October 7, 2019 6:49 PM
To: SOTF, (BOS)
Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

October 7, 2019

This is a follow up to a previous request:

Task Force,

A new 67.21(e) petition/complaint is below. Please provide me a file number, and cc-me on the request for response to the Mayor.

Respondents: Office of Mayor, London Breed, Hank Heckel

Complainant: Anonymous (81242-04060798@requests.muckrock.com)

Alleged Violations: SFAC 67.21, 67.26, 67.25

Original Request Date: Oct. 4, 2019

Complaint:

I made an IDR on Oct 4 to the Mayor for among other things: "an electronic copy of the Mayor's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive)."

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They haven't even provided redacted information and have instead withheld in entirety all information.

(This has nothing to do with any metadata, headers, formats, etc.)

The Mayor's contention that regular political and policy meeting entries are as a whole "records of... security procedures.... of any state or local police agency" under Gov Code 6254(f) is completely inappropriate. No where does it say that records that "necessarily provide 'security procedures' information" (Heckel letter Oct. 7) are exempt - such a broad reading would exempt nearly all information about the Mayor since knowing where the Mayor was in the past also "provide[s]" information about her security detail. Heckel has notably elided the "*records of*... security procedures" prefix of his legal citation. Of course, the CA Supreme Court and Constitution require that we interpret laws that limit disclosure narrowly, and the Mayor's interpretation of 6254(f) is absurdly broad. Shall we make a state secret the Mayor's official physical business address because it would allow us to know that she has security protecting her at City Hall? This is nonsense.

These future meeting entries are not /in their entirety/ security procedures, and instead the non-exempt portions of these records tell us very important things about the priorities, communications, political and lobbying contacts of the

Mayor, and that information is completely public. Which is of course why the Mayor hides and obfuscates it. I have no interest in the security detail of the Mayor and they could merely redact that information. I suspect the vast majority of meetings have in fact absolutely no such security detail information given the non-Prop G calendars the Mayor has previously turned over.

The evidence of request and response is in the email thread at the bottom of this complaint e-mail.

**** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. ****

Thanks,

Anonymous

Filed via MuckRock.com

E-mail (Preferred): 81242-04060798@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81242%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAxJKbo2Vje5U7JJilkNXflXyg%3A1iHecm%3AW_CmT6cy4TAHxXfz2WwilfoUbhk

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 81242

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Oct. 7, 2019:

Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request

**** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. ****

I will of course appeal this. I have no interest in the security detail of the Mayor and you could merely redact that information.

I suspect the vast majority of meetings have in fact absolutely no such information given the non-Prop G calendars you have already turned over in the past.

I understand that you are an attorney, even if not the attorney for the Mayor -- your contention that regular political and policy meeting entities are as a whole "records of... security procedures.... of any state or local police agency" is completely inappropriate. No where does it say that records that "necessarily provide 'security procedures' information"

are exempt - such a broad reading would exempt nearly all information about the Mayor since knowing where the Mayor was in the past also "provide[s]" information about her security detail. You have notably elided the "records of... security procedures" prefix of your citation.

These future meeting entries are not /in their entirety/ security procedures, and instead the non-exempt portions of these records tell us very important things about the priorities, communications, political and lobbying contacts of the Mayor, and that information is completely public.

Sincerely,
Anonymous

On Oct. 7, 2019:
Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request
Dear Anonymous,

This responds in part to your request below received by the Office of the Mayor on October 4, 2019. Regarding Item 1, marked as an immediate disclosure request, the records you have sought regarding the Mayor's "prospective/expected" calendar or schedule for the dates of October 21 to October 28 are currently exempt from disclosure, at least pursuant to Cal. Gov. Code 6254(f). Pursuant to that section and contrary to your argument below, future events and meetings of the Mayor that are not public, necessarily provide "security procedures" information of a "local police agency" given the security assigned to the Mayor for such events and meetings.

Under that provision and a rule of reason analysis, it jeopardizes the safety and security of such meetings to reveal their details in advance. A meeting that has been publicly announced is available for disclosure. Similarly past meetings are recorded in the Prop G calendar and other scheduling documents, as you have seen from our other productions.

Please let me know if you have any questions.

Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

October 4, 2019

Office of the Mayor,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 4, 2019. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.

Mr. Heckel, Compliance Officer for the Mayor, made an intriguing assertion at the full SOTF hearing for Case 19047. While the task force ruled against the Mayor for *prior* calendar records, Mr. Heckel appeared to argue that all future

meetings of the Mayor are somehow completely secret (the SOTF did not rule on future meetings since they were not requested in 19047). I will be testing that purported claim of exemption. Note that it is implausible that there would be no prospective scheduling information for upcoming events the Mayor must attend to, even though Prop G requires no such calendar be kept. All calendars, whether Prop G or not, that your agency prepared, owned, used, or retained re: the public's business are public records -- as was also ruled at SOTF 19047 (see also, Sup. of Records response of Sept. 6).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of the Mayor's future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for the Mayor's Office. The Mayor's Office is not "the office of the Attorney General [or] the Department of Justice, the Office of Emergency Services [or] any state or local police agency" so the first clause re: security procedures does not apply. Furthermore a calendar cannot be "investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes." This would be an absurd stretch of the words of the statute; every meeting is not "for correctional, law enforcement, or licensing purposes." Information regarding the security detail for the Mayor may potentially be lawfully withheld under 6254(f) - but there is a lot more to a calendar than a security detail, such as normal political and policy meetings. I don't care about the security detail, and you may exclude the security detail info from responsive records. If you believe certain parts of a meeting record are redactable under 6254(f) or otherwise you must only redact each minimal portion and cite each justification.

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Please provide:

1. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to print each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately).

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I look forward to your immediate disclosure.

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Anonymous

Filed via MuckRock.com

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[81242%252F%253Femail%253Dmayorsunshinerequests%252540sfgov.org&url_auth_token=AAxJKbo2Vje5U7JjilkNXfixyg%3A1iGSEg%3AKb2-HWrfbAQTXiKTZHpbY2gY3Yc](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81242%252F%253Femail%253Dmayorsunshinerequests%252540sfgov.org&url_auth_token=AAxJKbo2Vje5U7JjilkNXfixyg%3A1iGSEg%3AKb2-HWrfbAQTXiKTZHpbY2gY3Yc)

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411A Highland Ave

Somerville, MA 02144-2516

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Sincerely,
Anonymous

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[81242%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAxJKbo2Vje5U7JJilkNXfiXyg%3A1iHecm%3AW_CmT6cy4TAHxXfz2WwilfoUbhk](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81242%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAxJKbo2Vje5U7JJilkNXfiXyg%3A1iHecm%3AW_CmT6cy4TAHxXfz2WwilfoUbhk)

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Leger, Cheryl (BOS)

From: 81242-04060798@requests.muckrock.com
Sent: Thursday, October 17, 2019 12:40 PM
To: Heckel, Hank (MYR)
Cc: Calvillo, Angela (BOS); Young, Victor (BOS); Karunaratne, Kanishka (MYR); Peacock, Rebecca (MYR)
Subject: RE: California Public Records Act Request #19103

Follow Up Flag: Follow up
Flag Status: Flagged

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

October 17, 2019

This is a follow up to request number 19103:

Perfect - I did not name them anyway, I believe that was an administrative decision by SOTF, so I am happy to have them removed.

My complaint as filed is:

Anonymous v Mayor London Breed, Hank Heckel, and Office of the Mayor

Thanks!

Filed via MuckRock.com

E-mail (Preferred): 81242-04060798@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAxJKbo2Vje5U7JJilkNXfIXyg%3A1iLBcY%3AEzS2pBE5ryq7lr2HOd1VBg10nY&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81242%252F%253Femail%253Dhank.heckel%252540sfgov.org

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On Oct. 17, 2019:
Subject: RE: California Public Records Act Request #19103
Anonymous,

Rebecca and Kanishka are not custodians of the Mayor's future schedule and there is accordingly no basis to add them in the complaint.

Regards,

Hank Heckel
Legal Compliance Officer
Office of the Mayor
City and County of San Francisco

On Oct. 17, 2019:
Subject: RE: California Public Records Act Request #19103
** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

I have not named Rebecca or Kanishka as respondents, as I do not know who they are.

However, if they are 'custodians' per SFAC 67.21 of the Mayor's future schedule, I am happy to name them in the complaint as well.

--Anonymous (19103)

On Oct. 17, 2019:
Subject: RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103
Hi Victor,

Thank you for the notice. Kanishka and Rebecca were not involved in this request. Can we remove them as respondents please?

Thank you,

Hank Heckel
Legal Compliance Officer
Office of the Mayor
City and County of San Francisco
(415) 554-4796

On Oct. 16, 2019:
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103
Good Afternoon:

You have been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days.
The Respondent is required to submit a written response to the allegations including any and all supporting documents,

recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice. This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:
Complaint Attached.

Both parties (Complainant and Respondent) will be contacted once a hearing date is determined.
Thank you.

Victor Young
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244
San Francisco CA 94102
phone 415-554-7723 | fax 415-554-5163
victor.young@sfgov.org<mailto:victor.young@sfgov.org> | www.sfbos.org<http://www.sfbos.org>
[CustomerSatisfactionIcon]<http://www.sfbos.org/index.aspx?page=104> Click
here<http://www.sfbos.org/index.aspx?page=104> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<http://www.sfbos.org/index.aspx?page=9681> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

On Oct. 9, 2019:

Subject: RE: California Public Records Act Request #19103

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The point is that your announcements should have no bearing on whether a calendar is exempt or not from disclosure. The mayor or her PR people does not get to choose for their own personal, political, or policy reasons when she does or

does not release records. If you believed there was a security issue, such exemption could not have changed between yesterday and today.

Regardless, now that you have released this press document, we know for a fact that there is a non-empty set of non-exempt information about the Mayor's future calendar that not even you are withholding for security reasons.

We also know for a fact that the Mayor possesses at least 2 (and after the Order in 19047 issues, we'll find out if you have any more) calendar accounts titled "PropG, Mayor (MYR)" and "Calendar, Mayor (MYR)" that hold her business calendar info.

Why have you not produced the portions of at least those two accounts showing the at least 7 items shown on the press calendar between Oct 21 and Oct 28? Even if you redact most of the information, you must produce the records and justify all of the redactions.

Sincerely,

Anonymous

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Leger, Cheryl (BOS)

From: 81242-04060798@requests.muckrock.com
Sent: Sunday, October 20, 2019 1:59 PM
To: SOTF, (BOS)
Subject: RE: California Public Records Act Request #19103

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

October 20, 2019

This is a follow up to request number 19103:

FILE 19103

SOTF,

Please add to file 19103, the attachment, and this email.

In Order 18075 (attached), Kevin Williams v. George Gascon, District Attorney, your task force found that the District Attorney must provide future calendars, and failing to do so was an SFAC 67.21 violation.

"The SOTF opined that future schedule/calendars are public records and should be provided in a redacted format. "

In File 19047 (order pending), Anonymous v. Mayor London Breed, et al. your task force found that the Mayor's non-Prop G calendars are public records.

Considering those 2 cases together, it is clear that the Mayor's, non-Prop-G, future calendar must be provided, in redacted form, with specific justifications.

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 81242-04060798@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81242%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAxJKbo2Vje5U7JJilkNXflXyg%3A1iMIHf%3AupylibiR9f0c9NNa4uMzNHZV4DY

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 81242

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Oct. 17, 2019:

Subject: RE: California Public Records Act Request #19103

Perfect - I did not name them anyway, I believe that was an administrative decision by SOTF, so I am happy to have them removed.

My complaint as filed is:

Anonymous v Mayor London Breed, Hank Heckel, and Office of the Mayor

Thanks!

On Oct. 17, 2019:

Subject: RE: California Public Records Act Request #19103

Anonymous,

Rebecca and Kanishka are not custodians of the Mayor's future schedule and there is accordingly no basis to add them in the complaint.

Regards,

Hank Heckel

Legal Compliance Officer

Office of the Mayor

City and County of San Francisco

On Oct. 17, 2019:

Subject: RE: California Public Records Act Request #19103

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

I have not named Rebecca or Kanishka as respondents, as I do not know who they are.

However, if they are 'custodians' per SFAC 67.21 of the Mayor's future schedule, I am happy to name them in the complaint as well.

--Anonymous (19103)

On Oct. 17, 2019:

Subject: RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103

Hi Victor,

Thank you for the notice. Kanishka and Rebecca were not involved in this request. Can we remove them as respondents please?

Thank you,

Hank Heckel
Legal Compliance Officer
Office of the Mayor
City and County of San Francisco
(415) 554-4796

On Oct. 16, 2019:
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103
Good Afternoon:

You have been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days. The Respondent is required to submit a written response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice. This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:
Complaint Attached.

Both parties (Complainant and Respondent) will be contacted once a hearing date is determined.
Thank you.

Victor Young
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244
San Francisco CA 94102
phone 415-554-7723 | fax 415-554-5163
victor.young@sfgov.org<mailto:victor.young@sfgov.org> | www.sfbos.org<http://www.sfbos.org>
[CustomerSatisfactionIcon]<http://www.sfbos.org/index.aspx?page=104> Click
here<http://www.sfbos.org/index.aspx?page=104> to complete a Board of Supervisors Customer Service Satisfaction
form.

The Legislative Research Center<http://www.sfbos.org/index.aspx?page=9681> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will

not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

On Oct. 4, 2019:

Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request
Office of the Mayor,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 4, 2019. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.

Mr. Heckel, Compliance Officer for the Mayor, made an intriguing assertion at the full SOTF hearing for Case 19047. While the task force ruled against the Mayor for *prior* calendar records, Mr. Heckel appeared to argue that all future meetings of the Mayor are somehow completely secret (the SOTF did not rule on future meetings since they were not requested in 19047). I will be testing that purported claim of exemption. Note that it is implausible that there would be no prospective scheduling information for upcoming events the Mayor must attend to, even though Prop G requires no such calendar be kept. All calendars, whether Prop G or not, that your agency prepared, owned, used, or retained re: the public's business are public records -- as was also ruled at SOTF 19047 (see also, Sup. of Records response of Sept. 6).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of the Mayor's future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for the Mayor's Office. The Mayor's Office is not "the office of the Attorney General [or] the Department of Justice, the Office of Emergency Services [or] any state or local police agency" so the first clause re: security procedures does not apply. Furthermore a calendar cannot be "investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes." This would be an absurd stretch of the words of the statute; every meeting is not "for correctional, law enforcement, or licensing purposes." Information regarding the security detail for the Mayor may potentially be lawfully withheld under 6254(f) - but there is a lot more to a calendar than a security detail, such as normal political and policy meetings. I don't care about the security detail, and you may exclude the security detail info from responsive records. If you believe certain parts of a meeting record are redactable under 6254(f) or otherwise you must only redact each minimal portion and cite each justification.

All records must be provided in rolling fashion.

Please read carefully the exact wording of my request as it is different than my prior ones. Please follow the Ordinance precisely as I am auditing your agency's public records regimen; as you are well aware, every violation of the Sunshine Ordinance will be appealed.

Please provide:

1. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the

exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to print each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately).

2. REGULAR DISCLOSURE: If the Mayor or any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 81242-04060798@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81242%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAxJKbo2Vje5U7JiikNXfIXyg%3A1iMIHf%3AupylibiR9f0c9NNa4uMzNHZV4DY

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Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Thursday, October 24, 2019 3:14 PM
To: SOTF, (BOS)
Subject: RE: SOTF Admin - Case Management

Mr. Young and I previously conferred regarding the state of my cases and where there are metadata issues.

I believe my cases are now in the following state. If you believe otherwise, please do let me know.

- 19047 - On Oct 24, Order issued; completed for now, until Mayor's office gives redacted non-Prop G and ICS records
- 19044 - On Oct. 2, Referred by SOTF to IT committee for email metadata discussion, which created new file 19105
- -----
- 19089 - On Sept. 24, Referred by committee to full SOTF (no metadata)
- 19091 - On Oct. 15, Referred by committee to full SOTF (no metadata)
- 19091-B (you haven't given me a new case number) - On Oct. 15, a new file was divided from 19091 to send the email metadata portion to IT committee while 19091 continues to full SOTF
- 19094 - On Oct. 15, Referred by committee to full SOTF (no metadata)
- 19095 - On Oct. 22, Referred by committee to full SOTF (no metadata)
- -----
- 19097 - Waiting for committee (a few non-metadata issues, but mostly metadata issues, probably easiest to send the whole file to IT committee)
- 19098 - Waiting for committee (lots of non-metadata issues; a few metadata issues, which should be split off into its own file and sent to IT committee)
- 19103 - Waiting for committee (no metadata), respondent has not responded to SOTF by due date
- 19108 - Waiting for committee (no metadata), respondent has not responded to SOTF by due date

Thanks,

Anonymous

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

On Thursday, October 3, 2019 6:08 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Thank you. Until I hear otherwise, I still intend to present 19091 and 19094 as agendized to Oct. 15 and will have documents to you by the deadline. (19095 is not about email headers as stated previously.)

Re: the other complaints: If the Technology Committee will hear 19044 (as referred), 19097, and 19098 and make whatever splitting decisions it needs to, that makes sense. There is no justification however to delay the numerous non-email-header issues in 19097 and 19098.

Please let me know your conclusion when you have one.

Thanks,
Anonymous

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

On Thursday, October 3, 2019 4:58 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Anonymous:

I will work with Chair Wolfe to determine the best way to handle 19097, 19098 and the other complaints. Please note that the Technology Committee can also hear complaints and divide the issues at their discretion.

Victor Young
Assistant Clerk

Board of Supervisors
phone 415-554-7723 | fax 415-554-5163

victor.young@sfgov.org | www.sfbos.org

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Thursday, October 3, 2019 3:45 PM
To: SOTF, (BOS) <sotf@sfgov.org>; Young, Victor (BOS) <victor.young@sfgov.org>
Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: RE: SOTF Admin - Case Management 19089, 19091, 19094, 19095, 19097, and 19098

** For inclusion in all file numbers in the subject line, and for (acting) Administrator response **

Thanks! 2 corrections I believe:

1) 19095 has no email header allegations so I believe it should go only to the normal committee on Oct. 22 and not to TBD Technology.

2) 19097 and 19098 should also be in the normal queue to be heard for jurisdiction at the (non-Technology) committee whenever the agenda permits -- just like 19091, they have numerous non-email-header allegations and the (non-Technology) Committee I assume can split the files and refer the email header issues to Technology Committee while sending the remainder to SOTF (if they find jurisdiction).

Thanks,

Anonymous

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

On Thursday, October 3, 2019 3:25 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Anonymous:

Regarding the October 15, 2019, Complaint Committee Meeting:

19091 - We will present to possibility of divide the file during the meeting.

19094 – Will proceed as scheduled.

October 22, 2019, File No. 19095, Compliance and Amendments Committee Meeting

19095 – tentatively scheduled for hearing

TBD Technology Committee

19097

19098

19095

19044 (heard by the SOTF and referred to the Technology Committee)

TBD SOTF

19089- previously heard and committee and pending scheduling before the SOTF.

Please contact me if my understanding is incorrect.

Victor Young

Assistant Clerk

Board of Supervisors

phone 415-554-7723 | fax 415-554-5163

victor.young@sfgov.org | www.sfbos.org

From: Anonymous <arecordsrequestor@protonmail.com>

Sent: Thursday, October 3, 2019 1:41 PM

To: Young, Victor (BOS) <victor.young@sfgov.org>; SOTF, (BOS) <sotf@sfgov.org>

Subject: SOTF Admin - Case Management 19089, 19091, 19094, 19095, 19097, and 19098

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

** For inclusion in all file numbers in the subject line, and for (acting) Administrator response **

Please see and respond as needed on separate threads for 19047 and 19044, sent earlier today, to keep everything well-organized.

Mr. Young,

Thank you for your work last evening, and for the task force's extensive investigation as well. I understand it is 'after hours' for you, and the commissioners are volunteers and these meetings can go on for a long time.

You pointed out during the hearing we should discuss the disposition of my other pending cases re: IT Committee referral. (As a disclaimer, I have a right to remain anonymous and have no legal obligation to acknowledge that various anonymous requests are from the same person; while I am voluntarily indicating that I am the same anonymous complainant below, I am under no obligation to do so in the future, nor do I voluntarily undertake any such obligation in the future or in any case not specifically numbered below. Please do not simply assume all anonymous complaints are from me, or impute responsibility for them to me.)

The following are some of my pending cases with a summary of the allegations (the summaries are not exhaustive and not limiting):

- **19089** vs City Atty - jurisdiction found, awaiting Full Task Force - subject matter: whether the Supervisor of Records must provide timely/complete determinations to petitions under 67.21(d) in 10 days
- **19091** vs Mayor - on committee Oct. 15 - subject matter: use of secret chat apps; violations of City of San Jose v Superior Court (Smith, 2017); images and attachments withheld; text messages withheld; email addresses withheld; and email headers withheld

- **19094** vs Dept of Tech. - on committee Oct. 15 - subject matter: failure to immediately respond; violations of 67.21(k) incorporating by reference CPRA Gov Code 6270.5; withholding parts of the enterprise system catalog/SB 272
- **19095** vs City Atty - awaiting Committee - subject matter: violations of 67.21(k) incorporating by reference CPRA Gov Code 6270.5, withholding parts of the enterprise system catalog/SB 272
- **19097** vs Dept of Public Works - awaiting committee - subject matter: violations of City of San Jose v Superior Court (Smith, 2017); images and hyperlinks withheld; email addresses withheld; and email headers withheld
- **19098** vs Police Dept - awaiting committee - subject matter: timeliness; failure to justify redactions; violations of City of San Jose v Superior Court (Smith, 2017); images and hyperlinks withheld; text messages withheld; email addresses withheld; and email headers withheld

Therefore, 19089, 19094, and 19095 should proceed completely unaffected.

I would suggest that the Oct. 15 committee use its power at the hearing to split 19091 into two files, a new file (say 19091-B) for the email headers allegation sent to the IT committee for its recommendation for overall city guidelines, and keep all the other important allegations in 19091 which should proceed undelayed.

I would suggest that 19097 and 19098 are similarly split at initial committee.

Some upcoming un-filed complaints may involve (without limitation): police misconduct records, secrecy of City contracts, secrecy of City financials, use of non-profits as a shield, privatized govt functions; improper use of Attorney-Client privilege, and more. I intend to continue to file requests, and if needed complaints, comprehensively auditing all parts of the City's public records regime, and subject to SFAC 67.21(e) requiring Task Force determination within 45 days, and I expect my complaints continue to be fairly heard in my "queue" order, subject to your 2-item-per-meeting procedure, and not delayed based on my identity.

In some of the future cases, a portion will again be related to email headers (simply because the evidence of what the govt is doing is usually *in* the emails), but the remainder will not be. I assume your committees will split them if and as needed. However I intend to file them before the IT committee recommendation is complete because the Respondent is always required to respond within 5 business days and is on notice that they should not destroy responsive records, and to

preserve any statutes of limitation if imposed by future Court proceedings.

I will call later today if I don't hear from you by email, as I need to start working on the correct set of case presentations.

Thanks a lot!

Anonymous

Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Tuesday, November 19, 2019 12:02 PM
To: SOTF, (BOS)
Subject: Re: SOTF 19103 and 19108 - Notice of appearance

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Ms. Leger, any luck with DCA memo and response documents on 19103/19108? I'd like to use them to finish my presentations.

NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be public records.

Thanks!

Anonymous

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

On Wednesday, November 13, 2019 6:08 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Thank you for the notice. Please provide the DCA memos and respondents' response in these cases.

NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be public records.

Sincerely,

Anonymous

Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Tuesday, November 19, 2019 12:25 PM
To: SOTF, (BOS)
Subject: RE: SOTF 19103 and 19108 - Notice of appearance

Thanks for taking the call as well Ms. Leger - I'm glad we could clarify the various parallel complaints.

I am sorry - I have looked through all of your email attachments both here and in MuckRock and unfortunately cannot find any 19103 DCA memo - do you mind resending it please? (I have many other DCA memos for other cases from you.)

Finally, the fact that respondents in these cases appear not to be following the 5 business day response requirement of the Task Force's procedure will also be noted at hearing.

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Sincerely,

Anonymous

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

On Tuesday, November 19, 2019 12:06 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Anonymous: There is no response as of yet for 19103, I have already sent you the DCA memo for that case. As to 19108, no response yet and the DCA Memo will probably be available tomorrow afternoon. I may be out either part of or the entire day tomorrow. I will be uploading the materials for the Compliance and Amendments meeting on Thursday, November 21 in the morning, so you will get everything I have thus far at that time. Nice speaking with you today.

Cheryl

415-554-7724

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Tuesday, November 19, 2019 12:02 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: SOTF 19103 and 19108 - Notice of appearance

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Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Friday, November 29, 2019 1:16 AM
To: SOTF, (BOS)
Cc: Leger, Cheryl (BOS); sotf@brucewolfe.net
Subject: SOTF 19103 - Supplemental documentation, and for DCA analysis
Attachments: Times-Mirror.pdf; signature.asc

Ms. Leger- Please enter this email with inline images and PDF attachment into the SOTF 19103 public file.

SOTF,

I believe the Chair asked the Task Force's DCAs to do further analysis of SOTF 19103 re: *Times Mirror Co vs Superior Court (1991)*, however I think there was some confusion at the committee hearing. I will also present this add'l info at the full task force hearing. I would request that the SOTF DCAs consider this in their analysis.

Part 1

The *Times Mirror Co vs Superior Court (1991)* case cited by the Supervisor of Records and Mr. Heckel in his letter to the SOTF in response to this complaint has been mis-construed.

Mr. Heckel's response letter stated (emphasis mine):

"That case related to a public records request for the Governor's daily calendar and **upheld exemptions from disclosure for calendar entries concerning future meetings of such executive government officials**, because information regarding the time, place and details of such meetings could jeopardize the security protections necessarily afforded to such officials."

This is an incorrect statement. *Times Mirror* never considered the "future meetings" of "executive government officials" - it solely considered a request for the Governor's past calendars. I challenge Respondents to show a citation within the case exempting future meetings OR applying the case to anyone other than the Governor. Furthermore, it never considered security procedures of police agencies, it was solely considering the safety of the Governor themselves AND the Governor's deliberative process privilege, which is precisely why it uses the balancing test (see below), and not 6254(f).

Part 2

Times Mirror's conclusion that the Governor's **past** calendars are exempt is as follows (pg. 12, Conclusion):

Accordingly, we are persuaded, on the instant record, that the public interest served by not disclosing the Governor's appointment calendars and schedules clearly and substantially outweighs the public interest in their disclosure. (§ 6255.)

This conclusion of the Supreme Court relies **solely** on Govt Code 6255 (the public interest balancing test). The Task Force and Respondents are prohibited from exempting information based on Gov Code 6255 (SFAC 67.24(g,i)). I cannot find any reference to Govt Code 6254(f), the exemption Respondents wish to use, anywhere in this case. Neither the Task Force, nor Respondents, may thus cite this case under the Sunshine Ordinance as a valid exemption case law. Even worse, part of the balancing test used by the Court (pg. 8-10)

weighed the importance of the Governor's deliberative process as a balancing factor against disclosure - SFAC 67.24(h) also prohibits the deliberative process privilege exemption.


Part 3

The Respondents did not cite *Times Mirror* in their justification to the withholding to the Oct 4 IDR. Instead the Respondents cited *Times Mirror* in its response to the Task Force. Their response to us on Oct. 7 was solely GC 6254(f) and a "rule of reason analysis."

Regardless, we know now at least part of the Oct. 21-28 calendar entries of the Mayor which were previously withheld in its entirety under Govt Code 6254(f). See the excerpt image below.

Are the words "Senior Staff Check In," "Bi-Weekly Meeting with Ken Rich," "Press Time," "Ed Reiskin (Staff: Andres Power," "Weekly Meeting with Police," "Jeff Cretan," or "Kanishka Cheng re: Commissions" all "security procedures" of a "local police agency"?

Of course they are not - and the Task Force therefore must find the Respondents in violation of SFAC 67.26 by not minimizing withholding of future calendar/meeting entries.

20	21 9:00am Senior Staff Check In (Remote Conference Call) 3:30pm Bi-Weekly Meeting with Ken Rich (City Hall, Room	22 11:00am Press
27	28	29 

PropG, Mayor (MYR)

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authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be public records.

Sincerely,

Anonymous complainant in SOTF 19103

Times Mirror Co. v. Superior Court (State of California) (1991)

[No. S014461. Jul 22, 1991.]

TIMES MIRROR COMPANY, Petitioner, v. THE SUPERIOR COURT OF SACRAMENTO COUNTY, Respondent; THE STATE OF CALIFORNIA et al., Real Parties in Interest.

(Superior Court of Sacramento County, No. 505002, Fred K. Morrison, Judge.)

(Opinion by Arabian, J., with Lucas, C. J., Panelli, and Baxter, JJ., concurring. Separate dissenting opinions by Mosk, J., with Broussard, J., concurring, and by Kennard, J., with Broussard, J., concurring.)

COUNSEL

Gibson, Dunn & Crutcher, Stephen J. Burns, Rex S. Heinke, Ragnhild Reif, Kelli L. Sager and Karen N. Fredericksen for Petitioner.

Pillsbury, Madison & Sutro, Edward P. Davis, Jr., Kevin M. Fong and Judy Alexander as Amici Curiae on behalf of Petitioner.

No appearance for Respondent.

John K. Van de Kamp and Daniel E. Lungren, Attorneys General, Robert L. Mukai, Chief Assistant Attorney General, N. Eugene Hill, Assistant Attorney General, Richard M. Frank, Cathy A. Neff and Ted Prim, Deputy Attorneys General, for Real Parties in Interest.

De Witt W. Clinton, County Counsel (Los Angeles), and David L. Muir, Deputy County Counsel, as Amici Curiae on behalf of Real Parties in Interest.

OPINION

ARABIAN, J.

This case arises out of a dilemma inherent in the very nature of a free and open society. An informed and enlightened electorate is essential to a representative democracy. Yet even democratic governments [53 Cal. 3d 1329] require some degree of confidentiality to ensure, among other things, a candid exchange of ideas and opinions among responsible officials. This tension inevitably leads to conflict, and conflict invariably leads to the courthouse.

The question before us is whether, under the California Public Records Act (Gov. Code, § 6250 et seq.; hereafter the Act),fn. 1 the Governor of the State of California (Governor) properly refused a request to disclose his daily, weekly and monthly appointment calendars and schedules. For the reasons set forth below, we conclude that the records were properly withheld.

Factual and Procedural Background

In August 1988, a reporter for the Los Angeles Times (Times) wrote the Governor requesting, under the Act, copies of his "appointment schedules, calendars, notebooks and any other documents that would list [the Governor's] daily activities as governor from [his] inauguration in 1983 to the present." The Governor's legal affairs secretary responded that the information requested was exempt from disclosure under section 6254, subdivision (1) as "correspondence of and to the Governor or employees of the Governor's office"fn. 2

After its request to reconsider this decision was denied, the Times filed suit seeking injunctive and declaratory relief to obtain disclosure of the materials requested. In opposition, the Governor claimed that the records came within the correspondence exemption of section 6254, subdivision (1), as well as the public interest exemption of section 6255, which applies when the public interest in nondisclosure "clearly outweighs" the public interest in disclosure.fn. 3 Specifically, the Governor claimed that release of his appointment calendars and schedules would (1) create a risk to his personal security, and (2) inhibit the free and candid exchange of ideas necessary to the decisionmaking process.

In support of his opposition, the Governor submitted several declarations explaining the process by which his appointment calendars and schedules [53 Cal. 3d 1330] are created, the function they serve, and the implications of their public disclosure. Susan Pederson, the Governor's scheduling secretary, explained that after reviewing requests for meetings and invitations, she drafts a "scheduling memorandum" which is then reviewed with four senior staff members of the Governor's office. A final scheduling memorandum and a "tentative month-long calendar" are then prepared in consultation with the Governor; the calendar "is a schematic representation of engagements and meetings discussed in the scheduling memorandum." Thereafter, a finished month-long calendar is produced which identifies the Governor's "major time commitments for public appearances and private meetings." Copies of this calendar are given to the Governor, a "limited number" of members of the Governor's office, the Director of Finance, the Governor's security director and those responsible for the Governor's transportation.

Each week the scheduling secretary also formulates a schedule for the two upcoming weeks, which incorporates information from the monthly calendar as well as more recently approved appointments and appearances. The schedule for the first week is designated "final," and that for the second is designated "advance." Lastly, a complete daily schedule is prepared on the afternoon or evening prior to each working day; the daily schedule "accounts for all the Governor's time from his departure from home in the morning until his departure from the office in the evening." The two-week and daily schedules are distributed to the same persons as the monthly calendar. According to Ms. Pederson, all persons receiving the monthly, two-week and daily schedules "do so with the understanding that they are to treat the schedule[s] and any accompanying material as confidential, and destroy the schedule once they have completed their use of it."fn. 4 Ms. Pederson did not indicate in her declaration whether or to what extent copies of the final calendars and schedules are normally retained by herself, the Governor or anyone else in the Governor's office.fn. 5

The level of detail set forth in the daily and two-week schedules is exhaustive. Each reflects, for example, "the timing and details of the Governor's arrivals and departures everywhere he goes in the course of his day [53 Cal. 3d 1331] ... whether and when family members and traveling companions will be with him, the particular aircraft or other means of transportation to be used, names of pilots and drivers, airport gate departures, specific hotel accommodations, [and] automobile and other ground arrangements." Thus, according to Ms. Pederson, the schedules and calendars necessarily reflect the daily "patterns and habits of the Governor," including the occasions "when he is likely to be alone."

Dennis Williams, the director of security for the Governor, also submitted a declaration. According to Mr. Williams, disclosure of the Governor's schedule "at any time in advance of the period to which

they pertain would seriously impair the ability of [his] office to assure the Governor's security, and would constitute a potential threat to the Governor's safety, because the information they contain will enable the reader to know in advance and with relative precision when and where the Governor may be found, those persons who will be with him, and when he will be alone." Even disclosure of outdated schedules would pose a security risk, in Mr. Williams's opinion, because they would "enable the reader to discern characteristic habits and activity patterns followed by the Governor, from which opportunities for access to the Governor's person may be surmised."

The Governor also submitted a declaration in support of his opposition to the Times complaint. In it he asserted that disclosure of his calendars and schedules would "be detrimental to the substantial public interest now served by protection of the confidential decisionmaking processes of [his] office" He explained that he had always considered his schedules and calendars to be confidential and had required his advisors to treat them as such, "because of the essential character of many of the meetings and appointments reflected in these papers, because of the decision making reflected in ... these papers, and because of concerns pertaining to security."

Elaborating upon the potentially adverse consequences of disclosure on the decisionmaking process, the Governor noted that his office requires him to meet with people of wide-ranging views on a multiplicity of subjects. Because of the frequent sensitivity of the subjects under discussion, "it is necessary," he stated, "that the meetings themselves be fundamentally private, so that those present may feel free to express their candid opinions to me and so that I can be assured of the candor of their expressions" Routine disclosure of the identities of the persons with whom the Governor meets, he asserted, would inhibit the deliberative process, in some instances by discouraging persons from attending meetings, in others by leading to unwarranted inferences about the subject under discussion. Furthermore, the Governor argued, although the calendars and schedules contain "facts" [53 Cal. 3d 1332] rather than opinions or advice, they necessarily reflect the Governor's "deliberative judgment" as to those persons, issues or events he considers to be of sufficient significance to occupy his time, and those he does not. Thus, the Governor claimed that disclosure of his calendars and schedules could substantially impair the quality of his decisions and the decisionmaking process of his office.

The Times's motion for injunctive and declaratory relief was heard on November 22, 1988. Following the hearing, the trial court denied the Times's motion for injunctive relief as well as its request for an in camera review, finding that the records were exempt from disclosure for each of the reasons urged by the Governor. However, the Court of Appeal reversed, holding that the records did not constitute correspondence under the Act; that disclosure would not implicate the deliberative process of government "because information relating to the content of meetings is not sought"; and that any security risk to the Governor, however slight, could not be evaluated without examining the documents themselves. Accordingly, the Court of Appeal remanded to the superior court "for an in camera review, segregation of any information posing a legitimate security risk, and disclosure of all nonexempt material."

Because we agree with the trial court that the public interest in not disclosing the records clearly outweighs the public interest in disclosure (§ 6255), we shall reverse the judgment of the Court of Appeal.

Discussion

A. Scope of Review

Before turning to the merits, we address a threshold issue concerning the applicable scope of review. [1a] Relying on section 6259, subdivision (c) and *Freedom Newspapers, Inc. v. Superior Court*

(1986) 186 Cal. App. 3d 1102 [231 Cal. Rptr. 189] (hereafter sometimes Freedom Newspapers), the Attorney General contends the Times can prevail only if the trial court acted in excess of its jurisdiction. An erroneous interpretation of the Act, abuse of judicial discretion or lack of substantial evidence to support the judgment would not, he asserts, justify reversal of the trial court's decision. We disagree.

Prior to 1984, review of a trial court order either directing disclosure of a public record or refusing disclosure was by appeal. In 1984, however, the Legislature substituted a writ procedure for the appellate process by amending section 6259 to provide as follows: "In an action filed on or after January 1, 1985, an order of the court, either directing disclosure by a **[53 Cal. 3d 1333]** public official or supporting the decision of the public official refusing disclosure, is not a final judgment or order within the meaning of Section 904.1 of the Code of Civil Procedure from which an appeal may be taken, but shall be immediately reviewable by petition to the appellate court for the issuance of the extraordinary writ of review as defined in Section 1067 of the Code of Civil Procedure." (§ 6259, subd. (c); Stats. 1984, ch. 802, § 1, pp. 2804-2805.)fn. 6 Section 1067 of the Code of Civil Procedure states: "The writ of certiorari may be denominated the writ of review."

In *Freedom Newspapers, Inc. v. Superior Court*, supra, 186 Cal. App. 3d 1102, the Court of Appeal considered the scope of review available under a writ of review filed pursuant to section 6259, subdivision (c). In that case, a newspaper had filed a public-records request for certain information concerning fees paid to court-appointed lawyers and investigators in an ongoing murder case. The trial court denied the request, holding that the public interest in nondisclosure-the defendant's right to a fair trial-outweighed any public interest in disclosure.

The Court of Appeal affirmed, despite the majority's view that the ruling was erroneous. Citing the seminal cases of *Abelleira v. District Court of Appeal* (1941) 17 Cal. 2d 280, 288 [109 P.2d 942, 132 A.L.R. 715], and *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal. 2d 450, 454 [20 Cal. Rptr. 321, 369 P.2d 937], the court noted that the granting of a writ of review or certiorari is generally confined to circumstances in which the trial court has exceeded its jurisdiction, either in the fundamental sense that it lacks power over the person or subject matter of the litigation, or in the broader sense that its act exceeds the defined power of the court, whether that power be defined by the Constitution, a statute, or a court-developed rule under the doctrine of stare decisis. By that standard, the Court of Appeal concluded, **[53 Cal. 3d 1334]** the trial court had not exceeded its jurisdiction as no statute, constitutional provision or clearly controlling precedent based on the Act compelled a contrary result. (*Freedom Newspapers*, supra, 186 Cal.App.3d at p. 1109.)

The Court of Appeal in this matter purported to distinguish *Freedom Newspapers* on the ground that the trial court's decision in the latter case was merely "arguably incorrect," while the lower court's ruling here was "fundamentally erroneous" under settled law. The distinction is not persuasive. As discussed in the following section, the question of access to the Governor's personal calendars and schedules is a difficult and unsettled legal issue; whatever its substantive merits, nothing in the record suggests that the trial court's decision constituted an act in excess of jurisdiction. (*Abelleira v. District Court of Appeal*, supra, 17 Cal.2d at p. 288.)

Nevertheless, we are not persuaded that our scope of review is as limited as the Governor urges or as the *Freedom Newspapers* court concluded. Both assume that by use of the term "writ of review" the Legislature clearly and unambiguously intended to preclude review of lower court orders on the merits. That assumption is unwarranted. Apart from providing for issuance of the extraordinary writ of review as defined in section 1067 of the Code of Civil Procedure, which merely states that "writ of review" may be used as an alternative to writ of certiorari, section 6259, subdivision (c) is silent as to the scope of review to be accorded orders under the Act.

To be sure, the writ of review is traditionally limited to acts in excess of jurisdiction. (*Abelleira v. District Court of Appeal*, supra, 17 Cal. 2d 228.) [2] [1b] However, the legislative history of the 1984 amendment to section 6259, subdivision (c) reveals that the exclusive purpose of the amendment was to speed appellate review, not to limit its scope.^{fn. 7} The bill which contained the amendment, Senate Bill No. 2222, 1983-1984 Regular Session, was sponsored by a news organization, the California Newspaper Publishers' Association. It was inspired by a case in which a newspaper had successfully sued in the superior court to obtain [53 Cal. 3d 1335] government records, but was forced to wait several years while the case was on appeal, by which time the story was no longer newsworthy.

The perceived evil at which the bill was aimed, according to a Senate Judiciary Committee analysis, was "delays of the appeal process, [by means of which] public officials are frustrating the intent of the laws for disclosure" "The sponsors of this bill," the analysis continued, "seek to correct an injustice they perceive due to ... the potential for ... public agencies to delay the disclosure of public documents." Accordingly, the amendment's goal was "to prohibit public agencies from delaying the disclosure of public records by appealing a trial court decision and using continuances in order to frustrate the intent of the Public Records Act." (Sen. Com. on Judiciary, Analysis of Sen. Bill No. 2222 (1983-1984 Reg. Sess.))

The synopsis of the bill prepared for the Assembly Committee on the Judiciary was to the same effect: "The bill is intended to expedite appellate review of judicial rulings relating to the withholding of public records by providing for the review to be by petition for issuance of a writ rather than by appeal." Although the Assembly analysis noted that writ review might occasionally result in a summary denial rather than an adjudication on the merits, there is no indication that the Legislature intended to preclude review on the merits altogether in every case. (Assem. Com. on Judiciary, Analysis of Sen. Bill No. 2222 (1983-1984 Reg. Sess.) Aug. 6, 1984.)

Moreover, we believe such an interpretation to be more fully in accord with the Act's express purpose of broadening the public's access to public records. (*CBS, Inc. v. Block* (1986) 42 Cal. 3d 646, 651 [230 Cal. Rptr. 362, 725 P.2d 470].) There is no indication that the Legislature, in amending section 6259, intended sub silentio to shelter trial court orders, particularly those denying disclosure of public records, from appellate oversight. Nor, in light of our responsibility to avoid absurd results (*County of Sacramento v. Hickman*, supra, 66 Cal.2d at p. 849, fn. 6), can we believe that the Legislature could have intended the chaos which might otherwise result from a construction of the statute disallowing review on the merits of conflicting decisions in the trial courts.

Finally, we note that effective January 1, 1991, the Legislature has provided that orders under the Act "shall be immediately reviewable by petition to the appellate court for issuance of an extraordinary writ." (§ 6259, subd. (c); Stats. 1990, ch. 908, § 2.) The amendment also added two new provisions: (1) the petition for extraordinary writ must be filed within ten days after receipt of notice of the trial court order, and (2) no stay of the trial court order shall be permitted "unless the petitioning party demonstrates [53 Cal. 3d 1336] it will otherwise sustain irreparable damage and probable success on the merits." (*Ibid.*)

The effect of the 1990 amendment providing for review by "extraordinary writ," including presumably writ of mandate, is, of course, to make it plain that review of orders subject to the amendment is not confined to acts in excess of jurisdiction. The analysis of the bill prepared for the Assembly Committee on the Judiciary indicates that the recent amendment was a response to *Freedom Newspapers, Inc. v. Superior Court*, supra, 186 Cal. App. 3d 1102, and was intended to overrule that decision by "clarifying" that the purpose of writ review is to speed appellate review, not to preclude review on the merits. As the analysis explains, "[T]he courts [(an apparent reference to *Freedom Newspapers*)] ... have narrowly interpreted [the 1984 amendment] to review questions of jurisdiction and not broader as intended by the original statute. This bill expands the extraordinary writ by clarifying that courts

can rule quickly on substantive issues." (Assem. Com. on Judiciary, Analysis of Sen. Bill No. 2272 (1989-1990 Reg. Sess.), italics added.)

Thus, while logic and history support a broad interpretation, we need not ultimately determine the meaning of the 1984 amendment; its replacement makes plain the Legislature's intent that trial court orders under the Act shall be reviewable on their merits. As a practical matter, therefore, declining to reach the substantive issues presented here would only delay their resolution to a future day; judicial economy and the significance of the questions presented militate in favor of a decision sooner rather than later. Therefore, as we have in the past, we shall conduct an independent review of the trial court's ruling; factual findings made by the trial court will be upheld if based on substantial evidence. (CBS, Inc. v. Block, supra, 42 Cal.3d at pp. 650-651.)

B. Disclosure of the Records

We turn to the merits of the Times's request for disclosure of the Governor's appointment calendars and schedules from his inaugural to the date of the request, a period of approximately five years. As noted earlier, the Governor claimed that the records were exempt from disclosure on three separate grounds: the correspondence exemption set forth in section 6254, subdivision (1); the deliberative process privilege, as subsumed under the "public interest" exception of section 6255; and the threat to the Governor's personal security, also pursuant to section 6255.

1. The Correspondence Exemption

[3] Section 6254, subdivision (1) exempts from operation of the Act "correspondence of and to the Governor or employees of the Governor's [53 Cal. 3d 1337] office." Black's Law Dictionary defines "correspondence" as constituting, inter alia, the "[i]nterchange of written communications." (Black's Law Dict. (5th ed. 1979) p. 311.) Seizing on this broad definition, the Governor argues that his calendars and schedules constitute "written communications" between his scheduling secretary, his senior staff and himself, and thus fall within the scope of the exemption.

The Court of Appeal rejected the contention, however, ruling that Webster's definition of correspondence as "communication by letters" (Webster's New Collegiate Dict. (9th ed. 1984) p. 293) was more in conformity with the "ordinary import of the language" of the statute and the underlying legislative intent. (People ex rel. Younger v. Superior Court (1976) 16 Cal. 3d 30, 43 [127 Cal. Rptr. 122, 544 P.2d 1322].)

The Court of Appeal was correct. Prior to 1975, the Act exempted from disclosure all records "[i]n the custody of or maintained by the Governor or employees of the Governor's office employed directly in his office" (Stats. 1970, ch. 1295, § 1.5, p. 2397.) In 1975, this exemption was amended to limit the exemption to correspondence of or to the Governor and his staff. (Stats. 1975, ch. 1246, § 3, p. 3209.) "Where changes have been introduced to a statute by amendment it must be assumed the changes have a purpose" (Louisiana-Pacific Corp. v. Humboldt Bay Mun. Water Dist. (1982) 137 Cal. App. 3d 152, 159 [186 Cal. Rptr. 833].)

The Governor's suggested definition of correspondence as "written communications" is so broad as to encompass nearly every document generated by the Governor's office, effectively reinstating the original exemption and rendering the 1975 amendment a nullity. Refining the definition, as the Governor suggests, to written communications "directed to an identifiable person or person for the purpose of establishing contact with the recipient," accomplishes little. Even under this definition, the exception would swallow the rule.

Therefore, we conclude that for purposes of the Act, the correspondence exemption must be confined to communications by letter. The Governor's appointment calendars and schedules plainly do not

meet this definition, and therefore are not exempt from disclosure under section 6254, subdivision (l).

2. The Public Interest Exemption

[4a] The Governor also asserts that his personal calendars and schedules are exempt from disclosure under section 6255, the so-called "public [53 Cal. 3d 1338] interest" exemption. An understanding of the claim requires a brief discussion of the purposes and structure of the Act and the exceptions thereto.

The Act replaced a hodgepodge of statutes and court decisions relating to disclosure of public records. (*American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal. 3d 440, 447 [186 Cal. Rptr. 235, 651 P.2d 822]; Shaffer et al., *A Look at the California Records Act and Its Exemptions* (1974) 4 *Golden Gate L.Rev.* 203, 210-213.) Its preamble declares "that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (§ 6250; *American Civil Liberties Union Foundation v. Deukmejian*, supra, 32 Cal.3d at p. 447.) In this and other respects the Act was modeled on its federal predecessor, the Freedom of Information Act (5 U.S.C. § 552 et seq.; hereafter FOIA), which was "broadly conceived" (*EPA v. Mink* (1973) 410 U.S. 73, 80 [35 L. Ed. 2d 119, 128, 93 S.Ct. 827]) to require "full agency disclosure unless information is [statutorily] exempted" (*Federal Open Market Committee v. Merrill* (1979) 443 U.S. 340, 351 [61 L. Ed. 2d 587, 598, 99 S. Ct. 2800].) The legislative history and judicial construction of the FOIA thus "serve to illuminate the interpretation of its California counterpart." (*American Civil Liberties Union Foundation v. Deukmejian*, supra, 32 Cal.3d at p. 447; *CBS, Inc. v. Block*, supra, 42 Cal.3d at p. 651.)

The Act sets forth numerous categories of records exempt from compelled disclosure. (§ 6254.) [5] In addition, section 6255 establishes a "catchall" exemption that permits the government agency to withhold a record if it can demonstrate that "on the facts of a particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record."

The Act does not specifically identify the public interests that might legitimately be "served by not making the record public" under section 6255. The nature of those interests, however, may be fairly inferred, at least in part, from the specific exemptions contained in section 6254. As one commentator has observed: "[S]ection 6255 was designed to act as a catchall for those individual records similar in nature to the categories of records exempted by section 6254, but which the Legislature determined, in balancing the competing interests, would not justify disclosure as a general rule [T]he provisions of section 6254 will provide appropriate indicia as to the nature of the public interest in nondisclosure and will thus aid the courts in determining the disclosability of a document under section 6255." (Note, *The California Public Records Act: The Public's Right of Access to Governmental Information* (1976) 7 *Pacific L.J.* 105, 119-120, italics added; see also *American Civil Liberties Union Foundation v. Deukmejian*, supra, 32 Cal.3d at p. 462 (conc. and dis. opn. of Bird, C. J.) ["The specific [53 Cal. 3d 1339] exemptions of section 6254 are of considerable aid in ascertaining the Legislature's conception of 'the public interest served by not making [a] record public' ".].)

While the specific exemptions set forth in section 6254 may be helpful in identifying certain interests to be protected under section 6255, they are not exclusive. Nothing in the text or the history of section 6255 limits its scope to specific categories of information or established exemptions or privileges. Each request for records must be "considered on the facts of the particular case" in light of the competing "public interests." (§ 6255.)

[4b] With these broad principles in mind, we turn to the question whether, on the facts presented, the public interest in nondisclosure of the Governor's appointment calendars and schedules "clearly outweighs" the public interest in disclosure of the records. (§ 6255.)

a. The Deliberative Process Privilege

(1) The Public Interest in Nondisclosure

Although not covered by the specific exemption for "preliminary drafts, notes, or ... memoranda" set forth in section 6254, subdivision (a),^{fn. 8} the Governor nevertheless contends that disclosure of his appointment schedules and calendars would jeopardize the decisionmaking or "deliberative process" which this exemption was designed to protect.^{fn. 9} More specifically, he argues that disclosure of the records in question, which identify where, when and with whom he has met, would inhibit access to the broad spectrum of persons and viewpoints which he requires to govern effectively.

While state precedents relating to the deliberative process or "executive" privilege are relatively scarce, federal cases are abundant.^{fn. 10} The FOIA [53 Cal. 3d 1340] equivalent to section 6254, subdivision (a) is contained in exemption 5 (5 U.S.C. § 552(b)(5)).^{fn. 11} As the United States Supreme Court has explained: "That Congress had the Government's executive privilege specifically in mind in adopting Exemption 5 is clear The cases uniformly rest the privilege on the policy of protecting the 'decision making processes of government agencies'" (NLRB v. Sears, Roebuck & Co. (1975) 421 U.S. 132, 150 [44 L. Ed. 2d 29, 47, 95 S. Ct. 1504].)

In adopting exemption 5, Congress's main concern, made plain in a Senate Report, was that "frank discussion of legal or policy matters" might be inhibited if "subjected to public scrutiny," and that "efficiency of Government would be greatly hampered" if, with respect to such matters, government agencies were "forced 'to operate in a fishbowl.' " (EPA v. Mink, *supra*, 410 U.S. at p. 87 [35 L.Ed.2d at p. 132], quoting from Sen.Rep. No. 813, 89th Cong., 1st Sess., p. 9; NLRB v. Sears, Roebuck & Co., *supra*, 421 U.S. at p. 150 [44 L.Ed.2d at p. 47].) As the high court has observed in an analogous context: "Human experience teaches that those [53 Cal. 3d 1341] who expect public dissemination of their remarks may well temper candor with a concern for appearances ... to the detriment of the decisionmaking process." (United States v. Nixon, *supra*, 418 U.S. at p. 705 [41 L.Ed.2d at p. 1062].)

To prevent injury to the quality of executive decisions, the courts have been particularly vigilant to protect communications to the decisionmaker before the decision is made. "Accordingly, the ... courts have uniformly drawn a distinction between predecisional communications, which are privileged [citations]; and communications made after the decision and designed to explain it, which are not." (NLRB v. Sears, Roebuck & Co., *supra*, 421 U.S. at pp. 151-152 [44 L.Ed.2d at p. 48].) As Professor Cox in his seminal article on executive privilege has explained, protecting the predecisional deliberative process gives the chief executive "the freedom 'to think out loud,' which enables him to test ideas and debate policy and personalities uninhibited by the danger that his tentative but rejected thoughts will become subjects of public discussion. Usually the information is sought with respect to past decisions; the need is even stronger if the demand comes while policy is still being developed." (Cox, Executive Privilege (1974) 122 U.Pa.L.Rev. 1383, 1410.)

In determining whether a document falls within the parameters of exemption 5, the federal courts have also recognized "that it requires different treatment for materials reflecting deliberative or policy-making processes on the one hand, and purely factual, investigative matters on the other." (EPA v. Mink, *supra*, 410 U.S. at p. 89 [35 L.Ed.2d at p. 133].) The courts have readily acknowledged, however, that the fact/opinion dichotomy may be misleading, and have refused to apply it in a mechanical or unthinking manner. The privilege, as one appeals court has written, "is intended to protect the deliberative process of government and not just deliberative material." (Mead Data Cent., Inc. v. U.S. Dept. of Air Force (D.C. Cir. 1977) 566 F.2d 242, 256 [184 App.D.C. 350], italics added; accord, National Wildlife Federation v. U.S. Forest Serv. (9th Cir. 1988) 861 F.2d 1114, 1118-119.) Accordingly, in some circumstances "the disclosure of even purely factual material may so expose the deliberative process ... that it must be deemed exempted by [5 United States Code] section 552(b)(5)." (Mead Data

Cent., Inc. v. U.S. Dept. of Air Force, *supra*, 566 F.2d at p. 256.) Decisions holding the exemption to be applicable even to "purely factual material" are legion. (See, e.g., *Montrose Chemical Corporation of California v. Train* (D.C. Cir. 1974) 491 F.2d 63, 67-71 [160 App.D.C. 270]; *Lead Industries Ass'n v. Occup. S. & H. Admin.* (2d Cir. 1979) 610 F.2d 70, 85-86 [60 A.L.R.Fed. 390]; *Ryan v. Department of Justice* (D.C. Cir. 1980) 617 F.2d 781, 790 [199 App.D.C. 199]; *Russell v. Department of the Air Force* (D.C. Cir. 1982) 682 F.2d 1045, 1048 [221 **53 Cal. 3d 1342**] App.D.C. 96]; *Dudman Communications v. Dept. of Air Force* (D.C. Cir. 1987) 815 F.2d 1565, 1568 [259 App.D.C. 364]; *Wolfe v. Department of Health and Human Services* (D.C. Cir. 1988) (in bank) 839 F.2d 768, 774 [268 App.D.C. 89]; *National Wildlife Federation v. U.S. Forest Serv.*, *supra*, 861 F.2d at pp. 1118-1119.)

In short, the courts' focus in exemption 5 cases is less on the nature of the records sought and more on the effect of the records' release. [6] The key question in every case is "whether the disclosure of materials would expose an agency's decisionmaking process in such a way as to discourage candid discussion within the agency and thereby undermine the agency's ability to perform its functions." (*Dudman Communications v. Dept. of Air Force*, *supra*, 815 F.2d at p. 1568.) Even if the content of a document is purely factual, it is nonetheless exempt from public scrutiny if it is "actually ... related to the process by which policies are formulated" (*Jordan v. United States Dept. of Justice* (D.C. Cir. 1978) 591 F.2d 753, 774 [192 App.D.C. 144]) or "inextricably intertwined" with "policy-making processes." (*Ryan v. Department of Justice*, *supra*, 617 F.2d at p. 790; *Soucie v. David* (D.C. Cir. 1971) 448 F.2d 1067, 1078 [145 App.D.C. 144].)

[4c] Although the precise question presented here-whether the Governor may properly invoke the deliberative process privilege with respect to his appointment calendars and schedules-has not heretofore been adjudicated, any number of decisions offer useful points of comparison.^{fn. 12} *Montrose Chemical Corporation of California v. Train*, *supra*, 491 F.2d 63, **53 Cal. 3d 1343** for example, illustrates how the seemingly straightforward distinction between fact and opinion blurs when the facts themselves reflect on the deliberative process. In that case, the plaintiffs sought two summaries of evidence presented at a public hearing which had been prepared by staff for the Administrator of the Environmental Protection Agency. Although the summaries contained only factual material, the court of appeals nevertheless held that the deliberative process privilege applied. The documents revealed the authors' evaluative judgment as to the relative significance of the facts in the record; the plaintiffs were attempting to discover, in advance of the administrator's decision, what facts he considered to be important or unimportant. (*Id.* at pp. 67-70.) Thus, "[t]o probe the summaries of record evidence," the court concluded, "would be the same as probing the decision-making process itself." (*Id.* at p. 68; see also *Lead Industries Ass'n v. Occup. S. & H. Admin.*, *supra*, 610 F.2d at p. 85 ["Disclosing factual segments from the [agencies'] summaries would reveal the deliberative process of summarization itself by demonstrating which facts in the massive rule-making record were considered significant by the decisionmaker and those assisting her."]; *Washington Research Proj., Inc. v. Department of H., E. & W.* (D.C. Cir. 1974) 504 F.2d 238, 250-251 [164 App.D.C. 169] ["[T]he judgmental element arises through the necessity to select and emphasize certain facts at the expense of others."]; *Farmworkers Legal Services v. U.S. Dept. of Labor* (E.D.N.C. 1986) 639 F. Supp. 1368, 1373 ["Because the list sought here is composed of selective fact, it ... could reveal the deliberative process."].)

The parallel here is evident. Disclosing the identity of persons with whom the Governor has met and consulted is the functional equivalent of revealing the substance or direction of the Governor's judgment and mental processes; such information would indicate which interests or individuals he deemed to be of significance with respect to critical issues of the moment. The intrusion into the deliberative process is patent.

Brockway v. Department of the Air Force (8th Cir. 1975) 518 F.2d 1184 illuminates another pertinent facet of the issue before us. The father of an Air Force pilot sought disclosure of certain witnesses'

statements concerning an airplane crash in which his son was killed. Although the information was factual rather than advisory in nature, the court nevertheless held that confidentiality was necessary to prevent " 'inhibition of the free flow of information' " to the Air Force. (Id. at p. 1193, quoting Note, *The Freedom of Information Act and the Exemption for Intra-Agency Memoranda* (1976) 86 Harv.L.Rev. 1047, 1052-1053.) "[W]ithout the assurances of confidentiality," the court concluded, the "flow of information to the Air Force" might be sharply curtailed, and the deliberative processes and efficiency of the agency greatly hindered. (518 F.2d at pp. 1193-1194.) **[53 Cal. 3d 1344]**

The reasoning of the federal court applies with equal force here. If the law required disclosure of a private meeting between the Governor and a politically unpopular or controversial group, that meeting might never occur. Compelled disclosure could thus devalue or eliminate altogether a particular viewpoint from the Governor's consideration. Even routine meetings between the Governor and other lawmakers, lobbyists or citizens' groups might be inhibited if the meetings were regularly revealed to the public and the participants routinely subjected to probing questions and scrutiny by the press.

In sum, while the raw material in the Governor's appointment calendars and schedules is factual, its essence is deliberative. Accordingly, we are persuaded that the public interest in withholding disclosure of the Governor's appointment calendars and schedules is considerable.^{fn. 13}

(2) Balancing the Interests

[7] Having so concluded, however, the lingering question nevertheless remains whether the public interest in nondisclosure "clearly outweighs" the public interest in disclosure. (§ 6255.) On the facts presented, we are persuaded that it does.

The Times asserts that, "in a democratic society, the public is entitled to know how [the Governor] performs his duties, including the identity of persons with whom he meets in the performance of his duties as Governor." Although the Times makes no effort to elaborate on this statement, its meaning is abundantly clear. In politics, access is power in its purest form. Entrance to the executive office is the passport to influence in the decisions of government. The public's interest extends not only to the individual they elect as Governor, but to the individuals their Governor selects as advisors.

One could readily imagine additional public benefits accruing from disclosure of the Governor's private itinerary, as well. It could be argued, for **[53 Cal. 3d 1345]** example, that the prospect of publicity would expand rather than contract the number and variety of persons meeting with the Governor. Disclosure might also reveal whether the Governor was, in fact, receiving a broad range of opinions, and ultimately whether the state's highest elected officer was attending diligently to the public business.

Moreover, in response to the assertion that disclosure could chill the flow of information to the executive office, one might argue, as the Court of Appeal concluded, that the Governor's advisors should be made of "sterner stuff"; we need not assume that the Governor, or those otherwise inclined to confer with the Governor, would be deterred by the mere specter of publicity.

The answer to these arguments is not that they lack substance, but pragmatism. The deliberative process privilege is grounded in the unromantic reality of politics; it rests on the understanding that if the public and the Governor were entitled to precisely the same information, neither would likely receive it. Politics is an ecumenical affair; it embraces persons and groups of every conceivable interest: public and private; popular and unpopular; Republican and Democratic and every partisan stripe in between; left, right and center. To disclose every private meeting or association of the Governor and expect the decisionmaking process to function effectively, is to deny human nature and

contrary to common sense and experience. (See *United States v. Nixon*, *supra*, 418 U.S. at p. 705 [41 L.Ed.2d at p. 1062].)

Furthermore, whatever merit disclosure might otherwise warrant in principle is simply crushed under the massive weight of the Times's request in this case: the newspaper seeks almost five years of the Governor's calendars and schedules, covering undoubtedly thousands of meetings, conferences and engagements of every conceivable nature. We are not persuaded that any identifiable public interest supports such a wholesale production of documents.

Accordingly, on the present record, we conclude that the public interest in nondisclosure clearly outweighs the public interest in disclosure. (§ 6255.)

Lest there be any misunderstanding, however, we caution that our holding does not render inviolate the Governor's calendars and schedules or other records of the Governor's office. There may be cases where the public interest in certain specific information contained in one or more of the Governor's calendars is more compelling, the specific request more focused, and the extent of the requested disclosure more limited; then, the court might properly conclude that the public interest in nondisclosure does not [53 Cal. 3d 1346] clearly outweigh the public interest in disclosure, whatever the incidental impact on the deliberative process. Plainly, that is not the case here.^{fn. 14}

b. The Governor's Security Interest

Our conclusion that the trial court properly denied the Times's request under the public interest exemption (§ 6255) finds additional support in the evidence relating to the potential threat to the Governor's physical security.

As noted earlier, the Governor's daily and weekly schedules set forth in exhaustive detail the particulars of the Governor's meetings and travel: time and location of arrivals and departures; traveling companions; hotel accommodations; and ground transportation. The revelation of such information, the Governor's security director reasonably asserts, "would seriously impair [his] ... ability to assure the Governor's security, and would constitute a potential threat to the Governor's safety, because the information ... will enable the reader to know in advance and with relative precision when and where the Governor may be found, those persons who will be with him, and when he will be alone." Confining disclosure to outdated calendars and schedules might mitigate but would not altogether eliminate the threat; it is plausible to believe that an individual intent on doing harm could use such information to discern activity patterns of the Governor and identify areas of particular vulnerability.

The Times argues that the Governor has, in effect, waived any security interest by voluntarily releasing "public schedules" for each coming week. The contention lacks merit. The "public schedules" set forth in the record reveal little more than the time and place of the Governor's scheduled public speaking engagements; they contain none of the specific details characteristic of his personal calendars and schedules.

Nor are we persuaded that the trial court erred, as the Times contends, in refusing to order an in camera review of the requested records to segregate information which might pose a legitimate security risk from other material, such as outdated schedules and calendars, which purportedly would not. [53 Cal. 3d 1347] As noted, the trial court could properly find, based on the declarations, that an individual intent on doing harm to the Governor might be able to reconstruct the Governor's daily habits and patterns using outdated schedules.^{fn. 15}

Conclusion

"Give every man thy ear, but few thy voice," Shakespeare's Polonius advised.^{fn. 16} Those in policymaking positions of government would do well to abide the admonition. Access to a broad array of opinions and the freedom to seek all points of view, to exchange ideas, and to discuss policies in confidence, are essential to effective governance in a representative democracy. Accordingly, we are persuaded, on the instant record, that the public interest served by not disclosing the Governor's appointment calendars and schedules clearly and substantially outweighs the public interest in their disclosure. (§ 6255.)

The judgment of the Court of Appeal is reversed.

Lucas, C. J., Panelli, J., and Baxter, J., concurred.

MOSK, J.,

Dissenting.

The dissent of Justice Kennard is irrefutable, and I agree completely with her opinion on the law. I write separately only on the issue of public policy.

Secrecy has always been deemed anathema to democratic government. Time and again justices of the Supreme Court have deplored secrecy in government. Justice Frankfurter declared that, "Secrecy is not congenial to truth seeking." (*Anti-Fascist Committee v. McGrath* (1951) 341 U.S. 123, 171 [95 L. Ed. 817, 854, 71 S. Ct. 624].) Justice Stevens wrote that, "Neither our elected nor our appointed representatives may abridge the free flow of information simply to protect their own activities from public scrutiny." (*Press-Enterprise Co. v. Superior Court* (1986) 478 U.S. 1, 19 [92 L. Ed. 2d 1, 17, 106 S. Ct. 2735].) Justice Douglas quoted Henry Steele Commager, the noted historian: "The generation that made the nation thought secrecy in government one of the instruments of Old World tyranny and committed **[53 Cal. 3d 1348]** itself to the principle that a democracy cannot function unless the people are permitted to know what their government is up to." (*EPA v. Mink* (1973) 410 U.S. 73, 105 [35 L. Ed. 2d 119, 142, 93 S. Ct. 827].) Justice Douglas also quoted James Madison: "'A popular government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.'" (*Id.* at p. 110 [35 L. Ed. 2d at p. 145].) Justice Brennan wrote that secrecy "can only breed ignorance and distrust" and that, conversely "free and robust reporting, criticism, and debate can contribute to public understanding ... as well as improve the quality of that system by subjecting it to the cleansing effects of exposure and public accountability." (*Nebraska Press Assn. v. Stuart* (1976) 427 U.S. 539, 587 [49 L. Ed. 2d 683, 714, 96 S. Ct. 2791].) Justice Blackmun declared that information is necessary "to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed." (*John Doe Agency v. John Doe Corp.* (1989) 493 U.S. 146, 152 [107 L. Ed. 2d 462, 471, 110 S. Ct. 471, 475].)

Countless similar observations by justices and commentators could be cited. In short, the lessons of history tell us over and over that secrecy in government, except as provided by law, causes lack of public confidence and various other ills. We would do well to heed the words of Justice Brandeis: "sunlight is said to be the best of disinfectants."

Secrecy is inconsistent with the duty of public officials to keep the public informed of their activities, including the identity of those persons who have access to them. That this is not an unreasonable requirement is made clear on the national scene.

It is common knowledge that the schedule of the President of the United States is released to broadcast and print media by his press secretary every day, in advance of events. In contrast, the daily

schedule of the Governor is shrouded in secrecy both before and long after the events have transpired, indeed permanently. It is difficult to rationalize justification for the Governor of this state being more furtive in his scheduling than the President of the United States. Certainly the problems of the state are not more significant, more potentially devastating, than those involving the nation's security and welfare with which the President is concerned.

It is true that the national media are requested not to release the President's schedule in advance of events. But, having been advised of the events and appointments, they are free to publish the information immediately [53 Cal. 3d 1349] afterwards. Here the petitioner does not seek the Governor's schedule in advance, but only after the events and appointments have transpired.

Though the majority do not tell us, one must wonder whether under their theory this secrecy in scheduling applies not merely to the Governor but to the entire executive branch of our state government, to secretaries, cabinet officers, chairpersons of boards and commissions. And if it is a prerogative of the executive branch, does it also apply to county executives and local mayors? If we are not to be discriminatory, the secrecy pit is bottomless.

The majority, in their footnote 14, observe that the Commission on Judicial Performance conducts its investigations in confidence, pursuant to a constitutional provision. They make my point: if there is to be governmental secrecy it must be pursuant to law. There is no statutory or constitutional provision specifically granting the right of secrecy to the Governor.

The conclusion is inescapable, as Justice Kennard declares in her discussion of the applicable law, that the judgment of the Court of Appeal should be affirmed.

Broussard, J., concurred.

KENNARD, J.

I dissent.

To support its holding that a governor's appointment calendars and schedules are exempt from disclosure, the majority relies primarily on the deliberative process privilege. Because the requested documents reveal the identity of those with whom a governor has met, the majority reasons that their disclosure would reveal "the substance or direction of the Governor's judgment and mental processes" (maj. opn., ante, p. 1343) or "devalue or eliminate altogether a particular viewpoint from the Governor's consideration" (maj. opn. ante, p. 1344) and thereby "chill the flow of information to the executive office" (maj. opn. ante, p. 1345). I am not persuaded.

The documents at issue disclose only the fact of meetings, not the contents of communications. With rare exceptions, the deliberative process is not compromised by disclosing merely the identity of the participants in policy discussions. Even assuming that the documents at issue contain some material protected by the deliberative process privilege, the government has not made the detailed and specific showing required to establish such a claim, and such protected matter, if it exists, could be easily segregated [53 Cal. 3d 1350] from the bulk of the requested public records.^{fn. 1} I conclude also that concerns about a governor's security do not warrant complete exemption of the requested records.

I

The California Public Records Act (Gov. Code, § 6250 et seq.; hereafter the Act)^{fn. 2} was modeled on the federal Freedom of Information Act (5 U.S.C. § 552; hereafter the FOIA). The purpose of both the Act and the FOIA is to require that public business be conducted "under the hard light of full public scrutiny" (Tennessean Newspapers, Inc. v. Federal Housing Admin. (6th Cir. 1972) 464 F.2d 657,

660), and thereby "to permit the public to decide for itself whether government action is proper" (Washington Post Co. v. U.S. Dept. of Health, etc. (D.C. Cir. 1982) 690 F.2d 252, 264, italics in original). The Act declares that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (§ 6250.) For both the FOIA and the Act, "disclosure, not secrecy, is the dominant objective." (Dept. of Air Force v. Rose (1976) 425 U.S. 352, 361 [48 L. Ed. 2d 11, 21, 96 S. Ct. 1592].)

Because the FOIA provided a model for the Act, and because they have a common purpose, the Act and its federal counterpart "should receive a parallel construction." (American Civil Liberties Union Foundation v. Deukmejian (1982) 32 Cal. 3d 440, 451 [186 Cal. Rptr. 235, 651 P.2d 822].) Therefore, federal decisions under the FOIA may be used to construe the Act. (Braun v. City of Taft (1984) 154 Cal. App. 3d 332, 342 [201 Cal. Rptr. 654]; San Gabriel Tribune v. Superior Court (1983) 143 Cal. App. 3d 762, 772, 777 [192 Cal. Rptr. 415].)

It is undisputed that the Act protects the deliberative processes of government agencies and officials, but it is not clear whether it does so through subdivisions (a) or (k) of section 6254 (see maj. opn., ante, p. 1339, fns. 8 & [53 Cal. 3d 1351] 9), through section 6255, or through all of these. (See 53 Ops. Cal. Atty. Gen. 136 (1970).) The majority proceeds on the assumption that the Act protects the deliberative process through section 6255. fn. 3 Although it would seem that the deliberative process privilege is more properly located in subdivision (a) of section 6254 (see Citizens for a Better Environment v. Department of Food & Agriculture (1985) 171 Cal. App. 3d 704, 712 [217 Cal. Rptr. 504]), I will likewise assume, for purposes of this case only, that it may properly be asserted under section 6255.

The role of the deliberative process privilege under the FOIA has been well defined. The privilege is included within the ambit of what is commonly referred to in FOIA cases as exemption 5. fn. 4 (See EPA v. Mink, supra, 410 U.S. 73, 85-86 [35 L. Ed. 2d 119, 131-132].) Because the deliberative process privilege has been the subject of intense and careful scrutiny in the context of the FOIA, consideration of the cases and commentaries construing the federal legislation is crucial to a proper resolution of the issue presented here.

The deliberative process privilege protects an agency's internal working papers consisting of advice, recommendations, opinions, and other material reflecting deliberative or policymaking processes. (Wu v. National Endowment for Humanities (5th Cir. 1972) 460 F.2d 1030, 1034; Soucie v. David (D.C. Cir. 1971) 448 F.2d 1067, 1077 [145 App.D.C. 144].) Like all exemptions under both the FOIA and the Act (see United States Dept. of Justice v. Julian, supra, 486 U.S. 1, 8 [100 L. Ed. 2d 1, 11]; New York Times Co. v. Superior Court (1990) 218 Cal. App. 3d 1579, 1585 [268 Cal. Rptr. 21]), it is to be narrowly construed.

The privilege has three policy bases: "First, it protects creative debate and candid consideration of alternatives within an agency, and, thereby, [53 Cal. 3d 1352] improves the quality of agency policy decisions. Second, it protects the public from the confusion that would result from premature exposure to discussions occurring before the policies affecting it had actually been settled upon. And third, it protects the integrity of the decision-making process itself by confirming that 'officials should be judged by what they decided[,] not for matters they considered before making up their minds.'" (Jordan v. United States Dept. of Justice (D.C. Cir. 1978) 591 F.2d 753, 772-773 [192 App.D.C. 144], fns. omitted.) The ultimate purpose of the deliberative process privilege is "to prevent injury to the quality of agency decisions." (NLRB v. Sears, Roebuck & Co. (1975) 421 U.S. 132, 151 [44 L. Ed. 2d 29, 47, 95 S. Ct. 1504].)

To qualify for exemption under the deliberative process privilege, a document or a portion of a document must be both predecisional and deliberative. (NLRB v. Sears, Roebuck & Co., supra, 421

U.S. 132, 151-154 [44 L. Ed. 2d 29, 47-49]; *Mead Data Cent., Inc. v. U. S. Dept. of Air Force* (D.C. Cir. 1977) 566 F.2d 242, 257 [184 App.D.C. 350].) To establish that a document is predecisional, an agency must identify an agency decision or policy to which the document contributed (*Senate of Puerto Rico v. U.S. Dept. of Justice* (D.C. Cir. 1987) 823 F.2d 574, 585 [262 App.D.C. 166]), or at least must show "that the document is in fact part of some deliberative process" (1 *Braverman & Chetwynd*, *Information Law* (1985) § 9-4.3.1, p. 364, italics in original; *NLRB v. Sears, Roebuck & Co.*, *supra*, 421 U.S. at p. 151, fn. 18 [44 L.Ed.2d at p. 48]).

In this case, the government has satisfied neither of these foundational requirements for invoking the deliberative process privilege.

First, the government has not shown that the documents are predecisional. It has not identified particular policies or decisions that resulted from particular meetings mentioned in the calendars and schedules or otherwise shown that the meetings were each part of some deliberative process. Indeed, it seems likely that many of the meetings were ceremonial occasions unrelated to any policy or decision, and that others consisted of explanation of policies already formulated or the formulation of plans and strategies for their implementation. The deliberative process privilege can have no application to such postdecisional or nondecisional meetings.

Second, the government has not shown that the documents are deliberative. To qualify as deliberative, a document generally must consist of opinions or recommendations. Purely factual material may be withheld only if it is "inextricably intertwined with policy-making processes" (*Soucie v. David*, *supra*, 448 F.2d 1067, 1077-1078, fn. omitted), if it would expose the deliberative process by the manner in which the factual material is [53 Cal. 3d 1353] organized or presented (*Ryan v. Department of Justice* (D.C. Cir. 1980) 617 F.2d 781, 790 [199 App.D.C. 199]), or if it would compromise the agency's ability to gather information in the future (*Brockway v. Department of Air Force* (8th Cir. 1975) 518 F.2d 1184, 1191-1192).

The majority relies on an analogy between agency summaries of factual material, which are exempt from disclosure if they reveal the deliberative process by the manner in which material is summarized, and appointment calendars showing the persons with whom a high government official has met. The majority encapsulates this reasoning in the following sentence: "Disclosing the identity of persons with whom the Governor has met and consulted is the functional equivalent of revealing the substance and direction of the Governor's judgment and mental processes; such information would indicate which interests or individuals he deemed to be of significance with respect to critical issues of the moment." (Maj. opn., ante, p. 1343.)

The analogy is inapt. The selection of a fact for inclusion in a summary indicates clearly and directly that the person making the summary considers it important to the decision. But information that a governor has met or will meet with an individual on a particular date has no such unambiguous significance. Although disclosure of appointment calendars and schedules does provide glimpses into the inner workings of the governor's office, and thereby serves a substantial public interest, these glimpses are so indirect that they will injure the decisional process only in rare instances.

Consider first a list of the occasions on which a governor has met or will meet with members of his or her personal staff or with the heads of executive branch agencies. Without information as to both the topics discussed and the advice or opinions offered, such a list would reveal nothing about the status of the governor's thinking about "critical issues of the moment." Although information that a governor seldom or never meets with an agency director could signify that the governor has little confidence in the individual's advice (it could also indicate a preference for communication by telephone or written memorandum), it would disclose nothing about the substance of the governor's thinking on any issue and so would pose no threat of injury to the deliberative process.

Consider next a list of occasions on which a governor has met with persons outside state government. Although the list would not disclose the topics discussed or the advice or opinions expressed, these could sometimes be inferred if the persons with whom the governor met had publicly advocated particular positions on issues that required a decision by the governor. Even in these cases, however, information that the Governor met with an **[53 Cal. 3d 1354]** advocate for a particular position reveals little about how the governor is inclined to decide the issue. Governors do not meet only with advocates whose views they are inclined to favor. A governor may wish to test a tentative decision or inclination against the arguments of those advocating a different course, or the governor may choose to hear the opposing arguments as a matter of courtesy, political expediency, or public relations. And if a governor has met with representatives of all points of view, what can this possibly reveal about "the substance and direction of the governor's judgment" as to the question at issue? Thus, information that a governor has met with an individual does not reveal the Governor's judgment about the merits of the position the individual is advocating, and so poses no discernible threat of injury to the deliberative process.

On the other hand, there is a very substantial public interest in disclosure of the occasions on which a governor has met with persons outside government who seek to influence the governor's decisions on critical issues. This interest is reflected in the many decisions under the FOIA holding that the deliberative process privilege does not protect communications by interested parties seeking to influence government decisions. (Van Bourg, Allen, Weinberg & Roger v. N.L.R.B. (9th Cir. 1985) 751 F.2d 982, 985; County of Madison, N. Y. v. U. S. Dept. of Justice (1st Cir. 1981) 641 F.2d 1036, 1040-1042; Mead Data Cent., Inc. v. U. S. Dept. of Air Force, supra, 566 F.2d 242, 257-258; NAACP Legal Defense Fund v. U.S. Dept. of Justice (D.D.C. 1985) 612 F. Supp. 1143, 1146-1147; see also Weaver & Jones, The Deliberative Process Privilege (1989) 54 Mo.L.Rev. 279, 300; Project: Government Information and the Rights of Citizens (1975) 73 Mich.L.Rev. 971, 1071; Note, The Freedom of Information Act: A Seven- year Assessment (1974) 74 Colum.L.Rev. 895, 942; Note, The Freedom of Information Act and the Exemption for Intra-agency Memoranda (1973) 86 Harv.L.Rev. 1047, 1065.) The public interest in monitoring the activities of those who seek to gain private advantage by influencing government decisions is also reflected in the detailed regulatory system enacted to control the practice of lobbying. (§ 86100 et seq.)

Although the majority defends its holding with citation to Brockway v. Department of Air Force, supra, 518 F.2d 1184, examination of that decision exposes the weakness of the majority's position. The Brockway court held that the deliberative process privilege protects an agency document containing the statements of witnesses to an airplane crash. Yet in that case the agency voluntarily revealed the names of the witnesses it had interviewed. (Id. at p. 1186.) No claim was ever made that disclosing merely the fact of the interviews, as opposed to what was said, would harm the deliberative **[53 Cal. 3d 1355]** process privilege.fn. 5 (See also 8 Wright & Miller, Federal Practice and Procedure (1970) § 2019, pp. 160-161 ["Frequently statutes requiring particular kinds of reports to be made to government will provide that such reports are to be kept confidential. ... The fact that a person has made a report of this kind is not privileged, even though the contents of the report may be."].)

Many other FOIA decisions also weigh heavily against the majority's conclusion. Under the FOIA, courts and commentators alike have concluded that the identities of persons who participate in the process of formulating policy within a governmental agency by giving opinions, advice, or recommendations are essentially factual rather than deliberative, and that disclosure of documents revealing the names of participants in policy formulation will not compromise the deliberative process.

For instance, in two cases in which it was alleged that the government had charged exorbitant prices for homes sold to low-income buyers, courts ordered disclosure of the identity of the appraisers on whom the government had relied. (Tennessean Newspapers, Inc. v. Federal Housing Admin., supra, 464 F.2d 657; Philadelphia Newspapers, Inc. v. Department of H. & U. D. (E.D.Pa. 1972) 343 F. Supp.

1176.) One of these courts observed that the appraisers' names were outside the deliberative process privilege because names are "essentially factual." (*Philadelphia Newspapers, Inc. v. Department of H. & U. D.*, supra, at p. 1178.) The other court, recognizing the public's interest in disclosure of conflicts of interest, remarked that the "name of an appraiser could be sufficient to establish a motivation sufficient to trigger an investigation." (*Tennessean Newspapers, Inc. v. Federal Housing Admin.*, supra, at p. 660.)

In another case, a federal district court ordered the Federal Trade Commission to disclose the names of outside experts it had consulted during the process of formulating a regulation. The court stated: "The government has attempted to expand the policy of exemption 5-encouragement of a frank discussion of legal and policy matters in order to enhance the quality of agency decisions-beyond its necessary and proper limits. The FOIA [53 Cal. 3d 1356] 'creates a liberal disclosure requirement, limited only by specific exemptions which are to be narrowly construed.' [Citation.] Outside expert consultants would not be chilled in their advice or recommendations to the agency if it were known that they had rendered advice. After all, as experts they are members of a profession which demands the rendition of advice to many groups. They should expect the fact of rendition to eventually become public. Protection of the content of the advice rendered would adequately serve the purpose of encouraging frank discussion, and therefore the names and addresses of the outside expert consultants will be ordered disclosed." (*Assn. of National Advertisers, Inc. v. FTC* (D.D.C. 1976) C.A.No. 75-1304, 1976-2 Trade Cas. (CCH) ¶ 61,021, pp. 69,491, 69,493; see also *Assn. of National Advertisers, Inc. v. FTC* (D.D.C. 1976) C.A.No. 75-0896, 1976-2 Trade Cas. (CCH) ¶ 61,112, pp. 70,041, 70,045.)

Commentators have reached the same conclusion: "A requirement that names be disclosed is supported in the most mechanical sense by the observation that names are factual and that factual material falls outside the ambit of the exemption's protection. More importantly, the same kind of policy analysis that underlies the factual material limitation of exemption (5) argues for disclosure of names. Few outside consultants would be discouraged from providing recommendations by the mere prospect that their names would be disclosed, without the content of their advice; indeed, the most likely cases for such discouragement are those of blatantly prejudiced potential consultants who would fear the public imputation of malice. And there is of course a public interest in knowing who is being consulted by the Government and contributing to its decisions." (Note, *The Freedom of Information Act and the Exemption for Intra-agency Memoranda*, supra, 86 Harv.L.Rev. 1047, 1065-1066, fn. omitted; see also O'Reilly, *Federal Information Disclosure* (1989) § 15.16, pp. 15-78 to 15-79.)

Disclosure of the identity of participants in policy formulation occurs routinely in FOIA cases. Often, the agency has made the disclosure voluntarily. (See, e.g., *Washington Post Co. v. U. S. Dept. of Health, etc.*, supra, 690 F.2d 252, 257.) In other cases, the trial court has mandated disclosure by requiring the agency to prepare a Vaughn index (named after *Vaughn v. Rosen* (D.C. Cir. 1973) 484 F.2d 820 [157 App.D.C. 340]), and to furnish the index to both the court and the requesting party.

A Vaughn index identifies the author, recipient, and subject matter of each document that the agency has withheld in whole or in part under a claim of exemption. (see *Osborn v. I.R.S.* (6th Cir. 1985) 754 F.2d 195, 196; *Weaver & Jones*, op. cit. supra, 54 Mo.L.Rev. 279, 301-302.) The purpose of the index is to give the court and the opposing party sufficient information about the withheld document, or portion of a document, to assess the [53 Cal. 3d 1357] validity of the agency's exemption claim. (*Vaughn v. Rosen*, supra, 484 F.2d 820.) The government must provide a Vaughn index before the court makes its decision "in most FOIA cases." (*Osborn v. I.R.S.*, supra, at p. 197.)

Although the participants in the process of policy formulation and rule-making are disclosed through the Vaughn indexes, this has not prevented the courts from making them a standard procedure in FOIA cases. Rather, the federal courts' continued use of the Vaughn index implies a determination that disclosing the names of agency employees who have authored internal documents, the contents of

which are or may be privileged, will work no harm to an agency's deliberative process in the vast majority of cases. (See 1 Braverman & Chetwynd, *op. cit. supra*, § 9-4.3.2, at p. 371.)fn. 6

Because the schedules and calendars at issue disclose only the identity of persons who have met with the Governor, and not what was said at those meetings, the deliberative process privilege can have little, if any, application. The frank exchange of views is unlikely to be compromised by public knowledge of the occasions on which a governor has met in the past with other government officials, with particular members of the governor's personal staff, or with persons outside state government. The majority holding, under which documents containing the names of persons who might have participated in policy formulation may be withheld from the public, finds no support in the deliberative process privilege.

II

The majority also relies to some extent on concern for a governor's physical safety. The government submitted evidence in the trial court that disclosure of former Governor Deukmejian's appointment calendars and schedules would have revealed his characteristic patterns of movement while in office and would have disclosed particular times when he would likely have been alone. The government argues that this information could be useful to a potential assailant, and that it therefore should be kept confidential.

This argument should be rejected. The government has not shown that disclosure of appointment calendars and schedules would elevate the risk above that which high public officials normally must accept. For example, [53 Cal. 3d 1358] those elected to the Legislature must attend its public sessions, as judges must attend the public sessions of court. Although such public appearances, at preannounced times and places, carry a certain risk to the safety of legislators and judges, the risk is one that is deemed acceptable.fn. 7 Greater safety for public officials might be obtainable at the cost of total secrecy in government, but the price would be unacceptably high.

III

The government may be able to establish that parts of a governor's appointment calendars and schedules are exempt from disclosure under the Act, even though it has not established an exemption for these public records as a whole.

The public official or agency invoking an exemption bears the burden of establishing that it applies. (§ 6255; *Senate of Puerto Rico v. U.S. Dept. of Justice*, *supra*, 823 F.2d 574, 585; *Church of Scientology, etc. v. U. S. Dept.* (9th Cir. 1979) 611 F.2d 738, 742; *Braun v. City of Taft*, *supra*, 154 Cal. App. 3d 332, 345.) To discharge its burden, an agency may not rely upon conclusory and generalized allegations. (*Senate of Puerto Rico v. U.S. Dept. of Justice*, *supra*, at p. 585; *Church of Scientology, etc. v. U. S. Dept.*, *supra*, at p. 742.) Instead, it must provide a "detailed factual justification" for each exemption claim (*Washington Post Co. v. U. S. Dept. of Health, etc.*, *supra*, 690 F.2d 252, 269; see also *Mead Data Cent., Inc. v. U. S. Dept. of Air Force*, *supra*, 566 F.2d 242, 258 [an agency "must show by specific and detailed proof that disclosure would defeat, rather than further, the purpose of the FOIA"]; *Black v. Sheraton Corporation of America* (D.D.C. 1974) 371 F. Supp. 97, 101 ["To recognize such a broad claim [of privilege,] in which the [government] has given no precise or compelling reasons to shield these documents from outside scrutiny, would make a farce of the whole procedure."].)

Although a heavy burden is thus imposed on a public official or agency seeking to avoid disclosure, the burden is not impossible to discharge. In this case, there may well be portions of the appointment calendars and schedules at issue that are protected by the deliberative process privilege, by the interest in protecting the Governor's safety, or by other important [53 Cal. 3d 1359] public interests. For this

reason, I agree with the Court of Appeal that the case should be remanded to give the government an opportunity to provide the detailed factual justification required to establish that portions of the schedules and calendars are exempt from disclosure. If a factual dispute remained after a sufficiently detailed justification had been provided, the proper procedure would have been for the trial court to conduct an in camera review of the documents, or at least of a representative sample. (See *EPA v. Mink*, supra, 410 U.S. 73, 93 [35 L. Ed. 2d 119, 135]; *Church of Scientology, etc. v. U. S. Dept.*, supra, 611 F.2d 738, 742.)

When the government succeeds in establishing that parts of requested documents are exempt, those portions are deleted and the rest disclosed. This is mandated by section 6257, which provides: "Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt by law." (See also *Johnson v. Winter* (1982) 127 Cal. App. 3d 435, 440 [179 Cal. Rptr. 585]; *Anderson v. Department of Health & Human Services* (10th Cir. 1990) 907 F.2d 936, 941.)

IV

A former United States Attorney General has remarked: "Nothing would be so alien to our form of government as pervasive secrecy, for people cannot govern themselves if they cannot know the actions of their government. Yet it is elementary that the welfare of the nation and that of its citizens may require that some information be kept in confidence." (Richardson, *Freedom of Information* (1974) 20 *Loyola L.Rev.* 45.) The FOIA and the Act seek to accommodate these competing concerns by mandating a general policy of full disclosure, with specific and narrowly drawn exemptions.

To establish an exemption under section 6255, an agency must show "that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record." (Italics added.) When conducting this balancing process, the public's right to know what public officials are doing fn. 8 provides "a heavy and constant weight" in favor of disclosure. (Comment, *The California Public Records Act: The Public's Right of Access to Governmental Information* (1976) 7 *Pacific L.J.* 105, 119; see also *Citizens for a Better Environment v. Department of Food & Agriculture*, supra, 171 Cal.App.3d [53 Cal. 3d 1360] 704, 715 ["If the records sought pertain to the conduct of the people's business there is a public interest in disclosure."].) The weight varies, however, in accordance with "the gravity of the governmental tasks sought to be illuminated and the directness with which the disclosure will serve to illuminate." (*Citizens for a Better Environment v. Department of Food & Agriculture*, supra, at p. 715.) How our state governors spend their working hours, and how they go about obtaining advice and formulating policy are matters of great public importance, and, as already noted, disclosure of the names of the persons with whom a governor has met during office hours will illuminate this subject in significant ways.

The public interest in secrecy has not been shown to clearly outweigh this interest in disclosure. The government has made no specific and detailed demonstration that the requested documents, and all reasonably segregable portions of those documents, must be withheld to protect the deliberative processes or the physical safety of our state governors. By holding that the public has no right to know the identity of persons with whom a governor has met, the majority expands the deliberative process privilege well beyond its proper ambit and disregards the wisdom of the federal courts and legal commentators. I would hold that neither the deliberative process privilege, nor concern for the physical safety of our governors, nor the two combined, justifies a blanket exemption for a governor's personal appointment calendars and schedules. I therefore would affirm the judgment of the Court of Appeal.

Broussard, J., concurred.

FN 1. All further statutory references are to the Government Code unless otherwise indicated.

FN 2. Section 6254, subdivision (l) exempts from disclosure under the Act: "Correspondence of and to the Governor or employees of the Governor's office or in the custody of or maintained by the Governor's legal affairs secretary, provided that public records shall not be transferred to the custody of the Governor's legal affairs secretary to evade the disclosure provisions of this chapter."

FN 3. Section 6255 provides in full: "The agency shall justify withholding any record by demonstrating that the record in question is exempt under the express provisions of this chapter or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record."

FN 4. Ms. Pederson stated in her declaration that the daily schedules frequently include attachments in the nature of briefing memoranda to acquaint the Governor with the particulars of individual meetings, appearances or functions. To the extent such attachments actually contain advisory opinions, the Times indicated in its briefing that it did not seek disclosure of these documents.

FN 5. Although the record is unclear, it appears that the Governor does retain superseded appointment calendars and schedules. While this matter was pending, the Times moved for an order barring the Governor from transferring any of the requested records to the State Archives and placing a limitation on public access, pursuant to section 6268. The Governor filed an opposition to the motion. We granted the motion to preserve the subject matter of the litigation pending final determination of the appeal.

FN 6. As noted, post, at page 1335, the Legislature recently amended section 6259, subdivision (c) to provide: "In an action filed on or after January 1, 1991, an order of the court, either directing disclosure by a public official or supporting the decision of the public official refusing disclosure ... shall be immediately reviewable by petition to the appellate court for the issuance of an extraordinary writ." (Stats. 1990, ch. 908, § 2, No. 5 Deering's Adv. Legis. Service, p. 3265.)

We requested briefing at oral argument on the question whether that portion of section 6259, subdivision (c), prohibiting review by appeal contravenes article VI, section 11 of the California Constitution, which confers appellate jurisdiction upon the Courts of Appeal over every cause as to which the "superior courts have original jurisdiction." The Attorney General, on behalf of the Governor, submits that section 6259, subdivision (c) is constitutional. Times Mirror does not take a clear position, but appears to view the statute as constitutionally valid, as well. While the question is an interesting one, we need not decide it in this case. Whatever the merits of the provision purporting to preclude review by appeal, we discern no constitutional impediment to the Legislature providing, as it has here, an avenue of relief by means of writ review. As noted above, we interpret the statute to permit review of a trial court order on the merits.

FN 7. The Governor argues that the text of section 6259, subdivision (c) is clear and unambiguous and therefore cannot be construed in light of its legislative history. We disagree. As noted above, the statute does not squarely set forth a standard of review. Thus, the language is not altogether clear and unambiguous. Moreover, while ambiguity is generally thought to be a condition precedent to interpretation, this is not always the case. "The literal meaning of the words of a statute may be disregarded to avoid absurd results or to give effect to manifest purposes that, in light of the statute's legislative history, appear from its provisions considered as a whole." (*Silver v. Brown* (1966) 63 Cal. 2d 841, 845 [48 Cal. Rptr. 609, 409 P.2d 689]; accord *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal. 3d 247, 259 [104 Cal. Rptr. 761, 502 P.2d 1049] ["Once a particular legislative intent has been ascertained, it must be given effect ' even though it may not be consistent with the strict letter of

the statute." ""]; *County of Sacramento v. Hickman* (1967) 66 Cal. 2d 841, 849, fn. 6 [59 Cal. Rptr. 609, 428 P.2d 593].)

FN 8. Section 6254, subdivision (a) exempts "Preliminary drafts, notes, or interagency or intra-agency memoranda which are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure"

FN 9. Although not cited by the Governor, we note that section 6254, subdivision (k) is also arguably relevant. That section exempts records "the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege." Section 1040 of the Evidence Code establishes a privilege for "official information," defined as "information acquired in confidence by a public employee in the course of his or her duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made." (Evid. Code, § 1040, subd. (a).) Under subdivision (k) of section 6254, therefore, the instant records might arguably be exempt from disclosure pursuant either to the common law "mental process" (see fn. 11, post, at p. 1340) or the statutory "official information" privilege.

FN 10. The terms "executive privilege" and "deliberative process privilege" refer to the same concept and will be used interchangeably in this opinion. (See *Killington, Ltd. v. Lash* (Vt. 1990) 572 A.2d 1368, 1371-1372, fn. 3; *Babets v. Secretary of Executive Office* (1988) 403 Mass. 230 [526 N.E.2d 1261, 1262, fn. 3].) It should be noted, however, that the term "executive" privilege as used here and by the federal courts interpreting the FOIA does not refer to whatever constitutional content the doctrine might have (see *United States v. Nixon* (1974) 418 U.S. 683 [41 L. Ed. 2d 1039, 94 S.Ct. 3090]), but rather to the traditional common law privilege that attached to confidential intraagency advisory opinions, a privilege which was later codified in exemption 5. (*Kaiser Aluminum & Chemical Corp. v. United States* (Ct. Cl. 1958) 157 F. Supp. 939, 946 [141 Ct.Cl. 38]; *EPA v. Mink*, supra, 410 U.S. at pp. 86-87 [35 L.Ed.2d at pp. 131- 132].)

The common law privilege protecting the "mental processes" of legislators is also well settled in California (see *City of Fairfield v. Superior Court* (1975) 14 Cal. 3d 768, 772-773 [122 Cal. Rptr. 543, 537 P.2d 375]; *State of California v. Superior Court* (1974) 12 Cal. 3d 237, 257-258 [115 Cal. Rptr. 497, 524 P.2d 1281]) although the analogous "deliberative process" privilege has not been litigated. Other states, however, have specifically held that a governor, in the discharge of official duties, is entitled to an executive privilege to protect the governor's internal mental or deliberative processes. (See, e.g., *Hamilton v. Verdow* (1980) 287 Md. 544 [414 A.2d 914, 922, 10 A.L.R.4th 333] [investigative report prepared for the Governor concerning a state mental hospital entitled to confidentiality to protect "deliberative communications between officials and those who assist them in formulating ... governmental action."]; *Doe v. Alaska Superior Ct., Third Jud. Dist.* (1986 Alaska) 721 P.2d 617, 622-623 [Governor's file concerning a candidate for appointment to state office entitled to confidentiality under the executive privilege protecting "the deliberative and mental processes of decision- makers."]; *Nero v. Hyland* (1978) 76 N.J. 213 [386 A.2d 846, 853] [executive privilege protects character investigation report on candidate for state government prepared at the request of the Governor]; *Killington, Ltd. v. Lash*, supra, 572 A.2d at p. 1374 ["Both the constitutional and common-law roots of the [executive] privilege strongly require its recognition in Vermont" to protect, under the Vermont Access to Public Records statute, deliberative material in the possession of the Governor]; but cf. *Babets v. Secretary of Executive Office*, supra, 526 N.E.2d 1261 [Massachusetts high court refused to recognize executive privilege based on the common law or the state constitution to protect documents in the possession of the department of social services].)

FN 11. Title 5 United States Code section 552(b)(5) provides that agencies need not disclose "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other

than an agency in litigation with the agency."

FN 12. Several federal and state decisions have addressed the question whether a public official's personal appointment records and schedules constitute "agency records" within the meaning of the FOIA or its local counterpart. (See *Bureau of Nat. Affairs v. U.S. Dept. of Justice* (D.C. Cir. 1984) 742 F.2d 1484 [239 App.D.C. 331]; *Washington Post v. U.S. Dept. of State* (D.D.C. 1986) 632 F. Supp. 607; *Yacobellis v. City of Bellingham* (1989) 55 Wn. App. 706 [780 P.2d 272]; *Kerr v. Koch* (N.Y. 1988) 15 Media L.Rptr. 1579.) These cases have uniformly focused on whether the records relate to official agency business as opposed to purely private matters; none has addressed the question of executive privilege presented here, although one expressly left that issue open. (*Washington Post v. U.S. Dept. of State*, supra, 632 F.Supp. at p. 616 ["The Court's decision that the records of schedule are subject to disclosure does not limit the defendant's right to withhold portions of the documents under a valid claim of statutory exemption pursuant to the Act."].)

The Governor concedes that his appointment calendars and schedules constitute "public records" under the Act. (See § 6252, subd. (d) ["'Public records' includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. 'Public records' in the custody of the Governor means any writing prepared on or after January 6, 1975."].) It would be difficult indeed to argue to the contrary, inasmuch as the records clearly appear to "relat[e] to the conduct of the public's business." In any event, as noted, the Governor does not contend that the information sought lies outside the scope of the Act. He asserts, rather, that the records are exempt from disclosure under sections 6254, subdivision (l) and 6255.

FN 13. Our conclusion is not altered by the Times's subsequent willingness, expressed in its briefs and at oral argument, to exclude from disclosure any information relating to future events. The Times apparently believes that past events cannot qualify as "predecisional" and therefore do not merit protection under exemption 5 of the FOIA. (See *NLRB v. Sears, Roebuck & Co.*, supra, 421 U.S. at pp. 151-152 [44 L.Ed.2d at pp. 47- 48], and the discussion, ante, at page 1341.) As noted earlier, however, the question under section 6255 is not whether a document qualifies in every particular for protection under federal law, but whether the public interest in nondisclosure clearly outweighs the public interest in disclosure. Moreover, the risks of disclosure outlined above apply in many cases regardless of whether the meetings are past or future. Participants may be chilled and discouraged by the knowledge that a meeting will routinely be disclosed, and executive judgments in ongoing policy matters may be prematurely revealed. Indeed, the Times's dogged determination to obtain even past schedules and calendars of the Governor is telling testimony to their continued vitality and relevance to the decisionmaking process.

FN 14. In his dissenting opinion, Justice Mosk asserts that "secrecy is inconsistent with the duty of officials to keep the public informed of their activities ..." and suggests that our holding represents a departure from both democratic principles and judicial precedent. On the contrary, express statutory and constitutional provisions recognize the need for confidentiality in governmental deliberations. Thus, it has been held that the activities of judges under investigation by the Commission on Judicial Performance-activities which the public would presumably be most interested in learning-are nevertheless not subject to disclosure pursuant to the provisions of article VI, section 18 of the California Constitution and for reasons of "sound public policy." (*Mosk v. Superior Court* (1979) 25 Cal. 3d 474, 491, 499 [159 Cal. Rptr. 494, 601 P.2d 1030].)

FN 15. Nor are we persuaded by the Times's contention that the trial court abused its discretion simply by failing to review the records in camera. Section 6259, subdivision (a), provides that the trial court may order disclosure where it appears that records are being improperly withheld, and states that "[t]he court shall decide the case after examining the record in camera, if permitted by subdivision (b)

of Section 915 of the Evidence Code, papers filed by the parties and such oral argument and additional evidence as the court may allow." We have never construed this section to compel an in camera review where-as here-such review is unnecessary to the court's decision, and we decline to do so here.

FN 16. Hamlet, act I, scene 3.

FN 1. It bears emphasis that a governor's appointment calendars and schedules are indeed public records. The government has conceded as much in this case, and courts have so held in regard to similar documents prepared for executive branch officials (*Washington Post v. U.S. Dept. of State* (D.D.C. 1986) 632 F. Supp. 607 [records of schedule of Secretary of State Alexander Haig]; *Bureau of Nat. Affairs v. U.S. Dept. of Justice* (D.D.C. 1984) 742 F.2d 1484, 1495 [239 App.D.C. 331] [daily agendas of Assistant Attorney General William Baxter]; *Kerr v. Koch* (N.Y. 1988) 15 Media L.Rptr. 1579 [appointment calendar of New York City mayor]).

As the majority points out (maj. opn., ante, p. 1342, fn. 12), in one of these cases the court remarked that its decision "does not limit the defendant's right to withhold portions of the documents under a valid claim of statutory exemption pursuant to the Act." (*Washington Post v. U.S. Dept. of State*, supra, 632 F. Supp. 607, 616, italics added.) None of the cases in any way suggests that calendars and schedules might be entirely exempt from disclosure.

FN 2. All further statutory references are to the Government Code, unless otherwise stated.

FN 3. Section 6255 contains a residuary or "catchall" exemption. It provides: "The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record." (Italics added.) Note that this public interest exemption applies to individual records, rather than to entire classes of records.

FN 4. Exemption 5, which the United States Supreme Court has termed a "somewhat Delphic provision" (*United States Dept. of Justice v. Julian* (1988) 486 U.S. 1, 11 [100 L. Ed. 2d 1, 13, 108 S.Ct. 1606]), permits an agency to withhold from disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." (5 U.S.C. § 552(b)(5).) It was intended to incorporate the substance of certain privileges, including the deliberative process privilege, that would be available to the government during litigation to shield internal agency documents. (See *United States v. Weber Aircraft Corp.* (1984) 465 U.S. 792 [79 L. Ed. 2d 814, 104 S. Ct. 1488].) The high court has cautioned, however, that discovery rules should be applied to FOIA cases only "by way of rough analogies." (*EPA v. Mink* (1973) 410 U.S. 73, 86 [35 L. Ed. 2d 119, 131, 93 S. Ct. 827].)

FN 5. Moreover, it seems unlikely that a governor's meetings would involve the kind of factual investigation at issue in *Brockway*, supra, 518 F.2d 1184, as such investigations are normally conducted at lower levels of the executive branch. If a governor did meet in confidence with an individual to acquire information, and disclosure of the meeting could jeopardize a governor's ability to acquire similar confidential information in the future, a claim of privilege should be recognized. (See 53 Ops.Cal.Atty.Gen., supra, 136, 149 ["The need of a governmental agency to preserve its informational input channels has been recognized by the courts and the Legislature in this State as vital to the efficient operation of government."].) But such instances must be quite rare, and the government bears the burden of identifying them to the extent they exist within the requested material, as discussed below in part III of this dissent.

FN 6. There are specific exceptions to this general rule of disclosure. For example, it has twice been held that the identity of persons who rendered advice need not be disclosed when the content of their advice has already been made public and disclosure could discourage candid advice in the future. (Tax Reform Research Group v. I.R.S. (D.D.C. 1976) 419 F. Supp. 415, 423-424; Wu v. Keeney (D.D.C. 1974) 384 F. Supp. 1161, 1166.) Here, the government has not made the showing required to establish any such exception.

FN 7. The schedules apparently contain detailed information about airport gate departures and arrivals, means of ground transportation, hotel accommodations, and the like. This level of detail may well elevate the risk above that which high government officials normally must accept, but the briefs of the requesting party reveal that it does not now seek such information and it could be deleted from the documents before disclosure. The essence of the request is for documents revealing the identity of the persons with whom former Governor Deukmejian met and the dates and times of the meetings.

FN 8. The clearest and most emphatic expression of this right appears in section 54950: "The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Monday, January 6, 2020 10:50 AM
To: SOTF, (BOS)
Subject: Re: New complaint vs Mayor's Office re: City of San Jose
Attachments: signature.asc

Correct, they have two distinct sets of respondent individuals. It may be useful to schedule them on same day if possible though. Mr. Heckel is familiar with the issues in both.

Sent from ProtonMail mobile

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

On Jan 6, 2020, 10:11 AM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Dear Anonymous:

Are you submitting two separate complaints against the Mayor's Office? Please advise. Thank you.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Saturday, January 4, 2020 5:07 PM
To: SOTF, (BOS) <sotf@sfgov.org>; Heckel, Hank (MYR) <hank.heckel@sfgov.org>; MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>
Subject: New complaint vs Mayor's Office re: City of San Jose

Please provide me a file number and CC 76434-70600365@requests.muckrock.com on the notice of complaint. I will fill out your form.

NOTE: This complaint is distinct from the one filed from the same email address earlier today - they can't be combined due to having different sets of respondents.

Complainant: 76434-70600365@requests.muckrock.com (Anonymous)

Respondents: Mayor London Breed, Sean Elsbernd, Andres Power, Andrea Bruss, Marjan Philhour, Jeff Cretan, Sophia Kittler, Hank Heckel, Office of Mayor

Allegations: SFAC 67.21(b, c, k), 67.27, 67.26: failing to respond to two records requests in a timely and complete manner, failing to assist, failing to comply with *City of San Jose v Superior Court (2017)*, failing to justify withholding, and non-minimal withholding

Complaint attached.

NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely,

Anonymous

Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Sunday, February 2, 2020 10:04 AM
To: SOTF, (BOS)
Cc: Cityattorney; MayorSunshineRequests, MYR (MYR); Records, Supervisor (CAT)
Subject: SOTF 19103 - Future Calendars
Attachments: signature.asc

SOTF,

The Mayor's Office's, the City Attorney's Office's and Supervisor of Records' arguments to exempt in entirety future calendars directly oppose the Constitution they swore to uphold, as interpreted by the Supreme Court: "... to the extent that legislative intent is ambiguous, the California Constitution requires us to "broadly construe[]" the PRA to the extent "it furthers the people's right of access" and to "narrowly construe[]" the PRA to the extent "it limits the right of access." (Cal. Const., art. I, § 3, subd. (b)(2).) ." *Sierra Club v. Superior Court of Orange Cnty.*, 302 P.3d 1026, 1032 (Cal. 2013)

Hank Heckel asks you to interpret the Gov Code 6254(f) exemption for security procedures of a police agency more *broadly* according to a "rule of reason analysis" to exempt more than what it literally exempts. He is wrong. You should reject Mr. Heckel's anti-Constitutional arguments.

The Supervisor of Records instructs us to rely on *Times Mirror*. *Times Mirror* pre-dates Prop 59 and this Constitutional imperative. *Times Mirror* relies explicitly on the public-interest balancing test, the deliberative process privilege, and Gov Code 6255, and never mentions Gov Code 6254(f). Therefore this case must be entirely rejected in San Francisco pursuant to SF Admin Code 67.24(g,h,i). *Times Mirror* exempts the past calendar of the Governor, and thus cannot be interpreted any more broadly than that, even if you incorrectly take this case into consideration at all.

The Supervisor of Records refuses to account for local law, and you should dismiss his arguments.

If there is any ambiguity, you should follow the direction of the Supreme Court and rule for disclosure and against the Mayor and the City Attorney, just as you ruled against the District Attorney in an essentially identical case.

Every word on the page of a future calendar that is not a "security procedure" of a police agency like SFPD must be ordered disclosed.

Mr. Heckel conceded during committee oral argument that at least some portions of the calendar are not such procedures, such as the topics of discussion.

Transcripts will be entered into the record to prove this.

This City perpetually argues to broaden exemptions beyond the plain meaning of the statute.

They act directly against the Constitution and Supreme Court in doing so.

Every such attempt by the City should be rebuffed by this Task Force.

NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The

digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the government all be disclosable public records.

Sincerely,

Anonymous

Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Tuesday, September 15, 2020 1:15 PM
To: SOTF, (BOS); Leger, Cheryl (BOS)
Subject: Sotf 19103
Attachments: Full-Prso-19103-fff.pdf; signature.asc

I'm not sure when you'll get a chance to schedule 19103 in front of the whole Task Force as it is one of the few remaining committee approved cases from 2019 but I've attached a presentation anyway.

It's about future calendars just like 19112 on Sept 2 so hopefully it is also simple like the SFPD case.

Sent from ProtonMail mobile

¹ #19103-vs Breed, et al. Re: Future meeting information

1. **Oct 4, 2019** - IDR for Oct 21-28 calendars of Mayor
2. **Oct 7** - Records fully withheld under GC 6254(f) (“security procedures’ information of a ‘local police agency’”) and “a rule of reason analysis” (without any citation).
3. **Oct 7** - I filed SOTF and Sup of Records complaints.
4. **Nov. 19** - Heckel additionally cites *Times Mirror* in complaint response

The mayor cannot completely withhold any future meetings; she must provide whatever entries exist at the time of request, with minimal redactions.

See: SOTF 18075 and 19112 against District Attorney and SFPD Chief re: same issue, where you ruled future calendars must indeed be provided in redacted form.

NOTE: On the dates of the request, the response, complaint filing, and complaint response: the Mayor’s purported suspensions of the Sunshine Ordinance 67.25(a), 67.24(g, i) were not yet effective. (This long predates COVID-19). What matters, as per SOTF 19112, is what happened as of filing the complaint.

19103 Anonymous v Breed, et al.

² Oct 4 - IDR Request Part 1 (sole issue in complaint)

1. IMMEDIATE DISCLOSURE: **an electronic copy of the Mayor’s *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019** (inclusive). Calendar items must include (but are not limited to): **the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record.** We are specifically requesting **ALL calendar/scheduling items, individually**, for the Mayor, whether the Mayor herself possesses them or her staff, **whether they are labeled “Prop G” or not**, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to **print each item (not the summary view) directly to .PDF form in Outlook and redact them.** Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately).

19103 Anonymous v Breed, et al.

³ The Mayor's future meeting information is **not entirely exempt** under Gov Code 6254(f)

- GC 6254(f) is a permissive CPRA exemption for: "**Records of** complaints to, or investigations conducted by, or records of intelligence information or **security procedures of**, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and **any state or local police agency**, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. ... "
- We know from other records there is a separate "SID" (Special Investigation Division, SFPD) calendar entry each day that describes her security detail. That item alone should have been withheld (and is in fact correctly withheld).
- Calendars are not *in their entirety* "records of" "security procedures of" SFPD. Much of the future calendar records are political or policy related, including the titles and descriptions of meetings.
- City must redact the security detail information, and provide everything else.

19103 Anonymous v Breed, et al.

⁴ Examples of the Records (received through a distinct, later records request)

Subject: "Courtesy Call" with Professor Doctor Eckart Würzner ["EK-hart VER-zz-ner"], Mayor of Heidelberg, Germany (Staff: Natalie Waugh [REDACTED])

Location: Mayor's Office and Room 201

Start: Mon 10/28/2019 2:00 PM

End: Mon 10/28/2019 2:30 PM

Recurrence: (none)

Organizer: Calendar, Mayor (MYR)

Notes: Natalie

At least some words on this page are not "security procedures" of the SFPD and should have been disclosed in 19103.

19103 Anonymous v Breed, et al.

Examples of the Records (received through a distinct, later records request)

Subject:	Quarterly Meeting: Ivar Satero re: Aiport Update (Staff: Sean Elsbernd;
Location:	City Hall, Room 200, MO
Start:	Mon 10/28/2019 1:30 PM
End:	Mon 10/28/2019 2:00 PM
Recurrence:	Monthly
Recurrence Pattern:	[REDACTED]
Organizer:	Calendar, Mayor (MYR)

At least some words on this page are not “security procedures” of the SFPD and should have been disclosed in 19103.

19103 Anonymous v Breed, et al.

⁶*Times Mirror Co* cannot exempt this record because: ^{at}

1. Ruling exempted Gov's **past** calendars. In SF: past calendars **are** public.
2. Respondents never cited this case in their Oct. 7 withholding response to my Oct. 4 IDR.
3. Governors get explicit special protection in CPRA; but Mayors do not.
4. Ruling never cites Gov Code 6254(f) (police security procedures).
5. Prop 59 / Const. Art. I(3)(b)(2): “A ... court rule ... including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access.” Prop 59 came after *Times Mirror*.
6. **The Supreme Court's conclusion relies explicitly and solely on GC 6255 (balance test) which is prohibited locally by SFAC 67.24(g,i):**

“Accordingly, we are persuaded, on the instant record, that the public interest served by not disclosing the Governor's appointment calendars and schedules clearly and substantially outweighs the public interest in their disclosure. (§6255.)”

(“Conclusion”, *Times Mirror Company v. Superior Court*, 53 Cal.3d 1325 (1991))

19103 Anonymous v Breed, et al.

Heckel Conceded that **some** information can be disclosed (i.e. 67.26 violation)

LaHood, CHAIR: 25:00 I have a question for Mr Heckel. Was, uh, was there an, it's, and correct me if I'm wrong, **but you did not release any of the calendar.** Was there a discussion about redacting what you perceive to be sensitive aspects of it and releasing the rest of the information or **why was the whole thing withheld?**

Heckel: 25:19 Um, I mean, it just, well, all of them were future meetings at the time of the request. I mean, uh, he's just requesting the calendar entries. I mean, it's, uh, it's all the sort of, you know, who, what, where, when of the meeting, which is, you know, our, our argument is that all of that impacts the security procedures that, um, are sort of inextricably linked with those meetings.

Heckel: 25:46 I mean, I, I'm not sure what anonymous would accept. Um, you know, I don't know what else is left to disclose after that. **I mean, if he wanted, uh, you know, topics that were going to be discussed or something without any reference to dates or times or places, I mean, maybe that's something that can be disclosed,** but it seems he wanted the calendar. So in terms of when he says calendar, you know, I'm really, we're really viewing it as the, you know, the, the time and place.

Source: Transcription of Committee hearing, Nov 26, 2019

: al.

8

Attorney/Client Privileged & Confidential

Move that Breed, Heckel, and Mayor's Office violated:

1. **SFAC 67.26** by withholding in entirety the Mayor's future calendar items instead of redacting solely the "records of" "security procedures of" SFPD.
*"No record shall be withheld from disclosure in its entirety unless **all information** contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. ..."*
2. And send the complaint to Compliance. (Respondents have previously refused to comply with your Order 19047, and thus need your supervision).

If you decide to give weight to Respondents' citation of Times Mirror, which was cited not in their response to my request but instead in their much later response to this complaint:

3. **SFAC 67.27/67.24(g,h,i)** by for citing *Times Mirror Company v. Superior Court*, 53 Cal.3d 1325 (1991).

Mayor had not cited *Times Mirror* in response to my request; they cited it to the Task Force instead. *Times Mirror* is a balancing test and is prohibited in SF.

19103 Anonymous v Breed, et al.

Appendix: Nothing in *Times Mirror* applies to SF Mayor

Governor's defense (Source: Ruling, Part B)

Analysis re: the Mayor of SF

1. "the correspondence exemption set forth in section 6254, subdivision (l);"

Irrelevant: 6254(l) is a special exemption for the Gov. "correspondence of and to the Gov. or employees of the Gov.'s office. ..."

2. "deliberative process privilege, as subsumed under the "public interest" exception of section 6255;"

Exemption Prohibited by SFAC 67.24(g, h, i).

3. "the threat to the Governor's personal security, also pursuant to section 6255."

GC 6255 is prohibited by SFAC 67.24(g)
These are not "security procedures" of police - precisely why GC 6254(f) was **not** cited by Governor or the Court.

NOTE: Even if, *arguendo*, you analyze this complaint under the Mayor's purported COVID-19 suspensions of SFAC 67.24(g,i) [which we do not concede are valid], the subject, body, attachments, and attendee/invitee names of a meeting would not be exempt because they pose no threat to Mayor's personal security, and are solely relevant under deliberative process privilege, and the ban on deliberative process privilege was explicitly *not suspended* by the Mayor.

19103 Anonymous v Breed, et al.

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APPENDIX: No other citation exempts entirety of future meetings

- SFAC 67.27 requires that withholding be based on explicit statutory or case law justification. Heckel's un-specified "a rule of reason analysis" fails to cite any such specific reference, since, of course, there is nothing to cite. It is also not "**the** rule of reason" (extension of time for high volume of records) as the phrase is usually in CPRA cases.
- There is no generic "safety of employees" exemption in the CPRA. It can only be created via the public interest balancing test.
- The Constitution and Supreme Court demand that you interpret exemptions narrowly, not broadly. Mr. Heckel wishes you to interpret the "security procedures" exemption broadly, and his arguments must be rejected as anti-Constitutional.

19103 Anonymous v Breed, et al.

APPENDIX: No other citation exempts entirety of future meetings

- Evid. Code 1040 (official information privilege) does not apply. Mayor Breed is herself a respondent, not just Heckel and her Office. This privilege requires BOTH that:
 - Information was "**acquired in confidence**" by a public employee in the course of his or her duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made" **AND**
 - ONE OF the following:
 - "Disclosure is forbidden by an act of the Congress of the United States or a statute of this state." (clause is irrelevant to this case to my knowledge) OR
 - "Disclosure of the information is against the **public interest** because there is a necessity for preserving the confidentiality of the information that **outweighs** the necessity for disclosure in the **interest of justice**"
- Respondent Mayor Breed cannot "**acquire** in confidence" her **own** calendar. Disclosing future meetings causes no harm to "**justice**" at all. Mayor attempts to turn public interest balancing tests into EC 1040, portraying politics as if it was "justice." EC 1040 must be rejected. (It also was not cited on Oct. 7 as a response to our Oct 4 IDR)
- Official information privilege is for whistleblowers, informants, witness protection, etc.

19103 Anonymous v Breed, et al.

From: Office of the Mayor

10/07/2019

Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request



Dear Anonymous,

This responds in part to your request below received by the Office of the Mayor on October 4, 2019. Regarding Item 1, marked as an immediate disclosure request, the records you have sought regarding the Mayor's "prospective/expected" calendar or schedule for the dates of October 21 to October 28 are currently exempt from disclosure, at least pursuant to Cal. Gov. Code 6254(f). Pursuant to that section and contrary to your argument below, future events and meetings of the Mayor that are not public, necessarily provide "security procedures" information of a "local police agency" given the security assigned to the Mayor for such events and meetings.

Under that provision and a rule of reason analysis, it jeopardizes the safety and security of such meetings to reveal their details in advance. A meeting that has been publicly announced is available for disclosure. Similarly past meetings are recorded in the Prop G calendar and other scheduling documents, as you have seen from our other productions.

Please let me know if you have any questions.

Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

NOTE: Notwithstanding Heckel's claim that one publicly announced meeting was available for disclosure, no record was received with this response. And the Mayor's PR/political decision when to "publicly announce" or not publicly announce a meeting has no bearing on CPRA/Sunshine exemptions.

19103 Anonymous v Breed, et al.

Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Sunday, November 15, 2020 8:47 PM
To: SOTF, (BOS)
Cc: Cox, Andrew (POL); Heckel, Hank (MYR); Lambert, Alison (SHF); COTE, JOHN (CAT);
RUSSI, BRAD (CAT)
Subject: Update on Times Mirror case
Attachments: signature.asc

For File 19112, 19103, 20113, 20114, and un-numbered SFSD case

SOTF,

A number of agencies have attempted to cite *Times Mirror v. Superior Court* (1991) wherein the Governor's past calendars were deemed to be exempt under the CPRA.

We have previously detailed why this case is inapplicable to our complaints regarding complete withholding of future calendars and why, even if applicable, would not exempt information like the meeting subject matter, body, and attendees. We have so far won on the basis of those arguments.

However, we also now believe *Times Mirror* is simply bad law that no longer applies to even the Governor's past calendar records.

After Proposition 59 passed in 2004 which enshrined public access to records and meetings as a constitutional right and also required as a matter of statutory construction that exemptions be interpreted narrowly while access be interpreted broadly, the First Amendment Coalition attempted to overturn the 1991 *Times Mirror* case by re-requesting the Governor's calendar records. In pre-trial settlement, the Governor agreed to release those calendars previously exempt under *Times Mirror*.

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Sincerely,

Anonymous

Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Thursday, November 19, 2020 4:36 PM
To: SOTF, (BOS)
Subject: 19103 December Presentation
Attachments: 19103-Dec-Final-2.pdf; signature.asc

Attached is the 19103 presentation.

Thanks!

NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the government all be disclosable public records.

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#19103-vs Breed, et al. Re: Future meeting information

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3. **Oct 7** - I filed SOTF and Sup of Records complaints.
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The mayor cannot completely withhold any future meetings; she must provide whatever entries exist at the time of request, with minimal redactions.

See: SOTF 18075 and 19112 against District Attorney and SFPD Chief re: same issue, where you ruled future calendars must indeed be provided in redacted form.

NOTE: On the dates of the request, the response, complaint filing, and complaint response: the Mayor’s purported suspensions of the Sunshine Ordinance 67.25(a), 67.24(g, i) were not yet effective. (This long predates COVID-19). What matters, as per SOTF 19112, is what happened as of filing the complaint.

Oct 4 - IDR Request Part 1 (sole issue in complaint)

1. IMMEDIATE DISCLOSURE: **an electronic copy of the Mayor's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive).** Calendar items must include (but are not limited to): **the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record.** We are specifically requesting **ALL calendar/scheduling items, individually,** for the Mayor, whether the Mayor herself possesses them or her staff, **whether they are labeled "Prop G" or not,** and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to **print each item (not the summary view) directly to .PDF form in Outlook and redact them.** Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately).

The Mayor's future meeting information is not entirely exempt under Gov Code 6254(f)

- GC 6254(f) is a permissive CPRA exemption for: "**Records of** complaints to, or investigations conducted by, or records of intelligence information or **security procedures of**, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and **any state or local police agency**, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. ... "
- We know from other records there is a separate "SID" (Special Investigation Division, SFPD) calendar entry each day that describes her security detail. That item alone should have been withheld (and is in fact correctly withheld).
- Calendars are not *in their entirety* "records of" "security procedures of" SFPD. Much of the future calendar records are political or policy related, including the titles and descriptions of meetings.
- City must redact the security detail information, and provide everything else.

Times Mirror Co cannot exempt this record because:

1. Ruling exempted Gov's **past** calendars. In SF: past calendars **are** public.
2. Governors get explicit special protection in CPRA; but Mayors do not.
3. Ruling never cites Gov Code 6254(f) (police security procedures).
4. **The Supreme Court's conclusion relies explicitly and solely on GC 6255 (balance test) which is prohibited locally by SFAC 67.24(g,i):**
"Accordingly, we are persuaded, on the instant record, that the public interest served by not disclosing the Governor's appointment calendars and schedules clearly and substantially outweighs the public interest in their disclosure. (§6255.)"
("Conclusion", *Times Mirror Company v. Superior Court*, 53 Cal.3d 1325 (1991))
5. 2004 Prop 59 / Const. Art. I(3)(b)(2): "A ... court rule ... including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access." Prop 59 came after 1991's *Times Mirror*, and Gov. Schwarzenegger agreed to provide meeting entries to First Amendment Coalition in pre-trial settlement after Prop 59. *Times Mirror* is simply bad law, post-Prop 59.

Examples of the Records (received through a distinct, later records request) - all information on this page was withheld before the event occurred

Subject: "Courtesy Call" with Professor Doctor Eckart Würzner ["EK-hart VER-zz-ner"], Mayor of Heidelberg, Germany (Staff: Natalie Waugh [REDACTED])
Location: Mayor's Office and Room 201
Start: Mon 10/28/2019 2:00 PM
End: Mon 10/28/2019 2:30 PM
Recurrence: (none)
Organizer: Calendar, Mayor (MYR)

Notes: Natalie

At least some words on this page are not "security procedures" of the SFPD and should have been disclosed in 19103. The Mayor is obstructing public access not to information that endangers her security, but instead by blocking access to controversial future discussions - misusing security concerns to protect deliberative process privilege (which is banned in SF).

Examples of the Records (received through a distinct, later records request) - all information on this page was withheld before the event occurred

Subject: Quarterly Meeting: Ivar Satero re: Aiport Update (Staff: Sean Elsbernd;
Location: City Hall, Room 200, MO

Start: Mon 10/28/2019 1:30 PM
End: Mon 10/28/2019 2:00 PM

Recurrence: Monthly
Recurrence Pattern: [REDACTED]

Organizer: Calendar, Mayor (MYR)

At least some words on this page are not "security procedures" of the SFPD and should have been disclosed in 19103. The Mayor is obstructing public access not to information that endangers her security, but instead by blocking access to controversial future discussions - misusing security concerns to protect deliberative process privilege (which is banned in SF).

Heckel conceded that **some** information can be disclosed (i.e. 67.26 violation)

LaHood, CHAIR: 25:00 I have a question for Mr Heckel. Was, uh, was there an, it's, and correct me if I'm wrong, **but you did not release any of the calendar.** Was there a discussion about redacting what you perceive to be sensitive aspects of it and releasing the rest of the information or **why was the whole thing withheld?**

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Source: Transcription of Committee hearing, Nov 26, 2019

Move that Breed, Heckel, and Mayor's Office violated:

1. **SFAC 67.26** by withholding in entirety the Mayor's future calendar entries instead of redacting solely the portions that constitute "records of" "security procedures of" the Police Department.
2. **SFAC 67.27** by unlawfully citing *Times Mirror Company v. Superior Court*, 53 Cal.3d 1325 (1991) which is prohibited in San Francisco and pre-dates Proposition 59.
Mayor had not cited Times Mirror in response to my request; they cited it to the Task Force instead. Times Mirror is a balancing test and is prohibited in SF.
3. **SFAC 67.24(g, h, and i)** - by unlawfully withholding the Mayor's future calendar information on the basis of Gov Code 6255, the deliberative process privilege, a public interest balancing test, or any similar exemption
4. And refer the complaint to Compliance. (Respondents have unlawfully refused to comply with your prior calendar Order 19047, and thus require your close supervision).

Appendix: Nothing in *Times Mirror* applies to SF Mayor

Governor's defense (Source: Ruling, Part B)

Analysis re: the Mayor of SF

1. "the correspondence exemption set forth in section 6254, subdivision (l);"

Irrelevant: 6254(l) is a special exemption for the Gov. "correspondence of and to the Gov. or employees of the Gov.'s office. ..."

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APPENDIX: No other citation exempts entirety of future meetings

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- Respondent Mayor Breed cannot “acquire[] in confidence” her own calendar. Disclosing future meetings causes no harm to “justice” at all. Mayor attempts to turn public interest balancing tests into EC 1040, portraying politics as if it was “justice.” EC 1040 must be rejected. (It also was not cited on Oct. 7 as a response to our Oct 4 IDR)
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10/07/2019

Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request



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Under that provision and a rule of reason analysis, it jeopardizes the safety and security of such meetings to reveal their details in advance. A meeting that has been publicly announced is available for disclosure. Similarly past meetings are recorded in the Prop G calendar and other scheduling documents, as you have seen from our other productions.

Please let me know if you have any questions.

Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

NOTE: Notwithstanding Heckel's claim that one publicly announced meeting was available for disclosure, no record was received with this response. And the Mayor's PR/political decision when to "publicly announce" or not publicly announce a meeting has no bearing on CPRA/Sunshine exemptions.



Schwarzenegger – San Francisco Chronicle

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Tantalizing peek at governor's calendars

Budget meetings vie with interviews with Access Hollywood

(San Francisco Chronicle 12/23/04) — Gov. Arnold Schwarzenegger's administration provided a glimpse behind the somewhat secretive workings of California's celebrity governorship, releasing Wednesday his official calendars that show days mixing routine budget meetings with movie-star media appearances.

The calendars — the first to be released by a sitting California governor, according to administration officials — document how Schwarzenegger's political and celebrity lives intertwine.

His days in Sacramento are dominated by meetings with staff and lawmakers typical of any state's top politician. But chats with national media, from Vanity Fair to Access Hollywood, are sprinkled through his schedule in a way the nation's 49 other governors can only envy.

But the calendars of the governor's first 379 days in office through Nov. 30 give only limited insight into who gets access to Schwarzenegger. They show huge gaps in the governor's daily activities as well as numerous "private meetings," with little explanation.

Other than some moments of clarity — May 16, for example, when Schwarzenegger appeared at the Taurus World Stuntman Awards — the context of his actions are not readily apparent.

"A door that has been double-padded for more than a decade has been pried open, but only by a crack," Peter Scheer, executive director of the California First Amendment Coalition, said after briefly reviewing the documents. "There are a lot of entries that simply don't tell us anything. Who was there, what were they talking about — it's not there."

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The release of the schedules marked the first public peek into the day-to-day operations of an administration since the Los Angeles Times lost a court battle seeking then-Gov. George Deukmejian's records more than a decade ago. At the time, the state Supreme Court ruled the logs were part of the "deliberative process" and exempt from disclosure.

The calendars reveal Schwarzenegger to be in the near-constant company of Chief of Staff Patricia Clarey, Communications Director Rob Stutzman, Legislative Secretary Richard Costigan or Legal Affairs Secretary Peter Siggins. Last month, Siggins rejected a Chronicle request to release the schedules of most of Schwarzenegger's closest aides.

Administration officials stressed that the calendar is not meant to be a full accounting of Schwarzenegger's daily life as governor, but merely his official events plotted the previous night. It shows him gliding from fund-raisers to briefings to interviews to staff consultations in the

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several hours, frequently dividing time between the Capitol and his home in the exclusive Brentwood section of Los Angeles.

"What is shown are meetings and events regarding official state actions," said Ashley Snee, a spokeswoman for the governor. "It's a working document."

As such, the essence of Schwarzenegger's daily, kinetic life — let alone the influence of his informal close circle of advisers, including first lady Maria Shriver — exists beyond the schedule's reach, a political diary with a lot of politicking left out.

"You can have a very lengthy meeting that might result in nothing of import," said Dan Schnur, former communications director for Republican Gov. Pete Wilson. "But you can have a five-minute hallway conversation that can have a tremendous impact on state policy."

Even so, the calendars are noticeably incomplete even in detailing Schwarzenegger's officially plotted day. It lists attendees of some meetings, but not all. It calls some meetings "private," while listing the parties — from groups of Democratic legislators on June 1, to a June 30 meeting with "Unit 8 Bargaining Unit, State Firefighters Union" — without saying what they were about.

In other areas, its vagueness denies Schwarzenegger the ability to claim that the "special interest" lobbyists he has often derided since coming to Sacramento have not gained direct access to him. The calendar lists a June 16 meeting with "transportation stakeholders" and a Jan. 13 "workers' compensation stakeholders" meeting without naming who attended either.

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Political strategy meetings also were not included in the documents released Wednesday. Those meetings included weekly sessions the governor schedules with Mike Murphy, a nationally known GOP consultant who worked for Schwarzenegger during the 2003 recall election that propelled him into office and during his two ballot campaigns this year.

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In a letter accompanying them, Siggins said the governor "believes that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in California."

But he said "specific information in the governor's schedules may be legitimately withheld" because of exceptions noted by the state Public Records Act or because "the public interest in maintaining the confidentiality of the information outweighs the public interest in disclosure."

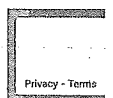
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Schwarzenegger swept into office pledging to open government, saying he had made so much money as an actor that no one could influence his decisions with campaign contributions or other benefits.

Schwarzenegger's daybook shows him meeting with Republican luminaries from Sen. John McCain, R-Ariz., to former Secretary of State George Shultz, foreign dignitaries such as Pakistani Ambassador Ashraf Jehangir Qazi, state lawmakers of both parties and chief executives of major American companies.

The calendar shows meetings with business executives to be fairly common. For example, Schwarzenegger met April 14 with Wal-Mart Chief Executive Lee Scott; six days later, with Dave O'Reilly, CEO of Chevron Texaco; on May 18 with Bob Glynn, chief executive of Pacific Gas & Electric Co.; and on June 8 with Steve Burd, CEO of the Safeway grocery chain.



Schwarzenegger has become a frequent foe of labor and consumer groups who have argued he has only advanced the interests of big business. But Scheer noted that the governor's schedule indicated he met nearly as frequently with labor groups as with CEOs.

The schedule also seems to portray Schwarzenegger taking in viewpoints of both sides on some issues. On Jan. 13, he met with Stanley Zax, chairman of Zenith Insurance, one of the nation's largest workers' compensation insurers; later that day, he met with two AFL-CIO union officials. Both were heavily entrenched in the policy battle over workers' comp insurance changes passed by the Legislature and signed by Schwarzenegger earlier this year.

Zenith and Chevron made large contributions to Schwarzenegger's California Recovery Fund during the year, records show.

The schedules are also notable for those not mentioned.

In September, as Schwarzenegger contemplated signing or vetoing hundreds of bills, consumer advocates with San Francisco-based The Utility Reform Network attempted to sit down with the governor to persuade him to sign legislation aimed at bringing more regulation over energy markets. TURN believed the much-discussed bill, authored by Assembly Speaker Fabian Nuñez, D- Los Angeles, would protect the state from future power price spikes.

"We hand-delivered letters to everyone we could that begged for a meeting," TURN lobbyist Lenny Goldberg said. "We believed he was getting a very narrow perspective from free-market ideologues, and we thought he should hear consumers' perspectives. We were ignored."

Schwarzenegger vetoed the bill, saying it could add to the state's power bills.

Siggins said two-week sets of Schwarzenegger's schedules will be made available upon request in the future with an expected delay of 12-14 days.

John M. Hubbell, Mark Martin, Chronicle Sacramento Bureau

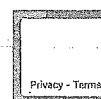
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**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
September 29, 2020

DATE DECISION ISSUED
September 2, 2020

CASE TITLE – Anonymous v. Chief William Scott, Lt R. Andrew Cox and the Police
Department
(File No. 19112)

FACTS OF THE CASE

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

Complaint filed by Anonymous against Chief William Scott, Lt. R. Andrew Cox
and the Police Department for allegedly violating Administrative Code (Sunshine
Ordinance), Sections 67.25, 67.26, 67.27, by failing to respond to an Immediate
Disclosure Request in a timely and/or complete manner, failing to respond to a
public records request in a timely and/or complete manner; failing to justify
withholding of records and failing to maintain a Proposition G calendar.

HEARING ON THE COMPLAINT

On December 17, 2019, the Complaint 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 he made an Immediate
Disclosure Request for Police Chief Scott's Proposition G and Non-Proposition G
calendars. Anonymous stated that only the Proposition G calendar provided was
in an incomplete and untimely manner. Anonymous stated that many calendar
entries were redacted without legal citations.

Lt. Andrew Cox (Police Department) (Respondent), provided a summary of the
department's position. Lt Cox stated that there was a miscommunication and
acknowledged that the responses were late. Lt Cox stated that the Police
Department has provided Chief Scott's Proposition G calendar with redactions.

Action: Moved by Member Yankee, seconded by Chair Martin, 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 September 2, 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, 2020, he sent an Immediate Disclosure Request to the Police Department for Prop G and non-Prop G past and future calendars. Anonymous stated that on October 23, 2019, he was told that he would not be provided future Prop G calendars. However, the calendars were provided long after the events listed on the calendars had taken place. Anonymous stated that he received only two weeks of calendar entries after his complaint was filed and that the response was not timely.

Lt. Andrew Cox (Police Department) (Respondent), provided a summary of the department's position. Lt. Cox stated that the Police Department takes full responsibility for not providing the records in a timely manner. Lt. Cox stated that Anonymous refused to use the Police Department's records request portal. Lt. Cox stated that when the request came in it was auto sorted into a file that became an archivable request. Lt. Cox stated that this IDR was not simple and got in touch with the Petitioner to request an additional 10 days to respond. On March 27, 2020, the Petitioner was sent an updated version of his requested records.

Member LaHood noted that the initial request was funneled to an email not regularly monitored and because this was an Immediate Disclosure Request there is a timeliness issue.

Lt Cox stated that his department did develop a different email account and will closely monitor emails so that they do not go through auto sort. Lt Cox also noted that there was no request for future calendars. However, his department provided the requested records.

Anonymous stated that on October 23, 2019, he was told that he would not be provided future calendars. However, they were provided long after the calendars were no longer in the future.

Action: Moved by Member Yankee, seconded by Chair B. Wolfe, to find that Chief William Scott, Lt. R. Andrew Cox and the Police Department violated Administrative Code, (Sunshine Ordinance), Sections 67.25, by failing to provide the requested records in a complete and timely manner, 67.26, for withholding all future calendars instead of providing them with minimal redactions, and 67.27 for incorrectly citing 67.29-5 for withholding non Prop G calendars.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that Chief William Scott, Lt. R. Andrew Cox and the Police Department violated Administrative Code (Sunshine Ordinance), Sections 67.25 for failing to provide the requested records in a complete and timely manner, 67.26 for withholding all future calendars instead of providing them with minimal redactions and 67.27 for incorrectly citing 67.29-5 for withholding non Prop G calendars.

DECISION AND ORDER OF DETERMINATIONS

On September 2, 2020, Member Yankee, seconded by Chair Wolfe moved to find that Chief William Scott, Lt. R. Andrew Cox and the Police Department violated Administrative Code (Sunshine Ordinance), Sections 67.25 for failing to provide the requested records in a complete and timely manner, 67.26 for withholding all future calendars instead of providing them with minimal redactions and 67.27 for incorrectly citing 67.29-5 for withholding non Prop G calendars.

The motion PASSED by the following vote:

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



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Anonymous (Petitioner/Complainant)
Chief William Scott, Lt. R. Andrew Cox, Police Department (Respondents)

#19103-vs Breed, et al. Re: Future meeting information

1. **Oct 4, 2019** - IDR for Oct 21-28 calendars of Mayor
2. **Oct 7** - Records fully withheld under GC 6254(f) (“security procedures’ information of a ‘local police agency’”) and “a rule of reason analysis” (without any citation).
3. **Oct 7** - I filed SOTF and Sup of Records complaints.
4. **Nov. 19** - Heckel additionally cites *Times Mirror* in complaint response

The mayor cannot completely withhold any future meetings; she must provide whatever entries exist at the time of request, with minimal redactions.

See: SOTF 18075 and 19112 against District Attorney and SFPD Chief re: same issue, where you ruled future calendars must indeed be provided in redacted form.

NOTE: On the dates of the request, the response, complaint filing, and complaint response: the Mayor’s purported suspensions of the Sunshine Ordinance 67.25(a), 67.24(g, i) were not yet effective. (This long predates COVID-19). What matters, as per SOTF 19112, is what happened as of filing the complaint.

Oct 4 - IDR Request Part 1 (sole issue in complaint)

1. IMMEDIATE DISCLOSURE: **an electronic copy of the Mayor's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive).** Calendar items must include (but are not limited to): **the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record.** We are specifically requesting **ALL calendar/scheduling items, individually,** for the Mayor, whether the Mayor herself possesses them or her staff, **whether they are labeled "Prop G" or not,** and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to **print each item (not the summary view) directly to .PDF form in Outlook and redact them.** Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately).

The Mayor's future meeting information is not entirely exempt under Gov Code 6254(f)

- GC 6254(f) is a permissive CPRA exemption for: "**Records of** complaints to, or investigations conducted by, or records of intelligence information or **security procedures of**, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and **any state or local police agency**, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. ... "
- We know from other records there is a separate "SID" (Special Investigation Division, SFPD) calendar entry each day that describes her security detail. That item alone should have been withheld (and is in fact correctly withheld).
- Calendars are not *in their entirety* "records of" "security procedures of" SFPD. Much of the future calendar records are political or policy related, including the titles and descriptions of meetings.
- City must redact the security detail information, and provide everything else.

Times Mirror Co cannot exempt this record because:

1. Ruling exempted Gov's **past** calendars. In SF: past calendars **are** public.
2. Governors get explicit special protection in CPRA; but Mayors do not.
3. Ruling never cites Gov Code 6254(f) (police security procedures).
4. **The Supreme Court's conclusion relies explicitly and solely on GC 6255 (balance test) which is prohibited locally by SFAC 67.24(g,i):**
"Accordingly, we are persuaded, on the instant record, that the public interest served by not disclosing the Governor's appointment calendars and schedules clearly and substantially outweighs the public interest in their disclosure. (§6255.)"
("Conclusion", *Times Mirror Company v. Superior Court*, 53 Cal.3d 1325 (1991))
5. 2004 Prop 59 / Const. Art. I(3)(b)(2): "A ... court rule ... including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access." Prop 59 came after 1991's *Times Mirror*, and Gov. Schwarzenegger agreed to provide meeting entries to First Amendment Coalition in pre-trial settlement after Prop 59. *Times Mirror* is simply bad law, post-Prop 59.

Examples of the Records (received through a distinct, later records request) - all information on this page was withheld before the event occurred

Subject: "Courtesy Call" with Professor Doctor Eckart Würzner ["EK-hart VER-zz-ner"], Mayor of Heidelberg, Germany (Staff: Natalie Waugh [REDACTED])
Location: Mayor's Office and Room 201
Start: Mon 10/28/2019 2:00 PM
End: Mon 10/28/2019 2:30 PM
Recurrence: (none)
Organizer: Calendar, Mayor (MYR)

Notes: Natalie

At least some words on this page are not "security procedures" of the SFPD and should have been disclosed in 19103. The Mayor is obstructing public access not to information that endangers her security, but instead by blocking access to controversial future discussions - misusing security concerns to protect deliberative process privilege (which is banned in SF).

Examples of the Records (received through a distinct, later records request) - all information on this page was withheld before the event occurred

Subject: Quarterly Meeting: Ivar Satero re: Aiport Update (Staff: Sean Elsbernd;
Location: City Hall, Room 200, MO
Start: Mon 10/28/2019 1:30 PM
End: Mon 10/28/2019 2:00 PM
Recurrence: Monthly
Recurrence Pattern: [REDACTED]
Organizer: Calendar, Mayor (MYR)

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Heckel conceded that **some** information can be disclosed (i.e. 67.26 violation)

LaHood, CHAIR: 25:00 I have a question for Mr Heckel. Was, uh, was there an, it's, and correct me if I'm wrong, but you did not release any of the calendar. Was there a discussion about redacting what you perceive to be sensitive aspects of it and releasing the rest of the information or why was the whole thing withheld?

Heckel: 25:19 Um, I mean, it just, well, all of them were future meetings at the time of the request. I mean, uh, he's just requesting the calendar entries. I mean, it's, uh, it's all the sort of, you know, who, what, where, when of the meeting, which is, you know, our, our argument is that all of that impacts the security procedures that, um, are sort of inextricably linked with those meetings.

Heckel: 25:46 I mean, I, I'm not sure what anonymous would accept. Um, you know, I don't know what else is left to disclose after that. I mean, if he wanted, uh, you know, topics that were going to be discussed or something without any reference to dates or times or places, I mean, maybe that's something that can be disclosed, but it seems he wanted the calendar. So in terms of when he says calendar, you know, I'm really, we're really viewing it as the, you know, the, the time and place.

Source: Transcription of Committee hearing, Nov 26, 2019

Move that Breed, Heckel, and Mayor's Office violated:

1. **SFAC 67.26** by withholding in entirety the Mayor's future calendar entries instead of redacting solely the portions that constitute "records of" "security procedures of" the Police Department.
2. **SFAC 67.27** by unlawfully citing *Times Mirror Company v. Superior Court*, 53 Cal.3d 1325 (1991) which is prohibited in San Francisco and pre-dates Proposition 59.
Mayor had not cited Times Mirror in response to my request; they cited it to the Task Force instead. Times Mirror is a balancing test and is prohibited in SF.
3. **SFAC 67.24(g, h, and i)** - by unlawfully withholding the Mayor's future calendar information on the basis of Gov Code 6255, the deliberative process privilege, a public interest balancing test, or any similar exemption
4. And refer the complaint to Compliance. (Respondents have unlawfully refused to comply with your prior calendar Order 19047, and thus require your close supervision).

Appendix: Nothing in *Times Mirror* applies to SF Mayor

Governor's defense (Source: Ruling, Part B)

Analysis re: the Mayor of SF

1. "the correspondence exemption set forth in section 6254, subdivision (I);"

Irrelevant: 6254(I) is a special exemption for the Gov. "correspondence of and to the Gov. or employees of the Gov.'s office. ..."

2. "deliberative process privilege, as subsumed under the "public interest" exception of section 6255;"

Exemption Prohibited by SFAC 67.24(g, h, i).

3. "the threat to the Governor's personal security, also pursuant to section 6255."

GC 6255 is prohibited by SFAC 67.24(g)
These are not "security procedures" of police - precisely why GC 6254(f) was **not** cited by Governor or the Court.

NOTE: Even if, *arguendo*, you analyze this complaint under the Mayor's purported COVID-19 suspensions of SFAC 67.24(g,i) [which we do not concede are valid], the subject, body, attachments, and attendee/invitee names of a meeting would not be exempt because they pose no threat to Mayor's personal security, and are solely relevant under deliberative process privilege, and the ban on deliberative process privilege was explicitly *not suspended* by the Mayor.

APPENDIX: No other citation exempts entirety of future meetings

- SFAC 67.27 requires that withholding be based on explicit statutory or case law justification. Heckel's un-specified "a rule of reason analysis" fails to cite any such specific reference, since, of course, there is nothing to cite. It is also not "**the** rule of reason" (extension of time for high volume of records) as the phrase is usually in CPRA cases.
- There is no generic "safety of employees" exemption in the CPRA. It can only be created via the public interest balancing test.
- The Constitution and Supreme Court demand that you interpret exemptions narrowly, not broadly. Mr. Heckel wishes you to interpret the "security procedures" exemption broadly, and his arguments must be rejected as anti-Constitutional.

APPENDIX: No other citation exempts entirety of future meetings

- Evid. Code 1040 (official information privilege) does not apply. Mayor Breed is herself a respondent, not just Heckel and her Office. This privilege requires BOTH that:
 - Information was "**acquired in confidence**" by a public employee in the course of his or her duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made" **AND**
 - ONE OF the following:
 - "Disclosure is forbidden by an act of the Congress of the United States or a statute of this state." (clause is irrelevant to this case to my knowledge) OR
 - "Disclosure of the information is against the **public interest** because there is a necessity for preserving the confidentiality of the information that **outweighs** the necessity for disclosure in the **interest of justice**"
- Respondent Mayor Breed cannot "acquire[] in confidence" her **own** calendar. Disclosing future meetings causes no harm to "justice" at all. Mayor attempts to turn public interest balancing tests into EC 1040, portraying politics as if it was "justice." EC 1040 must be rejected. (It also was not cited on Oct. 7 as a response to our Oct 4 IDR)
- Official information privilege is for whistleblowers, informants, witness protection, etc.

From: Office of the Mayor

10/07/2019

Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request



Dear Anonymous,

This responds in part to your request below received by the Office of the Mayor on October 4, 2019. Regarding Item 1, marked as an immediate disclosure request, the records you have sought regarding the Mayor's "prospective/expected" calendar or schedule for the dates of October 21 to October 28 are currently exempt from disclosure, at least pursuant to Cal. Gov. Code 6254(f). Pursuant to that section and contrary to your argument below, future events and meetings of the Mayor that are not public, necessarily provide "security procedures" information of a "local police agency" given the security assigned to the Mayor for such events and meetings.

Under that provision and a rule of reason analysis, it jeopardizes the safety and security of such meetings to reveal their details in advance. A meeting that has been publicly announced is available for disclosure. Similarly past meetings are recorded in the Prop G calendar and other scheduling documents, as you have seen from our other productions.

Please let me know if you have any questions.

Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

NOTE: Notwithstanding Heckel's claim that one publicly announced meeting was available for disclosure, no record was received with this response. And the Mayor's PR/political decision when to "publicly announce" or not publicly announce a meeting has no bearing on CPRA/Sunshine exemptions.



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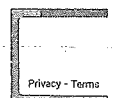
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Schwarzenegger swept into office pledging to open government, saying he had made so much money as an actor that no one could influence his decisions with campaign contributions or other benefits.

Schwarzenegger's daybook shows him meeting with Republican luminaries from Sen. John McCain, R-Ariz., to former Secretary of State George Shultz, foreign dignitaries such as Pakistani Ambassador Ashraf Jehangir Qazi, state lawmakers of both parties and chief executives of major American companies.

The calendar shows meetings with business executives to be fairly common. For example, Schwarzenegger met April 14 with Wal-Mart Chief Executive Lee Scott; six days later, with Dave O'Reilly, CEO of Chevron Texaco; on May 18 with Bob Glynn, chief executive of Pacific Gas & Electric Co.; and on June 8 with Steve Burd, CEO of the Safeway grocery chain.



Schwarzenegger has become a frequent foe of labor and consumer groups who have argued he has only advanced the interests of big business. But Scheer noted that the governor's schedule indicated he met nearly as frequently with labor groups as with CEOs.

The schedule also seems to portray Schwarzenegger taking in viewpoints of both sides on some issues. On Jan. 13, he met with Stanley Zax, chairman of Zenith Insurance, one of the nation's largest workers' compensation insurers; later that day, he met with two AFL-CIO union officials. Both were heavily entrenched in the policy battle over workers' comp insurance changes passed by the Legislature and signed by Schwarzenegger earlier this year.

Zenith and Chevron made large contributions to Schwarzenegger's California Recovery Fund during the year, records show.

The schedules are also notable for those not mentioned.

In September, as Schwarzenegger contemplated signing or vetoing hundreds of bills, consumer advocates with San Francisco-based The Utility Reform Network attempted to sit down with the governor to persuade him to sign legislation aimed at bringing more regulation over energy markets. TURN believed the much-discussed bill, authored by Assembly Speaker Fabian Nuñez, D- Los Angeles, would protect the state from future power price spikes.

"We hand-delivered letters to everyone we could that begged for a meeting," TURN lobbyist Lenny Goldberg said. "We believed he was getting a very narrow perspective from free-market ideologues, and we thought he should hear consumers' perspectives. We were ignored."

Schwarzenegger vetoed the bill, saying it could add to the state's power bills.

Siggins said two-week sets of Schwarzenegger's schedules will be made available upon request in the future with an expected delay of 12-14 days.

John M. Hubbell, Mark Martin, Chronicle Sacramento Bureau

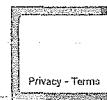
Leave a Reply

Your email address will not be published. Required fields are marked *

Comment

Name *

Email *



**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
September 29, 2020

DATE DECISION ISSUED
September 2, 2020

CASE TITLE – Anonymous v. Chief William Scott, Lt R. Andrew Cox and the Police Department
(File No. 19112)

FACTS OF THE CASE

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

Complaint filed by Anonymous against Chief William Scott, Lt. R. Andrew Cox and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25, 67.26, 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing to respond to a public records request in a timely and/or complete manner; failing to justify withholding of records and failing to maintain a Proposition G calendar.

HEARING ON THE COMPLAINT

On December 17, 2019, the Complaint 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 he made an Immediate Disclosure Request for Police Chief Scott's Proposition G and Non-Proposition G calendars. Anonymous stated that only the Proposition G calendar provided was in an incomplete and untimely manner. Anonymous stated that many calendar entries were redacted without legal citations.

Lt. Andrew Cox (Police Department) (Respondent), provided a summary of the department's position. Lt Cox stated that there was a miscommunication and acknowledged that the responses were late. Lt Cox stated that the Police Department has provided Chief Scott's Proposition G calendar with redactions.

Action: Moved by Member Yankee, seconded by Chair Martin, 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 September 2, 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, 2020, he sent an Immediate Disclosure Request to the Police Department for Prop G and non-Prop G past and future calendars. Anonymous stated that on October 23, 2019, he was told that he would not be provided future Prop G calendars. However, the calendars were provided long after the events listed on the calendars had taken place. Anonymous stated that he received only two weeks of calendar entries after his complaint was filed and that the response was not timely.

Lt. Andrew Cox (Police Department) (Respondent), provided a summary of the department's position. Lt. Cox stated that the Police Department takes full responsibility for not providing the records in a timely manner. Lt. Cox stated that Anonymous refused to use the Police Department's records request portal. Lt. Cox stated that when the request came in it was auto sorted into a file that became an archivable request. Lt. Cox stated that this IDR was not simple and got in touch with the Petitioner to request an additional 10 days to respond. On March 27, 2020, the Petitioner was sent an updated version of his requested records.

Member LaHood noted that the initial request was funneled to an email not regularly monitored and because this was an Immediate Disclosure Request there is a timeliness issue.

Lt Cox stated that his department did develop a different email account and will closely monitor emails so that they do not go through auto sort. Lt Cox also noted that there was no request for future calendars. However, his department provided the requested records.

Anonymous stated that on October 23, 2019, he was told that he would not be provided future calendars. However, they were provided long after the calendars were no longer in the future.

Action: Moved by Member Yankee, seconded by Chair B. Wolfe, to find that Chief William Scott, Lt. R. Andrew Cox and the Police Department violated Administrative Code, (Sunshine Ordinance), Sections 67.25, by failing to provide the requested records in a complete and timely manner, 67.26, for withholding all future calendars instead of providing them with minimal redactions, and 67.27 for incorrectly citing 67.29-5 for withholding non Prop G calendars.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that Chief William Scott, Lt. R. Andrew Cox and the Police Department violated Administrative Code (Sunshine Ordinance), Sections 67.25 for failing to provide the requested records in a complete and timely manner, 67.26 for withholding all future calendars instead of providing them with minimal redactions and 67.27 for incorrectly citing 67.29-5 for withholding non Prop G calendars.

DECISION AND ORDER OF DETERMINATIONS

On September 2, 2020, Member Yankee, seconded by Chair Wolfe moved to find that Chief William Scott, Lt. R. Andrew Cox and the Police Department violated Administrative Code (Sunshine Ordinance), Sections 67.25 for failing to provide the requested records in a complete and timely manner, 67.26 for withholding all future calendars instead of providing them with minimal redactions and 67.27 for incorrectly citing 67.29-5 for withholding non Prop G calendars.

The motion PASSED by the following vote:

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



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Anonymous (Petitioner/Complainant)
Chief William Scott, Lt. R. Andrew Cox, Police Department (Respondents)

Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Thursday, December 3, 2020 8:29 AM
To: Heckel, Hank (MYR); Breed, Mayor London (MYR); MayorSunshineRequests, MYR (MYR)
Cc: SOTF, (BOS); Press Office, Mayor (MYR); Elsbernd, Sean (MYR); Bruss, Andrea (MYR); Cretan, Jeff (MYR); Lila LaHood
Subject: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars
Attachments: Screenshot 2020-12-03 at 12.46.41 AM.png; signature.asc

Good morning Mayor Breed, Hank Heckel, and Office of the Mayor,

Last night in *SOTF 19103 Anonymous v. Breed, et al.*, the SOTF unanimously ruled that Breed, Heckel, and the Office of the Mayor violated SFAC 67.26 for withholding the entirety of Mayor Breed's future calendars (instead of minimally redacting only the "security procedures" of a "local police agency" portions as cited in Gov Code 6254(f)); and violated SFAC 67.27 for citing *Times Mirror v. Superior Court (1991)* only after the complaint was filed and not in the original written justification; and compelled you to comply. It is time to test your compliance:

Please provide, as an immediate disclosure request, each of Breed's prospective/planned Outlook calendar/meeting entry records (for all Breed calendars, whether personal about the conduct of public business or government-owned, and whether Prop G or non-Prop G), in detailed form (including but not limited to the title, attendees, start/end date/time, location, attachments, images, and entry body/content, and every other part of the Outlook entry), where each Outlook entry is printed on a separate page ("Memo Style"), for every event scheduled from Jan 15 through Feb 1, 2021, *as the records exist at the time you receive this request*. You must provide rolling responses. I do not care about .ics files or metadata that is not visible on the detailed/Memo Style entry view in this request, but you are welcome to provide them if that is faster. You must minimally redact the "security procedures" of a "local police agency" pursuant to your 6254(f) citation and provide all other words on the page (comply with 67.26). Since you've apparently been confused how to do this, I've provided you an hypothetical example attached of what one could have done with last time (without in any way conceding that all of that redacted info is in fact lawfully exempt). Note that this example would show exactly what you redacted, **with a key for every redaction**, so the SOTF can judge your compliance; in this hypothetical attached example a staff phone number was Gov Code 6254(c), and the location of the meeting was Gov Code 6254(f).

=====

Compliance Chair LaHood, and members of SOTF - if Breed unreasonably delays full production or rolling responses, I urge you to reject their procedural hijinks and find Breed in willful violation of the law, and agendize 19103 at Compliance immediately. I've won now, and you have compelled them to comply. The nearest date of future calendars requested is almost a month and a half from now - Consider how much time is reasonable to produce a single calendar entry if they are not unlawfully dragging their feet. "Dennis Herrera said so" is no defense to the willful violation of the law, because Herrera is their attorney and will be loyal only to these incumbent officers, and not to the people's laws.

=====

Journalists (BCC): I urge you to listen to the SOTF 19103 hearing of Dec 2. I wanted to note that Breed was apparently willing to produce events *she subjectively deems public*. This is yet more evidence that all they are truly hiding is the topics and attendees of the remaining secret meetings. Why would a *deemed public* event be less of a physical security risk than the other ones? They aren't. They are just hiding who the Mayor is meeting with and what she is discussing, not to prevent physical violence as they falsely claim, but to control the press narrative and timing of

release of future meetings and to prevent *political backlash* against controversial meetings happening in the future, which people would then petition the government about (say by going before the BoS) as is their First Amendment right. Breed's actions are an attempt (now ruled unlawful) to protect, without saying so, her non-existent deliberative process privilege in violation of the people's decision in SFAC 67.24(h). Part of the reason deliberative process exempts (outside of SF) such info is to prevent potential participants from cancelling the meetings for fear of *political embarrassment* so that Breed can hear from a wide variety of parties. (Consider meetings between a politician and politically unpopular lobbyists for example). While there are pros and cons to deliberative process, the people of SF have spoken: it is unlawful to use such exemption in this City.

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Sincerely,

Anonymous

"Courtesy Call" with Professor Doctor Eckart Würzner ["EK-hart VER-zz-ner"], Mayor
Germany (Staff: Natalie Waugh [REDACTED] 6254(c))

[REDACTED]

6254(f)

Mon 10/28/2019 2:00 PM

Mon 10/28/2019 2:30 PM

P147

(none)

Calendar, Mayor (MYR)

Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Thursday, December 3, 2020 8:13 PM
To: Heckel, Hank (MYR); Breed, Mayor London (MYR); MayorSunshineRequests, MYR (MYR)
Cc: SOTF, (BOS); Press Office, Mayor (MYR)
Subject: Re: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars
Attachments: signature.asc

Reconsidering all of your arguments yesterday Mr. Heckel, I want to be super clear on something:

In the Oct 4, 2019 request, you later gave* - **after** you withheld records on Oct 7 on GC 6254(f) and I filed a complaint -- a non-responsive press calendar square grid public webpage. Again, please do not do that here. I have asked you for the Outlook detailed view entries. I don't want a square grid or a press calendar webpage of the "public" meetings, whatever "public" subjectively means (you attempted to argue this "non-public" vs "public" distinction already and I do not believe it was persuasive) and the square grid summary is **not responsive**. Provide the outlook per-entry PDFs, redact them with citations on every redaction however you think is legal, and let SOTF judge the redactions. I don't want any claimed confusion here.

Here's the quote from the original request "You are welcome to print each item (**not the summary view**) directly to **.PDF form in Outlook** and redact them." (emphasis added)

Let's not go through the word-games again. If you genuinely misread last year's request then please say so on the record with SOTF (perhaps the violation was merely inadvertent last time), but yesterday it appeared you were saying something false about what I requested and it is not appreciated.

I downloaded the square press grid myself for this current request. It's a completely blank page around the time of my request.

<https://web.archive.org/web/20201204030920/https://sfmayor.org/events/calendar/month/2021-01>

<https://web.archive.org/web/20200905180910/https://sfmayor.org/events/calendar/month/2021-02>

However, logic dictates that even if the Mayor has not fleshed out all of her calendar so far in advance, some meetings (even standard recurring ones) must be on some Mayoral calendar somewhere.

*If what you were actually trying to argue yesterday is that I was incorrectly claiming that you withheld the records and that the square grid webpage you gave after the complaint filing **is** the responsive record I requested, then I will need to remind you that in 19047, you would have yet an additional violation: you failed to give this press calendar. So please keep your arguments consistent.

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Sincerely,

Anonymous

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

On Thursday, December 3rd, 2020 at 8:29 AM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Good evening Mayor Breed, Hank Heckel, and Office of the Mayor,

Tonight in *SOTF 19103 Anonymous v. Breed, et al.*, the SOTF unanimously found you in violation of SFAC 67.26 for withholding the entirety of Mayor Breed's future calendars instead of redacting the security portions and SFAC 67.27 for citing the *Times Mirror* citation only after a complaint was filed. It is time to enforce the former.

Please provide, as an immediate disclosure request, all calendar records, in detailed form, where each Outlook entry is printed on a separate page (I believe you call it "Memo Style"), as you have many many times, for every event scheduled from Jan 15 through Feb 28, 2021 . You must provide rolling response. I do not care about .ics files or metadata that is not visible on the detailed entry view in this request. Please minimally redact the "security procedures" of a "local police agency". Since you've wondered how to do this, I've provided you an example below of what one could do (without in any way conceding that all of that redacted info is in fact lawfully exempt).

P.S. Mr. Heckel, you made a number of arguments about be asking for some sort of grid calendar where shapes could *implying* when the location/times of meetings. It's very disappointing that you choose to make such arguments when you are well aware that is not what I requested since you've provided the full Outlook page detail many times, and you were in fact required to do so in SOTF 19047. But whatever, I won in spite of such nonsense.

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Sincerely,

Anonymous

https://sfmayor.org/events/calendar/month/2021-01 **OCT** **DEC** **JAN**
 33 captures
 2 Jan 2018 - 4 Jan 2021 **04**
 2019 2020 2021

Office of the Mayor



Mayor's Press Calendar contains information regarding media events only, including press conferences, ceremonial signings and ceremonial events.

January 2021

SUN	MON	TUE	WED	THU	FRI	SAT
27	28	29	30	31	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	1	2	3	4	5	6

The Mayor's daily calendar, outlined in the Administrative Code Sec. 67.29-5, may be obtained by request at: mayorsunshinerequests@sfgov.org. For more information regarding Administrative Code Sec. 67.29-5, please see the following link: <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances15/o0118-15.pdf>

https://sfmayor.org/events/calendar/month/2021-02 AUG SEP NOV
 32 captures 2 Jan 2018 - 4 Jan 2021
 2019 2020 2021

Office of the Mayor



Mayor's Press Calendar contains information regarding media events only, including press conferences, ceremonial signings and ceremonial events.

February 2021

SUN	MON	TUE	WED	THU	FRI	SAT
31	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	1	2	3	4	5	6

The Mayor's daily calendar, outlined in the Administrative Code Sec. 67.29-5, may be obtained by request at: mayorsunshinerequests@sfgov.org. For more information regarding Administrative Code Sec. 67.29-5, please see the following link: <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances15/o0118-15.pdf>

Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Thursday, December 10, 2020 8:23 AM
To: Anonymous
Subject: Re: Important - Text/Chat message retention and metadata
Attachments: Texts - Naomi Kelly -Phone Numbers Redacted - Dates Added.pdf; signature.asc

Good morning City public records folks,

Kudos to the **Dept of Elections, Matthew Selby, and John Arntz** who appear to have complied with the portion of the *SOTF 19098 Anonymous vs Police Department* ruling that **text message metadata must be disclosed**. Note how in the attached file of texts between Arntz and Naomi Kelly provided by the Department, only the phone numbers are redacted. (The Department also added in the human-readable dates - that is appreciated but is not required under the Ordinance. The long numerical date field constitutes a UNIX timestamp that I can decode if needed.)

No fuss, no arguments - just a clean production on the first try that preserves every bit of lawfully disclosable information. (As a critique - they should have justified the redactions under a specific privacy law, SFAC 67.27, but that's a separate issue).

Great work Elections!

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Sincerely,

Anonymous

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

On Monday, December 7th, 2020 at 12:06 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Good morning City public records folks,

Your departments were likely asked this weekend for text/chat messages of every kind with certain members of the Mayor's Office and certain other figures including Walter Wong. Please do not destroy (or fail to retain) any of the records I have requested - you must preserve all responsive records during the pendency of all appeals. If you have auto-destruction/disappearing messages policies, please end them now with respect to the requests I have sent. The Mayor's Office has apparently destroyed some of these records **prior** to our requests so now we must request them from you instead.

In those requests you have been asked to produce the message body, participant names, attachments/images, date/timestamps, and other metadata. In the case of text/chat messages, nearly all of the metadata is easy to read (which, by the way, was *not* held by SOTF to be a requirement for production of metadata). Here's how to produce some common chat message records:

1. In **WhatsApp**, the "Export Chat" button produces an exact .TXT copy of the text content, the participant names, and the dates/times of the messages to redact normally. Also the "Media, Links, Docs" button produces the attachments, which were also requested.
2. In **Signal**, the "All media" button will include all the attachments. You will have to use standard screen-shots of Signal for the message text. The setting of how often the messages are automatically deleted is metadata I want - you can produce it by clicking Conversation Settings and screenshotting.
3. In **Facebook Messenger**, there are normal conversations and secret (end-to-end encrypted) conversations - you must produce both. Producing the latter will require the employee to use the specific device that they used to communicate. Using Facebook through a laptop/desktop/browser will unlawfully WITHHOLD the secret conversations.
4. If you produce any content in encrypted ciphertext instead of plaintext (i.e. for end-to-end encrypted messages), you will be unlawfully withholding the public information.

I also wanted to update you on some recent SOTF rulings in my cases:

SOTF 19103 - London Breed, Hank Heckel, and Mayor's Office violated the law by withholding certain future Breed meeting entries in their entirety instead of providing those entries and minimally redacting the "security procedures" of a "local police agency".

SOTF 19098 - SFPD violated the law by printing and scanning electronic records (which does not constitute a "copy"), withholding To/From metadata on text messages (SFPD produced other metadata voluntarily including ids) and email headers on emails, failing to search for all records subject to *City of San Jose v Superior Court* (2017) and failing to key every redaction with a footnote justification.

Finally, it is each of your department's choice whether to fight me on every last public records law, or to cooperate with me. A number of your departments have reached out in the past for feedback and worked with me on improving access - In those cases I've either dismissed, negotiated, or refrained from filing additional complaints. You can see this in the large difference in number of cases against some obstinate departments versus cooperating ones.

As long as your department and dept head first commit to a *principle* of maximizing lawful public access, I am happy to work with any of you on the practicalities of doing so. But that is not possible until you accept every provision of the Sunshine Ordinance and accept Proposition 59 (Art I, Sec 3) of the California Constitution of broad interpretation of public access, and narrow interpretation of exemptions.

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Sincerely,

Anonymous

Sent from ProtonMail Mobile

<?xml version='1.0' standalone='yes' ?>
<file ver="2">

<thread n="32">

<message type="SMS">

<address [REDACTED] </address> November 9, 2020

<body>Can+we+chat+tomorrow+about+the+possibility+of+deploying+the+temporary+election+workers+to+the+Covid+Command+once+they+finish+with+the+Election.</body>

<date>1604973443646</date>

<read>1</read>

<type>1</type>

<locked>0</locked>

</message>

<message type="SMS">

July 16, 2020

<address [REDACTED] </address>

<body>Give+me+a+call+when+you+have+a+moment.</body>

<date>1594937100952</date>

<read>1</read>

<type>1</type>

<locked>0</locked>

</message>

<message type="SMS">

July 7, 2020

<address [REDACTED] </address>

<body>When+you+get+a+chance%2C+give+me+a+call.</body>

<date>1594168470210</date>

<read>1</read>

<type>1</type>

<locked>0</locked>

</message>

<message type="SMS">

<address [REDACTED] </address> November 8, 2018

<body>Shutting+the+building+down.+Pit+stop+moving+to+grove+street.+Your+employees+will+have+access+to+get+in+and+out+of+the+building.</body>

<date>1573251181185</date>

<read>1</read>

<type>1</type>

<locked>0</locked>

</message>

<message type="SMS">

November 8, 2018

<address [REDACTED] </address>

<body>I%27m+at+the+front+counter.+I%27ve+got+a+bit+of+an+emergency.</body>

<date>1573249153520</date>

<read>1</read>

<type>1</type>

<locked>0</locked>

</message>

<message type="SMS">

<address [REDACTED] </address> June 6, 2018

<body>Hello+John%2C+it%27s+Naomi+Kelly.+When+you+have+a+moment%2C+can+you+call+me%3F</body>

<date>1528301087533</date>

<read>1</read>

Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Tuesday, December 15, 2020 12:48 AM
To: Heckel, Hank (MYR); Breed, Mayor London (MYR); MayorSunshineRequests, MYR (MYR); Elsbernd, Sean (MYR)
Cc: SOTF, (BOS); Press Office, Mayor (MYR)
Subject: Re: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars
Attachments: signature.asc

Members of the Sunshine Ordinance Task Force:

More than 10 days having passed since this Dec 3 request with no reply, and Mayor Breed, et al. having now willfully violated (Public Records Act) Gov Code 6253(c) requiring an extension or determination of disclosable public records within 10 days of a request and (Sunshine Ordinance) Admin Code 67.21(a) prohibiting unreasonable delay, I respectfully request that:

- Mayor Breed, Hank Heckel, and the Office of the Mayor be now brought before the Compliance Committee on *SOTF 19103 Anonymous v. Breed* for willfully refusing to produce the Mayor's future calendar entries, with minimal redactions of the "security procedures" of a "local police agency" (Gov Code 6254(f)), **in violation of this Task Force's December 2 determination that doing so is illegal, violating SF Admin Code 67.26, which requires that no record be withheld unless the entirety of the record is exempt**, and
- Mayor Breed be referred to the Ethics Commission **and** the District Attorney after a finding by SOTF of willful violation of the Sunshine Ordinance, for a hearing and prosecution of official misconduct (pursuant to SFAC 67.34 sentence 2, 67.30), and
- Hank Heckel (if he is a managerial employee) be found by SOTF to have committed official misconduct and be referred to the District Attorney for prosecution (67.34 sentence 1, 67.30), and
- Sean Elsbernd (who, as Chief of Staff, is presumed to be Heckel's direct or indirect supervisor) be found by SOTF to have committed official misconduct and be referred to the District Attorney for prosecution (67.34 sentence 1, 67.30)

Mayor Breed, Hank Heckel, and every person in Heckel's supervisory chain are repeat, willful, violators of the Sunshine Ordinance who hold this Task Force in contempt, refuse to comply with your orders, and deny your authority, delegated by the people of San Francisco, to determine what government information is public within the City of San Francisco. (This is in addition to SOTF 19047, which they have never complied with, which ruling was final against Breed and Heckel over 1 year ago, for which other agencies have at least partially complied, and for which Heckel misled this Task Force during testimony).

Not only do Respondents thumb their nose at City law, they do so now at State law (CPRA) as well.

Please further file a new complaint against Heckel, Breed, and the Mayor's Office for yet another violation of the CPRA in this case.

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Sincerely,

Anonymous

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

On Thursday, December 3rd, 2020 at 8:12 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Reconsidering all of your arguments yesterday Mr. Heckel, I want to be super clear on something:

In the Oct 4, 2019 request, you later gave* - **after** you withheld records on Oct 7 on GC 6254(f) and I filed a complaint -- a non-responsive press calendar square grid public webpage. Again, please do not do that here. I have asked you for the Outlook detailed view entries. I don't want a square grid or a press calendar webpage of the "public" meetings, whatever "public" subjectively means (you attempted to argue this "non-public" vs "public" distinction already and I do not believe it was persuasive) and the square grid summary is **not responsive**. Provide the outlook per-entry PDFs, redact them with citations on every redaction however you think is legal, and let SOTF judge the redactions. I don't want any claimed confusion here.

Here's the quote from the original request "You are welcome to print each item (not the summary view) directly to .PDF form in Outlook and redact them." (emphasis added)

Let's not go through the word-games again. If you genuinely misread last year's request then please say so on the record with SOTF (perhaps the violation was merely inadvertent last time), but yesterday it appeared you were saying something false about what I requested and it is not appreciated.

I downloaded the square press grid myself for this current request. It's a completely blank page around the time of my request.

<https://web.archive.org/web/20201204030920/https://sfmayor.org/events/calendar/month/2021-01>
<https://web.archive.org/web/20200905180910/https://sfmayor.org/events/calendar/month/2021-02>

However, logic dictates that even if the Mayor has not fleshed out all of her calendar so far in advance, some meetings (even standard recurring ones) must be on some Mayoral calendar somewhere.

*If what you were actually trying to argue yesterday is that I was incorrectly claiming that you withheld the records and that the square grid webpage you gave after the complaint filing *is* the responsive record I requested, then I will need to remind you that in 19047, you would have yet an additional violation: you failed to give this press calendar. So please keep your arguments consistent.

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Sincerely,

Anonymous

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

On Thursday, December 3rd, 2020 at 8:29 AM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Good evening Mayor Breed, Hank Heckel, and Office of the Mayor,

Tonight in *SOTF 19103 Anonymous v. Breed, et al.*, the SOTF unanimously found you in violation of SFAC 67.26 for withholding the entirety of Mayor Breed's future calendars instead of redacting the security portions and SFAC 67.27 for citing the *Times Mirror* citation only after a complaint was filed. It is time to enforce the former.

Please provide, as an immediate disclosure request, all calendar records, in detailed form, where each Outlook entry is printed on a separate page (I believe you call it "Memo Style"), as you have many many times, for every event scheduled from Jan 15 through Feb 28, 2021 . You must provide rolling response. I do not care about .ics files or metadata that is not visible on the detailed entry view in this request. Please minimally redact the "security procedures" of a "local police agency". Since you've wondered how to do this, I've provided you an example below of what one could do (without in any way conceding that all of that redacted info is in fact lawfully exempt).

P.S. Mr. Heckel, you made a number of arguments about be asking for some sort of grid calendar where shapes could *implying* when the location/times of meetings. It's very disappointing that you choose to make such arguments when you are well aware that is not what I requested since you've provided the full Outlook page detail many times, and you were in fact required to do so in SOTF 19047. But whatever, I won in spite of such nonsense.

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Sincerely,

Anonymous

Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Tuesday, December 15, 2020 12:48 AM
To: Heckel, Hank (MYR); Breed, Mayor London (MYR); MayorSunshineRequests, MYR (MYR); Elsbernd, Sean (MYR)
Cc: SOTF, (BOS); Press Office, Mayor (MYR)
Subject: Re: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars
Attachments: signature.asc

Members of the Sunshine Ordinance Task Force:

More than 10 days having passed since this Dec 3 request with no reply, and Mayor Breed, et al. having now willfully violated (Public Records Act) Gov Code 6253(c) requiring an extension or determination of disclosable public records within 10 days of a request and (Sunshine Ordinance) Admin Code 67.21(a) prohibiting unreasonable delay, I respectfully request that:

- Mayor Breed, Hank Heckel, and the Office of the Mayor be now brought before the Compliance Committee on *SOTF 19103 Anonymous v. Breed* for willfully refusing to produce the Mayor's future calendar entries, with minimal redactions of the "security procedures" of a "local police agency" (Gov Code 6254(f)), **in violation of this Task Force's December 2 determination that doing so is illegal, violating SF Admin Code 67.26, which requires that no record be withheld unless the entirety of the record is exempt**, and
- Mayor Breed be referred to the Ethics Commission **and** the District Attorney after a finding by SOTF of willful violation of the Sunshine Ordinance, for a hearing and prosecution of official misconduct (pursuant to SFAC 67.34 sentence 2, 67.30), and
- Hank Heckel (if he is a managerial employee) be found by SOTF to have committed official misconduct and be referred to the District Attorney for prosecution (67.34 sentence 1, 67.30), and
- Sean Elsbernd (who, as Chief of Staff, is presumed to be Heckel's direct or indirect supervisor) be found by SOTF to have committed official misconduct and be referred to the District Attorney for prosecution (67.34 sentence 1, 67.30)

Mayor Breed, Hank Heckel, and every person in Heckel's supervisory chain are repeat, willful, violators of the Sunshine Ordinance who hold this Task Force in contempt, refuse to comply with your orders, and deny your authority, delegated by the people of San Francisco, to determine what government information is public within the City of San Francisco. (This is in addition to SOTF 19047, which they have never complied with, which ruling was final against Breed and Heckel over 1 year ago, for which other agencies have at least partially complied, and for which Heckel misled this Task Force during testimony).

Not only do Respondents thumb their nose at City law, they do so now at State law (CPRA) as well.

Please further file a new complaint against Heckel, Breed, and the Mayor's Office for yet another violation of the CPRA in this case.

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However, logic dictates that even if the Mayor has not fleshed out all of her calendar so far in advance, some meetings (even standard recurring ones) must be on some Mayoral calendar somewhere.

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Good evening Mayor Breed, Hank Heckel, and Office of the Mayor,

Tonight in *SOTF 19103 Anonymous v. Breed, et al.*, the SOTF unanimously found you in violation of SFAC 67.26 for withholding the entirety of Mayor Breed's future calendars instead of redacting the security portions and SFAC 67.27 for citing the *Times Mirror* citation only after a complaint was filed. It is time to enforce the former.

Please provide, as an immediate disclosure request, all calendar records, in detailed form, where each Outlook entry is printed on a separate page (I believe you call it "Memo Style"), as you have many many times, for every event scheduled from Jan 15 through Feb 28, 2021 . You must provide rolling response. I do not care about .ics files or metadata that is not visible on the detailed entry view in this request. Please minimally redact the "security procedures" of a "local police agency". Since you've wondered how to do this, I've provided you an example below of what one could do (without in any way conceding that all of that redacted info is in fact lawfully exempt).

P.S. Mr. Heckel, you made a number of arguments about be asking for some sort of grid calendar where shapes could *implying* when the location/times of meetings. It's very disappointing that you choose to make such arguments when you are well aware that is not what I requested since you've provided the full Outlook page detail many times, and you were in fact required to do so in SOTF 19047. But whatever, I won in spite of such nonsense.

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Sincerely,

Anonymous

Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Wednesday, December 30, 2020 6:50 PM
To: Heckel, Hank (MYR); MayorSunshineRequests, MYR (MYR); Breed, Mayor London (MYR); Elsbernd, Sean (MYR); lilalahood.sotf@gmail.com; sotf@brucewolfe.net; SOTF, (BOS); Board of Supervisors, (BOS); Ethics Commission, (ETH)
Subject: Re: FW: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars
Attachments: signature.asc

Mr. Heckel:

If you disagree with the SOTF ruling, you had the legal option of determining in 24 days (by Dec 28) that there were no disclosable public records among Mayor Breed's future calendar entries, provide your justification, openly reject the SOTF's decision like Chief Scott did, and suffer whatever consequences may come, including, as I assume you believe you will, prevailing in Superior Court. You also had the option of giving me the portion of the records that are not SFPD security procedures, per SOTF decision in 19103 - by for example redacting meeting locations and times which you believe are security-sensitive. There is no third option where you take no decision and no responsibility until the meeting dates arise and presuming the rest of us are fools.

The law does not allow you to simply refuse to make a determination after 24 days after a PRA request - Gov Code 6253(c), and you have cited no legal authority for your dilatory tactics. If as you say the issue is complex - that's why you had 24 days; otherwise the law only gave you 10 days. This is not local law, but state law, and Breed cannot unilaterally make go away because she does not like it. You ask me to follow process, yet you simply ignore any law you don't like. None of that law depends on a decision made vs an order published.

You flatly lie to each of the recipients of your email when you claim you and Breed take your obligations under Sunshine seriously, just as you lied to the SOTF last year about Breed not having additional government calendars other than the PropG calendar. If you took the law seriously you would not have ignored the prior order 19047 against you, personally, for over one year and still counting. Not all city employees behave the way you do, and those others that really do act in good faith I have, as you now well know, in fact worked with extensively and productively. Unlike you, those other employees do not lie.

Since you have refused to comply with the simplest requirements of fairness and ethical conduct after repeated warnings, the further complaints will be filed. I have been enormously patient with you Mr. Heckel - for over one year, when the law only gave you 5 days - assuming that you would show some professional competence and either comply with or timely appeal a lawful order, but I have been wrong. I won't beg to be treated fairly anymore, and you can instead deal with an authority with more legal power than I have.

I understand now why other SOTF complainants come to the Task Force angry and at wits' end - due to misconduct and delay engaged in by people like you, with the full backing of the City government protecting you from responsibility. Prevailing complainants, like me, are your victims, not the other way, around as you have previously attempted to manipulate the Board of Supervisors into thinking in your Custodians' letter.

No matter how many times the public prevails at SOTF, employees like you never give the public what is rightfully, and legally, ours without running us through endless gauntlets assuming most of us will give up.

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Sincerely,

Anonymous

Sent from ProtonMail mobile

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

On Dec 30, 2020, 5:06 PM, Heckel, Hank (MYR) <hank.heckel@sfgov.org> wrote:

Dear Anonymous,

As I notified you in my email yesterday, the Office of the Mayor is continuing to consult internally and with the City Attorney's Office regarding our response to your recent request for future calendars of Mayor Breed in light of the discussion at SOTF on December 2, 2020 in File 19103 regarding your request from October of 2019 for then-future calendars of Mayor Breed. We take very seriously our obligations under the Sunshine Ordinance and SOTF's role in advising the City on the application of the ordinance.

The issues raised in File 19103 are complex. We are continuing to deliberate on how to address the security concerns reflected in PRA 6254(f) and the Times Mirror decision that are implicated by your continued requests for future calendars of the Mayor. We are, of course, taking into account the motion passed at the December 2 SOTF hearing on this file. Please note, however, that this motion referred the matter to the Compliance Committee and no Order of Determination has yet been issued. Thus, a specific action has not been directed by the Task Force at this time.

Therefore, we review your complaint below as premature at best. We are working in good faith to answer this request as we do with all sunshine requests and we will get back to you in due course. We hope that you pursue a constructive dialogue with us instead of resorting to threats of actions outside the normal sunshine and Task Force process. We ask for your patience as we work through that process.

Regards,

Hank Heckel

Compliance Officer

Office of the Mayor

City and County of San Francisco

From: Anonymous <arecordsrequestor@protonmail.com>

Sent: Wednesday, December 30, 2020 11:04 AM

To: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>; Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Lila LaHood <lilalahood.sotf@gmail.com>; Bruce Wolfe (Chair, SOTF, SF) <sotf@brucewolfe.net>; SOTF, (BOS) <sotf@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Ethics Commission, (ETH) <ethics.commission@sfgov.org>

Subject: Re: FW: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars

Mr. Heckel:

If you choose to continue your dilatory tactics instead of either complying or openly refusing by close of business today Dec 30, 2020, I intend to file State Bar complaints for the below. You have been given ample opportunities, warnings, and benefit of the doubt to comply with the law and ethical rules of your profession.

If you want to win, you must do so with integrity and honesty and a better legal argument. This is your final warning.

You are now violating State Bar Rule of Professional Conduct 3.4(f) - Fairness to Opposing Party and Counsel "***A lawyer shall not: knowingly* disobey an obligation under the rules of a tribunal* except for an open refusal based on an assertion that no valid obligation exists***" and Bar Rule 3.2 "***In representing a client, a lawyer shall not use means that have no substantial* purpose other than to delay or prolong the proceeding or to cause needless expense.***"

On Dec 2, 2020, the SOTF, an administrative tribunal, unanimously passed the following ruling in SOTF 19103: "Moved by Member LaHood, seconded by Member Hinze to find that Mayor London Breed,

Hank Heckel, and the Mayor's Office violated Administrative Code, Sections 67.26 for failing to keep withholding to a minimum, 67.27 for justification of withholding and to refer the matter to the Compliance and Amendments Committee to ensure that properly redacted records are provided to the Petitioner" regarding your, Breed's, and your office's unlawful refusal to provide Breed's future calendar entries instead of redacting the security procedures. You represented the Respondents in this complaint. Under SOTF Rules you were then required to comply within 5 days.

If you are not complying with the ruling, you must make an "open refusal based on an assertion that no valid obligation exists".

It is long after 5 days in SOTF Rules, and it is after the CPRA's 24 day requirement pursuant to Gov Code 6253(c).

You also violated Bar Rule 3.4(f) by making an argument during the SOTF 19103 Dec 2 hearing after general public comment and after *my* opportunity to have the last word during rebuttal, even after the Chair repeatedly directed you to cease doing so - this violated SOTF Bylaw 10.6 excluding you from speaking. This was unfair to me as opposing party, because the City, not I, got to have the last word.

You are also violating Rule 3.1 "*(a) A lawyer shall not: (2) present a claim or defense in litigation that is not warranted under existing law, unless it can be supported by a good faith argument for an extension, modification, or reversal of the existing law.*". You have cited no law for your authority to extend your response beyond the maximum 24 days permitted by Gov Code 6253(c) under the CPRA.

I also previously warned that you violated Bar Rule 3.3(a)(1) - Candor to the Tribunal - "*A lawyer shall not: knowingly* make a false statement of fact or law to a tribunal* or fail to correct a false statement of material fact or law previously made to the tribunal* by the lawyer;*" in falsely stating to SOTF, an administrative tribunal, that no other information existed other than the "PropG, Mayor" calendar in SOTF 19047, in your written response to the SOTF, and continuing to mislead the SOTF orally during the Committee hearing when repeatedly questioned by the SOTF Members about information other than the calendar you had disclosed, instead of correcting the statement.

You also violated Bar Rule 3.4(f) by refusing to comply with SOTF Rules in Order 19047 - where you were required to comply within 5 days.

You claim you respect the SOTF's ruling, and yet you have not complied (nor timely appealed) after over 455 days after the decision was issued.

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any confidential information, as I intend that these communications with the government all be disclosable public records.

Sincerely,

Anonymous

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

On Tuesday, December 29th, 2020 at 8:32 PM, MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org> wrote:

Anonymous,

We are continuing to consult internally regarding our response and appropriate withholding regarding existing calendar records responsive to your request below, in light of the security concerns referenced and of SOTF's recent ruling. We anticipate responding further in approximately two weeks.

Regards,

Hank Heckel

Compliance Officer

Office of the Mayor

City and County of San Francisco

From: Anonymous <arecordsrequestor@protonmail.com>

Sent: Thursday, December 3, 2020 8:29 AM

To: Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Breed, Mayor-London (MYR)

<mayorlondonbreed@sfgov.org>; MayorSunshineRequests, MYR (MYR)
<mayorsunshinerequests@sfgov.org>
Cc: SOTF, (BOS) <sotf@sfgov.org>; Press Office, Mayor (MYR)
<mayorspressooffice@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>;
Bruss, Andrea (MYR) <andrea.bruss@sfgov.org>; Cretan, Jeff (MYR)
<jeff.cretan@sfgov.org>; Lila LaHood <lilalahood.sotf@gmail.com>
Subject: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request
for Future Breed Calendars

Good morning Mayor Breed, Hank Heckel, and Office of the Mayor,

Last night in *SOTF 19103 Anonymous v. Breed, et al.*, the SOTF unanimously ruled that Breed, Heckel, and the Office of the Mayor violated SFAC 67.26 for withholding the entirety of Mayor Breed's future calendars (instead of minimally redacting only the "security procedures" of a "local police agency" portions as cited in Gov Code 6254(f)); and violated SFAC 67.27 for citing *Times Mirror v. Superior Court (1991)* only after the complaint was filed and not in the original written justification; and compelled you to comply. It is time to test your compliance:

Please provide, as an immediate disclosure request, each of Breed's prospective/planned Outlook calendar/meeting entry records (for all Breed calendars, whether personal about the conduct of public business or government-owned, and whether Prop G or non-Prop G), in detailed form **(including but not limited to the title, attendees, start/end date/time, location, attachments, images, and entry body/content, and every other part of the Outlook entry)**, where each Outlook entry is printed on a separate page ("Memo Style"), for every event scheduled from Jan 15 through Feb 1, 2021, ***as the records exist at the time you receive this request***. You must provide rolling responses. I do not care about .ics files or metadata that is not visible on the detailed/Memo Style entry view in this request, but you are welcome to provide them if that is faster. You must minimally redact the "security procedures" of a "local police agency" pursuant to your 6254(f) citation and provide all other words on the page (comply with 67.26). Since you've apparently been confused how to do this, I've provided you an hypothetical example attached of what one could have done with last time (without in any way conceding that all of that redacted info is in fact lawfully exempt). Note that this example would show exactly what you redacted, **with a key for every redaction**, so the SOTF can judge your compliance; in this hypothetical attached example a staff phone number was Gov Code 6254(c), and the location of the meeting was Gov Code 6254(f).

=====

Compliance Chair LaHood, and members of SOTF - if Breed unreasonably delays full production or rolling responses, I urge you to reject their procedural hijinks and find Breed in willful violation of the law, and agendize 19103 at Compliance immediately. I've won now, and you have compelled them to comply. The nearest date of future calendars requested is almost a month and a half from now - Consider how much time is reasonable to produce a single calendar entry if they are not unlawfully dragging their feet. "Dennis Herrera said so" is no defense to the willful violation of the law, because Herrera is their attorney and will be loyal only to these incumbent officers, and not to the people's laws.

=====

Journalists (BCC): I urge you to listen to the SOTF 19103 hearing of Dec 2. I wanted to note that Breed was apparently willing to produce events *she subjectively deems public*. This is yet more evidence that all they are truly hiding is the topics and attendees of the remaining secret meetings. Why would a *deemed public* event be less of a physical security risk than the other ones? They aren't. They are just hiding who the Mayor is meeting with and what she is discussing, not to prevent physical violence as they falsely claim, but to control the press narrative and timing of release of future meetings and to prevent *political backlash* against controversial meetings happening in the future, which people would then petition the government about (say by going before the BoS) as is their First Amendment right. Breed's actions are an attempt (now ruled unlawful) to protect, without saying so, her non-existent deliberative process privilege in violation of the people's decision in SFAC 67.24(h). Part of the reason deliberative process exempts (outside of SF) such info is to prevent potential participants from cancelling the meetings for fear of *political embarrassment* so that Breed can hear from a wide variety of parties. (Consider meetings between a politician and politically unpopular lobbyists for example). While there are pros and cons to deliberative process, the people of SF have spoken: it is unlawful to use such exemption in this City.

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Leger, Cheryl (BOS)

From: Heckel, Hank (MYR)
Sent: Wednesday, December 30, 2020 5:07 PM
To: Anonymous; MayorSunshineRequests, MYR (MYR); Breed, Mayor London (MYR); Elsbernd, Sean (MYR); Lila LaHood; Bruce Wolfe (Chair, SOTF, SF); SOTF, (BOS); Board of Supervisors, (BOS); Ethics Commission, (ETH)
Subject: RE: FW: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars

Dear Anonymous,

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The issues raised in File 19103 are complex. We are continuing to deliberate on how to address the security concerns reflected in PRA 6254(f) and the Times Mirror decision that are implicated by your continued requests for future calendars of the Mayor. We are, of course, taking into account the motion passed at the December 2 SOTF hearing on this file. Please note, however, that this motion referred the matter to the Compliance Committee and no Order of Determination has yet been issued. Thus, a specific action has not been directed by the Task Force at this time.

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Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Wednesday, December 30, 2020 11:04 AM
To: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>; Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Lila LaHood <lilalahood.sotf@gmail.com>; Bruce Wolfe (Chair, SOTF, SF) <sotf@brucewolfe.net>; SOTF, (BOS) <sotf@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Ethics Commission, (ETH) <ethics.commission@sfgov.org>
Subject: Re: FW: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars

Mr. Heckel:

If you choose to continue your dilatory tactics instead of either complying or openly refusing by close of business today Dec 30, 2020, I intend to file State Bar complaints for the below. You have been given ample opportunities, warnings, and benefit of the doubt to comply with the law and ethical rules of your profession.

If you want to win, you must do so with integrity and honesty and a better legal argument. This is your final warning.

You are now violating State Bar Rule of Professional Conduct 3.4(f) - Fairness to Opposing Party and Counsel "**A lawyer shall not: knowingly* disobey an obligation under the rules of a tribunal* except for an open refusal based on an assertion that no valid obligation exists**" and Bar Rule 3.2 "**In representing a client, a lawyer shall not use means that have no substantial* purpose other than to delay or prolong the proceeding or to cause needless expense.**"

On Dec 2, 2020, the SOTF, an administrative tribunal, unanimously passed the following ruling in SOTF 19103: "Moved by Member LaHood, seconded by Member Hinze to find that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code, Sections 67.26 for failing to keep withholding to a minimum, 67.27 for justification of withholding and to refer the matter to the Compliance and Amendments Committee to ensure that properly redacted records are provided to the Petitioner" regarding your, Breed's, and your office's unlawful refusal to provide Breed's future calendar entries instead of redacting the security procedures. You represented the Respondents in this complaint. Under SOTF Rules you were then required to comply within 5 days.

If you are not complying with the ruling, you must make an "open refusal based on an assertion that no valid obligation exists".

It is long after 5 days in SOTF Rules, and it is after the CPRA's 24 day requirement pursuant to Gov Code 6253(c).

You also violated Bar Rule 3.4(f) by making an argument during the SOTF 19103 Dec 2 hearing after general public comment and after **my** opportunity to have the last word during rebuttal, even after the Chair repeatedly directed you to cease doing so - this violated SOTF Bylaw 10.6 excluding you from speaking. This was unfair to me as opposing party, because the City, not I, got to have the last word.

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I also previously warned that you violated Bar Rule 3.3(a)(1) - Candor to the Tribunal - "**A lawyer shall not: knowingly* make a false statement of fact or law to a tribunal* or fail to correct a false statement of material fact or law previously made to the tribunal* by the lawyer,**" in falsely stating to SOTF, an administrative tribunal, that no other information existed other than the "PropG, Mayor" calendar in SOTF 19047, in your written response to the SOTF, and continuing to mislead the SOTF orally during the Committee hearing when repeatedly questioned by the SOTF Members about information other than the calendar you had disclosed, instead of correcting the statement.

You also violated Bar Rule 3.4(f) by refusing to comply with SOTF Rules in Order 19047 - where you were required to comply within 5 days.

You claim you respect the SOTF's ruling, and yet you have not complied (nor timely appealed) after over 455 days after the decision was issued.

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Sincerely,

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

On Tuesday, December 29th, 2020 at 8:32 PM, MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org> wrote:

Anonymous,

We are continuing to consult internally regarding our response and appropriate withholding regarding existing calendar records responsive to your request below, in light of the security concerns referenced and of SOTF's recent ruling. We anticipate responding further in approximately two weeks.

Regards,

Hank Heckel

Compliance Officer

Office of the Mayor

City and County of San Francisco

From: Anonymous <arecordsrequestor@protonmail.com>

Sent: Thursday, December 3, 2020 8:29 AM

To: Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>

Cc: SOTF, (BOS) <sotf@sfgov.org>; Press Office, Mayor (MYR) <mayorspressooffice@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Bruss, Andrea (MYR) <andrea.bruss@sfgov.org>; Cretan, Jeff (MYR) <jeff.cretan@sfgov.org>; Lila LaHood <lilalahood.sotf@gmail.com>

Subject: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars

Good morning Mayor Breed, Hank Heckel, and Office of the Mayor,

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Please provide, as an immediate disclosure request, each of Breed's prospective/planned Outlook calendar/meeting entry records (for all Breed calendars, whether personal about the conduct of public business or government-owned, and whether Prop G or non-Prop G), in detailed form **(including but not limited to the title, attendees, start/end date/time, location, attachments, images, and entry body/content, and every other part of the Outlook entry)**, where each Outlook entry is printed on a separate page ("Memo Style"), for every event scheduled from Jan 15 through Feb 1, 2021, **as the records exist at the time you receive this request**. You must provide rolling responses. I do not care about .ics files or metadata that is not visible on the detailed/Memo Style entry view in this request, but you are welcome to provide them if that is faster. You must minimally redact the "security procedures" of a "local police agency" pursuant to your 6254(f) citation and provide all other words on the page (comply with 67.26). Since you've apparently been confused how to do this, I've provided you an hypothetical example attached of what one could have done with last time (without in any way conceding that all of that redacted info is in fact lawfully exempt). Note that this example would show exactly what you redacted, **with a key for every redaction**, so the SOTF can judge your compliance; in this hypothetical attached example a staff phone number was Gov Code 6254(c), and the location of the meeting was Gov Code 6254(f).

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Compliance Chair LaHood, and members of SOTF - if Breed unreasonably delays full production or rolling responses, I urge you to reject their procedural hijinks and find Breed in willful violation of the law, and agendize 19103 at Compliance immediately. I've won now, and you have compelled them to comply. The nearest date of future calendars requested is almost a month and a half from now - Consider how much time is reasonable to produce a single calendar entry if they are not unlawfully dragging their feet. "Dennis Herrera said so" is no defense to the willful violation of the law, because Herrera is their attorney and will be loyal only to these incumbent officers, and not to the people's laws.

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they falsely claim, but to control the press narrative and timing of release of future meetings and to prevent *political backlash* against controversial meetings happening in the future, which people would then petition the government about (say by going before the BoS) as is their First Amendment right. Breed's actions are an attempt (now ruled unlawful) to protect, without saying so, her non-existent deliberative process privilege in violation of the people's decision in SFAC 67.24(h). Part of the reason deliberative process exempts (outside of SF) such info is to prevent potential participants from cancelling the meetings for fear of *political embarrassment* so that Breed can hear from a wide variety of parties. (Consider meetings between a politician and politically unpopular lobbyists for example). While there are pros and cons to deliberative process, the people of SF have spoken: it is unlawful to use such exemption in this City.

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Sincerely,

Anonymous

Leger, Cheryl (BOS)

From: Bruce Wolfe <sotf@brucewolfe.net>
Sent: Wednesday, December 30, 2020 2:38 PM
To: SOTF, (BOS)
Cc: Lila LaHood; Jenn; WOLF, MARC (CAT)
Subject: Re: FW: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re-read his message. The opening paragraph was directed at the Respondents. Disregard the context of my message but the content as per our Complaint Procedure in sending order and letter to compel production is still required.

*Bruce Wolfe, Chair
SF Sunshine Ordinance Task Force*

(Response is very limited during business hours on business days and holidays)
~~~~~

On Wed, Dec 30, 2020 at 2:34 PM Bruce Wolfe <sotf@brucewolfe.net> wrote:  
Looping in Marc for any backup.

Hmm, not sure that their assertion for IDR is warranted in this way. We don't do IDRs on open files or to compel disclosure. Our Complaint Procedure rules outline what happens after an OD is issued and is purely administrative:

**E. DEPARTMENT TO COMPLY WITH DETERMINATION OF THE SOTF**

1. The Administrator shall send the Order of Determination to the complainant and the respondent and, as necessary, request a written response which shall be monitored by the SOTF Compliance and Amendments Committee or any Committee recommended by the Chair. If a public records violation is found, the custodian of records shall be ordered to provide the record to the complainant within five business days after the issuance of the Order of Determination. The Compliance and Amendments Committee shall review whether there has been compliance with the Order of Determination.

I believe we automatically do this.  
The rest CAC will continue to review and monitor, and make recommendations as necessary to SOTF.

Bruce Wolfe, Chair

On Thu, Dec 3, 2020, 12:00 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

Dear SOTF Members: Please see the email below from Anonymous regarding last night's hearing.

Cheryl Leger

Assistant Clerk, Board of Supervisors

[Cheryl.Leger@sfgov.org](mailto:Cheryl.Leger@sfgov.org)

Tel: 415-554-7724

Fax: 415-554-5163

[www.sfbos.org](http://www.sfbos.org)

Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

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**Cc:** SOTF, (BOS) <[sotf@sfgov.org](mailto:sotf@sfgov.org)>; Press Office, Mayor (MYR) <[mayorspressoffice@sfgov.org](mailto:mayorspressoffice@sfgov.org)>; Elsbernd, Sean (MYR) <[sean.elsbernd@sfgov.org](mailto:sean.elsbernd@sfgov.org)>; Bruss, Andrea (MYR) <[andrea.bruss@sfgov.org](mailto:andrea.bruss@sfgov.org)>; Cretan, Jeff (MYR) <[jeff.cretan@sfgov.org](mailto:jeff.cretan@sfgov.org)>; Lila LaHood <[lilalahood.sotf@gmail.com](mailto:lilalahood.sotf@gmail.com)>

**Subject:** Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars

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**Subject:** Re: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars  
**Attachments:** signature.asc

Chair LaHood OR Chair Wolfe - I ask that you schedule SOTF 19103 for a Compliance hearing as Respondents refuse to comply.

**This Task Force should not put up with the Mayor making a mockery of the transparency laws.** After 24 days - the CPRA max limit - Mayor Breed refuses to decide how she is responding.

- Please refer the Mayor to the Ethics Commission for official misconduct.
- Please find that Heckel and everyone in his supervisory chain including presumably Elsbernd, willfully violated the law and find that they committed official misconduct - NOTE: Only elected officials and department heads get the extra layer of the Ethics Commission - see SFAC 67.34. Other managerial employees can be held responsible by SOTF alone.
- Please refer Heckel, Breed, and the Office of the Mayor to the District Attorney and Attorney General for refusal to provide public records.
- Please transmit your ruling to the Presiding Judge of the San Francisco Superior Court for enforcement.

On Dec 3, I requested again the Mayor's future calendar entries with minimal redactions pursuant to your unanimous ruling in SOTF 19103 that such records must be minimally redacted for security procedures.

On Dec 14 - the CPRA deadline for an initial 10 day response - Respondents violated Gov Code 6253(c) by refusing to respond with a determination of disclosable public records, a justification, or an extension.

On Dec 28 - the CPRA deadline for an extended 14 day response - Respondents violated Gov Code 6253(c) again by not providing the determination of disclosable public records and justification after an extension.

It is now Dec 29. No determination and justification has been provided.

Rolling responses were requested - Refusing to provide even a single redacted calendar entry after 24 days constitutes an unreasonable delay and a refusal to provide rolling responses.

Respondents appear to believe that by taking their ball and going home they can skirt the law.

These same Respondents (Breed, Heckel, Office of Mayor) have never complied with your 1 year old ruling on the Mayor's *past* calendars in SOTF 19047 either. In July 2020, Respondents returned to their old ways of withholding the past, non-Prop G calendars without justification. No ICS records were provided either.

Heckel, Breed, and the Office of the Mayor repeatedly, willfully violate your rulings, the Sunshine Ordinance, and the CPRA.

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*sender. Please do not include any confidential information, as I intend that these communications with the government all be disclosable public records.*

Sincerely,

Anonymous

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

On Tuesday, December 15th, 2020 at 12:48 AM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Members of the Sunshine Ordinance Task Force:

More than 10 days having passed since this Dec 3 request with no reply, and Mayor Breed, et al. having now willfully violated (Public Records Act) Gov Code 6253(c) requiring an extension or determination of disclosable public records within 10 days of a request and (Sunshine Ordinance) Admin Code 67.21(a) prohibiting unreasonable delay, I respectfully request that:

- Mayor Breed, Hank Heckel, and the Office of the Mayor be now brought before the Compliance Committee on *SOTF 19103 Anonymous v. Breed* for willfully refusing to produce the Mayor's future calendar entries, with minimal redactions of the "security procedures" of a "local police agency" (Gov Code 6254(f)), **in violation of this Task Force's December 2 determination that doing so is illegal, violating SF Admin Code 67.26, which requires that no record be withheld unless the entirety of the record is exempt, and**
- Mayor Breed be referred to the Ethics Commission **and** the District Attorney after a finding by SOTF of willful violation of the Sunshine Ordinance, for a hearing and prosecution of official misconduct (pursuant to SFAC 67.34 sentence 2, 67.30), and
- Hank Heckel (if he is a managerial employee) be found by SOTF to have committed official misconduct and be referred to the District Attorney for prosecution (67.34 sentence 1, 67.30), and
- Sean Elsbernd (who, as Chief of Staff, is presumed to be Heckel's direct or indirect supervisor) be found by SOTF to have committed official misconduct and be referred to the District Attorney for prosecution (67.34 sentence 1, 67.30)

Mayor Breed, Hank Heckel, and every person in Heckel's supervisory chain are repeat, willful, violators of the Sunshine Ordinance who hold this Task Force in contempt, refuse to comply with your orders, and deny your authority, delegated by the people of San Francisco, to determine what government information is public within the City of San Francisco. (This is in addition to SOTF 19047, which they have never complied with, which ruling was final against Breed and Heckel over 1 year ago, for which other agencies have at least partially complied, and for which Heckel misled this Task Force during testimony).

Not only do Respondents thumb their nose at City law, they do so now at State law (CPRA) as well.

Please further file a new complaint against Heckel, Breed, and the Mayor's Office for yet another violation of the CPRA in this case.

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*any confidential information, as I intend that these communications with the government all be disclosable public records.*

Sincerely,

Anonymous

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

On Thursday, December 3rd, 2020 at 8:12 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Reconsidering all of your arguments yesterday Mr. Heckel, I want to be super clear on something:

In the Oct 4, 2019 request, you later gave\* - *after* you withheld records on Oct 7 on GC 6254(f) and I filed a complaint -- a non-responsive press calendar square grid public webpage. Again, please do not do that here. I have asked you for the Outlook detailed view entries. I don't want a square grid or a press calendar webpage of the "public" meetings, whatever "public" subjectively means (you attempted to argue this "non-public" vs "public" distinction already and I do not believe it was persuasive) and the square grid summary is **not responsive**. Provide the outlook per-entry PDFs, redact them with citations on every redaction however you think is legal, and let SOTF judge the redactions. I don't want any claimed confusion here.

Here's the quote from the original request "You are welcome to print each item (**not the summary view**) directly to **.PDF form in Outlook** and redact them." (emphasis added) Let's not go through the word-games again. If you genuinely misread last year's request then please say so on the record with SOTF (perhaps the violation was merely inadvertent last time), but yesterday it appeared you were saying something false about what I requested and it is not appreciated.

I downloaded the square press grid myself for this current request. It's a completely blank page around the time of my request.

<https://web.archive.org/web/20201204030920/https://sfmayor.org/events/calendar/month/2021-01>

<https://web.archive.org/web/20200905180910/https://sfmayor.org/events/calendar/month/2021-02>

However, logic dictates that even if the Mayor has not fleshed out all of her calendar so far in advance, some meetings (even standard recurring ones) must be on some Mayoral calendar somewhere.

\*If what you were actually trying to argue yesterday is that I was incorrectly claiming that you withheld the records and that the square grid webpage you gave after the complaint filing *is* the responsive record I requested, then I will need to remind you that in 19047, you would have yet an additional violation: you failed to give this press calendar. So please keep your arguments consistent.

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*direct, indirect, consequential, or any other damages whatsoever. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the government all be disclosable public records.*

Sincerely,

Anonymous

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

On Thursday, December 3rd, 2020 at 8:29 AM, Anonymous  
<arecordsrequestor@protonmail.com> wrote:

Good evening Mayor Breed, Hank Heckel, and Office of the Mayor,

Tonight in *SOTF 19103 Anonymous v. Breed, et al.*, the SOTF unanimously found you in violation of SFAC 67.26 for withholding the entirety of Mayor Breed's future calendars instead of redacting the security portions and SFAC 67.27 for citing the *Times Mirror* citation only after a complaint was filed. It is time to enforce the former.

Please provide, as an immediate disclosure request, all calendar records, in detailed form, where each Outlook entry is printed on a separate page (I believe you call it "Memo Style"), as you have many many times, for every event scheduled from Jan 15 through Feb 28, 2021 . You must provide rolling response. I do not care about .ics files or metadata that is not visible on the detailed entry view in this request. Please minimally redact the "security procedures" of a "local police agency". Since you've wondered how to do this, I've provided you an example below of what one could do (without in any way conceding that all of that redacted info is in fact lawfully exempt).

P.S. Mr. Heckel, you made a number of arguments about be asking for some sort of grid calendar where shapes could *implying* when the location/times of meetings. It's very disappointing that you choose to make such arguments when you are well aware that is not what I requested since you've provided the full Outlook page detail many times, and you were in fact required to do so in SOTF 19047. But whatever, I won in spite of such nonsense.

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Sincerely,

Anonymous

## Leger, Cheryl (BOS)

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**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Tuesday, December 29, 2020 8:45 PM  
**To:** MayorSunshineRequests, MYR (MYR); Lila LaHood; Bruce Wolfe (Chair, SOTF, SF); SOTF, (BOS)  
**Cc:** Records, Supervisor (CAT)  
**Subject:** Re: FW: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars  
**Attachments:** signature.asc

**Chair Wolfe and Chair LaHood:** Respondents affirmatively refuse to comply with the law - see below. They are not willing to determine within 24 days whether or not the records requested are public and disclosable and what their justification is, as required by CPRA Govt Code 6253(c). Please do not let this go unpunished.

**Supervisor of Records:** Heckel, Breed, and Office of the Mayor refused to comply with the request detailed below. Please determine in writing that some or all of the withheld records are public and order them disclosed.

**Mr. Heckel:**

You don't get more than 24 days to decide - the CPRA gives you 10 days + a 14 day extension, that's it. You are simply waiting until much closer to the meeting date, or until after it has occurred, You are breaking the law Mr. Heckel by not providing a determination pursuant to Gov Code 6253(c). How do you justify your own actions internally in your head? Is this what makes you proud of as a public servant - getting paid to be a shield for London Breed's refusal to comply with the records law?

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Sincerely,

Anonymous

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

On Tuesday, December 29th, 2020 at 8:32 PM, MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org> wrote:

Anonymous,

We are continuing to consult internally regarding our response and appropriate withholding regarding existing calendar records responsive to your request below, in light of the security concerns referenced and of SOTF's recent ruling. We anticipate responding further in approximately two weeks.



Regards,

Hank Heckel

Compliance Officer

Office of the Mayor

City and County of San Francisco

**From:** Anonymous <arecordsrequestor@protonmail.com>

**Sent:** Thursday, December 3, 2020 8:29 AM

**To:** Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>

**Cc:** SOTF, (BOS) <sotf@sfgov.org>; Press Office, Mayor (MYR) <mayorspressooffice@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Bruss, Andrea (MYR) <andrea.bruss@sfgov.org>; Cretan, Jeff (MYR) <jeff.cretan@sfgov.org>; Lila LaHood <lilalahood.sotf@gmail.com>

**Subject:** Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars

Good morning Mayor Breed, Hank Heckel, and Office of the Mayor,

Last night in *SOTF 19103 Anonymous v. Breed, et al.*, the SOTF unanimously ruled that Breed, Heckel, and the Office of the Mayor violated SFAC 67.26 for withholding the entirety of Mayor Breed's future calendars (instead of minimally redacting only the "security procedures" of a "local police agency" portions as cited in Gov Code 6254(f)); and violated SFAC 67.27 for citing *Times Mirror v. Superior Court (1991)* only after the complaint was filed and not in the original written justification; and compelled you to comply. It is time to test your compliance:

Please provide, as an immediate disclosure request, each of Breed's prospective/planned Outlook calendar/meeting entry records (for all Breed calendars, whether personal about the conduct of public business or government-owned, and whether Prop G or non-Prop G), in detailed form (including but not limited to the title, attendees, start/end date/time, location, attachments, images, and entry body/content, and every other part of the Outlook entry), where each Outlook entry is printed on a separate page ("Memo Style"), for every event scheduled from Jan

15 through Feb 1, 2021, **as the records exist at the time you receive this request**. You must provide rolling responses. I do not care about .ics files or metadata that is not visible on the detailed/Memo Style entry view in this request, but you are welcome to provide them if that is faster. You must minimally redact the "security procedures" of a "local police agency" pursuant to your 6254(f) citation and provide all other words on the page (comply with 67.26). Since you've apparently been confused how to do this, I've provided you an hypothetical example attached of what one could have done with last time (without in any way conceding that all of that redacted info is in fact lawfully exempt). Note that this example would show exactly what you redacted, **with a key for every redaction**, so the SOTF can judge your compliance; in this hypothetical attached example a staff phone number was Gov Code 6254(c), and the location of the meeting was Gov Code 6254(f).

=====

**Compliance Chair LaHood, and members of SOTF** - if Breed unreasonably delays full production or rolling responses, I urge you to reject their procedural hijinks and find Breed in willful violation of the law, and agendize 19103 at Compliance immediately. I've won now, and you have compelled them to comply. The nearest date of future calendars requested is almost a month and a half from now - Consider how much time is reasonable to produce a single calendar entry if they are not unlawfully dragging their feet. "Dennis Herrera said so" is no defense to the willful violation of the law, because Herrera is their attorney and will be loyal only to these incumbent officers, and not to the people's laws.

=====

**Journalists (BCC):** I urge you to listen to the SOTF 19103 hearing of Dec 2. I wanted to note that Breed was apparently willing to produce events *she subjectively deems public*. This is yet more evidence that all they are truly hiding is the topics and attendees of the remaining secret meetings. Why would a *deemed public* event be less of a physical security risk than the other ones? They aren't. They are just hiding who the Mayor is meeting with and what she is discussing, not to prevent physical violence as they falsely claim, but to control the press narrative and timing of release of future meetings and to prevent *political backlash* against controversial meetings happening in the future, which people would then petition the government about (say by going before the BoS) as is their First Amendment right. Breed's actions are an attempt (now ruled unlawful) to protect, without saying so, her non-existent deliberative process privilege in violation of the people's decision in SFAC 67.24(h). Part of the reason deliberative process exempts (outside of SF) such info is to prevent potential participants from cancelling the meetings for fear of *political embarrassment* so that Breed can hear from a wide variety of parties. (Consider meetings between a politician and politically unpopular lobbyists for example). While there are pros and cons to deliberative process, the people of SF have spoken: it is unlawful to use such exemption in this City.

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Sincerely,

Anonymous

## Leger, Cheryl (BOS)

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Tuesday, December 29, 2020 8:53 PM  
**To:** Heckel, Hank (MYR); Breed, Mayor London (MYR); MayorSunshineRequests, MYR (MYR);  
Elsbernd, Sean (MYR)  
**Cc:** SOTF, (BOS)  
**Subject:** SOTF 19103 Enforcement - Req 2 - Immediate Disclosure Request  
**Attachments:** signature.asc

Sean Elsbernd, London Breed; Hank Heckel, Office of the Mayor:

This is a new immediate disclosure request for the detailed prospective/scheduled Outlook entries, one per calendar entry, for the Feb 1 - Feb 15, 2020 dates for London Breed on every calendar (whether Prop G or non-Prop G, and including but not limited to PropG, Mayor (MYR), and Calendar, Mayor (MYR) and all personal calendars) about the conduct of public business, with minimal redactions, and a key for the redactions. Your determination of disclosable public records and legal justification is due on January 11, or after extension, on January 25, 2020 (CPRA Gov Code 6253(c)).

Recall the SOTF 19103 ruling for Breed's future calendars  
- [https://sfgov.org/sunshine/sites/default/files/SOTF\\_120220\\_minutes.pdf](https://sfgov.org/sunshine/sites/default/files/SOTF_120220_minutes.pdf) :

Moved by Member LaHood, seconded by Member Hinze to find that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code, Sections 67.26 for failing to keep withholding to a minimum, 67.27 for justification of withholding and to refer the matter to the Compliance and Amendments Committee to ensure that properly redacted records are provided to the Petitioner.

The motion PASSED by the following vote: Ayes: 7 - LaHood, Hinze, Yankee, Wong, Schmidt, Hyland, Wolfe; Noes: 0 - None; Absent: 0 - None

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Sincerely,

Anonymous

**Leger, Cheryl (BOS)**

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Tuesday, December 29, 2020 8:55 PM  
**To:** SOTF, (BOS); Heckel, Hank (MYR); Breed, Mayor London (MYR); Elsbernd, Sean (MYR); MayorSunshineRequests, MYR (MYR)  
**Subject:** Fw: SOTF 19103 Enforcement - Req 2 - Immediate Disclosure Request - CORRECTED  
**Attachments:** signature.asc

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

On Tuesday, December 29th, 2020 at 8:52 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Sean Elsbernd, London Breed, Hank Heckel, Office of the Mayor:

This is a new immediate disclosure request for the detailed prospective/scheduled Outlook entries, one per calendar entry, for the Feb 1 - Feb 15, 2021 dates for London Breed on every calendar (whether Prop G or non-Prop G, and including but not limited to PropG, Mayor (MYR), and Calendar, Mayor (MYR) and all personal calendars) about the conduct of public business, with minimal redactions, and a key for the redactions. Your determination of disclosable public records and legal justification is due on January 11, or after extension, on January 25, 2021 (CPRA Gov Code 6253(c)).

Recall the SOTF 19103 ruling for Breed's future calendars  
- [https://sfgov.org/sunshine/sites/default/files/SOTF\\_120220\\_minutes.pdf](https://sfgov.org/sunshine/sites/default/files/SOTF_120220_minutes.pdf) :

Moved by Member LaHood, seconded by Member Hinze to find that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code, Sections 67.26 for failing to keep withholding to a minimum, 67.27 for justification of withholding and to refer the matter to the Compliance and Amendments Committee to ensure that properly redacted records are provided to the Petitioner.

The motion PASSED by the following vote: Ayes: 7 - LaHood, Hinze, Yankee, Wong, Schmidt, Hyland, Wolfe; Noes: 0 - None; Absent: 0 - None

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Sincerely,

Anonymous

## Leger, Cheryl (BOS)

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Tuesday, December 29, 2020 8:55 PM  
**To:** Elsbernd, Sean (MYR); Heckel, Hank (MYR); Breed, Mayor London (MYR); MayorSunshineRequests, MYR (MYR); SOTF, (BOS)  
**Subject:** SOTF 19103 Enforcement - Req 3 - Immediate Disclosure Request  
**Attachments:** signature.asc

Sean Elsbernd, London Breed, Hank Heckel, Office of the Mayor:

This is a new immediate disclosure request for the detailed prospective/scheduled Outlook entries, one per calendar entry, for the **Feb 16 - Feb 28, 2021** dates for London Breed on every calendar (whether Prop G or non-Prop G, and including but not limited to PropG, Mayor (MYR), and Calendar, Mayor (MYR) and all personal calendars) about the conduct of public business, with minimal redactions, and a key for the redactions. Your determination of disclosable public records and legal justification is due on January 11, or after extension, on January 25, 2021 (CPRA Gov Code 6253(c)).

Recall the SOTF 19103 ruling for Breed's future calendars  
- [https://sfgov.org/sunshine/sites/default/files/SOTF\\_120220\\_minutes.pdf](https://sfgov.org/sunshine/sites/default/files/SOTF_120220_minutes.pdf) :

Moved by Member LaHood, seconded by Member Hinze to find that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code, Sections 67.26 for failing to keep withholding to a minimum, 67.27 for justification of withholding and to refer the matter to the Compliance and Amendments Committee to ensure that properly redacted records are provided to the Petitioner.

The motion PASSED by the following vote: Ayes: 7 - LaHood, Hinze, Yankee, Wong, Schmidt, Hyland, Wolfe; Noes: 0 - None; Absent: 0 - None

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Sincerely,

Anonymous

## Leger, Cheryl (BOS)

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Tuesday, December 29, 2020 8:56 PM  
**To:** Elsbernd, Sean (MYR); Heckel, Hank (MYR); Breed, Mayor London (MYR); MayorSunshineRequests, MYR (MYR); SOTF, (BOS)  
**Subject:** SOTF 19103 Enforcement - Req 4 - Immediate Disclosure Request  
**Attachments:** signature.asc

Sean Elsbernd, London Breed, Hank Heckel, Office of the Mayor:

This is a new immediate disclosure request for the detailed prospective/scheduled Outlook entries, one per calendar entry, for the Mar 1 - Mar 15, 2021 dates for London Breed on every calendar (whether Prop G or non-Prop G, and including but not limited to PropG, Mayor (MYR), and Calendar, Mayor (MYR) and all personal calendars) about the conduct of public business, with minimal redactions, and a key for the redactions. Your determination of disclosable public records and legal justification is due on January 11, or after extension, on January 25, 2021 (CPRA Gov Code 6253(c)).

Recall the SOTF 19103 ruling for Breed's future calendars  
- [https://sfgov.org/sunshine/sites/default/files/SOTF\\_120220\\_minutes.pdf](https://sfgov.org/sunshine/sites/default/files/SOTF_120220_minutes.pdf) :

Moved by Member LaHood, seconded by Member Hinze to find that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code, Sections 67.26 for failing to keep withholding to a minimum, 67.27 for justification of withholding and to refer the matter to the Compliance and Amendments Committee to ensure that properly redacted records are provided to the Petitioner.

The motion PASSED by the following vote: Ayes: 7 - LaHood, Hinze, Yankee, Wong, Schmidt, Hyland, Wolfe; Noes: 0 - None; Absent: 0 - None

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Sincerely,

Anonymous

**Leger, Cheryl (BOS)**

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Tuesday, December 29, 2020 8:57 PM  
**To:** Elsbernd, Sean (MYR); Heckel, Hank (MYR); Breed, Mayor London (MYR); MayorSunshineRequests, MYR (MYR); SOTF, (BOS)  
**Subject:** SOTF 19103 Enforcement - Req 5 - Immediate Disclosure Request  
**Attachments:** signature.asc

Sean Elsbernd, London Breed, Hank Heckel, Office of the Mayor:

This is a new immediate disclosure request for the detailed prospective/scheduled Outlook entries, one per calendar entry, for the **Mar 16 - Mar 31, 2021** dates for London Breed on every calendar (whether Prop G or non-Prop G, and including but not limited to PropG, Mayor (MYR), and Calendar, Mayor (MYR) and all personal calendars) about the conduct of public business, with minimal redactions, and a key for the redactions. Your determination of disclosable public records and legal justification is due on January 11, or after extension, on January 25, 2021 (CPRA Gov Code 6253(c)).

Recall the SOTF 19103 ruling for Breed's future calendars  
- [https://sfgov.org/sunshine/sites/default/files/SOTF\\_120220\\_minutes.pdf](https://sfgov.org/sunshine/sites/default/files/SOTF_120220_minutes.pdf) :

Moved by Member LaHood, seconded by Member Hinze to find that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code, Sections 67.26 for failing to keep withholding to a minimum, 67.27 for justification of withholding and to refer the matter to the Compliance and Amendments Committee to ensure that properly redacted records are provided to the Petitioner.

The motion PASSED by the following vote: Ayes: 7 - LaHood, Hinze, Yankee, Wong, Schmidt, Hyland, Wolfe; Noes: 0 - None; Absent: 0 - None

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Sincerely,

Anonymous



## Leger, Cheryl (BOS)

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Tuesday, December 29, 2020 9:00 PM  
**To:** Elsbernd, Sean (MYR); Heckel, Hank (MYR); Breed, Mayor London (MYR); MayorSunshineRequests, MYR (MYR); SOTF, (BOS)  
**Subject:** SOTF 19103 Enforcement - Req 6 - Immediate Disclosure Request  
**Attachments:** signature.asc

Sean Elsbernd, London Breed, Hank Heckel, Office of the Mayor:

This is a new immediate disclosure request for the detailed prospective/scheduled Outlook entries, one per calendar entry, for the **Apr 1 - Apr 15, 2021** dates for London Breed on every calendar (whether Prop G or non-Prop G, and including but not limited to PropG, Mayor (MYR), and Calendar, Mayor (MYR) and all personal calendars) about the conduct of public business, with minimal redactions, and a key for the redactions. Your determination of disclosable public records and legal justification is due on January 11, or after extension, on January 25, 2021 (CPRA Gov Code 6253(c)).

Recall the SOTF 19103 ruling for Breed's future calendars  
- [https://sfgov.org/sunshine/sites/default/files/SOTF\\_120220\\_minutes.pdf](https://sfgov.org/sunshine/sites/default/files/SOTF_120220_minutes.pdf) :

Moved by Member LaHood, seconded by Member Hinze to find that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code, Sections 67.26 for failing to keep withholding to a minimum, 67.27 for justification of withholding and to refer the matter to the Compliance and Amendments Committee to ensure that properly redacted records are provided to the Petitioner.

The motion PASSED by the following vote: Ayes: 7 - LaHood, Hinze, Yankee, Wong, Schmidt, Hyland, Wolfe; Noes: 0 - None; Absent: 0 - None

***NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the government all be disclosable public records.***

Sincerely,

Anonymous

**Leger, Cheryl (BOS)**

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Tuesday, December 29, 2020 9:02 PM  
**To:** Elsbernd, Sean (MYR); Heckel, Hank (MYR); Breed, Mayor London (MYR); MayorSunshineRequests, MYR (MYR); SOTF, (BOS)  
**Subject:** SOTF 19103 Enforcement - Req 7 - Immediate Disclosure Request  
**Attachments:** signature.asc

Sean Elsbernd, London Breed, Hank Heckel, Office of the Mayor:

This is a new immediate disclosure request for the detailed prospective/scheduled Outlook entries, one per calendar entry, for the **Apr 16 - Apr 30, 2021** dates for London Breed on every calendar (whether Prop G or non-Prop G, and including but not limited to PropG, Mayor (MYR), and Calendar, Mayor (MYR) and all personal calendars) about the conduct of public business, with minimal redactions, and a key for the redactions. Your determination of disclosable public records and legal justification is due on January 11, or after extension, on January 25, 2021 (CPRA Gov Code 6253(c)).

Recall the SOTF 19103 ruling for Breed's future calendars  
- [https://sfgov.org/sunshine/sites/default/files/SOTF\\_120220\\_minutes.pdf](https://sfgov.org/sunshine/sites/default/files/SOTF_120220_minutes.pdf) :

Moved by Member LaHood, seconded by Member Hinze to find that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code, Sections 67.26 for failing to keep withholding to a minimum, 67.27 for justification of withholding and to refer the matter to the Compliance and Amendments Committee to ensure that properly redacted records are provided to the Petitioner.

The motion PASSED by the following vote: Ayes: 7 - LaHood, Hinze, Yankee, Wong, Schmidt, Hyland, Wolfe; Noes: 0 - None; Absent: 0 - None

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Sincerely,

Anonymous

## Leger, Cheryl (BOS)

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Tuesday, December 29, 2020 9:07 PM  
**To:** Elsbernd, Sean (MYR); Heckel, Hank (MYR); Breed, Mayor London (MYR); MayorSunshineRequests, MYR (MYR); SOTF, (BOS)  
**Subject:** SOTF 19103 Enforcement - Req 8 - Immediate Disclosure Request  
**Attachments:** signature.asc

Sean Elsbernd, London Breed, Hank Heckel, Office of the Mayor:

This is a new immediate disclosure request for the detailed prospective/scheduled Outlook entries, one per calendar entry, for the **May 1 - May 15, 2021** dates for London Breed on every calendar (whether Prop G or non-Prop G, and including but not limited to PropG, Mayor (MYR), and Calendar, Mayor (MYR) and all personal calendars) about the conduct of public business, with minimal redactions, and a key for the redactions. Your determination of disclosable public records and legal justification is due on January 11, or after extension, on January 25, 2021 (CPRA Gov Code 6253(c)).

Recall the SOTF 19103 ruling for Breed's future calendars

- [https://sfgov.org/sunshine/sites/default/files/SOTF\\_120220\\_minutes.pdf](https://sfgov.org/sunshine/sites/default/files/SOTF_120220_minutes.pdf) :

Moved by Member LaHood, seconded by Member Hinze to find that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code, Sections 67.26 for failing to keep withholding to a minimum, 67.27 for justification of withholding and to refer the matter to the Compliance and Amendments Committee to ensure that properly redacted records are provided to the Petitioner.

The motion PASSED by the following vote: Ayes: 7 - LaHood, Hinze, Yankee, Wong, Schmidt, Hyland, Wolfe; Noes: 0 - None; Absent: 0 - None

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Sincerely,

Anonymous

**Leger, Cheryl (BOS)**

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Tuesday, December 29, 2020 9:08 PM  
**To:** Elsbernd, Sean (MYR); Heckel, Hank (MYR); Breed, Mayor London (MYR); MayorSunshineRequests, MYR (MYR); SOTF, (BOS)  
**Subject:** SOTF 19103 Enforcement - Req 9 - Immediate Disclosure Request  
**Attachments:** signature.asc

Sean Elsbernd, London Breed, Hank Heckel, Office of the Mayor:

This is a new immediate disclosure request for the detailed prospective/scheduled Outlook entries, one per calendar entry, for the May 16 - May 31, 2021 dates for London Breed on every calendar (whether Prop G or non-Prop G, and including but not limited to PropG, Mayor (MYR), and Calendar, Mayor (MYR) and all personal calendars) about the conduct of public business, with minimal redactions, and a key for the redactions. Your determination of disclosable public records and legal justification is due on January 11, or after extension, on January 25, 2021 (CPRA Gov Code 6253(c)).

Recall the SOTF 19103 ruling for Breed's future calendars  
- [https://sfgov.org/sunshine/sites/default/files/SOTF\\_120220\\_minutes.pdf](https://sfgov.org/sunshine/sites/default/files/SOTF_120220_minutes.pdf) :

Moved by Member LaHood, seconded by Member Hinze to find that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code, Sections 67.26 for failing to keep withholding to a minimum, 67.27 for justification of withholding and to refer the matter to the Compliance and Amendments Committee to ensure that properly redacted records are provided to the Petitioner.

The motion PASSED by the following vote: Ayes: 7 - LaHood, Hinze, Yankee, Wong, Schmidt, Hyland, Wolfe; Noes: 0 - None; Absent: 0 - None

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Sincerely,

Anonymous

**Leger, Cheryl (BOS)**

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Tuesday, December 29, 2020 9:09 PM  
**To:** Elsbernd, Sean (MYR); Heckel, Hank (MYR); Breed, Mayor London (MYR); MayorSunshineRequests, MYR (MYR); SOTF, (BOS)  
**Subject:** SOTF 19103 Enforcement - Req 10 - Immediate Disclosure Request  
**Attachments:** signature.asc

Sean Elsbernd, London Breed, Hank Heckel, Office of the Mayor:

This is a new immediate disclosure request for the detailed prospective/scheduled Outlook entries, one per calendar entry, for the **Dec 1 - 15, 2021** dates for London Breed on every calendar (whether Prop G or non-Prop G, and including but not limited to PropG, Mayor (MYR), and Calendar, Mayor (MYR) and all personal calendars) about the conduct of public business, with minimal redactions, and a key for the redactions. Your determination of disclosable public records and legal justification is due on January 11, or after extension, on January 25, 2021 (CPRA Gov Code 6253(c)).

Recall the SOTF 19103 ruling for Breed's future calendars  
- [https://sfgov.org/sunshine/sites/default/files/SOTF\\_120220\\_minutes.pdf](https://sfgov.org/sunshine/sites/default/files/SOTF_120220_minutes.pdf) :

Moved by Member LaHood, seconded by Member Hinze to find that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code, Sections 67.26 for failing to keep withholding to a minimum, 67.27 for justification of withholding and to refer the matter to the Compliance and Amendments Committee to ensure that properly redacted records are provided to the Petitioner.

The motion PASSED by the following vote: Ayes: 7 - LaHood, Hinze, Yankee, Wong, Schmidt, Hyland, Wolfe; Noes: 0 - None; Absent: 0 - None

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Sincerely,

Anonymous

## Leger, Cheryl (BOS)

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**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Tuesday, December 29, 2020 9:14 PM  
**To:** Elsbernd, Sean (MYR); Heckel, Hank (MYR); Breed, Mayor London (MYR); MayorSunshineRequests, MYR (MYR); SOTF, (BOS)  
**Subject:** SOTF 19103 Enforcement - Req 11 - Immediate Disclosure Request  
**Attachments:** signature.asc

Sean Elsbernd, London Breed, Hank Heckel, Office of the Mayor:

This is a new immediate disclosure request for the detailed prospective/scheduled Outlook entries, one per calendar entry, for the Jan 1 - 15, 2022 dates for London Breed on every calendar (whether Prop G or non-Prop G, and including but not limited to PropG, Mayor (MYR), and Calendar, Mayor (MYR) and all personal calendars) about the conduct of public business, with minimal redactions, and a key for the redactions. Your determination of disclosable public records and legal justification is due on January 11, or after extension, on January 25, 2021 (CPRA Gov Code 6253(c)).

Recall the SOTF 19103 ruling for Breed's future calendars  
- [https://sfgov.org/sunshine/sites/default/files/SOTF\\_120220\\_minutes.pdf](https://sfgov.org/sunshine/sites/default/files/SOTF_120220_minutes.pdf) :

Moved by Member LaHood, seconded by Member Hinze to find that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code, Sections 67.26 for failing to keep withholding to a minimum, 67.27 for justification of withholding and to refer the matter to the Compliance and Amendments Committee to ensure that properly redacted records are provided to the Petitioner.

The motion PASSED by the following vote: Ayes: 7 - LaHood, Hinze, Yankee, Wong, Schmidt, Hyland, Wolfe; Noes: 0 - None; Absent: 0 - None

***NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the government all be disclosable public records.***

Sincerely,

Anonymous

## Leger, Cheryl (BOS)

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Tuesday, December 29, 2020 9:15 PM  
**To:** Elsbernd, Sean (MYR); Heckel, Hank (MYR); Breed, Mayor London (MYR); MayorSunshineRequests, MYR (MYR); SOTF, (BOS)  
**Subject:** SOTF 19103 Enforcement - Req 12 - Immediate Disclosure Request  
**Attachments:** signature.asc

Sean Elsbernd, London Breed, Hank Heckel, Office of the Mayor:

This is a new immediate disclosure request for the detailed prospective/scheduled Outlook entries, one per calendar entry, for the Jan 16 - 31, 2023 dates for London Breed on every calendar (whether Prop G or non-Prop G, and including but not limited to PropG, Mayor (MYR), and Calendar, Mayor (MYR) and all personal calendars) about the conduct of public business, with minimal redactions, and a key for the redactions. Your determination of disclosable public records and legal justification is due on January 11, or after extension, on January 25, 2021 (CPRA Gov Code 6253(c)).

Recall the SOTF 19103 ruling for Breed's future calendars  
- [https://sfgov.org/sunshine/sites/default/files/SOTF\\_120220\\_minutes.pdf](https://sfgov.org/sunshine/sites/default/files/SOTF_120220_minutes.pdf) :

Moved by Member LaHood, seconded by Member Hinze to find that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code, Sections 67.26 for failing to keep withholding to a minimum, 67.27 for justification of withholding and to refer the matter to the Compliance and Amendments Committee to ensure that properly redacted records are provided to the Petitioner.

The motion PASSED by the following vote: Ayes: 7 - LaHood, Hinze, Yankee, Wong, Schmidt, Hyland, Wolfe; Noes: 0 - None; Absent: 0 - None

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Sincerely,

Anonymous

## Leger, Cheryl (BOS)

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Tuesday, January 12, 2021 2:08 PM  
**To:** Breed, Mayor London (MYR); Heckel, Hank (MYR); Elsbernd, Sean (MYR)  
**Cc:** Bruce Wolfe (Chair, SOTF, SF); Lila LaHood; SOTF, (BOS)  
**Subject:** New: SOTF Order 19103 - Mayor's future calendars must be redacted, not withheld - Immediate Disclosure Request  
**Attachments:** SOTF\_ORDER\_19103.pdf; signature.asc

**Mayor Breed, Hank Heckel, and the Office of the Mayor:** This is an immediate disclosure for the detailed Outlook entries - one PDF per entry - for all items scheduled on any of the Mayor's various calendars, personal or government accounts, about the conduct of public business, from June 1, 2021 to June 14, 2021. All 3 of you were found to have violated the law in SOTF 19103 (attached) for withholding the *entirety* of Breed's meeting entries occurring in the future, instead of properly redacting just the exempt portions of those entries (such as say the location where the meeting would be held). iCalendar metadata is not required, but may be produced if it is quicker to produce it rather than a PDF.

### SOTF:

Today, you published SOTF Order 19103: the Mayor's future calendar entries must be minimally redacted with appropriate justifications, NOT completely withheld. The Mayor now needs to redact the "security procedures" of a "local police agency" (i.e. info about her security detail, that is properly exempt under Gov Code 6254(f)) and provide, most importantly and at least, the subject matter/attendees. Especially in the days of COVID when surely most meetings are virtual, nothing about these meetings is a "security procedure" of the SFPD.

**Especially with COVID, there is no genuine security issue here - the Mayor wants to be able to control the media narrative around her future actions, and is fighting to do so.** There is no public interest in the Mayor controlling what the public knows about her agenda. There is certainly a private, political benefit to the Mayor however. But political shenanigans do not trump the public records laws.

I want to note that I have made multiple requests for various future Mayoral dates after your decision, on Dec 29. As of Jan 12, no response has been received, violating the CPRA.

The Mayor's Office simply refuses to respond in any way to any of the requests, hoping to hold out until the date of the event passes and no one will notice the ruse they play.

This is a violation of the CPRA requiring an up or down decision with justification within 10 days, which can be extended to 24 (and no more).

The Mayor has now violated the CPRA deadline in - with absolutely no response forthcoming.

Perhaps they will change their tune now that the Order is actually published

When this case comes up before Compliance, I ask that you find the Mayor has willfully violated the Sunshine Ordinance and CPRA.

As a reminder, not a single order issued by this SOTF against the Mayor in my cases has the Mayor produced what's required.

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Sincerely,

Anonymous

## Leger, Cheryl (BOS)

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Wednesday, January 20, 2021 6:08 AM  
**To:** MayorSunshineRequests, MYR (MYR); SOTF, (BOS)  
**Subject:** RE: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars  
**Attachments:** signature.asc

Similarly titled numbered requests 2, 3, 4, 5 are cancelled.

You only need to respond to 6, 7, 8, 9, 10, 11, and 12.

This is to ensure you produce records well in advance of the actual event date no matter what.

Producing records after the event has occurred does not demonstrate any compliance with SOTF 19103.

I'll expect at least some records on the 24th day after Dec 29.

Please be certain you cite every redaction or withholding to a specific permissive CPRA exemption not prohibited by the Ordinance, or a specific mandatory exemption (i.e. prohibition on disclosure), or a court case that creates liability.

If you make a 6255 argument, I will ask that SOTF simply find that the public interest in nondisclosure does not clearly outweigh the interest in disclosure and that your non-disclosure is based on a prohibited deliberative process exemption.

**NOTE:** 1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary. 2. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. 3. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. 4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sincerely,

Anonymous

Sent from ProtonMail Mobile

On Wed, Jan 20, 2021 at 12:59 AM, MayorSunshineRequests, MYR (MYR) <[mayorsunshinerequests@sfgov.org](mailto:mayorsunshinerequests@sfgov.org)> wrote:

Anonymous,

We have received the request below and all numbered requests with a similar subject line sent on December 29. Please note that consistent with the ruling in SOTF 19103, we will produce non-exempt material from the requested future calendar entries with appropriate redactions to safeguard the security-sensitive information previously identified. Thus, we are informing you that responsive records exist and we will provide those to you over the next couple of weeks on a rolling basis with redactions, consistent with Gov. Code 6253(c) and Section 7a of the Fifth Supplement to the Proclamation Declaring

a Local Emergency, which has suspended the normal response time in which to provide or withhold documents during the ongoing COVID-19 pandemic in light of the reasons cited in that proclamation.

Regards,

Hank Heckel

Legal Compliance Officer

Office of the Mayor

City and County of San Francisco

**From:** MayorSunshineRequests, MYR (MYR)

**Sent:** Tuesday, December 29, 2020 8:33 PM

**To:** arecordsrequestor@protonmail.com

**Cc:** MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>

**Subject:** FW: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars

Anonymous,

We are continuing to consult internally regarding our response and appropriate withholding regarding existing calendar records responsive to your request below, in light of the security concerns referenced and of SOTF's recent ruling. We anticipate responding further in approximately two weeks.

Regards,

Hank Heckel

Compliance Officer

Office of the Mayor

City and County of San Francisco

**From:** Anonymous <arecordsrequestor@protonmail.com>

**Sent:** Thursday, December 3, 2020 8:29 AM

**To:** Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>

**Cc:** SOTF, (BOS) <sotf@sfgov.org>; Press Office, Mayor (MYR) <mayorspressooffice@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Bruss, Andrea (MYR) <andrea.bruss@sfgov.org>; Cretan, Jeff (MYR) <jeff.cretan@sfgov.org>; Lila LaHood <lilalahood.sotf@gmail.com>

**Subject:** Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars

Good morning Mayor Breed, Hank Heckel, and Office of the Mayor,

**Last night in *SOTF 19103 Anonymous v. Breed, et al.*, the SOTF unanimously ruled that Breed, Heckel, and the Office of the Mayor violated SFAC 67.26 for withholding the entirety of Mayor Breed's future calendars (instead of minimally redacting only the "security procedures" of a "local police agency" portions as cited in Gov Code 6254(f)); and violated SFAC 67.27 for citing *Times Mirror v. Superior Court (1991)* only after the complaint was filed and not in the original written justification; and compelled you to comply. It is time to test your compliance:**

Please provide, as an immediate disclosure request, each of Breed's prospective/planned Outlook calendar/meeting entry records (for all Breed calendars, whether personal about the conduct of public business or government-owned, and whether Prop G or non-Prop G), in detailed form (**including but not limited to the title, attendees, start/end date/time, location, attachments, images, and entry body/content, and every other part of the Outlook entry**), where each Outlook entry is printed on a separate page ("Memo Style"), for every event scheduled from Jan 15 through Feb 1, 2021, ***as the records exist at the time you receive this request***. You must provide rolling responses. I do not care about .ics files or metadata that is not visible on the detailed/Memo Style entry view in this request, but you are welcome to provide them if that is faster. You must minimally redact the "security procedures" of a "local police agency" pursuant to your 6254(f) citation and provide all other words on the page (comply with 67.26). Since you've apparently been confused how to do this, I've provided you an hypothetical example attached of what one could have done with last time (without in any way conceding that all of that redacted info is in fact lawfully exempt). Note that this example would show exactly what you redacted, **with a key for every redaction**, so the SOTF can judge your compliance; in this hypothetical attached example a staff phone number was Gov Code 6254(c), and the location of the meeting was Gov Code 6254(f).

=====

**Compliance Chair LaHood, and members of SOTF** - if Breed unreasonably delays full production or rolling responses, I urge you to reject their procedural hijinks and find Breed in willful violation of the law, and agendize 19103 at Compliance immediately. I've won now, and you have compelled them to comply. The nearest date of future calendars requested is almost a month and a half from now - Consider how much time is reasonable to produce a single calendar entry if they are not unlawfully dragging their feet. "Dennis Herrera said so" is no defense to the willful violation of the law, because Herrera is their attorney and will be loyal only to these incumbent officers, and not to the people's laws.

=====

**Journalists (BCC):** I urge you to listen to the SOTF 19103 hearing of Dec 2. I wanted to note that Breed was apparently willing to produce events *she subjectively deems public*. This is yet more evidence that all they are truly hiding is the topics and attendees of the remaining secret meetings. Why would a *deemed public* event be less of a physical security risk than the other ones? They aren't. They are just hiding who the Mayor is meeting with and what she is discussing, not to prevent physical violence as they falsely claim, but to control the press narrative and timing of release of future meetings and to prevent *political backlash* against controversial meetings happening in the future, which people would then petition the government about (say by going before the BoS) as is their First Amendment right. Breed's actions are an attempt (now ruled unlawful) to protect, without saying so, her non-existent deliberative process privilege in violation of the people's decision in SFAC 67.24(h). Part of the reason deliberative process exempts (outside of SF) such info is to prevent potential participants from cancelling the meetings for fear of *political embarrassment* so that Breed can hear from a wide variety of parties. (Consider meetings between a politician and politically unpopular lobbyists for example). While there are pros and cons to deliberative process, the people of SF have spoken: it is unlawful to use such exemption in this City.

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Sincerely,

Anonymous

## Leger, Cheryl (BOS)

---

**From:** 81242-04060798@requests.muckrock.com  
**Sent:** Friday, February 12, 2021 8:39 AM  
**To:** SOTF, (BOS)  
**Cc:** Heckel, Hank (MYR)  
**Subject:** RE: California Public Records Act Request #19103

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

February 12, 2021

This is a follow up to request number 19103:

Mayor's Office: I certainly hope you preserved all responsive records to my Oct 4, 2019 request as they existed when I requested them so that you can comply with SOTF Order 19103. You still have not turned them over. As you know, you are required to retain responsive records when they are requested pending all appeals. I will request metadata in a subsequent request to find out if these records were preserved when I requested them or have been modified.

The original requests from oct 4 2019:

1. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's \*prospective/expected\* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to print each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately).
2. REGULAR DISCLOSURE: If the Mayor or any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).
3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

Filed via MuckRock.com

E-mail (Preferred): [81242-04060798@requests.muckrock.com](mailto:81242-04060798@requests.muckrock.com)

Upload documents directly: <https://avanan.url->

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For mailed responses, please address (see note):

MuckRock News  
DEPT MR 81242  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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On Jan. 12, 2021:

Subject: SOTF - Order of Determination

Dear Parties: Attached is the Order of Determination in 19103 for your records. This document was published today.

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Cheryl.Leger@sfgov.org<mailto:Cheryl.Leger@sfgov.org>  
Tel: 415-554-7724  
Fax: 415-554-5163  
<https://avanan.url->

<https://avanan.url-protection.com/v1/url?o=www.sfbos.org&g=ODVINDI1NDY1NTA2ZDgxYw==&h=MjRkMzFkOTdjNTQ4YjhlODImZTI3MwU4YjlmZDE1YTIwOGQ0OGM0YmYmNWQyYmFjM2VINZiMwI2MTM1OTIhZQ==&p=YXAzOnNmZHQyOmF2YW5hbjpvZmZpY2UzNjVfZW1haWxzX2VtYWlsOmZjNzNkZGNjMWMYmja0YzE2MDk1NzJiM2YzNDMyNDk2OnYx>

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The Legislative Research Center<<https://avanan.url-protection.com/v1/url?o=http%3A//www.sfbos.org/index.aspx%3Fpage%3D9681%26gt%3B&g=ZTYyYjY3MDU5MzY5MDhmMg==&h=MTA0MTk5NzNjYmMzOTAyYWFIOGJiYTRkZjg4MDFiNmUyZWMyNDQyODhiN2JjZGFIZGQyMDcwZDdjNTQ0ODI2Yw==&p=YXAzOnNmZHQyOmF2YW5hbjpvZmZpY2UzNjVfZW1haWxzX2VtYWlsOmZjNzNkZGNjMWMYmja0YzE2MDk1NzJiM2YzNDMyNDk2OnYx>>



Dk1NzJiM2YzNDMyNDk2OnYx provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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On Jan. 12, 2021:

Subject: SOTF - Order of Determination; File no. 19103

Dear Parties: Attached please find a signed Order of Determination for file no. 19103.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Cheryl.Leger@sfgov.org<mailto:Cheryl.Leger@sfgov.org>

Tel: 415-554-7724

Fax: 415-554-5163

<https://avanan.url-protection.com/v1/url?o=www.sfbos.org&g=ZWQ4YzUxNDcwY2I3ZTkYmG==&h=YzcxZTU0YjMzNjhiM2U0YWUyNzhhMTI5MDI0ZjcwMGUwYTcwNGlwMDFhZW11NjM3ZTE3NzE4M2NINDdjOTdhZQ==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWlsOmZjNzNkZGNjMWMYmja0YzE2MDk1NzJiM2YzNDMyNDk2OnYx>

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The Legislative Research Center<<https://avanan.url-protection.com/v1/url?o=http%3A//www.sfbos.org/index.aspx%3Fpage%3D9681%26gt%3B&g=YzVlZDgxZTkxZW5hbnJpZmZpY2UzNjVfZW1haWxzX2VtYWlsOmZjNzNkZGNjMWMYmja0YzE2MDk1NzJiM2YzNDMyNDk2OnYx>

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means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

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On Dec. 1, 2020:

Subject: RE: California Public Records Act Request #19103  
Anonymous,

We are reviewing the arguments set forth below. Can you please provide a record of the settlement you are referencing with regard to the First Amendment Coalition lawsuit so I can understand what specific records were at issue and what was produced?

Regards,

Hank Heckel  
Compliance Officer  
Office of the Mayor  
City and County of San Francisco

---

On Nov. 30, 2020:

Subject: RE: California Public Records Act Request #19103  
Mayor London Breed,

This is an immediate disclosure request for the contents of all calendars/meetings/scheduling entries for your expected/prospective meetings, in detailed form, including but not limited all subject lines, attachments, images, attendees, attendee status, dates, times, locations, and message bodies, for JANUARY 10 to JANUARY 24, 2021 (inclusive). Neither metadata nor iCalendar (ICS) files are requested, but you may provide them if you wish. You must minimally redact these records with a key and either footnote or other clear reference for every redaction.

You should actually read the below to make a cogent legal argument that I am wrong:

Times Mirror: Times Mirror (1991) is no longer good law in the State of California. Immediately after Proposition 59, the Governor, in pre-trial settlement of the lawsuit brought by the First Amendment Coalition, did provide the meeting entries previously exempt under this ruling. Even if this ruling were still good outside of San Francisco, it was never permitted in San Francisco due to SFAC 67.24(g,h,i). Even if you were to unlawfully ignore Prop 59 and SFAC 67.24(g,h,i), some portion on the record poses no threat to the Mayor's physical security. And, after all that, during COVID-19, many of the Mayor's meetings are conducted via teleconference, so even if you unlawfully did use the full Times Mirror ruling, those entries could not possibly endanger the Mayor's physical security and must be in their entirety disclosed. Disclosure could endanger the Mayor's deliberative process privilege, which of course has been banned in San Francisco since 1999 and continues to be banned under COVID-19.

Safety of officials: No exemption exists for this vague notion - you have cited no law. There is a specific prohibition on the disclosure by agencies of officials' home address and phone number under CPRA, which has not been cited. Under Prop 59, you cannot expand this exemption beyond its plain meaning.

Evid Code 1040: The Mayor cannot logically receive her own calendar in confidence, nor is there any state or federal law \*prohibiting\* this release, nor does this information cause harm to "justice." This citation is irrelevant.

Gov Code 6254(f): The contents of the "SID" entries detailing the Mayor's security detail constitute "records of ... security procedures of" the SFPD, and may be properly exempt, whether future or past. No other information is a "record of" a "security procedure of" the SFPD.

Rule of reason: This request is not so voluminous so as to create "chaos in the record archives" and this citation is irrelevant. Bruce v. Gregory (1967) 65 Cal.2d 666, 676.

Sincerely,  
Anonymous

---  
On Nov. 25, 2020:  
Subject: SOTF - Sunshine Ordinance Task Force December 2, 2020 hearing; 4:00 pm - remote meeting  
Good Afternoon:

The agenda and packet for the Sunshine Ordinance Task Force December 2, 2020 4:00 p.m. meeting is online at the following link:

[https://avanan.url-protection.com/v1/url?o=https%3A//sfgov.org/sunshine/sites/default/files/sotf\\_120220\\_agenda.pdf&g=MzQ4Yzk0NzQyMDc2OGUwZA==&h=ZDg4ZjUzMzc1YTVkOTlmMGEyNjVjMmI2MDI3Yzc3Njc3YjYzMGUwYTdlNGZkNzE0N2RkZGExY2FmY2U0NjUyMQ==&p=YXAzOnNmZHQyOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWlsOmZjNzNkZGNjMWMMyMjA0YzE2MDk1NzJiM2YzNDMyNDk2OnYx](https://avanan.url-protection.com/v1/url?o=https%3A//sfgov.org/sunshine/sites/default/files/sotf_120220_agenda.pdf&g=MzQ4Yzk0NzQyMDc2OGUwZA==&h=ZDg4ZjUzMzc1YTVkOTlmMGEyNjVjMmI2MDI3Yzc3Njc3YjYzMGUwYTdlNGZkNzE0N2RkZGExY2FmY2U0NjUyMQ==&p=YXAzOnNmZHQyOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWlsOmZjNzNkZGNjMWMMyMjA0YzE2MDk1NzJiM2YzNDMyNDk2OnYx)

The packet material is linked to each item listed on the agenda marked with an "attachment". Click anywhere on the title of the item to open the link to the pdf of the packet material in question.

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
[Cheryl.Leger@sfgov.org](mailto:Cheryl.Leger@sfgov.org)  
Tel: 415-554-7724  
Fax: 415-554-5163

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MDk1NzJiM2YzNDMyNDk2OnYx provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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---

On Oct. 4, 2019:

Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request  
Office of the Mayor,

\*\* Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. \*\*

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 4, 2019. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.

Mr. Heckel, Compliance Officer for the Mayor, made an intriguing assertion at the full SOTF hearing for Case 19047. While the task force ruled against the Mayor for \*prior\* calendar records, Mr. Heckel appeared to argue that all future meetings of the Mayor are somehow completely secret (the SOTF did not rule on future meetings since they were not requested in 19047). I will be testing that purported claim of exemption. Note that it is implausible that there would be no prospective scheduling information for upcoming events the Mayor must attend to, even though Prop G requires no such calendar be kept. All calendars, whether Prop G or not, that your agency prepared, owned, used, or retained re: the public's business are public records -- as was also ruled at SOTF 19047 (see also, Sup. of Records response of Sept. 6).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of the Mayor's future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for the Mayor's Office. The Mayor's Office is not "the office of the Attorney General [or] the Department of Justice, the Office of Emergency Services [or] any state or local police agency" so the first clause re: security procedures does not apply. Furthermore a calendar cannot be "investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes." This would be an absurd stretch of the words of the statute; every meeting is not "for correctional, law enforcement, or licensing purposes." Information regarding the security detail for the Mayor may potentially be lawfully withheld under 6254(f) - but there is a lot more to a calendar than a security detail, such as normal political and policy meetings. I don't care about the security detail, and you may exclude the security detail info from responsive records. If you believe certain parts of a meeting record are redactable under 6254(f) or otherwise you must only redact each minimal portion and cite each justification.

All records must be provided in rolling fashion.

Please read carefully the exact wording of my request as it is different than my prior ones. Please follow the Ordinance precisely as I am auditing your agency's public records regimen; as you are well aware, every violation of the Sunshine Ordinance will be appealed.

Please provide:

1. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's \*prospective/expected\* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to print each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately).
2. REGULAR DISCLOSURE: If the Mayor or any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).
3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 81242-04060798@requests.muckrock.com

Upload documents directly: [https://avanan.url-protection.com/v1/url?o=https%3A//accounts.muckrock.com/accounts/login/%3Fnext%3Dhttps%253A%252F%252Fwww.muckrock.com%252Faccounts%252Flogin%252F%253Fnext%253D%25252Faccounts%25252Fagency\\_login%25252Foffice-of-the-mayor-3891%25252Ffuture-calendars-and-meetings-immediate-disclosure-request-81242%25252F%25253Femail%25253Dsoft%25252540sf.gov.org%26amp%3Burl\\_auth\\_token%3DAAAxJOK2OUULoYu4xv2F8WXKz5U%253A1IAbTW%253AOhk6dUJttF4tPDUbUY7BiQ1Z-dA&g=NTYxMDA4MTk1YTYxM2M2Mg==&h=NWYyOTRjZWYyNmM3YWQyODUzZDViZTg0ZWY3MzZhY2E4NGIxMGNmMDJlZjU2YmM0NDdjYmYxZmM5ZGY3MjBkMQ==&p=YXAzOnNmZHQyOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWlsOmZjNzNkZGNjMWMYmja0YzE2MDk1NzJiM2YzNDMyNDk2OnYx](https://avanan.url-protection.com/v1/url?o=https%3A//accounts.muckrock.com/accounts/login/%3Fnext%3Dhttps%253A%252F%252Fwww.muckrock.com%252Faccounts%252Flogin%252F%253Fnext%253D%25252Faccounts%25252Fagency_login%25252Foffice-of-the-mayor-3891%25252Ffuture-calendars-and-meetings-immediate-disclosure-request-81242%25252F%25253Femail%25253Dsoft%25252540sf.gov.org%26amp%3Burl_auth_token%3DAAAxJOK2OUULoYu4xv2F8WXKz5U%253A1IAbTW%253AOhk6dUJttF4tPDUbUY7BiQ1Z-dA&g=NTYxMDA4MTk1YTYxM2M2Mg==&h=NWYyOTRjZWYyNmM3YWQyODUzZDViZTg0ZWY3MzZhY2E4NGIxMGNmMDJlZjU2YmM0NDdjYmYxZmM5ZGY3MjBkMQ==&p=YXAzOnNmZHQyOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWlsOmZjNzNkZGNjMWMYmja0YzE2MDk1NzJiM2YzNDMyNDk2OnYx)

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For mailed responses, please address (see note):

MuckRock News

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411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



## Leger, Cheryl (BOS)

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Thursday, February 18, 2021 9:18 AM  
**To:** SOTF, (BOS); Heckel, Hank (MYR); Breed, Mayor London (MYR); MayorSunshineRequests, MYR (MYR)  
**Subject:** Compliance Update For Order SOTF 19103 - for the agenda packet  
**Attachments:** Original Request.pdf; signature.asc

### Compliance Update For Order SOTF 19103 - for the agenda packet:

Dear SOTF:

OD 19103 found that Mayor Breed, Hank Heckel, and the Office of the Mayor violated 67.26 (minimal withholding) and 67.27 (written justification) regarding a request for certain of the Mayor's then-future calendar entries, and directed your Committee to ensure that properly redacted records are provided by Respondents to me.

With regards to the original records request for future calendars that resulted the Order of Determination, I have not received anything further from the Office of the Mayor since your OD as of this letter (which is due 5pm tonight). When SOTF determines that information is public, Respondents are required by SFAC 67.21(e) to comply with my request. It is unclear if they intend to provide anything at all further. It is also unclear whether Respondents did what they are required to do in all records requests: which is to preserve at the time of my request all the responsive records including those they believed were lawfully exempt pending the final adjudication of all appeals. Of course, I won the appeal in this case and should be provided those records. I'm guessing they did not actually preserve the responsive records which is why they haven't given me anything else. I will request and examine the metadata of the records if I ever get them to ensure that they are not lying and whatever I get is in fact what responsive records existed *at the time of my request* not further additions/deletions thereafter. Have the Respondents provided all of the originally requested records properly redacted? They haven't said anything after your OD was issued (though I have asked) so I have no idea whether they have.

With regards to future calendars of the Mayor in general, I issued a number of requests for then-future calendars after your ruling to ensure the Mayor, Heckel, and Office of the Mayor (Respondents found in violation) complied with your ruling. On those requests, the Mayor's Office has picked one (I must assume it is the one with the least sensitive meetings to ensure they can pretend to comply while still not letting the public see the more controversial meetings) request to which to respond to. They refuse to respond to the others - without any citations or justifications - and are now waiting out the clock until those meetings are in the past. From the 1 request they responded to, they have withheld not only the location of the future meeting, but also the times and even dates of the meetings and argue that they only have to provide records one week at a time. It is unclear how the date and time of a meeting constitutes a security procedure of a local agency exempt under Gov Code 6254(f) - if the public is unaware of the location, what security procedure is threatened? It is also unclear to me whether I need to file a series of further complaints or you are allowed to consider this issue at this Compliance hearing.

**NOTE:** 1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary. 2. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. 3. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. 4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sincerely,

Anonymous



**From: Anonymous Person**

10/04/2019

**Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure ...**

Email

Office of the Mayor,

\*\* Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. \*\*

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 4, 2019. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.

Mr. Heckel, Compliance Officer for the Mayor, made an intriguing assertion at the full SOTF hearing for Case 19047. While the task force ruled against the Mayor for \*prior\* calendar records, Mr. Heckel appeared to argue that all future meetings of the Mayor are somehow completely secret (the SOTF did not rule on future meetings since they were not requested in 19047). I will be testing that purported claim of exemption. Note that it is implausible that there would be no prospective scheduling information for upcoming events the Mayor must attend to, even though Prop G requires no such calendar be kept. All calendars, whether Prop G or not, that your agency prepared, owned, used, or retained re: the public's business are public records -- as was also ruled at SOTF 19047 (see also, Sup. of Records response of Sept. 6).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of the Mayor's future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for the Mayor's Office. The Mayor's Office is not "the office of the Attorney General [or] the Department of Justice, the Office of Emergency Services [or] any state or local police agency" so the first clause re: security procedures does not apply. Furthermore a calendar cannot be "investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes." This would be an absurd stretch of the words of the statute; every meeting is not "for correctional, law enforcement, or licensing purposes." Information regarding the security detail for the Mayor may potentially be lawfully withheld under 6254(f) - but there is a lot more to a calendar than a security detail, such as normal political and policy meetings. I don't care about the security detail, and you may exclude the security detail info from responsive records. If you believe certain parts of a meeting record are redactable under 6254(f) or otherwise you must only redact each minimal portion and cite each justification.

All records must be provided in rolling fashion.

Please read carefully the exact wording of my request as it is different than my prior ones. Please follow the Ordinance precisely as I am auditing your agency's public records regimen; as you are well aware, every violation of the Sunshine Ordinance will be appealed.

Please provide:

1. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's \*prospective/expected\* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the Mayor, whether the Mayor herself possesses them or her staff, whether they

are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to print each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately).

2. REGULAR DISCLOSURE: If the Mayor or any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

## Leger, Cheryl (BOS)

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Thursday, February 18, 2021 6:15 PM  
**To:** MayorSunshineRequests, MYR (MYR); SOTF, (BOS); Breed, Mayor London (MYR)  
**Subject:** RE: Compliance Update For Order SOTF 19103 - for the agenda packet  
**Attachments:** signature.asc

You are wrong Mr. Heckel:

1. I requested in all these cases, the entire future calendar record, that you denied me access to, and that was found illegal as non-minimal withholding. I did certainly argue that the substance was disclosable. But I did not argue at SOTF that the date and time were NOT disclosable. Please show where in a transcript I have conceded that the date or time of a meeting is exempt.
2. You should review the recording of our hearing: I never *conceded* that anything actually *\*is\** an exempt security procedure, I stated that *\*even if\** the SOTF believed the location is a security procedure you should still have to produce the rest of the record. **As you know, arguing in the alternative is not the same as a concession.**
3. SOTF's order specifically says that Compliance Committee will review your redactions. I don't get to decide what is legally minimal withholding, the SOTF does. Its quite possible they will agree with you, or they might not. Their order does not tell you which part is exempt or not, so the only way to resolve the issue is by them deciding. The SOTF has not at this point actually adjudicated what part they believe is or is not specifically exempt.
4. As you also well know my purpose is to create a permanent archive of what the Mayor does on behalf of the public. Given your office's *specifically admitted* penchant for frequent destruction of public records since you do not believe it is illegal, I can't give you any benefit of the doubt. That isn't going to change until records destruction stops.

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Sincerely,

Anonymous

Sent from ProtonMail Mobile

On Thu, Feb 18, 2021 at 5:29 PM, MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org> wrote:

Dear Cheryl,

Please include this response in the file for this matter:

Anonymous,

We have complied with SOTF's requirement in 19103 that we provide future calendar entries with minimal redactions for security reasons. We have implemented this practice for recent requests for meetings that were future meetings at the time of the request. It was my understanding that you were only interested in the October 2019 meetings at the time when they were also "future" meetings and that was the underlying issue of the complaint. We have no objection to providing the October 2019 meetings originally requested and they are attached here. All of the redactions to the files have been made to protect personal privacy. See California Constitution, Art. I, Sec. 1; Cal. Govt. Code Secs. 6254(c).

We also have not just picked one of your more recent requests for future meetings and ignored the others. We were asking for forbearance since you sent more than 10 such requests spanning from 2021 to 2023 and we are dealing with the backlog of dozens of other requests and complaints you have sent recently. I understood that we had satisfied your complaint on the issue in dispute as we have agreed to produce future entries as a matter of practice, with redactions, as requested. We will respond to your other requests in due course.

We disagree with your objection to the redactions on our recent production of future calendar entries. The date and time information is sensitive information that is critical to safeguarding the SFPD's security procedures and the Mayor's safety under Gov Code 6254(f). One could guess at one of the likely locations of the meetings and have all of the particulars of when and where the meeting was to occur if the date and time were produced. Your original argument was that you wanted the substance of the meetings and attendees. You have that now. You have shifted the goal posts and now claim you want the logistical details of precisely when the meetings will take place – information at the heart of our security exemption claim – and we stand on our redactions.

If you wish to proceed with the compliance hearing, I look forward to addressing any issues with you and the Task Force.

Regards,

Hank Heckel

Compliance Officer

Office of the Mayor

City and County of San Francisco

**From:** Anonymous <arecordsrequestor@protonmail.com>

**Sent:** Thursday, February 18, 2021 9:18 AM

**To:** SOTF, (BOS) <sotf@sfgov.org>; Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>

**Subject:** Compliance Update For Order SOTF 19103 - for the agenda packet

**Compliance Update For Order SOTF 19103 - for the agenda packet:**

Dear SOTF:

OD 19103 found that Mayor Breed, Hank Heckel, and the Office of the Mayor violated 67.26 (minimal withholding) and 67.27 (written justification) regarding a request for certain of the Mayor's then-future calendar entries, and directed your Committee to ensure that properly redacted records are provided by Respondents to me.

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Sincerely,

Anonymous

# Respondents Document Submission

**Heckel, Hank (MYR)**

---

**From:** MayorSunshineRequests, MYR (MYR)  
**Sent:** Wednesday, October 9, 2019 5:38 PM  
**To:** 81242-04060798@requests.muckrock.com  
**Cc:** MayorSunshineRequests, MYR (MYR)  
**Subject:** RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request  
**Attachments:** Anonymous Request Re October Calendar.pdf

Dear Anonymous,

We maintain our position regarding the security procedures exemption for future meetings that have not been announced. As I noted regarding future public meetings, those may be available when announced. For instance, see the Mayor's Press Calendar which may be found at <https://sfmayor.org/events/calendar/month/2019-10>. A copy of the entries for October is also attached. Note that this calendar was not yet populated at the time of your request.

Please let us know if you have further questions.

Regards,

Hank Heckel  
Compliance Officer  
Office of Mayor London N. Breed  
City and County of San Francisco

**From:** 81242-04060798@requests.muckrock.com <81242-04060798@requests.muckrock.com>  
**Sent:** Monday, October 07, 2019 4:56 PM  
**To:** Heckel, Hank (MYR) <hank.heckel@sfgov.org>  
**Cc:** MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>  
**Subject:** RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

October 7, 2019

This is a follow up to a previous request:

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I will of course appeal this. I have no interest in the security detail of the Mayor and you could merely redact that information.

I suspect the vast majority of meetings have in fact absolutely no such information given the non-Prop G calendars you have already turned over in the past.



I understand that you are an attorney, even if not the attorney for the Mayor -- your contention that regular political and policy meeting entities are as a whole "records of... security procedures.... of any state or local police agency" is completely inappropriate. No where does it say that records that "necessarily provide 'security procedures' information" are exempt - such a broad reading would exempt nearly all information about the Mayor since knowing where the Mayor was in the past also "provide[s]" information about her security detail. You have notably elided the "records of... security procedures" prefix of your citation.

These future meeting entries are not /in their entirety/ security procedures, and instead the non-exempt portions of these records tell us very important things about the priorities, communications, political and lobbying contacts of the Mayor, and that information is completely public.

Sincerely,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): [81242-04060798@requests.muckrock.com](mailto:81242-04060798@requests.muckrock.com)

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Foffice-of-the-mayor-3891%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81242%252F%253Femail%253Dhank.heckel%252540sfgov.org&url\\_auth\\_token=AAAxJKbo2Vje5U7JJilkNXfIXyg%3A1iHcrT%3AjH0iLN6RmlmhOkb8qu2Kp5uaX-U](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81242%252F%253Femail%253Dhank.heckel%252540sfgov.org&url_auth_token=AAAxJKbo2Vje5U7JJilkNXfIXyg%3A1iHcrT%3AjH0iLN6RmlmhOkb8qu2Kp5uaX-U)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 81242  
411A Highland Ave  
Somerville, MA 02144-2516

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---

On Oct. 7, 2019:

Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request

Dear Anonymous,

This responds in part to your request below received by the Office of the Mayor on October 4, 2019. Regarding Item 1, marked as an immediate disclosure request, the records you have sought regarding the Mayor's "prospective/expected" calendar or schedule for the dates of October 21 to October 28 are currently exempt from disclosure, at least pursuant to Cal. Gov. Code 6254(f). Pursuant to that section and contrary to your argument below, future events and meetings of the Mayor that are not public, necessarily provide "security procedures" information of a "local police agency" given the security assigned to the Mayor for such events and meetings.

Under that provision and a rule of reason analysis, it jeopardizes the safety and security of such meetings to reveal their details in advance. A meeting that has been publicly announced is available for disclosure. Similarly past meetings are recorded in the Prop G calendar and other scheduling documents, as you have seen from our other productions.

Please let me know if you have any questions.

Regards,

Hank Heckel  
Compliance Officer  
Office of Mayor London N. Breed  
City and County of San Francisco

October 4, 2019

Office of the Mayor,

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This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 4, 2019. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.

Mr. Heckel, Compliance Officer for the Mayor, made an intriguing assertion at the full SOTF hearing for Case 19047. While the task force ruled against the Mayor for \*prior\* calendar records, Mr. Heckel appeared to argue that all future meetings of the Mayor are somehow completely secret (the SOTF did not rule on future meetings since they were not requested in 19047). I will be testing that purported claim of exemption. Note that it is implausible that there would be no prospective scheduling information for upcoming events the Mayor must attend to, even though Prop G requires no such calendar be kept. All calendars, whether Prop G or not, that your agency prepared, owned, used, or retained re: the public's business are public records -- as was also ruled at SOTF 19047 (see also, Sup. of Records response of Sept. 6).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of the Mayor's future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for the Mayor's Office. The Mayor's Office is not "the office of the Attorney General [or] the Department of Justice, the Office of Emergency Services [or] any state or local police agency" so the first clause re: security procedures does not apply. Furthermore a calendar cannot be "investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes." This would be an absurd stretch of the words of the statute; every meeting is not "for correctional, law enforcement, or licensing purposes." Information regarding the security detail for the Mayor may potentially be lawfully withheld under 6254(f) - but there is a lot more to a calendar than a security detail, such as normal political and policy meetings. I don't care about the security detail, and you may exclude the security detail info from responsive records. If you believe certain parts of a meeting record are redactable under 6254(f) or otherwise you must only redact each minimal portion and cite each justification.

All records must be provided in rolling fashion.

Please read carefully the exact wording of my request as it is different than my prior ones. Please follow the Ordinance precisely as I am auditing your agency's public records regimen; as you are well aware, every violation of the Sunshine Ordinance will be appealed.

Please provide:

1. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's \*prospective/expected\* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to print each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately).

2. REGULAR DISCLOSURE: If the Mayor or any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

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I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com

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Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Foffice-of-the-mayor-3891%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81242%252F%253Femail%253Dmayorsunshinerequests%252540sfgov.org&url\\_auth\\_token=AAAxJKbo2Vje5U7JJiIkNXfIXyg%3A1iGSEg%3AKb2-HWrfbAQTxiKTZHpbY2gY3Yc](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81242%252F%253Femail%253Dmayorsunshinerequests%252540sfgov.org&url_auth_token=AAAxJKbo2Vje5U7JJiIkNXfIXyg%3A1iGSEg%3AKb2-HWrfbAQTxiKTZHpbY2gY3Yc)

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DEPT MR 81242  
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Somerville, MA 02144-2516

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[[http://email.requests.muckrock.com/o/eJw1yksOwiAQANDTyJLMwABlwcZEr2HKryWVEsGaeHu78a1fdEpplupcno8SHYIwhBNbHQpPSsdMNVsYhQYfdLYkiTCCloYVJwAtApxfSAkc-d2CMjd1nSQaKSe8EPT0OtJ4D16PsPUWNh5aZd3V-dv6OPaxlj390\\_IHXtqHt778ALdZLjk](http://email.requests.muckrock.com/o/eJw1yksOwiAQANDTyJLMwABlwcZEr2HKryWVEsGaeHu78a1fdEpplupcno8SHYIwhBNbHQpPSsdMNVsYhQYfdLYkiTCCloYVJwAtApxfSAkc-d2CMjd1nSQaKSe8EPT0OtJ4D16PsPUWNh5aZd3V-dv6OPaxlj390_IHXtqHt778ALdZLjk)]

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On Oct. 4, 2019:

Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request

Office of the Mayor,

\*\* Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. \*\*

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 4, 2019. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.

Mr. Heckel, Compliance Officer for the Mayor, made an intriguing assertion at the full SOTF hearing for Case 19047. While the task force ruled against the Mayor for \*prior\* calendar records, Mr. Heckel appeared to argue that all future meetings of the Mayor are somehow completely secret (the SOTF did not rule on future meetings since they were not requested in 19047). I will be testing that purported claim of exemption. Note that it is implausible that there would be no prospective scheduling information for upcoming events the Mayor must attend to, even though Prop G requires no such calendar be kept. All calendars, whether Prop G or not, that your agency prepared, owned, used, or retained re: the public's business are public records -- as was also ruled at SOTF 19047 (see also, Sup. of Records response of Sept. 6).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of the Mayor's future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for the Mayor's Office. The Mayor's Office is not "the office of the Attorney General [or] the Department of Justice, the Office of Emergency Services [or] any state or local police agency" so the first clause re: security procedures does not apply. Furthermore a calendar cannot be "investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes." This would be an absurd stretch of the words of the statute; every meeting is not "for correctional, law enforcement, or licensing purposes." Information regarding the security detail for the Mayor may potentially be lawfully withheld under 6254(f) - but there is a lot more to a calendar than a security detail, such as normal political and policy meetings. I don't care about the security detail, and you may exclude the security detail info from responsive records. If you believe certain parts of a meeting record are redactable under 6254(f) or otherwise you must only redact each minimal portion and cite each justification.

All records must be provided in rolling fashion.

Please read carefully the exact wording of my request as it is different than my prior ones. Please follow the Ordinance precisely as I am auditing your agency's public records regimen; as you are well aware, every violation of the Sunshine Ordinance will be appealed.

Please provide:

1. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's \*prospective/expected\* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to print each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately).

2. REGULAR DISCLOSURE: If the Mayor or any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): [81242-04060798@requests.muckrock.com](mailto:81242-04060798@requests.muckrock.com)

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Foffice-of-the-mayor-3891%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81242%252F%253Femail%253Dhank.heckel%252540sf.gov.org&url\\_auth\\_token=AAAxJKbo2Vje5U7JJiIkNXfIXyg%3A1iHcrT%3AjH0iLN6RmlmhOkb8qu2Kp5uaX-U](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81242%252F%253Femail%253Dhank.heckel%252540sf.gov.org&url_auth_token=AAAxJKbo2Vje5U7JJiIkNXfIXyg%3A1iHcrT%3AjH0iLN6RmlmhOkb8qu2Kp5uaX-U)

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For mailed responses, please address (see note):

MuckRock News  
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Somerville, MA 02144-2516

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## Leger, Cheryl (BOS)

---

**From:** Heckel, Hank (MYR)  
**Sent:** Tuesday, November 19, 2019 6:39 PM  
**To:** SOTF, (BOS)  
**Subject:** RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103  
**Attachments:** Response to Complaint File No. 19103.pdf; October 9 Email to Anonymous.pdf; Anonymous Request Re October Calendar.pdf; October 24 Email to Anonymous.pdf; October 2019 Prop G.pdf; October 23 Response of Supervisor of Records.pdf

Cheryl,

Please see attached the response on behalf of the Office of the Mayor to Complaint No. 19103. Also attached are the referenced exhibits: October 9 email and attachment; October 24 email and attachment; and October 23 Response to Supervisor of Records Petition.

Thank you for your patience and assistance in preparing the file.

Best,

Hank Heckel  
Compliance Officer  
Office of the Mayor  
City and County of San Francisco

**From:** SOTF, (BOS)  
**Sent:** Friday, November 15, 2019 8:40 AM  
**To:** Heckel, Hank (MYR) <hank.heckel@sfgov.org>  
**Subject:** FW: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103

Dear Hank: Please see the Notice to Respondent. We still do not have your response. We have scheduled this matter to be heard by the Compliance and Amendments Committee on November 26. Please get those materials to me before November 19. Thank you.

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to*

*the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

**From:** Young, Victor (BOS)

**Sent:** Wednesday, October 16, 2019 3:40 PM

**To:** Breed, London (MYR) <[london.breed@sfgov.org](mailto:london.breed@sfgov.org)>; Heckel, Hank (MYR) <[Hank.Heckel@sfgov.org](mailto:Hank.Heckel@sfgov.org)>; Karunaratne, Kanishka (MYR) <[kanishka.cheng@sfgov.org](mailto:kanishka.cheng@sfgov.org)>; Peacock, Rebecca (MYR) <[rebecca.peacock@sfgov.org](mailto:rebecca.peacock@sfgov.org)>

**Cc:** [81242-04060798@requests.muckrock.com](mailto:81242-04060798@requests.muckrock.com); Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>

**Subject:** SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103

Good Afternoon:

You have been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days.

**The Respondent is required to submit a written response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice.** This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:

*Complaint Attached.*

**Both parties** (Complainant and Respondent) **will be contacted once a hearing date is determined.**

Thank you.

Victor Young  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244  
San Francisco CA 94102  
phone 415-554-7723 | fax 415-554-5163





Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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**Heckel, Hank (MYR)**

---

**From:** MayorSunshineRequests, MYR (MYR)  
**Sent:** Thursday, October 24, 2019 6:37 PM  
**To:** 81953-03405492@requests.muckrock.com  
**Cc:** MayorSunshineRequests, MYR (MYR)  
**Subject:** RE: California Public Records Act Request: Monthly Calendars - Immediate Disclosure Request  
**Attachments:** October 2019 Prop G.pdf

Dear Anonymous,

Please see attached the requested Prop G calendar for the Mayor for the month of October 2019 in the requested monthly summary view. As noted, Admin Code 67.29-5 requires that this calendar be updated every three days and accordingly, this calendar is up to date through October 21.

Please note that entries for future meetings after today have been redacted for the security reasons noted previously pursuant to Cal. Gov. Code 6254(f).

Further, a cell phone number has been redacted for the October 23<sup>rd</sup> entry to protect privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

We are continuing to process the rest of your request pertaining to non-Prop G calendars as noted.

Please let us know if you have any questions.

Regards,

Hank Heckel  
Compliance Officer  
Office of the Mayor  
City and County of San Francisco

**From:** 81953-03405492@requests.muckrock.com <81953-03405492@requests.muckrock.com>  
**Sent:** Tuesday, October 22, 2019 10:41 PM  
**To:** Heckel, Hank (MYR) <hank.heckel@sfgov.org>  
**Cc:** MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>  
**Subject:** RE: California Public Records Act Request: Monthly Calendars - Immediate Disclosure Request

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

October 23, 2019

This is a follow up to a previous request:

\*\* Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com FOIA service used to issue this request (though I am not a MuckRock representative). Please redact your responses correctly - once you send them to us there is no going back. \*\*

While I do not agree with any of your arguments for exemptions, they appear to be consistent with your past arguments, EXCEPT: you have withheld the October PropG calendar. How could that possibly need to be redacted? It is a PropG calendar and completely public. As you said nothing is even added to the PropG calendar until after the event has happened.

Thanks,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 81953-03405492@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Foffice-of-the-mayor-3891%252Fmonthly-calendars-immediate-disclosure-request-](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fmonthly-calendars-immediate-disclosure-request-81953%252F%253Femail%253Dhank.heckel%252540sfgov.org&url_auth_token=AAAxJKbo2Vje5U7JjilkNXfiXyg%3A1iN9OK%3AB7OuLpfVOszd3RaRMJqjZTlyHo0)

[81953%252F%253Femail%253Dhank.heckel%252540sfgov.org&url\\_auth\\_token=AAAxJKbo2Vje5U7JjilkNXfiXyg%3A1iN9OK%3AB7OuLpfVOszd3RaRMJqjZTlyHo0](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fmonthly-calendars-immediate-disclosure-request-81953%252F%253Femail%253Dhank.heckel%252540sfgov.org&url_auth_token=AAAxJKbo2Vje5U7JjilkNXfiXyg%3A1iN9OK%3AB7OuLpfVOszd3RaRMJqjZTlyHo0)

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On Oct. 22, 2019:

Subject: California Public Records Act Request: Monthly Calendars - Immediate Disclosure Request

Dear Anonymous,

This is in response to your request below sent Sunday, October 20 and received by the Office of the Mayor on Monday, October 21. Please see the attached responsive records. These include the "Prop G" calendar in monthly summaries from January to September as requested.

Please note that for the October Prop G entries and for "non Prop G" calendar information, we need to consult with other departments and make applicable redactions, which renders the request not routine, simple or readily answerable. Admin Code 67.25. We will provide responsive records as they become available according to the regular permitted timeline.

Regarding entries for future dates, as we have previously noted, such entries are exempt from disclosure, at least pursuant to Cal. Gov. Code 6254(f). Pursuant to that section and contrary to your arguments, future events and meetings of the Mayor that are not public, necessarily provide "security procedures" information of a "local police agency" given the security assigned to the Mayor for such events and meetings.

Under that provision and a rule of reason analysis, it jeopardizes the safety and security of such meetings to reveal their details in advance.

Also, by definition there are no "Prop G" entries available for future dates. The Prop G calendar is backward looking and is prepared to provide complete information for past meetings, updated every 3 days. See Admin Code 67.29-5.

Regards,

Hank Heckel  
Compliance Officer  
Office of the Mayor  
City and County of San Francisco

October 21, 2019

Office of the Mayor,

\*\* Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com FOIA service used to issue this request (though I am not a MuckRock representative). Please redact your responses correctly - once you send them to us there is no going back. \*\*

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 20, 2019.

I would like to understand the Mayor's retention of her non-Prop G calendar. To that end, we will test the extent of records retained using monthly summary views.

I am requesting approximately 24 pages of PDF records. It should be a simple print to PDF from Outlook, and is 'readily answerable.'

All records must be provided in rolling fashion.

Please provide:

1. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly January 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.
2. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly February 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.
3. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly March 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.
4. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly April 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

5. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly May 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

6. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly June 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

7. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly July 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

8. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly August 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

9. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly Sept 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

10. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly Oct 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

11. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly Nov 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

12. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly Dec 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 81953-03405492@requests.muckrock.com<mailto:81953-03405492@requests.muckrock.com>

Upload documents directly:

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For mailed responses, please address (see note):

MuckRock News  
DEPT MR 81953  
411A Highland Ave  
Somerville, MA 02144-2516

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---

On Oct. 21, 2019:

Subject: California Public Records Act Request: Monthly Calendars - Immediate Disclosure Request  
Office of the Mayor,

\*\* Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com FOIA service used to issue this request (though I am not a MuckRock representative). Please redact your responses correctly - once you send them to us there is no going back. \*\*

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I would like to understand the Mayor's retention of her non-Prop G calendar. To that end, we will test the extent of records retained using monthly summary views.

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Please provide:

1. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly January 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.
2. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly February 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.
3. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly March 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

4. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly April 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

5. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly May 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

6. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly June 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

7. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly July 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

8. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly August 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

9. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly Sept 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

10. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly Oct 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

11. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly Nov 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

12. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly Dec 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 81953-03405492@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Foffice-of-the-mayor-3891%252Fmonthly-calendars-immediate-disclosure-request-](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fmonthly-calendars-immediate-disclosure-request-81953%252F%253Femail%253Dhank.heckel%252540sfgov.org&url_auth_token=AAAxJKbo2Vje5U7JJilkNXflXyg%3A1iN9OK%3AB7OulPfVOszd3RaRMJqjZTIyHo0)

[81953%252F%253Femail%253Dhank.heckel%252540sfgov.org&url\\_auth\\_token=AAAxJKbo2Vje5U7JJilkNXflXyg%3A1iN9OK%3AB7OulPfVOszd3RaRMJqjZTIyHo0](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fmonthly-calendars-immediate-disclosure-request-81953%252F%253Femail%253Dhank.heckel%252540sfgov.org&url_auth_token=AAAxJKbo2Vje5U7JJilkNXflXyg%3A1iN9OK%3AB7OulPfVOszd3RaRMJqjZTIyHo0)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

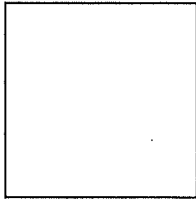
MuckRock News

DEPT MR 81953

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.





# October 2019

| October 2019 |    |    |    |    |    |    | November 2019 |    |    |    |    |    |    |
|--------------|----|----|----|----|----|----|---------------|----|----|----|----|----|----|
| Su           | Mo | Tu | We | Th | Fr | Sa | Su            | Mo | Tu | We | Th | Fr | Sa |
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| 13           | 14 | 15 | 16 | 17 | 18 | 19 | 17            | 18 | 19 | 20 | 21 | 22 | 23 |
| 20           | 21 | 22 | 23 | 24 | 25 | 26 | 24            | 25 | 26 | 27 | 28 | 29 | 30 |
| 27           | 28 | 29 | 30 | 31 |    |    |               |    |    |    |    |    |    |

| SUNDAY                                                                                                                                | MONDAY                                                                                                                                  | TUESDAY                                                                                                                                      | WEDNESDAY                                                                                                                                     | THURSDAY                                                                                                                                  | FRIDAY                                                                                                                                      | SATURDAY                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Sep 29                                                                                                                                | 30                                                                                                                                      | Oct 1                                                                                                                                        | 2                                                                                                                                             | 3                                                                                                                                         | 4                                                                                                                                           | 5                                                                                                                               |
|                                                                                                                                       |                                                                                                                                         | 9:00am Senior Staff<br>11:02am Meeting Re:<br>11:41am Courtesy Call<br>12:13pm Office of Racial<br>12:51pm Meeting Re:<br>1:18pm Meeting Re: | 7:25am Walk and Roll to:<br>9:00am All Staff Visit to<br>9:30am Senior Staff<br>10:00am Bloomberg<br>1:30pm Maxine Hall<br>2:33pm Meeting Re: | 9:00am Senior Staff<br>11:00am Temporary<br>12:10pm Interview with<br>1:34pm Meeting Re:<br>6:10pm Shanti Project<br>7:33pm San Francisco | 9:30am Senior Staff<br>12:30pm District<br>1:30pm San Francisco<br>2:45pm Meeting Re:<br>3:12pm Meeting Re:<br>3:50pm One Treasure          | 10:00am Self- Help for<br>the Elderly's 34th<br>Annual Longevity<br>11:00am Highland<br>Avenue Block Party<br>(Highland Avenue) |
| 6                                                                                                                                     | 7                                                                                                                                       | 8                                                                                                                                            | 9                                                                                                                                             | 10                                                                                                                                        | 11                                                                                                                                          | 12                                                                                                                              |
|                                                                                                                                       | 9:00am Senior Staff<br>10:30am The San<br>11:22am Senate Bill 40<br>12:30pm Firefighter and<br>2:30pm Meeting Re:<br>3:12pm Meeting Re: | 9:00am Senior Staff<br>11:00am Visit to<br>12:00pm Opportunities<br>1:00pm Meeting Re:<br>1:45pm Question Time<br>2:00pm Board of            | 8:30am KTVU Live<br>8:50am 2019 San<br>9:15am Senior Staff<br>12:00pm Thumbtack<br>1:16pm Meeting Re:<br>1:42pm Meeting Re:                   | 9:00am Senior Staff<br>10:30am Meeting Re:<br>11:49am Fleet Week<br>12:00pm Fleet Week<br>12:54pm Meeting Re:<br>1:08pm Meeting Re:       | 8:40am San Francisco<br>Association of<br>9:30am Senior Staff<br>Check In (Remote<br>1:00pm HALL Wine High<br>Powered High Heels            |                                                                                                                                 |
| 13                                                                                                                                    | 14                                                                                                                                      | 15                                                                                                                                           | 16                                                                                                                                            | 17                                                                                                                                        | 18                                                                                                                                          | 19                                                                                                                              |
| 12:20pm 151st Italian<br>Heritage Parade ( Powell Street, San<br>4:00pm St. Francis 3rd<br>Annual Wine, Women<br>and Shoes Gala (Ritz | 11:30am Pre-Meeting<br>for Mental Health<br>Editorial Board (City<br>Hall, Room 200,<br>Mayor's Office)                                 | 9:30am Senior Staff<br>10:30am Lighthouse for<br>11:02am Wall Street<br>12:00pm San Francisco<br>1:30pm San Francisco<br>2:55pm Meeting Re:  | 8:30am Senior Staff<br>9:12am International<br>10:20am San Francisco<br>11:30am<br>12:00pm Opportunities<br>1:33pm 49 South Van               | 9:00am Senior Staff<br>10:10am Annual Great<br>11:00am Press<br>12:20pm Meeting Re:<br>12:34pm Bloomberg<br>1:07pm Meeting Re: San        | 10:30am Senior Staff<br>11:40am Bay Area<br>12:30pm St. Anthony's<br>1:10pm Visit to South of<br>2:47pm Meeting Re:<br>2:59pm PSA Recording |                                                                                                                                 |
| 20                                                                                                                                    | 21                                                                                                                                      | 22                                                                                                                                           | 23                                                                                                                                            | 24                                                                                                                                        | 25                                                                                                                                          | 26                                                                                                                              |
|                                                                                                                                       | 9:00am Senior Staff<br>Check In (Remote<br>Conference Call)<br>3:30pm Bi-Weekly<br>Meeting with Ken<br>Rich (City Hall, Room            | 11:00am Press Time                                                                                                                           | 11:00am Press Time<br>2:30pm Ed Reiskin (Staff:<br>Andres Power,<br>(City<br>4:00pm 4-5pm Weekly<br>Meeting with Police                       | 11:00am Press Time<br>1:30pm Jeff Cretan (City<br>Hall, Room 200, MO.)<br>2:30pm Kanishka Cheng<br>re: Commissions<br>2:30pm Mawuli       |                                                                                                                                             |                                                                                                                                 |
| 27                                                                                                                                    | 28                                                                                                                                      | 29                                                                                                                                           | 30                                                                                                                                            | 31                                                                                                                                        | Nov 1                                                                                                                                       | 2                                                                                                                               |
|                                                                                                                                       |                                                                                                                                         |                                                                                                                                              |                                                                                                                                               |                                                                                                                                           |                                                                                                                                             |                                                                                                                                 |

P245

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA  
City Attorney

OFFICE OF THE CITY ATTORNEY

BRADLEY A. RUSSI  
DEPUTY CITY ATTORNEY

Direct Dial: (415) 554-4645  
Email: brad.russi@sfcityattfy.org

October 23, 2019

*Sent via email (81242-04060798@requests.muckrock.com  
72902-46637773@requests.muckrock.com)*

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records dated September 6, 2019, concerning a request to the Mayor's Office for the Mayor's calendar, and your October 7, 2019 petition also relating to a request for the Mayor's calendar. We understand your September 6, 2019 petition to relate to an August 21, 2019 request to the Mayor's Office for:

1. an electronic copy, (in the original electronic format, or alternatively in a format specified as "A" below, for all items held electronically, and a scanned copy for any physical papers), with all calendar item headers, email addresses, invitations (including but not limited to indications of who sent the invite and when), acceptances/declinations by guests, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's \*prospective/expected\* calendar or schedule, with all expected events/items, from August 26 to Sept 3, 2019 (inclusive). We are specifically requesting ALL calendar/scheduling items for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). If any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism), those calendars are also included within the scope of this request. Furthermore, we request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to this request present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested.

2. an electronic copy, (in the original electronic format, or alternatively in a format specified as "A" below, for all items held electronically, and a scanned copy for any physical papers), with all calendar item headers, email addresses, invitations (including but not limited to indications of who sent the invite and when), acceptances/declinations by guests, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by

CITY HALL • 1 DR. CARLTON B. GOODLETT PLACE, CITY HALL ROOM 234 • SAN FRANCISCO, CALIFORNIA 94102-4682  
RECEPTION: (415) 554-4700 • FACSIMILE: (415) 554-4699

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Letter to Anonymous  
October 23, 2019  
Page 2

the Ordinance, of the Mayor's \*past\* calendar or schedule, with all events/items, from August 5 to August 16, 2019 (inclusive). We are specifically requesting ALL calendar/scheduling items for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). If any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism), those calendars are also included within the scope of this request. Furthermore, we request that a *City of San Jose v Superior Court* (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to this request present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested.

In response to this request, the Mayor's Office produced responsive records on August 22, 2019 for Item 2 of the request, the calendar entries between August 5, 2019 and August 16, 2019. The Mayor's Office treated Item 1 as a standard public records request subject to the normal time deadlines rather than an immediate disclosure request, and later invoked an extension of time. On September 5, 2019, the Mayor's Office produced additional documents responsive to Item 2, for the time period between August 5 and August 16, 2019. The Mayor's Office applied a number of redactions to this production and identified for you the exemption applicable to each redaction. The Mayor's Office did not produce records responsive to Item 1 of the request, which sought the Mayor's prospective calendar for the period between August 26 and September 3, 2019, citing Section 6254(f) of the Government Code.

Your October 7, 2019 petition relates to a separate immediate disclosure request dated October 4, 2019, for the Mayor's prospective calendar for October 21 through October 28. The Mayor's Office withheld all records, citing Section 6254(f) of the Government Code.

We respond to the issues you have raised as follows:

In your September 6 petition, you request that we determine that the Mayor's Office violated the Sunshine Ordinance by not producing native files or metadata. Those issues are addressed in our response to the prior petition you submitted on the same topic, attached hereto as Exhibit A.

In your September 6 petition, you request a determination that the Mayor's Office violated the Sunshine Ordinance by declining to produce records in response to Item 1 concerning the Mayor's prospective calendar. You request a similar determination in your October 7 petition. The Mayor's Office properly declined to produce these records. Disclosure of the Mayor's prospective whereabouts raises obvious security concerns for her, and the California Supreme Court has endorsed the withholding of such records concerning a high-level government official. *See Times Mirror Company v. Superior Court*, 53 Cal.3d 1325 (1991) (Governor not required to release daily calendar due to security concerns). In *Times Mirror*, the court noted that disclosure of the calendar "would constitute a potential threat to the Governor's safety, because the information . . . will enable the reader to know in advance and with relative precision when and where the Governor may be found . . ." *Id.* at 1346 (quotation marks omitted). While the court based its conclusion in that case on Government Code Section 6255, we conclude that Section

Letter to Anonymous  
October 23, 2019  
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6254(f), regarding security records, also provides a proper basis to withhold the records in question. The San Francisco Police Department (“SFPD”) provides the Mayor’s security, and her prospective calendar may reflect input from the SFPD concerning security issues. And the prospective calendar is at times consulted by the SFPD in order to plan security measures regarding the Mayor. Additionally, the future calendar entries are protected under Evidence Code Section 1040 – the official information privilege – and are therefore exempt from disclosure under Government Code Section 6254(k). In light of security concerns, the Mayor’s Office holds the Mayor’s future calendar entries in confidence, and the necessity of preserving confidentiality to protect the Mayor’s wellbeing outweighs the need for public disclosure. *See* Evid. Code § 1040; *County of Los Angeles v. Superior Court*, 82 Cal. App. 4th 819, 834-35 (2000).

In your September 6 petition, you request a determination that the Mayor’s Office improperly withheld “recurrence” metadata. Our understanding is that for some of the calendar entries the Mayor’s Office produced, there is an indication that a particular appointment recurs due to an icon that appears on the printed page. We conclude that the Mayor’s Office did not improperly withhold information concerning recurrence of these events by producing the records in PDF format. As the court in *Times Mirror* recognized, disclosure of such information could allow an individual “intent on doing harm” to “use such information to discern patterns of activity.” *Id.* at 1346. Thus, the Mayor’s Office could have properly redacted any indication of recurrence under the basis discussed in the preceding paragraph, and it did not improperly withhold the details about the recurrences that you contend should be disclosed.

Finally, in your September 6 petition, you contest a number of redactions that the Mayor’s Office applied to the records on the basis of Section 6254(f), particularly information at the top of each calendar entry, some of such redactions follow the acronym “SID.” As mentioned, the Mayor has a security detail staffed by SFPD officers. That detail is part of SFPD’s Special Investigation Division, or SID. We understand that the information redacted in each of the instances you have cited in your petition relates to the Mayor’s security detail. Thus, the Mayor’s Office properly redacted it under Section 6254(f).

For the foregoing reasons, your petition is denied.

Very truly yours,

DENNIS J. HERRERA  
City Attorney



Bradley A. Russi  
Deputy City Attorney

Visit our [new website SF.gov](http://SF.gov)

Office of the Mayor



# Press Calendar

Mayor's Press Calendar contains information regarding media events only, including press conferences, ceremonial signings and ceremonial events.

## September 2019

| SUN                                                                                      | MON                                                                                      | TUE                                                                                                                                                                                  | WED                                                                                                                                                                      | THU                                                                                                                                                                                                    | FRI                                                                                                  | SAT                                                                                                                                                                   |
|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>1</b></p> <p>Mayor London Breed has no public events.<br/>09/01/2019 (All day)</p> | <p><b>2</b></p> <p>Mayor London Breed has no public events.<br/>09/02/2019 (All day)</p> | <p><b>3</b></p> <p>Mayor London Breed to join elected and City officials and the Golden State Warriors at the ribbon cutting ceremony for Chase Center.<br/>09/03/2019 - 10:30am</p> | <p><b>4</b></p> <p>Mayor London Breed to join business and civic leaders at the San Francisco Chamber of Commerce Breakfast at Chase Center.<br/>09/04/2019 - 8:30am</p> | <p><b>5</b></p> <p>Mayor London Breed to join Oakland Mayor Libby Schaaf, elected and City officials, and community members to kick off the Battle for the Bay 2019 volunteer cleanup competition.</p> | <p><b>6</b></p> <p>Mayor London Breed to conduct meetings at City Hall.<br/>09/06/2019 (All day)</p> | <p><b>7</b></p> <p>Mayor London Breed to join elected and City officials and community members for the 29th Annual Autumn Moon Festival.<br/>09/07/2019 - 11:00am</p> |

| SUN                                                                                   | MON                                                                                                                                                                                                       | TUE                                                                                                                                                                                              | WED                                                                                                                                                                                                                                                                                                                                                                                                   | THU                                                                                                                                                                                                                                                                                                                                                                                                                                 | FRI                                                                                                                                                                                                                                                                                                          | SAT                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                       |                                                                                                                                                                                                           |                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                       | 09/05/2019 - 11:00am                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                         |
| <p><b>8</b></p> <p>Mayor London Breed has no public events. 09/08/2019 (All day)</p>  | <p><b>9</b></p> <p>Mayor London Breed to join elected and City officials and community members for the United College Action Network's 20th Annual HBCU College Recruitment Fair. 09/09/2019 - 4:00pm</p> | <p><b>10</b></p> <p>Mayor London Breed to Supervisor Rafael Mandelman and San Francisco Department of Public Health officials for the release of the HIV Annual Report. 09/10/2019 - 11:30am</p> | <p><b>11</b></p> <p>Mayor London Breed to join the San Francisco Fire Department, elected and City officials and first responders for the annual September 11th Memorial Flag Raising Ceremony. 09/11/2019 - 6:45am</p> <p>Mayor London Breed to join Supervisor Vallie Brown and small business leaders for a signing ceremony for small business streamlining legislation. 09/11/2019 - 11:00am</p> | <p><b>12</b></p> <p>Mayor London Breed to join elected and City officials for the grand reopening of renovated public housing at Hunters Point East West and Westbrook. 09/12/2019 - 10:00am</p> <p>Mayor London Breed to join Salesforce.org Co-CEO Marc Benioff and Oakland Mayor Libby Schaaf for announcement regarding Salesforce.org grants for public schools and education nonprofit organizations. 09/12/2019 - 1:30pm</p> | <p><b>13</b></p> <p>Mayor London Breed to join Supervisor Ahsha Safai, the Office of Economic and Workforce Development, nonprofit partners and community members for the launch of the Job Center Access Point in the Oceanview, Merced Heights, and Ingleside (OMI) neighborhoods 09/13/2019 - 11:00am</p> | <p><b>14</b></p> <p>Mayor London Breed has no public events. 09/14/2019 (All day)</p>                                                                                                                   |
| <p><b>15</b></p> <p>Mayor London Breed has no public events. 09/15/2019 (All day)</p> | <p><b>16</b></p> <p>Mayor London Breed to conduct meetings at City Hall. 09/16/2019 (All day)</p>                                                                                                         | <p><b>17</b></p> <p>Mayor London Breed to conduct meetings at City Hall. 09/17/2019 (All day)</p>                                                                                                | <p><b>18</b></p> <p>Mayor London Breed to join Supervisor Vallie Brown, City officials, and community members for a ribbon cutting ceremony for the Inner Sunset Streetscape Improvement Project. 09/18/2019 - 11:00am</p>                                                                                                                                                                            | <p><b>19</b></p> <p>Mayor London Breed to join Supervisor Ahsha Safai and community members for groundbreaking of a housing development at 915 Cayuga Avenue. 09/19/2019 - 11:00am</p>                                                                                                                                                                                                                                              | <p><b>20</b></p> <p>Mayor London Breed to join City officials, community members, and members of the Consular Corps for a ceremonial tree planting in recognition of nuclear disarmament efforts and in honor of former Secretary</p>                                                                        | <p><b>21</b></p> <p>Mayor London Breed to join elected and City officials and community members to participate in the Battle for the Bay volunteer coastal cleanup competition. 09/21/2019 - 9:00am</p> |

| SUN                                                                                       | MON                                                                                                                                                                                                             | TUE                                                                                                                                             | WED                                                                                                                                                                                                                                                                                                                                                | THU                                                                                                   | FRI                                                                                                                                                                                                                                                | SAT                                                                                       |
|-------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
|                                                                                           |                                                                                                                                                                                                                 |                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                    |                                                                                                       | George P. Shultz and Charlotte Mailliard Shultz.<br>09/20/2019 - 10:00am                                                                                                                                                                           |                                                                                           |
| <p><b>22</b></p> <p>Mayor London Breed has no public events.<br/>09/22/2019 (All day)</p> | <p><b>23</b></p> <p>Mayor London Breed to conduct meetings at City Hall.<br/>09/23/2019 (All day)</p>                                                                                                           | <p><b>24</b></p> <p>Mayor London Breed to provide remarks at the San Francisco Business Times Structures Breakfast.<br/>09/24/2019 - 8:00am</p> | <p><b>25</b></p> <p>Mayor London Breed to join elected and City officials, stakeholders and community members for the groundbreaking of affordable housing at the Sunnydale HOPE SF development.<br/>09/25/2019 - 12:00pm</p> <p>Mayor London Breed to host the 13th Annual Mayoral Latino Heritage Month Celebration.<br/>09/25/2019 - 5:00pm</p> | <p><b>26</b></p> <p>Mayor London Breed to conduct meetings at City Hall.<br/>09/26/2019 (All day)</p> | <p><b>27</b></p> <p>Mayor London Breed to join elected and City officials, and community members to announce the preservation of permanently affordable housing in the Sunset through the City's Small Sites Program.<br/>09/27/2019 - 12:45pm</p> | <p><b>28</b></p> <p>Mayor London Breed has no public events.<br/>09/28/2019 (All day)</p> |
| <p><b>29</b></p> <p>Mayor London Breed has no public events.<br/>09/29/2019 (All day)</p> | <p><b>30</b></p> <p>Mayor London Breed to join elected and City officials and community leaders for press conference regarding the 23rd International AIDS Conference (AIDS 2020).<br/>09/30/2019 - 10:00am</p> | <b>1</b>                                                                                                                                        | <b>2</b>                                                                                                                                                                                                                                                                                                                                           | <b>3</b>                                                                                              | <b>4</b>                                                                                                                                                                                                                                           | <b>5</b>                                                                                  |

The Mayor's daily calendar, outlined in the Administrative Code Sec. 67.29-5, may be obtained by request at: [mayorsunshinerequests@sfgov.org](mailto:mayorsunshinerequests@sfgov.org). For more information regarding Administrative Code Sec. 67.29-5, please see the following link: <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances15/o0118-15.pdf>





VIA ELECTRONIC MAIL

November 19, 2019

Re: *File 19103, Anonymous v. Mayor's Office*

Dear Members of the Sunshine Ordinance Task Force:

This letter serves as the Office of the Mayor's response to the complaint filed by Anonymous against the Office of the Mayor, docketed as File No. 19103. On Friday October 4, 2019, Anonymous made an immediate disclosure request to the Office of the Mayor for the "Mayor's \*prospective/expected\* calendar or schedule ... from Oct 21 to Oct 28, 2019." On Monday October 7, the Mayor's Office timely responded and notified Anonymous that it was relying on the recognized security exemptions concerning the Mayor's future schedule.

Specifically, the Mayor's Office responded as follows:

"This responds in part to your request below received by the Office of the Mayor on October 4, 2019. Regarding Item 1, marked as an immediate disclosure request, the records you have sought regarding the Mayor's "prospective/expected" calendar or schedule for the dates of October 21 to October 28 are currently exempt from disclosure, at least pursuant to Cal. Gov. Code 6254(f). Pursuant to that section and contrary to your argument below, future events and meetings of the Mayor that are not public, necessarily provide "security procedures" information of a "local police agency" given the security assigned to the Mayor for such events and meetings.

Under that provision and a rule of reason analysis, it jeopardizes the safety and security of such meetings to reveal their details in advance. A meeting that has been publicly announced is available for disclosure. Similarly, past meetings are recorded in the Prop G calendar and other scheduling documents, as you have seen from our other productions."

The position of the Mayor's Office is consistent with applicable law as set forth by the California Supreme Court in the case *Times Mirror Company v. Superior Court*, 53 Cal.3d 1325 (1991). That case related to a public records request for the Governor's daily calendar and upheld exemptions from disclosure for calendar entries concerning future meetings of such executive government officials, because information regarding the time, place and details of such meetings could jeopardize the security protections necessarily afforded to such officials.

As the Mayor's Office informed Anonymous, calendar and scheduling information for past meetings of the Mayor is available in both the required "Prop G" format and other formats that the Mayor's Office has produced to Anonymous numerous times. Similarly, information about future public events are announced on the Mayor's Press Calendar and information concerning that calendar was provided to Anonymous. See October 9 Email to Anonymous. The Mayor's Office is not withholding information for meetings of the Mayor once they have occurred and, in

fact, information concerning meetings from October 21 through October 24 was subsequently produced to Anonymous after they occurred, in response to another request. See October 24 Email to Anonymous.

The Mayor's Office respectfully submits that while it is fully committed to providing complete records of meetings of the Mayor concerning city business once those meetings have actually taken place, calendars concerning prospective or anticipated meetings that have not been publicly announced necessarily involves sensitive security information and may be withheld from disclosure. The City Attorney's Office also supports this position and has set forth the legal basis for such an exemption specifically in response to a separate Supervisor of Records petition from Anonymous. The response to that petition is attached and also expressly dealt with requests for future calendar and scheduling information of the Mayor. In particular, the Supervisor of Records summarized the basis for this withholding as justified by the *Times Mirror* case and other applicable law as follows:

"In your September 6 petition, you request a determination that the Mayor's Office violated the Sunshine Ordinance by declining to produce records in response to Item I concerning the Mayor's prospective calendar. You request a similar determination in your October 7 petition. The Mayor's Office properly declined to produce these records. Disclosure of the Mayor's prospective whereabouts raises obvious security concerns for her, and the California Supreme Court has endorsed the withholding of such records concerning a high-level government official. See *Times Mirror Company v. Superior Court*, 53 Cal.3d 1325 (1991) (Governor not required to release daily calendar due to security concerns). In *Times Mirror*, the court noted that disclosure of the calendar "would constitute a potential threat to the Governor's safety, because the information . . . will enable the reader to know in advance and with relative precision when and where the Governor may be found . . . *Id.* at 1346 (quotation marks omitted). While the court based its conclusion in that case on Government Code Section 6255, we conclude that Section 6254(f), regarding security records, also provides a proper basis to withhold the records in question. The San Francisco Police Department ("SFPD") provides the Mayor's security, and her prospective calendar may reflect input from the SFPD concerning security issues. And the prospective calendar is at times consulted by the SFPD in order to plan security measures regarding the Mayor. Additionally, the future calendar entries are protected under Evidence Code Section 1040 — the official information privilege — and are therefore exempt from disclosure under Government Code Section 6254(k). In light of security concerns, the Mayor's Office holds the Mayor's future calendar entries in confidence, and the necessity of preserving confidentiality to protect the Mayor's wellbeing outweighs the need for public disclosure. See Evid. Code 1040; *County of Los Angeles v. Superior Court*, 82 Cal. App. 4th 819, 834-35 (2000)."

For all of the reasons set forth above, the Mayor's Office submits that its response to Anonymous was appropriate, that its withholding of then-future calendar entries was justified and that, therefore, no violation of the Sunshine Ordinance should be found. Thank you for your attention and please do not hesitate to contact me with any questions regarding this matter.

Sincerely,

/s/ Hank Heckel

Hank Heckel  
Compliance Officer  
Office of the Mayor  
City and County of San Francisco

**Leger, Cheryl (BOS)**

---

**From:** Young, Victor (BOS)  
**Sent:** Wednesday, October 16, 2019 3:40 PM  
**To:** Breed, London (MYR); Heckel, Hank (MYR); Karunaratne, Kanishka (MYR); Peacock, Rebecca (MYR)  
**Cc:** 81242-04060798@requests.muckrock.com; Calvillo, Angela (BOS)  
**Subject:** SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103  
**Attachments:** 19103 SOTF Complaint.pdf

Good Afternoon:

You have been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days.

**The Respondent is required to submit a written response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice.** This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:  
*Complaint Attached.*

**Both parties (Complainant and Respondent) will be contacted once a hearing date is determined.**

Thank you.

Victor Young  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244  
San Francisco CA 94102  
phone 415-554-7723 | fax 415-554-5163

## Leger, Cheryl (BOS)

---

**From:** Heckel, Hank (MYR)  
**Sent:** Friday, November 15, 2019 3:19 PM  
**To:** SOTF, (BOS)  
**Subject:** RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103

Thanks Cheryl. I will provide our materials by then.

**From:** SOTF, (BOS)  
**Sent:** Friday, November 15, 2019 8:40 AM  
**To:** Heckel, Hank (MYR) <hank.heckel@sfgov.org>  
**Subject:** FW: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103

Dear Hank: Please see the Notice to Respondent. We still do not have your response. We have scheduled this matter to be heard by the Compliance and Amendments Committee on November 26. Please get those materials to me before November 19. Thank you.

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724



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**From:** Young, Victor (BOS)  
**Sent:** Wednesday, October 16, 2019 3:40 PM  
**To:** Breed, London (MYR) <london.breed@sfgov.org>; Heckel, Hank (MYR) <Hank.Heckel@sfgov.org>; Karunaratne, Kanishka (MYR) <kanishka.cheng@sfgov.org>; Peacock, Rebecca (MYR) <rebecca.peacock@sfgov.org>  
**Cc:** [81242-04060798@requests.muckrock.com](mailto:81242-04060798@requests.muckrock.com); Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>  
**Subject:** SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103

Good Afternoon:

You have been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days.

**The Respondent is required to submit a written response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice.** This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:  
*Complaint Attached.*

**Both parties (Complainant and Respondent) will be contacted once a hearing date is determined.**

Thank you.

**Victor Young**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244  
San Francisco CA 94102  
phone 415-554-7723 | fax 415-554-5163  
[victor.young@sfgov.org](mailto:victor.young@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



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**Leger, Cheryl (BOS)**

---

**From:** SOTF, (BOS)  
**Sent:** Wednesday, November 13, 2019 5:46 PM  
**To:** 'paulavanderwaerdt@gmail.com'; Kositsky, Jeff (HOM); Stewart-Kahn, Abigail (HOM); Dea, Paria (HOM); Heckel, Hank (MYR); '81242-04060798@requests.muckrock.com'; 'Cote, John (CAT)'; COOLBRITH, ELIZABETH (CAT); 'MICHAEL PETRELIS'; Mundy, Erin (BOS); Smeallie, Kyle (BOS); Temprano, Tom (BOS); 'sanderies@andgolaw.com'; 'nmitchell@andgolaw.com'; Vu, Tyler (PDR)  
**Cc:** Calvillo, Angela (BOS); Mchugh, Eileen (BOS)  
**Subject:** SOTF - Notice of Appearance - Compliance and Amendments Committee; November 26, 2019 4:30 p.m.  
**Attachments:** SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Good Evening:

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

Date: November 26, 2019

Location: City Hall, Room 408

Time: 4:30 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. 19080:** Complaint filed by Paul A. Vander Waerdt against the Dept. of Homelessness and Supportive Housing for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25 for failing to respond to an Immediate Disclosure Request in a timely manner.

**File No. 19103:** Complaint filed by Anonymous against Mayor London Breed, Hank Heckel and the Mayor's Offices for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25 and 67.26, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**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.


**File No. 19111:** Complaint filed by Michael Petrelis against Supervisor Rafael Mandelman for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

**File No. 19114:** Complaint filed by Shane Anderies against Tyler Vu and the Public Defender's Office for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.24, 67.25, 67.26, 67.27 and 67.29 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**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 into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, November 19, 2019.*

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724

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## Leger, Cheryl (BOS)

---

**From:** Heckel, Hank (MYR)  
**Sent:** Thursday, November 14, 2019 12:58 PM  
**To:** SOTF, (BOS)  
**Subject:** FW: SOTF - Notice of Appearance - Compliance and Amendments Committee; November 26, 2019 4:30 p.m.  
**Attachments:** SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Hi,

Could someone forward me the complaint for 19103? I'm not sure I have it.

Thanks,

Hank Heckel  
Legal Compliance Officer  
Office of the Mayor  
City and County of San Francisco  
(415) 554-4796

**From:** SOTF, (BOS)  
**Sent:** Wednesday, November 13, 2019 5:46 PM  
**To:** paulavanderwaerdt@gmail.com; Kositsky, Jeff (HOM) <jeff.kositsky@sfgov.org>; Stewart-Kahn, Abigail (HOM) <abigail.stewart-kahn@sfgov.org>; Dea, Paria (HOM) <paria.dea@sfgov.org>; Heckel, Hank (MYR) <hank.heckel@sfgov.org>; 81242-04060798@requests.muckrock.com; COTE, JOHN (CAT) <John.Cote@sfcityatty.org>; COOLBRITH, ELIZABETH (CAT) <Elizabeth.Coolbrith@sfcityatty.org>; MICHAEL PETRELIS <mpetrelis@aol.com>; Mundy, Erin (BOS) <erin.mundy@sfgov.org>; Smeallie, Kyle (BOS) <kyle.smeallie@sfgov.org>; Temprano, Tom (BOS) <tom.temprano@sfgov.org>; sanderies@andgolaw.com; nmitchell@andgolaw.com; Vu, Tyler (PDR) <tyler.vu@sfgov.org>  
**Cc:** Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>  
**Subject:** SOTF - Notice of Appearance - Compliance and Amendments Committee; November 26, 2019 4:30 p.m.

Good Evening:

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

Date: November 26, 2019

Location: City Hall, Room 408

Time: 4:30 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:

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#### 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 into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, November 19, 2019.***

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724

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## Leger, Cheryl (BOS)

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**From:** Heckel, Hank (MYR)  
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**To:** SOTF, (BOS)  
**Subject:** RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103

Thanks Cheryl. I will provide our materials by then.

**From:** SOTF, (BOS)  
**Sent:** Friday, November 15, 2019 8:40 AM  
**To:** Heckel, Hank (MYR) <hank.heckel@sfgov.org>  
**Subject:** FW: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103

Dear Hank: Please see the Notice to Respondent. We still do not have your response. We have scheduled this matter to be heard by the Compliance and Amendments Committee on November 26. Please get those materials to me before November 19. Thank you.

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724



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**From:** Young, Victor (BOS)  
**Sent:** Wednesday, October 16, 2019 3:40 PM  
**To:** Breed, London (MYR) <london.breed@sfgov.org>; Heckel, Hank (MYR) <Hank.Heckel@sfgov.org>; Karunaratne, Kanishka (MYR) <kanishka.cheng@sfgov.org>; Peacock, Rebecca (MYR) <rebecca.peacock@sfgov.org>  
**Cc:** 81242-04060798@requests.muckrock.com; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>  
**Subject:** SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103

Good Afternoon:

You have been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days.

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Please include the following information in your response if applicable:

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2. Date the relevant records were provided to the Complainant.
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5. Copy of the original request for records (if applicable).

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:  
*Complaint Attached.*

**Both parties (Complainant and Respondent) will be contacted once a hearing date is determined.**

Thank you.

**Victor Young**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244  
San Francisco CA 94102  
phone 415-554-7723 | fax 415-554-5163  
[victor.young@sfgov.org](mailto:victor.young@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



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## Leger, Cheryl (BOS)

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**To:** Heckel, Hank (MYR)  
**Subject:** FW: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103  
**Attachments:** 19103 SOTF Complaint.pdf

Dear Hank: Please see the Notice to Respondent. We still do not have your response. We have scheduled this matter to be heard by the Compliance and Amendments Committee on November 26. Please get those materials to me before November 19. Thank you.

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724



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*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

**From:** Young, Victor (BOS)  
**Sent:** Wednesday, October 16, 2019 3:40 PM  
**To:** Breed, London (MYR) <london.breed@sfgov.org>; Heckel, Hank (MYR) <Hank.Heckel@sfgov.org>; Karunaratne, Kanishka (MYR) <kanishka.cheng@sfgov.org>; Peacock, Rebecca (MYR) <rebecca.peacock@sfgov.org>  
**Cc:** 81242-04060798@requests.muckrock.com; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>  
**Subject:** SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19103

Good Afternoon:

You have been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days.

**The Respondent is required to submit a written response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice.** This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).


Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:  
*Complaint Attached.*

**Both parties (Complainant and Respondent) will be contacted once a hearing date is determined.**

Thank you.

**Victor Young**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244  
San Francisco CA 94102  
phone 415-554-7723 | fax 415-554-5163  
[victor.young@sfgov.org](mailto:victor.young@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

## Leger, Cheryl (BOS)

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Wednesday, February 26, 2020 9:34 AM  
**To:** SOTF, (BOS)  
**Subject:** Re: Status of files

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

An update on the status of my files:

2 cases awaiting full task force: 19103 (Mayor Breed calendars) and 19112 (Chief Scott calendars)  
3 cases won awaiting an Order of Determination: 19044, 19091, and 19108  
1 case won, where the Mayor refused to comply, and awaiting Compliance Committee review: 19047

Various others waiting for committee

Thanks.

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Sincerely,

Anonymous

Sent from ProtonMail Mobile

On Fri, Feb 7, 2020 at 7:44 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Ms. Leger,

Just keeping you apprised of the list of complaints if needed for planning purposes:

- 2 cases awaiting full task force (no 45 day rule): 19103 (Mayor Breed's Calendars), 19112 (Chief Scott's Calendars)
- 27 cases noticed to the complainant awaiting initial committee "records are public" hearing:  
19097 19098 19113 19119 19120 19121 19124 19125 19127 19128 19131 19132 19133 19134 19136  
19137 19139 19141 19143 19144 20002 20004 20005 20006 20009 20014 20030
- 1 case with no file number given to me, awaiting notice (re: DPA sent to SOTF on Feb 7)
- 14 cases under 67.29 with no 45-day rule 20015 thru 20028
- 3 cases won awaiting order of determination (19044, 19091, 19108) (no 45 day rule)
- 1 case won with order issued in October (19047) and needing compliance committee review  
(Mayor's Office has not complied-yet)
- 1 case lost (19089)

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Sincerely,

Anonymous



## Leger, Cheryl (BOS)

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Thursday, March 5, 2020 12:51 PM  
**To:** SOTF, (BOS)  
**Subject:** Status of files - Mar 5, 2020  
**Attachments:** signature.asc

- 19044, 19091, 19108 - 3 Cases won at full SOTF awaiting Order of Determination
- 19047 - 1 Case won with OD, needs Compliance Committee review due to Mayor's non-compliance
- 19103, 19112 - 2 Waiting Full SOTF (Committee completed)
- >60 cases waiting Committee - 19097, **19098 (continued)**, 19113, **19119 (next)**, 19120, 19121, 19124, 19125, 19127, 19128, 19131, 19132, 19133, 19134, 19136, 19137, 19139, 19141, 19143, 19144, 20005, 20006, 20009, 20014, 20015, 20016, 20017, 20018, 20019, 20020, 20021, 20022, 20024, 20025, 20026, 20027, 20028, 20030, 20031, 20032, 20033, 20036, 20037, 20039, 20040, 20041, 20042, 20043, 20044, 20045, 20046, 20047, 20048, 20049, 20050, 20051, 20052, 20053, 20054, 20057, 20059

Thanks.

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Sincerely,

Anonymous

## Leger, Cheryl (BOS)

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Wednesday, June 3, 2020 11:17 PM  
**To:** Heckel, Hank (MYR); COTE, JOHN (CAT); Gerull, Linda (TIS); Steinberg, David (DPW); Cox, Andrew (POL); Scott, William (POL); Breed, Mayor London (MYR); Colfax, Grant (DPH); Press, DEM (DEM); SFSO FOIA Requests (SHF); SOTF, (BOS)  
**Subject:** Re: Further Waiver for certain SOTF deadlines  
**Attachments:** signature.asc

All my waivers for timeliness of CPRA/Sunshine Ordinance responses are now terminated as of June 3, 2020.

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Sincerely,

Anonymous

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

On Monday, April 6, 2020 8:34 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

**SOTF Files:** 19089, 19091, 19105, 19108, 20002, 20007, 20039, 20059, 19097, 19098, 19103, 19103, 19112, 19119, 19120, 19124, 19128, 19141, 19143, 20005, 20006, 20006, 20009, 20014, 20052, 20053, 20054, 20057

This is a **further written waiver** until the latest of: [May 3, 2020, expiration of Order of the Health Officer C19-07b, or expiration of paragraph 1 of Executive Order N-33-20], of any CPRA/Sunshine deadlines (incl. SOTF's own 67.21(e) 45-day deadline to issue a determination) that would normally occur between now and such date **in solely the above list of SOTF cases**, EXCEPT the following which are either long-standing and with which continued non-compliance is unrelated to COVID-19 work, or for which the information is itself about COVID-19:

- This waiver does not apply to SOTF Order 19047 or SOTF 19044.
- The waiver does not apply to requests about COVID-19 itself sent to DEM, DPH, or the Mayor or her office.
- The waiver does not apply to agencies whose employees are not listed in the TO.

Note that while I am waiving these deadlines, SOTF may or may not be also waiving your deadlines and I have no control over that.

The following are **not** waived:

- Any violations, including timeliness, occurring prior to March 17, 2020, or after the end of the waiver date.

- Any non-timeliness violations.
- Failure by the City to retain and refrain from destroying during the pendency of the waiver any responsive records.
- Any unilateral decision by the City that purports to exempt itself or any of its agencies, officers, or employees from the CPRA or Sunshine Ordinance or any of its provisions.

I do not believe Paragraph 2 of Executive Order N-35-20 or Paragraph 5 of the Mayor's March 13 Second Supplement or any other unilateral suspensions by the government of its own transparency obligations are legally valid and will challenge them if they are used.

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Sincerely,

Anonymous

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

On Saturday, March 21, 2020 9:29 PM, Anonymous <arecordsrequestor@protonmail.com> wrote: \*

**SOTF Files:** 19089, 19091, 19105, 19108, 20002, 20007, 20039, 20059, 19097, 19098, 19103, 19103, 19112, 19119, 19120, 19124, 19128, 19141, 19143, 20005, 20006, 20006, 20009, 20014, 20052, 20053, 20054, 20057

This is a **further written waiver** until the latest of: [April 7, 2020, expiration of Order of the Health Officer No. C19-07, or expiration of paragraph 1 of Executive Order N-33-20, all as may be extended], of any CPRA/Sunshine deadlines (incl. SOTF's own 67.21(e) 45-day deadline to issue a determination) that would normally occur between now and such date in only the above list of SOTF cases, EXCEPT the following which are either long-standing and with which continued non-compliance is unrelated to COVID-19 work, or for which the information is itself about COVID-19:

- This waiver does not apply to SOTF Order 19047 or SOTF 19044.
- The waiver does not apply to requests about COVID-19 itself sent to DEM, DPH, or the Mayor.
- This waiver does not apply to agencies whose employees are not listed in the TO.

Note that while I am waiving these deadlines, SOTF may or may not be also waiving your deadlines and I have no control over that.

The following are **not** waived:

- Any violations, including timeliness, occurring prior to March 17, 2020, or after the end of the waiver date.
- Any non-timeliness violations.
- Failure by the City to retain and refrain from destroying during the pendency of the waiver any responsive records.
- Any unilateral decision by the City that purports to exempt itself or any of its agencies, officers, or employees from the CPRA or Sunshine Ordinance or any of its provisions.

Stay safe out there~

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Sincerely,

Anonymous

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

On Monday, March 16, 2020 7:17 PM, Anonymous  
<arecordsrequestor@protonmail.com> wrote:

SOTF- This may be filed in cases SOTF 19044, 19047, 19089, 19091, 19105, 19108, 20002, 20007, 20039, 20059, 19097, 19098, 19103, 19103, 19112, 19119, 19120, 19124, 19128, 19141, 19143, 20005, 20006, 20006, 20009, 20014, 20052, 20053, 20054, 20057

***NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the government all be disclosable public records.***

Sincerely,

Anonymous

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

On Monday, March 16, 2020 7:11 PM, Anonymous  
<arecordsrequestor@protonmail.com> wrote:

Listed SOTF Respondents and SOTF itself,

This is a written waiver until April 7, 2020 of any CPRA/Sunshine deadlines (incl. SOTF's own 67.21(e) 45-day deadline to issue a determination) that would normally occur between now and April 7, 2020 in the attached list of SOTF cases, EXCEPT the following which are either long-standing and with which continued non-compliance is unrelated to COVID-19 work, or for which the information is itself about COVID-19:

- This waiver does not apply to SOTF Order 19047, which the Mayor's Office has never complied with, in providing minimally redacted ICS files of certain calendars entries.
- This waiver does not apply to SOTF 19044, which would require minimal redaction of the two emails in that case by the City Attorney's office pursuant to SOTF's motion in January (which has not issued yet as an Order).
- The waiver does not apply to requests about COVID-19 itself sent to DEM, DPH, or the Mayor.
- This waiver does not apply to agencies whose employees are not listed in the TO.

Note that while I am waiving these deadlines, SOTF may or may not be also waiving your deadlines and I have no control over that.

The following are not waived:

- Any violations, including timeliness, occurring prior to March 17, 2020, or after April 7, 2020. (note the deadlines are merely being delayed until April 7, not some  $n$  days after April 7).
- Any non-timeliness violations.
- Failure by the City to retain and refrain from destroying during the pendency of the waiver any responsive records.
- Any unilateral decision by the City that purports to exempt itself or any of its agencies, officers, or employees from the CPRA or Sunshine Ordinance or any of its provisions.

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*warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the government all be disclosable public records.*

Sincerely,

Anonymous

## Leger, Cheryl (BOS)

---

**From:** SOTF, (BOS)  
**Sent:** Tuesday, August 18, 2020 12:33 PM  
**To:** Steinberg, David (DPW); 79356-20639593@requests.muckrock.com; 76435-93915115@requests.muckrock.com; Cox, Andrew (POL); rwhartzjr@comcast.net; Vitusl@sfzoo.org; TanyaP@sfzoo.org; Buell, Mark (REC); anntreboux@yahoo.com; Cote, John (CAT); BAUMGARTNER, MARGARET (CAT); CityAttorney (CAT); Licudine-Barker, Arlene (TIS); Gerull, Linda (TIS); Makstman, Michael (TIS); arecordsrequestor@pm.me; 80695-54486849@requests.muckrock.com; Cote, John (CAT); CityAttorney (CAT); WALSH, MOIRA (CAT); CLARK, JANA (CAT); SNODGRASS, WAYNE (CAT); SHEN, ANDREW (CAT); RUSSI, BRAD (CAT); RIES, DAVID (CAT); CABRERA, ALICIA (CAT); ZAREFSKY, PAUL (CAT); MINTY, SCOTT (CAT); GIVNER, JON (CAT); COOLBRITH, ELIZABETH (CAT); BUTA, ODAYA (CAT); 80239-52834911@requests.muckrock.com; Hirsch, Bob (POL); Taylor, Damali (POL); De Jesus, Peterkent (POL); Hamasaki, John (POL); cindy.n.elias@sfgov.org; Brookter, Dion-Jay (POL); Campbell, Jayme (POL); Patterson, Kate (LIB); Lambert, Michael (LIB); Krell, Rebekah (ART); 84031-44127205@requests.muckrock.com; Cox, Andrew (POL); Scott, William (POL); Rodriguez, Brian (POL); Andraychak, Michael (POL); SGM; Bastian, Alex (DAT); Boudin, Chesa (DAT); 84162-44435865@requests.muckrock.com; Cisneros, Jose (TTX); 84182-48147675@requests.muckrock.com; , ADMSunshinerequests (ADM); Kelly, Naomi (ADM); chancellor@ucsf.edu; 84500-13253092@requests.muckrock.com; Voong, Henry (HRD); Buick, Jeanne (HRD); McHale, Maggie (HRD); 83872-25170468@requests.muckrock.com; Scott, William (POL); 84168-39742724@requests.muckrock.com; Miyamoto, Paul (SHF); ckohrs@gmail.com; Youngblood, Stacy (POL); ctoles@kernlaw.com  
**Subject:** SOTF - Waiver of the 45-Day Rule

Dear SOTF Petitioners, Respondents and other Stakeholders:

As you most likely know SOTF operations have been delayed over the last few months due to the Covid-19 emergency. The SOTF have started to conduct remote meetings via videoconference and are working to establish procedures to resume all operations including the processing of complaints.

While the Sunshine Ordinance requires that certain actions be taken within 45 days, the Covid-19 emergency has forced delays and immense new backlogs for complaint hearings. We write today to ask if you are willing to waive the 45 day rule for your complaint.

The SOTF intends to resume hearing complaints *on a limited basis and complaints will be queued* to be heard in the near future. We continue to work to address technical issues posed by remote meetings. We are aware of the time sensitivity of your records requests. Please be assured that the SOTF appreciates the urgency of your matters and the importance of handling them in a timely manner.

If you have further questions about your files or have other issues, please feel free to email the SOTF Administrator at the email below.

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
[Cheryl.Leger@sfgov.org](mailto:Cheryl.Leger@sfgov.org)  
Tel: 415-554-7724  
Fax: 415-554-5163

## Leger, Cheryl (BOS)

---

**From:** Heckel, Hank (MYR)  
**Sent:** Tuesday, February 9, 2021 1:20 AM  
**To:** Anonymous  
**Cc:** MayorSunshineRequests, MYR (MYR); SOTF, (BOS)  
**Subject:** RE: SOTF 19103 Enforcement - Req 6 - Immediate Disclosure Request  
**Attachments:** RE\_ Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars.pdf; Scheduling 23\_Redacted.pdf; Scheduling 22\_Redacted.pdf; Scheduling 21\_Redacted.pdf; Scheduling 20\_Redacted.pdf; Scheduling 19\_Redacted.pdf; Scheduling 18\_Redacted.pdf; Scheduling 17\_Redacted.pdf; Scheduling 16\_Redacted.pdf; Scheduling 15\_Redacted.pdf; Scheduling 14\_Redacted.pdf; Scheduling 13\_Redacted.pdf; Scheduling 12\_Redacted.pdf; Scheduling\_Redacted.11.pdf; Scheduling 10\_Redacted.pdf; Scheduling 9\_Redacted.pdf; Scheduling 8\_Redacted.pdf; Scheduling 7\_Redacted.pdf; Scheduling 6\_Redacted.pdf; Scheduling 5\_Redacted.pdf; Scheduling 4\_Redacted.pdf; Scheduling 3\_Redacted.pdf; Scheduling 2\_Redacted.pdf; Schedule 1\_Redacted.pdf; Calendar 11\_Redacted.pdf; Calendar 10\_Redacted.pdf; Calendar 9\_Redacted.pdf; Calendar 8\_Redactedredacted.pdf; Calendar 7\_Redacted.pdf; Calendar 6\_Redacted.pdf; Calendar 5\_Redacted.pdf; Calendar 4\_Redacted.pdf; Calendar 3\_Redacted.pdf; Calendar 2\_Redacted.pdf; Calendar 1\_Redacted.pdf

Anonymous,

Following the determination in SOTF File No. 19103 regarding the Mayor's future calendar entries, we have consulted internally and with the City Attorney's Office and we have devised a method to provide some of the information for those entries with minimal withholding to protect security-sensitive information consistent with Admin. Code 67.26 and 67.27.

In particular, we have concluded that generally, the Office of the Mayor may safely disclose certain information about upcoming meetings, including the subject matter of the meeting and the attendees as they are recorded in the Mayor's calendar entries, and the week in which a meeting will occur. In light of the unique security concerns associated with future non-publicly announced meetings for the Mayor which are safeguarded by an SFPD detail, we will continue to withhold the location, time and specific date of such meetings, as well as any recurrence information that would reveal future dates and times. This is in consideration of the SFPD's procedures and practices in providing security at such meetings and for the Mayor's personal safety. We also reserve our right to object to certain requests for future calendar entries where the subject matter of the meeting itself or the invited attendees could raise fact-specific security concerns or other bases for withholding, but your current request does not raise those concerns.

Also, in responding to requests for future entries, we plan to provide the Mayor's calendars in week-long blocks showing all of the meetings for that week without revealing the date or time of an individual meeting. Accordingly, in response to your request below, please see calendar entries for Mayor Breed's Prop G calendar account as well as her general scheduling calendar account for the week of April 5 to 9, 2021. We previously responded to the request below and informed you that responsive records existed and would be provided in due course pursuant to Cal. Gov. Code 6253(c) (see attached email).

All of the redactions in the attached responsive files are due to the security concerns discussed above and specifically based on Government Code section 6254(f), Evidence Code section 1040, and Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991), with the exception of the redactions of personal contact information to protect privacy or of dial-information to protect official information, which are clearly marked as pursuant to California Constitution, Art. I, Sec. 1; Cal. Govt. Code Secs. 6254(c) and Evidence Code 1040 respectively.



Given our agreement to this practice are you willing to withdraw your various other requests from December 3 and December 29 to January 17 for calendar entries of the Mayor that were future entries at the time of the request? We are not challenging disclosure of those entries beyond the location, date, time and recurrence information discussed above.

Regards,

Hank Heckel  
Compliance Officer  
Office of the Mayor  
City and County of San Francisco

**From:** Anonymous <arecordsrequestor@protonmail.com>

**Sent:** Tuesday, December 29, 2020 9:00 PM

**To:** Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>; SOTF, (BOS) <sof@sfgov.org>

**Subject:** SOTF 19103 Enforcement - Req 6 - Immediate Disclosure Request

Sean Elsbernd, London Breed, Hank Heckel, Office of the Mayor:

This is a new immediate disclosure request for the detailed prospective/scheduled Outlook entries, one per calendar entry, for the **Apr 1 - Apr 15, 2021** dates for London Breed on every calendar (whether Prop G or non-Prop G, and including but not limited to PropG, Mayor (MYR), and Calendar, Mayor (MYR) and all personal calendars) about the conduct of public business, with minimal redactions, and a key for the redactions. Your determination of disclosable public records and legal justification is due on January 11, or after extension, on January 25, 2021 (CPRA Gov Code 6253(c)).

Recall the SOTF 19103 ruling for Breed's future calendars

- [https://sfgov.org/sunshine/sites/default/files/SOTF\\_120220\\_minutes.pdf](https://sfgov.org/sunshine/sites/default/files/SOTF_120220_minutes.pdf) :

Moved by Member LaHood, seconded by Member Hinze to find that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code, Sections 67.26 for failing to keep withholding to a minimum, 67.27 for justification of withholding and to refer the matter to the Compliance and Amendments Committee to ensure that properly redacted records are provided to the Petitioner.

The motion PASSED by the following vote: Ayes: 7 - LaHood, Hinze, Yankee, Wong, Schmidt, Hyland, Wolfe; Noes: 0 - None; Absent: 0 - None

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Sincerely,

**From:** [MayorSunshineRequests, MYR \(MYR\)](#)  
**To:** [MayorSunshineRequests, MYR \(MYR\)](#); [arecordsrequestor@protonmail.com](mailto:arecordsrequestor@protonmail.com)  
**Subject:** RE: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars  
**Date:** Wednesday, January 20, 2021 12:59:00 AM

---

Anonymous,

We have received the request below and all numbered requests with a similar subject line sent on December 29. Please note that consistent with the ruling in SOTF 19103, we will produce non-exempt material from the requested future calendar entries with appropriate redactions to safeguard the security-sensitive information previously identified. Thus, we are informing you that responsive records exist and we will provide those to you over the next couple of weeks on a rolling basis with redactions, consistent with Gov. Code 6253(c) and Section 7a of the Fifth Supplement to the Proclamation Declaring a Local Emergency, which has suspended the normal response time in which to provide or withhold documents during the ongoing COVID-19 pandemic in light of the reasons cited in that proclamation.

Regards,

Hank Heckel  
Legal Compliance Officer  
Office of the Mayor  
City and County of San Francisco

**From:** MayorSunshineRequests, MYR (MYR)  
**Sent:** Tuesday, December 29, 2020 8:33 PM  
**To:** [arecordsrequestor@protonmail.com](mailto:arecordsrequestor@protonmail.com)  
**Cc:** MayorSunshineRequests, MYR (MYR) <[mayorsunshinerequests@sfgov.org](mailto:mayorsunshinerequests@sfgov.org)>  
**Subject:** FW: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars

Anonymous,

We are continuing to consult internally regarding our response and appropriate withholding regarding existing calendar records responsive to your request below, in light of the security concerns referenced and of SOTF's recent ruling. We anticipate responding further in approximately two weeks.

Regards,

Hank Heckel  
Compliance Officer  
Office of the Mayor  
City and County of San Francisco

**From:** Anonymous <[arecordsrequestor@protonmail.com](mailto:arecordsrequestor@protonmail.com)>

**Sent:** Thursday, December 3, 2020 8:29 AM

**To:** Heckel, Hank (MYR) <[hank.heckel@sfgov.org](mailto:hank.heckel@sfgov.org)>; Breed, Mayor London (MYR) <[mayorlondonbreed@sfgov.org](mailto:mayorlondonbreed@sfgov.org)>; MayorSunshineRequests, MYR (MYR) <[mayorsunshinerequests@sfgov.org](mailto:mayorsunshinerequests@sfgov.org)>

**Cc:** SOTF, (BOS) <[sotf@sfgov.org](mailto:sotf@sfgov.org)>; Press Office, Mayor (MYR) <[mayorspressoffice@sfgov.org](mailto:mayorspressoffice@sfgov.org)>; Elsbernd, Sean (MYR) <[sean.elsbernd@sfgov.org](mailto:sean.elsbernd@sfgov.org)>; Bruss, Andrea (MYR) <[andrea.bruss@sfgov.org](mailto:andrea.bruss@sfgov.org)>; Cretan, Jeff (MYR) <[jeff.cretan@sfgov.org](mailto:jeff.cretan@sfgov.org)>; Lila LaHood <[lilahood\\_sotf@gmail.com](mailto:lilahood_sotf@gmail.com)>

**Subject:** Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars

Good morning Mayor Breed, Hank Heckel, and Office of the Mayor,

**Last night in *SOTF 19103 Anonymous v. Breed, et al.*, the SOTF unanimously ruled that Breed, Heckel, and the Office of the Mayor violated SFAC 67.26 for withholding the entirety of Mayor Breed's future calendars (instead of minimally redacting only the "security procedures" of a "local police agency" portions as cited in Gov Code 6254(f)); and violated SFAC 67.27 for citing *Times Mirror v. Superior Court (1991)* only after the complaint was filed and not in the original written justification; and compelled you to comply. It is time to test your compliance:**

Please provide, as an immediate disclosure request, each of Breed's prospective/planned Outlook calendar/meeting entry records (for all Breed calendars, whether personal about the conduct of public business or government-owned, and whether Prop G or non-Prop G), in detailed form **(including but not limited to the title, attendees, start/end date/time, location, attachments, images, and entry body/content, and every other part of the Outlook entry)**, where each Outlook entry is printed on a separate page ("Memo Style"), for every event scheduled from Jan 15 through Feb 1, 2021, ***as the records exist at the time you receive this request***. You must provide rolling responses. I do not care about .ics files or metadata that is not visible on the detailed/Memo Style entry view in this request, but you are welcome to provide them if that is faster. You must minimally redact the "security procedures" of a "local police agency" pursuant to your 6254(f) citation and provide all other words on the page (comply with 67.26).

Since you've apparently been confused how to do this, I've provided you an hypothetical example attached of what one could have done with last time (without in any way conceding that all of that redacted info is in fact lawfully exempt). Note that this example would show exactly what you redacted, **with a key for every redaction**, so the SOTF can judge your compliance; in this hypothetical attached example a staff phone number was Gov Code 6254(c), and the location of the meeting was Gov Code 6254(f).

=====

**Compliance Chair LaHood, and members of SOTF** - if Breed unreasonably delays full production or rolling responses, I urge you to reject their procedural hijinks and find Breed in willful violation of the law, and agendize 19103 at Compliance immediately. I've won now, and you have compelled

them to comply. The nearest date of future calendars requested is almost a month and a half from now - Consider how much time is reasonable to produce a single calendar entry if they are not unlawfully dragging their feet. "Dennis Herrera said so" is no defense to the willful violation of the law, because Herrera is their attorney and will be loyal only to these incumbent officers, and not to the people's laws.

=====

**Journalists (BCC):** I urge you to listen to the SOTF 19103 hearing of Dec 2. I wanted to note that Breed was apparently willing to produce events *she subjectively deems public*. This is yet more evidence that all they are truly hiding is the topics and attendees of the remaining secret meetings. Why would a *deemed public* event be less of a physical security risk than the other ones? They aren't. They are just hiding who the Mayor is meeting with and what she is discussing, not to prevent physical violence as they falsely claim, but to control the press narrative and timing of release of future meetings and to prevent *political backlash* against controversial meetings happening in the future, which people would then petition the government about (say by going before the BoS) as is their First Amendment right. Breed's actions are an attempt (now ruled unlawful) to protect, without saying so, her non-existent deliberative process privilege in violation of the people's decision in SFAC 67.24(h). Part of the reason deliberative process exempts (outside of SF) such info is to prevent potential participants from cancelling the meetings for fear of *political embarrassment* so that Breed can hear from a wide variety of parties. (Consider meetings between a politician and politically unpopular lobbyists for example). While there are pros and cons to deliberative process, the people of SF have spoken: it is unlawful to use such exemption in this City.

**NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the government all be disclosable public records.**

Sincerely,

Anonymous

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** HOLD: Uber [REDACTED]

**Start:** [REDACTED]  
**End:** [REDACTED]

**Recurrence:** (none)

**Organizer:** Calendar, Mayor (MYR)

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** HOLD: Uber Tour

**Start:**

**End:**



**Recurrence:** (none)

**Meeting Status:** Meeting organizer

**Organizer:** Calendar, Mayor (MYR)

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Policy Group Call

**Location:** [REDACTED]

**Start:** [REDACTED]

**End:** [REDACTED]

**Recurrence:** Weekly

**Recurrence Pattern:** [REDACTED]

**Meeting Status:** Meeting organizer

**Organizer:** Calendar, Mayor (MYR)

Evid. Code 1040 [REDACTED]

[REDACTED]

[REDACTED]

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Policy Group Call

**Location:** [REDACTED]

**Start:** [REDACTED]

**End:** [REDACTED]

**Recurrence:** Weekly

**Recurrence Pattern:** [REDACTED]

**Meeting Status:** Meeting organizer

**Organizer:** Calendar, Mayor (MYR)

Evid. Code 1040  
[REDACTED]

[REDACTED]

[REDACTED]



**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Grant Colfax

**Location:** [REDACTED]

**Start:** [REDACTED]

**End:** [REDACTED]

**Recurrence:** Weekly

**Recurrence Pattern:** [REDACTED]

**Organizer:** Calendar, Mayor (MYR)

Evid. Code: 1040 [REDACTED]

[REDACTED]

[REDACTED]

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Trent Rhorer, Abigail Stewart-Kahn, Maryellen Carroll (Staff: Sean Elsbernd; [REDACTED])

**Location:** [REDACTED]

**Start:** [REDACTED]  
**End:** [REDACTED]

**Recurrence:** Weekly  
**Recurrence Pattern:** [REDACTED]

**Meeting Status:** Meeting organizer

**Organizer:** Calendar, Mayor (MYR)

**Env. Code:** 1040 [REDACTED]

[REDACTED]

[REDACTED]

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Scheduling Meeting

**Start:**

**End:**



**Recurrence:** Weekly

**Recurrence Pattern:**



**Organizer:** Calendar, Mayor (MYR)

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Ahsha Safai, Supervisor

**Start:** [REDACTED]

**End:** [REDACTED]

**Recurrence:** Monthly

**Recurrence Pattern:** [REDACTED]

**Organizer:** Calendar, Mayor (MYR)

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Carmen Chu, City Administrator

**Start:**



**End:**

**Recurrence:** Weekly

**Recurrence Pattern:**



**Meeting Status:** Meeting organizer

**Organizer:** Calendar, Mayor (MYR)

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Ralph Remington, Arts Commission

**Start:** [REDACTED]  
**End:** [REDACTED]

**Recurrence:** Monthly  
**Recurrence Pattern:** [REDACTED]

**Meeting Status:** Meeting organizer

**Organizer:** Calendar, Mayor (MYR)

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Budget Meeting (Staff: Sean Elsbernd; California [redacted])

**Start:** [redacted]  
**End:** [redacted]

**Recurrence:** Weekly  
**Recurrence Pattern:** [redacted]

**Organizer:** Calendar, Mayor (MYR)

**Carnes, Chantel (MYR)**

---

**Subject:** David Chiu, Assembly member

**Location:** [REDACTED]

**Start:** [REDACTED]

**End:** [REDACTED]

**Recurrence:** Monthly

**Recurrence Pattern:** [REDACTED]

**Organizer:** Mayor Calendar



**Carnes, Chantel (MYR)**

---

**Subject:** Mawuli Tugbenyoh re: Commissions (Staff: Sean Elsbernd; [redacted])

**Location:** [redacted]

**Start:** [redacted]  
**End:** [redacted]

**Recurrence:** Weekly  
**Recurrence Pattern:** [redacted]

**Organizer:** Calendar, Mayor (MYR)

**Carnes, Chantel (MYR)**

---

**Subject:** Jeff Cretan

**Location:** [REDACTED]

**Start:** [REDACTED]

**End:** [REDACTED]

**Recurrence:** Weekly

**Recurrence Pattern:** [REDACTED]

**Organizer:** Mayor Calendar

**Carnes, Chantel (MYR)**

---

**Subject:** [REDACTED] Weekly Meeting with Police Chief (Staff: Jason Elliott)

**Location:** [REDACTED]

**Start:** [REDACTED]

**End:** [REDACTED]

**Recurrence:** [REDACTED]

**Recurrence Pattern:** [REDACTED]

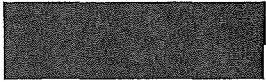
**Organizer:** Mayor Calendar

**Carnes, Chantel (MYR)**

---

**Subject:** Press Time

**Start:**



**End:**

**Recurrence:** Weekly

**Recurrence Pattern:**



**Organizer:** Mayor Calendar

**Carnes, Chantel (MYR)**

---

**Subject:** Legislation Signing (Staff: Sophia Kittler; California )

**Location:** [REDACTED]

**Start:** [REDACTED]

**End:** [REDACTED]

**Recurrence:** [REDACTED]

**Recurrence Pattern:** [REDACTED]

**Organizer:** Calendar, Mayor (MYR)

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Senior Staff Check in Call

**Location:** [REDACTED]

**Start:** [REDACTED]

**End:** [REDACTED]

**Recurrence:** Weekly

**Recurrence Pattern:** [REDACTED]

**Organizer:** Calendar, Mayor (MYR)

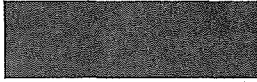
[REDACTED] Code: 4040

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Jeff Cretan

**Start:**



**End:**

**Recurrence:** Weekly

**Recurrence Pattern:**



**Organizer:** Calendar, Mayor (MYR)

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Staffing Meeting

**Location:** [REDACTED]

**Start:** [REDACTED]

**End:** [REDACTED]

**Recurrence:** Monthly

**Recurrence Pattern:** [REDACTED]

**Organizer:** Calendar, Mayor (MYR)



**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Scheduling Meeting

**Start:**

**End:**



**Recurrence:** Weekly

**Recurrence Pattern:**



**Organizer:** Calendar, Mayor (MYR)

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** David Chiu, Assembly member.

**Start:** [REDACTED]  
**End:** [REDACTED]

**Recurrence:** Monthly  
**Recurrence Pattern:** [REDACTED]

**Organizer:** Mayor Calendar

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Jeff Cretan

**Start:** [REDACTED]  
**End:** [REDACTED]

**Recurrence:** Weekly  
**Recurrence Pattern:** [REDACTED]

**Organizer:** Calendar, Mayor (MYR)

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Legislation Signing and BOS Update (Staff: Sophia Kittler; California )

**Start:**

**End:**

**Recurrence:** Weekly

**Recurrence Pattern:**

**Organizer:** Calendar, Mayor (MYR)

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Weekly Community Leader/Supervisor/Dept Head Meeting

**Start:**



**End:**

**Recurrence:** Weekly

**Recurrence Pattern:**



**Organizer:** Calendar, Mayor (MYR)

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Police Chief Bill Scott

**Start:** [REDACTED]

**End:** [REDACTED]

**Recurrence:** Weekly

**Recurrence Pattern:** [REDACTED]

**Organizer:** Calendar, Mayor (MYR)

**Topic:** Police Chief Scott + Mayor Breed

[REDACTED]

[REDACTED]

[REDACTED]

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Andres Power

**Start:**



**End:**

**Recurrence:** Weekly

**Recurrence Pattern:**



**Organizer:** Calendar, Mayor (MYR)

**Conine-Nakano, Susanna (MYR)**

---

**Subject:** [REDACTED] Commissions Meeting

**Start:** [REDACTED]

**End:** [REDACTED]

**Recurrence:** Weekly

**Recurrence Pattern:** [REDACTED]

**Organizer:** Calendar, Mayor (MYR)



**Conine-Nakano, Susanna (MYR)**

---

**Subject:** Senior Staff Check in Call

**Location:** [REDACTED]

**Start:** [REDACTED]  
**End:** [REDACTED]

**Recurrence:** Weekly  
**Recurrence Pattern:** [REDACTED]

**Organizer:** Calendar, Mayor (MYR)

**Dial In:** [REDACTED]

**Carnes, Chantel (MYR)**

---

**Subject:** Press Time

**Start:**

**End:**

**Recurrence:** Weekly

**Recurrence Pattern:**

**Organizer:** Mayor Calendar

**Carnes, Chantel (MYR)**

---

**Subject:** Kanishka Cheng re: Commissions (Staff: Sean Elsbernd; [REDACTED])

**Location:** [REDACTED]

**Start:** [REDACTED]

**End:** [REDACTED]

**Recurrence:** Weekly

**Recurrence Pattern:** [REDACTED]

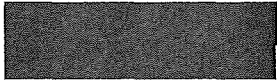
**Organizer:** Calendar, Mayor (MYR)

**Carnes, Chantel (MYR)**

---

**Subject:** Press Time

**Start:**



**End:**

**Recurrence:** Weekly

**Recurrence Pattern:**



**Organizer:** Mayor Calendar

**Carnes, Chantel (MYR)**

---

**Subject:** Ed Reiskin (Staff: Andres Power, [redacted])

**Location:** [redacted]

**Start:** [redacted]

**End:** [redacted]

**Recurrence:** [redacted] y

**Recurrence Pattern:** [redacted]

**Organizer:** Mayor Calendar

**Carnes, Chantel (MYR)**

---

**Subject:** Bi-Weekly Meeting with Ken Rich

**Location:** [REDACTED]

**Start:** [REDACTED]

**End:** [REDACTED]

**Recurrence:** [REDACTED]

**Recurrence Pattern:** [REDACTED]

**Organizer:** Mayor Calendar



**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Thursday, October 22, 2020 6:31 PM  
**To:** SOTF, (BOS) <sotf@sfgov.org>  
**Subject:** Re: SOTF - Notice of Appearance, November 4, 2020 - Sunshine Ordinance Task Force; 4:00 PM; remote meeting

Hi Ms. Leger,

For the same medical reasons it is highly unlikely I will be able to attend the Nov 4 meeting and do 19103 and 19119. Is it early enough before the hearing for you to give someone else a chance to be heard in those November slots and do 19103 and 19119 in December?

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Sincerely,

Anonymous

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

On Thursday, October 22nd, 2020 at 4:28 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Good Afternoon:

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: November 4, 2020

Location: Remote meeting

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. 19080:** Complaint filed by Paul A. Vander Waerdt against the Dept. of Homelessness and Supportive Housing for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, for failing to respond to an Immediate Disclosure Request in a timely manner.

**File No. 19076:** Reconsideration of SOTF findings based upon the Order of Determination.

**File No. 19058:** Complaint filed by Robert M. Smith against the Fine Arts Museum of San Francisco for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**File No. 19103:** Complaint filed by Anonymous against Mayor London Breed, Hank Heckel and the Mayor's Offices for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25 and 67.26 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**File No. 19119:** Complaint filed by Anonymous against the Department of Technology for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b), 67.26 and 67.27 by failing to respond to a public records request in a timely and/or complete manner.

**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, October 29, 2020.**

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

## Leger, Cheryl (BOS)

---

**From:** MayorSunshineRequests, MYR (MYR)  
**Sent:** Thursday, February 18, 2021 5:29 PM  
**To:** Anonymous; SOTF, (BOS); Breed, Mayor London (MYR); MayorSunshineRequests, MYR (MYR)  
**Subject:** RE: Compliance Update For Order SOTF 19103 - for the agenda packet  
**Attachments:** October 2019.pdf; 10.28.2019\_Redacted.pdf; 10.27.2019\_Redacted.pdf; 10.26.2019\_Redacted.pdf; 10.25.2019\_Redacted.pdf; 10.24.2019\_Redacted.pdf; 10.23.2019\_Redacted.pdf; 10.22.2019\_Redacted.pdf; 10.21.2019\_Redacted.pdf

Dear Cheryl,

Please include this response in the file for this matter:

Anonymous,

We have complied with SOTF's requirement in 19103 that we provide future calendar entries with minimal redactions for security reasons. We have implemented this practice for recent requests for meetings that were future meetings at the time of the request. It was my understanding that you were only interested in the October 2019 meetings at the time when they were also "future" meetings and that was the underlying issue of the complaint. We have no objection to providing the October 2019 meetings originally requested and they are attached here. All of the redactions to the files have been made to protect personal privacy. See California Constitution, Art. I, Sec. 1; Cal. Govt. Code Secs. 6254(c).

We also have not just picked one of your more recent requests for future meetings and ignored the others. We were asking for forbearance since you sent more than 10 such requests spanning from 2021 to 2023 and we are dealing with the backlog of dozens of other requests and complaints you have sent recently. I understood that we had satisfied your complaint on the issue in dispute as we have agreed to produce future entries as a matter of practice, with redactions, as requested. We will respond to your other requests in due course.

We disagree with your objection to the redactions on our recent production of future calendar entries. The date and time information is sensitive information that is critical to safeguarding the SFPD's security procedures and the Mayor's safety under Gov Code 6254(f). One could guess at one of the likely locations of the meetings and have all of the particulars of when and where the meeting was to occur if the date and time were produced. Your original argument was that you wanted the substance of the meetings and attendees. You have that now. You have shifted the goal posts and now claim you want the logistical details of precisely when the meetings will take place – information at the heart of our security exemption claim – and we stand on our redactions.

If you wish to proceed with the compliance hearing, I look forward to addressing any issues with you and the Task Force.

Regards,

Hank Heckel  
Compliance Officer  
Office of the Mayor  
City and County of San Francisco

**From:** Anonymous <arecordsrequestor@protonmail.com>

**Sent:** Thursday, February 18, 2021 9:18 AM

**To:** SOTF, (BOS) <sotf@sfgov.org>; Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>

**Subject:** Compliance Update For Order SOTF 19103 - for the agenda packet

**Compliance Update For Order SOTF 19103 - for the agenda packet:**

Dear SOTF:

OD 19103 found that Mayor Breed, Hank Heckel, and the Office of the Mayor violated 67.26 (minimal withholding) and 67.27 (written justification) regarding a request for certain of the Mayor's then-future calendar entries, and directed your Committee to ensure that properly redacted records are provided by Respondents to me.

With regards to the original records request for future calendars that resulted the Order of Determination, I have not received anything further from the Office of the Mayor since your OD as of this letter (which is due 5pm tonight). When SOTF determines that information is public, Respondents are required by SFAC 67.21(e) to comply with my request. It is unclear if they intend to provide anything at all further. It is also unclear whether Respondents did what they are required to do in all records requests: which is to preserve at the time of my request all the responsive records including those they believed were lawfully exempt pending the final adjudication of all appeals. Of course, I won the appeal in this case and should be provided those records. I'm guessing they did not actually preserve the responsive records which is why they haven't given me anything else. I will request and examine the metadata of the records if I ever get them to ensure that they are not lying and whatever I get is in fact what responsive records existed *at the time of my request* not further additions/deletions thereafter. Have the Respondents provided all of the originally requested records properly redacted? They haven't said anything after your OD was issued (though I have asked) so I have no idea whether they have.

With regards to future calendars of the Mayor in general, I issued a number of requests for then-future calendars after your ruling to ensure the Mayor, Heckel, and Office of the Mayor (Respondents found in violation) complied with your ruling. On those requests, the Mayor's Office has picked one (I must assume it is the one with the least sensitive meetings to ensure they can pretend to comply while still not letting the public see the more controversial meetings) request to which to respond to. They refuse to respond to the others - without any citations or justifications - and are now waiting out the clock until those meetings are in the past. From the 1 request they responded to, they have withheld not only the location of the future meeting, but also the times and even dates of the meetings and argue that they only have to provide records one week at a time. It is unclear how the date and time of a meeting constitutes a security procedure of a local agency exempt under Gov Code 6254(f) - if the public is unaware of the location, what security procedure is threatened? It is also unclear to me whether I need to file a series of further complaints or you are allowed to consider this issue at this Compliance hearing.

**NOTE:** 1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary. 2. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. 3. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. 4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sincerely,

Anonymous

**September 29, 2019**

Sunday

10:45 AM - 1:30 PM

72 Annual Police/Fire Memorial Mass -- St. Monica's Church; 470 24th Avenue, San Francisco, CA

**September 30, 2019**

Monday

9:00 AM - 9:30 AM

Senior Staff Check In -- Remote Conference Call

Attendees:

- Mayor's Office Staff

10:00 AM - 11:00 AM

AIDS 2020 Conference Press Event -- Henry J. Kaiser Family Foundation Office; 185 Berry Street, Suite 2000, San Francisco, CA

12:55 PM - 1:35 PM

Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

1:37 PM - 1:56 PM

Pre-Meeting for Governor of the Greek state of Central Macedonia -- City Hall, Room 200, Mayor's Office

Attendees:

- Charlotte Schultz, Chief of Protocol, City and County of San Francisco
- Mayor's Office Staff

2:11 PM - 2:41 PM

Meeting Re: Personnel -- City Hall, Room 200, Mayor's Office

Attendees:

- Interviewee
- Mayor's Office Staff

2:49 PM - 3:05 PM

Meeting Re: Policy -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

3:07 PM - 3:38 PM

Meeting Re: Housing and Community Development -- City Hall, Room 200, Mayor's Office

Attendees:

- Dan Adams, Deputy Director, Mayor's Office of Housing and Community Development
- Theo Miller, Director HOPE SF
- Tonia Lediju, Transition Team Leader, San Francisco Housing Authority
- Mayor's Office Staff

3:38 PM - 4:09 PM

Meeting Re: Street Conditions -- City Hall, Room 200, Mayor's Office

Attendees:

- Rohit Ghai, President, RSA
- Holly Rollo, Chief Marketing Officer, RSA
- Linda Gray Martin, Senior Director, RSA Convention
- Joe D'Alessandro, President and CEO, San Francisco, Travel

**September 30, 2019 Continued**

Monday

4:12 PM - 4:38 PM Meeting Re: Government Affairs -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff

4:43 PM - 5:04 PM MTA Panel Meeting -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff

**October 1, 2019**

Tuesday

9:00 AM - 9:24 AM Senior Staff Check In -- Remote Conference Call  
Attendees:  
- Mayor's Office Staff

11:02 AM - 11:35 AM Meeting Re: Budget -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff

11:41 AM - 12:13 PM Courtesy Call with Honorable Apostolos Tzitzikostas, Governor of the State of Central Macedonia -- City Hall, Room 200, International Room

12:13 PM - 12:39 PM Office of Racial Equity Signing Ceremony -- City Hall, Mayor's Balcony

12:51 PM - 1:15 PM Meeting Re: Human Rights Commission -- City Hall, Room 200 Mayor's Office  
Attendees:  
- Sheryl Davis, Executive Director, Human Rights Commission  
- Phelicia Jones, Chairperson, Service Employees International Union 1021 Wealth and Disparities in the Black Community

1:18 PM - 2:07 PM Meeting Re: Personnel -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Interviewee  
- Mayor's Office Staff

2:22 PM - 3:07 PM Meeting Re: Personnel -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Interviewee  
- Mayor's Office Staff

3:17 PM - 3:37 PM Meeting Re: Public Safety -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Vicki Hennessy, Sheriff, San Francisco Sheriff's Department  
- Mayor's Office Staff

## October 1, 2019 Continued

Tuesday

5:15 PM - 5:45 PM

"Celebrate South Park" Community Event -- South Park; 64 South Park Street, San Francisco, CA

## October 2, 2019

Wednesday

7:25 AM - 8:15 AM

Walk and Roll to School Day -- SE corner of Visitacion Avenue & Mansell Street, San Francisco, CA

9:00 AM - 9:30 AM

All Staff Visit to Laguna Honda Hospital -- Laguna Honda Hospital, San Francisco, CA

9:30 AM - 10:00 AM

Senior Staff Check In -- Remote Conference Call

Attendees:

- Mayor's Office Staff

10:00 AM - 10:30 AM

Bloomberg Harvard Check In -- Remote Conference Call

1:30 PM - 2:00 PM

Maxine Hall Health Center Groundbreaking Ceremony -- 1301 Pierce Street, San Francisco, CA

2:33 PM - 3:38 PM

Meeting Re: Personnel -- City Hall, Room 200, Mayor's Office

Attendees:

- Interviewee
- Mayor's Office Staff

3:38 PM - 4:05 PM

Meeting Re: Loma Prieta -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

4:07 PM - 4:28 PM

Meeting with USF President Father Paul Fitzgerald -- City Hall, Room 200, Mayor's Office

Attendees:

- Father Paul Fitzgerald, President, USF
- Mayor's Office Staff

4:30 PM - 4:55 PM

Meeting Re: Public Safety -- City Hall, Room 200, Mayor's Office

Attendees:

- Police Chief William Scott, San Francisco Police Department
- Mayor's Office Staff

5:30 PM - 6:10 PM

Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

6:00 PM - 6:30 PM

Domestic Violence Awareness Month Launch -- City Hall, Polk Street Steps

**October 3, 2019**

Thursday

- 9:00 AM - 9:08 AM Senior Staff Check In -- Remote Conference Call  
Attendees:  
- Mayor's Office Staff
- 11:00 AM - 12:05 PM Temporary Ferry Landing Debut -- Ferry Building; Peir 48, San Francisco, CA
- 12:10 PM - 12:30 PM Interview with New York Times Magazine -- Remote Conference Call  
Attendees:  
- Elizabeth Weil, Writer, New York Times  
- Mayor's Office Staff
- 1:34 PM - 2:09 PM Meeting Re: Commissions -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff
- 6:10 PM - 7:10 PM Shanti Project 45th Anniversary Dinner Benefit -- Palace Hotel; 2 New Montgomery Street, San Francisco, CA
- 7:33 PM - 7:45 PM San Francisco Beautiful Cocktail Reception to Honor Robert "Bob" Charles Friese -- St. Francis Yacht Club; 700 Marina Blvd, San Francisco, CA

**October 4, 2019**

Friday

- 9:30 AM - 9:45 AM Senior Staff Check In -- Remote Conference Call  
Attendees:  
- Mayor's Office Staff
- 12:30 PM - 1:00 PM District Attorney Appointment Press Conference -- Portsmouth Square; Clay St & Kearny St, San Francisco, CA
- 1:30 PM - 2:00 PM San Francisco Fire Department EMT Class Graduation Ceremony -- San Francisco City College, San Francisco, CA
- 2:45 PM - 2:51 PM Meeting Re: Legislation Signing -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff
- 3:12 PM - 3:47 PM Meeting Re: School of the Arts -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Dede Wilsey, Philanthropist  
- Louise Renne, Founding Partner, Renne Public Law Group  
- Dr. Vincent Matthews, Superintendent, SFUSD  
- Gentle Blythe, Deputy Superintendent of Strategic Partnerships and Communications, SFUSD  
- Mayor's Office Staff

**October 4, 2019 Continued**

Friday

- 3:50 PM - 3:58 PM                      One Treasure Island Gala & BAYCAT 15th Anniversary Video Recordings -- City Hall, International Room  
Attendees:  
-            Cameraman  
-            Mayor's Office Staff
- 3:58 PM - 4:05 PM                      Meeting Re: Human Rights Commission -- City Hall, Room 200, Mayor's Office  
Attendees:  
-            Sheryl Davis, Executive Director, Human Rights Commission  
-            Mayor's Office Staff
- 4:06 PM - 4:28 PM                      Meeting Re: Homelessness -- City Hall, Room 200, Mayor's Office  
Attendees:  
-            Nan Roman, Director and CEO, National Alliance to End Homelessness  
-            Cynthia Nagendra, Director, Center for Capacity Building, National Alliance to End Homelessness  
-            Mayor's Office Staff
- 4:28 PM - 5:18 PM                      Meeting with Juvenile Judges -- City Hall, Room 200, Mayor's Office  
Attendees:  
-            Monica Wiley, Supervising Judge, Superior Court of San Francisco, Unified Family Court  
-            Roger Chan, Judge, Superior Court of San Francisco  
-            Daniel Flores, Judge, Superior Court of San Francisco  
-            Mayor's Office Staff
- 5:20 PM - 6:02 PM                      Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office  
Attendees:  
-            Mayor's Office Staff
- 6:11 PM - 6:41 PM                      Tomiquia Moss' Going Away Party -- Slate Bar; 2925 16th St., San Francisco, CA

**October 5, 2019**

Saturday

- 10:00 AM - 10:15 AM                      Self- Help for the Elderly's 34th Annual Longevity Walkathon Parade and Fair -- Portsmouth Square, Kearny St. & Clay St, San Francisco, CA
- 11:00 AM - 11:30 AM                      Highland Avenue Block Party -- Highland Avenue, San Francisco, CA

**October 7, 2019**

Monday

- 9:00 AM - 9:18 AM                      Senior Staff Check In -- Remote Conference Call  
Attendees:  
-            Mayor's Office Staff



**October 7, 2019 Continued**

Monday

- 10:30 AM - 11:00 AM      The San Francisco Fleet Week Press Conference -- James R. Herman Cruise Terminal, Pier 27, San Francisco, CA
- 11:22 AM - 12:00 PM      Senate Bill 40 Press Conference -- 275 10th St., Bishop Swing Community House, San Francisco, CA
- 12:30 PM - 1:09 PM      Firefighter and Police Legislation Signing Ceremony -- Fire Station 21, San Francisco, CA
- 2:30 PM - 3:04 PM      Meeting Re: Government Affairs -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff
- 3:12 PM - 4:02 PM      Meeting Re: Personnel -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Interviewee  
- Mayor's Office Staff
- 4:06 PM - 4:30 PM      Meeting Re: Public Health -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff
- 4:45 PM - 4:53 PM      Swearing-in Ceremony for Sophia Andary -- City Hall, Room 200, Mayor's Office

**October 8, 2019**

Tuesday

- 9:00 AM - 9:30 AM      Senior Staff Check In -- Remote Conference Call  
Attendees:  
- Mayor's Office Staff
- 11:00 AM - 11:30 AM      Visit to Recreation and Park Department's Annual All Staff Meeting -- San Francisco County Fair Building; 1199 9th Ave, San Francisco, CA
- 12:00 PM - 12:30 PM      Opportunities for All Announcement with United Airlines -- Phillip and Sala Burton Academic High School; 400 Mansell Street, San Francisco, CA
- 1:00 PM - 1:45 PM      Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff
- 1:45 PM - 2:15 PM      Question Time Prep -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff

**October 8, 2019 Continued**

Tuesday

- 2:00 PM - 2:15 PM Board of Supervisors Appearance -- City Hall, Board Chamber, Room 250
- 2:46 PM - 3:08 PM Meeting Re: Budget -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff
- 3:09 PM - 3:27 PM Meeting Re: Housing, Land Use, Development -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Ken Rich, Director of Development, Office of Economic and Workforce Development  
- Mayor's Office Staff
- 3:45 PM - 4:05 PM Loma Prieta Check In -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff
- 4:06 PM - 4:21 PM Filipino Heritage Night Prep -- City Hall, Room 200, Mayor's Office  
Attendees: Mayor's Office Staff

**October 9, 2019**

Wednesday

- 8:30 AM - 8:45 AM KTVU Live Interview -- Marines' Memorial Club; 11th floor Library, San Francisco, CA
- 8:50 AM - 9:15 AM 2019 San Francisco Fleet Week Senior Leaders Seminar -- Marines' Memorial Club; 609 Sutter Street, San Francisco, CA
- 9:15 AM - 9:30 AM Senior Staff Check In -- Remote Conference Call  
Attendees:  
- Mayor's Office Staff
- 12:00 PM - 1:15 PM Thumbtack Visit and Town Hall -- Thumbtack Headquarters; 1355 Market Street, 6th Floor, San Francisco
- 1:16 PM - 1:40 PM Meeting Re: Methamphetamine Task Force -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff
- 1:42 PM - 2:11 PM Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff
- 2:11 PM - 2:25 PM Meeting Re: Communications -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff

**October 9, 2019 Continued**

Wednesday

- 3:00 PM - 3:35 PM                      The Homeless Crisis in San Francisco Event at Congregation Emanu-El -- Congregation Emanu-El San Francisco; 2 Lake St, San Francisco, CA
- 3:59 PM - 4:11 PM                      Meeting Re: City Operations -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Naomi Kelly, City Administrator, City and County of San Francisco  
- Mayor's Office Staff
- 4:38 PM - 4:58 PM                      Meeting Re: Public Safety -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Police Chief William Scott, SFPD  
- Mayor's Office Staff
- 5:02 PM - 5:18 PM                      Meeting Re: Transportation -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Tom Macguire, Interim Director of Transportation, San Francisco Municipal Transit  
- Mayor's Office Staff
- 5:55 PM - 6:40 PM                      2019 Filipino-American History Month Celebration -- City Hall, Rotunda and North Light Court

**October 10, 2019**

Thursday

- 9:00 AM - 9:21 AM                      Senior Staff Check In -- Remote Conference Call  
Attendees:  
- Mayor's Office Staff
- 10:30 AM - 11:05 AM                      Meeting Re: Transportation -- Remote Conference Call  
Attendees:  
- Amanda Eaken, Director, Transportation and Climate in Healthy People, Thriving Communities Program at the Natural Resources Defense Council  
- Mayor's Office Staff
- 11:49 AM - 12:00 PM                      Fleet Week: Senior Leaders Reception -- City Hall, Room 200, International room
- 12:00 PM - 12:43 PM                      Fleet Week Concert -- City Hall Rotunda
- 12:54 PM - 1:08 PM                      Meeting Re: Prep for Hall Winery Women's Panel -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff

**October 10, 2019 Continued**

Thursday

- 1:08 PM - 1:19 PM Meeting Re: Legislation Signing -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff
- 1:12 PM - 1:31 PM Meeting Re: Small Business Week -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff
- 1:34 PM - 2:13 PM Meeting with Supervisor Sandra Fewer Re: District 1 -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Supervisor Sandra Fewer, District 1  
- Mayor's Office Staff
- 2:13 PM - 2:25 PM Meeting with Supervisor Catherine Stefani Re: District 2 -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Supervisor Catherine Stefani, District 2
- 2:31 PM - 3:07 PM Meeting Re: Commissions -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff
- 3:07 PM - 3:31 PM Meeting with Supervisor Rafael Mandelman Re: District 8 -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Supervisor Rafael Mandelman, District 8
- 4:00 PM - 4:45 PM Bayview Historical Society's Dedication of BIG FISH Sculpture -- Café Alma, 888 Innes Avenue
- 6:15 PM - 6:30 PM 2019 YIMBY Action VIP Cocktail Reception -- Swedish American Hall, 2174 Market Street
- 6:45 PM - 7:15 PM United Playaz 25th Anniversary Celebration Fundraiser -- Press Club, 20 Yerba Buena Lane, San Francisco, CA 94103

**October 11, 2019**

Friday

- 8:40 AM - 9:00 AM San Francisco Association of Realtors Foundation's 4th Annual Harvest of Hope Break -- Airbnb Headquarter; 888 Brannan Street, San Francisco CA 94103
- 9:30 AM - 9:42 AM Senior Staff Check In -- Remote Conference Call  
Attendees:  
- Mayor's Office Staff
- 1:00 PM - 3:30 PM HALL Wine High Powered High Heels Panel Conversation -- HALL Napa Valley; 401 St. Helena Way, St. Helena, CA

**October 13, 2019**

Sunday

12:20 PM - 1:50 PM

151st Italian Heritage Parade -- Powell Street, San Francisco, CA

4:00 PM - 5:00 PM

St. Francis 3rd Annual Wine, Women and Shoes Gala -- Ritz Carlton; 600 Stockton Street, San Francisco CA

**October 14, 2019**

Monday

11:30 AM - 12:30 PM

Pre-Meeting for Mental Health Editorial Board -- City Hall, Room 200, Mayor's Office

**October 15, 2019**

Tuesday

9:30 AM - 9:52 AM

Senior Staff Check In -- Remote Conference Call

Attendees:

- Mayor's Office Staff

10:30 AM - 10:47 AM

Lighthouse for the Blind and Visually Impaired's White Cane Day Celebration -- LightHouse headquarters; 1155 Market Street 10th Floor, San Francisco, CA

11:02 AM - 11:43 AM

Wall Street Journal's Women in the Workplace Conversation -- The Midway; 900 Marin Street, San Francisco

12:00 PM - 1:00 PM

San Francisco Chronicle Editorial Re: Mental Health -- 901 Mission Street, San Francisco, CA

1:30 PM - 2:20 PM

San Francisco Garden Club Opening Luncheon -- Presidio Golf and Concordia Club; 8 Presidio Terrace, San Francisco, CA

2:55 PM - 3:12 PM

Meeting Re: Transportation -- City Hall, Room 200, Mayor's Office

Attendees:

- David Kim, California Transportation Secretary  
- Mayor's Office Staff

3:15 PM - 3:22 PM

Swearing-in Ceremony for Suzanne Giraudo -- City Hall, Room 200, Mayor's Office

Attendees:

- Suzanne Giraudo, Health Commission Appointee  
- Dr. Grant Colfax, Director, Department of Public Health  
- Lou Giraudo, Appointee Guest

3:35 PM - 3:59 PM

Consular Corps Meet and Greet Reception -- City Hall, Room 200, International Room

**October 15, 2019 Continued**

Tuesday

4:04 PM - 4:18 PM

Meeting Re: Planning -- City Hall, Room 200, Mayor's Office

Attendees:

- Ken Rich, Director of Development, Office of Economic and Workforce Development
- Mayor's Office Staff

6:30 PM - 7:00 PM

Access Institute for Psychological Services Annual Fundraiser Spectrum Gala -- Pier 27; The Embarcadero, San Francisco, CA

**October 16, 2019**

Wednesday

8:30 AM - 8:52 AM

Senior Staff Check In -- Remote Conference Call

Attendees:

- Mayor's Office Staff

9:12 AM - 9:42 AM

International Association of Fire Fighters Human Relations Committee Meeting -- Hotel Kabuki; 1625 Post St, San Francisco, CA

10:20 AM - 10:35 AM

San Francisco Travel Board of Directors Meeting -- SF Travel Association; 1 Front St 29th Floor, San Francisco, CA

11:30 AM - 11:45 AM

Irish-Israeli-Italian Society of San Francisco 54th Columbus Day Luncheon -- San Francisco Italian Athletic Club; 1630 Stockton St, San Francisco, CA

12:00 PM - 12:30 PM

Opportunities for All Employer Engagement Lunch -- Ground Floor Public Affairs; 58 2nd Street, 4th Floor

1:33 PM - 1:43 PM

49 South Van Ness Certificate of Participations Bond Signing -- City Hall, Room 200, Mayor's Office

Attendees:

- Notary
- Mayor's Office Staff

1:43 PM - 2:00 PM

Meeting Re: Government Affairs -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

2:14 PM - 2:33 PM

Meeting Re: Legislative -- City Hall, Room 200, Mayor's Office

Attendees:

- Paul Yoder, Partner, Shaw/Yoder/Antwih
- Karen Lange, Partner, Shaw/Yoder/Antwih
- Josh Shaw, Partner, Shaw/Yoder/Antwih
- Silvia Solis Shaw, Legislative Advocate
- Mayor's Office Staff

**October 16, 2019 Continued**

Wednesday

2:38 PM - 3:02 PM

Meeting Re: San Francisco Chamber of Commerce -- City Hall, Room 200

Attendees:

- Rodney Fong, CEO, San Francisco Chamber of Commerce
- Mayor's Office Staff

3:04 PM - 3:36 PM

Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

3:39 PM - 3:58 PM

Meeting Re: Public Safety -- City Hall, Room 200, Mayor's Office

Attendees:

- Police Chief William Scott, Chief, San Francisco Police Department
- Mayor's Office Staff

4:04 PM - 4:30 PM

Meeting Re: Protocol -- City Hall, Room 200, Mayor's Office

Attendees:

- Charlotte Schultz, Chief of Protocol, City and County of San Francisco
- Mayor's Office Staff

4:32 PM - 5:08 PM

Meeting Re: Staffing -- City Hall, Room 200, Mayor's Office Staff

Attendees:

- Mayor's Office Staff

**October 17, 2019**

Thursday

9:00 AM - 9:12 AM

Senior Staff Check In -- Remote Conference Call

Attendees:

- Mayor's Office Staff

10:10 AM - 11:00 AM

Annual Great California ShakeOut Earthquake Drill -- Rosa Parks Elementary School; 1501 O'Farrell Street, San Francisco, CA

11:00 AM - 11:10 AM

Press Conference Re: Hall of Justice and PG&E -- Rosa Parks Elementary School; 1501 O'Farrell Street, San Francisco, CA

12:20 PM - 12:35 PM

Meeting Re: Communications -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

12:34 PM - 1:07 PM

Bloomberg Team Meeting -- City Hall, Room 200, Mayor's Office

Attendees:

- Linda Gibbs, Principal, Bloomberg Associates
- Jim Anderson, Bloomberg Philanthropies
- Bridget Ackeifi, Bloomberg Associates
- Mayor's Office Staff

**October 17, 2019 Continued**

Thursday

1:07 PM - 1:40 PM

Meeting Re: San Francisco Aids Foundation -- City Hall, Room 200, Mayor's Office

Attendees:

- Joe Hollendoner, CEO, San Francisco AIDS Foundation
- Laura Thomas, Director, Harm Reduction Policy, San Francisco AIDS Foundation

1:41 PM - 2:16 PM

Meeting Re: Affordable Housing -- City Hall, Room 200, Mayor's Office

Attendees:

- John Elberling, President, Tenants and Owners Development Corporation
- Mayor's Office Staff

2:23 PM - 3:00 PM

Blue Ribbon Panel Working Group -- City Hall, Room 201, Mayor's Conference Room

Attendees:

- Sheryl Davis, Executive Director, Human Rights Commission
- Corey Monroe, Community Partner, Professional Facilitator
- Shawn Ginwright, President and Chief Executive Officer, Flourish

Agenda

- David Muhammed, Executive Director, National Institute for Criminal Justice Reform
- Brittini Chicuata, Policy Director, Human Rights Commission
- Mayor's Office Staff

3:00 PM - 3:13 PM

Meeting Re: Budget -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

3:17 PM - 3:34 PM

Meeting Re: Housing Delivery -- City Hall, Room 200, Mayor's Office

Attendees:

- Judson True, Director, Housing Delivery
- Mayor's Office Staff

3:35 PM - 4:08 PM

Meeting Re: Public Safety -- City Hall, Room 200, Mayor's Office

Attendees:

- Greg Suhr, Former Police Chief, San Francisco Police Department
- Mayor's Office Staff

4:30 PM - 5:30 PM

1989 Loma Prieta Earthquake Commemoration Ceremony -- Marina Green

6:20 PM - 7:05 PM

Women's Foundation of California 40th Anniversary Celebration -- City Hall, Rotunda

7:13 PM - 8:00 PM

Miraloma Park Improvement Club Meeting -- MPIC Clubhouse, 350 O'Shaughnessy Blvd



**October 18, 2019**

Friday

10:30 AM - 10:41 AM Senior Staff Check In -- Remote Conference Call  
Attendees:  
- Mayor's Office Staff

11:40 AM - 12:15 PM Bay Area Council's Government Relations Committee Meeting -- 353 Sacramento Street, 10th Floor, San Francisco, CA

12:30 PM - 12:45 PM St. Anthony's 42nd Annual Penny Pitch -- Chief Sullivan's; 622 Green St, San Francisco, CA 94133

1:10 PM - 2:12 PM Visit to South of Market Mental Health Center and Client Housing Facilities -- South of Market Mental Health Services; 760 Harrison Street, San Francisco, CA

2:47 PM - 2:50 PM Meeting Re: Legislation Signing -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff

2:59 PM - 3:03 PM PSA Recording Re: Neighborhood Empowerment Network Awards -- City Hall, International Room  
Attendees:  
- Cameraman  
- Mayor's Office Staff

3:03 PM - 3:23 PM Meeting Re: Economic and Workforce Development -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff

3:34 PM - 4:10 PM Bloomberg Team Meeting -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Linda Gibbs, Principal, Bloomberg Associates  
- Jim Anderson, Bloomberg Philanthropies  
- Bridget Ackeifi, Bloomberg Associates  
- Mayor's Office Staff

4:11 PM - 4:27 PM Meeting with Supervisor Peskin re: District 3 -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Supervisor Aaron Peskin, District 3 Supervisor, San Francisco Board of Supervisors  
- Mayor's Office Staff

4:50 PM - 5:30 PM Courtesy Call with Italian President Sergio Mattarella -- Fairmont Hotel - Garden Room and Gold Room; 950 Mason Street, San Francisco, CA

**October 18, 2019 Continued**

Friday

- 6:15 PM - 6:45 PM GLBT Historical Society Annual Gala -- Salesforce Tower, 415 Mission Street, San Francisco, Ohana Floor
- 7:00 PM - 7:30 PM Chinese Newcomers Service Center 2019 Emperor and Empress Charity Gala -- New Asia Restaurant, 772 Pacific Ave, San Francisco, CA

**October 19, 2019**

Saturday

- 10:00 AM - 10:30 AM Swearing in Suzy Loftus -- 350 Rhode Island; North Building Suite 400N, San Francisco, CA
- 1:00 PM - 1:30 PM Monroe Elementary Fall Festival -- Monroe Elementary; 260 Madrid St. San Francisco, CA
- 2:00 PM - 2:30 PM Senator Scott Wiener's 3rd Annual Pumpkin Carving Contest -- Noe Valley Courts, 4320 24th Street, San Francisco, CA
- 6:30 PM - 7:00 PM MOAD'S Afropolitan Ball -- City View at Metreon; 135 4th St #4000, San Francisco, CA
- 8:30 PM - 10:30 PM MOAD'S Afropolitan Ball -- City View at Metreon; 135 4th St #4000, San Francisco, CA

**October 21, 2019**

Monday

- 9:00 AM - 9:14 AM Senior Staff Check In -- Remote Conference Call  
Attendees:  
- Mayor's Office Staff
- 11:00 AM - 11:30 AM Jefferson Streetscape Improvement Project Groundbreaking -- Fisherman's Wharf Plaza; Northeast corner of Jefferson Street and Taylor Street, San Francisco, CA
- 12:17 PM - 12:41 PM Meeting Re: Staffing -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff
- 12:42 PM - 1:10 PM Meeting Re: Education -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff
- 1:10 PM - 1:36 PM Meeting Re: Policy -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff

**October 21, 2019 Continued**

Monday

2:00 PM - 2:23 PM

Meeting with Superintendent Matthews -- City Hall, Room 200, Mayor's Office

Attendees:

- Vincent Matthews, Superintendent, San Francisco Unified School District
- Viva Mogi, City Government Liaison and School Partnerships, San Francisco Unified School District
- Mayor's Office Staff

2:10 PM - 2:29 PM

Meeting Re: Government Affairs -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

4:30 PM - 4:55 PM

Meeting Re: Children, Youth and Their Families -- City Hall, Room 200, Mayor's Office

Attendees:

- Maria Su, Executive Director, Department of Children, Youth and Their Families
- Mayor's Office Staff

**October 22, 2019**

Tuesday

9:00 AM - 9:11 AM

Senior Staff Check In -- Remote Conference Call

Attendees:

- Mayor's Office Staff

11:30 AM - 12:00 PM

Methamphetamine Task Force -- Moscone Center South; 747 Howard Street, San Francisco, CA

12:45 PM - 1:05 PM

2019 Silver SPUR Annual Awards Luncheon -- Moscone Center South; 747 Howard Street, San Francisco, CA

2:37 PM - 3:08 PM

Our Children, Our Families Council -- City Hall, Room 201, Mayor's Conference Room

3:08 PM - 3:17 PM

Meeting Re: City Operations -- City Hall, Room 200, Mayor's Office

Attendees:

- Naomi Kelly, City Administrator, City and County of San Francisco
- Mayor's Office Staff

3:30 PM - 3:47 PM

Meeting Re: Budget -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

4:01 PM - 4:21 PM

Meeting Re: Recreation and Park -- City Hall, Room 200, Mayor's Office

Attendees:

- Phil Ginsburg, General Manager, San Francisco Recreation and

**October 22, 2019 Continued**

Tuesday

- Park Department
- Mayor's Office Staff

**October 23, 2019**

Wednesday

- 9:00 AM - 9:09 AM Senior Staff Check In -- Remote Conference Call  
Attendees:
  - Mayor's Office Staff
- 10:00 AM - 11:30 AM Bloomberg Harvard City Leadership Initiative Virtual Class -- Residence
- 12:35 PM - 1:06 PM Meeting Re: Public Safety -- City Hall, Room 200, Mayor's Office  
Attendees:
  - Chief William Scott, Police Chief, City and County of San Francisco
- 1:07 PM - 1:38 PM Meeting with Supervisor Yee, Re: District 7 -- City Hall, Room 200, Mayor's Office  
Attendees:
  - Norman Yee, District 7 President, San Francisco Board of Supervisors
  - Mayor's Office
- 1:38 PM - 2:07 PM Meeting Re: Criminal Justice -- City Hall, Room 200, Mayor's Office  
Attendees:
  - James Caldwell, Community Outreach Coordinator, City and County of San Francisco
- 2:36 PM - 2:52 PM KTVU Homelessness Interview Re: Homelessness -- City Hall, International Room  
Attendees:
  - Greg Lee, Political Reporter, KTVU
  - Cameraman
  - Mayor's Office Staff
- 2:58 PM - 3:11 PM Meeting with Supervisor Safai Re: District 11 -- City Hall, Room 200, Mayor's Office  
Attendees:
  - Supervisor Ahsha Safai, District 11 Supervisor, City and County of San Francisco
  - Mayor's Office Staff
- 3:12 PM - 3:38 PM Meeting Re: Stern Grove Festival -- City Hall, Room 200, Mayor's Office  
Attendees:
  - Matthew Goldman, Chair, Stern Grove Festival Board
  - Jason Goldman, Vice Chair, Stern Grove Festival Board
  - Phil Ginsburg, General Manager, San Francisco Recreation and Parks
  - Mayor's Office Staff

**October 24, 2019**

Thursday

- 9:00 AM - 9:13 AM                      Senior Staff Check In -- Remote Conference Call  
Attendees:  
-            Mayor's Office Staff
- 11:00 AM - 11:30 AM                    Goodwill Training and Career Center Grand Opening -- 750 Post St; San Francisco, CA
- 3:41 PM - 4:08 PM                      Meeting Re: Communications -- City Hall, Room 200, Mayor's Office  
Attendees:  
-            Mayor's Office Staff
- 4:08 PM - 4:25 PM                      Meeting Re: Housing, Land Use, Development -- City Hall, Room 200, Mayor's Office  
Attendees:  
-            Ken Rich, Director of Development, Office of Economic and  
Workforce Development  
-            Mayor's Office Staff
- 4:33 PM - 5:13 PM                      Meeting Re: Commissions -- City Hall, Room 200, Mayor's Office  
Attendees:  
-            Mayor's Office Staff
- 5:14 PM - 5:44 PM                      Meeting Re: Personnel -- City Hall, Room 200, Mayor's Office  
Attendees:  
-
- 6:09 PM - 6:45 PM                      St. Vincent de Paul Society of San Francisco's 27th Brennan Awards Dinner -- Westin St. Francis Union  
Square; 335 Powell Street

**October 25, 2019**

Friday

- 9:44 AM - 9:52 AM                      Senior Staff Check In -- Remote Conference Call  
Attendees:  
-            Mayor's Office Staff
- 12:31 PM - 12:50 PM                    Mayor's Visitacion Valley Job Fair -- 1099 Sunnydale Ave, San Francisco, CA
- 1:16 PM - 1:31 PM                      Meeting Re: Port Operations -- City Hall, Room 200, Mayor's Office  
Attendees:  
-            Elaine Forbes, Port Director, City and County of San Francisco  
-            Mayor's Office Staff
- 1:34 PM - 1:38 PM                      Meeting Re: Legislation Signing -- City Hall, Room 200, Mayor's Office  
Attendees:  
-            Mayor's Office Staff

**October 25, 2019 Continued**

Friday

- 1:52 PM - 2:02 PM                      PSA Recording Re: Welcome Message -- City Hall, International Room  
Attendees:  
-            Cameraman, SFTV  
-            Mayor's Office Staff
- 2:12 PM - 2:36 PM                      Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office  
Attendees:  
-            Mayor's Office Staff
- 2:37 PM - 2:59 PM                      Meeting Re: Public Health -- City Hall, Room 200, Mayor's Office  
Attendees:  
-            Dr. Grant Colfax, Director, Department of Public Health  
-            Mayor's Office Staff
- 3:03 PM - 3:29 PM                      Meeting Re: Homelessness and Supportive Housing -- City Hall, Room 200, Mayor's Office  
Attendees:  
-            Jeff Kositsky, Director, Department of Homelessness and Supportive Housing  
-            Mayor's Office Staff
- 3:32 PM - 4:09 PM                      Meeting with Supervisor Haney Re: District 6 -- City Hall, Room 200, Mayor's Office  
Attendees:  
-            Matt Haney, District 6 Supervisor  
-            Mayor's Office Staff
- 4:13 PM - 4:22 PM                      Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office  
Attendees:  
-            Mayor's Office Staff
- 6:08 PM - 6:25 PM                      Diwali Celebration Meet and Greet -- Cathedral of Saint Mary of the Assumption; 1111 Gough Street, San Francisco, CA

**October 26, 2019**

Saturday

- 12:00 PM - 12:30 PM                      10th Annual Financial Planning Day -- San Francisco Main Library; 100 Larkin St, San Francisco, CA
- 1:00 PM - 1:30 PM                      Pop-Up Pumpkin Patch -- Gene Suttle Plaza; 1508 Fillmore St and O'Farrell St, San Francisco, CA

**October 27, 2019**

Sunday

- 3:00 PM - 3:30 PM                      Divisadero Annual Block Party -- 99 Divisadero Street, San Francisco, CA

**October 28, 2019**

Monday

9:00 AM - 9:12 AM

Senior Staff Check In -- Remote Conference Call

Attendees:

- Mayor's Office Staff

11:30 AM - 11:49 AM

Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

12:04 PM - 12:31 PM

Meeting with City Attorney Dennis Herrera Re: Legal and City Issues -- City Hall, Room 200, Mayor's Office

Attendees:

- Dennis Herrera, City Attorney
- Mayor's Office Staff

1:03 PM - 1:21 PM

Meeting Re: Staffing -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

1:36 PM - 2:03 PM

Meeting Re: Airport -- City Hall, Room 200, Mayor's Office

Attendees:

- Ivar Satero, Director, San Francisco International Airport
- Mayor's Office Staff

2:06 PM - 2:39 PM

Courtesy Call with Mayor of Heidelberg, Germany -- City Hall, Room 200, Mayor's Office

Attendees:

- Professor Doctor Eckhart Wurzner, Mayor of Heidelberg Germany
- Nicole Huber, City Director of Heidelberg, Chief of Staff to Mayor Wurzner, General Manager, Heidelberg Club International
- Mayor's Office Staff

**October 29, 2019**

Tuesday

9:30 AM - 9:52 AM

Senior Staff Check In -- Remote Conference Call

Attendees:

- Mayor's Office Staff

11:35 AM - 12:00 PM

Ribbon-Cutting Event to Celebrate Opening of Grand Hyatt at SFO -- Grand Hyatt at SFO; 56 S. McDonnell Road, San Francisco, CA

2:31 PM - 2:56 PM

Meeting Re: Budget -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

**October 29, 2019 Continued**

Tuesday

- 3:03 PM - 3:41 PM Meeting Re: Housing and Community Development -- City Hall, Room 200, Mayor's Office  
Attendees:
- Dan Adams, Deputy Director, Mayor's Office of Housing and Community Development
  - Theo Miller, Director HOPE SF
  - Tonia Lediju, Transition Team Leader, San Francisco Housing Authority
  - Mayor's Office Staff

**October 30, 2019**

Wednesday

- 9:00 AM - 9:25 AM Senior Staff Check In -- Remote Conference Call  
Attendees:
- Mayor's Office Staff
- 11:00 AM - 11:33 AM Ellis Gardens RAD Rededication Ceremony -- 350 Ellis Street, San Francisco, CA
- 12:00 PM - 12:30 PM Transport Workers Union Women's Working Committee Meeting -- Sheraton Fisherman's Wharf; 2500 Mason Street, San Francisco, CA
- 12:50 PM - 1:45 PM Visit to the World Economic Forum's Centre for the Fourth Industrial Revolution -- 1201 Ralston Avenue, San Francisco, CA
- 3:20 PM - 3:41 PM Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office  
Attendees:
- Mayor's Office Staff
- 3:43 PM - 3:54 PM Meeting Re: Public Safety -- City Hall, Room 200, Mayor's Office  
Attendees:
- Police Chief William Scott, San Francisco Police Department
  - Mayor's Office Staff
- 4:07 PM - 4:48 PM Meeting Re: UCSF -- City Hall, Room 200, Mayor's Office  
Attendees:
- Sam Hawgood, Chancellor, UCSF
  - Francesca Vega, Vice Chancellor, UCSF
  - Mayor's Office Staff
- 5:30 PM - 6:04 PM Mayor Breed's 2019 Backpack and Turkey Giveaway Reception -- City Hall, Room 200, Mayor's Office



**October 30, 2019 Continued**

Wednesday

6:51 PM - 7:01 PM

Felton Institute's 130th Anniversary Celebration -- War Memorial and Performing Arts Center, the Green Room, 401 Van Ness Avenue

**October 31, 2019**

Thursday

9:00 AM - 9:22 AM

Senior Staff Check In -- Remote Conference Call

Attendees:

- Mayor's Office Staff

11:45 AM - 12:09 PM

Healthy Streets Operations Center Principals Meeting -- City Hall, Room 201, Mayor's Conference Room

2:02 PM - 2:05 PM

Meeting Re: Legislation Signing -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

2:08 PM - 2:34 PM

Swiss Student Exchange Meet and Greet -- City Hall, Room 201, Mayor's Conference Room

3:32 PM - 4:05 PM

Greet Trick or Treaters on Clement -- Corner of 5th and Clement, San Francisco, CA

5:00 PM - 5:30 PM

SoMa Youth Collaborative and United Playaz Halloween Event -- Gene Friend Rec Center; 270 6th Street, San Francisco

6:00 PM - 6:30 PM

Bayview Opera House Haunted House -- Bayview Opera House; 4705 3rd St., San Francisco, CA

**November 1, 2019**

Friday

9:30 AM - 10:00 AM

Senior Staff Check In -- Remote Conference Call

Attendees:

- Mayor's Office Staff

11:00 AM - 11:30 AM

San Francisco Public Utilities Commission's 6th Annual Women in Construction Expo -- War Memorial; 301 Van Ness Avenue, San Francisco, CA

11:45 AM - 12:20 PM

73rd Annual Greater Geary Boulevard Merchants Association Awards -- Hotel Kabuki, 1625 Post Street, San Francisco, CA

3:25 PM - 3:49 PM

Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

**November 1, 2019 Continued**

Friday

4:03 PM - 4:50 PM

Trans Awareness Month Kickoff and Flag Raising -- City Hall, Room 200, Mayor's Office

# October 28, 2019

Monday

October 2019

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November 2019

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|       | MONDAY                                                                                                                                                                     |
|       | 28                                                                                                                                                                         |
|       | SID AM: Michael Alexander [REDACTED] John Tyler [REDACTED] SID PM: Carson McKenzie [REDACTED] Darren McCray [REDACTED]                                                     |
| 7 AM  |                                                                                                                                                                            |
| 8     |                                                                                                                                                                            |
| 9     |                                                                                                                                                                            |
| 10    |                                                                                                                                                                            |
| 11    |                                                                                                                                                                            |
| 12 PM | Dennis Herrera, City Attorney<br>City Hall, Room 200, MO                                                                                                                   |
| 1     | Staffing Meeting<br>City Hall, Room 200, MO <input type="checkbox"/>                                                                                                       |
| 2     | "Courtesy Call" with Professor Doctor Eckart Würzner ["EK-hart VER-zz-ner"], Mayor of Heidelberg, Germany (Staff: Natalie Waugh [REDACTED])<br>Mayor's Office and Room 201 |
| 3     | Dan Adams, Theo Miller, Tonia Lediju (Staff: Andrea Bruss; [REDACTED])<br>City Hall, Room 200, MO <input type="checkbox"/>                                                 |
| 4     | Scheduling Meeting<br>City Hall, Room 200, MO <input type="checkbox"/>                                                                                                     |
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# October 27, 2019

Sunday

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| SUNDAY                                           |                                                                                                                                                                                         |
| 27                                               |                                                                                                                                                                                         |
| SID: Adam Green [redacted] John Tyler [redacted] |                                                                                                                                                                                         |
| 7 AM                                             |                                                                                                                                                                                         |
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| 11                                               |                                                                                                                                                                                         |
| 12 PM                                            |                                                                                                                                                                                         |
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| 2                                                |                                                                                                                                                                                         |
| 3                                                | Divisadero Annual Block Party (Staff: De'Anthony Jones [redacted]; Kelvin Wu [redacted]; Leo Alfaro [redacted])<br>99 Divisadero Street (Block Party from 14th Street to Duboce Street) |
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# October 26, 2019

Saturday

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November 2019

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|       | SATURDAY                                                                                                                                                                |
|       | 26                                                                                                                                                                      |
|       | SID: Darren McCray [REDACTED]; Adam Greer [REDACTED]                                                                                                                    |
| 7 AM  |                                                                                                                                                                         |
| 8     |                                                                                                                                                                         |
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| 11    |                                                                                                                                                                         |
| 12 PM | 10th Annual Financial Planning Day (Staff: Kanishka Cheng [REDACTED]; Rebecca Peacock [REDACTED])<br>San Francisco Main Library, 100 Larkin St, San Francisco, CA 94102 |
| 1     | Pop-Up Pumpkin Patch (Staff: Jorge Rivas [REDACTED], Nicola Fleming [REDACTED])<br>Gene Suttle Plaza, 1508 Fillmore St and O'Farrell St                                 |
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# October 25, 2019

Friday

October 2019

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November 2019

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|                                                                                                                                                          | FRIDAY                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                          |                                                                        |                                                      |  |
|                                                                                                                                                          | 25                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                          |                                                                        |                                                      |  |
|                                                                                                                                                          | SID AM: Thomas Costello [REDACTED]; Adam Green [REDACTED] SID PM: Carson McKenzie [REDACTED]; Darren McCray [REDACTED] 5                                                                                                                                                                                                               |                                                                                                                                                          |                                                                        |                                                      |  |
| 7 AM                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                          |                                                                        |                                                      |  |
| 8                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                          |                                                                        |                                                      |  |
| 9                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                          |                                                                        |                                                      |  |
| 10                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                          |                                                                        |                                                      |  |
| 11                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                          |                                                                        |                                                      |  |
| 12 PM                                                                                                                                                    | <table border="1"> <tr> <td>Mayor's Visitacion Valley Job Fair (Staff: Joshua Arce [REDACTED]; Joaquin Torres [REDACTED])<br/>1099 Sunnydale Ave</td> <td>Elaine Forbes<br/>City Hall, Room 200 Mayor's Office</td> </tr> </table>                                                                                                     | Mayor's Visitacion Valley Job Fair (Staff: Joshua Arce [REDACTED]; Joaquin Torres [REDACTED])<br>1099 Sunnydale Ave                                      | Elaine Forbes<br>City Hall, Room 200 Mayor's Office                    |                                                      |  |
| Mayor's Visitacion Valley Job Fair (Staff: Joshua Arce [REDACTED]; Joaquin Torres [REDACTED])<br>1099 Sunnydale Ave                                      | Elaine Forbes<br>City Hall, Room 200 Mayor's Office                                                                                                                                                                                                                                                                                    |                                                                                                                                                          |                                                                        |                                                      |  |
| 1                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                          |                                                                        |                                                      |  |
| 2                                                                                                                                                        | <table border="1"> <tr> <td>PSA Recording: Mayor's Welcome Message for SFTV-covered Hotels (Staff: Mason Lee<br/>City Hall, International Room</td> <td>Legislation Signing and BOS Update (Staff: Sophia Kittler; [REDACTED])</td> </tr> <tr> <td>Grant Colfax, Dr. re: DPH<br/>City Hall, Room 200, MO</td> <td></td> </tr> </table> | PSA Recording: Mayor's Welcome Message for SFTV-covered Hotels (Staff: Mason Lee<br>City Hall, International Room                                        | Legislation Signing and BOS Update (Staff: Sophia Kittler; [REDACTED]) | Grant Colfax, Dr. re: DPH<br>City Hall, Room 200, MO |  |
| PSA Recording: Mayor's Welcome Message for SFTV-covered Hotels (Staff: Mason Lee<br>City Hall, International Room                                        | Legislation Signing and BOS Update (Staff: Sophia Kittler; [REDACTED])                                                                                                                                                                                                                                                                 |                                                                                                                                                          |                                                                        |                                                      |  |
| Grant Colfax, Dr. re: DPH<br>City Hall, Room 200, MO                                                                                                     |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                          |                                                                        |                                                      |  |
| 3                                                                                                                                                        | <table border="1"> <tr> <td>Jeff Kositsky<br/>City Hall, Room 200 Mayor's Office</td> <td></td> </tr> <tr> <td>Matt Haney, Supervisor<br/>City Hall, Room 200, MO</td> <td></td> </tr> </table>                                                                                                                                        | Jeff Kositsky<br>City Hall, Room 200 Mayor's Office                                                                                                      |                                                                        | Matt Haney, Supervisor<br>City Hall, Room 200, MO    |  |
| Jeff Kositsky<br>City Hall, Room 200 Mayor's Office                                                                                                      |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                          |                                                                        |                                                      |  |
| Matt Haney, Supervisor<br>City Hall, Room 200, MO                                                                                                        |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                          |                                                                        |                                                      |  |
| 4                                                                                                                                                        | <table border="1"> <tr> <td>Scheduling Meeting<br/>City Hall, Room 200, MO</td> <td>Scheduling Meeting<br/>City Hall, Room 200, MO</td> </tr> </table>                                                                                                                                                                                 | Scheduling Meeting<br>City Hall, Room 200, MO                                                                                                            | Scheduling Meeting<br>City Hall, Room 200, MO                          |                                                      |  |
| Scheduling Meeting<br>City Hall, Room 200, MO                                                                                                            | Scheduling Meeting<br>City Hall, Room 200, MO                                                                                                                                                                                                                                                                                          |                                                                                                                                                          |                                                                        |                                                      |  |
| 5                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                          |                                                                        |                                                      |  |
| 6                                                                                                                                                        | <table border="1"> <tr> <td>Diwali Celebration Meet and Greet (Staff: Jeff Buckley [REDACTED]; Kelvin Wu [REDACTED])<br/>Cathedral of Saint Mary of the Assumption, 1111 Gough Street</td> <td></td> </tr> </table>                                                                                                                    | Diwali Celebration Meet and Greet (Staff: Jeff Buckley [REDACTED]; Kelvin Wu [REDACTED])<br>Cathedral of Saint Mary of the Assumption, 1111 Gough Street |                                                                        |                                                      |  |
| Diwali Celebration Meet and Greet (Staff: Jeff Buckley [REDACTED]; Kelvin Wu [REDACTED])<br>Cathedral of Saint Mary of the Assumption, 1111 Gough Street |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                          |                                                                        |                                                      |  |
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# October 24, 2019

Thursday

October 2019

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November 2019

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| THURSDAY         |                                                                                                                                                                                                                         |
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|                  | 24                                                                                                                                                                                                                      |
|                  | SID AM: John Tyler [redacted]; Adam Green [redacted] SID PM: Carson McKenzie [redacted]; Darren McCray [redacted]                                                                                                       |
| 7 <sup>AM</sup>  |                                                                                                                                                                                                                         |
| 8                |                                                                                                                                                                                                                         |
| 9                |                                                                                                                                                                                                                         |
| 10               |                                                                                                                                                                                                                         |
| 11               | Goodwill Training and Career Center Grand Opening (Staff: Joaquin Torres [redacted] Joshua Arce [redacted])<br>750 Post St                                                                                              |
| 12 <sup>PM</sup> |                                                                                                                                                                                                                         |
| 1                | Jeff Cretan<br>City Hall, Room 200, MO                                                                                                                                                                                  |
| 2                |                                                                                                                                                                                                                         |
| 3                |                                                                                                                                                                                                                         |
| 4                | Kanishka Cheng re: Commissions (Staff: Sean Elsbernd; [redacted])<br>City Hall, Room 200, MO                                                                                                                            |
| 5                | Diane Chui-Justen re: Personnel<br>City Hall, Room 200, MO                                                                                                                                                              |
| 6                | St. Vincent de Paul Society of San Francisco's 27th Brennan Awards Dinner (Staff: Emily Cohen [redacted], Ronnie Rodriguez [redacted], and Leo Alfaro [redacted])<br>Westin St. Francis Union Square; 335 Powell Street |
| 7                |                                                                                                                                                                                                                         |
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# October 23, 2019

Wednesday

October 2019

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November 2019

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| WEDNESDAY                                                                                                               |                                                                                                                                                                                                                                                           |
| 23                                                                                                                      |                                                                                                                                                                                                                                                           |
| SID AM: Michael Alexander [REDACTED]; Carson McKenzie [REDACTED]; SID PM: Eric Chiang [REDACTED]; Adam Green [REDACTED] |                                                                                                                                                                                                                                                           |
| 7 AM                                                                                                                    |                                                                                                                                                                                                                                                           |
| 8                                                                                                                       |                                                                                                                                                                                                                                                           |
| 9                                                                                                                       | Bloomberg Harvard City Leadership Initiative - Virtual Class                                                                                                                                                                                              |
| 10                                                                                                                      |                                                                                                                                                                                                                                                           |
| 11                                                                                                                      |                                                                                                                                                                                                                                                           |
| 12 PM                                                                                                                   |                                                                                                                                                                                                                                                           |
| 1                                                                                                                       | <p>Fire Chief Jeanine Nicholson<br/>City Hall, Room 200, MO</p> <p>Norman Yee, Supervisor (Staff: Sophia Kittler [REDACTED])<br/>City Hall, Room 200, MO</p> <p>Meeting re: Public Safety<br/>City Hall, Room 200, MO</p>                                 |
| 2                                                                                                                       | <p>KTVU Homelessness Interview (Staff: Jeff Cretan [REDACTED]; Kyra Geithman [REDACTED])<br/>City Hall, International Room</p> <p>Jeffrey Tumlin (Staff: Paul Supawanich [REDACTED]; Andres Power, [REDACTED])<br/>City Hall, Room 200 Mayor's Office</p> |
| 3                                                                                                                       | <p>Meeting re: Stern Grove Festival<br/>City Hall, Room, 200</p> <p>Dennis Herrera, City Attorney<br/>City Hall, Room 200 Mayor's Office</p>                                                                                                              |
| 4                                                                                                                       | <p>Scheduling Meeting<br/>City Hall, Room 200, MO</p> <p>Police Chief William "Bill" Scott (Staff: Sean Elsbernd [REDACTED])<br/>City Hall, Room 200, MO</p>                                                                                              |
| 5                                                                                                                       |                                                                                                                                                                                                                                                           |
| 6                                                                                                                       |                                                                                                                                                                                                                                                           |
| 7                                                                                                                       |                                                                                                                                                                                                                                                           |
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# October 22, 2019

Tuesday

October 2019

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

November 2019

| Su | Mo | Tu | We | Th | Fr | Sa |
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| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |

| TUESDAY |                                                                                     |
|---------|-------------------------------------------------------------------------------------|
|         | 22                                                                                  |
|         | SID AM: Thomas Costello ; Darren McCray ; SID PM: Eric Chiang ; David Colclough     |
| 7 AM    |                                                                                     |
| 8       |                                                                                     |
| 9       |                                                                                     |
| 10      |                                                                                     |
| 11      |                                                                                     |
|         | Methamphetamine Task Force Press Event<br>Strut, 3rd Floor Lobby, 470 Castro Street |
| 12 PM   |                                                                                     |
|         | 2019 Silver SPUR Annual Awards Luncheon<br>Moscone Center South, 747 Howard Street  |
| 1       |                                                                                     |
| 2       |                                                                                     |
|         | Our Children, Our Families Council<br>City Hall, Room 201                           |
| 3       | Naomi Kelly (Staff: Kelly Kirkpatrick)<br>City Hall, Room 200, MO                   |
|         | Meeting re: Budget                                                                  |
| 4       | Phil Ginsburg (Staff: Sean Elsbernd; )<br>City Hall, Room 200, MO                   |
| 5       |                                                                                     |
| 6       |                                                                                     |
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# October 21, 2019







Monday

October 2019

| Su | Mo | Tu | We | Th | Fr | Sa |
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| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 |    |    |

November 2019

| Su | Mo | Tu | We | Th | Fr | Sa |
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| 24 | 25 | 26 | 27 | 28 | 29 | 30 |

| MONDAY |                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        | 21                                                                                                                                                                                                                                                                                                                                                                                                              |
|        | SID AM: Thomas Costello [redacted] John Tyler [redacted] SID PM: Eric Chiang [redacted]; David Colclough [redacted]                                                                                                                                                                                                                                                                                             |
| 7 AM   |                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 8      |                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 9      |                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 10     |                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 11     | Jefferson Streetscape Improvement Project Groundbreaking (Staff: Jeff Cretan [redacted]; Evan Ward [redacted])<br>Fisherman's Wharf Plaza, Northeast corner of Jefferson Street and Taylor Street                                                                                                                                                                                                               |
| 12 PM  |                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1      | Andres Power [redacted]  Staffing Meeting<br>City Hall, Room 200, MO                                                                                                                                                                    |
| 2      |                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 3      | Merchant Walk with Vallie Brown (Staff: Jack Persons; [redacted]; Kelvin Wu; [redacted])<br>Gene Suttle Plaza (Fillmore and O'Farrell Streets) <br>Ken Rich (Staff: Sean Elsbernd; [redacted])<br>City Hall, Room 200 Mayor's Office  |
| 4      | Scheduling Meeting<br>City Hall, Room 200, MO <br>Judson True (Staff: Sean Elsbernd; [redacted])<br>City Hall, Room 200, MO                                                                                                           |
| 5      | Reception for SFHA and DHR (Staff: Andrea Bruss; [redacted])<br>City Hall, International Room                                                                                                                                                                                                                                                                                                                   |
| 6      | [redacted]                                                                                                                                                                                                                                                                                                                                                                                                      |
| 7      |                                                                                                                                                                                                                                                                                                                                                                                                                 |
|        | [redacted]                                                                                                                                                                                                                                                                                                                                                                                                      |
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## Leger, Cheryl (BOS)

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**From:** SOTF, (BOS)  
**Sent:** Friday, November 13, 2020 4:59 PM  
**To:** 'r s'; Bourne, Megan (FAM); Heckel, Hank (MYR); '81242-04060798@requests.muckrock.com'; Breed, London (MYR); Breed, Mayor London (MYR); 'Anonymous'; Gerull, Linda (TIS); Makstman, Michael (TIS); Licudine-Barker, Arlene (TIS); 'JOHN HOOPER'; Thompson, Marianne (ECN); Steinberg, David (DPW); 'S'; McHale, Maggie (HRD); Voong, Henry (HRD)  
**Cc:** Young, Victor (BOS); Somera, Alisa (BOS); Calvillo, Angela (BOS)  
**Subject:** SOTF - Remote Meeting of the Sunshine Ordinance Task Force - Notice of Appearance, December 2, 2020; 4:00 PM  
**Attachments:** SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Good Afternoon:

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:** December 2, 2020

**Location:** Remote Meeting

**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. 19058:** Complaint filed by Robert M. Smith against the Fine Arts Museum of San Francisco for violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**File No. 19103:** Complaint filed by Anonymous against Mayor London Breed, Hank Heckel and the Mayor's Offices for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25 and 67.26, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**File No. 19119:** Complaint filed by Anonymous against the Department of Technology for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b), 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner.

**File No. 19061:** Complaint filed by John Hooper against the Office of Economic and Workforce Development for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

**File No. 19062:** Complaint filed by John Hooper against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.


**File No. 19140:** Complaint filed by Stephen Malloy against the Department of Human Resources for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a request for public records in a timely and/or complete manner.

**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, November 19, 2020.**

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

**Disclosures:** *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

## Leger, Cheryl (BOS)

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**From:** SOTF, (BOS)  
**Sent:** Friday, February 12, 2021 3:41 PM  
**To:** 81242-04060798@requests.muckrock.com; Heckel, Hank (MYR); TanyaP@sfzoo.org; Justin Barker; Patterson, Kate (LIB); Lambert, Michael (LIB); mary.ghirarduzzi@sfpl.org; Ray Hartz Jr; Ng, Wilson (BOS)  
**Subject:** SOTF - Notice of Appearance - Compliance and Amendments Committee; February 23, 2021 4:30 p.m.  
**Attachments:** SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Good Afternoon:

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

**Date:** February 23, 2021

**Location:** Remote meeting; participant information to be included on the Agenda

**Time:** 4:30 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. 19103: Hearing on the Status of the Order of Determination** - Complaint filed by Anonymous against Mayor London Breed, Hank Heckel and the Office of the Mayor for violating Administrative Code (Sunshine Ordinance), Sections 67.26 and 67.27, by failing to keep withholdings to a minimum and failing to provide justification for withholdings.

**File No. 19048: Hearing on the Status of the Order of Determination** - Complaint filed by Justin Barker against the San Francisco Zoo for violating Administrative Code (Sunshine Ordinance), Section 67.21 and 67.27, California Government Code 6253 and California Business and Professions Code 4857, by failing to provide request records in a timely and/or complete manner.

**File No. 19092: Hearing on the Status of the Order of Determination** - Complaint filed by Justin Barker against the San Francisco Zoo for violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner and failing to provide justification for withholding records.

**File No. 20068:** Complaint filed by James Chaffee against the Library Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.14 by failing to make audio recordings available on the website, 67.21 by failing to respond to a records request in a timely manner and 67.29 by failing to maintain the Library Commission website.

**The Chair intends to consider a request for consolidation of File Nos. 19050, 19055 and 19059.**

**File No. 19050:** Complaint filed by Ray Hartz against Angela Calvillo, Clerk of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.15(d), by failing to place his 150-word summaries as submitted to the Board of Supervisors “in the minutes.”

**File No. 19055:** Complaint filed by Ray Hartz against Angela Calvillo, Clerk of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.15(d), by failing to place his 150-word summaries in the meeting minutes (Board of Supervisors May 14, 2019 meeting).

**File No. 19059:** Complaint filed by Ray Hartz against Angela Calvillo, Clerk of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.15(d), by failing to place his 150-word summaries in the meeting minutes (Board of Supervisors May 21, 2019 meeting).

**The chair intends to consider a request to consolidation of File Nos. 19051, 19054 and 19057.**

**File No. 19051:** Complaint filed by Ray Hartz against Norman Yee, President of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.16, by failing to place his 150-word summaries in the meeting minutes (Board of Supervisors May 7, 2019 meeting).


**File No. 19054:** Complaint filed by Ray Hartz against Norman Yee, President of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.16, by failing to place his 150-word summaries in the meeting minutes (Board of Supervisors May 14, 2019 meeting).

**File No. 19057:** Complaint filed by Ray Hartz against Norman Yee, President of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.16, by failing to place his 150-word summaries in the meeting minutes (Board of Supervisors May 21, 2019 meeting).

**Documentation (evidence supporting/disputing complaint)**

For a document to be considered, it must be received at least five (3) working days before the hearing (see attached Public Complaint Procedure). *For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, February 18, 2021.*

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724

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