

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Compliance and Amendments Committee

Date: November 26, 2019

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Completed by: C. Leger Date 11/20/19

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

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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(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.

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(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@sfcityattty.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

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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



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



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.

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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 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:

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I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com

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Agency_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

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

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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



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

Email

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)."

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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

Print

** 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

Print

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
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documents that members of the public may inspect or copy.



19103 SOTF Complaint

Download



image001

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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

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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

Print

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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.

Print

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.

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image001

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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

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: 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=AAAxJKbo2Vje5U7JJilkNXfixyg%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

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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.

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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://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=AAxJKbo2Vje5U7JiikNXfIXyg%3A1iMIHf%3AupylibiR9f0c9NNa4uMzNHZV4DY

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**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: 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

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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

On Oct. 4, 2019:

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

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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

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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

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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)."

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.

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Thanks,

Anonymous

Filed via MuckRock.com

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

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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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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. **

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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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Filed via MuckRock.com

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MuckRock News

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[http://email.requests.muckrock.com/o/eJw1yksOwiAQANDTyJLMwABlwcZEr2HKryWVEsGaeHu78a1fdEpplupcno8SHYIwhBNbHQpPSsdMNvsYhQYfdLYkiTCCloYVJwAtApxfSAkc-d2CMjd1nSQaKSe8EPT0OtJ4D16PsPUWNh5aZd3V-dv6OPaxlj390_IHXtqHt778ALdZLjk]

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[81242%252F%253Femail%253Dsof%252540sfgov.org&url_auth_token=AAxJKbo2Vje5U7JJikNXfIXyg%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%253Dsof%252540sfgov.org&url_auth_token=AAxJKbo2Vje5U7JJikNXfIXyg%3A1iHecm%3AW_CmT6cy4TAHxXfz2WwilfoUbhk)

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Respondents Document Submission



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

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.

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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

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[http://email.requests.muckrock.com/o/eJw1yksOwiAQANDTyJLMwABlwcZEr2HKryWVEsGaeHu78a1fdEpplupcno8SHYIwhBNbHQpPSsdMNvsYhQYfdLYkiTCcloYVJwAtApxfSAkc-d2CMjd1nSQaKSe8EPT00tJ4D16PsPUWNh5aZd3V-dv6OPaxlj390_IHXtqHt778ALdZLjk]

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).

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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

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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>1</p> <p>Mayor London Breed has no public events. 09/01/2019 (All day)</p>	<p>2</p> <p>Mayor London Breed has no public events. 09/02/2019 (All day)</p>	<p>3</p> <p>Mayor London Breed to join elected and City officials and the Golden State Warriors at the ribbon cutting ceremony for Chase Center. 09/03/2019 - 10:30am</p>	<p>4</p> <p>Mayor London Breed to join business and civic leaders at the San Francisco Chamber of Commerce Breakfast at Chase Center. 09/04/2019 - 8:30am</p>	<p>5</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>6</p> <p>Mayor London Breed to conduct meetings at City Hall. 09/06/2019 (All day)</p>	<p>7</p> <p>Mayor London Breed to join elected and City officials and community members for the 29th Annual Autumn Moon Festival. 09/07/2019 - 11:00am</p>

SUN	MON	TUE	WED	THU	FRI	SAT
				09/05/2019 - 11:00am		
<p>8</p> <p>Mayor London Breed has no public events. 09/08/2019 (All day)</p>	<p>9</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>10</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>11</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>12</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>13</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>14</p> <p>Mayor London Breed has no public events. 09/14/2019 (All day)</p>
<p>15</p> <p>Mayor London Breed has no public events. 09/15/2019 (All day)</p>	<p>16</p> <p>Mayor London Breed to conduct meetings at City Hall. 09/16/2019 (All day)</p>	<p>17</p> <p>Mayor London Breed to conduct meetings at City Hall. 09/17/2019 (All day)</p>	<p>18</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>19</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>20</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>21</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. 09/20/2019 - 10:00am	
<p>22</p> <p>Mayor London Breed has no public events. 09/22/2019 (All day)</p>	<p>23</p> <p>Mayor London Breed to conduct meetings at City Hall. 09/23/2019 (All day)</p>	<p>24</p> <p>Mayor London Breed to provide remarks at the San Francisco Business Times Structures Breakfast. 09/24/2019 - 8:00am</p>	<p>25</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. 09/25/2019 - 12:00pm</p> <p>Mayor London Breed to host the 13th Annual Mayoral Latino Heritage Month Celebration. 09/25/2019 - 5:00pm</p>	<p>26</p> <p>Mayor London Breed to conduct meetings at City Hall. 09/26/2019 (All day)</p>	<p>27</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. 09/27/2019 - 12:45pm</p>	<p>28</p> <p>Mayor London Breed has no public events. 09/28/2019 (All day)</p>
<p>29</p> <p>Mayor London Breed has no public events. 09/29/2019 (All day)</p>	<p>30</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). 09/30/2019 - 10:00am</p>	<p>1</p>	<p>2</p>	<p>3</p>	<p>4</p>	<p>5</p>

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>

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 23rd 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

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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.

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. **

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

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)

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):

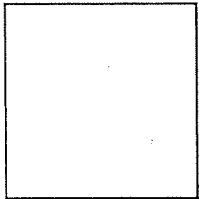
MuckRock News

DEPT MR 81953

411A Highland Ave

Somerville, MA 02144-2516

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October 2019

October 2019							November 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 29	30	Oct 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	Nov 1	2

P132

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

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



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

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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 | www.sfbos.org

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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:

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: 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

 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.*