

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)**

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**From:** Google Forms <sfbdsupvrs@gmail.com>  
**Sent:** Tuesday, October 15, 2019 2:58 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 City Attorney

**Name of individual  
contacted at Department  
or Commission** Dennis Herrera, Elizabeth Coolbrith

**Alleged Violation** Public Records

**Sunshine Ordinance  
Section:** 67.29-5 for failing to maintain a Prop-G calendar, 67.25 for failing to respond to an IDR in a timely or complete manner, 67.26 for withholding non-exempt information, 67.27 for failing to justify withholding

**Please describe alleged  
violation** See email to SOTF with complaint and files.

**Name** Anonymous

Email

[81411-90616367@requests.muckrock.com](mailto:81411-90616367@requests.muckrock.com)

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

[81411-90616367@requests.muckrock.com](mailto:81411-90616367@requests.muckrock.com)

Sent via [Google Forms Email](#)

**Sunshine Ordinance Task Force  
Complaint Summary**

File No. 19108

Anonymous v. Office of the City Attorney

Date filed with SOTF: 10/29/2019

Contacts information (Complainant information listed first):

---

Anonymous    [81411-90616367@requests.muckrock.com](mailto:81411-90616367@requests.muckrock.com) (Complainant)

John Cote, Elizabeth Coolbrith, Dennis Herrera (Office of the City Attorney) (Respondent)

**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, 67.26, 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.

**Administrative Summary if applicable:**

**Complaint Attached.**

# Complainant/Petitioners Documents Submission

## #19108 Anonymous vs City Attorney, et al. Re: Failure to maintain Prop G calendar; failure to disclose calendar records

1. **Oct 8** - IDR for (1a) Oct 21-28 and (1b) Sep 30 - Oct 7 calendars of Herrera; and non-IDR for (2) meeting invites and (3) personal property search for above.
2. **Oct 9** - Invoked 14-day extension for IDRs 1a and 1b for consulting another department. (*Which dept?*)
3. **Oct 15** - Provided what appears to be incomplete Prop G calendar for Sep 30-Oct 7 (1b). Claimed they possessed no other calendars and (1b) was complete.
4. **Oct. 15** - This complaint filed for (1b) only
5. **Oct. 16** - Now claimed they had withheld certain (1b) information and provided justifications of Attorney/Client and Work Product privileges; provided locations

This complaint is solely for IDR (1b). Other complaints may be filed for 1a, 2, and 3.

19108 Anonymous v City Attorney, et al.

Respondent also appears to have failed to respond to the Task Force in a timely manner.

## Request Part 1b (sole subject of this complaint)

1b). **IMMEDIATE DISCLOSURE: an electronic copy of the department head's calendar or schedule, with all events/items, from Sep 30 to Oct 7, 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 department head,** whether the department head themselves possesses them or their 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 virtually **print/export 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). Do NOT physically print and re-scan records.

19108 Anonymous v City Attorney, et al.

## 67.29-5 Failure to Maintain, Disclose Prop G Calendar

	TUESDAY
	1
7 <sup>AM</sup>	
8	Review Advice/Staff Consultation
9	
10	Speak at Salesforce Event Panel Discussion
11	
12 <sup>PM</sup>	

This is an excerpt of sole Oct. 1 calendar provided, thus it must be the Oct. 1 Prop G calendar.

SFAC 67.29-5 requires:

(a) The ... City Attorney ... 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, ... , with the exclusion of purely personal or social events ... . 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**.

19108 Anonymous v City Attorney, et al.

## 67.25, 67.26, 67.27 - IDR incomplete response

- **SFAC 67.26** - Information in the Sep. 30-Oct. 7 calendars was withheld on Oct. 15 without clear reference to justification until after filing complaint. Some records have still not been provided: individual meeting records and exact times.
- **SFAC 67.27** - Statutory justifications for withholding were not provided until after filing complaint.
- **SFAC 67.25** IDR Timeliness - Prop G calendars should be provided immediately, within the IDR turnaround time. No reason to consult with another department for that. After all, these are the attorneys every other department consults.
- **SFAC 67.25** IDR Completeness - Non-Prop G calendars must also be provided to us for Sep 30-Oct 7. (See SOTF 19047 and Sup of Records Letter Sep. 6). If Herrera or his staff possess any other calendar or scheduling information, it must be turned over. It is hard to believe an office could function with so little information.

In SOTF 19047, Mayor's Office falsely told this Task Force on Aug. 20 that no calendars beyond Prop G calendars existed, and then turned over (partially) those non-Prop G calendars weeks later. It is possible City Attorney's office is doing the same thing.

19108 Anonymous v City Attorney, et al.

# Re: SOTF - Request for Postponement for file no. 19108 scheduled for November 26.

Sent: Thursday, November 14, 2019 2:48 PM

From: Anonymous arecordsrequestor@protonmail.com

To: SOTF, (BOS) sotf@sfgov.org

Ms. Leger,

No, I would like to continue on Nov. 26. I have to present my other case on Nov. 26 already, and I have a right to have this case heard in 45 days which will not be possible otherwise. These Respondents previously delayed their case 19044 multiple times which has inordinately delayed resolution of the metadata issue, and I am quite concerned regarding what they will attempt again.

Note that Mr. Herrera or Ms. Coolbrith are free to appear themselves. There is no rule that only Mr. Cote can be present. Mr. Cote could also present telephonically like me. The City Attorney's office has over 300 employees, and over 150 attorneys - and one of them should be able to be present their side to ensure I get timely resolution of my case.

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

Sincerely,

Anonymous

=====

Dear Anonymous:

I just received a request for a postponement for file no. 19108, scheduled to be heard on Tuesday, November 26 and outlined below, due to a scheduled vacation. As I told the Complainant, the decision is yours on whether or not to continue the matter. With that said, are you agreeable to that request?

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.

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

[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.

From: Anonymous Person

10/08/2019

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



Office of City Attorney,

\*\* 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 8, 2019 re: your department head's calendars. 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 your department head must attend to, even though Prop G/67.29-5 requires no such calendar be kept.

All calendars, whether Prop G/67.29-5 or not, that your agency prepared, owned, used, or retained re: the public's business are public records (see SOTF 19047; Sup. of Records response of Sept. 6; and Good Government Guide).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of a future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for your office, which 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 department head 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:

1a). IMMEDIATE DISCLOSURE: an electronic copy of the department head'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 department head, whether the department head themselves possesses them or their 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 virtually print/export 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). Do NOT physically print and re-scan records

1b). IMMEDIATE DISCLOSURE: an electronic copy of the department head's calendar or schedule, with all events/items, from Sep 30 to Oct 7, 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 department head, whether the department head themselves possesses them or their 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 virtually print/export 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). Do NOT physically print and re-scan records.

2. REGULAR DISCLOSURE: If the department head or any of the department head's staff uses any invitation/guestlist tracking systems on behalf of the department head (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2, for the date range in #1. 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 department head, their senior-most deputy, their chief of staff (or equivalent, 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: San Francisco City Attorney

10/09/2019

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



Dear Requester,

I am writing in behalf of the City Attorney's Office in response to your immediate disclosure requests numbered 1a and 1b in your below request. Please note we hereby invoke an extension of no more than 14 days to consult with another department regarding the records (See Cal. Gov't Code §6253(c)(3)). We will

endeavor to process your request as quickly as possible and anticipate responding no later than the close of business October 23, 2019.

Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)<<mailto:cityattorney@sfcityatty.org>>

Sincerely,

[cid:image002.jpg@01D57EB4.04A912E0]Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

[www.sfcityattorney.org](http://www.sfcityattorney.org)

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Twitter<<https://twitter.com/SFCityAttorney>> Instagram<<https://www.instagram.com/sfcityattorney/>>



image002

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image001

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~WRD059

Download

From: Anonymous Person

10/09/2019

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

What department are you consulting?

They are your \*own\* department's calendars.

You are the attorneys that everyone else in the City consults, and usually uses to claim that kind of extension. And I didn't ask for any special formats or custom metadata, so Dept of Tech. would also not make any sense.

I also recall that in Case 19044 your agency testified that your own IT staff redacted records.

Provide immediately the calendar meetings in 1a and 1b.

I will contest this untimely production of 1a and 1b in addition to any other failures of production.

Also, I will be continue to argue it is a 10-day, not 14-day, extension under 67.25.

Sincerely,  
Anonymous

From: San Francisco City Attorney

10/15/2019

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

Dear requester,

Please see attached document responsive to your request numbered 1b below. We are working on the remainder of your requests, and will respond to those as soon as possible.

Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)<<mailto:cityattorney@sfcityatty.org>>

Sincerely,

[cid:image002.jpg@01D58351.286C3F30]Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

[www.sfcityattorney.org](http://www.sfcityattorney.org)

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09.30.19 - 10.07.19

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image002

Download



image001

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~WRD371

Download

From: Anonymous Person

10/15/2019

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

Perfect, thanks. Is 1b complete? We asked for non-Prop G calendars as well.

From: San Francisco City Attorney

10/15/2019

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

Yes, 1b is complete.

Thanks,

[cid:image002.jpg@01D5835B.3719ADB0]Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

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~WRD250

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image002

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From: Anonymous Person

10/15/2019

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

Email

Sup. of Records,

This is a SFAC 67.21(d) petition regarding specific issues re: the City Attorney's past calendar items. Please issue a determination in writing.

No non-PDF formats or metadata not commonly visible in Outlook was requested here, so you do not need to consider those issues. This petition regards solely (1b) of our request (copied below); the other parts are pending response from the City Atty and may be petitioned later.

First, Herrera's sole responsive calendar record (attached) does not even meet Prop G 67.29-5 calendar requirements for the City Attorney. Mr. Herrera must disclose, as a public record, and you must "determine" to be a public record or part thereof, "the time and place of each meeting or event attended by that official, either in person or by teleconference or other electronic means" (67.29-5(a)). The attached files shows there are no "place[s] of each meeting". Wherever he has kept that information, he must disclose it, whether in this view or not. While the City Atty may argue a 67.29-5(e) exemption (but has not done so), for Herrera that exemption may solely apply to 67.29-5(b) and (c), NOT (a). While he may not have to identify City employees, he must indicate the location of the meetings. And, at the very least, the Oct. 1 Salesforce meeting was surely not in his own office.

Second, surely Mr. Herrera has additional non-Prop G scheduling information (we requested all of it) so he can actually conduct his regular business and know who is at these meetings. The City Atty has not stated any withholdings, nor any justifications for withholding in. If you wish to redact privileged portions of that, that is fine, but right now we have nothing.

SOTF 19047 on Oct. 2 already found that the Mayor's non-Prop G calendars are public, and your own Sup. of Records response on Sept. 6 found similarly ([https://cdn.muckrock.com/foia\\_files/2019/09/06/2019-09-06\\_Ltr\\_to\\_Muckrock.pdf](https://cdn.muckrock.com/foia_files/2019/09/06/2019-09-06_Ltr_to_Muckrock.pdf)), though you failed to grant the petition in that case. Please determine to be public all non-Prop G records in this request.

Third, individual meeting items were not provided. Each such item is a record, and is a public record, and we requested each of them. We specifically stated we did not want a summary view. Please determine to be public each of the records merely summarized in the sole record they provided.

"1b). IMMEDIATE DISCLOSURE: an electronic copy of the department head's calendar or schedule, with all events/items, from Sep 30 to Oct 7, 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 department head, whether the department head themselves possesses them or their 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 virtually print/export 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). Do NOT physically print and re-scan records."

Sincerely,

Anonymous



09.30.19\_-\_10.07.19.pdf

Download

From: Anonymous Person

10/15/2019

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



SOTF,

Please docket a new complaint, with attached files, provide a file number, and cc me on the request for response.

Respondent: Dennis Herrera, Elizabeth Coolbrith, Office of City Attorney  
Complainant: Anonymous (requests@muckrock.com)

Violations alleged:

67.29-5 for failing to maintain a Prop G calendar,  
67.25 for failing to respond to an IDR in a timely or complete manner,  
67.26 for withholding non-exempt information,  
67.27 for failing to justify withholding.

COMPLAINT:

This is a SFAC 67.21(e) and 67.30 petition/complaint regarding specific issues re: the City Attorney's past calendar items. Not even a Prop G calendar appears to be maintained properly in this case.

No non-PDF formats or metadata not commonly visible in Outlook was requested here, so you do not need to consider those issues. This petition regards solely (1b) of our Oct 8 request (copied below); the other parts are pending response from the City Atty and may be petitioned later.

I issued an IDR on Oct. 8. On Oct. 9 Coolbrith extended for 14 days "to consult with another department regarding the records (See Cal. Gov't Code §6253(c)(3))." This is inappropriate - no other department should be needed to print out \*even Prop G\* calendar entries in PDF format. Coolbrith responded on Oct. 15, without any claimed withholdings, with the sole attached record, claiming request (1b) was complete.

First, Herrera's sole responsive calendar record (attached) does not even meet Prop G 67.29-5 calendar requirements for the City Attorney. Mr. Herrera must disclose, as a public record, and you must "determine" to be a public record or part thereof, "the time and place of each meeting or event attended by that official, either in person or by teleconference or other electronic means" (67.29-5(a)). The attached files shows there are no "place[s] of each meeting". Wherever he has kept that information, he must disclose it, whether in this view or not. While the City Atty may argue a 67.29-5(e) exemption (but has not done so), for Herrera that exemption may solely apply to 67.29-5(b) and (c), NOT (a). While he may not have to identify City employees, he must indicate the location of the meetings. And, at the very least, the Oct. 1 Salesforce meeting was surely not in his own office.

Second, surely Mr. Herrera has additional non-Prop G scheduling information (we requested all of it) so he can actually conduct his regular business and know who is at these meetings. The City Atty has not stated any withholdings, nor any justifications for withholding in. If you wish to redact privileged portions of that, that is fine, but right now we have nothing.

SOTF 19047 Anonymous vs Breed et al. on Oct. 2 already found that the Mayor's non-Prop G calendars are public; and the Sup. of Records response on Sept. 6 found similarly ([https://cdn.muckrock.com/foia\\_files/2019/09/06/2019-09-06\\_Ltr\\_to\\_Muckrock.pdf](https://cdn.muckrock.com/foia_files/2019/09/06/2019-09-06_Ltr_to_Muckrock.pdf)), though he failed to grant the petition in that case. Please determine to be public all non-Prop G Herrera records in this request.

Third, individual meeting items were not provided. Each such item is a record, and is a public record, and we requested each of them. We specifically stated we did not want a summary view. Please determine to be public each of the records merely summarized in the sole record they provided.

"1b). IMMEDIATE DISCLOSURE: an electronic copy of the department head's calendar or schedule, with all events/items, from Sep 30 to Oct 7, 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 department head, whether the department head themselves possesses them or their 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 virtually print/export 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). Do NOT physically print and re-scan records."

Sincerely,

Anonymous



email-thread-x.pdf

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Download

From: San Francisco City Attorney

10/15/2019

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



I am in recent of the complaint against the City Attorney> File No. 19108 has be tentatively assigned to the complaint and it will be processed shortly.

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



~WRD000

Download

From: San Francisco City Attorney

10/16/2019

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






We understand you had some questions about the calendar we produced yesterday in response to request #1b. In response to your questions, all of the meetings took place at City Hall, with the exception of the Salesforce event. We apologize for neglecting to list the address for that event. That event was at the Salesforce Tower, which is located at 415 Mission Street, San Francisco CA 94105. Also, per your request, this will confirm that we have indeed withheld information that is exempt from disclosure under the attorney-client privilege or work product privilege. Your final question asked about any "meeting items" that may be contained in the calendar. The calendar does not contain any notes or other information beyond what we already provided you, and the City Attorney does not use outlook invitations to set up meetings, so it appears we do not have any further responsive information. To the extent you are asking about emails used to set up and confirm meetings, we interpret that to be within the scope of your request #2, which we are still working on.


We hope this answers your questions. In the future, if you have follow-up questions, please feel free to just contact us directly at this email.


Thanks,

[cid:image003.jpg@01D58421.9BD6A3E0]Elizabeth A. Coolbrith  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
www.sfcityattorney.org  
Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>  
Twitter<<https://twitter.com/SFCityAttorney>> Instagram<<https://www.instagram.com/sfcityattorney/>>

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[Download](#)

**From: Office of the Mayor**

**10/16/2019**

Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19108



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.



190108 SOTF Complaint

Download



image001

Download

From: Anonymous Person

10/17/2019

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

Re: (1b) Ms. Coolbrith while I understand you can answer these questions, my issue is that Mr. Herrera simply does not maintain a Prop G calendar in accordance with 67.29-5. His calendar is missing locations.

APPENDIX B - Daily Summary view of calendar.

Note the dates below. Oct. 15 is the date the PDF was created by BFEITELB. This is not how they hold the Calendar (obviously). They should provide individual meeting entries as we requested.

Metadata excerpt from PDF (this is not the calendar's metadata):

```
PDF Version      : 1.5
Linearized      : Yes
Author          : BFEITELB
Create Date     : 2019:10:15 11:14:47-07:00
Modify Date    : 2019:10:15 11:14:47-07:00
XMP Toolkit     : Adobe XMP Core 5.4-c006 80.159825, 2016/09/16-03:31:08
Producer       : Acrobat Distiller 11.0 (Windows)
Creator Tool    : PScript5.dll Version 5.2.2
Format         : application/pdf
Title          : Microsoft Outlook - Daily Style
Creator        : BFEITELB
Document ID    : uuid:0018a642-0b7e-4673-827e-7187324cd4e4
Instance ID   : uuid:09d3a5e6-0a69-4251-b72c-bb410b5c8181
Page Count     : 8
```

# September 30, 2019

Monday

September 2019

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

October 2019

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

MONDAY		Notes
	30	
7 AM		
8	<b>Review Advice/Staff Consultation</b>	
9		
10		
11		
12 PM		
1		
2		
3		
4		
5		
6		

# October 1, 2019

Tuesday

October 2019

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

November 2019

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

TUESDAY		Notes
	1	
7 <sup>AM</sup>		
8	Review Advice/Staff Consultation	
9		
10	Speak at Salesforce Event Panel Discussion	
11		
12 <sup>PM</sup>	Review Advice/Staff Consultation	
1		
2		
3		
4		
5		
6		

# October 2, 2019

Wednesday

October 2019

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

November 2019

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

WEDNESDAY		Notes
	2	
7 <sup>AM</sup>		
8	Review Advice/Staff Consultation	
9	Senior Staff <input type="checkbox"/>	
	Review Advice/Staff Consultation	
10		
	MTG w/ Kate Lazarus and Asim Bhansali re: introductory meeting	
11	Review Advice/Staff Consultation	
12 <sup>PM</sup>		
1		
2	Review Advice/Staff Consultation	
3		
4		
5		
6		

# October 3, 2019

Thursday

October 2019

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

November 2019

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

THURSDAY		Notes
	3	
7 <sup>AM</sup>		
8		
9		
10	Review Advice/Staff Consultation	
	MTG w/ DCA re: legal issue	
11	MTG w/ DCAs re: legal issues	
	MTG w/ DCA re: legal issue	
12 <sup>PM</sup>	Review Advice/Staff Consultation	
1		
2		
3		
4		
5		
6		

# October 4, 2019

Friday

October 2019

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

November 2019

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

FRIDAY		Notes
	4	
7 <sup>AM</sup>		
8	Review Advice/Staff Consultation	
9		
10	MTG w/ DCAs re: legal issue Review Advice/Staff Consultation	
11		
12 <sup>PM</sup>		
1		
2		
3		
4		
5		
6		



# October 5, 2019

Saturday

October 2019

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

November 2019

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

SATURDAY		Notes
	5	
7 <sup>AM</sup>		
8		
9		
10		
11		
12 <sup>PM</sup>		
1		
2		
3		
4		
5		
6		

# October 6, 2019

Sunday

October 2019

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

November 2019

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

SUNDAY		Notes
	6	
7 <sup>AM</sup>		
8		
9		
10		
11		
12 <sup>PM</sup>		
1		
2		
3		
4		
5		
6		

# October 7, 2019

Monday

October 2019

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

November 2019

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

MONDAY		Notes
	7	
7 <sup>AM</sup>		
8	Review Advice/Staff Consultation	
9	Executive Staff	
10	Review Advice/Staff Consultation	
11	MTG w/ Lou Giraudo re: legal issue	
	Review Advice/Staff Consultation	
12 <sup>PM</sup>		
1		
2		
3		
4		
5		
6		

## 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](mailto:victor.young@sfgov.org) | [www.sfbos.org](http://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](mailto: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](mailto:victor.young@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**From:** Anonymous <[arecordsrequestor@protonmail.com](mailto:arecordsrequestor@protonmail.com)>

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

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

## Leger, Cheryl (BOS)

---

**From:** Young, Victor (BOS)  
**Sent:** Wednesday, October 16, 2019 3:40 PM  
**To:** COTE, JOHN (CAT); COOLBRITH, ELIZABETH (CAT)  
**Cc:** 81411-90616367@requests.muckrock.com; Calvillo, Angela (BOS)  
**Subject:** SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19108  
**Attachments:** 190108 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  
[victor.young@sfgov.org](mailto:victor.young@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



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## Leger, Cheryl (BOS)

---

**From:** SOTF, (BOS)  
**Sent:** Wednesday, November 13, 2019 5:56 PM  
**To:** 'Cote, John (CAT)'; COOLBRITH, ELIZABETH (CAT)  
**Subject:** FW: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19108  
**Attachments:** 190108 SOTF Complaint.pdf

John and Elizabeth:

This notice went out on October 16 and we still do not have a response. I just sent out a Notice of Appearance for the Compliance and Amendments Committee hearing for November 26. Please send your response. Thank you.

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



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

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

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**From:** Young, Victor (BOS)  
**Sent:** Wednesday, October 16, 2019 3:40 PM  
**To:** COTE, JOHN (CAT) <John.Cote@sfcityatty.org>; COOLBRITH, ELIZABETH (CAT) <Elizabeth.Coolbrith@sfcityatty.org>  
**Cc:** 81411-90616367@requests.muckrock.com; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>  
**Subject:** SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19108

Good Afternoon:

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

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

Please include the following information in your response if applicable:

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


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

The Complainant alleges:  
*Complaint Attached.*

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

Thank you.

**Victor Young**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244  
San Francisco CA 94102  
phone 415-554-7723 | fax 415-554-5163  
[victor.young@sfgov.org](mailto:victor.young@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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

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

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



## Young, Victor (BOS)

---

**From:** 81411-90616367@requests.muckrock.com on behalf of '81411-90616367@requests.muckrock.com' <81411-90616367@requests.muckrock.com>  
**Sent:** Tuesday, October 15, 2019 2:33 PM  
**To:** SOTF, (BOS)  
**Subject:** RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request  
**Attachments:** 09.30.19\_-\_10.07.19\_SmQPwtB.pdf; email-thread-x.pdf

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

San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

October 15, 2019

This is a follow up to a previous request:

SOTF,

Please docket a new complaint, with attached files, provide a file number, and cc me on the request for response.

Respondent: Dennis Herrera, Elizabeth Coolbrith, Office of City Attorney  
Complainant: Anonymous (81411-90616367@requests.muckrock.com)

Violations alleged:

67.29-5 for failing to maintain a Prop G calendar,  
67.25 for failing to respond to an IDR in a timely or complete manner,  
67.26 for withholding non-exempt information,  
67.27 for failing to justify withholding

COMPLAINT:

This is a SFAC 67.21(e) and 67.30 petition/complaint regarding specific issues re: the City Attorney's past calendar items. Not even a Prop G calendar appears to be maintained properly in this case.

No non-PDF formats or metadata not commonly visible in Outlook was requested here, so you do not need to consider those issues. This petition regards solely (1b) of our Oct 8 request (copied below); the other parts are pending response from the City Atty and may be petitioned later.

I issued an IDR on Oct. 8. On Oct. 9 Coolbrith extended for 14 days "to consult with another department regarding the records (See Cal. Gov't Code §6253(c)(3))." This is inappropriate - no other department should be needed to print out

\*even Prop G\* calendar entries in PDF format. Coolbrith responded on Oct. 15, without any claimed withholdings, with the sole attached record, claiming request (1b) was complete.

First, Herrera's sole responsive calendar record (attached) does not even meet Prop G 67.29-5 calendar requirements for the City Attorney. Mr. Herrera must disclose, as a public record, and you must "determine" to be a public record or part thereof, "the time and place of each meeting or event attended by that official, either in person or by teleconference or other electronic means" (67.29-5(a)). The attached files shows there are no "place[s] of each meeting". Wherever he has kept that information, he must disclose it, whether in this view or not. While the City Atty may argue a 67.29-5(e) exemption (but has not done so), for Herrera that exemption may solely apply to 67.29-5(b) and (c), NOT (a). While he may not have to identify City employees, he must indicate the location of the meetings. And, at the very least, the Oct. 1 Salesforce meeting was surely not in his own office.

Second, surely Mr. Herrera has additional non-Prop G scheduling information (we requested all of it) so he can actually conduct his regular business and know who is at these meetings. The City Atty has not stated any withholdings, nor any justifications for withholding in. If you wish to redact privileged portions of that, that is fine, but right now we have nothing.

SOTF 19047 Anonymous vs Breed et al. on Oct. 2 already found that the Mayor's non-Prop G calendars are public; and the Sup. of Records response on Sept. 6 found similarly ([https://cdn.muckrock.com/foia\\_files/2019/09/06/2019-09-06\\_Ltr\\_to\\_Muckrock.pdf](https://cdn.muckrock.com/foia_files/2019/09/06/2019-09-06_Ltr_to_Muckrock.pdf)), though he failed to grant the petition in that case. Please determine to be public all non-Prop G Herrera records in this request.

Third, individual meeting items were not provided. Each such item is a record, and is a public record, and we requested each of them. We specifically stated we did not want a summary view. Please determine to be public each of the records merely summarized in the sole record they provided.

"1b). IMMEDIATE DISCLOSURE: an electronic copy of the department head's calendar or schedule, with all events/items, from Sep 30 to Oct 7, 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 department head, whether the department head themselves possesses them or their 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 virtually print/export 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). Do NOT physically print and re-scan records."

Sincerely,

Anonymous

Filed via MuckRock.com

E-mail (Preferred): 81411-90616367@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%252Fsan-francisco-city-attorney-797%252Ffuture-calendars-and-meetings-immediate-disclosure-request-](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81411%252F%253Femail%253Dsoff%252540sfgov.org&url_auth_token=AAAuFJxL7h5lqcA9nX1lo0xas0Y%3A1iKUQj%3A45DEDmHDVReT5DE8scSbxBMO_v0)

[81411%252F%253Femail%253Dsoff%252540sfgov.org&url\\_auth\\_token=AAAuFJxL7h5lqcA9nX1lo0xas0Y%3A1iKUQj%3A45DEDmHDVReT5DE8scSbxBMO\\_v0](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81411%252F%253Femail%253Dsoff%252540sfgov.org&url_auth_token=AAAuFJxL7h5lqcA9nX1lo0xas0Y%3A1iKUQj%3A45DEDmHDVReT5DE8scSbxBMO_v0)

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 81411  
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. 15, 2019:

Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request  
Sup. of Records,

This is a SFAC 67.21(d) petition regarding specific issues re: the City Attorney's past calendar items. Please issue a determination in writing.

No non-PDF formats or metadata not commonly visible in Outlook was requested here, so you do not need to consider those issues. This petition regards solely (1b) of our request (copied below); the other parts are pending response from the City Atty and may be petitioned later.

First, Herrera's sole responsive calendar record (attached) does not even meet Prop G 67.29-5 calendar requirements for the City Attorney. Mr. Herrera must disclose, as a public record, and you must "determine" to be a public record or part thereof, "the time and place of each meeting or event attended by that official, either in person or by teleconference or other electronic means" (67.29-5(a)). The attached files shows there are no "place[s] of each meeting". Wherever he has kept that information, he must disclose it, whether in this view or not. While the City Atty may argue a 67.29-5(e) exemption (but has not done so), for Herrera that exemption may solely apply to 67.29-5(b) and (c), NOT (a). While he may not have to identify City employees, he must indicate the location of the meetings. And, at the very least, the Oct. 1 Salesforce meeting was surely not in his own office.

Second, surely Mr. Herrera has additional non-Prop G scheduling information (we requested all of it) so he can actually conduct his regular business and know who is at these meetings. The City Atty has not stated any withholdings, nor any justifications for withholding in. If you wish to redact privileged portions of that, that is fine, but right now we have nothing.

SOTF 19047 on Oct. 2 already found that the Mayor's non-Prop G calendars are public, and your own Sup. of Records response on Sept. 6 found similarly ([https://cdn.muckrock.com/foia\\_files/2019/09/06/2019-09-06\\_Ltr\\_to\\_Muckrock.pdf](https://cdn.muckrock.com/foia_files/2019/09/06/2019-09-06_Ltr_to_Muckrock.pdf)), though you failed to grant the petition in that case. Please determine to be public all non-Prop G records in this request.

Third, individual meeting items were not provided. Each such item is a record, and is a public record, and we requested each of them. We specifically stated we did not want a summary view. Please determine to be public each of the records merely summarized in the sole record they provided.

"1b). IMMEDIATE DISCLOSURE: an electronic copy of the department head's calendar or schedule, with all events/items, from Sep 30 to Oct 7, 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 department head, whether the department head themselves possesses them or their 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 virtually print/export 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). Do NOT physically print and re-scan records."

Sincerely,

Anonymous

---

On Oct. 15, 2019:

Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request  
Yes, 1b is complete.

Thanks,

[cid:image002.jpg@01D5835B.3719ADB0]Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

[www.sfcityattorney.org](http://www.sfcityattorney.org)

Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>> Twitter<<https://twitter.com/SFCityAttorney>>

Instagram<<https://www.instagram.com/sfcityattorney/>>

---

On Oct. 15, 2019:

Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request  
Perfect, thanks. Is 1b complete? We asked for non-Prop G calendars as well.

---

On Oct. 15, 2019:

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

Please see attached document responsive to your request numbered 1b below. We are working on the remainder of your requests, and will respond to those as soon as possible.

Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)

Sincerely,

[cid:image002.jpg@01D58351.286C3F30]Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

[www.sfcityattorney.org](http://www.sfcityattorney.org)

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Instagram<<https://www.instagram.com/sfcityattorney/>>

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On Oct. 9, 2019:

Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request  
What department are you consulting?

They are your \*own\* department's calendars.

You are the attorneys that everyone else in the City consults, and usually uses to claim that kind of extension. And I didn't ask for any special formats or custom metadata, so Dept of Tech. would also not make any sense.

I also recall that in Case 19044 your agency testified that your own IT staff redacted records.

Provide immediately the calendar meetings in 1a and 1b.

I will contest this untimely production of 1a and 1b in addition to any other failures of production.

Also, I will be continue to argue it is a 10-day, not 14-day, extension under 67.25.

Sincerely,  
Anonymous

---

On Oct. 8, 2019:

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

\*\* 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 8, 2019 re: your department head's calendars. 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 your department head must attend to, even though Prop G/67.29-5 requires no such calendar be kept.

All calendars, whether Prop G/67.29-5 or not, that your agency prepared, owned, used, or retained re: the public's business are public records (see SOTF 19047; Sup. of Records response of Sept. 6; and Good Government Guide).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of a future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for your office, which 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 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 department head 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:

1a). IMMEDIATE DISCLOSURE: an electronic copy of the department head'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 department head, whether the department head themselves possesses them or their 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 virtually print/export 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). Do NOT physically print and re-scan records

1b). IMMEDIATE DISCLOSURE: an electronic copy of the department head's calendar or schedule, with all events/items, from Sep 30 to Oct 7, 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 department head, whether the department head themselves possesses them or their 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 virtually print/export 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). Do NOT physically print and re-scan records.

2. REGULAR DISCLOSURE: If the department head or any of the department head's staff uses any invitation/guestlist tracking systems on behalf of the department head (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2, for the date range in #1. 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 department head, their senior-most deputy, their chief of staff (or equivalent, 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): 81411-90616367@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%252Fsan-francisco-city-attorney-797%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81411%252F%253Femail%253Dsotf%252540sfgov.org&url\\_auth\\_token=AAAuFJxL7h5lqcA9nX1lo0xas0Y%3A1iKUQj%3A45DEDmHDVReT5DE8scSbxBMO\\_v0](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81411%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAuFJxL7h5lqcA9nX1lo0xas0Y%3A1iKUQj%3A45DEDmHDVReT5DE8scSbxBMO_v0)

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 81411  
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.



# September 30, 2019

Monday

September 2019

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

October 2019

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

MONDAY		Notes
	30	
7 <sup>AM</sup>		
8	Review Advice/Staff Consultation	
9		
10		
11		
12 <sup>PM</sup>		
1		
2		
3		
4		
5		
6		



# October 1, 2019

Tuesday

October 2019

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

November 2019

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

TUESDAY		Notes
	1	
7 AM		
8	Review Advice/Staff Consultation	
9		
10	Speak at Salesforce Event Panel Discussion	
11		
12 PM	Review Advice/Staff Consultation	
1		
2		
3		
4		
5		
6		

# October 2, 2019

Wednesday

October 2019

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

November 2019

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

WEDNESDAY		Notes
	2	
7 <sup>AM</sup>		
8	Review Advice/Staff Consultation	
9	Senior Staff <input type="radio"/>	
	Review Advice/Staff Consultation	
10		
	MTG w/ Kate Lazarus and Asim Bhansali re: introductory meeting	
11	Review Advice/Staff Consultation	
12 <sup>PM</sup>		
1		
2	Review Advice/Staff Consultation	
3		
4		
5		
6		

# October 3, 2019

Thursday

October 2019

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
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13	14	15	16	17	18	19
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November 2019

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THURSDAY		Notes
	3	
7 <sup>AM</sup>		
8		
9		
10	Review Advice/Staff Consultation	
	MTG w/ DCA re: legal issue	
11	MTG w/ DCAs re: legal issues	
	MTG w/ DCA re: legal issue	
12 <sup>PM</sup>	Review Advice/Staff Consultation	
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# October 4, 2019

Friday

October 2019

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November 2019

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FRIDAY		Notes
	4	
7 <sup>AM</sup>		
8	Review Advice/Staff Consultation	
9		
10	MTG w/ DCAs re: legal issue	
	Review Advice/Staff Consultation	
11		
12 <sup>PM</sup>		
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# October 5, 2019

Saturday

October 2019

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
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November 2019

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SATURDAY		Notes
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12 <sup>PM</sup>		
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# October 6, 2019

Sunday

October 2019

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November 2019

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SUNDAY		Notes
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# October 7, 2019

Monday

October 2019

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November 2019

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MONDAY		Notes
	7	
7 <sup>AM</sup>		
8	Review Advice/Staff Consultation	
9	Executive Staff	
10	Review Advice/Staff Consultation	
11	MTG w/ Lou Giraudo re: legal issue	
	Review Advice/Staff Consultation	
12 <sup>PM</sup>		
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6		

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

Office of City Attorney,

\*\* 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 8, 2019 re: your department head's calendars. 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 your department head must attend to, even though Prop G/67.29-5 requires no such calendar be kept.

All calendars, whether Prop G/67.29-5 or not, that your agency prepared, owned, used, or retained re: the public's business are public records (see SOTF 19047; Sup. of Records response of Sept. 6; and Good Government Guide).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of a future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for your office, which 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 department head 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:

1a). IMMEDIATE DISCLOSURE: an electronic copy of the department head'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 department head, whether the department head themselves possesses them or their 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 virtually print/export 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). Do NOT physically print and re-scan records

1b). IMMEDIATE DISCLOSURE: an electronic copy of the department head's calendar or schedule, with all events/items, from Sep 30 to Oct 7, 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 department head, whether the department head themselves possesses them or their 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 virtually print/export 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). Do NOT physically print and re-scan records.

2. REGULAR DISCLOSURE: If the department head or any of the department head's staff uses any invitation/guestlist tracking systems on behalf of the department head (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2, for the date range in #1. 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 department head, their senior-most deputy, their chief of staff (or equivalent, 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

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

Dear Requester,

I am writing in behalf of the City Attorney's Office in response to your immediate disclosure requests numbered 1a and 1b in your below request. Please note we hereby invoke an extension of no more than 14 days to consult with another department regarding the records (See Cal. Gov't Code §6253(c)(3)). We will endeavor to process your request as quickly as possible and anticipate responding no later than the close of business October 23, 2019.

Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D57EB4.04A912E0]Elizabeth A. Coolbrith  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)  
Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>  
Twitter<<https://twitter.com/SFCityAttorney>>  
Instagram<<https://www.instagram.com/sfcityattorney/>>



image002

 Download



image001


 Download




~WRD059

 Download

From: Anonymous Person

10/09/2019 

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

What department are you consulting?

They are your \*own\* department's calendars.

You are the attorneys that everyone else in the City consults, and usually uses to claim that kind of extension.

And I didn't ask for any special formats or custom metadata, so Dept of Tech. would also not make any sense.

I also recall that in Case 19044 your agency testified that your own IT staff redacted records.

Provide immediately the calendar meetings in 1a and 1b.


I will contest this untimely production of 1a and 1b in addition to any other failures of production.

Also, I will be continue to argue it is a 10-day, not 14-day, extension under 67.25.

Sincerely,  
Anonymous

**From: San Francisco City Attorney**

**10/15/2019**

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

Dear requester,

Please see attached document responsive to your request numbered 1b below. We are working on the remainder of your requests, and will respond to those as soon as possible.

Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org) <<mailto:cityattorney@sfcityatty.org>>

Sincerely,

[cid:image002.jpg@01D58351.286C3F30]Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

[www.sfcityattorney.org](http://www.sfcityattorney.org)

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Twitter <<https://twitter.com/SFCityAttorney>>

Instagram <<https://www.instagram.com/sfcityattorney/>>



09.30.19 - 10.07.19

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image001

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~WRD371

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**From: Anonymous Person**


**10/15/2019** 

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

Perfect, thanks. Is 1b complete? We asked for non-Prop G calendars as well.

**From: San Francisco City Attorney**

**10/15/2019**

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

Yes, 1b is complete.

Thanks,

[cid:image002.jpg@01D5835B.3719ADB0]Elizabeth A. Coolbrith  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
www.sfcityattorney.org  
Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>  
Twitter<<https://twitter.com/SFCityAttorney>>  
Instagram<<https://www.instagram.com/sfcityattorney/>>



~WRD250

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image002

 Download



image001

 Download

# Respondents Document Submission

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA  
City Attorney

OFFICE OF THE CITY ATTORNEY

JOHN COTÉ  
Press Secretary,  
Communications Director

Direct Dial: (415) 554-4662  
Email: john.cote@sfcityattly.org

November 19, 2019

VIA ELECTRONIC MAIL

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

Re: Sunshine Ordinance Task Force Complaint No. 19108  
*Anonymous (MuckRock News) v. Office of the City Attorney*

Dear Honorable Task Force Members:

We write in response to the complaint filed by the anonymous person affiliated with MuckRock News concerning our office's response to item 1.b of the requester's immediate disclosure request for information concerning the City Attorney's calendar from September 30, 2019 to October 7, 2019.

We received the request via email on October 8, 2019. During the time this request was pending, our office was in the midst of responding to many other requests from the same anonymous requester, including: (1) an immediate disclosure request concerning the City Attorney's future calendar, and two other requests for calendar-related information on a regular timeline; (2) a 30-part request for thousands of pages of emails and electronic documents from 16 different employees across the office; (3) multiple requests for staff directories and the contents of our computer security system; (4) requests for records showing how we track responses to public record requests; (5) copies of all of Sunshine-related complaints we have received since January 1, 2018, whether via a Task Force notice or directly from a member of the public, and all responses to such complaints; (6) all current and archived copies of the Good Government Guide dating back to 1990; (7) a seven-part request for keyword searches through the email accounts of multiple City Attorney staff; (8) requests for information regarding the Fine Arts Museums; and (9) an eight-part request directed to all managing staff across personal and work accounts, for contracts, communications, payments, and other information related to the Foreign Corrupt Practices Act. In a number of the above cases, the requester sought statements under Administrative Code Section 67.21(c) regarding the existence, form, and nature of our records, in addition to the documents themselves. The pace and volume of these requests was unrelenting, and we eventually invoked the rule of reason as a guide to our timing to respond to the requests.

The specific request at issue here – item 1.b of the October 8 email – sought the City Attorney's calendar from September 30, 2019 to October 7, 2019, along with all associated "calendar/scheduling items." As of October 8, the calendar entries for most of the dates requested did not yet exist: a department has "three business days subsequent to the calendar entry date" to

Letter to Sunshine Ordinance Task Force, Page 2  
November 18, 2019

prepare the calendar. Admin. Code § 67.25(a). On October 9, we wrote back to invoke an extension of time. The office was closed on October 14 for Indigenous Peoples' Day and Italian-American Heritage Day. On October 15, we produced the calendar. The complainant responded: "Perfect, thanks," and asked us to confirm if 1.b was complete, which we did. (*See Exhibit A.*) Shortly afterwards, we learned that the complainant had filed a Supervisor of Records petition regarding our response. We reviewed the petition and emailed the complainant the next day – October 16 – to address his concerns. (*Id.*)

The complaint filed with the Task Force argues that our response was untimely. We disagree. We have provided a snapshot of the demands placed on our office at the time by this one requester to provide the Task Force with broader context. The extension letter we sent to the requester on October 9 cited a need to consult other departments. This was proper, because the October 8 email sought more than just the Prop G calendar. It also sought calendar items and scheduling emails, for the Prop G calendar as well as any other calendars that may exist, and also sought future calendars. On their face and considered as a whole, the requests had the potential to impact other departments with whom we could have been meeting in confidence, or whose legal matters we may have been discussing. Under such circumstances, an extension to consult other departments who may have an interest in the request was appropriate. We sent our final response on October 15, well before the 14-day deadline.

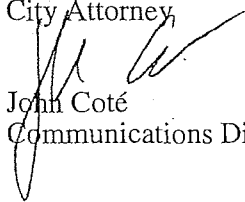
Timing issues aside, the rest of the complaint is based on the same allegations that we addressed in our October 16 email. The first allegation is that we did not specify the location of each meeting on the calendar. Our October 16 response stated: "all of the meetings took place at City Hall, with the exception of the Salesforce event. We apologize for neglecting to list the address for that event. That event was at the Salesforce Tower, which is located at 415 Mission Street, San Francisco CA 94105." (*Id.*)

The second allegation is that the response did not include "additional non-Prop G scheduling information." The City Attorney's Office does not have a "non-Prop G" calendar for the City Attorney. Our only calendar for the City Attorney is the Prop G calendar, which does not include information such as the identity of particular clients or the particular topics discussed, due to the attorney-client privilege and work product privilege. The October 16 email addressed this as well. (*Id.*)

The third allegation is that we did not provide "individual meeting items" that may be contained in the calendar. As explained in the October 16 email: "[t]he calendar does not contain any notes or other information beyond what we already provided you, and the City Attorney does not use outlook invitations to set up meetings, so it appears we do not have any further responsive information." (*Id.*) The only possibly responsive documents, we added, would have been emails used to set up and confirm meetings on the calendar. But such emails would have been responsive to other pending requests, not item 1.b, and we timely responded to those requests on October 18. (*See Exhibit B.*) The complaint does not challenge those responses.

For the foregoing reasons, we respectfully request that the complaint be dismissed.

DENNIS J. HERRERA  
City Attorney



John Coté  
Communications Director

**Exhibit A**



**Coolbrith, Elizabeth (CAT)**

---

**From:** Coolbrith, Elizabeth (CAT)  
**Sent:** Wednesday, October 16, 2019 1:00 PM  
**To:** '81411-90616367@requests.muckrock.com'  
**Cc:** CityAttorney  
**Subject:** RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request

We understand you had some questions about the calendar we produced yesterday in response to request #1b. In response to your questions, all of the meetings took place at City Hall, with the exception of the Salesforce event. We apologize for neglecting to list the address for that event. That event was at the Salesforce Tower, which is located at 415 Mission Street, San Francisco CA 94105. Also, per your request, this will confirm that we have indeed withheld information that is exempt from disclosure under the attorney-client privilege or work product privilege. Your final question asked about any "meeting items" that may be contained in the calendar. The calendar does not contain any notes or other information beyond what we already provided you, and the City Attorney does not use outlook invitations to set up meetings, so it appears we do not have any further responsive information. To the extent you are asking about emails used to set up and confirm meetings, we interpret that to be within the scope of your request #2, which we are still working on.



We hope this answers your questions. In the future, if you have follow-up questions, please feel free to just contact us directly at this email.

Thanks,

**Elizabeth A. Coolbrith**  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)  
Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

**From:** Coolbrith, Elizabeth (CAT) **On Behalf Of** CityAttorney  
**Sent:** Tuesday, October 15, 2019 1:20 PM  
**To:** '81411-90616367@requests.muckrock.com' <81411-90616367@requests.muckrock.com>  
**Cc:** CityAttorney <cityattorney@SFCITYATTY.ORG>

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



Yes, 1b is complete.

Thanks,

**Elizabeth A. Coolbrith**  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)

Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

**From:** [81411-90616367@requests.muckrock.com](mailto:81411-90616367@requests.muckrock.com) <[81411-90616367@requests.muckrock.com](mailto:81411-90616367@requests.muckrock.com)>  
**Sent:** Tuesday, October 15, 2019 12:22 PM  
**To:** CityAttorney <[cityattorney@SFCITYATTY.ORG](mailto:cityattorney@SFCITYATTY.ORG)>  
**Cc:** CityAttorney <[cityattorney@SFCITYATTY.ORG](mailto:cityattorney@SFCITYATTY.ORG)>  
**Subject:** RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request

San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

October 15, 2019

This is a follow up to a previous request:

Perfect, thanks. Is 1b complete? We asked for non-Prop G calendars as well.

Filed via MuckRock.com

E-mail (Preferred): [81411-90616367@requests.muckrock.com](mailto:81411-90616367@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%252Fsan-francisco-city-attorney-797%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81411%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url\\_auth\\_token=AAAuFJxL7h5lqcA9nX1lo0xas0Y%3A1iKSOq%3AsSXEHP72\\_saxTyIfht-wIgxk8w](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81411%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url_auth_token=AAAuFJxL7h5lqcA9nX1lo0xas0Y%3A1iKSOq%3AsSXEHP72_saxTyIfht-wIgxk8w)

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 81411  
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. 15, 2019:

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

Dear requester,

Please see attached document responsive to your request numbered 1b below. We are working on the remainder of your requests, and will respond to those as soon as possible.

Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)

Sincerely,

[cid:image002.jpg@01D58351.286C3F30]Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

[www.sfcityattorney.org](http://www.sfcityattorney.org)

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Twitter<<https://twitter.com/SFCityAttorney>> Instagram<<https://www.instagram.com/sfcityattorney/>>

---

On Oct. 9, 2019:

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

What department are you consulting?

They are your \*own\* department's calendars.

You are the attorneys that everyone else in the City consults, and usually uses to claim that kind of extension. And I didn't ask for any special formats or custom metadata, so Dept of Tech. would also not make any sense.

I also recall that in Case 19044 your agency testified that your own IT staff redacted records.

Provide immediately the calendar meetings in 1a and 1b.

I will contest this untimely production of 1a and 1b in addition to any other failures of production.

Also, I will be continue to argue it is a 10-day, not 14-day, extension under 67.25.

Sincerely,  
Anonymous

---

On Oct. 9, 2019:

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

Dear Requester,

I am writing in behalf of the City Attorney's Office in response to your immediate disclosure requests numbered 1a and 1b in your below request. Please note we hereby invoke an extension of no more than 14 days to consult with another department regarding the records (See Cal. Gov't Code §6253(c)(3)). We will endeavor to process your request as quickly as possible and anticipate responding no later than the close of business October 23, 2019.

Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)

Sincerely,

[cid:image002.jpg@01D57EB4.04A912E0]Elizabeth A. Coolbrith  
Paralegal

Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct

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Twitter<<https://twitter.com/SFCityAttorney>> Instagram<<https://www.instagram.com/sfcityattorney/>>

---

On Oct. 8, 2019:

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

Office of City Attorney,

\*\* 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 8, 2019 re: your department head's calendars. 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 your department head must attend to, even though Prop G/67.29-5 requires no such calendar be kept.

All calendars, whether Prop G/67.29-5 or not, that your agency prepared, owned, used, or retained re: the public's business are public records (see SOTF 19047; Sup. of Records response of Sept. 6; and Good Government Guide).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of a future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for your office, which 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 department head 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:

1a). IMMEDIATE DISCLOSURE: an electronic copy of the department head'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 department head, whether the department head themselves possesses them or their 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 virtually print/export 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). Do NOT physically print and re-scan records

1b). IMMEDIATE DISCLOSURE: an electronic copy of the department head's calendar or schedule, with all events/items, from Sep 30 to Oct 7, 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 department head, whether the department head themselves possesses them or their 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 virtually print/export 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). Do NOT physically print and re-scan records.

2. REGULAR DISCLOSURE: If the department head or any of the department head's staff uses any invitation/guestlist tracking systems on behalf of the department head (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2, for the date range in #1. 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 department head, their senior-most deputy, their chief of staff (or equivalent, 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): [81411-90616367@requests.muckrock.com](mailto:81411-90616367@requests.muckrock.com)

Upload documents directly:

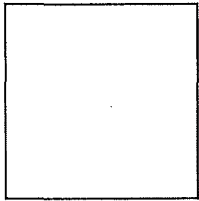
[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81411%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url\\_auth\\_token=AAAuFJxL7h5lqcA9nX1lo0xas0Y%3AliKSOq%3AsSXEHP72\\_saxTyIfht-wlgxk8w](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81411%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url_auth_token=AAAuFJxL7h5lqcA9nX1lo0xas0Y%3AliKSOq%3AsSXEHP72_saxTyIfht-wlgxk8w)

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 81411  
411A Highland Ave  
Somerville, MA 02144-2516

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**Exhibit B**

## Coolbrith, Elizabeth (CAT)

---

**From:** Coolbrith, Elizabeth (CAT) on behalf of CityAttorney  
**Sent:** Friday, October 18, 2019 12:03 PM  
**To:** '81411-90616367@requests.muckrock.com'  
**Cc:** CityAttorney  
**Subject:** RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request

I am writing in response to parts 2-3 of your below request. After diligent search and inquiry, we determined we have no responsive records.



Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)

Sincerely,

**Elizabeth A. Coolbrith**

Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)  
Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

**From:** 81411-90616367@requests.muckrock.com <81411-90616367@requests.muckrock.com>  
**Sent:** Tuesday, October 8, 2019 11:43 AM  
**To:** CityAttorney <cityattorney@SFCITYATTY.ORG>  
**Subject:** California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request

San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

October 8, 2019

Office of City Attorney,

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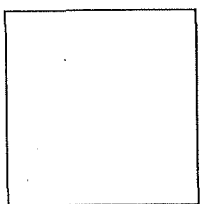
I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com  
E-mail (Preferred): 81411-90616367@requests.muckrock.com  
Upload documents directly:  
[https://accounts.muckrock.com/accounts/login/?url\\_auth\\_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1iHuNq%3AS8hM-bdrJeVc0fEBfOAEEnRA2xIU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81411%252F%253Femail%253Dcityattorney%252540sfcityatty.org](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1iHuNq%3AS8hM-bdrJeVc0fEBfOAEEnRA2xIU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81411%252F%253Femail%253Dcityattorney%252540sfcityatty.org)  
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CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA  
City Attorney

OFFICE OF THE CITY ATTORNEY

JOHN COTÉ  
Press Secretary,  
Communications Director

Direct Dial: (415) 554-4662  
Email: john.cote@sfcityattty.org

November 19, 2019

VIA ELECTRONIC MAIL

Compliance and Amendments Committee  
Sunshine Ordinance Task Force  
c/o: Clerk of the Board of Supervisors  
Attn: Victor Young, Administrator  
Room 244, City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco CA 94102  
victor.young@sfgov.org

Re: Sunshine Ordinance Task Force Complaint No. 19108  
*Anonymous (MuckRock News) v. Office of the City Attorney*

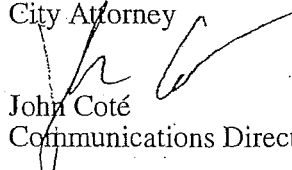
Dear Honorable Task Force Members:

Pursuant to Task Force Rule No. 8(b), we write to request a continuance of the November 26, 2019 committee hearing regarding the above-mentioned complaint. The complaint was filed by the anonymous person affiliated with MuckRock News.

The reason for the continuance request is that the staff who are most familiar with the complaint are out of the office on November 26 due to previously scheduled Thanksgiving vacations. We have asked the requester if he would agree to a continuance but the requester has stated that he objects. We regret that we cannot appear and would ask the Committee to continue the hearing so that the appropriate representatives from our office can participate. Under Rule No. 8(b), the Committee may approve a continuance by majority vote. If the Committee does not wish to order a continuance, we would refer the Committee to our separately-filed letter to the full Task Force which addresses the merits of the complaint. Our office does not contest that the Task Force has jurisdiction over this complaint.

Respectfully submitted,

DENNIS J. HERRERA  
City Attorney

  
John Cote  
Communications Director

## Leger, Cheryl (BOS)

---

**From:** Coolbrith, Elizabeth (CAT) <Elizabeth.Coolbrith@sfcityatty.org>  
**Sent:** Thursday, November 14, 2019 11:40 AM  
**To:** SOTF, (BOS)  
**Cc:** COTE, JOHN (CAT)  
**Subject:** RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19108

Dear Cheryl,

Apologies, there was an error; we are contesting the claims in the petition and will submit a formal written response very shortly. Also please note John Cote is out on the 26<sup>th</sup> and would appreciate the option of pushing the hearing back to a date when he is available. He is out sick today but he can let you know about a future date that works once he is back in the office.



Thank you,

**Elizabeth A. Coolbrith**  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)  
Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

**From:** SOTF, (BOS) <sotf@sfgov.org>  
**Sent:** Wednesday, November 13, 2019 5:56 PM  
**To:** Cote, John (CAT) <John.Cote@sfcityatty.org>; Coolbrith, Elizabeth (CAT) <Elizabeth.Coolbrith@sfcityatty.org>  
**Subject:** FW: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19108

John and Elizabeth:

This notice went out on October 16 and we still do not have a response. I just sent out a Notice of Appearance for the Compliance and Amendments Committee hearing for November 26. Please send your response. Thank you.

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



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

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

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

**From:** Young, Victor (BOS)

**Sent:** Wednesday, October 16, 2019 3:40 PM

**To:** COTE, JOHN (CAT) <[John.Cote@sfcityatty.org](mailto:John.Cote@sfcityatty.org)>; COOLBRITH, ELIZABETH (CAT) <[Elizabeth.Coolbrith@sfcityatty.org](mailto:Elizabeth.Coolbrith@sfcityatty.org)>

**Cc:** [81411-90616367@requests.muckrock.com](mailto:81411-90616367@requests.muckrock.com); Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>

**Subject:** SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19108

Good Afternoon:

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

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

Please include the following information in your response if applicable:

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

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

The Complainant alleges:  
*Complaint Attached.*

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

Thank you.

**Victor Young**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244  
San Francisco CA 94102  
phone 415-554-7723 | fax 415-554-5163  
[victor.young@sfgov.org](mailto:victor.young@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



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