



**SUNSHINE ORDINANCE TASK FORCE**  
**Complaint Committee**  
**CITY AND COUNTY OF SAN FRANCISCO**  
**MINUTES**

**Hearing Room 408**  
**City Hall, 1 Dr. Carlton B. Goodlett Place**  
**San Francisco, CA 94102-4689**

**August 20, 2019**  
**5:30 – 7:30 PM**

**Regular Meeting**

**Members:** Rodman Martin (Chair), Frank Cannata and Matthew Cate

**1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

Chair Martin called the meeting to order at 5:32 p.m. On the call of the roll Chair Martin and Members Cannata and Cate were noted present. A quorum was present.

SOTF Administrator Leger noted that the Petitioner/Complainant for File No. 19068 withdrew their complaint.

**2. Public Comment:** Members of the public may address the Committee on matters that are within the Committee's jurisdiction but not on today's agenda.

Speakers:  
None.

3. **Approval of the July 23, 2019, Complaint Committee meeting minutes.**

**Action: Moved by Member Cannata, seconded by Member Cate, to approve the July 23, 2019, meeting minutes.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Cannata, Cate, Martin

Noes: 0 - None

4. **File No. 19068:** Complaint filed by Sophia De Anda against the Human Services Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

The Petitioner/Complainant withdrew their complaint prior to the meeting.

5. **File No. 19061:** Complaint filed by John Hooper against the Office of Economic and Workforce Development for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner. (00:02:56 – 00:27:29)

John Hooper (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Hooper stated that he wanted to combine file nos. 19061 and 19062 for this hearing and Chair Martin informed him that the SOTF at their next hearing will decide whether or not to do so. Mr. Hooper stated that there had been a previous attempt to form a Green Benefits District Committee (GBD) in his neighborhood and that it was suspended due to lack of support. Mr. Hooper stated that he has received over 600 documents from the Office of Economic and Workforce Development with regard to that Committee. Mr. Hooper stated that the documents he has received were not responsive to his request. Mr. Hooper stated that he believes the Respondent has provided everything in their possession but believes additional relevant records are being held by other bodies.

Marianne Mazzucco-Thompson (Office of Economic and Workforce Development, OEWD) (Respondent), provided a summary of the department's position. Ms. Mazzucco-Thompson stated that Mr. Hooper's complaint was that the request records were not provided in a timely manner. Ms. Mazzucco-Thompson stated that she went above and beyond to respond to Mr. Hooper's request by providing documents including seven deliverables received from SFParks Alliance, a monkey survey and the spreadsheet from that survey. Ms. Mazzucco-Thompson stated that she has provided records to Mr. Hooper on thumb drives.

A question and answer period occurred.

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

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Cannata, Cate, Martin

Noes: 0 - None

6. **File No. 19062:** Complaint filed by John Hooper against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner. (00:27:35 - 00:45:04)

John Hooper (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Hooper stated that Jonathan Goldberg (Public Works), is unable to provide reliable information regarding Green Benefit Districts. Mr. Hooper stated that he requested the raw data from the “survey monkey”. Mr. Hooper stated that survey asked questions related to popular issues in the neighborhood and that the City has that information. Mr. Hooper stated that the information he was looking for was not provided in the documents he received from Public Works.

David Steinberg (Public Works) (Respondent), provided a summary of the department’s position. Mr. Steinberg stated that on February 11, 2019, he received Mr. Hooper’s request and referred him to documents provided a previous request. Mr. Steinberg stated that he provided over 600 records to Mr. Hooper in response to the records request. Mr. Steinberg stated that SFParks Alliance is not administered by Public Works. Mr. Steinberg asked that the Committee find no violation.

Marianne Mazzucco-Thompson (OEWD) stated Mr. Hooper is looking for data from the online survey monkey was already supplied by her in a spread sheet format.

A question and answer period occurred.

**Action: Moved by Member Cannata, seconded by Member Cate, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with the recommendation that matters 19061 and 19062 be combined.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Cannata, Cate, Martin

Noes: 0 - None

7. **File No. 19044:** Complaint filed by Anonymous against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner. (00:53:36 – 01:10:40)

Anonymous (Petitioner) testified via telephone and provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that they requested a emails with metadata from Elizabeth Coolbrith (Office of the City Attorney) and on April 24, 2019, was provided those records not in their original format and without metadata. Anonymous stated that the Respondent refused to provide the information contained in the metadata citing confidentiality. Anonymous stated that metadata is very important to investigative journalists and that he wants the requested documents in their original format. Anonymous stated that he is also claiming a timeliness violation.

John Cote (Office of the City Attorney) (Respondent), provided a summary of the department's position. Mr. Cote stated that metadata can subject the City to proprietary information and cited California Government Code Sections 6253.9(f) and 6254.19. Mr. Cote stated that to make this disclosure would reveal vulnerabilities on the technology system of City Attorney. Mr. Cote stated that the City Attorney is relying on the advice from the information technology professional and stated that metadata can reveal security related information that is highly sensitive and could possibly lead to a cyberattack.

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

**Action: Moved by Member Cate, seconded by Member Cannata, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing. The Complaint Committee requested that the City Attorney's IT Professional also be present at the SOTF Hearing.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Cate, Cannata, Martin

Noes: 0 - None

8. **File No. 19047:** Complaint filed by Anonymous against Mayor London Breed, Hank Heckel and the Office of the Mayor for allegedly violating Administrative Code, (Sunshine Ordinance) Sections 67.25 and 67.29-5, by failing to respond to a request for public records in a timely and/or complete manner. (01:10:45 – 01:29:37)

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that he requested the Mayor's calendar including the metadata. Anonymous stated that the Mayor's calendar is considered a public record which should have been provided. Anonymous stated that the City Attorney memo disputed what kind format of the calendar is in. Anonymous stated that metadata and headers are important to the works of an investigative journalist. Anonymous stated that he wants to know who actually invited the Mayor to meetings and events and that information can be provided in metadata.

Hank Heckel (Mayor's Office) (Respondent), provided a summary of the department's position. Mr. Heckel stated that the Mayor's office received the IDR on May 8 and responded on May 9. Mr. Heckel stated that the Mayor's Office provided their Prop G calendar which included event times, general attendees and the nature of the event. Mr. Heckel stated that all information was provided in pdf format to avoid compromising the integrity of the record. Mr. Heckel stated that those records did not provide email addresses of invitees, conference call numbers and dial information which is subject to privilege. Mr. Heckel stated that the Mayor's Office relies on advices provided by the Information Technology Department and the City Attorney's Office regarding metadata. Mr. Heckel stated that there are security risks associated with providing this information.

A question and answer period occurred.

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

Public Comment:  
None.

**The motion PASSED by the following vote:**

Ayes: 3 - Cannata, Cate, Martin  
Noes: 0 - None

9. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:15 p.m.

**APPROVED: 9/17/19**  
**Complaint Committee**  
**Sunshine Ordinance Task Force**

N.B. The Minutes of this meeting set forth all actions taken by the Sunshine Ordinance Task Force on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.