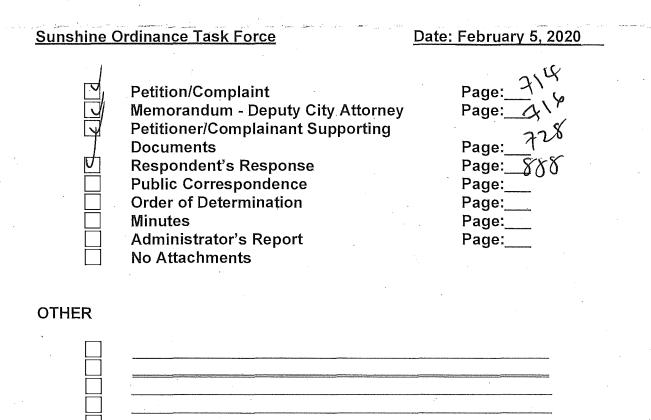
File No. 19108

Item No. 4

SUNSHINE ORDINANCE TASK FORCE AGENDA PACKET CONTENTS LIST



Completed by: <u>C. Leger</u> Date <u>1/28/20</u>

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

Young, Victor (BOS)

From:
Sent:
To:
Subject:

Google Forms <sfbdsupvrs@gmail.com> Tuesday, October 15, 2019 2:58 PM SOTF, (BOS) 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

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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

81411-90616367@requests.muckrock.com

If anonymous, please letus know how to contact81411-90616367@requests.muckrock.comyou. Thank you.

Sent via <u>Google Forms Email</u>

P**7**15



Dennis J. Herrera City Attorney

OFFICE OF THE CITY ATTORNEY

PEDER J. V. THOREEN Deputy City Attorney

Direct Dial: (415) 554-3846 Email: Peder.Thoreen@sfcityatty.org

PRIVILEGED AND CONFIDENTIAL

TO: Sunshine Ordinance Task Force

FROM: Peder J. V. Thoreen Deputy City Attorney

DATE: January 9, 2020

RE: Complaint No. 19108: Anonymous v. Office of the City Attorney, et al.

COMPLAINT

An anonymous complainant ("Complainant") alleges that San Francisco City Attorney Dennis Herrera, Elizabeth Coolbrith, and the Office of the City Attorney (collectively, "Respondents"), violated the Sunshine Ordinance by failing to respond to Complainant's requests in a timely and complete manner.

COMPLAINANT FILES COMPLAINT

Complainant filed this complaint with the Task Force on October 15, 2019, specifically alleging that Respondents violated Administrative Code sections 67.25, 67.26, 67.27, and 67.29-5.

JURISDICTION

Respondents are subject to the Sunshine Ordinance and the California Public Records Act ("CPRA"). Respondents do not dispute jurisdiction.

APPLICABLE STATUTORY SECTIONS

Section 67 of the San Francisco Administrative Code:

- Section 67.21 governs responses to a public records request in general.
- Section 67.25 governs immediate disclosure requests.
- Section 67.26 provides that withholding of public records shall be kept to a minimum.
- Section 67.27 sets forth requirements for justifying the withholding of information.
- Section 67.29-5 sets forth the requirements for certain public officials to maintain and retain calendars.

Cal. Government Code (CPRA)

• Section 6253 sets forth the general requirements for the production of records.

FOX PLAZA • 1390 MARKET STREET, 7TH FLOOR • SAN FRANCISCO, CALIFORNIA 94102-5408 Reception: (415) 554-3800 • Facsimile: (415) 437-4644

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CITY AND COUNTY OF SAN FRANCISCO

MEMORANDUM PRIVILEGED & CONFIDENTIAL

TO: Sunshine Ordinance Task Force
DATE: January 9, 2020
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APPLICABLE CASE LAW

• *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608 (holding that when a city employee uses a personal account to communicate about public business, the writings may be subject to disclosure under the CPRA).

BACKGROUND

On October 8, 2019, Complainant submitted a public document request seeking:

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.).

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, in line 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.).

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 seniormost deputy, their chief of staff (or equivalent, and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either

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KE: Complaint No. 19108: Anonymous V. Office of the City Attorney, <i>et al.</i>	. <u>1</u>

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).

The following day, Respondents invoked a 14-day extension as to requests 1(a) and 1(b), in order to consult with another department. On October 15, 2019, Respondents provided documents responsive to request 1(b), and, later that day, confirmed that production was complete as to that request. The same day, Complainant filed a complaint with the Task Force, limiting the complaint to the adequacy of the response regarding request 1(b).¹

Complainant contends that the calendars provided in response to request 1(b) lack details required by Administrative Code section 67.29-5, to the extent they fail to include, *inter alia*, the time and place of each meeting and a general statement of the issues discussed. Respondents subsequently informed Complainant where the meetings took place. As a general matter, the Task Force cannot require Respondents to create records that do not exist. *See* S.F. Good Government Guide at 100 ("As a general rule, if a department does not have a requested record, the law does not require it to create the record."). However, the Task Force has the authority to "make referrals to a municipal office with enforcement power under this ordinance … whenever it concludes that any person has violated any provisions of this ordinance...," Admin. Code section 67.30(c), of which Proposition G, Admin. Code section 67.29-5, is a part.

Complainant further contends that the calendars were not provided within the time limits set forth in Administrative Code section 67.29-5. *See* Admin. Code section 67.29-5(a) ("Such calendars shall be public records and shall be available to any requester three business days subsequent to the calendar entry date."). Complainant also contends that justifications for withholding certain records were not timely provided, and that Respondents may possess additional responsive calendars that were not provided. Respondents contend that no additional calendars exist.

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¹ On October 18, 2019, Respondents informed Complainant that some documents had been inadvertently omitted due to a technical error, and invoked the rule of reason as the basis for a further extension of time. However, in their November 19, 2019, submission to the Task Force, Respondents confirmed that their production, as to request 1(b), was complete as of October 15, 2019.

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QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS

• Did Respondents withhold or redact responsive documents? If so, on what basis? Did Respondents provide timely justifications for these withholdings and/or redactions?

LEGAL ISSUES/LEGAL DETERMINATIONS

• Did Respondents violate the Sunshine Ordinance or the CPRA by failing to provide a timely and complete response to Complainant's document requests?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

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

* * *

OFFICE OF THE CITY ATTORNEY

MEMORANDUM PRIVILEGED & CONFIDENTIAL

TO:Sunshine Ordinance Task ForceDATE:January 9, 2020PAGE:5RE:Complaint No. 19108: Anonymous v. Office of the City Attorney, et al.

CHAPTER 67, SAN FRANCISCO ADMINISTRATIVE CODE (SUNSHINE ORDINANCE)

SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

(c) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

(e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, of its determination whether the record requested, or any

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part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance. The Board of Supervisors and the City Attorney's office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

(f) The administrative remedy provided under this article shall in no way limit the availability of other administrative remedies provided to any person with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, the superior court shall have jurisdiction to order compliance.

(g) In any court proceeding pursuant to this article there shall be a presumption that the record sought is public, and the burden shall be upon the custodian to prove with specificity the exemption which applies.

(h) On at least an annual basis, and as otherwise requested by the Sunshine Ordinance Task Force, the supervisor of public records shall prepare a tally and report of every petition brought before it for access to records since the time of its last tally and report. The report shall at least identify for each petition the record or records sought, the custodian of those records, the ruling of the supervisor of public records, whether any ruling was overturned by a court and whether orders given to custodians of public records were followed. The report shall also summarize any court actions during that period regarding petitions the Supervisor has decided. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

(i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. The City Attorney may publish legal opinions in response to a request from any person as to whether a record or information is public. All communications with the City Attorney's Office with regard to this ordinance, including petitions, requests for opinion, and opinions shall be public records.

(j) Notwithstanding the provisions of this section, the City Attorney may defend the City or a City Employee in litigation under this ordinance that is actually filed in court to any extent required by the City Charter or California Law.

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(k) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act (Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and in accordance with the enhanced disclosure requirements provided in this ordinance.

(1) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law.

SEC. 67.25. IMMEDIACY OF RESPONSE.

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

(d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are

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responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this Article.

SEC. 67.26. WITHHOLDING KEPT TO A MINIMUM.

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by Section 67.27 of this Article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any City employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

SEC. 67.27. JUSTIFICATION OF WITHHOLDING.

Any withholding of information shall be justified, in writing, as follows:

(a) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.

(b) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act or elsewhere.

(c) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.

(d) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

SEC. 67.29-5. CALENDARS OF CERTAIN OFFICIALS.

(a) The Mayor, City Attorney, Treasurer, Assessor-Recorder, District Attorney, Public Defender, Sheriff, every member of the Board of Supervisors, and every Department Head shall keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended by that official, either in person or by teleconference or other electronic means, with the exclusion of purely personal or social events at which no City business is discussed and that do not take place at City Offices or at the offices or residences of people who do substantial business with or are otherwise substantially financially affected by actions of the City. For meetings not otherwise publicly recorded, the calendar shall include a general statement of issues

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discussed. Such calendars shall be public records and shall be available to any requester three business days subsequent to the calendar entry date.

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

(c) At any meeting or event with ten or fewer attendees, officials subject to subsection (a) of this Section 67.29-5 shall attempt to identify names of attendees present, and the organizations they represent; provided that an official shall not require any attendees to identify themselves, unless the official is aware that those attendees are campaign consultants registered with the Ethics Commission under Campaign and Governmental Conduct Code Article I, Chapter 5; lobbyists registered with the Ethics Commission under Campaign and Governmental Conduct Code Article II, Chapter 1; permit consultants registered with the Ethics Commission under Campaign and Governmental Conduct Code Article III, Chapter 4; Developers of Major Projects, as defined in Campaign and Governmental Conduct Code Section 3.510, if the Major Project is discussed at the meeting or event; and employees or representatives of any entity that has received a grant from or entered a contract with any City department within the previous 12 months. The official has no duty to ascertain whether any attendees fall into these categories. Within three business days after a meeting or event subject to this subsection (c), the official shall update the daily calendar to include the names of the attendees and organizations identified by or known to the official.

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

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

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CALIFORNIA GOVERNMENT CODE (CPRA)

SEC. 6253.

(a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

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(e) Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter.

(f) In addition to maintaining public records for public inspection during the office hours of the public agency, a public agency may comply with subdivision (a) by posting any public record on its Internet Web site and, in response to a request for a public record posted on the Internet Web site, directing a member of the public to the location on the Internet Web site where the public record is posted. However, if after the public agency directs a member of the public to the Internet Web site, the member of the public requesting the public record requests a copy of the public record due to an inability to access or reproduce the public record from the Internet Web site, the public agency shall promptly provide a copy of the public record pursuant to subdivision (b).

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 (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

P728

#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

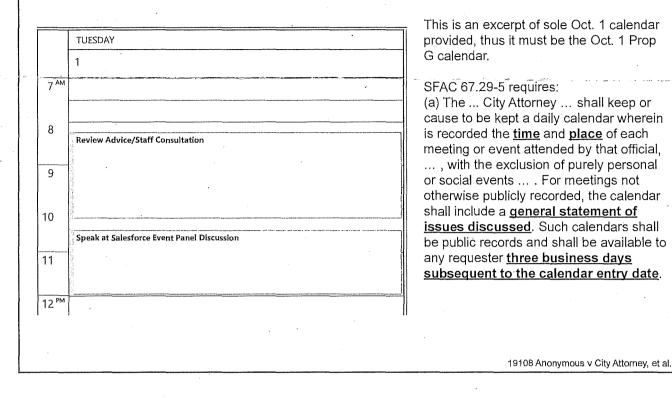
This complaint is solely for IDR (1b). Other complaints may be filed for 1a, 2, and 3. 19108 Anonymous v City Attorney, et al.

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

Attorney/Client Privileged & Confid 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



Attorney/Client Privileged & Confidential

Attorney/Glient Privileged & Confidential

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.

4

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

The Legislative Research Center<<u>http://www.sfbos.org/index.aspx?page=9681</u>> 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.

APPENDIX A - EMAIL THREAD (on (1b)) only)

From: Anonymous Person

10/08/2019

(Ennai)

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

P733

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

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

10/09/2019

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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 Find us on: Facebook <https: sfcityattorney="" www.facebook.com=""></https:> Twitter <https: sfcityattorney="" twitter.com=""> Instagram<https: sfcityattorney="" www.instagram.com=""></https:></https:>	
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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.	
Also, I will be continue to argue it is a 10-day, not 14-day, extension under 67.25. Sincerely,	
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	and the second se

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 Find us on: Facebook <https: sfcityattorney="" www.facebook.com=""></https:> Twitter <https: sfcityattorney="" twitter.com=""> Instagram<https: sfcityattorney="" www.instagram.com=""></https:></https:>
09.30.19 - 10.07.19 Download
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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 (1) Perfect, thanks. Is 1b complete? We asked for non-Prop G calendars as well. (1)
From: San Francisco City Attorney 10/15/2019 Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request Immediate Yes 1b is complete

Thanks,

-*@*

Download

[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/> 0 \sim WRD250 **C** Download image002DROILINOL **

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From: Anonymous Person

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), 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

C Download

From: Anonymous Person

10/15/2019

Easterd

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), 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.

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"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

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From: San Francisco City Attorney

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> | www.sfbos.org<http://www.sfbos.org>



~WRD000

G Download

From: San Francisco City Attorney

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

- BATIN T

10/15/2019

Email

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,

Parale Office (415) 4 www.s Find u	nage003.jpg@01D5842 gal of City Attorney Denni 554-4685 Direct sfcityattorney.org s on: Facebook <https: <br="">r<https: sf<="" th="" twitter.com=""><th>s Herrera www.facebook.</th><th>com/sfcity</th><th>/attorney/></th><th>v.instagram</th><th>.com/sfcity</th><th>attorney/></th><th></th></https:></https:>	s Herrera www.facebook.	com/sfcity	/attorney/>	v.instagram	.com/sfcity	attorney/>	
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From: Office of the Mayor

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:

10/16/2019

Enteril

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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).

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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 roopy.

190108 SOTF Complaint

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From: Anonymous Person

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.

10/17/2019

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 Linearized Author Create Date Modify Date XMP Toolkit Producer Creator Tool Format Title Creator Document ID Instance ID Page Count : 1.5
: Yes
: BFEITELB
: 2019:10:15 11:14:47-07:00
: 2019:10:15 11:14:47-07:00
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: Acrobat Distiller 11.0 (Windows)
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Leger, Cheryl (BOS)

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Please add this cover email and the attached two pdfs to the file 19108.

These are further Prop G calendars from other dates from the City Attorney showing he simply does not keep the location of his meetings in accordance with 67.29-5.

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.

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Leger, Cheryl (BOS)

From:	Anonymous <arecordsrequestor@protonmail.com></arecordsrequestor@protonmail.com>	an an an an Arran Arra an Arra an Arra. An
Sent:	Thursday, December 5, 2019 3:51 PM	
То:	SOTF, (BOS)	
Subject:	SOTF 19108 supplement #2	
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Please include this email (with images) into the File 19108 record. I previously sent a 19108 supplement on Dec 2.

SOTF 19108 - City Attorney's Calendars

The respondent's response discussed a rule of reason excuse. HOWEVER, Respondents purported to invoke the Rule of Reason in a different request and strictly AFTER all dates of relevance to this Complaint. As a reminder, the timeline:

- the 19108 IDR records request was made on Oct. 8

- a response was due next business day Oct. 9

- a 14-day extension for consultation with other departments was asserted Oct. 9

- provided incomplete/invalid Prop G calendar Oct. 15 and confirmed, after I asked, in writing that their

response was complete Oct. 15

- 19108 complaint filed Oct. 15

- respondents write down new exemption justifications and give me meeting locations (but still do not provide a <u>copy of a record</u> showing the locations) **Oct. 16 (after this complaint)**

- the rule of reason was purportedly invoked by a <u>different City Atty custodian</u>, to a different request and <u>different email address</u> on **Oct. 18 (after this complaint)**

The following is a screenshot of the invocation (on a different email address and request) sent on **Oct. 18.** Furthermore, while Respondents may attempt to use (though we do not concede) the rule of reason to delay responses, it may not use it to violate non-time related requirements, such as minimal withholding, justification with clear reference to statute/court case for exemptions, or the requirement to maintain a Prop G calendar, etc.

From: San Francisco City Attorney

Subject: RE: California Public Records Act Request: Adachi Cor

Hello,

Unfortunately, the production is too large to send visend by email. In terms of whether our response is c inadvertently left off due to a technical error. We are

In addition, we want to provide an update on your o many of them very complex and often with multiple formats that makes the requests even more time co standard deadlines, but continuing to set other worl time. We will devote a reasonable amount of time tc where that is reasonably possible. If there are specif

[cid:image003.jpg@01D585C4.E1AF1650]Odaya But; Legal Assistant Office of City Attorney Dennis Herrera (415) 554-5960 Direct odaya.buta@sfcityatty.org<mailto:odaya.buta@sfci NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be public records.

Sincerely,

Anonymous

Leger, Cheryl (BOS)

From:	Anonymous <arecordsrequestor@protonmail.com></arecordsrequestor@protonmail.com>	
Sent:	Thursday, October 24, 2019 3:14 PM	
То:	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
- ø -----
- 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)
- o ----
- 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 On Thursday, October 3, 2019 4:58 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Anonymous:

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

Victor Young Assistant Clerk

Board of Supervisors phone 415-554-7723

fax 415-554-5163

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

From: Anonymous <arecordsrequestor@protonmail.com>

Sent: Thursday, October 3, 2019 3:45 PM -

To: SOTF, (BOS) <sotf@sfgov.org>; Young, Victor (BOS) <victor.young@sfgov.org> **Cc:** Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>

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

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

Thanks! 2 corrections I believe:

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

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

Thanks,

Anonymous

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

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

Anonymous:

Regarding the October 15, 2019, Complaint Committee Meeting:

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

19094 – Will proceed as scheduled.

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

19095 - tentatively scheduled for hearing

TBD Technology Committee

19097

19098

19095

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

TBD SOTF

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

Please contact me if my understanding is incorrect.

Victor Young

Assistant Clerk

Board of Supervisors

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

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

From: Anonymous <arecordsrequestor@protonmail.com>

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

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

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 <u>portion</u> 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

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
То:	SOTF, (BOS)
Subject:	RE: California Public Records Act Request: Future Calendars and Meetings - Immediate
	Disclosure Request
Attachments:	09.30.1910.07.19_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), 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-andmeetings-immediate-disclosure-request-

81411%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAuFJxL7h5lqcA9nX1lo0xas0Y%3A1iKUQj%3A 45DEDmHDVReT5DE8scSbxBM0_v0

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

P869

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), 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

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

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

P872

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

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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-andmeetings-immediate-disclosure-request-

81411%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAuFJxL7h5lqcA9nX1lo0xas0Y%3A1iKUQj%3A 45DEDmHDVReT5DE8scSbxBM0_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.

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From: Anonymous Person

10/08/2019

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 a mot 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

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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>

Sincerely,

[cid:image002.jpg@01D57EB4.04A912E0]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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From: Anonymous Person

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

10/09/2019

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 10/15/20	119			
Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclos	ध ्य त्यति (
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 Find us on: Facebook <https: sfcityattorney="" www.facebook.com=""></https:> Twitter <https: sfcityattorney="" twitter.com=""> Instagram<https: sfcityattorney="" www.instagram.com=""></https:></https:>				
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From: Anonymous Person

10/15/2019

10/15/2019

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

From: San Francisco City Attorney

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

Thanks,

Paral Office (415) www. Find Twitte	mage002.jpg@01D5835B.3719ADB0]Elizabeth A. Coolbrit egal e of City Attorney Dennis Herrera 554-4685 Direct .sfcityattorney.org us on: Facebook <https: sfcityattorney<br="" www.facebook.com="">er<https: sfcityattorney="" twitter.com=""> gram<https: sfcityattorney="" www.instagram.com=""></https:></https:></https:>				
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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@sfcityatty.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 eightpart 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

CITY HALL · 1 DR. CARLTON B. GOODLETT PL, SUITE 234 · SAN FRANCISCO, CALIFORNIA 94102-5408 RECEPTION: (415) 554-4700 · FACSIMILE: (415) 554-4699 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 hľí Coté dmmunications Director

Exhibit A

Coolbrith, Elizabeth (CAT)

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

1

Find us on: Facebook Twitter Instagram

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

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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): <u>81411-90616367@requests.muckrock.com</u>

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2 Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-

797%252Ffuture-calendars-and-meetings-immediate-disclosure-request-

<u>81411%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url_auth_token=AAAuFJxL7h5lqcA9nX</u> <u>1lo0xas0Y%3A1iKS0q%3AsSXEHPC72_saxTyIfht-wIgxk8w</u>

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

For mailed responses, please address (see note): MuckRock News DEPT MR 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@01D58354.286C3F30]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<<u>https://twitter.com/SFCityAttorney</u>>Instagram<<u>https://www.instagram.com/sfcityattorney/</u>>

On Oct. 9, 2019;

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

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Sincerely,

Anonymous

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

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3

Sincerely,

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

On Oct. 8, 2019: Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request Office of City Attorney,

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3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the 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).

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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%2 Flogin%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=AAAuFJxL7h5lqcA9nX 1lo0xas0Y%3A1iKSOq%3AsSXEHPC72_saxTyIfht-wIgxk8w

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

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Coolbrith, Elizabeth (CAT)

From:	Coolbrith, Elizabeth (CAT) on behalf of CityAttorney
Sent:	Friday, October 18, 2019 12:03 PM
То:	'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

Sincerely,

Elizabeth A. Coolbrith Paralegal Office of City Attorney Dennis Herrera (415) 554-4685 Direct 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,

** 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 rescan 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

2

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 rescan 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/?url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1 iHuNq%3AS8hM-

bdrJeVc0fEBfOAEnRA2xIU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fn ext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Ffuture-calendars-andmeetings-immediate-disclosure-request-81411%252F%253Femail%253Dcityattorney%252540sfcityatty.org 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.

CITY AND COUNTY OF SAN FRANCISCO



Dennis J. Herrera City Attorney

OFFICE OF THE CITY ATTORNEY

JOHN COTÉ Press Secretary, Communications Director

Direct Dial: Email: (415) 554-4662 john.cote@sfcityatty.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 Coté

Communications Director

CITY HALL · 1 DR. CARLTON B. GOODLETT PL, SUITE 234 · SAN FRANCISCO, CALIFORNIA 94102-5408 RECEPTION: (415) 554-4700 · FACSIMILE: (415) 554-4699

P902

From:		Coolbrith, Elizabeth (CAT) <elizabeth.coolbrith@sfcityatty.org></elizabeth.coolbrith@sfcityatty.org>
Sent:		Thursday, November 14, 2019 11:40 AM
То:		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 26th 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 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.

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

To: COTE, JOHN (CAT) <<u>John.Cote@sfcityatty.org</u>>; COOLBRITH, ELIZABETH (CAT) <<u>Elizabeth.Coolbrith@sfcityatty.org</u>>
 Cc: <u>81411-90616367@requests.muckrock.com</u>; Calvillo, Angela (BOS) <<u>angela.calvillo@sfgov.org</u>>
 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 | www.sfbos.org



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From:		SOTF, (BOS)
Sent:		Friday, January 17, 2020 12:08 PM
To:		'Celaya, Caroline'; Boomer, Roberta (MTA); 'Mary Miles'; 'Maria Schulman'; Donohue,
	<i>.</i>	Virginia (ADM); 'Coolbrith, Elizabeth (CAT)'; 'Cote, John (CAT)';
		'sanderies@andgolaw.com';
Subject: 👘		SOTF - Notice of Appearance, February 5, 2020 - Sunshine Ordinance Task Force; 4:00
		PM; City Hall Room 408
Attachments:	· .	SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: February 5, 2019

Location: City Hall, Room 408

Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

File No. 17079: Complaint filed by Mary Miles against Mike Sallaberry, San Francisco Municipal Transportation Agency, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 17080: Complaint filed by Mary Miles against Will Tabajonda, San Francisco Municipal Transportation Agency, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 17081: Complaint filed by Mary Miles against Luis Montoya, San Francisco Municipal Transportation Agency, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19076: Complaint filed by Maria Schulman against Animal Care and Control, 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. 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. 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 in the agenda packet, supplemental/supporting documents must be received by 5:00 pm, January 29, 2020.

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

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From:	SOTF, (BOS)
Sent:	Wednesday, November 13, 2019 5:56 PM
То:	'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

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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 | www.sfbos.org

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From: Sent: To:	SOTF, (BOS) Wednesday, November 13, 2019 5:46 PM 'paulavanderwaerdt@gmail.com'; Kositsky, Jeff (HOM); Stewart-Kahn, Abigail (HOM);
199 m jaha katabarat na	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: Subject:	Calvillo, Angela (BOS); Mchugh, Eileen (BOS) 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.

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Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, November 19, 2019.

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

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From:	Young, Victor (BOS)
Sent:	Wednesday, October 16, 2019 3:40 PM
То:	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:	190408 SOFF-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 | www.sfbos.org Click here to complete a Board of Supervisors Customer Service Satisfaction form.

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