

From: Anonymous Person

09/05/2020 Subject: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate D... [Email](#)

Dennis Herrera and City Attorney's Office:

On Sept. 2, 2020, in SOTF 19112 Anonymous v. Scott, et al., SOTF found that SFPD violated, inter alia, SFAC 67.26 for not providing future/prospective calendars for Chief Scott at all (instead of with minimal redactions) and SFAC 67.27 for citing Prop G for withholding non-Prop G calendars. SFPD also stated during the hearing that SFPD has now changed its own position re: disclosure policies for calendars and will properly disclose future calendars and non-Prop G information, and they had determined that the advice of their Deputy City Attorneys to withhold future calendars or redact non-Prop G info was in fact wrong.

The agency and/or department head addressed in this request has previously and/or currently refuses to provide, at all, future calendars and/or non-Prop G calendars.

We will request these one more time, and if they are not provided, will allege intentional violation and official misconduct by your department head in light of the SOTF's decision in Anonymous v. Scott.

Therefore, this is an immediate disclosure request for all prospective/future calendars/scheduling records (with each Outlook invite or meeting provided as a separate record, not using the daily summary view, and showing all meeting details in Outlook, including all subject lines, body messages, attachments, images, attendees, attendance status, invitees, begin and end dates and times, recurrence, and other metadata) for your department head for Oct 8 through Oct 22, 2020 as the schedule exists at the time of this request (dates inclusive). Pursuant to SFAC 67.21(l), wherein you must provide any electronic format I request if it is either available or easily generated: please provide all electronic records in PDF format generated by Outlook's meeting/event details view *without* printing on physical paper and scanning. Rolling responses and exact copies of records are requested.

If you attempt to use Times-Mirror v Superior Court or Gov Code 6255(a), remember that it is the SOTF and courts (not you) that will judge whether or not the Mayor's sunshine suspension of SFAC 67.24(g,i) is valid, and if it is, whether the public interest in non-disclosure of a record clearly outweighs the public interest in disclosure.

Furthermore, Times-Mirror has two arguments which both rely on 6255(a) - a safety of the Governor part and a deliberative process part. The deliberative process privilege ban has been explicitly preserved by the Mayor.

In SOTF 19103 Anonymous v. Breed re: the Mayor's future calendar, Mayoral Compliance Officer Heckel, while using Times-Mirror and GC 6254(f) as a defense, states "topics that were going to be discussed or something without any reference to date or times or places" may be provided - at the very least, we will expect your agency to provide that (though we do not concede that everything else is exempt).

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.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us,

there is no going back. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the [MuckRock.com](https://muckrock.com) FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely,

Anonymous

From: San Francisco City Attorney

09/08/2020 

Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immedia...

Email

Dear requester,

Thank you for your email. Please note the Immediate Disclosure Request process has been suspended due to the emergency and Mayoral order. We will get back to you with a formal response on a 10-day timeline (09/17/2020) as to an estimated production date for the requested records.

Please use the following link for more information related to the Mayoral Proclamation on the temporary suspension of the Immediate Disclosure Request process: https://sfmayor.org/sites/default/files/SupplementalDeclaration2_03132020_stamped.pdf (p.3)

For further guidance related to eliminating the 10-day production deadline for ordinary requests please use the following

link: https://sfmayor.org/sites/default/files/032320_FifthSupplement.pdf (p.8-9)

Please send replies to cityattorney@sfcityatty.org

Sincerely,

[signature_540561676]Odaya Buta

Legal Assistant

Office of City Attorney Dennis Herrera

(415) 554-5960 Direct

odaya.buta@sfcityatty.org <<mailto:odaya.buta@sfcityatty.org>>

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From: San Francisco City Attorney**09/16/2020** **Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immedia...****Email**

Dear requester,

We need additional time to review the additional potentially responsive records, and currently expect to have our review complete by 09/28/20.

Thank you for your patience.

Please send replies to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>

Sincerely,

[signature_540561676]Odaya Buta

Legal Assistant

Office of City Attorney Dennis Herrera

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From: Anonymous Person**09/16/2020** **Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immedia...****Email**

Please provide records in a rolling fashion, namely pursuant to SFAC 67.25(d) each record should be produced "by the end of the same business day that they are reviewed and collected". Also, note that each calendar entry/meeting invite should be produced as linked here: https://cdn.muckrock.com/foia_files/2020/01/31/Memo_Style_45.pdf

This is Outlook Memo Style, and will allow you to redact some part of the PDF, but leave, at least, subject lines, meeting attendee lists and similar even if you decide to redact some other things in each meeting entry. If you produce the records using a daily or weekly view you will unlawfully withhold more than the minimal information.

From: Muckrock Staff**09/23/2020** **From: San Francisco City Attorney****09/23/2020**

Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immedia...

Email

Dear requester,

Thank you for your email. As mentioned in our previous email (dated 09/16/2020), you can expect to have our review completed by 09/28/20

Please note that it is possible that records (if we have any) will be privileged, but that we will confirm.

Thank you for your patience.

Sincerely,

[signature_540561676]Odaya Buta

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-5960 Direct

odaya.buta@sfcityatty.org<mailto:odaya.buta@sfcityatty.org>

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From: Anonymous Person

09/23/2020 ⚙

Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immedia...

Email

I will repeat my email of Sept. 16:

Please provide records in a rolling fashion, namely pursuant to SFAC 67.25(d) each record should be produced "by the end of the same business day that they are reviewed and collected". Also, note that each calendar entry/meeting invite should be produced as linked here: https://cdn.muckrock.com/foia_files/2020/01/31/Memo_Style_45.pdf

This is Outlook Memo Style, and will allow you to redact some part of the PDF, but leave, at least, subject lines, meeting attendee lists and similar even if you decide to redact some other things in each meeting entry. If you produce the records using a daily or weekly view you will unlawfully withhold more than the minimal information.

--Anonymous

From: San Francisco City Attorney

09/28/2020 ⚙

Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immedia...**Email**

Dear requester,

We need additional time to review the additional potentially responsive records, and currently expect to have our review complete by the end of the week (10/02/20).

Thank you for your patience.

Please send replies to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>

Sincerely,

[signature_540561676]Odaya Buta

Paralegal

Office of City Attorney Dennis Herrera

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From: Anonymous Person**09/29/2020** **Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immedia...****Email**

We intend to file intentional violation complaints if the records are not provided strictly prior to Oct. 8. We picked those dates specifically to ensure you had enough time to produce what should not be a voluminous number of records, and the dates would still be in the future. It cannot take a month to produce 2 weeks of calendar entries.

--Anonymous

From: San Francisco City Attorney**10/01/2020** **Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immedia...****Email**

Dear Requester,

We respectfully decline to share the calendar for the first two weeks of October at this time, as those dates are not yet past, based on Government Code section 6254(f), Evidence Code section 1040, and Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991). If you would like to receive a copy of the calendar for those dates after they have passed, please submit another request at the appropriate time.

Sincerely,

[signature_540561676]Odaya Buta

Paralegal

Office of City Attorney Dennis Herrera

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From: Anonymous Person

10/01/2020 

Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immedia...

[Email](#)

Willful violation complaints will be filed against Dennis Herrera and his office, based on SOTF Order 19112.

Sincerely,
Anonymous