

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**  
January 12, 2021

**DATE DECISION ISSUED**  
December 2, 2020

**CASE TITLE** – Anonymous v. Mayor London Breed, Hank Heckel  
and the Office of the Mayor.

File No. 19103

**FACTS OF THE CASE**

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

**File No. 19103:** Complaint filed by Anonymous against Mayor London Breed, Hank Heckel and the Office of the Mayor for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25 and 67.26, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**HEARING ON THE COMPLAINT**

On November 26, 2019, the Compliance and Amendments Committee acting in its capacity to hear petitions/complaints heard the matter.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that he submitted a records request for the Mayor's future calendar based on Government Code 6254(f) was withheld due to rule of reason analysis. Anonymous stated that he filed a calendar request to the Supervisor of Records which also was denied on the basis of Supreme Court case *Times Mirror Company v. Superior Court*. Anonymous stated that the Mayor's office did provide her press calendar but withheld her outlook entries. Anonymous stated that the SOTF heard a case against the District Attorney's Office wherein the DA's future calendar was not provided and the SOTF opined that the records were public.

Hank Heckel (Office of the Mayor) (Respondent), provided a summary of the department's position. Mr. Heckel stated that his office received the Immediate Disclosure Request and responded the following day in a timely manner. Mr. Heckel stated that based on Government Code 6254(f), the rule of reason analysis and security interests of the Mayor's meetings, the future calendar was withheld from disclosure. Mr. Heckel stated that the Mayor's Press calendar was

provided. Mr. Heckel stated that Anonymous requested specific times and locations of meetings. Mr. Heckel stated the Police Department consults with the Mayor's Office and provides security at all internal and external meetings and to reveal this information would undermine security. Mr. Heckel stated that the Supervisor of Records stated there is a process in place so that the Police Department can plan and provide security. Mr. Heckel stated that to provide the Mayor's future calendar to Anonymous would impact security procedures.

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

On December 2, 2020, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that On October 4, 2019, he submitted an Immediate Disclosure Request for the Mayor's future calendar. Anonymous said the Mayor's future meeting information is not entirely exempt due to security issues and should be provided with redactions for those security procedures under Gov Code 6254(f). Anonymous stated that the Times Mirror v. Superior Court 1991 53 Cal.3d 1546 case is now bad law due to Prop 59. Anonymous stated in a later case Governor Schwarzenegger was sued and did eventually turn over his past calendars. Anonymous noted that the Mayor's future calendars were not originally provided, that the Petitioner had to make a second request and then it was provided after the dates were no longer in the future.

Hank Heckel (Mayor's Office) (Respondent), provided a summary of the department's position. Mr. Heckel stated that the Mayor's Office's original position was that the Mayor's future calendars could not be disclosed. Mr. Heckel stated that disclosure of any information of Mayor's office jeopardizes the security of the Mayor. Mr. Heckel cited California Public Records Act 6254(f) and Times Mirror v. Superior Court 1991 53 Cal.3d 1546 regarding his argument that calendar and scheduling information for future calendars of the Mayor should be withheld for security reasons. Mr. Heckel noted that this provision does not obligate the police department who provides security to the Mayor. Mr. Heckel opined that this information could create a security risk if disclosed.

Chair Wolfe asked what part of a calendar entry is protected?

Mr. Heckel stated that the purpose is to protect the Mayor and so there is a limit to producing future calendar meetings. Mr. Heckel again cited 6254(f) noting that future meetings should not be disclosed. Mr. Heckel stated that once a meeting has occurred, that would become a Prop G calendar, however the Mayor's Office will not disclose future meetings due to security concerns.

## FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code (Sunshine Ordinance), Sections 67.26 by failing to keep withholding to a minimum and 67.27 by failing to provide justification of withholding.

## DECISION AND ORDER OF DETERMINATIONS

Action: Moved by Member LaHood, seconded by Member Hinze, to find that Mayor London Breed, Hank Heckel, and the Mayor's Office violated Administrative Code, Sections 67.26 by failing to keep withholding to a minimum and 67.27 by failing to provide justification of withholding. In addition, the SOTF referred the matter to the Compliance and Amendments Committee to ensure that properly redacted records are provided to the Petitioner.

The motion PASSED by the following vote:

Ayes: 7 - LaHood, Hinze, Yankee, Wong, Schmidt, Hyland, Wolfe  
Noes: 0 - None



Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

cc. Anonymous (Petitioner/Complainant)  
Mayor London Breed, Hank Heckel, and the Mayor's Office (Respondent)