

SUNSHINE ORDINANCE TASK FORCE
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Completed by: C. Leger Date 6/14/23

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

**Sunshine Ordinance Task Force
Complaint Summary**

File No. 22139

Anonymous (AYA) v. SFPUC

Date filed with SOTF: 10/06/2022

Contact information (Complainant information listed first):

Ayapid.37@gmail.com (Complainant)

Dennis Herrera, Brittany Feitelberg (bfeitelberg@sfwater.org); Ron Flynn (rflynn@sfwater.org);
Mayara Ruski Augusto Sa (MRuskiAugustoSa@sfwater.org) (Respondents)

File No. 22139 Complaint filed by Anonymous (AYA) against Dennis Herrera, Ron Flynn, Mayara Ruski Augusto Sa, and the San Francisco Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by to respond to an Immediate Disclosure Request in a timely and/or complete manner.

On September 11, 2022, the following request was transmitted:

I want on a rolling basis communications (emails, texts, chats, etc.) sent or received in the last 6 months between or among: Dennis Herrera, Ron Flynn, John Cote, Michael Carlin, Scarpulla, and/or PUC records-specific staff, discussing or planning response or strategy to or for ANY SUNSHINE REQUEST OR COMPLAINT OR SUNSHINE LAW IN GENERAL. Produce rolling basis, starting with most recent to least recent.

Petition/Complaint

From: ayapid.37@gmail.com
Sent: Thursday, October 6, 2022 8:06 PM
To: SOTF, (BOS)
Subject: Fwd: Immediate disclosure request sunshine communications
Attachments: Gmail - Immediate disclosure request sunshine communications.pdf

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

I would like to file an anonymous complaint against Dennis Herrera, Ron Flynn, Mayara Sa, and S F PUC. My request is attached. And their responses are below

Throughout all of this response they have stated attorney client privilege of communications where the parties are not attorneys and redacted those words.

And worse, They even say Mayara Sa's email to John Scarpulla on April 20, 2022 is attorney work product privilege but Sa is not a valid attorney as of Feb

2021: <https://apps.calbar.ca.gov/attorney/Licensee/Detail/331528>

----- Forwarded message -----

From: ayapid.37@gmail.com <ayapid.37@gmail.com>
Date: Tue, Sep 27, 2022 at 11:38 PM
Subject: Re: Immediate disclosure request sunshine communications
To: <supervisor.records@sfcityatty.org>

Dear Supervisor of Records,

I demand a written determination that records are public and that you order PUC to release them and send them to the Attorney General in 15 days.

Throughout all of this response they have stated attorney client privilege of communications where the parties are not attorneys and redacted those words.

And worse, They even say Mayara Sa's email to John Scarpulla on April 20, 2022 is attorney work product privilege but Sa is not a valid attorney as of Feb

2021: <https://apps.calbar.ca.gov/attorney/Licensee/Detail/331528>

On Tue, Sep 27, 2022 at 7:55 PM Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfcityatty.org> wrote:

Dear Requester,

The SFPUC has reviewed additional records responsive to your request, which are available at this [link](#). We now consider your request closed.

Please be advised that we have redacted from the linked records personal phone numbers, personal email addresses, and Twitter handles on privacy grounds. Redactions are based on California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.

Additionally, please be advised that we have redacted and withheld records that contain information that constitutes attorney-client communications or attorney work product. (See Cal. Gov't Code § 6254(k) (exemption for records protected from disclosure under federal or state law, including provisions of the Evidence Code relating to privilege); Cal. Evid. Code § 954 (privilege for communications between attorneys and their clients); Cal. Gov't Code § 6276.04 (cross-referencing in the Public Records Act the attorney-client and attorney work product privileges).)

Finally, please note that we have redacted links from records ("RE_ Requests 22-1958 and 22-1989 - Due Today (1)_Redacted for ACP and Link" and "RE_ Requests 22-1958 and 22-1989 - Due Today_Redacted for ACP and Link") as the records available on the link contain exempt information that is not redacted. Please note that we redacted the link because those records contained personal information and links to active meetings. Accordingly, the links have been redacted to remove access to personal phone numbers, personal addresses, and driver's licenses on privacy grounds. Redactions are based on California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request. Additionally, the links were redacted to remove access to conference meeting hyperlinks, meeting IDs, and passcodes in order to prevent access to privileged, private, or otherwise confidential communications that are protected from disclosure under the Public Records Act, for example, attorney-client privileged communications (Cal. Govt. Code §§ 6254(k), 6276.04; Cal. Evid. Code §§ 950 et seq.), personal private information (Cal. Govt. Code §§ 6250, 6254(c); Cal. Const., Art. I, §1; Admin. Code §67.1(g)), trade secrets (Cal. Govt. Code § 6276.44; Cal. Civil Code §§ 3426).

Best Regards,

Mayara Ruski Augusto Sa



From: Ruski Augusto Sa, Mayara
Sent: Tuesday, September 27, 2022 3:46 PM
To: ['ayapid.37@gmail.com'](mailto:ayapid.37@gmail.com) <ayapid.37@gmail.com>
Subject: RE: Immediate disclosure request sunshine communications

Dear Requester,

The SFPUC has reviewed additional records responsive to your request, which are available at this [link](#). As requested, we will release records on a rolling basis.

Please be advised that we have redacted from the linked records personal phone numbers, personal email addresses, and Twitter handles on privacy grounds. Redactions are based on California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.

Additionally, please be advised that we have redacted and withheld records that contain information that constitutes attorney-client communications or attorney work product. (See Cal. Gov't Code § 6254(k) (exemption for records protected from disclosure under federal or state law, including provisions of the Evidence Code relating to privilege); Cal. Evid. Code § 954 (privilege for communications between attorneys and their clients); Cal. Gov't Code § 6276.04 (cross-referencing in the Public Records Act the attorney-client and attorney work product privileges).)

Finally, please note that we have redacted references based on the privacy and personnel provisions in California Constitution, Article I, section 1, and California Government Code Section 6254(c) (protecting "[p]ersonnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of

personal privacy"), and § 6254(k) (protecting records which are "exempted or prohibited pursuant to provisions of federal or state law" from disclosure); see also S.F. Admin. Code § 67.1(g).). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.

Best Regards,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Cell: 415-680-6683

Pronouns: she, her, hers



From: Ruski Augusto Sa, Mayara
Sent: Tuesday, September 27, 2022 2:15 PM
To: ayapid.37@gmail.com <ayapid.37@gmail.com>
Subject: RE: Immediate disclosure request sunshine communications

Dear Requester,

The SFPUC has reviewed additional records responsive to your request, which are available at this [link](#). As requested, we will release records on a rolling basis.

Please be advised that we have redacted from the linked records personal phone numbers, personal email addresses, and Twitter handles on privacy grounds. Redactions are based on California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.

Additionally, please be advised that we have redacted records that contain information that constitutes attorney-client communications. (See Cal. Gov't Code § 6254(k) (exemption for records protected from disclosure under federal or state law, including provisions of the Evidence Code relating to privilege); Cal. Evid. Code § 954 (privilege for communications between attorneys and their clients); Cal. Gov't Code § 6276.04 (cross-referencing in the Public Records Act the attorney-client and attorney work product privileges).)

Best Regards,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Cell: 415-680-6683

Pronouns: she, her, hers



From: Ruski Augusto Sa, Mayara
Sent: Tuesday, September 27, 2022 11:51 AM
To: ayapid.37@gmail.com
Subject: RE: Immediate disclosure request sunshine communications

Dear Requester,

The SFPUC has reviewed additional records responsive to your request, which are available at this [link](#). As requested, we will release records on a rolling basis.

Please be advised that we have redacted from the linked records personal phone numbers, personal email addresses, Twitter handles, and references to a person's health on privacy grounds. Redactions are based on

California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.

Additionally, please be advised that we have redacted records that contain information that constitutes attorney-client communications. (See Cal. Gov't Code § 6254(k) (exemption for records protected from disclosure under federal or state law, including provisions of the Evidence Code relating to privilege); Cal. Evid. Code § 954 (privilege for communications between attorneys and their clients); Cal. Gov't Code § 6276.04 (cross-referencing in the Public Records Act the attorney-client and attorney work product privileges).)

Finally, please note that we are producing a redacted version of attachment to record titled "RE_Public Records Requests - Westside Observer(1)" because that attachment was shared with staff before redactions were made. Accordingly, we are producing a redacted version of the attachment (see "RE_Public Records Requests - Westside Observer(1)_Attachment_Redacted City Supplier ID). Specifically, we have redacted the City Supplier Number under Government Code section 6254.33, which exempts from disclosure identification numbers, alphanumeric characters, or other unique identifying codes that a public agency uses to identify a vendor or contractor.

Best Regards,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Cell: 415-680-6683

Pronouns: she, her, hers



From: Ruski Augusto Sa, Mayara
Sent: Monday, September 26, 2022 3:43 PM

To: ayapid.37@gmail.com

Subject: RE: Immediate disclosure request sunshine communications

Dear Requester,

The SFPUC has reviewed additional records responsive to your request, which are available at this [link](#). As requested, we will release records on a rolling basis.

Please be advised that we have redacted from the linked records personal email addresses and Twitter handles on privacy grounds. Redactions are based on California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.

Additionally, please be advised that we have redacted one record that contains information that constitutes attorney-client communications. (See Cal. Gov't Code § 6254(k) (exemption for records protected from disclosure under federal or state law, including provisions of the Evidence Code relating to privilege); Cal. Evid. Code § 954 (privilege for communications between attorneys and their clients); Cal. Gov't Code § 6276.04 (cross-referencing in the Public Records Act the attorney-client and attorney work product privileges).)

Best Regards,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Cell: 415-680-6683

Pronouns: she, her, hers



From: Ruski Augusto Sa, Mayara
Sent: Friday, September 23, 2022 3:21 PM
To: ayapid.37@gmail.com
Subject: RE: Immediate disclosure request sunshine communications

Dear Requester,

The SFPUC has reviewed additional records responsive to your request, which are available at this [link](#). As requested, we will release records on a rolling basis.

Please be advised that we have redacted from the linked records residential addresses, personal phone numbers, and personal email addresses on privacy grounds. Redactions are based on California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.

Best Regards,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Cell: 415-680-6683

Pronouns: she, her, hers



From: Ruski Augusto Sa, Mayara
Sent: Tuesday, September 20, 2022 4:55 PM

To: ayapid.37@gmail.com
Subject: RE: Immediate disclosure request sunshine communications

Dear Requester,

The SFPUC has reviewed additional records responsive to your request, which are available at this [link](#). As requested, we will release records on a rolling basis.

Please be advised that we have redacted from the linked records personal phone numbers, personal email addresses, and Twitter handles on privacy grounds. Redactions are based on California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.

Additionally, please be advised that we have redacted records that contain information that constitutes attorney-client communications. (See Cal. Gov't Code § 6254(k) (exemption for records protected from disclosure under federal or state law, including provisions of the Evidence Code relating to privilege); Cal. Evid. Code § 954 (privilege for communications between attorneys and their clients); Cal. Gov't Code § 6276.04 (cross-referencing in the Public Records Act the attorney-client and attorney work product privileges).)

Best regards,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Cell: 415-680-6683

Pronouns: she, her, hers



From: Ruski Augusto Sa, Mayara
Sent: Wednesday, September 14, 2022 5:35 PM
To: ayapid.37@gmail.com
Subject: RE: Immediate disclosure request sunshine communications

Dear Requester,

The SFPUC has located records responsive to your request. Please see this [link](#). As requested, we will release records on a rolling basis.

Please be advised that we have redacted from the linked records personal phone numbers, personal email addresses, and residential addresses on privacy grounds. Redactions are based on California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.

Best regards,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Cell: 415-680-6683

Pronouns: she, her, hers



From: ayapid.37@gmail.com <ayapid.37@gmail.com>
Sent: Tuesday, September 13, 2022 5:27 PM
To: Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfgov.org>
Subject: Re: Immediate disclosure request sunshine communications

CAUTION: This email originated from **outside** of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks for the update! Please provide each record no later than the end of the business day you review it, according to the rolling response rule in 67.25(d). Don't wait for all of them.

On Tue, Sep 13, 2022 at 4:48 PM Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfwater.org> wrote:

Dear Requester,

Thank you for your public records request dated September 11, 2022. Please note your request does not qualify as a "simple, routine, or otherwise readily answerable request." Admin. Code 67.25(a). Our initial search has garnered over 380 responsive records that will require careful review to redact information protected from disclosure on privacy grounds, attorney-client privilege, and other applicable exemptions. This will also require consultation with another office. Accordingly, it is not feasible to respond to your request within the immediate disclosure request deadline. Therefore, we are invoking an extension of fourteen (14) days to review these records. (See Admin. Code § 67.25(b); California Government Code § 6253(c)(2)). We will provide the information you requested on or before September 27, 2022 (please note that requests submitted on a Saturday or Sunday, are deemed received on the next business day (here, September 12, 2022)).

Best Regards,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Cell: 415-680-6683

Pronouns: she, her, hers



Immediate disclosure request sunshine communications

1 message

ayapid.37@gmail.com <ayapid.37@gmail.com>
To: djherrera@sfwater.org, rflynn@sfwater.org

Sun, Sep 11, 2022 at 9:18 PM

WHHAT: I want on a rolling basis communications (emails, texts, chats, etc.) sent or received in the last 6 months between or among: Dennis Herrera, Ron Flynn, John Cote, Michael Carlin, Scarpulla, and/or PUC records-specific staff, discussing or planning response or strategy to or for ANY SUNSHINE REQUEST OR COMPLAINT OR SUNSHINE LAW IN GENERAL. Produce rolling basis, starting with most recent to least recent.

HOW: Please email me the records as ATTACHMENTS.

Respondent's Response

From: Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfwater.org>
Sent: Monday, November 28, 2022 4:11 PM
To: SOTF, (BOS); Feitelberg, Brittany (PUC); Flynn, Ronald (PUC)
Cc: ayapid.37@gmail.com
Subject: RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 22139
Attachments: Complaint 22139 Response.pdf; Exhibit A – Supervisor of Records October 25, 2022 Response to Complainant.pdf; Exhibit B – Supervisor of Records November 1, 2022 Response to Complainant.pdf; Exhibit C – Record with One Revised Redaction.pdf

Dear Ms. Leger and Complainant,

Please find attached SFPUC's response and supporting documents.

Thanks,

Mayara Ruski Augusto Sa
SFPUC Public Records Senior Analyst, External Affairs
Cell: 415-680-6683
Pronouns: *she, her, hers*



From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Thursday, November 17, 2022 12:19 PM
To: Feitelberg, Brittany K <BFeitelberg@sfwater.org>; Flynn, Ronald P <RFlynn@sfwater.org>; Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfwater.org>
Cc: ayapid.37@gmail.com
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 22139

CAUTION: This email originated from **outside** of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon:

Dennis Herrera, Ron Flynn, Mayara Ruski Augusto Sa and the San Francisco Public Utilities Commission have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force (SOTF). In an effort to provide the SOTF information in an easy to understand format the SOTF has prepared a revised request format for responding to complaints (attached). **The SOTF requests that you submit your response to our office 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.** In developing and submitting your response, please use the attached instructions, "Preparing San Francisco Sunshine Ordinance Task Force Respondents Materials," to address your defense of this complaint. This is your opportunity to provide a detailed explanation to allow the Task Force to be fully informed in considering your response prior to the meeting.

Please refer to the File Number 22139 when submitting any new information and/or supporting documents pertaining to this complaint.

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



Click to complete a Board of Supervisors Customer Service Satisfaction form.

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

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



Cheryl Leger, Assistant Clerk
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
sotf@sfgov.org

November 28, 2022

**Re: Sunshine Ordinance Task Force Complaint File N. 22139
Anonymous v. SFPUC et al.**

Dear Honorable Members of the Sunshine Ordinance Task Force:

We write in response to Complaint No. 22139 (Complaint) filed by an anonymous requester (Complainant) on October 6, 2022 with the Sunshine Ordinance Task Force (Task Force). The Task Force sent the Complaint to the San Francisco Public Utilities Commission on November 17, 2022.

The Complaint pertains to the Complainant's public records request received by the SFPUC on September 11, 2022, which sought:

communications (emails, texts, chats, etc.) sent or received in the last 6 months between or among: Dennis Herrera, Ron Flynn, John Cote, Michael Carlin, Scarpulla, and/or PUC records-specific staff, discussing or planning response or strategy to or for ANY SUNSHINE REQUEST OR COMPLAINT OR SUNSHINE LAW IN GENERAL. Produce rolling basis, starting with most recent to least recent.

In response to this request, the SFPUC produced a number of records on a rolling basis on September 14, September 20, September 23, September 26, and September 27, 2022. The SFPUC redacted portions of those records based on attorney-client privilege (Government Code Section 6254(k) and Evidence Code Section 954), attorney work product (Cal. Gov't Code § 6276.04), privacy (California Constitution, Article I, section 1, and Government Code Section 6254(c)), and confidential vendor information (Government Code Section 6254.33). The SFPUC withheld additional documents based on attorney-client privilege.

Contention: The Complainant alleges that SFPUC "stated attorney client privilege of communications where the parties are not attorneys and redacted those words. And worse, They [sic] even say Mayara Sa's email to John Scarpulla on April 20, 2022 is attorney work product privilege but Sa is not a valid attorney as of Feb 2021: <https://apps.calbar.ca.gov/attorney/Licensee/Detail/331528>."

London N. Breed
Mayor
Newsha Ajami
President
Sophie Maxwell
Vice President
Tim Paulson
Commissioner
Tony Rivera
Commissioner
Kate Stacy
Commissioner
Dennis J. Herrera
General Manager

OUR MISSION: To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.



Response: The records produced to the Complainant contained privileged and confidential communications between SFPUC and the San Francisco City Attorney's Office. As such, portions of the records produced to the Complainant are exempt from disclosure pursuant to Government Code section 6254(k) (which exempts records protected from disclosure under federal or state law, including provisions of the Evidence Code relating to privilege) and Evidence Code section 954 (enshrining the privilege for communications between attorneys and their clients). The records in question remain privileged and confidential.

On October 25, 2022, the Supervisor of Records replied to a petition filed by the Complainant that raised allegations identical to those raised in the Complaint. In response to the petition, the Supervisor of Records reviewed the records SFPUC produced to the Complainant, and concluded that the SFPUC appropriately redacted portions of the documents produced to the Complainant.¹ See attached Exhibits A and B. The Supervisor of Records' review included the email between Mayara Sa and John Scarpulla that is referred to in the Complaint, and agreed that the redacted portions of that email reflected attorney-client communications and privileged advice provided by the City Attorney's Office to the SFPUC.

Disclosure of the redacted portions of the records the Complainant seeks would compromise the privilege protecting the legal advice the City Attorney's Office has provided to the SFPUC. The SFPUC has appropriately redacted the records produced to the Complainant to preserve the privilege in these communications. Based on the foregoing, SFPUC respectfully requests that Complaint No. 22139 be dismissed.

Sincerely,
Mayara Ruski Augusto Sa
SFPUC Custodian of Records

cc: Complainant

Encl.

- Exhibit A – Supervisor of Records October 25, 2022 Response to Complainant
- Exhibit B – Supervisor of Records November 1, 2022 Response to Complainant
- Exhibit C – Record with One Revised Redaction

¹ Prior to the Supervisor of Records issuing the reply to Complainant's petition, SFPUC reproduced a record to the Complainant that contained one revised redaction.[See Exhibit C.]

Respondent's Supporting Documents

CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU
City Attorney

OFFICE OF THE CITY ATTORNEY

Direct Dial: (415) 554-4700
Email: supervisor.records@SFCITYATTY.ORG

October 25, 2022

Sent via email to ayapid.37@gmail.com

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition sent via email to the Supervisor of Records on September 27, 2022, concerning your September 11, 2022 request to the San Francisco Public Utilities Commission ("SFPUC"). In your September 11 email, you requested the following records:

communications (emails, texts, chats, etc.) sent or received in the last 6 months between or among: Dennis Herrera, Ron Flynn, John Cote, Michael Carlin, Scarpulla, and/or PUC records-specific staff, discussing or planning response or strategy to or for ANY SUNSHINE REQUESTOR COMPLAINT OR SUNSHINE LAW IN GENERAL.

In response to your request, the SFPUC provided you a number of records on a rolling basis on September 14, September 20, September 23, September 26, and September 27, 2022. The SFPUC redacted portions of those records based on attorney-client privilege (California Government Code Section 6254(k) and California Evidence Code Section 954), attorney work product (California Government Code § 6276.04), personal privacy (California Constitution, Article I, section 1, and California Government Code Section 6254(c)), and confidential vendor or contractor information (Government Code Section 6254.33).

In your petition to the Supervisor of Records, you requested that we review the records, and you specifically questioned whether the SFPUC appropriately redacted portions of the text based on attorney-client privilege. On October 19, 2022, after you submitted the petition, the SFPUC produced one of the previously-disclosed records with modified redactions. In the SFPUC's initial production, the agency had redacted a portion of that record based on attorney-client privilege, but the agency made a correction in the revised production on October 19, stating that it was withholding a portion of the record as a confidential personnel record under Government Code Section 6254(c).

After reviewing the records, including the corrected record that the SFPUC produced on October 19, we conclude that the SFPUC appropriately redacted portions of the documents produced to you. In your petition, you noted that the SFPUC relied on attorney-client privilege to redact portions of emails between SFPUC staff that did not include direct communications with any attorneys. The redacted portions of those emails reflected attorney-client communications and privileged advice provided by the City Attorney's Office to the SFPUC. Disclosure of the redacted portions would have disclosed the attorney-client privileged

CITY HALL • 1 DR. CARLTON B. GOODLETT PLACE, CITY HALL ROOM 234 • SAN FRANCISCO, CALIFORNIA 94102-4682
RECEPTION: (415) 554-4700 • FACSIMILE: (415) 554-4699

N:\GOVERN\AS2022\0100505\01636050.DOC

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

Letter to ayapid.37@gmail.com
October 25, 2022
Page 2

content of the SFPUC's requests for legal advice and the City Attorney's Office's confidential responses.

For the reasons stated above, we deny your petition and consider it closed.

Very truly yours,

DAVID CHIU
City Attorney



Jon Givner
Deputy City Attorney

CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU
City Attorney

OFFICE OF THE CITY ATTORNEY

Direct Dial: (415) 554-4700
Email: supervisor.records@SFCITYATTY.ORG

November 1, 2022

Sent via email to ayapid.37@gmail.com

Re: Petition to Supervisor of Records

To Whom It May Concern:

On October 25, 2022, we issued a letter responding to the petition you submitted on September 27, 2022 regarding your September 11, 2022 public records request to the San Francisco Public Utilities Commission ("SFPUC"). On October 31, you responded to the Supervisor of Records by email, stating:

Hi thanks but you only responded to the attorney client privilege part of my petition. You didn't respond to the last part of the. petition:

And worse, They even say Mayara Sa's email to John Scarpulla on April 20, 2022 is attorney work product privilege but Sa is not a valid attorney as of Feb 2021:

<https://apps.calbar.ca.gov/attorney/Licensee/Detail/331528>

Our October 25 letter concluded that the SFPUC appropriately redacted the documents produced to you. Although our letter specifically discussed the redactions based on attorney-client privilege, we reviewed all the records and redactions, including the April 20, 2022 email from Mayara Sa to John Scarpulla. In that email, the SFPUC redacted the name of an attachment and withheld the attachment. The SFPUC's email to you stated that the SFPUC had redacted and withheld records that contain that included attorney-client communications or attorney work product.

Based on our review of the redaction and the withheld document, we conclude that the SFPUC appropriately redacted the document and withheld the attachment based on both attorney

CITY HALL • 1 DR. CARLTON B. GOODLET PLACE, CITY HALL ROOM 234 • SAN FRANCISCO, CALIFORNIA 94102-4682
RECEPTION: (415) 554-4700 • FACSIMILE: (415) 554-4699

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CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

Letter to ayapid.37@gmail.com
November 1, 2022
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work-product and attorney-client privilege. The withheld document included both attorney work product and attorney-client privileged advice provided by the City Attorney's Office to the SFPUC. Mayara Sa's email forwarded that confidential information to John Scarpulla without waiving confidentiality on behalf of the SFPUC. We hope this addresses your question.

Very truly yours,

DAVID CHIU
City Attorney



Jon Givner
Deputy City Attorney

Personnel

Attorney-Client Privilege

Attorney-Client Privilege

Attorney-Client Privilege

Attorney-Client Privilege

Attorney-Client Privilege

From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Friday, April 15, 2022 11:15 AM
To: Mauder, Sara (DPA) <sara.mauder@sfgov.org>; Henderson, Paul (DPA) <paul.henderson@sfgov.org>; Rosenstein, Diana (DPA) <diana.rosenstein@sfgov.org>; Redacted for Privacy; Taylor, Damali (POL) <damali.a.taylor@sfgov.org>; Elias, Cindy (POL) <cindy.elias@sfgov.org>; Hamasaki, John (POL) <john.hamasaki@sfgov.org>; Brookter, Dion-Jay (POL) <dionjay.brookter@sfgov.org>; Youngblood, Stacy (POL) <Stacy.A.Youngblood@sfgov.org>; DeJesus, Petra (POL) <petra.dejesus@sfgov.org>; Anonymous Redacted for Privacy; Reilly, Lynn (POL) <Lynn.Reilly@sfgov.org>; Sergei Severinov Redacted for Privacy; Stiliyan Bejanski Redacted for Privacy; Lew, Debra (TTX) <debra.lew@sfgov.org>; Sachs, Catherine (TTX) <catherine.sachs@sfgov.org>; Redacted for Privacy; Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfgov.org>; Peter Drekmeier <peter@tuolumne.org>; Stiliyan Bejanski <Redacted for Privacy>
Subject: SOTF - Complaint Committee 4/19/22 Meeting - Agenda and Packet Online

CAUTION: This email originated from **outside** of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The agenda and packet for the of the Complaint Committee April 19, 2022, 5:30 p.m. meeting is online at the following link:

https://sfgov.org/sunshine/sites/default/files/complaint_041922_agenda.pdf

The packet material is linked to each item listed on the agenda marked with an "attachment". Click anywhere on the title of the item to open the link to the pdf of the packet material in question.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Cheryl.Leger@sfgov.org
Tel: 415-554-7724
Fax: 415-554-5163
www.sfbos.org

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

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

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

From: SOTF, (BOS)
Sent: Thursday, November 17, 2022 12:19 PM
To: Feitelberg, Brittany (PUC); Flynn, Ronald (PUC); Ruski Augusto Sa, Mayara (PUC)
Cc: ayapid.37@gmail.com
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 22139
Attachments: SOTF - Complaint Procedure 2019-10-02 FINAL.pdf; Preparing SOTF Respondent Materials FINAL for PILOT.pdf; Affirmation Letter 22139.pdf; 22139 Complaint.pdf

Good Afternoon:

Dennis Herrera, Ron Flynn, Mayara Ruski Augusto Sa and the San Francisco Public Utilities Commission have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force (SOTF). In an effort to provide the SOTF information in an easy to understand format the SOTF has prepared a revised request format for responding to complaints (attached). **The SOTF requests that you submit your response to our office 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.** In developing and submitting your response, please use the attached instructions, "Preparing San Francisco Sunshine Ordinance Task Force Respondents Materials," to address your defense of this complaint. This is your opportunity to provide a detailed explanation to allow the Task Force to be fully informed in considering your response prior to the meeting.

Please refer to the File Number 22139 when submitting any new information and/or supporting documents pertaining to this complaint.

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



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SUNSHINE ORDINANCE TASK FORCE

Tel: 415 554-7724
Fax: 415 554-7854
TDD/TTY: 415 554-5227



City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco 94102-4689

November 17, 2022

Ms. Mayara Ruski Augusto Sa
Public Utilities Commission

Re: Sunshine Ordinance Task Force, File No. 22139

Dear Ms. Ruski Augusto Sa:

Please review the complaint as described below and acknowledge your department's position on File No. 22139 regarding an alleged violation of the Sunshine Ordinance.

File No. 22139 Complaint filed by Anonymous (AYA) against Dennis Herrera, Ron Flynn, Mayara Ruski Augusto Sa, and the San Francisco Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Please choose ONE answer. You may, if you wish, also attach any additional explanation.

- [a] acknowledge noncompliance for all allegations below
- [b] department/agency declares no-contest to all allegations below
- [c] deny one or more allegations below (please state an additional explanation which of the allegations you deny, and supporting evidence and/or argument)

If you or your entity acknowledges noncompliance or declares no-contest, the SOTF may, at its discretion, issue an Order of Determination against you or your entity for the allegations listed above without a hearing, and thereafter refer the matter to the Compliance & Amendments Committee for monitoring as needed.

Please respond within the next five business days of the date on this notice, with your acknowledgment. If it is not received within five business days, we will assume that you have acknowledged no-contest.

Very Truly Yours,

Matthew Yankee, Chair
Sunshine Ordnance Task Force

MY:cal

cc: Anonymous, Petitioner

From: SOTF, (BOS)
Sent: Monday, May 8, 2023 12:05 PM
To: Anonymous; KWART, JEN (CAT); Matthew Pancia; Innovation, Civic (TIS); Michael Petrelis; Safai, Ahsha (BOS); Ng, Wilson (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS); Buckley, Jeff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); Kilgore, Preston (BOS); Hernandez, Melissa G (BOS); Bolen, Jennifer M.(BOS); Feitelberg, Brittany (PUC); Flynn, Ronald (PUC); Ruski Augusto Sa, Mayara (PUC); ayapid.37@gmail.com; Toomey, William (POL); info.jorgerivero.net
Cc: Young, Victor (BOS); Somera, Alisa (BOS); Calvillo, Angela (BOS)
Subject: SOTF - Notice of Complaint Committee hearing, May 16, 2023 - 5:30 PM; Room 408, City Hall
Attachments: SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Good Afternoon:

Notice is hereby given that the Complaint Committee of the Sunshine Ordinance Task Force (Task Force) shall hold hearings on complaints listed below to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force. ***Please confirm your attendance for this hearing.***

Date: May 16, 2023

Location: Room 408, City Hall

Time: 5:30 p.m.

THE INFORMATION BELOW IS FOR TELEPHONE AND WEBSITE APPEARANCES. LET ME KNOW IF YOU HAVE QUESTIONS.

5/16: SOTF Complaint Committee @ 5:30pm

Meeting ID: 2592 185 7952

Password: sunshine

Hyperlink: [1 \(415\) 655-0001](tel:1(415)655-0001) / Meeting ID: 2592 185 7952 # #

Short Link: <https://bit.ly/3VzNys1>

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.

File No. 21040: Complaint filed by Anonymous (ARE) against Dennis Herrera for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(d), by failing to order the custodians of records to comply with records request; and 67.34 for failing to discharge duties under the Sunshine Ordinance as an elected official.

File No. 23029 Complaint filed by Matthew Pancia against the Mayor's Office of Innovation for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(b) and 67.24(c), by failing to a public records request in a timely and/or complete manner.

File No. 22132 Complaint filed by Michael Petrelis against Supervisor Ahsha Safai, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to respond to a request for Proposition G Calendar in a timely and/or complete manner.

File No. 22133 Complaint filed by Michael Petrelis against Supervisor Dean Preston, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to respond to a request for Proposition G Calendar in a timely and/or complete manner.

File No. 22139 Complaint filed by Anonymous (AYA) against Dennis Herrera, Ron Flynn, Mayara Ruski Augusto Sa, and the San Francisco Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 23023 Complaint filed by Jorge Rivero against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Cheryl Leger
Sunshine Administrator
Board of Supervisors
phone 415-554-7724 | fax 415-554-5163
cheryl.leger@sfgov.org | www.sfbos.org

From: SOTF, (BOS)
Sent: Tuesday, June 6, 2023 10:35 AM
To: Anonymous; KWART, JEN (CAT); Michael Petrelis; Safai, Ahsha (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS); Preston, Dean (BOS); Kilgore, Preston (BOS); Bolen, Jennifer M.(BOS); Hernandez, Melissa G (BOS); Ruski Augusto Sa, Mayara (PUC); Flynn, Ronald (PUC); ayapid.37@gmail.com; Feitelberg, Brittany (PUC); infojorgerivero.net; Toomey, William (POL); Matthew Pancia; Innovation, Civic (TIS); Heckel, Hank (MYR)
Cc: Somera, Alisa (BOS)
Subject: SOTF - Notice of Complaint Committee hearing, June 20, 2023
Attachments: SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Good Morning:

Notice is hereby given that the Complaint Committee of the Sunshine Ordinance Task Force (Task Force) shall hold hearings on complaints listed below to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force. ***Please confirm your attendance for this hearing.***

Date: June 20, 2023

Location: Room 408, City Hall

Time: 5:30 p.m.

THE INFORMATION BELOW IS FOR TELEPHONE AND WEBSITE APPEARANCES. LET ME KNOW IF YOU HAVE QUESTIONS.

June 20, 2023 – Complaint Committee Information for Log-in.

Webex Remote Link/Log-in:

<https://bit.ly/44s0XGS>

Password: sunshine

Telephone Call-in:

**1 (415) 655-0001 / Meeting ID: 2593 603 3332 # #
(press *3 to enter the speaker line)**

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.

File No. 21040: Complaint filed by Anonymous (ARE) against Dennis Herrera for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(d), by failing to order the custodians of records to comply with records request; and 67.34 for failing to discharge duties under the Sunshine Ordinance as an elected official.

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File No. 23023 Complaint filed by Jorge Rivero against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 23029 Complaint filed by Matthew Pancia against the Mayor's Office of Innovation for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(b) and 67.24(c), by failing to a public records request in a timely and/or complete manner.

For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, June 15, 2023.

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

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