File No. 23060 Item No. 12

SUNSHINE ORDINANCE TASK FORCE
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Committee: Sunshine Ordinance Task Force Date: May 1, 2024

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Completed By: Cheryl Leger (April 25, 2024)

Sunshine Ordinance Task Force
Complaint Summary

File No. 23060

J. Dworetzky v. Homelessness and Supportive Housing

Date filed with SOTF: 6/27/23

Contact information (Complainant information listed first):
Joe Dworetzky (joe.dworetzky@baycitynews.com) (Complainant)
Homelessness and Supportive Housing; HSHsunshine@sfgov.org; Dylan Schneider (Dylan Schneider@sfgov.org); Jeff Hamilton (jeff.hamilton@sfgov.org) (Respondent)

File No. 23060: Complaint filed by Joe Dworetzky against the Department of Homelessness and Supportive Housing for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

Administrative Summary if applicable:

Petitioner’s Complaint

From: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Sent: Tuesday, June 20, 2023 3:05 PM
To: SOTF, (BOS)
Cc: BUTA, ODAYA (CAT); Records, Supervisor (CAT); Hamilton, Jeffrey (HOM); Cohen, Emily (HOM); Bouck, Deborah (HOM); Schneider, Dylan (HOM)
Subject: Petition to Sunshine Task Force
Attachments: RE: Petition with respect to HSH Custodian of Records Concerning Failure to Comply with San Francisco Sunshine Ordinance; Petition with respect to HSH Custodian of Records Concerning Failure to Comply with San Francisco Sunshine Ordinance; Re: Petition with respect to HSH Custodian of Records Concerning Failure to Comply with San Francisco Sunshine Ordinance; Dworetzky Series on Homelessness in SF.xlsx; 20230606_1am hq)py to discuss these requests. Joe Dworetzky Repo.pdf; 20230102_Series on Homelessness on SF City Streets story Name.pdf

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To The Sunshine Task Force:

Please accept this petition and complaint as a request for review and redress under Sec 67.21(e) of the SF Administrative Code with respect to failures to comply with the SF Sunshine Ordinance by 1) the Custodian of Records (the Custodian) for the Department of Homelessness and Supportive Housing (HSH), and 2) the Supervisor of Records (the Supervisor).

I request a determination that the records requested in the attached requests are public records and an immediate order that the Custodian shall make the records available, all as provided in the ordinance. While I request and hope for immediate action in light of pending budget hearing on Thursday of this week, the issue I am raising is of long term importance and should be resolved even if it can not be done in that time frame.

My contact information is below.

Background

I am a reporter for Bay City News and I cover Legal Affairs. I am covering issues around homelessness in San Francisco. The attached spreadsheet lists the 27 stories I have written to date on these topics. Many are critical of HSH. In order to report these stories I depend on obtaining access to public records in accordance with the Sunshine Ordinance. In particular public records are often the only source of reliable information about the cost of HSH's programs.

Three areas are of particular interest to me at the minute. I have written extensively about 1) the Bayview VTC, 2) Site F at Pier 94 on lands of the Port of San Francisco, and 3) HSH budgeting and planning for its responsibility of providing shelter to unsheltered residents.

These areas are matters of significant public importance. To just mention one aspect, the Mayor has requested the Board of Supervisors to authorize a 23-24 budget of $690 Million for HSH. HSH has several

scheduled hearings on the budget request coming up - one has now passed but at least one remains (June 22).

I have several pending public records requests that relate to subjects that are likely to be explored at the hearings and about which the public should be able to learn in advance.

· NR022723DworetzkySITEF#1150 (submitted February 27, 2023)

• NR051523DworetzkyP94#2594 (submitted May 15, 2023)

• NR051523DworetzkyVTC#2595 (submitted May 15, 2023)

I have had much back and forth with the Custodian in the past and have previously challenged the Custodian's handling of records requests. In one past case I filed a petition with the Supervisor that challenged the Custodian's production.

I have met with other members of HSH in an attempt to find ways to get the information I need without public records requests. For some things that has proven to be a reasonable alternative, but it is not adequate in all situations.

The Custodian has adopted an approach that he uses to defeat legitimate attempts to obtain records which are clearly public. To do this, the Custodian makes partial production in a timely fashion and then states that further documents are being looked for or reviewed and will be produced on a rolling basis. The custodian then treats the rolling production provision as a carte blanche exemption from the deadlines in the ordinance and either does not make further production or waits until the production is no longer meaningful because the relevant events have already passed.

Specifics:

In an email to the Custodian on June 2, I provided the detail relating to my two most recent requests (NR051523DworetzkyP94#2594 (submitted May 15, 2023) and NR051523DworetzkyVTC#2595 (submitted May 15, 2023).

I repeat the relevant part of my email here:

> I want to note here you are not interpreting the rolling production reference correctly and be clear that I object to the manner of its use.
>
> I made my requests on 5-13-23. You did not request additional time. On the last day of the response period (5-25-23) you provided a handful of documents - most eliding the central areas of inquiry - and then used the rolling production mantra. You offered no dates for production, did not explain why further time was necessary, and apparently presumed that having invoked rolling production you are free to produce the requested information some date of your selection.
>
> When on 6-1-23, I inquired about the production, you repeated the rolling production mantra. Again with no information about when production would occur, why it was taking so long, or what could be done to short circuit the delay.

This isn't how the law works. First, the ordinance requires production as soon as possible but not later than 10 days. ("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.")

Second, if the 10 limit can not be met and an additional 10 days is needed, the agency must advise immediately. ("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**.")

Finally, the rolling production rules don't provide an extension - they are designed to prevent an agency from waiting for the last document before producing the first ("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 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."

Notwithstanding my email, no further production was made by June 6 when I filed a petition with the Supervisor asking for immediate review of the Custodian's actions and seeking : 1) a determination that the Custodian had refused, failed to comply, and/or incompletely complied with the my records request; 2) a determination that the requested records are public records; and 3) an immediate order to the Custodian to comply with my records request.

I requested that "the matters raised in this petition be resolved in time that I may have the public records in time to meaningfully review them before the scheduled hearing. (See Attached).

My petition was acknowledged by the Supervisor on June 7 (See Attached) .

The next day, the Custodian sent three emails attaching some public records that were subject to the pending requests. None of the emails stated that all requested records had been produced. Each of the emails however contained the same statement "HSH staff is continuing to locate and review additional responsive non-privileged documents and will provide those documents to you on a rolling basis. S.F. Admin. Code § 67.25 (d)."

In other words, each of the three continued the same disregard of the ordinance as the previously challenged responses.

Meanwhile HSH's first budget hearing was held June 15 (A hearing of the Port Commission relevant to the requested records was held on June 13.) That meant that even though my records request was more than a month before the June 15th budget hearing, I still did not have complete responses to the requests by the hearing.

The practice of invoking the rolling production section as a carte blanche exemption is particularly difficult to deal with as a reporter because the Custodian 1) does not say when the next production will

occur; 2) what records are being examined; or 3) why a delay is necessary. Covering a story is a time sensitive thing. If a budget or law is passed before relevant information is produced, the opportunity for the public to have its views known on the subject before those views have lost relevance has been irretrievably lost.

The Custodian has not at any time said that the subject of my recent requests are not public records or are subject to an exemption. Because the Custodian failed to do so in the time specified in the Ordinance, the records I requested should be determined to be public records (See Section 67.21(b) "If the custodian believes the record or information requested is not a public record or is exempt, t**he 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**.")

The Custodian's approach and the Supervisor's failure to provide timely review runs the risk of insulating from public analysis potentially key information before HSH's $690 million budget is adopted. Without going into all the reasons why this is meaningful, suffice it to point out that HHS is asking for an increase to its roughly $670 million budget at a time when other departments are taking cuts, and it proposes to add nearly 600 shelter beds and in that regard it's prior management - or mismanagement - of shelter facilities at the Bayview VTC and Site F at Pier 94 on Port lands is highly relevant.

Failure of the Supervisor to Act

My petition to the Supervisor was filed on June 6th.

The Ordinance required the Supervisor to take appropriate action "**as soon as possible and within 10 days**, of its determination." Given the urgency explained in the petition, the Supervisor should have acted within a day or two. But the Supervisor did not take any immediate action.

In any event, the Supervisor was required to take action on my petition by the end of the day on June 16. To the best of my knowledge, no action has taken.

The Supervisor's role in a matter such as this is not to act as counsel for HSH but to "act to protect and secure the rights of the people of San Francisco to access public information." (67.21(f))

With the next budget hearing on June 22, prompt action is necessary.

Jurisdiction and Relief

Because the records I have requested are concededly public records, this matter is squarely in the jurisdiction of the Task Force. It is appropriate for this Task Force to determine the records requested are public records and then give the relief specified in the Ordinance ("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.")

Because I am seeking prompt relief, let me anticpate an argument that the Custodian and/or Supervisor might tender. In a prior challenge to the Custodian's failure to properly fulfill my record requests, the Supervisor made the argument that it could only review cases where there was a dispute about whether a record was a public record. In that case - like this one - the Custodian had waived any challenge to the status of a record as a public record.

The Supervisor's argument is without any merit. The argument would lead to the absurdity that the Supervisor or Task Force would be be required to immediately order production of a record if it was determined to be public record after a good faith contest about whether it was a public record, but could do nothing if a custodian flatly refused to produce an admittedly public record.. (See: 67.21(d) "**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.")

The Supervisor's reading misreads the language in 67.21(d) that allows review: " If the custodian **refuses, fails to comply, or incompletely complies with a request** described in (b)..." The way the Ordinance works is that once review is triggered by a failure or refusal to comply with a records request - whether complete or, like here, partial - the petitioner may request a determination of whether the record is a public record. Where there has been no timely objection - as here - the determination is not difficult and can be made immediately. Once made, then the directive part of the ordinance kicks in and the custodian must be directed to make the production. Any other interpretation would mean that a custodian could defeat meaningful review by conceding that something is a public record but refusing to produce.

This is a matter of significant public importance for the Sunshine Ordinance Task Force. While I am challenging production in this specific case, if a custodian is allowed to manipulate the production of public records in the way that the Custodian is doing here, crucial public records from any city department will be insulated from public review at will just by invoking the rolling production language.

The Sunshine Ordinance is about open information. Keeping information secret and delaying its production until it is useless amount to the same thing. The Custodian here is manipulating production so that if and when documents are delivered they will no longer be relevant. "The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information."

Thank you for considering this petition and complaint.

Referenced:

Relevant Ordinance:

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

(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 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.

Joe Dworetzky
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Legal Affairs
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267-886-4540

Follow my stories at
https://url.avanan.click/v2/___https://authory.com/JoeDworetzky___.YXAzOnNmZHQyOmE6bzoxNjFiOTVlYmUyZDFlYjRlMzY2MmZmNzY0YWJlZGZkNjo2OjQxMDI6ODZjNTQ4NWY4NGFjMjdmMmYxNmU4ZWYzNTFmODdjMWI2MWMyZTcyYjVlODhiMzNhNTNmN2EwY2FjZWIyOGU5Mzp0OkY

Petitioner’s Supporting Documents

SUNSHINE ORDINANCE TASK FORCE

Petition by Joe Dworetzky of Bay City News

File No 23060

Hearing Scheduled: May 1, 2024

Sunshine Ordinance Task Force

Petition by Joe Dworetzky of Bay City News
File No 23060

1. Background and Chronology

I am a reporter for Bay City News. BCN is the wire service for the Bay Area, about 100 news and media organizations take our feed. I also write for Local News Matters – a non-profit, public service, no-advertising, free local news website.

I cover legal affairs and I write investigative stories. Last year I began extensive coverage of the Department of Homelessness and Supportive Services (HSH). HSH, with a FY24 budget of $713 million, has one of the most news worthy and significant functions in the City.

I wrote a series called "Giving Shelter" which included more than 30 articles about HSH, many of them about how the Department spends - or misspends - the money to which it has been entrusted. The series was a national finalist for the "Outstanding Coverage Award" by LION Publishers (Local Independent Online News) (2023).

Many of my stories ran on our Local News Matters website and were picked up by our wire service partners, including the San Francisco Standard, SFGate, the local affiliates of CBS and NBC, Newsbreak and the Post Group.

Many of my stories relied on material from public records requests. Among the topics I was covering were three particularly important ones:

- HSH's acquiescence in the closure of "Site F" a homeless shelter on Port property.
- HSH's mismanagement and waste at the Bayview Vehicle Triage Center, a safe parking site for RVs
- HSH budget request for additional money to support its operations when other city agencies were being cut.

In the spring of 2023, I planned to cover and write about the hearings scheduled on HSH's budget at the Board of Supervisors. Budget hearings were scheduled June 15, 2023 and June 22, 2023. There was also a hearing at the Port on June 13, 2023.

All the dates I mentioned are laid out in the attached chronology.

To be sure I got information in time for the hearings, I filed records requests with HSH on May 13, 2023, more than a month before the hearings. To avoid over-burdening HSH, I sharply limited the time frame of the requests to include only the period after April 1st (a roughly 45-day period).

HSH acknowledged receipt of my records requests on May 16, 2023. (The requests are attached.)

HSH did not give notice pursuant to 67.21(b) that the Department needed additional time to respond.

Under the terms of the San Francisco Sunshine Ordinance ("Ordinance"), HSH was required to produce the responsive documents don May 25. On that day the Department made a production of a handful of documents. The Department then said it was continuing to look and would produce more documents on a rolling basis.

I pressed the Department to complete its production of documents. It made an additional production on June 1 and again said it would make further rolling production.

I objected and explained that HSH's use of rolling production provision in the Ordinance as an open-ended extension was unwarranted.

HSH continued to produce documents on their own schedule.

It was not until July 14 and July 17, more than two months after my requests, that HSH produced the last documents. By that time the hearings had come and gone.

The documents produced *after* the hearings included some very important information that I could not include in my stories.

- Serious allegations of mismanagement were found at Site F and a formal notice of non-compliance was issued to the contract operator.

- HSH was actively exploring arrangements to give away many of the trailers that were housing individuals at Site F.

- HSH had a plan to relocate some trailers from Site F to the Bayview VTC.

- An estimated 90% of the Site F residents wanted to remain in Bayview – a serious issue because of limited capacity and public statements that all displaced residents would be accommodated.

This situation was not an isolated event. The Department had been doing it to me all year.

HSH regularly took the position that if it produced a few records on a timely basis, it could then will produce the remainder on a rolling basis and that the production deadlines in the ordinance do not apply.

The ordinance does not support their position; it says the opposite.

Because this is an issue of great importance, on June 6, 2023 I filed an appeal with the Supervisor of Records. When the Supervisor did not respond in the time frame the Ordinance set out, on June 20, 2023 I filed a petition and complaint with the Task Force (copy attached).

Significantly, HSH final production of documents was only made after I filed the appeal and petition referred to above.

A hearing was held on my petition on September 26, 2023 before the Education Outreach and Training Committee of the Task Force. HSH appeared and opposed the petition.

I presented the matter on my own behalf and after the hearing, the panel recommended that the full Task Force determine 1) that it had jurisdiction; and 2) that HSH had violated the ordinance.

The full Task Force hearing is now scheduled for May 1, 2024

II. ARGUMENT

A. Introduction

San Francisco is one of the few California cities that has its own sunshine requirements. The Ordinance reflects the view that open public information is key to city government.

The Ordinance was intended to expand the disclosure requirements of state law and make clear that public officials who try to conduct the people's business in secret should be held accountable (Section 67.1(e) "Public officials who attempt to conduct the public's business in secret should be held accountable for their actions.")

Section 67.1(b) of the ordinance states:

> Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.

Both sentences are of significance, but the second sentence is of particular importance here. The people of San Francisco have not given departments like HSH "the right to decide what the people should know about the operations of local government."

The Ordinance requires HSH, like other city departments, to make disclosure of public records under the terms of the Ordinance, not pursuant to its own unilateral determination of what it deems reasonable.

The Ordinance, among other things, creates a presumption that requested records are public, requires a department to document, explain and justify any withholding, and imposes the burden of showing a record can be withheld on the department, not on the requester (Section 67.20(g)).

Most importantly, the Ordinance imposes timetables for compliance and creates both an administrative and judicial remedy for violations by the agency.

The Ordinance is not the same as the state Public Records Act. State law requires an agency to determine in 10 days if it has records and then notify the requester when the records will be produced. It does not specify a deadline for production. (Gov. Code 7922.535(a))

However, state law recognizes that it only sets a minimum standard and a "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 division." (Gov. Code 7922.505)

The Ordinance was drafted to give the media and the public additional and stronger tools than they have under the state law, particularly with respect to timing. For example, the Ordinance has an "immediate disclosure" provision that requires production of certain matters within one business day.

With respect to the bulk of production requests, Administrative Code Section 67.21 provides that "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.**"

In other words, unlike state law, the Ordinance requires an agency to make actual production within 10 days, not just a determination of whether it will produce in the future. This allows the media and public to plan ahead to get documents when useful and actionable.

(The emphasis on prompt production is evident also in the fact that Section 67.21 makes sure that the 10 days is not used as the facto production date; the section requires production **as soon as possible**, but not more than 10 days.)

The 10-day deadline can be extended in only one circumstance, that is when "the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department" warrants a 10-day extension. But that only applies if the requester is notified the day following the initial request. (Sec. 67.25(b)).

B. What is Not at Issue

In this case, HSH does not contest that:

a. My requests were proper
b. The documents I requested were public records
c. The Task Force has jurisdiction
d. HSH did not make a timely claim that any of the requested documents were exempt from disclosure

e. HSH did not timely seek an additional 10 days to respond when there are voluminous documents that need redacting.
f. HSH did not complete production until nearly 60 days after the requests

As noted previously, the Ordinance puts the burden on the Department to justify any failure to produce the requested documents. Not only did not HSH meet its burden, but it did not even try.

Before the committee hearing, the Sunshine Ordinance administrator sent the Department a packet (copy attached) that said how it was to prepare a response to my petition – the packet included a set of questions that asked the Department to explain in detail its efforts to comply with the Ordinance.

The packet required the HSH to respond to these questions (among many others.)

> What method did you use to locate these records? Your response should include:
> a. The name and job title of the person who performed the search.
> b. The method and search terms utilized.
> c. The devices, forms of communication, and/or systems that were searched.
> d. The dates of these searches.
> e. Copies of communications used to conduct the search (such as emails to staff directing them to conduct a search, IT tickets/queries, etc.).
> f. Any other information that will help us understand your search methods.
> Did you withhold any information or documents from the requester prior to the filing of the complaint? If yes, explain what documents were withheld and why. Drawing primarily on the Sunshine Ordinance, provide any supporting argument or evidence that each exemption in fact applies.
> Did you provide written justification for all withholding of information prior to the filing of the complaint? If yes, attach evidence.
> At the time the request was made, did you search employee personal property (such as mobile phones and computers) for responsive records about the conduct of public business? If yes, describe your method/or conducting this search. If appropriate, provide supporting documentation in your packet.

Notwithstanding the fact that it has the burden to justify any failure to produce, HSH ignored the questions completely – it did not even try to show that it could not timely produce the requested documents – or give the committee any information about its compliance with the Ordinance.

HSH's view was that the ordinance's deadlines don't apply as long as it produced some documents in a timely way and it could produce the remaining documents whenever it wants.

C. Rolling Production

HSH tried to justify its practice by reference to a section in the ordinance (Section 67.25(d)) that states:

> 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 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.

That section provides that when an agency has documents available it must produce them immediately on a rolling basis without waiting until the last day. This provision was written to speed up production by preventing an agency from holding all records until the last one was reviewed. HSH stood the section its head to say that it grants the department an exemption from the production deadlines once it says its production is rolling.

HSH's unsupportable reading gives HSH flexibility to withhold and delay production of sensitive documents while giving up inconsequential ones. This is exactly what happened to BCN and me when I covered HSH's budget hearings in 2023. HSH ultimately produced the documents requested, but by withholding some of the important documents, it prevented me from reporting on them when relevant to the budget hearings.

This is not an isolated event. This is an intentional practice that HSH uses to control the flow of information. If the Task Force allows HSH's practice, the ordinance will be window dressing.

All that HSH will have to do is produce trivial documents up front and hold on to the inconvenient ones until the end.

D. HSH's Other Arguments

At the committee hearing, HSH threw up a variety of other arguments. First, HSH tried to blame me for filing too many requests. However, the record showed I filed a total of 11 requests while writing 30 stories. The Ordinance does not limit a requestor to one or two requests and given the focus of my work and the importance of the issues, my requests were completely reasonable.

HSH also tried to say that it is does the best it can given voluminous requests from media and the public. However, the evidence submitted at the hearing showed that of 57 San Francisco administrative bodies, in 2022 the largest number of records requests were received by the Department of Emergency Management (4,543) and the Department of Public Health (2,417). HSH received less than 250 records Requests. Given its $700+ million budget, HSH can hardly argue that it does not have the resources necessary to comply with the Ordinance on a timely basis.

HSH then said that even though it was late in responding to the challenged requests, it generally responded quickly to my requests. Evidence presented to the panel showed that after excluding the one-day immediate disclosure items governed by Section 67.25(a), the average production time was 50.2 days and the median was 60 days, far beyond the Ordinances requirements.

III. CONCLUSION

As a working reporter trying to cover important accountability stories about HSH, I depend on public records to obtain information about what HSH is doing and the impact of its actions on the city. For the records to be useful, they must be produced on a timely basis.

By its invocation of "rolling production," HSH has adopted a practice that allows it to postpone its production of documents to a time that it unilaterally determines. The practice is not authorized; indeed, it is a perversion of the Ordinance.

If the practice is countenanced by the Task Force, HSH – and any other city agency – will be able to postpone and delay production of inconvenient but newsworthy records until a time when they are no longer relevant.

For all the reasons contained herein, I request the Task Force to rule HSH's practice is improper and grant the relief I have requested.

Respectfully Submitted,

Joe Dworetzky
Bay City News
April 22, 2024

Sunshine Ordinance Task Force

Attachments to Submission* by Joe Dworetzky of Bay City News
File No 23060

Chronology of Events

Public Records Request May 13, 2023 (Pier 94) (NR051523DworetzkyP94#2594)

Public Records Request May 13, 2023 (Bayview VTC) (NR051523DworetzkyVTC#2595)

Petition and Complaint to the SOFT June 20, 2023

SOTF Directions to Respondent HSH for Preparing Submission to SOTF

Time to Closure of Dworetzky Records Requests to HSH

Stories in Dworetzky Homelessness Series: "Giving Shelter"

About Bay City News Foundation and Local News Matters

Joe Dworetzky Resume

*Additional documents submitted to the committee by the petitioner are included in the administrative record and incorporated herein by reference.

Sunshine Ordinance Task Force
Joe Dworetzky v. Department of Homelessness and Supportive Housing
File No. 23060

Chronology of Relevant Events

Date	Description
13-May-23	Public Records Request May 13, 2023 (Pier 94) (NR051523DworetzkyP94#2594)
13-May-23	Public Records Request May 13, 2023 (Bayview VTC) (NR051523DworetzkyVTC#2595)
16-May-23	Email dated May 16, 2023 from J Dworetzky (Requesting acknowledgement of records requests)
16-May-23	Email dated May 16, 2023 from J. Hamilton (Acknowledging receipt of requests)
16-May-23	Email dated May 16, 2023 from J. Hamilton (Requesting clarification)
16-May-23	Email dated May 16, 2023 from J. Dworetzky (Clarifying)
16-May-23	Email dated May 16, 2023 from J. Hamilton (Expressing incredulity)
16-May-23	Email dated May 16, 2023 from J. Hamilton re (NR051523DworetzkyP94#2594) (Partial Disclosure; Rolling Production)
25-May-23	Email dated May 25, 2023 from J. Hamilton re (NR051523DworetzkyP94#2594) (Additional Partial Disclosure; Rolling Production)
1-Jun-23	Email dated June 1, 2023 from J Dworetzky (Requesting further production)
1-Jun-23	Email dated June 1, 2023 from J. Hamilton (Rolling Production)
2-Jun-23	Email dated June 2, 2023 from J Dworetzky (Objecting to untimely production)
5-Jun-23	Email dated June 5, 2023 from J Dworetzky (Further objecting to untimely production and withholding records)
6-Jun-23	Petition to the Supervisor of Records for the HSH
7-Jun-23	Email from J. Dworetzky Correcting Typo in Petition
7-Jun-23	Supervisor of Records Acknowledgement of Receipt of Petition
20-Jun-23	Petition and Complaint to the Sunshine Ordinance Task Force
21-Jul-23	HSH Response to Petition
26-Jul-23	Rejoinder to July 21, 2023 Letter from Department of Homelessness and Supportive Services
9/26/24	Hearing by Education, Outreach and Training Committee
9/26/24	Determination Recommends SOTF find jursdiction and HSH Violation
5/1/24	Hearing Scheduled SOTF

From: Joe Dworetzky joe.dworetzky@baycitynews.com
Subject: Public Records Request: Site F at Pier 94
Date: May 13, 2023 at 12:12 PM
To: SFGSunshine sfgsunshine@sfgov.org
Cc: Deborah Bouck deborah.bouck@sfgov.org, Emily Cohen emily.cohen@sfgov.org

Please provide all public records for the period from April 1, 2023 to date that document, evidence, describe, refer or relate to

1. negotiations with the Port Commission of San Francisco concerning Site F at Pier 94

2. plans to move, relocate or return to the state the trailers at Site F

3. the status of Site F

4. any work to identify an alternative site for the trailers at Site F including, but not limited to lands owned by the port

I am happy to discuss these requests.

Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
https://authory.com/JoeDworetzky

From: Joe Dworetzky joe.dworetzky@baycitynews.com
Subject: Public Records Request: BVTC
Date: May 19, 2023 at 12:12 PM
To: HSHSunshine hshsunshine@sfgov.org
Cc: Emily Cohen emily.cohen@sfgov.org, Deborah Bouck deborah.bouck@sfgov.org

Please provide all public records for the period from April 1, 2023 to date that document, evidence, describe, refer or relate to

1. extension or replacement of sublease for the Bayview Vehicle Triage Center

2. "phase 2" of plan for the Bayview Vehicle Triage Center

3. arrangements for the connection of power to Bayview Vehicle Triage Center by PG&E

4. communications with BAAQMC relating to power at Bayview Vehicle Triage Center

5. institution of construction activities at Bayview Vehicle Triage Center

I am happy to discuss these requests

Joe Dworetzky
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Follow my stories at
https://authory.com/JoeDworetzky

From: Joe Dworetzky joe.dworetzky@baycitynews.com
Subject: Petition to Sunshine Task Force
Date: June 20, 2023 at 3:05 PM
To: sotf@sfgov.org
Cc: odaya.buta@sfcityatty.org, supervisor.records@sfcityatty.org supervisor.records@SFCITYATTY.ORG, Hamilton, Jeffrey (HOM) jeff.hamilton@sfgov.org, Cohen, Emily (HOM) emily.cohen@sfgov.org, Deborah Bouck deborah.bouck@sfgov.org, Schneider, Dylan (HOM) dylan.schneider@sfgov.org
Bcc: Dan Rosenheim dan.rosenheim@baycitynews.com, Katherine Rowlands kat@baycitynews.com

To The Sunshine Task Force:

Please accept this petition and complaint as a request for review and redress under Sec 67.21(e) of the SF Administrative Code with respect to failures to comply with the SF Sunshine Ordinance by 1) the Custodian of Records (the Custodian) for the Department of Homelessness and Supportive Housing (HSH), and 2) the Supervisor of Records (the Supervisor).

I request a determination that the records requested in the attached requests are public records and an immediate order that the Custodian shall make the records available, all as provided in the ordinance. While I request and hope for immediate action in light of pending budget hearing on Thursday of this week, the issue I am raising is of long term importance and should be resolved even if it can not be done in that time frame.

My contact information is below.

Background

I am a reporter for Bay City News and I cover Legal Affairs. I am covering issues around homelessness in San Francisco. The attached spreadsheet lists the 27 stories I have written to date on these topics. Many are critical of HSH. In order to report these stories I depend on obtaining access to public records in accordance with the Sunshine Ordinance. In particular public records are often the only source of reliable information about the cost of HSH's programs.

Three areas are of particular interest to me at the minute. I have written extensively about 1) the Bayview VTC, 2) Site F at Pier 94 on lands of the Port of San Francisco, and 3) HSH budgeting and planning for its responsibility of providing shelter to unsheltered residents.

These areas are matters of significant public importance. To just mention one aspect, the Mayor has requested the Board of Supervisors to authorize a 23-24 budget of $690 Million for HSH. HSH has several scheduled hearings on the budget request coming up - one has now passed but at least one remains (June 22).

I have several pending public records requests that relate to subjects that are likely to be explored at the hearings and about which the public should be able to learn in advance.

- NR022723DworetzkySITEF#1150 (submitted February 27, 2023)

- NR051523DworetzkyP94#2594 (submitted May 15, 2023)

- NR051523DworetzkyVTC#2595 (submitted May 15, 2023)

I have had much back and forth with the Custodian in the past and have previously challenged the Custodian's handling of records requests. In one past case I filed a petition with the Supervisor that challenged the Custodian's production.

I have met with other members of HSH in an attempt to find ways to get the information I need

without public records requests. For some things that has proven to be a reasonable alternative, but it is not adequate in all situations.

The Custodian has adopted an approach that he uses to defeat legitimate attempts to obtain records which are clearly public. To do this, the Custodian makes partial production in a timely fashion and then states that further documents are being looked for or reviewed and will be produced on a rolling basis. The custodian then treats the rolling production provision as a carte blanche exemption from the deadlines in the ordinance and either does not make further production or waits until the production is no longer meaningful because the relevant events have already passed.

Specifics:

In an email to the Custodian on June 2, I provided the detail relating to my two most recent requests (NR051523DworetzkyP94#2594 (submitted May 15, 2023) and NR051523DworetzkyVTC#2595 (submitted May 15, 2023).

I repeat the relevant part of my email here:

> I want to note here you are not interpreting the rolling production reference correctly and be clear that I object to the manner of its use.
>
> I made my requests on 5-13-23. You did not request additional time. On the last day of the response period (5-25-23) you provided a handful of documents - most eliding the central areas of inquiry - and then used the rolling production mantra. You offered no dates for production, did not explain why further time was necessary, and apparently presumed that having invoked rolling production you are free to produce the requested information some date of your selection.
>
> When on 6-1-23, I inquired about the production, you repeated the rolling production mantra. Again with no information about when production would occur, why it was taking so long, or what could be done to short circuit the delay.
>
> This isn't how the law works. First, the ordinance requires production as soon as possible but not later than 10 days. ("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.")
>
> Second, if the 10 limit can not be met and an additional 10 days is needed, the agency must advise immediately. ("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.**")
>
> Finally, the rolling production rules don't provide an extension - they are designed to prevent an agency from waiting for the last document before producing the first ("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 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."

Notwithstanding my email, no further production was made by June 6 when I filed a petition with the Supervisor asking for immediate review of the Custodian's actions and seeking : 1) a determination that the Custodian had refused, failed to comply, and/or incompletely complied with the my records request; 2) a determination that the requested records are public records; and 3) an immediate order to the Custodian to comply with my records request.

I requested that "the matters raised in this petition be resolved in time that I may have the public records in time to meaningfully review them before the scheduled hearing. (See Attached).

My petition was acknowledged by the Supervisor on June 7 (See Attached) .

The next day, the Custodian sent three emails attaching some public records that were subject to the pending requests. None of the emails stated that all requested records had been produced. Each of the emails however contained the same statement "HSH staff is continuing to locate and review additional responsive non-privileged documents and will provide those documents to you on a rolling basis. S.F. Admin. Code § 67.25 (d)."

In other words, each of the three continued the same disregard of the ordinance as the previously challenged responses.

Meanwhile HSH's first budget hearing was held June 15 (A hearing of the Port Commission relevant to the requested records was held on June 13.) That meant that even though my records request was more than a month before the June 15th budget hearing, I still did not have complete responses to the requests by the hearing.

The practice of invoking the rolling production section as a carte blanche exemption is particularly difficult to deal with as a reporter because the Custodian 1) does not say when the next production will occur; 2) what records are being examined; or 3) why a delay is necessary. Covering a story is a time sensitive thing. If a budget or law is passed before relevant information is produced, the opportunity for the public to have its views known on the subject before those views have lost relevance has been irretrievably lost.

The Custodian has not at any time said that the subject of my recent requests are not public records or are subject to an exemption. Because the Custodian failed to do so in the time specified in the Ordinance, the records I requested should be determined to be public records (See Section 67.21(b) "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.**")

The Custodian's approach and the Supervisor's failure to provide timely review runs the risk of insulating from public analysis potentially key information before HSH's $690 million budget is adopted. Without going into all the reasons why this is meaningful, suffice it to point out that HHS is asking for an increase to its roughly $670 million budget at a time when other departments are taking cuts, and it proposes to add nearly 600 shelter beds and in that regard it's prior management - or mismanagement - of shelter facilities at the Bayview VTC and Site F at Pier 94 on Port lands is highly relevant.

Failure of the Supervisor to Act

My petition to the Supervisor was filed on June 6th.

The Ordinance required the Supervisor to take appropriate action **"as soon as possible and within 10 days**, of its determination." Given the urgency explained in the petition, the Supervisor should have acted within a day or two. But the Supervisor did not take any immediate action.

In any event, the Supervisor was required to take action on my petition by the end of the day on June 16. To the best of my knowledge, no action has taken.

The Supervisor's role in a matter such as this is not to act as counsel for HSH but to "act to protect and secure the rights of the people of San Francisco to access public information." (67.21(f))

With the next budget hearing on June 22, prompt action is necessary.

Jurisdiction and Relief

Because the records I have requested are concededly public records, this matter is squarely in the jurisdiction of the Task Force. It is appropriate for this Task Force to determine the records requested are public records and then give the relief specified in the Ordinance ("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.")

Because I am seeking prompt relief, let me anticpate an argument that the Custodian and/or Supervisor might tender. In a prior challenge to the Custodian's failure to properly fulfill my record requests, the Supervisor made the argument that it could only review cases where there was a dispute about whether a record was a public record. In that case - like this one - the Custodian had waived any challenge to the status of a record as a public record.

The Supervisor's argument is without any merit. The argument would lead to the absurdity that the Supervisor or Task Force would be be required to immediately order production of a record if it was determined to be public record after a good faith contest about whether it was a public record, but could do nothing if a custodian flatly refused to produce an admittedly public record.. (See: 67.21(d) **"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.")

The Supervisor's reading misreads the language in 67.21(d) that allows review: " If the custodian **refuses, fails to comply, or incompletely complies with a request** described in (b)..." The way the Ordinance works is that once review is triggered by a failure or refusal to comply with a records request - whether complete or, like here, partial - the petitioner may request a determination of whether the record is a public record. Where there has been no timely objection - as here - the determination is not difficult and can be made immediately. Once made, then the directive part of the ordinance kicks in and the custodian must be directed to make the production. Any other interpretation would mean that a custodian could defeat meaningful review by conceding that something is a public record but refusing to produce.

This is a matter of significant public importance for the Sunshine Ordinance Task Force. While I am

challenging production in this specific case, if a custodian is allowed to manipulate the production of public records in the way that the Custodian is doing here, crucial public records from any city department will be insulated from public review at will just by invoking the rolling production language.

The Sunshine Ordinance is about open information. Keeping information secret and delaying its production until it is useless amount to the same thing. The Custodian here is manipulating production so that if and when documents are delivered they will no longer be relevant. "The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information."

Thank you for considering this petition and complaint.

Referenced:

Relevant Ordinance:

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

...

(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 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.

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Dworetzky Series on Homelessness in SF...
15 KB

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Preparing San Francisco Sunshine Ordinance Task Force
Respondent Packets

A clear, concise, and well-documented response will help the Task Force evaluate the information, arguments, and evidence presented and will increase your chances of resolving the complaint without having to appear before the SOTF multiple times.

Follow the instructions below to compose your response. **You must submit your response within five working days of receiving the complaint notice.** You can update your response or submit additional material up until five working days before a scheduled hearing.

Failure to respond in a complete and timely manner to a complaint or to appear at a SOTF hearing may result in a determination that you are in violation of the Sunshine Ordinance, and you may be ordered to disclose additional information.

Remember: If the complainant makes specific allegations in their complaint, you must affirm, deny, or declare "no contest" with respect to each allegation.

- If you affirm or do not contest the allegations, the SOTF may issue, at its discretion, an Order of Determination finding Sunshine Ordinance violations and/or ordering additional disclosure without conducting a hearing. In such cases, SOTF will forward the complaint to its Compliance and Amendments Committee for monitoring.
- If you deny an allegation, you must explain your reasoning for each denied allegation.

Instructions for Preparing Your Response Materials

Please create a clear and concise cover memo, using the questions below to order and structure your memo, justifying any decisions or actions pertaining to public information, records, or meetings with reference to specific sections of the Sunshine Ordinance, and including evidence or documentation to support your responses.

To ensure that your packet is accessible, please pay careful attention to the following:

- Include the file number in your memo's "re:" line.
- Include a documentation index in your memo, a list of all of the evidence included in support of the memo in the order it appears in your packet.
- Include information only once (for instance, do not reproduce email chains unnecessarily). Do not include extraneous information. Respond directly to the allegations in the complaint.
- When relevant, include copies of email attachments and other linked material -- do not expect the SOTF administrator to include any linked documents.

Answer the following questions in your cover memo. (If you believe a question does not apply to this complaint, please indicate your reasoning.)

> **NOTE: If you believe that your agency or body is exempt from public records and meetings laws, address this first in your memo. Explain what type, as defined in the Brown Act or Sunshine Ordinance, your body constitutes by choosing one or more of these: Policy Body, Passive Meeting Body, Legislative Body, or none of the above. Include evidence in your explanation.**

If the complaint references an information or records request:

1. **What was the original request you received?** Attach a copy of the original request.
2. **What records have you provided in response to the request, and on what date did you provide them?** We suggest a simple table here with three columns: name of record, brief description, date provided.
3. **What method did you use to locate these records?** Your response should include:
   a. The name and job title of the person who performed the search.
   b. The method and search terms utilized.
   c. The devices, forms of communication, and/or systems that were searched.
   d. The dates of these searches.
   e. Copies of communications used to conduct the search (such as emails to staff directing them to conduct a search, IT tickets/queries, etc.).
   f. Any other information that will help us understand your search methods.
4. **Did you withhold any information or documents from the requester prior to the filing of the complaint?** If yes, explain what documents were withheld and why. Drawing primarily on the Sunshine Ordinance, provide any supporting argument or evidence that each exemption in fact applies.

   Did you provide written justification for all withholding of information prior to the filing of the complaint? If yes, attach evidence.
5. **Did you redact any information from the documents prior to the filing of the complaint?** If yes, explain what information you redacted and why. Drawing primarily on the Sunshine Ordinance, provide any supporting argument or evidence that each exemption in fact applies.

   Did you provide a written justification keyed to each instance of redaction prior to the filing of the complaint? If yes, attach the original keyed justifications provided to the requester (if any), and any new keyed justifications for each redaction. Drawing primarily

on the Sunshine Ordinance, provide any supporting argument or evidence that each exemption in fact applies.

6. **At the time the request was made, did you search employee personal property (such as mobile phones and computers) for responsive records about the conduct of public business? If yes, describe your method for conducting this search. If appropriate, provide supporting documentation in your packet.**

7. **At the time the request was made, did you request relevant records from contractors your agency has funded, managed or hired? If yes, describe how you communicated this request. Provide supporting documentation in your packet, including communications to and from the contractor.**

8. **Are there any known responsive records that you have yet to review for potential redaction and disclosure to the respondent? If yes, provide the approximate quantity and timeline of future expected disclosures.**

If the complaint is <u>related to a meeting</u>:

1. **Was an agenda for the meeting published? If yes, on what date? Attach each version of the agenda published and any meeting minutes that are available.**

2. **Is there a publicly available online audio and/or video recording of the meeting? If yes, provide a link to the recording of the meeting(s) at issue.**

Dworetzky Public Record Requests HSH (Excluding One Day Immediate Disclosure)	Date of Request	Date of Last Production	HSH Status	Days Until Final Production
NR051523DworetzkyVTC#2595	May 15, 2023	July 14, 2023	Closed	60
NR051523DworetzkyP94#2594	May 15, 2023	July 21, 2023	Closed	67
NR033023Dworetzky#1693	March 30, 2023	April 4, 2023	Closed	5
NR032323Dworetzky#1542	March 23, 2023	April 7, 2023	Closed	15
NR022723DworetzkySITEF#1150	February 27, 2023	July 21, 2023	In process	144
S020923DworetzkyVISITORS2	February 9, 2023	February 24, 2023	Closed	15
S013023Dworetzky3EXITS	January 30, 2023	February 1, 2023	Closed	2
S012523DworetzkyVTC	January 25, 2023	April 14, 2023	Closed	79
S012523DworetzkyAPFA	January 25, 2023	March 31, 2023	Closed	65
			Avg	50.2
			Median	60

"Giving Shelter" - Dworetzky Series on San Francisco's Response to Homelessness

Number	Story Name	Date	SubThread	Link
1	SF's efforts to get homeless people off street and into shelters faces crucial court test	1/11/23	Coalition Lawsuit	https://localnewsmatters.org/2023/01/12/sfs-efforts-to-get-homeless-people-off-street-and-into-shelters-faces-crucial-court-test/
2	Exhausting battle: Group's lawsuit claims SF generating diesel pollution at triage center	1/11/23	Bayview VTC	https://localnewsmatters.org/2023/01/14/exhausting-battle-groups-lawsuit-claims-sf-generating-diesel-pollution-at-triage-center/
3	'You know better': Federal judge rejects call for clarity on SF homeless camp evictions	1/12/23	Coalition Lawsuit	https://localnewsmatters.org/2023/01/17/you-know-better-federal-judge-rejects-call-for-clarity-on-sf-homeless-camp-evictions/
4	SF officials face questions during town hall about efforts to deal with homeless camps	1/19/23	General	https://localnewsmatters.org/2023/01/24/sf-officials-face-questions-during-town-hall-about-efforts-to-deal-with-homeless-camps/
5	San Francisco eyes decision to authorize safe injection sites despite lack of state approval	1/19/23	General	https://localnewsmatters.org/2023/01/23/san-francisco-eyes-decision-to-authorize-safe-injection-sites-despite-lack-of-state-approval/
6	San Francisco appeals injunction against homeless camp sweeps, will seek stay	1/26/23	Coalition Lawsuit	https://localnewsmatters.org/2023/01/26/san-francisco-appeals-injunction-against-homeless-camp-sweeps-will-seek-stay/
7	Bayview Vehicle Triage Center exposes the challenge of alternative shelter approaches	2/15/23	Bayview VTC	https://localnewsmatters.org/2023/02/15/bayview-vehicle-triage-center-woes-expose-challenge-of-alternative-shelter-approaches/
8	Environmental group fights to block permit for diesel generators at vehicle triage center	3/1/23	Bayview VTC	https://localnewsmatters.org/2023/03/01/environmental-group-fights-to-block-permit-for-diesel-generators-at-vehicle-triage-center/
9	Unplanned vagrancy: SF's ordinance to fix homelessness stalls over choice of words	3/17/23	HSH Planning	https://localnewsmatters.org/2023/03/18/unplanned-vagrancy-sfs-ordinance-to-fix-homelessness-stalls-over-choice-of-words/
10	Citizen Coalition Says City Can Save A Billion Dollars With Alternative Approach To Unsheltered Homelessness	3/18/23	HSH Planning	https://localnewsmatters.org/2023/03/21/sf-citizen-coalition-says-city-can-save-1-billion-with-alternative-approach-to-unsheltered-homelessness/
11	Building consensus: SF supervisors spar with advocacy groups on how to house homeless	3/23/23	HSH Planning	https://localnewsmatters.org/2023/03/23/building-consensus-sf-supervisors-spar-with-advocacy-groups-on-how-to-house-h/
12	City's Troubles at Bayview Vehicle Triage Center Continue	3/31/23	Bayview VTC	https://localnewsmatters.org/2023/04/03/bayview-triage-center-sees-new-delay-getting-generators-after-permit-stalls-on-technicality/
13	Federal Judge Refuses To Suspend Injunction Against Encampment Sweeps	4/4/23	Coalition Lawsuit	https://localnewsmatters.org/2023/04/06/federal-judge-refuses-to-suspend-injunction-against-sf-homeless-encampment-sweeps/
14	City To Give Up More Than 100 Shelter Beds Without A Fight	4/10/23	Port	https://localnewsmatters.org/2023/04/12/part-of-the-agreement-sf-in-rare-position-of-advocating-for-closure-of-homeless-facility/
15	Port commissioners considering closure of more than 100 shelter beds	4/12/23	Port	https://www.newsbreak.com/san-francisco-ca/2989535759677-sf-port-commissioners-considering-closure-of-more-than-100-shelter-beds
16	SF mayor to propose 5-year, $600M plan to halve unsheltered homelessness	4/14/23	HSH Planning	https://www.newsbreak.com/san-francisco-ca/2991602827124-sf-mayor-to-propose-5-year-600m-plan-to-halve-unsheltered-homelessness
17	Court refuses to block Oakland from razing makeshift dwellings at Wood Street encampment	4/20/23	General	https://www.cbsnews.com/sanfrancisco/news/court-block-oakland-razing-makeshift-dwellings-wood-street-encampment/#
18	SF port commissioners postpone decision on closing 'Site F' temporary homeless shelter	4/26/23	Port	https://localnewsmatters.org/2023/04/27/sf-port-commission-postpones-decision-on-closing-site-f-temporary-homeless-shelter/
19	Nomad in a Settled City: Tales of a Traveller	5/2/23	General	https://localnewsmatters.org/2023/05/02/nomad-in-a-settled-city-tales-of-a-traveller/
20	SF supervisors introduce resolution to keep 'Site F' homeless facility open on port land	5/4/23	Port	https://localnewsmatters.org/2023/05/04/sf-supervisors-introduce-resolution-to-keep-operating-site-f-homeless-facility-at-port/
21	Supervisors Resolve to add New Shelter beds, Protect Existing Ones	5/10/23	HSH Planning	https://www.sfgate.com/news/bayarea/article/supervisors-resolve-to-add-new-shelter-beds-18092202.php
22	Homelessness Department Takes A Beating Over Shelter Bed Management	5/16/23	HSH Planning; Pier	https://localnewsmatters.org/2023/05/17/sf-supervisors-grill-homeless-services-official-over-slow-progress-on-providing-shelter-beds/
23	SF supportive housing division pushes ahead on 'Site F' closure over supervisors' objection	5/25/23	Port	https://localnewsmatters.org/2023/05/29/sf-supportive-housing-division-pushes-ahead-on-site-f-closure-over-supervisors-objection/
24	SF: Mayor's proposed budget for homelessness department approaches $700m	6/2/23	HSH Planning	https://localnewsmatters.org/2023/06/05/sf-mayors-budget-proposal-would-increase-homeless-services-funding-to-nearly-700m/?utm_source=post&utm_medium=social&utm_campaign=all_content

25	Shelter-skelter: San Francisco's best strategy in homelessness litigation might be to lose	6/2/23	Coalition Lawsuit	https://localnewsmatters.org/2023/06/15/shelter-skelter-san-franciscos-best-strategy-in-homelessness-litigation-might-be-to-lose/
26	Swept away: 'Experiencing' homelessness requires staying mobile for the next move	6/2/23	Coalition Lawsuit	https://localnewsmatters.org/2023/06/15/swept-away-experiencing-homelessness-requires-staying-mobile-for-the-next-move/
27	Bay City Sketchbook: Experiencing Homelessness	6/2/23	Coalition Lawsuit	https://localnewsmatters.org/2023/06/13/bay-city-sketchbook-experiencing-homelessness/
28	Federal court declines to modify ban against clearing encampments while appeal is pending	9/6/23	Coalition Lawsuit	https://www.cbsnews.com/sanfrancisco/news/sf-homeless-injunction-federal-judges-not-modifying-ban-on-clearing-encampments-amid-appeal/#
29	City Attorney Makes Another Request To Stay Homeless Litigation	1/19/24	Coalition Lawsuit	https://authory.com/JoeDworetzky/City-Attorney-Makes-Another-Request-To-Stay-Homeless-Litigation-a3bcfc43489cb49d79b515e83458bb1ac
30	Supreme Court case breathes new life into SF's efforts to clear homeless encampments	1/20/24	Coalition Lawsuit	https://authory.com/JoeDworetzky/Supreme-Court-case-breathes-new-life-into-SFs-efforts-to-clear-homeless-encampments-a5b65aa3ddbb34636bec67eb7d1ce87ef
31	Living in Camp Dismal: Residents of Bayview RV site try to unionize to improve conditions	2/1/24	VTC	https://localnewsmatters.org/2024/02/01/living-in-camp-dismal-residents-of-bayview-rv-site-try-to-unionize-to-improve-conditions/
32	A vehicle for improvement: SF's experimental repair fund putting RV dwellers back on road	2/1/24	VTC	https://localnewsmatters.org/2024/02/01/a-vehicle-for-improvement-sfs-experimental-repair-fund-putting-rv-dwellers-back-on-road/
33	Tenderloin residents say they're sick of being 'containment zone' for drugs, homelessness	3/19/24	Hastings Lawsuit	https://localnewsmatters.org/2024/03/19/tenderloin-residents-say-theyre-sick-of-being-containment-zone-for-drugs-homelessness/

About Bay City News Foundation and Local News Matters

Mission:
The Bay City News Foundation nonprofit serves the greater San Francisco Bay Area and is backed by charitable donations from contributors who care about local news, a free press, democratic values and an informed citizenry. We target geographic and topical news deserts. We collaborate with other media. We experiment with technology. We work with journalism schools to train the next generation of reporters.

Our Reach:
We are the only 24/7 news outlet dedicated to covering the entire Bay Area region with 12 counties, more than 100 cities and 9 million people. We reach readers through our free public-service website LocalNewsMatters.org, and through distribution to 100 clients of the affiliated Bay City News wire service, including most major news organizations. We operate 24/7 and feed news directly to TV, radio, print and online outlets in the region who then publish our stories on their platforms.

Coverage Areas:
Our public-service journalism is published on our free website LocalNewsMatters.org and two weekly newsletters on local news and arts and culture. We have dedicated sections focused on local government news, aging in the Bay Area, equity issues, COVID-19 and health, civic engagement, arts and culture, and the environment.

Who We Are:
We are a dedicated group of professional journalists who care about quality news in the greater Bay Area. Veteran journalist Katherine Ann Rowlands serves as president of Bay City News and executive director of the nonprofit. She is also president of the board of the First Amendment Coalition. On the news side, longtime reporter and editor Dan McMenamin serves as the managing editor, overseeing other editors who supervise daytime, overnight and weekend shifts plus a staff of about 25 reporters, editors, photographers, data journalists and web producers. On the nonprofit side, a 10-member volunteer board assists and guides professional staff with development, operations, outreach and networking. They include journalists, community stakeholders, media attorneys and educators.

History:
Bay City News was founded in 1979 by Dick and Marcia Fogel and Wayne Futak. They mentored dozens of aspiring journalists, instilling in them the ethical principles of truthfulness, accuracy, fairness and objectivity. Many Bay Area journalists got their start at Bay City News when it was based in San Francisco with bureaus around the region, learning the basic reporting tools that helped them move on to distinguished careers at newspapers, broadcast stations, new media ventures and academia. Dick Fogel, a former Oakland Tribune editor who died in 2009, was an advocate on issues relating to the public's right to access government information. He worked with other journalists

and news organizations to craft the basic principles of what would later become the landmark Freedom of Information Act.

Katherine Ann Rowlands started her journalism career as a college intern at Bay City News, and in 2018 acquired the company as owner and publisher. To round out the wire service's breaking news coverage with public service journalism about the people, places and issues that deserve more attention, she established Bay City News Foundation as a 501(c)(3) nonprofit that same year.

Foundation Website:
http://www.baycitynews.org/

Public-Facing Website:
www.localnewsmatters.org

Impact Report

JOSEPH A. DWORETZKY

1 West Hartwell Lane PH2
Philadelphia, Pa 19118
(267) 886-4540 (Cell)
Joseph.Dworetzky@gmail.com
www.joedworetzky.com

I am a second career journalist. I practiced law for 35 years but switched to journalism in 2019 to tell stories that arise in the social, legal, and political cultures of the Bay Area.

JOURNALISM EXPERIENCE

2020 - Date: BAY CITY NEWS, Reporter, currently focusing on legal affairs and long form investigative projects. Occasional social and political cartooning. Bay City News is the local news wire service for the San Francisco Bay Area. My stories have won a number of journalism awards. (My stories for BCN and its sister publication, Local News Matters, are collected at www.authory.com/joedworetzky.)

Summer 2019: LOS ANGELES TIMES, Intern, Metro Desk, reported to the City Editor, Hector Becerra, covered breaking news and wrote enterprise stories; two pieces ran A-1.

2018 – 2020 THE STANFORD DAILY, Cartoonist and occasional Staff Writer (more than 50 editorial cartoons published in the Daily and in the Daily Magazine)

LEGAL EXPERIENCE

1997 - 2019: HANGLEY ARONCHICK SEGAL & PUDLIN, Shareholder, 1997-2018. Combined business law and litigation in a broad general practice, representing business and governmental clients in all types of regulatory affairs, commercial dispute resolution, bankruptcy and financial and operational restructurings. A member of the Board of Directors from 1998 to 2008, closely involved in day-to-day management of the firm.

1993 - 1996: CITY OF PHILADELPHIA, City Solicitor, 1994 to 1996; Acting City Solicitor, 1994; Chair of Corporate Group, July - December 1993. As City Solicitor, responsible for the overall legal representation of the City in all civil matters as well as management of 130-lawyer department. Senior legal advisor to the Mayor and City Council. Member of the Mayor's Cabinet and numerous boards, commissions and other governmental policy making groups. Wide ranging legal and policy responsibilities requiring high degree of judgment, discretion and ability to work effectively with stakeholders of different viewpoints.

1978 - 1993: DRINKER BIDDLE & REATH, Managing Partner 1992-1993; Partner 1984-1993; Associate 1978-84. Concentration in bankruptcy and creditors' rights. Representation of debtors and creditors in all phases of Chapter 11 proceedings and commercial workouts and restructurings.

1977 - 1978: JUDGE ELLSWORTH A. VAN GRAAFEILAND, United States Court of Appeals for the Second Circuit, Law Clerk.

EDUCATION

School:	STANFORD UNIVERSITY
Degree:	Master's Degree in Journalism (June 2020)
GPA:	4.0
Areas:	Coursework in Data Journalism (Cheryl Phillips), Multimedia (Geri Migielicz), Journalism Law (Jim Wheaton), Reporting (Janine Zacharia), Sportswriting (Gary Pomerantz) and Narrative Journalism (R.B. Brenner)

School:	STANFORD UNIVERSITY
Program:	Fellow, Distinguished Careers Institute (Jan 2018 – June 2019) Non-matriculating program for individuals who have finished one career and are transitioning to something new. Took a full academic load for six quarters with concentration on narrative writing, including: Memoir (John Evans), Creative Non-Fiction (Solmaz Shariff), Documentary Journalism (Austin Smith), Documentary Fictions (Jonah Willinganz).

Law School:	VILLANOVA UNIVERSITY SCHOOL OF LAW
Degrees:	J.D., *summa cum laude* in May 1977
Class Rank:	First in class of 182
Average:	3.78
Honors:	Saint Ives Medal (best overall cumulative average); Pulling Award (best Law Review article); Roman Catholic Alumni Award (best first year grades: 4.0 gpa); Order of the Coif; Villanova Law Review (Staff, Volume 21; Associate Editor, Volume 22); Title Insurance Award (best grades).

College:	PURDUE UNIVERSITY
Degree:	B.A. *with distinction* in June 1972
Concentration:	3-year program with double majors in Philosophy and Writing
Class Rank:	Top 5%
Average:	3.59
Honors:	Phi Beta Kappa; Marchette Award (outstanding undergraduate student of philosophy)

PROFESSIONAL (Journalism)

- Reported and wrote a series of stories about San Francisco's response to homelessness which was selected as a national finalist for the "Outstanding Coverage Award" by LION Publishers (Local Independent Online News) (2023).
- Reported and wrote "*Sins Invalid to stream performance about climate change and its impact on the disabled community,*" this article was selected by The Society of Professional Journalists, Northern California chapter, for its 2021 Excellence in Journalism Awards in the category Arts & Culture (print/online small division) (2022).
- Reported and wrote *"The Olympics for Creative People: Artist and futurist Ty Eckley has presented hundreds of medals to Burning Man participants,"* awarded First Place for Online Features, Light Material by the San Francisco Press Club (2021).
- Wrote "*Under Cruise control: Slugging through the streets of San Francisco in a self-driving car*" awarded Second Place for Commentary by the San Francisco Press Club (2023).

- Reported and wrote "*Redwood City restaurant owners targeted by ADA suits trying to recover settlement costs*"" awarded Second Place for General News by the San Francisco Press Club (2023)
- Reported and wrote "*Righteous Greed: The Cottage Industry of ADA Litigation*" awarded Third Place for a Series by the San Francisco Press Club (2023)
- Member of a team of student journalists who collaborated on a series of stories on homelessness. The series was a finalist for an award from IRE (Investigative Reporters & Editors) in the Student (Large) category. One of those stories was "Project Roomkey, the Golden State's grand experiment."

PROFESSIONAL (Legal)

- Adjunct Professor, TEMPLE UNIVERSITY JAMES E. BEASLEY SCHOOL OF LAW (2005). Taught Bankruptcy in the fall semester of the 2005-06 school year.
- Adjunct Professor, RUTGERS UNIVERSITY SCHOOL OF LAW-CAMDEN (1987-93). Taught Bankruptcy in the fall semester from 1987 through 1991 and Advanced Bankruptcy Practice in the spring semester from 1988 through 1993. Designed the latter course to simulate an actual Chapter 11 case in which students represented clients in litigation and negotiation. Course served as a model for other practice courses at Rutgers.
- Fellow, American College of Bankruptcy Law (1994–date). Member of the Board of Regents (2003-2008) and Board of Directors (2008-2012).
- Chair, Merit Selection Committee for Bankruptcy Judges in Eastern District of Pennsylvania (2005, 2006 and 2009).
- The Best Lawyers in America, Bankruptcy and Creditor-Debtor Rights Law (2005-18). Restructuring Lawyer of the Year (Bankruptcy) in Pennsylvania 2012, 2014, 2018 and 2019.
- Chambers USA, America's Leading Lawyers for Business (2000-18) selected as one of top bankruptcy attorneys in Pennsylvania. In 2010 singled out among bankruptcy attorneys as the only "Star Individual" in Pennsylvania. Designated as a Star Individual again in 2012-14. Named an "Eminent Practitioner" (2016-18). Described as "one of the smartest lawyers in the country."

COMMUNITY & LEADERSHIP

- School Reform Commission, appointed by Governor and confirmed by State Senate - one of five members of the governing body of the Philadelphia School District (2009 to 2013).
- Member, Board of Directors of Pennsylvania Energy Development Authority (2004 to 2008) appointed by Governor and confirmed by State Senate.
- Trustee, Bay School of San Francisco (2016 to 2019).
- Member, Board of Directors of Narrative Magazine, leading non-profit digital literary magazine based in San Francisco (2016 to 2019).
- Director, U.S. Squash, the national governing body for squash in the United States (2017 to 2022).
- Trustee, William Penn Foundation. (2001 to 2005). Board member and member of Executive Committee of a $1.1 billion charitable foundation concentrating its philanthropy in the Philadelphia region.

- Member, Board of Managers, Moore College of Art & Design (2003 to 2006). Moore is the country's only women's art college. Member of Academic Affairs and College Planning Committees.
- Member, Board of Directors of Parkway Council Foundation (2005 to 2010). The Parkway Council is made up of the significant cultural institutions on the Benjamin Franklin Parkway in Philadelphia.
- Nutter 2007 Mayoral Transition Team: Chair, Law Department Transition (2007-08).
- Co-Chair, Energy & Telecommunications Subcommittee, Rendell Gubernatorial Transition Team (2002).
- Member, Board of Directors, Philadelphia Theatre Company (1998-99).
- Board Member, Philadelphia Board of Pensions and Retirement. One of nine voting members of a $2.2 billion pension fund (1994 to 1996).

SIGNIFICANT REPRESENTATIONS

- Lead counsel for Pennsylvania Department of Education in an action to have receiver appointed for the Board of Control of the Chester Upland School District on account of financial mismanagement. Obtained first Pennsylvania state law receivership of a governmental entity. See *Pennsylvania Department of Education v. Chester Upland School District Special Board of Control*, 595 Pa. 452, 938 A.2d 1015 (2007).
- Counsel to Liberty Mutual Insurance Company in Chapter 11 proceedings of Enron Corporation and related litigation concerning the validity of more than a billion dollars' worth of long term prepaid natural gas supply contracts discovered to have been part of "roundtrip" or "circular" sales. Trial counsel for Liberty in 5-week jury trial in the Southern District of New York.
- Co-counsel to Pennsylvania Insurance Department in year-long regulatory review of proposed merger of Independence Blue Cross and Highmark.
- Lead counsel for New Energy Ventures in litigation before the Pennsylvania Public Utility Commission in connection with the restructuring of PECO Energy Co. and its claim for recovery of $6.81 billion in stranded costs.
- Served as lead trial and appellate counsel for the City of Philadelphia in the funding phase of *Pennsylvania Human Relations Commission v. Philadelphia School District*, a 25-year old school desegregation lawsuit. After a five-week trial, the Commonwealth Court entered judgment in favor of the City (subsequently reversed by Pennsylvania Supreme for lack of jurisdiction).

PRO BONO REPRESENTATIONS

- Represented writers, painters, dancers and arts organizations in pro bono cases through Philadelphia Volunteer Lawyers for the Arts for more than 30 years. Winner of the Coleman Award in 1997 for outstanding contributions to the Arts community.
- Represented the Pennsylvania Ballet in reorganizing after it was forced to terminate its season. Negotiated a consensual workout with five bank creditors that resulted in significant debt forgiveness and restructured the remaining debt. Represented Philadelphia Theatre Company in reorganizing after it canceled its season due to financial problems.

PERSONAL

- Competitive squash player. Competed in the Masters Division of the Maccabiah Games in Israel in 2004 and Pan American Maccabi Games in Santiago, Chile in 1999.
- Presented a paper I wrote at Stanford on the relationship between the passage of time in T.S. Eliot's *Four Quarters* and Einstein's theory of relativity at a peer seminar at the Int'l T.S. Eliot Society conference at Harvard in Sept., 2023 and also at the Eliot Society Panel at the Midwest Modern Language Association conference in Cincinnati, Ohio in Nov. 2023.
- Author, illustrator, cartoonist. Under a pen name, authored young adult novel published in 2014, fiction and creative non-fiction published in numerous literary magazines and journals (2011-16), cartoons on contemporary social and political issues (2015-date). Cartoons have appeared in *SF Weekly, Bay City News* (newsletter), *Local News Matters, Half Moon Bay Review, Marina Times, Peninsula Press, Stanford Daily, Chestnut Hill Local, HuffPost,* and *The Desert Sun.*

Leger, Cheryl (BOS)

From:	Joe Dworetzky <joe.dworetzky@baycitynews.com>
Sent:	Tuesday, June 20, 2023 3:05 PM
To:	SOTF, (BOS)
Cc:	BUTA, ODAYA (CAT); Records, Supervisor (CAT); Hamilton, Jeffrey (HOM); Cohen, Emily (HOM); Bouck, Deborah (HOM); Schneider, Dylan (HOM)
Subject:	Petition to Sunshine Task Force
Attachments:	RE: Petition with respect to HSH Custodian of Records Concerning Failure to Comply with San Francisco Sunshine Ordinance; Petition with respect to HSH Custodian of Records Concerning Failure to Comply with San Francisco Sunshine Ordinance; Re: Petition with respect to HSH Custodian of Records Concerning Failure to Comply with San Francisco Sunshine Ordinance; Dworetzky Series on Homelessness in SF.xlsx; 20230606_1am hq)py to discuss these requests. Joe Dworetzky Repo.pdf; 20230102 _Series on Homelessness on SF City Streets story Name.pdf

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To The Sunshine Task Force:

Please accept this petition and complaint as a request for review and redress under Sec 67.21(e) of the SF Administrative Code with respect to failures to comply with the SF Sunshine Ordinance by 1) the Custodian of Records (the Custodian) for the Department of Homelessness and Supportive Housing (HSH), and 2) the Supervisor of Records (the Supervisor).

I request a determination that the records requested in the attached requests are public records and an immediate order that the Custodian shall make the records available, all as provided in the ordinance. While I request and hope for immediate action in light of pending budget hearing on Thursday of this week, the issue I am raising is of long term importance and should be resolved even if it can not be done in that time frame.

My contact information is below.

Background

I am a reporter for Bay City News and I cover Legal Affairs. I am covering issues around homelessness in San Francisco. The attached spreadsheet lists the 27 stories I have written to date on these topics. Many are critical of HSH. In order to report these stories I depend on obtaining access to public records in accordance with the Sunshine Ordinance. In particular public records are often the only source of reliable information about the cost of HSH's programs.

Three areas are of particular interest to me at the minute. I have written extensively about 1) the Bayview VTC, 2) Site F at Pier 94 on lands of the Port of San Francisco, and 3) HSH budgeting and planning for its responsibility of providing shelter to unsheltered residents.

These areas are matters of significant public importance. To just mention one aspect, the Mayor has requested the Board of Supervisors to authorize a 23-24 budget of $690 Million for HSH. HSH has several scheduled hearings on the budget request coming up - one has now passed but at least one remains (June 22).

I have several pending public records requests that relate to subjects that are likely to be explored at the hearings and about which the public should be able to learn in advance.

· NR022723DworetzkySITEF#1150 (submitted February 27, 2023)

• NR051523DworetzkyP94#2594 (submitted May 15, 2023)

• NR051523DworetzkyVTC#2595 (submitted May 15, 2023)

I have had much back and forth with the Custodian in the past and have previously challenged the Custodian's handling of records requests. In one past case I filed a petition with the Supervisor that challenged the Custodian's production.

I have met with other members of HSH in an attempt to find ways to get the information I need without public records requests. For some things that has proven to be a reasonable alternative, but it is not adequate in all situations.

The Custodian has adopted an approach that he uses to defeat legitimate attempts to obtain records which are clearly public. To do this, the Custodian makes partial production in a timely fashion and then states that further documents are being looked for or reviewed and will be produced on a rolling basis. The custodian then treats the rolling production provision as a carte blanche exemption from the deadlines in the ordinance and either does not make further production or waits until the production is no longer meaningful because the relevant events have already passed.

Specifics:

In an email to the Custodian on June 2, I provided the detail relating to my two most recent requests (NR051523DworetzkyP94#2594 (submitted May 15, 2023) and NR051523DworetzkyVTC#2595 (submitted May 15, 2023).

I repeat the relevant part of my email here:

> I want to note here you are not interpreting the rolling production reference correctly and be clear that I object to the manner of its use.
>
> I made my requests on 5-13-23. You did not request additional time. On the last day of the response period (5-25-23) you provided a handful of documents - most eliding the central areas of inquiry - and then used the rolling production mantra. You offered no dates for production, did not explain why further time was necessary, and apparently presumed that having invoked rolling production you are free to produce the requested information some date of your selection.
>
> When on 6-1-23, I inquired about the production, you repeated the rolling production mantra. Again with no information about when production would occur, why it was taking so long, or what could be done to short circuit the delay.
>
> This isn't how the law works. First, the ordinance requires production as soon as possible but not later than 10 days. ("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.")
>
> Second, if the 10 limit can not be met and an additional 10 days is needed, the agency must advise immediately. ("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**.")
>
> Finally, the rolling production rules don't provide an extension - they are designed to prevent an agency from waiting for the last document before producing the first ("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 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."

Notwithstanding my email, no further production was made by June 6 when I filed a petition with the Supervisor asking for immediate review of the Custodian's actions and seeking : 1) a determination that the Custodian had refused, failed to comply, and/or incompletely complied with the my records request; 2) a determination that the requested records are public records; and 3) an immediate order to the Custodian to comply with my records request.

I requested that "the matters raised in this petition be resolved in time that I may have the public records in time to meaningfully review them before the scheduled hearing. (See Attached).

My petition was acknowledged by the Supervisor on June 7 (See Attached) .

The next day, the Custodian sent three emails attaching some public records that were subject to the pending requests. None of the emails stated that all requested records had been produced. Each of the emails however contained the same statement "HSH staff is continuing to locate and review additional responsive non-privileged documents and will provide those documents to you on a rolling basis. S.F. Admin. Code § 67.25 (d)."

In other words, each of the three continued the same disregard of the ordinance as the previously challenged responses.

Meanwhile HSH's first budget hearing was held June 15 (A hearing of the Port Commission relevant to the requested records was held on June 13.) That meant that even though my records request was more than a month before the June 15th budget hearing, I still did not have complete responses to the requests by the hearing.

The practice of invoking the rolling production section as a carte blanche exemption is particularly difficult to deal with as a reporter because the Custodian 1) does not say when the next production will occur; 2) what records are being examined; or 3) why a delay is necessary. Covering a story is a time sensitive thing. If a budget or law is passed before relevant information is produced, the opportunity for the public to have its views known on the subject before those views have lost relevance has been irretrievably lost.

The Custodian has not at any time said that the subject of my recent requests are not public records or are subject to an exemption. Because the Custodian failed to do so in the time specified in the Ordinance, the records I requested should be determined to be public records (See Section 67.21(b) "If the custodian believes the record or information requested is not a public record or is exempt, t**he 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**.")

The Custodian's approach and the Supervisor's failure to provide timely review runs the risk of insulating from public analysis potentially key information before HSH's $690 million budget is adopted. Without going into all the reasons why this is meaningful, suffice it to point out that HHS is asking for an increase to its roughly $670 million budget at a time when other departments are taking cuts, and it proposes to add nearly 600 shelter beds and in that regard it's prior management - or mismanagement - of shelter facilities at the Bayview VTC and Site F at Pier 94 on Port lands is highly relevant.

Failure of the Supervisor to Act

My petition to the Supervisor was filed on June 6th.

The Ordinance required the Supervisor to take appropriate action "**as soon as possible and within 10 days**, of its determination." Given the urgency explained in the petition, the Supervisor should have acted within a day or two. But the Supervisor did not take any immediate action.

In any event, the Supervisor was required to take action on my petition by the end of the day on June 16. To the best of my knowledge, no action has taken.

The Supervisor's role in a matter such as this is not to act as counsel for HSH but to "act to protect and secure the rights of the people of San Francisco to access public information." (67.21(f))

With the next budget hearing on June 22, prompt action is necessary.

Jurisdiction and Relief

Because the records I have requested are concededly public records, this matter is squarely in the jurisdiction of the Task Force. It is appropriate for this Task Force to determine the records requested are public records and then give the relief specified in the Ordinance ("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.")

Because I am seeking prompt relief, let me anticpate an argument that the Custodian and/or Supervisor might tender. In a prior challenge to the Custodian's failure to properly fulfill my record requests, the Supervisor made the argument that it could only review cases where there was a dispute about whether a record was a public record. In that case - like this one - the Custodian had waived any challenge to the status of a record as a public record.

The Supervisor's argument is without any merit. The argument would lead to the absurdity that the Supervisor or Task Force would be be required to immediately order production of a record if it was determined to be public record after a good faith contest about whether it was a public record, but could do nothing if a custodian flatly refused to produce an admittedly public record.. (See: 67.21(d) "**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.")

The Supervisor's reading misreads the language in 67.21(d) that allows review: " If the custodian **refuses, fails to comply, or incompletely complies with a request** described in (b)..." The way the Ordinance works is that once review is triggered by a failure or refusal to comply with a records request - whether complete or, like here, partial - the petitioner may request a determination of whether the record is a public record. Where there has been no timely objection - as here - the determination is not difficult and can be made immediately. Once made, then the directive part of the ordinance kicks in and the custodian must be directed to make the production. Any other interpretation would mean that a custodian could defeat meaningful review by conceding that something is a public record but refusing to produce.

This is a matter of significant public importance for the Sunshine Ordinance Task Force. While I am challenging production in this specific case, if a custodian is allowed to manipulate the production of public records in the way that the Custodian is doing here, crucial public records from any city department will be insulated from public review at will just by invoking the rolling production language.

The Sunshine Ordinance is about open information. Keeping information secret and delaying its production until it is useless amount to the same thing. The Custodian here is manipulating production so that if and when documents are delivered they will no longer be relevant. "The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information."

Thank you for considering this petition and complaint.

Referenced:

Relevant Ordinance:

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

...

(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 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.

Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
https://url.avanan.click/v2/___https://authory.com/JoeDworetzky___.YXAzOnNmZHQyOmE6bzoxNjFiOTVlYmUyZDFlYjRlMzY2MmZmNzY0YWJlZGZkNjo2OjQxMDI6ODZjNTQ4NWY4NGFjMjdmMmYxNmU4ZWYzNTFmODdjMWI2MWMyZTcyYjVlODhiMzNhNTNmN2EwY2FjZWIyOGU5Mzp0OkY

Leger, Cheryl (BOS)

From: Buta, Odaya (CAT) <Odaya.Buta@sfcityatty.org> on behalf of Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Sent: Wednesday, June 7, 2023 12:05 PM
To: 'Joe Dworetzky'
Cc: Records, Supervisor (CAT)
Subject: RE: Petition with respect to HSH Custodian of Records Concerning Failure to Comply with San Francisco Sunshine Ordinance

Dear petitioner:

I write to acknowledge the receipt of your petition to the Supervisor of Records.

Kindly use this email address (supervisor.records@SFCITYATTY.ORG) for all Supervisor of Records communication.

Odaya Buta-Scott *(she/her/hers)*
Office of City Attorney David Chiu
odaya.buta@sfcityatty.org, www.sfcityattorney.org
Find us on: Facebook Twitter Instagram

This message and any attachments are solely for the intended recipient and may include privileged or confidential information. If you have received this communication in error, please notify me immediately, and permanently delete this message and any attachments. Thank you.

From: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Sent: Tuesday, June 6, 2023 5:14 PM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Cc: Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org>; Cohen, Emily (HOM) <emily.cohen@sfgov.org>; Bouck, Deborah (HOM) <deborah.bouck@sfgov.org>; Schneider, Dylan (HOM) <dylan.schneider@sfgov.org>
Subject: Re: Petition with respect to HSH Custodian of Records Concerning Failure to Comply with San Francisco Sunshine Ordinance

My apologies.

There is a typo in the second sentence of the second paragraph of the email below. The sentence should read "The custodian here is delaying production **without** grounds so that it if and when it is delivered it will no longer be relevant.

I am sorry for the error and the inconvenience it causes.

Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

On Jun 6, 2023, at 8:06 PM, Joe Dworetzky <joe.dworetzky@baycitynews.com> wrote:

Please consider this a petition to the Supervisor of Records under Sec 67.21(d) of the SF Sunshine Ordinance for 1) a determination that the custodian of records for the Department of Homelessness and Supportive Housing has refused, failed to comply, and/or incompletely complied with the above records request; 2) a determination that the requested records are public records; and 3) an immediate order to the custodian of records to comply with my records request.

The Sunshine Ordinance is about open information, Keeping information secret and delaying its production until it is useless are the same thing. The custodian here is delaying production with grounds so that it if and when it is delivered it will no longer be relevant. "The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information."

Background

I am a reporter for Bay City News and I cover Legal Affairs. I am covering issues around homelessness in San Francisco. I am covering several stories that relate to HSH. The attached spreadsheet lists the stories I have written to date. Many are critical of HSH.

Three areas are of particular interest to me at the minute. I have written extensively about 1) the Bayview VTC, 2) Site F at Pier 94 on lands of the Port of San Francisco, and 3) HSH budgeting and planning for its responsibility of providing shelter to unsheltered residents.

These areas are matters of public importance.The Mayor has requested the Board of Supervisors to authorize a 23-24 budget of $690 Million. HSH has several scheduled hearings on the budget request coming up (June 15 and 22). There is also a hearing before the Port Commission on Site F of importance. (June 13).

I have several pending public records requests that relate to subjects that are likely to be explored at the hearings and which the public should be able to learn about in advance.

- NR022723DworetzkySITEF#1150 (submitted February 27, 2023)
- NR051523DworetzkyP94#2594 (submitted May 15, 2023)

- NR051523DworetzkyVTC#2595 (submitted May 15, 2023)

I have had much back and forth with HSH's custodian of records in the past and have previously challenged his handling of records requests including by petition to the Supervisor of Records.

I have met with other members of the department in an attempt to find ways to get information I need without public records requests. For some things that has proven to be a reasonable alternative, but it is not adequate in all situations.

The custodian of records is not complying with the ordinance and the consequence, if his conduct continues, is that critical information about the departmental budget will be unavailable to the public.

Rolling Production

With respect to the two most recent pending records requests, the custodian has followed the approach of making partial production in a timely fashion and then stating that further documents will be produced on a rolling basis. The custodian then incorrectly treats the rolling production provision as a carte blanche exemption from the deadlines and productions in the ordinance and either does not make further production or waits until production is no longer meaningful because the related events have already passed.

In an email to the custodian on June 2, I provided the detail relating to my two most recent requests. I repeat the relevant part of my email here:

> I want to note here you are not interpreting the rolling production reference correctly and be clear that I object to the manner of its use.
>
> I made my requests on 5-13-23. You did not request additional time. On the last day of the response period (5-25-23) you provided a handful of documents - most eliding the central areas of inquiry - and then used the rolling production mantra. You offered no dates for production, did not explain why further time was necessary, and apparently presumed that having invoked rolling production you are free to produce the requested information some date of your selection.
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> When on 6-1-23, I inquired about the production, you repeated the rolling production mantra. Again with no information about when production would occur, why it was taking so long, or what could be done to short circuit the delay.

This isn't how the law works. First, the ordinance requires production as soon as possible but not later than 10 days. ("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.")

Second, if the 10 limit can not be met and an additional 10 days is needed, the agency must advise immediately. ("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.")

Finally, the rolling production rules don't provide an extension - they are designed to prevent an agency from waiting for the last document before producing the first. ("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 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."

Notwithstanding my email, no further production has been made.

Prioritization

The older request has the rolling production issue but also the issue of my supposed failure to provide prioritization. The custodian complains about his workload and asks that production be prioritized. At some level that is fine, but he then uses the prioritization of one item as an exemption from production of everything else. Prioritization is a courtesy. Failure to prioritize is not an exemption from production.

The custodian also characterizes requests as voluminous and then relies on his characterization to delay or stop production.

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1.. Spreadsheet of stories about Homelessness I have Written

<20230102_Series on Homelessness on SF City Streets story Name.pdf>

2. Chronological Correspondence

<20230606_1am hq)py to discuss these requests. Joe Dworetzky Repo.pdf>

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Sent: Tuesday, June 6, 2023 5:14 PM
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Cc: Hamilton, Jeffrey (HOM); Cohen, Emily (HOM); Bouck, Deborah (HOM); Schneider, Dylan (HOM)
Subject: Re: Petition with respect to HSH Custodian of Records Concerning Failure to Comply with San Francisco Sunshine Ordinance

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Follow my stories at
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From: **Joe Dworetzky** joe.dworetzky@baycitynews.com
Subject: Publics Records Request: Site F at Pier 94
Date: May 13, 2023 at 12:12 PM
To: HSHSunshine hshsunshine@sfgov.org
Cc: Deborah Bouck deborah.bouck@sfgov.org, Emily Cohen emily.cohen@sfgov.org

Please provide all public records for the period from April 1, 2023 to date that document, evidence, describe, refer or relate to

1. negotiations with the Port Commission of San Francisco concerning Site F at Pier 94

2. plans to move, relocate or return to the state the trailers at Site F

3. the status of Site F

4. any work to identify an alternative site for the trailers at Site F including, but not limited to lands owned by the port

I am happy to discuss these requests.
Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
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From: **Joe Dworetzky** joe.dworetzky@baycitynews.com
Subject: Public Records Request: BVTC
Date: May 13, 2023 at 12:12 PM
To: HSHSunshine hshsunshine@sfgov.org
Cc: Emily Cohen emily.cohen@sfgov.org, Deborah Bouck deborah.bouck@sfgov.org

Please provide all public records for the period from April 1, 2023 to date that document, evidence, describe, refer or relate to

1. extension or replacement of sublease for the Bayview Vehicle Triage Center

2. "phase 2" of plan for the Bayview Vehicle Triage Center

3. arrangements for the connection of power to Bayview Vehicle Triage Center by PG&E

4. communications with BAAQMC relating to power at Bayview Vehicle Triage Center

5. institution of construction activities at Bayview Vehicle Triage Center

I am happy to discuss these requests

Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
https://authory.com/JoeDworetzky

From: **Joe Dworetzky gmail** joedworetzky@gmail.com
Subject: Follow Up
Date: May 16, 2023 at 4:26 PM
To: Hamilton, Jeffrey (HOM) jeff.hamilton@sfgov.org

Jeff - I wanted to bring to your attention that as far as I know that receipt of these requests have not yet been acknowledged. I want to make sure that they haven't slipped through the cracks. Thanks, Joe

> Begin forwarded message:
>
> **From:** Joseph A. Dworetzky <joe.dworetzky@baycitynews.com>
> **Subject:** Publics Records Request: Site F at Pier 94
> **Date:** May 13, 2023 at 12:12:03 PM EDT
> **To:** HSHSunshine <hshsunshine@sfgov.org>
> **Cc:** Deborah Bouck <deborah.bouck@sfgov.org>, Emily Cohen <emily.cohen@sfgov.org>
>
> Please provide all public records for the period from April 1, 2023 to date that document, evidence, describe, refer or relate to
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> Legal Affairs
> joe.dworetzky@baycitynews.com
> 267-886-4540
>
> Follow my stories at
> https://authory.com/JoeDworetzky
>
> Begin forwarded message:
>
> **From:** Joseph A. Dworetzky <joe.dworetzky@baycitynews.com>
> **Subject:** Public Records Request: BVTC
> **Date:** May 13, 2023 at 12:11:56 PM EDT
> **To:** HSHSunshine <hshsunshine@sfgov.org>
> **Cc:** Emily Cohen <emily.cohen@sfgov.org>, Deborah Bouck <deborah.bouck@sfgov.org>
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From: **Hamilton, Jeffrey (HOM)** jeff.hamilton@sfgov.org
Subject: RE: Follow Up
Date: May 16, 2023 at 4:33 PM
To: Joe Dworetzky gmail joedworetzky@gmail.com
Cc: HSHSunshine HSHSunshine@sfgov.org

I just got them yesterday, Joe.

Yes, you will be receiving an official reply later today.

Jeff Hamilton (he/him)
Compliance Public Relations Officer
San Francisco Department of Homelessness and Supportive Housing
jeff.hamilton@sfgov.org | 628-652-7895

Learn: hsh.sfgov.org | Follow: @SF_HSH | Like: @SanFranciscoHSH

CONFIDENTIALITY NOTICE: This e-mail is intended for the recipient only. If you receive this e-mail in error, notify the sender and destroy the e-mail immediately. Disclosure of the Personal Health Information (PHI) contained herein may subject the discloser to civil or criminal penalties under state and federal privacy laws.

From: Joe Dworetzky gmail <joedworetzky@gmail.com>
Sent: Tuesday, May 16, 2023 1:27 PM
To: Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org>
Subject: Follow Up

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

Jeff - I wanted to bring to your attention that as far as I know that receipt of these requests have not yet been acknowledged. I want to make sure that they haven't slipped through the cracks. Thanks, Joe

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Date: May 13, 2023 at 12:12:03 PM EDT
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Cc: Deborah Bouck <deborah.bouck@sfgov.org>, Emily Cohen <emily.cohen@sfgov.org>

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From: HSHSunshine HSHSunshine@sfgov.org
Subject: RE: Publics Records Request: Site F at Pier 94
Date: May 16, 2023 at 6:51 PM
To: Joe Dworetzky joe.dworetzky@baycitynews.com
Cc: Bouck, Deborah (HOM) deborah.bouck@sfgov.org, Cohen, Emily (HOM) emily.cohen@sfgov.org, HSHSunshine HSHSunshine@sfgov.org, Schneider, Dylan (HOM) dylan.schneider@sfgov.org

Good afternoon Joe,

As you recall, you submitted a Sunshine request pertaining to Pier 94 back in February. At the time, you asked us to prioritize your other requests. (We released an initial set of documents for the Pier 94 request, and then moved to fulfill your other requests). Yesterday you submitted a new Sunshine request (below) also pertaining to Pier 94. For the sake of efficiency, could you please review both your February Pier 94 request and your recent one? If there is duplication or clarification, please update your request(s) accordingly.

Here is the request you submitted in February on Pier 94:

1. All records that show the number of trailers and/or persons at "Site F" near Pier 94 in Bayview each week during the period from Jan 1, 2022 to date.

2. All records that show all expenditures by the city in connection with Site F during the period from Jan 1, 2022 to date.

3. All contracts with third parties for services provided at Site F during the period from Jan 1, 2022 to date.

4. All reports, studies, analyses, memorandum, assessments concerning the operation Site F during the period from Jan 1, 2022 to date.

5. All records that show or describe or document where individuals leaving Site F were going during the period from Jan 1, 2022 to date.

-----Original Message-----
From: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Sent: Saturday, May 13, 2023 9:12 AM
To: HSHSunshine <HSHSunshine@sfgov.org>
Cc: Bouck, Deborah (HOM) <deborah.bouck@sfgov.org>; Cohen, Emily (HOM) <emily.cohen@sfgov.org>
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Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
https://url.avanan.click/v2/___https://authory.com/JoeDworetzky___.YXAzOnNmZHQyOmE6bzo4YmE3NWMzODliNWRjNTdkMzFjYjkwMDg2ZDZkMTY0ZDo2OjY2ZDc6N2VmMmQyNTE2YTFhYTlkNjNjZTdmYWE5ZDlkY2NlZTM3OWI1YTMzZjI1NzQwMWExZTZkZTk1MmViZjYyM2ZhMDpwOkY

From: **Joe Dworetzky** joe.dworetzky@baycitynews.com
Subject: Re: Publics Records Request: Site F at Pier 94
Date: May 16, 2023 at 9:39 PM
To: HSHSunshine HSHSunshine@sfgov.org

I tried to avoid overlap by defining the date as from April 1 forward. That is only a month and a half so overlap or conflict isn't a problem. However I trust your email does not mean that you failed to complete the earlier production because I prioritized other requests. That would be a serious problem for many reasons as I am sure you appreciate.

Sent from my iPhone

> On May 16, 2023, at 6:51 PM, HSHSunshine <HSHSunshine@sfgov.org> wrote:
>
> Good afternoon Joe,
>
> As you recall, you submitted a Sunshine request pertaining to Pier 94 back in February. At the time, you asked us to prioritize your other requests. (We released an initial set of documents for the Pier 94 request, and then moved to fulfill your other requests). Yesterday you submitted a new Sunshine request (below) also pertaining to Pier 94. For the sake of efficiency, could you please review both your February Pier 94 request and your recent one? If there is duplication or clarification, please update your request(s) accordingly.
>
> Here is the request you submitted in February on Pier 94:
>
> 1. All records that show the number of trailers and/or persons at "Site F" near Pier 94 in Bayview each week during the period from Jan 1, 2022 to date.
>
> 2. All records that show all expenditures by the city in connection with Site F during the period from Jan 1, 2022 to date.
>
> 3. All contracts with third parties for services provided at Site F during the period from Jan 1, 2022 to date.
>
> 4. All reports, studies, analyses, memorandum, assessments concerning the operation Site F during the period from Jan 1, 2022 to date.
>
> 5. All records that show or describe or document where individuals leaving Site F were going during the period from Jan 1, 2022 to date.
>
> -----Original Message-----
> From: Joe Dworetzky <joe.dworetzky@baycitynews.com>
> Sent: Saturday, May 13, 2023 9:12 AM
> To: HSHSunshine <HSHSunshine@sfgov.org>
> Cc: Bouck, Deborah (HOM) <deborah.bouck@sfgov.org>; Cohen, Emily (HOM) <emily.cohen@sfgov.org>
> Subject: Publics Records Request: Site F at Pier 94
>
> This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please provide all public records for the period from April 1, 2023 to date that document, evidence, describe, refer or relate to

1. negotiations with the Port Commission of San Francisco concerning Site F at Pier 94

2. plans to move, relocate or return to the state the trailers at Site F

3. the status of Site F

4. any work to identify an alternative site for the trailers at Site F including, but not limited to lands owned by the port

I am happy to discuss these requests.
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https://url.avanan.click/v2/___https://authory.com/JoeDworetzky___.YXAzOnNmZHQyOmE6bzo4YmE3NWMzODliNWRjNTdkMzFjYjkwMDg2ZDZkMTY0ZDo2OjY2ZDc6N2VmMmQyNTE2YTFhYTlkNjNjZTdmYWE5ZDlkY2NlZTM3OW11YTMzZjI1NzQwMWExZTZkZTk1MmViZjYyM2ZhMDpwOkY

From: HSHSunshine HSHSunshine@sfgov.org
Subject: Re: Publics Records Request: Site F at Pier 94
Date: May 16, 2023 at 9:47 PM
To: Joe Dworetzky joe.dworetzky@baycitynews.com

Seriously?! Nevermind

From: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Sent: Tuesday, May 16, 2023 6:39:49 PM
To: HSHSunshine <HSHSunshine@sfgov.org>
Subject: Re: Publics Records Request: Site F at Pier 94

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>

From: **Hamilton, Jeffrey (HOM)** jeff.hamilton@sfgov.org
Subject: SUNSHINE REQUEST - Initial release - NR051523DworetzkyP94#2594
Date: May 25, 2023 at 7:39 PM
To: Joe Dworetzky joe.dworetzky@baycitynews.com
Cc: HSHSunshine HSHSunshine@sfgov.org

Dear Joe Dworetzky,

This email pertains to your Sunshine Request **NR051523DworetzkyP94#2594.**

You may access an initial batch of responsive records via this Box link: https://dhsh.box.com/s/3w4dqhknaklx00ogeq77ervml8s3fp9b

HSH staff is continuing to locate and review additional responsive non-privileged documents and will provide those documents to you on a rolling basis. S.F. Admin. Code § 67.25 (d).

Regards,

Jeff Hamilton (he/him)
Compliance Public Relations Officer
San Francisco Department of Homelessness and Supportive Housing
jeff.hamilton@sfgov.org|

Learn: hsh.sfgov.org | Follow: @SF_HSH | Like: @SanFranciscoHSH

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From: **Hamilton, Jeffrey (HOM)** jeff.hamilton@sfgov.org
Subject: SUNSHINE REQUEST - Initial release - NR051523DworetzkyVTC#2595
Date: May 25, 2023 at 7:27 PM
To: Joe Dworetzky joe.dworetzky@baycitynews.com
Cc: HSHSunshine HSHSunshine@sfgov.org

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From: **Joe Dworetzky gmail** joedworetzky@gmail.com
Subject: Following Up
Date: June 1, 2023 at 10:01 AM
To: Hamilton, Jeffrey (HOM) jeff.hamilton@sfgov.org

I am checking in on further production with respect to these requests.

Begin forwarded message:

From: "Hamilton, Jeffrey (HOM)" <jeff.hamilton@sfgov.org>
Subject: SUNSHINE REQUEST - Initial release - NR051523DworetzkyVTC#2595
Date: May 25, 2023 at 7:27:01 PM EDT
To: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Cc: HSHSunshine <HSHSunshine@sfgov.org>

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Subject: **SUNSHINE REQUEST - Initial release - NR051523DworetzkyP94#2594**
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To: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Cc: HSHSunshine <HSHSunshine@sfgov.org>

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From: **Hamilton, Jeffrey (HOM)** jeff.hamilton@sfgov.org
Subject: RE: Following Up
Date: June 1, 2023 at 12:57 PM
To: Joe Dworetzky gmail joedworetzky@gmail.com
Cc: Cohen, Emily (HOM) emily.cohen@sfgov.org, Schneider, Dylan (HOM) dylan.schneider@sfgov.org, HSHSunshine HSHSunshine@sfgov.org

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From: Joe Dworetzky gmail <joedworetzky@gmail.com>
Sent: Thursday, June 1, 2023 7:01 AM
To: Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org>
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From: **Joe Dworetzky gmail** joedworetzky@gmail.com
Subject: Re: Following Up
Date: June 2, 2023 at 11:35 AM
To: Hamilton, Jeffrey (HOM) jeff.hamilton@sfgov.org
Cc: Cohen, Emily (HOM) emily.cohen@sfgov.org, Schneider, Dylan (HOM) dylan.schneider@sfgov.org, HSHSunshine HSHSunshine@sfgov.org

Jeff -

Thanks for getting back on this.

I want to note here you are not interpreting the rolling production reference correctly and be clear that I object to the manner of its use.

I made my requests on 5-13-23. You did not request additional time. On the last day of the response period (5-25-23) you provided a handful of documents - most eliding the central areas of inquiry - and then used the rolling production mantra. You offered no dates for production, did not explain why further time was necessary, and apparently presumed that having invoked rolling production you are free to produce the requested information some date of your selection.

When on 6-1-23, I inquired about the production, you repeated the rolling production mantra. Again with no information about when production would occur, why it was taking so long, or what could be done to short circuit the delay.

This isn't how the law works. First, the ordinance requires production **as soon as possible** but not later than 10 days. ("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."

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Finally, the rolling production rules don't provide an extension - they are designed to prevent an agency from waiting for the last document before producing the first.
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As you know the Mayor has produced her budget two days ago, and the information I have requested is relevant to analyzing the budget. It is also highly relevant to ongoing legislative efforts that I am covering.

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From: **Joe Dworetzky** joe.dworetzky@baycitynews.com
Subject: Re: Following Up
Date: June 5, 2023 at 8:49 PM
To: Hamilton, Jeffrey (HOM) jeff.hamilton@sfgov.org

Following up.

As you probably know, the Mayor's budget, released 6 days ago, includes 1) the addition of 32 beds at Bayview VTC and funds the site a year and a half beyond the end of its sublease; and 2) does not replace the beds at Pier F. It defies belief that HSH could be sure enough of these two things to include in them in the budget yet there remain no relevant public records beyond those produced so far.

Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
https://authory.com/JoeDworetzky

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Regards,

<image002.png>

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From: "Hamilton, Jeffrey (HOM)" <jeff.hamilton@sfgov.org>
Subject: SUNSHINE REQUEST - Initial release - NR051523DworetzkyVTC#2595
Date: May 25, 2023 at 7:27:01 PM EDT
To: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Cc: HSHSunshine <HSHSunshine@sfgov.org>

Dear Joe Dworetzky,

This email pertains to your Sunshine Request NR051523DworetzkyVTC#2595

You may access an initial batch of responsive records via this Box link:
https://dhsh.box.com/s/a05c05fcexiwp36ub3wdb7gmcbo39o9g

HSH staff is continuing to locate and review additional responsive non-privileged documents and will provide those documents to you on a rolling basis. S.F. Admin. Code § 67.25 (d).

Regards,

<image003.jpg>**Jeff Hamilton (he/him)**
Compliance Public Relations Officer
San Francisco Department of Homelessness and Supportive Housing
jeff.hamilton@sfgov.org |

Learn: hsh.sfgov.org | Follow: @SF_HSH | Like: @SanFranciscoHSH

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Begin forwarded message:

From: "Hamilton, Jeffrey (HOM)" <jeff.hamilton@sfgov.org>
Subject: SUNSHINE REQUEST - Initial release - NR051523DworetzkyP94#2594
Date: May 25, 2023 at 7:39:29 PM EDT
To: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Cc: HSHSunshine <HSHSunshine@sfgov.org>

Dear Joe Dworetzky,

This email pertains to your Sunshine Request **NR051523DworetzkyP94#2594.**

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https://dhsh.box.com/s/3w4dqhknaklx00ogeq77ervml8s3fp9b

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From: **HSHSunshine** HSHSunshine@sfgov.org
Subject: RE: Following Up
Date: June 6, 2023 at 2:04 PM
To: Joe Dworetzky gmail joedworetzky@gmail.com
Cc: Cohen, Emily (HOM) emily.cohen@sfgov.org, Schneider, Dylan (HOM) dylan.schneider@sfgov.org, HSHSunshine HSHSunshine@sfgov.org

Dear Joe Dworetzky,

Currently you have three open Sunshine requests with HSH:

- NR022723DworetzkySITEF#1150 (submitted February 27, 2023)
- NR051523DworetzkyP94#2594 (submitted May 15, 2023)
- NR051523DworetzkyVTC#2595 (submitted May 15, 2023)

Due to the voluminous nature of your requests, we have offered on multiple occasions to work with you to prioritize them. Absent any direction from you, and as I have stated previously, we will produce the records, on a rolling basis, in the order the requests were received.

As you know, you are free to work with me, or our media relations staff, to refine and target your requests as your priorities change. Feel free at any time to reach out and schedule a call to do so.

Jeff Hamilton (he/him)
Compliance Public Relations Officer
San Francisco Department of Homelessness and Supportive Housing
jeff.hamilton@sfgov.org | 628-652-7895

Learn: hsh.sfgov.org | Follow: @SF_HSH | Like: @SanFranciscoHSH

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From: Joe Dworetzky gmail <joedworetzky@gmail.com>
Sent: Friday, June 2, 2023 8:35 AM
To: Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org>
Cc: Cohen, Emily (HOM) <emily.cohen@sfgov.org>; Schneider, Dylan (HOM) <dylan.schneider@sfgov.org>; HSHSunshine <HSHSunshine@sfgov.org>
Subject: Re: Following Up

Jeff -

Thanks for getting back on this.

I want to note here you are not interpreting the rolling production reference correctly and be clear that I object to the manner of its use.

I made my requests on 5-13-23. You did not request additional time. On the last day of the response period (5-25-23) you provided a handful of documents - most eliding the central areas of inquiry - and then used the rolling production mantra. You offered no dates for production, did not explain why further time was necessary, and apparently presumed that having invoked rolling production you are free to produce the requested information some date of your selection.

When on 6-1-23, I inquired about the production, you repeated the rolling production mantra. Again with no information about when production would occur, why it was taking so long, or what could be done to short circuit the delay.

This isn't how the law works. First, the ordinance requires production **as soon as possible** but not later than 10 days. ("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."

Second, if the 10 limit can not be met and an additional 10 days is needed, the agency must advise immediately. (" 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**."

Finally, the rolling production rules don't provide an extension - they are designed to prevent an agency from waiting for the last document before producing the first.
(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 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.

As you know the Mayor has produced her budget two days ago, and the information I have requested is relevant to analyzing the budget. It is also highly relevant to ongoing legislative efforts that I am covering.

I would appreciate it if you would complete production of documents that I have requested, and I reserve all rights claims and privileges.

On Jun 1, 2023, at 12:57 PM, Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org> wrote:

Dear Joe Dworetzky,

HSH staff is continuing to locate and review additional responsive non-privileged documents and will provide those documents to you on a rolling basis. S.F. Admin. Code § 67.25 (d).

Regards,

<image002.png>
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From: Joe Dworetzky gmail <joedworetzky@gmail.com>
Sent: Thursday, June 1, 2023 7:01 AM
To: Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org>
Subject: Following Up

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

I am checking in on further production with respect to these requests.

Begin forwarded message:

From: "Hamilton, Jeffrey (HOM)" <jeff.hamilton@sfgov.org>
Subject: SUNSHINE REQUEST - Initial release - NR051523DworetzkyVTC#2595
Date: May 25, 2023 at 7:27:01 PM EDT
To: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Cc: HSHSunshine <HSHSunshine@sfgov.org>

Dear Joe Dworetzky,

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Regards,

Jeff Hamilton (he/him)
Compliance Public Relations Officer
San Francisco Department of Homelessness and Supportive Housing
jeff.hamilton@sfgov.org|

Learn: hsh.sfgov.org | Follow: @SF_HSH |
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Leger, Cheryl (BOS)

From:	Joe Dworetzky <joe.dworetzky@baycitynews.com>
Sent:	Tuesday, June 6, 2023 5:07 PM
To:	Records, Supervisor (CAT)
Cc:	Hamilton, Jeffrey (HOM); Cohen, Emily (HOM); Bouck, Deborah (HOM); Schneider, Dylan (HOM)
Subject:	Petition with respect to HSH Custodian of Records Concerning Failure to Comply with San Francisco Sunshine Ordinance
Attachments:	20230102_Series on Homelessness on SF City Streets story Name.pdf; 20230606_1am hq)py to discuss these requests. Joe Dworetzky Repo.pdf

Please consider this a petition to the Supervisor of Records under Sec 67.21(d) of the SF Sunshine Ordinance for 1) a determination that the custodian of records for the Department of Homelessness and Supportive Housing has refused, failed to comply, and/or incompletely complied with the above records request; 2) a determination that the requested records are public records; and 3) an immediate order to the custodian of records to comply with my records request.

The Sunshine Ordinance is about open information, Keeping information secret and delaying its production until it is useless are the same thing. The custodian here is delaying production with grounds so that it if and when it is delivered it will no longer be relevant. "The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information."

Background

I am a reporter for Bay City News and I cover Legal Affairs. I am covering issues around homelessness in San Francisco. I am covering several stories that relate to HSH. The attached spreadsheet lists the stories I have written to date. Many are critical of HSH.

Three areas are of particular interest to me at the minute. I have written extensively about 1) the Bayview VTC, 2) Site F at Pier 94 on lands of the Port of San Francisco, and 3) HSH budgeting and planning for its responsibility of providing shelter to unsheltered residents.

These areas are matters of public importance.The Mayor has requested the Board of Supervisors to authorize a 23-24 budget of $690 Million. HSH has several scheduled hearings on the budget request coming up (June 15 and 22). There is also a hearing before the Port Commission on Site F of importance. (June 13).

I have several pending public records requests that relate to subjects that are likely to be explored at the hearings and which the public should be able to learn about in advance.

- NR022723DworetzkySITEF#1150 (submitted February 27, 2023)
- NR051523DworetzkyP94#2594 (submitted May 15, 2023)

- NR051523DworetzkyVTC#2595 (submitted May 15, 2023)

I have had much back and forth with HSH's custodian of records in the past and have previously challenged his handling of records requests including by petition to the Supervisor of Records.

I have met with other members of the department in an attempt to find ways to get information I need without public records requests. For some things that has proven to be a reasonable alternative, but it is not adequate in all situations.

The custodian of records is not complying with the ordinance and the consequence, if his conduct continues, is that critical information about the departmental budget will be unavailable to the public.

Rolling Production

With respect to the two most recent pending records requests, the custodian has followed the approach of making partial production in a timely fashion and then stating that further documents will be produced on a rolling basis. The custodian then incorrectly treats the rolling production provision as a carte blanche exemption from the deadlines and productions in the ordinance and either does not make further production or waits until production is no longer meaningful because the related events have already passed.

In an email to the custodian on June 2, I provided the detail relating to my two most recent requests. I repeat the relevant part of my email here:

> I want to note here you are not interpreting the rolling production reference correctly and be clear that I object to the manner of its use.
>
> I made my requests on 5-13-23. You did not request additional time. On the last day of the response period (5-25-23) you provided a handful of documents - most eliding the central areas of inquiry - and then used the rolling production mantra. You offered no dates for production, did not explain why further time was necessary, and apparently presumed that having invoked rolling production you are free to produce the requested information some date of your selection.
>
> When on 6-1-23, I inquired about the production, you repeated the rolling production mantra. Again with no information about when production would occur, why it was taking so long, or what could be done to short circuit the delay.
>
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Notwithstanding my email, no further production has been made.

Prioritization

The older request has the rolling production issue but also the issue of my supposed failure to provide prioritization. The custodian complains about his workload and asks that production be prioritized. At some level that is fine, but he then uses the prioritization of one item as an exemption from production of everything else. Prioritization is a courtesy. Failure to prioritize is not an exemption from production.

The custodian also characterizes requests as voluminous and then relies on his characterization to delay or stop production.

***

I request that the matters raised in this petition be resolved in time that I may have the public records in time to meaningfully review them before the scheduled hearings, and I reserve all my rights, claims and privileges.

Documents Attached:

1.. Spreadsheet of stories about Homelessness I have Written

2. Chronological Correspondence

Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
https://url.avanan.click/v2/___https://authory.com/JoeDworetzky___.YXAzOnNmZHQyOmE6bzoxNjFiOTVlYmUyZDFlYjRlMzY2MmZmNzY0YWJlZGZkNjo2OjhhOWE6MGE4MjQ1NGQ1OGFmYmY4ZjcyYmYwMTA0ODBjYjFlYTAxY2UxMGEzMTBmNWUyNjkzMjI1MjAwNzgwMjI3Y2I1NTp0OkY

Series on Homelessness on SF City Streets

Number	Story Name	Date	SubThread	Local News Matters
1	SF's efforts to get homeless people off street and into shelters faces crucial court test	1/11/23	Coalition Lawsuit	https://localnewsmatters.org/2023/01/12/sfs-efforts-to-get-homeless-people-off-street-and-into-shelters-faces-crucial-court-test/
2	Exhausting battle: Group's lawsuit claims SF generating diesel pollution at triage center	1/11/23	Bayview VTC	https://localnewsmatters.org/2023/01/14/exhausting-battle-groups-lawsuit-claims-sf-generating-diesel-pollution-at-triage-center/
3	'You know better': Federal judge rejects call for clarity on SF homeless camp evictions	1/12/23	Coalition Lawsuit	https://localnewsmatters.org/2023/01/17/you-know-better-federal-judge-rejects-call-for-clarity-on-sf-homeless-camp-evictions/
4	SF officials face questions during town hall about efforts to deal with homeless camps	1/19/23	General	https://localnewsmatters.org/2023/01/24/sf-officials-face-questions-during-town-hall-about-efforts-to-deal-with-homeless-camps/
5	San Francisco eyes decision to authorize safe injection sites despite lack of state approval	1/19/23	General	https://localnewsmatters.org/2023/01/23/san-francisco-eyes-decision-to-authorize-safe-injection-sites-despite-lack-of-state-approval/
6	San Francisco appeals injunction against homeless camp sweeps, will seek stay	1/26/23	Coalition Lawsuit	https://localnewsmatters.org/2023/01/26/san-francisco-appeals-injunction-against-homeless-camp-sweeps-will-seek-stay/
7	BAYVIEW VEHICLE TRIAGE CENTER EXPOSES THE CHALLENGE OF ALTERNATIVE SHELTER APPROACHES	2/15/23	Bayview VTC	https://localnewsmatters.org/2023/02/15/bayview-vehicle-triage-center-woes-expose-challenge-of-alternative-shelter-approaches/
8	Environmental group fights to block permit for diesel generators at vehicle triage center	3/1/23	Bayview VTC	https://localnewsmatters.org/2023/03/01/environmental-group-fights-to-block-permit-for-diesel-generators-at-vehicle-triage-center/
9	Unplanned vagrancy: SF's ordinance to fix homelessness stalls over choice of words	3/17/23	HSH Planning	https://localnewsmatters.org/2023/03/18/unplanned-vagrancy-sfs-ordinance-to-fix-homelessness-stalls-over-choice-of-words/
10	Citizen Coalition Says City Can Save A Billion Dollars With Alternative Approach To Unsheltered Homelessness	3/18/23	HSH Planning	https://localnewsmatters.org/2023/03/21/sf-citizen-coalition-says-city-can-save-1-billion-with-alternative-approach-to-unsheltered-homelessness/
11	Building consensus: SF supervisors spar with advocacy groups on how to house homeless	3/23/23	HSH Planning	https://localnewsmatters.org/2023/03/23/building-consensus-sf-supervisors-spar-with-advocacy-groups-on-how-to-house-h/
12	City's Troubles at Bayview Vehicle Triage Center Continue	3/31/23	Bayview VTC	https://localnewsmatters.org/2023/04/03/bayview-triage-center-sees-new-delay-getting-generators-after-permit-stalls-on-technicality/
13	Federal Judge Refuses To Suspend Injunction Against Encampment Sweeps	4/4/23	Coalition Lawsuit	https://localnewsmatters.org/2023/04/06/federal-judge-refuses-to-suspend-injunction-against-sf-homeless-encampment-sweeps/

14	City To Give Up More Than 100 Shelter Beds Without A Fight	4/10/23	Port	https://localnewsmatters.org/2023/04/12/part-of-the-agreement-sf-in-rare-position-of-advocating-for-closure-of-homeless-facility/
15	PORT COMMISSIONERS CONSIDERING CLOSURE OF MORE THAN 100 SHELTER BEDS	4/12/23	Port	https://www.newsbreak.com/san-francisco-ca/2989535759677-sf-port-commissioners-considering-closure-of-more-than-100-shelter-beds
16	SF mayor to propose 5-year, $600M plan to halve unsheltered homelessness	4/14/23	HSH Planning	https://www.newsbreak.com/san-francisco-ca/2991602827124-sf-mayor-to-propose-5-year-600m-plan-to-halve-unsheltered-homelessness
17	Court refuses to block Oakland from razing makeshift dwellings at Wood Street encampment	4/20/23	General	https://www.cbsnews.com/sanfrancisco/news/court-block-oakland-razing-makeshift-dwellings-wood-street-encampment/#
18	SF port commissioners postpone decision on closing 'Site F' temporary homeless shelter	4/26/23	Port	https://localnewsmatters.org/2023/04/27/sf-port-commission-postpones-decision-on-closing-site-f-temporary-homeless-shelter/
19	Nomad in a Settled City: Tales of a Traveller	5/2/23	General	https://localnewsmatters.org/2023/05/02/nomad-in-a-settled-city-tales-of-a-traveller/
20	SF supervisors introduce resolution to keep 'Site F' homeless facility open on port land	5/4/23	Port	https://localnewsmatters.org/2023/05/04/sf-supervisors-introduce-resolution-to-keep-operating-site-f-homeless-facility-at-port/
21	Supervisors Resolve to add New Shelter beds, Protect Existing Ones	5/10/23	HSH Planning	https://www.sfgate.com/news/bayarea/article/supervisors-resolve-to-add-new-shelter-beds-18092202.php
22	Homelessness Department Takes A Beating Over Shelter Bed Management	5/16/23	HSH Planning; Pier	https://localnewsmatters.org/2023/05/17/sf-supervisors-grill-homeless-services-official-over-slow-progress-on-providing-shelter-beds/
23	SF supportive housing division pushes ahead on 'Site F' closure over supervisors' objection	5/25/23	Port	https://localnewsmatters.org/2023/05/29/sf-supportive-housing-division-pushes-ahead-on-site-f-closure-over-supervisors-objection/
24	SF: MAYOR'S PROPOSED BUDGET FOR HOMELESSNESS DEPARTMENT APPROACHES $700M	6/2/23	HSH Planning	https://localnewsmatters.org/2023/06/05/sf-mayors-budget-proposal-would-increase-homeless-services-funding-to-nearly-700m/?utm_source=post&utm_medium=social&utm_campaign=all_content

Dworetzky Series on Homelessness on SF City Streets

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14	City To Give Up More Than 100 Shelter Beds Without A Fight	4/10/23 Port	https://localnewsmatters.org/2023/04/12/part-of-the-agreement-sf-in-rare-position-of-advocating-for-closure-of-homeless-facility/
15	PORT COMMISSIONERS CONSIDERING CLOSURE OF MORE THAN 100 SHELTER BEDS	4/12/23 Port	https://www.newsbreak.com/san-francisco-ca/2989535759677-sf-port-commissioners-considering-closure-of-more-than-100-shelter-beds
16	SF mayor to propose 5-year, $600M plan to halve unsheltered homelessness	4/14/23 HSH Planning	https://www.newsbreak.com/san-francisco-ca/2991602827124-sf-mayor-to-propose-5-year-600m-plan-to-halve-unsheltered-homelessness
17	Court refuses to block Oakland from razing makeshift dwellings at Wood Street encampment	4/20/23 General	https://www.cbsnews.com/sanfrancisco/news/court-block-oakland-razing-makeshift-dwellings-wood-street-encampment/#

18	SF port commissioners postpone decision on closing 'Site F' temporary homeless shelter	4/26/23 Port	https://localnewsmatters.org/2023/04/27/sf-port-commission-postpones-decision-on-closing-site-f-temporary-homeless-shelter/
19	Nomad in a Settled City: Tales of a Traveller	5/2/2023 General	https://localnewsmatters.org/2023/05/02/nomad-in-a-settled-city-tales-of-a-traveller/
20	SF supervisors introduce resolution to keep 'Site F' homeless facility open on port land	5/4/23 Port	https://localnewsmatters.org/2023/05/04/sf-supervisors-introduce-resolution-to-keep-operating-site-f-homeless-facility-at-port/
21	Supervisors Resolve to add New Shelter beds, Protect Existing Ones	5/10/23 HSH Planning	https://www.sfgate.com/news/bayarea/article/supervisors-resolve-to-add-new-shelter-beds-18092202.php
22	Homelessness Department Takes A Beating Over Shelter Bed Management	5/16/23 HSH Planning; Pier	https://localnewsmatters.org/2023/05/17/sf-supervisors-grill-homeless-services-official-over-slow-progress-on-providing-shelter-beds/
23	SF supportive housing division pushes ahead on 'Site F' closure over supervisors' objection	5/25/23 Port	https://localnewsmatters.org/2023/05/29/sf-supportive-housing-division-pushes-ahead-on-site-f-closure-over-supervisors-objection/
24	SF: MAYOR'S PROPOSED BUDGET FOR HOMELESSNESS DEPARTMENT APPROACHES $700M	6/2/23 HSH Planning	https://localnewsmatters.org/2023/06/05/sf-mayors-budget-proposal-would-increase-homeless-services-funding-to-nearly-700m/?utm_source=post&utm_medium=social&utm_campaign=all_content
25	Shelter-skelter: San Francisco's best strategy in homelessness litigation might be to lose	6/2/23 Coalition Lawsuit	https://localnewsmatters.org/2023/06/15/shelter-skelter-san-franciscos-best-strategy-in-homelessness-litigation-might-be-to-lose/
26	Swept away: 'Experiencing' homelessness requires staying mobile for the next move	6/2/23 Coalition Lawsuit	https://localnewsmatters.org/2023/06/15/swept-away-experiencing-homelessness-requires-staying-mobile-for-the-next-move/

27	Bay City Sketchbook: Experiencing Homelessness	6/2/23 Coalition Lawsuit	https://localnewsmatters.org/2023/06/13/bay-city-sketchbook-experiencing-homelessness/

From: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Sent: Wednesday, July 26, 2023 12:31 PM
To: SOTF, (BOS)
Subject: Re: HSH Response to SOTF Complaint File 23060
Attachments: Dworetzky Rejoinder 7-26-23.docx

Ms. Leger - I am enclosing a rejoinder to HSH's response to my complaint. Thank you.

Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
https://url.avanan.click/v2/___https://authory.com/JoeDworetzky___.YXAzOnNmZHQyOmE6bzo0MWRhNzA5MzE5N2FiZGQyYTEwZDY0OWFiN2JmMDMwYjo2OjVjM2I6NTBhMDYzMjdmNDNkYmJhNzgwYTg2ZWQyNTA1NWZmNTZmMDY3NTIzMGQ3OTRlYmY1MGI2MzEwYzM1MWZmMGUzODp0OlQ

> On Jul 21, 2023, at 4:32 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:
>
> Joe, That's up to you.
>
> Cheryl Leger
> Sunshine Administrator
> Board of Supervisors
> phone 415-554-7724 | fax 415-554-5163
> cheryl.leger@sfgov.org | www.sfbos.org
>
> ---
>
> **From:** Joe Dworetzky <joe.dworetzky@baycitynews.com>
> **Sent:** Friday, July 21, 2023 8:55 AM
> **To:** SOTF, (BOS) <sotf@sfgov.org>
> **Subject:** Re: HSH Response to SOTF Complaint File 23060

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

Greetings - May I respond to HSH's letter? Joe

Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
https://url.avanan.click/v2/___https://authory.com/JoeDworetzky___.YXAzOnNmZHQyOmE6bzo1NWNiY2YzNTgxNjUzNmFjOWU3ODIyZmY3NTBlYTExNDo2OjNhNGY6NDczM2RmMjY0Yjg1ZWFhOGRkZWY3NWFlOWJjZDc3YjgzMzE4MGEyZjY3MTRiNDdkMzk2NjhhZWI2NzM2NzFmNjp0OlQ

On Jul 20, 2023, at 6:01 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

From: Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org>
Sent: Thursday, July 20, 2023 2:49 PM
To: SOTF, (BOS) <sotf@sfgov.org>; Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>
Cc: HSHSunshine <HSHSunshine@sfgov.org>
Subject: HSH Response to SOTF Complaint File 23060

Good afternoon Cheryl,

Please find attached HSH's response to Complaint **File 23060**.

Please confirm receipt and let me know if you need anything additional.

Regards,

Jeff Hamilton (he/him)
Compliance Public Relations Officer
San Francisco Department of Homelessness and Supportive Housing
jeff.hamilton@sfgov.org|

Learn: hsh.sfgov.org | Follow: @SF_HSH | Like: @SanFranciscoHSH

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<SOTF Complaint 23060 07,20.23.pdf>

Joe Dworetzky's Rejoinder to July 21, 2023 Letter
from Department of Homelessness and Supportive Services ("HSH")
with respect to File No. 23060

On July 21, 2023, HSH tendered a letter (the "HSH Letter") to the Sunshine Ordinance Task Force in response to my June 20, 2023 petition and complaint at **File No. 23060** (the "Complaint").

The HSH Letter reflects the same misconception of the purpose and requirements of the Sunshine Ordinance that has infected HSH's fulfillment of its duties under the Ordinance. Because of the importance of the issues and the potential for future abuses, I am submitting this rejoinder ("Rejoinder") for consideration by the Task Force.

Introduction

San Francisco is one of the few California cities that has its own sunshine requirements. The San Francisco Sunshine Ordinance ("Ordinance") reflects the view that open public information is key to city government. The Ordinance was intended to expand the disclosure requirements of state law and make clear that public officials who try to conduct the people's business in secret should be held accountable (Section 67.1(e) "Public officials who attempt to conduct the public's business in secret should be held accountable for their actions.")

Section 67.1(b) of the ordinance states:

> Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.

Both sentences are of significance, but the second sentence is of paramount importance here. The people of San Francisco have not given departments like HSH "the right to decide what the people should know about the operations of local government."

The Ordinance requires HSH, like other city departments, to make disclosure of public records under the terms of the Ordinance, not pursuant to its own unilateral determination of what it deems reasonable.

The Ordinance, among other things, creates a presumption that requested records are public, requires a department to document, explain and justify any withholding, and imposes the burden of showing a record can be withheld on the department not the requester (Section 67.20(g)).

Most importantly, the Ordinance imposes strict timetables for compliance and creates both an administrative and judicial remedy for violations by the agency.

The Importance of HSH's Public Records

The operations that HSH conducts could not be of greater civic importance. Homelessness is a number one concern of the residents of the city and dominates local, regional, and frequently national news. The department administers massive amounts of federal, state and local funding. The department's adopted budget for FY 2024 alone is $690 million dollars.

As I noted in my complaint, I have written many stories this year – 28 to date with more pending - about the city's response to homelessness in San Francisco.

In my reporting I have chronicled instances of HSH's mismanagement of public projects and of public funds. Many of my stories were based on information I obtained through public records requests. In some cases, the public records I obtained contradicted information that was being given to the public and other members of government, including the Board of Supervisors (the "Board"). My reporting has probed and challenged HSH's strategy for dealing with unsheltered homelessness and has identified a number of areas in which HSH has adopted positions directly contrary to the positions of the Board.

Several stories that I am following are central to the issues I have raised in my Complaint.

In one series of stories I explored how HSH created a "safe parking" site in Bayview called the Bayview Vehicle Triage Center where RV owners could bring their vehicles and park in a secure location. My reporting showed that the city spent a staggering $175,000 per person in the first year of operations at the site even though the residents lived in their own RVs and the city did not provide shelter. I also exposed the city's lack of proper due diligence and its mismanagement of operations at the site. I found and reported repeated instances where the city assured both residents of the site and the adjoining neighbors of things that turned out to be untrue. For example, one of the promises the city made to the neighbors was that the site was to be temporary and only in place for two-years. I then reported about the city's attempt to extend the site lease for another 2 years, despite the prior assurances to the neighbors. The city also promised the RV residents that there would be electric service at the site so their RVs could be connected. I then reported that after 19 months, there is still no electric service.

In another series of stories, I exposed that HSH – at the request of the Port of San Francisco - had agreed to close the homeless site at Site F at Pier 94 at the end of the lease. My story noted that the city was under a federal court injunction because of a lack of shelter beds and it would cost tens of millions of dollars to replace the facility. I pointed out that the port was a city related agency – the Mayor appoints the Commissioners and the Board approves them – and the city likely had the ability to influence the port to keep the beds open. (The board subsequently adopted a resolution in support of preserving the shelter beds and, at least for the time being, the beds remain in service.)

Another set of stories was about HSH's decision to ignore the Board's directive to prepare an implementation plan to end unsheltered homelessness in the city within three years. HSH instead offered a plan that would only halve the unsheltered population and would take five years to do

so. My stories reported criticism of HSH by city officials including Supervisor Rafael Mandelman's repeated statements that HSH is not the right agency to be in charge of expanding shelter beds. I wrote about how HSH budget hearings – scheduled for June 15 and 22 – would put HSH on the hot seat over its management of the city's shelter bed inventory.

Each of these story threads is open, active and my reporting on them continues.

Delay and Manipulation of Production.

I made two public records requests on May 15, 2023 in an attempt to gather information on the Pier 94 and Bayview VTC story threads, with the expectation that I would be able to report on those stories fully prior to the mid-June budget hearings. **Each request was sharply limited in time** so HSH would not claim it was burdensome. Both requests called for public records only **from and after April 15, 2023.** In other words, the records requests were tightly circumscribed to a roughly one-month long time period.

When it comes to public information, delay in providing information can have the same effect as outright withholding. In this case, I am challenging HSH practice of making a small group of documents available in a timely way and then manipulating the timing of the remaining production by claiming to be reviewing and redacting documents and producing them on a rolling basis at undisclosed times and dates in the future.

HSH uses this approach to create a continuing exemption from the disclosure timelines. The approach allows HSH to insulate from public review public records that it chooses to produce on its own schedule. Thus, despite the fact that I requested public records relevant to the story threads described above on May 15th – almost a month before hearings scheduled on HSH's budget request – the so called "final" documents were only produced on July 14 and July 19, more than 2 months after being requested and a month after the budget hearings were held. (I also note that they were only produced after I filed the Complaint and HSH realized that its actions were going to be reviewed.)

Among the information contained in HSH's final production that I was unable to include in stories prior to the budget hearings were:

- Serious allegations of mismanagement were found at Site F and a formal notice of non-compliance was issued to the contract operator.

- HSH was actively exploring arrangements to give away many of the trailers that were housing individuals at Site F.

- HSH had a plan to relocate some trailers from Site F to the Bayview VTC.

- That an estimated 90% of the Site F residents wanted to remain in Bayview a serious issue because of limited capacity and public statements that displaced residents would be accommodated.

The Ordinance Contains Specific Deadlines for Production

The Ordinance does not leave the timing of production to the unilateral determination of HSH. Section 67.21(b) requires production within 10 days. However, 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**."

In other words, if the circumstances that the HSH Letter presents as its justification for delay – so called "voluminous" requests, consultation with other agencies – are present, HSH can get an extra 10 days to respond, but only if it notifies the requester the day after getting the public records request. It is undisputed that HSH did not so notify me within a day of my requests, or in fact, ever. Instead, it produced a handful of records and said it was still looking and reviewing and would produce more records on a rolling basis.

However, the rolling production rules don't provide an extension - they are designed to prevent an agency from waiting for the last document before producing the first ("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 responsive to a records request until all potentially responsive documents have been reviewed and collected.**")

Yet according to HSH, once it uses the words "rolling production," all future production of documents is on a timeline of its own choosing. This approach gives HSH the power and opportunity to withhold troublesome public records and disclose them when they are no longer relevant, as, for example, where the story has been written, or the hearing held and concluded.

HSH Ignores the Ordinance in Favor of a Unilateral Decision on Production

The HSH Letter states in broad generalized statements that HSH needs to review documents for privilege and privacy concerns and occasionally consult other agencies. However, as noted above, the Ordinance contemplates that will occur frequently and provides an explicit process that lets HSH get additional time so it can undertake those activities. (It is undisputed that HSH did not take advantage of the ten-day extension and its actual production, in any case, went far beyond that time.)

Given that fact, one would imagine that the HSH Letter would at the barest minimum, provide the Task Force specifics that would support a conclusion that it could not meet the statutory deadlines while doing a privacy or privilege review.

But instead of meeting its burden to justify withholding records, HSH basically says the Task Force should "trust us" to produce records in a timeframe that HSH deems "reasonable."

But that is not the Task Force's role. As the Ordinance makes clear – the people did not cede to HSH the right to determine what can be kept secret.

HSH's "trust us" response flatly ignores the requirements for information called for in the Task Force's description of Respondent Packets. Among the required questions that HSH's Letter failed to answer are:

> *What method did you use to locate these records? Your response should include:*
>
> *a. The name and job title of the person who performed the search.*
> *b. The method and search terms utilized.*
> *c. The devices, forms of communication, and/or systems that were searched.*
> *d. The dates of these searches.*
> *e. Copies of communications used to conduct the search (such as emails to staff directing them to conduct a search, IT tickets/queries, etc.).*
> *f. Any other information that will help us understand your search methods.*
>
> *Did you withhold any information or documents from the requester prior to the filing of the complaint? If yes, explain what documents were withheld and why. Drawing primarily on the Sunshine Ordinance, provide any supporting argument or evidence that each exemption in fact applies.*
>
> *Did you provide written justification for all withholding of information prior to the filing of the complaint? If yes, attach evidence.*
>
> *At the time the request was made, did you search employee personal property (such as mobile phones and computers) for responsive records about the conduct of public business? If yes, describe your method for conducting this search. If appropriate, provide supporting documentation in your packet.*
>
> *At the time the request was made, did you request relevant records from contractors your agency has funded, managed or hired? If yes, describe how you communicated this request. Provide supporting documentation in your packet, including communications to and from the contractor.*
>
> *Are there any known responsive records that you have yet to review for potential redaction and disclosure to the respondent*

HSH's Letter doesn't include this information because it believes that the Task Force should let HSH substitute its own judgment for the Ordinance's requirements.

HSH Wrongly Suggests that it Made Production Promptly

The Task Force's 2022 Annual Report found that the median response time for public records requests by city agencies was just over 10 days.

The table produced by HSH (updated to show recent production) shows that after excluding the one-day immediate disclosure items governed by Section 67. 25(a), the average production time was 50.2 days and the median was 60 days.

The two productions that I challenged in my complaint were open 60 and 67 days respectively.

Dworetzky Public Record Requests HSH (Excluding One Day Immediate Disclosure)	Date of Request	Date of Last Production	HSH Status	Days Until Final Production
NR051523DworetzkyVTC#2595	**May 15, 2023**	**July 14, 2023**	**Closed**	**60**
NR051523DworetzkyP94#2594	**May 15, 2023**	**July 21, 2023**	**Closed**	**67**
NR033023Dworetzky#1693	March 30, 2023	April 4, 2023	Closed	5
NR032323Dworetzky#1542	March 23, 2023	April 7, 2023	Closed	15
NR022723DworetzkySITEF#1150	February 27, 2023	July 21, 2023	In process	144
S020923DworetzkyVISITORS2	February 9, 2023	February 24, 2023	Closed	15
S013023Dworetzky3EXITS	January 30, 2023	February 1, 2023	Closed	2
S012523DworetzkyVTC	January 25, 2023	April 14, 2023	Closed	79
S012523DworetzkyAPFA	January 25, 2023	March 31, 2023	Closed	65
			Avg	**50.2**
			Median	**60**

Moreover, HSH can hardly make the case that it is overburdened with public records requests. The 2022 Annual Report shows that of 57 San Francisco administrative bodies, the largest number of requests were received by the Department of Emergency Management (4,543) and the Department of Public Health (2,417).

The chart included in the report appears to show that HSH received less than 250 records requests in 2022. Given its $690 million budget, HSH can hardly argue that it does not have the resources necessary to comply with the Ordinance on a timely basis.

HSH Does Not Contest the Key Allegations of the Complaint

Finally, HSH does not contest any of the key allegations of the Complaint, including specifically that

- The records requests were proper.
- The requested documents are in fact public records.
- The Task Force has jurisdiction to provide the requested relief.
- HSH did not timely claim an exemption from disclosure.
- HSH did not timely invoke the provision for obtaining an additional ten days to respond.

- HSH uses the rolling production section as if it gives HSH an unlimited extension of the disclosure deadlines based solely on the unilateral determination of HSH.

- HSH invokes the rolling production provision without providing any information about the public records that are being reviewed or when production will be made.

Conclusion

As a working reporter trying to cover important accountability stories about HSH, I depend on public records to obtain information about what HSH is doing and the impact of its action on the city. For the records to be useful, they must be produced on a timely basis.

By its invocation of "rolling production," HSH has adopted a practice that allows it to postpone its production of documents to a time that it unilaterally determines. The practice is not authorized; indeed, it is a perversion of the Ordinance.

If the practiced is countenanced by the Task Force, HSH – and any other agency – will be able to postpone and delay production of newsworthy records until a time when they are no longer relevant.

For all the reasons contained in the Complaint and this Rejoinder, I request the Task Force to rule HSH's practice is improper and grant the relief I have requested.

Submitted,
July 26, 2023

Joe Dworetzky
Reporter, Legal Affairs
Bay City News
joedworetzky@gmail.com
267-886-4540

From: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Sent: Tuesday, September 19, 2023 8:59 AM
To: SOTF, (BOS)
Subject: J. Dworetzky v Department of Homelessness and Supportive Housing File No. 23060
Attachments: 20230919_Correspondence relating to Dworetzky Public Records Req 2.pdf

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Cheryl - Thank you for allowing me to attend the Committee hearing on the 26th by video conference. I know that video hearings can get very confusing where there are documents involved.

Hopefully to alleviate that problem and for the convenience of the Committee I have organized all the materials and supplemental materials I am submitting to the Task Force into the attached pdf file (with a table of contents and page numbers) and request that it be included in their agenda packets. Note that page 15 is a chronology that also references the page numbers where the related documents can be found in the package.

I expect to refer to this collection by page numbers in my presentation to the Committee at the September 26th hearing.

Because it is a large attachment, please confirm receipt.

Many thanks. Joe D

Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
https://authory.com/JoeDworetzky

Sunshine Ordinance Task Force
Education, Outreach and Training Committee
Materials for Committee Consideration of Complaint
J. Dworetzky v Department of Homelessness and Supportive Housing
File No. 23060

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From: **Joe Dworetzky** joe.dworetzky@baycitynews.com
Subject: Petition to Sunshine Task Force
Date: June 20, 2023 at 6:05 PM
To: sotf@sfgov.org
Cc: odaya.buta@sfcityatty.org, supervisor.records@sfcityatty.org supervisor.records@SFCITYATTY.ORG, Hamilton, Jeffrey (HOM) jeff.hamilton@sfgov.org, Cohen, Emily (HOM) emily.cohen@sfgov.org, Deborah Bouck deborah.bouck@sfgov.org, Schneider, Dylan (HOM) dylan.schneider@sfgov.org
Bcc: Dan Rosenheim dan.rosenheim@baycitynews.com, Katherine Rowlands kat@baycitynews.com

To The Sunshine Task Force:

Please accept this petition and complaint as a request for review and redress under Sec 67.21(c) of the SF Administrative Code with respect to failures to comply with the SF Sunshine Ordinance by 1) the Custodian of Records (the Custodian) for the Department of Homelessness and Supportive Housing (HSH), and 2) the Supervisor of Records (the Supervisor).

I request a determination that the records requested in the attached requests are public records and an immediate order that the Custodian shall make the records available, all as provided in the ordinance. While I request and hope for immediate action in light of pending budget hearing on Thursday of this week, the issue I am raising is of long term importance and should be resolved even if it can not be done in that time frame.

My contact information is below.

Background

I am a reporter for Bay City News and I cover Legal Affairs. I am covering issues around homelessness in San Francisco. The attached spreadsheet lists the 27 stories I have written to date on these topics. Many are critical of HSH. In order to report these stories I depend on obtaining access to public records in accordance with the Sunshine Ordinance. In particular public records are often the only source of reliable information about the cost of HSH's programs.

Three areas are of particular interest to me at the minute. I have written extensively about 1) the Bayview VTC, 2) Site F at Pier 94 on lands of the Port of San Francisco, and 3) HSH budgeting and planning for its responsibility of providing shelter to unsheltered residents.

These areas are matters of significant public importance. To just mention one aspect, the Mayor has requested the Board of Supervisors to authorize a 23-24 budget of $690 Million for HSH. HSH has several scheduled hearings on the budget request coming up - one has now passed but at least one remains (June 22).

I have several pending public records requests that relate to subjects that are likely to be explored at the hearings and about which the public should be able to learn in advance.

- NR022723DworetzkySITEF#1150 (submitted February 27, 2023)

- NR051523DworetzkyP94#2594 (submitted May 15, 2023)

- NR051523DworetzkyVTC#2595 (submitted May 15, 2023)

I have had much back and forth with the Custodian in the past and have previously challenged the Custodian's handling of records requests. In one past case I filed a petition with the Supervisor that challenged the Custodian's production.

I have met with other members of HSH in an attempt to find ways to get the information I need without

1

public records requests. For some things that has proven to be a reasonable alternative, but it is not adequate in all situations.

The Custodian has adopted an approach that he uses to defeat legitimate attempts to obtain records which are clearly public. To do this, the Custodian makes partial production in a timely fashion and then states that further documents are being looked for or reviewed and will be produced on a rolling basis. The custodian then treats the rolling production provision as a carte blanche exemption from the deadlines in the ordinance and either does not make further production or waits until the production is no longer meaningful because the relevant events have already passed.

Specifics:

In an email to the Custodian on June 2, I provided the detail relating to my two most recent requests (NR051523DworetzkyP94#2594 (submitted May 15, 2023) and NR051523DworetzkyVTC#2595 (submitted May 15, 2023).

I repeat the relevant part of my email here:

> I want to note here you are not interpreting the rolling production reference correctly and be clear that I object to the manner of its use.
>
> I made my requests on 5-13-23. You did not request additional time. On the last day of the response period (5-25-23) you provided a handful of documents - most eliding the central areas of inquiry - and then used the rolling production mantra. You offered no dates for production, did not explain why further time was necessary, and apparently presumed that having invoked rolling production you are free to produce the requested information some date of your selection.
>
> When on 6-1-23, I inquired about the production, you repeated the rolling production mantra. Again with no information about when production would occur, why it was taking so long, or what could be done to short circuit the delay.
>
> This isn't how the law works. First, the ordinance requires production as soon as possible but not later than 10 days. ("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.")
>
> Second, if the 10 limit can not be met and an additional 10 days is needed, the agency must advise immediately. ("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**.")
>
> Finally, the rolling production rules don't provide an extension - they are designed to prevent an agency from waiting for the last document before producing the first ("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 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."

Notwithstanding my email, no further production was made by June 6 when I filed a petition with the

Notwithstanding my email, no further production was made by June 6 when I filed a petition with the Supervisor asking for immediate review of the Custodian's actions and seeking : 1) a determination that the Custodian had refused, failed to comply, and/or incompletely complied with the my records request; 2) a determination that the requested records are public records; and 3) an immediate order to the Custodian to comply with my records request.

I requested that "the matters raised in this petition be resolved in time that I may have the public records in time to meaningfully review them before the scheduled hearing. (See Attached).

My petition was acknowledged by the Supervisor on June 7 (See Attached) .

The next day, the Custodian sent three emails attaching some public records that were subject to the pending requests. None of the emails stated that all requested records had been produced. Each of the emails however contained the same statement "HSH staff is continuing to locate and review additional responsive non-privileged documents and will provide those documents to you on a rolling basis. S.F. Admin. Code § 67.25 (d)."

In other words, each of the three continued the same disregard of the ordinance as the previously challenged responses.

Meanwhile HSH's first budget hearing was held June 15 (A hearing of the Port Commission relevant to the requested records was held on June 13.) That meant that even though my records request was more than a month before the June 15th budget hearing, I still did not have complete responses to the requests by the hearing.

The practice of invoking the rolling production section as a carte blanche exemption is particularly difficult to deal with as a reporter because the Custodian 1) does not say when the next production will occur; 2) what records are being examined; or 3) why a delay is necessary. Covering a story is a time sensitive thing. If a budget or law is passed before relevant information is produced, the opportunity for the public to have its views known on the subject before those views have lost relevance has been irretrievably lost.

The Custodian has not at any time said that the subject of my recent requests are not public records or are subject to an exemption. Because the Custodian failed to do so in the time specified in the Ordinance, the records I requested should be determined to be public records (See Section 67.21(b) "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**.")

The Custodian's approach and the Supervisor's failure to provide timely review runs the risk of insulating from public analysis potentially key information before HSH's $690 million budget is adopted. Without going into all the reasons why this is meaningful, suffice it to point out that HHS is asking for an increase to its roughly $670 million budget at a time when other departments are taking cuts, and it proposes to add nearly 600 shelter beds and in that regard it's prior management - or mismanagement - of shelter facilities at the Bayview VTC and Site F at Pier 94 on Port lands is highly relevant.

Failure of the Supervisor to Act

My petition to the Supervisor was filed on June 6th.

The Ordinance required the Supervisor to take appropriate action **"as soon as possible and within 10 days**, of its determination." Given the urgency explained in the petition, the Supervisor should have acted within a day or two. But the Supervisor did not take any immediate action.

3

In any event, the Supervisor was required to take action on my petition by the end of the day on June 16. To the best of my knowledge, no action has taken.

The Supervisor's role in a matter such as this is not to act as counsel for HSH but to "act to protect and secure the rights of the people of San Francisco to access public information." (67.21(f))

With the next budget hearing on June 22, prompt action is necessary.

Jurisdiction and Relief

Because the records I have requested are concededly public records, this matter is squarely in the jurisdiction of the Task Force. It is appropriate for this Task Force to determine the records requested are public records and then give the relief specified in the Ordinance ("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.")

Because I am seeking prompt relief, let me anticpate an argument that the Custodian and/or Supervisor might tender. In a prior challenge to the Custodian's failure to properly fulfill my record requests, the Supervisor made the argument that it could only review cases where there was a dispute about whether a record was a public record. In that case - like this one - the Custodian had waived any challenge to the status of a record as a public record.

The Supervisor's argument is without any merit. The argument would lead to the absurdity that the Supervisor or Task Force would be be required to immediately order production of a record if it was determined to be public record after a good faith contest about whether it was a public record, but could do nothing if a custodian flatly refused to produce an admittedly public record.. (See: 67.21(d) "**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.")

The Supervisor's reading misreads the language in 67.21(d) that allows review: " If the custodian **refuses, fails to comply, or incompletely complies with a request** described in (b)..." The way the Ordinance works is that once review is triggered by a failure or refusal to comply with a records request - whether complete or, like here, partial - the petitioner may request a determination of whether the record is a public record. Where there has been no timely objection - as here - the determination is not difficult and can be made immediately. Once made, then the directive part of the ordinance kicks in and the custodian must be directed to make the production. Any other interpretation would mean that a custodian could defeat meaningful review by conceding that something is a public record but refusing to produce.

This is a matter of significant public importance for the Sunshine Ordinance Task Force. While I am challenging production in this specific case, if a custodian is allowed to manipulate the production of public records in the way that the Custodian is doing here, crucial public records from any city department will be insulated from public review at will just by invoking the rolling production language.

The Sunshine Ordinance is about open information. Keeping information secret and delaying its production until it is useless amount to the same thing. The Custodian here is manipulating production so that if and when documents are delivered they will no longer be relevant. "The right of the people to

know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information."

Thank you for considering this petition and complaint.

Referenced:

Relevant Ordinance:

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

...

(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 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.

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Joe Dworetzky's Rejoinder to July 21, 2023 Letter from Department of Homelessness and Supportive Services ("HSH") with respect to File No. 23060

On July 21, 2023, HSH tendered a letter (the "HSH Letter") to the Sunshine Ordinance Task Force in response to my June 20, 2023 petition and complaint at **File No. 23060** (the "Complaint").

The HSH Letter reflects the same misconception of the purpose and requirements of the Sunshine Ordinance that has infected HSH's fulfillment of its duties under the Ordinance. Because of the importance of the issues and the potential for future abuses, I am submitting this rejoinder ("Rejoinder") for consideration by the Task Force.

Introduction

San Francisco is one of the few California cities that has its own sunshine requirements. The San Francisco Sunshine Ordinance ("Ordinance") reflects the view that open public information is key to city government. The Ordinance was intended to expand the disclosure requirements of state law and make clear that public officials who try to conduct the people's business in secret should be held accountable (Section 67.1(e) "Public officials who attempt to conduct the public's business in secret should be held accountable for their actions.")

Section 67.1(b) of the ordinance states:

> Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.

Both sentences are of significance, but the second sentence is of paramount importance here. The people of San Francisco have not given departments like HSH "the right to decide what the people should know about the operations of local government."

The Ordinance requires HSH, like other city departments, to make disclosure of public records under the terms of the Ordinance, not pursuant to its own unilateral determination of what it deems reasonable.

The Ordinance, among other things, creates a presumption that requested records are public, requires a department to document, explain and justify any withholding, and imposes the burden of showing a record can be withheld on the department not the requester (Section 67.20(g)).

Most importantly, the Ordinance imposes strict timetables for compliance and creates both an administrative and judicial remedy for violations by the agency.

The Importance of HSH's Public Records

The operations that HSH conducts could not be of greater civic importance. Homelessness is a number one concern of the residents of the city and dominates local, regional, and frequently national news. The department administers massive amounts of federal, state and local funding. The department's adopted budget for FY 2024 alone is $690 million dollars.

As I noted in my complaint, I have written many stories this year – 28 to date with more pending - about the city's response to homelessness in San Francisco.

In my reporting I have chronicled instances of HSH's mismanagement of public projects and of public funds. Many of my stories were based on information I obtained through public records requests. In some cases, the public records I obtained contradicted information that was being given to the public and other members of government, including the Board of Supervisors (the "Board"). My reporting has probed and challenged HSH's strategy for dealing with unsheltered homelessness and has identified a number of areas in which HSH has adopted positions directly contrary to the positions of the Board.

Several stories that I am following are central to the issues I have raised in my Complaint.

In one series of stories I explored how HSH created a "safe parking" site in Bayview called the Bayview Vehicle Triage Center where RV owners could bring their vehicles and park in a secure location. My reporting showed that the city spent a staggering $175,000 per person in the first year of operations at the site even though the residents lived in their own RVs and the city did not provide shelter. I also exposed the city's lack of proper due diligence and its mismanagement of operations at the site. I found and reported repeated instances where the city assured both residents of the site and the adjoining neighbors of things that turned out to be untrue. For example, one of the promises the city made to the neighbors was that the site was to be temporary and only in place for two-years. I then reported about the city's attempt to extend the site lease for another 2 years, despite the prior assurances to the neighbors. The city also promised the RV residents that there would be electric service at the site so their RVs could be connected. I then reported that after 19 months, there is still no electric service.

In another series of stories, I exposed that HSH – at the request of the Port of San Francisco - had agreed to close the homeless site at Site F at Pier 94 at the end of the lease. My story noted that the city was under a federal court injunction because of a lack of shelter beds and it would cost tens of millions of dollars to replace the facility. I pointed out that the port was a city related agency – the Mayor appoints the Commissioners and the Board approves them – and the city likely had the ability to influence the port to keep the beds open. (The board subsequently adopted a resolution in support of preserving the shelter beds and, at least for the time being, the beds remain in service.)

Another set of stories was about HSH's decision to ignore the Board's directive to prepare an implementation plan to end unsheltered homelessness in the city within three years. HSH instead offered a plan that would only halve the unsheltered population and would take five years to do

so. My stories reported criticism of HSH by city officials including Supervisor Rafael Mandelman's repeated statements that HSH is not the right agency to be in charge of expanding shelter beds. I wrote about how HSH budget hearings – scheduled for June 15 and 22 – would put HSH on the hot seat over its management of the city's shelter bed inventory.

Each of these story threads is open, active and my reporting on them continues.

Delay and Manipulation of Production.

I made two public records requests on May 15, 2023 in an attempt to gather information on the Pier 94 and Bayview VTC story threads, with the expectation that I would be able to report on those stories fully prior to the mid-June budget hearings. **Each request was sharply limited in time** so HSH would not claim it was burdensome. Both requests called for public records only **from and after April 15, 2023.** In other words, the records requests were tightly circumscribed to a roughly one-month long time period.

When it comes to public information, delay in providing information can have the same effect as outright withholding. In this case, I am challenging HSH practice of making a small group of documents available in a timely way and then manipulating the timing of the remaining production by claiming to be reviewing and redacting documents and producing them on a rolling basis at undisclosed times and dates in the future.

HSH uses this approach to create a continuing exemption from the disclosure timelines. The approach allows HSH to insulate from public review public records that it chooses to produce on its own schedule. Thus, despite the fact that I requested public records relevant to the story threads described above on May 15th – almost a month before hearings scheduled on HSH's budget request – the so called "final" documents were only produced on July 14 and July 19, more than 2 months after being requested and a month after the budget hearings were held. (I also note that they were only produced after I filed the Complaint and HSH realized that its actions were going to be reviewed.)

Among the information contained in HSH's final production that I was unable to include in stories prior to the budget hearings were:

- Serious allegations of mismanagement were found at Site F and a formal notice of non-compliance was issued to the contract operator.
- HSH was actively exploring arrangements to give away many of the trailers that were housing individuals at Site F.
- HSH had a plan to relocate some trailers from Site F to the Bayview VTC.
- That an estimated 90% of the Site F residents wanted to remain in Bayview a serious issue because of limited capacity and public statements that displaced residents would be accommodated.

The Ordinance Contains Specific Deadlines for Production

The Ordinance does not leave the timing of production to the unilateral determination of HSH. Section 67.21(b) requires production within 10 days. However, 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**."

In other words, if the circumstances that the HSH Letter presents as its justification for delay – so called "voluminous" requests, consultation with other agencies – are present, HSH can get an extra 10 days to respond, but only if it notifies the requester the day after getting the public records request. It is undisputed that HSH did not so notify me within a day of my requests, or in fact, ever. Instead, it produced a handful of records and said it was still looking and reviewing and would produce more records on a rolling basis.

However, the rolling production rules don't provide an extension - they are designed to prevent an agency from waiting for the last document before producing the first ("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 responsive to a records request until all potentially responsive documents have been reviewed and collected.**")

Yet according to HSH, once it uses the words "rolling production," all future production of documents is on a timeline of its own choosing. This approach gives HSH the power and opportunity to withhold troublesome public records and disclose them when they are no longer relevant, as, for example, where the story has been written, or the hearing held and concluded.

HSH Ignores the Ordinance in Favor of a Unilateral Decision on Production

The HSH Letter states in broad generalized statements that HSH needs to review documents for privilege and privacy concerns and occasionally consult other agencies. However, as noted above, the Ordinance contemplates that will occur frequently and provides an explicit process that lets HSH get additional time so it can undertake those activities. (It is undisputed that HSH did not take advantage of the ten-day extension and its actual production, in any case, went far beyond that time.)

Given that fact, one would imagine that the HSH Letter would at the barest minimum, provide the Task Force specifics that would support a conclusion that it could not meet the statutory deadlines while doing a privacy or privilege review.

But instead of meeting its burden to justify withholding records, HSH basically says the Task Force should "trust us" to produce records in a timeframe that HSH deems "reasonable."

But that is not the Task Force's role. As the Ordinance makes clear – the people did not cede to HSH the right to determine what can be kept secret.

HSH's "trust us" response flatly ignores the requirements for information called for in the Task Force's description of Respondent Packets. Among the required questions that HSH's Letter failed to answer are:

> *What method did you use to locate these records? Your response should include:*
>
> *a. The name and job title of the person who performed the search.*
> *b. The method and search terms utilized.*
> *c. The devices, forms of communication, and/or systems that were searched.*
> *d. The dates of these searches.*
> *e. Copies of communications used to conduct the search (such as emails to staff directing them to conduct a search, IT tickets/queries, etc.).*
> *f. Any other information that will help us understand your search methods.*
>
> *Did you withhold any information or documents from the requester prior to the filing of the complaint? If yes, explain what documents were withheld and why. Drawing primarily on the Sunshine Ordinance, provide any supporting argument or evidence that each exemption in fact applies.*
>
> *Did you provide written justification for all withholding of information prior to the filing of the complaint? If yes, attach evidence.*
>
> *At the time the request was made, did you search employee personal property (such as mobile phones and computers) for responsive records about the conduct of public business? If yes, describe your method for conducting this search. If appropriate, provide supporting documentation in your packet.*
>
> *At the time the request was made, did you request relevant records from contractors your agency has funded, managed or hired? If yes, describe how you communicated this request. Provide supporting documentation in your packet, including communications to and from the contractor.*
>
> *Are there any known responsive records that you have yet to review for potential redaction and disclosure to the respondent*

HSH's Letter doesn't include this information because it believes that the Task Force should let HSH substitute its own judgment for the Ordinance's requirements.

HSH Wrongly Suggests that it Made Production Promptly

The Task Force's 2022 Annual Report found that the median response time for public records requests by city agencies was just over 10 days.

The table produced by HSH (updated to show recent production) shows that after excluding the one-day immediate disclosure items governed by Section 67. 25(a), the average production time was 50.2 days and the median was 60 days.

The two productions that I challenged in my complaint were open 60 and 67 days respectively.

Dworetzky Public Record Requests HSH (Excluding One Day Immediate Disclosure)	Date of Request	Date of Last Production	HSH Status	Days Until Final Production
NR051523DworetzkyVTC#2595	**May 15, 2023**	**July 14, 2023**	**Closed**	**60**
NR051523DworetzkyP94#2594	**May 15, 2023**	**July 21, 2023**	**Closed**	**67**
NR033023Dworetzky#1693	March 30, 2023	April 4, 2023	Closed	5
NR032323Dworetzky#1542	March 23, 2023	April 7, 2023	Closed	15
NR022723DworetzkySITEF#1150	February 27, 2023	July 21, 2023	In process	144
S020923DworetzkyVISITORS2	February 9, 2023	February 24, 2023	Closed	15
S013023Dworetzky3EXITS	January 30, 2023	February 1, 2023	Closed	2
S012523DworetzkyVTC	January 25, 2023	April 14, 2023	Closed	79
S012523DworetzkyAPFA	January 25, 2023	March 31, 2023	Closed	65
			Avg	**50.2**
			Median	**60**

Moreover, HSH can hardly make the case that it is overburdened with public records requests. The 2022 Annual Report shows that of 57 San Francisco administrative bodies, the largest number of requests were received by the Department of Emergency Management (4,543) and the Department of Public Health (2,417).

The chart included in the report appears to show that HSH received less than 250 records requests in 2022. Given its $690 million budget, HSH can hardly argue that it does not have the resources necessary to comply with the Ordinance on a timely basis.

HSH Does Not Contest the Key Allegations of the Complaint

Finally, HSH does not contest any of the key allegations of the Complaint, including specifically that

- The records requests were proper.
- The requested documents are in fact public records.
- The Task Force has jurisdiction to provide the requested relief.
- HSH did not timely claim an exemption from disclosure.
- HSH did not timely invoke the provision for obtaining an additional ten days to respond.

- HSH uses the rolling production section as if it gives HSH an unlimited extension of the disclosure deadlines based solely on the unilateral determination of HSH.

- HSH invokes the rolling production provision without providing any information about the public records that are being reviewed or when production will be made.

Conclusion

As a working reporter trying to cover important accountability stories about HSH, I depend on public records to obtain information about what HSH is doing and the impact of its action on the city. For the records to be useful, they must be produced on a timely basis.

By its invocation of "rolling production," HSH has adopted a practice that allows it to postpone its production of documents to a time that it unilaterally determines. The practice is not authorized; indeed, it is a perversion of the Ordinance.

If the practiced is countenanced by the Task Force, HSH – and any other agency – will be able to postpone and delay production of newsworthy records until a time when they are no longer relevant.

For all the reasons contained in the Complaint and this Rejoinder, I request the Task Force to rule HSH's practice is improper and grant the relief I have requested.

Submitted,
July 26, 2023

Joe Dworetzky
Reporter, Legal Affairs
Bay City News
joedworetzky@gmail.com
267-886-4540

From: Joe Dworetzky joe.dworetzky@baycitynews.com
Subject: Publics Records Request: Site F at Pier 94
Date: May 13, 2023 at 12:12 PM
To: HSHSunshine hshsunshine@sfgov.org
Cc: Deborah Bouck deborah.bouck@sfgov.org, Emily Cohen emily.cohen@sfgov.org

Please provide all public records for the period from April 1, 2023 to date that document, evidence, describe, refer or relate to

1. negotiations with the Port Commission of San Francisco concerning Site F at Pier 94

2. plans to move, relocate or return to the state the trailers at Site F

3. the status of Site F

4. any work to identify an alternative site for the trailers at Site F including, but not limited to lands owned by the port

I am happy to discuss these requests.
Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
https://authory.com/JoeDworetzky

From: Joe Dworetzky joe.dworetzky@baycitynews.com
Subject: Public Records Request: BVTC
Date: May 13, 2023 at 12:12 PM
To: HSHSunshine hshsunshine@sfgov.org
Cc: Emily Cohen emily.cohen@sfgov.org, Deborah Bouck deborah.bouck@sfgov.org

Please provide all public records for the period from April 1, 2023 to date that document, evidence, describe, refer or relate to

1. extension or replacement of sublease for the Bayview Vehicle Triage Center

2. "phase 2" of plan for the Bayview Vehicle Triage Center

3. arrangements for the connection of power to Bayview Vehicle Triage Center by PG&E

4. communications with BAAQMC relating to power at Bayview Vehicle Triage Center

5. institution of construction activities at Bayview Vehicle Triage Center

I am happy to discuss these requests

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Sunshine Ordinance Task Force
Education, Outreach and Training Committee
Chronology of Relevant Events
J. Dworetzky v Department of Homelessness and Supportive Housing
File No. 23060

Chronology of Relevant Events		Page in Documents Package
Date	**Description**	
13-May-23	Public Records Request May 13, 2023 (Pier 94) (NR051523DworetzkyP94#2594)	13
13-May-23	Public Records Request May 13, 2023 (Bayview VTC) (NR051523DworetzkyVTC#2595)	14
16-May-23	Email dated May 16, 2023 from J Dworetzky (Requesting acknowledgement of records requests)	22
16-May-23	Email dated May 16, 2023 from J. Hamilton (Acknowledging receipt of requests)	23
16-May-23	Email dated May 16, 2023 from J. Hamilton (Requesting clarification)	24
16-May-23	Email dated May 16, 2023 from J. Dworetzky (Clarifying)	25
16-May-23	Email dated May 16, 2023 from J. Hamilton (Expressing incredulity)	26
16-May-23	Email dated May 16, 2023 from J. Hamilton re (NR051523DworetzkyP94#2594) (Partial Disclosure; Rolling Production)	27
25-May-23	Email dated May 25, 2023 from J. Hamilton re (NR051523DworetzkyP94#2594) (Additional Partial Disclosure; Rolling Production)	28
1-Jun-23	Email dated June 1, 2023 from J Dworetzky (Requesting further production)	29
1-Jun-23	Email dated June 1, 2023 from J. Hamilton (Rolling Production)	30
2-Jun-23	Email dated June 2, 2023 from J Dworetzky (Objecting to untimely production)	33
5-Jun-23	Email dated June 5, 2023 from J Dworetzky (Further objecting to untimely production and withholding records)	34
6-Jun-23	Petition to the Supervisor of Records for the HSH	36
7-Jun-23	Email from J. Dworetzky Correcting Typo in Petition	40
7-Jun-23	Supervisor of Records Acknowledgement of Receipt of Petition	41
20-Jun-23	Petition and Complaint to the Sunshine Ordinance Task Force	1
21-Jul-23	HSH Response to Petition	
26-Jul-23	Rejoinder to July 21, 2023 Letter from Department of Homelessness and Supportive Services	6

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Dworetzky Public Record Requests HSH (Excluding One Day Immediate Disclosure)	Date of Request	Date of Last Production	HSH Status	Days Until Final Production
NR051523DworetzkyVTC#2595	**May 15, 2023**	**July 14, 2023**	**Closed**	**60**
NR051523DworetzkyP94#2594	**May 15, 2023**	**July 21, 2023**	**Closed**	**67**
NR033023Dworetzky#1693	March 30, 2023	April 4, 2023	Closed	5
NR032323Dworetzky#1542	March 23, 2023	April 7, 2023	Closed	15
NR022723DworetzkySITEF#1150	February 27, 2023	July 21, 2023	In process	144
S020923DworetzkyVISITORS2	February 9, 2023	February 24, 2023	Closed	15
S013023Dworetzky3EXITS	January 30, 2023	February 1, 2023	Closed	2
S012523DworetzkyVTC	January 25, 2023	April 14, 2023	Closed	79
S012523DworetzkyAPFA	January 25, 2023	March 31, 2023	Closed	65
			Avg	**50.2**
			Median	**60**

Sunshine Ordinance Task Force
2022 Annual Report

Released April, 2023

Authored by Laura Stein, Jaya Padmanabhan, Lila LaHood and Dean Schmidt.
Issued on behalf of the San Francisco Sunshine Ordinance Task Force.

Dedicated to former SOTF Member Laurie Jones Neighbors,
whose vision and encouragement inspired this report.

Executive Summary

San Francisco is one of the few California cities to have its own Sunshine Ordinance. Now in its 30th year, the ordinance extends public rights of access to government information and meetings beyond what is provided by state and federal laws. The report assesses how well the Sunshine Ordinance met its goals in 2022 and makes recommendations for improvement.

Some key findings and recommendations from this report include:

- 57 San Francisco administrative bodies, representing about 78% of those subject to the Sunshine Ordinance, received 13,999 public records requests in 2022. The largest number of requests were received by the Department of Emergency Management (4,543) and the Department of Public Health (2,417).
- The mean response time for records requests across all administrative bodies was 10 days, which is the response time allowed by the Sunshine Ordinance.
- Official complaints alleging Sunshine Ordinance violations represent .9% or less of all public records requests made in 2022.
- The SOTF was a strong advocate for petitioners who filed complaints, ruling against petitioners in only five of 55 cases scheduled before the task force and finding 114 Sunshine violations against city and county bodies in 2022.
- SOTF complaints took on average four times longer to resolve than the 45-day time limit stipulated in the ordinance.
- The SOTF has a significant backlog of complaints and continues to receive more complaint petitions than it can resolve in a year under its current procedures.
- Many administrative bodies do not process or publish records requests online, either on their websites or through San Francisco's Index to Records or other online portals.
- The Board of Supervisors should mandate better tracking of the nature, extent and fulfillment of records requests across all city agencies.
- The SOTF should offer guidance on best practices for custodians of records and records requesters to make the process more accessible, transparent and efficient.
- The SOTF should revise its procedures to improve timeliness and efficiency in processing the complaints it receives.
- The Board of Supervisors should address policy problems that include ensuring that the Supervisor of Records complies with the Sunshine Ordinance to release any records the Supervisor deems public.
- The Board of Supervisors should designate itself or the Elections Commission as the custodial home for records of the Redistricting Task Force, and should ensure that similar custodial home assignments are made for records associated with any policy body that ceases operation or completes its operational mandate.

This report provides a foundation for understanding and strengthening public access to information and meetings in San Francisco. With its uncommonly strong protections for Sunshine rights, San Francisco should continue to improve this process and serve as a model for other cities looking to bolster government transparency and accountability.

Volume of Requests Received by SF Administrative Bodies

The survey gives us a good sense of the volume of requests received by nearly four-fifths of San Francisco administrative bodies. The 57 bodies included in the study reported that they received a total of 13,999 public records requests in 2022. Respondents received a mean of 292 requests with a median of 51, reflecting a large variance in the number of requests received. Figure 1 below shows the 20 entities reporting the most records requests.

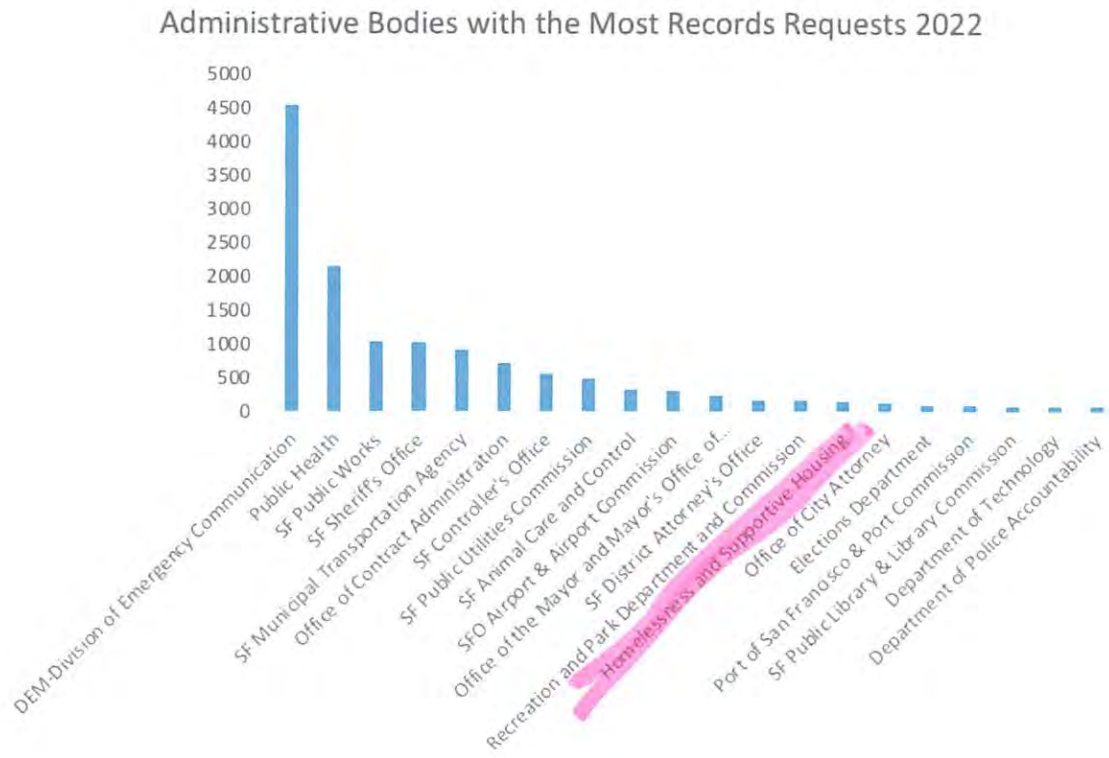

Figure 1: Administrative Bodies with the Most Reported Records Requests in 2022

At the high end of the chart are the Department of Emergency Management's Division of Emergency Communication with 4,543 requests, the Department of Public Health with 2,147 requests, and the Department of Public Works and the Sheriff's Office with just upwards of a thousand requests each. At the low end are the Department of Technology and the Department of Police Accountability, which received 87 and 80 requests respectively. According to respondents, the remaining bodies (not represented on this chart) each received fewer than 80 requests during the year. According to our survey, 7,267 requests were either submitted, or subsequently entered and tracked, on the online portals NextRequest or GovQA. Among those using online portals, a mean of 484 and a median of 196 records requests were received via one of these two portals. A NextRequest-generated report provided to the SOTF showed that San Francisco bodies received a total of 7,201 new records requests through the portal in 2022. This report

Dworetzky Series on Homelessness on SF City Streets

Number	Story Name	Date	SubThread	Local News Matters
1	SF's efforts to get homeless people off street and into shelters faces crucial court test	1/11/23	Coalition Lawsuit	https://localnewsmatters.org/2023/01/12/sfs-efforts-to-get-homeless-people-off-street-and-into-shelters-faces-crucial-court-test/
2	Exhausting battle: Group's lawsuit claims SF generating diesel pollution at triage center	1/11/23	Bayview VTC	https://localnewsmatters.org/2023/01/14/exhausting-battle-groups-lawsuit-claims-sf-generating-diesel-pollution-at-triage-center/
3	'You know better': Federal judge rejects call for clarity on SF homeless camp evictions	1/12/23	Coalition Lawsuit	https://localnewsmatters.org/2023/01/17/you-know-better-federal-judge-rejects-call-for-clarity-on-sf-homeless-camp-evictions/
4	SF officials face questions during town hall about efforts to deal with homeless camps	1/19/23	General	https://localnewsmatters.org/2023/01/24/sf-officials-face-questions-during-town-hall-about-efforts-to-deal-with-homeless-camps/
5	San Francisco eyes decision to authorize safe injection sites despite lack of state approval	1/19/23	General	https://localnewsmatters.org/2023/01/23/san-francisco-eyes-decision-to-authorize-safe-injection-sites-despite-lack-of-state-approval/
6	San Francisco appeals injunction against homeless camp sweeps, will seek stay	1/26/23	Coalition Lawsuit	https://localnewsmatters.org/2023/01/26/san-francisco-appeals-injunction-against-homeless-camp-sweeps-will-seek-stay/
7	BAYVIEW VEHICLE TRIAGE CENTER EXPOSES THE CHALLENGE OF ALTERNATIVE SHELTER APPROACHES	2/15/23	Bayview VTC	https://localnewsmatters.org/2023/02/15/bayview-vehicle-triage-center-woes-expose-challenge-of-alternative-shelter-approaches/
8	Environmental group fights to block permit for diesel generators at vehicle triage center	3/1/23	Bayview VTC	https://localnewsmatters.org/2023/03/01/environmental-group-fights-to-block-permit-for-diesel-generators-at-vehicle-triage-center/
9	Unplanned vagrancy: SF's ordinance to fix homelessness stalls over choice of words	3/17/23	HSH Planning	https://localnewsmatters.org/2023/03/18/unplanned-vagrancy-sfs-ordinance-to-fix-homelessness-stalls-over-choice-of-words/
10	Citizen Coalition Says City Can Save A Billion Dollars With Alternative Approach To Unsheltered Homelessness	3/18/23	HSH Planning	https://localnewsmatters.org/2023/03/21/sf-citizen-coalition-says-city-can-save-1-billion-with-alternative-approach-to-unsheltered-homelessness/
11	Building consensus: SF supervisors spar with advocacy groups on how to house homeless	3/23/23	HSH Planning	https://localnewsmatters.org/2023/03/23/building-consensus-sf-supervisors-spar-with-advocacy-groups-on-how-to-house-h/
12	City's Troubles at Bayview Vehicle Triage Center Continue	3/31/23	Bayview VTC	https://localnewsmatters.org/2023/04/03/bayview-triage-center-sees-new-delay-getting-generators-after-permit-stalls-on-technicality/
13	Federal Judge Refuses To Suspend Injunction Against Encampment Sweeps	4/4/23	Coalition Lawsuit	https://localnewsmatters.org/2023/04/06/federal-judge-refuses-to-suspend-injunction-against-sf-homeless-encampment-sweeps/
14	City To Give Up More Than 100 Shelter Beds Without A Fight	4/10/23	Port	https://localnewsmatters.org/2023/04/12/part-of-the-agreement-sf-in-rare-position-of-advocating-for-closure-of-homeless-facility/
15	PORT COMMISSIONERS CONSIDERING CLOSURE OF MORE THAN 100 SHELTER BEDS	4/12/23	Port	https://www.newsbreak.com/san-francisco-ca/2989535759677-sf-port-commissioners-considering-closure-of-more-than-100-shelter-beds

16	SF mayor to propose 5-year, $600M plan to halve unsheltered homelessness	4/14/23	HSH Planning	https://www.newsbreak.com/san-francisco-ca/2991602827124-sf-mayor-to-propose-5-year-600m-plan-to-halve-unsheltered-homelessness
17	Court refuses to block Oakland from razing makeshift dwellings at Wood Street encampment	4/20/23	General	https://www.cbsnews.com/sanfrancisco/news/court-block-oakland-razing-makeshift-dwellings-wood-street-encampment/#
18	SF port commissioners postpone decision on closing 'Site F' temporary homeless shelter	4/26/23	Port	https://localnewsmatters.org/2023/04/27/sf-port-commission-postpones-decision-on-closing-site-f-temporary-homeless-shelter/
19	Nomad in a Settled City: Tales of a Traveller	5/2/23	General	https://localnewsmatters.org/2023/05/02/nomad-in-a-settled-city-tales-of-a-traveller/
20	SF supervisors introduce resolution to keep 'Site F' homeless facility open on port land	5/4/23	Port	https://localnewsmatters.org/2023/05/04/sf-supervisors-introduce-resolution-to-keep-operating-site-f-homeless-facility-at-port/
21	Supervisors Resolve to add New Shelter beds, Protect Existing Ones	5/10/23	HSH Planning	https://www.sfgate.com/news/bayarea/article/supervisors-resolve-to-add-new-shelter-beds-18092202.php
22	Homelessness Department Takes A Beating Over Shelter Bed Management	5/16/23	HSH Planning; Pier	https://localnewsmatters.org/2023/05/17/sf-supervisors-grill-homeless-services-official-over-slow-progress-on-providing-shelter-beds/
23	SF supportive housing division pushes ahead on 'Site F' closure over supervisors' objection	5/25/23	Port	https://localnewsmatters.org/2023/05/29/sf-supportive-housing-division-pushes-ahead-on-site-f-closure-over-supervisors-objection/
24	SF: MAYOR'S PROPOSED BUDGET FOR HOMELESSNESS DEPARTMENT APPROACHES $700M	6/2/23	HSH Planning	https://localnewsmatters.org/2023/06/05/sf-mayors-budget-proposal-would-increase-homeless-services-funding-to-nearly-700m/?utm_source=post&utm_medium=social&utm_campaign=all_content
25	Shelter-skelter: San Francisco's best strategy in homelessness litigation might be to lose	6/2/23	Coalition Lawsuit	https://localnewsmatters.org/2023/06/15/shelter-skelter-san-franciscos-best-strategy-in-homelessness-litigation-might-be-to-lose/
26	Swept away: 'Experiencing' homelessness requires staying mobile for the next move	6/2/23	Coalition Lawsuit	https://localnewsmatters.org/2023/06/15/swept-away-experiencing-homelessness-requires-staying-mobile-for-the-next-move/
27	Bay City Sketchbook: Experiencing Homelessness	6/2/23	Coalition Lawsuit	https://localnewsmatters.org/2023/06/13/bay-city-sketchbook-experiencing-homelessness/

From: Joe Dworetzky gmail joedworetzky@gmail.com
Subject: Follow Up
Date: May 16, 2023 at 4:26 PM
To: Hamilton, Jeffrey (HOM) jeff.hamilton@sfgov.org

Jeff - I wanted to bring to your attention that as far as I know that receipt of these requests have not yet been acknowledged. I want to make sure that they haven't slipped through the cracks. Thanks, Joe

Begin forwarded message:

From: Joseph A. Dworetzky <joe.dworetzky@baycitynews.com>
Subject: Publics Records Request: Site F at Pier 94
Date: May 13, 2023 at 12:12:03 PM EDT
To: HSHSunshine <hshsunshine@sfgov.org>
Cc: Deborah Bouck <deborah.bouck@sfgov.org>, Emily Cohen <emily.cohen@sfgov.org>

Please provide all public records for the period from April 1, 2023 to date that document, evidence, describe, refer or relate to

1. negotiations with the Port Commission of San Francisco concerning Site F at Pier 94

2. plans to move, relocate or return to the state the trailers at Site F

3. the status of Site F

4. any work to identify an alternative site for the trailers at Site F including, but not limited to lands owned by the port

I am happy to discuss these requests.
Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
https://authory.com/JoeDworetzky

Begin forwarded message:

From: Joseph A. Dworetzky <joe.dworetzky@baycitynews.com>
Subject: Public Records Request: BVTC
Date: May 13, 2023 at 12:11:56 PM EDT
To: HSHSunshine <hshsunshine@sfgov.org>
Cc: Emily Cohen <emily.cohen@sfgov.org>, Deborah Bouck <deborah.bouck@sfgov.org>

Please provide all public records for the period from April 1, 2023 to date that document, evidence, describe, refer or relate to

1. extension or replacement of sublease for the Bayview Vehicle Triage Center

2. "phase 2" of plan for the Bayview Vehicle Triage Center

ZZ

From: Hamilton, Jeffrey (HOM) jeff.hamilton@sfgov.org
Subject: RE: Follow Up
Date: May 16, 2023 at 4:33 PM
To: Joe Dworetzky gmail joedworetzky@gmail.com
Cc: HSHSunshine HSHSunshine@sfgov.org

I just got them yesterday, Joe.

Yes, you will be receiving an official reply later today.

Jeff Hamilton (he/him)
Compliance Public Relations Officer
San Francisco Department of Homelessness and Supportive Housing
jeff.hamilton@sfgov.org| 628-652-7895

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From: Joe Dworetzky gmail <joedworetzky@gmail.com>
Sent: Tuesday, May 16, 2023 1:27 PM
To: Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org>
Subject: Follow Up

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

Jeff - I wanted to bring to your attention that as far as I know that receipt of these requests have not yet been acknowledged. I want to make sure that they haven't slipped through the cracks. Thanks, Joe

Begin forwarded message:

From: Joseph A. Dworetzky <joe.dworetzky@baycitynews.com>
Subject: Publics Records Request: Site F at Pier 94
Date: May 13, 2023 at 12:12:03 PM EDT
To: HSHSunshine <hshsunshine@sfgov.org>
Cc: Deborah Bouck <deborah.bouck@sfgov.org>, Emily Cohen <emily.cohen@sfgov.org>

Please provide all public records for the period from April 1, 2023 to date that document, evidence, describe, refer or relate to

1. negotiations with the Port Commission of San Francisco concerning Site F at Pier

From: HSHSunshine HSHSunshine@sfgov.org
Subject: RE: Publics Records Request: Site F at Pier 94
Date: May 16, 2023 at 6:51 PM
To: Joe Dworetzky joe.dworetzky@baycitynews.com
Cc: Bouck, Deborah (HOM) deborah.bouck@sfgov.org, Cohen, Emily (HOM) emily.cohen@sfgov.org, HSHSunshine HSHSunshine@sfgov.org, Schneider, Dylan (HOM) dylan.schneider@sfgov.org

Good afternoon Joe,

As you recall, you submitted a Sunshine request pertaining to Pier 94 back in February. At the time, you asked us to prioritize your other requests. (We released an initial set of documents for the Pier 94 request, and then moved to fulfill your other requests). Yesterday you submitted a new Sunshine request (below) also pertaining to Pier 94. For the sake of efficiency, could you please review both your February Pier 94 request and your recent one? If there is duplication or clarification, please update your request(s) accordingly.

Here is the request you submitted in February on Pier 94:

1. All records that show the number of trailers and/or persons at "Site F" near Pier 94 in Bayview each week during the period from Jan 1, 2022 to date.

2. All records that show all expenditures by the city in connection with Site F during the period from Jan 1, 2022 to date.

3. All contracts with third parties for services provided at Site F during the period from Jan 1, 2022 to date.

4. All reports, studies, analyses, memorandum, assessments concerning the operation Site F during the period from Jan 1, 2022 to date.

5. All records that show or describe or document where individuals leaving Site F were going during the period from Jan 1, 2022 to date.

-----Original Message-----
From: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Sent: Saturday, May 13, 2023 9:12 AM
To: HSHSunshine <HSHSunshine@sfgov.org>
Cc: Bouck, Deborah (HOM) <deborah.bouck@sfgov.org>; Cohen, Emily (HOM) <emily.cohen@sfgov.org>
Subject: Publics Records Request: Site F at Pier 94

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Please provide all public records for the period from April 1, 2023 to date that document, evidence, describe, refer or relate to

1. negotiations with the Port Commission of San Francisco concerning Site F at Pier 94

2. plans to move, relocate or return to the state the trailers at Site F

From: Joe Dworetzky joe.dworetzky@baycitynews.com
Subject: Re: Publics Records Request: Site F at Pier 94
Date: May 16, 2023 at 9:39 PM
To: HSHSunshine HSHSunshine@sfgov.org

I tried to avoid overlap by defining the date as from April 1 forward. That is only a month and a half so overlap or conflict isn't a problem. However I trust your email does not mean that you failed to complete the earlier production because I prioritized other requests. That would be a serious problem for many reasons as I am sure you appreciate.

Sent from my iPhone

> On May 16, 2023, at 6:51 PM, HSHSunshine <HSHSunshine@sfgov.org> wrote:
>
> Good afternoon Joe,
>
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>
> 4. All reports, studies, analyses, memorandum, assessments concerning the operation Site F during the period from Jan 1, 2022 to date.
>
> 5. All records that show or describe or document where individuals leaving Site F were going during the period from Jan 1, 2022 to date.
>
> -----Original Message-----
> From: Joe Dworetzky <joe.dworetzky@baycitynews.com>
> Sent: Saturday, May 13, 2023 9:12 AM
> To: HSHSunshine <HSHSunshine@sfgov.org>
> Cc: Bouck, Deborah (HOM) <deborah.bouck@sfgov.org>; Cohen, Emily (HOM) <emily.cohen@sfgov.org>
> Subject: Publics Records Request: Site F at Pier 94
>
> This message is from outside the City email system. Do not open links or attachments from untrusted sources.

From: HSHSunshine HSHSunshine@sfgov.org
Subject: Re: Publics Records Request: Site F at Pier 94
Date: May 16, 2023 at 9:47 PM
To: Joe Dworetzky joe.dworetzky@baycitynews.com

Seriously?! Nevermind

From: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Sent: Tuesday, May 16, 2023 6:39:49 PM
To: HSHSunshine <HSHSunshine@sfgov.org>
Subject: Re: Publics Records Request: Site F at Pier 94

I tried to avoid overlap by defining the date as from April 1 forward. That is only a month and a half so overlap or conflict isn't a problem. However I trust your email does not mean that you failed to complete the earlier production because I prioritized other requests. That would be a serious problem for many reasons as I am sure you appreciate.

Sent from my iPhone

> On May 16, 2023, at 6:51 PM, HSHSunshine <HSHSunshine@sfgov.org> wrote:
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> 4. All reports, studies, analyses, memorandum, assessments concerning the operation Site F during the period from Jan 1, 2022 to date.
>
> 5. All records that show or describe or document where individuals leaving Site F were going during the period from Jan 1, 2022 to date.
>
>
>
> -----Original Message-----
> From: Joe Dworetzky <joe.dworetzky@baycitynews.com>

From: Hamilton, Jeffrey (HOM) jeff.hamilton@sfgov.org
Subject: SUNSHINE REQUEST - Initial release - NR051523DworetzkyP94#2594
Date: May 25, 2023 at 7:39 PM
To: Joe Dworetzky joe.dworetzky@baycitynews.com
Cc: HSHSunshine HSHSunshine@sfgov.org

Dear Joe Dworetzky,

This email pertains to your Sunshine Request **NR051523DworetzkyP94#2594.**

You may access an initial batch of responsive records via this Box link: https://dhsh.box.com/s/3w4dqhknaklx00ogeq77ervml8s3fp9b

HSH staff is continuing to locate and review additional responsive non-privileged documents and will provide those documents to you on a rolling basis. S.F. Admin. Code § 67.25 (d).

Regards,

Jeff Hamilton (he/him)
Compliance Public Relations Officer
San Francisco Department of Homelessness and Supportive Housing
jeff.hamilton@sfgov.org|

Learn: hsh.sfgov.org | Follow: @SF_HSH | Like: @SanFranciscoHSH

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From: **Hamilton, Jeffrey (HOM)** jeff.hamilton@sfgov.org
Subject: SUNSHINE REQUEST - Initial release - NR051523DworetzkyVTC#2595
Date: May 25, 2023 at 7:27 PM
To: Joe Dworetzky joe.dworetzky@baycitynews.com
Cc: HSHSunshine HSHSunshine@sfgov.org

Dear Joe Dworetzky,

This email pertains to your Sunshine Request **NR051523DworetzkyVTC#2595**

You may access an initial batch of responsive records via this Box link: https://dhsh.box.com/s/a05c05fcexiwp36ub3wdb7gmcbo39o9g

HSH staff is continuing to locate and review additional responsive non-privileged documents and will provide those documents to you on a rolling basis. S.F. Admin. Code § 67.25 (d).

Regards,

Jeff Hamilton (he/him)
Compliance Public Relations Officer
San Francisco Department of Homelessness and Supportive Housing
jeff.hamilton@sfgov.org|

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From: **Joe Dworetzky gmail** joedworetzky@gmail.com
Subject: Following Up
Date: June 1, 2023 at 10:01 AM
To: Hamilton, Jeffrey (HOM) jeff.hamilton@sfgov.org

I am checking in on further production with respect to these requests.

Begin forwarded message:

From: "Hamilton, Jeffrey (HOM)" <jeff.hamilton@sfgov.org>
Subject: **SUNSHINE REQUEST - Initial release - NR051523DworetzkyVTC#2595**
Date: May 25, 2023 at 7:27:01 PM EDT
To: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Cc: HSHSunshine <HSHSunshine@sfgov.org>

Dear Joe Dworetzky,

This email pertains to your Sunshine Request **NR051523DworetzkyVTC#2595**

You may access an initial batch of responsive records via this Box link:
https://dhsh.box.com/s/a05c05fcexiwp36ub3wdb7gmcbo39o9g

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Regards,

Jeff Hamilton (he/him)
Compliance Public Relations Officer
San Francisco Department of Homelessness and Supportive Housing
jeff.hamilton@sfgov.org|

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29

From: Hamilton, Jeffrey (HOM) jeff.hamilton@sfgov.org
Subject: RE: Following Up
Date: June 1, 2023 at 12:57 PM
To: Joe Dworetzky gmail joedworetzky@gmail.com
Cc: Cohen, Emily (HOM) emily.cohen@sfgov.org, Schneider, Dylan (HOM) dylan.schneider@sfgov.org, HSHSunshine HSHSunshine@sfgov.org

Dear Joe Dworetzky,

HSH staff is continuing to locate and review additional responsive non-privileged documents and will provide those documents to you on a rolling basis. S.F. Admin. Code § 67.25 (d).

Regards,

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Compliance Public Relations Officer
San Francisco Department of Homelessness and Supportive Housing
jeff.hamilton@sfgov.org | 628-652-7895

Learn: hsh.sfgov.org | Follow: @SF_HSH | Like: @SanFranciscoHSH

CONFIDENTIALITY NOTICE: This e-mail is intended for the recipient only. If you receive this e-mail in error, notify the sender and destroy the e-mail immediately. Disclosure of the Personal Health Information (PHI) contained herein may subject the discloser to civil or criminal penalties under state and federal privacy laws.

From: Joe Dworetzky gmail <joedworetzky@gmail.com>
Sent: Thursday, June 1, 2023 7:01 AM
To: Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org>
Subject: Following Up

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

I am checking in on further production with respect to these requests.

Begin forwarded message:

From: "Hamilton, Jeffrey (HOM)" <jeff.hamilton@sfgov.org>
Subject: SUNSHINE REQUEST - Initial release - NR051523DworetzkyVTC#2595
Date: May 25, 2023 at 7:27:01 PM EDT
To: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Cc: HSHSunshine <HSHSunshine@sfgov.org>

Dear Joe Dworetzky,

This email pertains to your Sunshine Request **NR051523DworetzkyVTC#2595**

You may access an initial batch of responsive records via this Box link: https://dhsh.box.com/s/a05c05fcexiwp36ub3wdb7gmcbo39o9g

HSH staff is continuing to locate and review additional responsive non-privileged documents and will provide those documents to you on a rolling basis. S.F. Admin. Code § 67.25 (d).

Regards,

Jeff Hamilton (he/him)
Compliance Public Relations Officer
San Francisco Department of Homelessness and Supportive Housing
jeff.hamilton@sfgov.org|

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Begin forwarded message:

From: "Hamilton, Jeffrey (HOM)" <jeff.hamilton@sfgov.org>
Subject: SUNSHINE REQUEST - Initial release - NR051523DworetzkyP94#2594
Date: May 25, 2023 at 7:39:29 PM EDT
To: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Cc: HSHSunshine <HSHSunshine@sfgov.org>

Dear Joe Dworetzky,

This email pertains to your Sunshine Request **NR051523DworetzkyP94#2594.**

You may access an initial batch of responsive records via this Box link: https://dhsh.box.com/s/3w4dqhknaklx00ogeq77ervml8s3fp9b

HSH staff is continuing to locate and review additional responsive non-privileged documents and will provide those documents to you on a rolling basis. S.F. Admin. Code § 67.25 (d).

Regards,

Jeff Hamilton (he/him)
Compliance Public Relations Officer
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From: Joe Dworetzky gmail joedworetzky@gmail.com
Subject: Re: Following Up
Date: June 2, 2023 at 11:35 AM
To: Hamilton, Jeffrey (HOM) jeff.hamilton@sfgov.org
Cc: Cohen, Emily (HOM) emily.cohen@sfgov.org, Schneider, Dylan (HOM) dylan.schneider@sfgov.org, HSHSunshine HSHSunshine@sfgov.org

Jeff -

Thanks for getting back on this.

I want to note here you are not interpreting the rolling production reference correctly and be clear that I object to the manner of its use.

I made my requests on 5-13-23. You did not request additional time. On the last day of the response period (5-25-23) you provided a handful of documents - most eliding the central areas of inquiry - and then used the rolling production mantra. You offered no dates for production, did not explain why further time was necessary, and apparently presumed that having invoked rolling production you are free to produce the requested information some date of your selection.

When on 6-1-23, I inquired about the production, you repeated the rolling production mantra. Again with no information about when production would occur, why it was taking so long, or what could be done to short circuit the delay.

This isn't how the law works. First, the ordinance requires production as soon as possible but not later than 10 days. ("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."

Second, if the 10 limit can not be met and an additional 10 days is needed, the agency must advise immediately. (" 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."**

Finally, the rolling production rules don't provide an extension - they are designed to prevent an agency from waiting for the last document before producing the first.
(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 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.

As you know the Mayor has produced her budget two days ago, and the information I have requested is relevant to analyzing the budget. It is also highly relevant to ongoing legislative efforts that I am covering.

I would appreciate it if you would complete production of documents that I have requested, and I reserve all rights claims and privileges.

> On Jun 1, 2023, at 12:57 PM, Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org> wrote:
>
> Dear Joe Dworetzky,
>
> HSH staff is continuing to locate and review additional responsive non-privileged documents and will provide those documents to you on a rolling basis. S.F. Admin. Code § 67.25 (d).
>
> Regards,

33

From: Joe Dworetzky joe.dworetzky@baycitynews.com
Subject: Re: Following Up
Date: June 5, 2023 at 8:49 PM
To: Hamilton, Jeffrey (HOM) jeff.hamilton@sfgov.org

Following up.

As you probably know, the Mayor's budget, released 6 days ago, includes 1) the addition of 32 beds at Bayview VTC and funds the site a year and a half beyond the end of its sublease; and 2) does not replace the beds at Pier F. It defies belief that HSH could be sure enough of these two things to include in them in the budget yet there remain no relevant public records beyond those produced so far.

Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
https://authory.com/JoeDworetzky

> On Jun 2, 2023, at 11:35 AM, Joe Dworetzky gmail <joedworetzky *a* gmail.com> wrote:
>
> Jeff -
>
> Thanks for getting back on this.
>
> I want to note here you are not interpreting the rolling production reference correctly and be clear that I object to the manner of its use.
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> I made my requests on 5-13-23. You did not request additional time. On the last day of the response period (5-25-23) you provided a handful of documents - most eliding the central areas of inquiry - and then used the rolling production mantra. You offered no dates for production, did not explain why further time was necessary, and apparently presumed that having invoked rolling production you are free to produce the requested information some date of your selection.
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> This isn't how the law works. First, the ordinance requires production as soon as possible but not later than 10 days. ("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."
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> **Finally, the** rolling production rules don't provide an extension - they are designed to prevent an agency from waiting for the last document before producing the first.
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>
> As you know the Mayor has produced her budget two days ago, and the information I have requested is relevant to analyzing the budget. It is also highly relevant to ongoing legislative efforts that I am covering

34

From: **HSHSunshine** HSHSunshine@sfgov.org
Subject: RE: Following Up
Date: June 6, 2023 at 2:04 PM
To: Joe Dworetzky gmail joedworetzky@gmail.com
Cc: Cohen, Emily (HOM) emily.cohen@sfgov.org, Schneider, Dylan (HOM) dylan.schneider@sfgov.org, HSHSunshine HSHSunshine@sfgov.org

Dear Joe Dworetzky,

Currently you have three open Sunshine requests with HSH:

- NR022723DworetzkySITEF#1150 (submitted February 27, 2023)
- NR051523DworetzkyP94#2594 (submitted May 15, 2023)
- NR051523DworetzkyVTC#2595 (submitted May 15, 2023)

Due to the voluminous nature of your requests, we have offered on multiple occasions to work with you to prioritize them. Absent any direction from you, and as I have stated previously, we will produce the records, on a rolling basis, in the order the requests were received.

As you know, you are free to work with me, or our media relations staff, to refine and target your requests as your priorities change. Feel free at any time to reach out and schedule a call to do so.

Jeff Hamilton (he/him)
Compliance Public Relations Officer
San Francisco Department of Homelessness and Supportive Housing
jeff.hamilton@sfgov.org| 628-652-7895

Learn: hsh.sfgov.org | Follow: @SF_HSH | Like: @SanFranciscoHSH

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From: Joe Dworetzky gmail <joedworetzky@gmail.com>
Sent: Friday, June 2, 2023 8:35 AM
To: Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org>
Cc: Cohen, Emily (HOM) <emily.cohen@sfgov.org>; Schneider, Dylan (HOM) <dylan.schneider@sfgov.org>; HSHSunshine <HSHSunshine@sfgov.org>
Subject: Re: Following Up

Jeff -

Thanks for getting back on this.

From: **Joe Dworetzky** joe.dworetzky@baycitynews.com
Subject: Petition with respect to HSH Custodian of Records Concerning Failure to Comply with San Francisco Sunshine Ordinance
Date: June 6, 2023 at 8:06 PM
To: supervisor.records@sfcityatty.org supervisor.records@SFCITYATTY.ORG
Cc: Hamilton, Jeffrey (HOM) jeff.hamilton@sfgov.org, Cohen, Emily (HOM) emily.cohen@sfgov.org, Deborah Bouck deborah.bouck@sfgov.org, Schneider, Dyian (HOM) dyian.schneider@sfgov.org

Please consider this a petition to the Supervisor of Records under Sec 67.21(d) of the SF Sunshine Ordinance for 1) a determination that the custodian of records for the Department of Homelessness and Supportive Housing has refused, failed to comply, and/or incompletely complied with the above records request; 2) a determination that the requested records are public records; and 3) an immediate order to the custodian of records to comply with my records request.

The Sunshine Ordinance is about open information, Keeping information secret and delaying its production until it is useless are the same thing. The custodian here is delaying production with grounds so that it if and when it is delivered it will no longer be relevant. "The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information."

Background

I am a reporter for Bay City News and I cover Legal Affairs. I am covering issues around homelessness in San Francisco. I am covering several stories that relate to HSH. The attached spreadsheet lists the stories I have written to date. Many are critical of HSH.

Three areas are of particular interest to me at the minute. I have written extensively about 1) the Bayview VTC, 2) Site F at Pier 94 on lands of the Port of San Francisco, and 3) HSH budgeting and planning for its responsibility of providing shelter to unsheltered residents.

These areas are matters of public importance.The Mayor has requested the Board of Supervisors to authorize a 23-24 budget of $690 Million. HSH has several scheduled hearings on the budget request coming up (June 15 and 22). There is also a hearing before the Port Commission on Site F of importance. (June 13).

I have several pending public records requests that relate to subjects that are likely to be explored at the hearings and which the public should be able to learn about in advance.

- NR022723DworetzkySITEF#1150 (submitted February 27, 2023)

NR022723DworetzkyBYEM#1196 (submitted February 27, 2023)

- NR051523DworetzkyP94#2594 (submitted May 15, 2023)
- NR051523DworetzkyVTC#2595 (submitted May 15, 2023)

I have had much back and forth with HSH's custodian of records in the past and have previously challenged his handling of records requests including by petition to the Supervisor of Records.

I have met with other members of the department in an attempt to find ways to get information I need without public records requests. For some things that has proven to be a reasonable alternative, but it is not adequate in all situations.

The custodian of records is not complying with the ordinance and the consequence, if his conduct continues, is that critical information about the departmental budget will be unavailable to the public.

Rolling Production

With respect to the two most recent pending records requests, the custodian has followed the approach of making partial production in a timely fashion and then stating that further documents will be produced on a rolling basis. The custodian then incorrectly treats the rolling production provision as a carte blanche exemption from the deadlines and productions in the ordinance and either does not make further production or waits until production is no longer meaningful because the related events have already passed.

In an email to the custodian on June 2, I provided the detail relating to my two most recent requests. I repeat the relevant part of my email here:

> I want to note here you are not interpreting the rolling production reference correctly and be clear that I object to the manner of its use.
>
> I made my requests on 5-13-23. You did not request additional time. On the last day of the response period (5-25-23) you provided a handful of documents - most eliding the central areas of inquiry - and then used the rolling production mantra. You offered no dates for production, did not explain why further time was necessary, and apparently presumed that having invoked rolling production you are free to produce the requested information some date of your selection.

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When on 6-1-23, I inquired about the production, you repeated the rolling production mantra. Again with no information about when production would occur, why it was taking so long, or what could be done to short circuit the delay.

This isn't how the law works. First, the ordinance requires production **as soon as possible** but not later than 10 days. ("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.")

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Finally, the rolling production rules don't provide an extension - they are designed to prevent an agency from waiting for the last document before producing the first. ("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 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."

Notwithstanding my email, no further production has been made.

Prioritization

The older request has the rolling production issue but also the issue of my supposed failure to provide prioritization. The custodian complains about his workload and asks that production be prioritized. At some level that is fine, but he then uses the prioritization of one item as an exemption from production of everything else. Prioritization is a courtesy. Failure to prioritize is not an exemption from production.

The custodian also characterizes requests as voluminous and then relies on his characterization to delay or stop production.

***

I request that the matters raised in this petition be resolved in time that I may have the public records in time to meaningfully review them before the scheduled hearings, and I reserve all my rights, claims and privileges.

Documents Attached:

1.. Spreadsheet of stories about Homelessness I have Written

2. Chronological Correspondence

Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
https://authory.com/JoeDworetzky

20230102_Series on H...me.pdf

20230606_1amhq)py t...po.pdf

From: **Joseph A. Dworetzky** joe.dworetzky@baycitynews.com
Subject: Re: Petition with respect to HSH Custodian of Records Concerning Failure to Comply with San Francisco Sunshine Ordinance
Date: June 6, 2023 at 8:13 PM
To: supervisor.records@sfcityatty.org supervisor.records@SFCITYATTY.ORG
Cc: Hamilton, Jeffrey (HOM) jeff.hamilton@sfgov.org, Cohen, Emily (HOM) emily.cohen@sfgov.org, Deborah Bouck deborah.bouck@sfgov.org, Schneider, Dylan (HOM) dylan.schneider@sfgov.org

My apologies.

There is a typo in the second sentence of the second paragraph of the email below. The sentence should read "The custodian here is delaying production **without** grounds so that it if and when it is delivered it will no longer be relevant.

I am sorry for the error and the inconvenience it causes.

Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
https://authory.com/JoeDworetzky

> On Jun 6, 2023, at 8:06 PM, Joe Dworetzky <joe.dworetzky@baycitynews.com> wrote:
>
> Please consider this a petition to the Supervisor of Records under Sec 67.21(d) of the SF Sunshine Ordinance for 1) a determination that the custodian of records for the Department of Homelessness and Supportive Housing has refused, failed to comply, and/or incompletely complied with the above records request; 2) a determination that the requested records are public records; and 3) an immediate order to the custodian of records to comply with my records request.
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> The Sunshine Ordinance is about open information, Keeping information secret and delaying its production until it is useless are the same thing. The custodian here is delaying production with grounds so that it if and when it is delivered it will no longer be relevant. "The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information."
>
> **Background**
>
> I am a reporter for Bay City News and I cover Legal Affairs. I am covering issues around homelessness in San Francisco. I am covering several stories that

From: **Supervisor Records (CAT)** supervisor.records@SFCITYATTY.ORG
Subject: RE: Petition with respect to HSH Custodian of Records Concerning Failure to Comply with San Francisco Sunshine Ordinance
Date: June 7, 2023 at 3:04 PM
To: Joe Dworetzky joe.dworetzky@baycitynews.com
Cc: Supervisor Records (CAT) supervisor.records@SFCITYATTY.ORG

Dear petitioner:

I write to acknowledge the receipt of your petition to the Supervisor of Records.

Kindly use this email address (supervisor.records@SFCITYATTY.ORG) for all Supervisor of Records communication.

Odaya Buta-Scott *(she/her/hers)*
Office of City Attorney David Chiu
odaya.buta@sfcityatty.org, www.sfcityattorney.org
Find us on: Facebook Twitter Instagram

This message and any attachments are solely for the intended recipient and may include privileged or confidential information. If you have received this communication in error, please notify me immediately, and permanently delete this message and any attachments. Thank you.

From: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Sent: Tuesday, June 6, 2023 5:14 PM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Cc: Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org>; Cohen, Emily (HOM) <emily.cohen@sfgov.org>; Bouck, Deborah (HOM) <deborah.bouck@sfgov.org>; Schneider, Dylan (HOM) <dylan.schneider@sfgov.org>
Subject: Re: Petition with respect to HSH Custodian of Records Concerning Failure to Comply with San Francisco Sunshine Ordinance

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I am sorry for the error and the inconvenience it causes.

Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Preparing San Francisco Sunshine Ordinance Task Force
Respondent Packets

A clear, concise, and well-documented response will help the Task Force evaluate the information, arguments, and evidence presented and will increase your chances of resolving the complaint without having to appear before the SOTF multiple times.

Follow the instructions below to compose your response. **You must submit your response within five working days of receiving the complaint notice.** You can update your response or submit additional material up until five working days before a scheduled hearing.

Failure to respond in a complete and timely manner to a complaint or to appear at a SOTF hearing may result in a determination that you are in violation of the Sunshine Ordinance, and you may be ordered to disclose additional information.

Remember: If the complainant makes specific allegations in their complaint, you must affirm, deny, or declare "no contest" with respect to each allegation.

- If you affirm or do not contest the allegations, the SOTF may issue, at its discretion, an Order of Determination finding Sunshine Ordinance violations and/or ordering additional disclosure without conducting a hearing. In such cases, SOTF will forward the complaint to its Compliance and Amendments Committee for monitoring.
- If you deny an allegation, you must explain your reasoning for **each** denied allegation.

Instructions for Preparing Your Response Materials

Please create a clear and concise **cover memo**, using the questions below to order and structure your memo, justifying any decisions or actions pertaining to public information, records, or meetings with reference to specific sections of the Sunshine Ordinance, and including evidence or documentation to support your responses.

To ensure that your packet is accessible, please pay careful attention to the following:

- Include the **file number** in your memo's "re:" line.
- Include a **documentation index** in your memo, a list of all of the evidence included in support of the memo in the order it appears in your packet.
- Include information **only once** (for instance, do not reproduce email chains unnecessarily). Do not include **extraneous information**. Respond directly to the allegations in the complaint.
- When relevant, include copies of **email attachments and other linked material** -- do not expect the SOTF administrator to include any linked documents.

Answer the following questions in your cover memo. (If you believe a question does not apply to this complaint, please indicate your reasoning.)

> **NOTE: If you believe that your agency or body is exempt from public records and meetings laws, address this first in your memo.** Explain what type, as defined in the Brown Act or Sunshine Ordinance, your body constitutes by choosing one or more of these: Policy Body, Passive Meeting Body, Legislative Body, or none of the above. Include evidence in your explanation.

If the complaint references an **information or records request**:

1. **What was the original request you received?** Attach a copy of the original request.
2. **What records have you provided in response to the request, and on what date did you provide them?** We suggest a simple table here with three columns: name of record, brief description, date provided.
3. **What method did you use to locate these records?** Your response should include:
   a. The name and job title of the **person who performed the search.**
   b. The **method and search terms** utilized.
   c. The **devices, forms of communication, and/or systems** that were searched.
   d. The **dates** of these searches.
   e. Copies of **communications used to conduct the search** (such as emails to staff directing them to conduct a search, IT tickets/queries, etc.).
   f. Any other information that will help us understand your search methods.
4. **Did you withhold any information or documents from the requester prior to the filing of the complaint?** If yes, explain what documents were withheld and why. Drawing primarily on the Sunshine Ordinance, provide any supporting argument or evidence that each exemption in fact applies.

   Did you provide written justification for all withholding of information prior to the filing of the complaint? If yes, attach evidence.
5. **Did you redact any information from the documents prior to the filing of the complaint?** If yes, explain what information you redacted and why. Drawing primarily on the Sunshine Ordinance, provide any supporting argument or evidence that each exemption in fact applies.

   Did you provide a written justification keyed to each instance of redaction prior to the filing of the complaint? If yes, attach the original keyed justifications provided to the requester (if any), and any new keyed justifications for each redaction. Drawing primarily

on the Sunshine Ordinance, provide any supporting argument or evidence that each exemption in fact applies.

6. **At the time the request was made, did you search employee personal property (such as mobile phones and computers) for responsive records about the conduct of public business?** If yes, describe your method for conducting this search. If appropriate, provide supporting documentation in your packet.

7. **At the time the request was made, did you request relevant records from contractors** your agency has funded, managed or hired? If yes, describe how you communicated this request. Provide supporting documentation in your packet, including communications to and from the contractor.

8. **Are there any known responsive records that you have yet to review for potential redaction and disclosure to the respondent?** If yes, provide the approximate quantity and timeline of future expected disclosures.

If the complaint is related to a meeting:

1. **Was an agenda for the meeting published? If yes, on what date?** Attach each version of the agenda published and any meeting minutes that are available.

2. **Is there a publicly available online audio and/or video recording of the meeting?** If yes, provide a link to the recording of the meeting(s) at issue.

HSH Budget

Every year, the Department of Homelessness and Supportive Housing participates in San Francisco's city budget process. Information about HSH's **adopted FY 2023-24 and FY 2024-25 budget** is posted on this page.

- Access **citywide budget documents** and **information about the budget process**.
- Get information about **HSH's budget in previous years**.

FY 2023-24 and FY 2024-25 Adopted Budget Overview

HSH's adopted two-year budget:

- **Maintains** HSH's current funding levels **without programmatic cuts.**

- Leverages local, state, and federal funds to start the **housing, shelter, and prevention expansions** outlined in *Home by the Bay*, the citywide five-year strategic plan to prevent and end homelessness.

The budget allocates **$713.3 million** to HSH in FY 2023-24 and **$646.4 million** in FY 2024-25.

$ are in millions	FY22-23 Adopted	FY23-24 Adopted	FY24-25 Adopted
Total Budget	**$672.0**	**$713.3**	**$646.4**
Revenue	*$387.0*	*$411.2*	*$351.7*
General Fund	*$285.0*	*$302.1*	*$294.7*

HSH's adopted two-year budget includes: **43.9%** from local **General Fund** dollars, **35.2%** from local **Our City, Our Home** dollars, **9.1%** in **federal** funds, **7.8%** in **other local** funds, and **4%** in **state** funds. Our overall budget drops in FY 2024-25 due largely to the end of one-time state funding.

Comparative Revenue Overview: FY2023-24 and FY2024-25 Adopted Budget

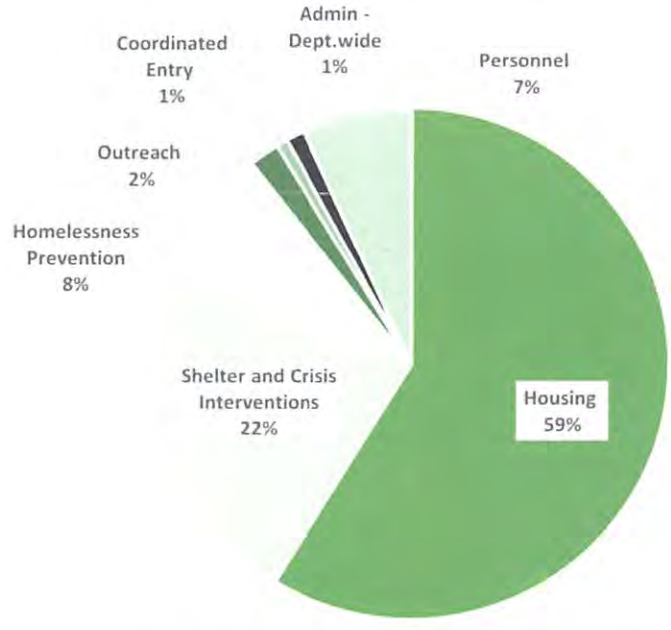
With ongoing **Our City, Our Home** funding, HSH's budget has **more than tripled** since the first year of the Department's operation.

Total HSH Adopted Budget (in Millions)

The FY 2023-24 and FY 2024-25 budget **adds 10 positions over the two years** to continue to right-size HSH's staffing levels. These additional staff allow HSH to keep up with this expansion and enhance departmental effectiveness.

Ninety-two percent of the adopted two-year budget is appropriated to **homelessness response system services**, including **59 percent ($799.7 million)** into housing. Housing costs go towards subsidies and services that keep households who have exited homelessness stably and successfully housed, as well as new units.

FY 2023-25 Adopted Budget by Service Area



Total Two-Year Adopted Budget: $1.35 billion

The adopted budget allocates **8%** to **departmental salaries, fringe benefits, and department-wide costs**, including work orders with other City departments.

About Bay City News Foundation and Local News Matters

Mission:
The Bay City News Foundation nonprofit serves the greater San Francisco Bay Area and is backed by charitable donations from contributors who care about local news, a free press, democratic values and an informed citizenry. We target geographic and topical news deserts. We collaborate with other media. We experiment with technology. We work with journalism schools to train the next generation of reporters.

Our Reach:
We are the only 24/7 news outlet dedicated to covering the entire Bay Area region with 12 counties, more than 100 cities and 9 million people. We reach readers through our free public-service website LocalNewsMatters.org, and through distribution to 100 clients of the affiliated Bay City News wire service, including most major news organizations. We operate 24/7 and feed news directly to TV, radio, print and online outlets in the region who then publish our stories on their platforms.

Coverage Areas:
Our public-service journalism is published on our free website LocalNewsMatters.org and two weekly newsletters on local news and arts and culture. We have dedicated sections focused on local government news, aging in the Bay Area, equity issues, COVID-19 and health, civic engagement, arts and culture, and the environment.

Who We Are:
We are a dedicated group of professional journalists who care about quality news in the greater Bay Area. Veteran journalist Katherine Ann Rowlands serves as president of Bay City News and executive director of the nonprofit. She is also president of the board of the First Amendment Coalition. On the news side, longtime reporter and editor Dan McMenamin serves as the managing editor, overseeing other editors who supervise daytime, overnight and weekend shifts plus a staff of about 25 reporters, editors, photographers, data journalists and web producers. On the nonprofit side, a 10-member volunteer board assists and guides professional staff with development, operations, outreach and networking. They include journalists, community stakeholders, media attorneys and educators.

History:
Bay City News was founded in 1979 by Dick and Marcia Fogel and Wayne Futak. They mentored dozens of aspiring journalists, instilling in them the ethical principles of truthfulness, accuracy, fairness and objectivity. Many Bay Area journalists got their start at Bay City News when it was based in San Francisco with bureaus around the region, learning the basic reporting tools that helped them move on to distinguished careers at newspapers, broadcast stations, new media ventures and academia. Dick Fogel, a former Oakland Tribune editor who died in 2009, was an advocate on issues relating to the public's right to access government information. He worked with other journalists

and news organizations to craft the basic principles of what would later become the landmark Freedom of Information Act.

Katherine Ann Rowlands started her journalism career as a college intern at Bay City News, and in 2018 acquired the company as owner and publisher. To round out the wire service's breaking news coverage with public service journalism about the people, places and issues that deserve more attention, she established Bay City News Foundation as a 501(c)(3) nonprofit that same year.

Foundation Website:
http://www.baycitynews.org/

Public-Facing Website:
www.localnewsmatters.org

Impact Report

JOSEPH A. DWORETZKY

1 West Hartwell Lane, PH-2
Philadelphia, PA 19118
(267) 886-4540 (Cell)
Joseph.Dworetzky@gmail.com
www.joedworetzky.com

I am a second career journalist. I practiced law for 35 years but switched to journalism to tell stories that arise in the social, legal, and political cultures of the Bay Area.

JOURNALISM EXPERIENCE

2021 - Date: BAY CITY NEWS, Reporter, currently focusing on legal affairs and long form investigative projects. Occasional social and political cartooning. National finalist for the "2023 Outstanding Coverage Award" by LION Publishers (Local Independent Online News) for a series about San Francisco's response to homelessness. Journalism awards from the San Francisco Press Club and the Society of Professional Journalists Northern California Chapter, respectively, for two arts and culture stories. (Many of my stories for BCN and its sister publication, Local News Matters, are collected at are collected at www.authory.com/joedworetzky)

Summer 2019: LOS ANGELES TIMES, Intern, Metro Desk, reported to the City Editor, Hector Becerra, covered breaking news and wrote enterprise stories; two pieces ran A-1.

2018 – 2020 THE STANFORD DAILY, Staff Writer and Editorial Cartoonist (more than 50 editorial cartoons published in the Daily and in the Daily Magazine)

LEGAL EXPERIENCE

1997 - 2019: HANGLEY ARONCHICK SEGAL & PUDLIN, Shareholder, 1997-2018. Combined business law and litigation in a broad general practice, representing business and governmental clients in all types of regulatory affairs, commercial dispute resolution, bankruptcy and financial and operational restructurings. A member of the Board of Directors from 1998 to 2008, closely involved in day-to-day management of the firm.

1993 - 1996: CITY OF PHILADELPHIA, City Solicitor, 1994 to 1996; Acting City Solicitor, 1994; Chair of Corporate Group, July - December 1993. As City Solicitor, responsible for the overall legal representation of the City in all civil matters as well as management of 130-lawyer department. Senior legal advisor to the Mayor and City Council. Member of the Mayor's Cabinet and numerous boards, commissions and other governmental policy making groups. Wide ranging legal and policy responsibilities requiring high degree of judgment, discretion and ability to work effectively with stakeholders of different viewpoints.

1978 - 1993: DRINKER BIDDLE & REATH, Managing Partner 1992-1993; Partner 1984-1993; Associate 1978-84. Concentration in bankruptcy and creditors' rights. Representation of debtors and creditors in all phases of Chapter 11 proceedings and commercial workouts and restructurings.

1977 - 1978: JUDGE ELLSWORTH A. VAN GRAAFEILAND, United States Court of Appeals for the Second Circuit, Law Clerk.

EDUCATION

School: STANFORD UNIVERSITY
Degree: Master's Degree in Journalism (June 2020)
GPA: 4.0
Areas: Coursework in Data Journalism (Cheryl Phillips), Multimedia (Geri Migielicz), Journalism Law (Jim Wheaton), Reporting (Janine Zacharia), Sportswriting (Gary Pomerantz) and Narrative Journalism (R.B. Brenner)

School: STANFORD UNIVERSITY
Program: Fellow, Distinguished Careers Institute (Jan 2018 – June 2019)
Non-matriculating program for individuals who have finished one career and are transitioning to something new. Took a full academic load for six quarters with concentration on narrative writing, including: Memoir (John Evans), Creative Non-Fiction (Solmaz Shariff), Documentary Journalism (Austin Smith), Documentary Fictions (Jonah Willinganz).

Law School: VILLANOVA UNIVERSITY SCHOOL OF LAW
Degrees: J.D., *summa cum laude* in May 1977
Class Rank: First in class of 182
Average: 3.78
Honors: Saint Ives Medal (best overall cumulative average); Pulling Award (best Law Review article); Roman Catholic Alumni Award (best first year grades: 4.0 gpa); Order of the Coif; Villanova Law Review (Staff, Volume 21; Associate Editor, Volume 22); Title Insurance Award (best grades).

College: PURDUE UNIVERSITY
Degree: B.A. *with distinction* in June 1972
Concentration: 3-year program with double majors in Philosophy and Writing
Class Rank: Top 5%
Average: 3.6
Honors: Phi Beta Kappa; Marchette Award (outstanding student of philosophy)

PROFESSIONAL (Journalism)

- Reported and wrote a series of stories about San Francisco's response to homelessness which has been selected as a national finalist for the "Outstanding Coverage Award" by LION Publishers (Local Independent Online News) (2023).
- Reported and wrote "*Sins Invalid to stream performance about climate change and its impact on the disabled community,*" this article was selected by The Society of Professional Journalists, Northern California chapter, for its 2021 Excellence in Journalism Awards in the category Arts & Culture (print/online small division) (2022).
- Reported and wrote *"The Olympics for Creative People: Artist and futurist Ty Eckley has presented hundreds of medals to Burning Man participants,"* awarded First Place for Online Features, Light Material by the San Francisco Press Club (2021).

- Member of a team of student journalists who collaborated on a series of stories on homelessness. The series was a finalist for an award from IRE (Investigative Reporters & Editors) in the Student (Large) category. One of those stories was "Project Roomkey, the Golden State's grand experiment."

PROFESSIONAL (Legal)

- Adjunct Professor, TEMPLE UNIVERSITY JAMES E. BEASLEY SCHOOL OF LAW (2005). Taught Bankruptcy in the fall semester of the 2005-06 school year.
- Adjunct Professor, RUTGERS UNIVERSITY SCHOOL OF LAW-CAMDEN (1987-93). Taught Bankruptcy in the fall semester from 1987 through 1991 and Advanced Bankruptcy Practice in the spring semester from 1988 through 1993. Designed the latter course to simulate an actual Chapter 11 case in which students represented clients in litigation and negotiation. Course served as a model for other practice courses at Rutgers.
- Fellow, American College of Bankruptcy Law (1994–date). Member of the Board of Regents (2003-2008) and Board of Directors (2008-2012).
- Chair, Merit Selection Committee for Bankruptcy Judges in Eastern District of Pennsylvania (2005, 2006 and 2009).
- The Best Lawyers in America, Bankruptcy and Creditor-Debtor Rights Law (2005-18). Restructuring Lawyer of the Year (Bankruptcy) in Pennsylvania 2012, 2014, 2018 and 2019.
- Chambers USA, America's Leading Lawyers for Business (2000-18) selected as one of top bankruptcy attorneys in Pennsylvania. In 2010 singled out among bankruptcy attorneys as the only "Star Individual" in Pennsylvania. Designated as a Star Individual again in 2012-14. Named an "Eminent Practitioner" (2016-18). Described as "one of the smartest lawyers in the country."

COMMUNITY & LEADERSHIP

- School Reform Commission, appointed by Governor and confirmed by State Senate - one of five members of the governing body of the Philadelphia School District (2009 to 2013).
- Member, Board of Directors of Pennsylvania Energy Development Authority (2004 to 2008) appointed by Governor and confirmed by State Senate.
- Trustee, Bay School of San Francisco (2016 to 2019).
- Member, Board of Directors of Narrative Magazine, leading non-profit digital literary magazine based in San Francisco (2016 to 2019).
- Director, U.S. Squash, the national governing body for squash in the United States (2017 to 2022).
- Trustee, William Penn Foundation. (2001 to 2005). Board member and member of Executive Committee of a $1.1 billion charitable foundation concentrating its philanthropy in the Philadelphia region.
- Member, Board of Managers, Moore College of Art & Design (2003 to 2006). Moore is the country's only women's art college. Member of Academic Affairs and College Planning Committees.
- Member, Board of Directors of Parkway Council Foundation (2005 to 2010). The Parkway Council is made up of the significant cultural institutions on the Benjamin Franklin Parkway in Philadelphia.
- Nutter 2007 Mayoral Transition Team: Chair, Law Department Transition (2007-08).

- Co-Chair, Energy & Telecommunications Subcommittee, Rendell Gubernatorial Transition Team (2002).
- Member, Board of Directors, Philadelphia Theatre Company (1998-99).
- Board Member, Philadelphia Board of Pensions and Retirement. One of nine voting members of a $2.2 billion pension fund (1994 to 1996).

SIGNIFICANT REPRESENTATIONS

- Lead counsel for Pennsylvania Department of Education in an action to have receiver appointed for the Board of Control of the Chester Upland School District on account of financial mismanagement. Obtained first Pennsylvania state law receivership of a governmental entity. See *Pennsylvania Department of Education v. Chester Upland School District Special Board of Control*, 595 Pa. 452, 938 A.2d 1015 (2007).
- Counsel to Liberty Mutual Insurance Company in Chapter 11 proceedings of Enron Corporation and related litigation concerning the validity of more than a billion dollars' worth of long term prepaid natural gas supply contracts discovered to have been part of "roundtrip" or "circular" sales. Trial counsel for Liberty in 5-week jury trial in the Southern District of New York.
- Co-counsel to Pennsylvania Insurance Department in year-long regulatory review of proposed merger of Independence Blue Cross and Highmark.
- Lead counsel for New Energy Ventures in litigation before the Pennsylvania Public Utility Commission in connection with the restructuring of PECO Energy Co. and its claim for recovery of $6.81 billion in stranded costs.
- Served as lead trial and appellate counsel for the City of Philadelphia in the funding phase of *Pennsylvania Human Relations Commission v. Philadelphia School District*, a 25-year old school desegregation lawsuit. After a five-week trial, the Commonwealth Court entered judgment in favor of the City (subsequently reversed in Pennsylvania Supreme for lack of jurisdiction).

PRO BONO REPRESENTATIONS

- Represented writers, painters, dancers and arts organizations in pro bono cases through Philadelphia Volunteer Lawyers for the Arts for more than 30 years. Winner of the Coleman Award in 1997 for outstanding contributions to the Arts community.
- Represented the Pennsylvania Ballet in reorganizing after it was forced to terminate its season. Negotiated a consensual workout with five bank creditors that resulted in significant debt forgiveness and restructured the remaining debt. Represented Philadelphia Theatre Company in reorganizing after it canceled its season due to financial problems.

PERSONAL

- Competitive squash player. Competed in the Masters Division of the Maccabiah Games in Israel in 2004 and Pan American Maccabi Games in Santiago, Chile in 1999.
- A paper I wrote at Stanford on the relationship between the passage of time in T.S. Eliot's *Four Quarters* and Einstein's theory of relativity has been accepted for a peer seminar at the Int'l T.S. Eliot Society conference at Harvard in Sept., 2023 and the Eliot Society Panel at the Midwest Modern Language Association conference in Cincinnati, Ohio in Nov. 2023.
- Author, illustrator, cartoonist. Under a pen name, authored young adult novel published in 2014, fiction and creative non-fiction published in numerous literary magazines and journals (2011-16), cartoons on contemporary social and political issues (2015-date). Cartoons have appeared in *SF*

Weekly, Bay City News (newsletter), *Local News Matters, Half Moon Bay Review, Marina Times, Peninsula Press, Stanford Daily, Chestnut Hill Local, HuffPost,* and *The Desert Sun.*

To: Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr Carlton B. Goodlett Place
San Francisco, CA 94102-4683
sotf@sfgov.org

From: Curtis Sparrer, President, San Francisco Press Club
curtis@bospar.com

Re: Dworetzky/BCN Petition to Sunshine Ordinance Task Force
(File No. 23060)

To Whom It May Concern,

On behalf of the San Francisco Press Club Board of Directors, I write to support a petition filed by Joe Dworetzky, a reporter with Bay City News, who challenges practices of the San Francisco Department of Homelessness and Supportive Housing with regard to the release of public records.

I understand the Sunshine Ordinance Task Force will consider this petition at its May 1 meeting.

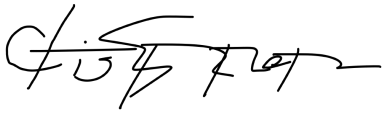
The petition challenged HSH's practice of missing the Sunshine Ordinance's mandatory time periods for producing documents responsive to a public records request.

Because this is a crucial issue for journalists covering city agencies, I write to express my strong support for Bay City News.

In covering city government, public records requests are a crucial tool for reporters who want to evaluate the truth of official narratives, understand the cost of city initiatives, determine how city money is spent, and assess any governmental misfeasance.

If agencies are able to miss the deadlines for production of records under the ordinance, it will skew the information reporters can provide to the public at a time when it is meaningful and actionable.

I urge you in the strongest terms to reject the practice that Bay City News has challenged in the petition. Open government that is accountable to the people is the goal of the city's ordinance; do not let HSH defeat what the drafters of the Sunshine Ordinance enshrined in the law.



Curtis Sparrer, President, San Francisco Press Club

From:	James T Hamilton
To:	SOTF (BOS)
Subject:	Re: Dworetzky/BCN Petition to Sunshine Ordinance Task Force (File No 23060)
Date:	Wednesday, April 17, 2024 9:41:09 PM

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

Re: Dworetzky/BCN Petition to Sunshine Ordinance Task Force (File No 23060)

Members of the Sunshine Ordinance Task Force -

In my book *Democracy's Detectives: The Economics of Investigative Reporting* (Harvard University Press, 2016), I found that public records requests were an essential component of accountability reporting. I also found that government officials whose actions are being reported on will sometimes try to delay or deny the timely release of documents that reporters should receive by law.

At your May 1 meeting I believe you will be considering a petition by Joe Dworetzky, a reporter from Bay City News. From the materials I've read about the case, he is challenging the San Francisco Department of Homelessness and Supportive Housing practice of failing to comply in a truly timely manner with public records request. The HSH appears to delay its full compliance with the law, so that the delay affects the ability of a reporter to provide the public with reporting about the HSH in a way that could allow the public to hold HSH accountable for its actions.

I hope that you will rule in favor of Joe Dworetzky for multiple reasons. In *Democracy's Detectives* (which won three best media research book of the year awards), I found that one of the hurdles that investigative reporters face is government officials who try to block access to records they should be willing to release. If justice delayed can be justice denied, the same reasoning applies to the timely release of documents. Mr. Dworetzky is a prize-winning reporter, and the topics he writes about are of great public interest. I hope very much that you are able to support his position, since I believe the city of San Francisco will be a better place if its residents know more about how its institutions operate.

Sincerely,
James T. Hamilton
Hearts Professor of Communication, Stanford

From:	Ronald T. Ching
To:	SOTF (BOS)
Cc:	Karl Olson
Subject:	Dworetzky/BCN Petition to Sunshine Ordinance Task Force (File No 23060)
Date:	Wednesday, April 17, 2024 2:20:40 PM
Attachments:	image001.png 04.17.24 ltr to SF sunshine task force.pdf

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

To Whom it may concern,
Please find attached a letter from Karl Olson regarding the Dworetzky BCN Petition scheduled for May 1, 2024.
Thank you

_____

Ronald Ching
Senior Paralegal

100 Pine Street, Suite 350
San Francisco, California 94111
CONTACT INFORMATION:
Telephone: 415.409.8900
Direct: 415.409.2956
Fax: 415.409.8904

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CANNATA O'TOOLE & OLSON

April 17, 2024

Karl Olson
kolson@cofolaw.com

Via Email
Administrator of the Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4683
sotf@sfgov.org

Re: Dworetzky/BCN Petition to Sunshine Ordinance Task Force (File No 23060)

Members of the Sunshine Ordinance Task Force:

I understand that at its May 1 meeting, the Sunshine Ordinance Task Force will consider a petition by a reporter (Joe Dworetzky) from Bay City News who challenges a practice of the San Francisco Department of Homelessness and Supportive Housing.

The petition calls out HSH's practice of evading the Sunshine Ordinance's time periods for producing documents responsive to a public records request by saying it will produce documents on a "rolling basis."

Because this is a crucial issue for journalists covering city agencies, I write to express my strong support for Bay City News.

Background

In the world of government transparency, the San Francisco Sunshine Ordinance is a jewel. It deliberately provides the media and the public with tools to access information that go beyond – and are in some situations more practical and useful than - what is provided under the statewide Public Records Act.

An essential difference between the state law and the ordinance is in the timing of production of requested records. For reporters covering city government, timing is of crucial importance; if the meaningful records are not produced when needed and useful it is the same as not being produced at all.

Unlike state law, the ordinance requires production as soon as possible but not later than 10 days after the request, unless the producer qualifies for, and timely invokes, a 10-day extension. This means that in every case actual production of the requested documents should be anticipated in 20 days or less, unless the specific records are exempt.

HSH has adopted a practice to game this requirement.

HSH's Practice

In the challenged instances, HSH produced a handful of documents on a timely basis and then said it was continuing to look and would produce more documents on a "rolling basis." Thereafter, it produced more documents from time to time on an unpredictable and unhurried pace without any regard for the deadlines in the ordinance. HSH's took the position that once it produced some documents in a timely way and declared it would produce more on a rolling basis, it was outside of the ordinance's deadlines and could proceed at whatever pace it regarded as reasonable.

In other words, HSH took the position that it had the unilateral right to determine when to produce the requested documents.

HSH tries to support its practice by reference to a section in the ordinance (Section 67.25(d) quoted below) that says that when an agency has documents available it must produce them on a rolling basis without waiting until the last day. This provision – written to speed up production by preventing an agency from holding all records until the last one is available – has been cynically stood on its head to say that it grants the department an exemption from the production deadlines once it says its production is rolling.

It is a unsupportable reading and it gives HSH flexibility to withhold and delay production of sensitive documents while giving up inconsequential ones. This is exactly what happened to Bay City News when its reporter was covering HSH's budget hearings in 2023. HSH ultimately produced the documents requested, but by withholding some important documents it prevented BCN from reporting on them when relevant to the budget hearings.

I urge you to reject HSH's practice.

The Sunshine Ordinance Task Force has been given stewardship of the ordinance and has been entrusted with oversight over whether the city complies with its provisions.

If you allow this, city agencies will be able to make a mockery of the ordinance's deadlines simply by producing a few trivial documents – for example emails devoted to scheduling a meeting – and withhold until no longer relevant the records that show what was actually considered at the meeting.

If HSH's practice is accepted, the great promise of the ordinance to establish openness and transparency in San Francisco will be vastly diminished.

Administrative Code 67.25(d):

(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 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.

Very truly yours,

CANNATA, O'TOOLE, FICKES & OLSON LLP

KARL OLSON

KO:hs

From:	Curtis Sparrer
To:	SOTF (BOS)
Cc:	SFPressClub
Subject:	Sunshine Support Letter for BCN
Date:	Thursday, April 18, 2024 9:13:58 AM
Attachments:	image001.png image002.png SF Press Club Petition 04.18.24 SIGNED.pdf

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

To Whom It May Concern,

On behalf of the San Francisco Press Club Board of Directors, I write to support a petition filed by Joe Dworetzky, a reporter with Bay City News, who challenges practices of the San Francisco Department of Homelessness and Supportive Housing with regard to the release of public records.

I understand the Sunshine Ordinance Task Force will consider this petition at its May 1 meeting.

The petition challenged HSH's practice of missing the Sunshine Ordinance's mandatory time periods for producing documents responsive to a public records request.

Because this is a crucial issue for journalists covering city agencies, I write to express my strong support for Bay City News.

In covering city government, public records requests are a crucial tool for reporters who want to evaluate the truth of official narratives, understand the cost of city initiatives, determine how city money is spent, and assess any governmental misfeasance.

If agencies are able to miss the deadlines for production of records under the ordinance, it will skew the information reporters can provide to the public at a time when it is meaningful and actionable.

I urge you in the strongest terms to reject the practice that Bay City News has challenged in the petition. Open government that is accountable to the people is the goal of the city's ordinance; do not let HSH defeat what the drafters of the Sunshine Ordinance enshrined in the law.

Please find our signed letter attached.

Curtis

President, San Francisco Press Club

Curtis Sparrer

PRINCIPAL

713-240-0485
curtis@bospar.com

signature_3839851077

To: Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr Carlton B. Goodlett Place
San Francisco, CA 94102-4683
sotf@sfgov.org

From: Curtis Sparrer, President, San Francisco Press Club
curtis@bospar.com

Re: Dworetzky/BCN Petition to Sunshine Ordinance Task Force
(File No. 23060)

To Whom It May Concern,

On behalf of the San Francisco Press Club Board of Directors, I write to support a petition filed by Joe Dworetzky, a reporter with Bay City News, who challenges practices of the San Francisco Department of Homelessness and Supportive Housing with regard to the release of public records.

I understand the Sunshine Ordinance Task Force will consider this petition at its May 1 meeting.

The petition challenged HSH's practice of missing the Sunshine Ordinance's mandatory time periods for producing documents responsive to a public records request.

Because this is a crucial issue for journalists covering city agencies, I write to express my strong support for Bay City News.

In covering city government, public records requests are a crucial tool for reporters who want to evaluate the truth of official narratives, understand the cost of city initiatives, determine how city money is spent, and assess any governmental misfeasance.

If agencies are able to miss the deadlines for production of records under the ordinance, it will skew the information reporters can provide to the public at a time when it is meaningful and actionable.

I urge you in the strongest terms to reject the practice that Bay City News has challenged in the petition. Open government that is accountable to the people is the goal of the city's ordinance; do not let HSH defeat what the drafters of the Sunshine Ordinance enshrined in the law.

Curtis Sparrer, President, San Francisco Press Club

From: Jay Harris
To: SOTF (BOS)
Subject: Re: Dworetzky/BCN Petition to Sunshine Ordinance Task Force (File No 23060)
Date: Tuesday, April 23, 2024 4:57:38 PM

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Re: Dworetzky/BCN Petition to Sunshine Ordinance Task Force (File No 23060)

April 23, 2024

Members of the Sunshine Ordinance Task Force -

I understand that at its May 1 meeting, the Sunshine Ordinance Task Force will consider a petition by reporter Joe Dworetzky from Bay City News that challenges a practice of the San Francisco Department of Homelessness and Supportive Housing.

The petition challenges HSH's practice of evading the Sunshine Ordinance's mandatory time periods for producing documents responsive to a public records request.

As a longtime ally of investigative reporters (I was for many years the publisher of San Francisco's *Mother Jones* magazine), I am writing to express my strong support for Dworetsky and Bay City News. I don't have to tell the Task Force how important public records are for reporters attempting to evaluate official narratives, understand the cost of city initiatives, determine how city money is spent, and discover mismanagement and fraud. In light of the extraordinary issues facing San Francisco around homelessness and housing – and the staggering amounts of public money being spent on possible solutions – I can think of no area where the city's public records are more crucial.

If agencies are able to game the deadlines for production of records under the ordinance, they will be able to manipulate the information reporters can provide to the public at a time when it is meaningful and actionable.

I urge you in the strongest terms to reject the practice that Bay City News has challenged in the petition. Open government that is accountable to the people is the goal of the city's ordinance; do not let HSH defeat what the drafters of the Sunshine Ordinance enshrined in the law.

Yours sincerely,

Jay Harris

--
70 Sea View Terrace
San Francisco, CA 94121
415 902 8511

sotf@sfgov.org
Administrator
Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4683

Re: Dworetzky/BCN Petition to Sunshine Ordinance Task Force (File No 23060) – Scheduled Meeting Date: May 1, 2024

Members of the Sunshine Ordinance Task Force:

I'm writing to support the petition before the Task Force from Joe Dworetzky, a reporter from Bay City News. The petition challenges a practice of the San Francisco Department of Homelessness and Supportive Housing (the Department), which violates the Sunshine Ordinance's time periods for producing documents under the ordinance.

In particular, the petition challenges the Department's practice of producing responsive documents on a "rolling" basis without meeting the deadlines mandated in the ordinance. Because the Department's timely compliance with the ordinance is an important issue not only for journalists but also for the general public, I write to express my strong support for the petition.

The Sunshine Ordinance

The Sunshine Ordinance is based on the basic principle that "[g]overnment's duty is to serve the public, reaching its decisions in full view of the public." S.F. Admin. Code § 67.1(a). It emphasizes "[t]he public's right to know is as fundamental as its right to vote." *Id.* § 67.1(e).

To aid the public's critical right to know, the San Francisco Sunshine Ordinance adds rights not found in state laws, including when San Francisco agencies must produce requested records. For reporters and others attempting to uncover records, timing is of crucial importance; if the meaningful records are not produced when needed and useful, the Sunshine Ordinance is not accomplishing its intended purpose.

Unlike state law, the ordinance requires production as soon as possible but not later than 10 days after the request, unless the producer qualifies for, and timely invokes, a 10-day extension. Thus, in every case, actual production of the requested documents should be made in 20 days or less, unless the specific records are exempt.

The Petition and My Own Experience with Requests Made Under the Ordinance

The petition provides facts that the Department has a pattern and practice of evading the production deadline requirement by making "rolling" productions without complying with the 10-day extension and the 20-day production deadline requirements.

The rolling production practice documented in the petition mirror my own experience in requesting documents from the Department under the ordinance. The Department emails that a batch of documents is available ("You may access an initial batch of response records via this Box link"); but the email then states that it will produce more documents on a rolling basis. Document productions after that point have no determined schedule. The Department may take more than a month to "complete" the production.

The rolling production isn't the only problem with the Department's production that contributes to compliance with the required production deadline. The Department often determines that it cannot produce the records has voluminous records that respond to the request by including in the number of records images of the Department's logo that are attached in each email. Additionally, the Department provides links for documents that are inaccessible (with messages such as "Your access to this content is restricted due to a security policy"); and an email that I couldn't access the files through the provided link is not responded to for days, requiring a follow up.

In one instance, I sought records from responses the Department made to Mr. Dworetzky so as not to make a new request because response times were too long for my needs, and it appeared from my review of the Department's public records website that those documents could be helpful to me. The Department informed me that the documents not long ago provided to Mr. Dworetzky were "located in numerous separate record releases (due to rolling production) and therefore are not 'simple, routine, or otherwise readily answerable'" requests appropriate for immediate disclosure.[1] In other words, the Department cannot comply with the immediate disclosure requirement because of its unauthorized practice of making rolling productions – that is, it violates another section of the Sunshine Ordinance because it has violated another.

This practice is not just limited to the Department. I've had similar experiences with the San Francisco Public Works. To receive records, I've had to review a batch of records and negotiate whether I get another batch.

Support for the Petition

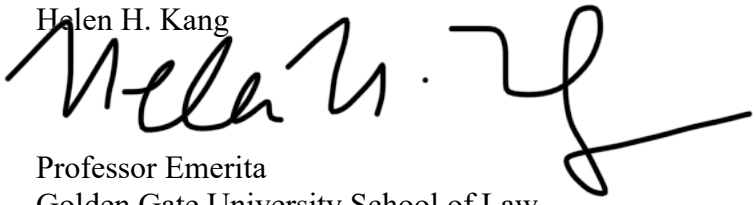
The Department's reliance on section 67.25(d) for its production outside of the compliance date is contrary to the plain reading of that section, as the petition argues. (I will not repeat the arguments here.) In addition, the legislative history materials for the ordinance do not support the Department's interpretation.

[1] Email from HSHSunshine@sfgov.org to me dated May 5, 2023.

I urge the Task Force to find the Department's interpretation unlawful.

Sincerely,

Helen H. Kang



Professor Emerita
Golden Gate University School of Law
(Inactive from the State Bar of California and unable to render a legal opinion)

LEXINGTON LAW GROUP
503 Divisadero Street, San Francisco, California 94117-2212
Telephone (415) 913-7800 Facsimile (415) 759-4112

April 24, 2024

Via Email **(sotf@sfgov.org)**
Administrator of the Sunshine Ordinance Task Force

Re: Dworetzky/BCN Petition to Sunshine Ordinance Task Force (File No 23060)

Dear Members of the Sunshine Ordinance Task Force:

I am an environmental justice lawyer at Lexington Law Group. I represent communities of color in San Francisco that seek to hold the City and County of San Francisco and its agencies accountable for their history of discriminating against communities of color, including communities the Bayview. As part of my advocacy for San Francisco's communities of color, I rely on the City and its agencies to timely provide public records pursuant to the Sunshine Ordinance. In my experience, the City and its agencies have a pattern and practice of evading and delaying public records requests. This practice is unfair to the public and unlawful under the Sunshine Ordinance.

I understand that at its May 1 meeting, the Sunshine Ordinance Task Force will consider a petition by a reporter (Joe Dworetzky) from Bay City News who challenges a practice of the San Francisco Department of Homelessness and Supportive Housing.

The petition calls out HSH's practice of evading the Sunshine Ordinance's time periods for producing documents responsive to a public records request by saying it will produce documents on a "rolling basis."

Because this is a crucial issue for community advocates, journalists, and other members of the public seeking to hold city agencies accountable, I write to express my strong support for Bay City News. As discussed below, Mr. Dworetzky's petition should be granted.

Background

The San Francisco Sunshine Ordinance provides the media and the public with tools to access information that go beyond—and are in some situations more practical and useful than—what is provided under the statewide Public Records Act.

An essential difference between the state law and the ordinance is in the timing of production of requested records. For advocates seeking to hold the City accountable, timing is of crucial

importance; if meaningful records are not produced when needed it is the same as not being produced at all.

Unlike state law, the ordinance requires production as soon as possible but not later than 10 days after the request, unless the producer qualifies for, and timely invokes, a 10-day extension. This means that in every case actual production of the nonexempt requested documents should be anticipated in 20 days or less.

However, HSH and other City agencies have adopted a practice to game this requirement.

HSH's Practice

My clients and I have submitted numerous requests for records from HSH. HSH has never complied with the deadlines set forth in the Sunshine Ordinance. For example, one of my clients submitted a request for important records on July 11, 2023. Several days after the initial 10-day deadline had passed, HSH invoked a 14-day extension. Yet, HSH did not produce any records within this 14-day period. HSH did not produce any records until August 23, 2023. The records it did produce were woefully incomplete. For instance, HSH failed to include attachments to emails—attachments that were sensitive and most relevant to my client's advocacy. We have no choice but to suspect that HSH's failure to include the attachments was intentional and in bad faith. This is but one example of HSH's disregard for the Sunshine Ordinance's requirements.

I urge you to reject HSH's practice of violating the Sunshine Ordinance.

Other City Agencies' Practices

In my experience the evasive practices described above are not limited to HSH.

The San Francisco Planning Department does not timely produce documents and frequently uses bad faith tactics to avoid producing relevant records. For example, on September 26, 2023, I sent a request for all records "regarding the Bayview Vehicle Triage Center for the time period beginning August 14, 2023, through the date of the Planning Department's production of documents in response to this request."

On October 6, 2023, instead of producing responsive records, Chan Son, an Executive Secretary at the Planning Department, referred me to the City's website. That same day, I responded to Mr. Chan, informing him that I had clearly requested "all" records, not publicly available records on the City's website. Two days later, Mr. Chan invoked a 10-day extension until October 6, 2023, to provide the records.

Yet no documents were produced on October 6, 2023. Instead, Mr. Chan called to inform me that Planning was unliterally invoking yet another extension and that the documents would not be produced until October 20, 2023.

Again, no documents were produced on October 20, 2023.

On November 1, 2023—***36 days*** after I made my request for public records—Planning produced a subset of the records. Not only were the documents produced late, but I was forced to spend a significant amount of time corresponding with Planning to correct its attempts to evade and delay producing the documents.

Thus, the City's practice of evading the Sunshine Ordinance's requirements appears to be systemic.

The Sunshine Ordinance Task Force has been given stewardship of the ordinance and has been entrusted with oversight over whether the City complies with its provisions. If you continue to allow rampant violations of the Sunshine Ordinance, City agencies will continue to make a mockery of the ordinance's deadlines by producing only a few trivial documents – for example, by referring requesters to the City's website – and strategically delaying and withholding important records.

If the City's practice is accepted here, the great promise of the ordinance to establish openness and transparency in San Francisco will be vastly diminished.

I urge you to grant Mr. Dworetzky's petition.

Yours very truly,

/s/_____
Lucas Williams
Lexington Law Group

Administrator of the Sunshine Ordinance Task Force

City Hall, Room 244

1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683.

Email: sotf@sfgov.org

April 24, 2024

Re: Dworetzky/BCN Petition to Sunshine Ordinance Task Force (File No 23060)

Dear Members of the Sunshine Ordinance Task Force:

I am a longtime San Francisco resident. I write before the May 1 meeting of the Sunshine Ordinance Task Force, which will consider a petition by Joe Dworetzky, a reporter from Bay City News, which challenges a practice of the San Francisco Department of Homelessness and Supportive Housing (HSH) that evades the Sunshine Ordinance's mandatory time periods for producing documents responsive to a public records request.

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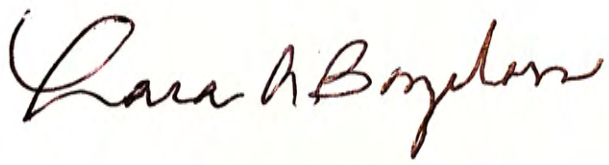
If agencies are able to manipulate the deadlines for production of records under the ordinance, they will be able to control the output of information reporters can report out and prevent the public from learning, in a timely manner, important information about how their government works or does not work.

Please reject this practice. Open government that is accountable to the people is the goal of the city's ordinance; do not let HSH defeat what the drafters of the Sunshine Ordinance enshrined in the law.

Sincerely,



Lara Bazelon

LEXINGTON LAW GROUP
503 Divisadero Street, San Francisco, California 94117-2212
Telephone (415) 913-7800 Facsimile (415) 759-4112

April 24, 2024

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I urge you to grant Mr. Dworetzky's petition.

Yours very truly,

/s/_____
Lucas Williams
Lexington Law Group

Administrator of the Sunshine Ordinance Task Force

City Hall, Room 244

1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683.

Email: sotf@sfgov.org

April 24, 2024

Re: Dworetzky/BCN Petition to Sunshine Ordinance Task Force (File No 23060)

Dear Members of the Sunshine Ordinance Task Force:

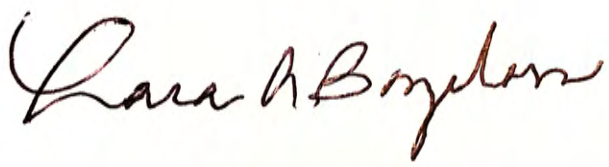
I am a longtime San Francisco resident. I write before the May 1 meeting of the Sunshine Ordinance Task Force, which will consider a petition by Joe Dworetzky, a reporter from Bay City News, which challenges a practice of the San Francisco Department of Homelessness and Supportive Housing (HSH) that evades the Sunshine Ordinance's mandatory time periods for producing documents responsive to a public records request.

Because this is a crucial issue for journalists covering city agencies, I write to express my strong support for *Bay City News*. In covering city government, public records requests are a crucial tool for reporters who want evaluate the truth of official narratives, understand the cost of city initiatives, determine how city money is spent, and discover governmental mismanagement and fraud.

If agencies are able to manipulate the deadlines for production of records under the ordinance, they will be able to control the output of information reporters can report out and prevent the public from learning, in a timely manner, important information about how their government works or does not work.

Please reject this practice. Open government that is accountable to the people is the goal of the city's ordinance; do not let HSH defeat what the drafters of the Sunshine Ordinance enshrined in the law.

Sincerely,



Lara Bazelon

From: Jay Harris
To: SOTF (BOS)
Subject: Re: Dworetzky/BCN Petition to Sunshine Ordinance Task Force (File No 23060)
Date: Tuesday, April 23, 2024 4:57:38 PM

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

Re: Dworetzky/BCN Petition to Sunshine Ordinance Task Force (File No 23060)

April 23, 2024

Members of the Sunshine Ordinance Task Force -

I understand that at its May 1 meeting, the Sunshine Ordinance Task Force will consider a petition by reporter Joe Dworetzky from Bay City News that challenges a practice of the San Francisco Department of Homelessness and Supportive Housing.

The petition challenges HSH's practice of evading the Sunshine Ordinance's mandatory time periods for producing documents responsive to a public records request.

As a longtime ally of investigative reporters (I was for many years the publisher of San Francisco's *Mother Jones* magazine), I am writing to express my strong support for Dworetsky and Bay City News. I don't have to tell the Task Force how important public records are for reporters attempting to evaluate official narratives, understand the cost of city initiatives, determine how city money is spent, and discover mismanagement and fraud. In light of the extraordinary issues facing San Francisco around homelessness and housing – and the staggering amounts of public money being spent on possible solutions – I can think of no area where the city's public records are more crucial.

If agencies are able to game the deadlines for production of records under the ordinance, they will be able to manipulate the information reporters can provide to the public at a time when it is meaningful and actionable.

I urge you in the strongest terms to reject the practice that Bay City News has challenged in the petition. Open government that is accountable to the people is the goal of the city's ordinance; do not let HSH defeat what the drafters of the Sunshine Ordinance enshrined in the law.

Yours sincerely,

Jay Harris

--
70 Sea View Terrace
San Francisco, CA 94121
415 902 8511

sotf@sfgov.org
Administrator
Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4683

Re: Dworetzky/BCN Petition to Sunshine Ordinance Task Force (File No 23060) – Scheduled Meeting Date: May 1, 2024

Members of the Sunshine Ordinance Task Force:

I'm writing to support the petition before the Task Force from Joe Dworetzky, a reporter from Bay City News. The petition challenges a practice of the San Francisco Department of Homelessness and Supportive Housing (the Department), which violates the Sunshine Ordinance's time periods for producing documents under the ordinance.

In particular, the petition challenges the Department's practice of producing responsive documents on a "rolling" basis without meeting the deadlines mandated in the ordinance. Because the Department's timely compliance with the ordinance is an important issue not only for journalists but also for the general public, I write to express my strong support for the petition.

The Sunshine Ordinance

The Sunshine Ordinance is based on the basic principle that "[g]overnment's duty is to serve the public, reaching its decisions in full view of the public." S.F. Admin. Code § 67.1(a). It emphasizes "[t]he public's right to know is as fundamental as its right to vote." *Id.* § 67.1(e).

To aid the public's critical right to know, the San Francisco Sunshine Ordinance adds rights not found in state laws, including when San Francisco agencies must produce requested records. For reporters and others attempting to uncover records, timing is of crucial importance; if the meaningful records are not produced when needed and useful, the Sunshine Ordinance is not accomplishing its intended purpose.

Unlike state law, the ordinance requires production as soon as possible but not later than 10 days after the request, unless the producer qualifies for, and timely invokes, a 10-day extension. Thus, in every case, actual production of the requested documents should be made in 20 days or less, unless the specific records are exempt.

The Petition and My Own Experience with Requests Made Under the Ordinance

The petition provides facts that the Department has a pattern and practice of evading the production deadline requirement by making "rolling" productions without complying with the 10-day extension and the 20-day production deadline requirements.

The rolling production practice documented in the petition mirror my own experience in requesting documents from the Department under the ordinance. The Department emails that a batch of documents is available ("You may access an initial batch of response records via this Box link"); but the email then states that it will produce more documents on a rolling basis. Document productions after that point have no determined schedule. The Department may take more than a month to "complete" the production.

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Support for the Petition

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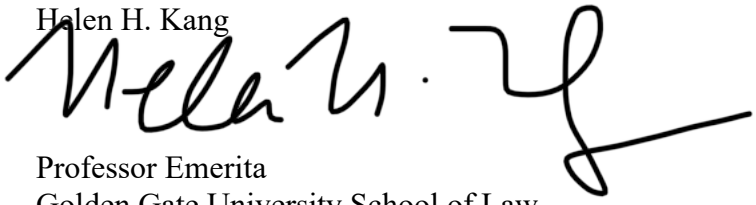
I urge the Task Force to find the Department's interpretation unlawful.

Sincerely,

Helen H. Kang



Professor Emerita
Golden Gate University School of Law
(Inactive from the State Bar of California and unable to render a legal opinion)

From:	Curtis Sparrer
To:	SOTF (BOS)
Cc:	SFPressClub
Subject:	Sunshine Support Letter for BCN
Date:	Thursday, April 18, 2024 9:13:58 AM
Attachments:	image001.png image002.png SF Press Club Petition 04.18.24 SIGNED.pdf

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

To Whom It May Concern,

On behalf of the San Francisco Press Club Board of Directors, I write to support a petition filed by Joe Dworetzky, a reporter with Bay City News, who challenges practices of the San Francisco Department of Homelessness and Supportive Housing with regard to the release of public records.

I understand the Sunshine Ordinance Task Force will consider this petition at its May 1 meeting.

The petition challenged HSH's practice of missing the Sunshine Ordinance's mandatory time periods for producing documents responsive to a public records request.

Because this is a crucial issue for journalists covering city agencies, I write to express my strong support for Bay City News.

In covering city government, public records requests are a crucial tool for reporters who want to evaluate the truth of official narratives, understand the cost of city initiatives, determine how city money is spent, and assess any governmental misfeasance.

If agencies are able to miss the deadlines for production of records under the ordinance, it will skew the information reporters can provide to the public at a time when it is meaningful and actionable.

I urge you in the strongest terms to reject the practice that Bay City News has challenged in the petition. Open government that is accountable to the people is the goal of the city's ordinance; do not let HSH defeat what the drafters of the Sunshine Ordinance enshrined in the law.

Please find our signed letter attached.

Curtis

President, San Francisco Press Club

Curtis Sparrer

PRINCIPAL

713-240-0485
curtis@bospar.com

signature_3839851077

To: Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr Carlton B. Goodlett Place
San Francisco, CA 94102-4683
sotf@sfgov.org

From: Curtis Sparrer, President, San Francisco Press Club
curtis@bospar.com

Re: Dworetzky/BCN Petition to Sunshine Ordinance Task Force
(File No. 23060)

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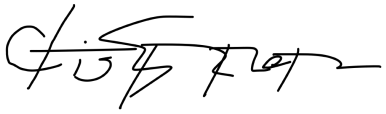

Curtis Sparrer, President, San Francisco Press Club

From:	Ronald T. Ching
To:	SOTF (BOS)
Cc:	Karl Olson
Subject:	Dworetzky/BCN Petition to Sunshine Ordinance Task Force (File No 23060)
Date:	Wednesday, April 17, 2024 2:20:40 PM
Attachments:	image001.png 04.17.24 ltr to SF sunshine task force.pdf

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

To Whom it may concern,
Please find attached a letter from Karl Olson regarding the Dworetzky BCN Petition scheduled for May 1, 2024.
Thank you

_____

Ronald Ching
Senior Paralegal

100 Pine Street, Suite 350
San Francisco, California 94111
CONTACT INFORMATION:
Telephone: 415.409.8900
Direct: 415.409.2956
Fax: 415.409.8904

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If you have received this transmission in error, please notify us immediately by telephone at (415) 409-8900, and destroy this document.
If this communication relates to a debt, *THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED AS A RESULT OF OR IN CONNECTION WITH THIS COMMUNICATION WILL BE USED FOR THAT PURPOSE.*

CANNATA O'TOOLE & OLSON

April 17, 2024

Karl Olson
kolson@cofolaw.com

Via Email
Administrator of the Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4683
sotf@sfgov.org

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Background

In the world of government transparency, the San Francisco Sunshine Ordinance is a jewel. It deliberately provides the media and the public with tools to access information that go beyond – and are in some situations more practical and useful than - what is provided under the statewide Public Records Act.

An essential difference between the state law and the ordinance is in the timing of production of requested records. For reporters covering city government, timing is of crucial importance; if the meaningful records are not produced when needed and useful it is the same as not being produced at all.

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HSH has adopted a practice to game this requirement.

HSH's Practice

In the challenged instances, HSH produced a handful of documents on a timely basis and then said it was continuing to look and would produce more documents on a "rolling basis." Thereafter, it produced more documents from time to time on an unpredictable and unhurried pace without any regard for the deadlines in the ordinance. HSH's took the position that once it produced some documents in a timely way and declared it would produce more on a rolling basis, it was outside of the ordinance's deadlines and could proceed at whatever pace it regarded as reasonable.

In other words, HSH took the position that it had the unilateral right to determine when to produce the requested documents.

HSH tries to support its practice by reference to a section in the ordinance (Section 67.25(d) quoted below) that says that when an agency has documents available it must produce them on a rolling basis without waiting until the last day. This provision – written to speed up production by preventing an agency from holding all records until the last one is available – has been cynically stood on its head to say that it grants the department an exemption from the production deadlines once it says its production is rolling.

It is a unsupportable reading and it gives HSH flexibility to withhold and delay production of sensitive documents while giving up inconsequential ones. This is exactly what happened to Bay City News when its reporter was covering HSH's budget hearings in 2023. HSH ultimately produced the documents requested, but by withholding some important documents it prevented BCN from reporting on them when relevant to the budget hearings.

I urge you to reject HSH's practice.

The Sunshine Ordinance Task Force has been given stewardship of the ordinance and has been entrusted with oversight over whether the city complies with its provisions.

If you allow this, city agencies will be able to make a mockery of the ordinance's deadlines simply by producing a few trivial documents – for example emails devoted to scheduling a meeting – and withhold until no longer relevant the records that show what was actually considered at the meeting.

If HSH's practice is accepted, the great promise of the ordinance to establish openness and transparency in San Francisco will be vastly diminished.

Administrative Code 67.25(d):

(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 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.

Very truly yours,

CANNATA, O'TOOLE, FICKES & OLSON LLP

KARL OLSON

KO:hs

From: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Sent: Wednesday, July 26, 2023 12:31 PM
To: SOTF, (BOS)
Subject: Re: HSH Response to SOTF Complaint File 23060
Attachments: Dworetzky Rejoinder 7-26-23.docx

Ms. Leger - I am enclosing a rejoinder to HSH's response to my complaint. Thank you.

Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
https://url.avanan.click/v2/___https://authory.com/JoeDworetzky___.YXAzOnNmZHQyOmE6bzo0MWRhNzA5MzE5N2FiZGQyYTEwZDY0OWFiN2JmMDMwYjo2OjVjM2I6NTBhMDYzMjdmNDNkYmJhNzgwYTg2ZWQyNTA1NWZmNTZmMDY3NTIzMGQ3OTRlYmY1MGI2MzEwYzM1MWZmMGUzODp0OlQ

> On Jul 21, 2023, at 4:32 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:
>
> Joe, That's up to you.
>
> Cheryl Leger
> Sunshine Administrator
> Board of Supervisors
> phone 415-554-7724 | fax 415-554-5163
> cheryl.leger@sfgov.org | www.sfbos.org
>
> ---
>
> **From:** Joe Dworetzky <joe.dworetzky@baycitynews.com>
> **Sent:** Friday, July 21, 2023 8:55 AM
> **To:** SOTF, (BOS) <sotf@sfgov.org>
> **Subject:** Re: HSH Response to SOTF Complaint File 23060

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

Greetings - May I respond to HSH's letter? Joe

Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
https://url.avanan.click/v2/___https://authory.com/JoeDworetzky___.YXAzOnNmZHQyOmE6bzo1NWNiY2YzNTgxNjUzNmFjOWU3ODIyZmY3NTBlYTExNDo2OjNhNGY6NDczM2RmMjY0Yjg1ZWFhOGRkZWY3NWFlOWJjZDc3YjgzMzE4MGEyZjY3MTRiNDdkMzk2NjhhZWI2NzM2NzFmNjp0OlQ

On Jul 20, 2023, at 6:01 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

From: Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org>
Sent: Thursday, July 20, 2023 2:49 PM
To: SOTF, (BOS) <sotf@sfgov.org>; Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>
Cc: HSHSunshine <HSHSunshine@sfgov.org>
Subject: HSH Response to SOTF Complaint File 23060

Good afternoon Cheryl,

Please find attached HSH's response to Complaint **File 23060**.

Please confirm receipt and let me know if you need anything additional.

Regards,

Jeff Hamilton (he/him)
Compliance Public Relations Officer
San Francisco Department of Homelessness and Supportive Housing
jeff.hamilton@sfgov.org|

Learn: hsh.sfgov.org | Follow: @SF_HSH | Like: @SanFranciscoHSH

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<SOTF Complaint 23060 07,20.23.pdf>

Joe Dworetzky's Rejoinder to July 21, 2023 Letter
from Department of Homelessness and Supportive Services ("HSH")
with respect to File No. 23060

On July 21, 2023, HSH tendered a letter (the "HSH Letter") to the Sunshine Ordinance Task Force in response to my June 20, 2023 petition and complaint at **File No. 23060** (the "Complaint").

The HSH Letter reflects the same misconception of the purpose and requirements of the Sunshine Ordinance that has infected HSH's fulfillment of its duties under the Ordinance. Because of the importance of the issues and the potential for future abuses, I am submitting this rejoinder ("Rejoinder") for consideration by the Task Force.

Introduction

San Francisco is one of the few California cities that has its own sunshine requirements. The San Francisco Sunshine Ordinance ("Ordinance") reflects the view that open public information is key to city government. The Ordinance was intended to expand the disclosure requirements of state law and make clear that public officials who try to conduct the people's business in secret should be held accountable (Section 67.1(e) "Public officials who attempt to conduct the public's business in secret should be held accountable for their actions.")

Section 67.1(b) of the ordinance states:

> Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.

Both sentences are of significance, but the second sentence is of paramount importance here. The people of San Francisco have not given departments like HSH "the right to decide what the people should know about the operations of local government."

The Ordinance requires HSH, like other city departments, to make disclosure of public records under the terms of the Ordinance, not pursuant to its own unilateral determination of what it deems reasonable.

The Ordinance, among other things, creates a presumption that requested records are public, requires a department to document, explain and justify any withholding, and imposes the burden of showing a record can be withheld on the department not the requester (Section 67.20(g)).

Most importantly, the Ordinance imposes strict timetables for compliance and creates both an administrative and judicial remedy for violations by the agency.

The Importance of HSH's Public Records

The operations that HSH conducts could not be of greater civic importance. Homelessness is a number one concern of the residents of the city and dominates local, regional, and frequently national news. The department administers massive amounts of federal, state and local funding. The department's adopted budget for FY 2024 alone is $690 million dollars.

As I noted in my complaint, I have written many stories this year – 28 to date with more pending - about the city's response to homelessness in San Francisco.

In my reporting I have chronicled instances of HSH's mismanagement of public projects and of public funds. Many of my stories were based on information I obtained through public records requests. In some cases, the public records I obtained contradicted information that was being given to the public and other members of government, including the Board of Supervisors (the "Board"). My reporting has probed and challenged HSH's strategy for dealing with unsheltered homelessness and has identified a number of areas in which HSH has adopted positions directly contrary to the positions of the Board.

Several stories that I am following are central to the issues I have raised in my Complaint.

In one series of stories I explored how HSH created a "safe parking" site in Bayview called the Bayview Vehicle Triage Center where RV owners could bring their vehicles and park in a secure location. My reporting showed that the city spent a staggering $175,000 per person in the first year of operations at the site even though the residents lived in their own RVs and the city did not provide shelter. I also exposed the city's lack of proper due diligence and its mismanagement of operations at the site. I found and reported repeated instances where the city assured both residents of the site and the adjoining neighbors of things that turned out to be untrue. For example, one of the promises the city made to the neighbors was that the site was to be temporary and only in place for two-years. I then reported about the city's attempt to extend the site lease for another 2 years, despite the prior assurances to the neighbors. The city also promised the RV residents that there would be electric service at the site so their RVs could be connected. I then reported that after 19 months, there is still no electric service.

In another series of stories, I exposed that HSH – at the request of the Port of San Francisco - had agreed to close the homeless site at Site F at Pier 94 at the end of the lease. My story noted that the city was under a federal court injunction because of a lack of shelter beds and it would cost tens of millions of dollars to replace the facility. I pointed out that the port was a city related agency – the Mayor appoints the Commissioners and the Board approves them – and the city likely had the ability to influence the port to keep the beds open. (The board subsequently adopted a resolution in support of preserving the shelter beds and, at least for the time being, the beds remain in service.)

Another set of stories was about HSH's decision to ignore the Board's directive to prepare an implementation plan to end unsheltered homelessness in the city within three years. HSH instead offered a plan that would only halve the unsheltered population and would take five years to do

so. My stories reported criticism of HSH by city officials including Supervisor Rafael Mandelman's repeated statements that HSH is not the right agency to be in charge of expanding shelter beds. I wrote about how HSH budget hearings – scheduled for June 15 and 22 – would put HSH on the hot seat over its management of the city's shelter bed inventory.

Each of these story threads is open, active and my reporting on them continues.

Delay and Manipulation of Production.

I made two public records requests on May 15, 2023 in an attempt to gather information on the Pier 94 and Bayview VTC story threads, with the expectation that I would be able to report on those stories fully prior to the mid-June budget hearings. **Each request was sharply limited in time** so HSH would not claim it was burdensome. Both requests called for public records only **from and after April 15, 2023.** In other words, the records requests were tightly circumscribed to a roughly one-month long time period.

When it comes to public information, delay in providing information can have the same effect as outright withholding. In this case, I am challenging HSH practice of making a small group of documents available in a timely way and then manipulating the timing of the remaining production by claiming to be reviewing and redacting documents and producing them on a rolling basis at undisclosed times and dates in the future.

HSH uses this approach to create a continuing exemption from the disclosure timelines. The approach allows HSH to insulate from public review public records that it chooses to produce on its own schedule. Thus, despite the fact that I requested public records relevant to the story threads described above on May 15th – almost a month before hearings scheduled on HSH's budget request – the so called "final" documents were only produced on July 14 and July 19, more than 2 months after being requested and a month after the budget hearings were held. (I also note that they were only produced after I filed the Complaint and HSH realized that its actions were going to be reviewed.)

Among the information contained in HSH's final production that I was unable to include in stories prior to the budget hearings were:

- Serious allegations of mismanagement were found at Site F and a formal notice of non-compliance was issued to the contract operator.

- HSH was actively exploring arrangements to give away many of the trailers that were housing individuals at Site F.

- HSH had a plan to relocate some trailers from Site F to the Bayview VTC.

- That an estimated 90% of the Site F residents wanted to remain in Bayview a serious issue because of limited capacity and public statements that displaced residents would be accommodated.

The Ordinance Contains Specific Deadlines for Production

The Ordinance does not leave the timing of production to the unilateral determination of HSH. Section 67.21(b) requires production within 10 days. However, 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**."

In other words, if the circumstances that the HSH Letter presents as its justification for delay – so called "voluminous" requests, consultation with other agencies – are present, HSH can get an extra 10 days to respond, but only if it notifies the requester the day after getting the public records request. It is undisputed that HSH did not so notify me within a day of my requests, or in fact, ever. Instead, it produced a handful of records and said it was still looking and reviewing and would produce more records on a rolling basis.

However, the rolling production rules don't provide an extension - they are designed to prevent an agency from waiting for the last document before producing the first ("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 responsive to a records request until all potentially responsive documents have been reviewed and collected.**")

Yet according to HSH, once it uses the words "rolling production," all future production of documents is on a timeline of its own choosing. This approach gives HSH the power and opportunity to withhold troublesome public records and disclose them when they are no longer relevant, as, for example, where the story has been written, or the hearing held and concluded.

HSH Ignores the Ordinance in Favor of a Unilateral Decision on Production

The HSH Letter states in broad generalized statements that HSH needs to review documents for privilege and privacy concerns and occasionally consult other agencies. However, as noted above, the Ordinance contemplates that will occur frequently and provides an explicit process that lets HSH get additional time so it can undertake those activities. (It is undisputed that HSH did not take advantage of the ten-day extension and its actual production, in any case, went far beyond that time.)

Given that fact, one would imagine that the HSH Letter would at the barest minimum, provide the Task Force specifics that would support a conclusion that it could not meet the statutory deadlines while doing a privacy or privilege review.

But instead of meeting its burden to justify withholding records, HSH basically says the Task Force should "trust us" to produce records in a timeframe that HSH deems "reasonable."

But that is not the Task Force's role. As the Ordinance makes clear – the people did not cede to HSH the right to determine what can be kept secret.

HSH's "trust us" response flatly ignores the requirements for information called for in the Task Force's description of Respondent Packets. Among the required questions that HSH's Letter failed to answer are:

> *What method did you use to locate these records? Your response should include:*
>
> *a. The name and job title of the person who performed the search.*
> *b. The method and search terms utilized.*
> *c. The devices, forms of communication, and/or systems that were searched.*
> *d. The dates of these searches.*
> *e. Copies of communications used to conduct the search (such as emails to staff directing them to conduct a search, IT tickets/queries, etc.).*
> *f. Any other information that will help us understand your search methods.*
>
> *Did you withhold any information or documents from the requester prior to the filing of the complaint? If yes, explain what documents were withheld and why. Drawing primarily on the Sunshine Ordinance, provide any supporting argument or evidence that each exemption in fact applies.*
>
> *Did you provide written justification for all withholding of information prior to the filing of the complaint? If yes, attach evidence.*
>
> *At the time the request was made, did you search employee personal property (such as mobile phones and computers) for responsive records about the conduct of public business? If yes, describe your method for conducting this search. If appropriate, provide supporting documentation in your packet.*
>
> *At the time the request was made, did you request relevant records from contractors your agency has funded, managed or hired? If yes, describe how you communicated this request. Provide supporting documentation in your packet, including communications to and from the contractor.*
>
> *Are there any known responsive records that you have yet to review for potential redaction and disclosure to the respondent*

HSH's Letter doesn't include this information because it believes that the Task Force should let HSH substitute its own judgment for the Ordinance's requirements.

HSH Wrongly Suggests that it Made Production Promptly

The Task Force's 2022 Annual Report found that the median response time for public records requests by city agencies was just over 10 days.

The table produced by HSH (updated to show recent production) shows that after excluding the one-day immediate disclosure items governed by Section 67. 25(a), the average production time was 50.2 days and the median was 60 days.

The two productions that I challenged in my complaint were open 60 and 67 days respectively.

Dworetzky Public Record Requests HSH (Excluding One Day Immediate Disclosure)	Date of Request	Date of Last Production	HSH Status	Days Until Final Production
NR051523DworetzkyVTC#2595	**May 15, 2023**	**July 14, 2023**	**Closed**	**60**
NR051523DworetzkyP94#2594	**May 15, 2023**	**July 21, 2023**	**Closed**	**67**
NR033023Dworetzky#1693	March 30, 2023	April 4, 2023	Closed	5
NR032323Dworetzky#1542	March 23, 2023	April 7, 2023	Closed	15
NR022723DworetzkySITEF#1150	February 27, 2023	July 21, 2023	In process	144
S020923DworetzkyVISITORS2	February 9, 2023	February 24, 2023	Closed	15
S013023Dworetzky3EXITS	January 30, 2023	February 1, 2023	Closed	2
S012523DworetzkyVTC	January 25, 2023	April 14, 2023	Closed	79
S012523DworetzkyAPFA	January 25, 2023	March 31, 2023	Closed	65
			Avg	**50.2**
			Median	**60**

Moreover, HSH can hardly make the case that it is overburdened with public records requests. The 2022 Annual Report shows that of 57 San Francisco administrative bodies, the largest number of requests were received by the Department of Emergency Management (4,543) and the Department of Public Health (2,417).

The chart included in the report appears to show that HSH received less than 250 records requests in 2022. Given its $690 million budget, HSH can hardly argue that it does not have the resources necessary to comply with the Ordinance on a timely basis.

HSH Does Not Contest the Key Allegations of the Complaint

Finally, HSH does not contest any of the key allegations of the Complaint, including specifically that

- The records requests were proper.
- The requested documents are in fact public records.
- The Task Force has jurisdiction to provide the requested relief.
- HSH did not timely claim an exemption from disclosure.
- HSH did not timely invoke the provision for obtaining an additional ten days to respond.

- HSH uses the rolling production section as if it gives HSH an unlimited extension of the disclosure deadlines based solely on the unilateral determination of HSH.

- HSH invokes the rolling production provision without providing any information about the public records that are being reviewed or when production will be made.

Conclusion

As a working reporter trying to cover important accountability stories about HSH, I depend on public records to obtain information about what HSH is doing and the impact of its action on the city. For the records to be useful, they must be produced on a timely basis.

By its invocation of "rolling production," HSH has adopted a practice that allows it to postpone its production of documents to a time that it unilaterally determines. The practice is not authorized; indeed, it is a perversion of the Ordinance.

If the practiced is countenanced by the Task Force, HSH – and any other agency – will be able to postpone and delay production of newsworthy records until a time when they are no longer relevant.

For all the reasons contained in the Complaint and this Rejoinder, I request the Task Force to rule HSH's practice is improper and grant the relief I have requested.

Submitted,
July 26, 2023

Joe Dworetzky
Reporter, Legal Affairs
Bay City News
joedworetzky@gmail.com
267-886-4540

Respondent’s Response

From:	Hamilton, Jeffrey (HOM)
To:	SOTF, (BOS); Leger, Cheryl (BOS)
Cc:	HSHSunshine
Subject:	HSH Response to SOTF Complaint File 23060
Date:	Thursday, July 20, 2023 2:48:34 PM
Attachments:	SOTF Complaint 23060 07.20.23.pdf image001.jpg

Good afternoon Cheryl,

Please find attached HSH's response to Complaint **File 23060**.

Please confirm receipt and let me know if you need anything additional.

Regards,

Jeff Hamilton (he/him)
Compliance Public Relations Officer
San Francisco Department of Homelessness and Supportive Housing
jeff.hamilton@sfgov.org|

Learn: hsh.sfgov.org | Follow: @SF_HSH | Like: @SanFranciscoHSH

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DEPARTMENT OF HOMELESSNESS AND SUPPORTIVE HOUSING

Shireen McSpadden, Executive Director

London Breed, Mayor

July 20, 2023

Dear Chair Yankee,

This letter responds to Sunshine Ordinance Task Force ("SOTF") complaint, **File No. 23060** filed by Mr. Joseph Dworetzky against the Department of Homelessness and Supportive Housing ("HSH"). Dylan Schneider, HSH Manager of Legislative Affairs, received a letter from Chair Yankee on July 13, 2023 regarding File No. 23060 with a request to respond within five business days.

HSH maintains that we have complied with Administrative Code (Sunshine Ordinance) Section(s) 67.21, and have responded to 11 public records requests[1] submitted by Mr. Dworetzky between January and June 2023 in a timely and complete manner.

HSH takes our responsibility to comply with public records requests under the Sunshine Ordinance very seriously. For every request received, we acknowledge receipt, responsive documents are requested by our Compliance Officer from staff, and then reviewed prior to being released. During the review process, HSH may also consult with various City departments that may be impacted. For example, HSH may need to consult the City Attorney's Office when there is known litigation and the documents being requested may be relevant to that litigation.

The table below provides information on the 11 public records requests received from Mr. Dworetzky and responded to by HSH, including dates of all releases, status of each request and the number of responsive documents provided to Mr. Dworetzky.

Between January – June 2023, HSH released approximately 555 responsive documents to Mr. Dworetzky in response to 11 public records requests.

[1] HSH received an additional two public records requests from Mr. Dworetzky on Monday, July 17, 2023 that are in process and not part of his complaint.

Table 1: HSH Public Records Requests Received and Responded to from Mr. Dworetzky

REQUEST ID	DATE RECEIVED	DATES OF RELEASE(S)	# OF DOCUMENTS PRODUCED	STATUS OF REQUEST
NR062023Dworetzky#3283	June 20, 2023	June 21, 2023	1	**Closed**
NR052523Dworetzky#2835	May 25, 2023	May 26, 2023	1	**Closed**
NR051523DworetzkyVTC#2595	May 15, 2023	May 25, 2023 June 8, 2023	53	**Closed**
NR051523DworetzkyP94#2594	May 15, 2023	May 25, 2023 June 8, 2023	48	In process
NR033023Dworetzky#1693	March 30, 2023	April 4, 2023	2	**Closed**
NR032323Dworetzky#1542	March 23, 2023	April 7, 2023	12	**Closed**
NR022723DworetzkySITEF#1150	February 27,2023	March 16, 2023 June 7, 2023	36	In process
S020923DworetzkyVISITORS2	February 9, 2023	February 21, 2023 February 24, 2023	16	**Closed**
S013023Dworetzky3EXITS	January 30, 2023	February 1, 2023	2	**Closed**
S012523DworetzkyVTC	January 25, 2023	February 2, 2023 February 6, 2023 March 28, 2023 April 5, 2023 April 14,2023	301	**Closed**
S012523DworetzkyAPFA	January 25, 2023	February 22, 2023 March 15,2023 March 24, 2023 March 31, 2023	84	**Closed**

In File No. 23060, Mr. Dworetzky cites several pending public records requests that were pending at the time his complaint was submitted to the SOTF:

- NR022723DworetzkySITEF#1150
- NR051523DworetzkyP94#2594
- NR051523DworetzkyVTC#2595

Client confidentiality. The requests listed above pertain to two temporary shelter sites, the Bayview Vehicle Triage Center and the RV/Trailer site at Pier 94, that serve people experiencing homelessness. HSH follows strict privacy protocols to protect the confidentiality of our clients.

Therefore, records pertaining to these sites require careful review, and sometimes redaction, by HSH staff and may also necessitate consultation with other impacted departments, like the office of the City Attorney, to ensure we are maintaining client confidentiality. Even records as innocuous as invoices can contain Personal Health Information (PHI) or Personal Identifying Information (PII) that is redactable**.** It is not uncommon for many of our clients to have been the victims of domestic violence or other forms of violence. Protecting the confidentiality of a client's location is literally a matter of life and death for some of our clients.

Lease negotiations. During different timeframes both sites have been the subject of lease negotiations. Therefore, careful review of communications and records is required to determine if any records are privileged, which can necessitate consulting with the Department of Real Estate. Additionally, there is known litigation with the Bayview Vehicle Triage Center which the City is a party to. As some documents requested may be relevant to that litigation, HSH consulted with the City Attorney's Office prior to release.

Summary. Given the nature and topic of the requests, and given rigorous review requirements they require, HSH has provided documents to Mr. Dworetzky on a rolling basis to support the requestor receiving documents as soon as they are approved for release. Notably, Mr. Dworetzky is not claiming that HSH has wrongfully withheld any records from production.

Additionally, we believe the record shows that we are consistent about acknowledging receipt of requests, releasing on a rolling basis within reasonable timeframes, and being available to prioritize, refine or narrow requests for the benefit of both the requester and the department.

We have consistently offered to collaborate with Mr. Dworetzky to help him clarify his requests and prioritize the order of releases to support his timelines. In April 2023, HSH's Manager of Legislative Affairs and our Communications Lead met with Mr. Dworetzky to facilitate a discussion about how we could be more collaborative, including having time-sensitive requests routed through the department's media relations team to support his deadlines.

The enclosed **Table 1** makes clear that when HSH has readily accessible records requiring minimum processing, the requests are released and closed rapidly. For requests that require extensive gathering and sorting, as well as detailed review and consultation with other departments, we conduct rolling productions to support Mr. Dworetzky receiving timely distribution of documents as soon as they are approved for release.

Sincerely,

Dylan Schneider
Manager of Legislative Affairs
Department of Homelessness and Supportive Housing

Cc: Jeff Hamilton, Emily Cohen, HSH Sunshine

Administrative Supporting Documents

From:	SOTF, (BOS)
To:	Schneider, Dylan (HOM); HSHSunshine; Hamilton, Jeffrey (HOM)
Cc:	joe.dworetzky@baycitynews.com
Bcc:	myankee.sotf@gmail.com; jenn.sotf@gmail.com
Subject:	SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 23060
Date:	Thursday, July 13, 2023 3:02:00 PM
Attachments:	image001.png SOTF - Complaint Procedure 2019-10-02 FINAL.pdf Preparing SOTF Respondent Materials FINAL for PILOT.pdf 23060 Complaint.pdf Affirmation Letter 23060.pdf

Good Afternoon:

The Department of Homelessness and Supportive Housing has been named as a Respondent 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 23060 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

July 13, 2023

Ms. Dylan Schneider
Department of Homelessness and Supportive Housing

Re: Sunshine Ordinance Task Force, File No. 23060

Dear Ms. Schneider:

Please review the complaint as described below and acknowledge your department's position on File No. 23060 regarding an alleged violation of the Sunshine Ordinance.

File No. 23060: Complaint filed by Joe Dworetzky against the Department of Homelessness and Supportive Housing for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a request for public records 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: J. Dworetzky, Petitioner

From:	Robinson, Davares (HOM)
To:	SOTF (BOS)
Cc:	Schneider, Dylan (HOM); Cohen, Emily (HOM); HSHSunshine
Subject:	Re: SOTF - Notice of Appearance; Sunshine Ordinance Task Force Regular Meeting; May 1, 2024; 4:00 PM, Room 408, City Hall, San Francisco, CA 94102
Date:	Thursday, April 18, 2024 3:19:17 PM
Attachments:	image002.png image003.png 4.18.2024_HSH Response_Complaint #23060.pdf Outlook-renre2ju.png

Good afternoon,

I trust this email finds you in good health.

Let this email serve to confirm our attendance at the hearing before the Sunshine Ordinance Task Force, scheduled for May 1, 2024.

Furthermore, kindly find attached our additional supplemental/support documents intended for inclusion into the agenda packet. Thank you.

Best regards,

Davares Robinson, MA (He/Him)
Sunshine & Compliance Officer
San Francisco Department of Homelessness and Supportive Housing
davares.robinson@sfgov.org | O: 628.652.7745

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From: SOTF (BOS) <sotf@sfgov.org>
Sent: Thursday, April 11, 2024 9:03 AM
To: Schneider, Dylan (HOM) <dylan.schneider@sfgov.org>
Cc: Cohen, Emily (HOM) <emily.cohen@sfgov.org>; HSHSunshine <HSHSunshine@sfgov.org>; Robinson, Davares (HOM) <davares.robinson@sfgov.org>
Subject: RE: SOTF - Notice of Appearance; Sunshine Ordinance Task Force Regular Meeting; May 1, 2024; 4:00 PM, Room 408, City Hall, San Francisco, CA 94102

I have updated by contacts list. Thank you.

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

From: Schneider, Dylan (HOM) <dylan.schneider@sfgov.org>
Sent: Wednesday, April 10, 2024 1:10 PM
To: SOTF (BOS) <sotf@sfgov.org>
Cc: Cohen, Emily (HOM) <emily.cohen@sfgov.org>; HSHSunshine <HSHSunshine@sfgov.org>; Robinson, Davares (HOM) <davares.robinson@sfgov.org>
Subject: Re: SOTF - Notice of Appearance; Sunshine Ordinance Task Force Regular Meeting; May 1, 2024; 4:00 PM, Room 408, City Hall, San Francisco, CA 94102

Good afternoon Cheryl,

I hope this finds you well!

FYI - Jeff Hamilton is no longer with HSH. Can you please update your HSH contacts to ensure along with Emily and myself the two emails below and cc'd receive any SOTF communications?

- hshsunshine@sfgov.org
- Davares Robinson, HSH Sunshine & Compliance Officer - davares.robinson@sfgov.org

Also, can you please share a copy of the actual complaint submitted by Mr. Dworetszky? Likely we will be submitting a written response by 4/18 in advance of the hearing, so any materials you can share on the content of the complaint would be greatly appreciated.

Thank you,
Dylan

Dylan Schneider, MPA (She/Hers)
Manager of Legislative Affairs
San Francisco Department of Homelessness and Supportive Housing

dylan.schneider@sfgov.org | O: 628.652.7742

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From: SOTF (BOS) <sotf@sfgov.org>
Sent: Wednesday, April 10, 2024 11:38 AM
To: joe.dworetzky@baycitynews.com <joe.dworetzky@baycitynews.com>; Schneider, Dylan (HOM) <dylan.schneider@sfgov.org>; Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org>; Cohen, Emily (HOM) <emily.cohen@sfgov.org>
Subject: SOTF - Notice of Appearance; Sunshine Ordinance Task Force Regular Meeting; May 1, 2024; 4:00 PM, Room 408, City Hall, San Francisco, CA 94102

Good Morning:
THE FOLLOWING CASE HAS BEEN SCHEDULED TO BE HEARD ON MAY 1, 2024, BEFORE THE SUNSHINE ORDINANCE TASK FORCE. ***The Petitioner and the Respondent are required to attend this hearing. Please confirm your attendance for this hearing by April 15, 2024, at 12:00 PM.***
You are receiving this notice because you are named as a Complainant or Respondent in 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: May 1, 2024
Location: Hearing Room 408, City Hall, San Francisco, CA 94102

Time: Meeting Convenes – 4:00 PM
(Note: Hearings on complaints will begin no earlier than 5:00 P.M.)

Complaints Scheduled for the Hearing on May 1, 2024 will begin no earlier than 5:00 p.m. ***The Petitioner and the Respondent are required to attend this hearing.***

File No. 23060: Complaint filed by Joe Dworetzky against the Department of Homelessness and Supportive Housing for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

NOTE: if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by ***5:00 PM, April 18, 2024 (Thursday).***

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

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DEPARTMENT OF HOMELESSNESS AND SUPPORTIVE HOUSING

Shireen McSpadden, Executive Director

London Breed, Mayor

April 18, 2023

Dear Chair Yankee,

This letter responds to Sunshine Ordinance Task Force ("SOTF") complaint, **File No. 23060** filed by Mr. Joseph Dworetzky against the Department of Homelessness and Supportive Housing ("HSH") received in July 2023. Dylan Schneider, HSH Manager of Legislative Affairs, received a letter from Chair Yankee on April 10, 2024, regarding File No. 23060 with a request to respond within five business days. This response fulfills this request.

Complaint #23060 was heard by the Education, Outreach, and Training Committee of the Sunshine Ordinance Task Force on September 26, 2023.

HSH takes our responsibility to comply with public records requests under the Sunshine Ordinance very seriously. For every request received, we acknowledge receipt, responsive documents are requested by our Compliance Officer from staff, and then reviewed prior to being released. During the review process, HSH may also consult with various City departments that may be impacted. For example, HSH may need to consult the City Attorney's Office when there is known litigation and the documents being requested may be relevant to that litigation.

The table below provides information on the 11 public records requests received from Mr. Dworetzky and responded to by HSH, including dates of all releases, status of each request and the number of responsive documents provided to Mr. Dworetzky.

Between January – June 2023, HSH released approximately 556 responsive documents to Mr. Dworetzky in response to 11 public records requests. Please see the *Table of HSH Public Records Requests Received and Responded to from Mr. Dworetzky*, below.

Table 1: Jan – June 2023 - HSH Public Records Requests Received and Responded to from Mr. Dworetzky

REQUEST ID	DATE RECEIVED	DATES OF RELEASE(S)	# OF DOCUMENTS PRODUCED	REQUEST STATUS
NR062023Dworetzky#3283	June 20, 2023	June 21, 2023	1	**Closed**
NR052523Dworetzky#2835	May 25, 2023	May 26, 2023	1	**Closed**
NR051523DworetzkyVTC#2595	May 15, 2023	May 25, 2023 June 8, 2023	53	**Closed**
NR051523DworetzkyP94#2594	May 15, 2023	May 25, 2023 June 8, 2023 July 14, 2023 July21, 2023	48	**Closed**
NR033023Dworetzky#1693	March 30, 2023	April 4, 2023	2	**Closed**
NR032323Dworetzky#1542	March 23, 2023	April 7, 2023	12	**Closed**
NR022723DworetzkySITEF#1150	February 27,2023	March 16, 2023 June 7, 2023 July 14, 2023 July 21, 2023 July 28, 2023	36	**Closed**
S020923DworetzkyVISITORS2	February 9, 2023	February 21, 2023 February 24, 2023	16	**Closed**
S013023Dworetzky3EXITS	January 30, 2023	February 1, 2023	2	**Closed**
S012523DworetzkyVTC	January 25, 2023	February 2, 2023 February 6, 2023 March 28, 2023	301	**Closed**

		April 5, 2023 April 14,2023		
S012523DworetzkyAPFA	January 25, 2023	February 22, 2023 March 15,2023 March 24, 2023 March 31, 2023	84	**Closed**

In File No. 23060, Mr. Dworetzky cites several pending public records requests that were pending at the time his complaint was submitted to the SOTF:

- NR022723DworetzkySITEF#1150
- NR051523DworetzkyP94#2594
- NR051523DworetzkyVTC#2595

The above records requests have since been fulfilled as reflected in the table above

Many of the topics that Mr. Dworetzky was requesting documents about required extensive review by staff and other impacted departments, including but not limited to the following considerations:

- **Client confidentiality**. The requests listed above pertain to two temporary shelter sites, the Bayview Vehicle Triage Center and the RV/Trailer site at Pier 94, that serve people experiencing homelessness. HSH follows strict privacy protocols to protect the confidentiality of our clients. Therefore, records pertaining to these sites require careful review, and sometimes redaction, by HSH staff and may also necessitate consultation with other impacted departments, like the office of the City Attorney, to ensure we are maintaining client confidentiality. Even records as innocuous as invoices can contain Personal Health Information (PHI) or Personal Identifying Information (PII) that is redactable. It is not uncommon for many of our clients to have been the victims of domestic violence or other forms of violence. Protecting the confidentiality of a client's location is literally a matter of life and death for some of our clients.
- **Lease negotiations**. During different timeframes both sites have been the subject of lease negotiations. Therefore, careful review of communications and records is required to determine if any records are privileged, which can necessitate consulting with the Department of Real Estate. Additionally, there is known litigation with the Bayview Vehicle Triage Center which the City is a party to. As some documents requested may be relevant to that litigation, HSH consulted with the City Attorney's Office prior to release.

Given the nature and topic of the requests, and given rigorous review requirements they require, for some requests, HSH has provided documents to Mr. Dworetzky on a rolling basis to support

the requestor receiving documents as soon as they are approved for release. Notably, Mr. Dworetzky is not claiming that HSH has wrongfully withheld any records from production.

Additionally, we believe the record shows that we are consistent about acknowledging receipt of requests, releasing on a rolling basis within reasonable timeframes, and being available to prioritize, refine or narrow requests for the benefit of both the requester and the department.

We have consistently offered to collaborate with Mr. Dworetzky to help him clarify his requests and prioritize the order of releases to support his timelines. In April 2023, HSH's Manager of Legislative Affairs and our Communications Lead met with Mr. Dworetzky to facilitate a discussion about how we could be more collaborative, including having time-sensitive requests routed through the department's media relations team to support his deadlines.

The enclosed Table 1 makes clear that when HSH has readily accessible records requiring minimum processing, the requests are released and closed rapidly. For requests that require extensive gathering and sorting, as well as detailed review and consultation with other departments, we conduct rolling productions to support Mr. Dworetzky receiving timely distribution of documents as soon as they are approved for release.

Sincerely,

Dylan Schneider
Manager of Legislative Affairs
Department of Homelessness and Supportive Housing

Cc: Davares Robinson, Emily Cohen, HSH Sunshine

From:	HSHSunshine
To:	Leger, Cheryl (BOS)
Cc:	Schneider, Dylan (HOM); HSHSunshine
Subject:	FW: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 23060
Date:	Friday, July 14, 2023 1:32:14 PM
Attachments:	image001.png SOTF - Complaint Procedure 2019-10-02 FINAL.pdf Preparing SOTF Respondent Materials FINAL for PILOT.pdf 23060 Complaint.pdf Affirmation Letter 23060.pdf image002.png

Good afternoon Cheryl,

Has our item been calendared for a specific meeting? Is this item brought before the full SOTF, or does it start with the complaint committee?

Thanks,

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From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Thursday, July 13, 2023 3:02 PM
To: Schneider, Dylan (HOM) <dylan.schneider@sfgov.org>; HSHSunshine <HSHSunshine@sfgov.org>; Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org>
Cc: joe.dworetzky@baycitynews.com
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 23060

Good Afternoon:

The Department of Homelessness and Supportive Housing has been named as a Respondent 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 23060 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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From: Joe Dworetzky <joe.dworetzky@baycitynews.com>
Sent: Friday, April 12, 2024 6:50 PM
To: SOTF (BOS)
Subject: Re: SOTF - Notice of Appearance; Sunshine Ordinance Task Force Regular Meeting; May 1, 2024; 4:00 PM, Room 408, City Hall, San Francisco, CA 94102

Categories: Purple Category

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Confirming that I will appear.

Joe Dworetzky
Reporter, Bay City News
Legal Affairs
joe.dworetzky@baycitynews.com
267-886-4540

Follow my stories at
https://url.avanan.click/v2/___https://authory.com/JoeDworetzky___.YXAzOnNmZHQyOmE6bzo3YmU4YTE4NDBlZTQ5ZTRmNzU2OWNiNjhjMTk4MzY0ZTo2OjAwMzk6OGViN2E2ODhjNDdhZjcyMjhlZGRmYjUwMGYxZGIwOWM4ZjU5YWRlMTJlN2MxNzYwNDYxOGZiY2Q3M2NkZTRhMzp0OlQ

On Apr 10, 2024, at 11:38 AM, SOTF (BOS) <sotf@sfgov.org> wrote:

Good Morning:

THE FOLLOWING CASE HAS BEEN SCHEDULED TO BE HEARD ON MAY 1, 2024, BEFORE THE SUNSHINE ORDINANCE TASK FORCE. ***The Petitioner and the Respondent are required to attend this hearing. Please confirm your attendance for this hearing by April 15, 2024, at 12:00 PM.***

You are receiving this notice because you are named as a Complainant or Respondent in 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: May 1, 2024

Location: Hearing Room 408, City Hall, San Francisco, CA 94102
Time: Meeting Convenes – 4:00 PM
(Note: Hearings on complaints will begin no earlier than 5:00 P.M.)
Complaints Scheduled for the Hearing on May 1, 2024 will begin no earlier than 5:00 p.m.
The Petitioner and the Respondent are required to attend this hearing.

File No. 23060: Complaint filed by Joe Dworetzky against the Department of Homelessness and Supportive Housing for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

NOTE: if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by ***5:00 PM, April 18, 2024 (Thursday).***

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

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<SOTF - Complaint Procedure 2019-10-02 FINAL.pdf>