

From: [Anonymoose \(@journno_anon\)](#)
To: [ChanStaff \(BOS\)](#); [Chan, Connie \(BOS\)](#); [peksinstaff@sfgov.org](#); [Peskin, Aaron \(BOS\)](#); [Haneystaff \(BOS\)](#); [Haney, Matt \(BOS\)](#)
Cc: [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#)
Subject: Suggested tightening up of the behested payment draft law as of 11/29
Date: Thursday, December 2, 2021 2:22:29 AM
Attachments: [signature.asc](#)

Dear Rules Committee:

This is with regards to the 11/29 version 5 here: <https://sfgov.legistar.com/View.ashx?M=F&ID=10298372&GUID=986714BD-A0A8-4F5C-ACB5-4E71C6C886F7>

I think there are a few improvements you could make to tighten up the wording.

As a minor point, in 3.710(a)(1) you refer to proceedings before various officials' departments - I think "department, board, commission, or office" would be more accurate - not all of the named persons have "departments."

More importantly, 3.710(a)(3) seems pretty vague. In section 3.710(a)(1) you use more precise language about what kinds of administrative actions (enforcement, licenses, permits, entitlements for use) this prohibition concerns itself with, and I think the same language should be used in 3.710(a)(3).

Namely, I think in 3.710(a)(3) you should replace "...any legislative or administrative action..." (page 5, line 16) with words analogous to (a)(1), namely: "...any legislative action or a proceeding before the elected official's, department head's, commissioner's, or designated employee's department, board, commission, or office regarding administrative enforcement, a license, a permit, or other entitlement for use..."

Regards,

Anonymous
Twitter [@journno_anon](#)

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From: [Anonymoose \(@journ_ anon\)](#)
To: [ChanStaff \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Haneystaff \(BOS\)](#); [Haney, Matt \(BOS\)](#); [PeskinStaff \(BOS\)](#)
Cc: [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#)
Subject: Re: Suggested tightening up of the behested payment draft law as of 11/29
Date: Thursday, December 2, 2021 2:38:49 AM
Attachments: [signature.asc](#)

Some further corrected suggestions below.

On Thu, Dec 2, 2021 at 2:22 AM, Anonymoose (@journ_ anon) <arecordsrequestor@protonmail.com> wrote:

Dear Rules Committee:

This is with regards to the 11/29 version 5
here: <https://sfgov.legistar.com/View.ashx?M=F&ID=10298372&GUID=986714BD-A0A8-4F5C-ACB5-4E71C6C886F7>

I think there are a few improvements you could make to tighten up the wording.

As a minor point, in 3.610(a)(1) you refer to proceedings before various officials' departments - I think "department, board, commission, or office" would be more accurate - not all of the named persons have "departments."

More importantly, 3.610(a)(3) seems pretty vague. In section 3.610(a)(1) you use more precise language about what kinds of administrative actions (enforcement, licenses, permits, entitlements for use) this prohibition concerns itself with, and I think the same language should be used in 3.610(a)(3).

Namely, I think in 3.610(a)(3) you should replace "...any legislative or administrative action..." (page 5, line 16) with words analogous to (a)(1), namely: "...any legislative action or a proceeding before the elected official's, department head's, commissioner's, or designated employee's department, board, commission, or office regarding administrative enforcement, a license, a permit, or other entitlement for use...". **You should also make the equivalent change to the definition of Interested Party, subsection (c) - page 3, Lines 3-4 so that "any administrative action" is not so vague.**

Regards,

Anonymous
Twitter [@journ_ anon](#)

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From: [Anonymoose \(@journo_anon\)](#)
Subject: Fw: December Sunshine newsletter, SOTF votes, Planning Commission held an illegal meeting
Date: Thursday, December 2, 2021 12:12:52 PM
Attachments: [signature.asc](#)

Dear City officials,

Here's what happened last night at SOTF. The City won 2 of 3 complaints.

SOTF unanimously found numerous violations by the Planning Commission - 67.7(a) failure to give 72 hour agenda notice; 67.7(c) failure to provide the location of a meeting in the agenda; 67.13(a) barrier to attendance for disabled persons; 67.15(a) failure to provide opportunity for public comment. The Commission went ahead and conducted a public meeting (with numerous actions as well) in which the agenda it posted prior to 72 hours directed the public to a meeting ID that was incorrect (where the public had no listening or commenting access). They were notified during the meeting by complainant Planthold, yet continued to conduct the meeting. Part way through the meeting they altered the agenda online with the correct id (clearly not 72 hours before!). Shame on whoever advised the Commission to just continue conducting an unnoticed, unlawful public meeting. The only correct action was to adjourn the meeting until it could be properly noticed to the public. What is also appalling is the Commission's argument at SOTF that since *most* people watch SFGovTV they were fine to simply continue with the meeting, as if the constitutional right to access meetings is simply for *most people*, and not *all people*. Personally, I hope someone steps up to sue and now invalidate the actions of the Planning Commission during that meeting, like recently happened to the School Board for violating the Brown Act.

SOTF failed to find a violation (5-4 for violation; requires 6) against City Librarian Lambert. An anonymous complainant requested from Lambert contracts & communications between the Library Commission and a corporation. While library-related contracts do exist with that same corporation, the Library Commission wasn't a party to them. This is probably only the 2nd time ever I've argued for no violation myself -- Lambert (IMO correctly & timely the next day) said that such contracts don't exist. The 5-person majority view appears to be that Lambert: did in fact know what Anonymous really meant (as he had asked for similar contracts in the past, but with different wording), did not completely provide the relevant contracts, and failed to assist properly; but it did not reach 6 votes. (A caution to the City: "Feigned confusion based on a literal interpretation of the request is not grounds for denial." (*First Amendment Coalition v Superior Court* (1998))).

SOTF affirmatively found no violation (6-3 for no violation) by City Administrator Chu regarding their response to a request from the Living Wage Coalition. The Minimum Compensation Ordinance calculations sought apparently do not exist. And the "written confirmation" re: the MCO (a budget checklist merely saying the MCO was considered) was apparently not created

until 4 days after the request was made. Personally I was on the fence; there might have been a violation regarding assistance, but it was a close call. (It's possible that the work of the Living Wage Coalition through many similar complaints shows a broad violation of the MCO, but not necessarily of the Sunshine Ordinance - in fact, perhaps by agencies admitting that calculations don't exist is how one might prove that the MCO was violated)

The SOTF approved various further procedural improvements making non-substantive changes to the complaint procedure to put it in plain English for the complainant, suggestions for a format for complainants to prepare their evidence effectively, a substantive change limiting what documents can be considered in a Reconsideration, and setting out their expectations of how hearing packets should be prepared, while also receiving advice from the Clerk of the Board (who attended) regarding the problems with using Granicus as a database for SOTF and the limitations of what the Clerk's office can do in preparing complaints/agenda packets. The SOTF did not amend or rescind the November-approved pilot improvements regarding requirements of specific written responses from the Respondent, which continues in full force. I hope SOTF continues to make more streamlining improvements such as these.

Regards,

Anonymous

Twitter [@journonanon](#)

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