

**Sunshine Ordinance Task Force
Complaint Summary**

File No. 20018

Anonymous v. The Elections Commission

Date filed with SOTF: 1/28/2020

Anonymous (arecordsrequestor@protonmail.com) (Complainant)
The Elections Commission; Lucy Bernholz (lucy.bernholz@sfgov.org); Roger Donaldson (roger.donaldson@sfgov.org); Charlotte Hill (charlotte.hill@sfgov.org); Christopher Jerdonek (Christopher.jerdonek@sfgov.org); Charles Jung (Charles.jung@sfgov.org); Viva Mogi (viva.mogi@sfgov.org); Jill Rowe (jill.rowe@sfgov.org) electionscommission@sfgov.org; (Respondents)

File No. 20018: Complaint filed by Anonymous against The Elections Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.29 by failing to prepare and continually maintain an index of records on the City's worldwide website.

Administrative Summary if applicable:

Complaint Attached.

Leger, Cheryl (BOS)

From: Google Forms <sfbdsupvrs@gmail.com>
Sent: Tuesday, January 28, 2020 9:08 AM
To: SOTF, (BOS)
Subject: New Response Complaint Form

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

Your form has a new entry.

Here are the results.

Complaint against which Department or Commission Office of Mayor; Department of Elections, Elections Commission, Port of San Francisco, Port Commission, Entertainment Commission, Immigrant Rights Commission, Office of Cannabis, Child Support Services, Department of Homelessness and Supportive Housing; Department of Police Accountability, Veterans Affairs Commission, City Hall Preservation Advisory Commission

Name of individual contacted at Department or Commission City Administrator Naomi M. Kelly, Mayor London Breed

Alleged Violation Public Records

Sunshine Ordinance Section: 67.29

Please describe alleged violation RE-FILE of SOTF 20015
See "SECOND AMENDED AND RESTATED COMPLAINT" sent by email

Name Anonymous

Email arecordsrequestor@protonmail.com

If anonymous, please let us know how to contact you. Thank you. arecordsrequestor@protonmail.com

Sent via [Google Forms Email](#)

IN THE SAN FRANCISCO
SUNSHINE ORDINANCE TASK FORCE

Anonymous

Sunshine Ordinance Petition and
Complaint

v.

Jan. 28, 2020

City Administrator Naomi M. Kelly,
Mayor London Breed, Office of Mayor;
Department of Elections, Elections
Commission, Port of San Francisco,
Port Commission, Entertainment
Commission, Immigrant Rights
Commission, Office of Cannabis, Child
Support Services, Department of
Homelessness and Supportive
Housing; Department of Police
Accountability, Veterans Affairs
Commission, City Hall Preservation
Advisory Commission

SECOND AMENDED AND RESTATED COMPLAINT

I allege Respondents failed to maintain a complete index to records (SFAC 67.29; for ease of communication, I use "index of records" and "index to records" interchangeably).

Note the "Office of the City Administrator" is not a respondent, only Kelly herself, due to the wording of SFAC 67.29. Respondents are Kelly and each "department, agency, commission and public official" who are responsible for this index. Which "public official[s]" are responsible is unclear, so I have named the Mayor for her Office.

Note also that I do not have to issue a records request for the index to records, because the index "shall be continuously maintained on the City's World Wide Website" (SFAC 67.29). Instead I went through the list of City entities at

<https://sfgov.org/agencies-and-social-media> and looked for their index that must be maintained at: <https://index.sfgov.org/>

Your Task Force should take as proven any allegations that Respondents fail to specifically deny.

ALLEGATIONS

1. All Respondents (except Kelly) failed to "cooperate with the City Administrator to identify the types of records it maintains, including those documents created by the entity and those documents received in the ordinary course of business and the types of requests that are regularly received" . The evidence is attached Exhibit 1, and as of Jan. 27/28, 2020 states "No published schedule for this department" or for other agencies has simply no results. (Child Support Services instead has an incomplete index, not an empty one.)
2. All Respondents (except Kelly) failed to "clearly and meaningfully describe, with as much specificity as practicable, the individual types of records that are prepared or maintained by" them. See Exhibit 1.
3. All Respondents (except Kelly) maintain an empty or incomplete index, which is insufficient to "aid the public in making an inquiry or a request to inspect." See Exhibit 1.
4. Respondent Kelly maintains overall "responsib[ility] for the preparation of this records index" and she has failed to maintain a complete index, due to the lack of any index for the named departments, agencies, commissions, and public officials.

OFFER OF COMPROMISE

If a Respondent publishes a complete index of records online pursuant to SFAC 67.29 *and also* publishes on their website a letter signed by the highest Respondent authority (department or agency head, or for a commission or board, its chair, president, or similar as authorized by resolution) addressed to me and CC-ing the Task Force admitting a prior failure to comply with SFAC 67.29 and representing that a compliant index of records has been published as of the date of the letter, that Respondent shall be dismissed from this complaint.

A mere correction is insufficient as the violation did occur at the time of filing of this complaint. I intend to bind the City to Sunshine compliance, either through SOTF findings of violation or voluntary consent letters.

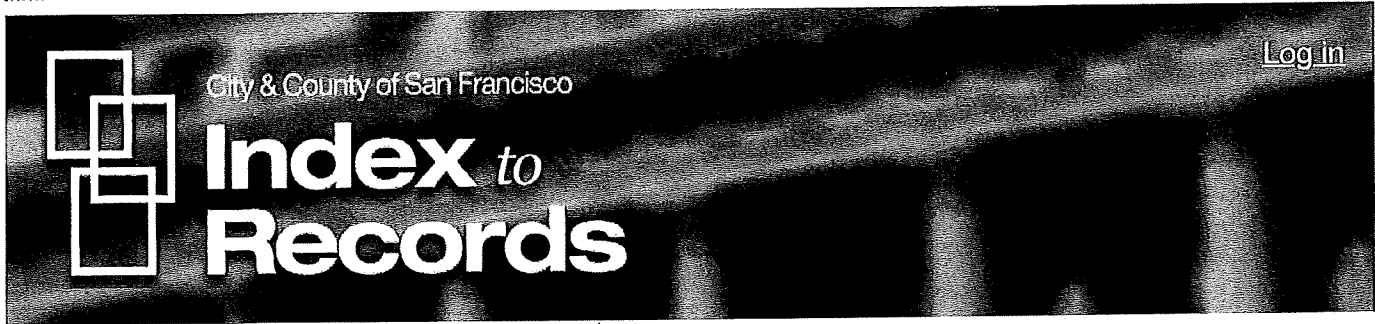
REQUEST FOR RELIEF

Please find that the Respondents violated SF Admin Code 67.29 and issue all appropriate orders (including referrals for enforcement).

Respectfully submitted,

ANONYMOUS
Complainant/Petitioner

EXHIBIT 1 - Excerpts of the Index to Records - <https://index.sfgov.org>



You may submit a request for any of the following records in accordance with applicable public records laws. The departments have included a direct link to some of the records; if there is no link for the record you are seeking, and/or you would like to request additional information regarding that record, please contact the department or division directly using the contact information provided for that specific record.

Mayor's Office

<http://sfgov.org/mayor>

Ratified on:

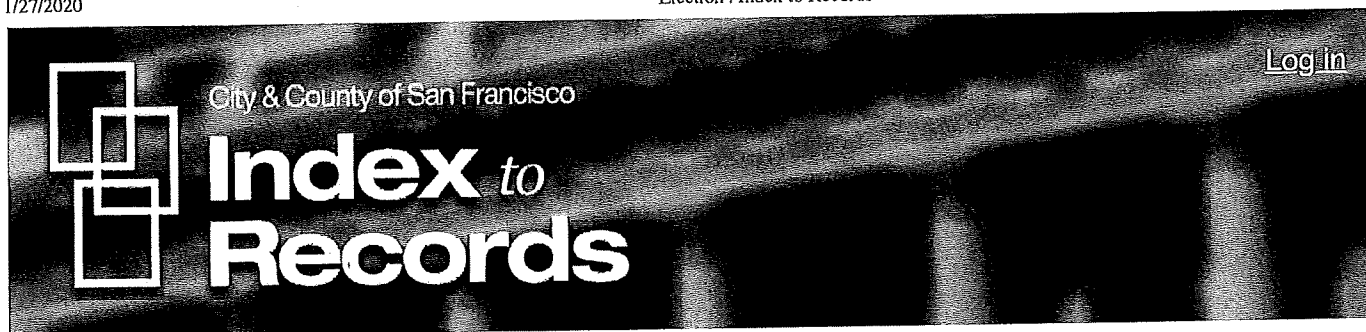
Department Contact:

Shalonda Baldwin

[415-554-6132](tel:415-554-6132)

shalonda.baldwin@sfgov.org

No published schedule for this department



You may submit a request for any of the following records in accordance with applicable public records laws. The departments have included a direct link to some of the records; if there is no link for the record you are seeking, and/or you would like to request additional information regarding that record, please contact the department or division directly using the contact information provided for that specific record.

Election

<http://sfgov.org/election>

Ratified on:

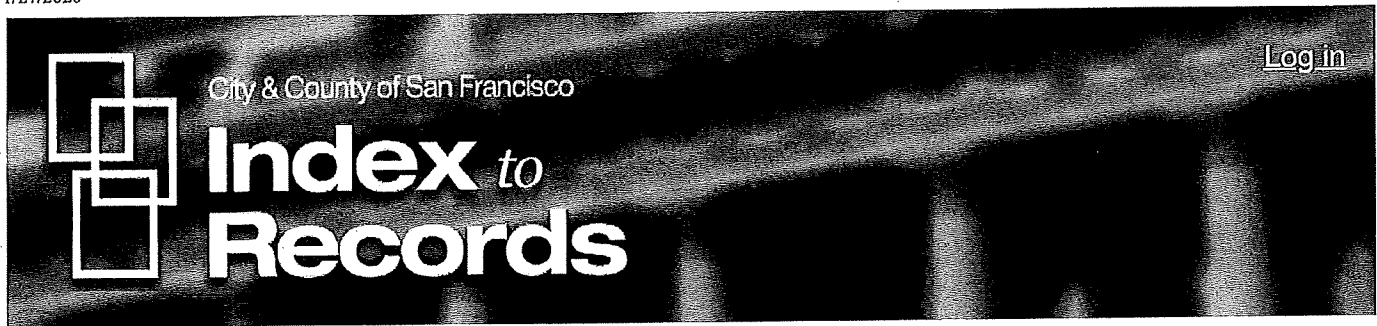
Department Contact:

Matthew Selby

[415-554-4375](tel:415-554-4375)

matthew.selby@sfgov.org

No published schedule for this department



You may submit a request for any of the following records in accordance with applicable public records laws. The departments have included a direct link to some of the records; if there is no link for the record you are seeking, and/or you would like to request additional information regarding that record, please contact the department or division directly using the contact information provided for that specific record.

Port

<http://www.sfport.org/>

Ratified on:

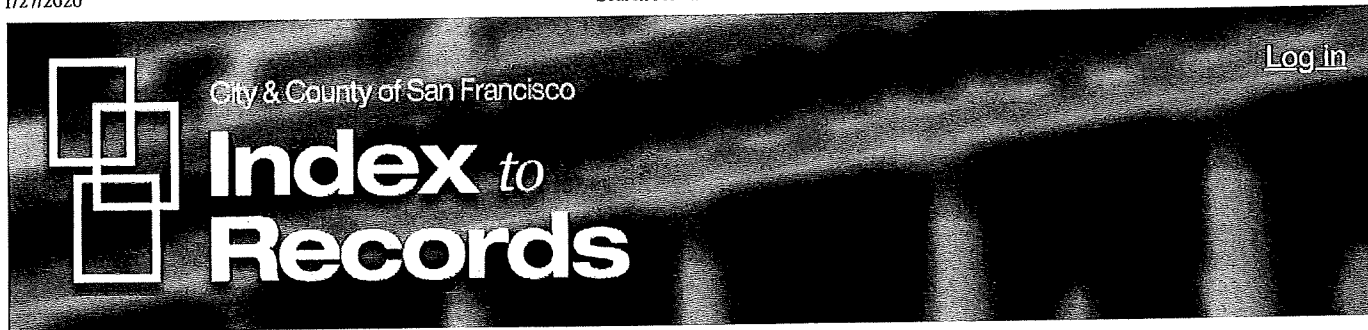
Department Contact:

Randy Quezada

[415-274-0488](tel:415-274-0488)

randy.quezada@sfgov.org

No published schedule for this department

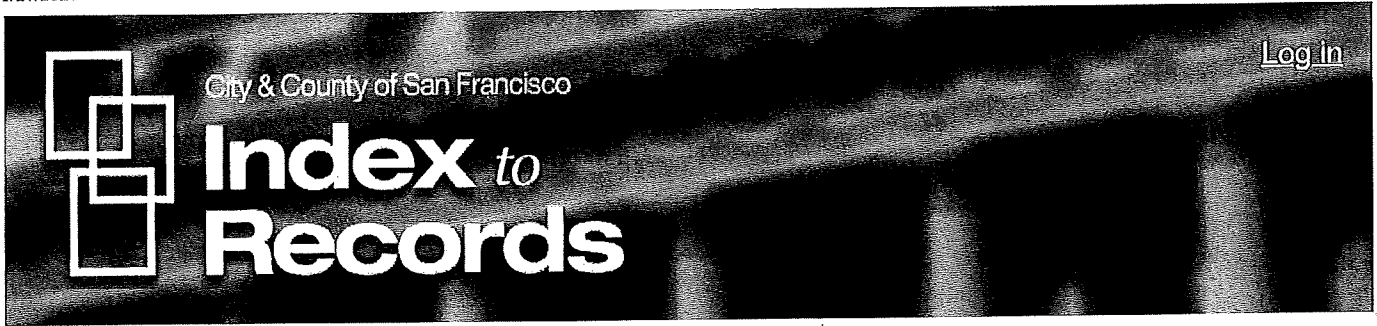


Search for entertainment

Enter your keywords:

[Search help](#)

Your search yielded no results.

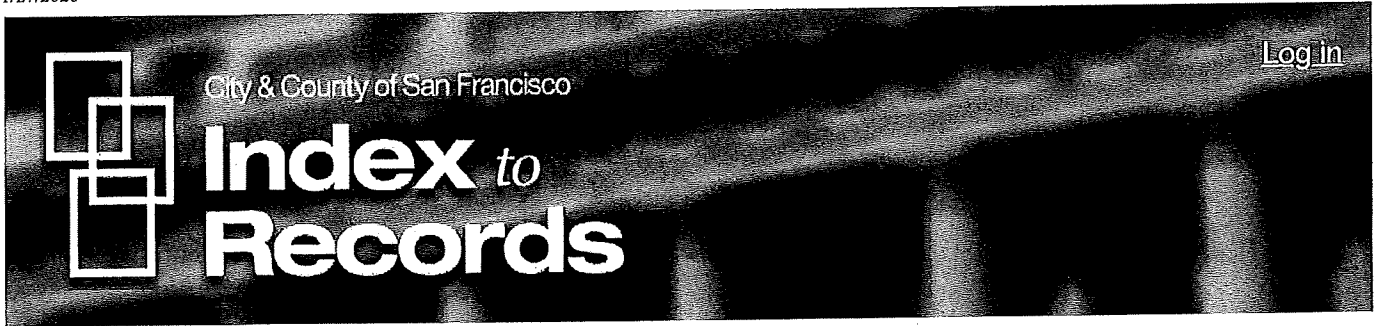


Search for immigrant

Enter your keywords:

[Search help](#)

Your search yielded no results.

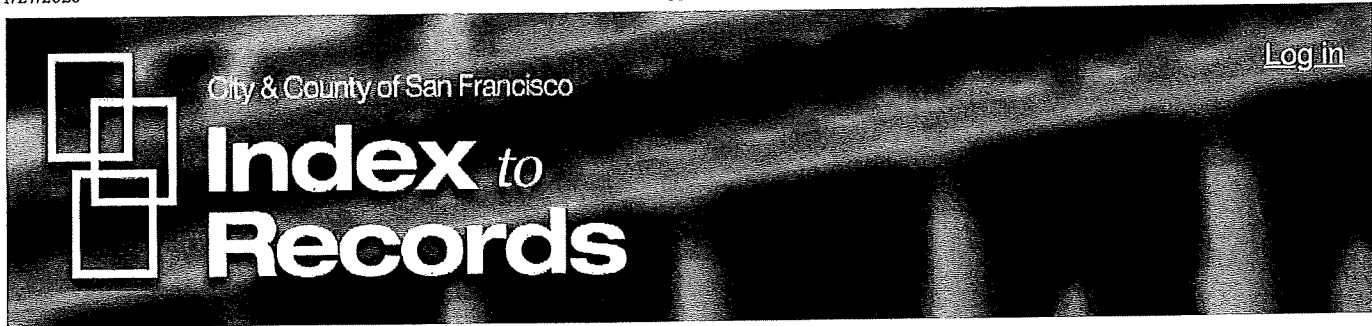


Search for cannabis

Enter your keywords:

[Search help](#)

Your search yielded no results.



You may submit a request for any of the following records in accordance with applicable public records laws. The departments have included a direct link to some of the records; if there is no link for the record you are seeking, and/or you would like to request additional information regarding that record, please contact the department or division directly using the contact information provided for that specific record.

Child Support Services

<http://sfgov.org/dcss>

Ratified on: 11/13/2018 1:37:46 PM

Department Contact:

Penni Eigster

[415-356-2903](tel:415-356-2903)

penni.eigster@sfgov.org

Comprehensive Annual Financial Report (CAFR): Annual Financial Statements of City Departments that are part of the City's CAFR

Category: City Accounting

Remarks: Controller's Retention Schedule; Admin Code Section 8.3

Retention Type: 2 - Current **Retained On-Site:** 7 years - May be stored electronically

Total Time Retained: 7 years

Comprehensive Annual Financial Report (CAFR): Annual Financial Statements of City Departments that are part of the City's CAFR

Category: City Accounting

Remarks: Controller's Retention Schedule; Admin Code Section 8.3

Retention Type: 2 - Current **Retained On-Site:** 7 years - May be stored electronically

Total Time Retained: 7 years

First

Category: admin

Retention Type: 1 - Permanent, 2 - Current

Internal Revenue Service (IRS) 1099 Vendor Reports

Category: City Accounting

Remarks: Controller's Retention Schedule; Admin Code Section 8.3.

Retention Type: 2 - Current **Retained On-Site:** 7 years

Total Time Retained: 7 years - From the date 1099s are due to the IRS.

Stop Payment Notices to City's Contractors

Category: City Accounting

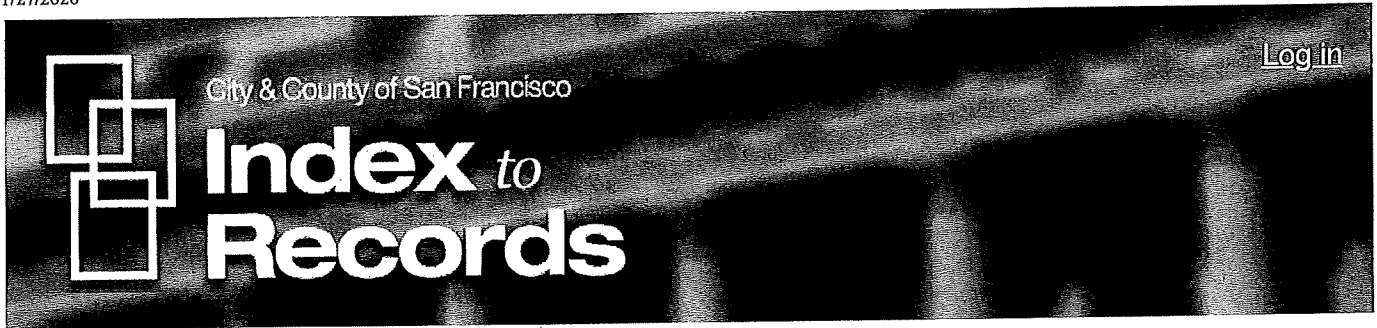
Remarks:

Controller's Retention Schedule;;Admin Code Section 8.3. The years are measured by the end of the fiscal year.

Retention Type: 2 - Current **Retained On-Site:** 2 years - After resolution of issue.

Retained Off-Site: 3 years - After resolution of issue.

Total Time Retained: 5 years - After resolution of issue.

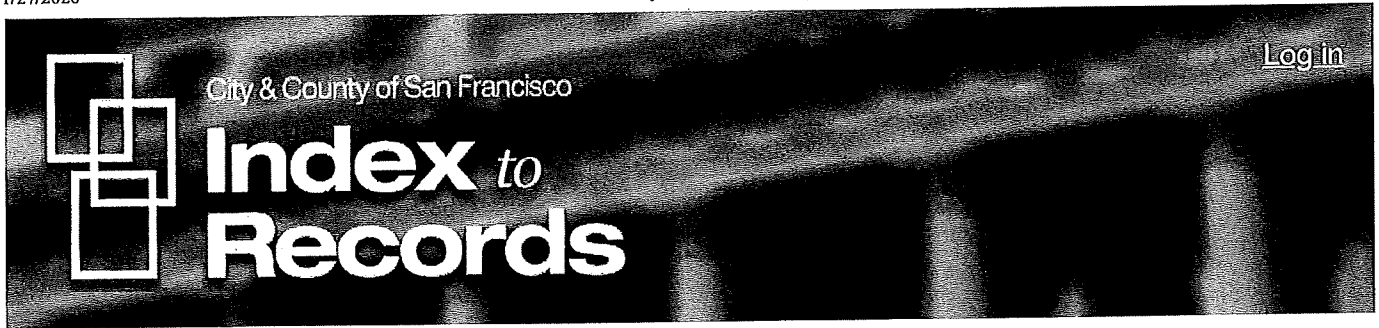


Search for homelessness

Enter your keywords:

[Search help](#)

Your search yielded no results.

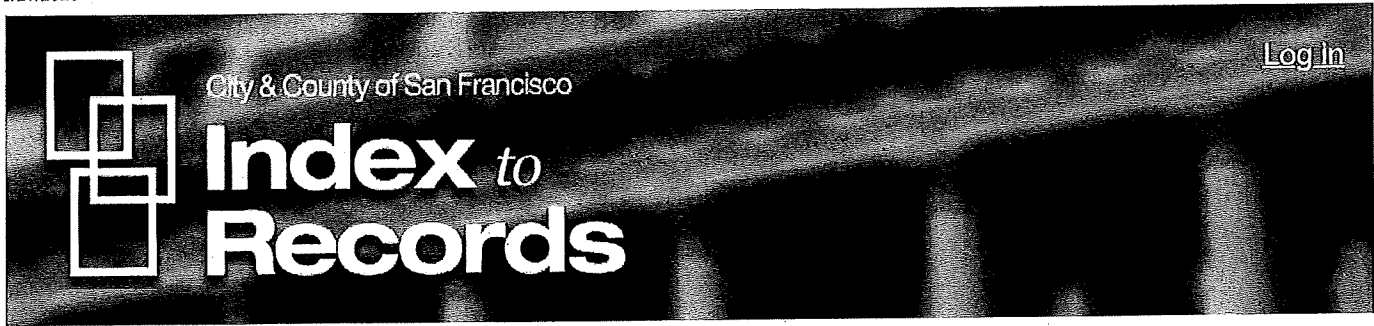


Search for police accountability

Enter your keywords:

[Search help](#)

Your search yielded no results.



Search for veteran

Enter your keywords:

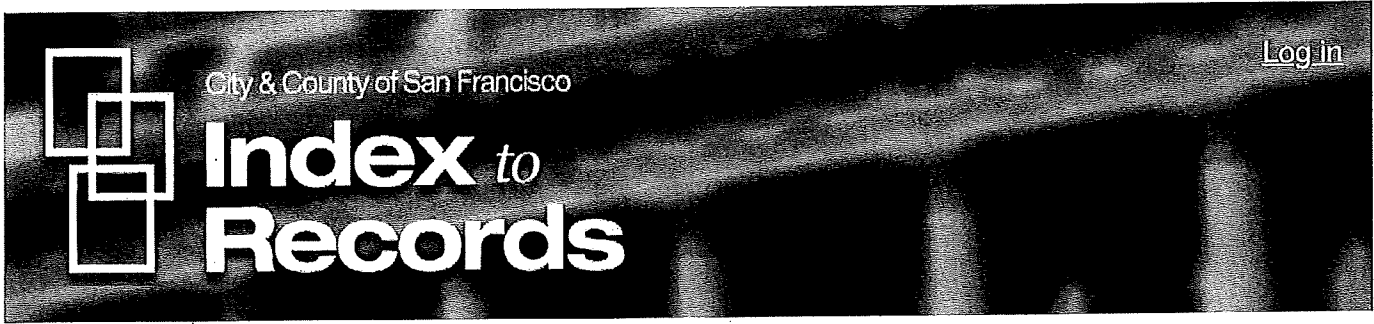
[Search help](#)

Search results

Veteran's Office Case Files

Veteran's Office Case Files Department ... Remarks **Veteran** Off-site ... Record
Title **Veteran's Office Case Files**

scheduleadmin - 11/16/2018 - 00:11



Search for City Hall Preservation

Enter your keywords:

[Search help](#)

Your search yielded no results.