

February 10, 2020

Honorable Members, Sunshine Ordinance Task Force
c/o Cheryl Leger, Task Force Administrator
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Re: Complaint #20018 Anonymous v. City Administrator Naomi M. Kelly et al.

Dear Task Force Members:

This letter responds to Complaint # 20018 (“Complaint”), served by Anonymous on February 4, 2020 against City Administrator Naomi M. Kelly and other identified City departments and commissions, including the Elections Commission (“Commission”). For the reasons set forth below, the complaint is without merit and should be dismissed.

Anonymous alleges that the Elections Commission violated San Francisco Administrative Code Section 67.29 (“Section 67.29”) concerning the Index of Records.

Section 67.29 provides in relevant part:

The City and County shall prepare a public record index that identifies the types of information and documents maintained by the City and County departments, agencies, boards, commissions, and elected officers...The City Administrator shall be responsible for the preparation of this records index...Each department, agency, commission and public official shall cooperate with the City Administrator to identify the types of records it maintains...The index shall clearly and meaningfully describe, with as much specificity as practicable, the individual types of records that are prepared or maintained by each department, agency, commission or public official of the City and County. The index shall be sufficient to aid the public in making an inquiry or a request to inspect.

The Complaint alleges that the Respondents (including the Commission) have: failed to “cooperate” with the City Administrator to identify the types of records it maintains; insufficiently described the at-issue records; and have maintained an empty or incomplete index.¹ While vague as to time, the Commission denies that it has “failed to cooperate” with the City Administrator regarding the Index of Records. The Commission intends to work in good faith with the City Administrator to provide any required information regarding its relevant records and to see that an index of such records is posted to the City Administrator’s website. The Commission otherwise denies liability with respect to the allegations raised in the Complaint and requests the Task Force dismiss the Complaint.

Sincerely,



Viva Mogi
President
San Francisco Elections Commission

¹ The final allegation concerns City Administrator Naomi Kelly alone and thus does not apply to the Commission.