

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TDD/TTY No. (415) 554-5227

ORDER OF DETERMINATION

June 3, 2009

DATE THE DECISION ISSUED

May 26, 2009

ANONYMOUS PERSON v. MUNICIPAL TRANSPORTATION AGENCY (09020)

FACTS OF THE CASE

Anonymous Person states that when he tried to obtain access to public documents pertaining to the business of the Municipal Transportation Agency ("MTA") Board of Director's meetings, he experienced difficulty because the MTA receptionist was reluctant to hand over the documents. Anonymous Person further states that during MTA meetings there are not public binders. Anonymous Person further states that he had difficulty in using the MTA Website-specifically in navigating through the various links and search options.

COMPLAINT FILED

On April 7, 2009, Anonymous Person filed a complaint against the MTA citing the above stated difficulties in obtaining public records with the general claim that the MTA violated the Sunshine Ordinance.

HEARING ON THE COMPLAINT

On May 26, 2009, Complainant appeared and identified himself as Barry Taranto. He stated that the MTA does not keep the board packet on a table accessible for public viewing but rather that one has to request the information from the receptionist at the office. He stated that the receptionist was reluctant to provide the documents. He stated that the Board does not have public binders containing the meeting materials at the MTA Board Meetings. He also stated that the website was not user friendly and was difficult to navigate.

At this same hearing, Roberta Boomer, secretary to the MTA Board of Directors, appeared and responded to the complaint that the receptionist was reluctant to provide the meeting materials. She stated that what actually happened was that the person at the reception desk was not the regular receptionist and while handling a number of matters, she fielded Mr. Taranto's request to see the meeting materials and called a knowledgeable person to find out which materials would be available for review. The process of making her call took a few minutes and Mr. Taranto became upset at the delay. Ms. Boomer heard the frustration of Mr. Taranto and assisted in getting the materials to Mr. Taranto within a few

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minutes. Regarding the lack of binders, Ms. Boomer explained the logistical problems of having hard copies of a large number of documents physically present at the meetings when the MTA had provided internet access to all of its documents at its website. Regarding the claims of Mr. Taranto about the difficulty is using the website, Ms. Boomer provided a visual demonstration of the MTA website.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Task Force found that the MTA did not violate the Sunshine Ordinance when it responded to Mr. Taranto's request to see the meeting materials. The Task Force also found that the MTA did not violate the Sunshine Ordinance in how it provided its materials through its internet website. The Task Force did not find a violation for the MTA's failure to have a hard copy of the meeting packet but it suggested that it is the best practice to have a hardcopy of the meeting packet for public viewing during the MTA Board meeting.

DECISION AND ORDER OF DETERMINATION

The Order of Determination which made the above findings of fact and conclusions of law was adopted by the Task Force on May 26, 2009, by the following : (Knee / Washburn)
Ayes: Craven-Green, Knee, Washburn, Knoebber, Johnson, Goldman, Williams, Chu
Excused: Cauthen, Chan



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Barry Taranto, complainant
Roberta Boomer, respondent
Ernie Llorente, Deputy City Attorney