

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**

**DATE THE DECISION ISSUED**

December 2, 2008

*BARRY TARANTO v. MUNICIPAL TRANSPORTATION AGENCY (08045)*

**FACTS OF THE CASE**

On August 19, 2008, Complainant Barry Taranto attended the Municipal Transportation Agency Commission ("MTA") meeting and at the beginning of the public comment section of the meeting, Mr. Taranto alleged that the president of the MTA allowed Irwin Lum, president of the Muni Drivers Union to read a statement that took between four to five minutes to present. Everyone else was restricted to a maximum of two minutes during the public comment period.

**COMPLAINT FILED**

On August 19, 2008, Mr. Taranto filed a complaint against the MTA alleging violations of the Sunshine Ordinance.

**HEARING ON THE COMPLAINT**

On August 26, 2008, Tom Nolan, the Vice Chair of the MTA wrote to Kristin Chu, Chair of the Task Force, and stated that he chaired the August 19, 2008, meeting of the MTA and he did allow Mr. Lum to speak longer than the other speakers during the public comment period. He admitted to his violation of the public meeting laws. On October 14, 2008, the MTA Commission Secretary Roberta Boomer appeared before the Complaint Committee to stipulate to Task Force Jurisdiction and to admit that the MTA violated the Public Comment provisions of 67.15 of the Ordinance and was changing its procedures to assure that this violation would not happen again. However, Mr. Taranto did not appear for the hearing and the case was continued to the November meeting. On November 12, 2008, Ms. Boomer again appeared for the hearing but Mr. Taranto did not appear. The Complaint Committee decided that the matter should be forwarded to the full Task Force for hearing on the complaint.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

On December 2, 2008, Mr. Taranto appeared before the Task Force and provided his testimony. Mr. Taranto stated that Mr. Lum 's remarks should have been agendized in a

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different part of the agenda because labor and management were so intertwined at the MTA that the line between the two entities was sometimes blurred. With regard to public comment violations at MTA hearings, Mr. Taranto stated that the MTA has not violated the public comment requirements of the Sunshine Ordinance since he filed his complaint. Based on the testimony and evidence presented by both parties the Task Force finds that the MTA violated the Sunshine Ordinance.

**DECISION AND ORDER OF DETERMINATION**

The Task Force finds that the MTA violated Section 67.15 of the Ordinance but will take no further action because the MTA realized its mistake early in the process and changed its procedures for receiving public comment at meetings. The Task Force commends the MTA for making changes in its procedures in taking public testimony to ensure that it does not repeat its earlier mistake.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on December 2, 2008, by the following vote: ( Chan / Cauthen)

Ayes: Knee, Cauthen, Washburn, Knoebber, Johnson, Chu, Chan, Goldman

Excused: Craven, Williams



Kristin Chu, Chair  
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney  
Barry Taranto, Complainant  
Roberta Boomer, MTA Commission Secretary