

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION

August 6, 2010

DATE THE DECISION ISSUED

July 27, 2010

BARRY TARANTO V MUNICIPAL TRANSPORTATION AGENCY BOARD (CASE NO. 10027)

FACTS OF THE CASE

Complainant Barry Taranto ("Complainant") alleges that the Municipal Transportation Agency Board of Directors ("MTA") violated the Ralph M. Brown Act and the Sunshine Ordinance at its June 1, 2010, meeting. Specifically, the Complainant alleges that Director Malcolm Heinicke asked Deputy Director Chris Hayashi to approach the podium to answer questions regarding the timeline for the taxi hearing notification, a topic Complainant alleges was not on the meeting agenda, and that this discussion lasted for more than five minutes.

COMPLAINT FILED

On June 1, 2010, Complainant filed a complaint against the MTA for the alleged violation of public meetings laws, and, in particular, the Ralph M. Brown Act and the Sunshine Ordinance.

HEARING ON THE COMPLAINT

On July 27, 2010, the Complainant presented his claim before the Task Force. The Respondent Agency was represented by MTA Board Secretary Roberta Boomer.

The Complainant told the Task Force that during the June 1, 2010, MTA Board meeting, members of the public had commented on the importance of abiding by the 72-hour notice posting rule because a recent meeting on taxi medallions had to be canceled because the deadline was not met. The Complainant said Mr. Heinicke questioned Ms. Hayashi, who oversees the taxi administration, on the issue at the end of the Public Comment portion of the meeting. After Ms. Hayashi had responded to his question, Mr. Heinicke asked her about other aspects of the medallion issue, the Complainant said. That violated the Brown Act because the verbal exchange was extensive and the item was not on the agenda, the Complainant said.

Ms. Boomer said Mr. Heinicke was addressing an issue that had been raised during the Public Comment session and that his line of questioning was directed at making sure that the public was getting its concerns resolved expeditiously. Ms. Boomer said the issue was not discussed by any other board member and that Ms. Hayashi's responses were lengthy compared to Mr. Heinicke's short and brief questions.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented, the Task Force finds that the agency violated the Ordinance.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the MTA Board violated Section 67.7(d) of the Sunshine Ordinance. The Board shall send a representative knowledgeable in this matter to appear before the Education, Outreach and Training Committee on August 12, 2010.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on July 27, 2010, by the following vote: (Johnson / Williams)
Ayes: Snyder, Cauthen, Washburn, Chan, Johnson, Williams, Knee



Richard A. Knee, Chair
Sunshine Ordinance Task Force

c: Jana Clark, Deputy City Attorney
Barry Taranto, Complainant
Roberta Boomer, Respondent