

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**  
January 29, 2016

**DATE ORDER OF DETERMINATION ISSUED**  
January 6, 2016

**CASE TITLE – Tom Borden V. Recreation and Parks Department (File No. 15159)**

**FACTS OF THE CASE**

On November 16, 2015, Tom Borden (Complainant) made a complaint alleging that the Recreation and Parks Department (Respondent) violated Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner in regards to signage in lands managed by the Natural Areas Program.

**HEARING ON THE COMPLAINT**

On January 6, 2016, the Sunshine Ordinance Task Force heard the matter.

Mr. Borden provided an overview of the complaint and requested the Task Force to find violations. Alex Aldrich spoke on behalf of the Complainant. Eric Pawlowsky, Recreation and Parks (Respondent) presented the department's position and stated that all available documents were provided or do not exist. In addition, Mr. Pawlowsky stated that General Manager Phil Ginsberg is the person ultimately responsible for the posting of the reference signs.

**FINDINGS OF FACT AND CONCLUSION OF LAW**

Based on the testimony and evidence presented, the Task Force found that there were violations of Administrative Code (Sunshine Ordinance), Sections 67.21 (b) and (e).

**DECISION AND ORDER OF DETERMINATION**

The Sunshine Ordinance Task Force found that the Recreation and Parks Department violated Administrative Code (Sunshine Ordinance), Sections 67.21(b) and (e), by failing to respond to a public records request in a timely and/or complete manner and failing to comply, or incompletely complied, with the request for public records.

Chair Washburn referred the matter to the Compliance and Amendments Committee and requested that persons knowledgeable as to how Recreation and Parks Department's rules and policies are created, documented, and implemented attend the meeting to answer questions about these matters. In addition, it is requested that the Park Services Area meeting notes be provided to Mr. Borden.

Member Pilpel volunteer to provide a list of Recreation and Park representatives who may be knowledgeable of the matter.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on January 6, 2016, by the following vote:

**The motion PASSED by the following vote:**

Ayes: 9 - Rumold, Eldon, Wolf, Pilpel, Haines, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 1 - Chopra

A handwritten signature in blue ink that reads "Allyson M. Washburn". The signature is written in a cursive style.

Allyson Washburn, Chair  
Sunshine Ordinance Task Force

- c. Jerry Threet, Deputy City Attorney
- Tom Borden, Complainant
- Phil Ginsberg, Recreation and Parks
- Eric Pawlowsky, Recreation and Parks