

Date: Jan. 12, 2010

Item No. 2  
File No. 09070

**SUNSHINE ORDINANCE TASK FORCE**  
**Compliance and Amendments Committee**  
**AGENDA PACKET CONTENTS LIST\***

- Anmarie Mabbutt v Department of Recreation and Park**
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Completed by: Chris Rustom

Date: Jan. 7, 2010

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

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**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**  
January 4, 2010

**DATE THE DECISION ISSUED**  
December 1, 2009

*ANMARIE MABBUTT v. DEPARTMENT OF RECREATION AND PARK (09070)*

**FACTS OF THE CASE**

Anmarie Mabbutt said she wanted to listen to a digital recording of a Recreation and Park Commission meeting and asked the department for the link and certain emails, none of which was provided.

**COMPLAINT FILED**

On October 21, 2009, Anmarie Mabbutt filed a complaint with the Sunshine Ordinance Task Force.

**HEARING ON THE COMPLAINT**

On December 1, 2009, Complainant Anmarie Mabbutt presented her claim to the Task Force. The Respondent Agency was represented by Olive Gong, who is the Custodian of Records.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Ms. Mabbutt told the Task Force that the department responded to her request by saying the audio recording was not available online but she was welcome to visit McClaren Lodge to listen for free on a playback device. That offer does not provide the public with access stipulated in the Ordinance, she said. For example, asking an elderly or a disabled person who wants to listen to a recording of a meeting to visit McLaren Lodge is not acceptable, she said. In her case, she said, the department's policy forces her to hire a babysitter every time she wants to listen to an audio recording. Ms. Gong admitted that the audio files are not online. On the emails, she said she provided the information to the department's information technology officer and forwarded to Ms. Mabbutt all the emails he produced. Ms. Mabbutt said the department has not provided emails regarding a certain Terry Schwartz.

**ORDER OF DETERMINATION**

**DECISION AND ORDER OF DETERMINATION**

The Task Force finds that the agency violated Section 67.14 (c) of the Sunshine Ordinance for not making available audio recording available in digital form at a centralized location on the City's web site. The agency was told to attend the January 12, 2010, Compliance and Amendments Committee to report on if and when the department intends to come into compliance with Section 67.14 (c) regarding the audio posting requirement and on whether the department's information technology officer produced the Terry Schwartz-related emails.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on December 1, 2009, by the following vote: ( Craven-Green / Goldman )  
Ayes: Craven-Green, Washburn, Knoebber, Goldman, Chan, Knee  
Excused: Cauthen, Manneh Johnson, Chu, Chan, Williams



Richard A. Knee, Chair  
Sunshine Ordinance Task Force

- c: Jerry Threet, Deputy City Attorney
- Anmarie Mabbutt, Complainant
- Olive Gong, Respondent