

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
June 3, 2019

DATE DECISION ISSUED
April 3, 2019

CASE TITLE – Joshua Klipp v. Recreation and Parks Department
(File No. 18072)

FACTS OF THE CASE

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 18072: Complaint filed by Joshua Klipp against the Recreation and Parks Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On September 25, 2018 the Complaint Committee, acting in its capacity to hear petitions/complaints heard the matter.

Joshua Klipp (Petitioner) provided a summary of his complaint and requested the Committee find a violation. Mr. Klipp stated that that he received a response in a timely manner but the four documents provided by Recreation and Parks were inadequate. Mr. Klipp stated that Recreation and Parks either does not have the requested records and the responses provided were fabricated. Mr. Klipp stated that he does not believe that did not receive any records prior to 2012 the Recreation and Parks' documents were entirely made up and Recreation and Parks did not respond to his request.

Tiffany Lin-Wilson, Recreation and Parks (Respondent) provided a summary of the Department's position. Ms. Lin-Wilson stated that she compiled the information requested and that she does not work on the strategic plan. Ms. Lin-Wilson stated she collected relevant records from staff and provided them to Mr. Klipp. Ms. Lin-Wilson stated that most of the information requested is available on the Recreation and Parks Capital and Planning Department website. Ms. Lin-Wilson stated that the reports provided to Mr. Klipp were created by Kelley Cornell which include work force budget, health and diversity of the urban forest and other related information.

Chair Wolfe requested that the Kelley Cornell or person knowledgeable of the requested records attend the SOTF hearing and be prepared to answer questions.

Member Hinze, seconded by Member Cate, moved to refer the matter to the SOTF for hearing and requested Kelley Cornell be present to provide information related to the public records request and why records prior to 2012 were not provided.

On April 3, 2019, the SOTF held a hearing to review the recommendation from Complaint Committee and/or to review the merits of the petition/complaint.

Joshua Klipp (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Klipp stated that every year the Urban Forestry Council creates a report based on a questionnaire that is sent out to public entities, such as Recreation and Park, and is made publicly available. Mr. Klipp stated that the information provided by Recreation and Park was inadequate in that there was no supporting documentation.

Dennis Kern, Director of Operations (Recreation and Parks), (Respondent), provided a summary of the department's position. Mr. Kern stated that the Complainant requested documents from the previous ten years that do not exist. Mr. Kern stated that the Complainant had been provided all the documents maintain by Recreation and Parks. Mr. Kern stated that the Parks had been in a tree reactive routine (removing more trees than planting). Mr. Kern stated that he supervises 12 arborists, 10 gardeners, 4 laborers but does not have any clerical staff in his urban forestry unit. Mr. Kern stated that Mr. Klipp had been provided the Strategic Plan.

A question and answer period occurred. The Respondent and the Complainant provided rebuttals.

The SOTF opined that records including but not limited to arborist tree plantings, removals, location, source of tree, personal injuries, storm damage should be tracked and provided.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that the Recreation and Parks Department violated Administrative Code (Sunshine Ordinance), Section 67.21(b)(e).

DECISION AND ORDER OF DETERMINATIONS

On April 3, 2019, Chair Wolfe, seconded by Vice-Chair Hyland, moved to find that the Department of Recreation and Parks violated Administrative Code (Sunshine Ordinance), Sections 67.21(b) and 67.21(e), by failing to make documents available in a timely and complete manner and referred the matter to the Compliance and Amendments Committee to ensure that Recreation and Parks Department provides the requested documents other than those already provided to Joshua Klipp (Urban Forestry Council).

The motion PASSED by the following vote:

Ayes: 8 - Hyland, Yankee, B. Wolfe, Hinze, LaHood, Cannata, Tesfai,
J. Wolf

Noes: 0 - None

Absent: 3 - Martin, Chopra, Cate



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Joshua Klipp (Petitioner/Complainant)
Tiffany Lin-Wilson, Recreation and Parks Department (Respondent)