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SF Urban Forest Coalition v. City and County of San Francisco

Court of Appeal, First District, Division 1, California - December 19, 2019 - Cal.Rptr.3d - 2019 WL 6907453 - 19 Cal. Daily Op. Serv. 12, 114

Petitioner, city's urban forest coalition, filed petition for writ of mandamus against county transportation authority and city and county seeking disclosure of certain records and a declaration that transportation authority was subject to the city's Sunshine Ordinance.

After parties resolved records request issue, the Superior Court entered judgment declaring that transportation authority was not subject to Sunshine Ordinance. Petitioner appealed.

The Court of Appeal held that:

- Transportation authority was not an agency of city, and
- Sunshine Ordinance did not apply to transportation authority.

County transportation authority, a "local agency," which was created by voters in city, following enactment of Bay Area Transportation Act, and which had members who were elected members of city's board of supervisors, was not an agency of city; phrase "local agency" included other entities apart from cities and counties, mere fact that elected members of city's board of supervisors were members of transportation authority did not mean that the two entities were one and the same, fact that transportation authority was created by voters in city and limited to operating within city's geographic area was common to local agencies created by state, and Bay Area Transportation Act indicated transportation authorities created thereunder were distinct from cities and counties they served.

City's Sunshine Ordinance, which provided rules and procedures for access to city meetings and records to further right of people to know what their government and those acting on behalf of their government were doing, did not apply to county transportation authority, which was a "local agency," despite ordinance's broad definition of "policy body," and broad scope, encompassing "every person having custody of any public record or public information," where the ordinance, by including a provision which encouraged open meetings with local agencies, such as county transportation authority, indicated that such agencies were not subject to the ordinance, and provisions setting forth administrative appeal process further indicated that the ordinance was limited to city agencies.