

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**

June 15, 2021

DATE DECISION ISSUED  
May 5, 2021

CASE TITLE – Tom Borden v. Recreation and Parks Department  
File No. 20077

**FACTS OF THE CASE**

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

**File No. 20077:** Complaint filed by Tom Borden against Recreation and Parks Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

**HEARING ON THE COMPLAINT**

On March 16, 2021, the Complaint Committee acting in its capacity to hear petitions/complaints heard the matter.

Tom Borden (Petitioner) responded to questions from the Committee regarding documents that were requested. Mr. Borden noted that a map of the trail log was requested and but not provided.

Tiffany Lin-Wilson and Lauren Chavez (Recreation and Parks) (Respondent), provided a summary of the Department's position and responded to questions from the Committee. Ms. Chavez provided an explanation of the documents provided and noted that the document is only a projection for an in-progress project. Ms. Chavez stated there may have been a misunderstanding in what was requested and can provide additional documents. Ms. Chavez noted that the trail log is not yet available and still in the planning stages. Ms. Lin-Wilson stated that the pandemic emergency prevented the Department from timely responding to the Immediate Closure Request, resulting in a request for an extension of time to respond.

Action: Moved by Member Forsley, seconded by Member Stein, to find that the SOTF has jurisdiction, that the records are public and referred the matter to the full SOTF for hearing.

The motion PASSED by the following vote:

Ayes: 3 - Stein, Forsley, Schmidt

Noes: 0 - None

The Committee referred the matter to the SOTF. On May 5, 2021, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Tom Borden (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Borden stated that he made a records request to the Recreation and Parks Department and was provided incomplete information. Mr. Borden stated that the missing records include a project area map and an itemization of \$1.5 million of the Rec and Park budget that was not accounted for. Mr. Borden stated that Rec and Park said they would provide the further information and have not done so.

The Respondent did not send a knowledgeable person to attend the meeting.

#### 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), Sections 67.21 by failing to respond to a records request in a complete and/or timely manner and Section 67.21(e) by failing to send a representative to the hearing.

## DECISION AND ORDER OF DETERMINATIONS

On May 5, 2021, moved by Member Stein, seconded by Member Frazier, to find the Recreation and Parks Department violated Administrative Code, Sunshine Ordinance Section 67.21 by failing to respond to a records request in a complete and/or timely manner and Section 67.21(e) by failing to send a representative to the hearing.

The motion PASSED by the following vote:

Ayes: 11 - Stein, Frazier, Hyland, Neighbors, Yankee, LaHood,  
Padmanabhan, Forsley, Schmidt Wong, Wolfe  
Noes: 0 - None

A handwritten signature in blue ink, appearing to be 'Bruce Wolfe', enclosed in a circular scribble.

Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

cc. Tom Borden (Petitioner/Complainant)  
Recreation and Parks Department (Respondent)