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FW: PUBLIC COMMENT OBJECTING TO SFCTA'S VIOLATIONS OF BROWN ACT

Mary Miles <page364@earthlink.net>
To: clerk@sfcta.org
Cc: tilly.chang@sfcta.org

Tue, Nov 16, 2021 at 9:15 AM

FROM:

Mary Miles (SB #230395)

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[364 Page St., #36](#)[San Francisco, CA 94102](#)

TO:

Tilly Chang, Director

Clerk of the Transportation Authority and

Members of the Board of the San Francisco County Transportation Authority ("SFCTA")

[1455 Market Street, 22nd Floor](#)[San Francisco, CA 94103](#)

RE: SFCTA's Continuing VIOLATIONS OF THE BROWN ACT: Failure To Post Legally Adequate Notice Of Meetings And Agendas Of SFCTA Board And Failure To Make Board Information Publicly Available

PUBLIC COMMENT OBJECTING TO SFCTA'S VIOLATIONS OF THE BROWN ACT**SFCTA MEETING, NOVEMBER 16, 2021**

This Comment OBJECTS to SFTA'S violations of the Ralph M. Brown Act ("Brown Act," Gov. Code §§ 54950 *et seq.*) which requires SFCTA to provide public notice of SFCTA meetings, Agendas, and related materials at least 72 hours in advance of meetings of the SFCTA at a location physically accessible by members of the public.

Please distribute this to all members of the SFCTA Board and place a copy in all applicable files on the November 16, 2021 Meeting and on each Agenda item and action to be taken at the November 16, 2021 SFCTA Board Meeting.

SFCTA must continue its November 16, 2021 Meeting, because it did not provide public notice, the Agenda of that Meeting, and materials on Agenda items at least 72 hours in advance of that Meeting as required by the Brown Act.

Under the Brown Act, SFCTA's notice, Agenda, and materials before the Board must be provided and made available in offices that are OPEN to the public at least 72 hours before the meeting. (See, e.g., Gov. Code §54950.5, 54954.2, 54957.5, 54960; and, e.g., *Sierra Watch v. Placer County* (2021) 69 Cal. App. 5th 1, 5, 8, 10-14.) The recent *Sierra Watch v. Placer County* case makes clear that SFCTA is required to provide actual hard copies of these materials, *not* only online, but at a location that is **open to the public**, at least 72 hours before its meeting. (*Ibid.*)

SFCTA'S notice and Agenda for its November 9, 2021 meeting were only available online after hours Friday, November 12, 2021, *after SFCTA's office was closed*. The SFCTA Office was closed Saturday November 13 and Sunday, November 14, 2021.

On November 12, 2021 I received email from the SFCTA Board Clerk dated November 12, 2021 (highlight added), stating:

"The Transportation Authority's offices will reopen **in January**, and will then be open 8:30 am to 5:30 pm, Monday through Friday (excluding holidays). In the meantime, the Transportation Authority's offices are open during regular business hours on an as-needed basis. Upon the request of any interested member of the public, the Transportation Authority would also schedule a time during regular business hours for that member of the public to review public records."

The public and members thereof are not required to "request" or "schedule a time" to "review public records" on an "as needed basis" to be provided physical hard copies of notice of SFCTA meetings, Agendas, and materials related to SFCTA meetings. Instead, those materials must be provided in a location **OPEN TO THE PUBLIC at least 72 hours in advance of any SFCTA meetings**. SFCTA admits that the SFCTA Office itself is CLOSED, has been closed, and will remain CLOSED to the public until January, 2022.

SFCTA, however, provides no alternative place that is OPEN TO THE PUBLIC where the public may view hard copies of SFCTA Notices of meetings, Agendas, and materials related to SFCTA meetings.

Notably, SFCTA does not even provide timely *email* notice of its meetings to those who have requested it, having emailed "notice" of the November 16, 2021 SFCTA Meeting **after 5:00 p.m. on Friday, November 12, 2021**, with no after-hours contact information. Thus, even those who have requested such notice are deprived of notice, agendas and access to materials, along with the general public.

SFCTA is in violation of the Brown Act, and cannot continue this illegal course of depriving the public of access to hard copies of notices of SFCTA meetings, Agendas, and materials related to those meetings.

The November 16, 2021 SFCTA meeting must therefore be continued until SFCTA complies with the Brown Act.

Sincerely,