

San Francisco County Transportation Authority is Not Subject to the City's Sunshine Ordinance

The First District Court of Appeal held that the San Francisco County Transportation Authority is a state agency under the California Public Access to Information Act. *SF Urban Forest Coalition v. City and County of San Francisco*, 2019 WL 1111111 (1st Dist. Cal. App. 2019). The court's decision was based on the fact that the SFCTA was created under the Bay Area County and Transportation Funding Act, which requires the Bay Area counties to create a local transportation authority and to submit a local transportation expenditure plan. The Act provides that the authority must be established with voter approval of the tax. In 1989, San Francisco established the SFCTA in accordance with the Act.



Plaintiff submitted records requests to the SFCTA

under San Francisco's Sunshine Ordinance, which was enacted by local ballot measure and "provides rules and procedures for public access to City meetings and records." The SFCTA responded by claiming it was not required to comply with the Sunshine Ordinance. Plaintiff brought a mandamus action seeking disclosure of the

records and a declaration that the SFCTA is subject to the Sunshine Ordinance. Plaintiff argued that the SFCTA was a city agency because it was created by local voters, rather than the state legislature; it operated on a local level; and the City's Board of Supervisors served as its governing body. The court determined that a "local agency," or an agency operating within limited boundaries, is not necessarily an agency of the city or county it serves, even if created by local voters. The fact that the City's Board of Supervisors was also SFCTA's governing board was likewise not sufficient to establish that the two government entities were the same. The court noted that this was a common structure for local agencies created by the state. Additionally, the structure of the Act indicated transportation agencies were deemed distinct from cities and counties because the Act provided detailed procedures for forming a local transportation authority and specific requirements for the contents of transportation expenditure plans. Plaintiff alternatively contended that even if SFCTA were a state agency, the Sunshine Ordinance should apply to the SFCTA. The court disagreed, concluding that the Sunshine Ordinance was not intended to apply to state agencies because ballot measure materials and provisions of the Ordinance expressly limited its scope to city agencies.

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