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July 7, 2011

Dear Chair Hudgins and Members of the Board of Directors:

The Riders' Advisory Council would like to again thank the Board for all of its work in crafting the draft bylaws and procedures that are in front of you today. We especially appreciate your willingness to reach out to stakeholders, including the Council, and to incorporate their comments and suggestions into both documents as they are considered by the Board.

In the version of the draft bylaws and procedures circulated for today's Governance Committee meeting, there are two items that the Council would like to bring to the Board's attention:

1. In Article XIV of the Board's proposed bylaws which discusses information requests of staff from the Council, staff is asked to provide information unless the information would "impose an undue burden... involves a matter which would be considered by the Board in executive session or (would) otherwise be exempt from disclosure under the Public Access to Records Policy."

The Council believes the intent of this provision is to include the list of exclusions in Section 6.0, "Exemptions from Disclosure and Exclusions from PARP." We have no objection to including those items. However, some who have read this provision have raised concerns that it is ambiguous about whether requests would also be subject to the processes of PARP, or to federal FOIA.

If indeed the Board's intent is to apply the items listed in PARP Section 6.0, the Council would suggest that the Board clarify this provision by explicitly making reference to that section.

2. In Article IX of the Board's Proposed Procedures, the notes contain an open question that we do not believe the Board has had the opportunity yet to discuss: the procedure for the Board or a committee to review any denials of information requests coming from either the Riders' Advisory Council or the Accessibility Advisory Committee. The Council asks that the Board provide guidance on this issue. Having a process already in place to address any issues that may arise concerning the Council's requests for information from Metro staff, however unlikely, would provide clarity about how to resolve any disputes.

Thank you again for your consideration of these requests and your continued work to include Metro's many stakeholders in its governance and decision-making processes.

Sincerely,

A handwritten signature in black ink that reads "Frank DeBernardo". The signature is written in a cursive, flowing style.

Frank DeBernardo, Chairman