

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**

November 10, 2008

**DATE THE DECISION ISSUED**

October 28, 2008

*KARL BEALE v. PUBLIC LIBRARY, RECREATION & PARK DEPARTMENT (08046)*

**FACTS OF THE CASE**

The Recreation and Park Department and the Public Library scheduled a joint master planning workshop for the Joe DiMaggio North Beach Playground and the North Beach Branch Library for August 18, 2008, at 7:00 p.m. The meeting included a joint presentation from Recreation and Park and the Library and was noticed by posting on the Library's website and by mailing and posting information flyers.

**COMPLAINT FILED**

On August 26, 2008, Karle Beale filed a complaint against Recreation and Park and the Library. Karle Beale alleged that then two departments failed to notify the public of the August 18, 2008, meeting on Recreation and Park 's website. Karle Beale also alleged that Recreation and Park and the Library failed to provide adequate disclosure of the agenda and purpose of the meeting in the public notification, specifically, the contemplated closure of a local street.

**HEARING ON THE COMPLAINT**

On October 28, 2008, Complainant Karl Beale appeared before the Task Force and presented his complaint that said the closure of Mason Street in North Beach was predetermined and not publicized enough for public comment and participation. Respondent Agencies were represented by Branch Library Improvement Program member Mindy Linetzky who said the community forums were not public meetings and public hearings, and that the events were well publicized and well attended.

The issue in the case is whether the Agencies violated Section 67.7-1 of the Sunshine Ordinance.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based on the testimony and evidence presented, the Task Force finds that the Recreation and Parks Department and the San Francisco Public Library provided adequate notice of the business of the community workshop which was of concern to the community.

**ORDER OF DETERMINATION**

**DECISION AND ORDER OF DETERMINATION**

The Task Force finds that even though Section 67.7-1 applies in this case there was no violation because the noticing was sufficient and final decisions regarding the closure of Mason Street were not made at the gatherings.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on October 28, 2008, by the following vote: ( Goldman / Knee )

Ayes: Craven, Knee, Washburn, Johnson, Chu, Chan, Goldman

Noes: Williams

Recused: Cauthen, Knoebber



Kristin Murphy Chu, Chair  
Sunshine Ordinance Task Force

- c: Ernie Llorente, Deputy City Attorney
- Karl Beale, Complainant
- Mindy Linetzky, Branch Library Improvement Program
- Olive Gong, Recreation and Park Department
- Sue A Blackman, Public Library