

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**

December 21, 2009

**DATE THE DECISION ISSUED**

December 1, 2009

*LIBRARY USERS ASSOCIATION V. HISTORIC PRESERVATION COMMITTEE (09067)*

**FACTS OF THE CASE**

Complainant Peter Warfield said the Historic Preservation Committee's meeting minutes on two occasions failed to comply with the Ordinance as they did not provide: (1) a brief summary of each person's statement provided during the public comment; and (2) an indication of whether the speaker favored or opposed the item at issue.

**COMPLAINT FILED**

On October 13, Mr. Warfield filed a complaint with the Sunshine Ordinance Task Force.

**HEARING ON THE COMPLAINT**

On December 1, 2009, Complainant Peter Warfield appeared before the Task Force and presented his claim. Respondent Agency was not represented. No one in the audience spoke on behalf of the respondent.

The issue in the case is whether the Agency violated Section 67.16 of the Ordinance for not providing meaningful minutes.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Mr. Warfield told the Task Force that he had informed the Historic Preservation Commission that it was violation the Sunshine Ordinance by not providing meaningful minutes. He said the Commission Secretary discussed the issue at a subsequent meeting and someone was heard saying: "Mr. Warfield was right." He said discussion of the item ended with those at the meeting being told that budgetary issues are preventing the Commission from getting the basic support needed to comply with the law.

**DECISION AND ORDER OF DETERMINATION**

The Task Force finds that the agency violated Section 67.16 for not providing a brief summary of each person's statement during public comment and an indication of whether the speaker was for or against particular items during two meetings at issue. The Task

**ORDER OF DETERMINATION**

Force also found the Commission in violation of Section 67.21 (e) for failure to appear at the hearing.

The agency is instructed to appear before the Education, Outreach and Training Committee on December 10, 2009, to discuss compliance.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on December 1, 2009, by the following vote: ( Cauthen / Goldman )

Ayes: Craven-Green, Cauthen, Manneh, Washburn, Knoebber, Chu, Goldman, Knee

Excused: Johnson, Chan, Williams



Richard Knee

Chair, Sunshine Ordinance Task Force

- c: Jerry Threet, Deputy City Attorney
- Peter Warfield, Complaint
- Linda Avery, Respondent