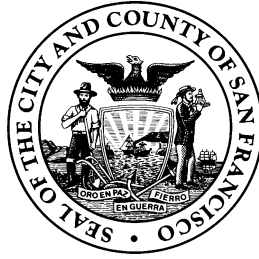


**SUNSHINE ORDINANCE
TASK FORCE**



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March 13, 2012

San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102

**Re: Notice of Willful Failure and Referral for Enforcement of Order of Determination
Sunshine Complaint No. 11054, Ray Hartz v. Luis Herrera of the Public Library**

The Sunshine Ordinance Task Force (“Task Force”) hereby provides notification of willful failure and official misconduct findings against San Francisco City Librarian Luis Herrera for failure to comply with the Order of Determination issued September 3, 2011 in Sunshine Complaint No. 11054, *Ray Hartz v. Luis Herrera of the Public Library*, in violation of Sunshine Ordinance public meeting provisions (see S.F. Admin. Code Sec. 67).

This willful failure and official misconduct finding is noticed for appropriate action pursuant to:

- (1) Sunshine Ordinance Section 67.34 whereby the “willful failure of any elected official, department head, or other managerial city employee to discharge any duties imposed by the Sunshine Ordinance, the Brown Act or the Public Records Act shall be deemed official misconduct;”
- (2) San Francisco City Charter Section 15.102 which provides that the Ethics Commission “may adopt rules and regulations relating to carrying out the purposes and provisions of ordinances regarding open meetings and public records;”
- (3) San Francisco City Charter Section 15.105 (Suspension and Removal); and
- (4) Sunshine Ordinance Section 67.30(c) which provides that “the Task Force shall make referrals to a municipal office with enforcement power under this ordinance or under the California Public Records Act and the Brown Act whenever it concludes that any person has violated any provisions of this ordinance or the Acts.”

The Task Force further refers the Order for enforcement, and requests Mr. Herrera be required to include the written summaries of 150 words or less submitted by complainant Ray Hartz in the body

of Library Commission minutes. This enforcement referral is made pursuant to Sunshine Ordinance Section 67.30(c) as previously cited.

Background

Ray Hartz filed a complaint with the Task Force on July 26, 2011 alleging City Librarian Luis Herrera violated public meeting laws by failing to include Mr. Hartz's public comment summaries within the body of the minutes for Library Commission meeting held on May 19, 2011 and June 16, 2011.

Task Force Hearing on Complaint

On August 23, 2011, the Task Force held a hearing on the complaint, finding violations of public meeting laws. On September 13, 2011, the Task Force's Compliance and Amendments Committee found that Mr. Herrera had failed to comply with the Order of Determination.

A description of the Task Force hearing, violations found, and decision are described in the attached Order of Determination.

Thank you for your attention to this matter. Please confirm receipt of this notice to the Task Force Administrator at sotf@sfgov.org or (415) 554-7724. The Administrator is also available to provide any additional information needed.

Hope Johnson, Chair
Sunshine Ordinance Task Force

Encl.

cc: Ray Hartz, Complainant
City Librarian Luis Herrera, Respondent
Library Commission Vice President Lee Munson, Respondent
Library Commission Secretary Sue Blackman, Respondent
Jerry Threet, Deputy City Attorney
Supervisor David Campos, Immediate Past Chair, Government Audit & Oversight Committee
San Francisco Civil Grand Jury