

**SUNSHINE ORDINANCE  
TASK FORCE**



**City Hall**  
**1 Dr. Carlton B. Goodlett Place, Room 244**  
**San Francisco 94102-4689**  
**Tel. No. (415) 554-7724**  
**Fax No. 415) 554-7854**  
**TDD/TTY No. (415) 554-5227**

March 13, 2012

District Attorney George Gascón  
San Francisco District Attorney's Office  
Hall of Justice  
850 Bryant Street, Room 322  
San Francisco, CA 94103

**Re: Notice of Willful Failure and Official Misconduct**  
**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 referral is made in request 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) 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;" and
- (3) Section 54960(a) of the Brown Act (California Government Code Sections 54950-54963) which provides authority for the District Attorney to "commence an action by mandamus, injunction or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to actions or threatened future action of the legislative body."

## **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 Hearings 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](mailto: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