

**SUNSHINE ORDINANCE  
TASK FORCE**



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March 7, 2013

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

**Re: Compliance and Amendments Committee recommendation for referral to the Ethics Commission in the case of Ray Hartz v Luis Herrera for allegedly not including a brief written summary of public comments within the body of the meeting minutes.**

**(Sunshine Ordinance Complaint No. 11098, Hartz v Luis Herrera, City Librarian)**

Dear Ethics Commission,

On March 7, 2012, the Task Force heard Complaint No. 11098, by Ray Hartz ("Complainant") against Luis Herrera, City Librarian ("Respondent"). The Complaint alleged that Respondent failed to include, within the body of the official minutes, written summaries of public testimony of not more than 150 words supplied by members of the public, with regard to the minutes of the August 18, 2011, October 6, 2011, and November 3, 2011 general meetings of the Library Commission.

Ray Hartz represented himself during the hearing, while Respondent did not appear. At the conclusion of the hearing, the Task Force found Respondent in violation of Sunshine Ordinance Section 67.16 for failure to include the 150-word summary of the Complainant's comments in the body of the Library Commission meeting minutes, and 67.21(e) for the Respondent's failure to appear at the hearing. The Task Force referred the matter to the Compliance and Amendments Committee to monitor compliance with its Order.

The Task Force issued an Order of Determination in this matter on March 12, 2012. The Order required that Respondent make the changes necessary to include the public comment summaries in the body of the minutes for the Library Commission's regular meetings held on August 18, 2011, October 6, 2011 and November 3, 2011.

On May 15, 2012 the Compliance and Amendments Committee heard Ray Hartz (Complainant) provide an update on an order of determination from the April 4, 2012 full SOTF meeting. The Respondent (Luis Herrera) was not present to provide an update and respond to questions. The

committee moved to refer the matter back to the Task Force with a recommendation that it be forwarded to the Ethics Commission.

At the December 5, 2012 SOTF meeting the Task Force moved to refer Luis Herrera, City Librarian to the Ethics Commission for failure to comply with the Order of Determination, for violating Sections 67.16 for failure to include Mr. Hartz's public comment summaries in the Library Commission's minutes and Section 67.34 for willful failure to comply with the Order of Determination from the April 4, 2012 SOTF meeting.

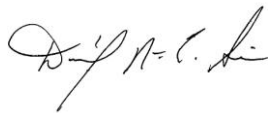
The Task Force recommends the Ethics commission investigate Luis Herrera, City Librarian for his willful failure to include public comment summaries in the body of the Library Commission minutes.

This request and referral is made under Section 67.30 (c) whereby the Task Force shall make referrals to a municipal office with enforcement power under the Sunshine 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.

Thank you for your timely attention to this matter. A description of the Task Force hearing, violations found, and decision are described in the attached Order of Determination. Please contact the Sunshine Ordinance Task Force Administrator at [sotf@sfgov.org](mailto:sotf@sfgov.org) or [\(415\) 554-7724](tel:4155547724) with any questions or concerns.



Kitt Grant, Chair  
Sunshine Ordinance Task Force



David Sims, Member Attorney  
Sunshine Ordinance Task Force

Encl.

cc: Ray Hartz, Jr., Complainant  
Luis Herrera, City Librarian, Respondent  
Jerry Threet, Deputy City Attorney