

**SUNSHINE ORDINANCE
TASK FORCE**



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

**ORDER OF DETERMINATION
July 15, 2015**

DATE DECISION ISSUED:
July 1, 2015

CASE TITLE - Ray Hartz v. President Teresa Ono and the San Francisco Library Commission. (File No. 15036)

COMPLAINT FILED

On March 24, 2015, Ray Hartz (Complainant) filed a complaint alleging that President Teresa Ono and the San Francisco Library Commission violated Administrative Code (Sunshine Ordinance), Sections 67.7(b) and 67.15(d), by failing to provide adequate opportunity for public testimony and failing to provide a meaningful description of agenda items in regards to the San Francisco Library Commission's March 19, 2015, meeting.

HEARING ON THE COMPLAINT

On July 1, 2015, Mr. Hartz appeared before the Sunshine Ordinance Task Force (SOTF) and presented his claim. Sue Blackman and Michael Lambert, San Francisco Public Library (Respondent), appeared before the SOTF and presented the department's position.

The representatives from the San Francisco Public Library stated that public comment was not accepted on the agenda item in question because the subject of the hearing (Labor Union Report) had not been received by the Library Commission. As there was no report, there were no topics for the Library Commission to discuss and on which to accept public comment. However, in an effort to provide better agenda in the future the Library Commission has come to an agreement with the Labor Union. The Labor Union has agreed to provide detailed subject matters to be discussed at the Library Commission meetings with enough notice to allow the Library Commission to include the subject matter in the agenda description. In addition, the Labor Union has been informed that if the subject matter of their report is not provided in a timely manner the Labor Union Report will be removed from the Library Commission's agenda.

The SOTF conveyed their appreciation for the efforts already taken to improve the Library Commission agendas as the SOTF's opinion on the matter is that if a matter appears on the agenda, public comment must be accepted even if there is no report on the agenda item.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF finds the testimony of Mr. Hartz to be persuasive and finds Administrative Code (Sunshine Ordinance), Section 67.15(a), to be applicable to this case. The SOTF does not find the testimony provided by the Respondents persuasive to this case.

DECISION AND ORDER OF DETERMINATIONS

The Sunshine Ordinance Task Force finds President Teresa Ono and the San Francisco Library Commission in violation Administrative Code (Sunshine Ordinance), Section 67.15(a), for failure to accept public comment on an agenda item.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on July 1, 2015, by the following vote:

Ayes: 6 - Wolf, Pilpel, Hepner, Haines, Fischer, Washburn
Noes: 0 - None
Absent: 3 - Chopra, Hinze, Hyland

A handwritten signature in blue ink that reads "Allyson M. Washburn". The signature is written in a cursive style.

Allyson Washburn, Chair
Sunshine Ordinance Task Force

- c. Nick Colla, Deputy City Attorney
- Ray Hartz, Complainant
- Sue Blackman, San Francisco Public Library
- Luis Herrera, San Francisco Public Library
- Michael Lambert, San Francisco Public Library
- Teresa Ono, San Francisco Library Commission