ORDER OF DETERMINATION
November 10, 2008

DATE THE DECISION ISSUED
October 28, 2008

KARL BEALE  v. PUBLIC LIBRARY, RECREATION & PARK DEPARTMENT (08046)

FACTS OF THE CASE

The Recreation and Park Department and the Public Library scheduled a joint master planning workshop for the Joe DiMaggio North Beach Playground and the North Beach Branch Library for August 18, 2008, at 7:00 p.m. The meeting included a joint presentation from Recreation and Park and the Library and was noticed by posting on the Library’s website and by mailing and posting information flyers.

COMPLAINT FILED

On August 26, 2008, Karle Beale filed a complaint against Recreation and Park and the Library. Karle Beale alleged that then two departments failed to notify the public of the August 18, 2008, meeting on Recreation and Park’s website. Karle Beale also alleged that Recreation and Park and the Library failed to provide adequate disclosure of the agenda and purpose of the meeting in the public notification, specifically, the contemplated closure of a local street.

HEARING ON THE COMPLAINT

On October 28, 2008, Complainant Karl Beale appeared before the Task Force and presented his complaint that said the closure of Mason Street in North Beach was predetermined and not publicized enough for public comment and participation. Respondent Agencies were represented by Branch Library Improvement Program member Mindy Linetzky who said the community forums were not public meetings and public hearings, and that the events were well publicized and well attended.

The issue in the case is whether the Agencies violated Section 67.7-1 of the Sunshine Ordinance.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented, the Task Force finds that the Recreation and Parks Department and the San Francisco Public Library provided adequate notice of the business of the community workshop which was of concern to the community.
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DECISION AND ORDER OF DETERMINATION

The Task Force finds that even though Section 67.7-1 applies in this case there was no violation because the notifying was sufficient and final decisions regarding the closure of Mason Street were not made at the gatherings.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on October 28, 2008, by the following vote: (Goldman / Knee)

Ayes: Craven, Knee, Washburn, Johnson, Chu, Chan, Goldman
Noes: Williams
Recused: Cauthen, Knoebber

Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney
   Karl Beale, Complainant
   Mindy Linetzky, Branch Library Improvement Program
   Olive Gong, Recreation and Park Department
   Sue A Blackman, Public Library