

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
January 30, 2017**

DATE ISSUED
January 4, 2017

CASE TITLE – Library Users Association v. City Librarian Luis Herrera and the Public Library (File No. 16077)

FACTS OF THE CASE

On August 22, 2016, the following complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 16077: Complaint filed by the Library Users Association against City Librarian Luis Herrera and the Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.26 and 67.27, by failing to respond to an Immediate Disclosure Request in a complete manner, keeping withholding of records to a minimum, and failing to provide justification for withholdings.

HEARING ON THE COMPLAINT

On November 22, 2016, the Complaint Committee acting in its capacity to hear complaints heard the matter and referred it to the Task Force for hearing

On January 4, 2017, the SOTF reviewed the recommendation from Committee and held a hearing to review the merits of the complaint.

Peter Warfield (Library Users Association) (Complainant) provided an overview of the complaint and requested that the Task Force find violations. Mr. Warfield stated that the records provided were incomplete and that the referenced website provided was not easily navigated. There were no speakers in support of the Complainant. Sue Blackman and Luis Herrera (Public Library) (Respondent), provided a summary of the department's position that available records were provided and that Mr. Warfield was referred to the conference organizer's website for additional information. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent and Complainant were provided the opportunity for rebuttals.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that a violation of Administrative Code (Sunshine Ordinance), Sections 67.25 and 67.26, occurred.

ORDER OF DETERMINATION

The Sunshine Ordinance Task Force found that City Librarian Luis Herrera and the Public Library violated Administrative Code (Sunshine Ordinance), Sections 67.25 and 67.26, by failing to respond to an Immediate Disclosure Request in a timely and complete manner and failing to keep withholding of public records to a minimum.

The SOTF did not recommend any additional actions or referrals.

The motion to find violations PASSED by the following vote:

Ayes: 8 - Eldon, J. Wolf, Maass, Cannata, Fischer, Hinze, Hyland,
B. Wolfe
Noes: 0 - None
Absent: 2 - Chopra, Baranetsky
Excused: 1 - Tesfai



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Peter Warfield, Library Users Association (Complainant)
Sue Blackman, Public Library (Respondent)
City Librarian Luis Herrera, Public Library (Respondent)