

**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, Library Commission Secretary Sue Blackman, Commission President Mary Wardell-Ghirarduzzi, and the Library Commission (File No. 16086)

FACTS OF THE CASE

On September 14, 2016, the following complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 16086: Complaint filed by the Library Users Association against Commission Secretary Sue Blackman, City Librarian Luis Herrera, Commission President Mary Wardell-Ghirarduzzi and the Library Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.7 and 67.15, by failing to post an agenda containing a meaningful description of each item of business to be transacted or discussed at the meeting and failing to provide an opportunity for members of the public to directly address a policy body on items of interest to the public that are within the body's jurisdiction.

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 Respondents were aware of the potential action to adjourn the meeting in honor of retiring Library employee Toni Bernardi which should have been listed as an action item on the agenda. There were no speakers in support of the Complainant. Sue Blackman (Public Library) (Respondent), provided a summary of the department's position. Ms. Blackman stated that the decision by Commission President Wardell-Ghirarduzzi to adjourn the meeting in honor of a Toni Bernardi was not planned and was a last minute request. 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.

Chair Wolfe stated that upon review of the Board of Supervisors and SFPUC agendas "in memoriam" and commendations being placed onto the agenda appear to be a regular practice in city government which allows for public comment.

The SOTF motion to find a violation of Administrative Code (Sunshine Ordinance), Section 67.7(e) FAILED. There being no further motion no violations were found and the matter was concluded.

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), Section(s) 67.7(e), DID NOT occur.

ORDER OF DETERMINATION

The Sunshine Ordinance Task Force motion to find a violation of Administrative Code (Sunshine Ordinance), Section 67.7(e) FAILED. There being no further motion no violations were found and the matter was concluded.

The motion to find violations FAILED by the following vote:

Ayes: 5 - Eldon, J. Wolf, Maass, Cannata, B. Wolfe
Noes: 3 - Fischer, Hinze, Hyland
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)