

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION  
March 15, 2017**

**DATE ISSUED**  
March 1, 2017

**CASE TITLE – Ray Hartz v. City Librarian Luis Herrera and the Public Library (File No. 16117)**

**FACTS OF THE CASE**

On December 20, 2016, the following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

**File No. 16117:** Complaint filed by Ray Hartz against City Librarian Luis Herrera and the Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-6, by failing to disclose the amount and source of all outside funds or services worth more than one hundred dollars in aggregate, accepted by the Public Library for the purpose of carrying out or assisting any City function, on their website.

**HEARING ON THE COMPLAINT**

On February 21, 2017, the Education, Outreach and Training Committee (Committee) acting in its capacity to hear petitions/complaints heard the matter and referred it to the Task Force for hearing.

On March 1, 2017, the SOTF held a hearing to review the recommendation from Committee and to review the merits of the petition/complaint.

Ray Hartz provided an overview of the complaint and requested that the Task Force find violations. Mr. Hartz provided a history of his previous complaints against the Public Library and his requests for records. There were no speakers in support of the Petitioner/Complainant. Maureen Singleton, Public Library (Respondent), provided a summary of the department's position. Ms. Singleton stated that the Public Library is in the process of creating a Memorandum of Understanding with the Friends of the Public Library which will include an agreement required by Administrative Code, Section 67.29-6. Chair Dave Stringer-Calvert, Friends of the Public Library, spoke in support of the Respondent and provided a summary of the Friends of the Public Library and their operations. The Respondent and Petitioner/Complainant were provided the opportunity for rebuttal.

## FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented the SOTF found that City Librarian Luis Herrera and the Public Library violated Administrative Code (Sunshine Ordinance), Section 67.29-6.

## ORDER OF DETERMINATION

Vice Chair Hyland, seconded by Member Cannata, moved to find that City Librarian Luis Herrera and the Public Library violated Administrative Code (Sunshine Ordinance), Section 67.29-6, by failing to maintain a written agreement to abide by the Sunshine Ordinance with entities collecting/maintaining funds for the purpose of carrying out or assisting any City function unless the amount and source of all such funds is disclosed as a public record and made available on the website for the department.

The motion PASSED by the following vote:

Ayes: 9 – Eldon, J. Wolf, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland,  
B. Wolfe  
Noes: 0 – None  
Absent: 2 – Chopra, Baranetsky

The Task Force referred the matter to the Compliance and Amendments Committee to review the draft Memorandum of Understanding between the Public Library and the Friends of the Public Library to ensure that Administrative Code (Sunshine Ordinance), Section 67.29-6 is addressed.



Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

- c. Ray Hartz (Petitioner/Complainant)  
City Librarian Luis Herrera, Public Library (Respondent)  
Sue Blackman, Public Library (Respondent)