

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
8/12/21**

DATE DECISION ISSUED
June 6, 2021

**CASE TITLE – Library Users Assn. v. The Library Commission and
Mary Wardell Ghirarduzzi**
File No. 20082

FACTS OF THE CASE

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 20082: Complaint filed by Library Users Association against Mary Ghirarduzzi and the Library Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15 by failing to allow participation in public comment during a remote Library Commission meeting July 9, 2020.

HEARING ON THE COMPLAINT

On March 23, 2021, the Education, Outreach and Training Committee, acting in its capacity to hear petitions/complaints heard the matter.

Peter Warfield, Library Users Association (Petitioner) provided a summary of the complaint and responded to questions from the committee. Mr. Warfield stated that the Library Commission denied public comment on a certain item and described his experience with the Library Commission public comment process. Mr. Warfield stated that adequate instructions and opportunity were not provided for public comment.

Margot Shaub (Library Commission) (Respondent), provided a summary of the department's position and responded to questions from the committee. Ms. Shaub stated that instructions were provided to Mr. Warfield and that many opportunities were provided to allow public comment.

The Committee suggested that the Respondent provide information on the call-in process.

Action: Moved by Chair Hyland, seconded by Member Padmanabhan, to find that the SOTF has jurisdiction and referred the matter to the SOTF for hearing.

The motion PASSED by the following vote:

Ayes: 3 - Schmidt, Padmanabhan, Hyland

Noes: 0 - None

The Committee referred the matter to the SOTF. On June 2, 2021, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Peter Warfield (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Warfield stated that on July 9, 2020, a special meeting took place and Library Users was denied an opportunity to speak during public comment on item 2. Mr. Warfield stated that he wanted to speak on behalf of those without internet access and that over 100,000 people in San Francisco are without computers. Mr. Warfield stated the Public Library's use of a call-in phone number outside of the local toll area could have caused members the public to be charged long distance charges.

Margot Shaub (Library Commission) (Respondent), provided a summary of the department's position. Ms. Shaub stated that the Petitioner had time to make his comment, but there was a technical issue. Ms. Shaub stated that the Library did not fail to allow public comment. Ms. Shaub stated that Mr. Warfield was able to make public comment throughout the remainder of the meeting.

Action: Moved by Member Schmidt, seconded by Member LaHood, to find that the Library Commission violated Administrative Code, Sunshine Ordinance Section 67.15, by failing to allow Public Comment and 67.13(a) by requiring payment to attend the meeting by telephone from outside the phone toll area.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that the Library Commission violated Administrative Code (Sunshine Ordinance), Sections 67.15 by failing to allow Public Comment and 67.13(a) by requiring payment to attend the meeting by telephone from outside the phone toll area.

DECISION AND ORDER OF DETERMINATIONS

On June 2, 2021, moved by Member Schmidt, seconded by Member LaHood, to find that the Library Commission violated Administrative Code, Sunshine Ordinance Section 67.15, by failing to allow Public Comment and 67.13(a) by requiring payment to attend the meeting by telephone from outside the phone toll area.

The motion PASSED by the following vote:

Ayes: 9 - Schmidt, LaHood, Yankee, Stein, Neighbors, Wong, Wolfe,
Padmanabhan, and Forsley

Noes: 1 - Hyland

Absent: 1 - Frazier

A handwritten signature in blue ink, appearing to read 'Bruce Wolfe', enclosed within a hand-drawn oval.

Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Library Users Assn., (Petitioner/Complainant)
The Library Commission (Respondent)