



San Francisco Public Library Commission

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SAN FRANCISCO PUBLIC LIBRARY COMMISSION

Minutes of the Regular Meeting of September 1, 2011

Edwin M. Lee
Mayor

(As approved at the October 6, 2011 regular Commission meeting)

Jewelle Gomez
President
A. Lee Munson
Vice-President

The San Francisco Public Library Commission held a regular meeting on Thursday, September 1, 2011, in the Koret Auditorium, Main Library.

Michael C. Breyer
Larry Kane
Michael Nguyen
Teresa Ono
Luana Randlett
Commissioners

The meeting was called to order at 4:33 pm.

Commissioners present: Breyer, Gomez, Munson and Nguyen.

Luis Herrera
City Librarian

Commissioner Ono arrived at 4:39 pm.

Commissioners Kane and Randlett arrived at 4:48 pm.

Sue Blackman
Commission Secretary

AGENDA ITEM NO. 1 PUBLIC COMMENT

An anonymous citizen said sunshine laws are really open government laws. He said sunshine is not supposed to create problems but the primary benefit is improving the institutions. He said successful enterprises do not insulate their policy makers from reality. He said there is a direct relationship between the Library Commission being more important than the library and those planning failures. He said the Library Commission cannot claim the history of success makes democracy meaningless. (See Addendum for a summary of this comment submitted by the speaker.)



Ray Hartz, Director San Francisco Open Government, said he recently did a couple of public records requests and went to a hearing at the Sunshine Task Force regarding them. He said the Library asked for a 14 day extension because of the voluminous nature of the request. He said what he finally got was 11 pages. He said he questioned whether things like this are being handled appropriately under the Sunshine Ordinance. He said he has a concern over the lack of oversight of the Commission over the Friends of the Library. He said he has obtained the Financial Statements of the Friends and does not believe the Commission is looking at the actual numbers in the reports.

A member of the public said there is a beautiful flyer that says "Power your Mind and Read." He said the busiest days at the Library are Friday, Saturday, and Sunday and there should be more open hours on those days.

Peter Warfield, Executive Director, Library Users Association, said the previous speaker has brought up something very significant and that is library hours. He said the library has had a tendency to neglect what the public would like in regard to hours. He said every five years the library is required to discuss and set the hours for the next five years. He said the catalog of the library has many, many problems.

AGENDA ITEM NO. 2. SUNSHINE ORDINANCE TASK FORCE ORDER OF DETERMINATION REGARDING COMMISSION MINUTES

Sue Blackman, Library Commission Secretary, said on October 14, 2010, Mr. Ray Hartz filed a complaint with the Sunshine Ordinance Task Force (SOTF) against the Library Commission for not including the 150 word summaries provided by the public in the body of the Commission Minutes for the September 16, 2010 meeting. She said on January 25, 2011 the SOTF heard the complaint and issued its Order of Determination on February 7, 2011. She said the SOTF found that the Commission violated Sunshine Ordinance Section 67.16 for attaching the statement as an addendum and not placing it within the body of the minutes. She said the issue has been sent to the Ethics Commission. She said on August 2, 2011 Mr. Hartz filed another complaint with the SOTF for not including the 150 word summaries in the body of the Minutes for the May 19, 2011 and June 16, 2011 meetings. She said on August 23, 2011 the SOTF heard that complaint and again found that the Library Commission violated the Sunshine Ordinance but no Order of Determination has yet been issued. She said the SOTF also directed that a letter be sent to the City Attorney's Office requesting that it stop directing Departments that it is o.k. to have the summary statements as an addendum. She said this issue has been brought to the Commission's attention for discussion and possible action and the City Attorney's memorandum opining that the summary may be included as an attachment to the minutes is included in the Commissioner's packets and at the back of the room.

Luis Herrera, City Librarian, said the memorandum from the Deputy City Attorney stipulates that the Good Government Guide states on page 134 that the summary may be included as an attachment to the minutes. He said Alicia Cabrera, Deputy City Attorney is available to answer any questions.

Public Comment

An anonymous citizen said Commissioner Munson sabotaged your position at the SOTF by three justifications that were instantly recognizable as improper motives. He said Commissioner Munson admitted something in the addendum was not the "body of the minutes;"

that 'inclusion by reference' was placing 'subsidiary material' outside the main document violated the citizen's full participation; and he described the anonymous citizen and others remarks as not being helpful nor germane, which everyone recognizes as content based discrimination. He said what Commissioner Munson finds objectionable is just the public defending itself from how they have been attacked. He said this is a direct result of the Commission's abuse and everyone knows it. (See Addendum for a summary of this comment submitted by the speaker.)

Ray Hartz, Director, Director San Francisco Open Government, said he is the plaintiff in two cases which were discussed by Ms. Blackman. He read a communication from Hope Johnson, the Chair of the SOTF, stating that there was not a finding of fact by the SOTF that the SOTF had found in a previous ruling that placing the 150-word statement as an addendum was acceptable if it was mentioned in the body of the minutes. He said that Ms. Johnson said this would be placed on the SOTF agenda at their September meeting for a reconsideration of that language in the Order of Determination. He said he has a copy of the draft determination on Case No. 11054 in which the SOTF said an addendum is an attachment to a document and in this case an attachment to the minutes, rather than a part of the minutes. He said that the Order said that the 150-word statement must be in the minutes and that the requirement was not satisfied by attaching the statement as an addendum at the end of the minutes. He said it goes on to say that one other reason the statement should be in the body of the minutes is to avoid the potential issue of abridging unwanted public comment. He said that complaint was filed against the City Librarian and the Commission Secretary.

Peter Warfield, Library Users Association, said this is a simple case and the Library has managed to make an epic struggle out of it all for the purpose of burying public comment. He said in this case the Ordinance is very clear in its requirement that it requires the 150 word statement to be in the body of the minutes. He said the Ethics Commission has already found this body in violation of a previous SOTF referral regarding President Gomez.

Commission Discussion

President Gomez asked about other Commissions and how they do the minutes.

Alicia Cabrera, Deputy City Attorney, said that she knows that the Ethics Commission has included the 150 word statement as an attachment incorporated into the minutes by reference. She said the same issue has been raised with the Board of Appeals and they have the same practice as the Library Commission as well.

Commissioner Kane said the Board of Supervisors also includes Resolutions by reference as part of the Minutes.

Commissioner Breyer said he would like the Commission to include not only the audio of the meetings but also the video recordings on the website. He said he thought that would improve the transparency and openness of the meetings. He said he would urge his fellow Commissioners to consider this.

President Gomez said Commissioner Breyer's comments do not necessarily address this issue and could be taken up at a future meeting.

Sue Blackman, Library Commission Secretary, said she did not think there would need to be an action on this item unless the Commission wanted to direct a change in the way the minutes are prepared.

Commissioner Breyer said he does not see the big deal of whether the 150 word statements are in the Minutes.

Alicia Cabrera, Deputy City Attorney, said there is not a legal issue here. She said the 150 word statements are incorporated by reference into the Minutes and it is a common current practice. She said the San Francisco Public Library's current practice of preparing the minutes does comply with Administrative Code Section 67.16.

AGENDA ITEM NO. 3. REPORT ON ASSEMBLY BILL 438 COUNTY FREE LIBRARY SYSTEM

Luis Herrera, City Librarian, said at the last Commission meeting under the Labor Union Report there was an item brought forth by the Labor representative regarding Assembly Bill 438. He said this is a discussion item for the Commission and there is included in the packets the amended version of the bill. He explained the existing law and said this bill would impose specific requirements and there are seven different provisions in the bill. He said the League of Cities is opposing this bill. He said the City and County of San Francisco has a specific process for any privatization of public functions. He said the bill has been approved by the Assembly and is now being heard by the Senate. He said if passed this might go to the Governor in late September, early October.

Public Comment

An anonymous citizen said he wished the Commission had been given the latest version of the bill. He said it has been amended twice since July 12, on August 18 and August 29. He said it is presently before the State Senate Governance and Finance Committee on its third reading today. He said this bill is a very general open government requirement before privatization is implemented. He said it was the hope that this would come before the Commission as an action item. He said the idea behind the bill is to make sure the public is fully aware of the implications of privatization. (See Addendum for a summary of this comment submitted by the speaker.)

Peter Warfield, Library Users Association, said he is disappointed that the Bill provided shows the last amendment as of July 12 since there have been two amendments since then. He said the provisions protecting public workers that have been stricken in this version have been placed back in the bill. He said the notice to the public is good and disclosure to the public is good.

Ray Hartz, Director of San Francisco Open Government, said it would have been nice if you had been provided with a current version of the bill. He said a public library that is taken private is the same as a hospital that goes private and is no longer answerable to the public. He said once a public library becomes a private library how can it be called a public library. He said the control would be taken away for the City Librarian and the Commission. He said a public library is answerable to the public.

Commission Discussion

President Gomez asked the labor representative for their input on the matter.

Cathy Bremer, representing SEIU, said she was passing out a summary of the latest version of the bill. She said it should be acted on by the Senate between now and September 9 when the session ends. She said the Chronicle has come out against the bill because it takes away public control but the fact is that libraries are a bigger public institution than any single segment of the government. She said SEIU is the proud sponsor of the Privatization Beast that is a real character that wears a yellow suit. She said this is a very scary issue and SEIU has been actively supporting the bill. She said she is asking for a letter of support and brought in examples to share with the Commission. She said there can be no action at this meeting.

Luis Herrera, City Librarian, said they can bring this back for discussion and further action by the Commission if it desires.

President Gomez said the Commission can direct any position on this to the Board of Supervisors, but not directly to the State.

Commissioner Kane said he would like to see the amended bill if the Commission decides to take any action on this. He said he did not see a definition of library services or what contracts that this might have an effect upon. He said he is fundamentally opposed to any privatization of libraries. He said he would like more information.

Luis Herrera, City Librarian, said his understanding was that this would relate to library services as a whole.

Commissioner Munson said he would suggest voting on something opposing library privatization as a general principle.

Commissioner Ono said there really is no time for the Commission to act on the bill, but individual Commissioners could send letters individually.

Commissioner Breyer said he would urge his fellow Commissioners to support this legislation at their next meeting.

Alicia Cabrera, Deputy City Librarian, said under the City Charter the only entities that are allowed to take positions on State matters are the Mayor's Office and the Board of Supervisors. She said the Commission could take a position recommending support of the legislation to the Board of Supervisors. She said the Commission could take a general position relating to the privatization of public libraries.

Luis Herrera, City Librarian, said they would bring something back to the Commission to review.

AGENDA ITEM NO. 4. CITY LIBRARIAN'S REPORT

Luis Herrera, City Librarian, said the Ortega Branch Library will open on Saturday September 10 and everyone is encouraged to attend. He said he did want to emphasize the time change which will be 11:00 am. He said the next presentation will be on eBooks.

Laura Lent, Chief of Collections and Technical Services said Trent Garcia coordinates the management of the ever increasing number of the library's e-resources and will be giving the presentation on eBooks.

Trent Garcia said eBooks and e-audio books have been around for over a decade, but have recently become popular with large audiences because of devices such as the Kindle and iPhone. He said the Library has anticipated this need. He said four platforms are currently available to our patrons. He gave statistics on checkouts by format. He said total checkouts in the last 14 months were 109,496. He said there is an expanding market for digital content. He said some of the challenges are a volatile industry, publisher decisions on distribution impacting libraries and providing access long-term. He said the goals are to learn and inform ourselves, evaluate products, provide access and support, and continue the conversation on role of eBooks/emedias in libraries.

Luis Herrera, City Librarian, said the next presentation will be on the Summer Reading Program and he wanted to remind the Commission that this year the program included all age groups.

Toni Bernardi, Chief of Children and Youth Services, said the theme for this year's Summer Reading Program was Power Your Mind: READ! She said 11,474 people participated and they read for 470,795 hours. She said the two major changes this year were that it was one single program for all ages and they added online registration. She said there were 6,463 first time participants. She said 625 teens volunteered as Kid Power volunteers to help run the program. She said 286 related programs

were held. She said they want to continue to work with the schools and the Recreation and Park Department to continue to build the program.

Michelle Jeffers, Public Relations Officer, said this year's One City One Book is Packing for Mars the Curious Science of Life in the Void by Mary Roach. She said this is a very entertaining trip into life in space and the study of space travel. She said there will be more than 25 programs and the main program will be Mary Roach in Conversation with Mythbusters Adam Savage on Wednesday, November 2 at 6 pm in the Koret Auditorium. She said there are promotional materials in buses and transit shelters, coffee shops, bookmarks, posters and program guides.

Public Comment

An anonymous citizen said he was a little surprised that there was no announcement that former City Librarian Susan Hildreth has taken a job in the Obama administration as Director of the Institute of Museum and Library Services in Washington, DC. He said the real question relating to eBooks is what will be the long term position of this institution. He said it is a serious question that needs discussion of the pros and cons. He said he is a little concerned about the summer reading program because it used to be focused on children and he would like to ensure that it remains as successful for the children as it has been in the past.

Peter Warfield, Library Users Association, said it is good to see that the library is talking about books and encouraging discussion about books. He said he is very concerned about the library's support of electronic books and electronics generally. He said he does not think it is appropriate. He said it looks like we have around 10,000 eBooks and audio books. He asked about how that compares with the overall collection which he believes is around 200,000. He said there is no connection being made between eBooks and actual books in the library.

Ray Hartz, Director San Francisco Open Government, said he appreciates the statistics on the Summer Reading Program but we didn't see the number of total participants. He said we need to see a meaningful picture. He said the problem with eBooks is we never hear about the digital divide. He said one of the critical issues of the library is to allow new people and young people to get an introduction to reading.

Commission Discussion

President Gomez asked about the types of publishers that provide eBooks.

Trent Garcia said publishers are still looking at the types of books that are provided by eBooks. He said romance books are one of the most popular genres in the collection.

Commissioner Kane said he is glad the library is putting resources into electronic services and eBooks. He said there are issues regarding

privacy that need to be looked at. He said he would like a report back on the library's long term digital strategy.

President Gomez left the meeting at 6:10 pm and Vice-President Munson took over as Chair of the meeting.

Luis Herrera, City Librarian, said through our digital strategy framework we will come back to the Commission and report on what we are doing in those various categories. He said the library is very much about reading in whatever format.

Commissioner Breyer said he is interested in the cost of eBooks as compared to the rest of the collection.

Laura Lent, Chief of Collections and Technical Services, said the last fiscal year the library spent about 2.5% of the materials budget specifically on eBooks. She said this coming year they will probably spend about 5% of the budget to address the growth in their use. She said it is still a small percentage of the overall budget.

Commissioner Breyer asked about any other insights into how eBooks are being used by the patron.

Trent Garcia said he recently read a report that shows that people who use eBooks are also big time readers. He said there are a lot of seniors using the service.

Laura Lent said reference eBooks have unlimited access so many people can access that information at the same time.

Commissioner Ono asked about demographics of users and other statistics by types of books.

Commissioner Breyer asked about the statistics for the Summer Reading Program and how it compared to last year.

Toni Bernardi, Chief of Children and Youth Services said this year was a baseline year since it included children and adults, but basically it was very close in numbers to last year. She said they did offer a paper option for those people who did not want to sign up electronically.

Commissioner Nguyen said he is very impressed by the number of programs offered through the program. He said the number of teen programs seems to be less than the children's programs.

Toni Bernardi said they have a requirement that all branches will have at least one program a month directed at children. She said they have ongoing teen programs and some of those were specifically included as part of the summer reading program.

Commissioner Nguyen asked about the requirements for being a Kid Power volunteer.

Toni Bernardi said it is an age requirement and they need to interview with their local branch librarian. She said they need to meet a certain number of hours and to be consistent in those hours.

AGENDA ITEM NO. 5 APPROVAL OF THE MINUTES OF JULY 21, 2011

Public Comment

An anonymous citizen said these minutes are one of the most egregious examples of burying what is unfavorable to the library that he has ever seen. He said his comments on Item 1 omit the accusation he made of dishonesty by the library. He said the comments by Friend's Director Donna Bero are quoted verbatim at almost three times the length of his remarks. He said the longest comment is from Ray Hartz who has a Sunshine complaint for abridgment of his comments and presumably that detail will go away when the complaint is over. He said on page 12 it references a question from Commissioner Nguyen but there is no indication of what the question was. He said on page 11 it contains no mention of the budget being resolved in secret and he said on page 4 Mr. Hartz never said the mural was sexist and you are putting words in his mouth. (See Addendum for a summary of this comment submitted by the speaker.)

Peter Warfield, Library Users Association, said there are many unfortunate burials of what happened at the meeting. He said completely omitted was what Jewelle Gomez said on page 7 just above item 3 in item 2 where there was a discussion about the Bernal Heights artwork project and the fact that there were no words in the proposed artwork. He said he had pointed out that all the words had been deleted from the mural. He said that was a major important issue that was not included in the minutes. He said he spoke about the shame of the Library Commission and about the decision of the Sunshine Ordinance Task Force about Jewelle Gomez and the fact that the Commission had never discussed that issue in two years. He said that should be included. He said there are many other misrepresentations in these minutes.

Ray Hartz, Director San Francisco Open Government, said two prior speakers have already mentioned his concerns about the Minutes on page 4 where it states that he called the mural a sexist mural and he said he did not say that. He said on page 2 he never said the actions he has taken have nothing to do with race or sexual orientation as the Bay Guardian has implied. He said what he said was that Ms. Gomez was quoted in the Bay Guardian as stating she felt that the actions were because of her race and sexual orientation.

Sue Blackman, Library Commission Secretary, said she will go back and check to see if Mr. Hartz did submit 150 word statements that were not

included and she will listen to the tape again to make sure there is an accurate representation as to what the speakers are saying they actually said in the minutes. She said these Minutes could be brought back at the next meeting for adoption.

AGENDA ITEM NO. 6. ADJOURNMENT

Public Comment

Peter Warfield, Library Users Association, said the Commission should not adjourn without taking up new business, which gives the opportunity to allow your members to suggest new agenda items. He said he believes it is in your bylaws as a requirement, so the Commission should not adjourn with it and certainly it should be on every future agenda.

Ray Hartz, Director San Francisco Open Government, said he would like to see new business added to the agenda which would allow all the members to fully participate. He said the only things that seem to be on the agenda are the things President Gomez wants to see on the agenda. He said new business should be on every agenda. He said he is concerned that a member of the Commission has previously said there was a meeting of Commissioners and he is concerned that might have been a seriatim meeting.

Motion: By Commissioner Kane, seconded by Commissioner Ono to adjourn the regular meeting of September 1, 2011.

Action: AYES 5-0: (Breyer, Kane, Munson, Nguyen and Ono).

The meeting adjourned at 6:48 pm.

Sue Blackman
Commission Secretary

Explanatory documents: Copies of listed explanatory documents are available as follows: (1) from the commission secretary/custodian of records, 6th floor, Main Library; (2) in the rear of Koret Auditorium immediately prior to, and during, the meeting; and (3), to the extent possible, on the Public Library's website <http://sfpl.org>. Additional materials not listed as explanatory documents on this agenda, if any, that are distributed to library commissioners prior to or during the meeting in connection with any agenda item will be available to the public for inspection and copying in accordance with Government Code Section 54954.1 and Sunshine Ordinance Sections 67.9, 67.28(b), and 67.28(d).

ADDENDUM

These summary statements are provided by the speaker: Their contents are neither generated by, nor subject to approval or verification of accuracy by, the San Francisco Public Library Commission.

Item 1: General Public Comment

Anonymous Citizen: Stop the Hate & Ignorance – Don't give or accept money from the Friends & Foundation

Sunshine laws are really open government laws, and the society decided it prefers the benefits of democracy to aristocracy.

We hear most often that sunshine makes people feel included and responded to, but the primary benefit is improving the institutions.

Studies show the most successful businesses are those that are responsive to their employees and customers. Successful enterprises do not insulate their policy makers from reality.

This building was called the Heinz 87 varieties of scandal, because the Library Commission's motto was, "On Schedule, On Budget and On Program" and made sure it never heard anything different.

There is a direct relationship between the Library Commission being more important than the library and those planning failures.

This Library Commission cannot claim your history of success makes democracy meaningless. That ship has sailed. And the lies cost more than the money.

Item 2: Sunshine Ordinance Task Force Order of Determination regarding Commission Minutes

Anonymous Citizen: Stop the Hate, Stop the Ignorance – Don't give or accept money from the Friends & Foundation.

Commissioner Munson sabotaged your position at the Sunshine Ordinance Task Force by three justifications that were instantly recognizable as improper motives.

He admitted something in the addendum was not the "body of the minutes." He admitted "inclusion by reference" was placing "subsidiary material" outside the main document, violating the citizen's full participation.

Most importantly, Mr. Munson described citizens as neither helpful, nor germane, which everyone recognizes as content-based discrimination.

He did not explain that this anonymous citizen is a former Chair of the Sunshine Ordinance Task Force, principal author of the Sunshine Bill of Rights, and the originator of many aspects of the Task Force that are still being used?

The anonymous citizen must defend himself as a direct result of his advocacy of open government. This is a direct result of your abuse and everyone knows it.

Item 3: Report on Assembly Bill 438 County Free Library System

Anonymous Citizen: Stop the Hate, Stop the Ignorance – Don't give or accept money from the Friends & Foundation.

I wish you had been given the legislation as it exists, which has been amended twice since July 12 – on August 18, and on August 29, Monday of this week.

It is currently before the State Senate Governance and Finance Committee on third reading today.

It is true that this bill is a general provision for open government requirements before privatization is implemented.

There was the hope that this would come up as an action item so that you could make a policy determination while it was meaningful. I think that was the understanding of the commissioners who were interested in it.

The idea behind the bill is that if the public were fully informed about the implications of privatization they would not do it, but that is the principle behind democracy itself.

Item 4: City Librarian's Report

Anonymous Citizen: Stop the Hate, Stop the Ignorance – Don't give or accept money from the Friends & Foundation.

When I was young I thought of myself as a natural smiler. As I became more mature I realized that I didn't want to send the message that I was smirking at people.

There was no announcement that former City Librarian Susan Hildreth has taken a job in the Obama administration as director of the Institute of Museum and Library Services in Washington.

The question is, what will the long term position of e-books be in our institution? It is a serious question and we need to be conscious of the pros and the cons.

The summer reading program used to be focused on children and we need to ensure that it remains as successful for the children as it has been in the past.

Item 5: Approval of the Minutes (July 21, 2011)

Anonymous Citizen: Stop the Hate and Ignorance – Don't give money to, or accept money from the Friends & Foundation.

These minutes are the most egregious example of burying what is unfavorable to you we have ever seen.

My short comment on Item 1 omits the accusation of dishonesty and the overriding point of your failure to clean your own house.

The comment from Friend's Director Donna Bero is quoted verbatim at almost three times the length.

The longest comment is from Ray Hartz who has a Sunshine complaint for abridgment of his comments and presumably that detail will go away when the complaint is over.

Page 12 references a question from Commissioner Nguyen which has been the subject of much criticism and there is no indication of what the question was.

Page 11 contains no mention of the budget being resolved in secret.

Mr. Hartz on Page 4 never said the mural was sexist and you are putting words in his mouth.