



## *San Francisco Public Library*

### **SAN FRANCISCO PUBLIC LIBRARY COMMISSION**

#### **Minutes of the Regular Meeting of November 17, 2011**

(As amended and approved at the December 15, 2011 regular Commission meeting).

The San Francisco Public Library Commission held a regular meeting on Thursday, November 17, 2011, in the Koret Auditorium Main Library.

The meeting was called to order at 4:38 pm.

Commissioners present: Breyer, Gomez, Kane, Nguyen and Ono.

Commissioners excused Munson and Randlett.

#### **AGENDA ITEM NO. 1 PUBLIC COMMENT**

An anonymous citizen said he had the financial report the Friends are required to file with the California State Attorney General in July, 2010. He said we have financial reports for the full decade of the Branch Library Improvement Program. He said in 2000 the Friends had assets of \$20.3 Million and by 2010 their assets were \$12.7 Million. He said during that time the Friends had an income of \$35.7 Million and expenditures of \$43.4 Million. He asked where the money went. He said the top Executive level employees totaled \$6.1 Million. He said the required disclosure of funds given to benefit the library shows \$4.1 Million over ten years and for the BLIP shows \$1.1 Million. He said your budget report shows that figure includes public funds, so the Friends only gave \$870,347. (See Addendum for a summary of this comment submitted by the speaker.)

Peter Warfield, Executive Director, Library Users Association, said it is unfortunate that two Commissioners are missing today who were leading the charge in a kind of surprise ambush at the last meeting. He said they had denigrated in very strong terms members of the public who speak before the Commission. He said he thought it was very unfortunate and there was not one shred of specific information about what was said that was wrong or incorrect. He said the last two years he checked the Friends gave somewhat less than 10% of what they had taken in that year. He said the last year he checked the Friends only gave 6.5% of

what they took in. He said very little of the money raised gets to the library.

Ray Hartz, Director San Francisco Open Government, said at prior meetings of the Library Commission members of the public raised questions about the handling of public funds. He said the Commission did not reply with facts proving the challenges wrong, but complained about being challenged and said that the speakers were uncivil or aggressive. He said the Library Commission, when challenged, tries to make the issue about the person raising the challenge and above all to keep those challenges out of the public record. He said the Library Commission has provided no oversight over the Friends and the Commission does not know what the Friends raise and what they spend it on. (See Addendum for a summary of this comment submitted by the speaker.)

Rand Pauley said the library has the nicest people working here and he enjoys coming here. He said he has an idea for a restaurant under the atrium and maybe it would be a money maker and a nice addition to the neighborhood.

Deborah White said she was born and raised in San Francisco and was laid off a couple of years ago. She said she is going around sketching the city and she has been using the library a lot. She said she likes the improvement she has seen in the library. She said some of the exhibits are taken down before they are scheduled to be taken down. She said it seems the library closing hour is different than what is posted on the outside and it sometimes closes early. She said the Visitacion Valley Branch is great and she would like to see more classes added to the library schedule. She said she likes the mix of what is happening in the library.

Luis Herrera, City Librarian, said he had appointed two new chiefs who are in the audience and he wanted to introduce them after their second week of work. He said they are Edward Melton, Chief of Branches and Toni Cordova, Chief of Communications, Programs and Partnerships. He said the Library got word this morning that we are one of 12 recipients to have received an award from the MacArthur Foundation and the Institute of Museum and Library Services on engaging teens in the digital world.

Jill Bourne, Deputy City Librarian, said the grant gives us about 18 months to plan for the type of service the library would like to provide. She said it is a huge honor for the library.

**AGENDA ITEM NO. 2. BRANCH LIBRARY IMPROVEMENT PROGRAM (BLIP) BUDGET TRANSFERS FROM PARK, PRESIDIO AND BERNAL HEIGHTS PROJECTS TO BLIP PROGRAM RESERVE**

Luis Herrera, City Librarian, said there is a [memo](#) in the packets that explains the requested transfers. He said this action will transfer project

savings from the Bernal Heights, Presidio and Park projects to the Program Reserve for a total of \$963,192.

Maureen Singleton, Chief Financial Officer, said the Department of Public Works (DPW) has said there are savings from the Park project of \$357,006; savings from the Presidio project of \$505,707, and savings from the Bernal Heights project in the amount of \$100,479 for a total of \$963,192 that can be transferred to the BLIP Program Reserve. She said the Program Reserve will go from \$1,997,314 to \$2,960,506 and they are requesting that the Library Commission approve the transfer.

### Public Comment

An anonymous citizen said it is a shame the staff did not put this in better context so that you will know what you are dealing with. He said this is the fourth transfer you have been asked to approve since July. He said on July 21 you were asked to approve \$501,000; on August 18, \$1.7 Million; on October 3, \$717,000, and today over \$900,000. He said the total of these transfers is \$3.2 Million. He said if people had known there might have been public pressure to use it for alternative services or other priorities. He said in some ways this is good news, and not good news in others. (See Addendum for a summary of this comment submitted by the speaker.)

Peter Warfield, Library Users Association, said this memo is without context. He said there has been transfer after transfer after transfer and this request comes with no reference to the prior transfers or when those savings were realized. He said Park Branch opened earlier this year and Presidio and Bernal Heights before that so why has it taken so long for these savings to be shown as realized. He said the library said it couldn't afford the money for a temporary branch while Park was closed and yet now we have all of this extra money.

Ray Hartz, Director of San Francisco Open Government, said that while it is good that over \$963,000 has been identified in savings and to be transferred into the BLIP reserve, he believes there will soon be a request to transfer those funds and perhaps more to another program. He said he believes this will be done without the Commission insisting on a clear explanation for the use of the funds, as they did in October when savings were identified and immediately transferred to another project. He said he would appreciate it if anyone from the Library Commission can show him where they carried out their oversight responsibility as required by the law. He said there has been a total abdication of the Commission's responsibility and he wants to get this in the record. He said the Commission is willing to violate the Sunshine Ordinance again and again. (See Addendum for a summary of this comment submitted by the speaker.)

### Commission Discussion

Commissioner Kane said this is great news that there is money to go back into the budget. He said the Commission did request and got an audit of the BLIP program and this Commission has not abdicated its oversight of the program.

Commissioner Breyer said this is good news and asked about the source of the savings.

Jill Bourne, Deputy City Librarian, said the money comes from the contingency fund for each project and since there are still two projects not fully funded every bit of savings is important. She said there is not a lot of extra money that will not be used in this program.

Motion: By Commissioner Kane, seconded by Commissioner Breyer to approve the transfer of \$963,192 from the Park, Presidio and Bernal Heights budgets to the BLIP Program Reserve.

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

### **AGENDA ITEM NO. 3 BOND PROGRAM MANAGER'S REPORT**

[Lena Chen, Bond Program Manager](#), said the [approved budget](#) is \$189,999,608. She said the North Beach Branch is in the construction [document phase](#) and the Bayview Branch is in construction. She said [there are 22 branches complete and open](#). She showed photographs and gave a report on the Bayview Branch Library. She said the anticipated opening is December, 2012. She said they will be coming back to the Commission next month for a requested schedule change. She said the North Beach Branch Library is in the design phase and they anticipate a 95% design completion in December and 100% in January, 2012. She said after the public process, the Arts Commission approved a sound sculpture for the public art at the North Beach Branch.

Luis Herrera, City Librarian, said the full cost for the North Beach project is currently estimated between \$13 and \$14 Million. He said that is in line with some of the other projects such as Bayview, Visitacion Valley and Richmond. He said the Commission has approved \$3.5 Million. He said at the end of the BLIP program we anticipate about \$5.6 Million in savings so we are anticipating using that for part of the North Beach project. He said they will come back at the appropriate time to ask the Commission to approve the appropriate budget. He said there will probably be a need for between \$4.2 and \$4.5 Million from the Library Preservation Fund. He said having said that we will not have to go back for more lease revenue bonds. He said we will come back to the Commission to approve the new schedule dates for both the Bayview and North Beach projects.

Lena Chen, Bond Program Manager showed slides of the renderings for the North Beach Branch. She gave the summary of public outreach and awards and showed slides from the Golden Gate Library opening on October 15.

## Public Comment

An anonymous citizen said he does not want to be too harsh because there certainly have been worse minutes. He said at least part of the problem is that there have been so many branch openings clustered at the end. He said the real issue is full disclosure recognizing that there is responsibility for the full program. He said there will be some issues surrounding taking money out of the Library Preservation fund since that was supposed to preserve the citizen's services. He said he hopes you are prepared for the scrutiny that will come on the North Beach Branch. He said he went to the Golden Gate Valley opening and a good time was had by all. He said Gil McNamee, one of the most distinguished librarians we have ever had and former president of the California Library Association, attended the opening. He said he is 92 now and it would have been nice if the staff had recognized him and not just the anonymous citizen. (See Addendum for a summary of this comment submitted by the speaker.)

Peter Warfield, Library Users Association, said the Golden Gate Valley Branch Library opening was a festive occasion. He said a handsome job has been done on the renovation. He said the building looks better in person than in pictures. He said his only regret is that the beautiful sculptural object in the Men's restroom was not restored. He said there is continuity with the old part of the building and the new addition. He said the DPW Quarterly report is not listed as an explanatory document and it is not likely that it will be discussed at this meeting.

Ray Hartz, Director of San Francisco Open Government, said the current Bond Program Manager's Report indicates a present shortfall in excess of \$6.5 million dollars with a vague fund source to be determined. He said it also indicates that the \$16 million dollars committed by the Friends of the Library has remained, for an extensive length of time, mired at less than \$1.2 million. He said a simple calculation shows this to be about 7.5% of the commitment when the BLIP program is already more than 87.5% completed. He said he has seen no attempt by the Library Commission to determine when (or if) remaining funds committed by the Friends will ever start to be provided. He said he considers this situation a total dereliction of the Commissions lawful duties to carry out its fiduciary responsibilities. (See Addendum for a summary of this comment submitted by the speaker.)

A woman from the audience asked if we are losing some of the historic characteristics and landmarks with the renovation of the branches.

Deborah White said she agrees with the previous speaker that the hours are too short and the noise level is too loud.

## Commission Discussion

Luis Herrera, City Librarian, said we always seek a balance between having a 21<sup>st</sup> Century library and we staying true to the architectural integrity of the buildings.

Commissioner Breyer asked about the commitment by the Friends for the \$16 million.

Luis Herrera, City Librarian, said yes the Friends are expected to complete their commitment and obligation for the \$16 million for furniture and fixtures.

Jill Bourne, Deputy City Librarian, said the only thing that shows up in the accounting is the money that is actually received by the library to be expended on the furniture and fixtures including equipment like computers. She said what has not been captured in the report is the money the Friends expend directly which is the majority of the money they expend. She said we have been working to try to get a way to get that line item into this report.

Commissioner Kane said he would like to know the status of the litigation on the North Beach Branch.

Luis Herrera, City Librarian, said there is a city team that is working on this and at the appropriate time we will be happy to come back with an update possibly in closed session. He said they are working on compiling information.

Commissioner Ono said there have been a lot of branch openings clustered together and she is kind of sad that we are at the last part of it. She said it has been a great year.

Jill Bourne, Deputy City Librarian, said the reason the branches were completed so closely together was because of the audit that was prepared on the BLIP program. She said we recognized that delays were costing a lot so we got 10 projects going at the same time.

Commissioner Kane said the audit is available on the website.

#### **AGENDA ITEM NO. 4 APPROVAL OF THE MINUTES OF OCTOBER 6, 2011**

##### **Public Comment**

An anonymous citizen said he doesn't want to seem too harsh on these minutes but some things are badly skewed. He said the quotation on page one, should be "the standard of decency, good faith and right action impliedly required of all public officials." He said later in that same comment there was a reference to the lies being incredible and what he said was the reason for the dishonesty is the network of self-serving interests. He said on the next page under Ray Hartz' comments he didn't just say they should be questioning those dollars but he said in the private

sector you would be in jail. He said regarding the Statement of Incompatible Activities, the policy of July 15, 2004, appears as January 15, which would make it impossible to find and the point is it was a different policy. (See Addendum for a summary of this comment submitted by the speaker.)

Peter Warfield, Library Users Association, said these minutes are very extensive and full. He said he would second the previous speaker's remarks about things that should be corrected and certainly when it is a quote. He said on the second page, agenda item number one, public comment his comments about the Commissioners doing basic copying and printing tasks was a much more vivid challenge than represented. He said he would like to donate \$100 to the library if any Commissioner can operate the new printers.

Ray Hartz, Director San Francisco Open Government, said despite two rulings by the Sunshine Ordinance Task Force (SOTF), the Library Commission continues to exclude 150 word summaries provided by speakers. They do so because of viewpoint discrimination unlawful under the Brown Act. He said proof of that is Mr. Munson's public testimony in front of the SOTF, where he said that he doesn't like the comments. He said by attaching the statements as addenda they do so to enable themselves to substitute in the official record, their misrepresentations of the speakers in violation of the Constitution of the State and the US Constitution. He said his summaries are petitions of government for a redress of grievances and the Commission refuses to admit that the minutes are a public record and produced with public funds and should have equal access to members of the public. He said this is unlawful. (See Addendum for a summary of this comment submitted by the speaker.)

Motion: By Commissioner Breyer, seconded by Commissioner Kane to approve the [Minutes of October 6, 2011](#).

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

President Gomez left the meeting and Commissioner Kane took over as Chair.

## **AGENDA ITEM NO. 5. ADJOURNMENT**

### **Public Comment**

Ray Hartz, Director San Francisco Open Government, said as he heard the motion for the previous item it was to accept the minutes, not to amend the minutes as recommended by the public speakers on the item. He said when you want to change the minutes, it gets changed, if a member of the public asks for a change you will not change it. He said that is the reason he wants the 150 word statements in the body of the minutes.

Peter Warfield, Library Users Association, said that the Commission should not be adjourning without discussing new business and that should be included on your agenda. He said it would be nice if the explanation for the funding of the North Beach Branch was more detailed and heard at a future meeting. He said this is another reason why New Business should be on the agenda.

A person from the audience said the Main Library should be open as it was years ago when it was open until 11:00 at night. She said it would be a safe place for people to go and read books. She said it is tragic that the hours keep shortening. She said the hours are too short.

Deborah White said she agrees with the previous speaker that the hours are too short and she said the noise level is too loud. She said she heard about some historical documentation and wanted to get some more information about that.

#### Commission Discussion

Commissioner Kane said it is a priority of the Library and the Commission to expand hours and the goal is to one day have every branch open seven days a week.

Motion: By Commissioner Breyer, seconded by Commissioner Ono to adjourn the regular meeting of November 17, 2011.

Action: AYES 4-0: (Breyer, Kane, Nguyen, and Ono)

The meeting adjourned at 5:50 pm.

Sue Blackman  
Commission Secretary

Explanatory documents: Copies of listed explanatory documents are available as follows: (1) from the commission secretary/custodian of records, 6<sup>th</sup> 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 of the Library

This is the financial report The Friends are required to file with the California State Attorney General. We now have financial reports for the full decade of the Branch Library Improvement Program.

When the decade began, in 2000, the Friends had assets of \$20.3 Million. By 2010, the Friends' assets were \$12.7 Million.

During that decade, the Friends had income of \$35.7 Million. Including the assets shows expenditures of \$43.4 Million.

Where did it go? Executive-level employees totaled \$6.1 Million. Executive Director alone made \$1.6 Million.

Your required disclosure of funds given to benefit the library shows \$4.1 Million over ten-years.

For the BLIP, your Quarterly Report shows \$1.1 Million. Your budget report shows that figure includes public funds, so the Friends gave \$870,347.

I suppose you can solve this problem by making fun of me. It's always worked before.

*Ray Hartz, Director San Francisco Open Government: To borrow from Shakespeare: Methinks they do protest too much! At prior meetings of the Library Commission members of the Public raised questions about the handling of public funds. The Commission did not reply with facts proving the challenges wrong, but, complained about being challenged. When questioned about monitoring the millions raised annually by the Friends in the name of the Public Library they did not take actions to prove the members of the Public wrong, they complained that the speakers were "uncivil" or "aggressive." This has become the "modus operandi" of the Library Commission: when challenged on any matter, try to make the issue the person or persons raising the challenge. Above all, when challenged, do what you must to keep those challenges out of the official record! In addition, try to represent to the General Public that the challenges are, as one member phrased it: Bullshit!*

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Item 2: Branch Library Improvement Program Budget Transfers from Park, Presidio and Bernal Heights Projects to BLIP Program Reserve

Anonymous Citizen: Stop the Hate, Stop the Ignorance – Don't give or accept money from the Friends of the Library

Let's place this in context, which your staff should have done. This is the fourth transfer you have been asked to approve since July. On July 21, you were asked to approve \$501,000, on August 18, \$1.7 Million, on October 3, \$717,000, and today, over \$900,000. The total of those transfers is \$3.2 Million.

This is a substantial sum when you don't have anything to do with it. If people had known there might have been public pressure to use it for alternative services or other priorities.

On the debit side, the reserve back in July was \$2.4 Million and full disclosure of that much money in the pipeline might have produced a public debate about the use of that money.

In some ways it is good news, and not good news in others.

*Ray Hartz, Director San Francisco Open Government: While it is good that over \$963 thousand dollars has been identified in savings and is to be transferred into the BLIP reserves, I believe we will soon see a request to transfer those funds (and perhaps more) to another program. I believe all of this will be done without the Library Commission insisting on a clear explanation for the use of the funds. As in October, when savings were identified and then immediately requested for transfer to another project, no review of these public monies will be conducted. In that instance, when questions were raised, they were not answered and still \$477 thousand dollars were transferred to programs that were supposedly already financed through the end of 2012. I would appreciate it if anyone from the Library Commission can show me where they carried out their oversight responsibilities in any manner visible to the public as required by law.*

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### Item 3: Bond Program Manager's Report

Anonymous Citizen: Stop the Hate, Stop the Ignorance – Don't give or accept money from the Friends of the Library

Wouldn't it be nice if the citizens had access to the graphics.

We don't want to be too harsh because we certainly have seen worse. At least part of the problems are an inherent offshoot of so many branch openings clustered at the end. The issue is disclosure of full responsibility for the entire program. Taking money out of the Library Preservation Fund is an issue because that was supposed to preserve the citizen's services.

At the Golden Gate Valley Opening a good time was had by all. I have mentioned that recognizing former staff members is good for morale. Gil McNamee was at the opening and he is one of the most distinguished staff members we ever had, and former president of the California Library Association. It is not sufficient that the anonymous citizen remembers him.

*Ray Hartz, Director San Francisco Open Government: The current Bond Program manager's Report indicates a present shortfall in excess of \$6.5 million dollars with a vague "fund source to be determined." It also indicates that the \$16 million dollars committed by the Friends of the Library has remained, for an extensive length of time, mired at less than \$1.2 million. A simple calculation shows this to be about 7.5% of the commitment when the BLIP program is already more than 87.5% completed. I have seen no attempt by the Library Commission to determine when (of if) remaining funds committed by the Friends will even start to be provided. This is again in line with the total failure of the Library Commission to carry out its fiduciary responsibilities in relation to the millions raised each year by the Friends in any visible to the Public. I consider this situation a total dereliction of the Commissions lawful duties.*

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Item 4: Approval of the Minutes (October 6, 2011)

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

That the president can't see public comment because a screen is in the way sends a message.

We don't want to be too harsh and discourage some improvement, but some things are badly skewed.

The quotation on page one, should be "the standard of decency, good faith and right action impliedly required of all public officials." Later, the reason for the dishonesty is the network of self-serving interests.

On the next page, Ray Hartz didn't just say there should be questions, but in the private sector you would be in jail.

Regarding Statement of Incompatible Activities, the policy of July 15, 2004, appears here as January 15, which would make it impossible to find, and the point is, it was a different policy.

Mr. Nguyen did not comment on an illegal meeting, he admitted to an illegal meeting.

*Ray Hartz, Director San Francisco Open Government: Despite two rulings by the Sunshine Ordinance Task Force finding the Library Commission (OD #10054) and the City Librarian (OD #11054), the Library Commission continues to exclude 150 word summaries provided by speakers at public comment. They do so because of "viewpoint discrimination," unlawful under the Brown Act. In doing so, they are "unlawfully abridging unwanted or critical public comment." While attaching the statements as addenda, they do so to enable themselves to substitute in the official record, their misrepresentations of the speakers political thought and free speech in violation of the Constitution of the State of California and the United States Constitution. In speaking for*

*myself, my summaries are “petitions of government for a redress of grievances.” The Commissioners refuse to admit that the minutes are a public record produced with public funds, and as such, should allow equal access to members of the Public. THIS IS UNLAWFUL!*