

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TDD/TTY No. (415) 554-5227

ORDER OF DETERMINATION

November 1, 2010

DATE THE DECISION ISSUED

August 28, 2010

CHARLES PITTS v LOCAL HOMELESS COORDINATING BOARD (CASE NO. 10031)

FACTS OF THE CASE

Complainant Charles Pitts alleges that on June 1, 2010, he was denied access to a Local Homeless Coordinating Board ("Board" or "Respondent") meeting in violation of the Sunshine Ordinance.

COMPLAINT FILED

On June 14, 2010, Mr. Pitts filed a Public Meeting Complaint against the Board without specifying the sections of City or State sunshine law that had been violated.

HEARING ON THE COMPLAINT

On August 28, 2010, Mr. Pitts presented his complaint before the Sunshine Ordinance Task Force ("Task Force"). The Respondent was not represented and no one in the audience spoke or presented facts and evidence in support of the Respondent.

Mr. Pitts said the Board's Funding Committee holds its meetings in the conference room at 77 Otis Street and access to the meeting is tightly controlled. He said an attendant sitting behind a window in the lobby of the building could determine the race, class or status of a person wishing to enter the conference room before buzzing the door open or denying that person access to the meeting room. He said that when he approached the door, a female attendant gave him a look-over and denied him access to the conference room. He said he tried again when another female opened the door to leave but that person physically obstructed his path and told him he could not enter. He said it was only when a security guard approved of him that he was allowed in. He said the many barriers to attending a public meeting did not conform to the spirit and the letter of the Sunshine Ordinance. He said the meeting should not be held at 77 Otis but at a suitable location where there are no barriers and obstacles to attendance.

Thomas Picarello said he attended the same meeting found the building to be not public-friendly. He said the building's main entrance door is never locked but the door to the conference room area is always secured. He said anybody wanting to attend a Funding Committee meeting has to be buzzed in. At times, he said, he has had to wait a few minutes for someone to show up at the window. Meanwhile, he said, the meeting continues inside the room without the participation of interested individuals.

ORDER OF DETERMINATION

Task Force members voiced displeasure about the Board's email response saying it was troubling because the department mistakenly believed that the Task Force hearings were an administrative process. They also said an email from Alison Schlageter, the Board's policy analyst, mentioned a Human Services Agency security policy and yet a copy of the policy was not provided. Furthermore, members had questions for the department and no representative was in attendance to clarify matters.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Judging from the testimony and evidence presented, and notwithstanding the Respondent's non-appearance, the Task Force finds that the Respondent violated the Ordinance.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Local Homeless Coordinating Board violated Sunshine Ordinance Section 67.13 for preventing entry for inappropriate reasons, and Ms. Schlageter in violation of Section 67.21(e) for failing to send a knowledgeable representative to the hearing. The Board shall arrange within 30 calendar days of the issuance of this Order of Determination to appear before the Task Force's Education, Outreach and Training Committee.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on August 28, 2010, by the following vote: (Chan / Wolfe)

Ayes: Snyder, Cauthen, Manneh, Washburn, Wolfe, Chan, Johnson, Knee

Absent: Knoebber, Williams



Richard A. Knee, Chair
Sunshine Ordinance Task Force



David Snyder, Member, Seat #1*
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney
Jana Clark, Deputy City Attorney
Charles Pitts, Complainant
Alison Schlageter, Respondent

*Sunshine Ordinance Task Force Seat #1 is a voting seat held by an attorney specializing in sunshine law and nominated by the Society of Professional Journalists, Northern California Chapter.