



ORDER OF DETERMINATION

June 12, 2013

DATE THE DECISION ISSUED

May 1, 2013

CHARLES PITTS V. LOCAL HOMELESS COORDINATING BOARD (CASE NO. 13007)

FACTS OF THE CASE

Complainant Charles Pitts ("Complainant") alleges that during a public meeting on January 7, 2013, the Local Homeless Coordinating Board ("LHCB") blocked him from speaking on a specific item of discussion on its agenda, that LHCB member Laura Guzman stated at the time that Pitts' public comment was not relevant to the agenda item, and that the LHCB failed to record this blocking in its draft minutes of that meeting.

COMPLAINT FILED

On February 4, 2013, Complainant filed a Public Meeting Complaint against LHCB for its alleged violations, without specifying the sections of law that had been violated.

HEARING ON THE COMPLAINT

On May 1, 2013, Complainant Charles Pitts appeared before the Task Force and presented his claim. Respondent, Diana Christensen, Director of Investigations, Human Services Agency presented the Human Services Agency's defense.

The issue in the case is whether the Agency violated Section(s) 67.15 and 67.16 of the Ordinance.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds the testimony of Complainant, Charles Pitts to be persuasive and finds that Sections 67.21(e) and 67.15(d) of the Sunshine Ordinance to be applicable in this case. The Task Force does not find that testimony provided by Diana Christensen persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the agency violated Section(s) 67.21(e) of the Sunshine Ordinance for the Respondent's failure to send a knowledgeable representative to the hearing proceedings; and 67.15(d) for abridging a member of the public and for failure to provide necessary opportunity for general public testimony. The agency shall appear before the Education, Outreach and Training Committee on July 11, 2013.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on May 1, 2013, by two separate motions by the following vote:

(Knee / Pilpel)(*violation of S.O. 67.21(e)*)

Ayes: Knee, Pilpel, Sims, David, Hyland, Oka, Fischer, Grant

Absent: Washburn

(Sims/ David)(*violation of S.O. 67.15(d)*)

Ayes: Pilpel, Sims, David, Hyland, Fischer, Grant

Noes: Knee, Oka

Absent: Washburn



Kitt Grant, Chair

Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney
Charles Pitts, Complainant
Diana Christensen, Respondent