

Date: March 10, 2009

Item No. 4

File No. 09009

SUNSHINE ORDINANCE TASK FORCE
COMPLAINT COMMITTEE
AGENDA PACKET CONTENTS LIST*

- Charles Pitts against Health Department**
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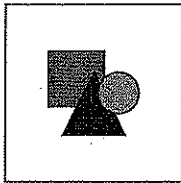
Completed by: Chris Rustom

Date: March 4, 2009

***This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

** The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



DENNIS J. HERRERA
City Attorney

ERNEST H. LLORENTE
Deputy City Attorney

DIRECT DIAL: (415) 554-4236
E-MAIL: ernest.llorente@sfgov.org

March 3, 2009

Nick Goldman, Chair
Members of the Complaint Committee

Re: Charles Pitts v. Department of Public Health (09009)

Dear Chair Goldman and Members of the Complaint Committee:

This letter addresses the issue of whether the Sunshine Ordinance Task Force ("Task Force") has jurisdiction over the complaint of Charles Pitts against the San Francisco Department of Public Health.

BACKGROUND

On February 5, 2009, Complainant Charles Pitts made an Immediate Disclosure Request under section 67.25 of the Sunshine Ordinance. Charles Pitts requested information regarding "Why Quintin Mecke of the shelter monitoring committee can hold on to his chair position after his term expired."

On February 6, 2009, under the letterhead of Michell H. Katz, M.D., Director of Health, a note was issued that stated the following "According to Ordinance 283.04 Section 20.305(b) and Ordinance 150.07 Section 20.305(b) Officer elections, unless there is a vacancy, occur in the even-numbered calendar years. Mr. Mecke was voted in as chair, in January of 2008 and that the term will not end until January 2010, unless Mr. Mecke leaves the Committee."

COMPLAINT

On February 9, 2009, Charles Pitts filed a complaint against the DPH alleging violations of the Sunshine Ordinance. Specifically, Charles Pitts stated that DPH did not provide all of the information requested, that DPH did not identify the author of the note, that there may be an Ethics violation and that the information provided was incorrect.

SHORT ANSWER

Based on Complainant's allegation and the applicable sections of the Sunshine Ordinance and the California Public Records Act, which are cited below, the Sunshine Ordinance Task Force *does* have jurisdiction over the allegation involving a failure to provide all of the information. The allegations are covered under (67.21 and 67.25) of the Ordinance. However the other allegations are not properly before the Task Force since the Complainant did not ask for the author of the information initially and the assessment of an Ethics violation or that the information is incorrect is not within the jurisdiction of the Task Force.

Letter to the Complaint Committee

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March 3, 2009

DISCUSSION AND ANALYSIS

Article I Section 3 of the California Constitution as amended by Proposition 59 in 2004, the State Public Records Act, the State Brown Act, and the Sunshine Ordinance as amended by Proposition G in 1999 generally covers the area of Public Records and Public Meeting laws that the Sunshine Ordinance Task Force uses in its work.

The Sunshine Ordinance is located in the San Francisco Administrative Code Chapter 67. All statutory references, unless stated otherwise, are to the Administrative Code. Section 67.21 generally covers requests for documents and Section 67.25 covers Immediate Disclosure Requests. CPRA Section 6253 generally covers Public Records Requests.

In this case, the Task Force will have to determine what information was allegedly withheld by DPH. The Task Force will then determine whether the DPH violated the Ordinance and/or the Public Records Act.



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BOARD OF SUPERVISORS
SAN FRANCISCO

2009 FEB -9 AM 8:37

BY SW

SUNSHINE ORDINANCE TASK FORCE
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
Tel. (415) 554-7724; Fax (415) 554-7854
<http://www.sfgov.org/sunshine>

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission Department of Public Health

Name of individual contacted at Department or Commission MITCH KATZ

Alleged violation public records access
 Alleged violation of public meeting. Date of meeting _____

Sunshine Ordinance Section _____
(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

Did not provide all of information requested
Do not know who sender is (no name or signature)
Possible ethics violation
Information provided/was incorrect

Do you want a public hearing before the Sunshine Ordinance Task Force? yes no
Do you also want a pre-hearing conference before the Complaint Committee? yes no

(Optional)¹
Name CHANKS PITTS Address _____

Telephone No. _____ E-Mail Address PAKASAWA@YAHOO.COM

Date _____ Signature _____

I request confidentiality of my personal information. yes no

¹ NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).

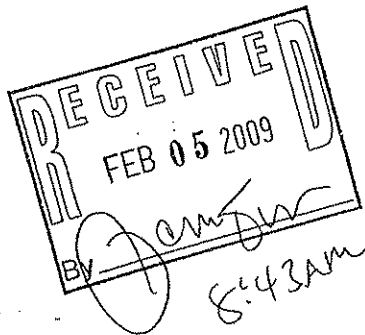
San Francisco administrative code 67.25.a "Immediate Disclosure Request"

Mitich katz

I am requesting information regarding
Why Quintin Mecke of the shelter monitoring committee
Can hold on to his chair position after his term expired

Charles pitts
1-415-368-2354

P.O. Box 641452
San Francisco Ca, 94164





2/6/09

Mitchell H. Katz, MD
Director of Health

According to Ordinance 283.04 Section 20.305 (b) and Ordinance 150.07 Section 20.305 (b) Officer elections, unless there is a vacancy, occur in the even-numbered calendar years. Mr. Mecke was voted in as chair in January of 2008 and that term will not end until January 2010, unless Mr. Mecke leaves the Committee.

03-03-09P04:53 RCVD

the problems are

- 1) reference was made to a document they did not provide
- 2) the document they made reference to did not say what they say it said
- 3) the date when he was elected is incorrect
- 4) the date term expiring is incorrect also
- 5) the letter i received had no name or signature from the sender
- 6) i submitted another information request and got half a voice mail

i went to the public information officer office
to ask for a written response i have yet to receive a response

Shelter Monitoring Committee

LISTEN

TEXT ONLY

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03-03-09P04:53 RCVD

February 6, 2008 Shelter Monitoring Committee Minutes

MINUTES

SHELTER MONITORING COMMITTEE

Wednesday, February 6, 2008

10:00 AM to 12:30 PM

25 Van Ness Ave., Room 70

San Francisco, CA 94102

Members present:

Chair Diana Valentine

Vice Chair Damian Ochoa

Secretary Quintin Mecke

Committee Member Henry Belton

Committee Member Kim Clark

Committee Member Diana Greer

Committee Member Judi Iranyi

Committee Member Cindy Ward

Committee Member James Leonard

Committee Member Maxine Pauson

Committee Member Hank Wilson

Members absent:

Committee Member Liz Olsen

Committee Member David Nakanishi

CALL TO ORDER/ROLL CALL/AGENDA ADJUSTMENTS

The meeting was called to order at 10:04 AM.

I. PUBLIC COMMENT

Member of public concerned about lack of safety net in city, concerned about system. There are too many red flags.

Vice Chair Ochoa thanked member for his comments and encouraged him to follow up off-line with Committee staff.

II. APPROVAL OF THE MINUTES

Action: Approved Amended January 9, 2008 Committee Meeting Minutes
m/s/c (Unanimous)

Public Comment

A member of the public asked the status of the quarterly report.

Vice Chair Ochoa responded that the publishing of the quarterly reports was delayed

people, often found at Buster's Place.

Committee Member Leonard asked if the HMIS system is being used.

Committee Member Ward responded that the CHANGES system is part of HMIS.

Vice Chair Ochoa asked what happened to St. Boniface funding.

Committee Member Ward said that there will be no new RFP for the St. Boniface funding.

B. Department of Public Health

Committee Member Nakanishi was absent and there was no report.

C. Standard of Care

Secretary Mecke gave an update on the Standard of Care process. The hearing will be Wednesday, February 20 at 1 pm before the Budget & Finance Committee. The Local Homeless Coordinating Board endorsed the legislation at its regular meeting on February 4, 2008

IV. Old Business

A. Distribution of Updated Shelter Monitoring Committee Schedule of Meetings

Schedule was distributed to the Committee members.

B. Election of Officers

Committee Member Belton asked to recused due to his concerns over process and individuals

Action: Recuse Committee Member Belton from the Election of Officers

m/s/c (Wilson/Clark/Valentine/Pauson/Ochoa/Greer/Leonard/Iranyi)

Against (Mecke/Ward)

Public Comment

Local Homeless Coordinating Board staff Ali Schlageter supported Committee Member Mecke for Chair of the Committee based on his existing relationships with LHCB.

A member of the public, Tomas P., stated that Quintin [Committee Member Mecke] is the logical choice for Chair of Committee. Tomas P. also stated his support for Diana Greer as Secretary.

Action: Election of Committee Member Ochoa to Chair

m/s (Ochoa/Greer)

There was not a majority of votes to carry this action item.

Action: Election of Committee Member Mecke to Chair

m/s/c (Wilson/Clark/Valentine/Ward/Iranyi/Leonard/Pauson)

Committee Member Mecke was elected to Chair, term to end December 31, 2009.

Action: Election of Committee Member Leonard to Vice Chair

m/s (Leonard/Greer/Ochoa)

There was not a majority of votes to carry this action item.

Action: Election of Committee Member Ochoa to Vice Chair

m/s (Mecke/Valentine/Ward/Wilson/Iranyi/Clark/Pauson/Ochoa)

Committee Member Ochoa was elected to Vice Chair, term to end December 31, 2009.

Action: Election of Committee Member Greer to Secretary

m/s (Clark/Greer/Pauson/Leonard)

There was not a majority of votes to carry this action item.

Action: Election of Committee Member Olsen to Secretary

m/s/c (Mecke/Valentine/Iranyi/Ochoa/Ward/Wilson)

Committee Member Olsen was elected to Secretary, term to end December 31, 2009.

