

Date: Sept. 14, 2010

Item No. 3

File No. 10030

## SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST\*

- Order of Determination**
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Completed by: Chris Rustom

Date: Sept. 9, 2010

**\*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.

**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**  
September 7, 2010

**DATE THE DECISION ISSUED**  
August 28, 2010

*MICHAEL WRIGHT v HUMAN SERVICES AGENCY (CASE NO. 10030)*

**FACTS OF THE CASE**

Michael Wright ("Complainant") alleges that on May 17, 2010, San Francisco Human Services Agency ("HSA"), Housing and Homelessness Division, Director Joyce D. Crum ("Respondent") denied him access to the Shelter and Resource Center Directors' Monthly Meeting at 77 Otis Street.

**COMPLAINT FILED**

On June 4, 2010, Complainant filed a complaint against HSA alleging that he was denied access to a public meeting in violation of the Sunshine Ordinance, but specified only Section 67.15 (Public Testimony) of the Ordinance.

**HEARING ON THE COMPLAINT**

On August 28, Mr. Wright presented his claim to the Sunshine Ordinance Task Force. The Respondent agency was not represented and no one in the audience spoke or presented facts and evidence in support of the Respondent.

The Complainant said the monthly meeting held at 1:00 p.m. was attended by representatives of shelter providers and contractors, staff from the HSA and the Department of Public Health, and Shelter and Resource Center's directors. He said the gathering of such high-level representatives to discuss homeless system policies requires the meeting to be open and conducted in a public setting. He said the agenda included discussion items on the shelter extension policy, the medical marijuana policy, and plans to close a shelter. The meetings were not advertised and notification was by email to participants. At the Stakeholders meeting at 2:30 p.m., items from the Directors' agenda were carried over but because a majority of the participants in the first meeting had left, the public was denied a full role in helping shape public policy. He claimed that the two-agenda meeting was created because a provider had requested time to speak on issues outside the presence of non-shelter providers. He said this has led to decisions being made before the public gets involved. Representatives of the Coalition on Homelessness have requested that all items be placed on an open-meeting agenda. But, he said, HSA has said it has the right to hold private meetings.

**ORDER OF DETERMINATION****FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based on the testimony and evidence presented, the Task Force finds that the agency violated the Ordinance.

**DECISION AND ORDER OF DETERMINATION**

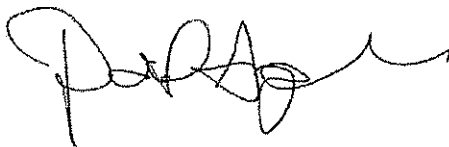
The Sunshine Ordinance Task Force finds that the San Francisco Human Services Agency Housing and Homeless Division Shelter and Resource Center Directors' group is a passive meeting body under Section 67.3(c)(5) of the Ordinance and that the San Francisco Human Services Agency violated Section 67.4(a). The agency is instructed to send a knowledgeable representative to the September 14, 2010, Compliance and Amendments Committee hearing and to show the Committee a written policy specifying how the agency will abide by Section 67.4(a) of the Sunshine Ordinance.

The Task Force further determines that Pamela Tebo of the Human Services Agency is to be reported to the Ethics Commission for willfully violating Section 67.21(e) by failing to send a knowledgeable representative to the Task Force hearing on this matter.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on August 28, 2010, by the following vote: ( Wolfe / Snyder )  
 Ayes: Snyder, Cauthen, Manneh, Washburn, Wolfe, Chan, Johnson, Knee  
 Excused: 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  
 Michael Wright, Complainant  
 Pamela Tebo, Joyce D. Crum, Respondents

\*Sunshine Ordinance Task Force Seat #1 is a voting seat held by an attorney specializing in sunshine law.

