

Date: March 24, 2009

Item No. 12

File No. 09009

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

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

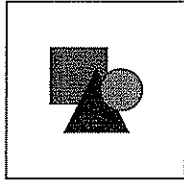
Date: March 19, 2009

**\*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.

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DENNIS J. HERRERA  
City Attorney

ERNEST H. LLORENTE  
Deputy City Attorney

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E-MAIL: [ernest.llorente@sfgov.org](mailto:ernest.llorente@sfgov.org)

**MEMORANDUM**

*March 13, 2009*

*CHARLES PITTS v. DEPARTMENT OF PUBLIC HEALTH (09009)*

**COMPLAINT**

**THE COMPLAINANT ALLEGES THE FOLLOWING FACTS:**

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 Mitchell 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."

**COMPLAINANT FILES 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.

**THE RESPONDENT AGENCY STATES THE FOLLOWING:**

On March 10, 2009, DPH Public Information Officer Eileen Shields submitted a memo acknowledging the Task Force's jurisdiction over the complaint but denying the allegations in the complaint.

**Memorandum****APPLICABLE STATUTORY SECTIONS:**

1. Sunshine Ordinance § 67.21 addresses general requests for public documents.
2. Sunshine Ordinance § 67.25 addresses Immediate Disclosure Requests.
3. Sunshine Ordinance § 67.26 deals with redaction of records.
4. Sunshine Ordinance § 67.27 addresses legal justification for withholding of records.
5. Sunshine Ordinance § 67.29.5 requires a Department Head to maintain a daily calendar that is a public record.
6. Sunshine Ordinance § 67.29-7 requires a Department Head to maintain and preserve documents and correspondence.
7. Sunshine Ordinance § 67.34 deals with willful failure to comply with the requirements of the Sunshine Ordinance and the comparable state statutes to be Official Misconduct.
8. State Government Code § 6253 addresses requests for public records.
9. State Government Code § 6255 addresses legal justification for withholding of records.

**APPLICABLE CASE LAW:****ISSUES TO BE DETERMINED****1. FACTUAL ISSUES****A. Uncontested Facts:**

- Charles Pitts made a request for information.
- DPH responded to the request with an unsigned statement.

**B. Contested facts/ Facts in dispute:**

The Task Force must determine what facts are true.

**i. Relevant facts in dispute:**

- Whether DPH withheld records.

**SUGGESTED ANALYSIS**

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

**Memorandum**

information. The allegations are covered under (67.21 and 67.25) of the Ordinance. However the other allegations may not properly be 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.

**QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:**

- What was missing from the response from DPH?

**LEGAL ISSUES/LEGAL DETERMINATIONS;**

- Were sections of the Sunshine Ordinance (Section 67.21), Brown Act, Public Records Act, and/or California Constitution Article I, Section three violated?
- Was there an exception to the Sunshine Ordinance, under State, Federal, or case law?

**CONCLUSION**

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THAT THE ALLEGED VIOLATIONS TO BE TRUE OR NOT TRUE.

**Memorandum****THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 59 IN 2004 PROVIDES FOR OPENNESS IN GOVERNMENT.**

Article I Section 3 provides:

- a) The people have the right to instruct their representative, petition government for redress of grievances, and assemble freely to consult for the common good.
- b)(1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
  - 2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.
  - 3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.
  - 4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided by Section 7.
  - 5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings or public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.
  - 6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committee, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions: nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

**Memorandum****ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN  
FRANCISCO ADMINISTRATIVE CODE (THE SUNSHINE ORDINANCE)  
UNLESS OTHERWISE SPECIFIED**

## Section 67.1 addresses Findings and Purpose

The Board of Supervisors and the People of the City and County of San Francisco find and declare:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.
- (c) Although California has a long tradition of laws designed to protect the public's access to the workings of government, every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New approaches to government constantly offer public officials additional ways to hide the making of public policy from the public. As government evolves, so must the laws designed to ensure that the process remains visible.
- (d) The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret, and those circumstances should be carefully and narrowly defined to prevent public officials from abusing their authority.
- (e) Public officials who attempt to conduct the public's business in secret should be held accountable for their actions. Only a strong Open Government and Sunshine Ordinance, enforced by a strong Sunshine Ordinance Task Force can protect the public's interest in open government.
- (f) The people of San Francisco enact these amendments to assure that the people of the City remain in control of the government they have created.
- (g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process.

## Memorandum

Section 67.21 addresses general requests for public documents.

This section provides:

(a) Every person having custody of any public record or public information, as defined herein, ... shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A custodian of a public record shall as soon as possible and within ten days (emphasis added) following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

Section 67.25 provides:

a.) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

b.) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requestor shall be notified as required by the close of business on the business day following the request.

c.) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

Section 67.26 provides:

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by section 67.27 of this article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-



### Memorandum

records request and preparing documents for disclosure shall be considered part of the regular work duties of any city employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

Section 67.27 provides:

Any withholding of information shall be justified in writing, as follows:

- a.) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.
- b.) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act of elsewhere.
- c.) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.
- d.) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

Section 67.29-5 provides:

The Mayor, the City Attorney, and every Department Heads shall keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended by that official, with the exclusion of purely personal or social events at which no city business is discussed and that do not take place a city Offices or at the offices or residences of people who do substantial business with or are otherwise substantially financially affected by actions of the city. For meetings not otherwise publicly recorded, that calendar shall include a general statement of issues discussed. Such calendars shall be public records and shall be available to any requester three business days subsequent to the calendar entry date.

Section 67.29-7 provides:

The Mayor and all Department Heads shall maintain and preserve in a professional and businesslike manner all documents and correspondence, including but not limited to letters, e-mails, drafts, memorandum, invoices, reports and proposals and shall disclose all such records in accordance with this ordinance.

Section 67.34 addresses willful failure as official misconduct.

The willful failure of any elected official, department head, or other managerial city employee to discharge any duties imposed by the Sunshine Ordinance, the Brown Act or the Public Records Act shall be deemed official misconduct. Complaints involving allegations of willful violations of this ordinance, the Brown Act or the Public Records Act by elected officials or department heads of the City and County of San Francisco shall be handled by the Ethics Commission.

THE CALIFORNIA PUBLIC RECORDS ACT IS LOCATED IN THE STATE GOVERNMENT CODE SECTIONS 6250 ET SEQ. ALL STATUTORY REFERENCES, UNLESS STATED OTHERWISE, ARE TO THE GOVERNMENT CODE.

Section 6253 provides.

**Memorandum**

- a.) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the records after deletion of the portions that are exempted by law.
- b.) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.
- c.) Each agency, upon a request for a copy of records, shall within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefore....
- d.) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

## Section 6255 provides:

- a.) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.
- b.) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.



RECEIVED  
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)<sup>1</sup>  
Name CHANKS PITTS Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ E-Mail Address PAKASAWA@YALHOOC.COM

Date \_\_\_\_\_ Signature [Signature]

I request confidentiality of my personal information.  yes  no

<sup>1</sup> 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).

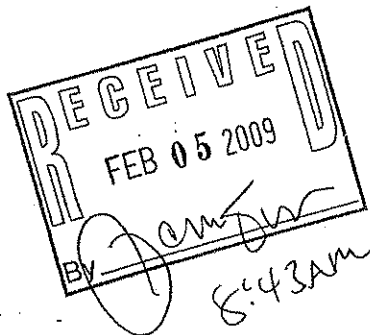
# San Francisco administrative code 67.25.a "Immediate Disclosure Request"

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)

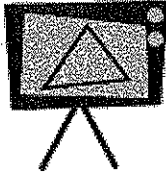
There was not a majority of votes to carry this action item.

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.





Eileen Shields/DPH/SFGOV

03/06/2009 04:34 PM

To SOTF/SOTF/SFGOV@SFGOV

cc

bcc

Subject Re: Notice: Sunshine Ordinance Complaint Received #09009\_Charles Pitts v Health Dept.

Dear SOTF:

Here is the Department of Public Health's response to Mr. Pitts' allegations and basis for complaint to the SOTF:

**1. reference was made to a document they did not provide .**

Response: Mr. Pitts' hand delivered, immediate disclosure request asked for "Information regarding why Quintin Mecke of the shelter monitoring committee can hold on to his chair position after his term expired." The information as to why Mr. Mecke is still serving as chair is contained in the ordinances cited. This office furnished Mr. Pitts with the relevant passages and an explanation. Because Mr. Pitts' did not provide an e-mail address, this department did not furnish him with the link to the Ordinances. That this Department failed to produce hard copies of the ordinance is an oversight precipitated by my (Eileen Shields, PIO) desire to respond immediately with appropriate citations and an explanation that, in my opinion, more than fulfilled his informational request. Furthermore, I was attempting to spare Mr. Pitts' having to return to the Health Department to pay for copies and in my effort to expedite his immediate disclosure request, I opted for a quick response without furnishing him copies of the entire Ordinances in hard copy form. Clearly, this was an error of judgement but in no way was an attempt to withhold information.

**2. the document they made reference to did not say what they say it said .**

Response. The ordinance language, which subject to discussion, is immutable.

**3. the date when he was elected is incorrect.**

Response: Mr. Pitts' is citing a copy of the minutes from February 6, 2008, indicating Mr. Mecke's term of office ends on 12/31/09. The ordinance governing his term extends it until there is another election. The legislation lists the end of term as January 2010, which would be when the new president, if elected as scheduled, would begin. The date 12/31/09 seems to indicate the same thing.

I believe the SOTF is familiar with this extension option, reflecting a similar pattern as when your previous Chairperson, Doug Comstock, served well beyond the time when his appointment expired. Good governance would suggest this option.

**4. the date term expiring is incorrect also**

Response: The ordinance governing his term extends it.

**5. the letter i received had no name or signature form the sender .**

Response: The information came from my office, Eileen Shields, as the public information officer. What Mr. Pitts received was not a "letter," it was a quick response prepared in haste to an immediate disclosure request that I wanted to get out in the afternoon mail in order to respond immediately.

**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 .**

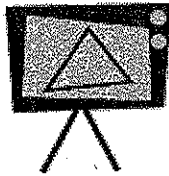
Response: If what Mr. Pitts is referring to in this allegation was his sudden appearance in my office demanding to know who had given me the information, it is true that I declined to reveal my source as I did not recall who it was. Known to Mr. Pitts is the DPH representative, David Nakanishi, with whom I consulted about this request. One of Mr. Nakanishi staff called me back to give me the dates for Mr. Mecke's service but I do not know who it was. Therefore, there is no document to produce other than our verbal exchange. He wanted a response in writing. The Sunshine Ordinance does not require Departments to create a document that does not exist. My brief response to Mr. Pitts through the mail

and my subsequent furnishing of information verbally was a good faith effort to provide as much information as he needed to understand why Mr. Mecke was still in his capacity as chairperson.


General observation: Mr. Pitts asked for and received the information he requested. His inquiry did not ask for any specific documents and this Department did our best to accommodate his "Why..." request. That he is dissatisfied with the response and is opposing Mr. Mecke's continued chairmanship of the monitoring committee does not constitute a failure by this office to respond to his public records request. If this office is left wanting in an adequate response, it was my error to not take the time to write a proper letter and identify myself as the source of response and make the necessary copies that fully reflect the workings of the Shelter Monitoring Committee. This will not be repeated. Finally, I find it rather intriguing that one very short, very oblique public records request for "... why Quintin Mecke....can hold to his position after his term expired." has produced six allegations, most of which are questioning responses, clarifications and time spent with him that were intended to help him.

As of this writing, the Department submits this document in lieu of sending a personal representative to the hearing.





Eileen Shields/DPH/SFGOV  
03/06/2009 04:58 PM

To SOTF/SOTF/SFGOV@SFGOV  
cc  
bcc  
Subject Re: SOTF Hearing Reminder: #09009\_Charles Pitts v Health  
Dept 

The San Francisco Department of Public Health does not agree with the allegations of this complaint. However, we do not dispute SOTF jurisdiction and submit this statement in lieu of sending a representative to the Complaint Committee.

Eileen Shields, PIO  
San Francisco Department of Public Health



SOTF/BOS/SFGOV

# Shelter Monitoring Committee

LISTEN  
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05-13-09A07:21 RCVD

## January 9, 2008 Shelter Monitoring Committee Agenda

### AGENDA

#### SHELTER MONITORING COMMITTEE

Wednesday, January 9, 2008

10:00 AM to 1:00 PM

25 Van Ness Ave., 8<sup>th</sup> Floor

San Francisco, CA 94102

Roster:

**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 David Nakanishi**

**Committee Member Liz**

**Olsen**

**Committee Member Maxine Pauson**

**Committee Member**

**Hank Wilson**

**PUBLIC COMMENTS WILL BE TAKEN FOR EACH AGENDA ITEM REQUIRING COMMITTEE ACTION/VOTE.**

### **CALL TO ORDER/ROLL CALL/AGENDA**

#### **ADJUSTMENTS**

*2 min*

#### **I. PUBLIC COMMENT**

*DISCUSSION*

*3 min*

Members of the public may address the Committee on items of interest to the public that are within the subject matter jurisdiction of the Committee for up to three minutes. With respect to an action item [denoted by **Proposed Action** after the agenda item] on the agenda, members of the public may address the Committee for up to two minutes at the time such item is called. Members of the public may only speak once per agenda item due to time constraints.

#### **II. MINUTES**

*ACTION*

*5 min*

*Explanatory document-minutes from December 12, 2007 meeting*  
**Public Comment will be heard before the proposed action.**

*Proposed Action: Approve Minutes.*

**III. REPORTS**

**DISCUSSION**

**A. Human Services Agency**  
**Ward** 10 min

**Cindy**

**B. Department of Public Health**  
**Nakanishi** 10 min

**David**

**C. Standard of Care**  
**Mecke** 10 min

**Quintin**

**IV. OLD BUSINESS**

*DISCUSSION 10min*

**A. Review of Tasks and Follow Up**  
**Valentine**

**Diana**

*Tabled from December 12, 2007 meeting*

**V. COMMITTEE MEMBERS QUESTIONS/COMMENTS** *DISCUSSION 60 min*

Committee Members will make announcements, ask for items to be placed on next month's agenda, and give further direction to Committee staff on follow-up items.

**VI. NEW BUSINESS**

*ACTION/DISCUSSION*

**A. REVIEW LETTER REGARDING CLOSURE OF BUSTERS**

**ADJOURNMENT**

**ACTION**

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Frank Darby, Administrator  
Sunshine Ordinance Task Force  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689  
Phone 415.554.7724  
Fax 415.554.7854  
E-mail [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at [www.sfgov.org](http://www.sfgov.org).

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