

Date: July 27, 2010

Item No. 18, 19

File No. 10029

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Charles Pitts v Local Homeless Coordinating Board
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Completed by: Chris Rustom

Date: July 22, 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.



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**MEMORANDUM
PRIVILEGED AND CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
FROM: Jana Clark
Deputy City Attorney
DATE: July 22, 2010
RE: *Charles Pitts v. Local Homeless Coordinating Board (10029)*

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING:

Complainant Charles Pitts ("Complainant") alleges that on June 1, 2010, the chair of the meeting of the Local Homeless Coordinating Board ("Board") cut him off while he was speaking and in doing so violated the Sunshine Ordinance.

COMPLAINANT FILES COMPLAINT:

On June 1, 2010, Complainant filed a Public Meeting Complaint against the Board without specifying the sections of law that had been violated.

JURISDICTION

The Board is nine member policy body appointed by the Mayor, the Board of Supervisors, and the Controller. Its bylaws indicate that it will operate in accordance with the Sunshine Ordinance. Therefore, the Sunshine Ordinance Task Force has jurisdiction over the complaint and indeed the Board does not contest jurisdiction.

APPLICABLE STATUTORY SECTION(S):

Section 67 of the San Francisco Administrative Code:

Section 67.15 of the Ordinance governs public testimony at regular meetings of a policy body.

APPLICABLE CASE LAW:

none

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ISSUES TO BE DETERMINED**FACTUAL ISSUES****A. Uncontested Facts:**

Complainant alleges that the chair of the meeting of the Board cut him off while he was speaking.

The Board did not respond to the complaint.

The Task Force must determine what facts are true.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- Did the Board adopt any rules regarding public comment at its June 1, 2010 meeting?
- If so, did the rule allow for each person wishing to speak the opportunity to be heard at least one time for up to three minutes?
- Was any such rule uniformly applied to each member of the public wishing to speak?
- Was the Complainant permitted to speak in accordance with any rule adopted regarding public comment?
- Was the Complainant cut off from speaking before he had the opportunity to be heard one time for up to three minutes?

LEGAL ISSUES/LEGAL DETERMINATIONS:

- Were sections of the Sunshine Ordinance, Brown Act, and/or California Constitution Article I, Section three violated?

SUGGESTED ANALYSIS:

Determine if the Complainant was cut off from speaking in violation of any regulations or rules adopted by the Board at the June 1, 2010 meeting and governing public comment and determine if those rules or regulations are permitted under the Ordinance?

CONCLUSION:

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

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

**ATTACHED STATUTORY SECTION FROM CHAPTER 67 OF THE SAN
FRANCISCO ADMINISTRATIVE CODE UNLESS OTHERWISE SPECIFIED**

Section 67.15 of the Administrative Code (Sunshine Ordinance) governs public testimony at regular meetings of policy bodies and provides:

(a)

Every agenda for regular meetings shall provide an opportunity for members of the public to directly address a policy body on items of interest to the public that are within policy body's subject matter jurisdiction, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Section 67.7(e) of this article. However, in the case of a meeting of the Board of Supervisors, the agenda need not provide an opportunity for members of the public to address the Board on any item that has already been considered by a committee, composed exclusively of members of the Board, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the Board.

(b)

Every agenda for special meetings at which action is proposed to be taken on an item shall provide an opportunity for each member of the public to directly address the body concerning that item prior to action thereupon.

(c)

A policy body may adopt reasonable regulations to ensure that the intent of subdivisions (a) and (b) are carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Each policy body shall adopt a rule providing that each person wishing to speak on an item before the body at a regular or special meeting shall be permitted to be heard once for up to three minutes. Time limits shall be applied uniformly to members of the public wishing to testify.

(d)

A policy body shall not abridge or prohibit public criticism of the policy, procedures, programs or services of the City, or of any other aspect of its proposals or activities, or of the acts or omissions of the body, on the basis that the performance of one or more public employees is implicated, or on any basis other than reasonable time constraints adopted in regulations pursuant to Subdivision (c) of this Section.

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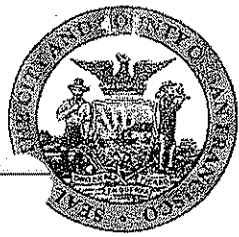
(e)

To facilitate public input, any agenda changes or continuances shall be announced by the presiding officer of a policy body at the beginning of a meeting, or as soon thereafter as the change or continuance becomes known to such presiding officer.

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 protect 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.



SAN FRANCISCO LOCAL HOMELESS COORDINATING BOARD

Funding Committee AGENDA

Tuesday, June 1, 2010
2:00pm-4:00pm
77 Otis St. First Floor

Christine Ma, M.D.
Co-Chair

Laura Guzman
Co-Chair

Roberta Rosenthal

Richard Springwater

Rae Suber

Wendy Phillips

Kevin Sharps

and Schlageter, staff

- I. Introduction
- II. Minutes from April 23, 2010 Meeting
- III. McKimney Vento Application 2010
A) Renewal Project Review- Tool ✓
- IV. Quarterly Goals- LHCB
A) Update from Full LHCB Meeting
~~B) Transitional Housing Analysis Update~~
C) Next Steps for Quarterly Goals
- V. 2010-2011 Local Budget Process
A) Where things stand
- VI. Other Updates
- VII. Adjournment

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at: Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683. Telephone: (415) 554-7724, Fax: (415) 554-7854. E-Mail: Donna.Hall@sfgov.org. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force (listed above), the San Francisco Public Library, and on the City's web site at: www.sfgov.org.

TRANSLATION SERVICES

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Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For either accommodation, contact (415) 252-3136 at least two business days before a meeting.

LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance [SF Admin Code Section 16.520-16.534] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, No. 701, SF 94102, (415) 554-9510, FAX (415) 703-0121 and web site <http://www.sfgov.org/ethics/>.

SUBMITTING WRITTEN PUBLIC COMMENT TO THE LOCAL HOMELESS BOARD

Persons who are unable to attend the public meeting may submit to the Local Homeless Board, by the time the proceedings begin, written comments regarding the subject of the meeting. These comments will be made a part of the official public record, and brought to the attention of the Local Homeless Board. Written comments should be submitted to: Ali Schlageter, LHCB Policy Analyst – ZB16, Department of Human Services, P.O. Box 7988, San Francisco, CA 94120, or via fax at (415) 557-6033, or via email: Alison.Schlageter@sfgov.org

ORAL PUBLIC COMMENT TO THE LOCAL HOMELESS BOARD

Public comment will be taken on each item being considered by the Board prior to the Board's vote.

EXPLANATORY DOCUMENTS RELATED TO AGENDA ITEMS

Copies of explanatory documents are available through the Local Homeless Coordinating Board (415-557-6451) during normal business hours. The material can be faxed or mailed to you upon request.

San Francisco Local Homeless Coordinating Board May 2010 Setting Quarterly Goals

Objective 1: Create new permanent housing beds for chronically homeless individuals.

Annual Action Steps	Second Quarter Action Steps	Notes
<p>1. With non-profits and Mayor's Office, create 258 units for chronically homeless persons in 2009 by development of Bishop Swing Community Housing, Arnett Watson Apartments, Allen Hotel and Verona Hotel.</p>	<p>Done.</p>	<p>Done.</p>
<p>2. Continue to advocate to prioritize and maintain Federal, state and local funding that builds and maintains permanent housing and supportive services for homeless persons, including HUD-VASH vouchers.</p>	<ul style="list-style-type: none"> • Schedule a meeting with Mayor in May • Continue to work on local budget advocacy • Initiate discussion with the Housing Authority around VASH and other issues • Invite Bobbie Rosenthal to provide an update on VASH • Advocate to replenish housing in the pipeline 	<ul style="list-style-type: none"> •
<p>3. To effectively allocate local services funding for housing units, supportive housing providers and city departments, including Human Services Agency, should continue to investigate and determine the levels of supportive services needed to effectively serve tenant populations.</p>	<ul style="list-style-type: none"> • Ask for a presentation about the SASH process, consider using that information or develop other information for budget advocacy 	<ul style="list-style-type: none"> •
<p>4. Identify and work with existing regional networks to engage experienced developers in sharing information, providing training, and otherwise supporting non-profit organizations, faith-based groups and other providers who are interested in developing high quality supportive housing in San Francisco.</p>		

Objective 2: Increase percentage of homeless persons staying in permanent housing over 6 months to at least 77 percent.

Annual Action Steps:	Second Quarter Action Steps	Notes
<p>1. Maintain or increase access to prevention services, especially services for people with mental health issues and people in housing that is being foreclosed, through the use of HPRP funding and other resources, in coordination with the Eviction Defense Collaborative, Volunteer Legal Services Program, Housing Authority, and Eviction Prevention Work Group.</p>	<ul style="list-style-type: none"> • Provide training and outreach about available prevention services to line staff in other programs 	<ul style="list-style-type: none"> •
<p>2. Coordinate peer mentoring and support among PSH providers including sharing DPH's efforts to implement best practices; Community Housing Partnership's housing retention training for staff; Hamilton Family Center's coordination between permanent housing and its eviction prevention program; tools to align the goals and work of supportive service providers and property managers; and improving processes to match each household with the program that best fits.</p>		
<p>3. Continue to advocate to maintain Federal, state and local funding for permanent housing and supportive services, stressing the importance of services to maintain housing.</p>	<ul style="list-style-type: none"> • Support SRO collaboratives in the Central City, Chinatown, and the Mission • Advocate for SHEC in budget hearings 	<ul style="list-style-type: none"> •

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Objective 3: Increase percentage of homeless persons moving from transitional housing to permanent housing to at least 65 percent.

Annual Action Steps:	Second Quarter Action Steps	Notes
<p>1. Create a TH Steering Committee to improve movement from TH to PH. Evaluate the barriers for homeless veterans and youth and increase access to housing for them. Assist veterans by leveraging new resources for veteran housing (HUD-VASH) and employment (Homeless Veterans Reintegration Program). Assist youth by providing vocational training, internships and job placement for homeless youth. Monitor PH access from TH on a quarterly basis.</p>	<ul style="list-style-type: none"> • Monitor TH outcomes quarterly. 	<ul style="list-style-type: none"> •
<p>2. Look for more sources of affordable, suitable PH for TH clients, increasing housing diversity. Improve regional coordination to help people access affordable housing with stabilization services.</p>		
<p>3. Address other barriers to PH for TH residents. Advocate for changes to the Local Operating Subsidy Program, Housing Authority policy, and other housing policy to better serve TH residents. Meet with City Officials about issues and solutions. Use HPRP-related services to help people in TH at risk of homelessness overcome barriers to PH.</p>	<ul style="list-style-type: none"> • Review and consider advocacy about City policies concerning access and referrals to PH • Plan for forum/ discussion on access to PH and PH quality 	<ul style="list-style-type: none"> •

Objective 4: Increase percentage of persons employed at program exit to at least 20 percent.

Annual Action Steps:	Second Quarter Action Steps	Notes
<p>1. Advocate and maintain funding for homeless-targeted services that increase job readiness: soft/hard skills training, literacy education, & supportive employment. Coordinate with ARRA program, JOBS NOW!, to access employment/training for eligible clients, including by encouraging: client referrals, hiring clients, or hosting transitional employment programs.</p>	<ul style="list-style-type: none"> • Advocate for SHEC and other programs in budget hearings • Request report from appointed WIB representative (or equivalent) 	<ul style="list-style-type: none"> •
<p>2. Continue to provide job placement services, subsidies, employment resources, and job retention services for homeless people despite budget cuts, including career planning after employment.</p>		
<p>3. Develop approaches and identify resources to provide services to homeless, undocumented immigrants in need of employment.</p>		
<p>4. Improve accessibility to mainstream resources. Assist the Tenderloin Workforce Center (one-stop) to better serve homeless people by increasing collaboration.</p>	<ul style="list-style-type: none"> • Request additional information from TVWC and other One-Stops regarding homelessness placement 	<ul style="list-style-type: none"> •
<p>5. Through LHC's dedicated seat on advisory board, continue working with Workforce Investment Board to ensure it addresses the needs of homeless people.</p>	<ul style="list-style-type: none"> • Request report from appointed WIB representative (or equivalent) 	<ul style="list-style-type: none"> •

Objective 5: Decrease the number of homeless households with children.

Annual Action Steps:	Second Quarter Action Steps	Notes
<p>1. Through the Rapid Rehousing project funded in last year's CoC competition and HPRP, continue to increase housing access for homeless families and collect data to use in advocating for increased resources for families.</p>		
<p>2. Work towards regional coordination in the Bay Area to increase and improve access to low-income family housing.</p>		
<p>3. Create 107 units of housing for homeless families at 10th & Mission, Mosaica, and Arnett Watson, which are very needed during this time of economic crisis when the family shelter waiting list is two-three times longer than it was in 2007. Continue to advocate for new units for families.</p>	Done.	
<p>4. Advocate for maintaining and increasing set-asides of Housing Authority units for homeless families. Support HOPE SF in partnership with the Housing Authority and the Mayor's Office to improve public housing while preventing evictions and family homelessness. Advocate for maintaining benefits for low-income families that allow them maintain housing.</p>	<ul style="list-style-type: none"> Improve integration / coordination with the Housing Authority 	

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