

Date: August 24, 2010

Item No. 11 & 12
File No. 10030

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Michael Wright against the Human Services Agency**
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Completed by: Chris Rustom

Date: August 19, 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.



DENNIS J. HERRERA
City Attorney

JANA CLARK
Deputy City Attorney

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**MEMORANDUM
PRIVILEGED AND CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
FROM: Jana Clark
Deputy City Attorney
DATE: July 22, 2010
RE: Michael Wright v. San Francisco Human Services Agency (10030)

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING:

Complainant Michael Wright ("Complainant") alleges that on May 17, 2010, San Francisco Human Services Agency ("HSA"), Housing and Homelessness Division, Director Joyce D. Crum, denied him access to the Shelter and Resource Center Directors' Monthly Meeting at 77 Otis Street in violation of "section 67.15 etc." of the Ordinance.

COMPLAINANT FILES COMPLAINT:

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

JURISDICTION:

On June 21, 2010, in HSA's response, Pamela Tebo of the Office of the Executive Director of HSA states that the Shelter and Resource Center Directors' Meeting is not a passive meeting body and that, therefore, the Sunshine Ordinance does not apply. Whether or not the Task Force has jurisdiction over the complaint depends on whether or not the Directors' meeting is a passive meeting body or a policy body as defined by the Sunshine Ordinance.

Section 67.3(c) provides that a "passive meeting body" includes advisory committees created at the initiative of a department head and any group that meets to advise a department head on any fiscal, economic, or policy issue.

Section 67.3(d) defines "policy body" to include: "3) Any board, commission, committee, or other body created by ordinance or resolution of the Board of Supervisors; (4) Any advisory board, commission, committee or body, created by the initiative of a policy body."

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 RE: *Michael Wright v. San Francisco Human Services Agency (10030)*

APPLICABLE STATUTORY SECTION(S):

Section 67.3 of the Ordinance defines "policy body" and "passive meeting body." Section 67.4 governs the conduct of meetings of "passive meeting bodies." Section 67.5 governs the conduct of meetings of policy bodies.

APPLICABLE CASE LAW:

none

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

On May 17, 2010, Complainant was denied access to the Shelter and Resource Center Directors' monthly meeting.

B. Contested facts/ Facts in dispute:

None

The Task Force must determine the following facts:

- Whether the Shelter and Resource Center Directors' group is a Passive Meeting Body?
- Whether the Shelter and Resource Center Directors' group is a Policy Body?
- Whether the Shelter and Resource Center Directors' monthly meetings are Passive Meetings required to be open to the public?
- Whether the Shelter and Resource Center Directors' monthly meetings are meetings of a Policy Body and therefore required to be open to the public?

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

What entity created the Shelter and Resource Center Directors' group?

Is the Shelter and Resource Center Directors' group an advisory body created by the initiative of a policy body?

Is the Shelter and Resource Center Directors' group a group that meets to discuss with or advise the Mayor or any Department Head on fiscal, economic, or policy issues?

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Is the Shelter and Resource Center Directors' group a committee that consists solely of employees of the City and County of San Francisco whose task it is to review, develop, modify, or create City policies or procedures relating to the public health, safety, or welfare or relating to services for the homeless?

LEGAL ISSUES/LEGAL DETERMINATIONS:

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

SUGGESTED ANALYSIS

- Determine whether Shelter and Resource Center Directors' group is a passive meeting body.
- If so, analyze whether the Shelter and Resource Center Directors' group complied with the requirements of Section 67.4.
- Determine whether the Shelter and Resource Center Directors' group is a "Policy Body"?
- If so, did the Shelter and Resource Center Directors' group comply with the requirements for public access to their meeting (Section 67.5) and for public testimony (67.15) before such a body?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

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

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TO: Sunshine Ordinance Task Force
 DATE: July 22, 2010
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San Francisco Sunshine Ordinance

67.3 DEFINITIONS.

Whenever in this Article the following words or phrases are used, they shall have the following meanings:

(a)

"City" shall mean the City and County of San Francisco.

(b)

"Meeting" shall mean any of the following:

(1)

A congregation of a majority of the members of a policy body at the same time and place;

(2)

A series of gatherings, each of which involves less than a majority of a policy body, to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the City, if the cumulative result is that a majority of members has become involved in such gatherings; or

(3)

Any other use of personal intermediaries or communications media that could permit a majority of the members of a policy body to become aware of an item of business and of the views or positions of other members with respect thereto, and to negotiate consensus thereupon.

(4)

"Meeting" shall not include any of the following:

(A)

Individual contacts or conversations between a member of a policy body and another person that do not convey to the member the views or positions of other members upon the subject matter of the contact or conversation and in which the member does not solicit or encourage the restatement of the views of the other members;

(B)

The attendance of a majority of the members of a policy body at a regional, statewide or national conference, or at a meeting organized to address a topic of local community concern and open to the public, provided that a majority of the members refrains from using the occasion to collectively discuss the topic of the gathering or any other business within the subject matter jurisdiction of the City; or

(C)

The attendance of a majority of the members of a policy body at a purely social, recreational or ceremonial occasion other than one sponsored or organized by or for the policy body itself, provided that a majority of the members refrains from using the occasion to discuss any business within the subject matter jurisdiction of this body. A meal gathering of a policy body before, during or after a business meeting of the body is part of that meeting and shall be conducted only under circumstances that permit public access to hear and observe the discussion of members. Such meetings shall not be conducted in restaurants or other accommodations where public access is possible only in consideration of making a purchase or some other payment of value.

(C-1)*

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The attendance of a majority of the members of a policy body at an open and noticed meeting of a standing committee of that body, provided that the members of the policy body who are not members of the standing committee attend only as observers.

(D)

Proceedings of the Department of Social Services Child Welfare Placement and Review Committee or similar committees which exist to consider confidential information and make decisions regarding Department of Social Services clients.

(e)

"Passive meeting body" shall mean:

(1)

Advisory committees created by the initiative of a member of a policy body, the Mayor, or a department head;

(2)

Any group that meets to discuss with or advise the Mayor or any Department Head on fiscal, economic, or policy issues;

(3)

Social, recreational or ceremonial occasions sponsored or organized by or for a policy body to which a majority of the body has been invited.

(4)

"Passive meeting body" shall not include a committee that consists solely of employees of the City and County of San Francisco created by the initiative of a member of a policy body, the Mayor, or a department head;

(5)

Notwithstanding the provisions of paragraph (4) above, "Passive meeting body" shall include a committee that consists solely of employees of the City and County of San Francisco when such committee is reviewing, developing, modifying, or creating City policies or procedures relating to the public health, safety, or welfare or relating to services for the homeless;

(d)

"Policy Body" shall mean:

(1)

The Board of Supervisors;

(2)

Any other board or commission enumerated in the Charter;

(3)

Any board, commission, committee, or other body created by ordinance or resolution of the Board of Supervisors;

(4)

Any advisory board, commission, committee or body, created by the initiative of a policy body;

(5)

Any standing committee of a policy body irrespective of its composition.

(6)

"Policy Body" shall not include a committee which consists solely of employees of the City and County of San Francisco, unless such committee was established by Charter or by ordinance or resolution of the Board of Supervisors.

(7)

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Any advisory board, commission, committee, or council created by a federal, State, or local grant whose members are appointed by City officials, employees or agents.

SEC. 67.4. - PASSIVE MEETINGS.

(a)

All gatherings of passive meeting bodies shall be accessible to individuals upon inquiry and to the extent possible consistent with the facilities in which they occur.

(1)

Such gatherings need not be formally noticed, except on the City's website whenever possible, although the time, place and nature of the gathering shall be disclosed upon inquiry by a member of the public, and any agenda actually prepared for the gathering shall be accessible to such inquirers as a public record.

(2)

Such gatherings need not be conducted in any particular space for the accommodation of members of the public, although members of the public shall be permitted to observe on a space available basis consistent with legal and practical restrictions on occupancy.

(3)

Such gatherings of a business nature need not provide opportunities for comment by members of the public, although the person presiding may, in his or her discretion, entertain such questions or comments from spectators as may be relevant to the business of the gathering.

(4)

Such gatherings of a social or ceremonial nature need not provide refreshments to spectators.

(5)

Gatherings subject to this subsection include the following: advisory committees or other multimember bodies created in writing or by the initiative of, or otherwise primarily formed or existing to serve as a non-governmental advisor to, a member of a policy body, the Mayor, the City Administrator, a department head, or any elective officer, and social, recreational or ceremonial occasions sponsored or organized by or for a policy body to which a majority of the body has been invited. This subsection shall not apply to a committee which consists solely of employees of the City and County of San Francisco.

(6)

Gatherings defined in subdivision (5) may hold closed sessions under circumstances allowed by this Article.

(b)

To the extent not inconsistent with State or federal law, a policy body shall include in any contract with an entity that owns, operates or manages any property in which the City has or will have an ownership interest, including a mortgage, and on which the entity performs a government function related to the furtherance of health, safety or welfare, a requirement that any meeting of the governing board of the entity to address any matter relating to the property or its government related activities on the property, or performance under the contract or grant, be conducted as provided in Subdivision (a) of this section. Records made available to the governing board relating to such matters shall be likewise available to the public, at a cost not to exceed the actual cost up to 10 cents per page, or at a higher actual cost as demonstrated in writing to such governing board.

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SEC. 67.5. - MEETINGS TO BE OPEN AND PUBLIC; APPLICATION OF BROWN ACT.

All meetings of any policy body shall be open and public, and governed by the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et. seq.) and of this Article. In case of inconsistent requirements under the Brown Act and this Article, the requirement which would result in greater or more expedited public access shall apply.

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.

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RE: *Michael Wright v. San Francisco Human Services Agency (10030)*

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.



DENNIS J. HERRERA
City Attorney

JANA CLARK
Deputy City Attorney

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Email: jana.clark@sfgov.org

July 9, 2010

Nick Goldman, Chair
Members of the Complaint Committee
Next Line Address

Re: 10030-*Michael Wright v. San Francisco Human Services Agency*

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 Michael Wright ("Complainant") against the San Francisco Human Services Agency (the "Department").

BACKGROUND

Complainant Michael Wright alleges that the Director's Meeting of the Department's Housing and Homeless Division is closed to the public in violation of the Ordinance.

COMPLAINT

On June 4, 2010, Mr. Wright filed a complaint with the task Force alleging a violation.

SHORT ANSWER

Based on the Complainant's allegations, it would appear that the Task Force *does* have subject matter jurisdiction over the allegations, which if true, could constitute a violation of state or local public meeting laws.

DISCUSSION AND ANALYSIS

The San Francisco Human Services Agency is a department under the Sunshine Ordinance. Therefore, the Task Force appears to have jurisdiction to hear the complaint.



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2010 JUN -4 PM 3:03

BY: Ak

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 San Francisco Human Services Agency, Housing + Homeless DEPT. Joyce CRUM, all Shelter + Resource Directors / to 500 Respondents ALL.

Name of individual contacted at Department or Commission JOYCE CRUM + BRIANA MOORE, JIM BUICK, TRENT R., BERNHARD GUNTHER, SCOTT WALTON

- Alleged violation public records access
- Alleged violation of public meeting. Date of meeting 6.7.15 Etc....

Sunshine Ordinance Section same as above also DUE PROCESS 14th AMEND-
(If known, please cite specific provision(s) being violated) MENT.

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint. all of the information pertaining to this COMPLAINT is very respectfully attached hereto and called Mr. Michael Decarlo Knight's Exhibit #1.

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) Mr. Michael Decarlo Knight Address TURK ST San Francisco CA.

Telephone No. 415 [redacted] E-Mail Address [redacted]@CONS.F.ORG

Date June 4, year 2010 Signature Mr. Michael Decarlo Knight.

I request confidentiality of my personal information. yes no

Mr. Michael Decarlo Knight.

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).

Mr. Wright's Exhibit #1.

June 2, 2010

To: San Francisco Sunshine Ordinance Task Force
From: Michael Wright
Re: Submission of Complaint regarding Violation of Article II, Public Access to Meetings by Human Service Agency, Housing and Homelessness Division
Date: June 4, 2010

On May 17, 2010 at 1:00 pm, I was denied access to the "Shelter and Resource Center Directors' Monthly meeting" as a member of the public. The meeting took place at 77 Otis Street.

In attendance were representatives from homeless provider contractor agencies including five shelter providers, and three homeless resource center/shelter reservation sites. In addition, there was several HSA staff, as well as two individuals from Tom Waddell Health Center, which is a Department of Public Health program. This is a regular monthly meeting where homeless system policy is discussed. The majority of the shelter and resource center directors were present.

On the agenda, which I have enclosed, were agenda items of broad policy concern to homeless people. These included a discussion about the shelter extension policy which is policy effecting all shelter residents with regards to under what circumstances shelter stays may be lengthened for clients past the standard length of stay. The agenda also included the rest and recline protocol, and several updates and discussions on other broad policy items such as the medical marijuana policy and plans to close a city shelter.

Neither of these meetings is advertised, except to send out an e-mail to shelter and resource center directors, and a few others.

At 2:30, "stakeholders" were invited to attend and for the most part, though not in total, the agenda was repeated (Also enclosed). Of course, by then many of the original attendees had left, and, unless issues were brought up again, the discussion that took place earlier was not repeated.

Several months ago, according to the Human Service Agency, at least one provider requested that they have some time to speak about issues without having non-shelter providers present. HSA then created a new format to the meeting, and proceeded to put all agenda items on the "private" agenda, and then select items on the later "public" agenda.

Representatives from the Coalition on Homelessness had requested that they have all items on one open agenda, and then if there are specific appropriate closed session items (ie personnell items) that the providers request, there could be a closed session for discussion of those items. It is the Coalition's contention that all policy discussions must

happen in a transparent and open manner. Human Service Agency has denied that request, and has repeatedly stated they have a right to private meetings, and I believe, in doing so is in clear violation of the Sunshine Ordinance.

*

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Sworn and Subscribed To This 4th
Day Of June year 2010, By Me, My

Name Is

Michael Decarlo Knight.

*

*

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*San Francisco Human Services Agency
Housing and Homeless Division, Mrs. Joyce D. Crum, Director
Shelter and Resource Center Directors' Monthly Meeting*

Adult Emergency Stakeholder's Agenda
May 17, 2010 -2:30 - 3:30

- | | | | |
|------|--|------------|--------------|
| I. | Welcome and Introductions
-Key Shelter Staff | 5 minutes | Briana Moore |
| II. | Shelter Extension Policy Revisited | 25 minutes | Scott Walton |
| III. | H.S.A Quick Updates and Discussion | 20 minutes | Briana Moore |
- Medical Marijuana Integrated in Shelter Policy
 - 150 Otis Moving Storage/Shelter Closure
 - Overview Mayor's Office of Disability Training
- IV. **Announcements**
- Employment Opportunities at Shelters/Resource Centers
 - Training through DPH
 - Housing Opportunities

Please Note: This meeting agenda has been set and carefully timed. Any new agenda items that need a block of time need to be identified during the agenda circulation process, which occurs one week prior to setting the agenda or at the current meeting.

Thank you very much...

NEXT SRD MEETING MONDAY, June 21, 2010
77 Otis Street
1:30 - 2:30



*San Francisco Human Services Agency
Housing and Homeless Division, Mrs. Joyce D. Crum, Director
Shelter and Resource Center Directors' Monthly Meeting*

Director's Agenda
May 17, 2010 - 1:00 - 2:30

- | | | | |
|------|---|-----------|-----------------------------------|
| I. | Welcome and Introductions
-Key Shelter Staff | 5 minutes | Briana |
| II. | Shelter Extension Policy Revisited | 30 | Scott Walton and Group Discussion |
| III. | Rest and Recline Protocol and Forms | 15 | Maren Shipe and Deb Borne |
| IV. | System Outage Plan – CHANGES | 10 | Briana Moore and Bernhard Gunther |
| V. | H.S.A Quick Updates and Discussion | 20 | Briana Moore |
| | <ul style="list-style-type: none">• Medical Marijuana Integrated in Shelter Policy• 150 Otis Moving Storage/Shelter Closure• Disaster Planning• Overview Mayor's Office of Disability Training• Special Attention in Shelters | | |

Announcements

- Employment Opportunities at Shelters/Resource Centers
- Other Items

Please Note: This meeting agenda has been set and carefully timed. Any new agenda items that need a block of time need to be identified during the agenda circulation process, which occurs one week prior to setting the agenda or at the current meeting.

Thank you very much...

NEXT SRD MEETING MONDAY, June 21, 2010

77 Otis Street

1:30 – 2:30



*San Francisco Human Services Agency
Housing and Homeless Division: Joyce D. Crum, Director
Single Adult Shelter Policy: Reservation Extension Policy
Effective: To Be Determined*

DRAFT --- DRAFT --- DRAFT

Single Adult Shelter Reservation & Reservation Extension Policy

In the San Francisco Single Adult Emergency Shelter system, reservations for the same day are obtained in person at CHANGES (the city's adult emergency shelter reservation system) reservation stations as sleeping units (beds, mats or cots) are available.

I. Adult Shelter Reservations

The CHANGES reservation stations do not determine or change the length of reservation possible but will offer what is available at the time of the request.

- One- to three-day reservations are made when the sleeping unit is available for that period but has either an on-going reservation or a designated use that makes it unavailable for a longer reservation. These reservations cannot be extended at the shelter.
- 90-day reservations are made whenever a sleeping unit is available for at least that period of time.

II. Check-In/Curfew Violations

- Check-In/Curfew Violation: Each shelter has a time when clients are to check-in for that night's reservation. There is also a curfew by which clients must be checked-in and remain in the shelter. If a client does not check-in on time or is not present and checked into the shelter by curfew, this is a Check-In/Curfew Violation. The only exception is if the client has an approved Late Pass (see also, Late Pass Policy). With a Late Pass, a Check-In/Curfew Violation occurs if the client is not present and checked into the shelter by the Late Pass time.
 - With any Check-In/Curfew Violation, the sleeping unit may be released for the night of the violation for someone else's use as a one-night reservation.

- During the initial 7 days of a 90-day reservation, if the client has a Check-In/Curfew Violation, the reservation will be cancelled.
 - If the initial 90-day reservation is cancelled due to a Check-In/Curfew Violation in the first 7 days, the client will need to return to a CHANGES reservation station to obtain a new reservation based on what is available at the time of the request.
 - An initial 90-day reservation that is cancelled during the first 7 days due to a Check-In/Curfew Violation does not result in a DOS for the client nor is the client suspended from the shelter for any period of time. Therefore, this does not become part of the internal hearing and Arbitration process.

- During the 90-day reservation and the subsequent extensions (including during the first 7 days), if a client is transported from the shelter to the hospital, referred to a medical clinic by SF HOT or SF START, or the clinic calls while the client is at the clinic receiving treatment, the shelter shift supervisor may check in that client for one day without loss of the reservation in the first 7 days or without a Check-in/Curfew violation later in the stay. Since most clients are released the same or next day, this holds the bed one day only.
 - The client must return to the shelter with written documentation from the hospital or medical treatment facility.
 - This is only for one day and one time during a reservation.
 - If the client has had one such check-in by the shelter shift supervisor during a reservation and its allowable extensions, any other days missed will be handled according to the policy as described here.
 - If the client is kept longer than one day or this occurs more than once during a shelter stay, the shelter staff may contact HSA regarding consideration of how to proceed.
 - If the client fails to provide written documentation upon return to the shelter:
 - If the client is in the first 7 days of the 90-day reservation, the reservation may be ended after consultation with HSA.
 - If the client is past the first 7 days of the initial 90-day reservation, a written Check-in/Curfew violation will be issued.

III. Extension of the initial 90-day reservation.

- Any client with an active initial 90-day reservation may request one 30-day extension.
- This request must be made prior to the shelter curfew on the last night of the reservation.
- No documentation is required but the client must request the 30-day extension in person to staff at the shelter where the client has the current reservation.
- After the first 7 days of the initial 90-day reservation and throughout the possible 30-day extension, a Check-in/Curfew Violation will result in a written warning and the sleeping unit will be released that night for reservation and use by another person.
- If a client believes a written warning regarding a Check-in/Curfew Violation has been issued in error, the client can discuss it with the shelter that issued it according to the shelter's complaint policy.
- A third Check-in/Curfew Violation within 30 days will result in a non-immediate Denial of Service (DOS). As with any Check-In Curfew Violation, the bed will be released for someone else's use for one night.
 - If the client with a non-immediate DOS requests an internal shelter hearing within 24 hours of the DOS being issued, the client will be returned to the bed after the one-night user has vacated. The client will continue to use the bed for the duration of the grievance process or until the reservation would have originally ended.
 - If the request for an internal hearing is made after the initial 24 hours but within three working days from when the DOS was issued, the client will have access to an internal hearing but will not have access to the original shelter bed during that time.
 - Therefore, if the client does not request a hearing within 24 hours of the non-immediate DOS being issued, the reservation is cancelled. The sleeping unit becomes available for a new initial 90-day reservation via a CHANGES reservation station.
 - With the issuance of a non-immediate DOS for Check-in/Curfew violations, the Shelter staff will explain the Grievance Process when the client returns to the shelter. If the request for an internal hearing is made within three working days, the client may proceed with the hearing. If the client accepts the DOS, there is a one-day

length of suspension when the client cannot return to the same shelter. If the client accepts the DOS and does not request a hearing, the one-day suspension from using that shelter starts with the issuance of the DOS.

- If the DOS is upheld in the internal hearing, a client can request arbitration. If the internal hearing or arbitration overturns the DOS, a client who requested an internal hearing within 24 hours and retained the shelter sleeping unit will remain in the bed for the duration of the initial reservation. If the client did not retain the original sleeping unit, the client will get the next available bed at that shelter with a reservation equal to the remainder of the current reservation available at the time of the DOS.
- If the requested Arbitration upholds the DOS, the reservation for the client who retained the original bed is cancelled and the client will not be able to return to that facility for a one-day length of suspension starting from the time the final decision was made upholding the DOS.

IV. Possible additional 30-day extension – for limited reasons.

A person who is reaching the end of the full 120-day stay (initial 90-day reservation and 30-day extension) may request an additional 30-day reservation extension with written documentation provided to the shelter of one of the following reasons.

- Client has written documentation of a housing offer from the housing provider with a move-in date during the final 30-day extension.
- Client has written documentation from the provider of a residential treatment placement with a placement date during the final 30-day extension.
- Client has written document from SF HOT, SF START or a licensed medical professional acknowledging an acute health or mental health situation and stating that a final 30-day shelter extension would make a difference in the health outcome.
 - NOTE: HSA will develop a form to support proper documentation related to the request for the final 30-day extension.
 - Requests for the final 30-day extension should be submitted 3 days before the end of the current reservation to allow time for the written documentation to be processed.

As with all Adult Shelter System policies, any exceptions or operations that do not follow this policy must be reviewed with HSA prior to being made.

**Pamela
Tebo/DHS/CCSF@CCSF**

06/21/2010 09:13 AM

To SOTF/SOTF/SFGOV@SFGOV, Chris
Rustom/BOS/SFGOV@SFGOV

cc

bcc

Subject Re: Sunshine Complaint Received: 10030_Michael Wright vs
SF Human Services Agency

In lieu of attending the Sunshine Task Force Hearing, the Human Services Agency will reply to complaint #10030 in writing. Please note, this group (who met on May 17, 2010) is not a passive meeting body so the Sunshine Laws do not apply. In addition, the courts granted a restraining order against Michael Wright protecting Human Service Agency staff Joyce Crum and Briana Moore therefore they will not attend the Sunshine Task Force Hearing.

Thank you,

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