

Date: Sept. 28, 2010

Item No. 6

File No. 10030

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

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

Date: Sept, 23, 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
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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.

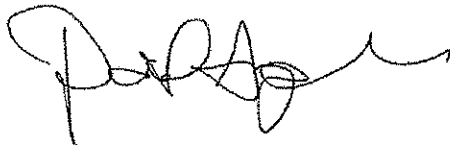
This Order of Determination was adopted by the Sunshine Ordinance Task Force on August 28, 2010, by the following vote: (Wolfe / Snyder)

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.

City and County of San Francisco



Gavin Newsom, Mayor

Human Services Agency

Department of Human Services
Department of Aging and Adult Services

Trent Rhorer, Executive Director

September 14, 2010

Sunshine Task Force
Complaint Committee
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

RE: Michael Wright v Human Services Agency (Case No. 10030)

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 SEP 14 PM 2:16
BY [Signature]

Dear Sunshine Task Force Complaint Committee Members:

In response to the above complaint, on June 21, 2010 Pamela Tebo of my staff emailed the following reply to the Sunshine Task Force and Chris Rustom:

“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.”

As explained in the June 21, 2010 email, there are very real safety concerns. The courts granted a restraining order protecting two Human Services Agency employees from Michael Wright after he threatened to do them great bodily harm. The Human Services Agency will not send its employees to a meeting where their safety may be placed at risk. This clear obligation to keep employees safe trumps the Sunshine Ordinance and I will not send any employee to a meeting where his or her safety may be jeopardized.

As to the merits of the claim, the group that met on May 17, 2010 does not meet the legal requirements of a passive meeting body or policy body subject to Brown Act or Sunshine Ordinance jurisdiction. This interpretation of this group has been vetted through the City Attorney’s Office and they support that conclusion.

Thank you for your cooperation and taking into consideration the safety of City Employees.

Sincerely,

Trent Rhorer
Executive Director

cc: Jerry Threet, Jana Clark, Pamela Tebo, Joyce Crum