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.
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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.