

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION  
February 20, 2023**

**DATE DECISION ISSUED**  
April 6, 2022

**CASE TITLE - File No. 21021**

**File No. 21021:** Complaint filed by Wynship Hillier against the Behavioral Health Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.7 and 67.9, by failing to provide meaningful and sufficiently clear agenda descriptions, distribute agenda packets to members of the public, 67.15 by failing to provide an opportunity for public comment on each item on the agenda, and California Public Records Act by failing meeting with quorum and failing to list disability information on the agenda.

**HEARING AND ACTION ON THE COMPLAINT**

On June 15, 2021, the Complaint Committee acting in its capacity to hear petitions/complaints heard the matter.

Action: Moved by Member Forsley, seconded by Chair Schmidt, to find jurisdiction, that the records are public and to refer the matter to the SOTF for hearing.

The motion PASSED by the following vote:

Ayes: 3 - Forsley, Schmidt, Stein  
Noes: 0 - None

On April 6, 2022, the SOTF held a hearing to review the recommendation from committee and/or to review the merits of the petition/complaint.

Action: Moved by Member Hyland, seconded by Vice-Chair Yankee to approve the consent agenda for File Nos. 21021, 21036, 21087, 21095, 21099, 21103, 21118, as presented for violations each noted and that an Order of Determination is drafted for each item for the following violations against the Behavioral Health Commission for meetings that occurred for the period of September 8, 2020, through April 13, 2021, for violations of one or more of the following Sunshine Ordinance Sections (with the Respondent plea of 'No Contest'):

- 67.7(a) by failing to provide an adequate description of the agenda items;
- 67.7(a) by failing to post their Agenda 72 hours in advance of the meeting;
- 67.7(b) by failing to provide a clear description of the matters;
- 67.7(b) by failing to post supporting documents on-line or make them available as soon as they are available;
- 67.7(g) by failing to include notices of rights under the Sunshine Ordinance on the agenda;
- 67.9(a) by failing to post supplementary documents for the meeting on the internet;
- 67.15(a) by failing to allow public comment for each item on the agenda.

The SOTF further requests that the matter is referred to the Compliance and Amendments Committee no earlier than the issue date of the Order of Determination. The SOTF further requests that the BHC provide their manual or description of their procedure/practices implemented to address the violations listed. In an effort to document compliances with posting requirements of the Sunshine Ordinance, the SOTF requests that the BHC maintain a log of when agendas and supporting documents are posted along with any other relevant data.

The motion PASSED by the following vote:

Ayes: 7 - Hyland, Yankee, Wolfe, Padmanabhan, Schmidt, Stein,  
Neighbors

Noes: 0 - None

Absent: 2 - Wong, LaHood

The Order of Determinations was approved  
by the Sunshine Ordinance Task Force  
on: February 1, 2023

cc. Wynship Hillier (Petitioner)  
Geoffrey Grier, Behavioral Health Commission (Respondent)