

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TTD/TTY No. (415) 554-5227

ORDER OF DETERMINATION
April 7, 2023

DATE DECISION ISSUED
April 6, 2022

CASE TITLE - File No. 21095

File No. 21095: Complaint filed by Wynship Hillier against the Behavioral Health Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.7, 67.9, and 67.15 and California Government Code Sections 54953 and 54954(a)(1) by failing to refer/post explanatory documents provided to the policy body, failing to agenda and other documents on file available to the public, failing to provide a brief description of each item of business, failing to make documents available on the internet, failing to take a roll call vote, failing to specify for each item of business the proposed action or statement that the item is for discussion only, failing to adopt a rule providing that each person wishing to speak on an item before the body shall be permitted to be heard once for up to three minutes, failing to include a message for people with disabilities on the agenda, failing to include language on the agenda regarding Sunshine Rights, and failing to include the contact information for the Sunshine Ordinance Task Force. (February 3, 2021, February 9, 2021, and February 17, 2021, meetings).

HEARING AND ACTION ON THE COMPLAINT

On March 8, 2022, Education Outreach and Training Committee acting in its capacity to hear petitions/complaints heard the matter.

Moved by Chair Hyland, seconded by Member Yankee, to recommend that the SOTF, via Consent Agenda, find that the BHC and its Committees, at various meetings that occurred from period of September 8, 2020, through April 13, 2021, violated one or more of the following Sunshine Ordinance Sections:

- 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.

On April 4, 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. 21095, 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: April 5, 2023

cc. Petitioner
Respondent