

File No. 14055

Item No. 6

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Sunshine Ordinance Task Force Date: October 28, 2014

- Memorandum - Deputy City Attorney
- Complaint and Supporting documents
- Respondent's Response
- Order of Determination
- Minutes
- Correspondence
-
-
-
-
- No Attachments

OTHER

- Administrator's Report
- _____
- _____
- _____
- _____

Completed by: V. Young Date 10/24/2014

*An asterisked item represents the cover sheet to a document that exceeds 75 pages.
The complete document is in the file..

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
TDD/TTY No. (415) 554-5227

Thomas Picarello
tpicarello@gmail.com

October __, 2014 [September 26, 2014 **DRAFT**]

Re: Advisory Opinion on Community Housing Partnership Under Admin. Code Chapter 12L

Dear Mr. Picarello,

You made a request for an Advisory Opinion regarding Community Housing Partnership (CHP) under San Francisco Administrative Code section 12L.5 (b) on May 28, 2014 (SOTF File No. 14055). CHP receives at least \$250,000 a year from the City and County of San Francisco and has a contract with the Human Services Agency (HSA) to provide supportive housing and other services. You have complained that at least one of the 2 required public meetings per year of CHP's board of directors, on May 27, 2014, was not held at the location on the notice provided at least 30 days in advance of the meeting to the Board of Supervisors and the Public Library Government Information Center. HSA was notified of your complaint. After conferring with CHP, HSA determined that while the required meeting notice was provided, the meeting was not held at the location on the notice. HSA's recommended resolution indicated that CHP had apologized, committed to transparency, and pledged to put policies in place to ensure that improper noticing never happens again. You were not satisfied with HSA's recommended resolution and sought this Advisory Opinion from the Task Force.

The Task Force heard your request on September 23, 2014. The Task Force first determined that it had jurisdiction to hear the matter, that the proper procedures had been followed, and that the matter was ripe for review following your dissatisfaction with HSA's recommended resolution. On the merits the Task Force heard from you, Ramona Wilson and Kelly Wilkinson of CHP, and Diana Christensen and David Curto of HSA.

The Opinion of the Task Force is as follows: CHP has acknowledged that the meeting at issue on May 27, 2014 and a previous meeting on October 23, 2013 were not held at the location on the notice provided to the Board of Supervisors and the Public Library Government Information Center under Administrative Code section 12L.4 (a) and (d). As such, it appears that CHP has not held the required 2 designated public meetings per year. CHP should designate the next 2 meetings of its board of directors as public meetings in addition to its regular public meeting in Spring 2015. CHP should review its procedures for designating public meetings of its board of directors, providing the required notice in advance of those meetings, and informing HSA afterwards that a meeting was held as noticed or that another meeting must be held to address a lack of location, quorum, or any other failure to hold the meeting as noticed. HSA should review CHP's procedures and monitor them for compliance. HSA should consider

requesting or requiring contractors to include on their public meeting notices language to the effect that "This notice is provided under San Francisco Administrative Code section 12L.4 (d). For further information please contact [name] at [phone number]." including an HSA program or contracts officer who monitors the contract for performance and / or compliance. Finally, HSA and the Controller should note this Opinion regarding CHP and ensure that it is addressed, along with any other complaints or requests, the next time CHP is reviewed for compliance. No follow-up to the Task Force is requested at this time.

Thank you for bringing your request to the Task Force. This Advisory Opinion is being sent to you and CHP as well as HSA, the Controller, and the Board of Supervisors. You and / or CHP may seek review of this Advisory Opinion from the Board of Supervisors within 10 days. You may contact the Board of Supervisors for information about their review process if needed.

A motion to draft an advisory opinion letter on this matter was passed at a Special Meeting of the Sunshine Ordinance Task Force on September 23, 2014 by the following vote:

Ayes (7): Rumold, Wolf, Pilpel, David, Fischer, Hyland, Washburn

Noes (0):

Absent (3): Winston, Hepner, Oka

A motion to approve this advisory opinion letter was passed at a [Regular / Special] Meeting of the Sunshine Ordinance Task Force on October __, 2014 by the following vote:

Ayes (6+):

Noes ():

Absent ():

Sincerely,

Allyson Washburn
Chair

cc: Sunshine Ordinance Task Force Members
Victor Young, Task Force Administrator
Nicholas Colla, Deputy City Attorney
Ramona Wilson, Kelly Wilkinson, and Gail Gilman, Community Housing Partnership
Diana Christensen, David Curto, and Trent Rhorer, Human Services Agency
Peg Stevenson and Ben Rosenfield, Office of the Controller
Members, Board of Supervisors
Angela Calvillo, Clerk of the Board, Board of Supervisors

Young, Victor

From: Thomas Picarello [tpicarello@gmail.com]
Sent: Wednesday, October 22, 2014 1:28 PM
To: SOTF (BOS)
Cc: Alexandra Armenta; Calvillo, Angela (BOS); Ggilman@chp-sf.org; Chiu, David (BOS); EHewson@chp-sf.org; Christensen, Diana (HSA)
Subject: Re: SOTF - Draft Opinion Letter - File No. 14055

Hi Victor,

I am unable to appear on 10-28-14 because CHP is having their first open Board of Director meeting that same night. You can continue the matter or proceed in my absence, I will defer that decision to the task force.

Thanks,

Thomas Picarello

On Oct 9, 2014 3:41 PM, "SOTF (BOS)" <sotf@sfgov.org> wrote:

Good Afternoon:

Attached is the draft Sunshine Ordinance Task Force (SOTF) advisory letter regarding File No. 14055. The matter is schedule for review before the SOTF on October 28, 2014, at 4:00 p.m. Please submit any comment to the SOTF by October 21, 2014. Thank you.

File No. 14055: Complaint filed by Thomas Picarelló against the Community Housing Partnership (CHP) and the Human Services Agency, as the city agency/department which is a party to and/or is the administrator of the nonprofit organization's contract, for allegedly violating Administrative Code, Chapter 12L.4 for allegedly failing to provide an agenda and adequate notice for the CHP meeting of May 27, 2014.

a. Review and approval of an advisory opinion based on the findings of the Sunshine Ordinance Task Force on September 23, 2014.

Victor Young
Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Pl., Room 244
San Francisco CA 94102
phone [415-554-7724](tel:415-554-7724)
fax [415-554-5163](tel:415-554-5163)

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.

<http://www.sfbos.org/index.aspx?page=104>

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.



DENNIS J. HERRERA
City Attorney

NICHOLAS COLLA
Deputy City Attorney

Direct Dial: (415) 554-3819
Email: nicholas.colla@sfgov.org

MEMORANDUM

TO: Sunshine Ordinance Task Force
FROM: Nicholas Colla
Deputy City Attorney
DATE: September 18, 2014
RE: Complaint No. 14055 – Picarello v. Community Housing Partnership and the Human Services Agency

COMPLAINT

Complainant Thomas Picarello (“Complainant”) alleges that Community Housing Partnership (“CHP”) and the Human Services Agency (“HSA”) violated Section 12L.4 of the Administrative Code by failing to provide an agenda and adequate notice for a CHP meeting.

COMPLAINANT FILES THIS COMPLAINT

On May 28, 2014, Complainant filed a complaint with the Task Force regarding the alleged failure of CHP and HSA to comply with Section 12L of the Administrative Code.

JURISDICTION

HSA

HSA is a department under the Sunshine Ordinance. The Task Force therefore generally has jurisdiction to hear a complaint of a violation of Ordinance. However, Complainant alleges violations of Administrative Code Section 12L, the Non-profit Public Access Ordinance (“NPAO”) rather than the Sunshine Ordinance.

Assuming the NPAO applies, the Task Force may only have jurisdiction to hear the complaint at this time if it is determined that Complainant followed the enforcement provisions of the NPAO. Enforcement consists of a three-step nonbinding dispute resolution process: a mandatory review by the contracting City agency (which is allegedly HSA in this case), an optional advisory review by the Sunshine Ordinance Task Force, and review by the Board of Supervisors. Administrative Code Section 12L.5(b). If it is determined that the NPAO applies, Complainant must first address his complaint to the City agency with which the Committee has a contract. Only then can he bring his complaint to the Task Force for optional advisory review.

CHP

CHP, a non-profit organization, is not a board, commission, department, agency nor policy body of the City or any other applicable category under Section 67.3(d) of the Sunshine Ordinance, and is not a legislative body under the Brown Act.

As stated above, the NPAO may apply in this case; however, it only applies if CHP receives funding of at least \$250,000 and has at least one contract with the City. Administrative

MEMORANDUM

TO: Sunshine Ordinance Task Force
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 RE: Complaint No. 14055 – Picarello v. Community Housing Partnership and the Human Services Agency

Code Section 12L.3(e). Even if the Task Force determines that CHP is subject to the NPAO requirements, no provision in NPAO gives the Task Force direct jurisdiction over the Committee. In order to hear a dispute under NPAO, a complainant must follow the enforcement protocol specified in Administrative Code Section 12L.5(b) (see above). If the Task Force finds that NPAO applies, and that the Complainant followed the enforcement protocol, then the Task Force would only have jurisdiction over the contracting City agency to hold an advisory hearing.

APPLICABLE STATUTORY SECTION(S)**Section 12L of the San Francisco Administrative Code:**

- Section 12L.1 governs intent and interpretation of the NPAO.
- Section 12L.3 governs contracts and nonprofit organizations covered by the NPAO.
- Section 12L.4 governs public access to meetings.
- Section 12L.5(b) governs enforcement of the NPAO.

APPLICABLE CASE LAW

- none

BACKGROUND

On May 28, 2014, Complainant filed this complaint with the Task Force in which he alleged the following:

CHP held a Board of Directors meeting last night [May 27, 2014] without adequate notice or agenda posting to the general public. I believe the noticing and agendizing is required under City contract and 12L.

On June 2, 2014, in response to this complaint, Dave Curto, Director of Contracts and Facilities at HSA, sent an email to the Task Force in which he stated the following:

We looked into this complaint of a noticing violation by Community Housing Partnership and have found that they complied with the requirements in every aspect for the noticing of public board meetings. (see attached posting notices)

Attached to Mr. Curto's email was a letter dated February 4, 2014 from Ramona Wilson, Executive Assistant at CHP, addressed to the Clerk of the Board of Supervisors and the San Francisco Public Library. The letter stated in part as follows:

In accordance with Chapter 12L.4(d) of the San Francisco Administrative Code, we would like to publicize the following Board of Directors meetings. These meetings at Community Housing Partnership are open to the public.

- October 23, 2013
- May 27, 2014

Place: Community Housing Partnership

MEMORANDUM

TO: Sunshine Ordinance Task Force
DATE: September 18, 2014
PAGE: 3
RE: Complaint No. 14055 – Picarello v. Community Housing Partnership and the Human Services Agency

Employment Training and Development Center
372-378 5th Street
San Francisco, CA 94102

Appropriate notification will be made to the public via flyers in our properties and are posted on our website at www.chp-sf.org.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS

- At what point did Complainant bring his complaint to HSA?
- Does CHP acknowledge that it is subject to the provisions of Chapter 12L of the Administrative Code?
- In what way does Complainant feel that CHP failed to notice the public of its May 27, 2014 meeting?

LEGAL ISSUES/LEGAL DETERMINATIONS

- Regarding jurisdiction, did Complainant address his complaint to the City agency/agencies with which CHP contracts prior to filing his complaint with the Task Force?
- Assuming that Chapter 12L of the Administrative Code applies to CHP, did CHP fulfill its obligation to notify the public of the May 27, 2014 meeting at issue?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

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

* * *

MEMORANDUM

TO: Sunshine Ordinance Task Force
DATE: September 18, 2014
PAGE: 4
RE: Complaint No. 14055 – Picarello v. Community Housing Partnership and the Human Services Agency

CHAPTER 12L OF THE SAN FRANCISCO ADMINISTRATIVE CODE (PUBLIC ACCESS TO RECORDS AND MEETINGS OF NONPROFIT ORGANIZATIONS)**SEC. 12L.1. INTENT AND INTERPRETATION; COSTS OF COMPLIANCE.**

(a) The intent of this Chapter is to establish a policy wherein the City ensures that nonprofit organizations with which the City chooses to do business operate with the greatest possible openness and maintain the closest possible ties to communities they intend to serve. Nothing in this Chapter shall be construed to limit the level of openness and democracy in nonprofit organizations and any contracting nonprofit organization may establish policies that guarantee additional openness to stakeholders.

(b) This Chapter is intended to be cost-neutral in its effects upon nonprofit organizations, and the requirements imposed by this Chapter shall be subject to that intent. This Chapter is not intended to impose obligations equal to those of governmental agencies upon nonprofit organizations doing business with the City.

SEC. 12L.3. DEFINITIONS.

As used in this Chapter the following words and phrases shall have the meanings indicated herein:

(a) "Board of Directors" shall mean the Board of Directors, the Board of Trustees, or other principal decision making body of any nonprofit organization.

(b) "City" shall mean the City and County of San Francisco.

(c) "Contract" shall mean an agreement (however titled, including without limitation a memorandum of understanding) to grant or otherwise provide funds to a nonprofit organization including funds from another governmental entity administered through the City or any City commission, City board, City agency or City department, for such organization's operation, new or existing programs, events, performances, capital improvements, or for goods or services provided by or through such organization, to all or any portion of the public. "Contract" shall not include (1) an agreement to provide goods to the City pursuant to bids or requests for proposals, where the City is the end user of the goods, or (2) an agreement to provide services or benefits to City employees and/or to their family members, dependents, or their other designated beneficiaries.

(d) "Cost-neutral" shall mean that a nonprofit organization's reasonable costs of complying with this Chapter (not including direct costs of duplication, or mailing costs, of financial documents which are paid by a member of the public pursuant to Section 12L.5(a) herein) shall not exceed five hundred dollars per year.

(e) "Nonprofit organization" shall mean any corporation formed pursuant to California Corporations Code Sections 5000 et seq. for any public or charitable purpose, and/or any organization described within 26 USC Section 501(c), which receives a cumulative total per year of at least \$250,000 in City-provided or City-administered funds.

(f) "Designated public meeting" shall mean any regular or special meeting of the Board of Directors of a nonprofit organization which the Board of Directors designates as open to all members of the public pursuant to Section 12L.4(a)(1) of this Chapter.

MEMORANDUM

TO: Sunshine Ordinance Task Force
DATE: September 18, 2014
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RE: Complaint No. 14055 – Picarello v. Community Housing Partnership and the Human Services Agency

SEC. 12L.4. PUBLIC ACCESS TO MEETINGS.

(a) Meetings Open to the Public. Except as provided in Subsections (a)(2) or (a)(3), the following requirements shall be included in all City contracts with nonprofit organizations:

(1) *Each nonprofit organization shall designate and hold at least two designated public meetings per year. Issues addressed by the Board of Directors at designated public meetings shall be of approximately the same general nature and significance to the nonprofit organization as issues typically addressed by the Board of Directors at its other regular or special meetings. These issues may include adoption of the nonprofit organization's budget, nomination of members of the organization's Board of Directors, and evaluation of the organization's contract(s) with the City. At least one designated public meeting the public shall have an opportunity to address the Board of Directors on membership on the Board of Directors and to propose candidates for membership on the Board of Directors as provided in Section 12L.6(b).*

(2) Section 12L.4(a)(1) shall apply to the full extent allowed by State and federal law.

(3) Section 12L.4(a)(1) shall not apply to nonprofit organizations engaged primarily in the provision of abortion counseling or services, domestic violence sheltering services, or suicide prevention counseling services.

(b) Closed Meetings. The Board of Directors may choose to close a portion of a designated public meeting:

(1) When discussing any matters pertaining to the particular recipients of the nonprofit organization's goods or services or donors of in-kind or monetary contributions to the nonprofit organization where the discussion would necessarily reveal the identity of clients or donors;

(2) When discussing any matters pertaining to litigation; real estate negotiations; the appointment, employment, evaluation of performance, or dismissal of an employee of the nonprofit organization; or labor negotiations in which the nonprofit organization is involved; when hearing complaints or charges against an employee of the nonprofit organization; or when discussing attorney-client privileged information, or information which constitutes a trade secret;

(3) Under any circumstances where admitting members of the public is prohibited by State or federal law;

(4) Under any other circumstances where the Board of Supervisors has approved the closing of a portion of a designated public meeting by the nonprofit organization.

(c) Public Comment.

(1) At every designated public meeting the public shall have an opportunity to directly address the Board of Directors on any item of interest to the public relating to the operations of or services provided by the nonprofit organization.

(2) At any designated public meeting, the Board of Directors may adopt reasonable regulations to insure that the intent of this Section is carried out, provided that the Board of Directors allows for at least 30 minutes of public comment at each designated public meeting.

(d) Notice.

(1) *Each nonprofit organization shall provide the public with notice of each designated public meeting at least 30 days in advance of the meeting.*

(2) *The Board of Directors shall cause a written notice of the date, time and location of each designated public meeting to be submitted to the Clerk of the Board of Supervisors who*

MEMORANDUM

TO: Sunshine Ordinance Task Force
DATE: September 18, 2014
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RE: Complaint No. 14055 – Picarello v. Community Housing Partnership and the Human Services Agency

shall post the written notice where notices of meetings of the Board of Supervisors are posted, and to the San Francisco Main Library Government Information Center which shall post the written notice where notices of meetings of City boards and commissions are posted. In addition, upon inquiry by a member of the public, the nonprofit organization shall disclose the date, time and location of the designated public meeting.

SEC. 12L.5. PUBLIC ACCESS TO RECORDS.

(a) Disclosure of Financial Information. Subject to Section 12L.5.(c), each nonprofit organization shall maintain and make available for public inspection and copying a packet of financial information concerning the nonprofit organization. The packet shall include, at a minimum, (1) the nonprofit organization's most recent budget as already provided to the City in connection with the nonprofit organization's application for, or in connection with the review and/or renewal of, the nonprofit organization's contract, (2) its most recently filed State and federal tax returns except to the extent those returns are privileged, and (3) any financial audits of such organization performed by or for the City and any performance evaluations of such organization performed by or for the City pursuant to a contract between the City and the nonprofit organization, to the extent that such financial audits and performance evaluations (i) are in the nonprofit organization's possession, (ii) may be publicly disclosed under the terms of the contract between the City and the nonprofit organization, and (iii) relate to the nonprofit corporation's performance under its contract with the City within the last two years. A member of the public may request additional financial information other than that described above, pursuant to Section 12L.5(b) herein; however, the provision of such additional financial information by a nonprofit organization shall be voluntary, not compulsory. Members of the public, upon giving ten days' notice to the nonprofit organization, shall be entitled to inspect the packet of financial information during the nonprofit organization's regular business hours or to receive a copy of the packet of information for which the nonprofit organization may recover from the member of the public the organization's direct costs of duplication. Notwithstanding the foregoing, a nonprofit organization described within Sections 12L.4(a)(3) herein may comply with Section 12L.5(a) herein by sending a copy of its financial information packet, by first class mail, with the costs of such mailing prepaid by the member of the public, to a member of the public who has requested such information.

(b) Dispute Resolution. A member of the public who requests additional financial information other than that described in Section 12L.5(a), above, or who has a complaint concerning a nonprofit organization's compliance or noncompliance with this Chapter, may submit that request or complaint to the City agency or department which is a party to and/or which administers the nonprofit organization's contract. That City agency or department shall consider the request or complaint and shall recommend a resolution thereof in accordance with procedures established by that City agency or department. Following such consideration and recommendation, the member of the public or the nonprofit organization may seek an advisory opinion concerning the request or complaint from the Sunshine Ordinance Task Force, which that Task Force shall be authorized to provide; provided, however, that failure to seek such an advisory opinion from the Sunshine Ordinance Task Force shall not prejudice the right of the member of the public and/or the nonprofit organization to obtain a review of the City agency or department's recommendation by the Board of Supervisors as provided herein. The member of

MEMORANDUM

TO: Sunshine Ordinance Task Force
DATE: September 18, 2014
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RE: Complaint No. 14055 – Picarello v. Community Housing Partnership and the Human Services Agency

the public or the nonprofit organization may request that the Board of Supervisors review the recommendation of the City agency or department, which review shall be conducted in accordance with procedures established by the Board of Supervisors, provided that such request is made in writing to the Clerk of the Board of Supervisors within ten days of the issuance of the City agency or department's recommendation or the Sunshine Ordinance Task Force's advisory opinion, whichever is later. Subject to Section 12L.7. herein, the recommendation of the City agency or department, or the determination of the Board of Supervisors, with respect to any request or complaint by a member of the public shall be nonbinding upon the nonprofit organization.

Young, Victor

From: complaints@sfgov.org
Sent: Wednesday, May 28, 2014 6:22 PM
To: SOTF (BOS)
Subject: Sunshine Complaint

Follow Up Flag: Follow up
Flag Status: Flagged

To:sotf@sfgov.org

Email:complaints@sfgov.org

DEPARTMENT:Community Housing Partnership

CONTACTED:

PUBLIC_RECORDS_VIOLATION:No

PUBLIC_MEETING_VIOLATION:Yes

MEETING_DATE:5-27-14

SECTIONS_VIOLATED:AD MIN 12L

DESCRIPTION:CHP held a Board of Directors meeting last night without adequate notice or agenda posting to the general public. I believe the noticing and agendizing is required under City contract and 12L.

HEARING:Yes

DATE:5-28-14

NAME:Thomas Picarello

ADDRESS:

CITY:

ZIP:

PHONE:

CONTACT_EMAIL:tpicarello@gmail.com

ANONYMOUS:

Young, Victor

From: SOTF (BOS)
Sent: Friday, September 12, 2014 1:19 PM
To: Thomas Picarello
Cc: Caldeira, Rick (BOS); Calvillo, Angela (BOS)
Subject: RE: SOTF - Mediation Response Received - No. 14055 Picarello V. Community Housing Partnership

Mr. Picarello:

The meeting scheduled for September 3, 2014, will proceed as scheduled.

Please note that this matter is being heard pursuant to Administrative Code 12L and the Task Force may only issue an advisory opinion.

(Pursuant to Administrative Code 12L the Complainant may seek an advisory opinion from the Sunshine Ordinance Task Force regarding the recommendation/resolution of the City Agency or department which is a party to and/or which administers the nonprofits organization's contract. The Task Force may only issue an advisory opinion that is subject to review by the Board of Supervisors if so requested by the Complainant within 10 days.)

Victor Young 415-554-7724

From: Thomas Picarello [<mailto:tpicarello@gmail.com>]
Sent: Friday, September 12, 2014 1:01 PM
To: SOTF (BOS)
Cc: Calvillo, Angela (BOS)
Subject: Re: SOTF - Mediation Response Received - No. 14055 Picarello V. Community Housing Partnership

Hi Victor

Thank you for the HSA response. I will agree to continue the above referenced matter for 60 days provided that CHP provide the promised new written procedures to SOTF and myself within the 60 days. If not, I will proceed to the hearing this month.

Thanks,
Thomas

On Sep 12, 2014 11:55 AM, "SOTF (BOS)" <sotf@sfgov.org> wrote:

Mr. Picarello:

The SOTF Office is in receipt of a response from the Human Services Agency, regarding your above mentioned complaint case.

The Respondent was notified of your complaint, in an attempt to mediate and avoid a

hearing before the Sunshine Ordinance Task Force. The attached documents are the Respondent's response/records you requested.

Please inform the SOTF Office as to whether the document provided by the Respondent completes your request or if you wish to proceed with a hearing before the SOTF.

Thank You.

Victor Young

Administrator

Sunshine Ordinance Task Force

1 Dr. Carlton B. Goodlett Pl., Room 244

San Francisco CA 94102

phone 415-554-7724

fax 415-554-5163

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.

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phone 415-554-7724

fax 415-554-5163

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From: Thomas Picarello [mailto:tpicarello@gmail.com]
Sent: Wednesday, June 04, 2014 11:19 AM
To: SOTF (BOS)
Cc: Curto, David (DSS); Calvillo, Angela (BOS)
Subject: Re: Mediation Response Received - No. 14055

Hello Victor,
Thank you for the response from CHP and HSA.
The response is a perfunctory and half assed response.
Please note the mandated posting was for CHP's 5th street address, when in fact the May Directors meeting was held at the Spurs office located on Mission street.
Moreover, the 10-23-13 meeting was posted on 2-4-14.
Therefore I am requesting a full review by the full SOTF.
Thank You,
Thomas Picarello

On Wed, Jun 4, 2014 at 10:17 AM, SOTF (BOS) <sotf@sfgov.org> wrote:

Mr. Picarello:

The SOTF Office is in receipt of a response from the Human Services Agency (HSA) regarding your complaint against the Community Housing Partnership.

The Respondent was notified of your complaint, in an attempt to mediate your complaint. The attached documents is the Respondent's response.

Please inform the SOTF Office as to whether the document provided by the Respondent completes your request or if you wish the SOTF to review the HSA response and provide an advisory opinion on the matter pursuant to Administrative Code Section 12L.

'A member of the public may submit requests or complaints to the city agency or department which is a party to and/or which administers the nonprofits organization's contract. The city agency or department shall consider the request or complaint and shall recommend a resolution thereof in accordance with procedures established by the city agency or department. Following such consideration and recommendation, the member of the public or the nonprofit organization may seek an advisory opinion from the Sunshine Ordinance Task Force. In addition, the member of the public or the nonprofit organization may request that the Board of Supervisors review the recommendation of the city agency or department or the Sunshine Ordinance Task Force advisory opinion if such request is made in writing to the Clerk of the Board of Supervisors within ten days of the issue of the recommendation or opinion.'

Thank You.

Victor Young
Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Pl., Room 244
San Francisco CA 94102

Young, Victor

From: Christensen, Diana (HSA)
Sent: Wednesday, September 10, 2014 1:45 PM
To: Young, Victor
Cc: Calvillo, Angela (BOS); Cantara, Gary (HSA); Kelly Wilkinson
Subject: RE: Mediation Response Received - No. 14055

Follow Up Flag: Follow up
Flag Status: Flagged

Dear SOTF Members:

I am writing on behalf of the Human Services Agency in response to Thomas Picarello's 5/28/14 complaint and his 6/4/14 additional complaint about CHP's meeting notices for their 10/23/13 and 5/27/14 Board of Directors meetings.

First, on behalf of HSA, I want to apologize for HSA's initial materially incorrect response to Mr. Picarello's 5/28/14 complaint. I believe what happened was that our Contracts staff queried Community Housing Partnership (CHP) and found that timely notice for the 5/27/14 meeting had been filed as required. However, the HSA Contracts staff and the CHP staff failed to understand that the meeting location was changed and this in effect made the noticing inadequate.

The CHP subsequently apologized to me for the lack of proper notifications for their October 2013 and May 2014 meetings. They have asserted to me their Board's commitment to transparency in the way it operates. They have pledged to put policies in place to ensure that improper noticing never happens again.

Sincerely,

Diana Christensen

Diana Christensen
Director of Investigations and Custodian of Records
San Francisco Human Services Agency
160 South Van Ness Avenue
San Francisco, CA 94103
415-503-4801/O - 510-299-0856/M - 415-503-4913/FAX

From: Young, Victor [mailto:victor.young@sfgov.org]
Sent: Thursday, July 03, 2014 10:29 AM
To: Christensen, Diana (HSA)
Cc: Calvillo, Angela (BOS)
Subject: FW: Mediation Response Received - No. 14055

Victor Young 415-554-7723

Young, Victor

From: Thomas Picarello [tpicarello@gmail.com]
Sent: Wednesday, June 04, 2014 11:19 AM
To: SOTF (BOS)
Cc: Curto, David (DSS); Calvillo, Angela (BOS)
Subject: Re: Mediation Response Received - No. 14055

Hello Victor,

Thank you for the response from CHP and HSA.

The response is a perfunctory and half assed response.

Please note the mandated posting was for CHP's 5th street address, when in fact the May Directors meeting was held at the Spurs office located on Mission street.

Moreover, the 10-23-13 meeting was posted on 2-4-14.

Therefore I am requesting a full review by the full SOTF.

Thank You,

Thomas Picarello

On Wed, Jun 4, 2014 at 10:17 AM, SOTF (BOS) <sotf@sfgov.org> wrote:

Mr. Picarello:

The SOTF Office is in receipt of a response from the Human Services Agency (HSA) regarding your complaint against the Community Housing Partnership.

The Respondent was notified of your complaint, in an attempt to mediate your complaint. The attached documents is the Respondent's response.

Please inform the SOTF Office as to whether the document provided by the Respondent completes your request or if you wish the SOTF to review the HSA response and provide an advisory opinion on the matter pursuant to Administrative Code Section 12L.

'A member of the public may submit requests or complaints to the city agency or department which is a party to and/or which administers the nonprofits organization's contract. The city agency or department shall consider the request or complaint and shall recommend a resolution thereof in accordance with procedures established by the city agency or department. Following such consideration and recommendation, the member of the public or the nonprofit organization may seek an advisory opinion from the Sunshine Ordinance Task Force. In addition, the member of the public or the nonprofit organization may request that the Board of Supervisors review the recommendation of the city agency or department or the Sunshine Ordinance Task Force advisory opinion if such request is made in writing to the Clerk of the Board of Supervisors within ten days of the issue of the recommendation or opinion.'

Thank You.

Victor Young
Administrator
Sunshine Ordinance Task Force

1 Dr. Carlton B. Goodlett Pl., Room 244
San Francisco CA 94102
phone 415-554-7724
fax 415-554-5163

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Young, Victor

From: SOTF (BOS)
Sent: Wednesday, June 04, 2014 10:18 AM
To: Thomas Picarello
Cc: Curto, David (DSS); Calvillo, Angela (BOS)
Subject: Mediation Response Received - No. 14055
Attachments: 14055 Respondent Response 06022014.pdf

Mr. Picarello:

The SOTF Office is in receipt of a response from the Human Services Agency (HSA) regarding your complaint against the Community Housing Partnership.

The Respondent was notified of your complaint, in an attempt to mediate your complaint. The attached documents is the Respondent's response.

Please inform the SOTF Office as to whether the document provided by the Respondent completes your request or if you wish the SOTF to review the HSA response and provide an advisory opinion on the matter pursuant to Administrative Code Section 12L.

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Thank You.

Victor Young

Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Pl., Room 244
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submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

Young, Victor

From: David Curto [David.Curto@sfgov.org]
Sent: Monday, June 02, 2014 10:14 AM
To: Young, Victor
Subject: Fw: CHP Public Meeting Announcement re: complaint to SOTF May 28, 2014
Attachments: pic06533.jpg; Executed Copy of Sunshine Ltr.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Victor,
We looked into this complaint of a noticing violation by Community Housing Partnerships and have found that they complied with the requirements in every aspect. for the noticing of the public Board meetings. (see attached posting notices)

We consider this complaint as being invalid

Thanks

Dave Curto
Director of Contracts and Facilities
Human Services Agency
415-557-5581

Hi Dave,
Here are the letters that prove they did the posting. Will this suffice?

Cori McGovern
Contract Manager
1650 Mission St., Suite 300
San Francisco, CA 94103
(415) 557-6103
Cori.McGovern@sfgov.org

----- Forwarded by Cori McGovern/DHS/CCSF on 06/02/2014 10:04 AM -----

From: Justine Lauderback <jlauderback@chp-sf.org>
To: "Cori.McGovern@sfgov.org" <Cori.McGovern@sfgov.org>
Cc: Geoff MacDonald <GMacDonald@chp-sf.org>
Date: 06/02/2014 10:03 AM
Subject: RE: CHP Public Meeting Announcement

Hi Cori,
Attached are the letters and emails that were sent by mail and by email to the Clerk of the Board of Supervisor and the SF Public Library Government Information center. In addition we have the board meetings posted on our website <http://www.chp-sf.org/about/board/>.
Thanks
Justine

Justine Lauderback
Controller
20 Jones Street, Suite 200
San Francisco, CA 94102
direct: 415.852.5327 | main: 415.852.5300 | fax: 415.749.2791

www.chp-sf.org

(Embedded image moved to file: pic06533.jpg)CHP Logo_Email

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This message and any attachments are solely for the intended recipient and may contain confidential or privileged information. If you are not the intended recipient, any disclosure, copying, use or distribution of the information included in this message and any attachments is prohibited. If you have received this communication in error, please notify me by reply e-mail immediately and permanently delete this message and any attachments.
Thank you.



February 4, 2014

Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Dear Sir or Madam:

In accordance with Chapter 12L.4.(d) of the San Francisco Administrative Code, we would like to publicize the following Board of Directors meetings. These meetings at Community Housing Partnership are open to public.

- October 23, 2013
- May 27, 2014

Place: Community Housing Partnership
Employment Training & Development Center
372-378 5th Street
San Francisco, CA 94102

Appropriate notification will be made to the public via flyers in our properties and are posted on our website at www.chp-sf.org

Sincerely,

A handwritten signature in black ink that reads "Ramona L. Wilson". The signature is written in a cursive style with a long horizontal line extending from the end.

Ramona L. Wilson
Office Manager/Executive Assistant

Cc: Gail Gilman, Executive Director
Geoff MacDonald, CFO

Community Housing Partnership
20 Jones Street, Suite 200 | San Francisco, CA 94102 | p 415 852 5300 | f 415 749 2791
www.chp-sf.org



February 4, 2014

San Francisco Public Library
Government Information Center
100 Larkin Street, Fifth Floor
San Francisco, CA 94102

Dear Sir or Madam:

In accordance with Chapter 12L.4.(d) of the San Francisco Administrative Code, we would like to publicize the following Board of Directors meetings. These meetings at Community Housing Partnership are open to public.

- October 23, 2013
- May 27, 2014

Place: Community Housing Partnership
Employment Training & Development Center
372-378 5th Street
San Francisco, CA 94102

Appropriate notification will be made to the public via flyers in our properties and are posted on our website at www.chp-sf.org

Sincerely,

A handwritten signature in black ink, appearing to read "Ramona L. Wilson", is written over a circular stamp.

Ramona L. Wilson
Office Manager/Executive Assistant

Cc: Gail Gilman, Executive Director
Geoff MacDonald, CFO

Young, Victor

From: SOTF (BOS)
Sent: Friday, May 30, 2014 2:47 PM
To: Curto, David (DSS); Christensen, Diana (DSS); Cantara, Gary (DSS)
Cc: Colla, Nicholas (CAT); Thomas Picarello; Calvillo, Angela (BOS)
Subject: SOTF - Referral of Complaint pursuant to Administrative Code 12L (Non-Profits) - Complaint No. 14055
Attachments: 14055 SOTF complaint.pdf

Good Afternoon,

Pursuant to Administrative Code Chapter 12L you have been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force.

A member of the public may submit requests or complaints to the city agency or department which is a party to and/or which administers the nonprofit organization's contract. The city agency or department shall consider the request or complaint and shall recommend a resolution thereof in accordance with procedures established by the city agency or department. Following such consideration and recommendation, the member of the public or the nonprofit organization may seek an advisory opinion from the Sunshine Ordinance Task Force. In addition, the member of the public or the nonprofit organization may request that the Board of Supervisors review the recommendation of the city agency or department or the Sunshine Ordinance Task Force advisory opinion if such request is made in writing to the Clerk of the Board of Supervisors within ten days of the issue of the recommendation or opinion.

On behalf of the Complainant the SOTF is forwarding the complaint to the city agency in question for consideration.

The Complainant alleges:

File No. 14055 – Complaint filed by Thomas Picarello against the Community Housing Partnership (CHP) and the Human Services Agency as the city agency/department which is a party to and/or is the administrator of the nonprofit organization's contract, for allegedly violating Administrative Code, Chapter 12L.4 for failure to provide adequate notice and post an agenda in a timely manner for the meeting of the CHP on May 27, 2014.

Thank you.

Victor Young

Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Pl., Room 244
San Francisco CA 94102
phone 415-554-7724
fax 415-554-5163

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Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

Young, Victor

From: SOTF (BOS)
Sent: Thursday, September 04, 2014 2:24 PM
To: CHARLES PITTS; Christensen, Diana (HSA); aarmenta@chp-sf.org; EHewson@chp-sf.org; ggilman@chp-sf.org; Rhorer, Trent (HSA); Curto, David (HSA); cl@qgenuity.com; tomas picarello; emjsf@hotmail.com; DAAS (HSA) (DSS); Cantara, Gary (HSA); Mercado, Alfredo (DPH); Mercado, Ria (HSA); rjakub@msn.com; cl@qgenuity.com
Cc: Colla, Nicholas (CAT); Caldeira, Rick (BOS); Calvillo, Angela (BOS)
Subject: SOTF - Notice of Hearing - Sunshine Ordinance Task Force - September 23, 2014 - 4:00 pm
Attachments: 1_Complaint Procedures_4-28-09_Final.pdf

Good Afternoon,

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force, 1) to hear the merits of the complaint 2) issue a determination and/or 3) complaint has been referred from a Task Force Committee.

Date: September 23, 2014

Location: City Hall, Room 408

Time: 4:00 p.m.

Complaints -

File No. 13030: Complaint filed by Charles Pitts against the Community Housing Partnership and the Human Services Agency, as the city agency/department which is a party to and/or is the administrator of the nonprofit organization's contract, for allegedly violating Administrative Code, Chapter 12L.5 for allegedly failing to comply with a request for information regarding tenant's budget for 650 Eddy Street, on May 9, 2013.

(Pursuant to Administrative Code 12L the Complainant may seek an advisory opinion from the Sunshine Ordinance Task Force regarding the recommendation/resolution of the City Agency or department which is a party to and/or which administers the nonprofits organization's contract. The Task Force may only issue an advisory opinion that is subject to review by the Board of Supervisors if so requested by the Complainant within 10 days.)

File No. 13076: Complaint filed by Charles Pitts against the Community Housing Partnership and the Human Services Agency, as the city agency/department which is a party to and/or is the administrator of the nonprofit organization's contract, for allegedly violating Administrative Code, Chapter 12L.5 for allegedly failing to comply with a request for information regarding tenant's budget for 650 Eddy Street, on September 23, 2013.

(Pursuant to Administrative Code 12L the Complainant may seek an advisory opinion from the Sunshine Ordinance Task Force regarding the recommendation/resolution of the City Agency or department which is a party to and/or which administers the nonprofits organization's contract. The Task Force may only issue an advisory opinion that is subject to review by the Board of Supervisors if so requested by the Complainant within 10 days.)

File No. 14035: Complaint filed by Jonathan Germain and Alka Joshi against Trent Rhorer and David Curto Human Services Agency, for allegedly violating Sunshine Ordinance Section 67.25 for failure to

adequately respond to a request for information in a timely manner on January 9, 2014, and February 5, 2014.

File No. 14055: Complaint filed by Thomas Picarello against the Community Housing Partnership and the Human Services Agency, as the city agency/department which is a party to and/or is the administrator of the nonprofit organization's contract, for allegedly violating Administrative Code, Chapter 12L.4 for allegedly failing to provide adequate notice and post an agenda in a timely manner for the meeting of May 27, 2014.

(Pursuant to Administrative Code 12L the Complainant may seek an advisory opinion from the Sunshine Ordinance Task Force regarding the recommendation/resolution of the City Agency or department which is a party to and/or which administers the nonprofits organization's contract. The Task Force may only issue an advisory opinion that is subject to review by the Board of Supervisors if so requested by the Complainant within 10 days.)

File No. 14058: Complaint filed by Mikel Jaye against the Ria Mercado and the Department of Aging and Adult Services for allegedly violating Sunshine Ordinance Section 67.25 for failure to respond to a request for documents in a timely and complete manner on May 27, 2014, and May 29, 2014.

File No. 14070: Complaint filed by Jonathan Germain against David Curto and Trent Rhorer, Human Services Agency for allegedly violating Sunshine Ordinance Sections 67.25, 67.21(b) and 67.29-7 for failure to respond to a request for public documents in a timely and complete manner.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by **5:00 pm, September 16, 2014.**

Victor Young

Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Pl., Room 244
San Francisco CA 94102
phone 415-554-7724
fax 415-554-5163

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