

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
April 7, 2023

DATE DECISION ISSUED
February 2, 2022

CASE TITLE: File No: 20100

Complaint filed by Wynship Hillier against the Behavioral Health Commission, formerly known as the Mental Health Board for allegedly violating, Administrative Code, Sunshine Ordinance, Sections 67.7(a) failing to post the Agenda 72 hours in advance and failure to provide a description of each item of business; 67.7(b) failing to post documents on the website or make available to the public; 67.7(d) failure to take action on any item not on the Agenda; 67.7(g) failing to allow public comment; 67.9(a) failure to post relevant documents on the internet.

HEARING AND ACTION ON THE COMPLAINT

On June 8, 2021, the Education, Outreach and Training Committee acting in its capacity to hear petitions/complaints heard the matter and referred the complaint to the full Task Force for hearing.

Action: Moved by Chair Hyland, seconded by Member Frazier, to find jurisdiction, that the records are public and refer the matter to the SOTF to consider the following violations, 67.7 for failing to comply with Agenda requirements, 67.15 for failing to allow public comment and 67.29-for failing to maintain and update their webpage and access.

The motion PASSED by the following vote:

Ayes: 3 - Hyland, Frazier, Padmanabhan
Noes: 0 - None

On October 6, 2021, the SOTF held a hearing to review the recommendation from committee and/or to review the merits of the petition/complaint.

Action: Moved by Chair Wolfe, seconded by Member Hyland, to combine Items 7 and 8, File Nos. 20100 and 20143, respectively. (File No. 20143 combined into 20100)

The motion PASSED by the following vote:

Ayes: 8 - Wolfe, Hyland, Padmanabhan, Schmidt, LaHood, Stein,
Neighbors, Yankee
Absent: 1 - Wong

Action: Moved by Member Stein, seconded by Member Schmidt, to find that the Behavioral Health Commission violated Administrative Code, Sunshine Ordinance, Section(s) 67.7(a) by failing to provide an adequate description of agenda items; 67.7(b) failing to post supporting documents on-line or make them available as soon as they are available, 67.7(g) failing to include notices of rights under the Sunshine Ordinance on the agenda, and 67.9(a) failing to post supplementary documents for the meeting on the internet.

The motion PASSED by the following vote:

Ayes: 9 - Stein, Schmidt, Wolfe, Hyland, Padmanabhan, LaHood,
Neighbors, Yankee, Wong
Noes: 0 - None

Action: Moved by Chair Wolfe, seconded by Vice-Chair Yankee, to continue the matter to the Call of the Chair to review the status of the Behavioral Health Commission as to whether it falls under the jurisdiction of the Ordinance under 67.3(d) and to further review how the holdover provisions apply.

The motion PASSED by the following vote:

Ayes: 9 - Wolfe, Yankee, Hyland, Padmanabhan, Schmidt, LaHood, Stein,
Neighbors, Wong
Noes: 0 - None

Action: Moved by Vice-Chair Yankee, seconded by Chair Wolfe, to find that the Behavioral Health Commission violated Administrative Code (Sunshine Ordinance), Section(s) 67.7(a) by failing to post their Agenda 72 hours in advance the meeting.

The motion PASSED by the following vote:

Ayes: 8 - Yankee, Wolfe, Hyland, Padmanabhan, Schmidt, LaHood,
Neighbors, Wong
Noes: 1 - Stein

On February 2, 2022, the SOTF held a hearing to review the recommendation form committee and/or to review the merits of the petition/complaint.

Action: Moved by Member Stein, seconded by Member Schmidt, to take no further action on Administrative Code (Sunshine Ordinance), Section 67.3(d) and close the file.

Member Stein amended their original motion.

Action: Moved by Member Stein, seconded by Member Schmidt, to reaffirm that the Behavioral Health Commission violated Administrative Code (Sunshine Ordinance) Sections 67.7(a) by failing to post the Agenda in a timely manner; 67.7(b) by failing to provide a clear description of the matters; 67.7(g); by failing to provide notices and agendas for regular and special meetings that include the language Know Your Rights Under Sunshine; 67.9(a) by failing to provide agendas and related materials for distribution. The SOTF forwarded the matter to the Compliance and Amendments Committee for monitoring.

The motion PASSED by the following vote:

Ayes: 9 - Stein, Schmidt, LaHood, Wong, Padmanabhan, Hyland, Yankee,
B. Wolfe, Neighbors

Noes: 0 - None

This Order of Determination was approved
by the Sunshine Ordinance Task Force
on: April 5, 2023

cc. Complainant
Respondent