

Date: Jan. 5, 2010

Item No. 21 & 22
File No. 09081

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Alvin Xex against Economic Opportunity Council**
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Completed by: Chris Rustom

Date: Dec. 30, 2009

***This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

** The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

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SUNSHINE ORDINANCE TASK FORCE
 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
 Tel. (415) 554-7724; Fax (415) 554-7854
 http://www.sfgov.org/sunshine

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission Economic Opportunity Council

Name of individual contacted at Department or Commission Economic Opportunity Council

Alleged violation public records access
 Alleged violation of public meeting. Date of meeting N/A, calls for info

Sunshine Ordinance Section 67.25 ET AL
 (If known, please cite specific provision(s) being violated)
1ST REQUEST = 10/3/09!

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

INFO REQUESTED (2 TIMES) NOT GIVEN -
4 QUESTIONS. NOT GIVEN TO ME OR TASK FORCE -
A LAUREL K BOONAK SIMPLY REFUSED TO SEND
INFORMATION - SKIPPING SUNSHINE LAWS!!
I DEMAND EMPLOYMENT DATA, ETC.

Do you want a public hearing before the Sunshine Ordinance Task Force? yes no
 Do you also want a pre-hearing conference before the Complaint Committee? yes no

(Optional)¹
 Name Dr. Alvir Address _____

Telephone No. _____ E-Mail Address [REDACTED]@Adl.com

Date 1/5/09 Alvir
 Signature

I request confidentiality of my personal information. yes no

¹ NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).



"Laurel Kloomok"
<laurel@first5sf.org>
12/24/2009 11:24 AM

To "SOTF" <sotf@sfgov.org>
cc
bcc
Subject RE: Sunshine Complaint Received:#09081_Alvin Xex &
Office of Economic and Workforce Development

Dear Mr. Ruskin,
I am responding to the email below. Please find attached

1. 12-24-09 Letter to SOFT
2. Mr. Xex request 10-16-09
3. Response to Mr. Xex 10-29-09
4. Letter to Mr. Xex 12-2-09

Sincerely yours,
Laurel Kloomok

Laurel Kloomok
Executive Director
First 5 San Francisco
T: (415) 554-9250
Mobile: (415) 307-6949
F: (415) 565-0494
laurel@first5sf.org

-----Original Message-----

From: SOTF [mailto:sotf@sfgov.org]
Sent: Thursday, December 17, 2009 3:42 PM
To: Kriztina Palone; Laurel Kloomok
Subject: Sunshine Complaint Received:#09081_Alvin Xex & Office of
Economic and Workforce Development

This e-mail is to confirm that the attached complaint has been received. The Department is required to submit a response to the charges to the Task Force within five business days of receipt of this notice. Please refer to complaint number #09081 when submitting any new information and/or supporting documents pertaining to this complaint.

A hearing is scheduled with the full Sunshine Ordinance Task Force who will hear the merits of the complaint and issue a determination.

Date: Tuesday, January 5, 2010
Location: City Hall, Room 408
Time: 4:00 P.M.

Complainants: Your attendance is required at this hearing.

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



Suzanne Giraud, Commission Chair
Psychologist Clinical Director
California Pacific Medical Center
Shannon Thyne, Commission Vice Chair
Pediatrician, Medical Educator
UCSF Department of Pediatrics
Laurel Kloomok, Executive Director

COMMISSIONER:
Kara Dukakis, Associate Director
Youth Data Archive – Stanford University, John W.
Gardner Center for Youth and their Communities
Eric Mar, Supervisor, District 1
San Francisco Board of Supervisors
Betty Robinson-Harris, Chair
Child Development Committee
School Improvement Committee/ER&D
Michele Rutherford, Program Manager
Child Care Policy & Planning
Department of Human Services
Maria Su, Director
Department of Children, Youth and Their Families
Nancy Lim Yee, Psychiatric Social Worker, Program
Director SF City & County Chinatown CDC

December 24, 2009,

Chris Rustom
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear Mr. Rustom.

I am writing in response to the Sunshine Ordinance Complaint- number #09081 received in my office on December 17, 2009 at 3:42 pm.

First 5 San Francisco is an enterprise department of the city and county of San Francisco. Our funding is from a tobacco tax distributed to us by First 5 California and Prop H a special city fund. Our sole focus is on children birth to five and their families. Our funding is distributed via grants and work orders to over 45 public and non-profit community agencies in San Francisco.

We have received two different Sunshine Ordinance Complaints from Mr. Alvin Xex and many email and phone calls from him over the past 6 months.

The first Sunshine Ordinance Complaint # 09064 was received on September 30, 2009. Mr. Xex alleged that he requested information from the Economic Opportunity Council of San Francisco (EOC). First 5 never received a request from Mr. Xex directly and first heard of the matter when we receive the official complaint. Mr. Xex did not bring his complaint to the Commission once he was unsatisfied with EOC's response. Had Commission staff known about the complaint, we would have facilitated a resolution before a complaint was filed with the Sunshine Ordinance Task Force (SOTF). Our city attorney advised us that since ECO received over \$250,000 per year in City funds and since First 5 SF was lead agency on the contract, we had responsibility for facilitating a resolution between Mr. Xex and EOC. First 5 requested that this matter be rescheduled for a pre hearing conference. The request was denied. First 5 Executive Director, Laurel Kloomok, attended the SOTF meeting on October 27, 2009. This complaint was listed as item 26. Mr. Xex left the meeting before the item was heard. Ms. Kloomok spoke briefly to Committee members and agreed to try to facilitate a resolution. This became impossible to achieve due to a series of serious events that took place at EOC.

The joint funders of EOC: First 5 San Francisco, the Human Services Agency (HSA), and the Department of Children, Youth and Their Families (DCYF) had grave concerns regarding the executive leadership, fiscal management and program quality of the San Francisco Economic Opportunity Council (EOC). Over the last year, it had become increasingly clear that the agency was experiencing failures of governance, finances and

management. Furthermore, there were serious problems with the provision and quality of EOC provided services. The State of California Department of Community Services and Development (CSD) designated EOC a "high risk" agency. CSD is in the process of redirecting EOC's ARRA contracts to lower risk entities. In addition, they have imposed special conditions on existing and future funding and have made demands for payments of disallowed costs. After several attempts to dialog with EOC staff and Board of Directors, the city departments and the controller's office decided to end all city contracts going to EOC. This occurred on December 3, 2009. As a result, the complaint against EOC by Mr. Xex could not be addressed.

The second Sunshine Ordinance Complaint #09081 was again made against EOC. In this complaint, Mr. Xex wrote "*Info requested (2 times) not given-4 questions not given to me or task force. A Laurel Kloomok simply refused to send information-skirting sunshine laws!!*" This second request of EOC was never received by First 5. However, Mr. Xex did request information about First 5 SF on October 16, 2009. (Please find attached request). After consulting with our city attorney, we responded to this request on October 29, 2009. (Please find attached response). Mr. Xex made an additional request via telephone on November 19, 2009 asking for a copy of the Commission's Family Resource Center Initiative's Evaluation. A copy was sent on December 1, 2009.

On December 2, 2009, Mr. Xex contacted Commission members Kara Dukakis and Suzanne Giraud stating he had asked for information, that Laurel Kloomok denied knowledge of information available, that the request contained simple questions about outreach efforts by First 5 and asking to address the Commission about First 5's outreach mission. A letter in response to Mr. Xex was sent later that day. (Please see attached Letter to Mr. Xex 12-2-09). Mr. Xex was invited to the Commission meeting. He did not appear.

First 5 SF mission is to instill an enduring obligation in San Francisco residents and government to ensure the opportunity for optimal health and development of every child living in the county. We work hard to fulfill this Mission. The department values honesty, integrity and compassion. As responsible stewards of state and city funds, we operate with transparency and openness. We have tried to understand Mr. Xex's concerns and have offered him opportunities to learn more about First 5. We assume that he has the city's children and family's best interest in mind, one that is shared by us.

One of our staff will attend the Sunshine Task for meeting on Tuesday, January 5, 2010

Sincerely yours,
Laurel Kloomok

October 16, 2009

1325 Divisadero #103
San Francisco, CA 94115
415.230.1421

Ms. Laurel Kloomak
First5 San Francisco
Children and Families Commission
1390 Market Street, Suite 318
San Francisco, CA 94102

Dear Ms. Kloomak:

SUBJECT: Allocations

Below find **specific** requests per **Sunshine Laws** (67.34, 67.32, 67.21, et al) for nine questions.

1. Number of programs, groups, and efforts, for or geared to assisting fathers, to support children, funded by First5 San Francisco. Information for fiscal years 2007 to 2009 wanted.
2. Number of programs, groups, and efforts, for or geared to assisting mothers, to support children, funded by First5 San Francisco. Information for fiscal years 2007 to 2009 wanted.
3. Number of programs, groups, and efforts, for or geared to assisting Hispanic citizens, to support children, funded by First5 San Francisco. Information for fiscal years 2007 to 2009 wanted.
4. Number of programs, groups, and efforts, for or geared to assisting Asian citizens, to support children, funded by First5 San Francisco. Information for fiscal years 2007 to 2009 wanted.
5. Number of programs, groups, and efforts, for or geared to assisting homosexuals, to support children, funded by First5 San Francisco. Information for fiscal years 2007 to 2009 wanted.
6. Summary of California state-required audit or audits, of First5 San Francisco expenditures for fiscal years 2007 to 2009 requested.
7. Number of "readers," and all factors used by same, to determine which organization, group, and individuals receive services and public money administered by First5 San Francisco. Information needed for fiscal years 2007 to 2009.
8. Reason, legal reason and any stated or **documented** rationale, by any member or employee of First 5 San Francisco, permitting or allowing separate ethnic and sex based organizations and groups to receive public money or services, administered by First5 San Francisco. Information needed for fiscal years 2007 to 2009.
9. Number of Black **men** hired for any professional, classified and support jobs and positions, administered and managed by First5 San Francisco. Information for time periods 2006 to present desired.

Sincerely,

Alvin Xex



Kara Dukakis, Commission Chair
Associate Director, Youth Data Archive
Stanford University, John W. Gardner Center for
Youth and their Communities

Suzanne Giraud, Commission Vice Chair
Psychologist Clinical Director
California Pacific Medical Center

Laurel Kloomok, Executive Director



COMMISSIONER:

Eric Mar, Supervisor, District 1
San Francisco Board of Supervisors

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School Improvement Committee/ER&D

Michele Rutherford, Program Manager
Child Care Policy & Planning
Department of Human Services

Maria Su, Director
Department of Children, Youth and Their Families

Shannon Thyne, Pediatrician, Medical Educator
UCSF Department of Pediatrics

Nancy Lim Yee, Psychiatric Social Worker, Program
Director SF City & County Chinatown CDC

October 29, 2009

Alvin Xex
1325 Divisadero Street, #103
San Francisco, CA 94115

Dear Mr. Xex,

Please find enclosed the information requested in your letter dated October 16, 2009.

- regarding items 1-5 in your letter dated October 16, 2009, there are no public records that fall within your request. First 5 San Francisco programs serve all children birth to five years old and their families in San Francisco County. For your reference, we have provided a copy of our 2007-2012 strategic plan outlining the four result areas that guide our grant making processes. For additional information, please refer to our website
- regarding item 6, please find enclosed the financial statement audits for fiscal years 2007-2008 and 2008-2009.
- regarding items 7 and 8, there are no public records that fall within your request. However, we have provided documents that were available to interested applicants for two of our most recent funding initiatives, the Parent ACTION program and the Family Resource Center Initiative.
- regarding item 9, there are no public records that fall within your request.

You can find additional information about our organization and the programs that we fund on our website www.first5sf.org.

Sincerely,

Laurel Kloomok
Executive Director

December 2, 2009

Dear Mr. Xex,

With all due respect, it has never been my intention to insult you. In response to your claim that we have not answered your public records requests, the following is a run-down of what we understand your requests to have been and our responses:

1. Regarding items #1-5 from your written request dated November 16, 2009: Per our strategic plan and evaluation framework, we can send you demographic snapshots of the children, parents/caregivers and providers served by a combination of our health, family support and early childhood education grants for most recent year available (2007-08), but if you would like information regarding numbers and types of services that specific ethnic and cultural groups have received that would require additional analysis.

As per Government Code 6253.9 subsection b, if public records are not available to satisfy your request in the format requested "the requestor shall bear the cost of producing a copy of the record, including the cost to construct a record." If you would like to cover the cost of compiling the data and creating a public record to satisfy #1-5 of your request dated November 16, 2009, we would be happy to send you a cost estimate for that project.

2. Regarding item #6 from your written request dated November 16, 2009: We sent you our financial statement audits from fiscal years 2007-08 and 2008-09 on November 29, 2009.

3. Regarding items #7-8 from your written request dated November 16, 2009: The information you requested is outlined in the Commission's two most recent funding proposals that were sent to you on November 29, 2009.

4. Regarding item #9 from your written request dated November 16, 2009: Under the California Public Records Act and the San Francisco Sunshine Ordinance, personnel records are exempt from disclosure.

5. Regarding your verbal public records request to Theresa Zighera on November 19, 2009: From your voice message, we understood that you would like to see a copy of the FRC Initiative Evaluation Framework. This information was mailed to you with a cover letter on December 2, 2009. This is within the allowed time period of 10 business days. As a reminder, it is always best to make public records requests in writing in order to ensure that you obtain the documents that you want.

6. Regarding your email to Kara Dukakis dated November 30, 2009: In your email, you state that "The requests contained simple questions about outreach efforts by First5 of San Francisco." The written and verbal requests you have submitted have not expressed a desire for information about outreach efforts.

I invite you again to attend our Commission meeting this evening from 5:30 to 7:30pm at 1390 Fox Plaza, Suite 318. There is an agenda item for public comment - please see the agenda at http://www.first5sf.org/commission/09_120209a.pdf.

Also, many of our public documents are available on our website. The 2008-09 Local Evaluation Report will be posted in March 2010.

Best Regards,
Laurel Kloomok