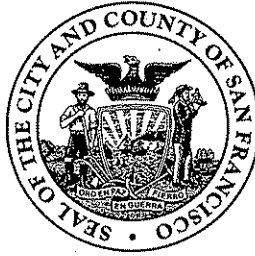


10/21

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

---

---

**MEMORANDUM**

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Date: October 1, 2008  
To: Members of the Board of Supervisors  
From: Angela Calvillo, Clerk of the Board  
Subject: Conflict of Interest Code Review

---

1

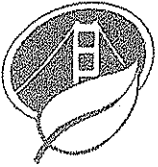
The Political Reform Act requires every local government agency to review its conflict of interest code biennially. Each agency must submit to the Board of Supervisors a notice indicating whether or not an amendment is necessary by October 1, 2008.

This is to inform you that the following City departments and agencies have submitted their conflict of interest code notice to my office:

- Department of Building Inspection
- Department of Human Services

1

10/21



**SF Environment**

Our home. Our city. Our planet.



GAVIN NEWSOM  
Mayor

JARED BLUMENFELD  
Director

August 5, 2008

2

The Honorable Gavin Newsom,  
Mayor, City & County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 200  
San Francisco, CA 94102-4694

Angela Calvillo, Clerk of the Board  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4694

Controller's Office  
1 Dr. Carlton B. Goodlett Place, Room 312  
San Francisco, CA 94102-4694

Subject: Adopted Budget for Fiscal Year 2008/2009

Ladies and Gentlemen:

I hereby certify, in conformance with Charter Section 9.115 and Administrative Code Section 3.14 that the funding provided in the budget for Fiscal Year 2008/2009 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Very truly yours,

Jared Blumenfeld  
Director

cc: Nani Coloretti, Mayor's Office of Budget & Legislative Affairs  
Thomas DiSanto, Controller's Office - Budget & Analysis Division

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2008 OCT -3 PM 3:35  
BY                     

Department of the Environment, City and County of San Francisco  
11 Grove Street, San Francisco, CA 94102  
Telephone: (415) 355-3700 • Fax: (415) 554-6393

2

10/21



"Vaing, Jonathan"  
<Jonathan.Vaing@sfdpw.org  
>  
10/03/2008 01:46 PM

To Board of Supervisors <Board.of.Supervisors@sfgov.org>  
Board of Supervisors <Board.of.Supervisors@sfgov.org>,  
cc "Brown, Vallie" <Vallie.Brown@sfgov.org>, "Galbreath, Rick"  
<Rick.Galbreath@sfgov.org>, "Galli, Phil"  
bcc  
Subject RE: BOARD OF SUPERVISORS INQUIRY - DUE NOTICE  
#20080812-004

Here's the status of removing graffiti from utility poles at the following locations:

Wood:  
1680 Fulton SR# 844907 (Abated 9-29-08)

Fire Box:  
Southeast corner of Fulton and Scott SR# 842860 (Abated 9-29-08)

Metal Poles:  
Northwest corner of Divisadero and Golden Gate SR#844911 (Abated 9-29-08)  
Northwest corner of Golden Gate and McAllister (STREET DON'T CROSS)

Concrete Poles:  
Southwest corner of Pierce and Oak SR# 842017 (Abated 9-29-08)  
Southeast corner of Pierce and Oak SR# 842012 (Abated 9-29-08)

Garbage Cans:  
Northwest corner of Polk and Webster (STREET DON'T CROSS)  
North side of Clayton and Fulton SR# 842676 (Abated 9-29-08)

3

Jonathan C. Vaing  
DPW Graffiti Unit  
Operation Act. Supervisor II  
415-695-2181  
FAX: 4315-641-2640

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

From: Lee, Frank W  
Sent: Thursday, September 25, 2008 2:50 PM  
To: Vaing, Jonathan  
Cc: Hines, Timothy; Rodis, Nathan  
Subject: FW: BOARD OF SUPERVISORS INQUIRY - DUE NOTICE #20080812-004

Jonathan:

Please respond directly to the Board of Supervisors and copy Supe. Mirkarimi. Please use the reference number in your reply title, and copy Nathan Rodis and me because we are tracking these requests.

Thanks,  
Frank

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

From: Board of Supervisors  
Sent: Wednesday, September 24, 2008 3:32 PM  
To: Reiskin, Ed  
Subject: BOARD OF SUPERVISORS INQUIRY - DUE NOTICE

3

10/21



"Vaing, Jonathan"  
<Jonathan.Vaing@sfdpw.org>  
>  
10/03/2008 01:05 PM

To Board of Supervisors <Board.of.Supervisors@sfgov.org>  
Board of Supervisors <Board.of.Supervisors@sfgov.org>,  
cc "Brown, Vallie" <Vallie.Brown@sfgov.org>, "Galbreath, Rick"  
<Rick.Galbreath@sfgov.org>, "Galli, Phil"  
bcc  
Subject RE: BOARD OF SUPERVISORS INQUIRY #20080923-001

Here's the status of removing graffiti from utility poles at the following locations:

4

Metal Pole:

Northwest corner of Steiner and Fell (SR # 842856-Abated 9-27-08)

Northwest corner of Fell and Scott (SR # 842857-Abated 9-27-08)

Southeast corner of Broderick and Fulton (SR # 842858-Abated 9-27-08)

Southeast corner of Fulton and Scott (SR # 842860-Abated 9-27-08)

Northeast corner of Fell and Steiner (SR # 842862-Abated 9-27-08)

Southwest corner of Masonic and Haight (SR # 8428863-Abated 9-27-08)

Southeast corner of Hayes and Buchanan (SR # 842864-Abated 9-27-08)

North side, center median on Divisadero and Haight (SR # 842865-Abated 9-27-08)

Jonathan Vaing  
DPW Graffiti Abatement Unit  
Operation Act. Supervisor II  
415-695-2181  
FAX: 415-641-2640

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

From: Lee, Frank W  
Sent: Thursday, September 25, 2008 2:29 PM  
To: Vaing, Jonathan  
Cc: Nuru, Mohammed; Hines, Timothy; Rodis, Nathan  
Subject: FW: BOARD OF SUPERVISORS INQUIRY #20080923-001

Jonathan:

Please respond directly to the Board of Supervisors and copy Supe. Mirkarimi. Please use the reference number in your reply title, and copy Nathan Rodis and me because we are tracking these requests.

Thanks,  
Frank

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

From: Board of Supervisors  
Sent: Wednesday, September 24, 2008 3:32 PM  
To: Reiskin, Ed

4



"Vaing, Jonathan"  
<Jonathan.Vaing@sfdpw.org>

10/03/2008 01:25 PM

To Board of Supervisors <Board.of.Supervisors@sfgov.org>  
Board of Supervisors <Board.of.Supervisors@sfgov.org>,  
cc "Brown, Vallie" <Vallie.Brown@sfgov.org>, "Galbreath, Rick"  
<Rick.Galbreath@sfgov.org>, "Galli, Phil"  
bcc  
Subject RE: BOARD OF SUPERVISORS INQUIRY #20080923-003

5

Here's the status of removing graffiti at the following locations:

Phone Switch Boxes:

- Northeast corner of Scott and Oak (SR #842684 - Abated 9-26-08)
- Northeast corner of Broderick and Fulton (SR #842658- Abated 9-26-08)
- Southwest corner of Fulton and Broderick (SR #842660- Abated 9-26-08)
- Southwest corner of Fillmore and Fulton (SR #842662- Abated 9-26-08)

Garbage Cans:

- Southwest corner of Baker and Haight (SR #842672- Abated 9-26-08)
- Northeast corner of Fulton and Fillmore (SR #842674- Abated 9-26-08)
- Northeast corner of Clayton and Haight (SR #842675- Abated 9-26-08)
- North side at Fulton and Clayton (SR #842676- Abated 9-26-08)

Fire Hydrant:

- Norhtwest corner of Octavia and Grove (SR #842682- Abated 9-26-08)
- Northeast corner of Clayton and Page (SR #842683- Abated 9-26-08)

Jonathan C. Vaing  
DPW Graffiti Unit  
Operation Supervisor II  
415-695-2181  
FAX: 4315-641-2640

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

From: Lee, Frank W  
Sent: Thursday, September 25, 2008 2:30 PM  
To: Vaing, Jonathan  
Cc: Nuru, Mohammed; Hines, Timothy; Rodis, Nathan  
Subject: FW: BOARD OF SUPERVISORS INQUIRY #20080923-003

Jonathan:

Please respond directly to the Board of Supervisors and copy Supe. Mirkarimi. Please use the reference number in your reply title, and copy Nathan Rodis and me because we are tracking these requests.

Thanks,  
Frank

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

From: Board of Supervisors  
Sent: Wednesday, September 24, 2008 3:32 PM  
To: Reiskin, Ed  
Subject: BOARD OF SUPERVISORS INQUIRY

57



CITY AND COUNTY OF SAN FRANCISCO  
DEPARTMENT OF CHILD SUPPORT SERVICES

617 Mission Street, San Francisco, CA 94105-3503 Tel. (415) 356-2700  
Child Support Automated Information System 1-888-823-2734



10/21

GAVIN NEWSOM  
MAYOR

KAREN M. ROYE  
DIRECTOR

September 26, 2008

Clerk of the Board  
City Hall  
One Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

6

**Re: Reference: 20080909-26 Board of Supervisors Inquiry from Supervisor Ammiano**

To the Clerk of the Board,

In response to Supervisor Ammiano's inquiry regarding public protection in the Mission District area, the Department has conducted research and further discussed the inquiry with the Legislative Analyst.

Per conversation with the Legislative Analyst, the Department understands that this request was not directed at the Department of Child Support Services. Therefore, no additional response is required.

Sincerely,

KAREN M. ROYE  
Director

cc: board.of.supervisors@sfgov.org

6

10/21



<kathryn.whittenberge@>

To <Board.of.Supervisors@sfgov.org>

10/02/2008 11:00 AM

cc

bcc

Subject Public input for Board of Supervisors

7

Submitted on: 10/2/2008 11:00:42 AM

name: Katt Whittenberger

phone: \_\_\_\_\_

comments: Naval Special Warfare Operators, Craft Head to San Francisco

Norfolk, VA - Naval Special Warfare Group 4, U.S. Special Operations Command elite maritime mobility experts, will be sending about 10 Special Warfare Combatant-Craft Crewmen to the San Francisco Fleet Week Oct. 8-14. They will be showcasing the Naval Special Warfare 11-meter Rigid-Hulled Inflatable Boat (RIB) and educating the public on Naval Special Warfare capabilities.

"It's important to show the public who we are, and some of what we're capable of," said Capt. Charles Wolf, the SEAL in command of Naval Special Warfare Group 4. "Fleet Weeks are opportunities to introduce ourselves, and to educate those who want to learn a little about the integral role we play as part of Special Operations."

The craft will be available for viewing at Pier 31, co-located with the Navy SEAL Accelerator. The two RIBs are high-speed waterborne boats that transport naval special operations forces. Capable of speeds in excess of 45 knots and ranges of 150 nautical miles, the boat was specially designed to get Navy SEALs and other special warfare forces close to shore in a low to medium-threat environment. With the capacity needed to get the special operations forces to their destination so they are mentally and physically able to perform at their mission with max efficiency, the RIB is fast and maneuverable and the ability to turn quickly and go from full speed to a dead stop within the length of its hull. It has the capacity to carry 8 fully equipped SEALs to almost anywhere they need to go.

The operators will be offering rides to local civic organizations, teachers, coaches, police, firemen and local and state officials throughout their stay. They are also available to speak at schools or other open-membership organizations in the area.

-----  
User Data

Client IP (REMOTE\_ADDR) : 206.37.203.11  
Client IP via Proxy (HTTP\_X\_FORWARDED\_FOR) :

7

10/21

SUNSHINE ORDINANCE  
TASK FORCE



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

October 6, 2008

Honorable Board of Supervisors  
City Hall, Room 244  
No. 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102.

8

BY  
C.B.C.S.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2008 OCT - 6 AM 10: 26

Regarding: SOTF complaint #08031 Kimo Crossman v Ethics Commission

In this complaint, Mr. Kimo Crossman requested documents from the Ethics Commission to be copied in PDF format and forwarded to him by email. The discrete number of documents exist in hardcopy format and the Ethics Commission provided them to Mr. Crossman in hardcopy format.

The Task Force found that since the Ethics Commission has the technology to produce the documents in PDF (*i.e.* a copier that can either copy to paper or save as a PDF file on a local hard drive much like the one used by the Clerk of the Board) and they already needed to use that copier to produce the hardcopy documents, it was technologically and economically feasible to produce them in the electronic format requested. The Task Force found the Ethics Commission in violation of Section 67.21-1 of the Sunshine Ordinance.

The Task Force in their July 22, 2008 Order of Determination asked the Ethics Commission to produce the documents in PDF format within five business days. This would have consisted of putting the hardcopies into the copier and choosing an output of PDF. The Ethics Commission did not comply and we are now referring the matter to the Board of Supervisors for further proceedings or enforcement pursuant to Section 67.30 (c).

In December of 2006 the Board of Supervisors unanimously approved a policy (File no. 061418) directing the Clerk of the Board to provide documents to the public in the format requested. We believe that this issue will continue to be faced by other Departments, Board and Commissions and believe that the leadership of the Board on this issue is necessary to establish a reasonable Citywide policy that fulfills the mandate of Section 67.21-1. To that end, we request that the Board of Supervisors expand its policy regarding public access to records to include all departments, commissions and policy bodies. This would establish best practices for everyone working on the City's behalf and ensure a consistent response to requestors.

8



12/01

For your review we have attached:

- (1) the copy of the complaint filed by Mr. Crossman (page 3),
- (2) the Order of Determination issued on July 22, 2008 (page 11),
- (3) the final minutes of the Task Force meeting of July 22, 2008 (page 13),
- (4) the final minutes of the Compliance and Amendments Committee meeting of September 10, 2008 (page 25),
- (5) draft minutes of the Task Force meeting for September 23, 2008. The final minutes will be forwarded upon approval (page 32).

If you need any further information, including tape recordings of any of the meetings referenced above, please feel free to contact me, or the Task Force Administrator at (415) 554-7724.

Kristin Chu  
Chair, Sunshine Ordinance Task Force

- 
- cc: Honorable Supervisor Michela Alioto-Pier  
 Honorable Supervisor Tom Ammiano  
 Honorable Supervisor Carmen Chu  
 Honorable Supervisor Chris Daly  
 Honorable Supervisor Bevan Dufty  
 Honorable Supervisor Sean Elsbernd  
 Honorable Supervisor Sophie Maxwell  
 Honorable Supervisor Jake McGoldrick  
 Honorable Supervisor Ross Mirkarimi  
 Honorable Supervisor Aaron Peskin  
 Honorable Supervisor Gerardo Sandoval  
 Angela Calvillo, Clerk of the Board of Supervisors  
 Ernie Llorente, Deputy City Attorney  
 Kimo Crossman, Complainant  
 John St Croix, Executive Director, Ethics Commission  
 Commissioner Emi Gusukuma, Ethics Commission  
 Commissioner Eileen Hansen, Ethics Commission  
 Commissioner Susan J. Harriman, Ethics Commission  
 Commissioner Jamiene S. Studley, Ethics Commission  
 Commissioner Charles L. Ward, Ethics Commission





<complaints@sfgov.org>  
06/06/2008 04:26 PM

To <sof@sfgov.org>  
cc  
bcc

Subject Sunshine Complaint

History: This message has been forwarded.

Submitted on: 6/6/2008 4:26:41 PM

Department: Ethics Commission

Contacted: Richard Mo

Public\_Records\_Violation: Yes

Public\_Meeting\_Violation: No

Meeting\_Date:

Section(s)\_Violated: 67.21-1, 67.29-2

Description: I requested some paper-only discloseable records from Richard Mo and he is refusing to scan and email them to me. Says I must pay ten cents a copy or come in during business hours to inspect them. Below I have outlined the legal justification. Mr. Mo has provided no legal reason for refusal which is an additional violation

Hearing: Yes

Date: 6/3/08

Name: Kimo Crossman

Address:

City:

Zip:

Phone:

Email:

Anonymous:

Confidentiality\_Requested: Yes



"Kimo Crossman"  
<kimo@webnetic.net>  
06/03/2008 05:50 PM

To "SOTF" <sotf@sfgov.org>  
"Richard Mo" <Richard.Mo@sfgov.org>,  
cc <ethics.commission@sfgov.org>, <Mabel.Ng@sfgov.org>,  
"John St.Croix" <john.st.croix@sfgov.org>  
bcc  
Subject SOTF Complaint -Richard MO - Ethics Refusal to scan paper  
public records

History: This message has been forwarded.

Please include the below email chain, images and attachments in the file for this complaint.

Submitted on: 6/3/2008

Department: Ethics Commission

Contacted: Richard Mo

Public\_Records\_Violation: Yes

Public\_Meeting\_Violation: No

Meeting\_Date:

Section(s)\_Violated: 67.21-1, 67-29-2

Description:

I requested some paper-only discloseable records from Richard Mo and he is refusing to scan and email them to me. Says I must pay ten cents a copy or come in during business hours to inspect them. Below I have outlined the legal justification. Mr. Mo has provided no legal reason for refusal which is an additional violation

Hearing: Yes

Date: 6/3/08

Name: Kimo Crossman  
Email: kimo@webnetic.net

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

From: Richard Mo [mailto:Richard.Mo@sfgov.org]  
Sent: Monday, June 02, 2008 2:43 PM  
To: Kimo Crossman  
Subject: RE: Fw: immediate disclosure request - SOTF Referral sent to another body

Mr. Crossman:

We are not required to scan and create documents that were not originally in PDF or electronic form. Nor are we required to produce "incremental daily delivery" of scanned records which do not exist and for which we have no obligation to create.

Our original offer to provide you with scanned copies was done so out of courtesy. We have no obligation under the law to scan these records.

As stated in my response to your original immediate disclosure request, documents responsive to your request are available for your review during normal business hours, from 8:00 a.m. to 5:00 p.m., Monday through Friday, at our offices. If you wish to review these records, you are welcome to inspect them at our office. You can make copies for ten cents per page.

Richard Y. Mo, Chief Enforcement Officer  
San Francisco Ethics Commission  
City and County of San Francisco  
25 Van Ness Avenue, Suite 220  
San Francisco, CA 94102  
(P) 415.252.3103/(F) 415.252.3112  
richard.mo@sfgov.org  
[http://www.sfgov.org/site/ethics\\_index.asp](http://www.sfgov.org/site/ethics_index.asp)

"Kimo Crossman"  
<kimo@webnetic.ne  
t> To  
"Richard Mo"  
05/30/2008 12:19 PM <Richard.Mo@sfgov.org>  
cc

Subject  
RE: Fw: immediate disclosure  
request - SOTF Referral sent to  
another body

Since you have the documents please consider this an IDR for the scan copies of them

As well as incremental daily delivery under 67.25 D

From: Kimo Crossman [mailto:kimo@webnetic.net]  
Sent: Thursday, May 29, 2008 3:52 PM  
To: 'Richard Mo'  
Subject: RE: Fw: immediate disclosure request - SOTF Referral sent to another body

Ok just to fill you in – scanning or faxing is actually required if requested not something that is optional.

As we know under 67.26 responding to public records request is part of the job duties of every city employee.

Under 67.21-1, It is city policy to reduce the cost, and ensure convenient, efficient and economic public access to records and make them easily accessible over the Internet, this is not limited to electronic records

---

**SEC. 67.21-1. POLICY REGARDING USE AND PURCHASE OF COMPUTER SYSTEMS.**

(a) It is the policy of the City and County of San Francisco to utilize computer technology in order to **reduce the cost** of public records management, including the costs of collecting, maintaining, and disclosing records subject to disclosure to members of the public under this section. To the extent that it is technologically and economically feasible, departments that use computer systems to collect and store public records shall program and design these systems to ensure convenient, efficient, and economical public access to records **and shall make public records (not limited to initially electronic records ) easily accessible over public networks such as the Internet.**

(b) Departments purchasing new computer systems shall attempt to reach the following goals as a means to **achieve lower costs to the public in connection with the public disclosure of records (not limited to initially electronic records )**:  
- *This policy has been in effect for eight years now so it should be standard for the city .*

(1) Implementing a computer system in which exempt information is segregated or

filed separately from otherwise discloseable information.

**(2) Implementing a system that permits reproduction of electronic copies of records (not limited to initially electronic records) in a format that is generally recognized as an industry standard format.**

(3) Implementing a system that permits **making records (not limited to initially electronic records ) available through the largest non-profit, non-proprietary public computer network**, consistent with the requirement for security of information.

Under 67.29-2 It is City policy for each department is encouraged to put as many documents (*not limited to initially electronic records* ) as possible online.

#### **SEC. 67.29-2. INTERNET ACCESS/WORLD WIDE WEB MINIMUM STANDARDS.**

Each department of the City and County of San Francisco shall maintain on a World Wide Web site, or on a comparable, readily accessible location on the Internet, information that it is required to make publicly available. **Each department is encouraged to make publicly available through its World Wide Web site, as much information and as many documents as possible concerning its activities.**

From: Kimo Crossman [mailto:kimo@webnetic.net]  
Sent: Thursday, May 29, 2008 11:04 AM  
To: 'Richard Mo'  
Subject: RE: Fw: immediate disclosure request - SOTF Referral sent to another body

Ok then please scan and email them to me -- it is hard for me to leave work during the day to participate in government.

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

From: Richard Mo [mailto:Richard.Mo@sfgov.org]  
Sent: Thursday, May 29, 2008 10:56 AM  
To: Kimo Crossman  
Subject: RE: Fw: immediate disclosure request - SOTF Referral sent to

another body

Approximately 25-30.

Richard Y. Mo, Chief Enforcement Officer  
San Francisco Ethics Commission  
City and County of San Francisco  
25 Van Ness Avenue, Suite 220  
San Francisco, CA 94102  
(P) 415.252.3103/(F) 415.252.3112  
richard.mo@sfgov.org  
[http://www.sfgov.org/site/ethics\\_index.asp](http://www.sfgov.org/site/ethics_index.asp)

"Kimo Crossman"  
<kimo@webnetic.ne  
t>

To

"Richard Mo"

---

05/29/2008 10:42 AM <Richard.Mo@sfgov.org>  
cc

Subject

RE: Fw: immediate disclosure  
request - SOTF Referral sent to  
another body

How many are there?

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

From: Richard Mo [mailto:Richard.Mo@sfgov.org]  
Sent: Thursday, May 29, 2008 10:32 AM

To: kimo@webnetic.net  
Subject: Re: Fw: immediate disclosure request - SOTF Referral sent to another body

Mr. Crossman:

The documents responsive to your immediate disclosure request of May 28, 2008 will be available for your review at the Commission's office beginning at 4:00 p.m. today. Please let me know when you would like to come in to review these records.

Thank you,

Richard Y. Mo, Chief Enforcement Officer  
San Francisco Ethics Commission  
City and County of San Francisco  
25 Van Ness Avenue, Suite 220  
San Francisco, CA 94102  
(P) 415.252.3103/(F) 415.252.3112  
richard.mo@sfgov.org  
[http://www.sfgov.org/site/ethics\\_index.asp](http://www.sfgov.org/site/ethics_index.asp)

John  
St.Croix/ETHICS/S  
FGOV  
05/28/2008 03:15  
PM  
To  
Richard Mo/ETHICS/SFGOV@SFGOV  
cc  
Subject  
Fw: immediate disclosure request -  
SOTF Referral sent to another body

John St. Croix



Executive Director, San Francisco Ethics Commission  
25 Van Ness Avenue, Suite 220  
San Francisco, CA 94102-6053

----- Forwarded by John St.Croix/ETHICS/SFGOV on 05/28/2008 03:17 PM -----

"Kimo Crossman"  
<kimo@webnetic.ne

t>

To

"John St.Croix"

05/28/2008 03:04 <john.st.croix@sfgov.org>

PM

cc

<ethics.commission@sfgov.org>,

<Mabel.Ng@sfgov.org>

Subject

immediate disclosure request - SOTF

Referral sent to another body

---

### Immediate Disclosure Request

Please provide all communications on the one SOTF referral that was sent to another body as mentioned at a recent BOS Rules committee meeting by Mr. St.Croix

**SUNSHINE ORDINANCE  
TASK FORCE**



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

**ORDER OF DETERMINATION**

August 4, 2008

**DATE THE DECISION ISSUED**

July 22, 2008

**KIMO CROSSMAN v. SAN FRANCISCO ETHICS COMMISSION (08031)**

**FACTS OF THE CASE**

On May 28, 2008, Kimo Crossman made an Immediate Disclosure Request ("IDR") on-line to the San Francisco Ethics Commission. Kimo Crossman requested all communications regarding a Sunshine Ordinance Task Force referral that was sent to another body, as mentioned at a recent Board of Supervisors Rules Committee meeting by John St. Croix, Director of the Ethics Commission. On May 29, 2008, Richard Mo, Chief Enforcement Officer of the Ethics Commission and responded to the IDR a stated that the paper-only records were available for review and copying. Kimo Crossman requested that Mr. Mo have the documents scanned electronically and sent to him as an e-mail attachment. Mr. Mo replied and stated that he was under no obligation to scan records that were not originally in electronic format. He repeated his offer that Kimo Crossman could review the records in the office and/or have them copied.

**COMPLAINT FILED**

On June 3, 2008, Complainant Kimo Crossman filed a complaint against the Ethics Commission alleging that the Commission violated Sections 67.21-1 and 67.29-2 of the Sunshine Ordinance.

**HEARING ON THE COMPLAINT**

On July 22, 2008, Complainant Kimo Crossman appeared before the Task Force and presented his claim. Respondent Commission was represented by John St. Croix, who presented the Commission's defense by reading a written statement that was contemporaneously provided to the Task Force and the Complainant.

The issue in the case is whether the Commission violated Section(s) 67.1, 67.21, 67.21-1 & 67.29-2 of the Ordinance, Sections 6253.9, 6253 & 6255 of the California Public Records Act and Article I, Section 3 of the California Constitution.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The facts of this case and applicable law are similar to a previously decided case of Crossman v. SOTF Administrator (08018) in which Frank Darby refused to scan and e-mail

**ORDER OF DETERMINATION**

a limited number of paper documents. Consistent with the decision of that earlier case, the Task Force makes the following decision and order.

**DECISION AND ORDER OF DETERMINATION**

The Task Force finds that the Commission violated Section(s) 67.21-1 of the Sunshine Ordinance for failure to comply with a reasonable request to scan and email the limited number of responsive records when the Commission has the technology and feasibility to provide electronic copies and providing electronic copies, as opposed to copying paper copies which imposes a cost on the requestor, does not impose additional costs or time burdens on the Commission. The Commission shall scan and email the documents as requested within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on August 13, 2008.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on July 22, 2008, by the following vote: ( Craven / Goldman )

Ayes: Craven, Washburn, Knoebber, Chu, Goldman, Williams

Noes: Pilpel

Excused: Cauthen, Gokhale, Chan

Recused: Knee



Kristin Murphy Chu, Chair  
Sunshine Ordinance Task Force

- c: Ernie Llorente, Deputy City Attorney  
Kimo Crossman  
Richard Mo, Ethics Commission  
John St. Croix, Ethics Commission

Sunshine Ordinance Task Force



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7724  
Fax No. 554-7854  
TDD/TTY No. 544-5227

<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
MINUTES**

Tuesday, July 22, 2008  
4:00 p.m., City Hall, Room 408

**Task Force Members**

Seat 1	Erica Craven (Vice Chair)	Seat 8	Kristin Chu (Chair)
Seat 2	Richard Knee	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Allyson Washburn	Seat 11	Marjorie Ann Williams
Seat 5	Ketaki Gokhale		
Seat 6	James Knoebber	Ex-officio	Angela Calvillo
Seat 7	David Pilpel	Ex-officio	Harrison Sheppard

**Call to Order** The meeting was called to order at: 4:05 P.M.

**Roll Call** **Present:** Craven (in at 4:08), Knee, Cauthen, Washburn (in at 5:00), Knoebber, Pilpel, Chu, Goldman, Williams, Sheppard  
**Excused:** Gokhale, Chan

**Agenda Changes:** Item 8, 13 & 9 were heard before 4, 10 was heard before 7 and 2 was heard before 11

**Deputy City Attorney:** Ernie Llorente  
**Administrators:** Chris Rustom

1. Approval of minutes of June 24, 2008, meeting.

Public Comment: Peter Witt said the minutes approved on June 24 were not accurate and would like to review the current minutes for accuracy.

Motion to approve the minutes of June 24, 2008 ( Pilpel / Knee ).

Ayes: Craven, Knee, Cauthen, Washburn, Knoebber, Pilpel, Chu

Absent: Craven, Chan

Excused: Gokhale, Washburn, Chan

2. Continued discussion of City Attorney's interpretation of, implementation of, and advice and counsel to clients on compliance with Sunshine Ordinance sections 67.21 (i) and 67.24 (b) (1) (iii). Discussion of City Attorney's policy on whether such advice should be provided in written and/or oral communications.

Speakers: DCA Llorente said the City Attorney's practice in general is to advise its client agencies on the law including Sunshine. There is no policy on withholding information. Also, there is no City Attorney policy on instructing client agencies who appear before the Task Force to withhold information. Withholding will only happen when there is an exemption and that exemption has to be noted.

DCA Llorente was asked to get a written City Attorney analysis on a Deputy City Attorney's comment that questioned the legality of certain Sunshine provisions. The item is to be agendaized for September.

Public Comment: Alan Grossman said the City Attorney has always taken the position that the Charter trumps the Sunshine Ordinance, but that may be wrong. He said that that he had a discussion with an authoritative lawyer with the City who told him that the City Attorney can not give advice under 67.21 (I). He also suggested getting an outside-qualified lawyer to get an unbiased look at the issue.

Kimo Crossman said that DCA Llorente was supposed to provide information in writing and has not.

3. Status of implementation of the digital recording measures from technical and legal perspectives.

Speakers: Jack Chin, manager of SFGTV with the Dept of Telecommunications said the department fully supports the program but nothing could be done because the budget for staffing was not approved.

Rohan Lane of Building Management Media Services reiterated Mr. Chin's view, saying it is physically impossible to implement the Ordinance section without funding.

DCA Ernie Llorente said the author of the Ordinance, William Sanders, recalled that the hope was for the budgetary needs to be met while the Ordinance was being drafted. But since the budget allocation was not met the Ordinance could not be implemented.

Public Comment: Kimo Crossman said that posting an audio recording on line took only a few minutes of his time. He said that the need for staff is not substantiated because the issue was posting the audio online and not streaming audio and video. Mr. Crossman questioned why Mr. Darby or Mr. Rustom could not post the audio when they make daily changes to the web pages. He also said DCA Llorente should speak for the Task Force and not the City Attorney.

Allen Grossman said that every time DCA Llorente mentions conversations with his fellow counterparts on Task Force matters he thinks about what 67.34 actually means about the "ethical wall." He added that the Task Force was an independent body and if it decides to post an audio recording on the web, the Clerk is obligated to provide the necessary support.

Member Knee said he would like the Task Force to write a letter to Supervisor

Mirkarimi asking him to mandate the budgetary needs.

Member Craven said the letter should convey the concern over the failure of the Board of Supervisors to allocate funds to implement the Ordinance rather than rewriting the Ordinance, which could again be vetoed by the mayor.

Member Craven asked Mr. Rustom to find out the size of a typical file and if there is space limitation on the portion of the server dedicated to the Task Force's web site.

Member Cauthen noted that the ordinance that created the Library CAC had a provision for funding to provide support but had to be removed for it to be passed.

Sheppard said if we are not making use of the available audio and video recording facilities we are not providing the kind of model open government leadership.

Chair Chu said she would write a letter to Supervisor Mirkarimi with the hope that the Task Force can place their digital recordings on line.

4. 08022 Continued: Public Hearing, complaint filed by Kimo Crossman against the Clerk of the Board of Supervisors for alleged improper redaction of home address, home telephone number and e-mail address from an original Sunshine application.
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Speakers: Complainant Kimo Crossman, said that he is concerned by the additional authorization box on the application for the Board of Supervisors' boards and commissions. He said that people are confusing personal information like what you tell your doctor and what is contact information. Respondent Frank Darby, said one of the questions asked during the last meeting was how the department would implement the policy. That, he said, has been provided in the agenda packet.

Member Knee said there are cases where withholding information involved whistleblowers and police informants. He asked, how would the public know an applicant is eligible if a particular seat has residency requirements?

Member Pilpel said the department needs to explain the difference between personal and private information.

Mr. Crossman said although the City Attorney has said that a commissioner's email is undisclosable, the Task Force has ruled against it.

Motion to find violation of 67.21 for redacting information from successful applications to the Sunshine Ordinance Task Force. ( Cauthen / Knee )

Member Pilpel said he was against the motion because he is not persuaded that this information is subject to disclosure.

Public Comment: Alan Grossman said Prop 59 created the right to access information concerning the conduct of the peoples business. Therefore the writings of public officials and agencies shall be open to public scrutiny. Peter Warfield said that there are some very lengthy and specific exclusions for disclosure listed very specifically in the California Public Records Act. He said that CPRA should be cited if there is something to be withheld.

Ayes: Craven, Knee, Knoebber, Chu, Goldman  
Noes: Pilpel, Willaims  
Recused: Washburn  
Excused: Cauthen, Gokhale, Chan

Motion fails. No further action taken.

5. 08023 Determination of jurisdiction of complaint filed by Anonymous Tenants against the Planning Department for alleged failure to provide all requested records.

Speakers: None

Motion to find jurisdiction ( Goldman / Knee )

Ayes: Craven, Knee, Washburn, Knoebber, Pilpel, Chu, Goldman, Williams  
Excused: Cauthen, Gokhale, Chan

- a Public Hearing, complaint filed by Anonymous Tenants against the Planning Department for alleged failure to provide all requested records..

Speakers: Complainant, Anonymous Tenants, said that repeated requests for a copy of a file from the Planning Department has been unsuccessful; that requests were also sent to the director and zoning administrator. He said a separate request was needed for copies of emails sent amongst staff and public. He read a list of documents that were not provided. Respondent Scott Sanchez of the Planning Department said that he has repeatedly responded to the requestor as his role is limited to the Board of Appeals portion of the Variance file. Other files include the building permit application process. He said that the department files correspondence in a separate file and are not included with the decision-making documents. However, all requested documents were provided.

Member Craven, after extensive questioning of Mr. Sanchez, Lulu Wang of the department and the complainant, said the department did not refuse to produce a document but should had been more helpful because it knows how its records are kept. She said the Sunshine Ordinance is not violated if a certain document that is supposed to be in a file is not.

Member Pilpel said if a request on a project is received, staff should do a search for all related documents among all staff.

The Complainant, in rebuttal, said that the respondent is making false statements in order for the Task Force to rule in his favor. He said that certain documents were put in the file after the request was made.

Motion to find a violation of 67.21 ( c ) for failure to assist. (Pilpel)

Public Comment: Kimo Crossman said that the records need to be kept in a professional manner and the file is out of order because the owner has hired an expediter and is trying to force the project through.

Allen Grossman said that the department is seriously behind in maintaining documents.

Friendly amendment motion to find violation of 67.29-7(a) (Knee)

Member Craven made a friendly amendment to the motion to find a violation of §67.21 (b) and (c).

Motion to find violation of 67.21 (b) and (c) ( Pilpel / Craven )

Ayes: Craven, Knee, Washburn, Knoebber, Pilpel, Chu, Goldman, Williams

Excused: Cauthen, Gokhale, Chan

6. 08024 Determination of jurisdiction of complaint filed by Michael Addario against the Arts Commission for alleged failure to provide proper notice of the changed date and time of the San Francisco Street Artists regular meeting.

Speakers: None

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Motion to find jurisdiction ( Goldman / Craven )

Ayes: Craven, Knee, Washburn, Pilpel, Chu, Goldman, Williams

Noes: Knoebber

Excused: Cauthen, Gokhale, Chan

- a Public Hearing, complaint filed by Michael Addario against the Arts Commission for alleged failure to provide proper notice of the changed date and time of the San Francisco Street Artists regular meeting.

Speakers: Complainant, Michael Addario, said that the evidence shows that the San Francisco Street Artists Program Committee is a regular policy body; that the emails show that the program director and Arts Commission executive Director along with some members of the Street Artists Program Committee discussed the matter, developed an agreement and excluded the public from participating.

The Respondent was not present.

Member Pilpel said he was not sure if a Sunshine violation had occurred.

Chair Chu said that it is possible that a seriatim meeting occurred.

Member Pilpel said that the email exchange between Alexander Lloyd and Sherene Melania suggests a seriatim meeting occurred.

Member Craven, through the Chair, asked DCA Paul Zarefsky, who was sitting



in the audience, to answer two Brown Act questions. DCA Zarefsky said that he is reluctant to give an opinion on a case where he did not know the facts.

Member Pilpel suggested three courses of action: finding no violation, finding some kind of violation and if the City wants to contest it they can come back, or continue the matter.

Public Comment: Kimo Crossman said the committee meeting is a policy meeting. What happened was they wanted to reduce the number of meetings and took it to the commission meeting because it would cause an uproar if they addressed it at the committee meeting. The absence at the meeting is also a violation, he added.

Motion to find violation of Section 67.5 ( Pilpel / Goldman )

Ayes: Craven, Knee, Washburn, Knoebber, Pilpel, Chu, Goldman, Williams

Excused: Cauthen, Gokhale, Chan

7. 08027 Determination of jurisdiction of complaint filed by Kimo Crossman against the Mayor's Office of Criminal Justice for alleged failure to respond to a public records request.

Continued. Without objection.

- a. Public Hearing, complaint filed by Kimo Crossman against the Mayor's Office of Criminal Justice for alleged failure to respond to a public records request.

Continued. Without objection.

8. 08029 Determination of jurisdiction of complaint filed by Barry Taranto against the Taxi Commission for alleged failure to prohibit defamation by a public speaker about another public speaker during public comment, adopting inappropriate public speaking times on an item, and failure to provide equal speaking time during public comment.

Richard Knee and David Pilpel informed the Task Force that they are acquainted with the complainant but believed they would not be predigious.

Speakers: None.

Motion to find jurisdiction ( Goldman / Knee )

Ayes: Craven, Knee, Knoebber, Pilpel, Chu, Goldman, Williams

Excused: Gokhale, Washburn, Chan

- a. Public Hearing, complaint filed by Barry Taranto against the Taxi Commission for alleged failure to prohibit defamation by a public speaker about another public speaker during public comment, adopting inappropriate public speaking times on an item, and failure to provide equal speaking time during public comment.

Speakers: Complainant Barry Taranto played a segment of a Taxi Commission

meeting in which a public speaker questioned Taranto's driving record. That, said Tarantino, were the kind of remarks allowed to occur by Commission President Paul Gillespie. He also alleged that the commissioner played favoritism. In support, Thomas George Williams said the commission under Gillespie has become more of a circus and its meetings are one of the most watched shows on SFGTV. People are allowed to comment on anything even if it is off topic and sometimes the commissioners get into a dialogue with the person making the comment, he said. Peter Witt said he is appalled with the representation of Gellipsse but that it was Executive Director Jordanna Thigpen's duty to oversee the meeting. The commission, he said, can commit more violations than the Task Force can deal with.

Respondent, Jordanna Thigpen, said that she attended the meeting the Mr. Taranto referred to and heard DCA Paul Zarefsky caution members of the public regarding defaming others. Some members, she said, were using the same tactics at other city meetings. She asked the Task Force for advice on how to handle public comment as it was getting out of hand. Ms. Thigpen said that she provided the commissioners copies of the Mayor's policy on discrimination and harassment and educated the President on the process outlined in the Good Government Guide; that she has also included in the agenda a paragraph titled Know your rights under the Sunshine Ordinance. She said that Commissioners are forced into a dialogue because of the allegations made during public comment, she said.

Taxi Commissioner Tom Oneto said what he heard from the clip presented by Tarino was Gillespie telling the commissioners that the public has the right to say what they want during public comment and commissioners have no control over it. Regarding time allotment, he said there are about 25 to 30 people speaking on each item on the agenda and the public is allotted time depending on the seriousness of the topic; that questions are asked during public comment to be able to see the issue from that persons particular point of view.

Member Cauthen was concerned by Gillespie not giving all speakers an extra 30 seconds. Commissioner Oneto responded that this has happened only once and it happened only because the commission was not sure if the person had addressed the commission earlier.

Member Williams said that she saw the meeting in question on TV and praised Ms. Thigpen on her conduct. One has to remember, she said, that the people who are addressing the meeting are people fighting for their livelihood. However, public comment should be conducted in another way.

Member Pilpel said President Gillespie has done a good job under difficult circumstances and suggest that the public read more about public comment on pages 105 through 107 in the Good Government Guide.

In rebuttal, Ms. Thigpen said the commission was doing its best as all arguments and decisions reflect their passion as it relates to people's lives.

Mr. Taranto, in rebuttal, said that Paul Gillespie should be present because he was president at the time and not Tom Oneto. He also said when

commissioners engage in long dialogues with the public it is like giving them a soapbox to stand on and present their opinions. Regarding the time allocation, he said the number of speaker cards is a good indication as to how much time each speaker should be allowed.

Public Comment: Kimo Crossman expressed concerned over limiting public comment to one minute. He recalled DCA Zarefsky saying that he would look poorly on a committee that allows less than two minutes. People are going to be upset at these meetings and must be allowed to vent, he said.

Tarik Mamood said he was happy with the way the meetings are conducted but added that there are several instances when the complainant and his affiliates get more speaking time than others. He said that attacking the commission and complaining does not make sense; that what needs to be seen is there are several issues, directions and angles and sometimes they intermingle.

Member Knee said defamation is not in the purview of the Task Force. The question of allowing or disallowing public comment is whether the comment is relevant to the item at hand. He said that if it is general public comment on nonagenda items, then the question would be, "Is the subject within the purview of this commission?" He said that the commissioners have the leeway to decide and can seek the advice of counsel. On the third complaint, he was willing to go along with the motion although it looked like a "He said, she said," scenario.

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Motion to find violation of 67.15 (c) for third allegation. ( Pilpel / Cauthen )  
Ayes: Craven, Knee, Cauthen, Washburn, Knoebber, Pilpel, Chu, Goldman, Williams  
Excused: Gokhale, Chan

9      08031      Determination of jurisdiction of complaint filed by Kimo Crossman against Richard Mo of the Ethics Commission for allegedly refusing to scan and email a document.

Speakers: None

Motion to accept jurisdiction ( Goldman / Knee )  
Ayes: Craven, Knee, Cauthen, Washburn, Knoebber, Pilpel, Chu, Goldman, Williams  
Excused: Gokhale, Chan

Member Knee then sought the Task Force's opinion if he should be recused because he had come into contact with the respondent in a different matter.

Motion to recuse Member Knee. Without objection

On previous motion to accept jurisdiction.  
Ayes: Craven, Cauthen, Washburn, Knoebber, Pilpel, Chu, Goldman, Williams  
Recused: Knee  
Excused: Gokhale, Chan

- a. Public Hearing, complaint filed by Kimo Crossman against Richard Mo of the Ethics Commission for allegedly refusing to scan and email a document.

Speakers: Complainant Kimo Crossman said that the Task Force has approved and the Clerk of the Board has changed her rules to allow emailing of scanned PDF documents and the Ordinance has provisions for it. He said that the department has not responded to his initial request and so he could not formulate his response. Respondent John St. Criox, director of the Ethics Commission read a letter, which he passed out to Task Force members, explaining why provisions of the Ordinance don't support the position cited by the complainant and reasons why the Task Force should dismiss the complaint.

Member Craven said 67.21 (1) and (b) talks about reproduction of electronic copies of records in a format that is industry standard. Economically feasible, she said, means the ability to scan a document and email it. She said that since the number of documents requested were limited to 100 documents that the Commission had the system and ability to comply very easily.

Member Sheppard disagreed, he said that scanning is in essence creating a new record, and that scanning 100 documents is a burden to some offices. He asked where the line is drawn between what is and what is not a reasonable request.

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Member Pilpel said computers and copiers are two different systems.

Mr. Crossman said that most office equipment in use today has a microchip that qualifies it as a computer system. He reminded members that the Task Force they have ruled in favor before and that no extra effort was involved. He also said the way Ethics provided their response showed bad faith.

Public Comment: Allen Grossman said he is amazed when he hears that a person hits a button and the recipient has to go over and collect and pay for a document when that same person can press another button and have it sent to the recipient electronically.

Peter Warfield said to call the creation of a new format a new record is very dangerous ground. He said that a reasonable copy is a copy and not a new record.

Motion to find violation of 67.21 (1) Craven / Goldman )  
Ayes: Craven, Washburn, Knoebber, Chu, Goldman, Williams  
No: Pilpel  
Recused: Knee  
Excused: Cauthen, Gokhale, Chan

- 10 08032 Determination of jurisdiction of complaint filed by Kimo Crossman against the City Attorney's Office for allegedly refusing to produce a Word version of a pdf document.

Speakers:: None

Motion to accept jurisdiction ( Goldman / Williams )

Ayes: Craven, Washburn, Knoebber, Pilpel, Chu, Goldman, Williams

Absent: Knee

Excused: Cauthen, Gokhale, Chan

- a. Public Hearing, complaint filed by Kimo Crossman against the City Attorney's Office for allegedly refusing to produce a Word version of a pdf document.

Speakers: Complainant Kimo Crossman, said the Task Force has ruled many times that a record has to be reproduced in the format requested and the Board of Supervisors has voted that the Clerk of the Board reproduce documents in the format requested. He said that the Board had rejected Paul Zarefsky's argument when he presented it the Rules Committee. He said that §6253 of the CPRA says that an exact copy of the original be reproduced and a Word document is not a pdf document. Creating a pdf document also means redacting metadata, he said.

Respondent, DCA Paul Zarefsky, said that the City Attorney's position on the issue has been very clear and is posted its position on the web. He said he has gone through the legislative history of Assembly Bill 2799 (CPRA amendments) and not a single reference was made on metadata, concept of metadata and computer programs. There was no intent to change from the old system that allowed a hard copy of an electronic document to Mr. Crossman's Word for Word concept.

Member Craven said the topic has been dealt with before and was surprised by Mr. Zarefsky's legislative history presentation because the statute is very clear. If a document has metadata that is exempt, it could be stripped and an explanation be given for the withholding. She added that she would like to keep the rulings consistent and find a violation.

Member Pilpel said the BOS policy applies to departments under the BOS and not citywide.

Mr. Zarefsky, in response to Member Pilpel's questions, said that he did not look at the September 25, 2007 document but was aware that it is a mayor's transmittal on the Ed Jew matter. He said that he was most certain that the metadata portion would include attorney work product and or attorney-client matters. The document, he said, was the first in a series of litigation documents and its release would be like giving out information related to a litigation matter. The basis for non-disclosure is because a department does not have a duty to provide a Word document in Word form.

Mr. Crossman, in response to Member Pilpel said that he has seen the document but did not want to say what kind of information he was looking for in the metadata.

Mr. Crossman, in response to Member Goldman, said that there are indications that the original was a Word document supported by Mr. Zarefsky who has not

disputed that it was initially a Word document. Mr. Zarefsky said it was his understanding that it was a Word document.

In rebuttal, Mr. Zarefsky said that the Agency might also refuse to provide the information in electronic format if the electronic record, when transmitted or provided to the requestor, could be altered and then retransmitted, thus rendering the original record vulnerable. He said that a Word doc by definition, has the same functional properties, it can be altered; that this is the only reference in the entire Legislative History that he found to what subsection F means. Mr. Zarefsky also said that the letter from the Newspaper Publishers Association received several months ago asserted that the amendments were to cover metadata. However, the letter did not cite the legislative history. Also he is not aware of any public records law that says a record must be made available in a form that allows the requestor to actually work in the document. He asked the Task Force not to find a violation and to leave it to the City Attorney to interpret this basic legal issue.

Mr. Crossman, in rebuttal, said that the Task Force has not heard that the document in question has information that needs to be redacted and even if the document contains attorney client information it is disclosable under Sunshine and Ethics laws. He said that Mr. Zarefsky, not only ignored Sunshine, but also the outcome of FOIA cases.

Public Comment: Allen Grossman said it was deja vu all over again and that new members are not aware of the hearings and time spent on this issue before this Task Force, the Rules Committee of the Board of Supervisors and the Board itself. He said that when it comes to Sunshine issues, the Task Force is the decider and that the document does not contain attorney, client privilege, neither does it contain work product, which has to come from the City Attorney's Office and not the Mayor's Office. He said that the City Attorney's Sept 19, 2006, memo is not an opinion, because it did not go through the rigidous requirements of what an opinion is.

Motion to find violation of 67.21 (l), CPRA 6253.9 (a) including subparagraphs 1 and 2 (Knee / Goldman )

Ayes: Craven, Knee Washburn, Knoebber, Chu, Goldman

Noes: Pilpel

Excused: Cauthen, Gokhale, Chan, Williams

11

Report: Compliance and Amendments Committee: meeting of July 9, 2008.

Chair Knee made the report. He also told members that he is sending a letter to other jurisdictions asking how they are handling electronic record keeping.

Public Comment: Kimo Crossman said that preservation of emails is an important issue and that he hopes the Task Force can come up with a policy that sets the standard at least statewide if not nationwide.

12

Administrator's Report.

Member Craven said complainants need not appear before the Task Force. They can submit their complaints in writing and attend the meeting by phone because it may not be feasible for them to come because of one reason or another. She said that departments have to come because they are compensated. She also said Mr. Peter Warfield's complaint issue needs to be addressed by the Chair and the Administrator and schedule the complaints for August.

Member Pilpel expressed concern that there were only two of three logs. He asked that the administrator follow up on #06004-Robert Planthold v Municipal Transportation Authority referral to District Attorney's Office for investigation. He also asked for the current contact list for members, and said that there should be a redacted packet made for the public and an unredacted version for Task Force members.

Public Comment: Kimo Crossman said he was disappointed to see the redactions even though the Task Force has ruled on the matter. He urged the Task Force to do an annual review of employees and staff, and said that the Task Force should not be able to see documents that the public can't see. He said that departments are not following the 5-day requirement for initial complaint responses because the administrator is not doing the follow up.

13

Public comment for items not listed on the agenda.

Public Comment: Kimo Crossman it would be a good idea for the Task Force to go into closed session and do an annual review of staff members. Peter Witt said he sent a letter of inquiry to the Task Force last month and had yet to receive a response and that there was no consistency in the way the Taxi Commission records the minutes. Peter Warfield also said he filed two complaints and although the procedure was followed, it has yet to be agendized.

14.

Announcements, questions, and future agenda items from the Task Force.

Chair Chu announced committee assignments:

- Complaint: Goldman (chair), Gokhale, Knoebber
- Compliance and Amendments: Knee (chair), Craven, Pilpel, Chu
- Rules: Pilpel (chair), Hanley, Chu
- Education, Outreach & Training: Washburn (chair), Williams, Cauthen, Pilpel, Chu

Chair Chu said the Education, Outreach and Training Committee would meet next month and requested members to send suggested agenda items to Member Washburn.

Public Comment: None

## Adjournment

**The meeting was adjourned at 9:20 p.m.**

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force.



<http://www.sfgov.org/sunshine>

**SUNSHINE ORDINANCE TASK FORCE  
COMPLIANCE AND AMENDMENTS COMMITTEE  
DRAFT MINUTES**

Wednesday, September 10, 2008  
4:00 p.m., City Hall, Room 406

**Committee Members:** Richard Knee (Chair); Erica Craven, David Pilpel, Kristin Chu,  
**Call to Order:** 4:08 p.m.  
**Roll Call:** **Present:** Knee, Craven, Pilpel, Chu  
**Deputy City Attorney:** Ernie Llorente  
**Clerk:** Chris Rustom

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**Agenda Changes:** Items were heard in this order: 1, 3, 5, 6, 9, 4, 2, 7, 8, 10

1. Approval of minutes of August 13, 2008.  
Public Comment: None  
Motion to approve minutes of August 13, 2008. ( Pilpel / Chu )  
Ayes: Knee, Craven, Pilpel, Chu
2. Continued discussion re developing recommendations on the document retention policy of the Board of Supervisors.  
Chair Knee said his research was continuing and agreed to create a document based on the present practices of the Clerk of the Board.  
Member Pilpel suggested merging Items 2 and 2a.  
Chair Knee agreed.  
Item to read : Recommendations on the document retention policy of City departments and the Board of Supervisors  
Public comment: None
  - a. Discussion re developing recommendations on the document retention policy for City departments.



Merged with Item 2

3. 08023 Hearing on the status of the July 22, 2008, Order of Determination of Anonymous Tenants vs. Planning Department

Complainant Anonymous Tenants said the department had provided him with more documents including a file that contained over 800 emails after the Order of Determination was issued. The emails he said were not in pdf format, some were blanks and a lot were duplicates. And because of that he requested a continuance. He also said the department needs to provide more documents, including a telephone log, and continue assist in identifying documents.

Respondent Linda Avery of the Planning Commission said the department followed procedure approved at the last CAC meeting that included listing and numbering documents. The department has met that requirement timely and had also met the complainant to discuss outstanding issues.

Planner Scott Sanchez said the electronic document is in searchable pdf format whereas the complainant had asked for the emails be printed and scanned making it non-searchable, duplicate emails were unavoidable because multiple planners would forward or respond to certain documents and requests, the permit was provided in the same shape and form that was on file, and the telephone log was not retained, meaning, nobody knows what happened to it.

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Member Pilpel wanted a copy of the Planning Department's transmittal to Anonymous Tenants placed in the SOTF file.

The respondent did not rebut.

The complainant, in rebuttal, said among others, his understanding of a pdf file is different from Mr Sanchez and that it was very difficult to read and was one of the reasons for requesting a continuance.

Public Comment: Kimo Crossman said the day's meeting has not resolved a lot of issues brought forward by the complainant, the department needs to be helpful in identifying documents and suggested a continuance. He also said he was concerned that departments were not being told to provide a written response in five days. He asked that the Task Force direct the administrator to include the language in all Orders of Determination. Ray Hartz congratulated department representatives for their presence and said the department needs to say exactly what happened to the telephone log, giving half of a full document is disingenuous and a department must produce a requested document and not opine on its relevancy to other documents requested by the same requester.

Member Craven lauded the complainant's advocacy and tenacity but said she believed all documents had been produced. She also praised the department for creating a list of documents that were provided to the complainant, but added that she would like the department to improve on their records management procedures and better response times. She said there was no need for further action.

Member Pilpel said the OD was written without the five-day requirement because

Task Force members wanted to get the parties together and resolve the issue. He also said no further action was needed.

No further action taken.

4. 08024 Hearing on the status of the July 22, 2008, Order of Determination of Michael Addario vs. Arts Commission.

Respondent Howard Lazar had emailed the Task Force and said he would not be in attendance because the Arts Commission meeting coincides with the CAC's. Chair Knee said that was unfortunate because it deprives the committee the chance to question Mr Lazar should the need arise. The chair without objection ruled that the committee should proceed hearing the case.

Complainant Michael Addario said he attended the San Francisco Street Artists meeting which respondent Howard Lazar mentioned and because the meeting ended at 5 p.m. Mr Lazar could have attended the CAC meeting as well. He said the Arts Commission meeting rules have been compromised and felt it was impossible to repair it. He said nobody wanted the meeting schedule changed from monthly to bi-monthly except Mr Louis Cancel, the director of Cultural Affairs. The item was agendaized and all members were allowed to speak, but the vote was 2-1 in favor even though everybody who spoke was in opposition.

Member Craven said the meeting was a procedural issue and not within the jurisdiction of the Task Force. The TF's concern, she said, was whether members of the Arts Commission knew what is and how not to hold a seriatim meeting. She suggested sending a letter to Mr Lazar.

Mr Addario told Chair Knee that he did not know of any additional seriatim meeting occurring since the Order of Determination was issued.

Mr Addario in summary said a letter should be sent to all the members because they have shown a disrespect to the CAC by walking out of the last meeting and have refused to attend the current meeting. He also would want the commission members attend the SOTF training.

Chair knee agreed to send a letter to Howard Lazar, program director, PJ Johnston, president of the Arts Commission, and Alexander Lloyd, chair of committee, asking them what they've done on training and how they hope to avoid seriatim meetings in the future. The letter was also to note that the commission was not present at the meetings. A copy of the letter was to be sent to Mr Addario, the complainant

Public Comment: Ray Hartz said there is a fine line between aggressive and assertive and the committee needs to be assertive. Many times, he said, the city doesn't show up at meetings and the committee doesn't do anything because he thinks members will get the non-response they get from the EC. Doing that lets the citizens bear the burden, he said. He said in his case against the city he attended all four meetings and the city was not present at any. The non-presence of departments at meetings is a show of disrespect to residents of San Francisco, he added. Mr Crossman's comment on Member Pilpel is not a personal attack, he said, but stating the fact that he was going to vote in favor of the city 90 percent of the time regardless

of the facts. Looking at the list of referrals, he questioned the purpose of the SOTF. He also said he has visited the SOTF website twice this year and asked why commissioners are not required to brush up on Sunshine requirements.

No further action.

5. 08031 Hearing on the status of the July 22, 2008, Order of Determination of Kimo Crossman vs. Ethics Commission.

Chair Knee recused himself for reasons stated at the August Task Force meeting. He named Member Craven as acting chair.

Complainant Kimo Crossman said there was a problem with an OD that doesn't require a five-day response, which is not for producing records but a response from the department to say what it is going to do to comply with the OD. The EC has not produced the document in pdf format and the CAC was not the place to reargue the case. He urged a finding of non-compliance and send the matter back to the Task Force for referral to the Board of Supervisors for willful failure and official misconduct finding. He recalled that the Clerk's Office also was found in violation and was now posting more records on line.

Respondent John St. Croix of the EC said the City Attorney has been clear and consistent on the issue. The law does not require departments to convert paper-only documents to electronic documents. The decisions of the Task Force and actions of the complainant have a chilling effect on departments, he said. Agencies willing to create a record as a courtesy, he added, are afraid that months later that act of generosity is going to be used against them and transformed into a policy even if it not feasible.

Acting Chair Craven said the Task Force has already found that where feasible and reasonable, the department has to comply if it has the resources to do so without any additional burden and cost. She noted that the Clerk's Office's scanning policy was a result of the CAC finding Frank Darby in violation.

Motion to refer the matter to the Task Force to determine which agency should undertake enforcement. ( Craven / Chu )

Member Pilpel said he agreed with Mr St Croix that it is not a legal requirement. He said the Task Force could ask and urge a department to do something but never compel. Past experience had shown, he added, that the EC referred enforcement to other agencies if it was a party to the case.

Public Comment: Ray Hartz said it appears that the agency does not want to provide the record in a usable format. A requestor's personality has no bearing on that person's record request – produce it or put it in writing why the document is not being produced. A look at the Referral Log showed the EC's position on the issues, he added. Allen Grossman said the day's discussion is a prime example of an orphan defense and that the EC is in total non-compliance of Sunshine laws. He could not find where it was written that the official need not comply because the City Attorney could overrule a Task Force finding. He said the issue at hand was whether the respondent complied or not. The EC has not provided the kind of courtesy offered by

the Task Force, he added.

Chair Chu agreed.

6. 08038 Hearing on the status of the August 26, 2008, Order of Determination of Kin Tso against the Animal Welfare Commission.

Complainant Kin Tso said the case was about an Animal Welfare Commission meeting held June 10, 2008, regarding censoring speech, violation of the First Amendment and the abuse of power by Chairperson Sally Stephens. He said a group of people attended the meeting was told not to mention the private ASFSPCA group. The group found that was unacceptable because Section 42.1 of the Code does encourage the participation of various groups and entities.

Respondent Sally Stephens said she has a better understanding of the Sunshine Ordinance because she has watched the online training video, taken the self-test and had read the Good Government Guide with regards to meetings. She said she was compiling 10 to 15 questions related to real world situations and plans to invite a SOTF member to provide the answers. to help educate her commission. She noted that she was a Mac user and the Website video was in Windows format.

Member Pilpel offered his services and questioned both parties on agenda contents and meeting rules.

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Member Craven said this was an unfortunate event and was pleased that the commission had taken it upon itself to educate themselves. She was hopefully it would not happen again.

Ms Stevens had nothing to rebut.

Mr Tso also did not.

Public Comment: Kimo Crossman said the department should have been given five days to respond in writing and the requirement to be included in all further ODs.

No motion made.

7. Discussion on the status of proposed Sunshine Ordinance amendments and next steps the Task Force will take regarding submitting amendments to the voters.

Member Craven volunteered to review the proposed amendments and look for inconsistencies and issues that have been overlooked.

Clerk to email document to Member Craven.

Public Comment: None

8. Administrator's Report. (discussion only) (attachment)

The Assistant Administrator made the report.

Public Comment: None

9. Public Comment on items not listed on the agenda; to be taken at 5:00 p.m. or as soon thereafter as possible. (no action) (no attachment)

Speakers: Allen Grossman said during the August CAC meeting when Member Craven was absent a matter was voted 2-1 with Mr Pilpel voting in the minority. The chair then asked DCA Llorente for advice and was told it was substantive and therefore it required a majority of the committee. With three members present and one voting against, the motion failed. Following that meeting he sent two emails to Chair Knee and Member Chu and pointed out the reasons why the ruling was incorrect. He did not email Member Pilpel and only copied DCA Llorente. Task Force by-laws do not address voting at the committee level and a committee vote is not binding on the Task Force, he said. Committee votes are recommendations and there was no need for absolute majority. There would not be a referral if there was an absence, a member recused, or if Member Pilpel was on the committee, he said. Kimo Crossman said the committee should not be fooled and confused by departments appearing at hearings with a stack of documents. Deference should be given to the complainant and allow them to work with the department. Departments have used the tactic to get the TF off its backs, he said. Mr Pilpel, he added, has been one of the worst aspects of the TF he has dealt with and doesn't know how the CAC member could live with himself. Chair Knee said personal attacks on members of the committee are inappropriate. Mr Crossman said Member Pilpel's votes are a discredit to the public and he was just voicing what various members of the TF had said to him in private. Member Pilpel, he said, is a perfect example of how open government can be destroyed from within. Ray Hartz said he would be attending every meeting till the middle of next year. He praised the committee for helping the public access records but said it could not also side with departments by postponing hearings because the city was not represented. He also said by looking at the Referral Log, the TF should announce that nothing will happen eventually because all referrals are not acted upon. He said the system was rigged and the TF a farce. Mr St Croix has made it very clear that the EC would not support the TF, he added.

10. Announcements, questions, and future agenda items from Committee members. (discussion only) (no attachment)

Member Craven requested a change in CAC meeting days because of a child care issue. She noted that CAC used to meet on Mondays but was moved it to Tuesdays because of former Task Force Chair Doug Comstock's schedule. Chair Knee noted that the meeting was moved to Monday because of a class Mr Comstock was attending. Mr Llorente said he also had a class on Monday.

Member Pilpel suggested agendizing it for next month.

Chair Knee agreed.

Public Comment: None

Member Pilpel said he strongly believes the public could react to the actions of members but it needed to be done respectfully. He also appreciated the chair for exercising his discretion.

Adjournment: The Meeting was adjourned at 6:07 p.m.  
Next regular meeting: Wednesday, October 8, 2008.

This meeting has been audio-recorded and is on file in the office of the Sunshine Ordinance Task Force



<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
DRAFT MINUTES**

Tuesday, September 23, 2008  
4:00 p.m., City Hall, Room 408

**Task Force Members**

Seat 1	Erica Craven (Vice Chair)	Seat 8	Kristin Chu (Chair)
Seat 2	Richard Knee	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Allyson Washburn	Seat 11	Marjorie Ann Williams
Seat 5	(Vacant)		
Seat 6	James Knoebber	Ex-officio	Angela Calvillo
Seat 7	David Pilpel	Ex-officio	Richard Sklar

**Call to Order** ~~The meeting was called to order at: 4:00 P.M.~~

**Roll Call** **Present:** Craven, Knee, Cauthen, Washburn, Knoebber, Pilpel (in at 5:38 p.m.), Chu, Chan, Goldman, Williams, Sklar

**Agenda Changes:** Item 7, 9 & 10 continued to October 28 meeting and 18 and 8 heard before 6.

**Deputy City Attorney:** Ernie Llorente  
**Administrator:** Chris Rustom

1. Approval of minutes of August 26, 2008, meeting.

Public Comment: None

Motion to approve the minutes of August 26, 2008 ( Goldman / Chan )

**Ayes:** Craven, Knee, Cauthen, Washburn, Knoebber, Chu, Chan, Goldman, Williams

**Absent:** Pilpel

2. Special recognition to Harrison Sheppard for his community service as a contributing ex-officio member of the Sunshine Ordinance Task Force.

Mr. Sheppard, who was presented with a Board of Supervisors recognition certificate signed by Board President Aaron Peskin, said it was a great pleasure to have served with the Task Force and was a great pleasure to meet its members. He said he was surprised by Administrator Frank Darby's

telephone call because he believed he was doing his duty to the Mayor, to the Task Force and to the residents of San Francisco. He said he had made some observations during his tenure on the Task Force. Among them was:

- More enforcement measures were needed for the Orders of Determinations to be effective.
- More prudence was needed in deliberations when agencies are trying their best to respond to requests.
- There needs to be a better understanding of the day-to-day administration at government agencies.

Public Comment: Kimo Crossman said he agreed with Mr. Sheppard on enforcement but does not on being reasonable with departments.

Complainants come to the Task Force only after unsuccessfully working with the departments for several months. Some do not come at all. All inferences should be provided to those who come. The Ordinance says and any breach of duty is willful misconduct, that it is above any local law and it is every employee' duty to provide information to the public. He also said a part of Mr. Sheppard's service that needs to be remembered is his inability to provide records related to a memo he sent to the Task Force.

3 Report from the Complaint Committee meeting of September 9, 2008.

Committee Chair Nick Goldman made the report.

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Public Comment: Kimo Crossman said he has asked for the Board of Supervisors to be added to complaint #08042. Mr. Goldman said the complaint did not include the Board of Supervisors.

4 08034 Continued public hearing, complaint filed by Tomas Picarello against Supervisor Jake McGoldrick for allegedly excluding public comment regarding the 2008/2009-budget process.

Chair Chu recused herself because she was a volunteer in the supervisor's office. A vote was not taken because it was done during the Task Force's August 26, 2008, meeting.

DCA Llorente said he had requested the administrator distribute copies of the James Chaffee v. Library court document among members.

Complainant Thomas Picarello said Supervisor Jake McGoldrick, as chairman of the Budget and Finance Committee, arbitrarily, capriciously limited public comment until June 19. Subsequent to June 19 there were three public hearings regarding the budget. Numerous discussions were made, millions and millions of dollars were addressed by multiple city agencies. There was substantial discussion of the budget without the opportunity for the public to participate and comment, he said. On June 21, 2008, certain departments' budgets were discussed. That was a week after the supervisor arbitrarily cut off public comment. On June 26, there was another meeting, again no opportunity for the public to participate. The issue is very clear, he said, whether or not the public was allowed to comment.



Pooja Jhunjunwala, an aide to Supervisor McGoldrick explained the budget process and added that the public comment session on June 19 lasted eight hours.

Vice Chair Craven said given the complexity of the subject to have public hearings at every continued hearing would come at an enormous time and cost.

Motion to find no violation. ( Goldman / Washburn )

Respondent and complainant did not rebut.

Member Cauthen said one of the Task Force's duties is to point out to people that real public participation means that the public has the right to make a meaningful comment and that requires some time.

Member Williams said the public needs to speak no matter how long it took.

Public Comment: Kimo Crossman said the process has to be visible. One public comment session was not enough when the budget, the most important document the supervisors vote on each year, was being revised over a span of a few days. The public should be involved throughout the process, he said. Ray Hartz said if citizens have a right to consider in a thoughtful way and comment in a thoughtful way on something as important as the city budget then they should be given that opportunity. Board members should cut off their comment before they cut off the public's comment, he said.

Ayes: Craven, Knee, Cauthen, Washburn, Goldman, Chan  
Noes: Knoebber, Williams  
Recused: Chu  
Absent: Pilpel

5. 08033 Determination of jurisdiction of complaint filed by Charles Pitts against the Human Services Department for not providing information in a timely manner, and withholding documents.

Motion to find jurisdiction ( Knee / Goldman )

Ayes: Craven, Knee, Cauthen, Washburn, Knoebber, Pilpel, Chu, Chan  
Goldman, Williams

- a. Public Hearing, complaint filed by Charles Pitts against the Human Services Department for not providing information in a timely manner, and withholding documents.

Complainant Charles Pitts said he requested the two contracts and all information regarding the closing of Ella Hill Hutch. He said he was given two contracts and two flyers announcing the closure of the shelters over a period of two weeks. He also did not like having to make a deposit for copies of

documents he needed.

Respondent Pamela Tebo said Mr. Pitts sent his request to a different person at a different building, but it was rerouted to her and responded the same day. The department, she said, does not request deposits. She said she wrote to Mr. Pitts to come in to review the documents and see what he wanted because the documents were boilerplate contracts. He did not respond, but filed a Sunshine complaint. In response, she called Mr. Pitts and was able to get him to set up a date to review the documents. He came in and further set up a conference call with another official because he started asking questions about housing and homeless.

Member Cauthen suggested a continuation because Mr. Pitts needed to be more specific and the department given more time to see if the documents exist.

Member Washburn said she was leaning toward finding a violation because Mr. Pitts was given documentation but that it was not responsive.

In rebuttal, Ms Tebo said she would have her staff go through their records and pull what they have in response to Mr. Pitts' request.

Mr. Pitts said whenever he makes a request for documents he always wanted it copied and never sits down to review the records before making a decision.

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Motion to find no violation and for the parties to work together and appear before the committee on October 28, 2008. ( Cauthen / Chan )

Public Comment: Ray Hartz said he was familiar with contracts having worked with different government departments in Hawaii. This contract could have a clause that said there was no need for either party to do anything if it was terminated or not renewed. There certainly would have been meetings and the minutes would reflect what was said and done, he said. Both parties need to read the contract to see what the requirements were, he added. Kimo Crossman said the department should direct Mr. Pitts to other departments that could have the documents.

On the motion:

Ayes: Craven, Knee, Cauthen, Knoebber, Pilpel, Chu, Chan Goldman

Noes: Washburn, Williams

Member Craven requested the respondent to note what was produced and have the list sent to the administrator for placement in the case file.

6. 08037 Determination of jurisdiction of complaint filed by Kimo Crossman against Supervisor Aaron Peskin for alleged violation of §67.24(a)(2) of the Ordinance for the Board of Supervisors adoption of a contract agreement without providing 10 days of public review..

Member Knoebber disclosed that he had worked with Supervisor Peskin's

office on issues regarding District 3 but could hear the matted unbiased.

Motion to accept jurisdiction ( Goldman / Knoebber )

Public Comment: None

On the motion:

Ayes: Craven, Knee, Cauthen, Washburn, Knoebber, Pilpel, Chu, Chan, Goldman, Williams

- a. Public Hearing, complaint filed by Kimo Crossman against Supervisor Aaron Peskin for alleged violation of § 67.24(a)(2) of the Ordinance for the Board of Supervisors adoption of a contract agreement without providing 10 days of public review..

Complainant Kimo Crossman said a coin-counting machine contract that came before the Board of Supervisors' Government and Audits Oversight Committee was reduced by \$500,000 and a section regarding an RFP was dropped. The supervisor then instructed staff to change the language and have it ready for adoption at the coming Tuesday's full board meeting. That, he said, broke the 10-day rule under Section 67.24 (a) (ii).

The respondent was not present.

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Member Pilpel said the board could not vote on an agreement or negotiate one. It only authorizes a department head to enter into an agreement. He also said that the final version is a working document of the original draft posted more than 10 days ago.

Mr. Crossman, in response to Member Pilpel's question said, the issue was that the document was not available at the board level for 10 days because of the changes made at the committee level..

Motion to find violation ( Knee / Goldman )

Member Washburn found the opportunity to use the issue to educate officials on Sunshine requirements.

In rebuttal, Mr. Crossman noted that two members of the Task Force had left the meeting room. He said most likely the document would be amended by Friday and that further lessens the number of days available for public review. He also recalled that the Public Utilities Commission had to wait an extra number of days in the WiFi agreement because of the 10-day rule.

Chair Chu and Member Craven agreed that it was more of an education issue because of the response provided by Mr. Peskin's aide David Nayola who said the contract was not subject to a new 10-day hold.

Member Craven made a friendly motion.

Motion to find violation of 67.24 (a) (ii) and referred to the Education, Training and Outreach Committee for discussion about appropriate training to avoid future violations.

The amendment was accepted by Members Knee and Goldman.

Public Comment: Ray Hartz said the public needs the 10 days to research and prepare their comments and the final document presented to the supervisors for their vote should be made available for 10 days.

Member Knee said he wanted to add 67.21 (e) because the department was not present. Member Goldman agreed.

On the motion:

Ayes: Craven, Knee, Washburn, Knoebber, Chu, Goldman, Williams

Noes: Pilpel

Excused: Chan

Absent: Cauthen

7. 08039 Determination of jurisdiction of complaint filed by Allen Grossman against the City Attorney's Office for alleged failure to provide requested records.

Continued to October 28, 2008.

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- a. Public Hearing, complaint filed by Allen Grossman against the City Attorney's Office for alleged failure to provide requested records.

Continued to October 28, 2008.

8. 08040 Determination of jurisdiction of complaint filed by Eula Walters against the Recreation and Parks Commission for withholding documents

Motion to find jurisdiction ( Goldman / Knee )

Ayes: Craven, Knee, Cauthen, Washburn, Knoebber, Pilpel, Chu, Chan, Goldman, Williams

- A Public Hearing, complaint filed by Eula Walters against the Recreation and Parks Commission for withholding documents.

Complainant Eula Walters said this was about a case that began in May when she saw in the Rec & Park agenda that Ms Ernestine Weiss was requesting a plaque honoring her to be placed in Ferry Park. Ms. Walters said she has spent a major part of her life saving and taking care of the park. She said she received the May agenda late. After she and Ms Weiss made public comment at the meeting a vote was taken and the majority sided with Ms Walters. The issue was again mentioned in the June 5 agenda because Ms Weiss had found a donor for her plaque but the issue was tabled. The July 17 agenda also carried the item but very little explanation was provided. When the item was called the committee voted unanimously for the plaque and she was asked to

Ms Weiss spoke first. Ms Weiss spoke later and was photographed while she gave her acceptance speech that included apologies that her son and grandson could not attend. That struck her as odd because it looked as if it was pre-planned and if it was mentioned in the agenda she would have stayed home.

Respondent Margaret McArthur said the issue was not discussed in the May meeting and the agendas met all requirements. Documents related to the June and July agendas were placed in the public information binder and posted online. She also said Ms Walters was provided with all the documents she had requested. She then explained how the meetings were run. Ms Walters was called first because her speaker's card was the first one for public comment, she said. The final vote was about the language on the plaque.

Member Pilpel said if Ms Walters' disagreement over the commission's decision it was not within the Task Force's purview.

In rebuttal, Ms Walters said the July 17 event was staged and the agenda was missing facts such as Ms Weiss' speech.

Motion finding no violation ( Pilpel / Cauthen )

Public Comment: Ray Hartz said it wouldn't be an issue if the decision was made in June and the July meeting was for language only. It becomes a done-deal scenario if the decision was made in July and the recipient was present with the acceptance speech and a photographer to accept the plaque.

On the motion:

Ayes: Craven, Knee, Cauthen, Washburn, Knoebber, Pilpel, Chu, Chan, Goldman, Williams

9. 08042 Determination of jurisdiction of complaint filed by Kimo Crossman against SFGTV, Media Services, Clerk of the Board of Supervisors and the SOTF Administrator for alleged failure to post the digital recordings of the June 10, 2008, and the July 22, 2008 Task Force meetings on the City's website.

Continued to October 28, 2008.

- A Public Hearing, complaint filed by Kimo Crossman against SFGTV, Media Services, Clerk of the Board of Supervisors and the SOTF Administrator for alleged failure to post the June 10, 2008, and the July 22, 2008 audio records of the Task Force on the City's website.

Continued to October 28, 2008.

- 10 08044 Determination of jurisdiction of complaint filed by Brian Browne against the Department of Building Inspection for alleged failure to provide requested records or to respond to an Immediate Disclosure Request.

Continued to October 28, 2008.

- a Public Hearing, complaint filed by Brian Browne against the Department of Building Inspection for alleged failure to provide requested records or to respond to an Immediate Disclosure Request.

Continued to October 28, 2008.

11. Report: Rules Committee: meetings of September 3 and 10, 2008.

Committee Chair Pilpel made the report.

Committee change to be placed on Oct 7, 2008, agenda.

Chair Chu asked the By-Laws be agendized at the next two Task Force meetings as an action item.

Public Comment: Kimo Crossman said Member Pilpel is against the 10-day rule when it comes to the public by is in favor of it when he amends the By-Laws. He suggested not to make any changes to the document until the new member joins the Task Force.

Member Williams said she was worried because members not staying to the end of the hearing. She suggested cutting the agenda.

12. Report: Compliance and Amendments Committee: meeting of September 10, 2008.

Committee Chair Knee made the report.

Committee change to be placed on Oct 8, 2008, agenda.

Public Comment: Ray Hartz said if there was no compliance, there was no need to go through the motions. The CAC chair should write to the department heads that do not send representatives because they might not be aware of what was going on. Kimo Crossman said CAC does a decent job because 50 percent of the time a resolution was reached. He was concerned that sending the matter to ETO would not be a good choice because members were not experienced.

13. 08031 The Compliance and Amendments Committee has referred to the Task Force, for further consideration, their recommendation that the Ethics Commission be found for violation of the Sunshine Ordinance for failure to produce records in the format requested, and failure to comply with the Order of Determination issued by the full Task Force on July 22, 2008; that referral based on that finding to the appropriate entity for investigation and/or potential enforcement be considered.

Member Knee recused himself.

Member Craven said she preferred sending the matter to the Board of Supervisors because the Ethics Commission was not an option and because of

problems involved by sending it to an Ethics Commission in a neighboring city.

Motion to send the matter to the Board of Supervisors ( Craven / Goldman )

Member Craven said the transmittal letter would include Order of Determination, the respondent's position and a request for the Board of Supervisors to take up this matter in a public forum.

Public Comment: Kimo Crossman wanted the matter continued because member ranks had further reduced and he wanted a unanimous vote. He said there was no expense if the case was sent to the Ethics Commission because it had been done before. He wanted the matter to be sent to the Board of Supervisors and Ethics Commission to set policy. Richard Knee said it should be directed at Ethics Commission commissioners. He reminded the Task Force that because violation had already been established and that the only question before the Task Force was if the Order of Determination had been met. Ray Hartz said the Order of Determination should also be sent to the Board of Supervisors and Ethics Commission. If departments do not show up at meetings it should be a default judgement for the complainant, he added.

Member Craven agreed with Mr. Knee on sending the letter to Ethics Commission commissioners as well.

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Member Pilpel said he did not support the motion because he believed that there wasn't a proper basis for the original finding of the Task Force and that it was a dispute over interpretation.

On the motion:

Ayes: Craven, Washburn, Knoebber, Chu, Goldman, Williams

Noes: Pilpel

Recused: Knee

Excused: Chan

Absent: Cauthen

14. 08032 Hearing of the status of the July 22, 2008, Order of Determination of Kimo Crossman against the City Attorney's Office.

Member Knee briefed members on the matter.

Motion to forward the matter to the Board of Supervisors for possible action and interaction with City Attorney's Office with a copy sent to City Attorney Dennis Herrera. ( Knee / Craven )

Public Comment: Kimo Crossman said the Ethics Commission should also be included because it increases the number of cases sent to them for enforcement and also if they start enforcement this case would be in the queue. He also wanted this case to be continued because of the number of Task Force members missing. Ray Hartz wondered why the City Attorney's office was not upholding Section 67.21 (I) by helping citizens access public records.

Member Pilpel said he did not support the motion because he believed that there wasn't a proper basis for the original finding of the Task Force and that it was a dispute over interpretation.

On the motion:

Ayes: Craven, Knee, Washburn, Knoebber, Chu, Goldman, Williams

Noes: Pilpel

Excused: Chan

Absent: Cauthen

15. Report: Education Outreach and Training Committee: meeting of September 11, 2008.

Committee Chair Washburn made the report.

Public Comment: Kimo Crossman said he was shocked when he saw the draft minutes because the chair was advocating for the departments and not the public. Member Pilpel's comment on being reasonable with departments also was unacceptable because no progress had been made. Member Washburn's proposal to send matters to the EOT was disturbing because the CAC was more experienced in educating departments. Ray Hartz said while departments have the time and people to defend itself the people have only the Task Force. And no matter what the situation is, the TF has to defend and uphold the Ordinance. He added that he imagined a number of successful Sunshine related issues that occur in the city happen to those who have money and can afford attorneys. Those who are not wealthy come to the Task Force and end up with an Order of Determination and nothing else. That is not how it is supposed to work in the United States, he added.

16. Discussion regarding the role of the Ethics Commission in the enforcement process.

DCA Llorente said this case was about a letter sent by the Ethics Commission to the Task Force that said a referral was investigated and no violation was found. The Task Force had asked him to find out how the Ethics Commission operates and he was presenting the related sections of the Charter and Ethics rules as part of the packet.

Responding to Member Craven question, DCA Llorente said Ethics Commission staff receives the referral and investigates the matter. If no violation is found the commissioners are notified but it takes two commissioners' consent to agendize the item.

Public Comment: Kimo Crossman said DCA Llorente should be following the Ordinance and only work on Sunshine issues. He said the attorney will come back to the Task Force and say he could not do the analysis because of staff cuts or he could come back with a badly written piece that the Task Force could not take to Ethics. He suggested the Task Force write to Ethics Commission commissioners and ask them to agendize the dismissals because the Task Force rejects their findings Ray Hartz questioned if the Task Force's



reading of the law in error because of the Ethics Commission dismissals or was there an agreement between departments that realize that if the referrals are enforced, the mayor, the supervisors and the department heads have to appear before the Task Force. He said there were a lot of conflict of issues because the Task Force is budgeted by the Board of Supervisors and Task Force has to deal with issues related to the supervisors, the Task Force deals with issues related to the City Attorney's office which advises the Task Force. There is no ethical wall, he added.

Member Pilpel added that during the Sept 8, 2008, Ethics Commission meeting the commissioners discussed how to improve relations with the Task Force and they expressed interest in holding a joint working session.

Chair continued the matter for one month after a short discussion.

17. Administrator's Report.

The assistant administrator made the report.

18. Public comment for items not listed on the agenda.

Public Comment: James Chaffee said Nickelson Baker was the name of the writer whom he had mentioned during last month's public comment session. The forces that privatize our society, the forces that abuse our democracy are very serious and it takes a lot to challenge them, he said. He hoped the Task Force took them seriously. Kimo Crossman said he did not like the chair's recent comment on reason, the status of the digital recording issue and wondered the fate of the amendments.

Member Pilpel said some complaints are redacted and some are not and wanted to know why it was inconsistent because the Task Force as decision-makers needs to see whatever material is presented. He wanted a redacted version for the public and an unredacted version for the Task Force members.

Public Comment: Kimo Crossman said if DCA Llorente does not have to get approval to do a Task Force review because funding did not accompany the ordinance in 1993 and Prop G in 1999. On redacting, he said the Task Force should meet with Clerk of the Board Angela Callivo because it is her policy. Besides, the Task Force should set up its own policy, he said.

19. Announcements, questions, and future agenda items from the Task Force.

The Complaint Committee meeting needs to be agendized.

Member Knee said the California 1<sup>st</sup> Amendment Coalition will hold it open government assembly at the UC Berkeley School of Journalism October 17 & 18, 2008.

Member Craven urged Task Force members and members of the public to attend the event.

Member Pilpel said being reasonable is a good idea although the best results may not be achieved. He said the Task Force should be on the side of the complainants if the merits are present, but not blindly because the Task Force serves the city as a whole while searching for the truth.

**Adjournment**

**The meeting was adjourned at 8 p.m.**

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force.



10/01/2008 04:02 PM

To <Board.of.Supervisors@sfgov.org>  
cc  
bcc  
Subject Public input for Board of Supervisors

10/21  
log

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Submitted on: 10/1/2008 4:02:20 PM

name: Claire Chalmers

phone:

comments: I just got back from a Rite-Aid pharmacy and found a note in my bag explaining that the SF Board of Supervisors has passed an ordinance banning the sale of tobacco products in drug stores. The note urged me to contact the Board of Supervisors to express my views, so here they are. This ordinance makes me proud to live in this city. Thank you for your effort to keep cancer-causing products out of stores that are supposed to make us healthier! As a nursing student, I know that tobacco creates nothing but regret, addiction, incredible suffering, and premature, preventable death. Thank you. Keep up the good work!

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User Data

Client IP (REMOTE\_ADDR) : 76.103.51.95  
Client IP via Proxy (HTTP\_X\_FORWARDED\_FOR) :

9

10/21  
Aleg



"Gonzalez, Felix"

09/30/2008 06:13 PM

To <Board.of.Supervisors@sfgov.org>  
cc  
bcc  
Subject Cigarette ban.

10

I am appalled by the singling out of certain merchants who can no longer sell cigarettes. Enough has been done to ban cigarettes in the workplace and public places. Let those who wish to buy cigarette's do so in places that are affordable. It is hypocritical to ban it only on a few places (where it is still affordable) and you are well aware that it is not being sold by the pharmacy. The public is able to perceive the difference without your help.

Additionally, if you are so concerned with stores that have pharmacies, then it would be hypocritical for you not to ban all products being sold that may have health consequences (i.e. alcohol, high fat, etc.).

Please get back to the issues of governing the city and stop this over the top interference in people's choices. We can make our own choices, we do not need city government to make it for us. This is over the top.

10

Fact Sheet, October 2008

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2008 OCT -3 AM 11:21

# Golden Gate Bridge Lead Cleanup Site PROJECT UPDATE

The Department of Toxic Substances Control (DTSC) is providing you with this fact sheet to update you on the status the Golden Gate Bridge lead cleanup Site (Site) based in San Francisco, CA. This fact sheet will provide you with a brief history of the Site, cleanup actions taken to date and the next steps.

If you have questions about this site, please contact Robert A. Aragon, DTSC Project Manager, at (510) 540-3904 or by e-mail to [raragon@dtsc.ca.gov](mailto:raragon@dtsc.ca.gov).

## History and Operations at the Site

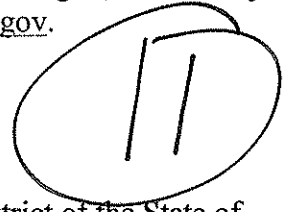
The Golden Gate Bridge (Bridge) is operated by a special district of the State of California, the Golden Gate Bridge, Highway and Transportation District (District) and is based in San Francisco, CA. The Bridge is 1.7 miles long and links U.S. Highway 101 between the County of Marin and the City and County of San Francisco. The Bridge is situated, at both ends, on federal lands used for employment, recreation and tourism which are under the jurisdiction of the U.S. Department of Interior, Golden Gate National Recreation Area and The Presidio Trust.

The Bridge Lead Cleanup Site (Site) is comprised of two distinct areas: (1) below and adjacent to the Marin (north) approach to the Bridge and (2) below and adjacent to the San Francisco (south) approach to the Bridge. In addition to lead paint from historic operations and by certain Bridge maintenance activities, the Site could have also been impacted by historic military operations and vehicle exhaust from leaded fuels.

The cleanup effort at the Site has been separated into two distinct phases of work which are further detailed in this fact sheet. The general boundaries of the Phase 1 and Phase 2 Lead Cleanup areas within the Site are shown on Figures 1 and 2.

## Phase 1 — Lead Cleanup Completed in 1999

The goal of Phase 1 lead cleanup process was to make the Site environmentally safe for the construction associated with the Bridge Seismic Retrofit Project. Phase 1 lead cleanup resulted in the removal and offsite disposal of approximately 40,000 tons of lead-bearing SBM and soil to achieve a safe environment for human activity in the Phase 1 areas.



DEPARTMENT OF  
TOXIC SUBSTANCES  
CONTROL

*The mission of the  
Department of Toxic  
Substances Control is  
to provide the  
highest level of safety,  
and to protect public  
health and the  
environment from  
toxic harm.*



State of California



Cal/EPA

## Phase 2- Lead Cleanup

Phase 2 activities at the Site have been focused on:

- 1) Characterizing lead contamination in areas outside of those areas identified for cleanup under Phase 1
- 2) Determining an appropriate ecological cleanup goal, and
- 3) Developing a Remedial Action Plan (RAP) for the Phase 2 areas at the Site.

## Phase 2 Activities Completed

By July 1999, initial remedial investigations were completed in the Phase 2 areas of the Site. These investigations are documented in the report *Phase II Remedial Investigation, Lead-Bearing Sandblast Media (SBM) and Soil, Golden Gate Bridge, San Francisco and Marin Counties, California*. Additionally, a Scoping Ecological Assessment was developed.

Based on the results of the Scoping Ecological Assessment, a *Predictive Ecological Risk Assessment (PERA)* was developed to:

- 1) Evaluate the theoretical impact of existing lead and zinc on the Site's ecosystems including small mammals, birds, invertebrates and plants,
- 2) Determine preliminary cleanup goals that could minimize those impacts.

This work was completed in February 2005, with the *Final PERA* submitted to DTSC in March 2005.

As a result of the PERA investigations, the District and DTSC agreed that the deer mouse was an appropriate and representative ecological receptor for the purposes of developing an ecological cleanup goal for the Site.

In June 2006, DTSC approved additional ecological field studies because the preliminary cleanup goals indicated in the *Final PERA* (based on the theoretical calculation of ecological risk) did not appear to be consistent with the observed relative abundance of the deer mouse at the Bridge approaches. It was agreed that additional field study (a validation study)

was necessary to determine the actual blood lead concentrations in the deer mouse on the Site.

In April 2007, a *Blood Lead Study Report* was submitted to DTSC which concluded that the presence of lead in soil at the Bridge approaches is unlikely to adversely affect the small mammal populations that live on the Site. Therefore, the cleanup goal for Phase II areas of the Site defaulted to the human health based cleanup goal.

The District applied DTSC's updated Lead Spread Model Version 7 to the existing data and, based on this model, the cleanup goal to achieve appropriate human health standards was set at 1,328 milligrams per kilogram of lead in soil.

On November 8, 2007, DTSC approved the cleanup goal for the Phase 2 areas in the Site at 1,328 milligrams per kilogram lead in soil.

## Future Work

~~2009~~ Prepare *Feasibility Study (FS)* that evaluates alternatives for remedial action in the Phase 2 areas of the Site.

**2010** Prepare and release for public comment a *Draft Remedial Action Plan (Draft RAP)* for the Phase 2 areas of the Site.

**2010** Prepare *Final RAP*

**2011** Remedial design and preparation of construction plans and specifications for implementation of the *Final RAP*.

**2013** Certification of Site cleanup

## For More Information

Please contact any of the following individuals with any questions or concerns you may have about this project.

For questions regarding the RI, please contact Robert A. Aragon, DTSC Project Manager, at (510) 540-3904 or by e-mail to [RAragon@dtsc.ca.gov](mailto:RAragon@dtsc.ca.gov).

For questions regarding the public participation process, please contact Mr. Richard Perry, DTSC Public Participation Specialist, at 510-540-3910 or by e-mail to [RPerry@dtsc.ca.gov](mailto:RPerry@dtsc.ca.gov).

For questions from the media, please contact DTSC Public Information Officer, Claudia Loomis, at (916) 255-6578, or by e-mail to [CLoomis@dtsc.ca.gov](mailto:CLoomis@dtsc.ca.gov).

### **Information Repositories**

The RI and other related documents may be viewed at the following location:

San Francisco Public Library  
Larkin between Grove & Fulton Streets  
San Francisco, CA

Hours:

M - 10:00 am- 6:00 pm

T, W, TH – 9:00 am – 8:00 pm

F 11:00 am – 5:00 pm

Sat. 9:00 am – 5:00 pm

Sun. 12:00 pm – 5:00 pm

Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, California 94710  
(510) 540-3800  
(Call for an appointment)

### **Notice to Hearing Impaired**

TDD users can use the California Relay Service at 1-888-877-5378 and ask to speak with Mr. Richard Perry at (510) 540-3910.

### **Envirostor link:**

To view electronic versions of the RI, visit DTSC's EnviroStor website:

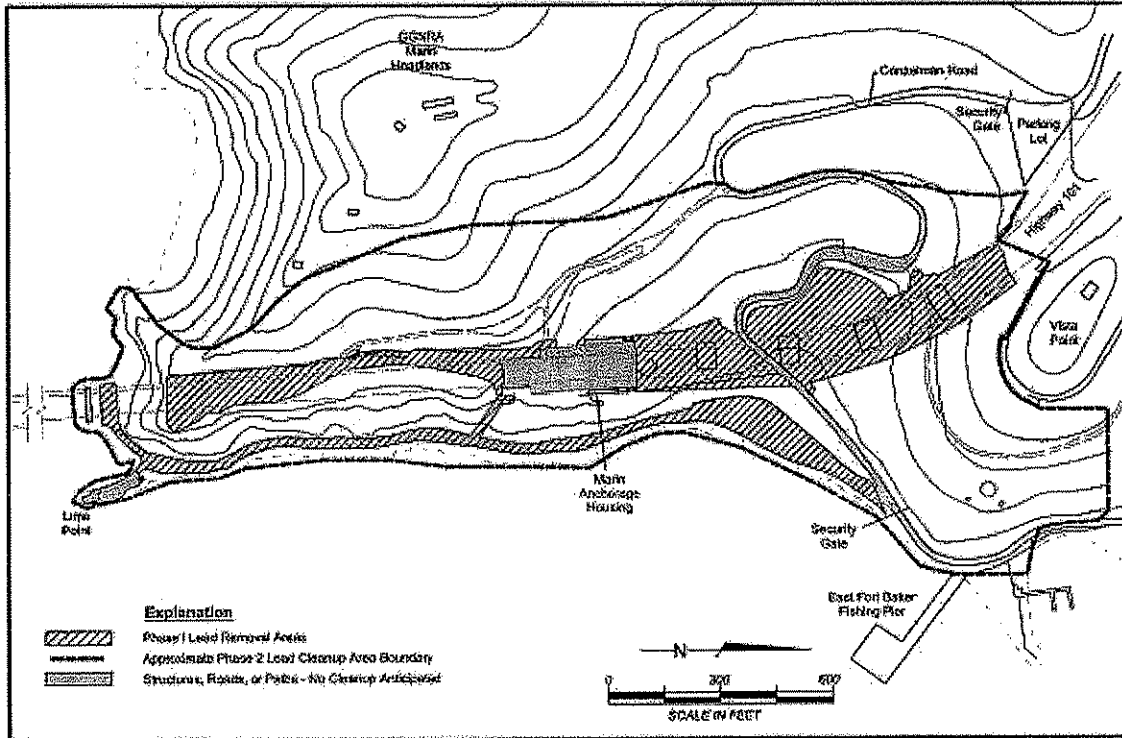
<http://www.envirostor.dtsc.ca.gov/public/>.

Enter San Francisco in the city section and select Golden Gate Bridge from the alphabetical list of sites.

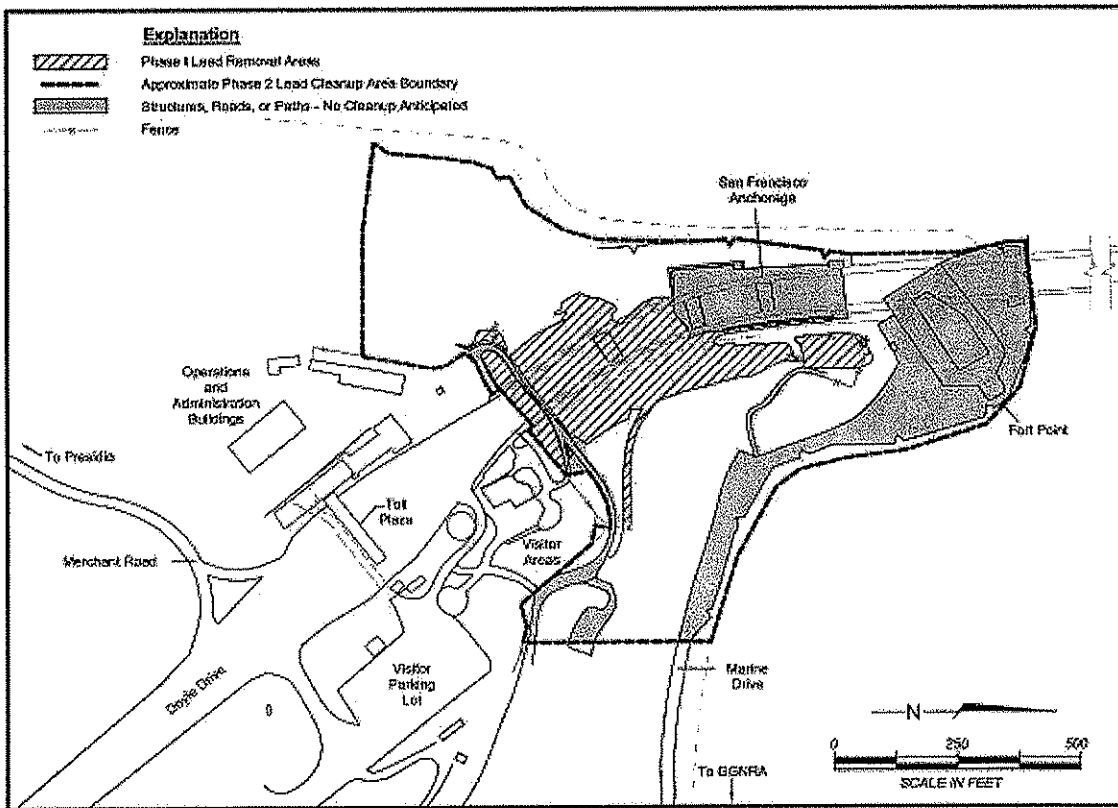
### **Anuncio**

Si prefiere hablar con alguien en español acerca de ésta información, por favor llame a Jacinto Soto , Departamento de Control de Substancias Tóxicas. El número de teléfono es 510-540-3842.

Figure 1 and 2: Site Map



Golden Gate Bridge Marin Approach



Golden Gate Bridge San Francisco Approach



# Non-Smokers' Rights Association L'Association pour les droits des non-fumeurs

720 Spadina Avenue, Suite 221, Toronto, Ontario M5S 2T9  
Tel. (416) 928-2900 • Fax (416) 928-1860 • toronto@nsra-adnf.ca

130 Albert Street, Suite 1903, Ottawa, Ontario K1P 5G4  
Tel. (613) 230-4211 • Fax (613) 230-9454 • ottawa@nsra-adnf.ca

833 rue Roy Est, Montréal, Québec H2L 1E4  
Tél. (514) 843-3250 • Téléc. (514) 843-3562 • montreal@nsra-adnf.ca

web: www.nsra-adnf.ca

September 29, 2008

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

Dear Members of the Board:

**Re: Sale of Tobacco in Pharmacies**

We have just learned that the Board has banned the sale of tobacco in pharmacies. I am writing on behalf of our Association to commend the board for its leadership.

We have also learned that the decision was "controversial" in the eyes of some. How surprising that it would be controversial to direct health professionals not to sell an addictive drug that kills half of its long term users.

How surprising that pharmacists or pharmaceutical interests might have to decide whether they are health professionals or corner store operators.

In Canada, most Canadian provinces have banned this practice. In Ontario, for example, the Ontario College of Pharmacy, the body that regulates pharmacy, encouraged the province to ban the practice. It was deemed to be irresponsible for pharmacists to be selling an addictive drug in one part of the store while advising customers of tobacco risks at the pharmacy. It was reported that customers question pharmacists, "If the product is as bad as you say it is, why do you sell it?" It is this embarrassing conflict that reduces or eliminates the role of pharmacists in tobacco control work. Rather than subject themselves to challenges of professional hypocrisy, pharmacists tend to back away from strong advice on the tobacco issue.

Our Association prepared a brochure about the issue at the time of the Canadian debate which may be of interest to San Francisco legislators. I enclose it here with our best wishes.

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2008 OCT -2 AM 11:06

BY SW

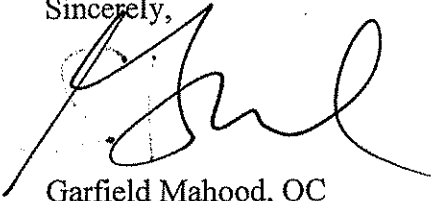
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The NSRA is a Canadian non-profit health organization. In 2000, it was the recipient of the international Luther L. Terry Award in the "Outstanding Organization" category. The award, established by the American Cancer Society, was presented at the 11<sup>th</sup> World Conference on Tobacco OR Health in Chicago.

Sincerely,

A handwritten signature in black ink, appearing to read "Garfield Mahood". The signature is fluid and cursive, with a large initial "G" and "M".

Garfield Mahood, OC  
(Officer of the Order of Canada)  
Executive Director



**PROFESSIONALISM  
IN PHARMACY**

*OR*

**PHARMACISTS  
SELLING ONTARIO'S  
LEADING CAUSE OF  
PREVENTABLE DEATH.**

*WHICH WILL IT BE?*

---

*5 reasons why the Minister of Health should honour  
the request of the Ontario College of Pharmacists  
to take tobacco industry products out of pharmacies...*

# *"A pharmacist should never knowingly condone the*

## *Setting the record straight*

On November 22, 1993, the Ontario government gave first reading to Bill 119, the long-awaited Tobacco Control Act. Bill 119 would raise the age of legal purchase for tobacco products to 19 and would block much of the illegal sale of tobacco products to children and adolescents. Bill 119 would also allow the government to take serious steps to counter the tobacco industry's predatory marketing, much of which impacts on minors. The Ontario health community supports Bill 119 and praises the government's leadership.

One of the key reforms promised in Bill 119 is the termination of the sale of tobacco industry products in health care facilities such as hospitals and pharmacies. The government concluded that it makes no sense to have health professionals selling the province's leading cause of preventable death.

The opposition to the pharmacy ban, led by tobacco industry-owned Shoppers Drug Mart, tried to focus attention on these story lines:

- that Ontario pharmacists are united in opposition to Bill 119;
- that the ban would unfairly discriminate against one group of retailers;
- that the ban would only drive child and adolescent buyers into the hands of smugglers;
- that pharmacists, as health professionals, are best suited to counsel smokers to leave the tobacco market.

We believe that the public has been seriously misled with respect to the proposed pharmacy tobacco sales ban in Bill 119. This brochure will attempt to set the record straight.

This brochure was prepared by the Non-Smokers' Rights Association and Physicians for a Smoke-Free Canada as a contribution to the Ontario Campaign for *Action* on Tobacco's campaign for Bill 119.

## *Professional Conduct*

"A pharmacist shall not participate in any advertising or promotional program which might...encourage misuse or abuse of drugs."

*Principles of Ethical Behaviour*  
Canadian Pharmaceutical Association

Pharmacists have known for years that, as health professionals, they should not be part of the sale of a product which causes over 13,000 preventable deaths annually in Ontario. This position should not be confused with the corporate attitude of Shoppers Drug Mart. The Shoppers position is that those who are constrained, professionally, from engaging in any practice that encourages the "misuse or abuse of drugs" should, nevertheless, have the right to market products which kill when used exactly as the manufacturer intends.

The vast majority of pharmacists would remove tobacco from their stores. This majority would include most chain drug store pharmacists, if the latter were free to act independently of the position taken by their corporate head offices. In fact, the struggle in pharmacy over tobacco in the last decade is not a conflict between individual pharmacists. It is really a conflict between the practice of pharmacy and the marketing interests of large corporations which have little interest in health or in the well-being of the pharmacy profession.

Pharmacy is a self-governing profession under the authority of the *Health Disciplines Act*. And the Ontario College of Pharmacists is the body charged with the responsibility of regulating the ethical behaviour and professional conduct of pharmacists. For years, the College has been trying to remove tobacco from drug stores. The conflict described above escalated in 1990 when it became apparent that Shoppers Drug Mart and other chains would not cooperate with a voluntary tobacco sales ban being advocated by the College.

## dispensing, promoting or distributing of drugs...which lack therapeutic

With voluntary approaches being discredited by the end of 1990, the Ontario College of Pharmacists asked the province for legislation to separate tobacco from the practice of pharmacy.

"It is critical that the public understand that the initiative to ban tobacco sales in pharmacy did not originate with the Ontario government. In fact, the request came from the College of a self-regulating profession."

N. C. Truong, Doct. Pharm.  
Former President  
Ontario College of Pharmacists

The province has no choice but to honour the College's request for legislation. "What can the Minister of Health do?" said John Ronson, a lawyer with the Canadian Cancer Society. "Tell the College that, no, she will not support the College's attempt to regulate the profession and deal with unprofessional conduct? Does anyone believe that the Minister should refuse the College's request, undermine the principle of self-regulation, and pull the rug out from under those pharmacists who have cooperated with the College and voluntarily stopped selling tobacco?" asked Ronson.

### *Tobacco industry leads opposition*

The opposition to the ban on the sale of tobacco in pharmacies is being led by Shoppers Drug Mart, a wholly owned subsidiary of Imasco Limited, Canada's largest tobacco company. In fact, Shoppers Drug Mart chairman David Bloom, a pharmacist, sits on the Imasco board.

Shoppers Drug Mart plays a special role in Imasco's plans for the vertical integration of its giant subsidiary, Imperial Tobacco. Shoppers can play the role of price discount leader, establishing the price floor for tobacco at retail in Canada. The grocery chains, the principal competitors of Canadian pharmacies, have to match Shoppers' prices.

And so do the convenience stores. Keeping the price floor down sells more tobacco for Imperial. About 23 percent of all tobacco sold in Canada is sold in pharmacies. And Shoppers has over one-third of that trade. Given the role that Shoppers plays in Imasco's overall marketing strategy, it is obvious that Shoppers and Imasco will fight Bill 119 in any way they can.



*Shoppers Drug Mart tobacco promotion*

### *Drug chains can't have it both ways*

Arguing the right to sell tobacco is not easy for the pro-tobacco pharmacy chains. The last thing they want to discuss is professional misconduct or unethical behaviour among health professionals. Let's look at the issues raised by the Shoppers-led chain drug stores:

**1 Drug stores should be allowed to sell tobacco. Pharmacists are better able to counsel smokers on how to quit.**

"At the sessions I attended, no doctor, nurse, Cancer Society volunteer, or consumer defended drugstore tobacco sales as, for instance, the focus for cessation counselling...In a nutshell, I saw other health workers lobby on public health

issues; pharmacists alone lobbied on a self-serving money issue, and *only* on a money issue. In context, they appeared to be marginalized outside the health care community.”

Editorial, *Drug Merchandising*

At the same time that opponents of the ban are claiming that “we are better able to counsel our customers to leave the tobacco market,” they are also claiming that many drug stores would fail if they lose their tobacco sales. To the extent that pharmacists would be successful in encouraging their customers to exit the market, they would be encouraging the same business failures that they claim the provincial ban would trigger.

Either pharmacists wish to protect their tobacco business. Or they wish to act as health professionals and lose it. But both of these positions cannot be correct at the same time.

## 2 Pharmacists want “a level playing field”

But level for whom? Many pharmacists have voluntarily followed the College’s request and removed tobacco from their stores. These pharmacists are now competing against pharmacists who, at the direction of their chain head office, have ignored the College’s guidelines and continue to sell tobacco. Where is the level playing field for tobacco-free drug stores? Tobacco-free pharmacists want a level playing field with Shoppers Drug Mart stores and the other pro-tobacco drug chains.

Shoppers Drug Mart claims that Bill 119 will discriminate against one class of retailer. In fact, the monopoly that pharmacists enjoy with respect to filling prescriptions now works to the detriment of other retailers. The principle of the “level playing field” cuts two ways. Prescriptions create consumer traffic which generates other sales. But the dispensing-of-prescriptions monopoly is tied to retaining the status of health professional.

Pharmacists have to make a decision. They have to decide whether they are health professionals or corner store operators.

## 3 “What about our leases?”

“Picture the health care sector – doctors, nurses, educators, volunteers, consumers – as one body joining MOH (Ministry of Health) on board the ship *Saving Lives*. The ship pulls away as pharmacists, bereft on the dock, cry out ‘Our leases, our fees!’ The wind carries fragments of these words to sea, but no one hears: the ship sails on... What was most striking about the pharmacy presentations (at the tobacco law hearings) was their utter isolation.”

Editorial, *Drug Merchandising*

Some pharmacists argue that they took out leases on their premises based on the continued right to sell tobacco. This lament will not wash. These same pharmacists have known for years that tobacco, probably sooner rather than later, would cease being a revenue source for them.

Bill 119 may create difficulties for some pharmacists with their leases. As health professionals/entrepreneurs, some pharmacists may have made irresponsible and unwise decisions about their leases based on an inaccurate assessment of the likelihood of continuing tobacco sales. Again, pharmacists cannot have it both ways. They cannot claim to be entrepreneurs, make a bad business decision, and then ask the province for protection against the business risk that they took with their eyes wide open.

## 4 “Pharmacies may be forced to close”

The sky, according to Shoppers Drug Mart, will fall. But research does not support such predictions. A 1992 study by the Canadian Pharmaceutical Association shows that, of 56 pharmacies which eliminated tobacco sales, 59 percent had either no income loss or an increase in overall sales.

---

Thirteen had marginal losses and 7 stores had moderate losses. But all 20 of the latter stores claimed to have recouped these losses by the end of two years.

Pharmacists must be reaching conclusions on the profitability of tobacco which diverge from those of Shoppers Drug Mart. Recent surveys in the Guelph and Ottawa-Carleton areas, for example, found that anywhere from 39 percent to 54 percent of pharmacies already do not sell tobacco products.

### 5 "Minors will buy from smugglers"

The tobacco industry, if not honest, is at least predictable. If it cannot win a public debate about having a *right* to sell tobacco products to children, it will try to deflect the debate to other issues. In this case, an attempt is being made to deflect the debate about satisfying the College's request for legislation onto smuggling issues. If the industry can get the public to believe that smuggling will increase if pharmacy sales are blocked, the tobacco industry may gain leverage.

There are three answers to the "kids will buy from smugglers" diversion. First, smugglers prefer to deal in cartons, not single packs. Children and adolescents are very price sensitive. If they have difficulty buying one pack, they will also have difficulty buying a carton, however attractive the price.

Second, the penalties for selling tobacco to minors under Bill 119 will be very severe, more severe than current sanctions for selling smuggled tobacco. The prosecution of those selling contraband to kids could and would create a substantial deterrent.

Third, if the issue is health, the required health policies must be implemented. If the issue becomes smuggling, the remedies required to stop smuggling are known. What we cannot do is allow the contraband issue to, first, undermine fiscal policy and, then, in a double coup for the industry, allow contraband to also destroy planned health policy.

No one is suggesting that no tobacco will fall into under-age hands, or that pharmacy getting its house in order is the single measure which will curb tobacco sales. But in combination with other tobacco control policies, the pharmacy sales ban would be effective.

### *Benefits of the sales ban*

The major benefit of the termination of tobacco sales in pharmacies is the elimination of conflicting messages about the risks of tobacco products being sent to people of all ages, but especially to the young. On the one hand, health professionals are saying that tobacco industry products are the cause of 30 percent of cancer deaths, 30 percent of heart disease deaths and 90 percent of lung disease deaths. On the other hand, governments undermine the risk message above by allowing these products to be promoted and sold in health care facilities, including pharmacies.

The Ontario Medical Association (OMA) has condemned this practice. The OMA knows that, in anecdotal research, adolescents tell researchers "if cigarettes are as bad as you say they are, the government would not allow them to be sold in drug stores." Pharmacists, kids believe, would not sell an addictive product which kills people.

The link between an addictive and lethal product and the sale of that product in drug stores is a link which is not lost on the young. "We simply have to break that link," said Dr. Ted Boadway, OMA Director of Health Policy.

Addicted adult smokers engage in denial about the risks of cigarettes and rationalize their continued use. Taking cigarettes out of pharmacy would send strong, consistent messages about tobacco risks and help break through the wall of denial erected by smokers.

More important, the absence of cigarettes from drug stores would encourage pharmacists to become full members of the health care team and, without their conspicuous conflict of interest, would enable them to engage in *real* counselling about the risks of tobacco use.

## Leadership in the profession

The Ontario College of Pharmacists, the Canadian Pharmaceutical Association and Physicians for a Smoke-Free Canada are among several groups leading the struggle to remove tobacco products from pharmacy. The CPhA has been delightfully frank in its advocacy on behalf of public health. The CPhA made it clear that it considers tobacco sales in pharmacy unprofessional.\* CPhA Executive Director Leroy Fevang says:

"I guess the only question is what position the profession wants to project. Do you want to be dragged across the finish line kicking and screaming, or do you want to cross that finish line with some sense of dignity and self-respect?"

The CPhA's Bob Gadoua says the CPhA policy on tobacco sales enables it to say

"we whole-heartedly endorse actions that are designed to remove tobacco from the shelves of Canadian pharmacies. ... (The CPhA policy) will, for example, encourage CPhA to roundly and publicly applaud legislative measures proposed by the provinces to outlaw the pharmacy tobacco trade."

More recently, a group of prominent pharmacists founded a group called Pharmacists in Support of Bill 119, to encourage the removal of tobacco from pharmacy. It is headed by Ottawa pharmacist Dr. N. C. Truong, a former president of the Ontario College of Pharmacists and by London pharmacist Jim Semchism, a former president of the Ontario Pharmacists' Association.

\*Andrew Reinboldt, "Is there a choice?" *Canadian Pharmaceutical Journal*, (October 1991) pp. 464, 476.



*Shoppers Drug Mart tobacco promotion*

Then there is Norman Puhl, President of Big V Pharmacies, with 118 stores across Southern Ontario. "Mr. Puhl said there's ample evidence that cigarettes are being sold illegally to minors." Mr. Puhl will not oppose Bill 119 and hopes the province will go further (*Hamilton Spectator*, November 25, 1993). And we should not forget the 18 store Dell Pharmacy chain in the Hamilton area. All Dell stores are free of tobacco products.

But, the real grass roots leaders are the hundreds of pharmacists across Ontario who have followed the guidelines of the Ontario College of Pharmacists and have already taken tobacco out of their stores. These pharmacists would like to have and deserve a level playing field with the pro-tobacco drug chains.

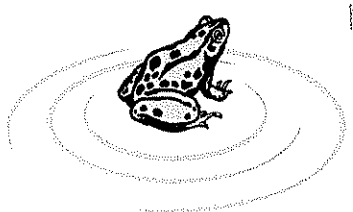
**ONTARIO CAMPAIGN FOR ACTION ON TOBACCO**

**525 University Avenue, Suite 300, Toronto, Ontario M5G 2K7**





10/24



rana creek  
ENVIRONMENTAL PLANNING

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SAN FRANCISCO

35351 E. Carmel Valley Rd.  
Carmel Valley, CA 93924  
PH 831.659.3820  
FX 831.659.4851  
www.ranacreek.com

2008 OCT -3 AM 11:14

BY SW

13

To: San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

**RE: SHARP PARK GOLF COURSE – SAN FRANCISCO GARTER SNAKE/RED LEGGED FROG  
BIOLOGICAL REMEDIATION**

Dear San Francisco Board of Supervisors,

The recent controversy between conserving the unique biological resources and enhancing recreational opportunities in Pacifica's Sharpe golf course is a recurring dichotomy between development pressures and biodiversity conservation that is continuously encountered by public officials. The San Francisco garter snake and the California red-legged frogs are an irreplaceable resource that can be preserved within an active public venue through adaptive management and strategic restoration.

Rana Creek has been involved in numerous projects in the greater San Francisco region whose purpose is to preserve and enhance biodiversity within the (sub)urban setting. Several of our recent projects with this explicit purpose include the well-known landmarks the California Academy of Science's green roof and the soon to be constructed Transbay Terminal.

Our extensive experience with the federal threatened red-legged frog, both with population surveys and species-specific habitat restoration, can help meet conservation objectives required by regulatory agencies for this park. Furthermore, our highly trained staff can help create an ecologically based management plan for the park that could help prevent unforeseen conflicts in the future. A current Rana Creek project mirrors Sharp park through an integrated habitat restoration plan aimed at increasing California red legged frogs on former golf course greens.

Please let us know if we could be of service with this project as our mission is to preserve California's biodiversity in a balanced, pragmatic manner.

Sincerely,

**Thomas Juhász**  
Biologist, Vernal Ecosystem Specialist  
10.02.2008

13

10/21



"Roberts, Kingsley"  
<Kingsley.Roberts@sfdpw.org>  
10/01/2008 11:20 AM

To Board of Supervisors <Board.of.Supervisors@sfgov.org>  
cc  
bcc  
Subject Ref: 2008909-002

14

Dear Sirs:

The following potholes have been filled: Grove / Buchanan  
Scott / Waller

The following patch paves have been completed: Haight / Fillmore  
Haight / Buchanan

The sink hole at 484 Waller / Haight has been made safe, it has been given over to the PUC Sewer Operations who recommend replacement of the catchbasin drain line. This will be scheduled when crews become available.

Kingsley Roberts  
Assistant Superintendent  
Department of Public Works, BSSR  
2323 Cesar Chavez  
San Francisco, CA 94124  
Phone: 415-695-2087  
Fax: 415-695-2097

14



# SAN FRANCISCO PLANNING DEPARTMENT

10/21  
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BOARD OF SUPERVISORS  
SAN FRANCISCO  
2008 SEP 30 AM 11:05  
BY: [Signature]

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

15

DATE: September 30, 2008  
TO: Interested Parties  
FROM: Joan A. Kugler, Senior Environmental Planner  
RE: Case No. 96.281E - Distribution of the Final Environmental Document for the Central Subway Project; (Phase 2 of the Third Street Light Rail Project)

Enclosed please find a copy of the Final Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report for the above-referenced project.

In July 2008, the state and federal environmental processes were separated to facilitate the Planning Commission certification of the Final SEIR and on July 11, 2008, the Response to Comments Volume II was released. The Final SEIR was certified by the Planning Commission at their regular meeting on August 7, 2008. This certification was appealed to the Board of Supervisors and on September 16, 2008, the Board upheld the certification of the Final SEIR.

The Federal Transit Administration (FTA) has now approved the release of the Final SEIS which incorporates all of the text changes to the text of the document that were detailed in the Response to Comments volume and the finalization of the federal environmental process. This process states that Final EISs are distributed to all those persons and organizations who submitted comments on the draft and any person, organization of agency requesting a copy.

If you received a copy of this document in electronic format and need a hard copy, please contact David Greenaway by email at [David.Greenaway@sfmta.com](mailto:David.Greenaway@sfmta.com); or call (415) 701-4237 at the Central Subway Project office.

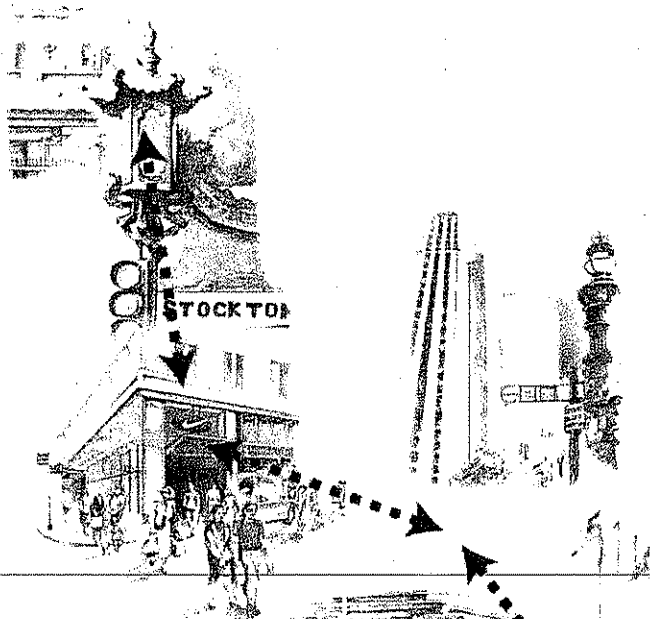
Thank you for your continued participation in the environmental process.

15

central **T** subway

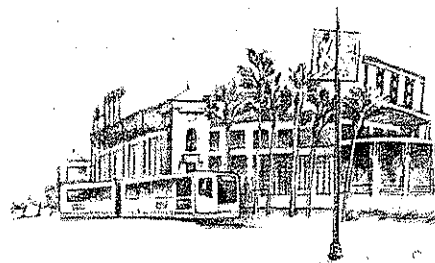
Connecting people. Connecting communities.

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2008 SEP 30 AM 11:02  
BY SW



**Central Subway  
Final  
Supplemental Environmental  
Impact Statement/  
Supplemental Environmental  
Impact Report**

**Final SEIS/SEIR  
VOLUME I  
September 2008**



**FEDERAL TRANSIT ADMINISTRATION  
U.S. DEPARTMENT OF TRANSPORTATION**

**CITY AND COUNTY OF SAN FRANCISCO  
PLANNING DEPARTMENT**

Case No. 96.281E  
State Clearinghouse No. #96102097

**Document is available  
at the Clerk's Office  
Room 244, City Hall**

10/21



<DEVILDOG@

10/01/2008 03:11 PM

To <Board.of.Supervisors@sfgov.org>

cc

bcc

Subject Public input for Board of Supervisors

16

Submitted on: 10/1/2008 3:11:08 PM

name: CHAS

phone: WELLINGTON

comments: I CAN NOT BELIEVE YOUR POSTURE ON OUR MILITARY. I HOPE YOU SOON OVERSTEP YOUR LEGAL BOUNDS AND GET SUED BACK TO THE STONE AGES. SAN FRANCISCO HAS BECOME A MELTING POT OF THE GROSSLY IMMORAL, WILDLY LIBERAL, DRUG USING ANYTHING GOES TO HELL WITH EVERYONE ELSE FOOLS. IS THE FAULT LINE EAST OF YOUR DEN OF INIQUITY? GOOD.

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User Data

Client IP (REMOTE\_ADDR) : 68.159.103.3  
Client IP via Proxy (HTTP\_X\_FORWARDED\_FOR) :

16



<boardofsupervisors@sfgov.org>  
09/30/2008 07:27 AM

To <boardofsupervisors@sfgov.org>  
cc  
bcc  
Subject Information Request Form

17

Submitted on: 9/30/2008 7:27:11 AM

Release Personal Information: Yes

First Name: THOMAS

Last Name: LUTGE

Address: 1632 ULLOA STREET

City: SAN FRANCISCO

State: CA

Zip: 94116

Phone Number: 415-661-4657

Fax: 415-664-4495

Email: LUTGEBUILT@AOL.COM

Date of Record:

FileNumber:

ResolutionNumber:

OrdinanceNumber:

MotionNumber:

See File On:

Pick Up Information On:

Additional Information: Yes

Additional Information Detail: I WANT TO KNOW WHY THE CITY OF SAN FRANCISCO FEELS IT IS WITHIN THEIR POWER TO HIRE CRIMINALS WHO ILLEGALLY ENDANGER MASSIVE AMOUNTS OF HUMAN LIVES WITH THEIR CRIMINAL ACTS AND MY TAX DOLLARS ARE USED BY THE CITY TO SUPPORT THIS CRIMINAL ACTIVITY.

I WOULD LIKE MY TAX DOLLARS RETURNED SINCE THE CITY USES THEM ILLEGALLY AND WITH GREAT IRRESPONSIBILITY.

PLEASE JUST SEND ME MY MONEY BACK AS THERE IS NO WAY WE CAN EVER GET YOU PEOPLE TO BECOME HONEST.

THANKS, I WILL EXPECT MY CHECK IN THE NEXT WEEK.

17

10/24

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2008 OCT -6 AM 11:18

BY SW

09/30/2008

Fidel Chavez Jr.

\_\_\_\_\_  
\_\_\_\_\_

18

Board Supervisor  
City San Francisco  
San Francisco, Ca

Re: Tommy Lasorda

Dear City Hall & Board Supervisor,

After reading article on the internet on 09/30/2008 where it indicates as to Tommy Lasorda being ousted from the Italian-American Parade in San Francisco, I could not believe what I was viewing in RESPECT to all Italian-Americans.

I cannot understand, that, here, you have a parade dedicated to Italian-Americans and whereas, base on the fact that Tommy is from the Dodgers and or related in any manner, is it not: the integrity of the parade base on the achievements and or actions, conduct, moral support as contributions made by such individuals that one would be selected? By San Francisco, stating and or

18

implying, any other is totally sending the wrong message out, that by being from another area or other, you will not be allowed to participate, what message is the City of San Francisco sending, which is, if you're not from our area, you're not welcome, this is just as bad as gang-bangers saying you're from another neighbourhood in many ways; Is this the type of message San Francisco wishes to be held too??

Again is it not the individual and his/her accomplishments, contributions or that which would lead to their selection to this very position. To not allow Mr. Lasorda participate in such, is a total disrespect to the Italian-American people as it is to the parade itself. Before you render your decision, make every intelligent measure on all aspects as level, and really ask yourself, what is really the reason for the Italian-American parade for?

The city of San Francisco, should be honoured to have such individual come to it's parade invited for the very such, as well as it would for any member and or individuals coming from San Francisco to; Los Angeles, New York, Chicago, Las Vegas, Florida, or any portion of this great country.

Respectfully,

Fidel Chavez Jr.

A handwritten signature in black ink, appearing to read 'Fidel Chavez Jr.', with a large, sweeping flourish extending to the right.



10/24



09/30/2008 12:38 PM

To <Board.of.Supervisors@sfgov.org>  
cc  
bcc  
Subject Public input for Board of Supervisors

18

Submitted on: 9/30/2008 12:38:11 PM

name: Robert Bennett

phone:

comments: The comments regarding Tommy Lasorda by supervisor Michela Alioto-Pier are reprehensible. I find it hard to believe that a city that prides itself on being so liberal and tolerant would allow this kind of intolerance and hatred to go unanswered. Tommy has always been an italian first and a Dodger second. Her words are so painful and uncalled for I find it hard to believe that she is able to keep a job in public office. Tommy Lasorda is the Ambassador to all of baseball and Michela Alioto-Pier is the supervisor of hate and shouldn't be representing or speaking for the good people of San Francisco.

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User Data

Client IP (REMOTE\_ADDR) : 144.160.130.16  
Client IP via Proxy (HTTP\_X\_FORWARDED\_FOR) :

18

10/21



10/03/2008 11:31 AM

To <Board.of.Supervisors@sfgov.org>  
cc  
bcc  
Subject Public input for Board of Supervisors

Submitted on: 10/3/2008 11:31:34 AM

name: Autumn Marsilio

phone:

comments: I am writing in great support of ordinance 080818 which supports the longstanding issues of animal welfare at the San Francisco zoo. I am one of many supporters to this cause, and I hope our voices are acknowledged and can create a change.

Thank you

19

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User Data

Client IP (REMOTE\_ADDR) : 71.204.132.153  
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19

San Francisco Board of  
Supervisors

\_\_\_\_\_  
\_\_\_\_\_  
0112/00

Dear Friends:

I have been told your zoo is a  
disgrace - a cruel, animal, prison.

Please see it is transformed into a humane  
facility concentrating on rescue and rehabilitation  
of animals, not on exploitation and entertainment  
for humans.

Sincerely,  
Mrs. Winifred J. Dushkind

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2008 OCT - 6 AM 11:16  
BY SLD

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2008 OCT -6 AM 11:15  
BY         

October 1, 2008

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Rm. 244  
San Francisco, CA 94102

Dear Board of Supervisors:

I read with disgust an article about Tatiana, the Siberian Tiger killed in the San Francisco Zoo in 2007.

Animal welfare should be the main concern if the zoo will remain open, although keeping the zoo should also be re-evaluated. I urge you to replace the entire existing zoo management with enlightened professionals who are dedicated to first meeting the needs of the animals, and who will replace exploitation and entertainment for humans with the rescue and rehabilitation of injured animals.

Thank you for reading this letter, and for taking humane action.

Sincerely,



Carol A. Rubel

SEPTEMBER 28, 2008

SAN FRANCISCO BOARD OF SUPERVISORS  
1 DR. CARLTON B. GOODLETT PLACE, ROOM 244  
SAN FRANCISCO, CA. 94102

DEAR SAN FRANCISCO BOARD OF SUPERVISORS;  
I URGE YOU TO PLEASE REDEFINE THE  
SAN FRANCISCO ZOO'S MISSION TO FOCUS ON  
RESCUE AND REHABILITATION OF YOUR ANIMALS,  
AND NOT ON EXPLOITATION AND ENTERTAINMENT.


Please carefully evaluate the PRACTICES  
OF THE SAN FRANCISCO ZOO. THUS,

I URGE YOU TO MAKE ANIMAL WELFARE  
CONCERNS A TOP PRIORITY AT YOUR <sup>SAN FRANCISCO</sup> ZOO!

~~PLEASE PUT THE ANIMAL'S NEEDS FIRST~~  
→ AT YOUR SAN FRANCISCO ZOO!!!

THE SIBERIAN TIGER, TATIANA WAS  
KILLED AT THE SAN FRANCISCO ZOO ON DEC. 25,  
2007. TATIANA'S ESCAPE AND SUBSEQUENT  
DEATH WAS ONLY ONE OF NUMEROUS ACTS OF  
MISMANAGEMENT AT THE SAN FRANCISCO ZOO,  
MANY RESULTING IN ANIMAL DEATHS.

PLEASE CREATE A RESCUE ANIMAL  
SAN FRANCISCO ZOO.

GOD BLESS YOU  FOR YOUR  
COMPASSION.

THANK-YOU!

Mary Linda Meissner  
MARY LINDA MEISSNER

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
AM 11:11 AM 9  
2008 OCT 6  
BY

10/21



Kathleen Wong

10/06/2008 10:40 AM

Please respond to

To board.of.supervisors@sfgov.org

cc

bcc

Subject Restore Sharp Park

20

I understand the San Francisco Recreation and Parks Department is weighing the future of the City's municipally owned golf courses, including the financially and ecologically mismanaged Sharp Park Golf Course. I urge the City and County of San Francisco to restore Sharp Park as a coastal lagoon and wetland habitat for endangered species.

Sharp Park Golf Course has a long history of environmental problems because of its poor design and unfortunate placement on a coastal lagoon. The course has had problems with flooding and drainage ever since opening, and the Department has created new and significant environmental impacts. The current operation of the golf course harms the wetland habitat and causes illegal take of two federally listed species, the California red-legged frog and the San Francisco garter snake.

Restoration of this area to a natural state is the best option for Sharp Park. Restoration will provide access to hiking trails, picnicking spots, camping facilities and educational opportunities sorely needed in San Mateo County. Restoration will also ensure the continued existence and abundance of endangered species at Sharp Park.

~~Ecological restoration is also the most fiscally responsible method of managing Sharp Park and dealing with flood management issues at the site. Compared to the costs of implementing capital improvements necessary to maintain the golf course combined with the high potential for massive civil penalties for harming endangered species, restoration alternatives seem to be the most fiscally prudent method for retaining recreational uses of the area.~~

Please fully consider restoration alternatives at Sharp Park before any long-term decisions about the future of the area are made.

Kathleen Wong  
\_\_\_\_\_  
\_\_\_\_\_

20

10121

CITY AND COUNTY



OF SAN FRANCISCO

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2008 OCT -3 PM 5:00

BY SW

**BOARD OF SUPERVISORS**

**BUDGET ANALYST**

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642  
FAX (415) 252-0461

October 3, 2008

21

**TO:** Clerk of the Board  
**FROM:** Budget Analyst  
**SUBJECT:** Budget Analyst Activity Status Report for the Quarter ending September 30, 2008

Attached is our subject report for the quarter ending September 30, 2008.

*Harvey M. Rose*  
Harvey M. Rose

Attachment

21

**BUDGET ANALYST QUARTERLY STATUS REPORT**

<u>Assignment/Project</u>	<u>Analysts</u>	<u>Quarter Ending 9/30/2008</u>	<u>Year to Date Hours</u>
I.			
<u>Budgets</u>			
City Budget	Bohannon	0.0	259.5
	Bruce	27.5	349.5
	Campbell	2.0	238.5
	de la Rosa	0.0	204.0
	Goncher	0.0	65.5
	Hart	7.0	313.5
	Jones	18.0	452.0
	Jordan	0.0	240.0
	Na	0.0	198.0
	Newman	5.0	261.5
	Robertson	0.0	425.5
	Rose	12.0	221.0
	Santizo	0.0	204.0
	Yeh	<u>0.0</u>	<u>178.5</u>
	<b>Total</b>	<b>71.5</b>	<b>3,611.0</b>
Community Development Budget	Jones	0.0	84.0
	Rose	<u>0.0</u>	<u>2.0</u>
	<b>Total</b>	<b>0.0</b>	<b>86.0</b>
Total Budgets		71.5	3,697.0

II.

<u>Board/Committees</u>			
<u>Budget and Finance</u>	Bohannon	24.0	266.1
	Bruce	129.0	650.5
	Campbell	49.0	239.8
	Cruz	172.0	172.0
	de la Rosa	76.5	98.5
	Goncher	124.5	225.0
	Hart	106.0	580.0
	Jones	0.0	9.0
	Jordan	422.0	714.0
	Loeza	86.5	277.5
	McGill	0.0	414.0
	Na	66.0	144.5
	Newman	214.0	748.5
	Pascual	0.0	606.5
	Robertson	13.5	57.5
	Rose	208.0	608.0
	Santizo	218.0	806.0
	Yeh	<u>96.5</u>	<u>202.5</u>
	<b>Total</b>	<b>2,005.5</b>	<b>6,819.9</b>
City Operations and Neighborhood Services	Campbell	0.0	5.0
	Hart	0.0	2.0
	Newman	1.0	2.0
	Rose	<u>0.0</u>	<u>2.0</u>
	<b>Total</b>	<b>1.0</b>	<b>11.0</b>



<u>Assignment/Project</u>	<u>Analysts</u>	<u>Quarter Ending 9/30/2008</u>	<u>Year to Date Hours</u>
Government Audit and Oversight	Bruce	100.5	197.0
	Campbell	45.0	195.8
	Cruz	57.0	57.0
	de la Rosa	8.5	8.5
	Goncher	0.0	16.0
	Hart	23.5	214.0
	Jordan	38.0	38.0
	Loeza	9.0	27.0
	Newman	64.0	72.0
	Pascual	0.0	26.0
	Rose	27.0	49.0
	Santizo	<u>75.0</u>	<u>97.0</u>
	<b>Total</b>	<b>447.5</b>	<b>997.3</b>
Land Use and Economic Development	Newman	<u>0.0</u>	<u>1.0</u>
	<b>Total</b>	<b>0.0</b>	<b>1.0</b>
Public Safety	Newman	<u>0.0</u>	<u>1.5</u>
	<b>Total</b>	<b>0.0</b>	<b>1.5</b>
Rules	Bruce	0.0	28.0
	Loeza	0.0	3.5
	Newman	0.0	17.0
	Rose	<u>0.0</u>	<u>15.0</u>
	<b>Total</b>	<b>0.0</b>	<b>63.5</b>
Other Committees	Newman	<u>4.5</u>	<u>4.5</u>
	<b>Total</b>	<b>4.5</b>	<b>4.5</b>
Board of Supervisors	Brousseau	3.0	34.8
	Bruce	25.5	57.0
	Jones	43.0	45.0
	Jordan	3.0	3.0
	Newman	3.0	7.0
	Rose	<u>69.0</u>	<u>159.0</u>
	<b>Total</b>	<b>146.5</b>	<b>305.8</b>
Total Board/Committees		2,605.0	8,204.4
III. <u>Special Projects/Assignments</u>			
Revenue Bonds Oversight	Jones	<u>19.0</u>	<u>81.0</u>
	<b>Total</b>	<b>19.0</b>	<b>81.0</b>
Impact of Mayor's Staff Changes	Bruce	0.0	26.5
	Campbell	0.0	42.5
	Robertson	0.0	7.0
	Rose	<u>0.0</u>	<u>37.0</u>
	<b>Total</b>	<b>0.0</b>	<b>113.0</b>
Joint Report	Bruce	0.0	2.0
	Newman	<u>0.0</u>	<u>2.0</u>
	<b>Total</b>	<b>0.0</b>	<b>4.0</b>
Rec-Park Peer Review	Brousseau	1.5	1.5
	Campbell	23.0	23.0
	Jones	<u>72.0</u>	<u>72.0</u>
	<b>Total</b>	<b>96.5</b>	<b>96.5</b>
Total Special Projects		115.5	294.5

<u>Assignment/Project</u>	<u>Analysts</u>	<u>Quarter Ending 9/30/2008</u>	<u>Year to Date Hours</u>	<u>Estimated Cost of the Project</u>	<u>Estimated Hours to be Devoted to the Project</u>	<u>Latest Estimated Completion Date</u>	
IV. <u>Management Audits</u>							
<i>July, 2007</i> <i>Schedule of Performance Audits</i>	Marina Yacht Harbor Fund	Campbell	0.0	81.0	\$63,250	550	Completed on Mar. 10, 2008
		Na	0.0	34.8			
		Ofiaza	0.0	20.0			
		Rose	<u>0.0</u>	<u>9.0</u>			
		<b>Total</b>	<b>0.0</b>	<b>144.8</b>			
<i>July, 2007</i> <i>Schedule of Performance Audits</i>	Health Initiatives	Campbell	0.0	104.5	\$69,000	600	Completed on Mar. 11, 2008
		Rose	0.0	7.0			
		Yeh	<u>0.0</u>	<u>98.0</u>			
		<b>Total</b>	<b>0.0</b>	<b>209.5</b>			
<i>July, 2007</i> <i>Schedule of Performance Audits</i>	Rec & Park Cash Handling	Bruce	0.0	50.0	\$80,500	700	Completed on May 12, 2008
		Jones	0.0	534.0			
		Louie	0.0	11.0			
		Oledan	0.0	138.0			
		Rose	<u>0.0</u>	<u>11.0</u>			
		<b>Total</b>	<b>0.0</b>	<b>744.0</b>			
<i>July, 2007</i> <i>Schedule of Performance Audits</i>	Fixed Post Staffing ( Sheriff's Dept.)	Campbell	0.0	8.0	\$72,450	630	Completed on Jun. 10, 2008
		de la Rosa	0.0	138.3			
		Foti	0.0	46.5			
		Na	0.0	25.0			
		Robertson	0.0	241.0			
		Rose	0.0	12.0			
		Segol	<u>0.0</u>	<u>0.5</u>			
		<b>Total</b>	<b>0.0</b>	<b>471.3</b>			
<i>April, 2008</i> <i>Schedule of Performance Audits</i>	Communities of Opportunity Prog.	Brousseau	7.5	7.5	\$116,000	950	October 10, 2008
		Campbell	278.0	284.0			
		Cruz	216.0	216.0			
		Hart	181.5	181.5			
		Rose	8.0	8.0			
		Santizo	<u>184.0</u>	<u>184.0</u>			
		<b>Total</b>	<b>875.0</b>	<b>881.0</b>			
<i>March, 2008</i> <i>Schedule of Performance Audits</i>	First Offender Prostitution Program	Campbell	<u>0.0</u>	<u>10.5</u>	*	*	December, 2008
		<b>Total</b>	<b>0.0</b>	<b>10.5</b>			
<i>May, 2008</i> <i>Schedule of Performance Audits</i>	SFMTA Proof of Payment	Campbell	9.5	9.5	*	*	March, 2009
		Hart	24.0	24.0			
		Jones	86.0	86.0			
		Robertson	<u>47.0</u>	<u>47.0</u>			
		<b>Total</b>	<b>166.5</b>	<b>166.5</b>			
	Total Management Audits		1,041.5	2,627.5			
	<b><u>SUMMARY</u></b>						
	BUDGET		71.5	3,697.0			
	BOARD/COMMITTEES		2,605.0	8,204.4			
	SPECIAL PROJECTS		115.5	294.5			
	MANAGEMENT AUDITS		<u>1,041.5</u>	<u>2,627.5</u>			
	<b>GRAND TOTALS</b>		<b>3,833.5</b>	<b>14,823.4</b>			

\* Until the specific staff are assigned and these Special Projects and Management Audits are begun, and the work plan is detailed, it is not possible to estimate the completion date.

**STAFF HOURS BY JOINT VENTURE PARTNER  
THIRD QUARTER AND CALENDAR YEAR 2008**

	<u>HMR</u>	<u>Stan Jones and Associates</u>	<u>Debra Newman</u>	<u>Rodriguez Perez Delgado</u>	<u>Louie &amp; Wong</u>	<u>QUARTERLY TOTALS</u>	<u>PREVIOUS YTD</u>	<u>CURRENT YTD</u>
Bohannon	24.0					24.0	501.6	525.6
Brousseau	12.0					12.0	31.9	43.9
Bruce	282.5					282.5	1,078.0	1,360.5
Campbell	406.5					406.5	833.6	1,240.1
Cruz		445.0				445.0	0.0	445.0
de la Rosa	85.0					85.0	364.3	449.3
Foti						0.0	46.5	46.5
Goncher	26.5		98.0			124.5	182.0	306.5
Hart	275				67.0	342.0	975.0	1,317.0
Jones		238.0				238.0	1,125.0	1,363.0
Jordan		463.0				463.0	532.0	995.0
Loeza				95.5		95.5	212.5	308.0
Louie						0.0	11.0	11.0
McGill						0.0	414.0	414.0
Na	66.0					66.0	336.3	402.3
Newman			291.5			291.5	825.5	1,117.0
Ofiaza						0.0	20.0	20.0
Oledan						0.0	138.0	138.0
Pascual						0.0	632.5	632.5
Robertson	60.5					60.5	717.5	778.0
Rose	324.0					324.0	816.0	1,140.0
Santizo	143.0		49.0		285.0	477.0	814.0	1,291.0
Yeh	96.5					96.5	382.5	479.0
<b>TOTALS</b>	<b>1,801.5</b>	<b>1,146.0</b>	<b>438.5</b>	<b>95.5</b>	<b>352.0</b>	<b>3,833.5</b>	<b>10,989.7</b>	<b>14,823.2</b>

FROM : BFAustin

PHONE NO. : \_\_\_\_\_

e: Supr Pestain 10/21  
Sep. 30 2008 11:41AM P1

**FAX COVER PAGES**

DATE: September 30, 2008

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2008 SEP 30 PM 1:04  
BY *[Signature]*

**TO:** Angela Calvillo, Clerk S.F. Board of Supervisors

**FAX NO:** 415-554-5163

**FROM:** Coalition for San Francisco Neighborhoods

**FAX NO:**

22

**NUMBER OF PAGES:**   3   (including cover)

**Subject/ Notes:** Letter for the Public Record, Housing Element 2009

22

FROM : BFAustin

PHONE NO. : \_\_\_\_\_

Sep. 30 2008 11:41AM

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2008 SEP 30 PM 1:04

# Coalition for San Francisco



# Neighborhoods

www.csfm.net • PO Box 320098 • San Francisco CA 94132-0098 • 415.262.0440 • Est 1972

September 29, 2008

- President  
Gary Noguera 469-8899
- 1st Vice President  
Mark Sherman 225-0157
- 2nd Vice President  
Penelope Clark 776-3876
- Recording Secretary  
Judith Berkowitz 824-0617
- Corresponding Secretary  
Dick Millet 861-0345
- Treasurer  
Jim Low 771-5250
- Members-at-Large  
Sue Cauthen  
Joan Girardot  
Angelique Mahan

Cathy Creswell, Deputy Director Housing Policy Development  
California Department of Housing & Community Development  
1800 Third Street  
Sacramento CA 95811-6942

Re: 2009 San Francisco Housing Element

Dear Ms Creswell,

The Coalition for San Francisco Neighborhoods unanimously passed the following resolution:

CSFN urges the Planning Commission and the Planning Department to select a 2009 Housing Element Advisory Body that is in compliance with the following California Government Codes:

*Section 65351 requires that "During the preparation or amendment of the general plan, the planning agency shall provide opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the planning agency deem appropriate."*

*Section 65352(c)(7) states that the local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.*

In contrast, Planning Document (Outreach Plan: Housing Element 2009) states: "Participans: 16-20 maximum. Majority of members 'literate in housing issues' from each Supervisorial district (11 max), and another 5-9 'technical advisors.'"

1. Guidelines presented by the Planning Department are in conflict with the attendance present at Session 1, September 3, 2008 of the 2009 Housing Element CAB.
2. Conflict at the September 2008 meeting. Confusion and misrepresentation of affiliation of the committee representatives listed in the document produced by Senior Planner Sarah Dennis' office and personal self-identification by committee members at the September 2008 meeting.
3. There was no representation of "San Franciscans for Livable Neighborhoods," which had been pledged a seat at the table at the settlement meetings by the Mayor's Office of Housing (MOH), SF Planning Department and SF City Attorney's office in September/October of 2007.
4. District representation by supervisorial district is not apparent. At the first meeting of the Housing Element CAB on September 3, 2008 there were 5 SF Planning Dept staff, 2 MOH staff, 2 representatives from SF Planning & Urban Research (SPUR), 2 SF Bike Coalition representatives, 2 nonprofit housing developers, representatives of 2 nonprofits, and 3 neighborhood representatives as they each self-identified. This self-identification and affiliation conflicts with the document later issued by the Planning staff.

- Barbary Coast Neighborhood Assn
- Bayview/Winters Point
- Coordinating Council
- Buena Vista Neighborhood Assn
- Cathedral Hill Neighbors Assn
- Cayuga Improvement Assn
- Cole Valley Improvement Assn
- Cow Hollow Assn
- Diamond Heights Community Assn
- Dolores Heights Improvement Club
- East Mission Improvement Assn
- Eureka Valley Promotions Assn
- Ewing Terrace Neighborhood Assn
- Excelsior District Improvement Assn
- Fair Oaks Community Coalition
- Forest Knolls Neighborhood Assn
- Francisco Heights Civic Assn
- Golden Gate Heights Nighbd Assn
- Greater West Portal Nighbd Assn
- Height Ashbury Improvement Assn
- Inner Sunset Action Committee
- Jordan Park Improvement Assn
- Laurel Heights Improvement Assn
- Lincoln Park Homeowners Assn
- Marina Civic Improvement & Property Owners Assn
- Miraloma Park Improvement Club
- Mission Creek Harbor Assn
- North Beach Neighbors
- North Park Neighbors
- OceanView, Merced Heights, Inglewold - Neighbors in Action
- Outer Mission Residents Assn
- Pacific Heights Residents Assn
- Panhandle Residents Organization/Stanlyan-Fulton
- Patrona Boosters Neighborhood Assn
- Richmond Community Assn
- Rincon Point Neighborhood Assn
- Russian Hill Improvement Assn
- Russian Hill Neighbors
- Sunset Heights Assn of Responsible Peopls
- Sunset-Parkside Education & Action Committee
- Telegraph Hill Dwellers
- Twin Peaks Council & Open Space Conservancy
- Twin Peaks Improvement Assn
- West Presidio Neighborhood Assn

FROM : BFAustin

PHONE NO. : \_\_\_\_\_

Sep. 30 2008 11:43AM P3

It is our understanding from comments from Senior Planner Dennis' office there will also be a subcommittee of "stakeholders" which may not yet be formed, consisting of affordable housing advocates, developers, homeless advocates, and social service agencies. In addition, this group will have an open invitation to talk to the Planning Department whenever they wish.

Outreach to the neighborhoods and citizens of the city will occur, according to the Planning Document, only *after* the draft Housing Element is completed.

It is to the benefit of all concerned that there is full representation and participation at the beginning of the process and not after the draft Housing Element is complete. An open and completely public process with full citizen representation as in keeping with the law is urged.

Therefore we urge the Planning Department to comply with the California Government Codes and to restructure the Community Advisory Body so that it is in compliance with and representative of the City's diverse community throughout *all* of the process.

Sincerely,

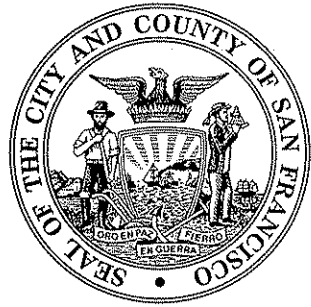
  
Gary Noguera  
President

Cc: Honorable Mayor Gavin Newsom  
Honorable Aaron Peskin, President San Francisco Board of Supervisors  
Honorable Christine O'Laughlin, President San Francisco Planning Commission  
Sarah Dennis, Senior Planner San Francisco Department of City Planning  
Angela Calvillo, Clerk of the Board of Supervisors  
Linda Avery, Planning Commission Secretary

10/28

# City and County of San Francisco

## OFFICE OF THE SHERIFF



Michael Hennessey  
SHERIFF

(415) 554-7225

23

September 29, 2008  
Reference: CFO 2008-010

Angela Calvillo, Clerk of the Board  
Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

RE: Inmate Welfare Fund Annual Report

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2008 OCT -1 AM 10:57  
BY SM

Dear Ms. Calvillo:

Pursuant to Penal Code Section 4025, enclosed please find the annual report of inmate welfare fund expenditures for the fiscal year ending June 30, 2008.

If you have any questions, please contact me at 554-4316.

Sincerely,

Maureen Gannon  
Chief Financial Officer

Encl.

23



# San Francisco Sheriff's Department

INTER-OFFICE CORRESPONDENCE

September 29, 2008  
Reference: CFO 2008-011

TO: Chief Arata                      Captain Gorwood  
Chief Kennedy                      Captain James  
Chief Waters                      Captain Keller  
Captain Brin                      Captain Miyamoto  
Captain Ferrigno                      Captain Pecot

FROM: Maureen Gannon, Chief Financial Officer *mej*

RE: ~~Inmate Welfare Fund Annual Report – FY 2007-2008~~

Attached please find the FY 2007-2008 fiscal year accounting for the Inmate Welfare Fund.

Please have the report posted in your respective facilities, per Title XV, Section 1045:

***This itemized annual report shall be posted in each facility and made available to the public and the inmates, by including in the public information specified in 1045 of these regulations.***

cc: Sheriff Hennessey  
Undersheriff Dempsey  
Assistant Sheriff Mariani  
Eileen Hirst, Chief of Staff  
Clerk of the Board of Supervisors  
Controller's Office

Please contact Maureen Gannon at (415) 554-4316 if you have any questions.



**City and County of San Francisco Sheriff's Department**  
**Inmate Welfare Fund**  
**July 1, 2007 to June 30, 2008**

**REVENUES**

Interest	\$ 28,538
Confiscated / Contraband Money from Inmates	\$ 836
Compass Group - Canteen Commissions	\$ 638,690
PCS - Inmate Collect Calls	\$ 767,987
Fund Balance	\$ 821,636

**TOTAL REVENUES:** **\$ 2,257,687**

**EXPENDITURES**

Permanent Salaries (Prisoner Legal Services & Jail Program Staff)	\$ 520,669
Related Mandatory Fringe Benefits	\$ 161,015
Employee Expenses (Bridge Tolls, Incidentals)	\$ 73
Other Events (Job Fair for Clients)	\$ 904
Professional Services (Prisoner Population Study)	\$ 18,300
Transportation (Greyhound)	\$ 2,205
Other Current Expenses (Copy Machine Rental, Postage, Subscriptions, Satellite TV - CJ#5 )	\$ 106,579
License Fees	\$ 3,760
City Grant Program (Jail Programs Provided by Community Based Organizations)	\$ 952,194
Materials & Supplies (Office Supplies, Microwave Ovens, Tables, Recreation Supplies, Printed Materials, Books & Other)	\$ 74,254
Medical Supplies for Prisoners and Indigent Packets	\$ 80,477
Building, Equipment Maintenance & Repairs	\$ 39,462
Equipment Purchases	\$ 10,626
Services of Other Departments (Insurance)	\$ 6,000
Services of Other Departments (Jail Repairs)	\$ 41,202

**TOTAL EXPENDITURES:** **\$ 2,017,720**

**Revenue Surplus/(Deficit):** **\$ 239,967**



# CITY AND COUNTY OF SAN FRANCISCO HUMAN RIGHTS COMMISSION

10/21

## S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B WAIVER REQUEST FORM (HRC Form 201)

### Section 1. Department Information

Department Head Signature: Maureen Gannon

Name of Department: Sheriff

Department Address: 1 Dr Carton B. Goodlett Place, Rm#456, San Francisco, CA

Contact Person: Maureen Gannon, CFO

Phone Number: 554-4316

Fax Number: 554-7050

### Section 2. Contractor Information

Contractor Name: Rapid Notify, Inc.

Contact Person:

Contractor Address: 26041 Cape Dr., Suite 220, Laguna Niguel, CA 92677

Vendor Number (if known): 76003

Contact Phone No.:

### Section 3. Transaction Information

Date Waiver Request Submitted: 09/29/08

Type of Contract:

Contract Start Date: 10/1/08

End Date: 08/31/09

Dollar Amount of Contract: \$12075

### Section 4. Administrative Code Chapter to be Waived (please check all that apply)

Chapter 12B

Chapter 14B *Note: Employment and LBE subcontracting requirements may still be in force even when a 14B waiver (type A or B) is granted.*

### Section 5. Waiver Type (Letter of Justification *must* be attached, see Check List on back of page.)

A. Sole Source

B. Emergency (pursuant to Administrative Code §6.60 or 21.15)

C. Public Entity

D. No Potential Contractors Comply – Copy of waiver request sent to Board of Supervisors on: 09/29/08

E. Government Bulk Purchasing Arrangement – Copy of waiver request sent to Board of Supervisors on:

F. Sham/Shell Entity – Copy of waiver request sent to Board of Supervisors on:

G. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)

H. Subcontracting Goals

FOR HRC USE ONLY	
Request Number:	
BY <u>AG</u>	2008 OCT -2 AM 1:04

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
24

### HRC ACTION

12B Waiver Granted: \_\_\_\_\_  
12B Waiver Denied: \_\_\_\_\_

14B Waiver Granted: \_\_\_\_\_  
14B Waiver Denied: \_\_\_\_\_

24

Reason for Action: \_\_\_\_\_

HRC Staff: \_\_\_\_\_ Date: \_\_\_\_\_

HRC Staff: \_\_\_\_\_ Date: \_\_\_\_\_

HRC Director: \_\_\_\_\_ Date: \_\_\_\_\_

### DEPARTMENT ACTION – This section must be completed and returned to HRC for waiver types D, E & F.

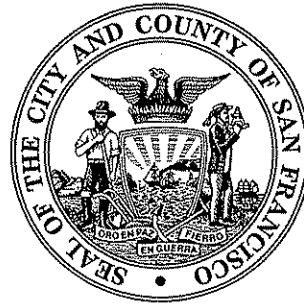
Date Waiver Granted: \_\_\_\_\_ Contract Dollar Amount: \_\_\_\_\_

# City and County of San Francisco

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## OFFICE OF THE SHERIFF

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Michael Hennessey  
SHERIFF

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(415) 554-7225

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September 29, 2008

To: Angela Calvillo, Clerk of the Board of Supervisors

From: Maureen Gannon, Chief Financial Officer

Re: Waiver Request – Rapid Notify, Inc.

Pursuant to the San Francisco Administrative code Chapters 12B & 14B attached is a copy the Waiver Request Form (HRC Form 201) sent to the Human Right Commission on 9/29/08.

The Sheriff's Department is requesting a waiver from Administrative Code Chapters 12B and 12C requirement for Rapid Notify, Inc.

This is a one year subscription fee which allows access to Rapid Notify a proprietary emergency telecommunication system for San Mateo County. The System is fully automated and pre-programmed with all residential and business telephone numbers in that county. This will allow the Sheriff to initiate automated emergency telephone calls, to residents and business of San Mateo County, with emergency information (prisoner escapes, etc.) related to the San Francisco County Jails, located in San Bruno.

If you have any questions about this request, please contact me at (415) 554-4316. Thanks you for your consideration of this matter.

16/21

Dear Board,

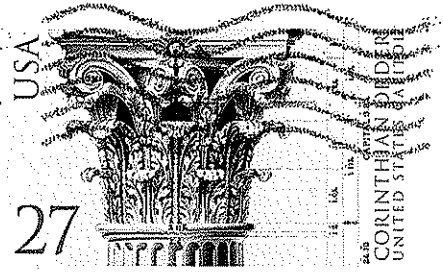
Please ~~send~~ ~~send~~

Speedway Meadows

after the great  
San Francisco promoter  
Chet Helms,

Board of Supervisors  
1 Carlton Goodlett Plc.  
San Francisco, CA

~~San Francisco~~ 94102  
Damen Murtha



25

25

10/21



City and County of San Francisco  
Department of Public Health  
Prevention

Mayor Gavin Newsom

www.sfdph.or

26

October 3, 2008

Honorable Aaron Peskin, President  
San Francisco Board of Supervisors  
#1 Dr. Carlton Goodlett Place  
San Francisco, CA 94103

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2008 OCT - 3 PM 4: 51  
BY DM

RE: Report to the Board of Supervisors  
Deemed Approved Uses Ordinance  
Ordinance #43-06, February 28, 2006  
Signed by the Mayor: March 10, 2006

Dear Supervisor Peskin:

Please find attached the annual report on the conduct of the Deemed Approved Uses Ordinance. This report reviews activities for the period of October 2007 through September 2008.

Each performing department has added a summary of their activities to this report and those sections are clearly marked.

Thank you in advance for your attention to this matter. I am available to answer any questions about the Department's role and activities undertaken to date.

Sincerely,

Virginia Smyly, MPH

26



Report to the Board of Supervisors  
Deemed Approved Uses Ordinance  
Ordinance #43-06, February 28, 2006 signed by the Mayor: March 10, 2006

October 2008

In March 2006, the Board of Supervisors passed an Ordinance, which was signed by Mayor Newsom to create a "Deemed Approved Uses" program that addresses the role and responsibilities of businesses that sell alcohol in off-sale venues in respect to community health and safety. This constitutes the second report to the Board of Supervisors and includes a summary of activities undertaken over the last year by each performing Department.

#### Background

The Deemed Approved Uses Ordinance (DAO) establishes Performance Standards for businesses that sell alcohol in off-sale venues. The California Alcohol Beverage Control Board (ABC) regulates the sale of alcohol and provides licenses to vendors to sell alcohol under specific conditions. The San Francisco Deemed Approved Uses Ordinance is based on the county's oversight of land use and planning to educate, monitor and ultimately penalize businesses that sell alcohol in off-sale venues if they are found to be in nonconformance to the DAO Performance Standards.

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The functions and primary responsible departments of the DAO are as follows:

- Vendor and public education, including development and dissemination of educational materials, on-site visits, neighborhood meetings, and vendor meetings.
- An advisory committee is organized and staffed to provide feedback and input from community representatives.
- Documentation of activities.  
(San Francisco Department of Public Health)
- Development and maintenance of a database of businesses that are subject to the Performance Standards and the annual fee.
- Fees and late payment penalties be levied and collected.  
(Tax Collector)
- Observation and inspection of premises to determine compliance with DAO Performance Standards.
- Maintaining a database of results of inspections.  
(San Francisco Police Department)
- Pursuing legal measures and providing for an appeals' process for Deemed Approved Uses found to be in non-conformance with the Performance Standards.  
(City Attorney)

## San Francisco Department of Public Health

### Vendor Outreach & Education

- Convened DAO vendor education meetings for Bayview, Tenderloin/SOMA, Excelsior and Western Addition districts
- Outreached to and educated on-site to approximately 400 vendors (with priority to referrals from SFPD and Tax Collector Office record of delinquent accounts)
- Conducted approximately 60 observational Performance Standard checklists and follow-ups to vendors (see attached)
- Provided technical assistance to vendors as it relates to DAO (i.e., compliance, instructions on paying fee, educational materials, etc.)
- Using a web-based search function, conducted observational Performance Standard checklists of vendor premises' storefronts.
- Maintained a database of visits and observational Performance Standard checklists conducted and created separate files with storefront photos to serve as baselines.
- Conducted outreach to vendors along the Castro Street corridor at the request of Supervisor Duffy to assure store closures on Halloween night.

### Community Outreach & Education

- Provided DAO outreach and education to neighborhood and community organizations
  - Community Leadership Alliance
  - St. Francis Memorial Hospital Community Advisory Committee
  - Mission Community Council
  - Golden Gate Association
  - North of Panhandle Neighborhood Association
  - Sunset District Neighborhood Coalition
  - Japantown Task Force
  - Tenderloin Futures Collaborative

### DAO Educational Materials

- DAO section of DPH website has been updated with information for the public and vendors, materials and resources
- Materials in Korean and Spanish have been translated and disseminated

Community Action Teams (Youth driven teams that work toward reducing the harm of alcohol access to youth and children; each team selects a neighborhood to focus on and provides additional educational opportunities to vendors and others to learn of the DAO and the impact of alcohol availability and advertising on youth and their neighborhoods.)

- 2 youth led community action teams have been funded to focus on the reduction of alcohol advertisements in the Excelsior (June Jordan School of Equity) and Visitation Valley (Girls After School Academy) neighborhoods
- June Jordan School of Equity has redecorated 2 stores in the Excelsior (FY 07-08)

### DAO Community Advisory Committee and other Meetings

- Convened community advisory committee on May 1, 2008, with attendees from the Mayor's and Supervisor Maxwell's offices, CAC members, vendors, community based organizations, DAO performing departments. Ms. Dodd of the Mayor's Office presented information on the "Good Neighbor" initiative in the Tenderloin; and about the ability or inability to cite bad performance in relation to the DAO Performance Standards.
- Presented DAO activities to date at the Board of Supervisors' Land Use Committee and subsequently met with the DAO performing departments and Supervisor Maxwell's Aide, John Lau, to review the terms upon which DAO related citations can be made and

documentation required to do so. DPH created the observational Performance Standard checklist and reporting procedure to address documentation.

#### San Francisco Police Department, Vice Crimes Division and City Attorney

##### Deemed Approved Uses Ordinance (DAO) Statistics, July 2007 through June 2008

- IMPACT Inspections
- 332 Premises (Inspections & Follow-up Re-Inspections)
- 102 Inspection Reports/Case Files
- 36 Police Reports (10.8% violation rate)
- 9 Criminal Citations Issued

##### Decoy Operations

- 560 Premises
- 92 Reports/Criminal Citations Issued (16.4% violation rate)

A Department Bulletin was prepared and submitted to the Chief of Police for distribution to the entire department regarding the DAO.

##### Summary of Report:

During the fiscal year 2007-2008, the SFPD Vice Crimes Division visited 892 premises involved in DAO. Vice Crimes Division personnel wrote 128 police reports documenting illegal activity and cited 101 persons for those violations. All incident reports and citations were submitted to the District Attorney's Office. Additionally, all incident reports were sent to the City Attorney's Office.

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The City Attorney's Office receives and reviews incident reports from the SFPD, and based upon that review will determine if further enforcement action is necessary under the DAO.

##### Tax Collector

For the period of May through August 2008, the Tax Collector received \$186,868 in fees and \$1445.40 in penalties.





## Observational Checklist and Report for Store Site Visits

### Deemed Approved Ordinance 43-06 Sec.26.12 Deemed Approved Performance Standards

Business Name:	License Number:
Business Address:	
Name of Store Owner:	
Address of Store Owner:	
Outreach Aide:	Date of Visit:
Name & Title of Person(s) Present:	

CHECKLIST ITEM:	YES	NO
1. Outside of store is clean and free of debris.		
2. No more than 33% of store windows are covered by any advertisement (sign, poster, clear doors, etc). (There must be a clear line of sight from the sidewalk to the store register)		
3. There is no graffiti within property line including the sidewalk.		
4. There are no excessive loud noises caused by store, its patrons, or personnel.		
5. Performance Standards are posted in clear site for public view.		

<b>Concerns of present personnel:</b>

\_\_\_\_\_  
 DPH Public Service Aide (Print)

\_\_\_\_\_  
 Store Agent Present (Print)

\_\_\_\_\_  
 DPH Public Service Aide (Signature)

\_\_\_\_\_  
 Store Agent Present (Signature)

# **Observational Checklist and Report for Store Site Visits**

**Deemed Approved Ordinance 43-06**

**Sec.26.12 Deemed Approved Performance Standards**

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## ***Protocol for Observational Checklist***

Stores will be chosen based on the following criteria:

- ❖ New stores
- ❖ SFPD report
- ❖ Delinquent stores that have not paid ordinance tax

## ***General Introduction***

- ❖ Observe outside of store and environment
- ❖ Photograph outside of store and address
- ❖ Introduction and observational review of store
- ❖ Review background and purpose of DAO
- ❖ Provide copy of DAO performance standards
- ❖ Provide copy of DAO educational materials

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- ❖ Review checklist items with store agent
- ❖ Ask store personnel to sign checklist form
- ❖ Provide store agent with copy of observational checklist
- ❖ Ask store agent if possible to photograph inside of store

## ***Follow up Activities After Checklist Completed***

- ❖ Input checklist data into database from store visit
- ❖ Complete letter to vendor
- ❖ Attach a copy of checklist to vendor letter
- ❖ File copy of vendor letter and completed checklist
- ❖ Print Photos with identification
- ❖ At the end of every month, a list of stores visited and problem stores will be sent to SFPD and to City Attorney Office with recommendations, if any.