Petitions and Communications received from January 6, 2009 through January 16, 2009 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on January 27, 2009. File 090051

From concerned citizens, urging the Board to deny the conditional use permit for excess parking for 299 Valencia Street. File 081420, Copy: Each Supervisor, 2 letters (1)

From Bruce Brugmann, regarding the "Bay Guardian" editorial on the problem with the BART police. 2 letters (2)

From Patrick Monette-Shaw, suggesting that Supervisor Mirkarimi is the clear choice to become the next president of the Board of Supervisors. (3)

From Daly City, Department of Water and Wastewater Resources, submitting notice of preparation of the Harding Park Recycled Water Project. Copy: Each Supervisor (4)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Chapter 12B for Star Machine and Tool Company. (5)

From Christian Holmer, submitting copy of Resolution 421-04, regarding the Public Information Pilot Project. (6)

From Jim Meko, regarding the Board of Supervisors inaugural meting on January 8, 2009. (7)

From Clerk of the Board, submitting notice that the following individuals have submitted a Form 700 Statement of Economic Interests: (8)
Frances Hsieh, Legislative Aide to Supervisor Avalos
Lin-Shao Chin, Legislative Aide to Supervisor Mar
Linnette Haynes, Legislative Aide to Supervisor Campos
Pooja Jhujhuwala, Legislative Aide to Supervisor McGoldrick
David Owen, Legislative Aide to Supervisor Peskin

From concerned citizens, urging the City and County of San Francisco to restore Sharp Park Golf Course. Approximately 20 letters (9)

From Letty Cenidoza, regarding various issues. (10)

From Fred Biagini, commenting on proposed legislation regarding "Congestion Toll" that would charge motorists for entering and leaving portions of San Francisco. (11)

From Ahimsa Sumchai, submitting the air monitoring data for Parcel A of the Hunters Point Shipyard Lennar Development. (12)

From Giannetto, urging the Zoo Director to put more of an emphasis on education and rehabilitation of the animals at the San Francisco Zoo. (13)

From Municipal Transportation Agency, submitting an overtime justification report for July 1, 2008 through October 31, 2008. Copy: Budget Clerk (14)

From James Chaffee, submitting copy of letter sent to the Mayor regarding responsiveness in government: an attendance policy. (15)

From Health Service System Director, submitting notice of the Health Service Board Election. (16)

From David Tornheim, submitting opposition to he appointment of Jonathan Pearlman to the Historic Preservation Commission. Files 081545, 081546, Copy: Rules Committee members, clerk (17)

From Lynn Dyer, regarding her dismissal as an employee at the Recreation and Park Department. (18)

From Ted Strawser, commenting on the lack of bike lanes in San Francisco. (19)

From BART, Government and Community Relations, submitting an update on the BART Police shooting incident. (20)

From Office of the City Attorney, submitting an updated Financial Recovery and Savings Report. (21)

From David Silverman, regarding the special exception which allows an extension of an appeal hearing date for cases where a full Board is not in attendance. File 081420 (22)

From Patrick Monette-Shaw, regarding access to activated hyperlinks to background files on various Board of Supervisors agendas posted on-line three days in advance of Board hearings. (23)

From Francisco Da Costa, submitting letter entitled "Lennar Corporation must be charged for crimes against the constituents of Bayview Hunters in San Francisco. (24)

From concerned citizens, thanking the Board for their support for grants for the arts in San Francisco. Copy: Each Supervisor, 5 letters (25)

From Aaron Goodman, regarding the lack of new affordable rental housing in San Francisco. (26)

From concerned citizens, submitting letter regarding Lennar Corporation stocks and shares down by 20%. 2 letters (27)

From Christian Holmer, submitting request for a current signed copy of the Ethics Commissions Record Retention and Destruction Schedule. (28)

From Francisco Da Costa, submitting letter entitled "Lennar Corporation and blatant corruption all over this nation" dated January 11, 2009. (29)

From Francisco Da Costa, regarding the thousands that gathered to honor and make sure another Oscar Grant incident never happens again. 3 letters (30)

From Office of the Mayor, submitting letter vetoing File 081589, regarding the Eastern Neighborhoods Zoning Map height district for Mission Street Theater properties. File 081589, Copy: Each Supervisor (31)

From Office of the Mayor, submitting letter vetoing File 081440, de-appropriating $998,145 of General Fund in the Mayor's Office of Criminal Justice and $761,021 of Federal District Grant Revenue in the Department of Public Health for the Community Justice Center in fiscal year 2008-09. File 081440, Copy: Each Supervisor (32)

From Office of the Mayor, submitting notice that Supervisor Alioto-Pier and Supervisor Dufty has been designated as Acting Mayor from January 16 until January 20, 2009. Copy: Rules Committee (33)

From Office of the Controller, submitting the biannual and monthly overtime report. (34)

From Office of the Controller, submitting annual audit report from the city services auditor for fiscal year 2007-08. (35)

From Patrick Missud, regarding the dangerous intersection of Alemany Boulevard and San Juan Avenue. Copy: Supervisor Alvalos (36)

From concerned citizens, urging the Planning Commission to continue the public comment period on the Bicycle Plan DEIR. Copy: Each Supervisor (37)

From Lloyd Schloegel, regarding letter he received from Office of the Clerk, Supreme Court of the United States. (38)

From Cheryl Cotterill, regarding commendation of Captain Casciato. (39)

From Richard Skaff, regarding the Department of Building Inspection dimensional tolerance policy. (40)

From Christian Holmer, regarding public records request from various City Officials. (41)

From Department of Public Health, submitting a status report on the Health Care Security Ordinance that provides an update on the development and implementation of the Employer Spending Requirement and the Healthy San Francisco Program. (42)

From Port, submitting the contracting activity quarterly report for the period September 1, 2008 through December 31, 2008. (43)

From Office of the Controller, confirming that all newly elected and continuing Supervisors have been bonded as of January 1, 2009 as required by the San Francisco Administrative Code. (44)

From California Association of County Fish and Game Commission, announcing the 2009 California Association of County Fish and Game Commission conference on February 4, 2009. (45)

From Arts Commission, submitting the fiscal year 2008-09 second quarterly report. Copy: Each Supervisor, Budget clerk (46)

From Sharon Seliga, submitting support for an amended version of the clean energy ordinance which ensures that the City closes the Mirant Power Plant by 2012. (47)

From SF Preservation Consortium, regarding the mayoral nominees to the SF Historic Preservation Commission. (48)

From Angela Bates, urging the Board to take all possible steps to improve and secure the well being of all the animals that live at the SF Zoo. (49)

From State Department of Transportation, submitting report regarding illegal discharge (or threatened illegal discharge) of hazardous waste, which could cause substantial injury to the public health or safety. (50)

From David Villa-Lobos, commenting on police chief candidates. (51)

From Francisco Da Costa, commenting on the Bay Area Air Quality Management District. (52)

From Francisco Da Costa, commenting that the Joint Bay View/Hunters Point PAC and CAC tries to push an urban design plan for Phase 2 of the Hunters Point Shipyard. (53)

From State Department of Fish and Game Commission, submitting notice of proposed regulatory action that delta smelt warrants uplisting from endangered to threatened species status. (54)

susan vaughan
<susan_e_vaughan[redacted]om>
01/09/2009 01:57 PM

To Angela Calvillo <board.of.supervisors@sfgov.org>
cc Eric Mar <eric.mar@sfgov.org>, michela alioto-pier <michela.alioto-pier@sfgov.org>, david.chiu@sfgov.org, carmen.chu@sfgov.org, ross mirkarimi
bcc
Subject Appeal of 299 Valencia -- Please vote YES for the appeal

1

Dear Supervisors,

I encourage you to deny the Conditional Use permit requested by the developer of 299 Valencia, Item 8, 081429, Public Hearing - Conditional Use Appeal for 299 Valencia Street, on the agenda for the Board of Supervisors meeting on Tuesday, January 13 at 4 pm.

A letter appealing this CU, from Jason Henderson of the Hayes Valley Neighborhood Association, points out that in granting the CU, the Planning Commission undermined nine years of work in creating the Market and Octavia Plan and plans for other nearby neighborhoods -- setting an extremely bad precedent for the fate of other neighborhood development plans, created with a high degree of community input.

The CU also undermines desperately needed efforts to construct "affordable" housing. The letter says:

[T]he project sponsor explicitly stated at the Nov 6th 2008 Planning Commission hearing that the request for a CU for increased parking was necessary to market the new housing units to higher-end buyers. If the Board of Supervisors upholds the CU, the Board is stating that more upscale market rate housing, as opposed to the same amount of housing provided at a more affordable price, is necessary and desirable in the North Mission even if incompatible with other goals. The official policy of the Market and Octavia Plan and the Board of Supervisors is that more affordable housing, and not more upscale market-rate housing, is needed in the area, and that reduced parking requirements can help achieve that goal. By denying the CU, the Board of Supervisors would explicitly support its goals of more affordable housing.

For these reasons, among others, I encourage you to vote for the appeal and to deny the CU.

Attached is Jason Henderson's letter.

Sincerely,
Sue Vaughan
District One

299 Valencia Appeal Letter

1

c page File # 081420

Robin F. Levitt, Architect

San Francisco, CA 94102

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

12 January 2009

Re: Appeal of Planning Commission Motion No. 17739, conditional use for parking at 299 Valencia Street

Dear Supervisor,

As a neighbor and someone who works just a few blocks down Valencia from the above referenced project, I am writing to urge you to support the appeal of a conditional use permit for additional parking there. While I support high-density infill housing and do support the proposed project going forward, the additional parking is out of character with the neighborhood and undermines the Market/Octavia Plan.

The area where the project is located is well served by transit with MUNI lines on Valencia and Mission Streets, BART two blocks away on 16th Street and multiple MUNI lines 3 blocks away on Market Street. Two primary bike routes pass the project site on both Valencia and 14th Street. Valencia is also a very heavily traveled pedestrian route.

Studies show that the neighborhood has a very low rate of car ownership---73% of the households in the immediate vicinity are car-free. The attached photos and survey of parking in adjacent residential buildings confirms this and provides clear evidence that .5 spaces per unit is more in keeping with neighborhood character than the .7 spaces per unit approved.

The .5 space/unit ratio called for in the Market/Octavia Plan was derived after a nine-year planning process that involved countless hours of neighborhood, planning staff and transportation experts' input. The parking component of the Plan is key to its success in promoting a vibrant, high density, transit oriented, walkable neighborhood. No doubt you will be hearing arguments pro and con regarding the need for more parking in the area. However that issue was thoroughly vetted during the planning process. The issue now is about respecting that process and upholding the integrity of the Plan that came out of it.

The only reason given by the project sponsor in the request for additional parking at 299 Valencia was to increase the "marketability" of the units. This is hardly a compelling argument especially considering that there are projects in the works just a few blocks away at Oak and Octavia, Market and 15th and two at Grove and Gough, which have been designed with either zero or .5 spaces per unit, that demonstrate a demand for housing with little or no parking.

Given that 299 Valencia is the first project in area to receive approval since the Market/Octavia Plan was adopted last year, granting additional parking without a compelling reason sets a very bad precedent and undermines the Plan's intent. It effectively gives a green light to any future developer who wants additional parking.

While the difference at 299 Valencia is only 7 spaces, the difference between .5 and .75 spaces per unit is a 50% increase that would potentially result in a cumulative increase of hundreds of cars as housing along Octavia Boulevard, along upper Market Street, in the highrise buildings proposed for the Market/Van Ness/Mission intersections and countless other infill sites in the Plan area go forward. These cars would be added to already congested streets, further impeding transit and endangering bicyclists and pedestrians as well as contributing to greenhouse emissions and environmental degradation.

The Planning Department staff report justifies the CU for additional parking at 299 Valencia because the project itself is "necessary or desirable for, and compatible with, the neighborhood or the community". While I agree that high-density infill housing at this site is desirable and compatible, this rationale is rubbish. Using this logic one could argue that, regardless of any negative impact a specific aspect of a project might have on the surrounding area, ie. height, light, wind, noise and in this case traffic, the granting of a CU is alright so long as the project itself is deemed "necessary, desirable or compatible". In the case of 299 Valencia the housing is but the excessive parking is not.

If there was a compelling reason for more parking there---for example the housing was for emergency response personnel or other public officials or people with disabilities who need cars---or maybe to provide more car share spaces for neighborhood use, then the CU could be justified. But presently without any clear guidelines for granting additional parking, the allowance for more parking at 299 Valencia just opens a Pandora's box of CU applications for parking in all future developments in the Market/Octavia area.

Without those guidelines in place and for the above reasons I urge you to uphold the Market/Octavia Plan's maximum parking ratio of .5 spaces per unit and reject the granting of a conditional use permit for additional parking at 299 Valencia.

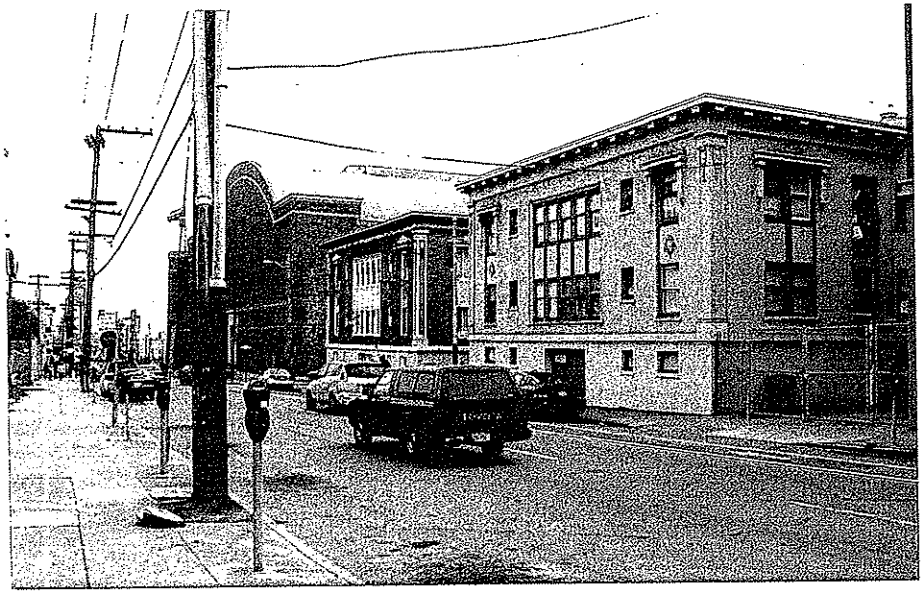
Thank you very much.

Sincerely,

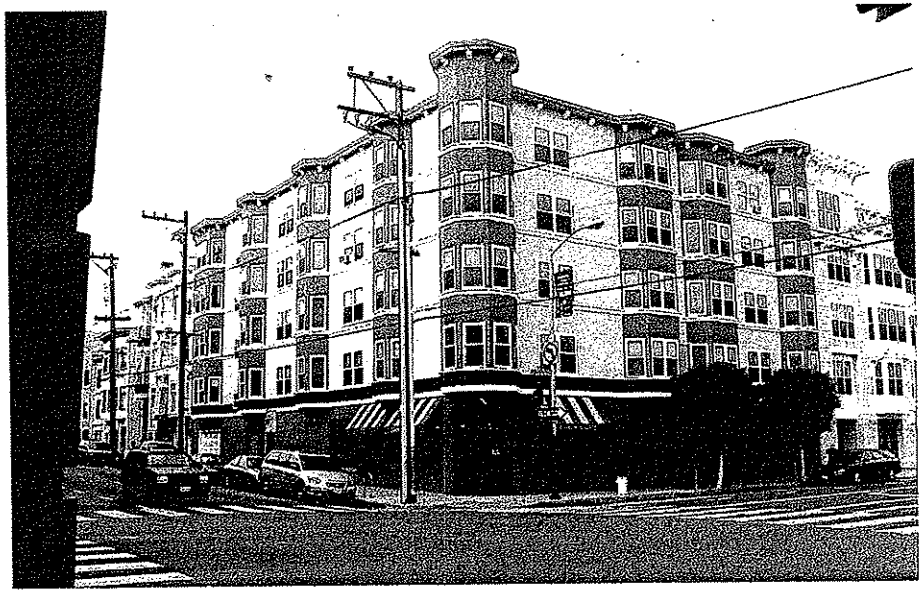
Robin F. Levitt

S.E. CORNER 14TH & VALENCIA: 20 UNITS, NO PARKING SPACES

S.W. CORNER 14TH & VALENCIA: 28 UNITS, NO PARKING SPACES

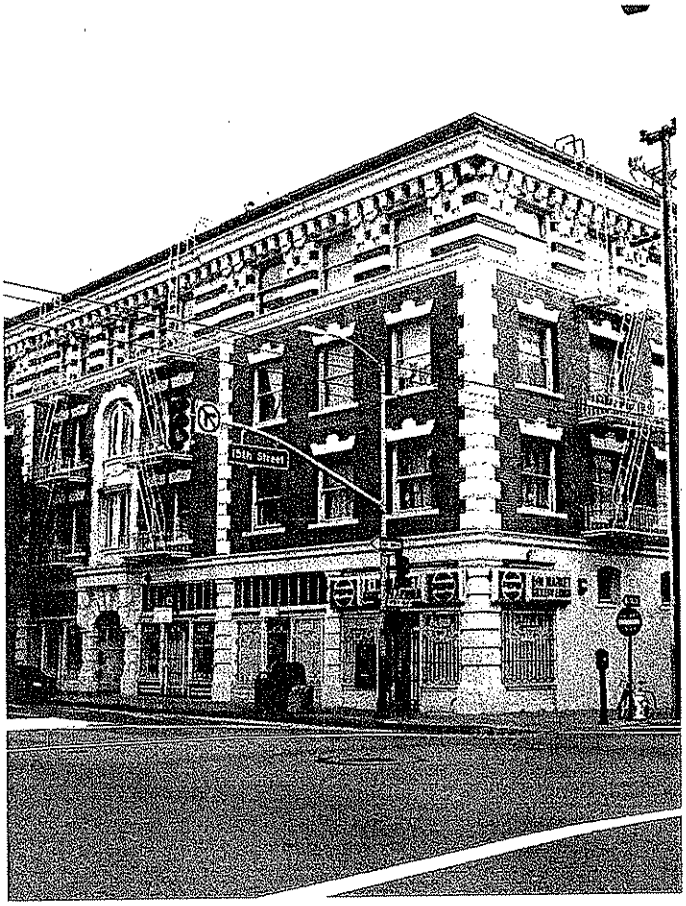


361 & 375 14TH STREET: 40 UNITS, 20 SPACES (.5 SPACES/UNIT)

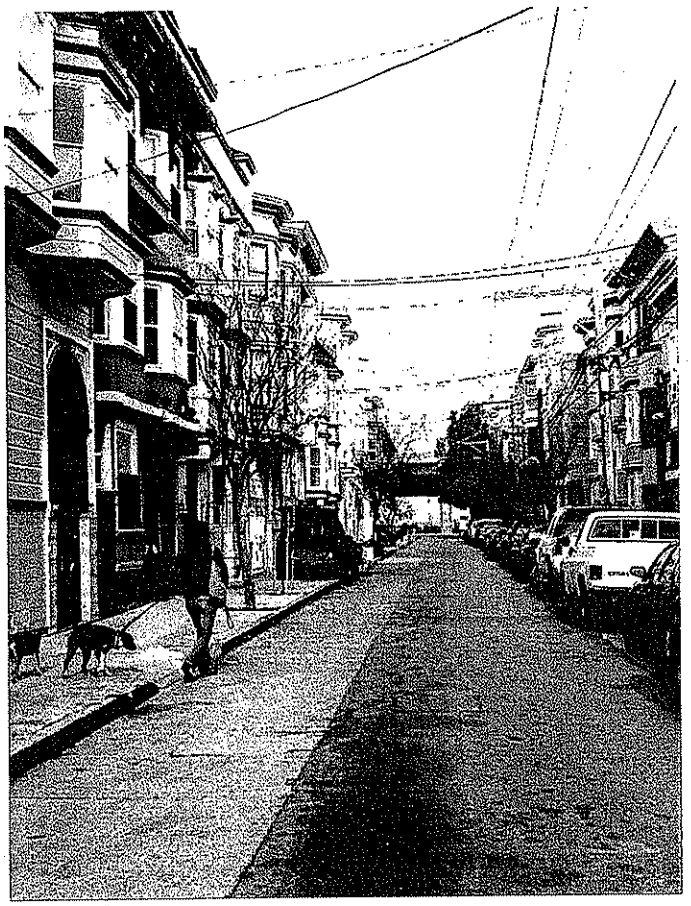


N.E. CORNER 14TH & VALENCIA: 36 UNITS, 7 PARKING SPACES
(.2 SPACES/UNIT)

299 VALENCIA NEIGHBORHOOD CONTEXT



N.E. CORNER 15TH & VALENCIA: 36 UNITS, NO PARKING



WOODWARD ALLEY BETWEEN 14TH & DUBOCE

VALENCIA GARDENS (BETWEEN 14TH & 15TH)
260 UNITS, 88 PARKING SPACES (.34 SPACES/UNIT)

299 VALENCIA NEIGHBORHOOD CONTEXT

File 081420

C. BOS

229 Lily St
San Francisco, CA 94102

Members of the Board of Supervisors
City Hall
San Francisco, CA 94102

January 8, 2009

Dear Supervisors,

Re: Appeal Conditional Use Permit for 299 Valencia

I am writing to urge you to deny the conditional use permit for excess parking for 299 Valencia. Unfortunately, I will be out of town and unable to speak at the Board meeting. I write to you as (i) a neighbor concerned about the additional traffic that the parking will bring; and (ii) as a community member who spent countless hours on the Market and Octavia Plan.

The project itself is worthwhile, and I would enthusiastically support it were parking limited to 0.5 spaces per unit available as of right. However, the excess parking is:

1. Out of character with the neighborhood. The staff report shows that **73% of households in the immediate vicinity are car-free.** Buildings on the south side of the intersection have zero parking for 20 units or more.

2. Sets a disturbing precedent. The developer has provided no justification for providing the excess parking, other than making the units easier to sell (i.e., being able to sell them for a higher price). While only 7 spaces are at stake in this development, the overall impact if this precedent is set would be to increase the amount of parking in new development in Market/Octavia by 50%. This will increase traffic and make housing less affordable.

3. Undermines the spirit of the Market and Octavia Plan. This plan was the product of more than eight years of work by the community, Planning staff and Supervisors. Allowing excess parking with no justification clearly contradicts the plan's focus on affordable housing and "transit first."

The developer argues that the parking reduction will either make the project financially infeasible, or mean the loss of ground-floor retail. However, other projects (most recently 401 Grove St.) are proceeding without a conditional use for excess parking. **There is clearly a market for condos with less parking in these parts of San Francisco.** Moreover, ground-floor retail is required under zoning and thus the developer appears to be making empty threats in a bid to retain the parking. The ground-floor retail could not be eliminated.

Thank you for your consideration.

Sincerely,

Adam Millard-Ball

Adam Millard-Ball

1

Board of Supervisors/BOS/SFGOV
01/08/2009 02:14 PM

To BOS Constituent Mail Distribution,
cc
bcc
Subject Fw: Parking 299 Valencia @ 14th Street

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548
----- Forwarded by Board of Supervisors/BOS/SFGOV on 01/08/2009 02:19 PM -----

Adam Millard-Ball <adamsebastiansf@
01/08/2009 12:12 PM
Please respond to Adam Millard-Ball <adam@ >

To Board of Supervisors <Board.of.Supervisors@sfgov.org>
cc AnMarie Rodgers <AnMarie.Rodgers@sfgov.org>, Robin Levitt <rflevitt@prodigy.net>, Corey Teague <Corey.Teague@sfgov.org>
Subject Re: Parking 299 Valencia @ 14th Street

Dear Sir/Madam,

I'd be grateful if this letter could be attached to the Board of Supervisors packet for next week's meeting, in connection with the item for the 299 Valencia Conditional Use permit appeal.

Thanks in advance,

Adam

Adam Millard-Ball


299 Valencia letter AMB.pdf

"Bruce Brugmann"
<Bruce@ ————
01/06/2009 01:44 PM

To
cc
bcc Board of Supervisors/BOS/SFGOV
Subject Guardian editorial: the problem with the Bart police

2

Another BART police tragedy

EDITORIAL

The video isn't the highest quality - it was taken on a cell phone - but it's pretty simple to figure out what's happening. A young man named Oscar Grant is lying on the ground on a BART train platform, surrounded by BART cops. His hands are behind him, and the police have him completely under control.

Grant was one of a group of young men who had been removed from the train and arrested after reports of a fight early in the morning on New Year's Day. The other suspects are handcuffed; Grant is not, but in early footage, he has his hands in the air and appears to be cooperating. Witnesses on the scene say that's what they saw - a young man doing what the police told him to do.

Then suddenly - shockingly - one of the officers reaches back and pulls his gun. He points the weapon at Grant, and fires, point-blank, from perhaps two feet away. The bullet entered Grant's back, ricocheted off the concrete, and hit him again, in the chest.

It's mind-boggling. It appears to violate so many standards of police conduct we don't even know where to begin. Oakland lawyer John Burris, who is representing the Grant family, puts the first question pretty succinctly: "Why did he take his gun out?"

Let's go a few steps further. Why did the BART officer, who has been identified only as a two-year veteran of the force, feel he needed to use lethal force on a suspect who was unarmed, was (at worst) guilty of fighting on a train, and was on the ground with two other cops on top of him? Why did the officer fire his gun at close range, with the prospect not only of hitting his colleagues but also of injuring bystanders? Why didn't any of the other cops tell him to put the gun

away? Why is the young father of a four-year old daughter dead?

We'll add a few more: Why is BART still in full-on public relations-cover-up mode, acting as if the evidence is still unclear? Why is the name of the officer still a secret?

And why - why, as we've asked a dozen times over the past 15 years, do the BART police operate with absolutely no civilian oversight?

The structure of the BART police force is a recipe for disaster. BART's general manager, (who is not an elected official and has no expertise in law enforcement) hires the BART police chief, who then runs a force with some 200 armed officers. There is no police commission, no police review board, not even a committee of the elected BART board designated to handle complaints against and issues with the BART police.

The BART board holds no regular hearings on police activity or conduct. There is no public forum where the chief is held to account. There is no procedure for complaints against BART officers to be heard and adjudicated by anyone except the BART police.

There is, in other words, no civilian oversight or accountability. This is unacceptable.
The killing of Oscar Grant isn't an isolated case. Back in 1992, a BART cop pulled a shotgun and killed an unarmed man named Jerrold Hall. Hall wasn't threatening the officer or anyone else. He was walking away. The shotgun pellets hit him in the back of the head. The officer, Fred Crabtree, was never subject to any discipline, and BART tried to cover up the whole thing (see "Lethal force," 12/9/92). In 2001, a BART cop shot an unarmed naked man who was seriously mentally ill (see "Gun crazy," 10/17/01).

The BART Board simply can't let this continue. The board must immediately create a process for civilian oversight of the BART police, including a civilian monitor to handle complaints. The BART board must establish a permanent police oversight committee that meets regularly to hear public comments and monitor police practices. Every city that BART passes through, starting with San Francisco, should pass a resolution demanding accountability for the BART cops, and the state Legislature (which granted the BART police peace officer status in 1976) should pass a measure mandating that the BART police have civilian

oversight proceedings.

We're sick of this. How many more kids have to die before BART gets its act together?

"Bruce Brugmann"
<Bruce@————>
01/06/2009 01:45 PM

To
cc
bcc Board of Supervisors/BOS/SFGOV
Subject Needed: civilian oversight of Bart police

EDITOR'S NOTES

By Tim Redmond

>tredmond@sfbg.com <mailto:tredmond@sfbg.com>
When I saw KTVU's excellent report Saturday night about the BART police officer shooting an unarmed man, all I could think was: I've been here before.

In 1992, Officer Fred Carbtree, a 15-year veteran of the BART police force, shot and killed an unarmed kid named Jerrold Hall in the parking lot of the Hayward station. That was way before cell phones and ubiquitous video; there were no pictures of the shooting and few witnesses would come forward. BART made a monumental effort to cover it up; I spent an entire month working seven days a week to break through that brick wall. In the end, I got the story: Crabtree, who was white, had heard a report of an armed robbery on the train, saw Hall, who was black, leaving the station and called him over. Hall, who had no weapon, argued with the cop and told him he'd done nothing, then turned and started to walk away. Crabtree racked his shotgun, fired a warning shot over Hall's head, then fired again, killing him.

There is no police agency in the United States that allows its officers to fire warning shots. There is no police agency that authorizes an officer to shoot an unarmed suspect who is fleeing the scene. I thought Crabtree should be prosecuted for homicide, but at the very least, he violated his own agency's clearly written rules.

Nothing happened. He was not subject to any discipline at all. BART called the shooting justified.
Back then, I raised the question: Who's in charge of the BART police? Where's the civilian oversight?
There wasn't any. And 17 years later, there still isn't.
This latest incident is going to cost BART at least $10 million when the lawsuits are over. That could fund a modest civilian oversight operation for 20 years. And maybe it will save someone's life.

Patrick Monette-Shaw

Phone: [redacted] • e-mail: pmonette-shaw@[redacted]

January 6, 2009

San Francisco Board of Supervisors
The Honorable Eric Mar, Supervisor, District 1
The Honorable Michela Alioto-Pier, Supervisor, District 2
The Honorable David Chiu, District 3
The Honorable Carmen Chu, Supervisor, District 4
The Honorable Ross Mirkarimi, Supervisor, District 5
The Honorable Chris Daly, Supervisor, District 6
The Honorable Sean Elsbernd, Supervisor, District 7
The Honorable Bevan Dufty, Supervisor, District 8
The Honorable David Campos, Supervisor, District 9
The Honorable Sophie Maxwell, Supervisor, District 10
The Honorable John Avalos, Supervisor, District 11
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

3

Re: Recommending Supervisor Mirkarimi for Board President

Dear Board of Supervisors,

I agree with the *San Francisco Bay Guardian's* recommendation that Supervisor Ross Mirkarimi is the clear choice to become the next president of the Board of Supervisors. The *Guardian's* endorsement is well reasoned and accurate.

Supervisor Mirkarimi has served on a number of Board Committees, and has gained valuable experience on the Budget and Finance Committee, and the Public Safety Committee, among other committees he has served on during committee rotations. Considering the City's projected budget deficit over the next 18 months, his experience on the Budget Committee gives him unique familiarity with budgetary problems and solutions.

Supervisor Mirkarimi has established an admirable legislative record as a leader on progressive issues during the past four years and he has become a progressive statesman deserving of being Board president given the legislation he has introduced or co-sponsored. Supervisor Mirkarimi clearly delivered strong leadership on accountability and transparency in City government.

The four incoming freshmen supervisors haven't demonstrated voting records or experience necessary to be Board president. I do not believe that anyone who has only served as a legislative aide could be ready on day one as a freshman supervisor to take on the job of Board President; to suggest a legislative aide's experience is sufficient to assume the duties of Board president demonstrates misplaced hubris.

No one would suggest that incoming Senator Al Franken should be elected the Chairperson of the U.S. Senate's Judiciary Committee over veteran Senator Dianne Feinstein. Similarly, no one would propose that an incoming freshman Congressman should be elected Speaker of the House over Congresswoman Nancy Pelosi. So why is anyone proposing that an incoming freshman San Francisco Supervisor should be elected over a well-seasoned veteran Supervisor?

In particular, because of additional non-Board duties the president assumes by virtue of the position — such as having a seat on the City's Capital Planning Committee — on-the-job experience as a sitting Supervisor should prevail over ideology, particularly when bullying becomes very unprogressive.

Supervisor Mirkarimi clearly obtained the most votes during last November's election; he received 27,482, or 77.4% of the votes in District 5. His nearest competitor was Supervisor Elsbernd, who only obtained 71.1% of the vote in District 7. Each of the incoming four freshman supervisors received 11,625 votes or less, with the

3

highest getting only 40.5 percent or less of votes in their respective districts. Even Supervisor Carmen Chu received only 15,353 votes, or 52.4 percent.

If balloting drags on, it isn't Supervisor Mirkarimi who should be a statesman by voting for another candidate. It's the incoming four freshman supervisors who should put the progressive agenda first by acknowledging their own fledgling statesman skills and inexperience, by voting for a veteran Supervisor to become Board president. Supervisor Mirkarimi should not be expected as a statesman to defer to freshman Supervisors who have yet to demonstrate their own statemen-like qualities.

I believe that Supervisor Mirkarimi, who has a lengthy set of accomplishments as a veteran supervisor, is the best choice to become the Board's next president. A rule change requiring that newly-elected Ssupervisors must obtain two years of experience as an incumbent before being eligible to become Board president should be considered and implemented.

Especially during the City's current fiscal crisis, Supervisor Mirkarimi is eminently qualified to preserve and maintain the Board's Legislative Branch autonomy and independence from San Francisco's Executive Branch.

I urge you to elect Supervisor Mirkarimi Board President this coming Thursday, in part because it is the right thing to do.

Respectfully submitted,

Patrick Monette-Shaw
Independent Community Observer

cc: Angela Calvillo, Clerk of the Board, San Francisco Board of Supervisors

C: BOS
AC, e page

NOTICE OF PREPARATION

Subject: Notice of Preparation (NOP) of the Harding Park Recycled Water Project Environmental Impact Report (EIR)

47

The City of Daly City, in partnership with the San Francisco Public Utilities Commission, is proposing the Harding Park Recycled Water Project. The City of Daly City, Department of Water and Wastewater Resources, at 153 Lake Merced Blvd., Daly City, CA 94015, will be the Lead Agency for the Harding Park Recycled Water Project EIR. The project location is shown in Figures 1 and 2 of the attached Project Description.

The purpose of this notice is to invite agency and public comment on the scope and content of the environmental review that is germane to the proposed project. Pursuant to CEQA Guidelines §15082 (b), you have 30 days to respond to this NOP. Please send your responses to Patrick Sweetland, Director of Department of Water and Wastewater Resources, at the address shown above and please indicate the project name: Harding Park Recycled Water Project on a cover page in the subject heading. We request that all responding agencies provide a contact name.

***Project Title*:** **Harding Park Recycled Water Project**

***Project Applicant*:** **The City of Daly City**

Project Location: **The Project would be located in Daly City and San Francisco, in San Mateo and San Francisco Counties. The proposed recycled water pipeline would be in Lake Merced Boulevard. The underground recycled water storage tank would be located in San Francisco at Harding Park.**

Project Description:

See attached Project Description.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 JAN -7 AM 11:42
BY

4

HARDING PARK RECYCLED WATER PROJECT

1.0 Overview

The City of Daly City (City) in partnership with the San Francisco Public Utilities Commission (SFPUC) is proposing the Harding Park Recycled Water Project (Project) to provide recycled water to irrigate Harding Park. Harding Park comprises an 18-hole golf course (Harding) and a 9-hole golf course (Fleming), located in the City and County of San Francisco (CCSF). The Project includes use of existing recycled water facilities (pump and approximately 0.8 mile of pipeline) currently serving the Olympic Club in San Francisco, and construction of an 18-inch diameter pipeline within the right-of-way of Lake Merced Boulevard between the Olympic Club and Harding Park, a storage tank beneath the parking lot at the Harding Park Maintenance Yard, and an irrigation pump station at Harding Park Maintenance Yard to deliver water to the Harding Park irrigation system. Existing recycled water pumps at the North San Mateo County Sanitation District Recycled Water Treatment Plant (referred to herein as the Recycled Water Facility) would alternate between pumping recycled water to the Olympic Club and pumping water to Harding Park.

To meet California Environmental Quality Act (CEQA) requirements, the City will prepare and distribute an environmental impact report (EIR) describing and analyzing the environmental effects of the Project. This Notice of Preparation describes the proposed new facilities and potential environmental effects of the Project, as well as announces scoping meeting dates for public comment.

As described below, the Project is a component of SFPUC's proposed Water System Improvement Program (see www.sfwater.org).

1.1 Project History and Development

1.1.1 Daly City's Recycled Water Facility

The City is a wholesale customer of the SFPUC. In 2003, the North San Mateo County Sanitation District (a subsidiary of the City) added tertiary[1] treatment facilities to produce recycled water to alleviate a portion of the seasonal demand placed upon the Westside Groundwater Basin, thereby preserving the aquifer for potable uses. The Recycled Water Facility is permitted under the City's National Pollution Discharge Elimination System permit to produce a maximum recycled water flow of 2.77 million gallons per day (mgd). Customers currently receiving recycled water from the Recycled Water Facility include

[1] Tertiary treatment, or advanced treatment, removes specific residual substances, trace organic materials, nutrients, and other constituents that are not removed by biological processes.

the San Francisco Golf Club, the Olympic Club, the Lake Merced Golf Club, and the City of Daly City for irrigation of area parks and medians. These recycled water customers use approximately half of the capacity of the facility.

At the Recycled Water Facility, tertiary effluent undergoes several treatment processes before being pumped to the recycled water customers for irrigation. First, the secondary effluent is treated with non-hazardous chemicals to encourage the minute particles in the water to stick together or coagulate. Then the coagulated water is flocculated, or mixed slowly, to help the particles form clusters of particles that can be more easily filtered out. Once coagulated and flocculated, the particles are filtered with sand filters, leaving an effluent relatively free from suspended solids and turbidity. The filtered plant effluent is disinfected with sodium hypochlorite. After the treatment process, the recycled water is either stored in an underground storage basin or pumped to one of the four existing recycled water customers. Each existing golf course customer has a dedicated recycled water pump.

1.1.2 SFPUC's Water System Improvement Program

The SFPUC Water System Improvement Program (WSIP), which was adopted by the SFPUC on October 30, 2008 (SFPUC Resolution 08-0200), includes facility improvement projects designed to: (1) ensure compliance with existing and anticipated future water quality standards under a range of operating conditions; (2) upgrade the seismic standards of critical facilities to improve seismic reliability and reduce the water system's vulnerability to damage from earthquakes; (3) improve water delivery reliability under a variety of operating conditions by improving overall operations of the system; and (4) ensure that SFPUC has an adequate supply of water available to deliver to customers during both non-drought and drought periods through the year 2018. The San Francisco Planning Department, Major Environmental Analysis Division, prepared a program EIR to evaluate the potential environmental impacts of the WSIP at a programmatic level and to evaluate regional water supply alternatives. The Project that is the subject of this Notice of Preparation is a component of the WSIP; implementation of this Project would contribute to meeting overall WSIP goals and objectives.

As part of the WSIP, the SFPUC plans to meet or offset ten mgd of its retail demand in San Francisco through a combination of conservation, recycled water, and groundwater projects. In 2007, the City, in coordination with the SFPUC, conducted a feasibility study (Daly City, 2007) evaluating the provision of recycled water to Harding Park from the Recycled Water Facility, creating the Project as described in this Notice of Preparation.

2.0 Project Purpose and Objectives

The Project is part of the SFPUC's WSIP and would contribute to its goals of diversifying regional water supplies through the development of recycled water as an alternative water supply for non-potable uses. The specific objectives of the proposed project include:

- Provide 1.37 mgd of recycled water to meet peak daily demand for irrigating Harding Park
- Diversify the SFPUC's water supplies by developing recycled water to benefit the SFPUC regional water system and help meet long-term water demands within the regional water system
- Develop a new water supply that is both reliable and drought-resistant

- Reduce the use of potable water and groundwater for irrigation and other non-potable uses by supplying those demands with recycled water

The City is partnering with the SFPUC to promote the above objectives for the benefit of regional water supplies through full and productive use of its Recycled Water Facility for recycled water production.

Facilities proposed as part of the Project include:

- Approximately 0.8 mile of 18-inch diameter recycled water pipeline to be installed in Lake Merced Boulevard between the Olympic Club and Harding Park
- A 700,000 gallon underground storage tank to be constructed under the parking lot at the Harding Park maintenance yard
- An irrigation pump station to deliver water to the Harding Park irrigation system

2.1 Environmental Review Process

As the CEQA lead agency, the City will prepare an EIR to evaluate the potential environmental impacts of constructing and operating the Project. CCSF, acting through the San Francisco Planning Department, Major Environmental Analysis Division, is a responsible agency. In accordance with CEQA Guidelines Section 15161, the EIR will provide information about potential significant environmental impacts of the Project, identify possible ways to minimize any significant impacts, and describe and analyze possible alternatives to the Project.

The first step in the environmental review process is the formal public scoping process (see Section 2.2, below). During the 30-day public review of this Notice of Preparation, the City will hold a scoping meeting to hear public and agency comment on the Notice of Preparation. Written comments will also be accepted during this period. Following the public scoping meeting, a Draft EIR will be prepared and circulated for a 45-day review period. Public comments on the Draft EIR will be accepted in writing during the review period or orally at a public meeting to be held by the City. The City will then prepare written responses to comments on environmental issues raised during the public review period, and a Response to Comments document will be prepared. This document will be considered by the City along with the Draft EIR and any revisions made to the Draft EIR, for certification as a Final EIR.

2.2 Public Scoping Meetings

The City will hold one scoping meeting following release of this Notice of Preparation in January of 2009 as follows:

Date: January 28th
Location: Larcombe Clubhouse (in Westlake Park)
Time: 7:00 p.m.
Address: 99 Lake Merced Blvd., Daly City, CA

The purpose of this meeting will be to receive comments that will assist the City in determining the scope and focus of the Project environmental impact analysis to be addressed the EIR. At the meeting, the public will have the opportunity to submit oral or written comments. The City will also accept written

comments by mail or fax until 2:00 p.m. on February 5th. Written comments should be sent to the City of Daly City, Attn: Patrick Sweetland, Director Department of Water and Wastewater Resources, Harding Park Recycled Water Project EIR, 153 Lake Merced Blvd., Daly City, CA 94015, by fax to 650-991-8220. Please indicate the project name, Harding Park Recycled Water Project, on a cover page in the subject heading.

3.0 Project Description

3.1 Project Location

The Project would be located in Daly City and San Francisco, in San Mateo and San Francisco Counties respectively. The Recycled Water Facility is located adjacent to Westlake Park south of Lake Merced in Daly City (see **Figure 1**). The proposed recycled water pipeline would connect with an existing 16-inch-diameter pipeline that currently delivers recycled water to the Olympic Golf Club. The underground recycled water storage tank would also be located in San Francisco in Harding Park, which is located along the northern edge of Lake Merced (see **Figure 2**).

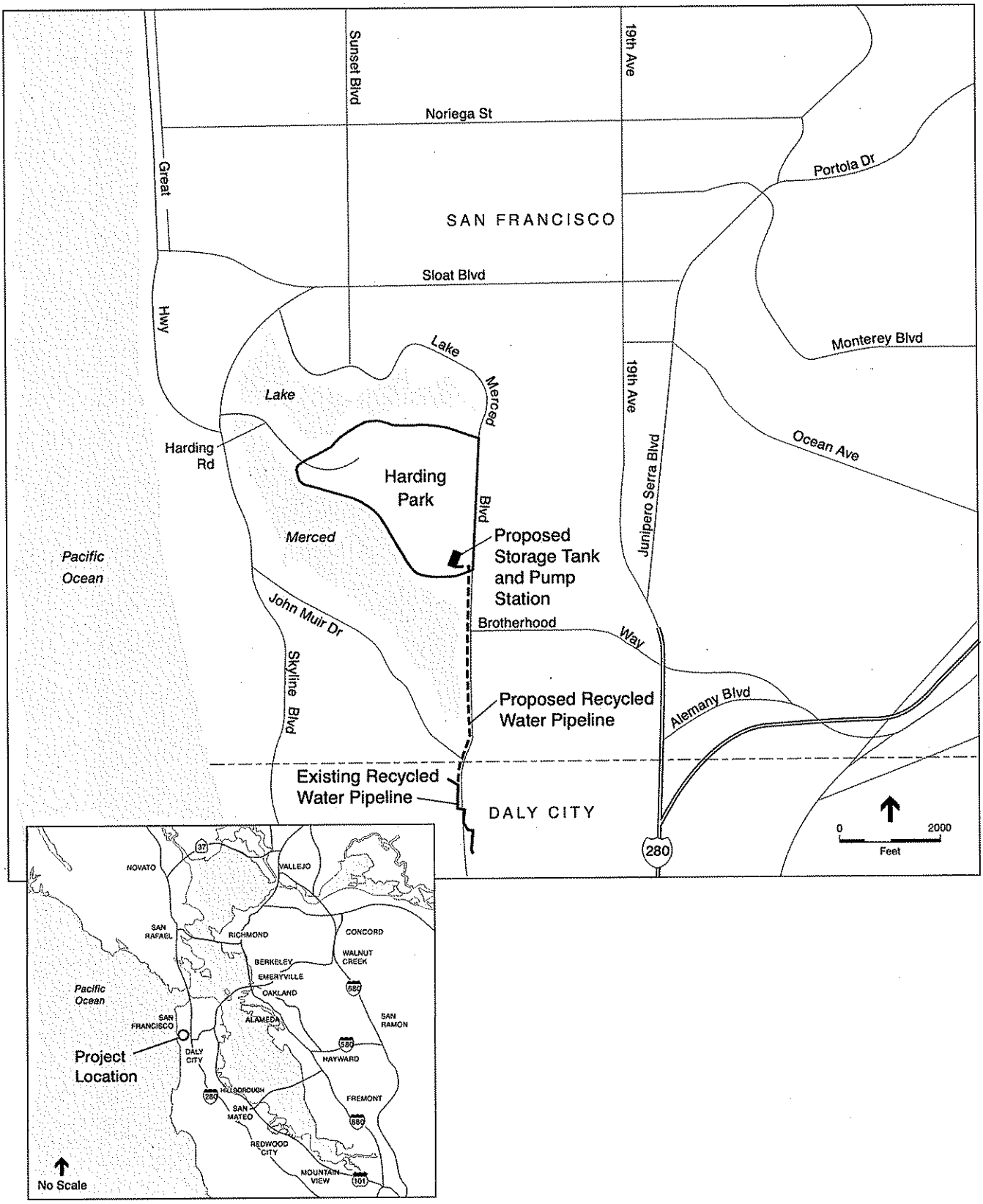
3.2 Recycled Water Demand

3.2.1 Recycled Water Demand Served by the Recycled Water Facility

Currently, on an average day during the irrigation season, the Recycled Water Facility supplies approximately 0.89 mgd of recycled water to three golf courses and City uses (e.g. irrigating area parks and medians). With the current and planned City uses, that total would increase to 0.93 mgd. Harding Park would bring average daily supplies to 1.32 mgd, which is still substantially below the 2.77-mgd production capacity of the Recycled Water Facility. **Table 1** summarizes existing and planned recycled water demands to be met by the Recycled Water Facility.

3.2.2 Demand Proposed to be Served by this Project

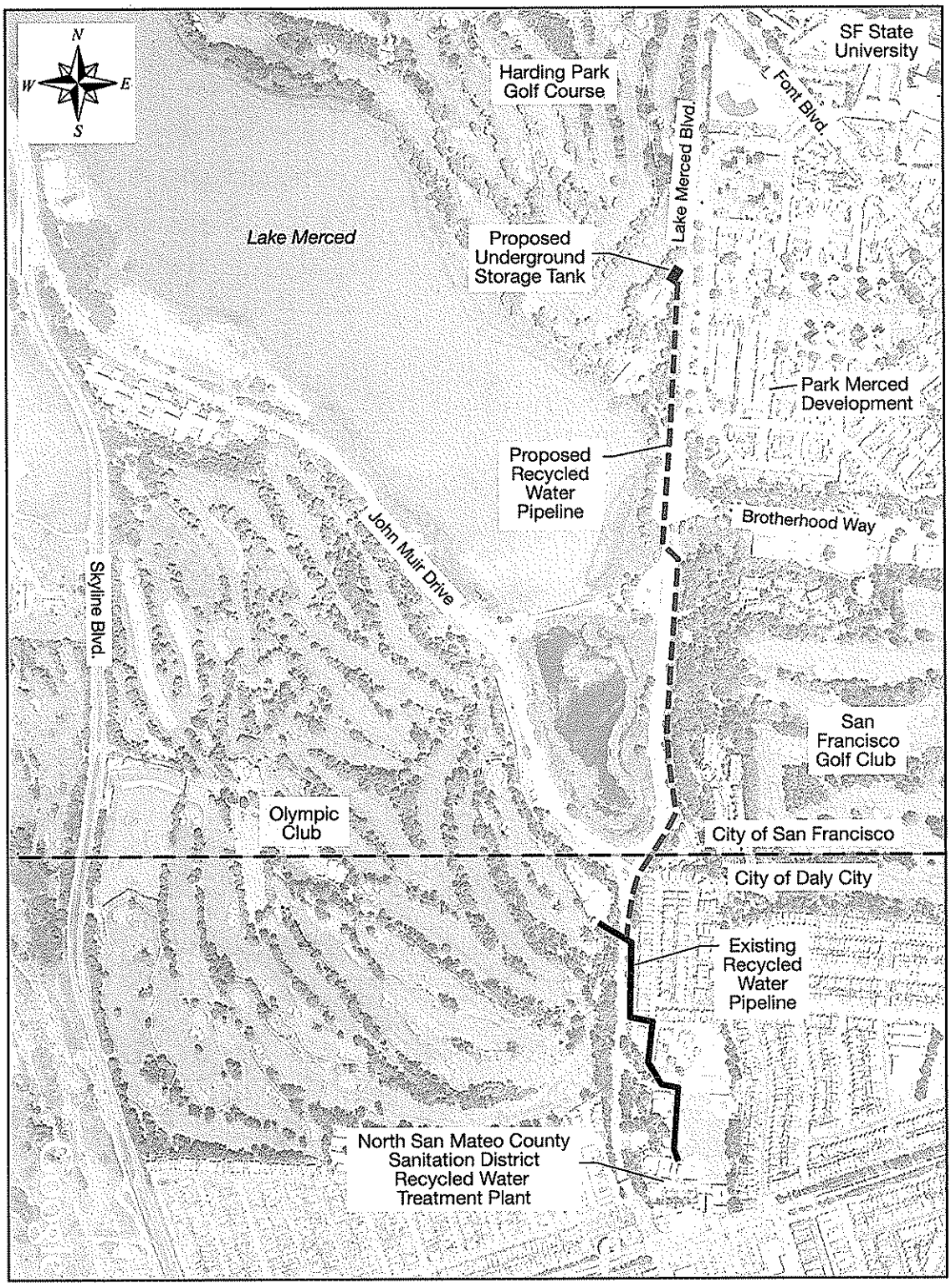
The *Harding Park Recycled Water Feasibility Study* (Daly City, 2007) assesses Harding Park's irrigation demand patterns (average and peak supply requirements) and attendant improvements needed for the Daly City recycled water system. For the report, project engineers estimated the average daily supply needs for a "peak week" (seven consecutive days with the highest estimated recycled water demand) to determine the supply needed. As shown in Table 1, the sum of average daily supply requirements in a peak week for the four golf course customers and other users is estimated at 2.63 mgd, which is less than the 2.77-mgd permitted production rate of the Recycled Water Facility. Therefore, there is enough production capacity to meet the needs of the golf courses and City uses during a peak week. Peak daily demands are met by pumping from Daly City to the storage tank according to a pumping schedule. Instantaneous demands of up to 2,000 gallons per minute (gpm) are met by the irrigation pump station.



SOURCE: ESA

Harding Park Recycled Water EIR . 207704

Figure 1
Regional Location Map



Harding Park Recycled Water EIR . 207704

SOURCE: Carollo Engineers

Figure 2
Project Area

TABLE 1
SUMMARY OF EXISTING AND FUTURE WATER SUPPLIES, DALY CITY RECYCLED WATER FACILITY

Distribution Point	Average Daily Demand Irrigation Season (million gallons per day)	Average Daily Demand Peak Week (million gallons per day)	Peak Daily Demand (million gallons per day)
Olympic Club	0.50	1.00	1.72
San Francisco Golf Club	0.21	0.39	0.61
Lake Merced Golf Club	0.16	0.30	0.75
Existing & Current Planned City Uses	0.04	0.14	0.40
Future Planned City Uses	0.02	0.02	0.02
Harding Park Golf Club	0.39	0.78	1.37
TOTAL DEMAND	**1.32**	**2.63**	**4.87**

SOURCE: (Daly City, 2007)

3.3 Proposed Facilities[2]

3.3.1 Infrastructure Needs

Recycled Water Storage Tank

The City's recycled water system can deliver recycled water to Harding Park and the Olympic Club using the existing Olympic Club recycled water pump, alternating the deliveries between the golf courses' storage tanks. The Olympic Club currently fills its tank multiple times during a day because the tank volume is smaller than an average day's demand for irrigation water. Harding Park would require a 700,000-gallon recycled water storage tank.

The proposed location for the storage tank is located at the onsite parking lot at the Harding Park Maintenance Yard (southeast of the 13th hole). The tank would be below grade with the top of the tank serving as the paved parking lot; the tank construction would not interfere with recreational use of the 13th hole. The site acreage for both the storage tank and pump station would be approximately 0.6 acre.

Harding Park would maintain its connection to the SFPUC local potable water distribution system as a back-up supply. The existing potable water pipeline would be extended to the underground storage tank. The proposed design includes an air-gap[3] between the potable water pipeline and the recycled water storage tank to prevent connection between recycled water and potable water piping.

2 Information in this section is from the *Harding Park Recycled Water Feasibility Study* (Daly City, 2007) and the *Preliminary Design Report, Harding Park Recycled Water Project* (Daly City, 2008).

3 An air gap is a vertical distance through the atmosphere between a potable water discharge outlet and an inlet connection or highest possible fluid elevation. An air gap is a point of separation between potable and non-potable water and prevents cross contamination.

Pipeline

To connect Harding Park to the current system, the proposed pipeline would extend from the existing 16-inch Olympic Club pipeline to the existing pipeline approximately 400 feet south of the Lake Merced Boulevard/John Muir Drive intersection. The new line would be a 18-inch diameter pipe, approximately 4,600 feet with a minimum 20-foot wide construction zone (approximately two acres), located within the boundaries of Lake Merced Boulevard. The proposed pipeline alignment parallels Lake Merced Boulevard, proceeding north approximately 5 to 15 feet to the east of the edge of pavement. Just south of the Lake Merced Boulevard/Lake Merced Hills Road intersection, the proposed alignment crosses Lake Merced Boulevard and continues north, parallel to Lake Merced Boulevard (5 to 10 feet west of the edge of pavement), until it reaches the Harding Park Maintenance Yard. The flow to the Harding Park storage tank would be controlled with an automated valve located at the tank and controlled remotely at the Recycled Water Facility. An isolation valve would also be installed on the Olympic Club line between the tee connection and the Olympic Club tank. The recycled water meter is located at the Recycled Water Facility.

Pump Station

The recycled water supply pumps that supply water to the tank are located and controlled at the Daly City Wastewater Treatment Plant. The Project will include a pump station to distribute recycled water from the storage tank to the irrigation system, to be located atop the tank at the northwest corner of the Harding Park Maintenance Yard parking lot. The irrigation pump station will house a control panel that will communicate with the existing irrigation / sprinkler system controls. The Preliminary Design Report (Daly City, 2008) identifies a requirement for two vertical canned turbine duty pumps and one standby pump with a capacity of 750 gallons per minute (gpm) at 115 psi. The site acreage for both the storage tank and pump station would be approximately 0.6 acre, including the area to be disturbed during construction. There is the potential for the permanent loss of up to two parking spaces.

3.3.2 Construction Scenarios

Construction Traffic and Parking

There would be approximately 10 construction personnel onsite for the pipeline construction and up to approximately 30 construction personnel during construction of the storage tank and pump station. Daily construction traffic volumes (including haul trucks, material trucks, and worker vehicles) are estimated at 10 vehicles (10 round trips or 20 one-way trips) during the pipeline construction and 10-20 vehicles (10-20 round trips or 20-40 one-way trips) for the storage tank and pump station. Proposed construction hours are from 7:00 a.m. to 5:00 p.m. seven days a week. Traffic evaluation and consultation would occur with San Francisco Municipal Transportation Agency/Department of Parking and Traffic. The contractor is anticipated to use Brotherhood Way heading east to either Highway 1 or I-280. Construction staging and construction worker parking areas would occur onsite, within the pipeline construction corridor, or adjacent to (less than 500 feet from) Harding Park. No shuttles are anticipated, although some employees may transfer back and forth between the staging area and construction site in vehicles. Access to the maintenance yard would be maintained during construction for San Francisco Recreation and Park Department staff.

Excavation Quantities

The following quantities have been estimated for the cut and fill of the pipeline and storage tank and pump station: pipeline cut: 7,500 cubic yards (CY) and fill: 7,200 CY; storage tank and pump station cut: 8,500 CY and fill: 3,000 CY. There is no known contamination at the Project site. The groundwater table is estimated to be no higher than 30 feet below ground level at the storage tank site and is below the maximum limits of excavation, which is estimated to be at 28 feet. No dewatering is anticipated during construction.

Other Construction Activities

No new permanent fencing would be constructed as part of the Project. Existing fencing may need to be removed and replaced as part of construction. No external motion detector lighting would be installed. There would be a light mounted on the exterior of the pump station above the door. Tree removal would occur in areas where construction would encroach into drip line and would total approximately 4-5 trees and shrubs.

3.4 Approvals Required

Subsequent to EIR certification, the EIR and administrative record will be reviewed by Daly City and CCSF prior to the ultimate decision to approve, disapprove, or modify the Harding Park Recycled Water Project. Specific approvals and permits anticipated to be required for Project construction and operation include:

- Determination of consistency with Local Coastal Program from the San Francisco Planning Department, the San Mateo County Environmental Services Agency, the Daly City Planning Division and/or the California Coastal Commission for construction within the Coastal Zone;
- Authorization under the General Construction Permit from the State Water Resources Control Board (SWRCB);
- Authorization under the General Stormwater Permit for construction from the SWRCB;
- Request approval to amend the existing NPDES permit for additional site;
- Project approval from Daly City Department of Water and Wastewater Resources and Economic and Community Development Department;
- Project approval from the San Francisco Public Utilities Commission;
- Project approval and schedule coordination with the Department of Public Works; and
- Project approval / permit from the MTA/ Department of Parking & Traffic.

3.5 Schedule

Design, environmental review, permitting and construction are expected to be completed by 2010. Project construction would occur from November 2009 to September 2010. Construction would not interfere with scheduled golf tournaments. Harding Park is hosting the President's Cup tournament October 8-11 2009;

therefore, no onsite construction would take place until after this tournament. Construction would be completed before preparation for the Charles Schwab Cup, to be held in Harding Park in October 2010.

4.0 Environmental Analysis

4.1 Environmental Issues to Be Addressed In the EIR

The EIR will address construction related environmental issue areas required under CEQA and will be consistent with the Programmatic EIR (PEIR) adopted for SFPUC's WSIP. The EIR will address potential impacts due to construction and operation activities and will identify mitigation measures for impacts considered to be potentially significant. The following sections describe a few of the key environmental issues that will be addressed by the EIR.

4.1.1 Land Use and Aesthetics

Construction and operation of the Project could affect adjacent land uses. The majority of project construction would occur in a street or parking lot. The Project has potential to disrupt neighboring land uses during construction. The EIR will evaluate potential land use and aesthetic impacts associated with implementation of the proposed Project. Potential effects to be evaluated include:

- Effects on compliance with established local, regional, state, or federal plans, policies, and/or guidelines
- Effects on the cohesion of an established community
- Effects on the inconsistency or incompatibility with existing or planned land uses
- Effects on neighboring land uses during construction
- Effects on scenic vista and scenic resources including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway
- Effects on existing visual character or quality of the sites and its surroundings.
- Effects resulting from the creation of a new source of substantial light or glare which would adversely affect day of nighttime views in the area.

4.1.2 Cultural Resources

Construction (mainly excavation) of the Project facilities could affect historical or cultural resources. Potential effects to be evaluated include:

- Effects on archaeological and paleontological resources
- Effects on nearby historic/prehistoric resources
- Effects on human remains including those interred outside of formal cemeteries

4.1.3 Transportation and Circulation

Construction of the proposed Project could have temporary effects on traffic, transportation, and circulation. Potential effects to be evaluated include:

- Effects on the regional and local transportation network
- Effects of adding new vehicle trips (from construction machinery and workers) and contributing to increased traffic congestion during construction and/or operation of proposed facilities
- Effects on traffic safety in the vicinity of the construction site
- Effects on emergency access in the vicinity of the construction site
- Effects on parking capacity

4.1.4 Noise and Air Quality

Noise

Noise and vibration effects from implementation of the Project would be associated with facility and pipeline construction activities and, as such, would be temporary and short term. However, operation of the proposed pump station could create permanent noise impacts. Potential effects to be evaluated include:

- Effects resulting from exposure of persons to or generation of noise levels in excess of standards established by local general plans or noise ordinance or applicable standards of other agencies.
- Effects of construction noise and vibration on sensitive receptors in the vicinity of the construction activities, as well as on historic buildings and architecture
- Effects of operation and maintenance activities on noise levels in the area adjacent to the construction

Air Quality

Effects on air quality from the Project would largely be associated with construction activities and, as such, would be temporary and short term. Potential effects to be evaluated include:

- Effects of construction emissions, including dust, and greenhouse gases (GHG) including exposing sensitive receptors to substantial pollutants concentrations and/or create objectionable odors affecting a substantial number of people.
- Effects on compliance with regional air quality plans
- Effects on compliance with state laws regarding GHG, and compliance with Assembly Bill 32
- Effects on concentrations of criteria pollutants for which the Project region is non-attainment under a state or federal air quality standard.

4.1.5 Recreation

Construction could temporarily disrupt recreational uses in the vicinity of Harding Park and other smaller parks in the area as a result of noise, dust, and temporary access restrictions. The EIR will evaluate the effects of the Project on such recreational resources, including effects of recycled water use at recreation sites. Potential effects to be evaluated include:

- Effects on use and physical condition of recreational facilities
- Effects on access to recreational areas during construction

4.1.6 Utilities and Public Services

The EIR will review the potential effects of the Project on utilities, public services, and energy resulting from both construction and operation and maintenance of the Project. Potential effects to be evaluated include:

- Effects resulting in increases in energy demands and potential need for expansion of power facilities
- Effects resulting in disruption of services (such as water or power) during construction
- Effects resulting in disruption of fire and police services during construction
- Effects on schools, parks or other public facilities
- Effects resulting in the relocation of utilities (if necessary)
- Effects of solid waste disposal on nearby landfills and compliance with AB 939

4.1.7 Biological Resources

The proposed Project could temporarily affect terrestrial habitats and wildlife as a result of proximity to construction activities, including noise, vibration, dust, and erosion effects. Operation of the Project facilities could have long-term impacts on biological resources from noise. Potential effects to be evaluated include:

- Effects on riparian habitat, sensitive natural community or federally protected wetlands
- Effects on the extent of habitat or habitat quality for plants and wildlife
- Effects on special-status species
- Effects on species populations and the ability to maintain self-sustaining levels
- Effects that interfere with wildlife species movement corridors or migration
- Effects on compliance with any local policies or ordinances protecting biological resources

4.1.8 Geology and Soils

Construction of the proposed Project could result in site-specific impacts on or from local geology and soils conditions. Potential effects to be evaluated include:

- Effects resulting from seismic hazards and/or increased exposure of people and structures to seismic hazards
- Effects resulting from exposure of people or structures to geologic hazards (such as liquefaction, poor soil conditions, expansive soils, or unstable slopes)
- Effects of erosion from construction excavation
- Effects of having soils that are incapable of supporting the use of septic tanks

4.1.9 Hydrology and Water Quality

Surface Water Resources

Since the underground storage tank and associated pipes would be located near the ocean and within the San Francisco coastal zone, construction could affect coastal waters. Potential effects to be evaluated include:

- Effects on surface water quality or flow from construction and operations activities
- Effects on existing drainage patterns
- Indirect effects (e.g., effects on other beneficial uses of the surface water, if applicable)
- Effects of placing structures within a 100-year flood plain or expose people to significant risk of loss, injury or death due to flood hazards
- Effects of exposing persons to risk of inundation by seich, tsunami or midflow

Groundwater Resources

Construction and operation of the Project could affect local groundwater resources in the Project vicinity. Potential effects to be evaluated include:

- Effects on groundwater levels and recharge
- Effects on groundwater quality
- Indirect effects (e.g., effects on other beneficial uses of the groundwater)

4.1.10 Hazards and Hazardous Materials

Construction of the proposed Project could require use of hazardous materials. Use of recycled water in publicly accessible locations requires different schemes of operation to minimize exposure. Potential effects to be evaluated include:

- Effects resulting from encountering hazardous materials or waste during construction or the potential to release hazardous materials during construction or operation
- Effects of being located on a site which is included on a list of hazardous materials sites

4.1.11 Other Environmental Issues

The EIR will evaluate potential growth-inducement impacts that could result from implementation of the Project consistent with the adopted PEIR. The EIR will also address whether the Project could result in impacts that would be significant when combined with the impacts of other projects occurring in the same geographic area as the Project and at the same time.

4.2 Environmental Issues That Will Not Be Addressed in Detail the EIR

The following environmental issue areas will not be analyzed in detail the EIR because their effects would be less than significant or not significant, and/or because they are not relevant to the proposed Project.

- Agricultural resources
- Effects on compliance with any applicable habitat conservation plan or natural community conservation plan
- Effects on air traffic patterns
- Effects of being located in the vicinity of an airport of private airstrip such that it may result in safety hazards for persons residing or working nearby

4.3 Alternatives

CEQA requires that an EIR evaluate a reasonable range of feasible alternatives to the Project, or to the location of the Project, that would attain most of the basic project objectives but that could avoid or substantially lessen any of the significant effects of the Project. The EIR will identify the potentially significant impacts of the proposed Project. The findings of the EIR impact analysis will guide the refinement of an appropriate range of alternatives to be evaluated in the EIR that would avoid or substantially lessen significant impacts, while still meeting the project objectives. Any alternatives suggested during the public scoping period would also be considered. The EIR will also include a discussion of impacts associated with the No Project Alternative.

References

City of Daly City, San Francisco Public Utilities Commission, San Francisco Department of Parks and Recreation (Daly City/SFPUC/SF Recreation and Parks), *Harding Park Recycled Water Feasibility Study*, 2007.

City of Daly City, San Francisco Public Utilities Commission, San Francisco Department of Parks and Recreation, *Preliminary Design Report, Harding Park Recycled Water Project*, May 2008.

San Francisco Public Utilities Commission (SFPUC), *Lake Merced Water Level Restoration Alternatives Analysis Report*, January 2008.

San Francisco Planning Department, *Water System Improvement Program Program EIR*, Case No. 2005.0159E, October 2008.

Jan. 7. 2009 1:19PM No. 1559 P. 3

CITY AND COUNTY OF SAN FRANCISCO
HUMAN RIGHTS COMMISSION

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 JAN -8 PM 2:22
BY

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

FOR HRC USE ONLY
Request Number:

➢ Section 1. Department Information

Department Head Signature: _____

Name of Department: Muni

Department Address: One South Van Ness, Rm 1058, San Francisco, CA 94103

Contact Person: Hermilo Rodis/Bart Murphy

Phone Number: (415) 701-4705 Fax Number: (415) 701-4729

➢ Section 2. Contractor Information

Contractor Name: Star Machine & Tool Co. Contact Person: Richard Wisti

Contractor Address: 215 6th St., SE, Minneapolis, MN 55414

Vendor Number (if known): 17602 Contact Phone No.:(612) 378-3232

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➢ Section 3. Transaction Information

Date Waiver Request Submitted: 1/7/09 Type of Contract: Purchase Order

Contract Start Date: When approved End Date: 7days ARO Dollar Amount of Contract: $2,921.62

➢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: 1/7/09

☐ 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.I.3)

☐ H. Subcontracting Goals

HRC ACTION

12B Waiver Granted: _____ 14B Waiver Granted: _____

12B Waiver Denied: _____ 14B Waiver Denied: _____

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: _____

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Municipal Transportation Agency
Purchasing Department
One South Van Ness, Room 3097
San Francisco, CA 94103

City and County of San Francisco

Memo

Date: January 7, 2009

To: Tamra Winchester **FAX No. (415) 431-5764**

From: Hermilo Rodis, Purchaser
S.F. Municipal Transportation Agency

Subject: Waiver Request for Star Machine & Tool Co.: ITSF09000408/SQ – RQPT09001007, RQPT09004021 & RQPT09011008

On December 22, 2008, the Office of Contract Administration publicly solicited for "Tool Bits", a repair part for the San Francisco Municipal Transportation Agency. The sole bid received was from Star Machine & Tool Co., a non-compliant vendor.

The vendor was sent a 10-day notification of NON-RESPONSIVENESS stating that they had to comply in 10-days with the requirements of San Francisco regarding the requirements of Admin. Code 12B. As of today's date, they did not respond and therefore continue to be non-compliant to the City's requirements.

To proceed with these requirements for the SFMTA, it is necessary to request that the Human Rights Commission grant a waiver per the requirements of Chapter 12B of the Admin. Code.

Once approved, please fax the waiver to my attention at 701-4729.

Thank You.

Municipal Transportation Agency
Purchasing Department
One South Van Ness, Room 3097
San Francisco, CA 94103

City and County of San Francisco

Memo

Date: January 7, 2008

To: **Clerk, Board of Supervisors** (415) 554-5163

From: Hermilo Rodis, Purchaser
S.F. Municipal Transportation Agency

Subject: **Award of Purchase Order to Non-Compliant Vendor (Equal Benefits)**
(Reference RQPT09001007, RQPT09004021 & RQPT09011008 / ITSF09000408/SQ)

This memo serves as notification that an award of a purchase order for "Tool Bits" to Star Machine & Tool Co. will be made upon approval of the "No Potential Contractors Comply Waiver" by the Human Rights Commission.

Please reference the attached copies of the waiver request and supporting justification.

"Christian Holmer"
<mail@ ————>

01/08/2009 09:41 AM

Please respond to
<mail@————>

To <mail@ ————>, <home@prosf.org>, '"Sunshine Posse"' <sunshine.posse@gmail.com>

cc

bcc Board of Supervisors/BOS/SFGOV

Subject SFSM Public Records Press Request Audit: 12/27/08 - 01/05/08 & 01/05/09 - 01/08/09: Working, Daily, Weekly Calendars - Public Officials

6

Attachments:
1. Sample Prop G Calendars From Ed Harrington (PUC Chief) and Ben Rosenfeld (Controller)
2. This Weeks City Attorney PIO's Sample SFSM Sunshine Audit Submission : Check Your Fears of Disclosure/Redaction At Door

SFSM (San Francisco Survival Manual) BOS Resolution: Community Based Informational Pilot Project: Increasing the efficiency and efficacy of services, connecting people with those that purport to reporesent them. BOS Resolution #040684:

Resolution urging City Departments to share departmental database data for a informational project with the San Francisco Survival Manual Publication for the benefit of both community organizations and the larger city-wide community.

WHEREAS, City Departments gather and maintain a wide variety of invaluable, yet underutilized data, such as demographic, population and budgetary information; and

WHEREAS, City Departmental data could be used to encourage community development and decision making, to produce updated lists of community services, to increase the efficiency and efficacy of services, and to connect people with the organizations that purport to represent them; and

WHEREAS, This information is not currently organized, maintained or disseminated in a cohesive way for the public to access; and,

WHEREAS, The San Francisco Survival Manual has collected and disseminated information on all SF populations, community organizations, government bodies and advocacy groups for 35 years; and

WHEREAS, The volunteer staff of the San Francisco Survival Manual will provide all the principal labor involved in making the database user friendly for the public; and

WHEREAS, The operation of this information clearinghouse will be based on grants and community fiscal sponsorship and will be at no expense to the city, now, therefore, be it

RESOLVED, That the board of Supervisors hereby urges City Departments to share all database data to which

the public is lawfully entitled with the San Francisco Survival Manual when requested for the purposes of a community based informational pilot project.

SFSM Public Records Press Request Audit 12/27/08 - 01/05/08 & 01/05/09 - 01/08/09: All Working, Daily, Weekly Calendars: Immediate Disclosure Request:

Provide Us <u>All Department Head / Mayoral Calendars</u> Including / Not Limited To Prop G, Working, Daily, Weekly, Etc. For The Period of 12/27/08 - 01/05/08 & 01/05/09 - 01/08/09: If Your Office or Executive Is Not required to Keep Prop G Calendar or Your Not Already Proving The Same or Equival e nt O)ne Please Provide <u>Primary Existing Working Calendar</u> For The Preveious Week For Your Office.

Save Time: Print To PDF From <u>All Calendars</u> Including / Not Limited To Prop G, Working, Daily, Weekly, Etc. If You Can't Print to PDF In Lotus Let Us Know. If You Don't Use Adobe Acrobat For the Creation of PDF's Let Us Know. We Have Workarounds. Many Of You Are or Have Migrated To Lotus Notes 7.0. This Further Simplifies Searchable Calendar Files Amongst *Other* Significant Things.

And...

SFSM Weekly Public Records and Press Request Audit For 12/27/08 - 01/05/08 & 01/05/09 - 01/08/09. Handling Filetypes: Simplifying Task For Respondents: Currently Accomodating Varying Current Standards and Practices.

To <u>All</u> Participating Elected Officials, Appointed Officials, Commissions, Task Forces, Oversight Bodies And City & County Employees Responding to Public Records Requests and/or Attending Public Meetings Etc.,

This request is Based on the California Public Records Act, San Francisco Sunshine Ordinance, the Prop 59 California Constitutional Amendment and BOS San Francisco Survival Manual Resolution #040684 (Attached Below).

A Three Part Request: Please Note that the Subject Documents (CPRA / Sunshine / FOIA ? Prop 59 Requests) To This Request Include Any and all those requests received from Records from the Fourth Estate (The Press – Print, Broadcast, On-line), Private Citizens, Community Based Organization/Non-Governmental Organizations, as well as Inter/Intra Governemental. Requests for Public Records Made by Government Bodies, Elected or Appointed officials of One Another.

This is Public not Private Correspondence. It has been submitted to the BOS C-Page and Broadly to the Press.

This Request is for Copies of Any and all Public Records Request Submissions to your Department, Offices or Employee. These requests are designed to minimize document reproduction and document retrieval costs for all.

We Have Recently Conducted a Series of Extensive Tests of the SFSM Real Time Sunshine Audit Process to Minimize the Staff Time Your Department Requires to Respond To This Request.

These tests Have Clearly Established that If you follow the 4 (four) part Instructions Below (and existing Public Records Laws) *it should take no more than 5 (five) to 10 (ten) minutes. (See Items #1 - #3 in Red Below)*

For This Fridays Response Please: Provide Us These Subject Public Records Requests in Their Original Electronic Formats.

If Such Submissions are received as Hard Copy Please Use Your Agencies Scanner and Automatic Document Feeder (**Please Identify Scanner Make and Model**) to Convert Those Submissions To Fully Searchable Light Weight PDF Documents as has Sometimes been the Practice of the SF City Attorneys Office

If other members of the public request an electronic, fax (**Please Identify Fax Make and Model**) or paper copy of this document (which includes my name and SFSM phone and fax numbers) please provide it to them. This request it is a "public" request (from *this* point of submission) for "public" records. It has been submitted to the Board of Supervisors C-Page and broadly to the press.

SFSM "People's" Sunshine Audit

In an ongoing effort to monitor:

1) Consistency of compliance to California Public Records laws and ordinances with respect to access to Public Records and responses from your department,

2) Consistency of the advice provided by the city attorney,

3) Promote more government transparency and accountability,

4) Save the City Money Throught the Prevention of Fraud, Graft and Corruption.

5) Establishing Standards and Practices for Keeping Document Creation, Retrieval and Reproduction Costs to a Minimum.

6) Establish best practices in providing public records using the fewest city resources and in the shortest turnaround.

A Three Part Request: Please Note that the Subject Documents (CPRA / Sunshine / FOIA ? Prop 59 Requests) To This Request Include Any and all those requests received from Records from the Fourth Estate (The Press – Print, Broadcast, On-line), Private Citizens, Community Based Organization/Non-Governmental Organizations, as well as Inter/Intra Governmental. Requests for Public Records Made by Government Bodies, Elected or Appointed officials of One Another.

1. Provide Us Subject Public Records Requests in Their Original Electronic Formats (Word, Excel. Lotus Notes with Dominos 6.5, All Other E-mails with Any and All Attachments) Received by your City Department, Agency, Commission, Task Forces, Oversight Body. As we've discovered many Departments don't receive as many requests as some "Believe". ;-) Standard and Practice: For Request Received by E-Mail: Drag Subject requests to Desktop: Attach to E-mail: Press Send.

2. (**Please Identify Scanner Make and Model**) If Such Submissions are received as Hard Copy Please Use Your Agencies Scanner and Automatic Document Feeder to Convert Those Submissions To Fully Searchable Light Weight PDF Documents as has Sometimes been the Practice of the SF City Attorneys Office. Took CAO PIO 2 Minutes to Convert 89 Pages of Hard Copy into Lightweight Searchable PDF's (While on The Phone) Using One City Attorneys Office Scanner With Automatic Document Feeder: 2 Minutes: Attach to E-mail: Press Send:

3. (**Please Identify Fax Make and Model**) If Such Submissions are received by Fax (and Only By Fax – which is rare) Fax The to the SFSM at ———. Place Fax submissions in Fax: Dial ——— Press Start Button.

Please provide information incrementally on a rolling end of day basis per Sunshine 67.25 (d)

Please provide the the names of the City Attorney's or their staff who personally perform any redactions of public records per Sunshine 67.26.

Please provide this information in it's original electronic format (or imaged as pdfs if previously only existed as paper copy as is the practice at the City Attorney's Office, DTIS, PUC and other departments) per Sunshine 67.21 and 67.21-1 (a) and (b).

SFSM 2008 Sunshine Data Request Related Correspondence

Pursuant to BOS Resolution #040694

P: ———

C: ———

F: ———

E: mail@ ———

RosenfieldNovember.pdf

DOC GM CAL 3.31-4.4.0820080407110033.pdf

SFCityAttySFSMsunshineAuditSubmission.docx

Jim Meko
<jim.meko@
01/08/2009 06:59 AM

To Paul Lord <paul.lord@sfgov.org>, Chester Fung <chester.fung@sfcta.org>, Lili Farhang <lili.farhang@sfgov.org>, Skot Kuiper
cc John Avalos <John.Avalos@sfgov.org>, Michela.Alioto-Pier@sfgov.org, David.Campos@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Chris Daly
bcc

Subject excitement at city hall today

7

Dear members of the Western SoMa Task Force,

Those throngs you'll see lining up at city hall today ... they won't all be there for our Complete Neighborhood Fabric Committee meeting.

Oh sure, we will be discussing those exciting Design Guidelines again, especially as they pertain to large development sites and in the SALI and MUO. And of course the conversation continues on environmental air quality for infill development, particularly along the Regional Commercial District corridors, in light of the Board of Supervisors' recently passed legislation recognizing "potential roadway exposure zones."

I know this is heady stuff and all by itself could probably explain the crowds. But besides our 6:00 gathering in Room 421, there's also the small matter of the inaugural meeting of the newly elected Board of Supervisors. Beginning at noon, the new Board will be sworn in and will then proceed to go about the business of electing a new president. To the best of my knowledge, no one will be walking into the chamber with the requisite number of votes. They'll go around and around casting votes, cutting deals and forging coalitions, playing the fine art of politics, until someone emerges as the second most powerful person in city hall. And then they will party.

I'll be camping out in the North Light Court in front of the big screen TV starting shortly after noon. When the Board adjourns, every Supervisor will open his or her office to the public. It will be a roaming buffet of good food and political hope, not to be missed if you have the time.

Fill up with both. Then come to the first Western SoMa Task Force meeting of the year. I promise it will be over by 8:00, just in time for the People's Inauguration party at the Temple club, 540 Howard Street (from 8:00 to 10:00 PM). I know it'll be a full day for political junkies but remember, we have a job to finish.

Jim Meko, chair
Western SoMa Citizens Planning Task Force

7

www.sfgov.org/westernsoma

BOARD of SUPERVISORS

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

8

Date: January 12, 2009

To: Members of the Board of Supervisors

From: Angela Calvillo, Clerk of the Board

Subject: Form 700

This is to inform you that the following individual has submitted a Form 700 Statement of Economic Interests to my office.

Frances Hsieh
Lin-Shao Chin
Linnette Haynes
Pooja Jhunjhunwala
David Owen

8

Veronique Marien
<veronique_marien@ >

01/17/2009 06:49 AM

Please respond to veronique_marien@

To board.of.supervisors@sfgov.org

cc

bcc

Subject Restore Sharp Park

9

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.

Veronique Marien

9

anita kofta
<kymonik@[redacted]>

01/18/2009 10:26 AM

Please respond to
kymonik@[redacted]

To board.of.supervisors@sfgov.org

cc

bcc

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anita kofta
[redacted]

9

pawel komisarski
<Komisarski@ [redacted]
01/17/2009 04:26 PM
Please respond to
Komisarski@ [redacted]

To board.of.supervisors@sfgov.org
cc
bcc
Subject Restore Sharp Park

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pawel komisarski
[redacted]

9

catalina valverde
<gnosis83@
01/18/2009 12:16 AM
Please respond to
gnosis83@

To board.of.supervisors@sfgov.org
cc
bcc
Subject Restore Sharp Park

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catalina valverde

Restore Sharp Park

Debbie Lopez
<debbieolopez@ ———
01/15/2009 06:41 PM
Please respond to
debbieolopez@ ———

To board.of.supervisors@sfgov.org
cc
bcc
Subject Restore Sharp Park

57

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Debbie Lopez

"d.a. roy"
<greagirl@ ————————
01/16/2009 04:41 AM
Please respond to
greagirl@y ————————

To board.of.supervisors@sfgov.org
cc
bcc
Subject Restore Sharp Park

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d.a. roy

Kimberly Hurtt
<kimmer760@[redacted]
01/16/2009 05:47 AM
Please respond to
kimmer760@[redacted]

To board.of.supervisors@sfgov.org
cc
bcc
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Kimberly Hurtt

[redacted]

9

frank bufano
<matarelli@
01/19/2009 05:43 AM
Please respond to
matarelli@

To board.of.supervisors@sfgov.org
cc
bcc
Subject Restore Sharp Park

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frank bufano

rene venema
<af.venema@[redacted]
01/19/2009 11:49 AM
Please respond to
af.venema@[redacted]

To board.of.supervisors@sfgov.org
cc
bcc
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rene venema
[redacted]

John Lewis
<johncymilo@
01/09/2009 06:04 AM
Please respond to
johncymilo@

To board.of.supervisors@sfgov.org
cc
bcc
Subject Restore Sharp Park

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John Lewis

10

Letty Cenidoza
<lsc-0526@———— >
01/05/2009 12:54 PM

To <board.of.supervisors@sfgov.org>
cc
bcc
Subject My (2) harasser/stalker "John Hauer and Kenneth Light" also ext. unemployment ins. and stimulus payment

From: lsc-0526@hotmail.com
To: senator@feinstein.senate.gov
Subject: My (2) harasser/stalker "John Hauer and Kenneth Light" also ext. unemployment ins. and stimulus payment
Date: Mon, 5 Jan 2009 09:33:22 -0800

This e-mail is to all the top government officials, Judicial/Judges staff in the State of California. Senator D. Feinstein, Senator B. Boxer, U.S. Rep. Madam Speaker N. Pelosi, Governor A. Schwarzenegger, State/Assembly legistature, Mayor G. Newsom, Chief Justice R. George, Mr. Ronald Overholt, and Mr. William Vickrey, at Jud.ca.gov I just wanted to let you know that I am discriminated by Judge M. Berger, regarding the extension of unemployment insurance. As well as Mr. Doug Shulman, Commissioner at IRS.Gov regarding "stimulus payment". Both of them won't release and pay it without authorization from my (2) harasser "John Hauer and Kenneth Light". They've contacted the followings Cnn. com, Cbsnews.com, Foxnews.com, USAtoday.com-newspaper etc. as Judge M. Berger, it's going to be in a hot seat as I flagged them and they begged not to aired it. Also they've contacted one of the staff at "ohchr.org" in Geneva, Switzerland that's the style of my (2) harasser/stalker as they're very..scared as they lied to all of you. I can't get the job as they are in control. Mostly of the companies around San Francisco Bay Area they had my resume and they had a contact with the recruiter at human resources dept. and instructing them not to hire me without authorization from them in short "discrimination" as I am not "white". Also they blocked the fax # of the FBI.Gov in Washington, DC and some of the e-mail addressess of the FBI won't go through "blocked" like Portland,Oregon, Seatte, San Francisco, New York-etc also the EEOC. GOV and I used to e-mail them. They had a contact at hotmail.com they can instruct anybody
to deleted/blocked anything if they wan't too. They know ahead of time all my incoming and outgoing e-mail. They had a guts to blocked even federal government fax # as mostly of the assistant of the top government officials are collaborating with them that's why they're not afraid or scared. Kenneth Light, won't stop calling at home. If he is matured enough or act as a professional he is is not going to instruct one of his staff to ask me if I am available and if it is okay with me an office romance. I was only new and he has a guts to ask that kind of question probably he is thinking that he is a "Quack Doctor" that I am going to pay attention to him "excuse me" your not qualified as you look "junkie" in all aspects as if you don't have education the way your behaving. Also I am pretty sure that they contacted Mr. William Vickrey at jud.ca.gov not to help me. Please tell them to release and paid my "EUI and S.P." also tell them to removed the red flag from all the companies where I applied.

Thank you.

Letty S. Cenidoza

10

11

Board of Supervisors/BOS/SFGOV
01/09/2009 11:35 AM

To BOS Constituent Mail Distribution,
cc
bcc
Subject Fw: Fast Trak required to enter the Marina...MEETING TONIGHT!

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548
----- Forwarded by Board of Supervisors/BOS/SFGOV on 01/09/2009 11:40 AM -----

Fred Biagini <fredbiagini@[redacted]
01/08/2009 02:31 PM

To Board.of.Supervisors@sfgov.org
cc jbb3252@[redacted]
Subject Re: Fast Trak required to enter the Marina...MEETING TONIGHT!

To whom it concerns:

A few years back you stopped the Embarcadero Freeway from hooking up with the Golden Gate Bridge because it would result in traffic bypassing San Francisco and take dollars away from the City. In fact, you tore what was built of the freeway down at great expense. Now, you want to charge a fee to drive in the City. Make up your minds, do you want business in San Francisco or not. Can't have it both ways. Something is going to suffer. There are always the unintended consequences.

Fred Biagini

--- On **Wed, 1/7/09, Janette Barroca <*jbb3252@*[redacted]** wrote:
From: Janette Barroca <jbb3252@[redacted]
Subject: Fast Trak required to enter the Marina...MEETING TONIGHT!
To: eteriallen@[redacted]
Cc: kgarcia@examiner.com, briansussman2@[redacted], martimes@[redacted]
sf.nancy@[redacted], Board.of.Supervisors@sfgov.org
Date: Wednesday, January 7, 2009, 3:53 PM

If you can't attend but would like to air your views on this matter PLEASE send a message to:
"Board of Supervisors" <Board.of.Supervisors@sfgov.org>

--- On **Wed, 1/7/09, Member Communications <*members@sfmca.org*>** wrote:

11

Sound impossible? Under a current proposal by the S.F. County Transportation Authority to impose a ***"Congestion Toll",*** San Francisco would charge motorists for entering and leaving portions of San Francisco; including areas of the Marina. As a Marina resident, you will not be exempted from the toll. If you'd like to learn more and have an opportunity to comment, please attend a neighborhood meeting TONIGHT, January 7th. Representatives of supervisor Michaela Alioto-Pier's office and the S.F.County Transportation Authority will be present to discuss the details of the proposal. The meeting will be held at:

Golden Gate Yacht Club
1 Yacht Road
San Francisco, CA 94123
Wednesday, January 7th 6:30 PM

There is plenty of free parking. This may be your ONLY opportunity to comment. I encourage you to attend.
Please forward this email to anyone who may be impacted by the toll.

See you tonight!
John Millar
Vice President, Marina Community Association

12

ahimsa sumchai
<asumchai@[redacted]>
01/07/2009 03:13 PM

To <publicrecords@baaqmd.gov>, <communityfirstcoalition@yahoogroups.com>, <m26sf@[redacted]>, <frandacosta@[redacted]>
cc
bcc
Subject Air Monitoring Data - Parcel A Hunters Point Shipyard Lennar Development Site

Dr. Ahimsa Porter Sumchai NSCA-CPT

Subject: 09-01-09_Sumchai
Date: Wed, 7 Jan 2009 11:15:35 -0800
From: PublicRecords@baaqmd.gov
To: asumchai@[redacted]

09-01-09_Sumchai,

Good day to you,

Please find attached the information in regards to the air monitoring data. As far as the other information you are requesting, the particulates and VOC's, that part is not handled by the District. Dust particulates for this project are required to be monitored by the SF Dept. of Public Health. Please contact them for that information.

Thank you,
Public Records Staff
In house: Public Records
publicrecords@baaqmd.gov

Rochelle Henderson,
Public Records Coordinator
415-749-4784

From: ahimsa sumchai [mailto:asumchai@hotmail.com]
Sent: Monday, January 05, 2009 3:52 PM
To: Public Records
Subject: RE: No request sent

Thanks!

12

Dr. Ahimsa Porter Sumchai NSCA-CPT

Subject: RE: No request sent
Date: Mon, 5 Jan 2009 14:36:52 -0800
From: PublicRecords@baaqmd.gov
To: asumchai@ ————
Your request is being worked on. I was not here last week. As soon as I get it, I will forward it to you via email.

Thank you,
Public Records Staff
In house: Public Records
publicrecords@baaqmd.gov

Rochelle Henderson,
Public Records Coordinator
415-749-4784

From: ahimsa sumchai [mailto:asumchai@ ————
Sent: Monday, December 22, 2008 12:09 PM
To: Public Records; ahimsa.sumchai@ ————
Subject: RE: No request sent

I am requesting air monitoring data from the Lennar Parcel A site at the Hunters Point Shipyard for the months of August 2008 through November 2008. If you are able to include particulates and any metal or VOC's tested for that would be great!
Ahimsa Porter Sumchai , M.D.

Subject: No request sent
Date: Mon, 22 Dec 2008 09:53:25 -0800
From: PublicRecords@baaqmd.gov
To: asumchai@ ————
Good morning, Dr. Sumchai,
I received your message on Sunday. To date, I have not received a request from you. Please reply to this email with the information you are requesting and the dates you desire.

Thank you,
Public Records Staff
In house: Public Records
publicrecords@baaqmd.gov

Rochelle Henderson,
Public Records Coordinator
415-749-4784

ahimsa sumchai
<asumchai@l————
01/13/2009 03:09 PM

To <home@prosf.org>, <board_of_supervisors@ci.sf.ca.us>
cc
bcc
Subject BAAQQMD Air Monitoring Data - Parcel A

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In house: Public Records
publicrecords@baaqmd.gov

Rochelle Henderson,
Public Records Coordinator
415-749-4784

AsbestosLabResults_Station_010509.pdf

13

I implore you to take a closer look at the management of the San Francisco zoo. More progressive and professional measures need to be taken to ensure animal welfare. Exploitation of animals is not the purpose of zoos. Especially, here in San Francisco. Please put the emphasis on education and rehabilitation.

Sincerely,

Dr. Patrick Giannetto

13

AC, c page, Victor Y

14

January 9, 2009

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

Subject: Overtime Justification Report - Administrative Code Section 18.13-1
San Francisco Municipal Transportation Agency for July 1, 2008 – October 31, 2008

Dear Ms. Calvillo,

Pursuant to Administrative Code Section 18.13-1, the San Francisco Municipal Transportation Agency (SFMTA) is submitting herewith the San Francisco Municipal Railway (Muni) and Department of Parking and Traffic (DPT) overtime justification report for its employees who worked overtime in excess of 16% of the regularly scheduled straight time for the period July 1, 2008 through October 31, 2008. This report excludes transit operators and transit supervisors. Our last report submitted on June 3, 2008 covering the period July 1, 2007 through March 7, 2008 stated 307 employees reached the threshold. As of October 31, 2008, SFMTA had 278 employees who met the overtime reporting criteria set forth in the Administrative Code. The decrease in overtime usage is attributed to many factors such as seasonal fluctuating staffing needs, new employees finishing their on-the-job training, and completed programs and projects not requiring additional overtime.

Overtime assignments are made on a voluntary basis and are based on seniority, specific job knowledge, and availability. Most of the 278 employees are categorized as service critical employees who are responsible for service delivery. Employees who volunteer for overtime are rotated in order to equitably distribute opportunities to work overtime. Certain employees make themselves available to a greater degree than others. Therefore, what could be perceived as disparity among overtime earners actually represents greater willingness and ability to work required overtime assignments by certain employees. SFMTA managers exercise tight controls to ensure that there are no overtime abuses.

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The SFMTA employees who exceeded the 16% threshold worked overtime due to the following:

Finance Division

The Revenue Section is responsible for the daily collection and processing of revenue from fare boxes, fare gates, change machines, and ticket vending machines in addition to vendor distribution and public sales of fare media at kiosk locations, special events, and in line for cable car and F-Line service. The nature of this work generally requires tasks to be conducted daily. Failure to do so would have significant impact on the public including the unavailability of passes for sale, full fare boxes, and empty subway change machines. Special Events and seasonal route sales are concentrated during the summer months and drop off significantly during the rest of the year.

Fifteen Revenue staff exceeded 16% of their regular work hours for the period of July 1, 2008 through October 31, 2008 compared to twenty-five for the period of July 1, 2007 through March 8, 2008. The current overtime use is a result of the following:

- Staffing shortages in service critical areas such as fare box fingertip maintenance or "Road Call"; fare gates, ticket vending machines, change machines, and fare box revenue collections, and sales locations staffing.
- Special events and seasonal coverage including Bay to Breakers, baseball and football games, Halloween and Pride Week festivities requires work be conducted using overtime.

The following strategies will be implemented to reduce overtime:

- Fare box fingertip maintenance will no longer be performed on weekends beginning December 2008 and will transition completely to Muni Operations Fare Box Repair Shop on April 2009.
- Eight new Fare Collection Receiver positions will cover the special events and seasonal coverage functions on straight time.
- Developing a strategy to address excessive absenteeism in all units of the Revenue Section to decrease the need for overtime use to cover shifts.

Bus Operations:

Majority of the Bus Operations overtime usage is attributed to factors such as special events service and staffing; ongoing vehicle maintenance and repair; and transportation support functions.

Special events and public demonstrations incurred a large amount of overtime moving large masses of people from various events and locations that involved detours; bus bridges for Light Right service impacts that required staff overtime to

meet operations and maintenance demands; and unscheduled bus services to supplement the F-Line during the heavy tourist season.

Due to staffing schedules and constraints, the Bus Maintenance group responsible for ongoing vehicle maintenance and repair incurred overtime to meet maintenance schedules on time and to ensure vehicle availability for revenue service.

Graffiti is an on-going challenge and creates a major demand on the Fleet Appearance staff responsible for some of the transportation support functions and overtime is incurred to meet the demands of vehicle cleaning and cleanliness.

Rail Service Operations:

The Light Rail Vehicle (LRV) Maintenance unit is responsible for providing the required number of vehicles for service delivery for the morning and afternoon peak demand as well as conduct programs to maintain vehicle reliability. This unit has had large number of reductions for the past several years of its first line positions in Running Repair, Preventive Maintenance Inspections, and the Metro Support Shops. The reduced staffing levels over the years has had a serious impact on the LRV's Maintenance unit's ability to effectively perform scheduled inspections, corrective maintenance, and conduct on-going campaigns to meet the required service delivery. Additionally, baseball, football and all special events in the city require extra LRV service generating unscheduled increased mileage on the LRV fleet and directly impacts LRV maintenance and availability. LRV Maintenance will continue to use overtime to provide the rail service demanded by the public and until all the necessary positions are filled to cover the reduced staffing. Overtime was also utilized to meet service demands, Prop E goals, and key performance measures for vehicle availability and reliability affecting on-time performance objectives.

The Presidents' Conference Committee (PCC) Shop is short a high number of mechanic positions and has inadequate staff to provide 24/7 shift coverage and required maintenance on the historic streetcar fleet. The historic F-line fleet is a mixed fleet of rail vehicles and vintage PCCs that requires more annual maintenance due to its age and mechanical condition. Additionally, the high number of operating hours results in a higher than normal defect repair rate. Overtime is used to perform maintenance activities in a timely manner.

The Mobile Response Unit (MRU) was created to provide quick response and early intervention to correct service delays caused by equipment failures. The unit responds to all line delays and emergency situations and provides assistance to rail operations in keeping delays to a minimum throughout the railway. Additionally, the MRU provides support for extra service demanded by the F-Line, baseball and football games, and special events. The MRU provides 24/7coverage and is

currently not fully staffed with 13 electrical transit system mechanics including a supervisor. Overtime is utilized to provide adequate shift coverage.

The Cable Car Roadway Track Maintenance unit responds to all cable car events related to switches, bumper bars, derailments, depression beams, strand alarms, slot blades, and turntables. The Cable Car Roadway staff also performs slot rail grinding, switch repairs, and works with the Track department to address cable car track issues. Due to staff shortages, overtime was used to respond to roadway events and to perform normal maintenance activities.

The Wire Rope Cable Maintenance Mechanics are splicers who perform cable watch stander duties 24/7. The splicers monitor the cable operation, respond to cable strand alarms, make road calls, and repair or splice or replace damaged cables. This unit is extremely short staff and there has been an increase in the number of damaged cable car events resulting in increased cable repairs and replacements. Overtime was used to make repairs or to cover a watch.

Rail Operations has one secretary and no clerks and must utilized overtime for the administrative staff to provide adequate secretarial and clerical support for all the units in the division including Fleet Engineering, Running Repair, Geneva Car House, PCC Shop, Metro Support Shop, Carpenter Shop, Special Machine Shop, Meet & Greet, MRU and training support.

System Support:

The Signal division operates 24/7 and is currently understaffed. The division must maintain a minimum of three staff per crew for safety considerations and each crew must respond to any unscheduled daily emergency road calls in addition to their daily preventive maintenance. Overtime was utilized to support workload and regular duties.

The Farebox Shop operates 24/7 and is currently understaffed with only eight personnel responsible for maintaining over 1200 fareboxes and 56 faregates, Muni facilities revenue collection equipment, and money processing systems. In addition to supporting the routine systems, newly added tasks such as TransLink and Automatic Passenger Counting System must also be accomplished. Due to the short shutdown window and personnel shortage, staff has been required to work overtime to accommodate track replacement and capital engineering design projects.

The Overhead Lines unit is responsible for maintaining over 350 miles of overhead electric transit power wires and an underground electric feeder to efficiently provide trolley and street car transit services. The transit power line workers worked overtime to perform emergency work related to down overhead lines and underground power cabling systems occurring beyond regular shifts. Additional overtime hours were

incurred by the maintenance schedulers and transit power line workers to relocate poles and overhead trolley wires during non-revenue hours funded by outside contractors.

In the Buildings and Grounds Maintenance Unit, several stationary engineers, an electrician, maintenance planner and locksmith worked overtime on emergency work, facility call backs, special projects support, tunnel lighting re-lamping and shift relief coverage. The stationary engineers also respond 24 hours per day, 7 days per week to facility alarms emergency situations.

The heat and ventilation inspector is listed within the overtime reporting threshold repairing elevators and escalators at all the facilities and custodians worked overtime to respond to call backs due to staff shortages.

The Operations Control Center (OCC) is the hub of Muni operations and operates 24/7. Overtime was incurred to cover vacant shifts and maintain staffing levels required of public transportation agencies.

Security:
The Security Section has one employee who can always be counted on to work overtime to complete special report requests and special event assignments. The situation has been addressed and this employee will no longer work overtime unless approved by management.

Enforcement:
The Enforcement section of the Safety, Security and Enforcement Division staffed many special events during this time period, such as Fleet Week, Halloween, Church and Dubose Re-railing project, Elections, and Safe Shoppers. Enforcement must also staff all sporting events, including foot races throughout the City. Additionally, all large events held at the Moscone Centers, AT&T and Candlestick parks are staffed by parking control officers (PCO's) with the assistance of Communications Dispatchers.

Other factors contributing to overtime accumulation for Enforcement staff include:

- All approved street closures for special events by the Interdepartmental Staff Committee On Traffic and Transportation (ISCOTT).
- Unplanned street closures (i.e. fires, bomb threats, power outages, etc.)
- Anti-War Demonstrations
- Special enforcement details, such as Residential Parking and sidewalk enforcement
- Broadway Enforcement

All PCO vacancies have been placed on hold due to budget constraints. Currently Enforcement is challenged when overtime is requested because the majority of parking

THE PVBLIC LIBRARY OF THE CITY AND COVNTY OF SAN FRANCISCO
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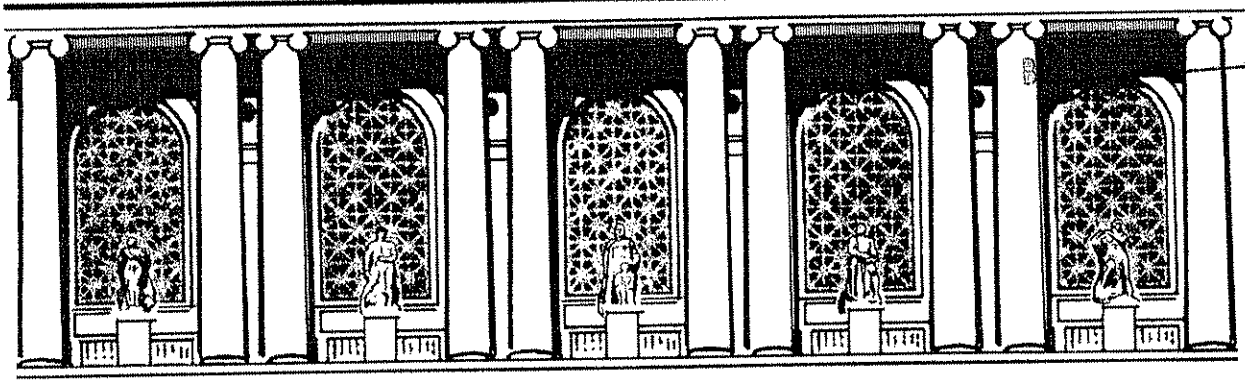


15

The Original Library Movement

January 12, 2009

James Chaffee

Mayor Gavin Newsom
Office of the Mayor
City Hall, Room 200
San Francisco, CA 94102

Re: Responsiveness in Government: An Attendance Policy

Dear Mayor Newsom:

You may remember that you sent a letter to all department heads and commission secretaries on September 18, 2006, outlining your standards for attendance of your appointees at boards and commissions. I have attached a copy of that letter for your convenience. This was in response to Resolution 502-06 passed by the Board of Supervisors on August 15, 2006, and signed by you August 17, 2006.

Since the Public Library is the most privatized of our departments and public responsibility is non-existent, it is to be expected that it would be your Library Commission that would make a farce of this initiative for democracy. There have been 21 library commission meetings since January 17, 2008, the first meeting of the new commission. A standard of 90% attendance would allow only two absences. The absences of the seven commissioners are as follows:

Member	Absences	Percent	Tardy
Carlota del Portillo	7 (1 unexcused)	66%	0
Lonnie Chin	4	81%	8
Mel Lee	3	86%	1
Larry Kane	2	90%	8
Jewelle Gomez	1	95%	3
A. Lee Munson	1	95%	1
Al Harris	0	100%	0

15

As you must know the announced expectations of your office and the fulfillment of those expectations can diverge dramatically. In an earlier letter I referred to this as throwing a snowball of the top of a mountain without acknowledging the mess that accumulates at the bottom. This is actually not much better than the attendance record that the old Library Commission had in 2006 and 2007.

It was entirely predictable that the privatized public library would make the least effort fulfilling the mandate of representative government. In fact the library commission and its administration has completely abandoned any respect for the requirements of open government and public process, and turned its back on the gestures toward good faith and reason that we still see in other departments in City Hall.

I hope that you and your staff are willing to draw lessons about the efficacy and accountability that come with privatization and set aside funding. You and the Board of Supervisors encouraged the voters to reject the oversight of elected officials that comes with the annual budget process and this is only the smallest hint at the result.

Very truly yours,

James Chaffee
cc: Members, Board of Supervisors
Interested citizens and media

Office of the Mayor
City & County of San Francisco

Gavin Newsom

September 18, 2006

Departmental Directors and Commission Secretaries:

In a continuing effort to increase governmental efficiency and performance, I want to ensure consistent attendance of appointed representatives to our City and County commissions. I believe that consistent commissioner attendance is necessary for each commission to function well and effectively advance departmental goals. Appointments to commissions have been made by my office in order to allow for diverse viewpoints to be represented, so each commissioner's participation is essential.

Along those lines, my office is interested in establishing baseline standards of commissioner attendance across all city commissions:

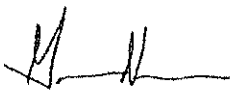
- All commissioner absences be 'excused absences,' in which a commission secretary or the appropriate departmental representative is notified in advance of the meeting about the absence.
- A working goal of 100% attendance for commissioners, which recognizes the critical importance of each commissioner's attendance at meetings. As a practical matter, I believe it is appropriate to ask that each commissioner have at least 90% attendance to their regular commission's meetings—recognizing that illnesses or family emergencies arise very occasionally.
- In order to monitor efforts toward this goal, I ask that commission secretaries submit an annual report to my office at the end of each fiscal year detailing commission attendance.
- Moreover, I ask commission secretaries contact my commissions liaison if a commissioner misses a meeting without contacting the department in advance, or when a commissioner has missed three meetings in a fiscal year, so that my office may contact that commissioner.

Please consider incorporating these standards into your commission's policies and procedures as appropriate.

Each individual commissioner's experiences and skills are highly valued, and consistent attendance allows for the full potential of each commission to be utilized. Meeting attendance is also one of the many factors my office uses to consider future appointments of individuals currently serving on commissions, so detailed attendance records will be helpful to our appointment process.

Should you have any questions about this letter, please contact Wade Crowfoot at 554-6640.

Yours sincerely,



Gavin Newsom

1 Dr. Carlton B. Goodlett Place, Room 200, San Francisco, California 94102-4641
gavin.newsom@sfgov.org • (415) 554-6141

"James Chaffee"
<chaffeej@[redacted]>
01/12/2009 05:48 PM

To <Bevan.Dufty@sfgov.org>, <board.of.supervisors@sfgov.org>, <Carmen.Chu@sfgov.org>, <Chris.Daly@sfgov.org>, "David
cc
bcc
Subject Chaffee -- Did the Mayor's Initiative for Commission Attendance Work? Not at the Library Commission

Dear Friends,

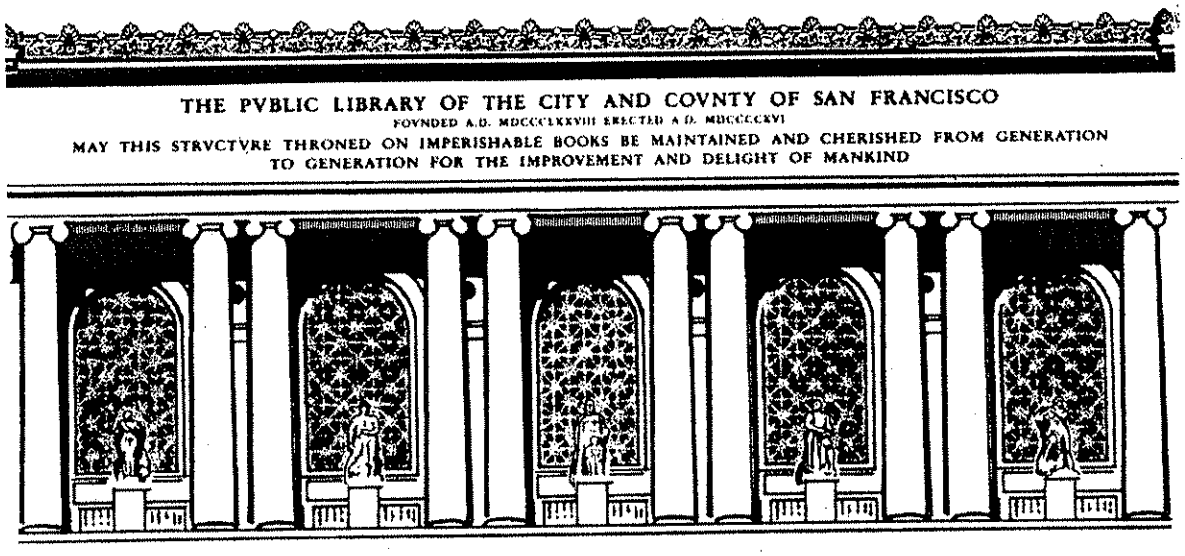
Today I hand delivered to the Mayor and the Board of Supervisors the attached letter which details the fact that the current Library Commission's attendance record is no better than before, after the Mayor set a goal for his appointees of 100% attendance and a standard of 90% attendance. Three commissioners did better than that, one was right on the cusp, and three were much worse; one as low as missing one third of the meetings.

Since the Library Commission judges itself by privatization standards and has no concern for public accountability, the fact that no one cares is part of the point of the letter.

I guess we have reached the stage where one has to send a letter to the Supervisors several different ways, and hope that one gets through.

James Chaffee

NEWSOM 01-12-09-AttendancePolicy-wEnc.pdf



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Office of the Mayor
City & County of San Francisco

Gavin Newsom

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Gavin Newsom

1 Dr. Carlton B. Goodlett Place, Room 200, San Francisco, California 94102-4641
gavin.newsom@sfgov.org • (415) 554-6141

Laini Scott/HSS/SFGOV
01/13/2009 10:21 AM

To

cc

Subject PLEASE POST ATTACHMENTS TO THIS MESSAGE - Health Service Board Election

16

MEMORANDUM

TO: Partner Employers
Department Heads
Labor Organizations
Retiree Associations
Interested Parties

FROM: Bart Duncan, Health Service System Director

DATE: January 13, 2009

SUBJECT: **Notice to Announce Health Service Board Election**

A Health Service Board seat will become vacant on May 15, 2009, at the end of the term of one of the four elected members.

Pursuant to the Charter and Sections 16.550-16.554 of the San Francisco Administrative Code, whenever the term of office of an elected member expires, an election must be held to fill the vacancy.

MEMORANDUM

TO: Partner Employers
Department Heads
Labor Organizations
Retiree Associations
Interested Parties

FROM: Bart Duncan, Health Service System Director

DATE: January 8, 2009

SUBJECT: **NOTICE TO ANNOUNCE HEALTH SERVICE BOARD ELECTION**

A Health Service Board seat will become vacant on May 15, 2009, at the end of the term of one of the four elected members.

Pursuant to the Charter and Sections 16.550-16.554 of the San Francisco Administrative Code, whenever the term of office of an elected member expires, an election must be held to fill the vacancy.

The Health Service Board announced this vacancy at its January 8, 2009, meeting. The Department of Elections shall conduct the election from Friday, May 8, 2009 through Friday, May 22, 2009.

For your information and use, an election notice and schedule are attached. Please post this notice in a conspicuous location, so that all employees and retirees may be on notice of the forthcoming election. If the notice receives widespread distribution, then our employees and retirees will be encouraged to participate.

We have provided you with multiple copies of the notice. Please make additional copies to ensure posting in all departmental worksites.

<u>Please note that the period for nominations is from Friday, January 9, 2009 through Monday, February 9, 2009.</u>

We appreciate your cooperation and assistance.

Attachments

16

NOTICE

PLEASE POST PLEASE POST

HEALTH SERVICE BOARD ELECTION

To all active and retired members of the Health Service System of the City and County, Community College District or Unified School District, and to all qualified surviving spouses and qualified surviving domestic partners:

The term of one of the four (4) elected members of the Health Service Board will expire on May 15, 2009. In accordance with Section 12.200 of the Charter and Administrative Code Sections 16.550-16.564, an election will be held to fill the vacancy.

WHO IS ELIGIBLE TO RUN FOR ELECTION

There are several categories of individuals who are eligible to run for the seat on the Health Service Board. First, any active or retired employee, who is enrolled in a health plan of the Health Service System, is eligible to run. (Individuals who are not members of the Health Service System, including those who are in a non-covered (exempt) status, are not eligible candidates.)

Second, any qualified surviving spouse or qualified surviving domestic partner of any active or retired employee is eligible to run for the seat on the Health Service Board. To be a "qualified surviving spouse" or "qualified surviving domestic partner," an individual: (a) must be enrolled in a health plan of the Health Service System; and (b) must have been married or in a domestic partnership (established pursuant to Administrative Code Sections 62.1 - 62.9), for at least one year prior to the death of his or her spouse or domestic partner. The now-deceased active or retired employee must have been enrolled in a health plan of the Health Service System at some point during his or her active employment.

NOMINATIONS JANUARY 9 TO FEBRUARY 9, 2009

All candidates for membership on the Health Service Board must be nominated in writing by at least twenty (20) individuals who themselves would be eligible to run for the seat on the Health Service Board. That means that each of the twenty (20) nominating sponsors must be enrolled in a health plan of the Health Service System and must be an active employee, retired employee, qualified surviving spouse or qualified surviving domestic partner. (Once again, individuals who are not members of the Health Service System, including those who are in a non-covered (exempt) status, are not eligible.) Although only twenty (20) nominating sponsors are required for each candidate, additional sponsors may be submitted in the event that certain sponsors are later determined to be ineligible.

All nominations must be on an official nomination form. Nomination forms and written acceptances must be received by the Health Service System no later than 5:00 p.m. on February 9, 2009. Additional nomination forms may be obtained by contacting Laini Scott at the Health Service System, 1145 Market Street, Second Floor, or at (415) 554-1727. After the Health Service System verifies the eligibility of each nominee and each of his or her sponsors and no later than 5:00 p.m. on February 9, 2009, the Health Service System will send all completed nomination forms to the Department of Elections.

WHO IS ELIGIBLE TO VOTE

All active employees, retired employees, qualified surviving spouses and qualified surviving domestic partners who are enrolled in a health plan of the Health Service System on March 13, 2009 are eligible to vote. Individuals who are not in the Health Service System, including those who are in a non-covered (exempt) status, are not eligible to vote.

ELECTION MAY 8 TO MAY 22, 2009

No later than Tuesday, April 28, 2009, the Department of Elections will prepare ballots and voting packets for delivery. The Department of Elections will send an envelope by U.S. mail addressed to each active employee member as well as mail an envelope to each retired employee member, qualified surviving spouse member and qualified surviving domestic partner member. Each envelope will contain a ballot with instructions printed thereon and a ballot return envelope. Each member votes in accordance with the instructions, placing the voted ballot inside the return ballot envelope, sealing and signing the return ballot envelope. Failure to sign the exterior of the return envelope invalidates the ballot. If a voter loses or spoils their official ballot, a second ballot may be issued by contacting the Department of Elections. Any eligible voter who fails to receive a ballot may appear in person at the Department of Elections' office no later than 5:00 p.m. on May 15, 2009. Upon executing an affidavit of non-receipt of ballot, he or she will be furnished a ballot and allowed to vote. Any voting packet that cannot be delivered by the departmental office must be returned to the Department of Elections.

DELIVERY OF VOTED BALLOTS

The voted ballot must be received by the Department of Elections no later than 5:00 p.m., Friday, May 22, 2009. Voted ballots may be delivered via:

1. Your Departmental Election Officer
2. U.S. Postal Service (sufficient postage required)
3. Personally to the Department of Elections

The Department of Elections is located at City Hall, Dr. Carlton B. Goodlett Place, Room 48, San Francisco, California 94102.

PROCESSING AND COUNTING THE VOTES

Beginning at 8:00 a.m., May 26, 2009, in the office of the Department of Elections, City Hall, One Dr. Carlton B. Goodlett Place, Room 48, San Francisco, California, the sealed envelopes containing the ballots will be opened in the presence of witnesses and ballots canvassed publicly in a such manner that the identity of the individual casting any ballot will not be disclosed. Each ballot shall be counted so long as it has been properly marked, signed and delivered.

The Department of Elections shall certify to the Health Service Board that the individual receiving the highest number of votes has been elected. The individual certified will assume his or her place on the Health Service Board on June 11, 2009 for the term of office ending May 15, 2014.

NOMINATION OF MEMBER FOR HEALTH SERVICE BOARD

WE, the undersigned members of the Health Service System, each of whom is an active or retired employee or a qualified surviving spouse or qualified surviving domestic partner of an active or retired employee, hereby nominate:

NAME: (Print)_____, DESIGNATE DEPARTMENT OF EMPLOYMENT OR INDICATE STATUS AS RETIRED/QUALIFIED SURVIVING SPOUSE OR DOMESTIC PARTNER_____, as a member of the Health Service Board for the term commencing June 11, 2009 and ending May 15, 2014.

In witness thereof we have hereunto signed our names. For those of us who are active employees, we have provided our respective departments of employment, and for those of us who are retired employees, qualified surviving spouses or qualified surviving domestic partners, we have indicted that status.

NOTE:

1. Nominations must be filed with the Health Service System no later than 5:00 p.m. Monday, February 9, 2009.

2. Twenty valid signatures are required (Twenty-five (25) spaces are provided on the back in the event some signatures may be disqualified.)

3. The member's Social Security Number must be entered. Health Service System staff must verify the person signing is a member of the Health Service System.

SPONSOR PAGE - HEALTH SERVICE BOARD ELECTION

Printed Name	Signature	Social Security Number	Department/Retired/ Qualified Surviving Spouse or Domestic Partner
1.			
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ACCEPTANCE OF NOMINEE

I hereby accept the foregoing nomination for Member of the Health Service Board and agree to serve as a Member of that Board if elected.

ACCEPTANCE BY NOMINEE:

I,_____, hereby accept the foregoing nomination for Health Service Board
(Print Name)

and if elected, agree to serve.

Signed:_____ Dated _____

Department/Retired/Qualified Surviving Spouse or Domestic Partner: _____

Schedule for May 2009 Health Service Board Election

The following Health Service Board Election procedures are in compliance with Administrative Code Sections 16.550 - 16.554

SCHEDULE DATE	PROCEDURES BY HEALTH SERVICE BOARD AND DEPARTMENT OF ELECTIONS	ORDINANCE DEADLINES
January 8, 2009	Health Service Board notifies members of the reason for the election, procedures for nomination and selection of candidates and voting dates	
January 8, 2009	Health Service Board notifies the Department of Elections that an election is to be held, specifying the first and last dates for voting	120 days prior to the first day of voting
January 9, 2009 thru Feb. 9, 2009	Nomination period for candidates	Not less than 31 days
Feb. 6, 2009	Department of Elections requests that department heads designate department Election Officers	90 days prior to the first day of voting
Feb. 11, 2009	Deadline for Health Service System to provide completed nomination forms to Department of Elections	
Feb. 13, 2009 (tentative)	Candidate orientation session conducted by Department of Elections	
March 9, 2009	Department Heads notify Department of Elections of Departmental Election Officers	60 days prior to the first day of voting
March 13, 2009	Deadline for Candidate Statements to be filed with the Department of Elections (no later than 12 p.m.)	
April 3, 2009	Health Service System provides Department of Elections with the names of the eligible nominees. Also, the active and retired member names and addresses in the format requested by the Department of Elections	35 days prior to the first day of voting
April 17, 2009	Department of Elections sends written instructions to departments on election procedures	21 days prior to the first day of voting
April 27, 2009	Health Service System furnishes Department of Elections with a supplemental list of both active and retired eligible voters	
April 28, 2009	Department of Elections will mail ballots to all eligible retired voter members and will distribute ballots inter-departmentally to all eligible active voter members	10 days prior to the first day of voting
May 8, 2009 thru May 22, 2009	Official election dates (set by the Health Service Board)	Date chosen for the filling of completed board term or to hold a special election
June 11, 2009	Elected member is eligible to take seat on Health Service Board for full five-year term	14 days after the close of voting

The Health Service Board announced this vacancy at its January 8, 2009, meeting. The Department of Elections shall conduct the election from Friday, May 8, 2009 through Friday, May 22, 2009.

For your information and use, an election notice and schedule are attached. Please post this notice in a conspicuous location, so that all employees and retirees may be on notice of the forthcoming election. If the notice receives widespread distribution, then our employees and retirees will be encouraged to participate.

We have provided you with multiple copies of the notice. Please make additional copies to ensure posting in all departmental worksites.

Please note that the period for nominations is from Friday, January 9, 2009 through Monday, February 9, 2009.

We appreciate your cooperation and assistance.

Attachments


2009 Election Memorandum Announcement.pdf


2009 Election Notice.pdf


Schedule for May 2009 Health Service Board Election.pdf


Nomination of Member and Sponsor Form.pdf

Laini K. Scott
Administrative Services Manager
Health Service System
1145 Market Street, Suite 200
San Francisco, CA 94103
Telephone: (415) 554-1727
Fax: (415) 554-1752
E-mail: laini.scott@sfgov.org

File # 081545 + 081546

C: Daly, Dufty, Mary Red, C-page

DAVID TORNHEIM

17

January 20, 2009

VIA E-MAIL AND HAND-DELIVERY

To: San Francisco Board of Supervisors

Re: Rules Committee (Items #1 and #2)
Thursday, January 22, 2009
Board of Supervisors File Nos. 081545 and 081546
Opposition to Appointment of Jonathan Pearlman (Seat 2) to HPC

Dear Supervisors:

I am writing to oppose Jonathan Pearlman's nomination for Seat No. 2 on the Historic Preservation Commission (HPC). I encountered Mr. Pearlman as the developer's preservation architect on the Harding Theater project. I have been active since December 2004 in advocating the historic significance of the Harding.

Mr. Pearlman has displayed a deep-seated bias against initiatives by the preservation community and a pronounced bias in favor of developers seeking to avoid complying with the historic preservation laws. His bias runs contrary to Proposition J's requirement that members of the HPC be "qualified by reason of interest, competence, knowledge, training and experience in the historic, architectural, aesthetic, and cultural traditions of the City, interested in the preservation of its historic structures, sites and areas, and residents of the City."

Mr. Pearlman's bias is evident from his record on the Harding. In a September 2, 2008 letter to the Planning Department regarding the Harding, Mr. Pearlman wrote "The Harding has been vacant for four years now due to the objections of a few project opponents.... The community is robbed of years of positive development because of obstructionist tactics."

The facts regarding these "obstructionist tactics" by a "few project opponents" are as follows:

In December 2004, the owner of the Harding obtained Planning Commission approval to demolish the entire theater, arguing that the building has no historic significance. Mr. Pearlman supported the developer's position with a report stating "much of [the theater's] character has been stripped away.... While it has integrity

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..., the original marquee, storefronts, the ticket booth and much of the façade ornament have been removed leaving little or no character-defining features. Although much of the interior remains intact, it is a rather ordinary example of theater design of its day...."

The preservation community, including SF Heritage, San Francisco Neighborhood Theater Foundation, Friends of 1800, and Victorian Alliance, rallied before the Board of Supervisors to advocate the historical significance of the Harding.

In April 2005, the Planning Department refused to defend the Negative Declaration before the Board of Supervisors. The demolition approvals were accordingly set aside.

Despite Mr. Pearlman's vigorous advocacy that the Harding is not historically significant, in October 2006, the Planning Department found that the Harding Theater is eligible for listing on the California Register of Historical Resources. The author of the report, Moses Corrette, agreed with the opponents' architectural historians, Christopher VerPlanck, Katherine Petrin, and Gary Lee Parks, that the Harding is exceptional for its integrity as a 1920s theater. According to Mr. Parks, who made an in-depth study, the Harding is the most intact remaining example of the renowned Reid Brothers' theaters in San Francisco.

Without the opponents' "obstructionist tactics", the developer, with Mr. Pearlman's assistance, would have succeeded in demolishing a certified historic building without environmental review.

During 2006-08, Mr. Pearlman continued to provide consulting services to the developer to fashion a plan that would allow a Negative Declaration for the Harding condominium/retail conversion project. The eventual plan was to demolish the Harding stage house to build condominiums, remove all seats, and level the theater floor to create commercial space.

On November 13, 2008, the Negative Declaration for this plan came before the Planning Commission. Mr. Pearlman wrote a lengthy letter and testified that, despite demolition of the Harding stage house, demolition and flattening of the original raked auditorium floor, installation of bathrooms in the auditorium proper, and elimination of historic access to the mezzanine and balcony, the project would not adversely affect the historic character of the theater.

Over thirty people came to the afternoon Planning Commission hearing to testify in favor of preserving theater and other community uses of the Harding, including Western Addition residents, numerous members of the theater community, preservationists, members of the African-American community, and at least one merchant. Only about five people testified in favor of the project.

A central issue was whether the Harding stage and scenery fly contribute to the historic character of the theater. Notably, in his 2005 report, Mr. Pearlman had reported that "the back of the [Harding stage] house area looks like it may have been designed for legitimate or vaudeville theater due to the depth of the stage area, its tall fly loft and what appears to be gridwork anchoring for rigging.... There are stairs that go to a basement area under the stage on each side which may have included dressing rooms and a green room for orchestra members. There are no permits or drawings that show an addition of stage of fly loft area suggesting that they are probably original and added during construction in 1926."

In a dramatic reversal, Mr. Pearlman claimed in his September 2, 2008 letter to the Planning Department that the Harding stage had never been intended or used for vaudeville. He noted the demise of vaudeville with the advent of talkies at the end of the 1920s, adding that "The theaters that were used for vaudeville were built decades before the Harding and it is highly unlikely that Samuel Levin [who built the Harding] ... would have invested his time or money into the dying theater style."

Opponents provided the Planning Commission newspaper movie listings from 1926-1928 (attached), showing that Mr. Levin had prominently advertised the Harding as a vaudeville venue. Further, contrary to Mr. Pearlman's assertion that by 1926, vaudeville theaters were no longer being built, opponents showed that as late as 1929 the Reid Brothers had included a vaudeville stage in their National Register Redwood City Fox Theater, and that the 1926 San Francisco Orpheum Theater was built with a vaudeville stage.

At the Planning Commission Mr. Pearlman nevertheless persisted in the claim that the Harding stage had never been intended or used for vaudeville performances. Indeed, even after the Planning Commission hearing, on December 19, 2008, Mr. Pearlman wrote to the Chronicle, gratuitously and again falsely claiming that 'The theater was built for movies, not vaudeville."

The Planning Commission voted unanimously 7-0 to reject Mr. Pearlman's claims and require an EIR.

Therefore, the opponents, whose testimony overwhelmed the handful of supporters, vindicated historic preservation laws by forcing the legally required environmental review of the demolition of the Harding's stage house and the radical transformation of the theater into commercial space.

In summary, Mr. Pearlman has publicly branded our successful efforts to defend the Harding against violations of the preservation laws as "obstructionist" and "robbing" San Francisco of "positive" development. As he said in his September 2, 2008 letter, he sees compliance with these laws as a nuisance and impediment to development, and believes we should trust developers "to save our architectural heritage as they are the only ones who have the will and the means to undertake the complex and difficult projects."

We should not entrust the voters' mandate in creating the Historic Preservation Commission to a person who reflexively views people who vindicate preservation laws as unjustly standing in the way of development, and who will go to great lengths to ignore the evidence before him to clear the way for destroying or critically compromising historic buildings.

Very Truly Yours,

/s/

David Tornheim

Enclosure

CC:	Michael Yarne	(via e-mail only)
	Rich Hillis	(via e-mail only)
	Gavin Newsom	(via e-mail only)
	Planning Commissioners	(via e-mail only)
	Jonathan Pearlman	(via e-mail only)

T:\pol\Preservation\Appointments\Corresp\letter_BOS_Pearlman.wpd/dt

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January 12, 2009

Dear Rec and Park Staff

After working for the Recreation and Park Department for 38 years, I received a call at home on December 12, 2008 from Katherine Dere and Danny Ogawa requesting that I, on my own time, come into work so they could give me some important work-related news. It was a paid day off work and I had not intended to go anywhere, so I declined to make the trip to the city.

On the phone, Katherine Dere informed me that as of February 20, 2009, my job would no longer exist unless I chose to "bump" into another SFCC department.

It was the follow-up ***form letter*** from Kin Gee that I found most offensive. The letter stated that there are "insufficient funds available" to support my position, which was especially insulting in light of the recent increase in the hiring of NSA Managers.

Removing my position is one thing, but to confirm it with a *form letter* is not merely disrespectful it is inexcusable for a dedicated veteran employee.

It is obvious that the present administration shares Mr. Gee's interpretation of professionalism and respect for long-term employees.

Lynn Dyer

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Board of Supervisors/BOS/SFGOV
01/16/2009 06:14 PM

To BOS Constituent Mail Distribution,
cc
bcc
Subject Fw: Market Street for Bikes

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548
----- Forwarded by Board of Supervisors/BOS/SFGOV on 01/16/2009 06:16 PM -----

aliza wasserman <alizawas@ ————
01/12/2009 11:25 AM

To SF Board of Supervisors <board.of.supervisors@sfgov.org>, Gavin Newsom <gavin.newsom@sfgov.org>
cc
Subject Market Street for Bikes

Dear Supes and Mayor --

Thank you for seriously considering making Market Street safe and enjoyable for pedestrians and bikers. As a daily bike commuter on Market Street, I have near-death experiences every single week. The so-called 'bike lane' on Market St. as it currently stands, is so narrow that it is really the same lane as that used by cars, buses and muni tracks. The Folsom bike lane is nice and wide -- but it also the door-opening lane for parked cars. So there really is no safe way to bike downtown.

Thank you for making this a bike commuting friendly city!

Sincerely,
Aliza Wasserman
SF Bike Coalition member

Andy Thornley <andy@sfbike.org> wrote:
Date: Mon, 12 Jan 2009 11:05:04 -0800
To: alizawas@ ————
From: Andy Thornley <andy@sfbike.org>
Subject: Market Street -- meetings tomorrow and more

Dear Aliza,

This is a reminder that we will be having a Car-Free Market Street meeting

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tomorrow (Tuesday, Jan 13th) at 6:30-8:00pm here at SFBC Headquarters. We'll give you an update on discussions we've had with city agencies and other organizations interested in improving Market Street and discuss next steps for moving the big idea forward.

Speaking of big ideas, tomorrow morning a committee of the SF County Transportation Authority (SFCTA) will be hearing an update on Supervisor Chris Daly's request to investigate car-free Market Street:

SFCTA Plans & Programs Committee
Tuesday, January 13, 10:30 AM, Room 263, City Hall

http://sfcta.org/content/view/574

About the only thing on the agenda is the Market Street item, so it should be quick, if you can make it out for a mid-morning meeting at City Hall please do so to learn more and speak up. Even if you can't make it, please send the supervisors (who sit as the SFCTA Board) and Mayor an email or letter, telling them that it's time to commit to making a Great Market Street for everyone, bikes / peds / transit / shoppers / tourists / locals, a broad community of citizens (including yourself) wants action for a Great Market Street now. You can find addresses at pour handy "Leaders" page:

http://sfbike.org/?leaders

Also, check out these Market Street traffic flow simulations that Greg Riessen put together, pretty trippy:

Option 1 - Maintain auto access:

http://www.youtube.com/watch?v=eeRgz4M0zhc&feature=channel

Option 2 - Widening the north sidewalk:

http://www.youtube.com/watch?v=h65opzwdOnY&feature=channel

We'll take a closer look at these tomorrow evening and Greg can help us understand what they mean.

Finally, don't forget about our Market Street Google Group, sign up today and join the conversation there:

http://groups.google.com/group/sfbc-market-st

That's it for now -- we hope to see many of you tomorrow (Tuesday), either at City Hall (10:30) or at SFBC HQ (6:30).

Ding ding,

Andy and Lainie

==========

Aliza Wasserman
Green Guerrillas Against Greenwash
www.LetsGreenWashThisCity.org

"If you think mitigated climate change is expensive, try unmitigated climate change."

- Dr. Richard Gammon, University of Washington, on the steps of the US Congress, 6/28/99

"Campaign finance reform is climate protection."
- anonymous, 2007

Ted Strawser
<tedstrawser@ ————————
01/13/2009 02:58 PM

To letters to editor <letters@sfchronicle.com>

cc SF Bike <sfbike@lists.riseup.net>, wade.crowfoot@sfgov.org, rgordon@sfchronicle.com, board.of.supervisors@sfgov.org, gavin.newsom@sfgov.org

bcc

Subject Is SF really going to lose a bike lane?

Editor

After three straight years with zero new bike lanes in San Francisco, bicyclists have learned to expect very little from the Newsom Administration. But, against a backdrop of endless pro-environment press releases, who could have expected a City Hall proposal to remove a bike lane. While the Mayors of cities like Los Angeles, Portland, New York, and Boston have created hundreds of bike improvements every year, Gavin's new score will be -1.

When the photo-ops are done and the cameras are gone, the paint on the street will tell the whole story. Gavin Newsom is an environmental fraud.

Ted Strawser
————————
————————

19

20

MBurke@bart.gov
01/13/2009 03:50 PM

To David.Chiu@sfgov.org, Bevan.Dufty@sfgov.org, Board.of.Supervisors@sfgov.org, Chris.Daly@sfgov.org, Carmen.Chu@sfgov.org, Gavin.Newsom@sfgov.org,
cc KHamill@bart.gov, kstrehl@bart.gov
bcc
Subject BART Police Shooting Incident - Update

Dear Elected Officials and Community Leaders:

At a specially-called board meeting yesterday, the BART Board of Directors unanimously approved the creation of a committee that will provide additional oversight of the BART Police Department and the review of major police incidents. The BART Police Department Review Committee's objective is to provide the Board with greater focus on BART Police Department responsibilities and to make sure that the kind of incident where a BART police officer fatally shot Oscar Grant on January 1, 2009 never happens again. The new committee will also receive timely briefings on major police incidents and meet with elected officials and community members to discuss related concerns.

Board President Thomas Blalock appointed Director Carole Ward Allen to chair the new committee. Director Ward Allen's district includes Fruitvale Station, where the tragic incident occurred. Board Member Joel Keller, who represents portions of Contra Costa County, was appointed the new committee's vice-chairperson. Board Member Lynette Sweet, who represents portions of Alameda, Contra Costa and San Francisco counties, will also serve on the committee, as will Board Member Tom Radulovich who represents portions of San Francisco County. The new committee's responsibilities will focus on:

- Immediately initiating a review of basic training and certification requirements for BART police officers
- Conducting a review of existing BART Police Department policies and procedures, including General Orders and Operational Directives
- Identifying opportunities to strengthen current practices
- Identifying best practices that should be adopted by BART Police Department
- Developing a critical response plan
- Surveying the structure of civilian police review boards and independent auditors for Bay Area police departments and major transit agencies to support the Board of Directors' consideration of this issue.

BART Police Background

BART's police officers are fully sworn peace officers who have the same powers of arrest and authority to carry firearms as city police officers and county sheriff's deputies. In addition, BART officers attend the same police academies and receive continuous police training. BART officers routinely respond to calls for mutual aid from law enforcement jurisdictions across the Bay Area.

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BART's police officers are certified by the California Commission on Peace Officer Standards and Training and they undergo a rigorous background investigation and must complete a comprehensive training program, including field training. To view the rigorous peace officer standards, visit the commission's website at www.post.ca.gov. You can view the current hiring standards, course requirement and the certification regulations, among other items. The BART Police Department is required to provide on-going training to its officers and has established policies and procedures, including general orders that prescribe appropriate conduct that is expected of all members of the department, both sworn and non-sworn staff. BART officers are expected to maintain the highest standards of professionalism, which include ethical conduct and dedication to public service. On an average weekday, BART carries about 370,000 passenger trips, a number that exceeds the population of many of the cities and towns that BART serves.

We will continue to send regular updates concerning this issue. Please don't hesitate to call with questions or concerns to Molly Burke - Government and Community Relations at (510) 464-6172. Thank you.

Molly M. Burke
BART
Government & Community Relations
(510) 464-6172

MBurke@bart.gov
01/12/2009 04:28 PM

To David.Chiu@sfgov.org, Bevan.Dufty@sfgov.org, Board.of.Supervisors@sfgov.org, Chris.Daly@sfgov.org, Carmen.Chu@sfgov.org, Gavin.Newsom@sfgov.org,
cc KHamill@bart.gov, kstrehl@bart.gov
bcc
Subject BART Shooting Incident Update

Dear Elected Officials and Community Leaders:

BART General Manager Dorothy Dugger and BART Police Chief Gary Gee announced today that BART Police detectives have completed their initial investigation into the tragic shooting death of Oscar Grant on New Year's Day and this morning provided the results of that investigation to Alameda County District Attorney Tom Orloff's office.

Now, it is the District Attorney's responsibility to decide whether to file charges in the case. While the BART Police Department's initial investigation is complete, BART will continue to cooperate fully with the District Attorney's office. BART's General Manager Dorothy Dugger urges the District Attorney to expeditiously review all the evidence available to him and bring the investigation to a conclusion.

If you have questions regarding this matter or would like a briefing from BART's General Manager please feel free to contact Molly Burke, Government & Community Relations Department at (510) 464-6172 or mburke@bart.gov.

Molly M. Burke
BART
Government & Community Relations
(510) 464-6172

MBurke@bart.gov
01/09/2009 04:28 PM

To David.Chiu@sfgov.org, Bevan.Dufty@sfgov.org, Board.of.Supervisors@sfgov.org, Chris.Daly@sfgov.org, Carmen.Chu@sfgov.org, Gavin.Newsom@sfgov.org,
cc denise@lapointeassociates.com, KHamili@bart.gov, kstrehl@bart.gov
bcc

Subject Elected Official Update Meeting - BART New Years Eve Shooting Incident

January 9, 2009

Dear Elected Official:

You are invited to attend a meeting of community leaders to discuss the Oscar Grant shooting by a BART Police officer on New Years Day. The meeting is being hosted by BART Board Members Carole Ward Allen, Bob Franklin and Lynette Sweet on Sunday, January 11 from 2 pm until 4 pm at the MTC auditorium at 101 8th Street, Oakland, CA 94607.

The meeting will update key community leaders about the current investigation and what the BART Board is doing to ensure that a full investigation into the incident is completed quickly. BART General Manager Dorothy Dugger, Police Chief Gary Gee, and other key BART staff will also attend.

UPDATES :

The BART Board of Directors took a number of decisive steps this week to calm community concerns during a 7 hour public hearing yesterday. The BART Board collectively and individually apologized to the family of Mr. Grant.

Also, the Board:
Recommended the creation of a Board Oversight Subcommittee to review Police Department Practices and Policies,
Committed to schedule more community meeting in Oakland soon to report on steps taken to address concerns about the police department, which were raised by more than 60 speakers at Thursday's public hearing,
Directed BART staff to work closely with the community and the family in the hours and days after the event.

BART General Manager Dorothy Dugger assured the community that BART investigators have been working day and night with the District Attorney's Office to share information and complete the criminal investigation as soon as possible.

BART investigators are collecting and reviewing evidence, including videos, witness statements and physical evidence in order to put together a complete and accurate account of what happened on January first.

A separate administrative investigation is going on within the police department to determine that policies and procedures were followed.

The General Manager and Board members have worked diligently to ensure the integrity of the investigation so that

witness recollections and statements are not tainted by releasing pieces of the investigation piecemeal.

The District is committed to improving outreach to the community in the wake of this event. More community and town meetings will be scheduled to keep the public updated about information.

###

Molly M. Burke
BART
Government & Community Relations
(510) 464-6172

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Board of Supervisors/BOS/SFGOV
01/16/2009 06:19 PM

To BOS Constituent Mail Distribution,
cc Angela Calvillo/BOS/SFGOV,
bcc
Subject Fw: City Attorney Financial Recovery and Savings Report

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548
----- Forwarded by Board of Supervisors/BOS/SFGOV on 01/16/2009 06:21 PM -----

Tara Collins/CTYATT@CTYATT
01/12/2009 12:00 PM

To Gavin Newsom/MAYOR/SFGOV@SFGOV, Board of Supervisors/BOS/SFGOV@SFGOV, Ben Rosenfield/CON/SFGOV@SFGOV
cc
Subject City Attorney Financial Recovery and Savings Report

Attached is the City Attorney Financial Recovery and Savings Report. Please let me know if you would like a hard copy of this report.

Best,

Tara Collins
Confidential Assistant to the City Attorney
Office of City Attorney Dennis J. Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4682
Direct: (415) 554-4748
Facsimile: (415) 554-4715
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FinancialRecovery.pdf

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CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

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MEMORANDUM

TO: Mayor Gavin Newsom
Board of Supervisors
Controller Ben Rosenfield

FROM: Dennis J. Herrera
City Attorney
Jesse Capin Smith
Chief Assistant City Attorney

DATE: January 12, 2009

RE: Updated City Attorney Financial Recovery and Savings Report

The City Attorney's Office defends San Francisco against lawsuits in which millions of public dollars are at stake. We also manage a nationally recognized affirmative litigation program, under which the Office prosecutes lawsuits on behalf of San Francisco and the People of the State of California. These legal actions often result in substantial net monetary recoveries for City departments and for the General Fund, in addition to achieving industry reforms and promoting public integrity. This Office also provides training and day-to-day counsel to the City's boards, commissions, departments and officials on a wide range of legal matters relating to almost every aspect of the City's government. Through our training and general advice functions, this Office reduces the City's exposure to risk of loss, assists the City in recovering monies owed to it, helps the City realize a greater return on its assets, and safeguards the City's financial interests in contracts, all for the benefit of San Francisco taxpayers.

Particularly in light of the current budget crisis, we remain focused on helping protect–and improve–the City's fiscal condition in four principal ways: by effectively devoting resources to defend lawsuits where the City has significant financial exposure; by prosecuting cases in which the City has the opportunity to recover money damages and civil penalties; by helping minimize the City's exposure to potential liability through counsel and training; and by controlling our own operating costs. In recent years, the efforts of the attorneys and staff who make up this Office have resulted in hundreds of millions of dollars in net savings and recoveries for San Francisco. As shown in this report, through our work we continue to achieve cash recoveries and real dollar savings for the City that far exceed our annual budget.

I. SUMMARY

A. Effectively Devoting Resources to Defend Lawsuits

Our deputies represent the City in about 7,500 actions annually, ranging from personal injury and property damage to breach of contract. Early on, we carefully evaluate the merits of every case that is filed against the City. Where the City is not at fault, we vigorously defend the case. When it appears that the City may be liable, we attempt to resolve the case through settlement to reach a fair result, before the parties need to incur significant legal fees. We have

developed cost-effective strategies to allocate resources to the cases we defend on behalf of the City, and we are able to handle almost all of those cases with our in-house expertise.

We also defend City laws and regulations against legal challenge. This past year, we have successfully defended a number of groundbreaking City ordinances from lawsuits seeking to invalidate them, including the lawsuit challenging the City's Healthy San Francisco Program and the challenges by Walgreens and Philip Morris to the City's ban on the sale of tobacco products in pharmacies.

B. Prosecuting Cases to Recover Revenues: Affirmative Litigation and Other Programs

As part of the City Attorney's affirmative litigation and public integrity programs, we have filed a number of false claims and unfair business practices lawsuits relating to public contracting with the City, as well as with the San Francisco Unified School District. In recent years, we have had a number of successes in these cases, including, for example, the *Tutor Saliba*, *Old Republic Title*, *SRS* and *E-rate* cases, as well as successes in past years that continue to bring in substantial revenues, such as the *Tobacco* case (these cases were described in earlier reports and some are described below).

We continue to pursue other significant matters, such as:

- a lawsuit against five municipal bond insurers for an elaborate web of anticompetitive practices, negligence and fraud that has been exposed by the recent meltdown in the subprime mortgage market;
- a lawsuit against ExxonMobil for its refusal to address environmental damage caused by decades of disposing and releasing hazardous petroleum products on property owned by the City and administered by its Port in Fisherman's Wharf;
- a lawsuit against the National Arbitration Forum, a for-profit corporation, for unlawfully siding with creditors in credit-card disputes with cardholders;
- a lawsuit in favor of the City and the San Francisco Health Plan, the City-sponsored program that provides health insurance to more than 50,000 low-income San Franciscans, against McKesson Corp. for illegally conspiring to manipulate pharmaceutical drug prices beginning as far back as 2001; and
- a lawsuit against storefront lending institutions Check 'n Go and Money Mart, together with their online affiliates and an associated out-of-state bank, for unlawful, unfair and fraudulent business practices stemming from their marketing of short-term installment loans at unlawful interest rates to low-income borrowers.

While these types of actions are sometimes costly and difficult to pursue, we expect that San Francisco will recover substantial sums in the coming years from these actions. Also, these actions often generate non-monetary public benefits for the City by protecting the integrity of the

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City contracting process and related City ordinances, and in many instances by reforming industry practices and otherwise improving the quality of life for San Franciscans. We will continue to place a high priority on the Office's affirmative litigation and public integrity programs.

Also, we are able to get intended results through our Affirmative Litigation Program in some cases without the time and expense of litigation. For instance, in December 2008 this Office, working with 13 state attorneys general, succeeded in negotiating an agreement with MillerCoors under which the beer company will stop producing all caffeinated alcoholic beverages. This agreement followed a multi-jurisdictional investigation that alleged the drinks were unsafe, deceptively advertised as energy drinks, and illegally marketed to young people. Because of the agreement MillerCoors will no longer produce caffeinated "Sparks," "Sparks Plus," "Sparks Light," or other alcoholic energy drinks.

In sum, since our last report, for Fiscal Year 2007-2008 and to date during the current Fiscal Year, we have, through our various cases and other initiatives, helped the City obtain awards and cash recoveries of many millions of dollars and we have saved the City many millions more. Cash recoveries and awards for the City include the following (certain individual major cases are highlighted in Part A of this report below):

- Under our Affirmative Litigation Program, in the last fiscal year we obtained cash recoveries and judgments totaling about $31,050,860 and to date for this Fiscal Year the total is about $349,000. In April 2009, we will receive another payment of $17,000,000 as part of the tobacco litigation settlement discussed more fully below.
- As part of our ongoing code enforcement efforts, last Fiscal Year we helped the City collect approximately $2,085,250, including payments relating to the matters described in Exhibit A attached to this memorandum. This Fiscal Year to date we have obtained settlements and judgments in the amount of approximately $140,000. In addition, our successful prosecution of those violating the City's hazardous materials regulations has brought in over $155,000 this Fiscal Year.
- During Fiscal Year 2002-2003 we created the Revenue Collection Task Force to assist departments in the collection of monies owed San Francisco from various sources, including fines, penalties, taxes, reimbursements for damage to City vehicles and property and workers' compensation subrogation. Due to this Office's Revenue Recovery Program, last Fiscal Year we collected about $880,520. This Fiscal Year to date we have collected about $554,430. These monies consist of reimbursements made to the City by individuals who have damaged City property, primarily in accidents. Also, through our research, this Office uncovered thousands of dollars in unclaimed property belonging to the

City that had been transferred to the State. We submitted a claim to the State Controller on behalf of the City and as of August 2008 received over $62,369.

- Our office works closely with the Office of Labor Standards Enforcement ("OLSE") to pursue employers who have violated the City's Minimum Wage Ordinance and Health Care Accountability Ordinance. Some recoveries result from court or administrative proceedings, others from settlement. From January 2007 to the present we advised OLSE and obtained settlements which totaled $1,900,000. Of that, almost one-third (approx. $600,000) went directly to the City (OLSE costs, Department of Public Health ("DPH") fees and attorneys' fees). The remaining $1,300,000 went to employees for back wages, interest and penalties.
- Under our Neighborhood Protection/Code Enforcement Program, last Fiscal Year we obtained judgments, settlements and collections of over $2,434,500. This Fiscal Year to date that amount totals almost $500,000.
- Last Fiscal Year we received approximately $240,000 in bail bond collections, and this Fiscal Year to date we received approximately $110,000.
- Last Fiscal Year we received approximately $1,337,150 for reimbursement of workers' compensation benefits paid as a result of accidents with third parties. Recovery for credit rights for the same period totals approximately $719,440. (Credit rights are rights that the City has to be relieved of its obligation to pay further employee workers' compensation benefits to the extent the employee receives a net recovery because of a settlement or payment of a judgment.)
- This Fiscal Year to date, we received cash for reimbursement of workers' compensation benefits equaling approximately $301,950 and recovery for credit rights totaling approximately $237,790. The recovery related to property damage associated with the subrogation claims is an additional approximately $35,000 for Fiscal Year 2007-2008 and Fiscal Year 2008-2009 thus far.
- Our Office was instrumental in assisting the Department of Public Health ("DPH") institute a new fee in the San Francisco Health Code this year called the "Vector Control and Healthy Housing Inspection Program Fee." This fee will likely result in revenue increases to DPH of over $900,000.

C. Safeguarding the City Against Potential Liability through Counsel and Training

We have implemented risk management and revenue recovery programs that are working, having yielded extensive net additional savings and payments for the City, and that could generate more savings and recoveries in the future. On the risk management side, the City Attorney's Office established a program to provide departments with quantitative information

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regarding the number, nature and dollar value of claims and litigation against the City. We generate risk management reports with data from our document management system (called CityLaw) to assist City departments to identify trends in claims and litigation and assess and reduce risk. Although the CityLaw system was not designed for the purpose of analyzing or assessing risk, it is the only such data available in the City. We continue to work with the Risk Manager to improve the usefulness of the information for risk management purposes. The City Attorney's Office has also worked with the Office of Risk Management to ensure that the City's contracts contain appropriate insurance and indemnification requirements, and that the City departments administering the contracts enforce those requirements.

In addition to working with the Office of Risk Management, the City Attorney's Office has developed and conducts a variety of training programs for the City's boards, commissions, departments and officials in an effort to help avert potential liability. We address matters such as the Sunshine Ordinance, conflict of interest and other ethics laws, preventing discrimination and sexual harassment in the workplace, conflict resolution, and accommodating the public and employees with disabilities. We have also provided training to the City's Departmental Personnel Officers on medical separation and long-term leave and provided training to various departments on disciplinary investigations. These trainings reduce the chance that these separations or discipline matters will be handled improperly, avoiding costly litigation and arbitrations.

We publish a Good Government Guide, which includes an overview of the major laws governing the conduct of City employees and officials, violation of which can sometimes expose the City, as well as the individual, to liability. Last summer we distributed the 2007-2008 edition of the Guide, including a section describing legal requirements and practical issues relating to serving on City boards and commissions. We also make the Good Government Guide available to the public on our web site: http://www.sfgov.org/site/cityattorney_index.asp?id=33498. We are in the process of updating the guide and this Spring we will make the updated version available on line.

We have developed training programs for City staff and members of boards and commissions on the responsibilities of the City as a bond issuer under federal disclosure laws. Videos of training sessions are available to the public on line at: http://www.sfgov.org/site/cityattorney_index.asp?id=57734

We also have developed and implemented two extensive training programs mandated by State law: a program for City supervisors and commissioners to comply with the recent State requirement for sexual harassment training, which we hope will further avoid potential City liability in this area; and a program to implement the new State workers' compensation legislation, which could result in significant savings for the City. We also developed an ethics training program for City officers and employees, consistent with a new State law that became effective at the beginning of 2006, to supplement our existing ethics training programs.

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D. Reducing Operating Costs

Over the past couple years this Office has improved its efficiency. We have reduced our number of lawyers by about 10%, while at the same time not shifting new services to outside counsel. Working with the Department of Real Estate, we renegotiated our office lease at Fox Plaza to reduce rent, resulting in an annual savings of over $700,000.

We have a number of programs to reduce the costs of our affirmative litigation program. For instance, where appropriate we on occasion use pro bono or contingent fee co-counsel to assist us in litigating cases, thereby reducing cost and risk to the City. In other suitable instances, we have teamed together with other local and state government law offices to prosecute affirmative litigation that is of interest to all such public entities, sharing the costs of investigating and researching the cases and thus reducing the cost to the City. The City Attorney's Office has developed relationships with two prominent law schools, Yale Law School and University of California, Berkeley School of Law (Boalt). Law students at both schools assist the office in providing research and analysis for affirmative cases. The work done by the law students is of high quality and saves the City the expense of having Deputy City Attorneys do the work. In addition, the City Attorney's Office has an internship program in which law students from many different law schools work on different teams within the Office, again providing useful and high quality research and services that save the City the cost of having Deputy City Attorneys do that work and in the meantime exposing law students to public service sector legal work.

Finally, we have a reciprocal relationship with a number of other public law offices to handle legal matters for which this Office has an actual or potential conflict of interest, and through this program we avoid significant costs for the City of having to resort to outside counsel.

II. REPORT OF SPECIFIC MATTERS

A. Overview

This report highlights a number of specific matters that have resulted in significant financial recoveries for the City and substantial financial savings to the City during the last full Fiscal Year, which began July 1, 2007 and ended June 30, 2008, as well as the current fiscal year to date.

While the figures described in this report are generally expressed in gross dollar figures (and, therefore, are not net of our fees and costs), the illustrative cases show that our recoveries and savings far outweigh the costs of this Office as reflected in our annual budget.

This list is not comprehensive. For instance, we list examples of only some of the significant recent matters that produced concrete savings or awards of well more than $100,000. In many other cases where we defend the City, we have avoided liability either by obtaining

dismissals or by settling for far less than the claimed amounts, and have saved attorneys' fees and costs, but those savings are difficult to quantify.

Also, we cannot quantify the savings we have achieved through structuring and negotiating the City's business transactions to protect the City's interests. For that reason we limit our reporting of those transactions, although we believe those savings to be substantial. For instance, this past year the Office reviewed and approved contracts valued at over $160,000,000 for design, engineering, construction management and environmental services, and construction contracts totaling $200,000,000 for various Water System Improvement Program (WSIP) projects. Also in connection with the WSIP, we provided extensive legal support to acquire property or obtain regulatory permits for these projects. Finally, legal advice this Office provided on the WSIP EIR contributed to its recent final approval, without appeal, thus avoiding millions in construction escalation costs had the projects been delayed.

A brief description of particular cases and matters follows. The first part – Part B below – describes matters that yielded significant financial recoveries to the City. The second part – Part C – summarizes matters that resulted in key financial savings to San Francisco.

B. Financial Recoveries

- *Tobacco Settlement.* In connection with the settlement of our lawsuit against the tobacco companies, San Francisco received payments of $17,541,565 in April 2007; $137,811 in June 2007; and $18,987,807 in April 2008. To date, the City has received a total of over $179,000,000 in tobacco settlement proceeds. Also, San Francisco has received millions of dollars in interest on those revenues. San Francisco will receive its next annual installment in April 2009 of approximately $17,000,000 in tobacco settlement funds.
- *E-Rate Settlement for SFUSD.* In 2002, the City Attorney's Office filed a federal false claims case arising out of an attempt by rogue San Francisco Unified School District ("SFUSD") contractors to defraud the federal E-Rate program. The E-Rate program provides financially challenged school districts with federal funds to purchase certain types of computer equipment. Several SFUSD contractors conspired to rig bids for the E-Rate program at SFUSD, and as a result submitted applications for E-Rate funds that contained grossly excessive prices and sought compensation for ineligible equipment. Former SFUSD Superintendent Arlene Ackerman became suspicious of the applications and refused to accept the funds in question. The City Attorney's Office then conducted a lengthy investigation into the attempted fraud at SFUSD, and determined that the same group of contractors had succeeded in fraudulently obtaining E-Rate funds for several other school districts across the country. The City Attorney's Office filed a whistleblower suit on behalf of SFUSD under the Federal False Claims Act. The U.S. Department of Justice intervened in that case, and also obtained criminal convictions against many of the conspirators. In 2004, the two largest corporate defendants settled the case, and SFUSD received over $4,100,000

from these settlements for its role in unearthing the fraud. Over the past year, other smaller defendants have settled. In December 2007, SFUSD received a check for $420,000 because of one of these settlements. In May 2008, the final solvent defendant, Howe Electric, agreed to a settlement, paying, in addition to our Office's fees, approximately $105,000 to the SFUSD, and will pay another $105,000 to the SFUSD by June 2010.

- *CCSF v. Elections Systems and Software (ES&S).* In November 2007, the City sued ES&S for providing voting machines that the Secretary of State had not certified. In our lawsuit, alleging breach of contract, fraud, negligent misrepresentation, Election Code violations, unfair competition and false claims, the City sought to recover the purchase price of the voting machines and the extra costs associated with the November 2007 election and statutory penalties. In January 2008, we settled the case. Under the settlement agreement, ES&S agreed to pay $3,500,000 to the City, less the $421,035 owed by the City to ES&S for previously unpaid invoices. As a result, the City received almost $3,100,000 and had new, reliable voting machines in place from another vendor for the February 2008 presidential primary election.
- *Golden Gateway Garage Settlement.* This Office conducted a year-long investigation of negligence and misconduct by the contractor that managed and operated the City-owned Golden Gateway Garage. We uncovered expense fraud as well as revenue theft by former officers and employees of the contractor. In July 2007, this Office recovered $4,850,000 in settlement of the City's claim.
- *Cosco Busan Oil Spill Case.* In December 2007, the City Attorney sued Regal Stone, Fleet Management, Hanjin Shipping, Synergy Management Services, Synergy Marine Limited and bar pilot John Cota, to recover expenses and damages arising from the November 7, 2007 Cosco Busan oil spill in San Francisco Bay. In the lawsuit we sought recovery of expenses incurred by City departments responding to the oil spill, and damages for loss of use and enjoyment by San Francisco residents of natural resources, public beaches, and other public resources or facilities. On February 29, 2008, about two months after suit was filed, the City Attorney's Office obtained an initial settlement payment of $2,000,000, covering the expenses incurred by various City departments in addressing the spill. We continue to pursue the City's remaining claim for San Francisco residents' loss of use and enjoyment of public resources, and we anticipate that this portion of the City's damage claim will be significant. We are working with State and Federal agencies to secure a commitment that any damages recovered by any of the government agencies for these losses will be used to improve recreational facilities along the shoreline in San Francisco.
- *Partnership Payroll Expense Tax Audit Program.* Our office worked with the Tax Collector to initiate and administer a Payroll Expense Tax Audit Program involving partnerships doing business in San Francisco that underreported taxable compensation on their Payroll Expense

Tax Return. Because of this audit program, the City has or will receive an additional amount of payroll expense tax payments of approximately $2,177,911.

- *Jail No. 3 Replacement Project Cases.* The San Bruno Jail ("Jail Project") cases arose from contractor AMEC Construction Management Inc.'s ("ACMI") defective design and construction of the San Francisco Jail No. 3 replacement project under a design-build agreement ("DBA") with the City. The Jail Project involved replacing a seismically unsafe and overcrowded jail built in 1934 to resolve a federal court consent decree regarding conditions at the old County Jail No. 3. In 1999, after a competitive process, San Francisco selected ACMI as design-builder for the Jail Project. In June 2000, San Francisco and ACMI executed the DBA for a not-to-exceed contract amount of $115,000,000. ACMI failed to complete the project by the November 2003 date required under the DBA and abandoned the project on April 15, 2005. ACMI's performance bond surety refused to take over the work. As a result, San Francisco hired its own completion contractor and finally completed construction of the jail in August 2006, at cost of approximately $7,200,000. San Francisco sued ACMI for more than $41,000,000 in liquidated damages and to recover the cost to complete the project. ACMI sued San Francisco for more than $46,000,000, including the disputed contract balance, plus ACMI's additional costs for alleged City delays, disruption, and changes to the project work. After extensive litigation, the parties settled the litigation. In May 2008, we settled these suits. Under the settlement, ACMI waived all rights and claims it had against San Francisco to seek recovery of any sums, including $11,307,495 in withheld retention and unpaid contract sums, and $6,528,702 in unilaterally reduced contract amounts. And, ACMI agreed to pay San Francisco $10,000,000 in new settlement funds. This resulted in a settlement payment and savings to San Francisco in excess of $23,527,495, comprised of three components: $11,307,495 in withheld retention and unpaid amounts under the contract that the City was able to keep; more than $2,000,000 to fund new work at the jail; and $10,000,000 paid to San Francisco by ACMI.
- *AON Risk Services of New York, Inc. ("AON").* Related to the Jail Project construction cases, the City Attorney's Office discovered that the broker for the required surety bond had previously been engaged in a practice of providing an illegal 50% rebate to the parent corporation and a sibling corporation of the prime contractor. The City Attorney's Office brought an unfair competition action under the California Business & Professions Code Section 17200 against AON. While AON provided evidence that the practice had stopped before the broker actually paid the rebate for the Jail Project, the jail surety bond was issued under a plan to provide the rebate. The City Attorney's Office settled the claim against AON for a payment to the City of $220,000.
- *Natural Gas Litigation Settlements.* Over the last two years we have recovered $2,600,000 from settlements with natural gas suppliers for claims of overcharging. The City's Public

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Utilities Commission ("PUC") and other City departments received reimbursements from that recovery.

- *PG&E Refund for Cost of Constructing Electric Facilities.* We negotiated a refund for overcharges by PG&E in constructing electric facilities for new buildings, including the de Young and Asian Art museums. These charges were at issue in several FERC cases (some since 2004) and became part of a contract renegotiation between the City and PG&E that led to a legal mediation and settlement process. In April 2008, we recovered $513,177, which the PUC and other City departments received to cover the refunds.
- *The J. David Gladstone Institute* ("Gladstone"). In 1990, Gladstone entered into a long-term lease at San Francisco General Hospital. The lease was set to expire on June 30, 2010. On December 31, 2003, Gladstone vacated the premises but continued to pay the monthly rent from January 2004 through October 2006. Gladstone stopped making payments in November 2006 and sued CCSF claiming the space was uninhabitable due to seismic problems. Gladstone sought to terminate the lease, and recover all rental payments it made since the time it moved out–which amounted to approximately $540,000. We filed a counterclaim for breach of contract, and sought payment of all past-due rent amounts and rental payments until the end of the lease, or $640,000. The City Attorney's Office settled the matter in November 2007 for an upfront payment of $420,000, which represented a large portion of the present value of the lease, and allowed San Francisco General Hospital to use the space as part of its planning for the upcoming reconstruction project approved by the voters in November 2008.
- *Platte River Ins. Co. v. CCSF.* Platte River Ins. Co. issued a performance bond guaranteeing performance by the Port's tenant, Specialty Crushing, Inc., of Specialty's obligation to remove its equipment and recycling debris and materials from Port property upon termination of Specialty's lease. Specialty operated a construction debris recycling business, accepting construction debris and crushing it to specification of purchasers who then used the material in the construction of highways, parking lots, etc. When the Port terminated Specialty's lease for default on June 10, 2005, Specialty left behind equipment and approximately 120,000 tons of unprocessed construction debris. In response to the City's demand on the performance bond, Platte River Ins. Co. filed suit seeking a declaration that its offer to remove the debris by conducting a crushing and sale operation on Port property satisfied Platte River's obligation under the performance bond. The City filed a counter-claim seeking enforcement of the bond. The City prevailed on summary judgment, and obtained from Platte River a payment of $750,000, representing the bond amount and pre- and post-judgment interest.
- *Travelers Case. & Ins. Co. v. CCSF.* The City Municipal Transportation Agency ("MTA") Board had entered into a contract with Neoplan USA for the construction and delivery of 235 clean diesel buses for a base contract amount of $92,192,575. The City also exercised an

option to purchase an additional 95 buses, bringing the total contract amount, with modifications, to $128,554,743. To resolve the City's claims regarding various defects in the buses that Neoplan delivered, Neoplan agreed to retrofit the buses. As part of the retrofit, Neoplan resolved problems with the video surveillance systems manufactured by subcontractor Loronix, Inc./Verint Systems, Inc. ("Loronix/Verint"), defects in the transmissions supplied by subcontractor General Motors, and defects in the cooling systems. Although Neoplan began the retrofit of the cooling system, it did not make progress in resolving the defects in the video surveillance system or the transmissions. In June 2005, the City ceased making further payments to Neoplan under the contract, withholding $3,200,000. In September 2005, Neoplan ceased its retrofit work entirely, and on August 17, 2006 filed a bankruptcy petition under Chapter 11. In the ensuing litigation involving Neoplan, General Motors, Loronix/Verint, and the surety, Travelers Case. & Ins. Co., Inc., our Office succeeded in obtaining settlements worth more than $3,000,000 for the City, and successfully defended the claims of Neoplan's bankruptcy estate for an additional $3,200,000 in withheld contract payments. Loronix/Verint agreed in settlement to provide entirely new video surveillance systems and service with a value to the City of $2,300,000. General Motors agreed in settlement to provide the MTA with equipment, parts and services with an approximate value of $525,000. In April 2008, the City and the bankrupt Neoplan agreed to dismiss their respective claims against one another, with neither party paying any damages.

- *Mt. Sutro Apartments Settlement.* The City Attorney's Office, jointly with the Assessor's Office, investigated a complex real estate transaction and determined that in 2001 a change in ownership occurred in a multi-unit apartment property at 480 Warren Drive, valued at $16,000,000. The taxpayer failed to report the change in ownership as required by law, so the change in ownership remained hidden. Because the change in ownership triggered a reassessment of the property value, the enrolled value of the property was retroactively increased from $3,200,000 to $16,000,000. Due to this reassessment, we obtained (without litigation) a recovery of $1,340,000 in back taxes, penalties, and interest, which the taxpayer agreed not to contest. And, going forward, the increase in the property's assessed value will result in increased annual property tax revenues of $160,000 per year. We concluded the settlement with the taxpayer in March 2008.

- *Sprint/Nextel Rebanding Settlement.* The City operates and maintains an 800 MHz Radio Communications System, which provides fully interoperable radio communications for over 60 City Departments and several related government agencies. The 800 MHz system is the City's primary emergency communications system. Over the last 10 years, public safety radio systems throughout the United States, including the City's system, suffered disruptions because the FCC assigned the Sprint/Nextel Corporation several radio frequencies in the 800 MHz band for their commercial radio network. After a 10-month negotiation and a mediation with Sprint/Nextel for reimbursement of rebanding planning activities, the City

agreed to a settlement under which Sprint/Nextel agreed to pay $861,424 for the planning phase of the 800 MHz Rebanding Project. In December 2008, the City and Sprint/Nextel reached agreement on the costs for the actual radio rebanding. If this settlement is approved by the City and the FCC, Sprint/Nextel will pay the City an additional $4,032,531.

- *In re Mirant Corporation.* In 1976, the Port entered into a license with PG&E granting it the right to install a pipeline and related facilities on the land and pier at Pier 70. In 1999, PG&E assigned the license to Mirant when it purchased the Potrero Power Plant from PG&E. In 2003, Mirant filed for Chapter 11 Bankruptcy, and rejected the license. We filed a claim in bankruptcy asserting $4,000,000 in damages based on the continuing nuisance and trespass of the pipeline and facilities. Based on protections under bankruptcy laws, Mirant refused to remove the pipeline and facilities. The Port wanted to have the pipeline and facilities removed because sections of the pipeline were threatening to fall into the bay and Pier 70 is a potential future development site. The City Attorney's expert estimated the cost of the removal of the pipeline to be $1,200,000 to $1,400,000. With the assistance of bankruptcy outside counsel, this Office persuaded Mirant in 2007 to agree to a Joint Stipulation and Agreed Order, which required Mirant to transfer to the Port stock with a value of $1,324,279, which the Port sold in June 2007. To protect the City from assuming the responsibility of removing the pipeline and facilities and incurring any related liabilities, the City Attorney's Office, negotiated a separate settlement agreement with PG&E in 2007 requiring PG&E to remove the pipeline and facilities, to be paid from an escrow account containing the cash value of the Mirant stocks. PG&E completed its removal of the pipeline and facilities in September 2008.
- *Allegiance Health Care Corporation.* In a pre-litigation settlement in August, 2008, we obtained the sum of $530,000 from Allegiance in a contract dispute over the purchase of medical supplies by the Department of Public Health.
- *CCSF v. Competent Builders, Inc.* We commenced this action against contractor Competent Builders, Inc., ("Competent") to recover funds to repair a latent construction defect causing water to leak into the Portsmouth Square Recreation Center. The Center had to be closed because of this problem. After mediation, Competent and its subcontractors agreed to settle this matter with a payment to San Francisco of $510,000, representing the total estimated design and repair costs. This settlement amount has been placed into a Settlement Fund Account, akin to an escrow account, to be used to fund the building repairs.
- *California Division of Labor Standards Enforcement v. Colonial American Casualty and Surety Company et al.* The dispute arose out of the Japantown Peace Plaza renovation project–a $2,400,000 contract to waterproof and restore the Japantown Peace Plaza, which is atop the Japantown Garage. The City terminated the contract for fault because the general contractor was unable to complete its work on time and was unable to remediate the leaking from the Plaza into the Garage. In October 2002, the California Division of Labor Standards

Enforcement ("DLSE") sued the general contractor and its surety. The contractor cross-claimed against the City seeking indemnification for monies owed to the DLSE and the surety, and additional compensation for extra work, City impacts, and City delay under the contract. The surety also cross-claimed, seeking compensation from the City for remedial leak work performed. The City filed a cross-complaint for damages related to the chronic leaking of the Japantown Garage, resulting from the contractor's defective and incomplete work. In January 2007, through mediation, the City settled the lawsuit by the general contractor and its surety. Under the settlement, the City received $450,000 for defective and incomplete work and the contractor's delays. The City paid nothing to the contractor or other third parties.

- *CCSF v. Cambridge.* This settlement resulted from an affirmative suit for breach of contract we filed against Cambridge for its failure to properly administer Muni's workers' compensation claims. The City alleged that Cambridge's poor administration caused excessive amounts to be paid and fines to be incurred. Cambridge alleged that the City breached the contract by prematurely terminating it and withholding $400,000 in fees. In May 2008, Cambridge paid the City $1,000,000 and waived its fee claims against the City.
- *SFERS v. Qwest Communications Int'l.* Together with outside counsel, we filed this securities class action opt-out lawsuit on behalf of the San Francisco Retirement System ("SFERS"), alleging that Qwest's fraudulent acts caused it to incur losses when it purchased Qwest stock. The complaint alleged that Qwest intentionally inflated the share price by reporting sham transactions to boost Qwest's stated revenues. To settle SFERS' claims, Qwest paid the Retirement System over $3,600,000, including attorneys' fees.

C. Financial Savings

- *Macy's Department Stores, Inc. et al. v. CCSF.* The City Attorney's Office succeeded in reducing by millions of dollars the tax refund paid to Macy's in this case. The case involved a constitutional challenge to the City's former tandem business tax. Beginning in 1970, the City imposed an alternative measure business tax consisting of a payroll expense ordinance and a gross receipts ordinance. In the fall of 1999, several hundred companies, including Macy's/Federated Department Stores ("Macy's Federated"), that did business in San Francisco sued the City claiming that the City's business tax was unconstitutional. The business tax challenges involved lawsuits and administrative claims that totaled approximately $300,000,000. At that time, the challenge to the City's business tax based on litigation and claims could have cost the City $500,000,000. In May 2001, the Board of Supervisors approved a settlement with General Motors ("GM"), Eastman Kodak and a majority of the remaining claimants for approximately $62,000,000. The City paid most of the claims by selling judgment bonds. The Board also repealed the gross receipts method of calculating business tax liability effective January 2000, requiring all businesses to calculate their liability based on their payroll expenses. At the time of the GM settlement, Macy's

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refused to settle despite an offer by the City to pay over $3,200,000. Macy's instead went to trial, and in 2004 won a Superior Court judgment against the City. The Superior Court found that the alternative measure tax structure was unconstitutional under both the United States and California Constitutions. The issue of damages was whether Macy's was entitled to a full refund of all taxes paid or a refund of only excess taxes paid. Although Macy's/Federated suffered no actual injury, the court rejected the City's argument that Macy's was limited to a refund of only the discriminatory amount of taxes paid and awarded a full refund for claims for tax years 1995-1999. The Superior Court entered a judgment in Macy's favor worth over $15,000,000 (including post-judgment interest). On appeal, the First Appellate District rejected Macy's argument that it was entitled to a full refund of all taxes paid and adopted the City's proposed remedy. Macy's sought review of this ruling in the California and United States Supreme Courts, but both of those courts refused to hear the case. On remand to the Superior Court, Macy's initially sought a revised judgment of around $1,500,000 plus interest. After further proceedings, Macy's accepted the City's position that it was only entitled to a refund of $650,000 (including all interest and costs). The City paid this amount in April 2008, and Macy's dismissed its case with prejudice. As a result, the City saved over $14,300,000 compared to the original judgment, and over $2,500,000 compared to the earlier settlement offer.

- *IBM Credit LLC v. CCSF.* The City Attorney's Office recently settled the last of the cases challenging the former tandem business tax on favorable terms, as a result of our success in the Macy's case described above. Specifically, here the City paid $20,168 to fully satisfy a tax refund claim of $195,951, thus saving the City more than $175,000.
- *Batt v. CCSF (Case I).* The City Attorney's Office obtained a published decision from the First District Court of Appeal barring class action claims for refunds of local taxes. (*Batt v CCSF*, Case No. A114633, Published September 12, 2007.) This ruling will protect San Francisco from significant potential liability for refunds of local San Francisco taxes (such as the business license tax, the hotel tax, the parking tax, and the telephone tax). These taxes are frequently challenged in court, and when plaintiffs obtain a ruling that a tax is invalid–as plaintiffs did regarding the City's former tandem business tax (see discussion of Macy's above)–the result can be tax refund claims that severely adversely affect the City's budget. But, by barring such class action lawsuits the ruling the Office obtained in *Batt* will limit the City's liability for such refund claims. Other public entities in California have not obtained similarly favorable results from other Courts of Appeal and face potential liability for tax refunds in the tens of millions of dollars.
- *Batt v. CCSF (Case II).* In September 2008, the City Attorney's Office successfully defended in the trial court a Tax Collector regulation requiring hotels to collect the City's hotel tax (14%) on charges incurred by hotel guests for parking. In doing so, the Office preserved this

source of local tax revenue, which amounts to approximately $12,000,000 per year. This case is currently on appeal.

- *JP Morgan Chase v. CCSF.* The City assessed property tax fraud penalties and interest of approximately $16,000,000 against JP Morgan Chase in connection with the 1985 sale of One Market Plaza. The taxpayer sued to recover the fraud penalties. After a trial in January 2007, the Superior Court upheld the fraud penalties. JP Morgan Chase has appealed and the appeal remains pending.
- *Airis.* Airis SFO, LLC, Airis Holdings LLC, and Duane Morris LLP (Plaintiffs) sued the City alleging that it breached an unexecuted Lease Disposition and Development Agreement with the City's Airport for development of a cargo facility and interfered with Airis' contracts. Plaintiffs originally sought $40,000,000. A jury awarded Plaintiffs $1,050,000 million in damages, and following trial Plaintiffs sought $522,338 in costs. But the trial court granted the City's motion for judgment notwithstanding the verdict, reversed the judgment for Plaintiffs in its entirety, and denied Plaintiffs' request for costs. The court then awarded the City $3,279,000 in attorneys' fees and over $156,000 in costs. The case is currently on appeal. If the City prevails on appeal, the City Attorney's Office will have saved the City millions of dollars.
- *Renegotiation of the Power Sales Agreement with Modesto Irrigation District.* This Office worked with the City's PUC to negotiate a new long-term power service agreement with Modesto Irrigation District ("MID"). The new agreement, finalized in March 2008, eliminated any obligation of the City to make firm certain energy sales to MID, resulting in a cost savings to San Francisco of an estimated $2,500,000 to $3,000,000 per year through June 30, 2015. The new agreement also allowed the City to regain the ability to sell at full market rates excess energy from the Hetch Hetchy Project that was previously sold to MID at a large discount. Although the value of the regained energy cannot be estimated due to variations in availability from the Hetch Hetchy Project and market price, the additional revenues the City's PUC will realize through 2015 will be substantial.
- *Defense of Health Care Security Ordinance (Golden Gate Restaurant Ass'n v. CCSF).* The San Francisco Health Care Security Ordinance ("HCSO") imposes a health care spending requirement on medium and large employers. The HCSO allows employers to comply with this requirement by making payments to the City to fund the Healthy San Francisco Program. The Golden Gate Restaurant Association sued the City, seeking to invalidate the HCSO. A federal district judge initially struck down the employer spending requirement. But, in January 2008, the City Attorney's Office obtained an emergency ruling from the Ninth Circuit that allowed the spending requirement to take effect. As a result of this ruling, the City has collected $27,270,959 from employers as of December 7, 2008. The City is using this money to fund the Healthy San Francisco Program and to otherwise provide health care to uninsured San Francisco workers. The Golden Gate Restaurant Association continues to

seek to invalidate the employer spending requirement on appeal. The City Attorney's Office prevailed before the Ninth Circuit panel, but the Golden Gate Restaurant Association has sought review by the full Circuit en banc. If the City Attorney's Office remains successful in its defense of the HCSO's health care spending requirement, the City will likely be able to collect similar sums from employers in future years as the program continues.

- *Defense of Budget Transfers of DBI Revenues (Collier v. CCSF).* In FY 2003-2004 and FY 2004-2005 the City transferred a total of approximately $8,800,000 from the Building Inspection Fund, established to fund the operations of the Department of Building Inspection ("DBI"), to the Planning and Fire Departments to pay for long-range land use planning and fire safety inspections. In *Collier v. City and County of San Francisco*, a taxpayer connected to the Department of Building Inspection sought to compel the City to restore the transferred funds to the Building Inspection Fund, claiming that the transfers converted permissible fee-based revenues into unlawful tax revenues in violation of Proposition 13 and its implementing statutes, and also in violation of the City Charter and Administrative Code. In litigation from the trial court up to the California Supreme Court, which denied the taxpayer's request for review of the published appellate decision in our favor in September 2007, our Office successfully defended the budget transfers, thereby saving the City from having to pay almost $9,000,000 in taxpayer money from the City's General Fund, back to the Building Inspection Fund.
- *General Obligation Bond Refunding.* The City Attorney's Office provided counsel to the Office of Public Finance on the issuance of $271,395,000 of general obligation bonds to refund outstanding general obligation bonds, which were at higher interest rates. This refunding achieved net present value savings of approximately $18,900,000 for the City.
- *Laguna Honda Hospital General Obligation Bond Refunding.* The City Attorney's Office provided counsel to the Office of Public Finance on the issuance of $118,130,000 of general obligation bonds to refund outstanding variable rate general obligation bonds for Laguna Honda Hospital, which again were at higher interest rates. This refunding achieved a net present value savings of approximately $11,500,000 for the City.
- *Extension of PUC Water Enterprise Commercial Paper.* The City Attorney's Office provided counsel to the PUC's finance staff on extending letters of credit relating to the PUC Water Enterprises' $250,000,000 Commercial Paper Program. This program greatly reduced the PUC's borrowing costs in connection with its multi-billion dollar Water Improvement System Project by permitting short-term borrowings for project costs as needed in advance of larger revenue bond issuances.
- *Acquisition of One South Van Ness Avenue and 1650 Mission Street.* In May 2007, the City Attorney's Office worked with the Real Estate Division of the Department of Administrative Services ("DRE") and the Mayor's Office to acquire two office buildings: the 508,000 square

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foot, eight-story building located at One South Van Ness Avenue; and the 182,000 square foot, five-story building located at 1650 Mission Street. When compared to projected rental costs, the City would have had to pay private landlords for office space, these transactions resulted in a present value savings of $109,000,000 to the City. The City's purchase price for these two properties was approximately $30,000,000 less than the appraised value, as determined by independent appraisals obtained by DRE.

- *Sale of 425 Mason Street and Other Properties.* In June 2007, the City Attorney's Office assisted DRE and the PUC on the sale of surplus property at 425 Mason Street. This real property sale resulted in revenues to the City's PUC of $5,600,000. Three other property sales, consisting of (two surplus Fire Department properties and one surplus Department of Public Works ("DPW") property), resulted in revenues to the City of approximately $3,450,000.
- *Sale of Octavia Boulevard Parcels.* In 2007 and 2008, the City Attorney's Office worked on the sale of multiple properties the City received from the State of California that were formerly part of the Central Freeway right of way. The sales proceeds were used to pay all of the City's costs associated with the Octavia Boulevard improvements. Additional proceeds from land sales will be used to support affordable housing on specified parcels and to make public space and street improvements in the neighborhood.
- *City Attorney Fox Plaza Lease Amendments.* In May 2007, the City Attorney's Office and DRE negotiated lease amendments to the City Attorney lease at Fox Plaza to reduce the base rent from approximately $46 per square foot to $30 per square foot (without future CPI or other rent increases), resulting in rent savings of over $93,000 per month. The base year was adjusted to 2008, meaning that the City is required to pay only for increases in operating expenses above that year.
- *Brodie v. WCAB.* In 2007, the City Attorney's Office obtained a published ruling from the California Supreme Court, holding that the percentage-subtraction formula–rather than the dollar-value formula–should be used in worker's compensation cases requiring apportionment between compensable and noncompensable injuries. Because the payments required under the dollar-value formula could be more than 25 times higher than the payments required under the percentage-subtraction formula, the Office has saved the City anywhere from $2,000,000 to $4,000,000 per year (depending on the number of workers' compensation claims filed each year).
- *Kreutzer v. CCSF.* Kreutzer, a child psychiatrist, sued the City for due process violations after the City released him from his employment with the San Francisco Department of Public Health ("DPH"). Following a bench trial, the judge ruled in favor of Kreutzer, ordered the City to reinstate Kreutzer in a higher position, and awarded him back pay and benefits. The judge also awarded Kreutzer over $1,200,000 in attorneys' fees and costs. But

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the City Attorney's Office prevailed on appeal, as the Court of Appeal reversed the judgment and ordered the trial court to enter judgment in favor of the City. As a result, the Office has saved the City over $2,000,000 in damages–consisting of back pay and benefits–and attorneys' fees and costs. The California Supreme Court recently rejected the plaintiff's petition for review.

- *VPOA v. SFERS.* The Court of Appeal affirmed a decision in favor of the Retirement System filed by the Veteran Police Officers Association seeking increased benefits on behalf of all police retirees. Cost of living increases for police retirees are based, in part, on the current salary attached to the rank in which the officer was employed at the time of retirement. After the officers retired, the City increased the pay for active employees who held certificates awarded by an independent state agency, the California Commission on Peace Officer Standards and Training ("POST"). The retirees alleged they were entitled to cost of living increases based on this increase in pay. In September 2007, the Court of Appeal agreed with the Retirement System that new ranks were created when the wage increase was tied to receiving the POST certification and, since the Plaintiffs retired before they were eligible to hold any of the new ranks, their cost of living increases could not be based on the new wage scale. This favorable decision saved the Retirement System between $200,000,000 and $300,000,000 in additional pension benefits.
- *Keenan v. SFERS.* In January 2008, the Court of Appeal affirmed a decision agreeing with the Retirement System that two lump sum payments made to Keenan in his last year of employment were improper attempts to inflate his final compensation to spike his pension allowance. The extra payments, if included, would have increased Keenan's final compensation by almost 50%. The decision saved the Retirement System at least $1,000,000 in additional pension benefits over Keenan's life.
- *Multiple Bond Refundings for Airport.* Between 2004 and 2006, this Office assisted the Airport's finance staff in issuing approximately $900,000,000 of auction rate and variable rate refunding bonds, which saved the Airport approximately $100,000,000 in debt service costs through lower interest rates. But, when the credit markets weakened in Fall 2007 and Spring 2008, all of the formerly AAA-rated bond insurance companies and several banks associated with these bonds were downgraded, which caused the auction and variable rate bond markets to fail. Interest rates on the Airport's bonds increased from approximately 1.25% to 9%, putting a strain on the Airport's debt service budget. With limited time to repair these bonds before the bond documents imposed early amortization and punitive interest rates up to 16%, this Office worked with the Airport's finance staff and outside advisors to obtain new highly-rated bond insurance and lines of credit from seven new insurance companies and banks, and to issue 16 series of refunding bonds totaling $1,250,000,000. Following these refundings in Spring 2008, the Airport's variable interest rates returned to the customary 1.5% range until more bank downgrades required another

round of refinancings in the Fall of 2008. With this Office's assistance, the Airport was able to be one of the first bond issuers in the nation to issue an RFP for the new bond insurance and credit facilities, and one of the first in the market to issue refunding bonds in a very short time frame in response to the credit crisis. This helped the Airport stay ahead of market saturation and lower its debt service back to normal levels.

- *Fine Arts Museums/Domestic Indemnity (Fine Arts Insurance).* Our office took a leadership role in addressing skyrocketing post-Katrina and 9/11 fine arts insurance costs (30% -400% increases) through work leading to expansion of the Federal Arts Indemnity Program to include domestic exhibitions. We gathered evidence and articulated background information needed by NEA and Senator Feinstein to introduce legislation establishing a federal program to subsidize the insurance costs for domestic art exhibitions. In December 2007, the President signed the amended Federal Arts and Artifacts Indemnity Act. The NEA has noted the role of our office in these efforts, that resulted in approximately $350,000 a year in anticipated fine arts insurance savings starting in 2009. Potentially millions of dollars have been saved in insurance costs over the next decade and beyond. The benefit to museums across the country is likely to reach $20,000,000 per year. In addition, this legislation will help bring exhibitions to San Francisco that the City would not otherwise be able to afford.

- *Coyne et al. v. CCSF.* In February 2004, the City began eminent domain proceedings to condemn property located at 701 Lombard Street to preserve the land as a public park. The City appraised the property at a value of $2,385,000; the property owners appraised the property at $3,100,000. Also, the property owners argued that, as developers of real property, they "conducted a business" "on the property" for purposes of Code of Civil Procedure Section 1263.510, and were entitled to recover damages for lost goodwill. They valued this lost goodwill at between $2,133,000 and $2,898,000. On the City's motion, by order dated June 22, 2005, the Superior Court struck the goodwill claim. On appeal, the Court of Appeal reversed the order granting the motion to strike, finding that there was an inadequate factual record to support the trial court's order. The Court specifically declined to reach the issue whether a real estate developer's claim for lost goodwill to its business of developing property is separately compensable. A bench trial began in April 2006. Two issues were before the court during this first trial phase: (1) whether the City had the right to condemn the property for a public park; and (2) whether the property owner satisfied the statutory prerequisites to asserting a claim for lost business goodwill. Following trial, the court decided both issues in favor of the City. A jury trial addressing the value of the property followed, and the jury awarded the owners $2,767,500 as just compensation for the property taken. The owners then appealed on the issue of their entitlement to present a goodwill claim to the jury. On December 5, 2008, the Court of Appeal issued its published decision upholding the trial court. As a result of this decision, the City avoided a potential liability of between $2,000,000 and $3,000,000. Also, because the Court of Appeal certified

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its opinion for publication, the decision creates new law articulating that owners of undeveloped land that is condemned for public use cannot recover for lost goodwill associated with their frustrated plans to develop the land.

- *Estenoz v. First American Title Ins. Co., the Mayor's Office of Housing.* The administrator of an estate sought damages resulting from the City's claim that a below market rate ("BMR") housing unit owned by the decedent could only be sold for a restricted (moderate-income) price. Alternatively, the plaintiff sought to have the unit released from the City's condominium conversion program so that he could sell it at full market value. The plaintiff subsequently amended his complaint to add claims based on equitable theories, including a claim to quiet title to the condominium unit. The City filed a summary judgment motion on the grounds that plaintiff had failed to file a damage claim with the City as required by the Government Code before filing suit. This failure precludes not only the damage claims, but also the claims based on equity, since the true aim of the suit was to maximize value to the estate. The trial court issued a tentative ruling granting the motion as to the damage claims, but suggesting that the quiet title claim should proceed to trial. At oral argument, we were able to persuade the court that all claims set forth in the complaint should be dismissed. The resulting order prevented the City from incurring alleged damages exceeding $350,000 (the difference between the fair market value of a similar unit, and the restricted sales price dictated by the Subdivision Code). In addition, the court's order preserved the unit as a part of the City's affordable housing stock, and found that the notation recorded in the chain of title for the property is sufficient to create constructive notice of the restrictions on the property as a matter of law—an important victory for the Mayor's Office of Housing, who routinely must defend claims by BMR unit owners that their units should be released from the program. We have subsequently settled the matter to avoid the costs of appeal. The settlement, like the court's ruling on the summary judgment motion, will retain the unit as a part of the City's affordable housing stock, and will not require the City to pay any damages.
- *Proposition B on June 2008 Ballot.* In 2004, the Governmental Accounting Standards Board (GASB) issued a new rule, Statement No. 45, requiring government agencies such as San Francisco to report in its financial statements, beginning with the fiscal year ending June 30, 2008, information about the actuarial accrued liabilities for unfunded retiree health care benefits. Our Office assisted in creating this measure and meet and confer sessions with labor representatives regarding Proposition B, which the voters approved in June 2008 to amend the Charter to provide for the City to fund retiree health care and save City substantial dollars in future retiree medical costs by requiring employees hired on or after January 9, 2009 to work more years with the City to get the full retiree health care benefit, and also by requiring them to contribute 2% of salary to a retiree health care fund. Proposition B also includes a one-year wage freeze for City workers in Fiscal Year 2009-2010, which is a partial offset for the increase in miscellaneous employee pension benefits. Proposition B has the

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effect of creating full funding for future employees, and of reducing unfunded liability for current employees.

- *Proposition N on November 2008 Ballot.* Our Office prepared an ordinance to increase the transfer tax rate from .75% to 1.5% on large value transfers. The ordinance also made it clear that the tax applies when someone acquires real estate by buying a majority interest in the corporation or partnership that holds title. The voters approved Proposition N in the November 2008 election. The Controller's ballot statement estimated that Proposition N would have generated approximately $29,000,000 additional annual net tax revenues had it been in effect over the past 10 years.
- *Proposition Q on November 2008 Ballot.* Our Office developed an ordinance to make it clear that the payroll expense tax applies to payments for services from partnerships, limited liability companies and limited liability partnerships to their owners. The voters approved this ordinance in the November 2008 election. The Controller estimates the ordinance will produce annual net tax revenue increases of $10,500,000.
- *Proposition O on November 2008 Ballot:* Our Office developed this measure amending the Utility User Tax. The ordinance, approved by the voters, insulates the City from potential legal liability of $20,000,000 to $25,000,000 per year, resulting from a change in interpretation of the Federal Excise Tax. The amended tax also potentially increases revenue to the City (in an unknown amount, but potentially millions of dollars per year) by updating the tax to reflect changes in technology. Proposition O also repeals the legally vulnerable emergency response fee and replaces it with a legally secure voter-approved tax.

III. CONCLUSION

As City Attorney I am pleased with these results and I trust you are as well. Please let us know if you have any questions about anything in this report. We look forward to working with all of you to address the financial issues and meet the challenges that San Francisco faces. As previously mentioned, we plan to submit to you additional reports on a regular basis, updating this information.

Attachments:

Exhibit A Illustrative Neighborhood Protection/Code Enforcement Cases

Exhibit A

Illustrative Neighborhood Protection/Code Enforcement Cases

- *CCSF v. Luk et al.* The City sued defendants for violations of the Housing and Health codes related to individuals breaking in and engaging in nuisance activity at 545 Hyde Street. In September 2007 defendants settled with the City and paid $159,000 in fees and penalties.
- *CCSF v. Golden Gate Lutheran Church.* The City sued the owner of 601-605 Dolores Street for violating the UMB ordinance and operating the premises as a homeless shelter without the proper building and fire permits. In October 2007, the owner settled for $130,277 in fees and penalties.
- *CCSF v. Delaware Lakewood.* The defendant owned a 700+ unit apartment complex at 501 John Muir Drive and failed to maintain its fire alarm system in compliance with the Fire Code. In February 2008, the defendant settled for $100,000 to the City. The owner also remedied the code violations.
- *CCSF v. Salem et al.* Defendants owned a multi-use property at 1939 Mission that was cited for severe ongoing habitability violations, drug use, public drunkenness, lack of security, and assaults, which in the totality affected the entire surrounding neighborhood. In April 2008, the defendants settled with the City for $273,000 in fees and penalties. The owners also changed their practices.
- *CCSF v. Argueta.* Defendant owned a three unit residential rental property at 2713 Folsom, but it failed to properly maintain the property in habitable condition. Consequently, the Department of Building Inspection ("DBI") issued numerous notices of violation that spanned many years. In July 2008, after the court appointed a receiver, the City was paid in full in the amount of $470,613 in fees and penalties.
- *CCSF v. Esmas et al.* The City commenced an action against the property owner of 1342 Funston for numerous Housing Code violations. In May 2008, the City recovered $608,354 in fees and penalties.
- *CCSF v. Giusto et al.* Defendant owned a single-family home at 39 Waterville that had long-term violations of the Health, Housing and Fire Codes. We sued and the Court appointed a receiver in this case. In June 2008, the City was paid in full in the amount of $134,005, in fees and penalties.
- *CCSF v. Lee et al.* Defendant owns two rental properties at 511 and 615 Minna and failed to properly maintain the properties violating the Housing and Building Codes. In June 2008, the defendants settled for $210,000 in fees and penalties.
- *CCSF v. Barrios Investments LLC et al.* Defendants own a 24-unit apartment building at 901 Valencia that was cited by the Housing Section of DBI for numerous habitability violations. In October 2008, defendants settled with the City for $140,000 in fees and penalties.
- *CCSF v. Jen et al.* In this code enforcement case, the City has a judgment in the amount of $1,400,000, plus interest, and we are pursuing collection through the bankruptcy court. Currently, the bankruptcy estate is in the process of selling property to satisfy creditors–the

City being the primary creditor. We anticipate that the City will received proceeds of the sale before July 2009.

File #081420
cc Rana

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"David Silverman" <dsilverman@reubenlaw.com>
01/13/2009 12:06 PM

To <angela.calvillo@sfgov.org>, <board.of.supervisors@sfgov.org>
cc
bcc
Subject 299 Valencia

Angela Please place the email below into the administrative record for this case to preserve our client's rights. We have not received any response. Thank you, David Silverman

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From: David Silverman
Sent: Thursday, January 08, 2009 12:43 PM
To: 'cheryl.adams@sfgov.org'
Cc: Boe Hayward
Subject: 299 Valencia

Cheryl Boe Hayward advised us of your reading of Planning Code section 308.1(c). We would appreciate it if you would take another look. The special exception which allows an extension of the hearing date for cases where a full Board is not in attendance is available only where the Board has not conducted three regular Board meetings during the 30 days after the appeal filing, and the full membership of the Board is not present on the 30th day (... provided that, if the full membership of the Board is not present on the last day on which said appeal is set or continued for hearing WITHIN SAID PERIOD" (i.e. the first 30 days after the filing) "the Board may postpone said hearing..." The appellant cannot meet either test in this case. Regular meetings of the board were held on Nov. 18, Nov. 25, Dec. 9, Dec. 16, and Jan. 8. That brings us to 55 days after the filing date on Nov. 14. There is a clear distinction in the Code between hearing a case and deciding a case, and I believe you may have conflated the two. The Code sets clear constraints on scheduling of hearings and they have not been adhered to in this case. I am hopeful that we can resolve without the need to seek other relief. Would you please review Section 308.1 and advise Boe and Bevan if you believe we are wrong, and, if so, explain why? Thank you for your consideration and helpful assistance. David

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Reuben & Junius, LLP
One Bush Street, Suite 600
San Francisco, CA 94104

dsilverman@reubenlaw.com
Tel: 415-567-9000 Fax: 415-399-9480

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sender by return email and destroy the material you have received in error.

23

pmonette-shaw
<Pmonette-shaw@

01/12/2009 10:17 PM
Please respond to
Pmonette-shaw@

To Supervisor David Chiu <David.Chiu@sfgov.org>

cc Supervisor David Chiu <David.Chiu@sfgov.org>, Supervisor Bevan Dufty <Bevan.Dufty@sfgov.org>, Supervisor Carman Chu <Carmen.Chu@sfgov.org>, Supervisor Chris Daly

bcc

Subject San Francisco's Board of Supervisors Fail to Activate Public Record Hyperlinks, Despite $4.1 Million to $6.9 Million Personnel Budget

January 12, 2009

The Honorable David Chiu
President, Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
San Francisco, SF 94102

Dear President Chiu,

I hate to bother you so early after you've just been sworn in, and then elected Board President. But I need your help.

There's an on-going problem with access to activated hyperlinks to background file on various Board of Supervisors agendas posted on-line three days in advance of Board hearings. Hopefully, you might find that this is one of the first tasks that you should correct in order to provide greater transparency in City government.

After all, how hard can it be for Board of Supervisors staff to post agendas with background file hyperlinks actually activated, without private citizens having to beg the Board to turn the hyperlinks on? Isn't this a basic skill most clerical employees should be trained to perform?

The City Controller's office response to my recent public records request for salary data of all City employees indicates that there are 107 "employees" listed for the City department titled "San Francisco's Board of Supervisors" (i.e., Department # 01). Collectively, these 107 employees were paid a total of $5,335,736 in calendar year 2008 to operate the Board of Supervisors (including base pay, overtime pay, and "other" pay).

If you add in the 30 percent fringe benefit rate on just base salary, these 107 employees cost another $1.58 million, bringing the total cost to $6.9 million to fund just the budget for Department #01 salaries.

The 107 employees include the 11 Board of Supervisors, various Commissioners attached to the Board of Supervisors budget, and other Youth Commission "advisors." Excluding the 35 Board members, commissioners, and youth advisors, there still appears to be 72 employees in Department #01 who were paid a total of $4.2 million (including base pay, overtime pay, and "other" pay) last year, but excluding fringe benefits. Why can't they activate the hyperlinks to background files?

For instance, Clerk May Red is paid $91,000 to be the Clerk supporting the Rules Committee. None of the Rules Committee background file hyperlinks for a hearing on Thursday, January 15 are activated tonight,

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on Monday, January 12.

Sunshine rules are being violated. Clerk of the Board Angela Calvillo, who earned a total of $141,315 in 2008; Frank Darby, one of the administrators for the Sunshine Task Force earned $105,320 in total pay; and Chris Rudstrom, an Executive Secretary on Ms. Cavillo's staff also supporting the Sunshine Task Force, earned $66,000 last year. Between these three, their total pay reached $312,856. Why can't these three ensure Sunshine rules are enforced regarding Board hyperlinks?

Can you please tell me when the hyperlinks to the background files for the Rules Committee's 1/15 hearing will finally be activated?

And can you tell me why I have to keep raising this same issue, each time the Board's presidency changes hands?

Respectfully,

Patrick Monette-Shaw
District 3 Resident

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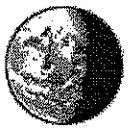

"Francisco Da Costa"
<fdc1947@[redacted]
01/12/2009 04:05 PM

To "Governor Governor" <Governor@govmail.ca.gov>, "SecretaryState Bowen" <Secretary.Bowen@sos.ca.gov>, "Gavin. Newsom" <gavin.newsom@sfgov.org>, "Steven

cc

bcc

Subject Lennar must be charged for crimes against the constituents of the Bayview Hunters Point in San Francisco.

Lennar is a Rogue Company.

It must be criminally charged for polluting the community with very high exceedances on December 29, 30, 31, 2008 - at Parcel A on Hunters Point with
NO work stoppage. The exceedances were linked with Asbestos Structures very
dangerous to the community that has been adversely impacted again and again.

More, no outreach to the affected community after the community was bombarded.
The San Francisco Health Department, the SF City Attorney, the SF District Attorney
are in denial - and have permitted innocent children and elders to die a slow death.

Lennar was fined $515,000 by the Bay Area Air Quality Management District. Yet,
Lennar has been defiant and continues to harm the community in the Bayview Hunters Point with intent.

This rogue company must NOT be permitted to do any business in San Francisco and
for that matter California. Lennar has complaints against it all over the Nation:

http://www.lenn-ron.com/docs/FDI-Lennar_Final.pdf

Francisco Da Costa
Director
Environmental Justice Advocacy
4909 Third Street
San Francisco, California 94124

24

Tel: [redacted]
Fax: [redacted]

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c. page 605

Bonnie Briggs

10-Jan-09

RE: Grants for the Arts San Francisco Hotel Tax Fund

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

Dear Supervisors,

Thank you, thank you for Grants for the Arts. Grants for the Arts funds amazing works. It brings many people together in the Bay Area! I've worked for three non-profit theaters this year that need Grants for the Arts. I got paid because of Grants for the Arts. I want to address any proposal that takes away from the arts in San Francisco. Taking from the Arts is a short term faulty fix, which will harm us more in the end than do good in the interim. You are robbing Peter to pay Paul. We need community. We need to get people out of their houses having positive shared experiences. People need to get out, their morale is low. The performing arts, street fairs, and parades the Grants for the Arts funds, brings people together. It also brings in TOURISM DOLLARS.

I urge you to find a better solution to the budget crisis, than stealing from the arts in San Francisco! I have lived in the San Francisco Bay Area for 13 years. I have struggled with poverty, illness, disability, unemployment, homelessness, and the ever-increasing gentrification of the city that I love. I am a double minority, (Asian and female) who made it through a great deal of adversity without becoming a criminal, drug addict, or prostitute. How did I manage to do this? I made it through life with art, music, theatre, dance, and writing. Being around theater folk again helped heal my body and soul. I worked my ass off my whole life to make it to IATSE Local 16 just this past September. One of my life's goals is to become a member of Local 16. I am but a mere permit worker, and now my dream that took so mush adversity to overcome is in jeopardy. As a permit worker, I live paycheck to paycheck. I have the most to lose if you allow the Grants for the Arts funding to be pillaged. Actually, the people of San Francisco have the most to lose. It's not just the people of San Francisco, the entire Bay Area that is affected.

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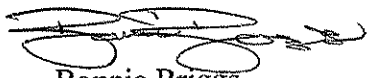
Every year, 16 million people visit San Francisco. Tourism is our number ONE industry. The tourism industry isn't just about theater, ballet, opera, and entertainment. JANIOTRS, RESTAURANTS, STORES, PRINTERS, VENDORS, HOTEL WORKERS, THEATRICAL SUPPLY STORES, A/V RENTALS, FABRIC STORES, HARDWARE STORES, SCENE SHOPS, LUMBER YARDS, LOCAL BUSINESSES, TRANSIT, TAXI DRIVERS, RETAIL, UNIONS, AND MORE ALL OVER THE BAY AREA WILL LOSE WORK!!!

You propose that we take money from the arts because we don't need the arts!! You want to fund various social service needs. Yes, those areas need help, but not by taking our jobs. If we divert the funds to a dead end non-income generating sector, we will lose money as well. We will become those people in need of social services!!! KEEP THE ECONOMY GOING!!!! KEEP THE WORKING WORKING! People come from all over the world to see our diverse and wonderful most "European City in America" because of our street fairs, world-class ballet, symphony, opera, museums and the beautiful people that make up our community. We are already paying to bail out Private America, now we have to lose our incomes, too?

I know we can find a better solution. Please don't penalize the arts. Most of us are just working class folk.

Thank you,



Bonnie Briggs
I.A.T.S.E. Local 16, Permit Worker
Kularts, Technical Director
Brava for Women in the Arts, Running Crew
Magic Theatre, Stagehand

→ EUREKA THEATRE COMPANY
215 JACKSON STREET
SAN FRANCISCO, CA 94111
415-788-SHOW (7469)

January 13, 2009

Board of Supervisors
City Hall, Room 2440
#1 Dr. Goodlett Place
San Francisco, CA 94102

Dear Gentlefolks,

It has come to our attention that the San Francisco Board of Supervisors is recommending to the Mayor's office a possible 50% funding cut to Grants for the Arts – the Hotel Tax Fund, in the coming year. On behalf of myself, the Board of Directors, and all of the performing arts companies that make their home at the Eureka Theatre, I *implore* you to reconsider such an action.

While we all understand that tourism is way down in San Francisco, allowing what's left of the arts to founder and disappear isn't going to inspire more people to come here. We are also aware that there are certainly many worthy local agencies desperate for funds to provide basic human needs to an unprecedented and growing number of citizens. But by cutting funding to the arts, many more people will be put out of work, which will in turn, serve to swell the population of folks needing help. For example, if we are forced to close the Eureka, not only will I lose my job, (do you know of any theatre companies that are hiring?), but we will have to break our lease with our landlord, who will lose our rent income. (You are, of course, aware of how much commercial space is currently empty in San Francisco, and a space that was purpose-built as a theatre would be virtually unrentable.) Then of course, there are the hundreds of folks – the performers, crew, creative, administrative, and support staff that work for all the small performing arts companies that regularly make the Eureka their home every year – who would lose their performance venue, and given that so many other venues have already closed or are on the verge of closing, they would all be out of work as well. There are myriad other businesses and industries that would be directly or indirectly affected by the cessation of the performing arts in San Francisco: ticket outlets, restaurants (there are several well-known restaurants and bars near the Eureka that enjoy a lot of business from theatre goers), taxi companies, parking lots, fabric and hardware stores, and lumber yards to name just a few. I

know you understand the concept of "trickle-down economics," but the situation for theatre companies in this city is more like a gusher than a trickle. Please do not try to solve one set of problems by creating another.

In addition to contributing to its prosperity, since the days of the Gold Rush, the performing arts have contributed an essential element of creative energy to the character of this city. In addition to entertainment, theatre has also provided a unique vehicle for political and social change (Tony Kushner's world-changing *Angels in America* was commissioned by, and first performed at, the Eureka Theatre and all of Sam Shepherd's plays have premiered at the Magic).

I've said this before and I'll say it again and again, we in the performing arts could not survive in this city without the ongoing support of GFTA – *could not.* You have to ask yourself the question, if the arts don't survive in San Francisco, what will be left but a landscape full of lovely old Victorians?

Sincerely yours,

Torri Randall
Executive Director
Eureka Theatre

C-BOS cpage

Palace of Fine Arts Theatre

3301 LYON STREET, SAN FRANCISCO, CA 94123 • 415-563-6504

Grants Arts

January 12, 2009

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

To whom it may concern:

When it comes to entertainment, I wear three hats as follows:

1. I am the president of the Palace of Fine Arts League, operators of the Palace of Fine Arts Theatre.

2. I am the president of the San Francisco Bay Area Theatre Critics Circle.

3. I am the on-the-air Theatre Critic for KGO Radio and have been for the past 25 years.

Please, please save the Grants for the Arts. The local entertainment industry can not survive without it. It is a trickle down system that provides jobs for the community.

The Palace of Fine Arts Theatre is used by local theatre and ethnic groups throughout the year, groups that provide theatre, music, visual arts and dance for the community. Most of these groups exist solely from the Grants for the Arts. Without it, they would cease to exist.

In addition, our lovely non-profit theatre would be forced to close. It would affect jobs of all sorts – union ushers, ticket takers and stage hands, plus box office personnel, food caterers, janitors, equipment rentals, and our executive and theatre staff.

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We have continuously been grateful for the Grants for the Arts. We are not direct recipients of its funds, but we do exist and depend on its funding to those groups that rent our theatre. It also permits us to pay our rent to the city.

Please help our industry and save the Grants for the Arts. It is the life blood of, not only our theatre, the entire arts community.

Very sincerely yours,

Jerry Friedman

Jerry Friedman

JF/dm

C:BOS

Board of Supervisors/BOS/SFGOV
01/16/2009 06:21 PM

To BOS Constituent Mail Distribution,
cc
bcc
Subject Fw: Grants for the Arts - we need it!~

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548
----- Forwarded by Board of Supervisors/BOS/SFGOV on 01/16/2009 06:22 PM -----

"squeakrad" <squeakr370@:————
Sent by: notify@yahoogroups.com

01/12/2009 01:39 PM

To board.of.supervisors@sfgov.org
cc
Subject Grants for the Arts - we need it!~

First of all, thank you so much for the support for the Grants for the Arts. We are very grateful for the help the program offers arts groups throughout the city, and helps support other voices not always heard.

GFTA helps keep tourism going, employs several thousand people throughout the city, and keeps ticket prices for all of our arts organizations affordable for residents and tourists alike.

With all the budget cuts over the years our children no longer have access to the arts through school. The Symphony, Opera, and Ballet and many other organizations provide free field trips and performances to kids which as you must know enriches their lives substantially.

The Board of Supervisors proposed a 50% reduction of the Hotel Tax Funding for Opera, Ballet and Symphony through Grants for the Arts. Did you know this Grant also funds Brava, Magic Theater, The Marsh, Queer Women of Color Media Project, Kularts, SFMT, and Theatre Bay Area? (Complete list at bottom of email) Everything from the Exploratorium and Cartoon Art Museum to the Folsom Street Fair and Gay Pride Parade! This grant funds film festivals, music, museums, theaters, dance troupes, art shows, street fairs and more. I believe that our souls cannot happily exist without music, art, theatre, dance and expression.

Every year, 16 million people visit San Francisco. Tourism is our number ONE industry. The tourism industry isn't just about theater, ballet, opera, and entertainment. JANITORS, RESTAURANTS, STORES, PRINTERS, VENDORS, HOTEL WORKERS, THEATRICAL SUPPLY STORES, A/V RENTALS, FABRIC STORES, HARDWARE STORES, SCENE SHOPS, LUMBER YARDS, LOCAL BUSINESSES, TRANSIT, TAXI DRIVERS, RETAIL, UNIONS, AND MORE ALL OVER THE BAY AREA WILL LOSE WORK!!!

The Board of Supervisors proposes that they take money from the arts because we don't need the arts!! They want to fund various social service needs. Yes, those areas need help, but not by taking our jobs. If we divert the funds to a dead end non-income generating sector, we will lose money as well. We will become those people in need of social

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services!!!

People come from all over the world to see our diverse "Most "European City in America" because of our street fairs, world-class ballet, symphony, opera, museums and the beautiful people that make up our community. San Francisco went through a huge gentrification once. We saw many of our fellow artists and families forced to leave the City. Please don't let that happen again.

Best regards,

Roberta D'Alois
Independent Artist
Director, Late Bloomer Productions

Aaron Goodman
<aarong@[redacted]s.org>
01/12/2009 11:47 AM
Please respond to
aarong@[redacted]

To Board.of.Supervisors@sfgov.org
cc angela.calvillo@sfgov.org, daniel phillips <daniel4pro@:[redacted]
bcc
Subject Fw: [predatory equity, high rents, low incomes] Affordable Rental Housing Requirements

26

SF Board of Supervisors (all new members);

I am forwarding this article link to you with deep concerns for our urban areas, and the lack of a consistent development of new affordable rental housing in all major districts of the city of SF.

The push for development (regardless of the current market crisis) demands that an equal balance of affordable rental housing stock be built simultaneously with new "market" rate and "bmr" housing.

This means a studio that is priced at a fair and affordable rent (ex: 500-800$ per month) and a one-bedroom at $800-1400 and a two-bedroom at $1400-2000)etc. [note: these numbers are estimates for what single and two income families can afford while still saving some money yearly]

The lack of the emphasis on AFFORDABLE RENTAL HOUSING STOCK! is what imbalances the urban areas, and drives people to the suburban sprawl, and has endangered the tax base needed to fund transportation, and urban infrastructural improvements.

With a new board of supervisors, and a new president, I think we can solve some of the major issues of housing, funding, transportation, sustainability, and keeping our city the gem of a location for all who come here. But it will take a significant dictatorial effort on recognizing and demanding requirements of the planning dept.'s CAB 2009, and current lack of affordable units being created in 1-story and two-story districts throughout the city.

There cannot be a focus on development only on existing low-middle income areas, and the need to provide a balanced equity-based development in ALL areas of the city is needed. We only have so much land and too much of it is along existing corridors of transportation that has not seen significant infrastructural improvements in years. Perhaps a panel with some creative "largess" in its efforts can effectively bring together a vision that exceeds the petty district battles that obstruct envisionment of a future for all native local, and incoming immigrant and new communities so that we see a proper housing vision for the future, not based on predatory equity, and developer dreams, but real envisionment of how to re-integrate our schools, housing, and city ammenities so that all people gain access and improvement by the infrastructure built.

I do hope you read the article below and recognize that similar issues of housing and developer greed are just as much a part of the bay area housing scene as any other issue. Housing, and the balance of rental affordable housing w/ ammenities is criticial to the cities future. Much more so with the current financial issues and need to be agrressive and creative in developing the cities future....

Sincerely

Aaron Goodman VP @ PRO
www.parkmercedresidents.org

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www.parkmercedlandscape.blogspot.com□4
www.tclf.org (marvels of modernism 2008, Parkmerced)

--- On Mon, 1/12/09, Sue Susman <sue@ [redacted] wrote:

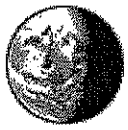
> From: Sue Susman <sue@ [redacted]
> Subject: [orgs] India news source cites Pratt Ctr report: predatory equity, high rents, low incomes
> To: "orgs" <activists@ [redacted]>
> Date: Monday, January 12, 2009, 12:25 AM
> http://indiapost.com/article/immigration/5130/
>
>
> NY immigrant tenants live in unsafe, poor housing
> conditions
> Sunday, 01.11.2009, 09:24pm (GMT-7)
>
> India Post News Service
>
> NEW YORK: A report on the challenges faced by immigrant
> tenants in New York
> City, recently released by the Pratt Center for Community
> Development along
> with the New York Immigrant Housing Collaborative and a
> host of other
> organizations including Chhaya CDC, states that immigrant
> renters in New
> York City confront severe challenges finding safe, decent,
> and affordable
> housing. Identifying those challenges, the report finds
> that by almost every
> measure, immigrant tenants face housing problems to a
> degree much greater
> than native-born New Yorkers.
>
> It also proposes measures New York City and State officials
> can take to
> improve housing conditions that disproportionately affect
> the city's recent
> immigrants. More than 1.5 million immigrants moved to NYC
> between 1990 and
> 2007, seeking a better life. As a result, New York is once
> again an
> immigrant city: as of 2006, 37 percent of New Yorkers were
> foreign-born.
>
> But even as they have brought new energy and investment to
> neighborhoods,
> many of these newcomers have ended up in overcrowded,
> illegal, expensive, or
> unhealthy living conditions. Like all renters, immigrants
> have faced an
> economic squeeze over the past decade, as rents have risen
> while incomes
> have remained flat.
>
> The median income for households headed by foreign-born New
> Yorkers is
> $35,500, significantly less than the median income of
> native born-headed

> households. Even as the city has seen high levels of new
> construction, the
> number of units that are affordable for low- to
> middle-income families has
> decreased precipitously.
>
> >From 2002 to 2005, the city lost more than 205,000
> units affordable to the
> typical household. The median monthly rent for unsubsidized
> apartments in
> the city increased by 8 percent, while the citywide median
> income fell by
> 6.3 percent.
>
> For unsubsidized low-income renters - a group that includes
> a
> disproportionate share of immigrants - the typical share of
> earnings spent
> on rent rose from 43 percent to more than half of income,
> in just three
> years.
>
> The foreclosure crisis is exacerbating the problem, and
> even drop in real
> estate prices is providing little relief. Rent declines are
> concentrated in
> Manhattan luxury housing, the only part of the market with
> a high vacancy
> rate.
>
> In the outer boroughs, where most New Yorkers and most
> immigrants live,
> widespread foreclosures are leading to the eviction of
> tenants and
> homeowners alike.
>
> To better understand these challenges and move toward
> policy solutions, the
> Pratt Center - as part of a collaborative effort convened
> by the New York
> Immigration Coalition, including Asian Americans for
> Equality, Chhaya
> Community Development Corporation, Make the Road New York,
> Mirabal Sisters
> Cultural and Community Center, and Neighbors Helping
> Neighbors - conducted a
> study to examine the housing conditions of immigrant
> tenants in New York
> City.
>
> The survey included 541 foreign-born residents of the New
> York City
> neighborhoods with the greatest concentration of
> immigrants, asking
> questions about housing conditions, affordability, access
> to subsidized
> housing, and other essential indicators.
>
> Key findings of the survey show that immigrants face severe
> affordability
> problems, compounded by "predatory equity,"

> gentrification, and rapid rent
> increases: Foreign-born New Yorkers are more likely to pay
> high portions of
> their income for rent.
>
> More than half of all immigrant renters pay over 30 percent
> of their income
> for rent (56.5 percent, compared with 47 percent for
> native-born tenants).
>
> The problem is especially severe for low-income tenants.
> For households with
> income of less than half of the area median income (about
> $37,000 for a
> family of 4), nearly 82 percent of immigrant tenants pay
> more than 30
> percent of their income for rent, and more than 50 percent
> pay over half
> their income for rent.
>
> On average, families pay a significantly higher portion of
> their income for
> rent than they did just a few years ago. These
> affordability problems are
> compounded in neighborhoods where gentrification has
> increased rents
> sharply.
>
> In addition, an emerging phenomenon of "predatory
> equity" - in which new
> building owners and investors seek rapid tenant turnover
> and dramatic rent
> increases - is especially prevalent in some immigrant
> neighborhoods.
>
> The survey finds that immigrants are more likely to live in
> overcrowded and
> illegal conditions: Immigrants are three times more likely
> to live in
> overcrowded conditions than native-born New Yorkers. In
> addition, many
> immigrant families live in illegally converted basements or
> other spaces;
> about half of survey respondents knew of families living in
> illegal units.
>
> One estimate puts the number of such units at more than
> 100,000 citywide,
> concentrated in neighborhoods with high proportions of
> immigrants. An
> overwhelming percentage of respondents to the survey
> reported that they knew
> people living in poor conditions.
>
> However, the likelihood that a New Yorker lives in
> substandard housing
> conditions appears to be correlated with race more than
> with immigrant
> status: More than 70 percent of immigrant renters surveyed
> for this report
> indicated that "most" or "a lot" of

> immigrants they knew live in poor or
> dangerous conditions.
>
> More than half have seen mice or rats in their buildings in
> the last 90
> days, and nearly half have cracks of holes in their
> apartments. Also, the
> report states that immigrants have less access than
> native-born New Yorkers
> to publicly subsidized affordable housing programs:
>
> Immigrants are much less likely than comparable native-born
> New Yorkers to
> live in affordable housing created through public programs.
>
> A survey by the Community Service Society found that just
> 32 percent of
> immigrant black and Hispanic New Yorkers live in subsidized
> housing,
> compared with half of native-born black and Hispanic New
> Yorkers.
>
> In Queens, the borough with the highest proportion of
> immigrants, little
> affordable housing has been produced by recent city, state,
> or federal
> initiatives. Among the findings of the survey was the
> disturbing increase in
> "underground housing".
>
> Between 1990 and 2000, New York City gained approximately
> 114,000 apartments
> that are not reflected in the official number of
> certificates of occupancy
> the city granted for new construction or renovation. Many
> more have almost
> certainly been created since.
>
> These phantom apartments are the city's housing
> underground: units that have
> been created in spaces that are not approved for living.
> They include
> private homes that have been cut into rooming houses,
> two-family homes with
> unauthorized basement apartments that house illegal third
> families,
> unapproved residential conversions of commercial lofts and
> other types of
> unlawful construction. Research by the Pratt Center for
> Community
> Development and Chhaya Community Development Corporation
> shows that these
> units predominate in neighborhoods on the outskirts of the
> city, in Queens,
> Brooklyn, and the Bronx.
>
> In these communities, populated by large numbers of recent
> immigrants, the
> existence of unauthorized apartments is controversial. Many
> neighbors view
> these units as drains on neighborhood services, indications

> of an uncounted
> population using schools, hospitals, streets, and services.
>
> The people who live in these units, understandably, see
> things differently.
> For them, these units are necessary, a crucial resource in
> a city sorely
> lacking in affordable alternatives. While these units
> provide an important
> refuge for families who cannot find other housing options,
> they are a
> tenuous option.
>
> One call to the Department of Buildings can lead to
> eviction, and tenants in
> these units are not protected by rent laws or the housing
> maintenance code.
> Approximately half of those surveyed knew of immigrant
> families living in
> partitioned rooms (49 percent) or basements (52 percent)
> and a similar
> proportion (48 percent) of respondents knew of immigrants
> living in
> apartments of one sort or another - such as those in
> attics, garages, or
> basements that they understood to be illegal.
>
> Interestingly, knowledge of immigrants living in illegal
> units was not
> concentrated at the lowest incomes. While 43 percent of the
> lowest-income
> respondents reported an awareness of immigrants in illegal
> apartments, 55
> percent of the middle income tier and 58 percent of those
> in the highest
> income tier reported such awareness.
> SRIREKHA N. CHAKRAVARTY
> _____
> activists mailing list
> activists@save-ml.org
> http://save-ml.org/mailman/listinfo/activists_save-ml.org



"Francisco Da Costa"
<fdc1947@: ——
01/12/2009 07:51 AM

To "Francisco Da Costa" <fdc1947@ ——
cc
bcc Board of Supervisors/BOS/SFGOV
Subject Lennar Stocks and Shares down by 20%

27

Lennar's Stock and Shares down by 20% and sinking. PONZI schemes grip Lennar:

http://www.indybay.org/newsitems/2009/01/12/18562124.php?printable=true

Francisco Da Costa

27

http://www.indybay.org/newsitems/2009/01/12/18562124.php

San Francisco | Health, Housing, and Public Services

Lennar sinking in its own CESSPOOL - Stocks down - Lennar exposed for fraud and theft.
by Francisco Da Costa
Monday Jan 12th, 2009 7:34 AM

> Lennar is a Rogue Company that has with intent poisoned our Children and Elders in the Bayview Hunters Point in San Francisco. Now, Lennar has been exposed for all its wrong doing all over this Nation. Its Stocks and Shares are down 20% and Lennar is sinking in the CESSPOOL of its own making. Lennar is now being investigated after being exposed by a person who himself knows a lot about fraud. Its takes a crook to know a crook - and Lennar has met its match. No good will come from Lennar.

Lennar is a Rogue Company that has poisoned our children and elders in the Bayview Hunters Point. It has defaulted on its Disposition and Development Agreement on Parcel A - at Hunters Point Naval Shipyard.

Recently, Lennar has been exposed as being a CROOKED COMPANY - but we in the Bayview Hunters Point knew this for the longest time.

I said a long time ago - that Lennar would drown in the cesspool of its own making. Now, Lennar is learning its lesson and for sure it will drown and I hope disappear from the face of the Earth.

Lennar was hoping to be bailed out by the new Administration - the Obama Team.
No one should simply bail out a company that with intent - adversely impacted thousands of innocent people and home buyers all over this Nation.

Lennar participated in many "PONZI SCHEMES" and it took a crook who was imprisoned but now says - that he has reformed his life - to delve into the misdeeds of Lennar over years - to reveal to the world - what Lennar really stands for:

http://blogs.tampabay.com/venture/2009/01/lennar-housing.html

Lennar has adversely impacted innocent folks in Vallejo, California. Promised to build 10,000 homes at Mare Island and had nothing to show for - after ten years and declared Bankruptcy.

It did that in Southern California and wasted over $1 Billion of CALPERS money. Money that belongs to the Retirement Fund of the California State Workers.

The State of California must debar Lennar from doing any business in California.

The City and County of San Francisco must debar Lennar from doing any business in San Francisco.

Lennar will take down San Francisco and we better - cut our losses today and let this "evil company" go.

If San Francisco does not do that - Lennar will take us down into the Cesspool that it has created.

I was the Proponent of Proposition F. Lennar favored Proposition G. Diane Feinstein favor Proposition

G. So did Nancy Pelosi and so did Gavin Newsom. What do all these crooks have in common?

The Pacific Heights Mafia favors Prop G? Why?

No one should do any business with Lennar - Lennar has with intent harmed - thousands all over this Nation.

I have been saying this for the longest time and no one has been listening. This is that Clarion Call - that calls upon anyone with some sense of decency to cut off the losses and get rid of Lennar - a Rogue Company that has blood on its hands.

Francisco Da Costa
Director
Environmental Justice Advocacy

****

http://www.muwekma.org

****

http://www.hunterspointnavalshipyard.com

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http://www.cbre.com

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http://www.hunterspointshipyard.com

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http://www.sfgov.org

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http://blogs.tampabay.com/venture/2009/01/lennar-housing.html

****

http://blogs.tampabay.com/venture/2009/01/...

Ann Garrison
<anniegarrison@ >
Sent by: Ann Garrison
<annie@ m>
01/10/2009 03:57 AM

To Board of Supervisors <board.of.supervisors@sfgov.org>, Mirkarimi Ross <Ross.Mirkarimi@sfgov.org>, Chris Daly <chris.daly@sfgov.org>, Bevan Duftv
cc PRO-SF PRO-SF <home(San Francisco Bay View <editor@ om>, BVHP Enough <ENOUGH_BVHP@ >, Luke Thomas
bcc
Subject LENNAR stock drops 28% in one day, 01/09/2009, on FRAUD charges

Yet another reason why the City of San Francisco might as well have made Halliburton the
"Master Developer" in Bayview Hunters Point and the Hunters Point Shipyard:

Lennar shares down on fraud accusations
Associated Press, 01.09.09, 01:47 PM EST
http://www.forbes.com/feeds/ap/2009/01/09/ap5901876.html?partner=alerts

Also note that Barry Minkow, the guy bringing fraud charges against the Lennar Corporation was a
famous, world class fraudster who did seven years prison time for it himself, but, that only makes his case against
Lennar more credible, because, it takes one to know one, and to know how fraud works.

Lennar attempts to dismiss Minkow because he himself was convicted of mega fraud, but Minkow is,
now, not only Senior Pastor at the Community Bible Church in San Diego, California,
but also a recognized expert on fraud who, according to the Wikipedia, "speaks on the subject to university
students and the business community in an effort to prevent fraud," and, holds an "executive position" at something called the Fraud Discovery Institute.
(http://en.wikipedia.org/wiki/Barry_Minkow)

The computer security biz, similarly, hires former cybercriminals to design computer security systems.

I could send you a long list of links as to why San Francisco and the RDA might as well have signed
the Halliburton Corporation to build here, but I know you're not gonna read any

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e-mail that long.

Nevertheless, I think this is a very real problem and can't help wishing the City
had
hired someone to come up with a list of links like mine before giving the shipyard
to Lennar for $1, et al.   Or heeded Fog City's list, or the Bay Guardian's, or the
San
Francisco Bay View's before prolonging the agony.

I've considered coming down there with my own argument as to why Lennar might
as well
be the Halliburton Corporation, including its longstanding, hand-in-glove,
revolving door, and
multiple joint ventures relationship with Lehman Brothers, and its private prison
ventures,
but I knew I'd only have two minutes before getting the HONK!!!!, and I can't
come running
down there every Tuesday.

I've never once seen an RDA drone get the HONK!!! even though they get paid to
drone on,
and on, and on, without providing any information about the history, corporate
structure, or
corporate culture of "Master Developers" like Lennar, which I would think you'd
want to know,
so unless and until Board President David Chiu, dispenses with the two-minute
HONK!!! for good
citizenship, I'm honking off too.

HONK!!!   ---Ann Garrison, District #8,

P.S. Blackstone Capital seems to be on the verge of going bust, like the banks,
which might mean something if you understand
Blackstone's relationship to Lennar.   A Navajo activist, who's been fighting Sithe
Global Industries' 60-acre Desert
Rock coal-fired power plant proposal for years, told me that Blackstone Capital
has stopped answering the phone.   Sithe
Global and Lennar have similar corporate structural relationships to Blackstone.

P.S.S. David Campos doesn't have an e-mail address down there yet, so can
someone please forward when he

does. HONK!!!

28

"Christian Holmer"
<mail@

01/12/2009 03:55 AM

Please respond to
<mail@

To "'John St.Croix'" <john.st.croix@sfgov.org>, "'Steven Massey'" <Steven.Massey@SFGOV.ORG>
cc "'Kimo Crossman'" <kimo@ net>, "'Allen Grossman'" <grossman35(n>, "'Wayne Lanier'" <w_lanie ; "'James Chaffee'"
bcc

Subject Request For Current Signed Copy Of Ethics Commission Record Retention and Destruction Schedule: Immediate Dislcsorue Request

Mr. St. Croix,

This Is A request for A Current Signed Copy Of Ethics Commissions Record Retention and Destruction Schedule. Sample RR&DS's From Mayors Office, Controllers Office and City Attonrneys Office Are Attached. This Is An Immediate Dislcosure Request. Make Sure Every Page Is Searchable Save the Formal Signature Page To Assure Most of the Submission is ADA Compliant.

Happy New Year

Christian Holmer: SFSM Information Clearinghouse: SFSM 2008 Sunshine Data Request
SFSM 2008 Sunshine Data Request Related Correspondence
Pursuant to BOS Resolution #040694
P: 415-
C: 415-
F: 415-
E: mail@csrsf.com
W:http://www.csrsf.com

Mayors Office Retention Policy 2004.pdf City Attorney Record Retention and Destruction Policy.doc

Controller Record Retention Schedule 4-26-05.doc

----- Message from Unknown on Unknown -----

To: "'Local SFSM Press List; '" <mail@csrsf.com>

Subject District Attorney: DA Required to Have a Formal Signed RR&DS: DA / CA Promise : To Provide

From: Paul Henderson [mailto:Paul.Henderson@sfgov.org]
Sent: Thursday, August 16, 2007 5:05 PM
To: Christian Holmer
Subject: Fw: Christian Holmer request for documents

28

Christian,

It was a pleasure speakingwith you earlier today. I am sorting through the various requests and will be in contact shortly. -Paul
Cc:
Paula Jensen
Deputy City Attorney
City and County of San Francisco
Room 325 City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Paula.jesson@sfgov.org

Re: Sunshine request for a formal signed copy of the San Francisco District Attorney's Record Retention and Destruction Schedule.

Dear Mr. Christian Holmer,

This letter is in response to you e-mail request to Kamala Harris, and the San Francisco District Attorney's Office, dated June 20, 2007. You requested a "formal signed copy of the San Francisco District Attorney's Record Retention and Destruction Schedule."

Your request was pursuant to the San Francisco Sunshine Ordinance 67.21(c).

We recognize that the San Francisco District Attorney's Office is required to have a formal signed copy of the schedule for record retention and destruction under San Francisco Administrative Code 8.3.

We intend to comply with your request and I am in the process of locating this document. If I am unable to locate the signed copy of the schedule of record retention and destruction, we will create a new copy and forward it to you.

Sincerely,

Paul Henderson
Assistant District Attorney

"Francisco Da Costa" <fdc1947@;
01/11/2009 12:53 PM

To "Fred Blackwell" <fred.blackwell@sfgov.org>, "Michael Cohen" <michael.cohen@sfgov.org>, "Gavin. Newsom" <gavin.newsom@sfgov.org>, "SFBOS BOS"
cc "Leland Yee" <leland.yee@sen.ca.gov>, "Heather Fong" <Heather.Fong@sfgov.org>, "Controller SF" <controller@sfgov.org>
bcc

Subject Lennar and blatant corruption all over this Nation.

29

Lennar and blatant corruption:

http://www.lenn-ron.com/docs/FDI-Lennar_Final.pdf

Francisco Da Costa

29

"Francisco Da Costa" <fdc1947@
01/11/2009 04:12 PM

To "Governor Governor" <Governor@govmail.ca.gov>, "SecretaryState Bowen" <Secretary.Bowen@sos.ca.gov>, "AttorneyGeneral Brown"

cc

bcc

Subject Lennar a Rogue Developer that keep adversely impacting millions.

Lennar is a Rogue Company that has wasted over $1 Billion of CALPERS funds.

Lennar is a Rogue Company that poisoned our children and Elders in the Bayview Hunters Point.

Lennar promised to build 10,000 homes at Mare Island and declared bankruptcy.

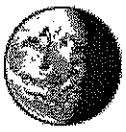
Lennar was fined $515,000 by the Bay Area Air Quality Management District for polluting the Bayview Hunters Point with intent.

We must stop Lennar from doing any business in San Francisco - it is a Rogue Company.

Lennar is a Rogue Company that has been full exposed:

http://www.lenn-ron.com/docs/FDI-Lennar_Final.pdf

Francisco Da Costa
Director
Environmental Justice Advocacy



"Francisco Da Costa" <fdc1947@g
01/11/2009 08:37 AM

To "Francisco Da Costa" <fdc1947(
cc
bcc Board of Supervisors/BOS/SFGOV
Subject Oscar Grant

30

Thousands have gathered to honor Oscar Grant - we need to drastically change the policies linked to shooting and killing of Blacks and people of color:

http://www.indybay.org/newsitems/2009/01/10/18561261.php?printable=true

Francisco Da Costa

30

http://www.indybay.org/newsitems/2009/01/10/18561261.php

East Bay | Police State and Prisons | Racial Justice

Thousands gather to honor and make sure that another Oscar Grant incident never happens.
by Francisco Da Costa
Saturday Jan 10th, 2009 8:25 PM

> In the wee hours of the New Year 2009 a young man - the father of a young girl - pleaded for his life at the Oakland Bart Station - but was shot in cold blooded fashion by the Bart Police. Shame on the Bart authorities and shame on those who could have avoided this incident. A young man - more a Black man is gone - but leaves behind a mourning family in dire shock. Hundreds of relatives and friends - cannot believe that Oscar Grant is gone. But, if we stand UNITED - we can stand up for what is right - and honor Oscar Grant.

Oscar Grant was shot in cold blooded fashion by the Bart Police on New Year Day - in the wee hours of the morning - at the Oakland Bart Station. Oscar Grant was 22 years and employed as a butcher. He was doing well and loved his young daughter.

People say Oscar Grant had a great smile - but now that smile is forever - gone.

People say Oscar Grant loved sports and was a great sportsman. But, today - Oscar Grant is no more.

If we the people do not take a stand - then we can blame ourselves - if another incident such as this - takes place on our watch. We can talk the talk - but is there anyone of us that really can walk the walk. Walk the walk with authority and stop the Law Enforcement blatant killing of Black men and others of color - without impunity?

Oscar pleaded for his life - begging the Bart Police not to shoot him - that he had a young daughter - but, all in vain. The Bart Police Officer shot him point blank, at close range and while he was hand cuffed and lay on his face.

After shooting Oscar Grant the Bart Police Officer looked up then at this fellow Bart Officer - and knew that he was wrong and what is more - committed a crime in front of many - people.

The Bart Police were quick to confiscate some cell phones from some passengers - that had recorded the incident. But, so many had the incident on tape - that this incident made it to the Television Station and made news all over the world.

The lawyer John Burris has filed a $25 million law suit - but this sum does not do justice to a racist Bart Police Force that has committed such crimes - before, at many different Bart Stations - and no one has had the guts to take these scoundrels on.

Even before anyone knew it - the Bart Officer who shot Oscar Grant - had a lawyer on hand - who directed all questions to him and complete silence from the rogue Bart Officer.

One week passed and there was no incident report from the rogue Bart Officer that killed Oscar Grant. Then just like that - the Bart Officer left the force and thinks this blatant crime will blow away and that NO justice will be done.

Daily hundreds are pissed off and rightly so - by this sordid incident.

Daily many Blacks are sick and tired of Law Enforcement and especially the Bart Police - thinking they can without impunity - beat and treat Black Bart passengers - like pariah dogs.

Now, this one Bart Police Officer has crossed the line - and the time has come to settle scores on many fronts.

Law Enforcement tends to think that all Blacks are criminals. This is wrong.

If half the folks in jails are Black it is for this reason. Once charged - and many a time falsely - thousands of Blacks linger in jails - and even if they get out from behind the wall - they are left with scars that affected them but more their families and loved ones.

Judging from the behavior of some rogue Police Officers - there must be a law that charges should be pressed and such rogue officers - and that they go to jail at once. Why? Because the rogue officers - must know better. If these officer kill with intent - as happened in this case - then the severest penalty must be imposed.

But, it seems a law prohibits Law Enforcement and Police Officers being charged immediately - and when this law was passed - many of us were asleep - while the devil was at work.

It is very true that Oscar Grant died in vain. It is very true that we must do something to change the sordid policies that Law Enforcement - uses to treat - every day citizens with disdain.

The other youth who were with Oscar Grant were handcuffed and treat badly for over 6 hours. The Bart Authorities have not apologized about this fact.

The double faced Bart Board of Directors have failed us all - and many of them need to be charged - too. Dereliction of duty. The people should not listen to their double talk as we listened to some of these Bart Directors at a very large gathering today in Oakland.

Many intelligent Black speakers spoke about what should be done. Many called for Unity and for quick adjudication from the District Attorney and the Mayor of Oakland who has been asleep and has failed to have a hands on approach.

Oakland has made the news and for all the wrong reasons.

There is too much crime in Oakland - sending a wrong signal to rogue Police Officers and others. This must change and we must not give rogue Police Officers an opportunity to shoot and kill at will - with or without justification. Taking a life is something serious - and every Police Office must remember that.

This incident involving Oscar Grant has made world headlines - soon hundreds of folks will come from all over the Nation - to address this situation but more the discrimination of Blacks - here, there, and everywhere - in Oakland.

Town Hall meetings are planned all over California. Now, is the time for thousands to gather in Sacramento and send a clear signal about Rogue Police Officers and other injustice meted out to Blacks and other people of color.

Here are some photographs from one such event - where hundreds gathered to address the injustice done to Oscar Grant:

http://www.flickr.com/photos/franciscodacosta/sets/72157612419205486/show/

Francisco Da Costa
Director
Environmental Justice Advocact

****

http://www.flickr.com/photos/franciscodaco...

http://www.indybay.org/newsitems/2009/01/18/18564441.php

San Francisco | Racial Justice

Oscar Grant - this death brought together many sane forces to bring about justice for all.
by Francisco Da Costa
Sunday Jan 18th, 2009 4:02 PM

> For some months now all over the Bay Area a MOVEMENT has made its appearance and brought sane forces to address a situation - as happened with Oscar Grant. The death of Oscar Grant must NOT go unheeded. Even as there are sane forces trying to figure out - how best to tap into this crisis for good - the enemy is trying to divide - those that seek justice and the truth. We must stand united - put aside our differences and most of all our petty - egos.

For some months now a MOVEMENT has been active and visiting places like Sacramento, Modesto, Stockton, Oakland, East Palo Alto, and San Francisco. We are visiting children, women, and men of good faith and asking them to think hard - and ponder more the injustices meted-out to the poor and those that cannot defend - themselves.

In order to do this we must be educated on issues. We must be united. And for once put aside our petty egos and strike a balance to take us all to a better place.

It is very true that Oscar Grant is no more. And it is very true that we have clear evidence of a cold blooded shooting and killing. But, we must remember our judicial system does not favor the poor - and even the best of lawyers - have been know to screw up.

We also have the Jury System and if this case is transferred to a place that does not fairly represent diversity - we could see a protest and further repercussions - never ever seen in the history of contemporary Bay Area history - linked to a very huge protest and riots of a kind.

We must pay careful attention to the men some six of them that were jailed for over six hours on January 1, 2009. No one has demanded why this was done. And we have had no apology from the Bart Board of Directors and from anyone in authority.

It is critical when such incidents happen that investigative reporting is done and the various layers of injustice peeled to reveal the blatant - TRUTH.

In the press and the general Main Press Media the truth is not being told.

And even Mayor Ron Dellum is speaking in generalities - as he did not address the issues on time - but only when he felt his ass and his pants caught on fire. Generalities do not bode well for any so called Mayor that is NOT hands on - sits on the fence and waits to see - which side is green.

Shame on those that are pandering to the Mayor Ron Dellums. Ron Dellums has failed Oakland so we really cannot expect - anything from his abject failure on many fronts.

We must also delve into the jurisdiction of the Bart Police and the many rogue instances when Bart Police act rudely with cause.

Once some years ago I witnessed this myself and I stepped up and put an end to the nonsense. They

knew at once that I knew a lot about Law Enforcement and backed off. But, I know for certain - if I had not intervened the Black youth - would have been sent to jail.

Bart Police have jurisdiction over the many Bart Stations and over 10 jurisdictions. And there are Memoranda of Understanding with the Local Police that give Bart Police - total control and there fore - the ability to either help or harm. Many of the times - if the youth or the adults are of color - they are treated like dirt.

The Bart Board knows this - but they have been slow to address the real issues - until the Oscar Grant incident - hit them in the face.

Some Rogue Bart Police Officers have never been sent for a rehabilitation course.

Many continue to be on the force when they should have been fired a long time ago.

This is common with many Law Enforcement agencies and recently we saw it with the Oakland Police Department - Police officers abusing the law and falsifying the reports.

Many Bart Police Officers have never ever been reprimanded.

The Bart Police Chief - with a smirk on his face - must be fired - I remember him taking this case - linked to Oscar Grant - slightly and making vague statements - when the evidence was clear to all present - and those that saw the many videos.

Community Policing is essential and a Task Force must be set up to first have a Office of Citizens Complaints monitor the Bart Police.

Further another smaller Task Force to study the jurisdictions and the many incidents involving - discrimination, beatings, and so on by Bart Police.

We require this Empirical Data to study the cases and bring out a model that puts the Bart Police Officers on notice and more the Bart Directors. Many of them who have been pandering to the authorities must go.

A web site must be set up so that people can post such complaints. Complaints linked to discrimination, abuse, unruly behavior, and so on.

Some independent entity can review the complaints and bring about some ruling that will improve Bart.

Clearly in the case of Oscar Grant and the six young men incarcerated and treated badly - the Bart Police failed in their duty and more the Bart Public Relations folks - that were caught with their hands in the cookie jar.

Check this out:

http://www.franciscodacosta.com/articles/blossoms095.html

Francisco Da Costa
Director
Environmental Justice Advocacy
http://www.franciscodacosta.com/articles/b...

http://www.indybay.org/newsitems/2009/01/14/18563092.php

East Bay | Racial Justice

Thousands gather by Oakland's City Hall - send a clear message for Justice and Oscar Grant
by Francsico Da Costa
Wednesday Jan 14th, 2009 8:34 PM

> As many as five thousands plus gather outside Oakland's City Hall to protest the cold blooded shooting by a Bart Police Officer Johannes Mehserle of a 22 year old Oscar Grant. Many leaders from all over the Bay Area were present - including Mayor Ron Dellums of Oakland - who spoke in generalities. Oakland Police came out in force but the march that followed the speech making - was very peaceful. The thousands that gathered on this historic day - sent a clear message to Law Enforcement - that shooting and killing innocent people is wrong. But, more so killing innocent Blacks will not be tolerated - as was done in the case of Oscar Grant a 22 year old father from Hayward.

The memory of Oscar Grant lives in the minds of many people. So may videos have been shown over and over again - that people are making Oscar Grant the martyr part of their lives and their families.

Over five thousands people gather outside Oakland's City Hall and many speeches were made - most of them calling for peace and remembering Oscar Grant. A few called for justice but the tone of the speeches were mild.

Today, January 14, 2009 history was made in Oakland by the thousands that decided to stand up for what is right. This day will be remembered for a long time - and as the days turn to weeks to months and years - good things will come from this historic - gathering for justice and Oscar Grant. His life was precious and his going away has already made many good - changes.

Again and again some speakers called for peace and a peaceful march and rightly so. The last time around some of the violence and destruction was not called for - but those at ground zero say that it had to happen - to bring attention to Oakland, the Nation and the World.

It is very true that Oscar Grant was shot in the back and killed by a Police Officer who decided to flee and was nabbed in Nevada. He is now in jail - and I hope he and others of his ilk - remember that cowards like him - will be brought to justice.

For years Blacks and others of color have been discriminated by Law Enforcement. They do this because they have a gun and a uniform. But, take that away - the cowards cannot face a real man. These same jerks - shiver like a dog who has his tail between its legs.

There was some fear that the crowds that had gathered outside Oakland's City Hall would create ruckus but that did not happen.

The organizers put a lot of work into today's gathering and I was informed of this meeting days ago. One organizer had me on the roster to speak - but I think - too many speakers want to have their say. I got a chance to observe and take some photographs which I like doing - anyway.

Oakland Police Department was in force - but, they were well behaved because I do not think they expected a crowd of over five thousand. Some say as much as seven thousand. They were forced to be on their best behavior and rightly so.

It was pathetic to hear some television stations say a couple of hundred gathered at this protest. That is the trouble with our Main Media - they fail to report objectively and they fail - again and again to do their investigative reporting.

In the case of Oscar Grant had there been no video taken by the public at large and many videos at that - this case would never be what it is today. It is the public from day one that took upon themselves - to sound the clarion call and demand justice.

There were other young Black men with Oscar Grant that were arrested - treated badly and jailed for six hours plus. They all suffered and nothing much has been written about them by the Main Press. The Main Press loves what sells - and that is sensational news - to up their stupid - ratings.

The Bart Board owed an apology to the men that were jailed for over six hours. When are we going to hear that? May be they all should get a written apology? Can the Main Media write something about that? May be?

We have NOT heard a word from President Elect Barack Obama about the case and Oscar Grant. The world has heard about it - but our soon to be Black President-Elect - has been silent. Even as he has been silent on the killings going on in Gaza.

Well, today in the Bay Area there is a Movement that has been in place for some time now.

Had it not been for the Movement - the protest and the ground work that led to the many hearings at the Bart Board would not have taken place.

More the gatherings at the Church that brought together - the sisters and brothers who now are fully aware that UNITY and STRENGTH matter - when, it comes to those that love to divide us and then trample on our rights. They have done this for years - using laws that favor them to kill, shoot, and commit crime in the open.

Then just like that they cover their tracks and it is as if nothing - happened.

It is a shame that the many Black leaders have been silent for so long a period. Many of the sell outs - are used to taking the bread crumbs and they act worst then the Mastas from the Plantation Days. Believe you me.

In fact it must be known that the some Black Leaders in the Bay Area have been approached by the MOVEMENT - and told in no uncertain terms - to wake up - that most Blacks and others of color will be history - if we permit those in authority who are not Black to divide and destroy our families.

Look at our jails that is a trillion dollar industry - the majority of those that are jailed are Blacks. Some estimates say - over fifty percent are innocent - but Black Leaders have done nothing much - expect, continue to feed on the bread crumbs given them by those in authority that want to divide us.

Can you imagine the pain felt by the Oscar Grant family and his relatives. Yet, again and again the family cognizant that violence in the extreme - may cause hurt to other human beings - have pleaded for peace. I have heard them and paid attention to their sentiments.

Oscar Grant will bring about a new sense to Community Policing in our neighborhoods. Is is left to us to take our communities to a better place. It is left to us to fine tune our moral compass. It is left to us to

educate ourselves on issues.

So many of us just talk the talk and fail again and again to walk the walk.

Oscar Grant will also hopefully spur Law Enforcement to be mindful as to tax payer and that they have an obligation to be fair and uphold - justice.

The Bart Police Officers have had a bad track record. Listening to the Bart Police Chief and his first comments - clearly showed lack of leadership. He must resign and with him the five or more Bart Police Officers - that were a witness to the cold blooded shooting and killing of Oscar Grant.

We the people want to read their Incident Reports from these five or so Bart Police Officers.

We the people want to hear their testimony.

We the people want to know - if they have the courage to uphold the law and adhere by the principles of justice.

Many of these Bart Officers - for years - thought they could commit crimes and discriminate and suffer no consequences.

Well, that day is gone and a new day will take them to task - and if they do not change their ways - we, the people - will demand that they go elsewhere.

In the Bay Area - we will watch them very carefully and change the laws that today - favor these Rogue Police Officers.

We the people must be mindful that there are laws in the books that favor Rogue Police Officers.

This took place because we the people were fast asleep.

It is time - a Citizens Task Force be formed and that we initiate a Ballot Measure to throw out - those crooked laws that favor the actions of Rogue Police Officers. The Rogue Police Officers - are in the minority but they are a disgrace to the human race and to all things - decent.

In days to come - many will realize that the death of Oscar Grant was not in vain.

May his soul rest in peace.

Our heart felt condolences to his family and relatives.

The many friends of Oscar Grant that he had and that have spoken to me. They say he had a smile that lives forever.

Enjoy some of the photographs:

http://www.flickr.com/photos/franciscodacosta/sets/72157612534434183/show/

Francisco Da Costa
Director
Environmental Justice Advocacy

http://www.flickr.com/photos/franciscodaco...

CLBOS
AC, KG, MZ, NJ C-Adams
Amelia
orig: Rana

Office of the Mayor
City & County of San Francisco

Gavin Newsom

31

January 16, 2009

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 JAN 16 PM 2:38
BY

Members, Board of Supervisors
San Francisco City Hall
1 Carlton B. Goodlett Place
San Francisco, California 94102

Dear Supervisors:

This letter communicates my veto of Ordinance File Number 081589, passed on second reading by the Board of Supervisors on January 6, 2009. This ordinance would lower the height and bulk designation of two parcels from 85-X provided in Ordinance No. 299-08 to 50-X/65-B. One impacted parcel is located on Assessor's Block 3616, Lot 007 (the New Mission Theater site). The other is located on Assessor's Block 3595, Lot 024 (the El Capitan Theater site). Both lots are sites of landmarked theaters.

The New Mission Theater site has been proposed for development of a mixed-use project that includes heights up to 85 feet along Mission Street. This project has been under review at the Planning Department since July 2005 and would not be possible if the proposed ordinance becomes effective.

The proposed development would, among other benefits rehabilitate, restore and reactivate the long dormant New Mission Theater, San Francisco Landmark No. 245, provide neighborhood-serving childcare services, reactivate the theater use, and increase the City's housing supply by constructing market-rate and below market-rate units on one of the City's most transit-intensive streets.

The height reduction proposed by this ordinance is inconsistent with the Planning Department's and Commission's original recommendation for the site, the General Plan policy of encouraging preservation of historically significant buildings, encouraging housing along major transit corridors and revitalizing underutilized properties along key neighborhood commercial corridors.

In addition, my staff, working with Supervisor Dufty's office, made good efforts to amend this ordinance to address several of the policy concerns raised by members of the Board, including adding additional language to clarify the preservation requirements for the theater. These attempts at compromise were not accepted. Based on all of the above factors, I have determined that a veto of this ordinance is in the best interests of the City.

Sincerely,

Gavin Newsom
Mayor

Cc: Angela Calvillo, Clerk of the Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 200, San Francisco, California 94102-4641
gavin.newsom@sfgov.org • (415) 554-6141

31

Amendment of the Whole
In Board
12/16/08

FILE NO. 081589 ORDINANCE NO.

[Eastern Neighborhoods Zoning Map – height district for Mission Street theater properties~~y~~.]

Ordinance amending the San Francisco Zoning Map by amending the height district designation for ~~Assessor's Block 3595, Lot 024 on Mission Street between 19th and 20th Streets and~~ Assessor's Block 3616, Lot 007 on Mission Street between 21st and 22nd Streets to ~~65-X/85-X~~50-X/65-B; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Note: Additions are *single-underline italics Times New Roman*; deletions are *~~strikethrough italics Times New Roman~~*. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough~~ normal.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

(a) Under Planning Code Section 302, the Board of Supervisors finds that this Ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 17752 recommending the approval of this Planning Code Amendment and incorporates such reasons by this reference thereto. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 081334 and is incorporated here by reference.

(b) Under Planning Code Section 101.1, the Board of Supervisors finds that this Ordinance is consistent with the Priority Policies of Planning Code Section 101.1(b) of the Planning Code and with the General Plan as proposed to be amended in companion legislation and hereby adopts the findings of the Planning Commission, as set forth in Planning Commission Resolution No. 17752. A copy of said Resolution is on file with

the Clerk of the Board of Supervisors in File No. 081334 and is incorporated herein by reference.

(c) In accordance with the actions contemplated herein, this Board adopted Ordinance No. 297-08, concerning findings pursuant to the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). A copy of said Ordinance is on file with the Clerk of the Board of Supervisors in File No. 081152 and is incorporated by reference herein.

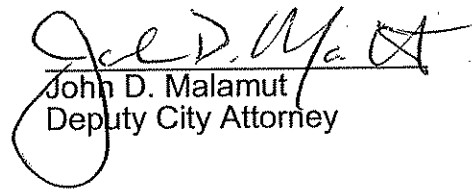
Section 2. Under Sections 106 and 302(c) of the Planning Code, the Zoning Map of the City and County of San Francisco is amended as follows:

Assessor Block/Lot	Height District To Be Superseded	Height & Bulk District Hereby Approved	Sheet
~~3595/024~~	~~50-X~~	~~40-X/85-X~~ ~~40-X/55-X 65-X/85-X~~ ~~55X 65-X 85-X~~	~~7~~
3616/007	50-X/65-B	~~45-X/85-X~~ ~~45-X/65-X 65-X/85-X~~ ~~85-X 65-X/85-X~~ 50-X/65-B	7

Section 3. This Section is uncodified. This legislation is companion legislation to the Eastern Neighborhoods Planning Code and Zoning Map amendments (the "Eastern Neighborhoods Amendments"), copies of which are in Clerk of the Board of Supervisors File Nos. 081153 and 081154 and are incorporated herein by reference. This Ordinance relies on Planning Code Sections and Zoning Map changes contained in the Eastern Neighborhoods Amendments. Consequently, the Board of Supervisors would not adopt this legislation

without adoption of the Eastern Neighborhoods Amendments. Therefore, this Ordinance will not be effective unless and until the Eastern Neighborhoods Amendments are effective. Further, the zoning designations set forth in this Ordinance shall prevail over any contrary zoning designation in the Eastern Neighborhoods Amendments.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
John D. Malamut
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081589 **Date Passed:**

Ordinance amending the San Francisco Zoning Map by amending the height district designation for Assessor's Block 3595, Lot 024 on Mission Street between 19th and 20th Streets and Assessor's Block 3616, Lot 007 on Mission Street between 21st and 22nd Streets to 65-X/85-X; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

December 9, 2008 Board of Supervisors — PASSED ON FIRST READING
Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Sandoval
Noes: 4 - Campos, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Daly

December 16, 2008 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE
Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Sandoval

December 16, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Sandoval

January 6, 2009 Board of Supervisors — FINALLY PASSED
Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

File No. 081589

I hereby certify that the foregoing Ordinance was FINALLY PASSED on January 6, 2009 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved

Mayor Gavin Newsom

Orig: Rana
C: BOS, AC, KG, ML, NJ
C. Adams
Annette

32

Office of the Mayor
City & County of San Francisco

Gavin Newsom

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 JAN 16 PM 2:38
BY: 42

January 16, 2009

Members, Board of Supervisors
San Francisco City Hall
1 Carlton B. Goodlett Place
San Francisco, California 94102

Dear Supervisors:

This letter communicates my veto of Ordinance File Number 081440, de-appropriating $998,145 of General Fund in the Mayor's Office of Criminal Justice and $761,021 of Federal Direct Grant Revenue in the Department of Public Health for the Community Justice Center in Fiscal Year 2008-2009.

The Community Justice Center (CJC) represents a critical infrastructure change that will help the City and County of San Francisco better address the needs of those most in need, through better coordination and collaboration among citywide City agencies in partnership with the Superior Court. Currently, individuals with high social service needs are cycling through the criminal justice and social services systems. What is *needed* is one coordinated system that helps these individuals both connect with services and maintain that connection, with the ultimate goal of keeping them out of the criminal justice system.

The CJC is called a "problem-solving" court because it addresses the core problems of each person who enters the court, on a case by case basis. Each case is considered individually by the judge and if the individual has high social service needs, the judge will work with all city partners to successfully address the particular problem of this individual. In addition, clinical staff will be on site to provide immediate treatment and support for 1,800 individuals each year – whether it be case management, one-on-one therapy, and/or support groups.

The CJC has evolved out of a two year planning process that the Superior Court has led with key City and County agencies: the District Attorney, Public Defender, Police Department, Adult Probation Department, Sheriff's Office, Department of Public Health, and the Human Services Agency. This planning process also engaged representatives from over 100 community groups and worked with an informal community-based advisory group who met regularly with the Superior Court and City agencies to provide substantive input.

The Superior Court of California, County of San Francisco has been operating collaborative courts for more than fifteen years and has demonstrated that problem-solving courts like the CJC are efficient and cost effective. Such courts have been demonstrated to significantly reduce recidivism, improve public safety, and provide real cost savings to the City and County of San Francisco. Since 1995, the San Francisco Drug Court alone has saved more than $40 million dollars through reducing recidivism rates and use of jail beds as described in a recent independent study done by NPC research group for the state of California. (Factsheet attached).

1 Dr. Carlton B. Goodlett Place, Room 200, San Francisco, California 94102-4641
gavin.newsom@sfgov.org • (415) 554-6141

32

Office of the Mayor
City & County of San Francisco

Gavin Newsom

Under the leadership of Senator Nancy Pelosi's office, the Mayor's Office, in partnership with the Department of Public Health (DPH) and the Superior Court, secured a federal Edward Byrne grant to provide operational support for the CJC. These dollars are critical to funding start-up investments and services which will provide significant long-term gains and savings for the City. In times of budget deficit, federal funding can provide significant relief. If this funding is not utilized for the CJC, it must be returned to the Federal Treasury. This is not a precedent I want to set as we work with the new Administration and our important advocates in Washington, D.C. for their continued support.

With the challenging budget deficit that San Francisco is facing in the coming fiscal year, it is my responsibility to continue to find better and more innovative ways to serve our most vulnerable populations. Now is the time to implement best and proven practices – both in San Francisco and nationally – that will improve how we deliver services. The Community Justice Center is a tremendous step forward in this direction.

Sincerely,

Gavin Newsom
Mayor

Cc: Angela Calvillo, Clerk of the Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 200, San Francisco, California 94102-4641
gavin.newsom@sfgov.org • (415) 554-6141

NPC RESEARCH

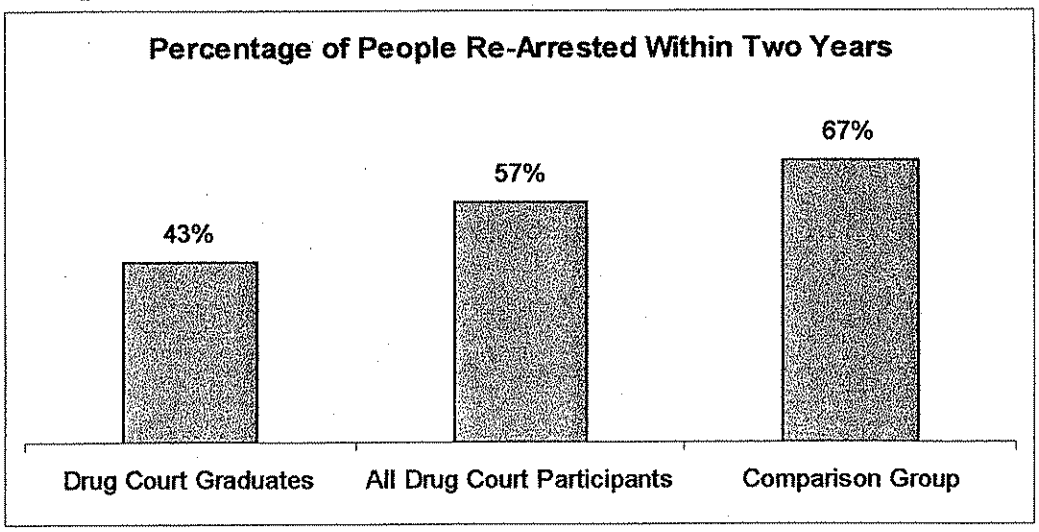
SAN FRANCISCO DRUG COURT
COST STUDY FACT SHEET

The following statistics are part of a multi-site evaluation of the costs and benefits of California's drug courts. This fact sheet is a component of Phase III, statewide launch phase, of a research effort to develop a statewide methodology for assessing the benefits and costs of drug courts in the State of California. The aim of this effort is to produce a validated methodology to conduct inexpensive cost-benefit studies on an ongoing basis of drug courts throughout the state. As a part of this effort, a web-based tool was created – the Drug Court Cost Self-Evaluation Tool (DC-CSET) – which drug courts statewide can use to help determine their own costs and benefits. For more information on this study and other drug court studies go to www.npcresearch.com and http://www.courtinfo.ca.gov/courtadmin/aoc/.

RECIDIVISM RATE

San Francisco Drug Court participants had the following recidivism (re-arrest) rates over a two-year period.[1] Re-arrests include any type of arrest (but not including traffic citations).

Figure A: Two-Year Re-Arrest Rate for San Francisco Drug Court: Graduates, All Participants and Comparison Group



COSTS AND BENEFITS DUE TO RECIDIVISM

Table A shows the average number of recidivism events (e.g., re-arrests, jail time, prison time) per offender for drug court graduates, all drug court participants (regardless of graduation status) and the comparison group over 2 years after drug court entry.[2]

[1] Numbers for drug court participants provided by drug court staff. Comparison numbers provided by NPC Research from similar counties in California.

[2] Numbers for drug court participants provided by drug court staff. Comparison numbers provided by NPC Research from similar counties in California.

Table A: San Francisco Drug Court: Average Number of Recidivism Events per Person Two Years after Drug Court Entry

Recidivism Events	Drug Court Graduates Per Person (n=14)	Drug Court Participants Per Person (n=56)	Comparison Group Per Person (n=1,685)
Re-Arrests/Bookings	0.86	1.57	1.83
Court Cases	1.36	2.57	0.76
Jail Bookings	0.78	1.43	1.69
Jail Days	55.36	86.13	126.11
Probation Days After Exit	74.07	159.38	612.51
Prison Days	34.64	39.11	74.56

Table B provides the average recidivism cost per graduate, per drug court participant and per comparison group member for each type of recidivism event.

Table B: San Francisco Drug Court: Average Criminal Justice System Costs Associated with Recidivism per Person Over Two Years

Recidivism Related Events	Unit Costs	Drug Court Graduates Per Person (n = 14)	Drug Court Participants Per Person (n=56)	Comparison Group Per Person (n=1,685)
Re-Arrests/ Bookings	$394.24	$339	$619	$721
Court Cases	$2,289.38	$3,114	$5,884	$1,740
Jail Bookings	$195.00	$152	$279	$330
Jail Days	$150.00	$8,304	$12,920	$18,917
Probation Days After Exit	$4.88	$361	$778	$2,989
Prison Days	$97.50	$3,377	$3,813	$7,270
Total		**$15,647**	**$24,293**	**$31,967**

The total cost of events related to recidivism for the San Francisco Drug Court per drug court graduate was $15,647 and per drug court participant (regardless of graduation status) was $24,292,[3] while the cost per comparison group member was $31,967. The difference between the drug court and comparison group was **$7,675** per participant. This amount represents the recidivism cost savings due to participation in drug court. Further, our analysis of case processing costs (Table C) showed that the drug court program cost $9,757 per participant while the cost of a similar case in traditional court cost $16,379.[4] This results in case processing cost savings of **$6,622** per person.

[3] Per NPC Research, this figure may not equal the total in Table B due to rounding.

[4] Carey, Shannon M., Waller, Mark, & Francine Byrne. *California Drug Courts: Costs and Benefits PHASE III: DC-CSET Statewide Launch Superior Court of San Francisco County Drug Court Site-Specific Report*. September 2008.

Table C: San Francisco Drug Court: Combined Average Program Costs* and Criminal Justice System Costs Associated with Recidivism per Person Over Two Years

Costs	Avg. Cost per Drug Court Participant	Avg. Cost per Traditional Court Offender	Drug Court Savings Per Participant
Program/Case Processing Costs	$9,757	$16,379	-$6,622
Recidivism Related Costs	$24,292	$31,967	-$7,675
Total**	**$34,049**	**$48,346**	**-$14,297**

*Program Costs include treatment

Adding the program savings to the two-year savings due to reduced recidivism, there is a total savings per participant of **$14,297**. If this amount is multiplied by the total number of participants who have entered the program since its inception (approximately 3,359 offenders since 1995) the total amount "saved" by the program due to positive outcomes for its participants (i.e., lower recidivism) is **$48,023,623.**

[De-Appropriating $998,145 of General Fund and $761,021 of Federal Direct Grant Revenue for the Community Justice Center for FY 2008-2009]

Ordinance de-appropriating $998,145 of General Fund in the Mayor's Office of Community Justice and $761,021 of Federal Direct Grant Revenue in the Department of Public Health for the Community Justice Center in Fiscal Year 2008-2009.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein de-appropriated for Fiscal Year 2008-2009.

SOURCES De-appropriation

Fund	Index Code/ Project and Grant	Subobject	Description	Amount
2S CHS GNC – Grants, Non-Project, Continuing	HMHSACJCPROJ HMHCJC09	44939	Federal Direct Grant	$761,021
1G AGF AAA – GF-Non-Project-Controlled	995031	99999B	Beginning Fund Balance – Budget Basis	$998,145
Total SOURCES De-appropriation				**$1,759,166**

Section 2. The uses of funding outlined below are herein de-appropriated for the Community Justice Center in the Department of Public Health, the Sheriff's Department, and the Mayor's Office of Community Justice for Fiscal Year 2008-2009.

USES De-appropriation

Fund	Index Code / Project Code	Subobject	Description	Amount
Department of Public Health				
2S CHS GNC –Grants, Non-Project, Continuing	HMHSACJCPROJ HMHCJC09	00100	Perm Salaries - Misc-Budget	$170,849
2S CHS GNC –Grants, Non-Project, Continuing	HMHSACJCPROJ HMHCJC09	01300	Retirement – Budget	$60,644
2S CHS GNC –Grants, Non-Project, Continuing	HMHSACJCPROJ HMHCJC09	02700	Professional & Specialized Svcs – Budget	$207,368
2S CHS GNC –Grants, Non-Project, Continuing	HMHSACJCPROJ HMHCJC09	03000	Rents/Leases – Bldgs & Structures – Budget	$169,425
2S CHS GNC –Grants, Non-Project, Continuing	HMHSACJCPROJ HMHCJC09	04000	Materials & Supplies – Budget	$9,000

2S CHS GNC –Grants, Non-Project, Continuing	HMHSACJCPROJ HMHCJC09	081CI	IS-TIS-ISD Services – Infrastructure	$45,000
2S CHS GNC –Grants, Non-Project, Continuing	HMHSACJCPROJ HMHCJC09	081ET	GF-TIS-Telephone (AAO)	$6,000
2S CHS GNC –Grants, Non-Project, Continuing	HMHSACJCPROJ HMHCJC09	081SH	GF-Sheriff (AAO)	$92,735
Subtotal – Department of Public Health				**$761,021**
Sheriff's Department				
1G AGF AAP – GF-Annual Project	062706 PSSCCP	03800	City Grant Programs – Budget	$92,735
1G AGF AAP – GF-Annual Project	062706 PSSCCP	086HC	Exp Rec From Community Health Service (AAO)	($92,735)
Subtotal – Sheriff's Department				**$0**
Mayor's Office of Community Justice				
1G AGF ACP – GF-Continuing Project	250995 PSSCCP	06P00	Programmatic Projects - Budget	$998,145
Subtotal – Mayor's Office of Community Development				**$998,145**
Total USES De-appropriation				**$1,759,166**

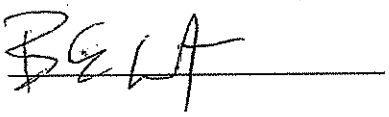
FUNDS AVAILABLE

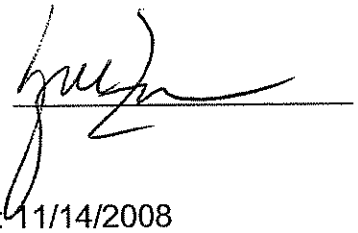
APPROVED AS TO FORM:

BEN ROSENFIELD

DENNIS J. HERRERA, City Attorney

Controller

By: 

By: 

Deputy City Attorney

Date: 11/14/2008

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 081440 **Date Passed:**

Ordinance de-appropriating $998,145 of General Fund in the Mayor's Office of Community Justice and $761,021 of Federal Direct Grant Revenue in the Department of Public Health for the Community Justice Center in Fiscal Year 2008-2009.

December 9, 2008 Board of Supervisors — CONTINUED ON FIRST READING

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

December 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Excused: 1 - Sandoval

January 6, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

File No. 081440

I hereby certify that the foregoing Ordinance was FINALLY PASSED on January 6, 2009 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved

Mayor Gavin Newsom

Orig Rules
c: AC, KG cpage

Office of the Mayor
City & County of San Francisco

Gavin Newsom

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SAN FRANCISCO
2009 JAN 15 PM 4:40
BY

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January 15, 2009

Ms. Angela Calvillo
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94109

Dear Ms. Calvillo,

Pursuant to Charter Section 3.100, I hereby designate Supervisor Michela Alioto-Pier as Acting-Mayor from the time I leave the state of California at 1:00PM on Friday, January 16, 2009, until 12:00AM Monday, January 19, 2009.

I hereby designate Supervisor Bevan Dufty as Acting-Mayor from 12:00AM on Monday, January 19, 2009 until 8:30PM on Tuesday, January 20, 2009. In the event I am delayed, I designate Supervisor Dufty to continue to be the Acting-Mayor until my return to California.

Sincerely,

Gavin Newsom
Mayor, City and County of San Francisco

cc: Mr. Dennis Herrera, City Attorney

1 Dr. Carlton B. Goodlett Place, Room 200, San Francisco, California 94102-4641
gavin.newsom@sfgov.org • (415) 554-6141

33

CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

34

TO: Members, Board of Supervisors
Mayor Gavin Newsom

FROM: Ben Rosenfield, Controller
Micki Callahan, Human Resources Director

DATE: January 9, 2009

SUBJECT: Biannual and Monthly Overtime Report

We are transmitting with this memo the Biannual and Monthly Overtime report. This report contains three reporting requirements regarding overtime as stated in Administrative Code Section 18.13:

- Administrative Code Section 18.13-1, enacted through Ordinance No. 197-08, requires the Controller to submit a monthly overtime report to the Board of Supervisors and the Mayor's Budget Director listing the five City departments using the most overtime in the preceding month.

- Administrative Code Section 18.13-1 also requires the Controller and the Director of Human Resources to submit a biannual report to the Board of Supervisors documenting whether departments have complied with the maximum permissible overtime rule that employees not exceed 30% of their regular hours with overtime hours in a fiscal year, or 624 hours for a full-time 2,080 hours per year employee.

- Administrative Code Section 18.13-5 requires the submission of the Biannual Overtime Report to include budgeted, actual, and projected salaries and overtime.

- Based on a straight line projection, budgeted overtime is projected to be overspent by $43.1 million. This is $4.1 million or 2.4 percent less than actual overtime expenditures in FY 2007-08. The Controller's Office anticipates that departments who are projected to overspend their budgeted overtime will cover these shortfalls with savings in other areas of their budgets.

- Collectively, the five City departments that use the most overtime (including the Municipal Transportation Agency, Police, Public Health, Fire and Sheriff) account for more than 86 percent of total Citywide overtime expenditures.

- As of the pay period ending December 12, 2008, 38 employees have exceeded the 624 hour overtime cap established through Ordinance No. 197-08. During the first six months of last fiscal year, 64 employees had worked more than 624 hours of overtime. Nine of the employees who have exceeded the 624 overtime cap in the current fiscal year have received exemptions from the Department of Human Resources.

Please contact me at (415) 554-7500 if you have any questions regarding this overtime information.

Attachment: Biannual and Monthly Overtime Report

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cc: Nani Coloretti, Mayor's Budget Director
Harvey Rose, Budget Analyst
Victor Young, Clerk, Board of Supervisors' Budget and Finance Committee
Gregg Sass, Finance Director, Department of Public Health
Gary Massetani, Finance Director, Fire Department
Sonali Bose, Finance Director, Municipal Transportation Agency
Ken Bukowski, Finance Director, Police Department
Jean Mariani, Finance Director, Sheriff

City and County of San Francisco

Office of the Controller

FY 2008-09
Biannual and Monthly Overtime Report

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

January 8, 2009

AC, c page

35

City and County of San Francisco

Office of the Controller – City Services Auditor

OFFICE OF THE CONTROLLER
CITY SERVICES AUDITOR

Annual Report
Fiscal Year 2007-08

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

November 12, 2008

35

c: sup Avalos

pat missud
<missudpat@
01/10/2009 10:26 AM

To cityattorney@sfgov.org, john@a
board.of.supervisors@sfgov.org
cc
bcc
Subject Alemany-San Juan Intersection

36

For how much longer will the carnage continue? Fleck1-10-09.pdf

36

Patrick Missud
Attorney at Law
91 San Juan Ave.
San Francisco, CA, 94112
415-584-7251 office/fax
415-845-5540 cellular

January 10, 2009

Jack Lucero Fleck
San Fran. Mun. Transp. Agency
One South Van Ness Ave., 7th Flr
San Francisco, CA, 94103

Re: The Alemany-San Juan intersection [Intersection] Inquiry #08-2253.
Via: First Class, Electronic

Dear Mr. Fleck,

Thank you last month's meeting with the concerned citizens and myself regarding our Intersection.

Your office's actions in eliminating one parking space on the Southeast corner and restoring the median's light post has dramatically increased the visibility of pedestrians crossing from that corner. Pedestrian safety has no doubt improved.

In other respects however, your agency's efforts have been too slow. Another car on car accident took place at 9:50 AM today in exactly the same way as discussed and predicted in letters and at our meeting. Had the 'right turn only' sign already been installed, facing the East bound direction of San Juan where it meets Alemany, the accident would have been averted. Thank God that the Southbound's driver had reflexes quick enough to avoid a higher impact bone crushing injury.

I have provided the two involved drivers a copy of this letter with instructions to submit it to their respective insurers. I have recommended that the auto repair bills be sent to the City for payment since the Intersection's hazardous condition has long been known to exist, and can be easily prevented.

Cordially,

/S/ Patrick Missud

Patrick Missud

Cc:
Mayor Gavin Newsom
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Office of the City Attorney
Dennis Herrera
City Hall, Room 234
San Francisco, CA 94102

District 11 Supervisor Avalos
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Ray Viray
Fairfield, CA, 94534

Darlene Ransburg
San Francisco, CA, 94124

cityattorney@sfgov.org
john@avalos08.com
board.of.supervisors@sfgov.org

RICHMOND COMMUNITY ASSOCIATION
146 18TH Avenue, San Francisco, Ca 94121 Fax 415-386-2632

Commissioner Christ Olague, President
San Francisco Planning Commission
1650 Mission Street, 4th Floor
San Francisco, CA 94103

January 13, 2009

Dear President Olague,

Many people, including Attorney Mary Miles and Commissioner Sugaya, have requested an extension of the comment period on the Bike Plan DEIR which covered the holiday period between Thanksgiving, Christmas and New Year. Commissioner Sugaya is absolutely correct in pointing out that the Bike Plan has been out several years but the Bike DEIR has only been out since November 26, 2008. The short time period for review and comments for a document of this magnitude, considering the holidays makes a mockery of the CEQA mandate for adequate review. I believe the comment period is being expedited for political reasons contrary to CEQA and is a clear abuse of discretion.

The Bike Plan is being reviewed in a focused EIR that only covers significant impacts to Cultural Resources, Transportation and Circulation, Noise, Air Quality, and Biological Resources. I am concerned that there are likely significant adverse impacts to Land Use, Aesthetics, Recreation, Utilities and Service Systems and Public Services that cannot be mitigated. As a layperson, I have not had time to adequately comment on said impacts, yet I am concerned they have not been properly evaluated under CEQA.

The Bike Plan is not just a simple bicycle plan. It is a radical restructuring of the City's entire transportation system that will affect nearly every major thoroughfare and will negatively impact the "Level of Service" at most intersections longstanding method of evaluating traffic impacts that has been conveniently avoided.

I believe the City is expediting this focused EIR at the behest of the Mayor and the Bicycle Coalition and did not adequately evaluate impacts to parking, land use, or public transit. If entire lanes of parking are to be eliminated specially in commercial districts he City should mitigate the loss by planning for parking garages and improved public transit services for those who can no longer use their cars due to diminished parking capacity. This is also an Americans with Disabilities Act (ADA) issue.

I would have liked to have written an exhaustive comment on the Draft EIR, and will continue to evaluate it after the comment period has closed.

Yours truly,

Hiroshi Fukuda

Cc: Planning Commissioners
Linda Avery, Secretary
Mr. Wycho
Ms. Debra Dywer
Board of Supervisors

Coalition for San Francisco Neighborhoods

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 JAN 13 PM 4:00

TO: Commission Christina Olague, January 7, 2009
President Planning Commission

Re: San Francisco Bicycle Plan DEIR, #2007.0347E

The Coalition for San Francisco Neighborhoods (CSFN) urges the Planning Commission to continue the public comment period on the Bicycle Plan DEIR to at least February 13, 2009 (30 days).

We respectfully request the continuance for the following reasons:

1.) The DEIR is 1457 pages long, probably the longest DEIR in City history, and is extroardinarily complex with at least eight cross-references for proposed changes to each street, and other physical changes to city streets and sidewalks.

2.) The DEIR was not released to the public in readable hard copy until December 1, 2008, which does not meet the 45-day requirement of CEQA.

3.) Because the DEIR was released during the holiday period, it did not allow the public adequate time to review it.

4.) Supporting and background studies have not been made available, files and documents were not publicly available during the public comment period.

5.) The Project will have direct, indirect and cumulative impacts on traffic, transit and parking on major thoroughfares throughout San Francisco, by eliminating traffic lanes and hundreds of parking spaces, and changing street configurations affecting travel throughout the entire city.

6.) CEQA requires public participation in the EIR process.

Thank you for your consideration,

Gary Noguera, President CSFN

Cc: Planning Commissioners
Board Of Supervisors

37

LLOYD W. SCHLOEGEL
GENERAL DELIVERY
SAN FRANCISCO, CALIFORNIA
94142

LLOYD SCHLOEGEL
VS
JOHN SCHLOEGEL, etal
CIVIL APPEAL, COURT TRUST

JANUARY 9, 2009

A-121107

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PETITIONER/APPELLANT RESPONDS TO UNITED STATES SUPREME COURT LETTER, DECEMBER 15, 2008

PROCEDURAL ERROR IN INTERPRETATION BY COURT CLERK

THE FAILURE OF STATE OF CALIFORNIA COURTS TO COMPLY WITH UNITED STATES SUPREME COURT ORDERS IS CONTEMPT OF COURT, AS PER 18 USC 401(3).

A COURT OF THE UNITED STATES SHALL HAVE POWER TO PUNISH... AT ITS DISCRETION... SUCH CONTEMPT OF ITS AUTHORITY AS (3) DISOBEDIENCE OR RESISTANCE TO ITS LAWFUL WRIT, PROCESS, ORDER,....

APPELLANT, MISTER LLOYD W. SCHLOEGEL, ON DECEMBER 4, 2008, MAILED TWO PAPERS TO THE UNITED STATES SUPREME COURT, WHICH WERE RECEIVED BY THE SUPREME COURT ON DECEMBER 5, 2008, as confirmed by the letter of the SUPREME COURT CLERK dated DECEMBER 15, 2008. IN THIS LETTER OF RESPONSE, the U.S. SUPREME COURT CLERK INTERPRETED APPELLANT'S MAILED PAPERS AS A PETITION FOR WRIT OF CERTIORARI.

TWO PAPERS WERE MAILED TOGETHER BY THE APPELLANT TO THE UNITED STATES SUPREME COURT. THE FIRST PAPER WAS A COPY OF APPELLANT'S: APPEAL TO THE UNITED STATES SUPREME COURT FOR ENFORCEMENT OF UNITED STATES SUPREME

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PETITIONER RESPONDS TO SUPREME COURT L. SCHLOEGEL LETTER DATED DECEMBER 15, 2008 JAN 9, 2009

COURT ORDERS TO SAN FRANCISCO SUPERIOR COURT JUDGES PETER J. BUSCH AND ARLENE BORICK, to PAY MISTER LLOYD W. SCHLOEGEL FROM THE FUNDS OF HIS COURT ADMINISTERED TRUST, 314530 SFSC. THE U.S. SUPREME COURT HAS BEEN SENDING ORDERS TO PAY MISTER LLOYD SCHLOEGEL for several years, but the SAN FRANCISCO COURT has not complied WITH THESE ORDERS.

THIS FACT SHOULD BE OF INTEREST TO THE UNITED STATES SUPREME COURT, THIS IS A CONTEMPT OF COURT MATTER FOR THE UNITED STATES SUPREME COURT, AS PER 18 USC 401(3).

ANY PROPER COURT COULD ISSUE AN ORDER TO DEFENDANT BANKS, WASHINGTON MUTUAL BANK, OR WELLS FARGO BANK, FOR EXAMPLE, TO RELEASE FUNDS HELD IN TRUST IN THE AMOUNT OF $35,000, OR OTHER SPECIFIED AMOUNT, TO MISTER LLOYD SCHLOEGEL. APPELLANT EXPECTS TO RECEIVE ANNUAL PAYMENTS THEREAFTER FROM HIS COURT ADMINISTERED TRUST.

THE SECOND SET OF PAPERS, MAILED IN THE SAME ENVELOPE, WAS A COPY OF APPELLANT'S OPENING BRIEF FOR THE CALIFORNIA COURT OF APPEAL AT 350 Mc ALLISTER STREET, SAN FRANCISCO, CALIFORNIA 94102, plus A ONE PAGE ORDER of DISMISSAL FROM SUPERIOR COURT, SAN FRANCISCO dated MARCH 13, 2008. PLUS A TWO PAGE ORDER OF DISMISSAL FROM THE CALIFORNIA COURT OF APPEAL DATED NOVEMBER 13, 2008. THE CALIFORNIA COURTS CONTINUE TO HOLD THE MONEY OF APPELLANT, AND ISSUE ORDERS OF DISMISSAL. They fail to follow orders to pay from higher courts. This is obstruction of Justice.

PETITIONER RESPONDS TO SUPREME COURT L. SCHLOEGEL LETTER DATED DECEMBER 15, 2008 JAN 9, 2009

THESE PAPERS IN THE OPENING BRIEF ARE BACKUP PAPERS WHICH EXPLAIN THE CASE AND THE ISSUES IN DETAIL; AND HIS APPEAL OF THE ORDER OF DISMISSAL FROM THE CALIFORNIA COURTS.

IF ORDERS HAVE BEEN ISSUED BY THE U.S. SUPREME COURT TO STATE COURTS TO MAKE PAYMENT, THEN THERE HAS BEEN A JUDGMENT FAVORABLE TO APPELLANT BY THE COURT, APPELLANT WANTS HIS MONEY IN ANNUAL REASONABLE INCREMENTS,

APPELLANT THOUGHT THAT IT WOULD BE SIMPLER FOR THE UNITED STATES SUPREME COURT TO ENFORCE ITS ORDERS TO THE SAN FRANCISCO AND CALIFORNIA COURTS THAT WERE PREVIOUSLY ISSUED. THIS ACTION BY THE COURT WOULD SETTLE THE CASE WHICH HAS BEEN IN LITIGATION FOR EIGHT YEARS, AND PLACE THE PROPERTY OF THIS LIVING TRUST IN THE HANDS OF APPELLANT WHERE IT BELONGS, THE MONEY IN THE TRUST CONSISTS OF SALARY PAYMENTS MADE BY CHECK OVER MANY YEARS, RECEIVED FROM THE UNITED STATES TREASURY, AND BEARING THE NAME OF MISTER LLOYD W. SCHLOEGEL. MR L. SCHLOEGEL HAS WORKED FOR THE INTELLIGENCE SERVICE FOR OVER THIRTY YEARS,

APPELLANT HAS ASKED FOR A SIMPLE ENFORCEMENT OF U.S. SUPREME COURT ORDERS, THIS IS AN IN FORMA PAUPERIS CASE. Appellant LIVES ON A MONTHLY SOCIAL SECURITY CHECK. THE APPEAL PAPERS ARE HEREBY RE-SUBMITTED TO THE CLERK OF THE U.S. SUPREME COURT.

Lee Schloegel
January 9, 2009
Lloyd Schloegel, Pro Per

MAILING ADDRESS
GENERAL DELIVERY
SAN FRANCISCO, CALIF.
94142

PETIONER RESPONDS TO SUPREME COURT L. Schlosser
LETTER DATED DECEMBER 15, 2008 JAN 9, 2009

NOTE:

Appellant has had trouble receiving checks from the U.S. TREASURY AT the U.S. Post office in SAN FRANCISO, California at Golden Gate and Hyde Streets 94142 for the past fifteen years.

He would like to pick up his check, OR A confirming letter that a sum of money is on deposit for him AT the BANK, AT the COURT HOUSE during daytime business hours.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

December 15, 2008

Lloyd W. Schloegel
General Delivery
San Francisco, CA 94142

RE: Schloegel v. Schloegel

Dear Mr. Schloegel:

The enclosed papers were received on December 5, 2008. These papers fail to comply with the Rules of this Court and are herewith returned.

You may seek review of a decision only by filing a timely petition for writ of certiorari. The papers you submitted are not construed to be a petition for writ of certiorari. Should you choose to file a petition for writ of certiorari, you must submit the petition within the 90 day time limit allowed under Rule 13 of the Rules of this Court. A Copy of the Rules of this Court and a sample petition for a writ of certiorari are enclosed.

Sincerely,
William K. Suter, Clerk
By:

S. Elliott
(202) 479-3025

Enclosures

"Al Anolik"
<anolik@travellaw.com>
01/09/2009 06:07 PM

To <gavin.newsom@sfgov.org>, <sfpd.commission@sfgov.org>, <sheriff@sfgov.org>, <Board.of.Supervisors@sfgov.org>
cc
bcc
Subject Commendation of Captain Casciato

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Please see the attached document.

Respectfully yours,

Cheryl Cotterill
Paralegal for Alexander Anolik, Esq.

Our File No. 4300-338

010909 re commendation of Casciato.pdf

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ALEXANDER ANOLIK,
A Professional Law Corporation

SAN FRANCISCO OFFICE
2107 Van Ness Ave., Suite 200
San Francisco, CA 94109
Main Office

***ALEXANDER ANOLIK**
*Also admitted in District of Columbia

MARIN COUNTY OFFICE
280 Roundhill Road
Tiburon, CA 94920-0531
Branch Office

January 9, 2009

Via E-mail
The Honorable Gavin Newsome, gavin.newsom@sfgov.org
Police Commission Office, sfpd.commission@sfgov.org
Sheriff Michael Hennessey, sheriff@sfgov.org
Board of Supervisors, Board.of.Supervisors@sfgov.org

Re: Commendation of Captain Croce A. Casciato and Gratitude to the City
Our File: 4300-338

Gentleman/Ladies:

My law corporation is the trustee of a charitable foundation ~~that owns a office an office~~ in a commercial building on the corner of Van Ness and Pacific.

Today we were visited Captain Casciato and a fellow officer to inspect the facilities because in the charitable foundation many of the tenants are various 501(c)(3) charities including at least three separate Jewish organizations.

Because of the unfortunate hostility and obvious dangers presented to various Jewish organizations at this point, and I am speaking from over 30 years of security consulting in the tourism industry, the fact that Captain Casciato and the City has been proactive to at least go to two different organizations to request that the buildings be more vigilant as well as its participants is something that I want to applaud both Captain Casciato for and those of you who have allowed this.

We had recently seriously upgraded our digital security surveillance in the building and reminded the tenants to have the doors closed and not to allow people in after hours that they are not aware of and other precautions and Captain Casciato's friendly reminder again is appreciated not just as a person who runs the office building but also as a native San Franciscan.

Respectfully yours,

Alexander Anolik, Esq.

AA:cjc
cc: Captain Casciato

ALEXANDER ANOLIK,
A Professional Law Corporation

SAN FRANCISCO OFFICE
2107 Van Ness Ave., Suite 200
San Francisco, CA 94109
Main Office

***ALEXANDER ANOLIK**
*Also admitted in District of Columbia

MARIN COUNTY OFFICE
280 Roundhill Road
Tiburon, CA 94920-0531
Branch Office

January 9, 2009

Via E-mail
The Honorable Gavin Newsome, gavin.newsom@sfgov.org
Police Commission Office, sfpd.commission@sfgov.org
Sheriff Michael Hennessey, sheriff@sfgov.org
Board of Supervisors, Board.of.Supervisors@sfgov.org

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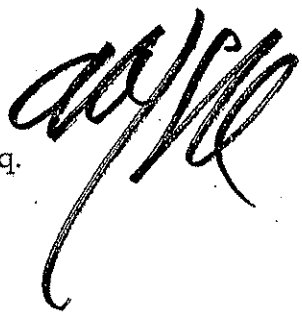
Respectfully yours,



Alexander Anolik, Esq.

AA:cjc
cc: Captain Casciato

"Richard"
<richardskaff
01/09/2009 03:40 PM

To "'Carolyn Jayin'" <Carolyn.Jayin@sfgov.org>
cc "'Gavin Newsom'" <Gavin.Newsom@sfgov.org>, <board.of.supervisors@sfgov.org>, <susan.mizner@sfgov.org>, <louis.verdugo@doj.ca.gov>,
bcc
Subject RE: Department of Building Inspection Dimensional Tolerance Policy

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1/9/09

Carolyn Jayin
Executive Secretary to the Director
Department of Building Inspection
1660 Mission Street, 6th Floor
San Francisco CA 94103

Ms. Jayin,

Thank you for your email.

Although I appreciate your email update, I'm quite concerned that I'm only now receiving a response from the San Francisco Building Department to my December 18, 2008 email. I do expect that the Department's response will be forthcoming soon, hopefully within the next ten business days.

Richard Skaff

-----Original Message-----
From: Carolyn Jayin [mailto:Carolyn.Jayin@sfgov.org]
Sent: Friday, January 09, 2009 9:34 AM
To: richardskaff@att.net
Subject: Re: Department of Building Inspection Dimensional Tolerance Policy

Mr. Skaff,

We are in receipt of your emails to Acting Director Vivian Day. Staff is in the process of reviewing your request, and will contact you upon completion of their review.

Thank you for bringing this matter to our attention.

Carolyn Jayin
Executive Secretary to the Director
Department of Building Inspection
1660 Mission Street, 6th Floor
San Francisco CA 94103
415-558-6131 Phone
415-558-6225 Fax
Email: Carolyn.Jayin@sfgov.org
Web: www.sfgov.org/dbi

----- Forwarded by Vivian Day/DBI/SFGOV on 01/09/2009 09:28 AM -----

"Richard"
<richardskaff@att

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.net>

12/31/2008 02:34 PM

To "'Vivian Day'" <Vivian.Day@sfgov.org>

cc <susan.mizner@sfgov.org>, "'Gavin Newsom'" <Gavin.Newsom@sfgov.org>, <board.of.supervisors@sfgov.org>, <louis.verdugo@doj.ca.gov>, <janet.l.blizard@usdoj.gov>

Subject FW: Department of Building Inspection Dimensional Tolerance Policy

12/31/08

Ms. Vivian Day, Acting Director
San Francisco Department of Building Inspection 1660 Mission Street San Francisco, CA 94103

Ms. Day,

I am re-sending you the attached email since I have not as yet had a response from you.

Also, in reviewing the Department's web site, I found that your web staff directory appears to only available in PDF format and nowhere in that document could I find the name of the Department's ADA Coordinator.

I look forward to your timely response to both emails.

Thank you.

Richard Skaff
From: Richard Skaff [mailto:richardskaff
Sent: Thursday, December 18, 2008 5:27 PM
To: Vivian.Day@sfgov.org
Cc: 'Gavin Newsom'; 'board.of.supervisors@sfgov.org'; 'susan.mizner@sfgov.org'; 'louis.verdugo@doj.ca.gov'; 'Thorman, David'; 'Conrad, Richard'; 'janet.l.blizard@usdoj.gov'
Subject: Department of Building Inspection Dimensional Tolerance Policy

12/18/08

Vivian L. Day, Acting Director
Department of Building Inspection
City and County of San Francisco

1650 Mission Street, 6th Floor
San Francisco, CA 94103

Ms. Day,

I am writing to ask that you take the action to immediately remove the San Francisco Department of Building Inspection policy titled "Dimensional Tolerances for New and Existing Construction".

Although the Department's policy may not be as extreme in its interpretations as the "Reasonable Construction Tolerances for Disable Access Construction" policy created by the Orange Empire Chapter of ICC policy (see attached), it is my opinion that many of the assumptions within your Department's policy are similarly problematic in that I believe they directly conflict with California Building Code, Title 24 and its intent, to assure accessibility within the built environment. In 2002, the Attorney General informed the Orange Empire Chapter that their policy was in conflict with California Building Code and regulations(see attached letter). In your Department's tolerance policy, the items listed as "t" through "bb" clearly state that there are no "reference" available to support such tolerances yet the policy supports their use.

During my tenure with the City of San Francisco, when this policy was being discussed at a number of public meetings held by Building Department staff, I clearly stated my opinion, the same opinion that I have today. It is my opinion that the Department of Building Inspection's Construction Tolerance policy is an "underground regulation" and illegal. I felt then as now, that this policy is in violation of state building code and state regulations protecting the rights of persons with disabilities.

Additionally, I am very concerned that the policy was updated by your staff in January, 2008. Was the process used to update the policy carried out in a public forum with input sought from the disability community including the Mayor's Office on Disability and the Mayor's Disability Council? Was the policy and its most recent update reviewed and agreed to by the California Department of Justice, the State Architect's Office and/or the California Building Standards Commission?

I look forward to your timely response.

Richard Skaff

Mill Valley, CA 94941[attachment "City of San Francisco Construction Tolerance Policy-September 16-1998-Updated-01-01-08.pdf" deleted by Carolyn Jayin/DBI/SFGOV] [attachment "California Attorney General Letters re Orange Empire ICC Construction Tolerance Policy.pdf" deleted by Carolyn Jayin/DBI/SFGOV] [attachment "Construction Tolerances - Orange Empire Chapter of ICBO-Ron Mincer.pdf" deleted by Carolyn Jayin/DBI/SFGOV]

"Christian Holmer"

01/16/2009 03:41 PM

Please respond to <mail@csrsf.com>

To [redacted] n>, <home@prosf.org>, "'Sunshine Posse'" [redacted] r>

cc

bcc Board of Supervisors/BOS/SFGOV

Subject SFSM Public Records Press Request Audit: 01/09/09 - -1/16/09: Working, Daily, Weekly Calendars - Public Officials

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Attachments:
1. Sample Prop G Calendars From Ed Harrington (PUC Chief) and Ben Rosenfeld (Controller)
2. This Weeks City Attorney PIO's Sample SFSM Sunshine Audit Submission : Check Your Fears of Disclosure/Redaction At Door

SFSM (San Francisco Survival Manual) BOS Resolution: Community Based Informational Pilot Project: Increasing the efficiency and efficacy of services, connecting people with those that purport to reporesent them. BOS Resolution #040684:

Resolution urging City Departments to share departmental database data for a informational project with the

San Francisco Survival Manual Publication for the benefit of both community organizations and the larger

city-wide community.

WHEREAS, City Departments gather and maintain a wide variety of invaluable, yet underutilized data, such

as demographic, population and budgetary information; and

WHEREAS, City Departmental data could be used to encourage community development and decision

making, to produce updated lists of community services, to increase the efficiency and efficacy of services,

and to connect people with the organizations that purport to represent them; and

WHEREAS, This information is not currently organized, maintained or disseminated in a cohesive way for

the public to access; and,

WHEREAS, The San Francisco Survival Manual has collected and disseminated information on all SF

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populations, community organizations, government bodies and advocacy groups for 35 years; and

WHEREAS, The volunteer staff of the San Francisco Survival Manual will provide all the principal labor

involved in making the database user friendly for the public; and

WHEREAS, The operation of this information clearinghouse will be based on grants and community fiscal

sponsorship and will be at no expense to the city, now, therefore, be it

RESOLVED, That the board of Supervisors hereby urges City Departments to share all database data to which

the public is lawfully entitled with the San Francisco Survival Manual when requested for the purposes of a community based informational pilot project.

SFSM Public Records Press Request Audit 01/09/09 - -1/16/09: All Working, Daily, Weekly Calendars: Immediate Disclosure Request:

Provide Us All Department Head / Mayoral Calendars Including / Not Limited To Prop G, Working, Daily, Weekly, Etc. For The Period of 01/09/09 - -1/16/09: If Your Office or Executive Is Not required to Keep Prop G Calendar or Your Not Already Proving The Same or Equival e nt O)ne Please Provide Primary Existing Working Calendar For The Preveious Week For Your Office.

Save Time: Print To PDF From All Calendars Including / Not Limited To Prop G, Working, Daily, Weekly, Etc. If You Can't Print to PDF In Lotus Let Us Know. If You Don't Use Adobe Acrobat For the Creation of PDF's Let Us Know. We Have Workarounds. Many Of You Are or Have Migrated To Lotus Notes 7.0. This Further Simplifies Searchable Calendar Files Amongst *Other* Significant Things.

And...

SFSM Weekly Public Records and Press Request Audit For 01/09/09 - -1/16/09. Handling Filetypes: Simplifying Task For Respondents: Currently Accomodating Varying Current Standards and Practices.

To All Participating Elected Officials, Appointed Officials, Commissions, Task Forces, Oversight Bodies And City &

County Employees Responding to Public Records Requests and/or Attending Public Meetings Etc.,

This request is Based on the California Public Records Act, San Francisco Sunshine Ordinance, the Prop 59 California Constitutional Amendment and BOS San Francisco Survival Manual Resolution #040684 (Attached Below).

A Three Part Request: Please Note that the Subject Documents (CPRA / Sunshine / FOIA ? Prop 59 Requests) To This Request Include Any and all those requests received from Records from the Fourth Estate (The Press – Print, Broadcast, On-line), Private Citizens, Community Based Organization/Non-Governmental Organizations, as well as Inter/Intra Governemental. Requests for Public Records Made by Government Bodies, Elected or Appointed officials of One Another.

This is Public not Private Correspondence. It has been submitted to the BOS C-Page and Broadly to the Press.

This Request is for Copies of Any and all Public Records Request Submissions to your Department, Offices or Employee. These requests are designed to minimize document reproduction and document retrieval costs for all.

~~We Have Recently Conducted a Series of Extensive Tests of the SFSM Real Time Sunshine Audit Process to Minimize~~ the Staff Time Your Department Requires to Respond To This Request.

These tests Have Clearly Established that If you follow the 4 (four) part Instructions Below (and existing Public Records Laws) *it should take no more than 5 (five) to 10 (ten) minutes. (See Items #1 - #3 in Red Below)*

For This Fridays Response Please: Provide Us These Subject Public Records Requests in Their Original Electronic Formats.

If Such Submissions are received as Hard Copy Please Use Your Agencies Scanner and Automatic Document Feeder (**Please Identify Scanner Make and Model**) to Convert Those Submissions To Fully Searchable Light Weight PDF Documents as has Sometimes been the Practice of the SF City Attorneys Office

If other members of the public request an electronic, fax (**Please Identify Fax Make and Model**) or paper copy of this document (which includes my name and SFSM phone and fax numbers) please provide it to them. This request it is a "public" request (from *this* point of submission) for "public" records. It has been submitted to the Board of Supervisors C-Page and broadly to the press.

SFSM "People's" Sunshine Audit

In an ongoing effort to monitor:

1) Consistency of compliance to California Public Records laws and ordinances with respect to access to Public Records and responses from your department,

2) Consistency of the advice provided by the city attorney,

3) Promote more government transparency and accountability,

4) Save the City Money Throught the Prevention of Fraud, Graft and Corruption.

5) Establishing Standards and Practices for Keeping Document Creation, Retrieval and Reproduction Costs to a Minimum.

6) Establish best practices in providing public records using the fewest city resources and in the shortest turnaround.

A Three Part Request: Please Note that the Subject Documents (CPRA / Sunshine / FOIA ? Prop 59 Requests) To This Request Include Any and all those requests received from Records from the Fourth Estate (The Press – Print, Broadcast, On-line), Private Citizens, Community Based Organization/Non-Governmental Organizations, as well as Inter/Intra Governmental. Requests for Public Records Made by Government Bodies, Elected or Appointed officials of One Another.

1. Provide Us Subject Public Records Requests in Their Original Electronic Formats (Word, Excel. Lotus Notes with Dominos 6.5, All Other E-mails with Any and All Attachments) Received by your City Department, Agency, Commission, Task Forces, Oversight Body. As we've discovered many Departments don't receive as many requests as some "Believe". ;-) Standard and Practice: For Request Received by E-Mail: Drag Subject requests to Desktop: Attach to E-mail: Press Send.

2. (**Please Identify Scanner Make and Model**) If Such Submissions are received as Hard Copy Please Use Your Agencies Scanner and Automatic Document Feeder to Convert Those Submissions To Fully Searchable Light Weight PDF Documents as has Sometimes been the Practice of the SF City Attorneys Office. Took CAO PIO 2 Minutes to Convert 89 Pages of Hard Copy into Lightweight Searchable PDF's (While on The Phone) Using One City Attorneys Office Scanner With Automatic Document Feeder: 2 Minutes: Attach to E-mail: Press Send:

3. (**Please Identify Fax Make and Model**) If Such Submissions are received by Fax (and Only By Fax – which is rare) Fax The to the SFSM at 415-387-5904. Place Fax submissions in Fax: Dial 387-5904: Press Start Button.

Please provide information incrementally on a rolling end of day basis per Sunshine 67.25 (d)

Please provide the the names of the City Attorney's or their staff who personally perform any redactions of public records per Sunshine 67.26.

Please provide this information in it's original electronic format (or imaged as pdfs if previously only existed as paper copy as is the practice at the City Attorney's Office, DTIS, PUC and other departments) per Sunshine 67.21 and 67.21-1 (a) and (b).

SFSM 2008 Sunshine Data Request Related Correspondence

Pursuant to BOS Resolution #040694

[redacted]


RosenfieldNovember.pdf


DOC GM CAL 3.31-4.4.0820080407110033.pdf


SFCityAttySFSMsunshineAuditSubmission.docx

City and County of San Francisco

Gavin Newsom
Mayor

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Department of Public Health

Tangerine M. Brigham
Deputy Director of Health
Director of Healthy San Francisco

January 5, 2009

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

Re: San Francisco Health Care Security Ordinance

Dear Ms. Calvillo:

Enclosed please find a status report on the above-referenced matter as required by Section 14.4(h) of the San Francisco Health Care Security Ordinance. The report provides an update on the development and implementation of the Employer Spending Requirement and the Healthy San Francisco Program.

If you have any questions regarding this report, please do not hesitate to contact either Ms. Joannie Chang at 554.4791 for aspects concerning the Employer Spending Requirement or myself at 554.2779 for aspects concerning the Healthy San Francisco Program.

Sincerely,

Tangerine Brigham
Deputy Director of Health

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STATUS REPORT ON THE IMPLEMENTATION OF THE SAN FRANCISCO HEALTH CARE SECURITY ORDINANCE

A Report of
the Department of Public Health
the Office of Labor Standards Enforcement and
the City Controller's Office

Submitted to the
San Francisco Board of Supervisors

January 2009

TABLE OF CONTENTS

Attachments

EXECUTIVE SUMMARY

In July 2006, the San Francisco Board of Supervisors adopted the San Francisco Health Care Security Ordinance (Ordinance No. 218-06) and further amended it in April 2007 (Ordinance No. 69-07). The Ordinance created two City and County programs, the Employer Spending Requirement (ESR) and Healthy San Francisco (HSF). Both program components of the Ordinance work in tandem and are designed to address the health needs of San Francisco's uninsured residents and workers. The Office of Labor Standards Enforcement (OLSE) oversees enforcement of the ESR while the Department of Public Health (DPH) oversees HSF.

This report provides an update on the implementation and operation of the Ordinance since submission of the July 2008 status report. Specifically, the following activities have occurred:

- The Office of Labor Standards Enforcement (OLSE):
  - Began implementation of an employer outreach and general public outreach campaign on the Health Care Security Ordinance, the Paid Sick Leave Ordinance, and the Minimum Wage Ordinance which will include distribution of employer brochures, the placement of advertisements at MUNI bus shelters, and running public service announcements on local radio stations.
  - Conducted employer compliance for the Employer Spending Requirement. OLSE opened 94 complaint cases and closed 21 of these cases. Of the closed cases, 9 were resolved with the employer coming into compliance, 10 revealed that the employers were already in compliance and 2 were dismissed.
  - Finalized the 2008 Health Care Security Ordinance Annual Reporting Form which will be mailed to employers registered with the City and County Treasurer and Tax Collector who may be covered by the Ordinance.

- The Department of Public Health:
  - Enrolled over 34,000 uninsured San Francisco residents into Healthy San Francisco.
  - Expanded the provider network to include an additional primary care medical home, a private physician's association and four non-profit hospitals.
  - Delivered a first-year report on the program to the San Francisco Health Commission.
  - Instituted the quality improvement component of the HSF program.
  - Implemented the New Patient Appointment Unit for participants with DPH medical homes.

DPH's and OLSE's work on their respective programs continued while the Golden Gate Restaurant Association's lawsuit challenging the Employer Spending Requirement remained under legal review.

I. INTRODUCTION

An estimated 73,000 adult San Francisco residents are uninsured.[1] These residents have limited access to routine preventative care, delay seeking treatment when ill, suffer from poorer health outcomes and ultimately rely on more costly episodic or emergency care for health conditions that could have been treated in primary care settings.

In July 2006, the San Francisco Board of Supervisors adopted the San Francisco Health Care Security Ordinance (Ordinance No. 218-06) which created two new City and County programs, the Employer Spending Requirement (ESR) and Healthy San Francisco (HSF). The programs work in tandem and are designed to address the health needs of San Francisco's uninsured residents and workers.

The ESR requires medium and large businesses to spend a minimum amount on health care for their employees. Employers have flexibility in how they make their required expenditure, as long as it used for health care for their employees. In order to provide affordable health care options, the Ordinance also created HSF. HSF provides universal, comprehensive, affordable health care to uninsured adults irrespective of the person's income level, employment status, immigration status or pre-existing medical conditions. It integrates public and private providers into a single system to provide universal care without relying on health insurance.

HSF became operational on July 2, 2007. The ESR went into effect on January 9, 2008 for San Francisco employers with 50 or more employees and on April 1, 2008 for for-profit employers with 20-49 employees.

The Ordinance specifies the roles and responsibilities of various City and County agencies in the development and maintenance of this Ordinance. They are:

- Office of Labor Standards Enforcement (OLSE) – Enforces the ESR provisions.
- Department of Public Health (DPH) – Administers the HSF program.
- Controller's Office – Ensures that any required health care expenditures made by an employer to the City are kept separate and apart from general funds and limits use of these funds to HSF.
- Office of Treasurer and Tax Collector – Provides to OLSE all non-financial information necessary for OLSE to fulfill its responsibilities.

The Ordinance specifies regular reporting to the Board of Supervisors on the status of both programs. Quarterly reports were required during the period from July 1, 2007 through June 30, 2008. From July 1, 2008 through June 30, 2010 reports are submitted on a bi-annual basis. The DPH, OLSE and City Controller's Office coordinate to prepare the periodic reports. This report meets the mandated reporting requirement to provide a report on January 1, 2009.

[1] Estimate is based on the 2005 California Health Interview Survey (CHIS) which is the nation's largest state health survey. CHIS provides detailed data on the health and health care needs of California residents. It is conducted by the UCLA Center for Health Policy Research. Please note that in mid-December 2008, at the time of writing this status report, the UCLA Center for Health Policy Research had just released findings from the 2007 CHIS. The findings include revised estimates of the number of uninsured adult residents in San Francisco. DPH will analyze this updated information and revise its HSF enrollment projections accordingly.

II. GOLDEN GATE RESTAURANT ASSOCIATION LAWSUIT

In November 2006, the Golden Gate Restaurant Association filed a lawsuit against the City and County of San Francisco challenging the Employer Spending Requirement ("ESR") of the Health Care Security Ordinance ("Ordinance") on the grounds that it conflicted with the federal Employee Retirement Income Security Act ("ERISA"). The lawsuit did not challenge the legality of the Healthy San Francisco program.

On December 26, 2007, the United States District Court ("Court") issued an order granting the motion for summary judgment filed by the Golden Gate Restaurant Association. The Court ruled that the City and County San Francisco could not implement the ESR provisions of the Ordinance because of federal ERISA preemption. On December 27, 2007, the San Francisco City Attorney filed a petition with the United States Court of Appeals for the Ninth Circuit ("Ninth Circuit") asking for an emergency stay pending appeal of the lower court's decision.

On January 9, 2008, the Ninth Circuit granted the City Attorney's petition which allowed the Health Care Security Ordinance to go into effect on January 9, 2008, pending the City and County's appeal of the Court's decision. As a result of the Ninth Circuit ruling, the ESR became effective on January 9, 2008 for employers with 50 or more employees. The effective date for for-profit employers with 20-49 employees was April 1, 2008.

On February 7, 2008, the Golden Gate Restaurant Association (GGRA) filed an application to the United States Supreme Court, seeking to lift the Court of Appeals' ruling. On February 21, 2008, United States Supreme Court denied the GGRA's application.

On April 17, 2008, Ninth Circuit heard oral arguments on the appeal. On September 30, 2008, a three-judge panel of the Ninth Circuit issued a unanimous ruling that the ESR enacted under the Ordinance was not pre-empted by federal law. The decision overturned the December 26, 2007 United States District Court decision and allowed for continued operation of the ESR.

On October 21, 2008, the GGRA filed a petition with the Ninth Circuit for "Rehearing En Banc." The petition asks the full panel of judges in the Ninth Circuit to review the decision of the three-judge panel. On December 3, 2008, the City Attorney filed his motion opposing GGRA's petition for an en banc review of the panel's decision. If a majority of Ninth Circuit judges vote in support of the rehearing, the Ninth Circuit will then convene a group of 11 judges to review the case. The three-judge panel's September 30, 2008 decision allowing the ESR would likely remain in effect during the en banc review process. As of the writing of this report, the Ninth Circuit had not issued its decision on GGRA's request for en banc review. As a result, the Employer Spending Requirement remains in effect.

III. EMPLOYER SPENDING REQUIREMENT

Pursuant to Section 14.4(h) of the Ordinance, this section provides an update on the enforcement and administration of the employer obligations under the HCSO.

During the initial implementation phase, the Office of Labor Standards Enforcement (OLSE) focused much of its efforts on educating employers about the Employer Spending Requirement (ESR) of the HCSO. Since the last quarterly report, the OLSE has discussed the HCSO on another radio show and received an additional 55,636 individual visits to its HCSO web page. The OLSE continues to respond to hundreds of calls to its dedicated HCSO telephone line and numerous calls transferred from 3-1-1.

The OLSE is currently implementing an employer outreach and a general public outreach campaign on the HCSO, the Paid Sick Leave Ordinance (PSLO), and the Minimum Wage Ordinance (MWO). In partnership with the Mayor's Office of Economic and Workforce Development (MOEWD) and Barbary Coast Consulting, the OLSE produced an employer brochure (Attachment A) and an employee fact sheet (Attachment B) in six different languages (English, Spanish, Chinese, Tagalog, Russian, and Vietnamese). OLSE and MOEWD staff has distributed thousands of employer brochures through eleven merchant walks (one in each of the eleven supervisorial districts), business associations, and neighborhood economic development organizations. In addition, the Environmental Health Division of the Department of Public Health mailed employer brochures to approximately 3,400 San Francisco restaurants, and City agencies, including the Treasurer/Tax Collector and Office of Small Business Assistance, distributed brochures through their daily work with local businesses. Finally, the OLSE arranged for the brochures to be included as an insert in editions of Ming Pao Daily, El Mensajero, and Philippine News. In all, approximately 20,000 employer brochures have been distributed through the employer outreach campaign.

The OLSE's general public outreach campaign will take effect on January 1, 2009, to reflect changes to the HCSO and MWO. In partnership with community-based organizations, the OLSE will distribute thousands of employee fact sheets to San Francisco workers over the coming months. In addition, in December of 2008, the OLSE will run 30 bus shelter ads featuring San Francisco's labor laws in targeted neighborhoods and place ads in local newspapers (Bay View, Bay Guardian, El Mensajero, El Tecolote, Sing Tao Daily, and World Journal). Finally, the OLSE is running radio public service announcements in English, Spanish, and Cantonese on local radio stations.

In the final quarter of 2008, the OLSE continued to review employer compliance with the ESR. As of December 19, 2008, the OLSE had opened 94 cases. Fifty-eight cases (62%) were initiated by worker complaints, and 14 cases (15%) were audits initiated by the OLSE, after the agency received evidence that the business either may not be in compliance or may be experiencing difficulties coming into compliance. The remaining 22 cases (23%) were initiated by employers who voluntarily contacted the OLSE to seek

assistance in coming into ESR compliance. Our investigations have included site visits, conferences with employers and their representatives, worker interviews, and analysis of employer records regarding employee coverage, health care expenditure calculations, and documentation of exemptions. Twenty-one (22%) cases have been resolved/closed.

Of the closed cases, 9 cases were resolved with the employer coming into compliance by: reimbursing employees directly for qualifying health care expenses (4), setting up a health spending account (1), paying into the City Option (5), and/or purchasing health insurance (1). (Note that employers were double counted if they chose more than one option. Also, these figures only concern the covered employees for whom employers failed to make expenditures, i.e., employer may provide health insurance to full-time employees, but choose the City Option for part-time employees.) In 10 of the closed cases, our investigation found that employers were in compliance, after employee misunderstandings (regarding such issues as employer coverage, qualifying expenditures, and effective dates) and third-party administrative errors indicating possible non-compliance were corrected. Two of the closed cases were dismissed because they involved complaints regarding employer surcharges, which are neither mandated nor prohibited by the ESR.

Interest on unpaid or late health care expenditures was assessed in those cases where the employer failed to provide covered employees with access to health care within the time frame mandated by the ESR, and penalties were assessed in those cases involving extreme delay by the employer in coming into compliance. Thus far, the OLSE has assessed and collected $2,500 in penalties, and assessed $916.76 in interest.

The OLSE has also finalized the 2008 HCSO Annual Reporting Form (ARF), which will be mailed to employers registered with the Treasurer & Tax Collector (T/TX) who may be covered by the HCSO. The ARF will provide the City with information regarding how employers have chosen to comply with the ESR. The mailing is scheduled for late January of 2009 (after T/TX's payroll tax mailing), and forms must be returned by April 30, 2009. While original ARFS must be returned to the OLSE, sample forms will be available from the OLSE website for review. These forms will be scanned electronically by T/TX staff in the second quarter of 2009, and the OLSE expects to be able to report on the data collected in the third quarter of 2009.

IV. HEALTHY SAN FRANCISCO

This section provides a summary of Healthy San Francisco and Medical Reimbursement Account components of the Health Care Security Ordinance. The Department of Public Health (DPH) is responsible for implementing and administering these components.

A. Major Activity since Submission of July 2008 Status Report

Since the July 2008 status report to the Board of Supervisors, DPH has:

1. Enrolled over 34,000 uninsured San Francisco residents into Healthy San Francisco. Based on estimated total enrollment of 60,000 uninsured adults, to date, the program has enrolled 57% of the population.
2. Expanded the HSF provider network by adding additional primary care medical homes and hospitals.
3. Instituted the clinical oversight component of the HSF program.
4. Implemented a New Patient Appointment Unit within DPH.

In addition, DPH delivered a one-year report on the HSF program to the San Francisco Health Commission in August 2008. The report highlighted such issues as communications and outreach, enrollment, the provider network, clinical component, customer service, employer spending requirement participation, and budget and finance. Attachment C is a copy of the presentation from this August 2008 report.

B. Healthy San Francisco Enrollment

As of December 19, 2008, there were 34,019 participants residents enrolled in HSF. This represents 57% of the estimated HSF enrollment of 60,000 participants.[2] The average monthly enrollment gain from the debut period (July 2007 – September 2007) to the end of November 2008 was approximately 1,800 participants. Currently, the program is open for enrollment to uninsured, adult residents with incomes at or below 300% of the Federal Poverty Level (FPL). For one person, this level is no more than $30,630 and for a family of four it is no more than $61,950 for calendar year 2008. Individuals with incomes in excess of 300% FPL are eligible to receive subsidized health care services under the Department of Public Health's Sliding Scale program.

[2] Estimated HSF enrollment is derived from data in the 2005 California Health Interview Survey which estimated 73,000 uninsured adults residing in San Francisco. Because HSF is a voluntary program, it is not anticipated that all uninsured residents will elect to enroll. As a result, the number of estimated participants is less than the number of estimated uninsured adults.

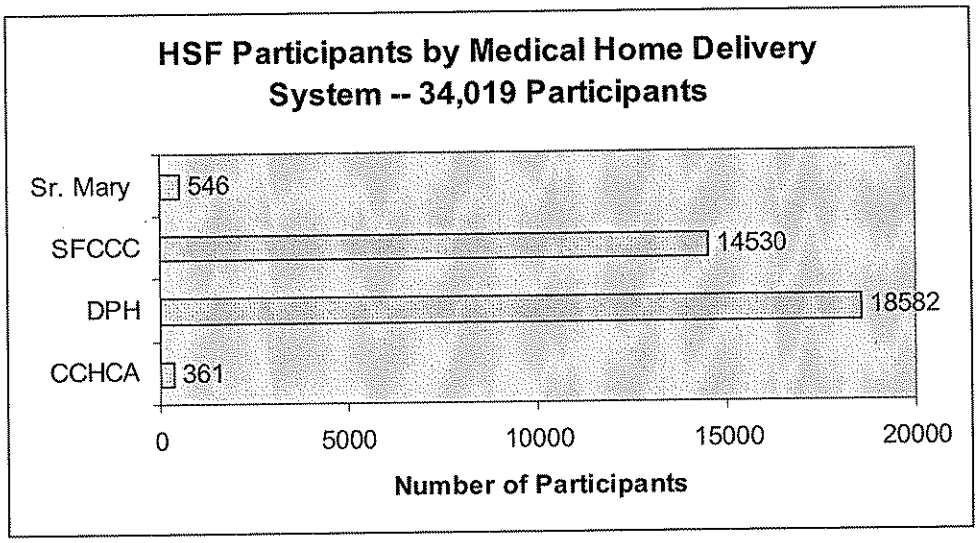
The following chart provides basic demographic information based on the 34,019 participants:

Age	9% are 18 - 24; 39% are 25 - 44; 26% are 45 - 54; 26% are 55 - 64
Ethnicity	39% Asian/Pacific Islander; 24% Latino; 16% Caucasian; 9% African-American, 2% Other; less than 1% Native American; 9% Not Provided
Gender	49% female; 51% male
Income	72% at/below 100% FPL; 22% between 101 – 200% FPL; 6% between 201 – 300% FPL
Language	48% English; 27% Cantonese/Mandarin; 19% Spanish; 1% Vietnamese; 1% Filipino (Tagalog and Ilocano); less than 1% Other

Twenty-five percent (26%) of Healthy San Francisco participants reside in the Excelsior or Mission districts. Homeless individuals comprise 14% of all HSF participants.

Providing program participants with a primary care medical home is a principal feature of HSF. The program is premised on the notion that primary care settings provide a more efficient mechanism to deliver preventive and primary care services, conduct disease management, and coordinate care across providers and service settings. HSF has four primary care medical home delivery systems. They are:

- Chinese Community Health Care Association (CCHCA) – 1% of enrollment
- Department of Public Health (DPH) – 54.6% of enrollment
- San Francisco Community Clinic Consortium (SFCCC) – 42.7% of enrollment
- Sister Mary Philippa Health Center (Sr. Mary) – 1.6% of enrollment



It is important to note that Sister Mary Philippa Health Center and Chinese Community Health Care Association joined the HSF provider network in September 2008 and as a result, their enrollment levels reflect their recent participation in the program.

HSF collects information on whether participants are existing clients or are new to the health care delivery system. Obtaining this information has been helpful in ascertaining the extent to which HSF serves an uninsured population that previously did not seek or receive services. To date, seventy-seven percent (77%) of program participants are existing safety net patients (i.e., during the enrollment process the HSF applicant indicated that they had had a medical visit at the HSF medical home they selected within the last two years). The remaining 23% are new to the delivery system having not visited the HSF medical home for a clinical visit within the last two years.

In addition to enrolling uninsured individuals in HSF, the program's web-based eligibility and enrollment system (One-e-App) enables efficient identification and enrollment of uninsured residents into public insurance programs. Data taken from DPH's August 2008 one-year HSF report noted that HSF application assistors processed almost 3,000 applications for other public health programs (e.g., Medi-Cal, Healthy Families, etc.).

The Department analyzes participant disenrollments from HSF. Disenrollments can occur because participants no longer meet program eligibility criteria, no longer choose to remain in the program/voluntarily disenroll, do not pay the required quarterly participation fee, etc. Since the program's inception, there have been approximately 39,600 HSF participants and of those roughly 5,600 are currently disenrolled from the program. As of December 19, 2008, the current disenrollments were the result of the following reasons:

Disenrollment Reason	Percentage
Program Eligibility	30%
Participation Fee Related	21%
Incomplete Annual Program Renewal	48%
Other Reasons	1%

The data indicates that 30% of those who were disenrolled no longer met the HSF program eligibility. Specifically, these individuals either obtained health insurance (public or private), moved out of San Francisco and no longer met the residency requirement and aged-out of the program when they turned aged 65. Another 21% were disenrolled because of insufficient payment of the quarterly participation fee. An incomplete annual renewal was the most frequent reason for HSF program disenrollments. To date, all of the individuals disenrolled for not completing the reenrollment process have annual incomes below 100% of the Federal Poverty Level and, as a result, pay no participation fees or point-of-service fees (with the exception of fees for emergency care, when appropriate). As a result, there should be no financial barrier to program renewal. However, it is not uncommon for individuals at this income level to have many other factors going impacting their lives. As a result, renewing their HSF participation on a timely basis may not be their highest priority. Some individuals

may simply wait until their next clinical appointment to renew their eligibility. DPH is in the midst of implementing targeted strategies to reduce disenrollments due to non-renewals.

Individuals who are disenrolled from the program can re-enroll at any time, if eligible. The Department tracks the enrollment history of participants to determine enrollment patterns. Re-enrollment into the program can be viewed as an indicator of continued interest in and value of the program to participants. As of December 19, 2008, almost 1,100 individuals who had been disenrolled from the program voluntarily elected to re-enroll and are current participants again. The data notes that the majority of the re-enrollments occur for those individuals who did not complete their annual renewal in a timely manner.

Original Disenrollment	Number	Percent
Program Eligibility	84	8%
Participation Fee Related	351	33%
Incomplete Annual Renewal	626	58%
Other	10	1%

C. Provider Network Expansion

Since the July 2008 status report, the HSF provider network has been expanded. The expansion included:

- Adding a new primary care medical home -- Sister Mary Philippa Clinic which provides primary care, specialty and pharmacy services.
- Adding an independent, private physician's group and associated hospital -- Chinese Community Health Care Association – which serves as a new HSF medical home (with primary care services provided by Sunset Health Services, Excelsior Health Services and several individual primary care provider practice sites) and provides specialty, pharmacy, diagnostic and inpatient services at Chinese Hospital.
- Increasing the number of hospitals participating in HSF from 1 to 5. In addition to San Francisco General Hospital, the following now participate in HSF:
    - Saint Francis (Catholic Healthcare West) – provides inpatient services to those with Glide Health Services as medical home
    - St. Mary's (Catholic Healthcare West) – provides inpatient services to those with Sister Mary Philippa Clinic as medical home
    - California Pacific Medical Center (California, Davies and St. Luke's) –provides inpatient services to those with North East Medical Services as medical home
    - UCSF Medical Center – provides referral-based diagnostic imaging services at China Basin facility for HSF participants

D. Quality Improvement (QI) Structure

HSF instituted its Quality Improvement (QI) structure. The focus of the HSF quality improvement (QI) effort is on adult preventive care and on assuring access to care through monthly review of appointment wait times, and devising strategies to remediate

wait times that exceed standards. Quality measurements focus on adult preventive care guidelines and will include breast and cervical cancer screening, appropriate care of diabetes and asthma and other preventive guidelines including immunizations.

E. New Patient Appointment Unit

In line with program goals to improve patient access and appointment scheduling, HSF implemented the New Patient Appointment Unit (NPAU) within DPH. New patients seeking their first clinical appointment with their DPH primary care provider/medical home are directed to the NPAU, a centralized call center for patients seeking an appointment at any one of the 14 clinics in the DPH network. The NPAU makes new patient appointments for the following health care programs: Healthy Families, Healthy Kids, Healthy San Francisco, Healthy Workers, Medi-Cal and Medicare.

F. HSF Customer Service

HSF participants have access to customer service representatives who care assist them in using the program effectively (e.g., explaining how to access medical services, correcting an address, replacing materials, etc.). The customer service component also responds to requests made by providers, employers and applicants. To date, key customer service statistics are:

- Avg. number of calls per month – 1,970
- 63% calls from participants; 20% calls from potential participants; 12% calls from employers; 5% calls from providers
- Languages spoken of participant calls: 71% English, 15% Chinese, 14% Spanish

Customer service also works to resolve participant complaints. As the August 2008 report the San Francisco Health Commission notes in Attachment C, in fiscal year 2007-08 the HSF program received 168 customer complaints. Most of the complaints reflected the learning curve and adjustments inherent in a new program.

G. Employer Selection of City Option to Meet Employer Spending Requirement

San Francisco employers are selecting the City Option to meet the Employer Spending Requirement (ESR) of the Health Care Security Ordinance. When an employer chooses the City Option, their employees will receive either Healthy San Francisco or a Medical Reimbursement Account depending upon the employee's eligibility.

If the employee is eligible for HSF, the employee will be notified and must complete the HSF application process to get enrolled in the program. An employer does not enroll an employee into HSF. If the employee is ineligible for HSF, then they will be given a Medical Reimbursement Account. All funds contributed on the employee's behalf by the employer are deposited into this account and the employee can access these funds to reimburse for out-of-pocket health care expenses.

As of December 14, 2008, over 850 employers had elected to use the City Option. Specifically:

City Option Component	Committed Funding	No. of Employees
Healthy San Francisco	$14.218 million	16,318
Medical Reimbursement Acct.	$13.119 million	16,486
Total	$27.337 million	32,804

Of the total funds committed by employers, $26.977 million in health care expenditures has been collected to date or 98.7%. The employer payments are submitted to the HSF Third-Party Administrator (the San Francisco Health Plan) for processing. The Third-Party Administrator transfers the Healthy San Francisco component of the employer payments to DPH on a periodic basis. DPH then submits these funds to the City Controller's Office for processing and deposit. In accordance with the Health Care Security Ordinance, those funds are used for the HSF program.

To date, $15.83 million in funds have been transferred from the Third-Party Administrator to the City and County of San Francisco. Note that the amount transferred is in excess of the committed HSF funding from employers because the transfer amount also includes HSF program participation fees paid by enrollees on a quarterly basis. Employer health care expenditures designated for a Medical Reimbursement Account are not transferred to the City and County of San Francisco. Participant eligibility and contribution information is forwarded to the Medical Reimbursement Account vendor and accounts are created for each employee to use for reimbursable health care expenses. Funds are transferred weekly to the MRA vendor for claims and monthly for administrative fees.

H. Summary of Remaining 2008-09 Fiscal Year Major Program Activity

The Department anticipates that monthly enrollment will stay constant over most of the fiscal year with it tapering off towards the end of the fiscal year. The Department hopes to be near the maximum estimated enrollment of 60,000 uninsured participants at the end of calendar year 2009. There are an estimated 73,000 uninsured adults in the City and County.

It is important to note that the estimate of the number of uninsured that the Department has used for Healthy San Francisco is based on the state-wide 2005 California Health Interview Survey (CHIS). CHIS provides detailed data on the health and health care needs of California residents and is conducted by the UCLA Center for Health Policy Research. At the time of the writing of this status report, the UCLA Center for Health Policy Research had just released findings from the 2007 CHIS. The findings include revised estimates of the number of uninsured adult residents in San Francisco. The Department will analyze this updated information and revise its HSF enrollment projections accordingly.

Looking forward to the remaining portion of the 2008-09 fiscal year, the HSF program will implement the following program expansions:

- Program Income Eligibility Expansion: In keeping with the program's intent to make HSF available to uninsured residents at all income levels, in late January 2009/early February 2009, the income eligibility for the program will be raised and those with incomes at or below 500% of the federal poverty level will be eligible to enroll. It is estimated that an additional 14,500 uninsured adults would become eligible for the program with this income expansion. This expansion strategy may be reconsidered based on enrollment trends, any federal court ruling in the Golden Gate Restaurant Association lawsuit and/or other local factors.

- One-e-App Enhancements/Interface to Human Services Agency: HSF uses One-e-App to enroll applicants into the program with the assistance of trained staff who determines an applicant's eligibility for public health insurance before HSF enrollment. The system requires manual submission of Medi-Cal applications to the City and County's Human Services Agency. With the Human Services Agency as the lead agency, One-e-App will be modified to have a two-way electronic interface between Medi-Cal's enrollment database and the HSF applicant screening system. This linkage will enable both agencies to redirect applicants to the most appropriate program.

- Evaluation: The Department will issue a Request for Proposals to retain an evaluation consultant. HSF's goal is to improve access to health services for uninsured resident, but does not rely of a health insurance model. To date, little research has been conducted on expanding access to care through a non-heath insurance model. Research in this area is needed to understand the ability of this model to result in meaningful improvements in access and health outcomes, and why. The evaluation will be structured to provide formative findings, in addition to a summative analysis, that can be used to guide development of any program improvements or modifications. Specific evaluation activities include examining utilization, administrative and financial data. The evaluation will also focus on the lessons learned and replicability.

ATTACHMENTS

SAN FRANCISCO OFFICE OF LABOR STANDARDS ENFORCEMENT

Healthy WORKERS. Healthy ECONOMY.

The San Francisco Office of Labor Standards Enforcement (OLSE) is responsible for enforcing labor laws adopted by local voters, the Mayor and the San Francisco Board of Supervisors.

OLSE actively works to educate employers and employees about the requirements of San Francisco's labor laws, serving as a resource to those who need further information and assistance in order to comply.

Minimum Wage Ordinance

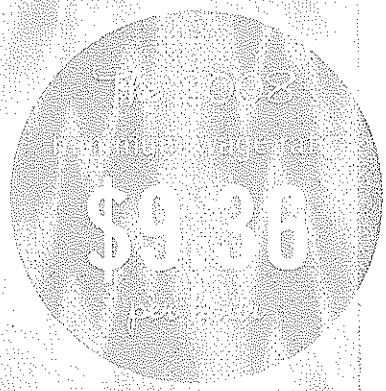
San Francisco's Minimum Wage Ordinance reflects the City's commitment to all members of its workforce.

THE BASICS ON SAN FRANCISCO'S MINIMUM WAGE

- The 2008 minimum wage rate is **$9.36 per hour**
- On January 1st of each year, the City adjusts the minimum wage to keep pace with inflation
- All employees who work in San Francisco more than two hours per week, including part-time or temporary employees, are entitled to the San Francisco minimum wage

ADDITIONAL EMPLOYER REQUIREMENTS

- All employers must post an OLSE-provided notice, translated into six languages, informing employees of their rights
- Employers must document all hours worked by employees and keep those records for a minimum of four years
- It is unlawful to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected under this law



FOR MORE INFORMATION

For additional information regarding the Minimum Wage Ordinance, please visit OLSE's website: **www.sfgov.org/olse/mwo** or give us a call at **(415) 554-6292**

Paid Sick Leave

For every **30 hours worked** a San Francisco employee earns one hour of paid sick leave.

Keeping employees and their families well helps San Francisco businesses do well.

THE BASICS ON PAID SICK LEAVE

- San Francisco employees, including part-time and temporary employees, are entitled to paid time off from work when they are sick or need medical care, and to care for their family members or designated person when those persons are sick or need medical care
- For every 30 hours worked, an employee earns one hour of paid sick leave, and may have up to 40 or 72 hours of paid sick leave saved at any time (40 hours for employers with fewer than 10 employees, 72 hours for employers with 10 or more employees)
- If employees don't use the sick time they've earned, the saved sick time carries over from year to year
- Employees who began work on or before February 5, 2007 began to accrue paid sick leave on that date; employees hired after February 5, 2007 start accruing paid sick leave 90 calendar days after their first day of work
- Employers may require a doctor's note or other verification after an employee's use of paid sick leave for more than three consecutive work days

ADDITIONAL EMPLOYER RESPONSIBILITIES

- All employers must post an OLSE-provided notice, translated into six languages, informing employees of their rights
- Employers must document hours worked and paid sick leave taken by employees and keep those records for a minimum of four years
- It is unlawful to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected under this law
- Employers are responsible for allowing employees without a spouse or registered domestic partner to select a designated person

FOR MORE INFORMATION

For additional information regarding the Paid Sick Leave Ordinance, please visit OLSE's website: **www.sfgov.org/olse/pslo** or give us a call at **(415) 554-6271**

Health Care Security Ordinance

San Francisco understands that a healthy workforce is a productive workforce.

THE BASICS ON THE HEALTH CARE SECURITY ORDINANCE (HCSO)

- The HCSO requires Covered Employers (for-profit employers with 20 or more employees and non-profit employers with 50 or more employees) to spend a minimum amount of money (set by law) on their Covered Employees' health care
- With some exceptions, employees who have been employed for at least 90 calendar days and perform at least 10 hours of work in San Francisco per week are Covered Employees under this law
- Employers can choose how to make the health care expenditures (e.g. purchase health insurance, set up health spending accounts, enroll employees in the City's Healthy San Francisco program)

Continued on next page >>

The 2008
Employer Spending
Requirement rate,
100+ employees
$1.76
per hour

Health Care Security Ordinance

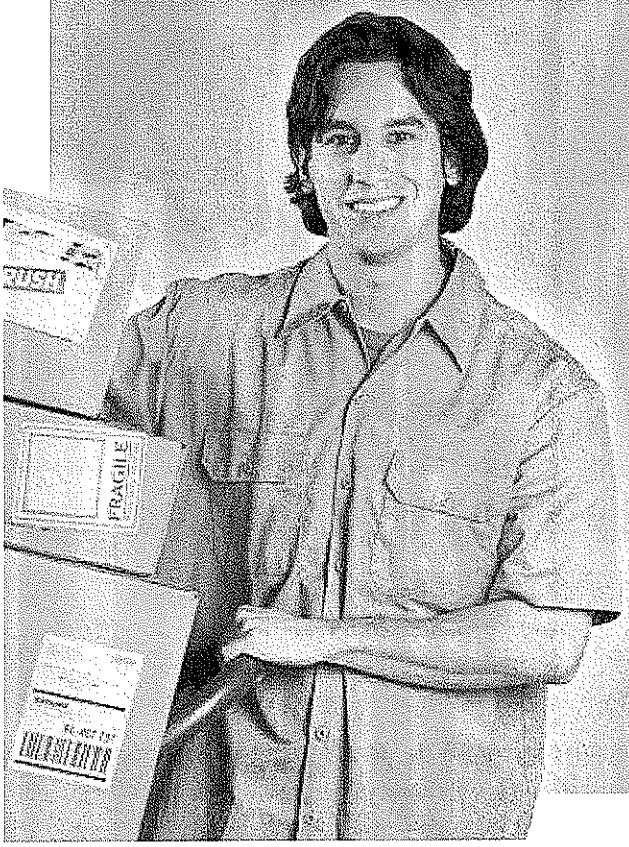
> > *Continued from previous page*

- The minimum Employer Spending Requirement is calculated by multiplying the number of hours paid to each Covered Employee during the quarter by the applicable Health Care Expenditure Rate below:

HEALTH CARE EXPENDITURE RATES FOR 2008 AND 2009

Business Size		2008	January 1, 2009
Large	100 + Employees	$1.76/hour	$1.85/hour
Medium	20 - 99 Employees*	$1.17/hour	$1.23/hour
Small	1 - 19 Employees	Not Applicable	

**Non-profits with fewer than 50 employees are exempt*



ADDITIONAL EMPLOYER RESPONSIBILITIES

- Your minimum spending requirement on employee health care must be fulfilled within 30 days after the end of each quarter
- As an employer, you must track and report annually on your health care expenditures, and keep all relevant records for a minimum of four years
- It is unlawful to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected under this law

FOR MORE INFORMATION

For additional information regarding the Health Care Security Ordinance, please visit OLSE's website: **www.sfgov.org/olse/hcso** or give us a call at **(415) 554-7892**

San Francisco Labor Laws in Retail

S.F. LABOR LAWS	COVERED EMPLOYERS	MORE INFO
Minimum Wage Ordinance	Any employer with employees that perform at least two hours of work in one week in San Francisco	www.sfgov.org/olse/mwo *or* (415) 554-6292
Paid Sick Leave Ordinance	Any employer with employees, including part-time and temporary employees, that work in San Francisco	www.sfgov.org/olse/pslo *or* (415) 554-6271
Health Care Security Ordinance	For-profit employers with 20 or more employees, and non-profit employers with 50 or more employees	www.sfgov.org/olse/hcso *or* (415) 554-7892

San Francisco Workers:
KNOW YOUR RIGHTS!

All employees performing work in San Francisco, including part-time and temporary employees, have the right:

- To be paid the 2009 San Francisco **Minimum Wage** rate of **$9.79/hour**
- To earn and take **paid sick leave** for their own medical care or to aid or care for a family member or designated person
- Employers with 20 or more employees (and nonprofits with 50 or more employees) must spend a minimum amount (set by law) on **health care** for each employee who works 8 or more hours per week in San Francisco

It is against the law for an employer to punish an employee who asks for these rights.

San Francisco workers are entitled to these rights regardless of immigration status. If you are not receiving these rights, you can file a complaint with the Office of Labor Standards Enforcement.

THE FOLLOWING ORGANIZATIONS CAN PROVIDE YOU WITH CONFIDENTIAL ASSISTANCE:

- La Raza Centro Legal: (415) 575-3500
- Chinese Progressive Association: (415) 391-6986
- Filipino Community Center: (415) 333-6267
- Pride At Work: (415) 410-7462

San Francisco Office of Labor Standards Enforcement
City Hall Room 430
San Francisco, CA 94102
(415) 554-6292
www.sfgov.org/olse

Healthy San Francisco: Program Update

San Francisco Health Commission

August 19, 2008

Healthy San Francisco
Our Health Access Program

Program Update

- Program Activities from July 2007 to present
- Upcoming 2008-09 Activities

Healthy San Francisco
Our Health Access Program

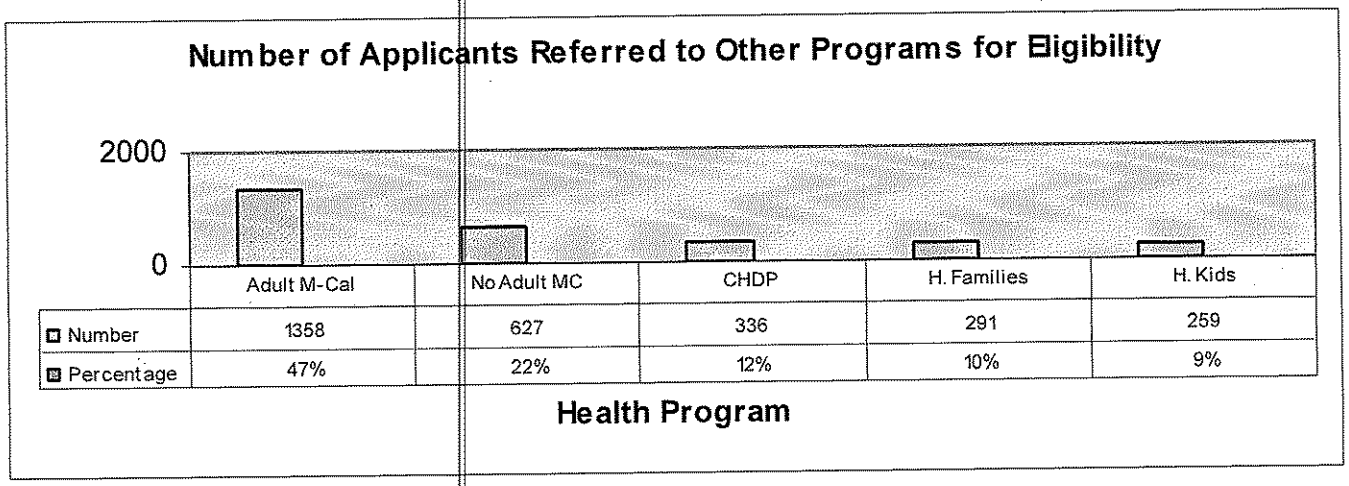
Communications and Outreach

- Focus on in-reach, not marketing
- High level activities
  - Website developed July 2006; enhanced in October 2007; averages 9,344 monthly visitors (Oct. 2007- June 2008)
  - Dedicated, multi-lingual Inquiry Call Center (ICC) replaced with City's 3-1-1 in January 2008 replacing ICC; 3-1-1 averages 302 HSF calls per month (calendar year 2008)
  - Written materials developed in English, Chinese and Spanish languages
  - DPH staff did over 60 external and internal presentations

Healthy San Francisco
Our Health Access Program

Enrollment – 28,500 Applications

- Over 100 HSF application assistors at the DPH, SFCCC and SFHP using One-e-App
- 27,100 HSF applications processed
- 5% of all applications (9% of all applicants) processed are for other health programs



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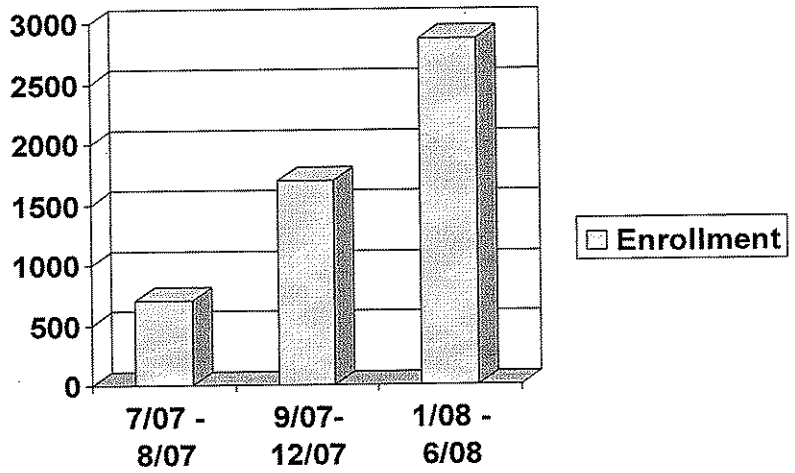
Enrollment – HSF Participation

- 27,395 participants as of August 11, 2008
  - 37% of 73,000 estimated uninsured SF adults
  - 46% of 60,000 estimated HSF population

- Average monthly enrollment increased steadily during first program year



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Enrollment – Demographics

- 26% reside in the Excelsior or Mission
- 16% are homeless individuals
- 76% incomes below 100% FPL; 24% above 100% FPL
- 51% male; 49% female
- 38% Asian/PI; 24% Hispanic; 15% White; 9% Afr-Amer.; 2% Other; 12% Not Provided
- 7% under 25 years old; 65% b/w 25 - 54 years of age; 28% b/w 55 - 64 years of age

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Program Disenrollments

- Participants are disenrolled:
  - if they no longer meet program eligibility requirements or at their request
  - receive notification of their disenrollment
- The disenrollment rate is 6.5% (1,721 current disenrollments/29,116 enrollments)
- Disenrollment reasons are tracked (% of current disenrollments)
  - 48% no longer met program eligibility
  - 42% participation fee related
  - 8% did not complete annual renewal
  - 2% other reasons

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Almost Half of Disenrollments are Due to Program Eligibility

Disenrollment Reason	***Percentage***
Obtained Public Coverage	56%
Aged Out (65 and Over)	22%
Obtained Employer-Sponsored Coverage	12%
No Longer a SF Resident	6%
Obtained Private Coverage	4%

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Disenrollments Due to Insufficient Payment of Participation Fee

FPL	Total No. of HSF Participants by FPL	% of Participants in FPL	Insufficient Payment Disenrollments by FPL	Disenrollments as % Particpants in FPL Category
0-100%	20,780	76%	**0**	**0%**
101-150%	2,875	10%	285	10%
151-200%	2,214	8%	213	10%
201-250%	907	3%	123	14%
251-300%	570	2%	80	14%
≥ 301%	29	Less than 1%	0	0%
	27,395		**701**	

- Disenrollment due to insufficient payment of participation fee is not related to income level, but may relate to ability to pay.

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Difficult to Know Reasons for Insufficient Payment Disenrollments

- For some people, disenrollment may reflect the fact that they already received the services they needed.
- Some may find participation fee costly. If participant's income is reduced, then can be re-evaluated for potential lowering of participation fee.
- Some people became qualified for public insurance prior to their participation fee being due. Therefore, recorded "insufficient payment" disenrollment may not accurately reflect true reason for disenrollment.
- Disenrolled persons are eligible for HSF re-enrollment or if they choose not to re-enroll in HSF can access services as self-pay.

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Fee Structure

- Participants pay:
  - participation fee to remain enrolled in program
  - point-of-service fees when accessing services
  - cost of care delivered outside HSF provider network

- Affordability impacts access – fees are tied to income and family size
  - Subsidy to those with incomes at or below 500% FPL
  - Fees are less than 5% of a household income

Income Level	GA/Hmls	0 - 100%	101 – 200%	201 – 300%	301 - 400%	401 - 500%	501% - Over
Fees as a Percent of Income	0%	0%	2.30%	2.90%	3.90%	4.40%	5.20%

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Participation Fee and Point-of-Service Fee Activity

- Participation fee payments Collected
  - ≈ $568,000 as of June 30, 2008
  - Payment rate is over 80% and rates are averaging 5% - 7% higher for participants between 101% - 200% FPL versus those between 201% - 300% FPL

- For DPH, most of 2007-08 used to develop infrastructure for collection of POS fees. Fees collected:
  - January 2008 to July 2008: $7,657/month (excluding pharmacy)
  - Fiscal Year 2008-09 as of July 31, 2008: $17,755/month (excluding pharmacy)

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Service Utilization and Cost of Care

- Department is collecting utilization and cost data from HSF providers. Will use data to analyze utilization, access, HEDIS measures and quality of care.
- To make reasonable conclusions regarding cost and utilization, the Department needs at least 16 months of this data (starting from the September 2007 program expansion)
- Current limitations on providing utilization and cost data
  - Population size of a little over 27,000
  - Participation concentrated on very low income residents
  - Enrollment primarily taking place at the point of service
  - Potential for "pent-up" demand

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Provider Network and Clinical Capacity

- All 27 HSF primary care medical homes have HSF participants
  - 59% select a DPH medical home
  - 41% select a SFCCC medical home

- Monitor clinical capacity several ways
  - Track "existing" (84%) versus "new" (16%) participants
  - Survey clinics twice a month for "open" versus "closed" to accepting new participants
  - Give clinics monthly enrollment summaries

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Provider Network Expansion

- In September 2008, provider network will expand in the following manner:
  - adding a new primary care medical home (Sister Mary Philippa Clinic)
  - adding an independent, private physician's group and associated hospital (Chinese Community Health Care Association and Chinese Hospital)
  - increasing the number of hospitals participating in HSF from 1 to 5
    - Saint Francis – inpatient services to those with Glide Health Services
    - St. Mary's – inpatient services to those with Sister Mary Philippa Clinic
    - California Pacific Medical Center (California, Davies and St. Luke's) – inpatient services to those with North East Medical Services
    - UCSF Medical Center – will provide referral-based diagnostic imaging services at China Basin facility for HSF participants

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Selected Clinical Activities

- Health Promotion: Issued first HSF Preventive Health Care brochure in Spring 2008
- Chronic Care Redesign (Primary/Specialty Collaboration and Primary Care Resident Clinic Continuity)
  - Family Health Center (back pain, diabetes, mental health w/i primary care)
  - General Medicine Clinic (asthma/COPD, heart failure, resident continuity)
- Innovations in Health Care Seminars: Held in concert with California HealthCare Foundation
  - Retail or Convenient Care Clinics
  - Improving Access to Specialty Care Services in the Safety Net
  - Managing Populations and Patients Managing Themselves
  - Telemedicine and Telehealth

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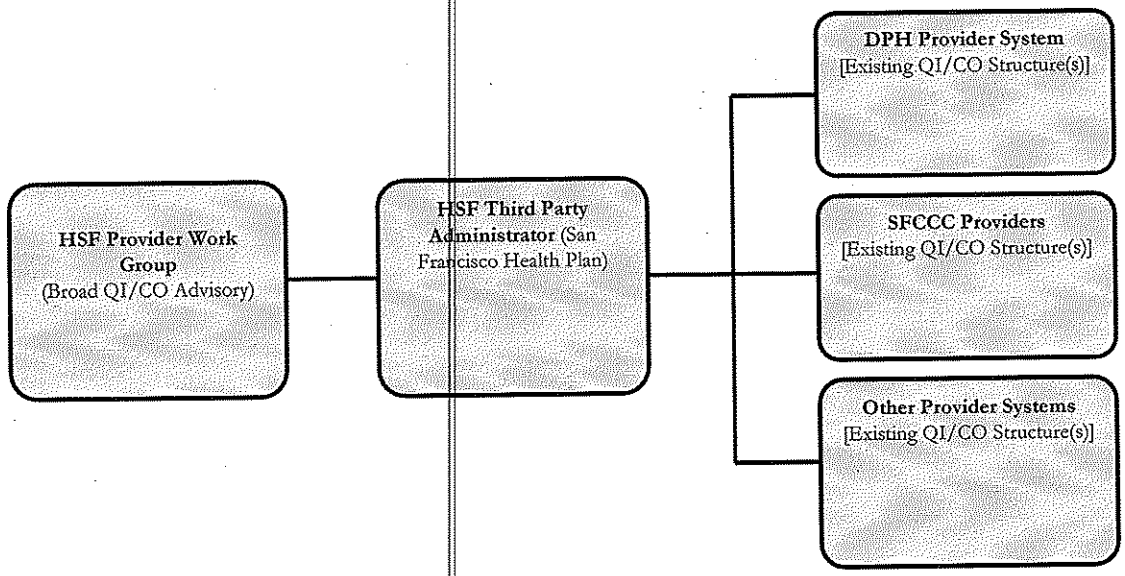
HSF Quality Improvement and Clinical Oversight Structure

- Created QI/CO function to help ensure that services provided to HSF participants are quality and promote access; focus of QI/CO effort will be on adult preventive care



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Customer Service

- Call Center
  - Avg. number of calls per month – 1,695 (2008)
  - Volume increased 66% from 1st to 2nd quarter (2008)
  - 85% of calls responded to in less than 30 seconds (2nd quarter 2008)
- Callers
  - 57% participants; 24% potential participants; 14% employers; 5% providers
- Participant Calls
  - Calls per 1,000 participants per month averages 50 - 56
  - Languages: 62% English, 21% Spanish, 17% Chinese

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Participant Complaints

- During fiscal year 2007-08, 168 participant complaints
  - 97% of complaints resolved within 60 days
  - 76% resulted in a change of medical home
  - 3.4 complaints per 1,000 participants

Category	Number	Percent
Enrollment Issue (Medical Home Selection)	74	44%
Access Issue	28	17%
Quality of Service	27	16%
Participant Fee Billing	12	7%
Quality of Care	7	4%
Pharmacy	7	4%
Point of Service Fees	4	2%
Coverage Interpretation	3	2%
Other	3	2%
Participant Materials	2	1%
ESR	1	1%
All Categories	**168**	**100%**

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Employers are Selecting City Option

- Employer Spending Requirement (ESR) went into effect in January 2008. If an employer selects City Option, then their employee receives either:
  - Healthy San Francisco or
  - Medical Reimbursement Account
- 950 employers have selected the City Option as of early August 2008
- In total, $17.5 million in health care expenditures committed for 26,000 employees
  - One-half are potentially eligible for HSF
  - One-half will receive a MRA

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2007-08 Budget Overview

- New program augmentations of $15.74 million exceeded new program revenues of $14.49 with a resulting difference of $1.25 million
- Over next few months, DPH will compare new and existing expenditures to new and existing revenues to estimate cost of program

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Health Care Coverage Initiative (HCCI) -- $73.1 million

- For 3 years for subset of HSF participants:
  - Age Restriction: 19 – 64 years of age
  - Legal Status Restriction: Citizen (US born or naturalized) or Legal Immigrant (at least 5 years)
  - Identification Restriction: Government-issued ID
  - Income Restriction: = or < 200% FPL
  - DPH Medical Home Requirement
- Challenge of collecting required identification and citizenship documentation
  - Similar experiences in most other counties
  - ≈ 5,500 HSF participants have HCCI designation
- Funding based on enrollment and service utilization
  - DPH has received no HCCI funding; neither has any other HCCI county
  - Will receive 2007-08 funding, but in 2008-09; less than allocation

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Evaluation

- Evaluation of the program will be complex given the varied goals of the program
  - Each goal will need a somewhat different evaluation strategy
  - Not all goals can be evaluated at the same chronologic time
- Outline of evaluation strategy
  - Defines evaluation goals, the metrics for measuring those goals and data collection efforts to obtain the data for evaluating the different goals
- HSF Evaluation Committee established to provide guidance, in addition to internal evaluation expertise

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Evaluation Activities to Date

- Secured agreement from the Kaiser Family Foundation to do and fund a patient satisfaction survey for early participants
- Met with the UCLA evaluation team in July 2008 to discuss the Health Care Coverage Initiative evaluation
- Submitting grant proposals to various foundations
- Working with the California HealthCare Foundation to revise and fund One-e-App to add health status questions into the application process for evaluation purposes

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Enrollment Projections (at end of 2009)

- Anticipate monthly enrollment will stay constant over most of year with tapering off towards end of the fiscal year
- Estimated enrollment projections take into account disenrollment and non-renewals
- Hope to be near maximum estimated enrollment of 60,000 at end of 2009

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Upcoming Program Activities

- DPH New Patient Appointment Unit to better connect new patients with their first primary care appointment
  - Currently in pilot phase at Urgent Care Clinic and Castro Mission Health Center
  - Expansion to all DPH primary care medical homes scheduled for September 15, 2008
- Program Income Eligibility Expansion is slated for late January 2009
  - Will be raised to those with incomes at or below 500% FPL ($52,000 for one person; $106,000 for a family of four)
  - State data estimates 14,500 residents between 300% -- 500%FPL
  - Expansion strategy may be reconsidered based on enrollment trends and Court ruling in GGRA lawsuit

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Upcoming Program Activities

- Clinical Components – Disease Management
  - Target population – Participants with asthma, diabetes, hyperlipidemia, hypertension
  - Use encounter data to identify potential participants
  - Teamlet model uses telephone disease management and health education mailings
- OEA Enhancements – Interface with Human Services Agency
  - DPH and the Human Services Agency will partner to create this "two-way interface" in San Francisco between One-e-App and CalWIN
    - HSA is lead agency on interface

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Summary

- Pilot, launch and incremental expansion of HSF fiscal year 2007-08 has gone relatively smoothly
- In second year will increase focus on program features and evaluation

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Our Health Access Program

PORT OF SAN FRANCISCO

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MEMORANDUM

January 6, 2009

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Rodney Fong, Vice President
Hon. Michael Hardeman
Hon. Ann Lazarus
Hon. Stephanie Shakofsky

FROM: Monique Moyer
Executive Director

SUBJECT: Accept Report on the Contracting Activity Quarterly Report – Fiscal Year 2008/09; 2nd Quarter Period September 1, 2008 to December 31, 2008

DIRECTOR'S RECOMMENDATION: Accept Report

BACKGROUND

The purpose of this report is to comply with legal and policy mandates for the City and County of San Francisco and Port Commission. These legal and policy requirements are primarily based upon the following:

1. "As-Needed" contracting requirements as promulgated by Section 6.64 of the San Francisco Administrative Code, Port Commission Resolution 03-50 and a Letter of Agreement with Local 21 International Federation of Professional and Technical Employees Association (IFPTE). (Effective April 2005, a $200,000 limit was imposed via City ordinance for use of as-needed contract services per each single public works project; not including general planning or non-construction related professional services such as real estate economics as-needed contracts.)

2. Local 21 Union for the IFPTE and the City and County of San Francisco Department of Public Works requested that the Port include the following additional information in the subject quarterly reports, as it applies to the use of as-needed professional service contracts:
   - Contracting activity for the current reporting period
   - Anticipated contracting activity for the upcoming quarter
   - Estimated staffing numbers and projects related to the as-needed contract services.

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3. San Francisco Administrative Code Section 14(b) requires all departments and contract awarding authorities to report to the Mayor on their progress in the preceding fiscal year toward the achievement of the LBE goals and their steps to ensure non-discrimination against MBEs (Minority Business Enterprises), WBEs (Women Business Enterprises) and OBEs (Local businesses other than MBE or WBE).

In the award of leases, franchises, concessions, and other contracts not subject to the discount provisions of Administrative Code Section 14(b), contract awarding authorities such as the Port shall utilize the good faith efforts steps to maximize opportunities to for LBE participation, as deemed practicable to do so. At the minimum, contract awarding authorities should notify LBEs that are certified to perform the work contemplated in a contract and solicit their interest in the contract. These good faith effort steps are described in each solicitation for a Port lease, franchise, concession and other contracts such as development agreements.

Definitions

1. *As-needed Professional Service Contracts* include professional service contracts procured on a request for qualifications basis to establish a pool of Master Agreements in which work is contracted under task orders or Contract Service Orders (CSOs), as needed to complete work required on an immediate basis that can not otherwise be performed by existing City and County of San Francisco staff. The Port has twelve as-needed contracts that have a total authorized contracting capacity of $8,150,000.
2. *Professional Service Contracts* procured through a *formal* contracting process - contracts valued greater than $29,000
3. *Professional Service Contracts* procured through an *informal* contracting process - contracts valued at less than $29,000
4. *Construction Service Contracts*
   - public works/construction contract means a contract for the erection, construction, renovation, alteration, improvement, demolition, excavation, installation, or repair of any public building, structure, infrastructure, bridge, road, street, park, dam, tunnel, utility or similar public facility that is performed by or for the City
4. *Information Technology Contracts*
   - acquisition of computer hardware, software, peripherals and appropriate network, consulting, maintenance, training and support services, as well as any successor contracts
5. *General Services Contracts*
   - an agreement for those services that are not professional services. Examples of "general services" include: janitorial, security guard, pest control, parking lot attendants and landscaping services

Based upon the above information, this report is divided into two sections to cover each of the legally mandated reporting requirements consisting of: 1) Administrative Code Section 6.64 – As-Needed Contracting Activity; and 2) Administrative Code Section 14(b) - All other Contracting Activity.

SUMMARY

Local Business Enterprise Participation

According to staff from the Human Rights Commission (HRC) the 20% LBE participation goal that the Port has been operating under for the past three years remains unchanged.

While the Port has exceeded its cumulative overall LBE subcontracting goal of 20% on all as-needed contracts, new contracts overall fell short with LBE participation at 16%. Although the Brannan Street Wharf Project contract award in excess of $1.5 million included 24% LBE participation, the San Francisco Conservation Corps (SFCC) contract in the amount of $800,000 did not include an LBE participation goal because HRC waived the LBE participation goal for that contract However, the SFCC contract did include a subcontract with Larkin Street another local non-profit organization at 20%. Both organizations are San Francisco based non-profit organizations that provide services specifically supporting the San Francisco community.

The following table summarizes the Port's new Contracting Activity for the 2nd Quarter of Fiscal Year 2008/09.

Type of Contract	Amount Awarded	D/LBE Amount	D/LBE %
As-Needed Professional Services	$0	$0	0%
General Services (Contracts Only)	$0	$0	0%
Formal Professional Services	**$2,339,956**	**$379,209**	**16.2%**
Informal Professional Services	**$ 19,800**	**0**	**0**
Construction Services	$0	$0	0%
Information Technology (General Services)*	$0	$0	0%
Totals	**$2,359,756**	**$379,209**	**16.0%**

*Issued through the Computer Store and Office of Contract Administration IT contracts.

The following table summarizes the Port's As-Needed Contracting Activity (Contract Service Orders) by Master Agreement discipline of professional services for the 2nd Quarter FY 2008/09.

Type of As-Needed Professional Services Contract	Amount Awarded	D/LBE Amount	D/LBE %
Architectural & Engineering	$251,672	$43,605	17.32%
Environmental	$228,939	$61,137	26.7%
Real Estate Economics	$ 99,962	$24,960	24.97%
Construction Support Services	$0	$0	0%
Totals	**$583,573**	**$129,702**	**22.23%**

It is important to note that all of the Architectural & Engineering as well as the Environmental contracts expire June 30, 2009. Staff will propose to the Port Commission that: (1) an RFP for Architectural and Engineering contracts be issued in Spring 2009; and (2) the Environmental contracts be extended for an additional one year.

$200,000 As-Needed Contracting Authorization

During this quarter, no as-needed contract services exceeded the approved $200,000 threshold.

Other Contracting Activity

In addition to the above contracting activity, the Port has been engaged in number of leasing evaluations, renewals, and new leases. The Real Estate Division reports that all leases are conducted on a first come, first serve basis. There is no tracking by ethnicity, gender nor location of corporate headquarters for the tenants granted leases on Port property. However, the majority of the lease transactions are with local small businesses. The HRC is being asked to review tenant improvement projects for applicability to the local business enterprise program.

Development contracting transactions are highly specialized and market driven by the private investment entities pursuing such projects on Port property. In all instances, the Port includes the following statement:

> *"V. OTHER PROJECT REQUIREMENTS*
>
> *A. Equal Opportunity*
>
> *The Port Commission encourages the participation of disadvantaged local business enterprises in this RFP opportunity. The selected Respondent will be encouraged to consult with the City's Human Rights Commission to determine appropriate methods for promoting participation by disadvantaged business enterprises in this opportunity. The City's list of certified Local Business Enterprises may be accessed through the following URL: (http://sfgov.org/site/uploadedfiles/sfhumanrights/directory/vlist_1.htm)."*

CONCLUSION

Additional details on the Port's contracting activities (including upcoming contracting activities) are included in the discussion portion of this report. Port staff request acceptance of this informational report with comments and further direction to staff as deemed appropriate.

DISCUSSION DETAIL

Based upon the background and summary information provided, the remainder of this report is divided into two sections to cover each of the legally mandated reporting requirements consisting of report details covering: 1) Administrative Code Section 6.64 – As-Needed Contracting Activity; and 2) Administrative Code Section 14(b) - All other Contracting Activity.

PART I. As-Needed Professional Services Contracting Activity Administrative Code Section 6.64

This as-needed contracting activity report covers the 2nd Quarter (September 1, 2008 through December 31, 2008) period for Fiscal Year 2008/09. No as-needed construction-related professional service Contract Service Order exceeded the $200,000 Administrative Code limit for a public works project during this quarter. The detailed achievement (dollars and percentages) for each of the twelve as-needed consultant contracts is included in Exhibits 1, 2, 3 and 4 to this report.

Master Agreements (Exhibit 1)

It is important to note that all of the Architectural & Engineering, as well as the Environmental (Master Agreements) contracts expire June 30, 2009. At its February 14, 2006 meeting, the Port Commission authorized each of the aforementioned Environmental contracts which total four, be awarded for three years, with the Port reserving the option to renew for one additional year beyond the third year. Likewise, at its April 11, 2006 meeting, the Port Commission authorized each of the aforementioned Architectural and Engineering contracts which total two, be awarded for three years, with the Port reserving the option to renew for one additional year beyond the third year.

Port staff anticipates exercising the option to extend the above contracts during the upcoming quarter. Due care will be undertaken to assure that only new work commencing prior to the original Master Agreement expiration will be included under the expiring contract and all work will be completed within the one year option extension period. In the meantime, Port staff further anticipates presenting a Request to Advertise an As-needed Engineering RFP sometime in Spring 2009.

Construction-related Professional Services Contracts (Engineering, Environmental & Construction Support Services) are used primarily by the Engineering Division. The Non-Construction-related Professional Services Contracts (Real Estate Economics and Related Consulting Services) are used primarily by the Planning Division.

During this quarterly reporting period, the Port did not meet the 20% subcontracting goal for Architectural & Engineering Professional Services, but included 17.32% LBE participation on all Contract Service Orders (CSOs) issued. This decline was due to dredging and homeland security services that did not include subcontract work. However, the 20% subcontracting goal for the Environmental Master Agreement contracts was exceeded with LBE participation at 26.7%. Likewise, the Real Estate Economics Master Agreement contracts exceeded the 20% goal as well at 24.97%. Overall, the Port exceeded the 20% subcontracting goal with LBE participation at 22.23%.

Exhibits 3 and 4 illustrate the trend analysis of LBE subconsulting participation on a percentage basis for each quarter since the subject as-needed contracts were approved. Exhibit 3 illustrates that cumulatively, the Port is still exceeding the 20% subcontracting goal at 21.78% participation from July 1, 2006 through December 31, 2008. As indicated in Exhibit 4, the percentage LBE participation varies from quarter to quarter.

Anticipated As-Needed Contracting Activity for the Upcoming Quarter
(January 1, 2009 – March 30, 2009)

Description of Work	Estimated Dollar Amount	Project
Secure Army Corps and RWQCB permits and regulatory analysis	$ 80,000	Brannan Street Wharf – Permitting Support
Pier 45 (on-going project) modification	$ 25,853	Pier 45 Drainage Improvements Project
Specialized analytical services for Pier 45 SF Rocks contract	$ 15,000	Fisherman Wharf WQ Lab Support
To modify Fact Sheets and additional content based on stakeholder feedback	$ 40,000	Stormwater Design Guidelines Amendments
To Perform Compliance audits at 47 Port Industrial Permit Facilities	$75,000	Stormwater Facility Audits
TOTAL ESTIMATED AMOUNT	**$235,853**	

Anticipated As-Needed Professional Contract – Real Estate and Related Services

Description of Work	Estimated Dollar Amount	Project
Architectural/structural engineer and cost estimating	$ 15,000	Pier 79 Building 113 Stabilization Approach and Cost Estimate
Engineering services	$ 150,000	Pier 70 Infrastructure Planning and Cost Estimating
Economic/financial consulting	$ 25,000	Pier 70 Financial Assistance – Tax Credits
Public relations/community outreach	$ 15,000	Blue Greenway Planning
Landscape Graphics/Graphic Designer	$ 20,000	Blue Greenway Planning
TOTAL ESTIMATED AMOUNT	**$225,000**	

Staffing Numbers

PORT OF SAN FRANCISCO
Staffing Activity for Fiscal Year 07/08
2nd Quarter, 10/1/08 – 12/31/08

Class/Title	Activities
1053 IS Business Analyst - Senior	Temporary vacancy due to maternity leave; filled by temporary exempt effective 10/10/08.
9376 Market Research Specialist	New position for FY 08/09- position filled from a PBT (Position-Based Testing) eligible list effective 11/17/08.

PART II. All Other Contracting Activity San Francisco Administrative Code Section 14(b)

This section of the report covers the Port Commission's request to expand reporting of contracting activity to include all Port contracts. This section of the report also addresses the new San Francisco Administrative Code Section 14(b) requirement to report activities to assure nondiscrimination in contracting to MBEs, WBEs and OBEs.

The San Francisco Human Rights Commission (HRC) has determined that the Port's contracting activities and the prime contractors/consultants have made a good faith effort to comply with the City and County of San Francisco Local Business Enterprise program.

Port Contracting Activity (Non As-Needed Contracts) 2nd Quarter FY 2008/09

Formal Professional Service Contracts					
Contract Date	**Contractor Name**	**Contract Amount**	**LBE Amount**	**LBE %**	**Project Description**
11/1/08	S.F. Conservation Corps	$ 800,000	0	0	Environmental Maintenance of Port Facilities.
12/4/08	Winzler & Kelly/Structus JV	$1,539,956	$379,209	24.3%	Brannan Street Wharf
TOTAL		**$2,339,956**	**$379,209**	**16.2%**	
Informal Professional Service Contracts					
12/17/08	URS Americas	$9,800	0	0	Emergency Training; (Performance Period Contract Extension Only)
10/6/08	Carmen Clark Consulting	$10,000	0	0	Executive Coaching
TOTAL		**$19,800**	**0**	**0**	

UPCOMING QUARTER PROJECTED CONTRACTING ACTIVITY

Anticipated Formal Professional Services

Description of Work	Estimated Dollar Amount	Project
Provide engineering and construction support RFP	$1,000,000	Pier 43 ½ Detailed Engineering
Post-construction water quality monitoring	$ 75,000	Pier 45 SF Rocks
Provide engineering and construction support RFP	$ 300,000	Mission Bay Shoreline Protection for Bayfront Park
Financial Advisory Services Contract	$ 300,000	Finance
Engineering Services RFP	$4,500,000	Portwide As-Needed Support
Brownfields Site Investigation Contract	$ 600,000	Pier 70
TOTAL ESTIMATED AMOUNT	**$6,775,000**	

Anticipated Construction Services Contract

Description of Work	Estimated Dollar Amount	Project
Reinforce concrete, carpentry, plumbing, and electrical work to provide ADA modification	$ 400,000	401 Terry Francois Blvd ADA Modifications
Provide services to route stormwater and sewer lines to connect to the City Main	$1,600,000	Pier 45 Drainage Improvements
Fix an elevator out-of-service	$ 90,000	10 Lombard Elevator Repair
TOTAL ESTIMATED AMOUNT	**$ 2,090,000**	

Anticipated Information Technology Contract

Description of Work	Estimated Dollar Amount	Project
Implementation of Avantis replacement CMMS	$ 997,500	CMMS (Avantis Repl.) - Implementation
TOTAL ESTIMATED AMOUNT	**$ 997,500**	

Anticipated Elevator, Escalator, Security and Fire Protection Systems Public Works

Description of Work	Estimated Dollar Amount	Project
Extend existing fire alarm system to monitor Pier 35 in its entirety	$200,000	Pier 35 Fire Alarm Upgrades
Electrical work to extend existing circuits in Pier 1 to provide power during an emergency	$ 62,500	Pier 1 Emergency Power Lighting Upgrade
Provide fire suppression in the computer server room	$ 41,000	Pier 1 Server Room Fire Suppression
Access and recommend repairs for scope of work to fix an elevator out-of-service	$ 8,000	10 Lombard Elevator Repair
Elevator & Escalator Maintenance RFQ	$150,000	Portwide
TOTAL ESTIMATED AMOUNT	**$461,500**	

Steps to Assure Non-Discrimination against MBEs, WBEs and OBEs

To assure that MBEs, WBEs and OBEs are not discriminated against in Port contracting opportunities, the Port has implemented the following standard procedures:

- Request information from the San Francisco Human Rights Commission as to the availability of MBEs, WBEs and OBEs certified as offering services required on Port projects. Such information includes availability statistics in percentages for MBEs, WBEs and OBEs. In addition, the Port has requested the MS Excel database of such certified firms to assure inclusion as project opportunities become available.
- Availability statistics in percentages are included in advertising for all formally procured contracts.
- Outreach through Minority, Women and Local media
- Direct mailing, faxing and e-mailing of procurement opportunity notices

- Identifying set-aside opportunities exclusively for Micro-LBE firms
- Working with Port staff to eliminate barriers to MBEs, WBEs and OBEs gaining access to Port contracting opportunities. Such barriers include qualifications based upon prior knowledge/experience on the project or past work with existing consultants.
- Hold prime consultants accountable for actions that impede the success of MBE, WBE and OBE firm's success on contracts such as the withholding of essential information required to perform subcontracted work by notifying the San Francisco Human Rights Commission to perform investigations, when deemed appropriate.

To improve the procurement process and efforts to increase LBE participation, in addition to regular meetings with Port operation divisions; establish regular bi-weekly meetings with HRC representative(s) and the Port Contract Manager to review Port procurements including RFPs, contracts, CSO modifications and etc.

RECOMMENDATION

The attached report is submitted to meet the requirements stated in the report Background. In closing, staff requests the Port Commission's acceptance of this report.

Prepared by: Norma Nelson, Contract Administrator
For: Tina Olson, Director of Finance & Administration

cc: Clerk, Board of Supervisors
Local 21, IFPTE Representative Ging Louie
Department of Public Works, James Chia
Human Rights Commission, Selormey Dzikunu

Exhibits:

1) As-Needed Master Agreement Contract Status Report as of December 31, 2008
2) FY 2008/09 2nd Quarter Contract Service Orders Awarded
3) Cumulative* and FY 2008-09 2nd Qtr (September 1, 2008 – December 31, 2008): Contract Service Orders Awarded and DBE Participation
4) Cumulative DBE Participation Quarterly Trend Illustration

*Cumulative is based upon from the contract inception period July 2006 (Beginning) to current reporting period (Ending).

EXHIBIT 1: As-Needed Master Agreement Summary Status Report (As of December 31, 2008)

Consultant Name	Abbrev.	Master Agreement Expiration Date	Title of Master Agreement	NTE Contract Amount	CSO Issued to Date	Contract Balance
Creegan & D'Angelo	CD	6/30/2009	Architectural & Engineering As-Needed Contract	$ 1,500,000	$1,295,942.61	$ 204,057.39
Tom Eliot Fisch/Winzler & Kelly	TW	6/30/2009	Architectural & Engineering As-Needed Contract	$ 1,500,000	$ 983,274.38	$ 516,725.62
Treadwell & Rollo/Hydroconsult	TH	6/30/2009	Environmental As-Needed Contract	$ 650,000	$ 491,574.38	$ 158,425.62
Weiss Associates	WA	6/30/2009	Environmental As-Needed Contract	$ 650,000	$ 499,123.53	$ 150,876.47
URS/Avila	URS	6/30/2009	Environmental As-Needed Contract	$ 650,000	$ 375,778.72	$ 274,221.28
Bay Area Economics	BAE	12/31/2010	Real Estate As-Needed Contract	$ 550,000	$ 251,574.87	$ 298,425.13
CBRE Consulting	CBRE	12/31/2010	Real Estate As-Needed Contract	$ 550,000	$ 307,269.93	$ 242,730.07
Economic Planning Systems	EPS	12/31/2010	Real Estate As-Needed Contract	$ 550,000	$ 499,834.00	$ 50,166.00
Keyser Marston Associates	KMA	12/31/2010	Real Estate As-Needed Contract	$ 550,000	$ 123,385.00	$ 426,615.00
BDI/ECS	EB	12/31/2010	Construction As-Needed Original Contract	$ 500,000	$ 125,192.40	$ 374,807.60
Maritime Construction Coalition	MC2	12/31/2010	Construction As-Needed Original Contract	$ 500,000	$ 62,865.00	$ 437,135.00
TOTAL				**$ 8,150,000**	**$5,015,814.82**	**$3,134,185.18**

EXHIBIT 2: FY 08-09 2nd QTR (October 1, 2008 - December 31, 2008): Total Contract Service Orders Awarded

Consultant	CSO #	CSO Date	Description	CSO Amount	DBE Amount	DBE %
Creegan + D'Angelo	CD-17	10/02/08	Wharf J9 Retaining Wall and Deck Project Mod #1	$ 19,457.86	$ 11,345.98	58.31%
Keyser Marston	KMA-02	12/16/08	SWL 351 Development Evaluation	$ 99,962.00	$ 24,960.00	24.97%
Tom Eliot/Winzler K	TW-10	10/22/08	Structural Assessment of Port Mooring Mod #4	$ 10,401.52	$ -	0.00%
Tom Eliot/Winzler K	TW-16	10/27/08	Berth 35 Dredging Inspection Services 2008	$ 29,812.06	$ -	0.00%
Tom Eliot/Winzler K	TW-17	11/14/08	Pier 43 1/2 Promenade Conceptual Design	$ 195,000.00	$ 32,259.00	16.54%
Treadwell Rollo/Hyd	TH-05	10/09/08	Pier 98 Heron's Head Park	$ 17,924.00	$ 3,767.00	21.02%
Treadwell Rollo/Hyd	TH-06	11/05/08	Pier 45 Drainage Improvements - Maher Study	$ 25,551.06	$ 2,840.00	11.11%
URS/Avila	URS-04	10/15/08	Port Wide CCTV System Development	$ 48,517.67	$ -	0.00%
URS/Avila	URS-05	10/03/08	Port Wide ACS System Development	$ 44,597.04	$ -	0.00%
URS/Avila	URS-06	10/22/08	Storm Water Pollution Control	$ 40,642.53	$ 19,448.00	47.85%
Weiss Associates	WA-06	11/13/08	Wharf J10 & J11 - Turbidity Curtain and Oil Boom	$ 51,707.00	$ 35,082.00	67.85%
TOTAL				**$ 583,572.74**	**$ 129,701.98**	**22.23%**

EXHIBIT 3: FY 2008-09 2nd QUARTER (October 1, 2008 - December 31, 2008)

Total Summary for As-Needed Contracts by Quarter (Combined)

	Beginning FY Cumulative*			Previous Qtr (1st Qtr 08-09)			FY 08-09 2nd Quarter			Ending Cumulative to Date		
Consultant	CSO Amt	DBE Amt	DBE %	CSO Amt	DBE Amt	DBE %	CSO Amt	DBE Amt	DBE %	CSO Amt	DBE Amt	DBE %
Creegan & D'Angelo	$1,276,485	$291,176	22.81%	$ 46,961	$ 8,707	18.54%	$ 19,458	$ 11,346	58.31%	$1,295,943	$ 302,522	23.34%
TEF/Winzler Kelly JV	$ 748,061	$129,816	17.35%	$270,101	$52,900	19.59%	$235,214	$ 32,259	13.71%	$ 983,274	$ 162,075	16.48%
Treadwell/HydroCon	$ 448,099	$ 99,149	22.13%	$ -	$ -	0.00%	$ 43,475	$ 6,607	15.20%	$ 491,574	$ 105,756	21.51%
Weiss Associates	$ 447,417	$129,732	29.00%	$121,633	$22,893	18.82%	$ 51,707	$ 35,082	67.85%	$ 499,124	$ 164,814	33.02%
URS/Avila JV	$ 242,021	$ 52,537	21.71%	$ -	$ -	0.00%	$133,757	$ 19,448	14.54%	$ 375,779	$ 71,985	19.16%
Bay Area Economics	$ 251,575	$ 16,920	6.73%	$ -	$ -	0.00%	$ -	$ -	0.00%	$ 251,575	$ 16,920	6.73%
CBRE Consulting	$ 307,270	$ 98,542	32.07%	$ 75,245	$ -	0.00%	$ -	$ -	0.00%	$ 307,270	$ 98,542	32.07%
Economic Planning Sys.	$ 499,834	$117,079	23.42%	$ -	$ -	0.00%	$ -	$ -	0.00%	$ 499,834	$ 117,079	23.42%
Keyser Marston Assoc.	$ 23,423	$ -	0.00%	$ -	$ -	0.00%	$ 99,962	$ 24,960	24.97%	$ 123,385	$ 24,960	20.23%
BDI/ECS JV	$ 125,192	$ 2,000	1.60%	$ -	$ -	0.00%	$ -	$ -	0.00%	$ 125,192	$ 2,000	1.60%
MCC2 JV	$ 62,865	$ -	0.00%	$ -	$ -	0.00%	$ -	$ -	0.00%	$ 62,865	$ -	0.00%
TOTAL	**$4,432,242**	**$936,951**	**21.14%**	**$513,941**	**$84,500**	**16.44%**	**$583,573**	**$129,702**	**22.23%**	**$5,015,815**	**$1,066,653**	**21.27%**

Total Summary for Construction-related Professional Services Only

	Beginning FY Cumulative*			Previous Qtr (1st Qtr 08-09)			FY 08-09 2nd Quarter			Ending Cumulative to Date		
Consultant	CSO Amt	DBE Amt	DBE %	CSO Amt	DBE Amt	DBE %	CSO Amt	DBE Amt	DBE %	CSO Amt	DBE Amt	DBE %
Creegan & D'Angelo	$1,276,485	$291,176	22.81%	$ 46,961	$ 8,707	18.54%	$ 19,458	$ 11,346	58.31%	$1,295,943	$ 302,522	23.34%
TEF/Winzler Kelly JV	$ 748,061	$129,816	17.35%	$270,101	$52,900	19.59%	$235,214	$ 32,259	13.71%	$ 983,274	$ 162,075	16.48%
Treadwell/HydroC JV	$ 448,099	$ 99,149	22.13%	$ -	$ -	0.00%	$ 43,475	$ 6,607	15.20%	$ 491,574	$ 105,756	21.51%
Weiss Associates	$ 447,417	$129,732	29.00%	$121,633	$22,893	18.82%	$ 51,707	$ 35,082	67.85%	$ 499,124	$ 164,814	33.02%
URS/Avila JV	$ 242,021	$ 52,537	21.71%	$ -	$ -	0.00%	$133,757	$ 19,448	14.54%	$ 375,779	$ 71,985	19.16%
BDI/ECS JV	$ 125,192	$ 2,000	1.60%	$ -	$ -	0.00%	$ -	$ -	0.00%	$ 125,192	$ 2,000	1.60%
MCC2 JV	$ 62,865	$ -	0.00%	$ -	$ -	0.00%	$ -	$ -	0.00%	$ 62,865	$ -	0.00%
TOTAL	**$3,350,140**	**$704,410**	**21.03%**	**$438,696**	**$84,500**	**19.26%**	**$483,611**	**$104,742**	**21.66%**	**$3,833,751**	**$ 809,152**	**21.11%**

Total Summary for Non-Construction-related Professional Services Only

	Beginning FY Cumulative*			Previous Qtr (1st Qtr 08-09)			FY 08-09 2nd Quarter			Ending Cumulative to Date		
Consultant	CSO Amt	DBE Amt	DBE %	CSO Amt	DBE Amt	DBE %	CSO Amt	DBE Amt	DBE %	CSO Amt	DBE Amt	DBE %
Bay Area Economics	$ 251,575	$ 16,920	6.73%	$ -	$ -	0.00%	$ -	$ -	0.00%	$ 251,575	$ 16,920	6.73%
CBRE Consulting	$ 307,270	$ 98,542	32.07%	$ 75,245	$ -	0.00%	$ -	$ -	0.00%	$ 307,270	$ 98,542	32.07%
Economic Planning Sys.	$ 499,834	$117,079	23.42%	$ -	$ -	0.00%	$ -	$ -	0.00%	$ 499,834	$ 117,079	23.42%
Keyser Marston Assoc.	$ 23,423	$ -	0.00%	$ -	$ -	0.00%	$ 99,962	$ 24,960	24.97%	$ 123,385	$ 24,960	20.23%
TOTAL	**$1,082,102**	**$232,541**	**21.49%**	**$ 75,245**	**$ -**	**0.00%**	**$ 99,962**	**$ 24,960**	**24.97%**	**$1,182,064**	**$ 257,501**	**21.78%**

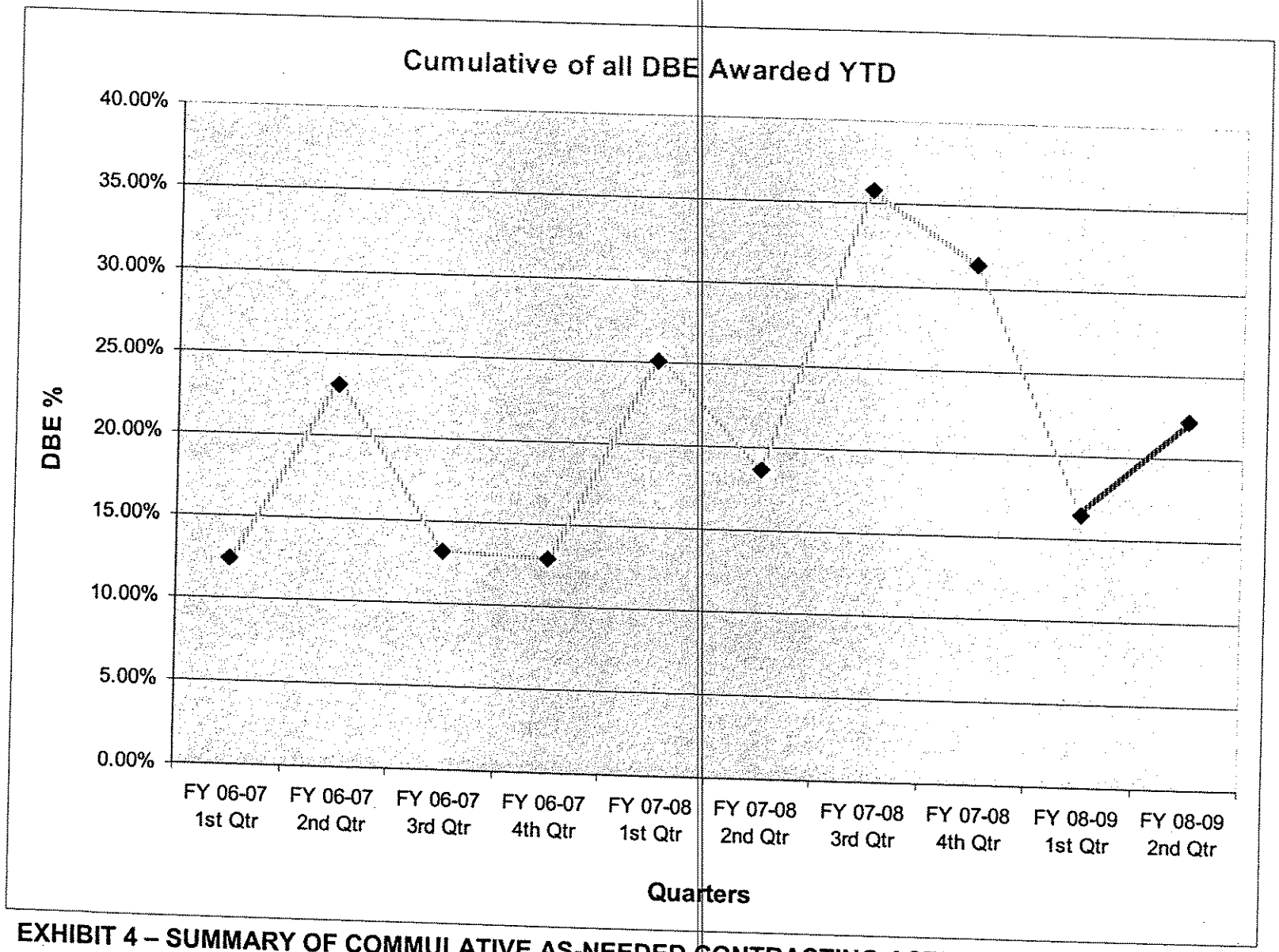

EXHIBIT 4 – SUMMARY OF COMMULATIVE AS-NEEDED CONTRACTING ACTIVITY AS OF 12/31/08

c: cpage

CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

44

January 5, 2009

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

RE: Certification of Surety Bond Requirements for New Supervisors

Dear Ms. Calvillo,

The Controller's Office confirms that all newly elected and continuing Supervisors have been bonded as of January 1, 2009 as required by the San Francisco Administrative Code.

Sincerely,

Ben Rosenfield
Controller

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 JAN -8 AM 10: 10
BY PN

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California Association of County Fish & Game Commissions

45

January 14, 2009

San Francisco County Fish and Game Commission
C/O San Francisco County BOS
1 Carlton, B Goodlett Place
San Francisco, CA 94102

Dear Fish and Game Commission:

You are invited to attend the 2009 California Association of County Fish and Game Commission conference on Wednesday, February 4, 2009. The purpose of this conference is to establish common goals, identify problems, open communications between Commissions, and develop an association that will perpetuate future inter-action between County Fish and Game Commissions, the State Fish & Game Commission, Conservation Groups, Department of Fish and Game, and the State legislature.

The conference is limited to 60 participants. We encourage you to contact Mr. Rick Bulloch at (916) 606-7039 or rick@outdoorheritage.org immediately for a reservation. The conference is offered at no charge to members of California County Fish and Game Commissions. Parking is available in the adjacent parking facility and paid for by this event. Lunch will be provided. The conference should benefit all participants, with several guest speakers and break-out sessions.

Location: Sutter Club, 1220 Night Street, Sacramento (L & 9th Streets)
Registration 9:00 AM
Begin 9:30 AM
End 3:30 PM

As an added bonus, following the conference, you are invited as a guest to the California Legislature Outdoor Sporting Caucus annual formal dinner, hosted by COHA and California Waterfowl. The California Legislature Outdoor Sporting Caucus was created by COHA staff in order to help ensure state legislative policy decisions which protect and promote California's wildlife, their habitats, and the ability of the public to participate in wildlife-related recreational activities. The dinner is held at the Sutter Club, 6:00 PM, space is limited, required dress is business attire. This will provide additional opportunity to network with other commissioners.

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Reservation deadline for both the California Association of County Fish and Game Commissions Conference and Legislature Outdoor Sporting Caucus dinner is January 24th, 2009.

We hope you are able to participate. Collectively, through this association, we can be an effective advocate and accomplish mutual objectives and goals to meet California's diverse challenges.

Sponsors:

The California Outdoor Heritage Alliance (COHA)
California Waterfowl (CW)
El Dorado Chapter National Wild Turkey Federation (NWTF)
Rocky Mountain Elk Foundation (RMEF)
Sacramento Chapter of the California Deer Association (CDA)

If your commission or organization is interested in assisting to underwrite this event, please contact Rick Bulloch.

Steering Committee:

Rick Bulloch - California Outdoor Heritage Alliance
Jon Fischer - California Fish & Game Commission
John Hybarger - Los Angeles County Fish and Game Commission
Larry Nelson - El Dorado County Fish & Game Commission
John Turner - El Dorado County Fish & Game Commission
Karl Weiland - El Dorado County Fish & Game Commission

SAN FRANCISCO ARTS COMMISSION

c: cpage, Budget Committe BOS, Budget clerk

RECEIVED AC
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 JAN 16 AM 11:21
BY

46

GAVIN NEWSOM
MAYOR

LUIS R. CANCEL
DIRECTOR OF
CULTURAL AFFAIRS

PROGRAMS

CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS
& EDUCATION
CULTURAL EQUITY GRANTS
PERFORMING ARTS
PUBLIC ART
STREET ARTISTS LICENSES

ARTS COMMISSION GALLERY
401 VAN NESS AVENUE
415.554.6080

WWW.SFARTSCOMMISSION.ORG

ARTSCOMMISSION@SFGOV.ORG

MEMORANDUM

TO: Clerk of the Board

FROM: Luis R. Cancel, Director of Cultural Affairs

DATE: January 14, 2009

SUBJECT: FY 2008-09 Second Quarter Report

In pursuance to the FY 2008-09 Annual Appropriation Ordinance and the Controller's "High Level Financial Reports for September – FMO 3203", please see the attached Report with the explanation for the Arts Commission for the quarter ending December 31, 2008.

cc: Mayor's Office
Controller's Office
Nancy Gonchar, Deputy Director

Attachment: Report (2 pages)

CITY AND COUNTY OF
SAN FRANCISCO

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ARTS COMMISSION
FY 08-09 QUARTERLY REPORT - EXPENDITURE
Quarter Ending: Decmber 31, 2008

CHARACTER		FY08-09 Budget	FY08-09 6 Month Actual	% FY Elapsed	Spend Rate	EXPLANATION
Subfund: 1G AGF AAA General Fund Non-Project						
001	Salaries	439,664	238,727	45.59%	54.30%	} The spending rate is 8.71% higher in Salary and 9.17% higher in benefit.
013	Mandatory Fringe Benefits	118,450	64,866	45.59%	54.76%	} The budget was set with 12.07% attrition and savings on salary,
						} which was far above the City's agencies average rate of 5% to 6%.
						} The excess in spending rate was mainly due to the unattainable attrition
						} and saving on salary and benefits set at the budget.
081	Services of Other Depts	135,093	84,839	48.08%	62.80%	Billing from other performing departments did materialize as per
						actual performance. But at the year end under the work order
						system, the actual will be the same amount as the budget.
	Subfund :1G-AGF-AAA Totals	693,207	388,432		56.03%	
Subfund: 1G AGF AAP General Fund Annual Project						
001	Salaries	320,365	160,388	45.59%	50.06%	Excess spending will be abated to other surplus within the project.
013	Mandatory Fringe Benefits	105,107	47,945	45.59%	45.62%	The spending rate is within the budget rate.
021	Non Personal services	2,002,453	1,911,818	48.08%	95.47%	The high spending rate was due to 100% payment to the SF Symphony
						for the Summer in the City concerts.All budget amount was paid in
						the first 6 months as per the contract terms.
038	City Grant Programs	3,080,751	1,140,690	48.08%	37.03%	City's grant to the Cultural Centers, Arts Organizations and
						Neighborhood Art grants are in line with the spending plan.
040	Materials & Supplies	-	-			
06F	Facilities Maintenance	34,547	-	48.08%	0.00%	Work in progress. Expense not occurred yet.
080	Expenditure Contingency	420,000		48.08%		The Mayor's reserve prevented spending so far in the year.
081	Services of Other Depts	375,045	82,163	48.08%	21.91%	DPW work order will be utilized and liquidated as per work order
						amount upon job completion. Spending rate depends upon DPW work
						plan, but will not exceed the work order amount in the year end.
086	Expenditure Recovery	(441,229)	(158,913)	48.08%	36.02%	Billing rate is lower as the actual spending is lower in the 1st six months.
	Subfund :1G-AGF-AAP Totals	5,897,039	3,184,091		53.99%	

ARTS COMMISSION
FY 08-09 QUARTERLY REPORT - EXPENDITURE
Quarter Ending: Decmber 31, 2008

CHARACTER		FY08-09 Budget	FY08-09 6 Month Actual	% FY Elapsed	Spend Rate	EXPLANATION
Sub fund: 1G AGF WOF Work Order Fund - WritersCorps						
001	Salaries	105,812	54,507	45.59%	51.51%	} The actual spending rate will be within the budget
013	Mandatory Fringe Benefits	43,182	19,641	45.59%	45.48%	} at the year end.
021	Non Personal services	211,006	63,409	48.08%	30.05%	WritersCorps teachers expenses will be incurred mostly from the 2nd quarter onwards.
086	Expenditure Recovery	(360,000)	(106,489)	48.08%	29.58%	WritersCorps teacher's performance normally started late in the year. At th eyear end the billing amount will be the same as in the budget.
	Subfund :1G-AGF-WOF Totals	-	31,068	n/a		

ARTS COMMISSION
FY 08-09 QUARTERLY REPORT - REVENUE
Quarter Ending: December 31, 2008

CHARACTER		FY08-09 Budget	FY08-09 6 Month Actual	FY08-09 Year End Projection	EXPLANATION
Subfund: 1G AGF AAA GF Non-Project Controlled					
60127	Civic Design Fee	50,000	27,500	50,000	Expected to achieve the revenue at year end.
Subfund: 1G AGF AAP GF Annual Project					
12210	Hotel Room Tax	2,020,700	899,873	2,020,700	Expected to achieve the full revenue at year end. The Controller's office records the revenue monthly based on the Hotel Tax collected for the month.
9501G	ITI FR 1G-General Fund	250,000	250,000	250,000	GFTA grant were fully received.
		2,270,700	1,149,873	2,270,700	

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Board of Supervisors/BOS/SFGOV
01/20/2009 09:45 AM

To BOS Constituent Mail Distribution,
cc
bcc
Subject Fw: Suprevisor Maxwell's clean energy ordinance

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548
----- Forwarded by Board of Supervisors/BOS/SFGOV on 01/20/2009 09:47 AM -----

Sharon Seliga
01/18/2009 08:24 PM

To board.of.supervisors@sfgov.org
cc
Subject Suprevisor Maxwell's clean energy ordinance

Dear Supervisor,

Please strongly support an amended version of Supervisor Maxwell's clean energy ordinance which ensures that the City closes the Mirant Power Plant by 2012, and *mandates* that San Francisco will run on 100% clean electricity within three decades.

Thank You,
Sharon Seliga

San Francisco 94110

47

48

SF Preservation Consortium
<sf.preservation.consortium
@gmail.com>
01/20/2009 12:56 AM

To gavin.newsom@sfgov.org
cc Board.of.Supervisors@sfgov.org, Michela.Alioto-Pier@sfgov.org, John.Avalos@sfgov.org, david.campos@sfgov.org, David.Chiu@sfgov.org,
bcc
Subject Mayoral Nominees to the San Francisco Historic Preservation Commission

THE SAN FRANCISCO PRESERVATION CONSORTIUM

P.O. Box 641225
San Francisco, California 94164-1225

January 20, 2009

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

Re: Mayoral Nominees to the San Francisco Historic Preservation Commission

Dear Mayor Newsom,

On behalf of the San Francisco Preservation Consortium (Consortium), a grassroots education and advocacy group comprised of individuals and member organizations, I thank you for reaching out to the preservation community to ensure your nominees to the new Historic Preservation Commission (Commission) meet or exceed the attached qualifications required by Proposition J which San Francisco voters overwhelmingly approved in November 2008.

The Consortium is pleased by the appointments of Alan Martinez, AIA, Historic Architect to Seat 1, Charles Edwin Chase, AIA, Architectural Historian to Seat 3, Courtney Damkroger, AICP, Preservation Professional to Seat 5 and Karl Hasz, General Contractor to Seat 6. We hope Seats 2, 4 and 7 will be filled prior to the Commission's first meeting on Wednesday, February 4, 2009.

The Consortium conducted informal interviews with several candidates whose applications you are considering nominating to the new Commission. We did not interview candidates who are known to us through their recent participation on the Landmarks Board. Per below, we highly recommend Diane Matsuda, Esq. be nominated to Seat 7 – At Large; Robert Cherny, Ph.D. be nominated to Seat 4 – Historian; and Johanna Street, AIA be nominated to Seat 2 – Historic Architect. Alternately, we recommend Lucia Bogatay, AIA be nominated to either Seat 2 or Seat 7.

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Recommended for Seat 7 - At Large: Diane Matsuda, Esq. is a native San Franciscan who attended UC Hastings College of the Law and USF. She worked under State Historian Kevin Starr as program director for the California Civil Liberties Public Education Program which funded significant projects, such as the landmarking of buildings in the three remaining California Japantowns. She expresses a keen interest in collecting the oral histories of under-represented communities which she sees as the starting point in understanding the historic significance of the built environment. In her role as the executive director of the California Cultural and Historical Endowment Ms. Matsuda gained experience in evaluating historical resources under the California Environmental Quality Act. She is specially qualified by reason of her interest, competence, knowledge, training and experience in the historic, architectural, aesthetic, and cultural traditions of the
City, and her interest in the preservation of its historic structures, sites and areas, and residents of the City.

Recommended for Seat 4 - Historian: Robert Cherny, Ph.D. most recently served as Vice President of the Landmarks Preservation Advisory Board (LPAB). He is a distinguished professor of history at San Francisco State University and a renowned historian who has published extensively. The focus of Mr. Cherny's work has been on local history and labor history. He received his Ph.D. in history from Columbia University and exceeds the Secretary of the Interior's Professional Qualifications Standards for history with specialized training and/or demonstrable experience in North American or Bay Area history.

Recommended for Seat 2 - Historic Architect: Johanna Street, AIA served on the most recent LPAB and is a licensed architect specializing in historic preservation. As a sole-practitioner, she works on select preservation projects and is an advocate for the maintenance of the built environment. She holds a professional degree in Architecture from Virginia Polytech and is considered an expert in materials conservation and structural systems which enables her to offer technical assistance in solving complex design problems to Certificate of Appropriateness applicants. She is exceptionally well qualified and meets the Secretary of the Interior's Professional Qualifications Standards for historic architecture.

Alternately recommended for Seat 2 or Seat 7: Lucia Bogatay, AIA is a licensed architect recognized for her redesigns of historic buildings for contemporary use. She has practiced architecture in San Francisco for 40 years. Ms. Bogatay was appointed by Mayor Diane Feinstein to the LPAB and served for four years. She has also served on the board of the Fort Point and Presidio Historical Association, is a longstanding member of San Francisco Architectural Heritage and the National Trust for Historic Preservation. Lucia received her Master of Architecture degree from Harvard Graduate School of Design and meets the Secretary of the Interior's Professional Qualifications Standards for historic architecture.

We also conducted informal interviews with H. Ruth Todd, AIA, AICP and Carolyn Kiernat, AIA. Both are principals with Page & Turnbull, Inc. and are licensed architects who meet the Secretary of the Interior's Professional Qualifications Standards for historic architecture, qualifying them for Seat 2. However, given the City Attorney's interpretation of the conflict of interest and compensated advocacy sections of the Good Government Guide, their regular duties

working for Page & Turnbull, Inc.—among the largest firms in the Bay Area providing historic preservation and conservation services—would appear to conflict with performing their regular roles in contact with the City professionally while concurrently serving on local Commissions. If not an outright conflict, their ability to serve might be severely limited.

Again, we appreciate your seeking our counsel regarding your nominees to Historic Preservation Commission Seats 2, 4 and 7. We look forward to seeing the full Commission seated as soon as possible with the highly qualified persons who have already submitted their applications to you.

Sincerely yours,

Stewart Morton, Treasurer and January Meeting Chair
San Francisco Preservation Consortium

Attachments:

Excerpt on Historic Preservation Commission Qualifications from Prop. J
San Francisco Preservation Consortium Mission Statement

cc:

San Francisco Board of Supervisors
San Francisco Historic Preservation Commission
San Francisco Planning Commission
Michael Cohen, Director, Mayor's Office of Economic and Workforce Development
Michael Yarne, Esq., Mayor's Office of Economic and Workforce Development
Rich Hillis, Mayor's Office of Economic and Workforce Development
Marlena Byrne, Deputy City Attorney
John Rahaim, Director, San Francisco Planning Department
Mark Luellen, Preservation Coordinator, San Francisco Planning Department
Sophie Middlebrook, Acting Preservation Coordinator, San Francisco Planning Department
Milford Wayne Donaldson, FAIA, SHPO, State Office of Historic Preservation
Anthea Hartig, Director, National Trust for Historic Preservation Western Office
Cynthia Heitzman, California Preservation Foundation
Mrs. G. Bland Platt, San Francisco Historic Preservation Fund Committee
Jack Gold, San Francisco Architectural Heritage
Vincent Marsh, Acting Chair, San Francisco Preservation Consortium
Lucia Bogatay, AIA, Principal, Bogatay Architects
Robert Cherny, Ph.D., Professor of History, San Francisco State University
Carolyn Kiernat, AIA, Principal, Page & Turnbull, Inc.
Diane Matsuda, Esq., Executive Director, John Burton Foundation for Children Without Homes
Johanna Street, AIA, Architect
H. Ruth Todd, AIA, AICP, Principal, Page & Turnbull, Inc.

Excerpt from Charter Amendment
Creating an Historic Preservation Commission
Proposition J - November 2008

QUALIFICATIONS. In addition to the specific requirements set forth below, members of the Historic Preservation Commission shall be persons specially qualified by reason of interest, competence, knowledge, training and experience in the historic, architectural, aesthetic, and cultural traditions of the City, interested in the preservation of its historic structures, sites and areas, and residents of the City. Six of the members of the Historic Preservation Commission shall be specifically qualified in the following fields:

1. Seats 1 and 2: licensed architects meeting the Secretary of the Interior's Professional Qualifications Standards for historic architecture;

2. Seat 3: an architectural historian meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history with specialized training and/or demonstrable experience in North American or Bay Area architectural history;

3. Seat 4: an historian meeting the Secretary of the Interior's Professional Qualifications Standards for history with specialized training and/or demonstrable experience in North American or Bay Area history;

4. Seat 5: an historic preservation professional or professional in a field such as law, land use, community planning or urban design with specialized training and/or demonstrable experience in historic preservation or historic preservation planning.

5. Seat 6 shall be specially qualified in one of the following fields or in one of the fields set forth for Seats 1, 2, or 3:

a. A professional archeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archeology;

b. A real estate professional or contractor who has demonstrated a special interest, competence, experience, and knowledge in historic preservation;

c. A licensed structural engineer with at least four years of experience in seismic and structural engineering principals applied to historic structures; or

d. A person with training and professional experience with materials conservation.

6. Seat 7 shall be an at large seat subject to the minimum qualifications set forth above.

THE SAN FRANCISCO PRESERVATION CONSORTIUM

P.O. Box 641225
San Francisco, California 94164-1225

The San Francisco Preservation Consortium is a grassroots education and advocacy group comprised of individuals and member organizations. Vincent Marsh is our Acting Chair, Stewart Morton is our Treasurer and Cynthia Servetnick is our eGroup Moderator. Founded in 2001, we currently have 134 listserve members. Our website is:

http://groups.yahoo.com/group/sfpreservationconsortium

The Consortium seeks to strengthen the City's Landmarks Ordinance (Article 10 of the Planning Code), including augmenting the powers of the Historic Preservation Commission, and renewing the commitment to uphold the provisions, procedures and protections for historic downtown resources required by Article 11.

The Consortium advocates the appointment of appropriately qualified persons to the Planning Commission, the Board of Appeals and the Historic Preservation Commission. The Consortium also advocates increased funding for neighborhood surveys and the incorporation of survey findings into Neighborhood Plans as well as planning and permit application decisions.

In the realm of new legislation, the Consortium would like to see measures that would prevent deliberate "demolition by neglect" of historic resources by private property owners and guarantee basic maintenance of all designated resources owned by the City of San Francisco and the Redevelopment Agency.

To facilitate rehabilitation and adaptive reuse of historic resources, the Consortium urges the removal of administrative barriers to the application of the State Historical Building Code to all eligible structures in the City, as required by California law. Further, the Consortium supports the City's development of additional financial incentives to encourage retention, reuse and

maintenance of privately-owned historic sites. SFPC - Newsom Letter 1-20-09.doc

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"Angela"

01/20/2009 09:23 AM

To <Board.of.Supervisors@sfgov.org>
cc
bcc
Subject Zoo improvements

March 28, 2008

Santa Barbara CA 93101

To the Members of the Board:
I urge you to take all possible steps to improve and secure the well-being of all the animals who live at the City Zoo.
Many of us who have visited and enjoyed the zoo were appalled when the tiger that attacked a man who was taunting it
was killed. The precious animals, taken rudely from their homes and locked away in the zoo must be given priority in any
plan to redesign the enclosures; their safety, exercise space, privacy and sufficient protection from humans is paramount.
Gandhi once said that the greatness of a nation and its moral progress can be judged by the way its animals are treated.
I believe that we should all expect the City of San Francisco to do no less than provide the very highest level of compassionate
and scientifically appropriate facilities for all the residents of the city's zoo.
Thank you for your attention.
Sincerely,

Angela Bates

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DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-4506
FAX (510) 286-4482
TTY 711

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Flex your power!
Be energy efficient!

December 30, 2008

Board of Supervisors
City and County of San Francisco
City Hall, Room 244
San Francisco, CA 94102

Dear Sir or Madam:

The attached report is submitted pursuant to Health and Safety Code Section 25180.7.

The report documents information regarding the illegal discharge (or threatened illegal discharge) of hazardous waste, which could cause substantial injury to the public health or safety.

The report is submitted on behalf of all designated employees of the California Department of Transportation (Caltrans).

Sincerely,

Kim Cole

KIM C. LE
District Office Chief
Office of Maintenance Services

Attachment

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DEPARTMENT OF TRANSPORTATION

PROPOSITION 65 REPORTING FORM

AGENCY: Caltrans Office of Maintenance Services 111 Grand Avenue Oakland, CA 94612	**DATE REPORTED:** December 30, 2008 **REPORTED BY:** Neil Lundgren **TELEPHONE:** (510) 286-4492 **TIME:** 10:00 A.M.	
DATE OF INCIDENT: December 12, 2008	**ROUTE:** 80	**POST MILE:** 8.54
COUNTY OF INCIDENT: San Francisco	**ADDRESS:**	
OWNER:		

DESCRIPTION CAUSE OF ACCIDENT:
Illegal dumping on roadway shoulder

RESPONSIBLE PARTY NAME: Unknown	**TELEPHONE:**

IDENTIFICATION OF DISCHARGE WASTE: Epoxy Resin/ Bio-Waste

CHEMICAL NAME COMMON NAME:	**PHYSICAL STATE:**	**VOLUME:**
Epoxy Resin Bio Waste	Solid/Liquid	4 Gallons 10 Gallons

ENVIRONMENT AFFECTED:		**LOCALE:**	
Roadway	☒	Residential	☐
Sewer or Storm Drain	☐	Commercial	☐
Bay/Ocean	☐	Other Area	☐
Air	☐	Public Property	☒
Other	☒	Private Property	☐

DESCRIPTION OF EXTENT OF CONTAMINATION:
Containers left on roadway shoulder

NUMBER OF PERSONS REPORTEDLY INJURED: None	**MEDICAL TREATMENT RECEIVED:** Yes ☐ No ☒

OTHER PERTINENT INFORMATION:

Cleanup completed by Filter Recycling Services

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CommunityLeadershipAlliance <admin@communityleadershipalliance.net>

01/10/2009 06:06 PM

Please respond to admin@communityleadershipalliance.net

To admin@communityleadershipalliance.net

cc

bcc Board of Supervisors/BOS/SFGOV

Subject A Police Chief Candidate w/an.....

....IDEA!

What would the Police Commission, and/or the Mayor think of a SFPD police chief applicant/candidate who offered them the following community policing concept plan?

-SFPD CAC

Community leaders-groups chosen from each police district, along with their precinct's captain, and various city department heads, the mayor, to serve on a SFPD-CAC. This committee would meet once a month, and on an agenda prepared by the chief, and with the agenda recommendations of all who serve on the committee. The meetings would be open to all members of the public who might wish to attend and to speak at the public comment segment of the meeting.

This prospective chief has the endorsement of our CBO, and many others of our city also have indicated support for this candidate. It's our intent to rally-campaign hard-heavy for this candidate. This certainly is an opportunity for our police commission-mayor to make history, and to give our city the very best police chief in the nation.

David James Villa-Lobos, Director
www.CommunityLeadershipAlliance.net

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Francisco Da Costa

home

BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD) (01/12/09)

The Bay Area Air Quality Management District (BAAQMD) is the lead agency that is mandated to monitor the adverse impacts linked to the Quality of Air and Dust in and around Parcel A at Hunters Point Naval Shipyard - in San Francisco.

A Dust Mitigation Plan linked to the Disposition and Development Agreement includes Article 31 which spells out the details linked to Dust Mitigation and Asbestos Structures. The cap agreed on Asbestos Structures was slated at 16,000 structures per cubic meter. Article 31 has not be implemented as it was supposed to be implemented and has failed the constituents of Bayview Hunters Point and the various advocates that have fought for the community at large.

Lennar a Rogue Company has had over 700 exceedances and there have been comparatively very few work stoppages. It is the duty of the BAAQMD to enforce and it should be helped by the SF Health Department - both entities have failed the constituents of Bayview Hunters Point. More it has failed our children and elders that were poisoned and are dying slowly.

Recently, the BAAQMD fined Lennar a Rogue Developer $515,000. In reality this fined should have been greater. The word is that a back room deal was made by Lennar and the BAAQMD - if this is true shame on the BAAQMD. In this deal only two Notices of Violations were taken into consideration. A slap on the wrist and an affront to all children, women, and men of good faith.

Some of us have had a track record going before the BAAQMD and expressing our concerns to the BAAQMD. The BAAQMD Board Directors listens to us and have not done much - except make promises that mean nothing to the community. Environmental Justice Advocacy has a track record of serving the community and taking NO money from any Regulatory Agency and absolutely nothing from the City and County of San Francisco.

The BAAQMD permits its legal team headed by one Jack Broadbent to make major decisions and adjudications. It is only in very recent times - Mr. Jack Broadbent and his team - have come to some what understand - the pressing concerns of the Bayview Hunters Point Community.

The BAAQMD has been working with the Executive Council to the Stop Lennar Action Movement (SLAM) and a Memorandum of Understand is in the pipe-line to further a better understanding on the community. The focus is on testing our children and elders. The details are being worked and we hope that this holistic approach sees the light of day - in the very near future.

On December 29, 30, 31 of 2008 we saw exceedances in the high numbers - many of these Asbestos Monitors belonged to the BAAQMD and the numbers noted were over

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250,000 structures per cubic meter. One was over 290,000 structures per cubic meter linked to a BAAQMD monitor.

One Amy Brownell from the San Francisco Health Department has NOT been forth coming and has lied to the authorities and failed to protect the interest and health of the community hailing from the Bayview Hunters Point and surrounding areas.

Amy Brownell - works for the Environmental Department within the SF Health Department that is a party to the Disposition and Development Agreement. (DDA) - that is a legal document but has failed to protect the health of the community at large. I have the distinction of attending the over 40 meetings plus held in a month to push the DDA by corrupt and vested interests amongst them one Willie L. Brown Jr. - the former Mayor of San Francisco.

The BAAQMD has now - because community pressure begun releasing a Fact Sheet on adverse issues that are important and are linked to Projects that have adversely impacted an area and people. Recently, at the BAAQMD meeting held January 12, 2099 - such a Fact Sheet - was released linked to Parcel A on Hunters Point Naval Shipyard. This Fact Sheet and the other Fact Sheets released are a step in the right direction. The lay person must have an idea about the mentality of the BAAQMD which must improve and what is important the contents of the Fact Sheet must be very factual.

This is the year 2009 and there are changes at the highest level with President Barack Obama in charge and drastic changes at the Environmental Protection Agency and other Regulatory Agencies. We trust that the Bay Area Air Quality Management District - serves the constituents of the Bay Area and works for the people and not for some Rogue Company such as Lennar.

We want to thank the various constituents from the Bayview Hunters Point and others that have chosen to stand with us - more fight with us - that have helped us in this fight against Lennar a Rogue Developer. We know for sure that Lennar will drown in the CESSPOOL of its own making.

Lennar and Blatant Fraud

Pertinent Info linked to Parcel A

photographs

top - back

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http://www.indybay.org/newsitems/2009/01/16/18563653.php

San Francisco | Racial Justice

Joint BVHP PAC and CAC tries to push Urban Design Plan for Hunters Point Shipyard Phase 2.
by Francsico Da Costa
Friday Jan 16th, 2009 6:56 AM

> Most of the members sitting on the Bayview Hunters Point - Project Area Committee and the Citizens Advisory Committee to the Shipyard - are hand picked cronies of Mayor Gavin Newsom. Lennar the Rogue Developer has been exposed for corruption. The Shipyard should be cleaned to Residential Standards. Proposition P, mandated that and with 87% of San Franciscans voting. The dog and pony show - January 15, 2009 reflected poorly on those in charge of this meeting.

Lennar a rogue developer has been exposed because of its corruption and its Stocks and Shares are spiraling - Lennar is drowning in the CESSPOOL of its own making.

All over the Nation - no one in their right mind wants to do anything with Lennar.

In the Bay Area - in these very hard economic times - no one in their right mind will attempt to build what Lennar has in mind at Hunters Point and Candlestick Point. And for that matter at Treasure Island.

At Mare Island, Vallejo - Lennar promised 10,000 homes and declared - bankruptcy.

At Hunters Point - Lennar will NOT build anything - not even a poorly constructed - dog house.

The whole area - that is Hunters Point Naval Shipyard and Candlestick Point - is very polluted and must be cleaned or abated to Residential Standards. Proposition P in the year 2000 mandated that - and by over 87% of San Franciscans voting in favor of this Proposition.

Lennar and the City and Count of San Francisco - more the Mayor's Office of Economic Development and Work Force - is pushing for the Urban Design Plan for Hunters Point Shipyard Phase 2 and Candlestick Point.

Where are you going to get the money? Where is the through Economic Analysis? Where is the deep Environmental Impact Report? Where is the Transportation Document?

Most of the members sitting on the Bayview Hunters Point Project Area Committee (BVHP PAC) are on the pay roll of dubious entities and the Mayor's Office.

The same with the hand picked sell outs sitting on the Citizens Advisory Committee to the Shipyard (CAC) - with one major sell out Veronica Hunnicutt who hails from the Western Addition and has ruined the affairs in the Bayview Hunters Point.

She has been hand picked by Mayor Gavin Newsom - using a dumb, inept, ignorant, and very arrogant buffoon to mess things and adversely impact the Bayview Community at large.

The meeting was supposed to start at 6 pm and started at 6:15 pm. For the longest time ever the BVHP PAC and CAC - were spewing diatribe. Then when it came to the community - the dumb, inept, arrogant Veronica Hunnicutt - says the meeting will end at 8 pm - giving the community a measly fifteen minutes

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- for Public Comment.

These idiots have no clue who they are dealing with. Today Stop Lennar Action Movement (SLAM) sent a very clear message. First the members of this group that articulated - put the BVHP PAC and the CAC to the Shipyard on notice. Then told them in no uncertain terms - that we the people - will NOT tolerate the on going - nonsense.

Secondly, it was stated that we will NOT permit these two groups to rubber stamp - anything.

Proposition G is a farce - and fat, dumb, Josiah Bell does not comprehend that.

Proposition G is NOT going anywhere. Aurelious Walker was there but did not speak - the reason is simple the well is dry and the man does not receive any bread crumbs - anymore!

The conceptual plan that was presented is just that - a dream that when these jerks wake up to - could be their worst - nightmare.

The people are demanding that the entire area be cleaned because it is very toxic. That is the Shipyard and Candlestick Point.

The areas has radiological contaminants.

The area is prone to liquefaction and flooding.

The experts have spoken about these facts again and again - and they have said that because Stop Lennar Action Movement (SLAM) and decent folks like Dean Leon Mohammad who is the Co-Chair of the Restoration Advisory Board and sits on the BVHP PAC - has gone out of his way to demand - meaningful hearings on liquefaction, flooding, and the idea that capping the entire Shipyard is - uncalled for.

I was watching Linda Richardson - the woman will never get it - no one in the Bayview Hunters Point respects her.

She was pandering to some members who gave their drab presentation on the conceptual plan that is going no where. One of the presenters was Dean Macris who was the former Director of SF Planning. The old man should retire and stay out of matters that he really cannot deal with.

Bottom line this economic is the worst we have had in 40 years. It is foolish to think of wasting money when the City and County itself is the hole - some $600,000 and growing.

There are thousands of homes undergoing fore closer in the Bay Area and some in San Francisco - many in the Bayview - and here the dumb fools think that some imaginary people will buy homes on land that is toxic. A Superfund site at that.

The sell outs should be ashamed of themselves pandering to mostly White Folks that have GREED on their mind and from outside the community. The GREED that has brought the present state of Economic Calamity to this Nation.

The Blacks leading this foolishness - with ploys and machinations of a kind - are from outside San Francisco. Helped by chronic sell outs like Doris Vincent, Willie B. Kennedy, Betty McGee, Fat Josiah Bell, Linda Richardson and others - too dumb to comprehend Land Use, Planning Issues, Transportation

Issues and so on.

I never saw these folks attend any meeting of importance some years ago - and now - suddenly these jackasses are on the forefront representing the people. Talking through both sides of their mouth. Spewing diatribe and thinking no end of themselves.

Well, I have news for these vermin.

The Samoans, the Latinos, the Asians, the Native Americans, the decent Blacks and Whites - others - will NOT give you sell outs a pass.

You will get hell - for one simple reason you need this baptism of fire - to bring your rabid ass minds - and redeem your asses. Shame on you that thought for a single moment that you could - fool all the people all the time.

The least you jerks can do is educate yourselves on issues. Most of you aged folks that sit on these bodies to get vain recognition by displaying your foolishness and lack of respect for the community.

You kill our children and elders and thinking nothing of it. Aid rogue developers to make things difficult for those that need help most. Waste money - on food that you all were eating like hogs - at the meeting. Making the people watch you pigs - without brains - talk the talk but fail to walk the walk. Shame on you all that have chosen to disrespect the people of Bayview Hunters Point.

~~You folks do not comprehend the real issues so how can you speak to the issues really?~~

Especially you Veronica Hunnicutt you are a mess and have always been a mess - you purport to represent the community but represent yourself and the petty self interests that will bring your down fall.

Yesterday's meeting was a joke - and there will be more meetings and at each of these meetings - we will show up and give these sell outs - the medication that will bring them to their senses. No one gets a pass - if you are a pariah dog - you will be treated like one.

After Public Comment most of the Presenters were in shock.

All they thought to be true - was flushed down the commode. Veronica Hunnicutt with bad taste red lip-stick and slapstick dress - looked like a victim that had just be struck by some hurricane.

Doris Vincent left early and did not wait for Public Comment.

The same with the other sell out Betty McGee.

Pathetic souls who live on bread crumbs - by pandering to Nancy Pelosi and purporting to serve the community while greasing their palms and serving the - devil.

Not a word from Aurelious Walker - his days are numbered and his projects will fail - he will end in hell where he belongs.

Proposition G - stands for Greed, Goons, and Goof Balls. It is amazing how these dumb fools in this dire strait economy - think that they can build anything on the area they are talking about.

Michael Cohen could NOT be there - he had stomach flu.

Had he really been there he would not be able to stomach the facts that the real community - expressed.

Bottom line the informed Community from Bayview Hunters Point is not going away.

Gavin Newsom - the Caligula has taken you fools down the path of destruction. May of you that are not educated and follow the devil to hell.

You can conduct such dog and pony shows - the more you do so - the more you will witness one of a kind - fireworks:

http://www.flickr.com/photos/franciscodacosta/sets/72157612631195158/show/

Francisco Da Costa
Director
Environmental Justice Advocacy

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http://www.muwekma.org

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http://www.cbre.com

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http://www.hunterspointnavalshipyard.com

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http://www.sfgov.org

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http://www.flickr.com/photos/franciscodaco...

c page

ARNOLD SCHWARZENEGGER
Governor

54

JOHN CARLSON, JR.
EXECUTIVE DIRECTOR
1416 Ninth Street
Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
(916) 653-5040 Fax
fgc@fgc.ca.gov

STATE OF CALIFORNIA
Fish and Game Commission

January 12, 2009

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a Notice of Proposed Regulatory Action, as well as a Notice of Findings, resulting from the Commission's August 7, 2008, meeting when it made a finding pursuant to Section 2075.5, Fish and Game Code, that delta smelt (*Hypomesus transpacificus*) warrants uplisting from endangered to threatened species status. The Notice of Proposed Regulatory Action and Notice of Findings will be published in the California Regulatory Notice Register on January 16, 2009.

In accordance with the California Endangered Species Act, at its March 6, 2009, meeting, the Commission will consider amending Section 670.5, Title 14, California Code of Regulations, to remove delta smelt from the list of threatened species and to add delta smelt to the list of endangered species. Please note the deadlines for receipt of comments on this proposed action.

Mr. Chuck Armor, Bay Delta Region, Department of Fish and Game, phone (707) 944-5518 has been designated to respond to questions on the substance of the proposed regulations. Documents relating to the proposed action shall be posted on the Fish and Game Commission website at http://www.fgc.ca.gov or may be obtained by writing to our office at the above address.

Sincerely,

Sheri Tiemann

Sheri Tiemann
Staff Services Analyst

Attachments

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TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 2070 and 2075.5 of the Fish and Game Code and to implement, interpret or make specific sections 1755, 2055, 2062, 2067, 2070, 2072.7, 2075.5 and 2077 of said Code, proposes to amend Section 670.5, Title 14, California Code of Regulations, relating to Animals of California Declared to be Endangered or Threatened.

Informative Digest/Policy Statement Overview

The California Endangered Species Act (CESA)(Fish & G. Code §§ 2050 et seq.) prohibits the take of threatened or endangered species (i.e. actions which would cause mortality) without authorization from the Department of Fish and Game (DFG). (Fish & G. Code § 2080.) DFG's authorizations help manage species by requiring avoidance, mitigation, and other measures for their protection. (Fish & G. Code §§ 2081, 2835.) The existing regulation (Title 14, CCR, Section 670.5) provides that delta smelt are listed as threatened. CESA defines a "threatened species" as a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by CESA. (Fish & G. Code § 2067.) The proposed regulation would provide that delta smelt are listed as endangered. CESA defines an "endangered species" as a native ~~species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious~~ danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes. (Fish & G. Code § 2062.) If implemented, the proposed regulation would accurately reflect that the delta smelt population in California has declined significantly since its listing as threatened and the species' abundance is now extremely low.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Hyatt Regency Monterey Resort, 1 Old Golf Course Road, Monterey, California, on March 6, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before February 20, 2009, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on March 3, 2009. All comments must be received no later than March 6, 2009, at the hearing in Monterey, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sheri Tiemann at the preceding address or phone number. **Chuck Armor, Department of Fish and Game, phone (707) 944-5518, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained

from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.fgc.ca.gov.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

~~The proposed action will not have a significant statewide adverse economic impact~~ directly affecting business, including the ability of California businesses to compete with businesses in other states.

While the statutes of the California Endangered Species Act (CESA) do not specifically prohibit the consideration of economic impact in determining if listing is warranted, the Attorney General's Office has consistently advised the Commission that it should not consider economic impact in making a finding on listing. This is founded in the concept that CESA was drafted in the image of the federal Endangered Species Act. The federal act specifically prohibits consideration of economic impact during the listing process.

CESA is basically a two-stage process. During the first stage, the Commission must make a finding on whether or not the petitioned action is warranted. By statute, once the Commission has made a finding that the petitioned action is warranted, it must initiate a rulemaking process to make a corresponding regulatory change. To accomplish this second stage, the Commission follows the statutes of the Administrative Procedure Act (APA).

The provisions of the APA, specifically sections 11346.3 and 11346.5 of the Government Code, require an analysis of the economic impact of the proposed regulatory action. While Section 11346.3 requires an analysis of economic impact on businesses and private persons, it also contains a subdivision (a) which provides that agencies shall satisfy economic assessment requirements only to the extent that the requirements do not conflict with other state laws. In this regard, the provisions of CESA leading to a finding are in apparent conflict with Section 11346.3, which is activated by the rulemaking component of CESA.

Since the finding portion of CESA is silent to consideration of economic impact, it is possible that subdivision (a) of Section 11346.3 does not exclude the requirement for economic impact analysis. While the Commission does not believe this is the case, an abbreviated analysis of the likely economic impact of the proposed regulation change on businesses and private individuals is provided. The intent of this analysis is to provide disclosure, the basic premise of the APA process. The Commission believes that this analysis fully meets the intent and language of both statutory programs.

(b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

(c) Cost Impacts on a Representative Private Person or Business:

Designation of threatened or endangered status, per se, would not necessarily result in any significant cost to private persons or entities undertaking activities subject to CEQA. CEQA presently requires private applicants undertaking projects subject to CEQA to consider *de facto* endangered (or threatened) and rare species to be subject to the same protections under CEQA as though they are already listed by the Commission in Section 670.2 or 670.5 of Title 14, CCR (CEQA Guidelines Section 15380).

Any added costs should be more than offset by savings that would be realized through the information consultation process available to private applicants under CESA. The process would allow conflicts to be resolved at an early stage in project planning and development, thereby avoiding conflicts later in the CEQA review process, which would be more costly and difficult to resolve.

Moreover, here the species is already listed as threatened. The proposed regulation would change the listing to endangered. However, it is not the listing category which affects the scope of mitigation measures which may be required, it is the project-specific environmental analysis and best available scientific information at the time of the action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

John Carlson, Jr.
Executive Director

Dated: January 6, 2009

CALIFORNIA FISH AND GAME COMMISSION
NOTICE OF FINDINGS
Delta Smelt
(*Hypomesus transpacificus*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2075.5 of the Fish and Game Code, the California Fish and Game Commission, at its August 7, 2008, meeting in Carpinteria, made a finding that the petitioned action to uplist the delta smelt (*Hypomesus transpacificus*) from threatened to endangered is warranted.

This change is necessary to alert the public, including those seeking take authorizations, that the delta smelt population in California has declined significantly since its listing as threatened and the species' abundance is now extremely low.

NOTICE IS ALSO GIVEN that the Commission proposes to amend Section 670.5, Title 14, California Code of Regulations, to add the delta smelt to the list of endangered species.

NOTICE IS FURTHER GIVEN that, any person interested may present statements orally or in writing, relevant to this action at a hearing to be held at the Hyatt Regency Monterey Resort, 1 Old Golf Course Road, Monterey, California, on March 6, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before February 20, 2009, to the Fish and Game Commission office at 1416 Ninth Street, Box 944209, Sacramento, CA 94244-2090, or by fax at (916) 653-5040, or by e-mail to fgc@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on March 3, 2009. All comments must be received no later than March 6, 2009, at the hearing in Monterey, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Fish and Game Commission

January 6, 2008

John Carlson, Jr.
Executive Director