City and County of San Francisco

Master Report

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

File Number: 090808 **File Type:** Communication **Status:** Filed

Enacted: **Effective:**

Version: 1 **Reference:** **In Control:** Board of Supervisors

File Name: Petitions and Communications **Introduced:** 6/16/2009

Requester: **Cost:** **Date Passed:**

Comment

Title: Petitions and Communications received from June 2, 2009, through June 8, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on June 16, 2009. From Office of the Mayor, submitting notice of transfer of function under Charter Section 4.132. Copy: Each Supervisor (1) From Office of the Mayor, submitting notice that Mayor Newsom will be out of State from June 7, 2009, until June 10, 2009. Supervisor Alito-Pier will serve as Acting Mayor. (2) From Carol Osorio, submitting opposition to the "city streets" program. (3) From Lakestreet Residents Association, regarding the Presidio Trust's supplement environmental impact statement and draft findings of effect under Section 106 of the National Historic Preservation Act of February 2009. Copy: Each Supervisor (4) From Office of the Mayor, submitting nomination of Andrew Wolfram as a member of the Historical Preservation Commission. Copy: Each Supervisor (5) From Office of the Mayor, submitting appointment of Anson Moran as a member of the Public Utilities Commission, effective June 1, 2009. Copy: Each Supervisor (6) From Department of Elections, submitting the Statewide Certification of Election Results for the Special Statewide Election of May 19, 2009. Copy: Each Supervisor (7) From Department of Public Health, submitting the annual list of membership organizations for fiscal year 2009-2010. Copy: Each Supervisor (8) From concerned citizens, thanking the Board for taking the first step to transform our publicly owned land at Sharp Park from an exclusive, underused, and budget-breaking golf course into a community-centered model for endangered species recovery, natural flood control, outdoor recreation and sustainable land use. 7 letters (9) From Elizabeth Haydu, submitting opposition to legalizing prostitution. (10) From Public Utilities Commission, regarding the criteria used to prioritize neighborhood scale capital projects. (Reference No. 20090505-004) (11) From Department of the Environment, submitting the 2008 annual report on the Precautionary Purchasing Ordinance. (12) From various City Departments, submitting list of sole source contracts entered into during fiscal year 2008-2009. (13) Police Department Department of the Environment From SF Preservation Consortium, regarding the Mayor's nominees to the Historic Preservation Commission. (14) From Public Utilities Commission, regarding the cost of removing Francisco Reservoir and developing a public recreation site. (15) From Maitri Residential Care Center, submitting support for California Pacific Medical Center's institutional master plan. Copy: City Operations and Neighborhood Services/Land Use Clerks (16) From Francisco Da Costa, regarding the Environmental Protection Agency and Parcel A and the Hunters Point Naval Shipyard issues. (17) From Arthur Evans, commenting on the Public Safety Committee meeting held on June 1, 2009. (18) From Office of Economic and Workforce Development, regarding applications for the Summer Youth Employment Program that are funded with Workforce Investment Act funds provided through the American Recovery and Reinvestment Act. (19)

From Department of Public Health, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090414-007) (20) From Department of Public Health, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090428-004) (21) From concerned citizen, urging the Board of Supervisors to reinstate the seventy-two hour parking rule in San Francisco. (22) From United States Postal Service, responding to request to issue a commemorative stamp in honor of Supervisor Harvey Milk. File 090467 (23) From Dr. Louis Hagler, regarding the adverse medical and social effects of noise pollution. (24) From Roxana Salazar, regarding the serious impact of the proposed budget cuts to the Central City Hospitality House Tenderloin Drop-in Center. (25) From Law Offices of Daniel Reidy, regarding the consolidated proceedings of Red & White Ferries, Inc.'s application for CPCN authority and the complaint for shared use of the District's docking facilities in Sausalito. (26) From Law Offices of Daniel Reidy, regarding Blue and Gold Fleet's protest to amendment to application filed by Red & White Ferries, Inc. on May 21, 2009. (27) From Law Offices of Daniel Reidy, regarding Blue & Gold Fleet's letter to State Public Utilities Commissioner Timothy Alan Simon. (28) From State Fish and Game Commission, submitting notice that the State Fish and Game Commission will consider amending Section 670.5, Title 14, California Code of Regulations, to remove the American Peregrine Falcon from the list of endangered species. (29) From SF Labor Council, regarding the passing of legendary labor leader Jack Henning. Copy: Each Supervisor (30)

Indexes: **Sponsors:**

History of Legislative File 090808

Ver	Acting Body	Date	Action	Sent To	Due Date	Pass/Fail

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Office of the Mayor
City & County of San Francisco

Gavin Newsom

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 JUN -1 PM 1:44
BY

June 1, 2009

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

Re: Notice of Transfer of Function Under Charter Section 4.132

Dear Madam Clerk,

This letter constitutes a notice to the Board of Supervisors under Charter Section 4.132 of a transfer of function between departments within the executive branch. These transfers include:

- The functions of the Mayor's Office of Community Investment will be transferred to two departments: (1) Violence prevention/intervention and public service grants and staff will be transferred to the Department of Children Youth and Their Families and (2) Economic and workforce development grants and staff will be transferred to the Office of Economic and Workforce Development in order to streamline policy making and grant management in these areas.

- 12 personnel in various Information Technology classifications will transfer from the Department of Technology (formerly known as the Department of Telecommunications and Information Services) to the Department of Emergency Management. Through this transfer, DEM will be able to reduce costs while increasing the accountability for providing efficient technology support to public safety departments.

- The Emergency Medical Service Agency (EMSA) will transfer from the Department of Public Health (DPH) to the Department of Emergency Management. This will result in efficiencies in planning for large-scale disasters. Ultimately this consolidation will result in savings to DPH not only of personnel but also ongoing rent costs in the coming years. The medical authority for EMSA will remain with the Director of Health at DPH.

As a courtesy, I wish to inform the Board about other changes that are not being made under Charter section 4.132, but will be included as part of my proposed budget. My proposed budget also (1) moves the positions assigned to Employee Assistance Program from the Department of Human Resources to the Health Service System in order to centralize wellness programs within the City; and (2) creates a consolidation of the custodial and facilities maintenance functions from the Department of Public Works and the War Memorial to the Real Estate Services division of the City Administrator.

Sincerely,

Gavin Newsom

cc: Budget Committee Members
Harvey Rose
Controller

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

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BOS-11
C-pages

Office of the Mayor
City & County of San Francisco

Gavin Newsom

June 5, 2009

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 9:10AM on Sunday, June 7, 2009 until 10:00AM on Wednesday, June 10, 2009.

In the event I am delayed, I designate Supervisor Alioto-Pier to continue to be the Acting-Mayor until my return to California.

Sincerely,

Gavin Newsom
Mayor's Office of San Francisco

cc: Dennis Herrera, City Attorney

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

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Request for City Services - Clerk of the Board

Enter Personal Details > Enter Service Request Details > Review & Submit > Attach Photo(s) / File(s) > **Print & Track**

Successfully Submitted

Thank you for your submission. You will receive an email confirmation with a link to follow the progress of your submission.

If you have any additional requests or questions, you can call us 7 days a week, 24 hours a day at 311 (for calls outside of San Francisco please dial 415.701.2311).

Your Tracking Number is: 445026

Jun 5 2009 8:06PM.

Please print a copy for your records. You may close your browser when done.

Location Information:

Incident Location:

Location Type:
Type Details:

Corner Information:

Location Description:

Request Details:

Category:	Complaint
Department:	Board of Supervisors (BOS)
Sub-Division:	Clerk of the Board

Additional Information:

Additional Request Details:	I cannot understand this "city streets" program! We California so why is it necessary to close city streets, cause traffic problems, so people can play in the stupid street! This has to be one of the most stupid ideas SF has ever had!! Please stop this dumb program.

Customer Contact Information:

First Name:	Carol
Last Name:	Osorio
Primary Phone:	
Alternate Phone:	
Address Number:	
Street Name:	
City, State:	San Francisco, CA
ZIP Code:	94121
Email:	

District 1

Customer requested to be contacted by the department servicing their request: ☒

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BOS-11
C page

LAKE STREET RESIDENTS ASSOCIATION

A NEIGHBORHOOD ASSOCIATION SERVING THE OUTER LAKE STREET CORRIDOR

William R. Shepard
President

Ann Weinstock
Vice-President

Herbert Elliott
Secretary

51 TWENTY FIRST AVENUE
SAN FRANCISCO, CALIFORNIA 94121

Telephone (415) 981-3880
Facsimile (415) 981-3881

June 1, 2009

Via Email & Fax

Presidio Trust Board of Directors
Mr. David Grubb, Chairman
Craig Middleton, Executive Director & Historic Preservation Officer
John Pelka, Compliance Manager
Presidio Trust
P.O. Box 28052
San Francisco, CA 94129

Re: Presidio Trust's Supplement to Draft Supplemental Environmental Impact Statement, February 2009; Revised Draft Main Post Update, February 2009; Draft Finding of Effect under Section 106 of the National Historic Preservation Act, February 2009

Dear Directors and Messrs. Grubb, Middleton and Pelka:

The Lake Street Residents Association (LSRA) is a neighborhood association representing San Franciscans who reside along the Lake Street corridor between the Presidio and California Street. The LSRA submits this letter as its comment on the above-referenced documents (Main Post Documents).

The LSRA incorporates by reference as if set forth in full the comment letters submitted by the Planning Association for the Richmond (PAR) dated May 25, 2009, and by the Neighborhood Association of Presidio Planning (NAPP) dated June 1, 2009, on the above-referenced subject.

In addition to comments contained in the PAR and NAPP letters, the LSRA has two concerns:

1. The Main Post Documents have inadequately addressed the traffic impacts on both the Presidio side and the San Francisco side of the Arguello gate. By closing access to Julius Kahn playground area from Presidio Avenue, the Arguello gate essentially bears 100% of the traffic between San Francisco and this very active athletic

1
4

venue inside the Presidio. Due to the present volume of traffic heading north to the Presidio gate, traffic backs up, bumper-to-bumper on Arguello from the traffic lights at California to the traffic lights at the Sacramento/Lake Streets intersection. Due to the dog-leg intersection with Sacramento and Lake Streets, it is necessary to have three-way traffic control lights that preclude coordinated timing with the traffic control lights at California Street and Arguello. The existing traffic condition will be significantly exacerbated by the cumulative increased traffic resulting from the Disney Museum, Julius Kahn playground, and the Preferred Alternative.

If CAMP is built at the head of the historic Main Parade as described in the Preferred Alternative, the Arguello gate will have the unfortunate distinction of being both the closest San Francisco access point to CAMP, and the access gate with the fewest number of traffic controlled intersections inside the Presidio between San Francisco and CAMP. In fact, there are no traffic controls between the Arguello gate and CAMP, since Arguello Boulevard flows without a cross-street from the Arguello gate to Moraga Street at CAMP. The Main Post Documents do not appear to address any of the above impact considerations.

2. The Preferred Alternative is a classic example of attempting to force a square peg into a round hole. It does not fit by any standard that gives due respect for the location in which the Trust is about to place a half million square feet of new construction and hardscape infill. The Main Post is a highly sensitive environment, as recognized by its status as a unique national historic landmark district and as one of the crown jewels of the country's National Parks. Right in the center of this national treasure the Trust proposes to construct a large, modern facility that includes a large glass box with a bizarre roof and a second large, windowless box whose main focal point from three sides will be a large grid of solar panels. Only a relatively small number of interested parties favor the Preferred Alternative or anything remotely resembling it. The public and numerous responsible organizations are resoundingly opposed to it. CAMP categorically should not be located in a new building or buildings on the Main Post.

Thank you for your consideration of the LSRA's comments.

Sincerely,

William R. Shepard
President

cc: Speaker Nancy Pelosi
Senator Dianne Feinstein
Senator Barbara Boxer
Mayor Gavin Newsom
San Francisco Board of Supervisors
Interim Superintendent, GGNRA

Jon Jarvis, Regional Director, National Park Service
John Fowler and Katharine Kerr, Advisory Council on Historic Preservation
Wayne Donaldson, California Office of Historic Preservation

orig: Joy
c: cpage, AC, LW, RC
BOS-11, CA

Office of the Mayor
City & County of San Francisco

Gavin Newsom

June 4, 2009

Angela Calvillo
Clerk of the Board, Board of Supervisors
San Francisco City Hall
1 Carlton B. Goodlett Place
San Francisco, California 94102

Dear Ms. Calvillo,

Pursuant to the Charter Section 4.135, I nominate Andrew Wolfram as a member of the Historical Preservation Commission with the appointment to be effective upon approval by the Board of Supervisors. Andrew Wolfram will fill seat number 2, and the term of Andrew Wolfram will expire 2-years after the Board approves this nomination.

Please see the attached biography which will illustrate that Andrew Wolfram's qualifications allow him to represent the communities of interest, neighborhoods and diverse populations of the City and County.

Should you have any questions, please contact my Liaison to Commissions, Jason Chan at 415-554-6253.

Sincerely,

Gavin Newsom
Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 JUN -4 PM 4:16
BY

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

Office of the Mayor
City & County of San Francisco

Gavin Newsom

Notice of Appointment

June 4, 2009

Honorable Board of Supervisors:

I hereby nominate Andrew Wolfram to serve as member of the Historical Preservation Commission for a 2-year term commencing upon approval by the Board of Supervisors, in accordance with the Charter Section 4.135.

I am confident that Andrew Wolfram will serve our community well. Attached are his qualifications to serve, which demonstrate how the appointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

I encourage your support and am pleased to advise you of this appointment.

Gavin Newsom
Mayor

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

Andrew Wolfram, AIA, LEED® AP

Andrew Wolfram has more than 20 years' experience working on the preservation and adaptive reuse of significant historic buildings. He has led many projects from conception through construction and has been responsible for comprehensive urban planning and feasibility studies. In the Bay Area, he served as Project Architect for the celebrated Ferry Building renovation, and has worked on a number of projects at the Presidio ranging from cultural landscape assessments to the design of the Presidio Archaeology Center. Mr. Wolfram is the president of the Northern California chapter of DOCOMOMO US, a national organization dedicated to raising awareness of significant works of modern architecture and design. He lectures extensively about modern architecture.

Education

Columbia University Graduate School of Architecture, New York, Master of Architecture, 1988

Columbia College, New York, Bachelor of Arts, Architecture, 1985

Professional Experience

Perkins + Will, San Francisco, CA
Senior Associate. 2008-present

SMWM, San Francisco, CA
Director, Preservation + Adaptive Reuse. 1999-2008

Buttrick White & Burtis, New York, NY
Associate. 1993-1998

Cecil, Pierce & Associates, New York, NY
Associate. 1988-1993

University of Naples, School of Architecture, Naples Italy
Design Assistant for the Historic Center Study. 1985

Selected Projects

Ferry Building Renovation
San Francisco, CA

As Project Architect, Mr. Wolfram led a large team through this four-year historic tax credit project. The design approach was based on the rehabilitation of the Nave by the removal of obstructing office floors that had been subsequently added. The project includes a ground floor market, office space at the second and third floors, a Hearing Room for the Port Commission, and the introduction of substantial public access to the waterfront.

Hearst Memorial Gymnasium Renovation
University of California, Berkeley, Berkeley, CA

Mr. Wolfram is Project Architect for the upcoming renovation of one of the most architecturally and culturally significant buildings on the University of California, Berkeley campus. This Beaux Arts complex houses three ornate outdoor pools, a series of large and small gymnasia and recreation rooms, and various University departments. The project included a comprehensive Historic Structures Report.

Contact

4354 21st Street
San Francisco, CA 94114
h:415-642-4295 w:415-546-2914
andrew.wolfram@perkinswill.com

Registration

Licensed Architect, California and New York

U.S. Green Building Council, LEED® Accredited Professional

Professional Activities

President, DOCOMOMO US, Northern California Chapter

Member, American Institute of Architects

Member, California Preservation Foundation

Member, SPUR

San Francisco Planning Department Working Group on Article 10 and 11 Revisions, 2009

"From Ranch House Tracts to Superblocks: Preserving Modern Housing," California Preservation Foundation Conference, 2009

"Public Private Partnerships: Risks and Rewards", AIA Convention, San Francisco, 2009

"Modern Architecture of the East Bay," Palm Springs Art Museum Architecture Council, 2008

"Connecting People with the Waterfront: San Francisco case study," WaterfrontExpo, Liverpool, UK, November 2008

"Exploring Mid-Century Downtown San Francisco," Architecture and the City Festival, AIASF, 2008

Docomomo 10th Anniversary Tour, Greenwood Common, Berkeley, CA, 2008

San Francisco Planning Department's advisory panel on proposed barriers for the Golden Gate Bridge, 2008

Planning Committee, California Preservation Foundation 2007 Conference, Hollywood, CA

Planning Committee, California Preservation Foundation 2006 Conference, Sacramento, CA

"The Technical Challenges of Preserving Modern Buildings," arcCA, Issue #3, 2006

"Modernism in San Francisco," AIASF, 2006

San Francisco Modernism Tour, Frank Lloyd Wright Foundation Conference, 2006

"Lesser-known Modern Architects of the Bay Area," California Preservation Conference, 2004

Planning Committee, DOCOMOMO 2004 International Conference, New York, NY

"Settlement Patterns at Williamsburg Houses," Perspecta 30, 1999

"Social Housing in New York: The Standardization of Innovation," DOCOMOMO International Conference, Stockholm, 1998

"Is It In or Is It Out: Landmarking Modern Buildings in New York," DOCOMOMO International Conference, Bratislava 1996

Selected Awards

First Place, Envisioning East New York Competition, Architectural League of New York City, 1995

"From Excavation to Construction: Early Hindu temples in South India", William F. Kinne Post-Graduate Traveling Fellowship, 1988

The Presidio Archaeology Center
San Francisco, CA

Mr. Wolfram is currently directing the design of the new Presidio Archaeology Center, which will house laboratories, collection storage facilities, educational spaces and offices for the Presidio's Archaeology Program. The LEED® silver project includes the adaptive reuse of three historic garages and a former schoolhouse, and will create a campus of programmatically related buildings in the heart of the Main Post.

Public Health Service Hospital Adaptive Reuse
Presidio of San Francisco, CA

Mr. Wolfram is directing the rehabilitation and conversion of this historic hospital complex into a LEED® gold development comprising 161 apartments and supportive amenity spaces, and incorporating a new three-story addition at the rear of the building as well as natural habitat restoration and new hiking and biking trails. As project director, Wolfram has provided design direction for all aspects of the project, negotiated the community approval process, and achieved historic entitlements.

Public Health Service Hospital Cultural Landscape Assessment
Presidio of San Francisco, CA

Mr. Wolfram directed this detailed study of the historic Public Health Service District in the Presidio. He conducted extensive primary research as part of the assessment, which adhered to National Park Service guidelines for the treatment of Cultural Landscapes. The final report provides detailed historic background of the site, evaluates the integrity of existing contributing features, and makes recommendations for the future treatment and design of site and landscape features.

Fort Scott Cultural Landscape Assessment
Presidio of San Francisco, CA

Mr. Wolfram directed this detailed study of the historic Fort Scott District in the Presidio, which adhered to National Park Service guidelines for the treatment of Cultural Landscapes. The final report provides detailed historic background of the site, evaluates the integrity of existing features, and makes recommendations for the future treatment and design of site and landscape features.

Slow Food Nation Master Plan
San Francisco, CA

Mr. Wolfram was the lead designer and project manager for the master plan of Slow Food Nation, held at San Francisco's landmark Civic Center. The inclusive event celebrated local food producers of the Bay Area. The event was centered around a vegetable garden located for six months at the heart of the plaza, recalling the victory garden constructed in front of City Hall during the Second World War.

Southeast Federal Center
Washington, DC

This project invoives the revitalization and adaptive reuse of the 43-acre historic Navy Yard along the Anacostia River. Mr. Wolfram has been responsible for master plan work related to the adaptive reuse of the complex's historic structures.

Trinity School
New York, NY

Mr. Wolfram was Project Architect for the renovation of the historic 1893 St. Agnes Parish house to accommodate Art and Music Classrooms and the addition of a new middle school and athletics building to this prestigious private school's Manhattan campus. The building, with two floors of classrooms and educational spaces and two new competition-size gymnasia, links the campus's historic lower school with the 1950's-era high school.

Archdiocese of Santa Fe Master Plan
Santa Fe, NM

Mr. Wolfram was the project manager for the redevelopment of a 13-acre site in the historic heart of downtown Santa Fe. The site, located within a historic overlay district and containing the venerable Cathedral of Santa Fe, is in a strategic location between the commercial downtown and the higher-density residential areas of the city.

Additional Projects

- Pier 1 Historic Rehabilitation, San Francisco, CA
- Adaptive Reuse of the Historic President's mansion for the Center for Computer Research in Music + Acoustics, Stanford University, CA
- Presidio Officers' Club and Heritage Center Feasibility Study, San Francisco, CA
- Presidio YMCA Vision Study, San Francisco, CA
- Piers 27-31 Shorenstein Headquarters, San Francisco, CA
- Sacramento Intermodal Transit Facility and Historic Depot Renovation, Sacramento, CA
- Water Stations, Food and Water Watch, Slow Food Nation and Academy of Sciences Opening Event, San Francisco, CA
- San Jose Old City Hall Reuse Study, San Jose, CA
- Lower Sproul Urban Design Study, University of California, Berkeley
- Hearst Memorial Gymnasium Seismic , Life Safety and Accessibility Improvements Study, University of California, Berkeley
- Hearst Memorial Gymnasium Historic Structures Report, University of California, Berkeley
- Phoebe Hearst Museum of Anthropology Collections Study, University of California, Berkeley
- Fulton-Nassau Historic District Design Guidelines, New York, NY
- Presidio YMCA Vision Study, San Francisco, CA
- Student Activities Study, University of California, Berkeley
- Pixar Digital Production Building, Emeryville, CA
- First Presbyterian Church Master Plan, New York, NY
- Rogers Apartment Renovation, Landmark Beresford Building, New York, NY
- Renovation of an 1845 Farmhouse, Wainscott, New York
- Renovation of an 1810 House, Greenwich, Connecticut

Languages

Fluent: Polish and Italian

Reading Ability: French and Portuguese

References

Cathy Simon
Principal, Perkins + Will
cathy.simon@perkinswill.com
415-546-2900

Anthea M. Hartig, Ph.D.
Director, Western Office
National Trust for Historic Preservation
anthea_hartig@nthp.org
415-947-0692

Cindy Heitzman
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California Preservation Foundation
cheitzman@californiapreservation.org
415-495-0349

Charles Chase,
President, San Francisco Historic Preservation Commission
c.chase@argsf.com
415-421-1680

Emily Marthinsen
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Christopher Meany
Partner, Wilson Meany Sullivan
cmeany@wmspartners.com
415-905-5345

c: BOS-11
c: AC, RC, CAdams, LWong
org: Joy c page

Office of the Mayor
City & County of San Francisco

Gavin Newsom

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 JUN -1 PM 3:00
BY

June 1, 2009

Angela Calvillo
Clerk of the Board, Board of Supervisors
San Francisco City Hall
1 Carlton B. Goodlett Place
San Francisco, California 94102

Dear Ms. Calvillo,

Pursuant to the Charter Section 4.112, I have appointed Anson Moran as a member of the Public Utilities Commission effective today, June 1, 2009 to fill seat 4. Anson Moran will fill a seat that was previously vacant, and the term of Anson Moran will expire on August 1, 2010.

Please see the attached biography which will illustrate that Anson Moran's qualifications allow him to represent the communities of interest, neighborhoods and diverse populations of the City and County.

Should you have any questions, please contact my Liaison to Commissions, Jason Chan at 415-554-6253.

Sincerely,

Gavin Newsom
Mayor

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

(6)

Office of the Mayor
City & County of San Francisco

Gavin Newsom

Notice of Appointment

June 1, 2009

Honorable Board of Supervisors:

I hereby appoint Anson Moran to serve as member of the Public Utilities Commission for a 2-year term commencing June 1, 2009, in accordance with the Charter.

I am confident that Anson Moran will serve our community well. Attached are his qualifications to serve, which demonstrate how the appointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

I encourage your support and am pleased to advise you of this appointment.

Gavin Newsom
Mayor

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

Anson B. Moran
Resume

Home Address **Phone Numbers**

San Francisco, CA 94117

7/2001-Current: Consulting Practice providing water resource development services.

4/2000-6/2001: Senior Policy Advisor to Senator Dianne Feinstein

Advise Senator Feinstein on water issues. Special focus on Bay/Delta issues; the Bay/Delta Framework for Action, the CALFED EIR/EIS and Record of Decision and CALFED reauthorization. (CALFED is a joint state and federal program for resolving water supply and environmental conflicts in the Sacramento/San Joaquin Delta.)

12/93-1/2000: General Manager, Public Utilities Commission
2/93-12/93: Acting General Manager, Public Utilities Commission

Responsible for Hetch Hetchy, the Water Department and the Clean Water Program; four operating divisions and five support bureaus comprising 1,700 employees.
- Produced over $25 million in surplus power revenues for the General Fund annually
- Served high quality water to 2.3 million customers in San Francisco, San Mateo, Santa Clara and Alameda Counties
- Collected and treated storm water and waste water in compliance with all permits and regulations

Until 6/28/94 also responsible for MUNI Railway (San Francisco's public transportation system)

Leader in local, State and Federal water policy
- Served two terms as Chairman of California Urban Water Agencies
- Executive Committee of Western Urban Water Agencies
- Board of Directors of California Water Education Foundation
- Participant in December 1994 Bay/Delta Accord
- Lead negotiation and litigation effort to settle disputes with Modesto and Turlock Irrigation Districts in FERC proceedings
- Fought Federal attempts to increase Hetch Hetchy's Raker Act fees

Sponsored major planning efforts:
- System Planning and Regulatory Compliance Bureau
- Water Quality Study
- Vulnerability Study (to assess infrastructure needs)

Anson B. Moran

Background

Consulting Practice providing water resource development services since July 01.

Senior Policy Advisor to U.S. Senator Dianne Feinstein with a focus on San Francisco Bay-Delta issues.

Twenty six years with the **City and County of San Francisco** including:

- Seven years as **General Manager of the San Francisco Public Utilities Commission**; responsible to a Commission, Mayor and Board of Supervisors for the general management of three utilities. The utilities encompassed hydroelectric generation; "source to tap" water supply; storm and sanitary waste water services; and associated administrative and engineering functions.
- Five years as **General Manager of Hetch Hetchy Water and Power**; responsible for power contracts, preservation of water rights and system operation.
- Five years as **Assistant General Manager, Public Utilities Commission, Finance**; responsible for accounting, budgeting, reporting, grants and debt issuance.

Seven years as **Marketing Representative for IBM**

San Francisco, CA 94117

- Integrated Resource Planning (to deal with long term supply issues for City and Suburban customers)
- Watershed Management Program
- Sunol Valley Mining and Reservoir Development Plan
- Specific Plan and entitlements for Water Department's Bernal property in Pleasanton
- Clean Water Strategic Plan (including alternate treatment technologies)

Reorganized PUC
- Separated MUNI from the PUC after Prop. M
- Flattened organization to increase organizational clarity and improve communication
- Reduced senior management
- Increased emphasis on basics of water treatment and supply
- Worked with PUC to develop more aggressive and profitable management of land leases and permits
- Added Clean Water Program and fully integrated operating and support functions with existing PUC organization

6/88-2/93: General Manager of Hetch Hetchy Water and Power

Implemented new power contracts
- Increased power revenues to City
- Created ability to buy and sell power on the open market
- Upgraded staff capabilities to handle new, market driven job responsibilities

Initiated aggressive and comprehensive effort with the City Attorney to identify and protect Hetch Hetchy's water rights and related interests
- Authorized effort to document contractual relationships and water rights
- Recognized threat posed to City interests by Modesto and Turlock Irrigation Districts operation of New Don Pedro Reservoir
- Developed strategic plan which resulted in successful litigation and mediation with the Districts

Ended Hetch Hetchy's history of isolation from the water industry
- Joined industry associations
- Founding member of California Urban Water Agencies
- Active participant in "three way" and other efforts to find solutions to Bay/Delta problems
- Earned a seat for San Francisco at the water policy table

Flattened Hetchy's organization
- Eliminated two layers of management after Proposition A (early retirement)
- Subsequently eliminated Deputy General Manager position.

Placed emphasis on preventive maintenance programs
- Strengthened Maintenance Engineering function
- Developed on-going facilities maintenance programs

8/83-6/88: Assistant General Manager, Finance for the Public Utilities Commission

Improved service relationship between PUC Finance and its client departments; MUNI, Hetch Hetchy and Water

Improved organizational performance in areas of "basic decencies"

Initiated creative financing of MUNI vehicles with "safe harbor" leases

Conducted first competitive selection of financial advisors and underwriters

Issued revenue bonds

Advised in negotiation of power agreements with Modesto and Turlock Irrigation Districts and support services contract with PG&E

Created durable and effective mechanism for funding dry year and emergency power purchases

6/80-8/83: Director of Budgets and Grants, PUC Finance Bureau

Implemented new budgeting programs for all PUC departments

Built staff creating new function within the PUC

Represented PUC/MUNI interests at the Metropolitan Transportation Commission

11/77-6/80: San Francisco District Attorney's Office

Worked on DA's use of criminal justice computer systems

Consolidated case files and eliminated manual indexing system

Implemented new post-Prop. 13 budgeting systems

3/77-11/77: San Francisco Police Department, Planning and Research Section

Worked on SFPD use of criminal justice computer systems

3/74-12/76: San Francisco Superior Court, Criminal Justice Information Systems Project

Tested and installed integrated court calendaring and case information system for joint use by Municipal and Superior Courts, Public Defender, District Attorney, Adult Probation, Sheriff and Police Department

Automated reporting of criminal justice statistics to State

9/73-6/74: CORO Fellow

6/66-4/73: Marketing Representative for IBM Corporation

Education:

1966 BS Electrical Engineering from Worcester Polytechnic Institute (Worcester, Mass)

1975 MA Urban Studies from Occidental College (Los Angeles)

org: DR
c-cpage
Bos-11

DEPARTMENT OF ELECTIONS
City and County of San Francisco
sfelections.org

John Arntz
Director

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 JUN -3 PM 1:35
BY

June 3, 2009

Honorable Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

May 19, 2009 Statewide Special
Certification of Election Results

I, John Arntz, Director of Elections of the City and County of San Francisco, certify that I have canvassed the votes cast at the Statewide Special Election held on Tuesday, May 19, 2009 within the City and County of San Francisco, in the manner required by Division 15 of the California Elections Code.

I certify that I began the canvass on Tuesday evening, May 20, 2009 and as a result of the tally of all votes recorded, I present a complete record entitled "San Francisco Official Statement of Vote – Statewide Special Election – May 19, 2009." I also declare that the number of ballots in said election was 130,644.

On this day, June 3, 2009 at 10:00 a.m., I certify that the results of each of the races as shown in the following Final Summary Report of the Statewide Special Election of May 19, 2009 are true and correct.

Ballot Measures

Statewide Propositions

I certify that on **Proposition 1A**, State Budget. Changes California Budget Process. Limits State Spending. Increases "Rainy Day" Budget Stabilization Fund, the following votes were cast:

Yes	59,537	46.16%
No	69,434	53.84%

Voice (415) 554-4375
Fax (415) 554-7344

1 Dr. Carlton B. Goodlett Place, Room 48
San Francisco CA 94102-4634

Vote-by-Mail Fax (415) 554-4372
TTY (415) 554-4386

D

I certify that on **Proposition 1B**, Education Funding. Payment Plan, the following votes were cast:

Yes	67,135	52.13%
No	61,660	47.87%

I certify that on **Proposition 1C**, Lottery Modernization Act, the following votes were cast:

Yes	56,572	44.09%
No	71,751	55.91%

I certify that on **Proposition 1D**, Protects Children's Services Funding. Helps Balance State Budget, the following votes were cast:

Yes	52,886	41.42%
No	74,788	58.58%

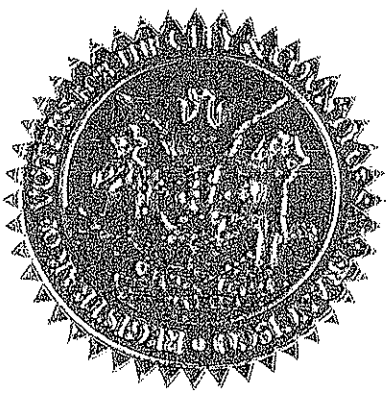
I certify that on **Proposition 1E**, Mental Health Services Funding. Temporary Reallocation. Helps Balance State Budget, the following votes were cast:

Yes	51,679	40.53%
No	75,832	59.47%

I certify that on **Proposition 1F**, Elected Officials' Salaries. Prevents Pay Increases During Budget Deficit Years, the following votes were cast:

Yes	98,811	76.71%
No	30,005	23.29%

In witness whereof I hereby affix my hand and seal this 3rd day of June 2009.



John Arntz, Director of Elections

BOS-11, cpage, AC

City and County of San Francisco

Department of Public Health

Gavin Newsom
Mayor

Mitchell H. Katz, MD
Director of Health

June 1, 2009

The Honorable Gavin Newsom
Mayor, City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102-4689

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

Ben Rosenfield, Controller
1 Dr. Carlton B. Goodlett Place, Room 316
San Francisco, CA 94102-4689

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 JUN -1 PM 1:57
BY

Re: FY2009-10 Membership List

Ladies and Gentlemen:

As required by the San Francisco Administrative Code Section 16.6, I am submitting the annual list of membership organizations for Fiscal Year 2008 - 2009. If you have any questions, please contact me at 554-2610.

Sincerely,

Gregg Sass
CFO
Department of Public Health

Membership Organizations:	FEE for FY 09-10
AIDS Action Council	$ 500
AIDS Action Council (UCHAPS - Urban Coalition for HIV/AIDS Prevention Services)	$ 1,000
American Association of BioAnalysts	$ 1,500
American Association of Nurse Assessment Coordinators (AANAC)	$ 1,100
American Association of Nursing Executives	$ 400
American Board of Industrial Hygiene	$ 200
American College of Health Care Executives	$ 1,680
American Conference of Governmental Industrial Hygienists (ACGIH)	$ 600
American Diabetes Association	$ 200
American Dietetic Association	$ 250
American Health Consultants	$ 499
American Healthcare Association of Radiology Administrators	$ 150
American Hospital Association (AHA)	$ 84,855
American Journal of Psychiatry	$ 205
American Occupational Therapy Association	$ 100
American Pharmaceutical Association	$ 250
American Physical Therapy Association	$ 210
American Public Health Association (APHA)	$ 745
American Society for Microbiology	$ 1,000
American Society of Health-System Pharmacists	$ 440
American Society of Radiologic Technologists	$ 300
American Society of Tropical Medicine and Hygiene (ASTMH)	$ 195
American Speech and Hearing Association	$ 400
American Thoracic Society	$ 375
Association of American Medical Colleges	$ 16,115
Association of Bay Area Health Officers (ABAHO)	$ 600
Association of California Nurse Leaders (ACNL)	$ 2,560
Association of Professionals in Infection Control & Epidemiology	$ 350
Association of Public Health Laboratories	$ 1,000
Baby Friendly USA, Inc.	$ 1,050
Bay Area Automated Mapping Association	$ 25
Bay Area Regional Health Inequities Initiative	$ 1,000
Bay Area Regional Registry	no cost
Beacon Health Institute (new)	$ 395
Biological Therapies	$ 115
Board of Certified Safety Professionals - NEW	$ 390
Board of Registered Nurses	$ 600
Breast Cancer Action	$ 100
Breast Cancer Fund	$ 100
Building a Healthier San Francisco Collaborative	n/a
California Agricultural Commissioner and Sealers Association	$ 2,000
California Association for Adult Day Services (CAADS)	n/a
California Association for Health Services at Home (CAHSAH)	$ 3,150
California Association of Communicable Disease Controllers	n/a
California Association of Homes and Services for the Aging (CAHSA)	$ 5,000
California Association of Hospital / Hospital Services for Continuing Care (HSCC)	$ 1,050
California Association of Medical Staff Services (CAMSS)	$ 35
California Association of Public Health Lab Directors	$ 1,000
California Association of Public Health Nurses	$ 60
California Association of Public Hospitals and Health Systems	$ 75,988

California Breastfeeding Coalition	$	200
California Conference of Environmental Health Directors	$	1,295
California Conference of Local Directors of Health Education (CCLDHE)	$	250
California Conference of Local Health Department Nutritionist	$	200
California Conference of Local Health Officers	$	-
California Conference of Local Public Health Nursing Directors	$	250
California Conference/Coalition of Local AIDS Directors (CCLAD)	$	50
California Council on Alcohol Policy	$	50
California Dietetic Association	$	150
California Healthcare Association & Hospital Council of Northern California and Central California	$	215,403
California Healthy Cities Network	$	250
California Medical Association	$	610
California Mental Health Directors Association	$	41,491
California Pharmacists Association	$	390
California Prevention Collaborative	$	500
California Psychology Internship Council (CAPIC)	$	750
California Psychology Internship Council (CAPIC)	$	375
California Public Health Association - North (CPHN-N)	$	50
California Society of Health-System Pharmacists	$	290
California TB Controllers Association		n/a
California WIC Association	$	750
California Worker's Compensation Institute	$	550
Cities Advocating Emergency AIDS Relief (CAEAR Coalition/Ryan White CARE Act Coalition)	$	5,500
Coast Agricultural Commissioners & Sealers Association.	$	200
College of American Pathologists	$	2,500
Commission of Dietetic Registration	$	600
Computer Security Institute	$	224
Council of State and Territorial Epidemiologists (CSTE)	$	40
County Alcohol and Drug Program Administrators Association of California	$	8,220
County Health Executives Association of California (CHEAC)	$	10,838
County Regional Integrated Services System (CRISS)	$	6,700
County Tobacco Control Coordinators	$	1,000
Disaster Recovery Institute	$	45
ECRI Health Device Alerts	$	6,305
Emergency Medical Directors Association of California	$	-
Gerontology Society of America	$	100
Health Officers Association of California	$	12,715
Healthcare Compliance Association (HCAA)	$	590
Healthcare Financial Management Association	$	3,000
Healthcare Human Resources Management Association of California	$	80
Hospital Services for Continuing Care (HSCC)	$	525
Industrial Claims Association (ICA)	$	500
Infectious Disease Society of America	$	225
Info-Tech Advisor	$	495
Institute for Medical Quality	$	650
Institute of Electrical and Electronics Engineers (IEEE) The Computer Society	$	958
Insyst Users Group	$	30,000
International Association of Emergency Managers	$	-
International Board of Lactating Consultant Examiners (IBLCE)	$	650
International Information Systems Security Certification Consortium ([ISC]2)	$	85

International Lactation Consultant Association	$	250
International Society of Travel Medicine (ISTM)	$	150
International Systems Security Association (ISSA)	$	316
International Union Against Tuberculosis and Lung Disease (IUATLD)	$	80
Journal of Clinical Psychiatry	$	156
KUMC Research Institute, Inc. / National Database of Nursing Quality Indicators (NDNQI) New	$	3,600
March of Dimes	n/a	
Maternal, Child & Adolescent Health Action	$	1,100
Microsoft Software Development Network	$	9,000
Mosquito and Vector Control Association of California	$	1,080
National Association for Home Care (NAHC)	$	5,043
National Association of County and City Health Officials (NACCHO)	$	1,545
National Association of Emergency Medical Services Physicians (NAEMSP)	$	-
National Association of Health Services Executives	$	250
National Association of Medical Staff Services (NAMSS)	$	335
National Association of Public Hospitals and Health Systems	$	36,850
National Breast Cancer Coalition	$	100
National Coalition of STD Directors (NCSD)	$	2,500
National Consortium of Breast Cancer	$	250
National Contract Management Association	$	1,620
National Family Planning Reproductive Health Association (NFPRHA)	$	1,000
National Fire Protection Association	$	115
National Foundation for Trauma Care	$	5,000
National Health Care for the Homeless Council - New	$	1,000
National Hospice & Palliative Care Organization	$	249
National Minority Aids Council	$	2,500
National REACH Coalition	$	1,000
National Safety Council	$	315
National TB Controllers Association	$	75
National WIC Association (NWA)	$	400
Natural Medicines Comp.Database Web Access	$	92
Neuroscience Education Institute	$	49
Northern California Health Information Management Systems Society	$	260
Novation	$	25,000
Partnership for Prevention	$	500
Pebble Project, The Center for Health Design - New	$	25,000
Pharmacy Technician's Letter	$	94
Project Management Institute	$	129
Psychiatry Drug Alerts	$	89
Safety Net Hospitals for Pharmaceutical Access	$	5,500
San Francisco Adult Day Health Network	$	1,000
San Francisco Chamber of Commerce	$	8,145
San Francisco Medical Society	$	6,390
Society for Healthcare Epidemiology of America	$	165
Society for Nutrition Education	$	225
Society of Public Health Educators	$	500
Stanford University / California Perinatal Quality Care Collaborative (CPQCC)	$	5,500
Trauma Managers Association of California	$	75
Trauma Resource Network	$	1,500
UCSF Association of Clinical Faculty	$	50
University Health System Consortium Services Corporation (UHCSC)	$	92,000

lisa salazar
<juniorlisa n>
06/07/2009 04:11 PM
Please respond to juniorlisa

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

Thank you for taking the first step to transform our publicly owned land at Sharp Park from an exclusive, underused, and budget-breaking golf course into a community-centered model for endangered species recovery, natural flood control, outdoor recreation, and sustainable land use.

I strongly support Supervisor Mirkarimi's proposed ordinance to transfer Sharp Park to the National Park Service as part of the Golden Gate National Recreation Area or to jointly manage the park with the Park Service. The ordinance would also require the city's Recreation and Parks Department to develop a plan, schedule, and budget for restoring Sharp Park habitat for endangered species on the site, a welcome change from the mismanagement of recent years. I urge the city and county of San Francisco to restore Sharp Park as a coastal lagoon and wetland habitat for endangered species. Please follow through by passing this important legislation.

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 wetland habitat and causes illegal take of two federally listed species, the California red-legged frog and the San Francisco garter snake.

The golf course is a significant money-loser for San Francisco that makes no sense to maintain at a time when the city has cut the Recreation and Parks Department staff and the long-term golf prospects at the site are slim. Combine that with the problems with endangered species, wetland destruction, flooding, and sea-level rise, and it is clear that restoration of Sharp Park to a natural state is the best option for the area.

Ecological restoration is 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.

San Francisco's 2004 recreational study shows that the number-one recreational demand in San Francisco is more hiking and biking trails -- and golf came in 16th. San Francisco already has six public golf courses, and about 50 other golf courses are within a 45-minute drive of Sharp Park. Restoring Sharp Park will help meet recreational demand through hiking and biking trails, picnicking spots, camping facilities, a world-class nature center, a gateway to the San Mateo County Golden Gate National Recreation Area lands, and educational opportunities sorely needed in San Mateo County. Restoration will also ensure the continued existence and abundance of endangered species at Sharp Park.

Please transfer Sharp Park to the National Park Service or jointly manage the property with the Service to restore Sharp Park as a coastal lagoon and wetland habitat for endangered species.

9

lisa salazar

belmont, CA 94002

San Francisco Board of Supervisors
401 Van Ness Ave
San Francisco, CA 94102

Dear San Francisco Board of Supervisors,

I know that, as members of the San Francisco Board of Supervisors, you are very busy. I would very deeply appreciate if you took the time to read my letter today. My name is Elizabeth Haydu; I am a 16-year-old junior at Glenbard East High School in Lombard, Illinois (a western suburb of Chicago). Recently, Proposition K was proposed in San Francisco, California. This would allow for prostitution to be decriminalized in San Francisco. Though Proposition K was not passed, this issue remains controversial, and will no doubt be brought up again for consideration. The only other areas where prostitution is legal in the United States are brothels in 8 counties in Nevada, and the act of trading sex for money (but not brothels) in Rhode Island. San Francisco is possibly the United State's most liberal and forward thinking city, but prostitution is a demeaning and dangerous activity that will in no way benefit San Francisco or its citizens.

The legalization of prostitution throughout the United States would increase human trafficking. When prostitution was decriminalized in New Zealand in 2003, the US State Department noted an increase in the trafficking of women and children in New Zealand. Also, because legalization means that the police would have no right to ask for proper documentation on the prostitutes, there would be no way to tell whether any given sex worker is underage. In the Netherlands, where prostitution is legal, there has been an increase in human trafficking and the enslavement of women. In Fact, more than three fourths of the prostitutes in Amsterdam come from poor countries in Africa, Asia, and Western Europe. Legalizing prostitution would lead to an increase in the trafficking of women and children. Would you want this to happen in your city?

Also, legalizing prostitution increases the amount of street prostitutes and illegal prostitutes working in that area. When prostitution was decriminalized in New Zealand, the number of street prostitutes increased by 400% in Auckland (a major city there). Also, street prostitution of underage prostitutes has "exploded" in Auckland and Christchurch. As you may know, Street Prostitution is the most dangerous and unsanitary of all of the types of prostitution.

Your position in this matter was affected by the need for prostitutes to have rights and be protected. However, increases in street prostitution will not protect the prostitutes. In Australia, legalizing prostitution has encouraged three times more illegal than legal brothels. When prostitution is legalized, organized crime increases its control over brothels. In the Netherlands, Organized crime has taken over the sex industry, causing 30% of their brothels to be shut down.

Decriminalizing prostitution is said to make prostitution safer for the prostitutes, but this is untrue. In Nevada, after legalization, women were frequently raped in both escort and brothel services. In New Zealand, after decriminalization, the majority of sex workers felt they could do nothing about the violence that occurred, 35% of prostitutes were coerced into prostituting with a given john. Also, the majority of prostitutes still felt that decriminalization made no difference in the violence of the johns involved.

10

Legalizing prostitution would not prevent the spread of STD's. In Australia, STD's have increased after legalization because the customer cannot be required to take an STD/AIDS test. Many men still expect sex without a condom, and condoms are not used during oral sex, adding to the STD rate.

Prostitution is demeaning to both participants, and it also encourages a dangerous mindset in those involved. Men who use prostitutes do not always just want sex. In Charlie Sheens divorce trial he famously replied to a judge who asked, "Why pay for sex?" with, "I don't pay them for sex, I pay them to leave." This captures the essence of prostitution. That men can get sex from a woman whom they don't respect. Prostitution encourages the mindset that men do not have to please or respect a woman to have sex with her; they should just be able to get it. Prostitution is also harmful to the women involved. According to the Stop Child Sexual Abuse foundation, 73% of prostitutes were sexually abused before 16. Is this just a coincidence? No. This shows that prostitution is a mask for another bigger problem. The men and women involved have a warped view on sex and relationships, and falling back into the prostitution industry only reinforces their troubled outlook, it does not allow them to seek the proper help they need.

I understand that the sex industry is a 14.5 billion dollar industry. That is a very big number and (from the outside) many people want a piece of it. However, much of this money is from human trafficking, which will never be legalized. Also, this money is still in the economy, after all, pimps and prostitutes do spend money. When prostitution was legalized in Nevada, the rural communities that housed the brothels end up supporting the brother, not the other way around. Legalizing prostitution in Nevada had led to expensive legal challenges because no one wants prostitution zoned into their neighborhood or into their kid's school. These legal battles are more expensive than arresting and charging prostitutes.

The issue of prostitution is so much bigger than a conservative vs. liberal debate. With decriminalizing prostitution comes an increase in human trafficking and human rights violations. However, there is a solution to this problem. In 1998, prostitution laws changed in Sweden. Instead of automatically arresting the prostitutes, the men who used the services of the prostitutes were punished. The result? Prostitution decreased by 40% in the first five years of the new law.

In conclusion I would like to thank you for reading my letter and considering my position in this matter.

Respectfully,

Elizabeth Haydu

c: Alistair Rawa
cpage

SAN FRANCISCO PUBLIC UTILITIES COMMISSION

1155 Market St., 11th Floor, San Francisco, CA 94103 • Tel. (415) 554-3155 • Fax (415) 554-3161 • TTY (415) 554.3488

WATER
WASTEWATER
POWER

TO: Angela Calvillo, Clerk of the Board

FROM: Ed Harrington, General Manager

CC: Supervisors Avalos, Campos and Maxwell

DATE: June 5, 2009

REFERENCE: 20090505-004

RE: Prioritization of Capital Projects

Inquiry: Supervisors Avalos, Campos and Maxwell jointly requested a report from the SFPUC on the criteria used to prioritize neighborhood scale capital projects, including any point system that may be used to determine priority for infrastructure improvements on PUC and City property within the City and County of San Francisco, such as requests for additional lighting installations and/or upgrades. This inquiry was made in connection to implementation of a framework for health impact mitigation efforts between DPH, SFMTA, and the local community as urged through BOS resolution #081397 "Health Protective Truck Route Planning in Southeast Neighborhoods" and the desire to develop health impact criteria within other targeted city agencies.

Response: The SFPUC maintains criteria for prioritizing capital projects based upon the different goals and operating mandates of each enterprise. The following lists the criteria used in each of the Water, Wastewater and Power enterprises:

Water Enterprise

The Water Enterprise implements the following capital projects:

Repair and Replacement Projects: For neighborhood scale capital projects, the San Francisco Water Enterprise City Distribution Division (CDD) replaces 6-8 miles of pipes (mostly 8" in diameter) per year within San Francisco as part of its repair and replacement program. The criteria for prioritizing main replacement include age of pipeline, soil conditions and history of leaks/breaks. CDD prepares a five-year plan that is incorporated into a shared five-year capital plan of the San Francisco Department of Public Works (DPW), the SFPUC Wastewater Enterprise, the SFPUC Water System Improvement Program (WSIP), and other City departments as well as private utilities such as PG&E and AT&T. DPW manages the Citywide five-year plan. Adjustments are made in the five-year plans to minimize inconvenience to the public.

Water System Improvement Program: With regard to local WSIP projects within San Francisco, these projects were listed, defined and voter approved under the 2002 Proposition A bond. The objectives of the WSIP were defined in 2005 to:

- Furnish system improvements to provide high quality water that reliably meets current and foreseeable local, state, and federal requirements.
- Reduce vulnerability of the water system to damage from earthquakes.
- Increase reliability of the system to deliver water by improving redundancy needed to accommodate planned outages for maintenance and unplanned outages resulting from facility failure.
- Provide near-term improvement of water supply/drought protection.
- Set forth long-term water supply/drought management options for technical evaluation, cost analysis, and environmental review.
- Enhance sustainability through improvements that optimize protection of the natural and human environment.
- Provide improvements resulting in a cost-effective fully operational water system.

In order to address the program objectives and consequently derive design criteria for the WSIP, the Commission provided direction on Level of Service (LOS) goals for water quality, seismic reliability, delivery reliability, and water supply, listed in order of priority. These LOS goals were developed to provide a quantifiable means of setting project-specific design criteria and project scopes for addressing the program objectives. The LOS goals for the program are summarized below:

Water Quality

- Provide a high quality water supply that reliably meets current and foreseeable local, state and federal requirements.
- Provide clean, unfiltered water originating from Hetch Hetchy Reservoir and filtered water from local watersheds.
- Implement watershed protection through land acquisition and management projects.

Seismic Reliability

- Deliver minimum system demand (winter month demand) within 24 hours after a major earthquake.
- Deliver minimum system demand equally to three regions within the service area to the extent possible. These regions include: 1) the East and South Bay Area, 2) the Peninsula, and 3) City of San Francisco. At least 70 percent of the turnouts within each region should receive flow to achieve minimum month demand for the region.
- Restore facilities to meet average demand within 30 days after a major earthquake.

- Design facilities to meet the established seismic upgrade criteria. Various levels of hardening will be required for different components of the system, depending upon site-specific conditions and system functions.

Delivery Reliability

- Deliver average demand under the condition of one unplanned outage concurrent with one planned outage of major facilities.
- Provide redundancy to enable maintenance on a schedule required for reliable water delivery.
- Provide system capacity to replenish local area reservoirs as needed to maintain reliable water deliveries.

Water Supply

- Accommodate a target delivery reduction during a design drought of 8.5 years that is time-phased and does not exceed 20% rationing in any one year of the design drought. During the first three years, the average reduction is anticipated at 3.3%. During the second three years, the average reduction is anticipated at 13.3%. (Six years is historically the longest drought experienced.) For the last 2.5 years of the design drought, the average reduction is anticipated at 20%.
- Increase long-term water supply for drought management through consideration of conservation, recycling, ground water storage, and transfers.
- Set forth long term supply options for evaluation and review to occur concurrent with implementation of projects required for seismic reliability, delivery reliability and meeting water quality requirements.

Wastewater Enterprise

The Wastewater Enterprise implements the following capital projects:

Infrastructure Improvements: Capital improvements on existing wastewater treatment plants, pumping stations and sewer outfall structures are prioritized upon operational and permit compliance needs as determined by operation and maintenance personnel. This type of project typically focuses on mechanical and electrical work and generally requires minimal excavation activities and truck traffic.

Flood Prevention Projects: Flood prevention projects target areas of the City where the potential for flooding can result in property damage or public health and safety concerns. These projects are based upon engineering evaluations and historical records of complaints. Often flood prevention projects are prioritized in low-lying areas such as the South of Market or the Mission/Excelsior districts that are particularly vulnerable to flooding.

Repair and Replacement Projects: These projects address sewer system structural inadequacies throughout San Francisco. They protect public safety by preventing sewer failures and street collapses. The SFPUC annually appropriates roughly $12 million per year for this effort. To asses repair and replacement needs, the Wastewater Enterprise Collection System Monitoring crews routinely conduct video inspections of the sewers, and the videos are reviewed so that sewers can be assigned ratings as follows:

- **Priority 1**: Sewers that have severely cracked and crushing sections that need to be replaced within two years.
- **Priority 2**: Sewers that have medium sized cracks in three or more pipe sections and need to be replaced within 3 years.
- **Priority 3**: Sewers that have many minor cracks that may eventually cause structural failure. These sewers are expected to last 3+ years but need to be replaced as soon as possible when the opportunity arises.
- **Priority 4**: No Action Needed

Ratings of the sewers are collected into a data base and evaluated with DPW's Street Paving Program schedule. The sewer work is further prioritized based on matching the Priority 1 and 2 rated sewers with those streets scheduled for paving work. This coordination of sewer and paving work is necessary to minimize the construction impact on neighborhoods, but it is also necessary because of San Francisco's 5-Year excavation moratorium after streets are paved. The sewer project schedule is then incorporated into DPW's City wide 5-Year Plan, which coordinates all work within the street by both City Departments and Utilities.

Power Enterprise

The Power Enterprise implements a variety of capital projects that follow its Long-Term Energy Plan goals, and policy directives of the Mayor and Board of Supervisors.

Protocols for decision-making and prioritizing projects specifically for streetlights include the following:

- **Priority 1:** High crime rate in areas due to poor lighting and near abandoned buildings and lots.
- **Priority 2:** Night time accidents due to unsafe street conditions such as sharp intersections, street curvature, grade, or other sidewalk structures.
- **Priority 3:** Age and condition of street light systems where cost of maintenance is excessively high, or where lamps, replacement parts, or fittings are no longer manufactured, or no longer allowed to be manufactured, or where old wiring/cabling is failing.

- **Priority 4:** High number of outages and complaints as reported by the general public.
- **Priority 5:** Capital projects managed by other City departments generating requirements for street lighting upgrades.
- **Priority 6:** Increased volume of vehicular and pedestrian street usage and/or non-conformance to roadway lighting IES (Illuminating Engineering Society) standards.
- **Priority 7:** Public or Board of Supervisor requests to increase lighting levels or modify design elements to address specific area or neighborhood characteristics.

Please feel free to contact us for further information or clarification.

Sincerely,

Ed Harrington
General Manager, San Francisco Public Utilities Commission

Environment/ENV/SFGOV
06/04/2009 04:21 PM

To Board of Supervisors/BOS/SFGOV@SFGOV
cc
bcc
Subject 2008 Precautionary Purchasing Report

Pursuant to Environment Code Section 203, please find attached the 2008 annual report on the Precautionary Purchasing Ordinance.

2008 Annual Report-SF Approved Products Purchased 052609 JC.pdf

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Department of the Environment
City and County of San Francisco
11 Grove Street (between Larkin & Hyde)
Tel: (415) 355-3700
Fax: (415) 554-6393
Hotline: (415) 554-4333
www.sfenvironment.org


~~~~~~

SF Environment
Our home. Our city. Our planet.

GAVIN NEWSOM
Mayor

JARED BLUMENFELD
Director

Annual Report
Implementation of San Francisco's
Precautionary Purchasing Ordinance - 2008
May 26, 2009

San Francisco Department of the Environment
Presented to the Commission on the Environment, City & County of San Francisco
Prepared by Chris Geiger, Ph.D., Toxics Reduction Program

I. Introduction

A. Executive Summary

The San Francisco Department of the Environment (SFE) and the Office of Contract Administration (OCA) have taken lead roles in implementing the City's Precautionary Purchasing Ordinance. Since the ordinance was passed in 2005, SFE has instituted environmentally preferable specifications for 27 product subcategories in 10 citywide commodities contracts. In terms of dollars spent, overall purchases of SF Approved Green Products increased by 54% in 2008 when compared with 2007. Specifically, purchases of green cleaning products increased by 556%; purchases of janitorial papers increased by 39%, purchases of recyclable/compostable foodware increased by 23%, and purchases of rechargeable batteries increased by 17%. Major accomplishments for 2008 include: The publication of the nation's first listing of low-mercury, long-life, energy-efficient lamps covering all major manufacturers; completion of the first SF Approved Green Products catalog, inclusion of environmental requirements in the citywide information technology (IT) store contract, the completion of two new SF Approved Product lists, a new contract award for energy-efficient electrical fixtures, active participation in national standards development for janitorial cleaning products, implementation of email marketing and survey software, and an experimental web site that serves as a clearing house of City staff reviews of green product effectiveness. Future activities include work on at least three new contract areas—carpets, paint, and compostable trash can liners—plus continued work on improving existing specifications and user buy-in.

B. Mandate

The Precautionary Purchasing Ordinance (SF Environment Code Chapter 2) establishes goals and procedures for environmentally preferable purchasing (green purchasing) by City departments. This ordinance was groundbreaking in its application of the Precautionary Principle (Environment Code, Chapter 1), and in its mandate that purchasers for the city may *only* buy commodities from "approved alternative product lists" for certain products.

The City & County of San Francisco did not begin its green purchasing efforts with the 2005 Ordinance. The Department of the Environment has been informally inserting environmental specifications into citywide term contracts for over ten years, especially related to recycled content of products. The 2005 Ordinance succeeded the Environmentally Preferable Purchasing Ordinance (passed in 1999), which established an ambitious, three-year pilot program in the City. The pilot program researched chemical products purchased by the City, prioritized the products based on potential environmental or health risks and sales volume, identified alternative products, and field tested the alternative products with City staff. It concluded that environmentally preferable products were available for 13 of the 14 product types identified, that 83% of preferable products tested met the majority of City staff performance requirements, and that a citywide green purchasing program was feasible.

The 2005 Ordinance mandates an annual review and report on its implementation not later than 24 months after the effective date of the ordinance (July 17, 2005), with annual reports thereafter in February. This report is submitted in fulfillment of that requirement.

Specifically, Section 203(g) requires:

(i) an evaluation of the progress in meeting the goals in Section 201;
(ii) the status and effectiveness of current efforts by City departments to implement this Chapter and additional specific actions, including legislation, needed to effectively implement this Chapter;
(iii) a summary of the annual reports submitted by City departments pursuant to section 205(b) and a list of waivers granted by the Purchaser during the previous period organized by department.
(iv) an update on the extent and efficacy of training programs for users and purchasers of Targeted Products;
(v) a workplan for the next reporting period with specific goals, actions and timelines necessary to implement this Chapter; and
(vi) The annual report required by this section shall include a recommendation by the Director, after consultation with City Departments and the public, on how to expand this Chapter to City contractors.

C. Report Scope

In its description of program activities, this report covers the calendar year 2008. Previous reports can be found on the SF Environment website: www.sfenvironment.org/sfapproved.

II. Activities and Accomplishments, 2008

SF Approved Products Lists and SF Approved Green Products Catalog: In 2008, the Green Purchasing Program altered its strategy regarding "approved alternative product lists," also known as the SF Approved Green Products lists. The program identified a strong need for information on appropriate environmental specifications for certain common products – some of which already have acceptable third-party ecolabels/certifications available. For example, there are Green Seal and Ecologo certifications available for outdoor paints and hard floor care products. Because the resources required to screen third-party ecolabels/certifications are minimal, the program instituted

the "SF Suggested" category of products/criteria, in addition to the "SF Approved" products which are mandatory for City departments. SF Suggested products meet SFE environmental and health standards, but have not necessarily met the City's requirements of effectiveness or affordability. The use of SF Suggested products is not mandatory, but city staff are encouraged to give SFE feedback on product performance. The draft version of the first-ever "SF Approved Green Products Catalog" was completed at the end of 2008, available at www.sfenvironment.org/sfapproved

The Green Purchasing Program now covers 27 product subcategories in 10 Citywide contracts. Out of the ten "targeted product categories" identified in 2006, SFE has developed specifications, SF Approved product lists, or SF Suggested listings for nine. The only category yet to be addressed is "grounds maintenance consumables," such as asphalt or playground surfaces. *See Table 1 for a summary.*

Four SFE Toxics Reduction and Zero Waste Program staff currently work on green purchasing-related activities on a regular basis. SFE staff from other programs are also consulted from time to time. The total SFE time commitment to green purchasing activities currently totals to approximately 2.5 staff positions, including the new green purchasing position at the Office of Contract Administration (OCA), which began duties at the end of 2008. For most of the calendar year 2008, the total staff positions allocated amounts to approximately 1.5 positions.

Increases in SF Approved Product sales: Total purchases of SF Approved Green Products increased by 54% over 2007 levels. *See Table 2 for details.*

Contract award for energy efficient lamp fixtures (part of the electrical materials contract). This is a new contract and specification with extensive implications for long-term energy savings. SFE worked in collaboration with SF PUC and OCA to develop the specifications.

Completion of specifications for new lamps and ballasts contract. SFE worked closely with SF PUC and OCA to update its specifications for lamps and lamp ballasts. The new specifications feature more stringent caps on mercury content and minimums for lamp life and energy efficiency. The request for bids had not yet been advertised as of this writing.

Computer/Information Technology (IT) Contract Development: In 2007 and 2008, SFE staff presented at multiple meetings of the Committee on Information Technology (COIT) and developed language for green IT purchasing, which was eventually adopted as citywide policy by COIT in January, 2008. In April, 2008, Mayor Gavin Newsom issued executive directive #08-01 requiring that all City desktop, laptop, and monitor purchases comply with the EPEAT-Silver level product declaration (EPEAT, or the "Electronic Product Environmental Assessment Tool," is a system of electronic product registration and spot auditing for environmental attributes, based on the IEEE 1680 standards). EPEAT-Silver was thus added to the SF Approved lists in April, 2008. SFE staff included criteria for product takeback, packaging takeback, and green purchasing outreach in the citywide IT Store request for proposals (RFP), and assisted in bid evaluation. The citywide IT Store contract was awarded at the end of 2008. Because of the rapid expansion of the EPEAT program, SFE continued work with OCA and the Dept. of Technology to further update the City's criteria, and to add criteria for non-blade type computer servers. COIT adopted these criteria on early 2009, making San Francisco the first City in the nation to require EPEAT-Gold, and also the first City in the nation to adopt Climate Savers Computing Initiative requirements for its servers.

Janitorial Products Trainings: Trainings of custodial staff are necessary not only to get the word out about the City's new products, but also to teach custodial staff what to expect from the new products, which sometimes require a modification of their practices. The trainings also emphasized methods for reducing the use of the more hazardous cleaning chemicals, for example, by refraining from using disinfectants as general purpose cleaners, or by using microfiber mops. Training programs on green cleaning products were begun in the Fall of 2007, with 11 trainings covering 262 City personnel in three major departments during calendar year 2007. In 2008, an addition 55 custodial staff were trained (many more have been trained in the early months of 2009). The loss of the chief trainer in the technical services contract delayed 2008 training efforts considerably.

Green Products Pilot Testing: "Approved" status products are generally are not added without positive data/reports on product performance. Because product performance has regularly been rated as the most important factor in purchasing decisions, the Green Purchasing Program began developing a web-based clearinghouse on green product performance. The web tool is intended primarily for City staff as an information sharing mechanism, and also serves as a repository of comments received during end-user group meetings. A pilot version of the tool was posted in late 2008; negotiations are underway with the (national) Responsible Purchasing Network to upgrade this into a searchable, password protected tool.

Custodial staff at City Hall and at San Francisco Unified School District have been particularly active in testing new products. Because of the high volume of use, disinfectants and hard floor care products are the highest priority product areas for pilot testing at this time. SFE has contributed consultant time and expertise to a collaborative project with the San Francisco Asthma Task Force at SF Unified School District. As part of this effort, consultants screened specific cleaning products proposed for use by SFUSD and assisted in a pilot project to test safer hard floor care systems and disinfectants.

Reporting of Product Sales: The purchasing system (ADPICS) currently used by the City is poorly adapted for tracking purchases of specific products or categories of products. However, requiring annual purchase reports from each City department would require an enormous amount of City staff time and was considered infeasible. In 2007, SFE staff determined that the most promising approach for tracking green product sales is through the use of vendor sales reports, which cover multiple departments' purchases. Strict contract language requiring detailed quarterly sales reports was therefore included with several of the newer contracts. SFE created computerized data reporting templates to make the reporting more efficient.

However, the collection of vendor sales data for the 2007 annual report also required extensive amounts of SFE staff time. For the 2008 data, an alternative approach was attempted: The new OCA green purchaser was charged with following up with vendors on sales reports, and SFE staff compiled the data. This approach is intended to make the best use of OCA's authority on contracting matters. The results were still inconsistent, however, with some key vendors not submitting any data at all. OCA is exploring ways to penalize these vendors in the future and/or reward vendors who satisfy the reporting requirements.

National Standards Development: San Francisco staff completed its participation in the development of the revised Green Seal GS-37 standard for institutional cleaning products in 2008. In addition, SFE contributes materials on an ongoing basis to the Responsible Purchasing Network

(RPN), a nonprofit organization dedicated to leveraging green purchasing resources (www.responsiblepurchasing.org). SFE is a founding member and steering committee member of the RPN.

Integration with Green Building Activities: In late 2008, the Green Purchasing Program began working with the SFE Green Building Program, Bureau of Building Repair and Dept. of Real Estate to assist in the green building certification process for the City property at 1 South Van Ness Ave. The City aims to obtain certification for the property under the LEED for Existing Buildings – Operations & Maintenance standard (LEED-EBOM). SFE intends to create materials, including janitorial services contract language, green cleaning policies and procedures, and integrated pest management procedures, that can serve as templates for other LEED-EBOM certifications.

Table 1. Summary of products currently addressed by the San Francisco Green Purchasing Program

Category	Sub-Category	Approved* (City Depts. are required to buy this product)	Suggested* (City Depts. are encouraged but not required to try this product)	Citywide Term Contract
Automotive Vehicles	**Alternative Fuel Vehicles**	Approved		On contract
Batteries: Household Type	**Rechargeable**	Approved		On contract
Copiers, Printers, Faxes, Scanners	**Multi Function Devices (MFDs)**	Approved		On contract
**Computer Equipment	**Desktops, Laptops, Monitors**	Approved		On contract
Foodware	**Aluminum**	Approved		On contract
Foodware	**Bags**	Approved		On contract
Foodware	**Clamshells**	Approved		On contract
Foodware	**Cold Cups**	Approved		On contract
Foodware	**Eating Utensils**	Approved		On contract
Foodware	**Food Wrapping And Misc.**	Approved		On contract
Foodware	**Hot Cups**	Approved		On contract
Foodware	**Paper Napkins And Towels**	Approved		On contract
Foodware	**Paper Plates And Containers**	Approved		On contract
Fuel	**Biodiesel**	Approved		On contract
Janitorial Cleaners	**Bathroom, Tub, Tile**	Approved		On contract
Janitorial Cleaners	**Bowl Cleaners (Non-Acid)**		Suggested	
Janitorial Cleaners	**Bowl Cleaners- Acid**		Suggested	
Janitorial Cleaners	**Carpet Cleaners**		Suggested	
Janitorial Cleaners	**Cleaner - Degreasers**	Approved		On contract
Janitorial Cleaners	**Disinfecting Cleaners**		Suggested	

Category	Sub-Category	Approved* (City Depts. are required to buy this product)	Suggested* (City Depts. are encouraged but not required to try this product)	Citywide Term Contract
Janitorial Cleaners	**General Purpose Cleaners**	Approved		On contract
Janitorial Cleaners	**Glass Cleaners**	Approved		On contract
Janitorial Papers	**Paper Towels**	Approved		On contract
Janitorial Papers	**Toilet Seat Covers**	Approved		On contract
Janitorial Papers	**Toilet Tissue**	Approved		On contract
Lighting	**Ballasts**	Approved		On contract
Lighting	**Bulbs, Tubes**	Approved		On contract
**Lighting	**Fixtures**	Approved		On contract
Office Papers	**Copier & Bond**	Approved		On contract
***Pest Management	**Pesticides (Least-Toxic)**	Approved		
***Toner Cartridges	**Remanufactured**		Suggested	
Wood	**Not Treated With Arsenic**	Approved		
TOTAL SUBCATEGORIES		**27**	**5**	**25**

*In SF Approved Green Product Catalog as of 12/31/08. Does not include the high number of products added in early 2009.
**Added in 2008
***Updated in 2008

III. Trends & Lessons Learned

1) In general, departments are increasing their purchases of green products substantially. However, incomplete sales data significantly hampers SFE's ability to track progress.
2) Vendor compliance with sales reporting requirements has been fair to poor. For example, the largest vendor of cleaning products, Santora Sales, only supplied data on SF Approved products sold, making calculation of percentage SF Approved products (the relevant performance measure) impossible to calculate. All other janitorial vendors provided complete data. In the previous report, purchases of green cleaning products increased from 1% to 59% of total purchases. For the lamps & ballasts, Omega Pacific had supplied complete sales data in 2007, but did not provide data for the 2008 report. The other vendor. Maltby Electric, provided no data in 2007 but was able to supply data for 2008. These inconsistencies make performance tracking very difficult.
3) Obtaining useable data from vendor sales reports requires a major investment in staff time. Reporting requirements need to be further simplified. A "data warehouse" arrangement may be explored as a way to improve compliance.
4) City staff expressed a need for information on green product performance, particular for chemical products such as cleaners and pesticides.
5) The greatest progress has been achieved in areas where SFE staff have worked closely with other departments to problem-solve, test new products, and remove obstacles.

6) Compliance with the SF Approved lists was higher with products that have lower brand loyalty, and for products where performance receives less attention, such as office papers. By contrast, janitorial cleaners and lamps were more difficult targets.

IV. Performance of City Departments

Because of incomplete data submissions, it was not possible to identify clear leaders among City departments for lamps or janitorial products, as we did in 2007. A percentage breakdown of SF Approved purchases is required for such an assessment.

It was possible to identify departments and individuals that are purchasing non-SF Approved products. These departments are being targeted for future outreach and training efforts.

V. Workplan for the Next Reporting Period

A. Computers

1) Collaborate with OCA, Dept. of Technology and IT Store vendors in developing a workable sales reporting system.
2) Work directly with IT Store vendors to develop and improve outreach and education on green computer products.
3) Monitor development of new Energy Star standards for computer servers.

B. Disposable Food Containers

SFE staff have been working closely with hospital staff to incorporate compostable foodware into their food systems. Composting is currently limited because non-compostable foodware is mixed with the waste stream. The ultimate objective is to allow composting of all food waste from the food services.

C. Food

1) SFE will work with OCA and SF DPH to include requirements of locally produced and/or organically certified products in the new citywide dairy contract.
2) SFE will continue to collaborate with the DPH and the Mayor's Office to finalize an executive order on sustainably produced, healthy foods.

D. Janitorial Cleaners

1) An alternatives analysis of disinfectants will be completed. New disinfectant products will be added to the SF Approved catalog.
2) Feedback on hard floor care systems will be summarized, and appropriate changes made to SF Approved catalog.
3) Outreach will be conduct on the above topics with end user groups.
4) Departments lagging behind on purchase of SF Approved cleaners will be specifically targeted for site visits and outreach.

E. Lamps

1) SFE will hold meetings with end-users and SF PUC to increase purchases of EPP lamps and other lighting equipment.
2) SFE will work with OCA to publish and evaluate the new lamps & ballasts contract
3) SFE will meet lamps vendors to ascertain better ways to ensure sales data submission

F. Paints

1) SFE will work with City painters to design pilot tests of SF Approved paint products

G. Carpet

1) SFE will review existing carpet standards/certifications and identify the best available, for inclusion in the SF Approved Lists.

Table 2. Summary of SF Approved Green Product Sales to San Francisco City Departments, 2008.

PRODUCT CATEGORY	PRODUCT SUB-CATEGORY	07 % SF Approved purchases (out of total purchases in category)	07 Total $ of SF Approved green purchases (out of total purchases in category)	08 Total ALL purchases in category ($)	08 % SF Approved purchases (out of total purchases in category)	08 Total SF Approved purchases ($)	% difference in SF APPROVED products purchased between 2007 & 2008	Notes
Computers	Desktops	Data incomplete	Data incomplete	Data incomplete	Data incomplete	Data incomplete	Data incomplete	Vendors on previous contract unwilling/unable to provide sales data. One vendor provided 06 data showing approx. 70% of computer purchases were EPEAT-Silver compliant. New IT Store vendors are required to report sales data in contract - work is underway to establish reporting system. EPEAT-Gold and Climate Savers purchasing criteria adopted early 2009.
	Laptops	Data incomplete	Data incomplete	Data incomplete	Data incomplete	Data incomplete	Data incomplete	
	Monitors	Data incomplete	Data incomplete	Data incomplete	Data incomplete	Data incomplete	Data incomplete	
	Servers - non-blade	Data incomplete	Data incomplete	Data incomplete	Data incomplete	Data incomplete	Data incomplete	
	TOTAL	Data incomplete	Data incomplete	Data incomplete	Data incomplete	Data incomplete	Data incomplete	
Foodware	Compostable	Data incomplete	$ 193,528.74	Data incomplete	Data incomplete	$ 219,265.08	Data incomplete	Data on non-recyclable/non-compostable purchases not available
	Recyclable	Data incomplete	$ 18,456.20	Data incomplete	Data incomplete	$ 42,048.22	Data incomplete	
	TOTAL		$ 211,884.94	Data incomplete	Data incomplete	$ 261,313.30	23%	
Janitorial Cleaners	Bathroom, Tub, Tile	0%	$0.00	Data incomplete	Data incomplete	$ 41,504.59	No sales in 2007	
	Degreasers	74%	$10,406.00	Data incomplete	Data incomplete	$ 26,967.00	159%	General degreasers, not specialized
	General Purpose Cleaners	29%	$1,718.50	Data incomplete	Data incomplete	$ 10,505.52	511%	
	Glass cleaners	0%	$0.00	Data incomplete	Data incomplete	$ 547.76	Data incomplete	Conflicting data on 07 sales: ADPICs showed SF Approved sales, vendor records showed no sales.
	TOTAL		$12,124.50	Data incomplete	Data incomplete	$ 79,524.87	556%	Major City vendor did not supply data on non-SF Approved sales
Janitorial Papers	Paper Towels	100%	$464,223.61	N/A	N/A	$ 623,761.76	34%	
	Toilet Seat Covers	100%	$85,766.97	N/A	N/A	$ 51,744.15	-40%	
	Toilet Tissue	58%	$115,982.19	N/A	N/A	$ 251,234.00	117%	
	TOTAL		$665,972.77	N/A	N/A	$ 926,739.91	39%	
Lighting (bulbs/ lamps, ballasts)	CFLS	63%	$3,657.60	Data incomplete	Data incomplete	Data incomplete	Data incomplete	Vendor that did not submit 08 report is responsible for most CFL sales.
	Lamps	31%	$152,753.80	$14,805 (1 vendor only)	78% (1 vendor only)	$ 11,503.29	Data incomplete	
	Ballasts	85%	$40,678.20	$3,852 (1 vendor only)	84% (1 vendor only)	$ 3,249.45	Data incomplete	

PRODUCT CATEGORY	PRODUCT SUB-CATEGORY	07 % SF Approved purchases (out of total purchases in category)	07 Total $ of SF Approved green purchases (out of total purchases in category)	08 Total ALL purchases in category ($)	08 % SF Approved purchases (out of total purchases in category)	08 Total SF Approved purchases ($)	% difference in SF APPROVED products purchased between 2007 & 2008	Notes
Multifunction Printers	Ricoh		307 units	N/A - leases	N/A - leases	382 units	24%	Combination printers/scanners/fax machines. Leased, not purchased.
	Xerox		357 units	N/A - leases	N/A - leases	374 units	5%	
	Konica Minolta		278 units	N/A - leases	N/A - leases	313 units	13%	
	TOTAL		**942 units**	N/A - leases	N/A - leases	**1069 units**	13%	
Office Paper (Copier & Bond)	30% PCW			$ 145,533.10	88%	$ 145,533.10	N/A	08 data was from City ADPICS system only; 07 data was directly from vendor sales reports. Major discrepency suggests misreporting in ADPICS data, so conclusions on trends could not be drawn. Mayor's Executive Directive 08-02 issued 3/4/08 requires 100% post-consumer waste (PCW) paper; term contract that includes 100% PCW awarded 11/08. Prior to that, 30% PCW was considered SF Approved. Does not include colored & specialty papers.
	50% PCW			$ 775.09	0%	$ 775.09	N/A	
	100% PCW			$ 18,703.48	11%	$ 18,703.48	N/A	
	TOTAL	**93%**	**$524,766.00**	**$ 165,011.67**	**100%**	**$ 165,011.67**	N/A	
Office Supplies	Batteries (rechargeables size AAA to D, 1.5-9 volt)	**42%**	**$8,596.57**	**$ 33,504.80**	**49%**	**$ 16,409.55**	**17%**	Office supplies contract includes blocks on purchases for many non-recycled content items, for which preferable alternatives exist. Sales report formats did not permit easy reporting on these items. Remanufactured toner cartridges were no longer listed as SF Approved in 2008 pending the development of better performance specifications.
	Recycled content file folders, notebooks, many other items	Data incomplete	Data incomplete	Data incomplete	Data incomplete	Data incomplete	Data incomplete	
TOTAL PRODUCTS (excludes copiers (MFDs)			**$950,804.01**			**$ 1,463,752.04**	**54%**	

Table 2.

sfpd.contracts@sbcglobal.net
06/08/2009 10:14 AM
Please respond to
sfpd.contracts@sbcglobal.net

To board.of.supervisors@sfgov.org
cc Jim Lynch <jim.lynch@sfgov.org>, Charles Keohane <charles.keohane@sfgov.org>, Jerry Tidwell <jerry.tidwell@sfgov.org>
bcc
Subject Sole Source Contracts Entered into in 2008

As requested, attached are the Sole Source contracts entered into by the SFPD during Fiscal Year 2008/09.

Shawn

Officer Shawn Wallace # 1104
SFPD, Legal Division.
415-553-1096

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SFPD Sole Source Contracts			
Term	**Vendor**	**Amount**	**Reason**
1-1-08 - 12-31-09	Dr. Lorie Fridell	$80,000.00	Expertise in Fair and impartial Policing
7-01-08 - 6-3-09	IDENTIX Inc.	$80,133.00	Proprietary Hardware& Software
7-01-08 - 6-30-09	Data Works Plus	$48,288.63	Proprietary Hardware & Software
12-1-08-5-31-2011	Thermo Electron Corp.	$36,994.00	Proprietary Software
03-01-07-6-30-12	Level II Corporation	$457,927.00	Proprietary Hardware & Software
7-01-08 - 6-30-2010	Pets Unlimited	$50,000.00	Only Vendor available 24/7
7-01-06-6-30-09	Qiagen Corporation	$13,260.00	Proprietary Hardware & Software
07-01-06-6-30-09	JEOL USA Inc.	$34,994.00	Only Authorized service provider in the United States.
07-01-06-6-30-09	Applied Biosystems	$118,290.00	Proprietary Hardware & Software
07-01-06-6-30-09	Oxford Instruments	$21,534.00	Proprietary Hardware & Software
7-01-08 - 6-30-2011	Millipore Corporation	$46,224.00	Proprietary Software
07-01-06-6-30-09	Psychemedics Corporation	$90,000.00	Only FDA approved vendor in the United States
4-01-09 - 3-31-2010	JSI Telecom	$30,225.00	Proprietary Software

Rachel Buerkle/ENV/SFGOV
06/08/2009 02:04 PM

To board.of.supervisors@sfgov.org
cc David Assmann/ENV/SFGOV@SFGOV, Joseph Salem/ENV/SFGOV@SFGOV
bcc
Subject Department of Environment Sole Source Contracting Report FY08/09

Attached is the Sole Source Contracting Report of the Department of the Environment. Please let me know if there is any problem.

Rachel C. Buerkle
SF Environment
(415)355-3704
rachel.buerkle@sfgov.org

ENV Sole Source Report FY08-09.xls

Department of the Environment - Sole Source Contracts FY08/09

Term	Vendor	Amount	Reason
07/01/05 to 07/01/09	Brownie's Hardware	$6,000	Program open to all SF hardware stores: collection site for household hazardous waste
07/01/05 to 07/01/09	Cliff's Variety	$6,000	Program open to all SF hardware stores: collection site for household hazardous waste
07/01/05 to 07/01/09	Cole Hardware	$24,000	Program open to all SF hardware stores: collection site for household hazardous waste
07/01/05 to 07/01/09	Lakeside Hardware	$6,000	Program open to all SF hardware stores: collection site for household hazardous waste
08/08/08 to 06/30/09	Last's Paint	$3,000	Program open to all SF hardware stores: collection site for household hazardous waste
04/29/08 to 6/30/09	Roberts Hardware	$2,500	Program open to all SF hardware stores: collection site for household hazardous waste
08/01/08 to 07/31/13	SF Recycling & Disposal	N/A (paid through refuse collection and disposal rates)	Household Hazardous Waste Facility Operation - operates on contractor's premises

Board of Supervisors/BOS/SFGOV
06/03/2009 10:06 AM

To BOS Constituent Mail Distribution,
cc
bcc
Subject Fw: Mayoral Nominees to the San Francisco Historic Preservation Commission

Cynthia Servetnick <cynthia.m>
06/01/2009 09:18 PM

To "gavin.newsom" <gavin.newsom@sfgov.org>
cc Board.of.Supervisors@sfgov.org, Linda Avery <linda.avery@sfgov.org>, michael.cohen@sfgov.org, rich.hillis@sfgov.org, "marlena.byrne" <marlena.byrne@sfgov.org>, "john.rahaim" <john.rahaim@sfgov.org>, Tina Tam <tina.tam@sfgov.org>, "Donaldson, Milford" <mwdonaldson@parks.ca.gov>, Anthea_Hartig <Anthea_Hartig@nthp.org>, Cindy Heitzman <cheitzman@californiapreservation.org>, "Jack A. Gold" <jgold@sfheritage.org>, Vincent Marsh <vincent.marsh@gmail.com>, Stewart Morton <mr.stewartmorton@gmail.com>, jmbuckley9@comcast.net, Robert Cherny <cherny@sfsu.edu>, Johanna@streetarchitect.com, "Wolfram, Andrew" <andrew.wolfram@perkinswill.com>
Subject Mayoral Nominees to the San Francisco Historic Preservation Commission

THE SAN FRANCISCO PRESERVATION CONSORTIUM
845 Sutter Street, No. 512
San Francisco, California 94109

June 1, 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 historic preservation 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 (HPC) meet or exceed the attached qualifications required by Proposition J.

As you are aware, the Consortium in its January 20, 2009 letter to you recommended Robert Cherny, Ph.D. be nominated to Seat 4 - Historian, and Johanna Street, AIA be nominated to Seat 2 - Historic Architect. Your office advised us to seek out and support women and minority candidates in the interest of promoting diversity. Johanna Street

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meets this qualification. While we continue to support these exemplary candidates, you did not nominate them to the HPC.

In the interest of advancing a complete roster for this new and critically important commission, we met with your nominees for Seats 2 and 4 - Andrew Wolfram, AIA, LEED® AP and James M. Buckley, Ph.D. - on Saturday, May 30, 2009. We interviewed the candidates, reviewed their attached resumes and statements of qualifications, discussed key issues, and conducted a vote of our members. We are pleased to recommend both candidates as well-qualified to serve on the HPC in the seats to which they have been nominated.

Again, we appreciate your seeking our counsel regarding your nominees to the HPC. We look forward to seeing the full Commission seated within the next few weeks.

Sincerely yours,

Stewart Morton, Treasurer and May Meeting Chair
San Francisco Preservation Consortium

Attachments: San Francisco Preservation Consortium Letter to Mayor Newsom, January 20, 2009
Excerpt on Historic Preservation Commission Qualifications from Prop. J
San Francisco Preservation Consortium Mission Statement
Andrew Wolfram, AIA, LEED® AP, Resume and Statement of Qualifications for Seat 2
James M. Buckley, Ph.D., Resume and Statement of Qualifications for Seat 4

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
Rich Hillis, Mayor's Office of Economic and Workforce Development
Marlena Byrne, Deputy City Attorney
John Rahaim, Director, San Francisco Planning Department
Tina Tam, 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
James M. Buckley, Ph.D., President, Citizens Housing Corporation
Robert Cherny, Ph.D., Professor of History, San Francisco State University
Johanna Street, AIA, Architect
Andrew Wolfram, AIA, LEED® AP, Senior Associate, Perkins + Will


SFPC - Newsom Letter 6-1-09.pdf


J Buckley - CV.pdf


J Buckley - SF Hist Pres Comm Statement.pdf


AndrewWolfram_Resume_May_2009.pdf


Wolfram_HPC Qualifications Statement.pdf

c page
C. Alistar, Rana

SAN FRANCISCO PUBLIC UTILITIES COMMISSION

1155 Market St., 11th Floor, San Francisco, CA 94103 • Tel. (415) 554-3155 • Fax (415) 554-3161 • TTY (415) 554.3488

WATER
WASTEWATER
POWER

TO: Angela Calvillo, Clerk of the Board

FROM: Ed Harrington, General Manager

CC: Supervisor Alioto-Pier

DATE: June 5, 2009

REFERENCE: 20090505-003

RE: Francisco Reservoir

Inquiry: Supervisor Alioto-Pier requested information from the SFPUC "regarding the costs of removing the Francisco Reservoir so that it can be developed into a public recreation site, including any information on environmental concerns and possible toxins at the site."

Response:
Francisco Reservoir, 2445 Hyde Street, is located on Assessor's Block 0047, Lot 001 in a P (Public) zoning district and an OS (Open Space) height and bulk district. The Reservoir occupies the northern two-thirds of the block bounded by Francisco Street, Hyde Street, Chestnut Street and Larkin Street. The lot encompasses 121,375 square feet. Francisco Reservoir was constructed in 1861 according to the SFPUC "Data Book" and is currently out of service. Staff has consulted the San Francisco Planning Department and the Northwest Information Center at Sonoma State University databases of historic and architecturally significant structures and the property is not identified as either historically or architecturally significant or identified on any official listing (designated City landmark or within a designated historic district).

Environmental History:
SFPUC Staff consulted the State of California Water Resources Control Board (Geotracker) and Department of Toxic Substances Control databases and determined that the subject property was not identified either as a closed or active contaminated or remediation site. During the replacement and reconstruction of Lombard Reservoir, uphill from Francisco Reservoir, both Francisco and Lombard reservoirs were evaluated to serve the northeast quadrant of the City. It was determined that because of its lower elevation, Francisco Reservoir would not provide the necessary pressure to serve water to the higher elevation properties in the service area. As a result, no soil testing for hazardous materials was conducted nor is there a Phase 1 hazardous materials survey report for Francisco Reservoir.

CEQA Compliance:
Should the SFPUC declare the Francisco Reservoir site surplus property or choose to transfer the property for use as an open space public park, the transfer and change of

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use would likely be exempt from CEQA under Class 12, Section 15312 (Surplus Government Property Sales) or Class 16, Section 15316 (Transfer of Ownership of Land in Order to Create Parks). If, however, the property were declared surplus and sold for development, the property would require a rezoning map amendment to change the zoning from P (Public) to another zoning designation, such as RH-1 (House, One-Family) or RM-3 (Residential, Mixed: Medium Density), likely triggering CEQA and preparation of an environmental impact report (EIR).

Costs:
In 2006 the SFPUC conducted preliminary analyses of the costs associated with developing the Francisco Reservoir site for residential use. The analyses included a $10 million dollar allowance for reservoir demolition, site work, and creation of a park on the upper and lower portions of the parcel. While these cost figures were very preliminary, they do offer some sense of potential development costs. It should be noted that this figure did not anticipate Recreation and Park use in the middle section of the parcel, rather residential, and therefore park development costs could be substantially higher. The site terrain has very steep slopes and major retaining wall work would most likely be required. The exact costs to perform such work are as yet unknown. The SFPUC is currently gathering additional information on the site.

Please feel free to contact us for further information or clarification.

Sincerely,

Ed Harrington
General Manager, San Francisco Public Utilities Commission

Maitri

C-page
Land Use - L Law
City Ops - Victor

RESIDENTIAL CARE FOR PEOPLE LIVING WITH AIDS

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

San Francisco Planning Commission
1660 Mission Street, First Floor
San Francisco, CA 94103-2479

San Francisco Health Commission
101 Grove Street
San Francisco, CA 94102

Dear Supervisors and Commissioners:

It is with great pleasure that I write this letter of support of California Pacific Medical Center's institutional master plan. Maitri is residential care to men and women in need of hospice or 24-hour care and cultivates the deepest respect and love for life among its residents and caregivers.

California Pacific has been a long-standing supporter of Maitri through grants and sponsorship. Excellent care delivered in a compassionate environment is our shared vision for our community. While we are grateful for the medical center's support of our program to support end of life care for individuals with AIDS we also believe that California Pacific plays an important role in San Francisco's health care infrastructure.

California Pacific has committed to investing more than $2.5 billion in our city's health care infrastructure through the revitalization and rebuild of St. Luke's and a sub-specialty care on Van Ness at Geary, as well as a world class Neurosciences Institute at the Davies Campus.

At a time when there is such great need in our City we feel it's important to look beyond the needs of individual organizations and work for the greater good of the whole community. California Pacific is vital to our city's health care delivery and overall economy, and its long range plan will upgrade our city's health facilities to ensure that all San Franciscans have access to the best possible medical care.

Sincerely,

Timothy Patriarca
Executive Director

16

401 DUBOCE AVENUE SAN FRANCISCO, CA 94117-3551 PHONE 415/558-3000 FAX 415/558-3010

Francisco Da Costa

06/08/2009 07:36 AM

To Karen Henry <Henry.Karen@epamail.epa.gov>, Dana Barton <barton.dana@epa.gov>, Clancy Tenley <Tenley.Clancy@epamail.epa.gov>, Mark Ripperda

cc

bcc

Subject Does the local EPA have a plan of action?

It has been sometime now and we have heard about no real plan of action from the Environmental Protection Agency.

We have Lisa Jackson in the cockpit but she too seems to be polishing her finger nails for too long. In the meantime Lennar continues their operations - and in doing so adversely impacts the community at large.

In recent months we have had many Asbestos Structure exceedances. After these exceedances there have been no work stoppage. The Bay Area Air Quality Management District and the local Environmental Protection Agency have been asleep, more in a trance - acting like zombies.

If the constituents were White - there would have been a hue and cry. You folks seem to be afraid of the politicians - scum bags like Nancy Pelosi, Diane Feinstein, Gavin Newsom, and a few others that I am privy about.

It is a shame that Lisa Jackson has taken so long to act on this issue pertaining to Parcel A and the Hunters Point Naval Shipyard issue. The U.S. Navy polluted the Shipyard and first tested Depleted Uranium years ago. There are over 2 million tons of toxic dirt most of it Radiological in nature that should be removed - now.

The U.S. Navy has disbanded the Restoration Advisory Board and now is aiming to cap the entire Shipyard. All this while the lead Regulatory Agency - the EPA is fast asleep and snoring for years in the cockpit.

If with intent and knowing what is happening those that can put restrictions fail to do so - someone has BLOOD on their hands. Some of you do not have the guts to the right thing - always coming up with drab excuses. Some one

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should call Lisa Jackson and tell her what exactly is happening.

In the meantime scumbags like Gavin Newsom have access to Lisa Jackson - convincing her that all is well. While folks at the Regional level are pussyfooting
around doing nothing at all. Shame on you all.

It has been years since we have provided you all with all the information. Met with
you all and wasted our precious time. Tried to be patient but it seems pussyfooting
in part of your Standard Operating Procedures.

We are in the process of exposing you all in the media. Enough is enough. We now have to do what really matters to you - expose you all for your lack of having
a moral compass and more looking the other way while under political pressure.

Get on the ball and do something. How in the world can some of you sleep at night
knowing well - that our Elders and Children are dying.

Francisco Da Costa
Director
Environmental Justice Advocacy

aevans
06/02/2009 04:57 PM

To board.of.supervisors@sfgov.org
cc
bcc
Subject Supes Tackle Fraud & Crimes Against Women

Dear Friends and Neighbors,

Prosecutions for fraud are languishing in SF, but the picture is more hopeful in dealing with crimes against women.

These conclusions emerged from a meeting of the supes' Public Safety Committee on Monday. (I attended the first part of the meeting in person and watched a video of the second.)

Bevan Dufty brought the fraud issue to the committee after receiving complaints from constituents of long-languishing cases. Dufty discovered that it takes at least a year after someone makes an accusation of fraud for the police even to start an investigation.

Dufty asked Lt. Jones Wong, head of the fraud unit, what the problem was. Wong replied that there are now only six inspectors assigned to the unit, compared to 19 for 1990. His staff is overwhelmed by the 5,000 to 6,000 cases of fraud charges that are made each year.

However, as Ross Mirkarimi noted, the police department as a whole now has a fully mandated complement of personnel for the first time in years.

Wong said he had asked Chief Heather Fong for more inspectors, but so far she has not responded. She did not appear at today's hearing to justify her policy. This problem, like many others that now plague the department, will not likely improve until there is a new chief.

When the20committee reconvened after a recess, Michela Alioto-Pier raised the issue of crimes against women. According to Assistant D.A. Russell Giuntini, 154 cases of sexual assault came to the D.A. in 2007, and 167 in 2008.

The great majority were assaults of men against women. The D.A. had a 93% success rate in these prosecutions.

Alioto-Pier asked about a claim made by the police that 2009 has so far witnessed a 14% increase in rapes. Giuntini disputed the claim, saying the increase was only 7%.

Despite the increase, Giuntini said progress was being made through the practice of "DNA cold hits." This is a new program that permits prosecutors to sort through existing DNA data banks looking for matches for suspects. It's especially useful for tracking down culprits who commit both rape and murder at the same time, the victims of which are usually women.

Capt. John Ehrlich of the police's Family Services Division testified that there has been a 10%

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reduction so far this year in reports of domestic violence, most of the victims of which are women. He also noted that in 65% of rape cases, the rapists are personally known to the victim.

This hearing on crimes against women was valuable because it helped draw attention to the role of gender in violent crimes. In every society and in every historical period, men have been the parties most responsible for committing violent crimes.

If there ever existed the elusively sought "root cause of crime," men are it. Yet there remains a taboo in the media and elsewhere on mentioning this fact.

How come?

Yours for rationality in government,

Arthur Evans

* * * * *

Glenn Eagleson/MAYOR/SFGOV
06/02/2009 05:14 PM

To Board of Supervisors/BOS/SFGOV@SFGOV
cc
bcc
Subject Summer Youth Employment Program Applications are now available

Dear Supervisor,

Please see the attached application for the Summer Youth Employment Program (SYEP) being funded with Workforce Investment Act (WIA) funds provided through the American Recovery and Reinvestment Act. Applications will be accepted June 1st through June 19th. Youth ages 16-24 may apply for the program at different Access Points in the City on the days and times listed on the SYEP Application.

Please note: All youth who apply may not be eligible or accepted into SYEP given the strict federal requirements and anticipated demand for this program. In order to be eligible for SYEP a youth must be eligible for WIA (Workforce Investment Act) Services. This includes meeting a low-income requirement (such as receiving public assistance or earning no more than $13,617 for a family of four in a six month period) and having an "additional barrier" as defined by WIA, among other criteria.

Youth may download the application at **http://syepsf.com/PDF/APP_SYEPSF.pdf.** For more information on SYEP eligibility, work site certification and other helpful tools please visit www.syepsf.com.

Worksite Recruitment
We are also actively recruiting worksites for this program and are looking for non-profit, public and private sector worksites that would provide a quality experience for youth. The SYEP subsidizes all of the wages for youth in the program. For more information on becoming a worksite, please visit: http://syepsf.com/employers#S2

Feel free to forward this announcement. Please contact me if you have any questions.

Thank you.

SYEP Youth Application.pdf

Glenn Eagleson
Director of Policy & Planning
Office of Economic and Workforce Development

19

50 Van Ness Avenue
San Francisco, CA 94102

(415) 581-2315
glenn.eagleson@sfgov.org
www.oewd.org

Board of Supervisors/BOS/SFGOV
06/01/2009 02:47 PM

To Lolita Espinosa/BOS/SFGOV, Alistair Gibson/BOS/SFGOV, Rana Calonsag/BOS/SFGOV,
cc
bcc
Subject Fw: BOARD OF SUPERVISORS INQUIRY # 20090414-007

"Vaing, Jonathan" <Jonathan.Vaing@sfdpw.org>
05/30/2009 04:39 PM

To Board of Supervisors <Board.of.Supervisors@sfgov.org>
cc "Black, Sue" <SBlack@sfwater.org>, Board of Supervisors <Board.of.Supervisors@sfgov.org>, "Brown, Vallie" <Vallie.Brown@sfgov.org>, "Galbreath, Rick" <Rick.Galbreath@sfgov.org>, "Galli, Phil" <Phil.Galli@sfdpw.org>, "Hines, Timothy" <Timothy.Hines@sfdpw.org>, "Lee, Frank W" <Frank.W.Lee@sfdpw.org>, "Nuru, Mohammed" <Mohammed.Nuru@sfdpw.org>, "Pollock, Jeremy" <Jeremy.Pollock@sfgov.org>, "Reiskin, Ed" <Ed.Reiskin@sfdpw.org>, "Rodis, Nathan" <Nathan.Rodis@sfdpw.org>, "Stringer, Larry" <Larry.Stringer@sfdpw.org>
Subject RE: BOARD OF SUPERVISORS INQUIRY # 20090414-007

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

Metal Poles:	
In front of 1260 Haight	SR# 923661 (Abated 4-23-09)
In front of 937 Haight	SR# 923663 (Abated 4-23-09)
Northwest corner Divisadero and Haight	SR# 923664 (Abated 4-23-09)
Southeast corner Pierce and Haight	SR# 923665 (Abated 4-23-09)
Southeast corner Potomac and Haight	SR# 923667 (Abated 4-23-09)
Wood Pole:	
Southwest corner Page and Shrader	SR# 923668 (Abated 4-23-09)
Southeast corner Frederick and Shrader	SR# 923669 (Abated 4-23-09)

Jonathan C. Vaing
SF-DPW Graffiti Unit
Operation Act. Supervisor II
Office: 415-695-2181
Fax: 415-641-2640
Jonathan.Vaing@sfdpw.org

-----Original Message-----
From: Rodis, Nathan
Sent: Friday, April 17, 2009 11:17 AM
To: Vaing, Jonathan
Cc: Nuru, Mohammed; Stringer, Larry
Subject: FW: BOARD OF SUPERVISORS INQUIRY # 20090414-007

20

Jonathan,

Please respond directly to the Board of Supervisors and copy Supe. Mirkarimi. Please use the reference number in your reply title, and copy Frank W. Lee and myself because we are tracking these requests.

Thank you!

Nathan Rodis
Assistant to the Director's Office
Department of Public Works
1 Dr. Carlton B. Goodlett Place
City Hall, Room 348
San Francisco, CA 94102
Ph: (415) 554-6920 Fax: (415) 554-6944

-----Original Message-----
From: Board of Supervisors
Sent: Thursday, April 16, 2009 4:21 PM
To: Reiskin, Ed
Subject: BOARD OF SUPERVISORS INQUIRY

BOARD OF SUPERVISORS INQUIRY
For any questions, call the sponsoring supervisor

TO: Edward Reiskin
Public Works

FROM: Clerk of the Board
DATE: 4/16/2009
REFERENCE: 20090414-007
FILE NO.

Due Date: 5/16/2009

This is an inquiry from a member of the Board of Supervisors made at the Board meeting on 4/14/2009.

Supervisor Mirkarimi requests the following information:

Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Poles
In front of 1260 Haight
In front of 937 Haight
Northwest corner Divisadero and Haight
Southeast corner Pierce and Haight
Southeast corner Potomac and Haight

Wood Pole
Southwest corner Page and Shrader
Southeast corner Frederick and Shrader

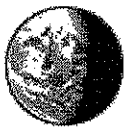
Please indicate the reference number shown above in your response, direct

the original via email to Board.of.Supervisors@sfgov.org and send a copy to the Supervisor(s) noted above.

Your response to this inquiry is requested by 5/16/2009 .

Board of Supervisors/BOS/SFGOV
06/01/2009 02:46 PM

To Rana Calonsag/BOS/SFGOV, Alistair Gibson/BOS/SFGOV, Lolita Espinosa/BOS/SFGOV,
cc
bcc
Subject Fw: BOARD OF SUPERVISORS INQUIRY # 20090428-004



"Vaing, Jonathan" <Jonathan.Vaing@sfdpw.org>
05/30/2009 04:51 PM

To Board of Supervisors <Board.of.Supervisors@sfgov.org>
cc "Black, Sue" <SBlack@sfwater.org>, "Brown, Vallie" <Vallie.Brown@sfgov.org>, "Galbreath, Rick" <Rick.Galbreath@sfgov.org>, "Galli, Phil" <Phil.Galli@sfdpw.org>, "Hines, Timothy" <Timothy.Hines@sfdpw.org>, "Lee, Frank W" <Frank.W.Lee@sfdpw.org>, "Nuru, Mohammed" <Mohammed.Nuru@sfdpw.org>, "Pollock, Jeremy" <Jeremy.Pollock@sfgov.org>, "Reiskin, Ed" <Ed.Reiskin@sfdpw.org>, "Rodis, Nathan" <Nathan.Rodis@sfdpw.org>, "Stringer, Larry" <Larry.Stringer@sfdpw.org>
Subject RE: BOARD OF SUPERVISORS INQUIRY # 20090428-004

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

Garbage Can:	
Northwest corner Grove & Fillmore	SR# 923672 (Abated 5-5-09)
Southwest corner Buena Vista West and Haight	SR# 923674 (Abated 5-5-09)
Mailboxes	
In front of 560 Haight	SR# 923675 (Abated 5-5-09)
Southeast corner Cole and Haight	SR# 923677 (Abated 5-5-09)

Jonathan C. Vaing
SF-DPW Graffiti Unit
Operation Act. Supervisor II
Office: 415-695-2181
Fax: 415-641-2640
Jonathan.Vaing@sfdpw.org

-----Original Message-----
From: Rodis, Nathan
Sent: Monday, May 04, 2009 12:05 PM
To: Vaing, Jonathan
Cc: Nuru, Mohammed; Stringer, Larry
Subject: FW: BOARD OF SUPERVISORS INQUIRY # 20090428-004

Jonathan,

21

Please respond directly to the Board of Supervisors and copy Supe. Mirkarimi. Please use the reference number in your reply title, and copy Frank W. Lee and myself because we are tracking these requests.

Thank you!

Nathan Rodis
Assistant to the Director's Office
Department of Public Works
1 Dr. Carlton B. Goodlett Place
City Hall, Room 348
San Francisco, CA 94102
Ph: (415) 554-6920 Fax: (415) 554-6944

-----Original Message-----
From: Board of Supervisors
Sent: Friday, May 01, 2009 9:33 AM
To: Reiskin, Ed
Subject: BOARD OF SUPERVISORS INQUIRY

BOARD OF SUPERVISORS INQUIRY
For any questions, call the sponsoring supervisor

TO: Edward Reiskin
Public Works

FROM: Clerk of the Board
DATE: 5/1/2009
REFERENCE: 20090428-004
FILE NO.

Due Date: 5/31/2009

This is an inquiry from a member of the Board of Supervisors made at the Board meeting on 4/28/2009.

Supervisor Mirkarimi requests the following information:

Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Can
Northwest corner Grove & Fillmore
Southwest corner Buena Vista West and Haight

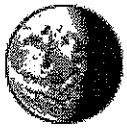
Mailboxes
In front of 560 Haight
Southeast corner Cole and Haight

Please indicate the reference number shown above in your response, direct the original via email to Board.of.Supervisors@sfgov.org and send a copy to the Supervisor(s) noted above.

Your response to this inquiry is requested by 5/31/2009

Board of Supervisors/BOS/SFGOV
06/04/2009 02:04 PM

To BOS Constituent Mail Distribution,
cc
bcc
Subject Fw: Parking Issues



"Robert/Marlene Ovanin/Enderlei" <robmar
06/04/2009 08:18 AM
Please respond to "Robert/Marlene Ovanin/Enderlei"

To <Board.of.Supervisors@sfgov.org>
cc "Nilka Julio" <Nilka.Julio@sfgov.org>
Subject Parking Issues

To the Board of Supervisors:

I have recently been advised that the Abandoned Vehicle Code has been changed to allow vehicles parked on unrestricted streets to remain unmoved for seven days. The regulation had previously been seventy-two hours. I urge you to reconsider this change and retain the seventy-two hour rule.

I live in such an unrestricted area (Chaves Avenue, 94127). Frequently, vehicles (with area permit stickers from other neighborhoods) will park on our street. They then take public transportation to SFO and depart on holiday. This deprives The City of parking revenue at SFO. It also deprives local residents of the few legal places to park near their homes. Some families with adult children living at home have as many as four vehicles and no garage space for even one vehicle.

Some neighbors have reported to me that they invite friends from parking restricted areas of The City to follow this practice.

This becomes a safety issue when parents with young children must park on the opposite side of the street from their home. The children will often run across the street and risk being struck.

There have been efforts to change our area to a 'permit area' but the subject quickly became volatile and was abandoned.

Please reinstate the seventy-two hour parking rule in San Francisco.

R.J. Ovanin

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File # 090467

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 JUN -4 AM 11:22
BY

c page

STAMP SERVICES

UNITED STATES POSTAL SERVICE

June 2, 2009

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

Dear Board Members:

Thank you for your May 19 letter and Resolution 157-09 to the Citizens' Stamp Advisory Committee expressing support for the issuance of a commemorative stamp honoring Harvey Milk.

I am pleased to inform you this proposal will be submitted for review and consideration before the Committee. The Committee is responsible for reviewing stamp proposals and making subject and design recommendations to the Postmaster General.

As additional information, the Committee decides on new stamp subject recommendations far in advance of the issue date in order to provide time for planning, design, production, and distribution. Currently, the 2010 and 2011 stamp programs are completed, and stamp subjects for the 2012 program and subsequent years are being selected. Although many of the subjects for upcoming new stamps have been identified, no public announcement of individual new stamps is made until the entire stamp program for that year has been approved. This occurs in the fall preceding the year of issuance. Enclosed for your reference is the *Creating U.S. Postage Stamps* brochure.

We appreciate your interest in our stamp program.

Sincerely,

Terrence W. McCaffrey
Manager
Stamp Development

Enclosure

1735 N LYNN ST, SUITE 5013
ARLINGTON, VA 22209-6432
WWW.USPS.COM

23

Board of Supervisors/BOS/SFGOV
06/02/2009 04:48 PM

To BOS Constituent Mail Distribution,
cc
bcc
Subject Fw: Here is a letter that was sent to Chief Fong

Louishagler
06/02/2009 11:21 AM

To board.of.supervisors@sfgov.org
cc
Subject Here is a letter that was sent to Chief Fong

Louis Hagler MD

Oakland, CA 94619

June 2, 2009

Chief Heather J. Fong
San Francisco Police Department
850 Bryant Street
San Francisco, C 94103

Dear Chief Fong:

I am a retired physician with an interest in the adverse medical and social effects of noise pollution. I have written both in the medical and lay literature on this important subject. As I and others have noted, among its many adverse effects, noise produces startle and defense reactions, damages hearing, disturbs communication, disrupts sleep, impairs cardiovascular function, interferes with teaching and learning, reduces productivity, harms relationships and families, provokes unwanted behaviors, and increases accidents. It is a major source of recurring and often unrecognized stress that degrades the quality of life and adversely affects health. [1] [2]

I am a former resident of the City and now a frequent visitor. I applaud the plan to begin to ticket noisy motorcycles in targeted areas of San Francisco. However, I find the plan as described in the media to be shortsighted and inappropriate. Let me explain why.

The first problem with the plan is that it is limited to certain neighborhoods. The SFPD monitors parking in the City 7 days a week in many places, not just in North Beach and Fisherman's Wharf. Other infractions are also monitored and cited without respect to time of day or location. Why are those who violate existing noise ordinances given a

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free pass, except in certain locations? I suggest that no one has died as a result of a parking meter violation. According to the World Health Organization, 3% of all fatal heart attacks in the European Union are noise induced. I would further suggest that the figures, if they were to be obtained, would not be different in the United States, or in San Francisco. If this is the case, going after noise polluters should have a much higher priority than it currently does; they should be targeted relentlessly by the police throughout the city day and night.

The second problem with the plan is that it is subjective in nature. It depends on an officer's interpretation of what is "too noisy." This subjective appraisal will differ from one officer to another and from one day to another. I suggest that it is fundamentally unfair and would not withstand a challenge in court. There is a better way, using existing federal standards that would withstand any challenge. Years ago, the EPA enacted legislation (which remains on the books) to limit the noise of motorcycle exhaust systems. It required that the exhaust system carry an embossed label, indicating the system was in compliance. Instead of relying on a subjective assessment, all your officers need to do is look at the muffler system. If it has an EPA label, it is legal. If it does not, it violates a federal law.

Where motorcycle mufflers are found to be in violation, I would urge that the operator be given a fine of at least $100.00 (to indicate the City is serious) and given 7 days to replace the illegal muffler with one that is EPA compliant. Failure to do so should result in an addition fine of $100.00 each week until the cycle is brought into compliance. I would recommend that a second offense would result in impoundment of the motorcycle for 30 days. This should reduce recidivism.

For your convenience, I have provided information about the EPA match up program on a separate sheet.

I will be glad to provide additional information about these matters to you or members of your staff.

Sincerely,

Louis Hagler, MD

---

[1] Goines, L., Hagler, L. Noise Pollution: A Modern Plague. *Southern Med J* . 100: 287-294, 2007.
[2] Berglund, B., Lindvall, T. (eds.) Community Noise. *Archives for the Center for Sensory Research* . 2 : 1-195, 1995.
Available at: http://www.who.int/docstore/peh/noise/guidelines2.html

Copy to: gavin.newsom@sfgov.org
board.of.supervisors@sfgov.org

EPA Label Match-Up Program

Federal laws (Title 40, section 205, subparts D [motorcycles] and E [motorcycle exhaust systems]) that regulate the manufacturing of motorcycles and motorcycle mufflers provide an enforcement tool designed to be adopted by states and local governments. This tool is called the EPA Label Match-Up Program that cities such as Denver and New York, among others, have adopted or are considering adopting, and which requires that motorcycles use EPA labeled mufflers. NYC allows parking enforcement personnel to write tickets starting at $500 for improperly labeled motorcycle mufflers.

According to EPA regulations established in 1980 to control noise pollution from motorcycles, all motorcycles manufactured after 1982 must come from the factory with mufflers bearing an EPA stamp. This stamp must also be present on all motorcycle mufflers sold in the United States for street use. A police officer needs only to simply examine the muffler on a loud motorcycle to see if such a stamp is visible on the motorcycle muffler. Cities are using laws based on the EPA Label Match-Up Program to curb the widespread noise pollution caused by motorcycles with illegal exhaust systems. Motorcycles and aftermarket exhaust systems that are not labeled or improperly labeled are subject to a product recall per federal law.

The EPA Label Match-Up Program eliminates all ambiguity as to what is or isn't a suitable motorcycle muffler. It greatly lightens the burden on police, who normally would have to place a subjective value like "excessive" or "unusual" on motorcycle exhaust noise, by instead just requiring a simple visual check for the correct muffler label and model specific code. Enforcement is this easy. No sound level meters or special skills are required.

No Label or Incorrect Label = ILLEGAL Correct Label Present on Muffler = LEGAL

The label on the motorcycle includes the model year, a model specific code that only appears on an approved muffler designed for a specific vehicle, engine rpm during federal test procedure, the statement "this motorcycle meets EPA noise emissions requirements of either 83 dB A or 80 dB A" and a warning that "tampering" is in violation of federal law.

The muffler label (in general) states that the exhaust system meets EPA noise emissions requirements and includes the manufacturer's name, noise emissions limit, and a unique model specific code that only appears on a motorcycle for which this exhaust system is designed.

Board of Supervisors/BOS/SFGOV
06/04/2009 02:05 PM

To BOS Constituent Mail Distribution,
cc
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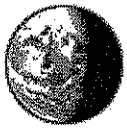
Subject



rsalazar(g
06/04/2009 12:33 PM

To Board.of.Supervisors@sfgov.org
cc
Subject

Please read.
Hello,I am writing this e-mail to ask you to please consider the impact the budget cuts would have on the Central City Hospitality House Tenderloin Drop in Center and the agency as a whole. I am a concerned citizen who has directly benefited from this agency's services.In the 1980's I received job placement assistance from this agency and obtained a job which helped me sustain myself for some time. At the time they also provided me with a place to go where I cloud feel safe and welcomed. I have been improving my education and working now for more than 15 years. I truly believe that Hospitality house was one of the crucial places where I was able to make a positive change in my life and become a productive member of society. I hope that you will do what you can to keep the agency running effectively and to keep their doors open for others. Thank you very much for you time.Roxana Salazar, Case Manager
6th St. Self Help Center
Phone:
Fax : 4

25

LAW OFFICES OF DANIEL F. REIDY
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June 2, 2009 Via E-mail and Messenger Delivery

Commissioner Timothy Alan Simon
California Public Utilities Commission
505 Van Ness Avenue, Fifth Floor
San Francisco, CA 94102

Re: **Consolidated Proceedings of Red & White Ferries, Inc.'s Application for CPCN Authority (A. 09-01-016) and Complaint (C. 09-03-019) for Shared Use of District's Sausalito Docking Facilities**

Dear Commissioner Simon:

This letter on behalf of Blue & Gold Fleet, L.P. ("Blue & Gold Fleet") is in response to issues raised in Thomas MacBride's letter of May 20, 2009 to you on behalf of Red & White Ferries, William Taylor's letter of May 26, 2009 to you on behalf of The Golden Gate Bridge, Highway and Transportation District ("District"), and Thomas MacBride's follow-up letter to you on May 28, 2009.

Requirement for a Hearing on the PUC 562 Complaint

In the District's All-Party Meeting Statement and in oral statements at the All-Party Meeting on May 11, 2009, attorneys for the District raised the significant legal issue that a hearing would be required for a Commission determination on the Complaint brought under PUC 562 before the issuance of any order from the Commission forcing the District to allow Red & White Ferries to share use of the District's docking facilities in Sausalito. In his May 20, 2009 letter to you, Thomas MacBride asserted that PUC section 1705 does not require a hearing on a Complaint. William Taylor's May 26, 2009 letter to you expands on the legal and regulatory foundations for the District's position that a hearing is required on the PUC 562 Complaint and also asserts that a hearing should take place before any Commission grant of interim authority to Red & White Ferries to commence service to the District's Sausalito dock. Thomas MacBride's

response letter on May 28, 2009 challenges the District's legal analysis and repeats his client's request for interim relief.

Blue & Gold Fleet acknowledges that the District, which was a party to the 1982 Harbor Carriers decision, is better equipped by institutional memory and expertise to explain the legal issues raised by PUC Code 562 and in the only Commission decision that applied that PUC section to a specific site, and the Sausalito dock at that. In our view, the summary of the legislative history of the enactment of PUC 562 set forth in William Taylor's letter to you is particularly important evidence that the Legislature recognized that implementation of PUC 562 would entail a public hearing process, and that fact should guide the Commission's application of PUC 562 today in its second application of PUC 562 as was done in the first Commission application of that code section in 1982.

Harbor Carriers Decision in 1982

As a Commission-authorized interested party in the Complaint portion of our consolidated proceeding, Blue & Gold Fleet respectfully points out the following points that arose in the Harbor Carriers Decision (D. 82-08-078) which are pertinent to the proceeding now before the Commission:

1. Before the Complaint was filed by Harbor Carriers in early 1982, Harbor Carriers had already received CPCN authority to commence service between San Francisco and Sausalito in a separate proceeding.

2. The Commission conducted an extensive evidentiary hearing before making a decision on the relief requested by Harbor Carriers in its PUC 562 Complaint.

3. There was no grant of interim relief to permit commencement of service at the Sausalito dock by Harbor Carriers until the hearing on the Complaint was concluded.

4. In making its decision on the Complaint, the Commission recognized that whether two services can share the dock at Sausalito depended on

scheduling and whether the staging area, walkway, etc. can handle the volume of people generated by two services.

5. The Commission also considered whether allowing Harbor Carriers to share the dock in Sausalito would cause the District substantial passenger diversion and found that it would not.

6. In the Final Order portion of the Decision, Harbor Carriers was ordered to adhere to a specific number of trips and a specific schedule of arrivals and departures which the Commission found did not interfere with the existing schedules and operations of the District.

7. In the Final Order portion of the Decision, both District and Harbor Carriers were ordered not to interfere with each other's passenger vessel operations by act or omission.

Under the guidance of precedent from the Commission's 1982 decision on the Harbor Carriers matter for the current proceeding before the Commission, there should be no decision rendered on Red & White Ferries' Complaint until the Commission makes a decision on the Application for CPCN authority to provide scheduled passenger service between Per 43 ½ in San Francisco and Sausalito, and further there should be no decision rendered on the issues raised in the Complaint without having a full evidentiary hearing on the workability of shared use of the Sausalito by three carriers in terms of vessel scheduling and intervals and staging of passengers on the docking facilities and also on whether or not the proposed new service by Red & White Fleet would result in substantial passenger diversion for Blue & Gold Fleet that would not be in the public interest. Then, if the Commission ultimately decides to issue an order forcing the District to share use of the dock with Red & White Ferries, as was done in the 1982 order, the new order should specify the number of vessel landings and the scheduled times of vessel arrivals and departures permitted for Red & White Ferries which would not interfere with the existing schedules and operations of the District and Blue & Gold Fleet and should specifically order that the vessel operations of Red & White Ferries shall not interfere with the vessel operations of the existing carriers (the District and Blue & Gold Fleet).

Recent Document Filings Enforce the Obvious Conclusion that Interim Relief is Not Appropriate

Since the All-Party Meeting on May 11, 2009 and the ALJ Administrative Ruling issued by assigned Administrative Law Judge Victor Ryerson on May 13, 2009, three recently filed documents raise legal issues that clearly indicate that interim relief in not appropriate in these consolidated proceedings:

1. **Blue & Gold Fleet's Response to Issues Raised in the Complaint**. Pursuant to authority granted by Ordering Paragraph 4 of the ALJ Administrative Ruling issued on May 13, 2009, Blue & Gold Fleet on May 22, 2009 filed its Response to Issues Raised in the Complaint and in the District's Answer. This document identifies 6 issues impacting Blue & Gold Fleet's interests at stake in the proceeding and how they would be jeopardized if the Commission grants the relief sought in the Complaint, including Blue & Gold Fleet's vested rights to use the dock under its license agreement with the District and its investment-backed expectations to continue to use its current schedule of vessel arrivals and departures at the Sausalito dock. This document also gives the Commission a detailed analysis of how Red & White's proposed schedule will interfere with the current schedule of Blue & Gold Fleet. The substantive concerns raised by Blue & Gold Fleet in this document require that the Commission give them due attention before granting interim relief.

2. **Red & White Ferries' Amendment to Application**. On May 21, 2009 Applicant Red & White Ferries filed an Amendment to Application purportedly to comply with directions in Ordering Paragraph 3 of ALJ Victor Ryerson's Ruling on Pending Motions and Administrative Matters to correct deficiencies in the Application regarding compliance with the Commission's regulations for compliance CEQA and addressing the potential environmental impacts of the proposed new passenger service. This filing of an Amendment to the initial Application opens a period in which interested parties can file a reply, response, protest or answer to the amended Application (Rule 1.12(b),

which we understand to be a 30 day period. This review period should be allowed to run its course before Commission takes any action on the Applicant's request for interim relief.

3. **Blue & Gold Fleet's Protest to Amendment to Application**. On June 2, 2009, Blue & Gold Fleet filed a Protest to the Amendment to Application that shows that the Amendment to Application filed by Red & White Ferries did not comply with the directives in the Administrative Ruling or with Rule 2.4 of the Commission's Rules for meeting CEQA requirements. The document shows that Red & White Ferries did not establish that its Application was statutorily or categorically exempt from CEQA, and therefore it could not avail itself of the exemption route from CEQA provided in Rule 2.4(b). Further, in the alternative, the Amendment to Application failed to include an adequate Proponent's Environmental Assessment (PEA) with sufficient information for the Commission to make an independent finding that it can be seen with certainty that there is no possibility that the activity proposed by Red & White Ferries will have a significant effect on the environment. Significantly, the Amendment to Application did not adequately address three of the four potential environmental impacts listed by ALJ Victor Ryerson in the ALJ Administrative Ruling that should be addressed in the PEA, nor did it address a number of other potential environmental issues that should have been considered as associated with the proposed new vessel passenger service. In its Protest, Blue & Gold Fleet recommends that ALJ Victor Ryerson issue another Administrative Ruling that finds that the Amendment to Application does not comply with the pertinent parts of the May 13, 2009 Administrative Ruling nor with the Commission's procedures for complying with CEQA and further orders Applicant Red & White to prepare and file a Second Amendment to Application that includes information and analysis on all the identified potential environmental issues associated with its proposed new service so that the Commission will ultimately be able to make an independent

finding on the potential environmental impacts of the proposed new service that would be in conformance with the Commission's rules and procedures for complying with CEQA. In the light of these significant deficiencies in the Amendment to Application regarding environmental issues, the Commission should not grant interim relief until they are resolved.

These recent filings all raise significant and material issues related to the relief requested by Red & White Ferries that should be carefully reviewed and analyzed by the Commission before granting any relief requested by the Applicant, including interim relief. Blue & Gold Fleet respectfully suggests that it would not be appropriate for the Commission to grant interim relief before taking the time to carefully consider the points raised in these recent filings.

Applicant's Cited Precedents Fail to Support Granting Interim Relief

TURN v. PUC (1988)

William Taylor's letter to you correctly notes that interim relief historically has been an extraordinary remedy rarely granted by the Commission. In his May 28, 2009 letter to you, Thomas MacBride counters with a citation to the 1988 TURN v. PUC case as authority for his client's claim for interim relief. Toward Utility Rate Normalization (TURN) had taken the Commission to the Supreme Court over the Commission's approval of interim electric power rate increases that PG&E sought to recover some of its costs incurred at its Diablo Canyon nuclear power plant while hearings took place over the permitted recovery of costs. While this particular rate setting dispute did not amount to a financial "emergency" threatening the very survival of PG&E, the court found that fairness to both the utility and the public required immediate action, because without Commission approval of the proposed interim rates, PG&E would be required to reduce its rates by the full amount of its substantial fuel savings from the operation of its new nuclear power plant without any recovery of its investment-related costs while the hearings continued, and then if the investment-related costs were determined to be recoverable, the future rate payers would have to cover all the costs without any

contributions from current rate payers, and if the investment-related costs were determined not to be recoverable, the current rate payers who would have paid the interim rate increases would receive refunds. The circumstances that "required immediate action" in that case for interim rate relief clearly do not apply to Red & White Ferries' claim that fairness to the public requires that the Commission grant interim relief so that the Applicant can add a third passenger vessel common carrier service in and out of Sausalito in the summer of 2009 before the Commission conducts hearings on all the issues that have been raised about the relief sought in the Application and the Complaint.

In re Island Boat Service (1997)

In our consolidated proceedings, Red & White Ferries has been able to cite only two prior Commission decisions granting interim authority to vessel common carriers, and neither of them is useful precedent supporting its claims for interim relief. In the 1997 Decision *In re Island Boat Service* cited in the Application, Island Boat Service's application was for non-scheduled, on-call tendering services for the passengers of cruise ships arriving off shore of Santa Catalina Island, for non-scheduled on-call charters to camp sites on the Island, and for non-scheduled on-call private charters between all points on the Island (Decision 97-06-112;1997 Cal. PUC LEXIS 524). Some small boats then leased by the applicant to provide the tendering services for the cruise ships would no longer be available from their owner after April 29, 1997. The Commission granted interim relief while hearings on the merits would proceed because serious economic harm could result to the residents and businesses of Santa Catalina Island if the approximately 1,250 passengers that at that time arrived at the Island each week during the summer season on cruise ships too large to dock on the Island could not be transported to the Island by smaller vessels. The immediate need for the proposed service to replace an existing service in order to avoid an economic disaster if the Island businesses would be deprived of the cruise ship patronage that summer in 1997 is clearly a far different situation from that in these consolidated proceedings, because the local economies of Sausalito and San Francisco would not be on the verge of economic collapse if Red & White Ferries did not commence its proposed service for the 2009 summer season,

especially when the existing carriers have both added additional trips to accommodate any additional demand from cyclist passengers who participate in the Bike the Bridge program.

In re Catalina Red & White Cruises, Inc. (2001)

The second Commission decision cited in the Application, *In re Catalina Red & White Cruises, Inc.* decided in 2001, is also clearly distinguishable from our consolidated proceedings and at the same time is not helpful to Red & White Ferries' position on interim relief. In that case, after a maritime union filed a protest to an application for scheduled and non-scheduled service from Long Beach and San Pedro to Santa Catalina Island, the applicant filed an amendment to its application seeking interim relief that would allow scheduled service to the Island to commence while the issues raised by the maritime union's protest based on the applicant's hiring practices and safety violations would continue until resolution. (Decision No. 01-09-061; 2001 Cal. PUC 827) The assigned Administrative Law Judge then scheduled evidentiary hearings specifically on the requested interim relief. The City of Avalon filed a motion to intervene in the proceeding regarding interim relief, which was granted. After two days of evidentiary hearings and the filing of subsequent briefs, the ALJ decision recommended the granting of an interim CPCN to the applicant for scheduled service, noting that it was the only carrier that could provide low-cost large vessel service to the Island for that summer season, that the City of Avalon urged approval of interim relief in time for the summer season because the absence of the service would cause great economic harm to this Island city and its merchants, and that the maritime union protestant did not object to the low-cost scheduled service as such. Then the applicant and the City of Avalon asked the Commission to shorten the otherwise required 30 day comment period set in PUC Code section 311(d) and to issue an immediate grant of public relief because the lack of this low-cost service bought about "an unforeseen emergency condition" with the imminent summer season upon them, but the Commission found that the applicant's and the City's delays in its filings made it difficult to find any emergency, and the request to shorten the comment period was denied. There were substantive comments filed on the proposed

decision, and the interim relief was not granted until September 20, 2001 after the summer season of 2001 had mostly expired.

Please note the following significant differences between the circumstances in the *Catalina Red & White Cruises* decision in 2001 and the circumstances in our pending consolidated proceedings:

(1) In our situation, there is not an impeding financial disaster for the local communities if the proposed supplemental service does not commence this summer, and we have two existing carriers that currently provide scheduled passenger service between Sausalito and the San Francisco waterfront and that have added vessel trips for the 2009 summer season to accommodate any additional demand from cyclist passengers while in 2001 the applicant would have been the only source of low-cost large vessel passenger service to Catalina Island.

(2) The Protests of the District and of Blue & Gold Fleet challenge the very necessity and workability of the service that Red & White Ferries proposes, and these Protests are not based on somewhat removed issues such as the hiring practices or safety violations as were brought by the maritime union in the 2001 case.

(3) The City of Sausalito has not intervened in our consolidate proceedings to recommend the grant of interim authority as was done by the City of Avalon in 2001.

Further, if Red & White Ferries wants the *Catalina Red & White Cruises, Inc.* 2001 Decision to be a guiding precedent, then our assigned Administrative Law Judge should schedule evidentiary hearings and subsequent briefings specifically on the request for interim relief as was done in the 2001 case, and the fact that the 2009 summer season has already begun should not be the cause for waiving the Commission's usual fact-finding and due process procedures in the current proceeding.

Conclusion

Hopefully our comments on the need for a hearing to resolve the issues raised in and about the Complaint brought under PUC 562 and on the legal issues involved in the

request for interim relief and the deficiencies in prior Commission decisions relied on by the Applicant to support its claim for interim relief will be of some assistance to you as the Assigned Commissioner on this consolidated proceeding.

Respectfully Submitted,

/S/ Daniel F. Reidy
DANIEL F. REIDY
Attorney for Blue & Gold Fleet, L.P.

cc: Administrative Law Judge Victor D. Ryerson
Taylor Safford, President, Blue & Gold Fleet, L.P.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of RED & WHITE FERRIES, INC. for a Certificate of Public Convenience and Necessity to Establish and Operate Scheduled Vessel Common Carrier Service Between Sausalito, on the one hand, and Fisherman's Wharf Ferry Terminal Pier 43 ½, on the other hand, and to establish a Zone of Rate Freedom.	Application A. 09-01-016
And Related Matter.	Complaint C. 09-03-019

BLUE & GOLD FLEET'S PROTEST TO AMENDMENT TO APPLICATION

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BLUE & GOLD FLEET, L.P.

Date: June 2, 2009

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of RED & WHITE FERRIES, INC. for a Certificate of Public Convenience and Necessity to Establish and Operate Scheduled Vessel Common Carrier Service Between Sausalito, on the one hand, and Fisherman's Wharf Ferry Terminal Pier 43 ½, on the other hand, and to establish a Zone of Rate Freedom.	)	Application A. 09-01-016
And Related Matter.	)	Complaint C. 09-03-019

BLUE & GOLD FLEET'S PROTEST TO AMENDMENT TO APPLICATION

Pursuant to Rule 2.6 and Rule 1.12(b) of the Commission's Rules of Practice and Procedure, BLUE & GOLD FLEET, L.P. ("Blue & Gold Fleet") hereby files this Protest to the Amendment to Application filed by RED & WHITE FERRIES, INC. ("Red & White") on May 21, 2009.

I. INTRODUCTORY MATTERS.

A. PROCEDURAL BACKGROUND.

1. On January 27, 2009, Red & White filed an Application for a Certificate of Public Convenience and Necessity to establish and operate scheduled Vessel Common Carrier service between Sausalito and Fisherman's Wharf Terminal Pier 43 ½ in San

Francisco and to establish a Zone of Rate Freedom (the "Application"), which was accepted for filing by the Commission as Application No. A. 09-01-016.

2. On February 24, 2009, Blue & Gold Fleet timely filed a Protest to the Application. On February 25, 2009, the Golden Gate Bridge, Highway and Transportation District (the "District") filed its Protest to the Application.

3. On May 13, 2009, Administrative Law Judge Victor D. Ryerson issued a Ruling on Pending Motions and Administrative Matters (the "ALJ Administrative Ruling"). Ordering Paragraph 3 of the ALJ Administrative Ruling ruled that an amendment of the Application was required to satisfy requirements of the California Environmental Quality Act (CEQA) under Rule 2.4 of the Commission's Rules of Practice and Procedure. The ALJ Administrative Ruling stated that a full Proponent's Environmental Assessment (PEA) or an explanation that the application is statutorily or categorically exempt from CEQA requirements is required as part of this proceeding. The explanation for this requirement was:

> "The Application fails to include the specified information [in Rule 2.4 and the PEA Criteria List] and gives short shrift to the potential impacts of adding an entirely new scheduled vessel service on the San Francisco Bay. These impacts conceivably include increased energy use and effects upon air quality, as well as circulation impacts from the bicycle traffic. Issues such as possible new construction of docking and loading facilities may be posed. These matters must be considered unless the project is exempt from CEQA." (ALJ Administrative Ruling, Ordering Paragraph 3, p. 6)

4. On May 21, 2009, Applicant Red & White timely filed an Amendment to the Application ("Amendment to Application") purportedly in compliance with the ALJ Administrative Ruling.

5. Rule 1.12(b) provides that parties who have filed a reply, response, protest or answer to the previously filed document need not file a reply, response, protest or answer to an amendment of a document, but are authorized to file a reply, response, protest or answer to an amendment of a document if they so desire, as long as the Administrative Law Judge has not limited or prohibited any further reply, response, protest, or answer to the amended document. In the ALJ Administrative Ruling, the assigned Administrative Law Judge did not limit or prohibit any further protest. In this proceeding, although Blue & Gold Fleet filed a protest to the initial Application, it now exercises its right to file a protest to Red & White's Amendment to Application.

B. Addresses for Notices

Notices, correspondence and communications with respect to this Protest to Amendment to Application should be addressed to Blue & Gold Fleet's Attorney:

Daniel F. Reidy, Esq.
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3701 Sacramento Street, #386
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and to Blue & Gold Fleet's President:

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II. OVERVIEW OF GROUNDS FOR PROTEST TO AMENDMENT TO APPLICATION.

In order to comply with Rule 2.4 and Ordering Paragraph 3 of the ALJ Administrative Ruling, the Amendment to Application has to either show that the Application was statutorily or categorically exempt from CEQA requirements with citation to relevant authority or include a Proponent's Environmental Assessment (PEA) with the information specified in the PEA Criteria List published on the Commission's Internet website. In the Amendment to Application, Applicant Red & White did not establish that its Application was statutorily or categorically exempt from CEQA. Further, as detailed more fully below, Applicant Red & White's Amendment to Application failed to include an adequate PEA with sufficient additional explanation or information which would enable the Commission to make an independent evaluation of the standard statement of no possibility of a significant effect upon the environment, as required under the Commission's Information and Criteria List excerpted from Decision No. 889905 issued on January 30, 1979. As a result, to use the words of ALJ Victor Ryerson regarding the Applicant's level of compliance with CEQA requirements in the Application, Applicant Red & White in its Amendment to Application continues "to give short shrift" to the potential environmental impacts of its proposed new service and in effect brushes off the guidance given in the ALJ Administrative Ruling for adequately fulfilling CEQA requirements in connection with its Application.

III. RED & WHITE DID NOT ESTABLISH THAT ITS APPLICATION WAS STATUTORIALLY OR CATEGORICALLY EXEMPT FROM CEQA REQUIREMENTS.

In its Amendment to Application, Applicant Red & White does not give any citation to a specific statutory provision in CEQA, Public Resources Code sections 21000

et seq., that the point-to-point scheduled vessel passenger service proposed in the Application (the "Project" under CEQA) would be exempt from CEQA requirements. Similarly, the Amendment to Application does not give any citation to a specific Categorical Exemption in CEQA (Public Resources Code sections 21080 et seq.) or in the CEQA Guidelines (Title 14, California Code of Regulations, Chap. 3, sections 15000 et seq.) under which the point-to-point scheduled vessel passenger service proposed in the Application (the "Project" under CEQA) would fall and thus be deemed exempt from CEQA requirements. Therefore, Applicant Red & White on its current Application (including the Amendment to Application) cannot avail itself of the exemptions from CEQA requirements that are available to an applicant for Commission authority under Rule 2.4, subdivision (c).

IV. THE AMENDMENT TO APPLICATION DOES NOT COMPLY WITH THE REQUIREMENTS FOR AN ADEQUATE PEA.

A. The Amendment to Application Does Not Adequately Address the Potential Environmental Issues Noted in the ALJ Administrative Ruling.

ALJ Victor Ryerson in the ALJ Administrative Ruling listed four potential environmental impacts arising from Red & White's proposed new service which should be addressed in the required PEA, namely: (1) energy use; (2) effects upon air quality; (3) local circulation impacts from the bicycle traffic, and (4) possible new construction of docking and loading facilities. (ALJ Administrative Ruling, p. 6, Ordering Paragraph 3, 2nd sub-paragraph).

(1) **On the Energy Use Issue**, the Amendment to Application does not give pertinent information on or quantification of the energy consumption of the vessels that

would be employed in the proposed new service. Clearly the proposed trips represent new, additional service for the Applicant, the provision of which will no doubt cause Applicant to consume additional fuel and other resources. Instead of addressing this issue straightforwardly, the text of the Amendment to Application diverts attention to the planned utilization of 20% biofuel in its fuel mix (at p. 5). The Applicant should have access to information on how many gallons of fuel would be used per vessel per trip in the proposed service, but this data was not presented with the Amendment to Application. Thus the Amendment to Application does not adequately address the energy use issue.

(2) **On the Air Quality Effects Issue**, the Amendment to Application states that the four vessels Applicant intends to employ in the new service will utilize 20% biodiesel fuel in its fuel mix and were re-powered with new marine diesels, which produce between 33%-50% less emissions than the original engines (at p. 5), but the Amendment to Application does not contain any data on exactly what air emissions will result from the employment of the vessels on the proposed new service, either through quantification of the emissions into the air or by way of explaining what would be the chemical constituents of the air emissions or the sizes of any discharged particulates and how toxic they would be when analyzed against applicable air quality standards. The Applicant attempts to divert attention away from these hard questions and to minimize their importance by reminding the Commission that its seeks authority to provide only seasonal service and thus "As a result, any effects upon air quality are limited to only the four months of San Francisco's high tourist summer season" (at p. 5), without any discussion of ambient air quality during the referenced season; i.e., how many "Spare the Air" days because of pollutants caught in stagnant air during the warmer weather.

Red & White in the Amendment to Application states that it intends to employ four (4) named vessels in its proposed service on the Fisherman's Wharf to/from Sausalito route and that "These vessels are currently in operation providing round-trip San Francisco Bay Cruises . . . and "Accordingly, these vessels already in use would introduce no new sources of pollution into the environment." (Amendment, at p. 4). Blue & Gold Fleet believes that Red & White uses only three (3) vessels per day, so its proposed new service would really be adding another vessel as a new source of air pollution into the environment.

The Amendment to Application does not explain whether or not the engines of Applicant's vessels meet the U.S. EPA's Tier II – 2007 standards for reducing adverse air emissions, which standards have been adopted by the California Air Resources Board (CARB) and are followed by the Bay Area Air Quality Management District (BAAQMD) in its permitting program, nor whether or not the Applicant's "new marine diesels" are as clean as the best currently available control technology provides. It is well documented that ferry boats are environmentally inefficient and unfriendly, producing 100 to 1,000 times more pollutant per passenger mile than the automobile.[1] The fact that Applicant completely avoids in its Amendment to Application any description of its vessel engines in terms of the current environmental agency and industry standards put in place to control air pollution is both interesting and telling. Blue & Gold Fleet believes that Applicant's fleet contains one Tier II vessel and three Tier 0 or Tier 1 vessels. If we assume that Applicant proposes to exclusively use its greenest (Tier II) vessel for <u>every</u> trip between Sausalito and San Francisco, then the proposed three <u>additional</u> trips per day

[1] See New York Ferry Emission Report (2003) and California Air Resources Board Harborcraft Regulations.

for 105 days each summer (from Memorial Day to Labor Day) will add approximately ½ ton of additional nitrogen oxides and particulate matter to the atmosphere each year. If we assume that Applicant uses a mixture of its vessels to perform the proposed additional service then Applicant's proposed service will add up to one ton of additional nitrogen oxide and particulate matter to the atmosphere every year. The fact that there has been no showing or proof of the necessity for these additional trips clearly adds insult to injury from an environmental standpoint.

In summary, while some information was provided by Red & White on this issue of air quality effects, overall the attention given to the air quality impacts of the proposed service in the Amendment to Application is so skimpy that it does not amount to an adequate treatment of the obvious environmental impacts.

(3) **On the Issue of Local Circulation Impacts from the Bicycle Traffic**, the Amendment to Application references San Francisco's Bicycle Plan that encourages bicycle use and other organizational efforts to improve the overall bike transportation network in San Francisco and connections to transit routes (at pp. 6-7) without any specific attention to bicycle circulation or bicycle parking at the proposed service's new dock at Pier 43 ½. For the Sausalito side, the Amendment to Application does not give any specific attention to possible congestion in bicycle circulation or bicycle parking resulting from the proposed new use and instead attempts to divert attention away from this identified potential environmental issue by asserting that "the application is designed to reduce any existing congestion by adding ferry capacity which will assist Bike the Bridge cyclists in their efforts to return to Fisherman's Wharf where the bicycles were rented." (At p. 7). There is no information given in the Amendment to Application on the developments that have taken place in the City of Sausalito since the Application was

filed in January as a result of meetings of City officials, the bike rental companies, and the existing vessel passenger carriers (the Golden Gate Bridge District and Blue & Gold Fleet) to deal with bicycle circulation, bicycle congestion, and bicycle parking issues at and near the District's dock in Sausalito. This general, non-specific treatment of the identified potential environmental issues presented by bicycle circulation and parking at and near the proposed route terminals in the Amendment to Application does not adequately address the underlying environmental issues.

(4) **On the Issue of Possible New Construction of Docking and Loading Facilities**, Applicant Red & White explains that it does not intend to propose construction of any new docking or loading facilities for its proposed new service (at p. 4). This statement clearly handles one of the ALJ's identified potential environmental issues that should be addressed in an adequate PEA and stands in stark contrast to Red & White's inadequate responses to the other three potential issues pointed out by ALJ Ryerson in the ALJ Administrative Ruling.

B. Other Potential Environmental Issues That Were Not Adequately Addressed in the Amendment to Application.

There are a number of other potential environmental issues associated with Applicant Red & White's proposed new vessel passenger service on the Bay that were not mentioned at all in the Amendment to Application, or if mentioned, were not adequately addressed and should have been included in an adequate PEA.

1. **Implications of Increased Number of Vessel Trips**. According to the Application and the Amendment to Application (on p. 3), the Applicant proposes to initially operate three (3) daily round trips from Fisherman's Wharf in San Francisco to Sausalito and back. In the Application, Red & White also seeks broad "scheduling

flexibility" in terms of numbers and times of trips, which if approved by the Commission, would mean even more than 3 daily round trips. During the 2009 summer season, the existing carriers are providing a total of 17 vessel departures from Sausalito to the San Francisco waterfront on weekdays and a total of 14 vessel departures from Sausalito to the San Francisco waterfront on weekends. Even if Red & White operates only 3 round trips per day, its proposed new service amounts to an increase of 17.6% on weekdays and 21.4% on weekends over the number of existing vessel trips. Cumulative impacts analysis is an important part of environmental assessment under CEQA. If a new development project were to add 17 to 21% more vehicles to existing vehicular traffic passing through a road intersection, that increase in vehicular traffic and potentially resulting added congestion could well be considered environmentally significant. For most of the potential environmental impacts noted above, it is critical for the PEA to consider the **additive effect** of the impacts resulting from the proposed new service on any impacts of the existing vessel passenger services, i.e., **additional energy use**, **additional air emissions**, and **possibly additional bicyclist circulation complications**. In addition to the potential environmental impacts noted above, the addition of the three daily round trips or even more if authorized by the Commission will require the Applicant to refuel its vessels more frequently, and therefore the PEA should consider all **potential risks associated with the Applicant's increased fueling frequency and any associated risk of a fuel spill that may result from the additional fueling frequency required by the proposed additional service**.

2. **Vessel Congestion and Delays at Sausalito Dock**. The Amendment to Application did not address the potential environmental implications that could result from vessel congestion or delays at the Sausalito dock if Red & White's proposed vessel

arrivals and departures were added to the existing vessel operations at the Sausalito dock. Concerns about such vessel congestion and delays were raised by both the District and Blue & Gold Fleet in their respective Protests to the Application and in their respective responses to the Complaint. The environmental implications could include increased air emissions from vessels idling off the dock waiting for a late vessel departure or increased passenger congestion on the narrow approach ramp connecting the dock to the landside surface. These potential environmental impacts should be addressed in the PEA.

3. **Ferry Wake Wash Impacts**. The Amendment to Application does not contain any information on or analysis of ferry wake wash that will be associated with the operations of the vessels proposed by Applicant Red & White. It is now standard practice in environmental assessment of proposed ferry vessel services to measure the wake wash effects of vessels at various speeds and water depths along proposed routes in order to assess the impacts on shallow waters and shorelines. For example, the San Francisco Bay Area Water Transit Authority (WTA) included analysis of ferry wake wash impacts on proposed new ferry vessel routes in its environmental analysis of its Program for managing and expanding ferry passenger service on San Francisco Bay. This issue should be addressed in the PEA for Red & White's proposed route in order to be sure that the wake wash from its planned vessel operations does not result in any potentially significant adverse impacts on sensitive habitats for roosting or foraging water fowl or on areas of windsurfing.

4. **Exposure of Passengers or Bystanders to Particulate Emissions from Vessel Engines or Stacks**. The Amendment to Application does not address the obvious potential environmental issue of whether the vessels idling at either the dock in Sausalito or at Pier 43 ½ in San Francisco would expose passengers or bystanders at either location

to concentrated levels of particulate emissions from the vessel's engines or stacks. The BAAQMD has raised this issue of concern about concentration of particulate emissions from diesel engines of ferry vessels idling at docks in San Francisco and has proposed mitigation measures to lessen the potential adverse exposure of vessel passengers and bystanders in the immediate vicinity of a dock. Given the significant health risks of exposure to health risks of exposure to diesel exhaust identified by BAAQD, this issue should be addressed in the PEA for Red & White's proposed new service.

5. **Noise Pollution**. The Amendment to Application does not address the obvious environmental issue of potentially significant adverse noise impacts of vessel operations at or near the Sausalito dock. The existing operators using the Sausalito dock are aware that in the past, noise complaints have been made by nearby businesses, mostly over the noise resulting from announcements over the vessels' Public Address systems involving vessel loading and departure directions, and both the District and Blue & Gold Fleet have had to implement noise mitigation measures that currently maintain relative silence at or near the Sausalito dock. The Applicant is proposing a "narrated tour" (Application, p.2) which presumably would require use of the vessel's PA system, but the Applicant in its Amendment to Application does not consider the possible noise nuisance impacts of its narrated tour or passenger announcements on nearby businesses, residences, or bystanders and how they should be avoided or mitigated. This noise impacts issue should be addressed in the PEA for Red & White's proposed new service.

V. CITED DECISIONS DO NOT JUSTIFY AVOIDANCE OF FULL COMPLIANCE WITH CEQA.

In the Amendment to Application, Red & White cites several prior decisions of the Commission as authority for its position that it can merely invoke the statement that it

can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment without having to identify and address the potential environmental issues associated with its proposed new service. However, these cited decisions do not justify Red & White's avoidance of preparing and presenting an adequate PEA on response to ALJ Ryerson's ruling noted above.

1. **Catalina Freight Line Decision (Jan. 11, 2007)**. The Amendment to Application cites this decision as supporting authority on page 3, footnote 4. In this proceeding (A. 06-03-007; D. 07-01-006), Catalina Freight Line was seeking Commission approval to add to its CPCN authority to serve the camps and beaches on Santa Catalina Island with a retrofitted former Navy lander vessel. In a Prehearing Conference when setting the schedule and scope of subsequent briefing by the parties, ALJ Glen Walker raised the issue of the Commission's compliance with CEQA, asked if the proposed use fit within an exception to CEQA, and inquired about documentation that the vessel engines complied with current standards of the South Coast Air Management District. The applicant provided additional information in subsequent briefing on the environmental issues and CEQA compliance. The Decision indicates that the applicant provided sufficient environmental information to support a finding that it can be seen with certainty that there is no possibility the project in question may have a significant adverse effect on the environment:

> "Applicant has demonstrated here that most of the service routes will be over open ocean waters, and the landing vessel at camps and beaches will be slowed when landing to minimize wave action. No docks or other facilities will be constructed for the new service, and no sensitive habitats will be disturbed. The LVCM-8 landing craft that Catalina Freight will use for its proposed new services will be outfitted with the Tier 2 air quality standards set by the California Air

Resources Board and the U.S. Environmental Protection Agency for air quality in the South Coast Air Management District." (Decision D. 07-01-006; 2007 Cal. PUC LEXIS 12).

Note that the Decision indicates that the applicant provided information on wave wash mitigation and vessel engines that meet the U.S. EPA and CARB's Tier 2 air quality standards for the local air quality district. Such information about Red & White's proposed new service is missing in the Amendment to Application.

2. **Central Coast Cruises Decision (Sept. 1, 1993)**. The Amendment to Application cites this Decision as supporting authority on page 3, footnote 5. In this proceeding, the applicant was seeking CPCN authority for scheduled passenger service between Morro Bay and Channel Islands Harbor and Monterey. The Decision uses the standard environmental statement that it can be seen with certainty that there is no possibility that the granting of this application may have a significant effect upon the environment. The only additional information which would explain why the Commission could reach that conclusion pursuant to what was then Rule 17.1(d)(1) was that the applicant proposed to use facilities now existing. In this brief Decision, there is no discussion of any other potential environmental issues associated with the proposed service. Information or explanation about other potential environmental issues may well have been furnished by the applicant as part of a PEA prepared in conformance with the Commission's Information and Criteria List excerpted from Decision No. 89905 issued on January 30, 1979.

3. **Star and Crescent Boat Company Decision (Feb. 11, 1987)**. The Amendment to Application cites this decision as supporting authority on pages 3 and 4 and asserts that its proposed new service would have similar environmental effects. In

the cited proceeding, the applicant proposed to reinstitute a ferry service between Downtown San Diego and Coronado Island that had operated prior to 1969, using its existing fleet of excursion vessels. However, as noted above, Red & White in the Amendment to Application states that it intends to employ four (4) named vessels in its proposed service on the Fisherman's Wharf to/from Sausalito route and that "These vessels are currently in operation providing round-trip San Francisco Bay Cruises . . . and "Accordingly, these vessels already in use would introduce no new sources of pollution into the environment." (Amendment, at p. 4). Blue & Gold Fleet believes that Red & White uses only three (3) vessels per day, so its proposed new service would really be adding another vessel as a new source of pollution into the environment. Further, Red & White's references to the Star and Crescent Boat Company Decision leaves out certain considerations that are stated therein, namely that the existing facilities that will be utilized for the new service "have already been the subject of an environmental impact report prepared under CEQA guidelines with the San Diego Unified Port District as the lead agency," and that "Pedestrians and bicyclists are prohibited on the [San Diego – Coronado Bay] bridge and thus have no choice but to use buses and cars for access between those destinations." (Decision D. 87-02-011; 23 CPUC2d 629; 1987 Cal. PUC LEXIS 490) These deletions actually point up critical distinctions between the San Diego – Coronado service and the Fisherman's Wharf – Sausalito service. In trying to draw similarities between Star & Crescent Boat Company's proposed service on San Diego Bay and its proposed service to and from Sausalito so that the Commission would make a finding "in line with D. 87-02-011," Red & White in the Amendment to Application asserts that "the route would contribute positively to the environment by way of offering an alternative means of mass transportation between the cities of San

Francisco and Sausalito *thereby removing considerable vehicular traffic from the cities' streets and the Golden Gate Bridge*." (At p. 4, emphasis added). In its Application and repeated in the Amendment to Application, Red & White points to the Bike to Bridge cyclists as its target market. If this is truly the case, providing additional service for such cyclists to return to San Francisco after riding their bikes over the Golden Gate Bridge will not remove "considerable vehicular traffic" from the streets of San Francisco or Sausalito or from the Golden Gate Bridge.

4. **Red & White Ferries, Inc. Decision (May 4, 2000)**. The Amendment to Application cites this decision as supporting authority on page 5 and in footnote 10. Evidently Red & White is asserting that just as the Commission in 2000 found that Red & White's proposed service between the City of Richmond and China Basin Ferry Terminal at Pacific Bell Park in San Francisco "will offer traffic and environmental benefits," the Commission today should find that its proposed service will reduce the number of auto trips resulting in cleaner air and relieving traffic congestion. (At p. 6) Red & White's service between Richmond and San Francisco, which was discontinued as acknowledged in the Application, was very different from its proposed new service between Sausalito and Fisherman's Wharf in San Francisco. The Richmond-to-San Francisco service was intended to take Richmond commuters to and from their jobs in San Francisco and to get some visitors to the S.F. Giants Ball Park out of their cars on the congested I-80 and Bay Bridge corridor. Red & White has not made an adequate showing in its Amendment to Application that its proposed new service between Fisherman's Wharf in San Francisco and the District's dock in Sausalito will reduce traffic congestion on the Golden Gate Bridge or in either city.

5. **Island Express Decisions (July 24, 1985 and April 17, 1985)**. The Amendment to Application cites these decisions as supporting authority on pages 7 -9. The latter decision was on a re-hearing of the earlier decision and emphasized that the proposed service did not involve any significant construction activity. In the first proceeding, Island Express's proposal was to provide service from the Mainland to Santa Catalina Island using Surface Effect Ship (SES) vessels or Catamarans, and the applicant included a 76 page PEA in its application in an effort to comply with what was then Rule 17.1(d)(1). The Commission staff had determined that it would be necessary to prepare a full Environmental Impact Report (EIR) in accordance with CEQA for the proposed new service. The Commission disagreed with the staff about requiring an EIR and relied on its experience with the other entities already engaged in the activity for which Island Express seeks a certificate as providing the Commission with an adequate basis for concluding that this proposed project cannot have "significant" adverse environmental effects as that term is used in Rule 17.1." (Decision D. 85-04-103; 17 CPUC2d 612, 1985 Cal. PUC LEXIS 249). It should be emphasized that the applicant in that proceeding did provide an extensive PEA that evidently demonstrated to the Commission that there were no significant adverse environmental impacts associated with the proposed project, which is in marked contrast with Red & White's presentation of environmental information in its Amendment to Application.

VI. SUMMARY CONCLUSIONS AND RECOMMENDATIONS.

As shown above, in the Amendment to Application, Applicant Red & White did not establish that its Application was statutorily or categorically exempt from CEQA, so it could not avail itself of the exemption route from CEQA provided in Rule 2.4(b).

Therefore, under Rule 2.4(b), the Application was required to include a Proponent's Environmental Assessment (PEA) that must include all information and studies required under the Commission's Information and Criteria List. However, as detailed above, Applicant Red & White's Amendment to Application failed to include an adequate PEA with sufficient information for the Commission to independently make a finding that it can be seen with certainty that there is no possibility that the activity proposed by Red & White will have a significant effect on the environment. The Amendment to Application did not adequately address three of the four potential environmental impacts listed by ALJ Victor Ryerson in the ALJ Administrative Ruling that should be addressed in the PEA. Further, the Amendment to Application did not address a number of other potential environmental issues that should have been considered as potentially associated with the proposed new vessel passenger service. Finally, the Commission Decisions cited by Red & White in the Amendment to Application do not sufficiently provide justification for invoking in this proceeding the standard environmental statement that it can be seen with certainty that there is no possibility that the granting of this application may have a significant effect upon the environment when Applicant Red & White has failed to provide sufficient information or explanation about potential environmental impacts that could support the Commission in independently reaching the environmental "no-problem" conclusion in conformance with the Commission's rules and procedures for complying with CEQA.

Accordingly, Blue & Gold Fleet recommends that assigned Administrative Law Judge Victor Ryerson issue another Administrative Ruling that finds that the Amendment to Application does not comply with the pertinent parts of the May 13, 2009 Administrative Ruling nor with the Commission's procedures for complying with CEQA

and further orders Applicant Red & White to prepare and file a Second Amendment to Application that includes information and analysis on all the identified potential environmental issues associated with its proposed new service so that the Commission will ultimately be able to make a finding on the potential environmental impacts of the proposed new service that would be in conformance with the Commission's rules and procedures for complying with CEQA.

Respectfully submitted,

Dated: June 2, 2009

__ /S/ Daniel F. Reidy
Daniel F. Reidy, Esq.
Attorney for Blue & Gold Fleet, L.P.

VERIFICATION

I, TAYLOR SAFFORD, hereby declare:

I am the President of BLUE & GOLD FLEET, L.P., a Delaware Limited Partnership, a Protestant to the Application of Red & White Ferries in the Application proceeding and an Interested Party admitted to the Complaint proceeding, and I am authorized to make this verification on its behalf.

I have read the above document entitled: Blue & Gold Fleet's Protest to Amendment to Application, and I am familiar with its contents.

The factual statements in the foregoing document are true of my own knowledge, except as to matters on which I am relying on my staff for information, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 2, 2009, at San Francisco, California.

/S/ Taylor Safford
Taylor Safford

CERTIFICATE OF SERVICE

I, BRENDA D. REIDY, hereby certify and declare as follows:

I am a citizen of the United States over the age of eighteen years, and I am not a party to this proceeding. My business address is 3701 Sacramento Street, # 386, San Francisco, California 94118. On the date stated below, I served the following document:

BLUE & GOLD FLEET'S
PROTEST TO AMENDMENT TO APPLICATION

on interested parties by email to those listed with email on the attached service list and for those without listed email service, by placing a true copy thereof enclosed in a sealed envelope on June 2, 2009 by mail with postage thereon fully prepaid, in the United States Post Office, addressed as on the attached service list.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at San Francisco, California on June 2, 2009.

/S/ Brenda D. Reidy
BRENDA D. REIDY

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of RED & WHITE FERRIES, INC. for a Certificate of Public Convenience and Necessity to Establish and Operate Scheduled Vessel Common Carrier Service Between Sausalito, on the one hand, and Fisherman's Wharf Ferry Terminal Pier 43 ½, on the other hand, and to establish a Zone of Rate Freedom.	Application A. 09-01-016
And Related Matter.	Complaint C. 09-03-019

NOTICE OF EX PARTE COMMUNICATION: BLUE & GOLD FLEET'S LETTER TO COMMISSIONER TIMOTHY ALAN SIMON

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BLUE & GOLD FLEET, L.P.

Date: June 2, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of RED & WHITE FERRIES, INC. for a Certificate of Public Convenience and Necessity to Establish and Operate Scheduled Vessel Common Carrier Service Between Sausalito, on the one hand, and Fisherman's Wharf Ferry Terminal Pier 43 ½, on the other hand, and to establish a Zone of Rate Freedom.	)	Application A. 09-01-016
And Related Matter.	)	Complaint C. 09-03-019

NOTICE OF EX PARTE COMMUNICATION: BLUE & GOLD FLEET'S LETTER TO COMMISSIONER TIMOTHY ALAN SIMON

Pursuant to Rule 8.3 of the Commission's Rules of Practice and Procedure, Daniel F. Reidy, Esq., authorized representative of BLUE & GOLD FLEET, L.P., Protestant to the Application and a Commission-authorized interested party in the Complaint proceeding, hereby files this Notice of Ex Parte Communication.

On June 2, 2009, Daniel Reidy as attorney for Protestant Blue and Gold Fleet, L.P. ("Blue & Gold Fleet") sent the attached Letter to Commissioner Timothy Alan Simon, with a copy to Administrative Law Judge Victor D. Ryerson, by e-mail. The e-mail was also sent to Robert M. Mason III, legal advisor to Commissioner Timothy A. Simon. This letter was sent in response to issues raised in Thomas MacBride's letter of May 20, 2009 to Commissioner Simon on behalf of Red & White Ferries, William Taylor's letter of May 26, 2009 to Commissioner Simon on behalf of The Golden Gate Bridge, Highway and Transportation District ("District"), and Thomas MacBride's follow-up letter to Commissioner Simon on May 28, 2009.

The letter contains Blue & Gold Fleet's position that there is a hearing is required on the PUC 562 Complaint, gives comments on the 1982 *Harbor Carriers* Decision,

asserts that three recent document filings in the consolidated proceedings enforce the obvious conclusion that interim relief is not appropriate, and explains that Applicant Red & White Ferries' citations to Commission precedents in these prior letters and in the Application fail to support the claim for interim relief

To obtain a copy of this Notice and the attached Letter to Commissioner Timothy Alan Simon, contact Daniel F. Reidy at Law Offices of Daniel F. Reidy, 3701 Sacramento Street, # 386, San Francisco, CA 94118; telephone: (415) 750-4210; email: dfreidy@pacbell.net.

Dated: June 2, 2009

/s/ Daniel F. Reidy

Daniel F. Reidy, Esq.
Attorney for Blue & Gold Fleet, L.P.

CERTIFICATE OF SERVICE

I, BRENDA D. REIDY, hereby certify and declare as follows:

I am a citizen of the United States over the age of eighteen years, and I am not a party to this proceeding. My business address is 3701 Sacramento Street, # 386, San Francisco, California 94118. On the date stated below, I served the following document:

NOTICE OF EX PARTE COMMUNICATION:
BLUE & GOLD FLEET'S LETTER
TO COMMISSIONER TIMOTHY ALAN SIMON

on interested parties by email to those listed with email on the attached service list and for those without listed email service, by placing a true copy thereof enclosed in a sealed envelope on June 2, 2009 by mail with postage thereon fully prepaid, in the United States Post Office, addressed as on the attached service list.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at San Francisco, California on June 2, 2009.

/S/ Brenda D. Reidy
BRENDA D. REIDY

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STATE OF CALIFORNIA
Fish and Game Commission

June 5, 2009

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a Notice of Findings, resulting from the Commission's December 12, 2008, meeting when it made a finding pursuant to Section 2075.5, Fish and Game Code, that the American Peregrine Falcon (*Falco peregrinus anatum*) warrants delisting from endangered species status. The Notice of Findings will be published in the California Regulatory Notice Register on June 5, 2009.

In accordance with the California Endangered Species Act, at its August 6, 2009 meeting, the Commission will consider amending Section 670.5, Title 14, California Code of Regulations, to remove the American Peregrine Falcon from the list of endangered species.

Sincerely,

Sheri Tiemann
Staff Services Analyst

Attachment

CALIFORNIA FISH AND GAME COMMISSION
NOTICE OF FINDINGS
American Peregrine Falcon
(*Falco peregrinus anatum*)

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 ("Commission"), at its December 12, 2008, meeting in Sacramento, made a finding that the petitioned action to remove the American Peregrine Falcon (*Falco peregrinus anatum*) from the list of endangered species is warranted.

In making this finding, the Commission concludes that the peregrine falcon's continued existence is no longer threatened by any one or a combination of the following factors: Present or threatened modification or destruction of its habitat, Overexploitation, Predation, Competition, Disease, or other natural occurrences or human-related activities. Specifically, the basis for the delisting relied most heavily on the following: 1) Current American peregrine falcon breeding range in California includes most of the known historic breeding range; 2) American peregrine falcon breeding population size has increased dramatically following State and federal listing as endangered and may have reached or even exceeded historical levels within California, as best as can be determined from the historic population data; 3) The threat posed to the peregrine falcon nesting populations in California by organochlorine pesticide contamination has lessened due to the restrictions imposed on the use of such substances in the United States and Canada since the 1970's. However, "hot spots" remain in the State; these areas need continued evaluation to monitor their impact on peregrine recovery; 4) Recovery goals specific to California populations of peregrine falcons as established through the federal recovery plan for the Pacific States have been met for range and population size; productivity goals have been met at most sites in California; 5) The U.S. Fish and Wildlife Service (Service) delisted the peregrine falcon from the federal endangered species list in 1999 and established a monitoring program, contingent on funding, to document breeding status of this species through the year 2015. A sub-set of 30 nest sites will be monitored in California every three years, providing current occupancy and productivity data for the State's peregrine population; and 6) The captive breeding and reintroduction program established in the 1970's and continued through 1992 was highly successful in aiding the recovery of the peregrine in California.

It is anticipated that the Commission will ratify the findings at a hearing to be held at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on Thursday, June 25, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard.

Fish and Game Commission

May 26, 2009

John Carlson, Jr.
Executive Director

Bos-11 Appeal

SFLC San Francisco Labor Council

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NOTICE

Date: June 8, 2009

To: SFLC Affiliates

From: Tim Paulson

Re: The Passing of Jack Henning & Memorial Information

It is with great sadness that I share with you the news of the passing of legendary labor leader Jack Henning, who died at his home in San Francisco on June 4, 2009 at the age of 93.

Jack Henning's commitment to the labor movement and social justice were unparalleled. Henning served in the administrations of Governor Pat Brown and Presidents John F. Kennedy and Lyndon B. Johnson. He then led the California labor movement as the executive secretary treasurer of the California Labor Federation for 26 years.

In his time at the California Labor Federation Henning was able to influence the creation of legislation that improved workers' lives – from minimum wage to health and safety standards, women's rights and improved working conditions, safety and health standards to education and child labor laws.

Henning also served as a Regent of the University of California for 12 years, where he led the fights for affirmative action and for the University of California to divest in apartheid South Africa. He also served on many boards, commissions and in community and church positions.

Henning was married to his wife Betty who passed away in 1994. He was the father of 7 children, 12 grandchildren and 6 great children.

Henning's deep commitment to the labor movement and visionary and brilliant oratory and leadership inspired the labor movement. He will be sorely missed.

Funeral Arrangements for John F. "Jack" Henning are as follows:

Thursday, June 11
2-4 p.m. Visitation
4 p.m. Rosary
McAvoy O'Hara Evergreen Mortuary
Geary Blvd and 10th Avenue
San Francisco (415-668-0077)

Flowers may be sent to the mortuary. In lieu of flowers, donations may be made in Jack Henning's name to St. Anthony's Dining Room to feed the poor and shelter the homeless. Donations should be sent to "St. Anthony Foundation", 121 Golden Gate Avenue, San Francisco, CA 94102.

Friday, June 12
1: 30 p.m. Mass of Christian Burial
The Cathedral of St. Mary
1111 Gough Street (at Geary), San Francisco
RECEPTION follows Mass in the Cathedral's basement Event Center.
On-site parking is available and the event center is fully handicap accessible.

Please pass this information on to your officers, members and retirees. We hope to have a large turnout to honor Henning.