



City and County of San Francisco
Master Report

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

File Number: 120303	File Type: Communication	Status: Filed
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Enacted:	Effective:
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Version: 1	In Control: Board of Supervisors
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File Name: Petitions and Communications	Date Introduced: 03/27/2012
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Requester:	Cost:	Final Action:
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Comment:	Title: Petitions and Communications received from March 20, 2012, through March 26, 2012, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on April 3, 2012.
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Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted.

From concerned citizens, regarding Ross Mirkarimi. 8 letters (1)

From Office of the Mayor, regarding the suspension of Sheriff Ross Mirkarimi from the Office of Sheriff, and the appointment of Vicki Hennessey to discharge the duties of Sheriff during the period of Sheriff Mirkarimi's suspension under Charter Section 15.105. (2)

From Office of the Clerk of the Board, the following individuals have submitted a Form 700 Statement: (3)

- Supervisor David Campos, BOS, LAFCo - Annual
- Supervisor David Chiu, BOS - Annual
- Supervisor Sean Elsbernd, BOS - Annual
- Andrea Bruss, Legislative Aide - Annual
- Margaux Kelly, Legislative Aide - Annual
- Matthias Mormino, Legislative Aide - Annual
- Nick Pagoulatos, Legislative Aide - Annual
- Catherine Stefani, Legislative Aide - Annual
- Hanley Chan, SOTF - Annual
- Hope Johnson, SOTF - Annual
- Severin Campbell, Budget Analyst - Annual
- Myong Leigh, Redistricting Task Force - Annual
- Sonia Melara, Redistricting Task Force - Annual
- Mark Schreiber, Redistricting Task Force - Annual
- Melissa Tidwell, Redistricting Task Force - Annual
- Jen Low, Legislative Aide - Leaving
- Ohn Myint, COB, Annual - Leaving

Christopher Rustom, COB - Leaving

From concerned citizens, regarding murals at the Bernal Heights Branch Library. 2 letters (4)

From concerned citizens, thanking the Board of Supervisors for broadcasting their meetings on the radio. 2 letters (5)

From Aaron Goodman, regarding adequate working class housing in San Francisco. (6)

From James Chaffee, regarding a false arrest lawsuit. Copy: Each Supervisor, 2 letters (7)

From Immigrant Rights Commission, submitting support for the United States Court of Appeals recent stay of deportation ruling on five immigration cases. Copy: Each Supervisor (8)

From Office of the Mayor, submitting the following appointment: Copy: Rules Committee Clerk (9)
Health Commission
Belle Taylor-McGhee, term ending January 15, 2016

From Clerk of the Board, submitting copy of memorandum sent to the Board of Supervisors regarding the following appointment by the Mayor: (10)
Health Commission
Belle Taylor-McGhee, term ending January 15, 2016

From Dana Bellwether, regarding first amendment rights in San Francisco. Copy: Each Supervisor (11)

From concerned citizens, regarding Conditional Use Authorization on property located at 1111 California Street. File No. 120183, Copy: Each Supervisor, 4 letters (12)

From Recreation and Park Department, submitting the FY2011-2012 Second Quarter Lead Poisoning Prevention Report. Copy: Each Supervisor (13)

From Office of the Controller, submitting the Portsmouth Plaza Parking Corporation Audit Report. (14)

*From Farella, Braun & Martel, regarding Conditional Use Authorization on property located at 1111 California Street. File No. 120183, Copy: Each Supervisor, City Attorney (15)

From State Fish and Game Commission, regarding proposed regulatory action relating to Central marine protected areas. Copy: Each Supervisor (16)

From Sheralyn Bundy, regarding drinking water in San

Francisco. (17)

*From Office of the Controller, submitting the FY2011-2012 San Francisco Park Maintenance Standards Annual Report. (18)

From City Administrator, regarding the Diesel and Biodiesel Purchasing Policy. (19)

From Rosemary Newton, commenting that ocean beach has not been maintained, renovated, or cleaned for years. (20)

From Civil Service Commission, submitting notice of amendments to the Civil Service Commission Rule 311, that establishes a pilot program which will allow the release of the rating keys for review by Fire Department promotional candidates of examinations developed by the Department of Human Resources. Copy: Each Supervisor (21)

From Aaron Goodman, regarding student housing impacts on family rental housing stock. File Nos. 113374, 120191, and 120220 (22)

From Department of Public Health, submitting notice of a grant budget revision for primary and behavioral health care integration. Copy: Each Supervisor, Budget and Finance Committee Clerk (23)

*(An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is available at the Clerk's Office Room 244, City Hall.)

History of Legislative File 120303

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
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Text of Legislative File 120303

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Stop the Witchhunt - Justice for Ross Mirkarimi

From: Roy Ferreira <mail@change.org>
To: board.of.supervisors@sfgov.org
Date: 03/21/2012 06:54 AM
Subject: Stop the Witchhunt - Justice for Ross Mirkarimi

Greetings,

I just signed the following petition addressed to: SF Mayor Lee (Mayor Ed Lee).

Mayor Edwin Lee, Stop the witch hunt against Ross Mirkarimi. Let justice run its course. Do not deprive San Francisco of a leading progressive voice and long-serving public servant. Ross has suffered enough for his transgressions. End his public humiliation, let him be reunited with his family.

Sincerely,

Roy Ferreira

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/san-francisco-mayor-edwin-lee-stop-the-witchhunt-justice-for-ross-mirkarimi-and-his-family>. To respond, [click here](#)

①

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Resign!

From: "Lee Goodin" <lgoodin1@mindspring.com>
To: "David.Chiu" <David.Chiu@sfgov.org>, "david.campos" <david.campos@sfgov.org>, "Malia.Cohen" <Malia.Cohen@sfgov.org>, "john.avalos" <john.avalos@sfgov.org>, "Eric.L.Mar" <Eric.L.Mar@sfgov.org>, "Mark.Farrell" <Mark.Farrell@sfgov.org>, "carmen.chu" <carmen.chu@sfgov.org>, "Jane.Kim" <Jane.Kim@sfgov.org>, "board.of.supervisors" <board.of.supervisors@sfgov.org>, "cwnevius" <cwnevius@sfchronicle.com>
Cc: "Ross.Mirkarimi" <Ross.Mirkarimi@sfgov.org>, <sheriff@sfgov.org>
Date: 03/20/2012 06:43 PM
Subject: Fw: Resign!

Terminate this loser!

From: Lee Goodin
Sent: Tuesday, March 20, 2012 6:21 PM
To: MayorEdwinLee ; cwnevius ; matierandross
Cc: sheriff@sfgov.org
Subject: Fw: Resign!

Mr. Mirkarimi,
You are an embarrassment to your self, your family, the office of Sheriff, the Mayor, and the City and County of San Francisco. Do the honorable thing ... resign ... now ... period.
Lee Goodin
North Beach
lgoodin1@mindspring.com

From: Lee Goodin
Sent: Tuesday, March 20, 2012 10:56 AM
To: sheriff@sfgov.org
Subject: Resign!

Mr. Mirkarimi,
You are an embarrassment to your self, your family, the office of Sheriff, the Mayor, and the City and County of San Francisco. Do the honorable thing ... resign ... now ... period.
Lee Goodin
North Beach
lgoodin1@mindspring.com

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Do the right thing and resign.

From: HepKitten <HepKitten@burningman.com>
To: Board.of.Supervisors@sfgov.org, mayoredwinlee@sfgov.org, sheriff@sfgov.org
Date: 03/20/2012 04:49 PM
Subject: Do the right thing and resign.
Sent by: bridget.s@gmail.com

Dear Sheriff Ross Mirkarimi,

You have been convicted of a violent crime, any violent offender has no place in the office of sheriff much less as the head of the department. How can you claim to enforce the laws that you can't even be bothered to follow yourself?

Please do not make the tax payers pay for your mistakes. Do the right thing and stop fighting what is inevitable.

I urge Mayor Ed Lee and the Board of Supervisors to not let our beautiful city become more of a joke than it has become in other parts of the country. Allowing a criminal to serve as sheriff is not what our city needs.

Bridget Segurson
4th generation San Franciscan

BDS-11
c-page

Lagan

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Take	Update	Add Note	Close	More Actions
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Attribute	Value
Service Request Ref #	1088140
Classification	City Services >> General Requests >> Request for City Services
Associated with	-
Title	request_for_service
Description	n/a --- Re: Mikarimi- Caller states, " I respectively request that the Mayor ask the Sheriff to resign. The leading cause of death here in SF for women between the ages of 20-50 is domestic violence. Ahead of cancer, automobile accidents and all other causes. The leading cause of death for police officers in this town is from domestic violence. They are most likely to die due to a domestic violence service than any other time in their career. The Sheriff is guilty on all 4 felony charges. Anyone else would not have gotten misdeameanors, and the public knows this. My ex-husband got away with domestic violence here in SF 15 years ago and we dont want things to go back to the way they were. - Domestic Violence Survivor.
Status	Open
Due Date	Mar 27 12 09:01 (5 days from now)
Allocated to	Board of Supervisors - Clerk of the Board - G
Created Date	Mar 20 12 09:01 (1 day ago)
Created by	Edterica Rockwell
Raised by	(Voice In)
Priority	Medium
Severity	Medium

History

Type	Description	Raised by	Created by	Created
Initial Contact	Voice In - 101051320719/I	(Unspecified Client)	Edterica Rockwell	Mar 20 12 08:52
Event	Agent Created Case	(No Interaction)	Edterica Rockwell	Mar 20 12 09:01
Event	Agent Updated Case Details - Reallocated to queue: Board of Supervisors - Clerk of the Board - G	(No Interaction)	Eform webservice Call	Mar 20 12 09:01
Event	Agent Updated Case Details - Title updated to: request_for_service Description updated to: n/a --- ...	(No Interaction)	Eform webservice Call	Mar 20 12 09:01
eForm	GenericEform	(No Interaction)	Edterica Rockwell	Mar 20 12 09:01

5 items found.



Show all results [printable version]

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BOS-11
cpage

Speaker Nancy Pelosi
90th Street Suite 2-800 March 19 2012
SF CA 94103

Dear Speaker Nancy Pelosi
May I please suggest your attention
concerning SF Sheriff case: also
SF Sheriff has payed enough. He need his Job

Happy Easter
Thank You!
Phoebe Williams
President of the Lost
and Found Tenant Union
also Executive Director
of Target Project Program

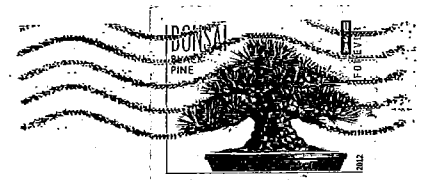
RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAR 21 PM 3:30

Williams
t.
CA 94124



UNITED STATES POSTAL SERVICE

20 MAR 2012 PM 5:17



SF supervisor's
SF city hall
SF CA, 94102

94102/9999



To: * BOS Constituent Mail Distribution, *Sup OIague*
Cc:
Bcc:
Subject: Two emails from Howard Chabner regarding Sheriff Ross Mirkarimi

From: "Howard Chabner" <hlchabner@jps.net>
To: ✕ <ed.lee@sfgov.org>, <alisa.somera@sfgov.org>, <eric.l.mar@sfgov.org>, <les.hilger@sfgov.org>, <scott.weiner@sfgov.org>, <gillian.gillett@sfgov.org>, <malia.cohen@sfgov.org>, <Jon.Lau@sfgov.org>, <Carmen.Chu@sfgov.org>, <john.avalos@sfgov.org>, <david.chiu@sfgov.org>, <david.campos@sfgov.org>, <Sean.Elsbernd@sfgov.org>, <mark.farrell@sfgov.org>, <jane.kim@sfgov.org>, <angela.calvillo@sfgov.org>, <frances.hsieh@sfgov.org>, <catherine.stefani@sfgov.org>, <viva.mogi@sfgov.org>, <olivia.scanlon@sfgov.org>
Date: 03/20/2012 12:55 PM
Subject: an additional thought why Mirkarimi must go

Dear Mayor Lee, Supervisors and Staff Members:

This is a follow-up to my previous e-mail. Ross Mirkarimi pleaded guilty to the charge of false imprisonment. As Sheriff he is in charge of running the county jail. How ironic, and tragic. A Sheriff who pleaded guilty to false imprisonment just cannot continue in office.

Sincerely

Howard Chabner

From: "Howard Chabner" <hlchabner@jps.net>
To: <ed.lee@sfgov.org>, <alisa.somera@sfgov.org>, <eric.l.mar@sfgov.org>, <les.hilger@sfgov.org>, <scott.weiner@sfgov.org>, <gillian.gillett@sfgov.org>, <malia.cohen@sfgov.org>, <Jon.Lau@sfgov.org>, <Carmen.Chu@sfgov.org>, <john.avalos@sfgov.org>, <david.chiu@sfgov.org>, <david.campos@sfgov.org>, <Sean.Elsbernd@sfgov.org>, <mark.farrell@sfgov.org>, <jane.kim@sfgov.org>, <angela.calvillo@sfgov.org>, <frances.hsieh@sfgov.org>, <catherine.stefani@sfgov.org>, <viva.mogi@sfgov.org>, <olivia.scanlon@sfgov.org>
Date: 03/20/2012 12:48 PM
Subject: Mirkarimi Must Go

Dear Mayor Lee, Supervisors and Staff Members:

If the matter had gone to trial and Ross Mirkarimi had been acquitted of all charges, that would have, and should have, been the end of the controversy. But Mr. Mirkarimi pleaded guilty to a crime. It is not right for someone who has pleaded guilty to a crime to continue to serve as Sheriff, even if it is only one crime and even if he is still legally permitted to carry a gun. It should go without saying that no public official who has admitted to a crime should remain in office, and especially the office of Sheriff, one of the two highest law enforcement officials in the county. The office of Sheriff must be above suspicion and the appearance of wrongdoing, let alone actual wrongdoing. By trying desperately to hang onto his job despite his guilty plea, Mr. Mirkarimi has made crystal clear that he has neither the moral character nor the judgment nor the

humility to recognize what should be obvious.

The San Francisco Sheriff's Department has been without a functioning leader for nearly three months while the time, attention and resources of the City and County, its leaders and its residents have been distracted by this circus. Please do everything in your power to remove Ross Mirkarimi as Sheriff as soon as possible. If any of you are personal friends of his, you would be doing both him and the residents of San Francisco a service by persuading him to resign immediately. Also, although he should keep whatever vested retirement benefits he earned as Supervisor, he should not be entitled to any retirement benefits or severance pay as Sheriff.

Sincerely

Howard Chabner

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Stop the Witchhunt - Justice for Ross Mirkarimi

From: Mira Ingram <mail@change.org>
To: board.of.supervisors@sfgov.org
Date: 03/26/2012 08:04 AM
Subject: Stop the Witchhunt - Justice for Ross Mirkarimi

Greetings,

I just signed the following petition addressed to: SF Mayor Lee (Mayor Ed Lee).

Mayor Edwin Lee, Stop the witch hunt against Ross Mirkarimi. Let justice run its course. Do not deprive San Francisco of a leading progressive voice and long-serving public servant. Ross has suffered enough for his transgressions. End his public humiliation, let him be reunited with his family.

Sincerely,

Mira Ingram
San Francisco, California

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/san-francisco-mayor-edwin-lee-stop-the-witchhunt-justice-for-ross-mirkarimi-and-his-family>. To respond, [click here](#)

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Fw: Stop the Witchhunt - Justice for Ross Mirkarimi

From: Ann Garrison <mail@change.org>
To: board.of.supervisors@sfgov.org
Date: 03/24/2012 02:06 AM
Subject: Stop the Witchhunt - Justice for Ross Mirkarimi

Greetings,

I just signed the following petition addressed to: SF Mayor Lee (Mayor Ed Lee).

Mayor Edwin Lee, Stop the witch hunt against Ross Mirkarimi. Let justice run its course. Do not deprive San Francisco of a leading progressive voice and long-serving public servant. Ross has suffered enough for his transgressions. End his public humiliation, let him be reunited with his family.

Sincerely,

Ann Garrison
San Francisco, California

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/san-francisco-mayor-edwin-lee-stop-the-witchhunt-justice-for-ross-mirkarimi-and-his-family>. To respond, [click here](#)

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE
MAYOR

March 21, 2012

Members, Board of Supervisors
c/o Angela Calvillo, Clerk of the Board
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
By hand delivery

Members, San Francisco Ethics Commission
c/o John St. Croix, Executive Director
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102
By hand delivery

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAR 21 PM 3:07
BY _____ AK

Dear Supervisors and Commissioners:

Under the authority of Section 15.105 of the Charter of the City and County of San Francisco, I have suspended Sheriff Ross Mirkarimi from the Office of Sheriff, and I am filing written charges of official misconduct seeking his removal from office.

I am transmitting to the Board of Supervisors and to the Ethics Commission the written charges specifying the acts of Sheriff Mirkarimi that constitute the official misconduct. I also am serving the charges and a suspension letter upon Sheriff Mirkarimi.

Today, I appointed Vicki Hennessey to discharge the duties of Sheriff during the period of Sheriff Mirkarimi's suspension under Charter Section 15.105.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edwin M. Lee".

Edwin M. Lee
Mayor

CITY HALL, ROOM 200
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CALIFORNIA 94102-4681
(415) 554-6141
(415) 554-6160 FAX

RECYCLED PAPER

2

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE
MAYOR

March 21, 2012

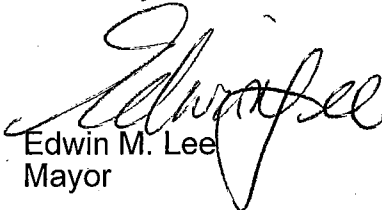
Ms. Vicki Hennessey
3060 23rd Avenue,
San Francisco, CA 94132

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAR 21 PM 3:08
BY _____ AK

Dear Ms. Hennessey:

Having suspended Sheriff Mirkirami under the authority of Charter section 15.105, I am hereby appointing you to discharge the duties of the office of Sheriff during the period of Sheriff Mirkirami's suspension.

Sincerely,


Edwin M. Lee
Mayor

CITY HALL, ROOM 200
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CALIFORNIA 94102-4681
(415) 554-6141
(415) 554-6160 FAX

RECYCLED PAPER

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE
MAYOR

March 21, 2012

Ross Mirkarimi
c/o David P. Waggoner
Attorney at Law
1777 Haight Street
San Francisco, CA 94117-2807
By hand delivery

Dear Sheriff Mirkarimi:

Under the authority of Section 15.105 of the Charter of the City and County of San Francisco, I am immediately suspending you without pay from the Office of Sheriff on grounds of official misconduct. During your suspension, I will appoint Vicki Hennessey to discharge the duties of the Office of Sheriff.

I will notify the Ethics Commission and the Board of Supervisors that I have suspended you on grounds of official misconduct. I will present those bodies with written charges and ask that you be removed from office, as required under San Francisco Charter Section 15.105(a).

Sincerely,

A handwritten signature in cursive script, appearing to read "Edwin M. Lee".

Edwin M. Lee
Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAR 21 PM 3:07
BY _____
AK

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 JESSE CAPIN SMITH, State Bar #122517
Chief Assistant City Attorney
3 City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
4 San Francisco, California 94102-4682
Telephone: (415) 554-4700
5 Facsimile: (415) 554-4745

6 BOARD OF SUPERVISORS
7 ETHICS COMMISSION
8 CITY AND COUNTY OF SAN FRANCISCO

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAR 21 PM 3:07
AK

9
10 In the Matter of Charges Against
11 ROSS MIRKARIMI,
12 Sheriff, City and County of San Francisco.

**WRITTEN CHARGES OF OFFICIAL
MISCONDUCT.**
[San Francisco Charter Section 15.105]

13
14
15
16
17 I, EDWIN M. LEE, Mayor of the City and County of San Francisco (the "City"), acting
18 under the authority vested in me by Charter Section 15.105, charge San Francisco
19 Sheriff Ross Mirkarimi ("SHERIFF MIRKARIMI") with engaging in official misconduct as defined
20 in San Francisco Charter Section 15.105(e). All the factual allegations contained in these charges
21 are based upon my information and belief.

22 **BACKGROUND**

23 **A. Charter Section 15.105**

24 1. San Francisco Charter Section 15.105 authorizes me to file these charges and initiate
25 proceedings to remove SHERIFF MIRKARIMI from his elective office. Section 15.105 states that
26 "[a]ny elective officer" is "subject to suspension and removal for official misconduct" as provided
27 for in that section. Section 15.105(a) provides: "Such officer may be suspended by the Mayor and
28 the Mayor shall appoint a qualified person to discharge the duties of the office during the period of

1 suspension. Upon such suspension, the Mayor shall immediately notify the Ethics Commission and
2 Board of Supervisors thereof in writing and the cause thereof, and shall present written charges
3 against such suspended officer to the Ethics Commission and Board of Supervisors at or prior to
4 their next regular meetings following such suspension, and shall immediately furnish a copy of the
5 same to such officer, who shall have the right to appear with counsel before the Ethics Commission
6 in his or her defense."

7 2. Charter Section 15.105(a) further provides: "The Ethics Commission shall hold a
8 hearing not less than five days after the filing of written charges. After the hearing, the Ethics
9 Commission shall transmit the full record of the hearing to the Board of Supervisors with a
10 recommendation as to whether the charges should be sustained. If, after reviewing the complete
11 record, the charges are sustained by not less than a three-fourths vote of all members of the
12 Board of Supervisors, the suspended officer shall be removed from office; if not so sustained, or if
13 not acted on by the Board of Supervisors within 30 days after the receipt of the record from the
14 Ethics Commission, the suspended officer shall thereby be reinstated."

15 3. Charter Section 15.105(e) defines the term "official misconduct":
16 "Official misconduct means any wrongful behavior by a public officer in relation to the duties of his
17 or her office, willful in its character, including any failure, refusal or neglect of an officer to
18 perform any duty enjoined on him or her by law, or conduct that falls below the standard of
19 decency, good faith and right action impliedly required of all public officers and including any
20 violation of a specific conflict of interest or governmental ethics law. When any City law provides
21 that a violation of the law constitutes or is deemed official misconduct, the conduct is covered by
22 this definition and may subject the person to discipline and/or removal from office."

23 4. Charter Section 15.105(e) does not require that the wrongful conduct at issue occur
24 while the officer held the office from which the Mayor seeks to remove him.

25 5. Under Charter Section 15.105(e), a public officer may engage in official misconduct
26 even if the officer's wrongful conduct is not related to the specific duties of his or her office.
27 Section 15.105(e) defines official misconduct to include "conduct that falls below the standard of
28 decency, good faith and right action impliedly required of all public officers." This phrase is

1 susceptible of two reasonable interpretations, neither of which requires a nexus between the
2 wrongful conduct and the duties of a specific public office. This phrase could be either (a) an
3 example of misconduct that, by definition, relates to the duties of all public officers, or (b) an
4 independent, alternative category of official misconduct that does not require a connection to an
5 officer's official duties. Under either interpretation, "conduct that falls below the standard of
6 decency, good faith and right action impliedly required of all public officers" is official misconduct,
7 regardless of whether there is a direct nexus between the conduct and the specific duties of the
8 officer.

9 6. While I believe the construction described above is correct and consistent with the
10 intent of the voters, there may be an argument that Section 15.105(e) should be interpreted to
11 require a direct connection between the officer's wrongful conduct and the specific duties of the
12 office. Under this alternative interpretation, official misconduct charges could be sustained only
13 upon a finding that the conduct in question is related to the duties of the office.

14 7. As discussed below, SHERIFF MIRKARIMI's conduct constitutes
15 official misconduct under either interpretation of Charter Section 15.105(e).

16 **B. The Office Of Sheriff**

17 8. On November 8, 2011, SHERIFF MIRKARIMI, then an elected Board of
18 Supervisors member of the City, was elected to the Office of Sheriff for the City and County of
19 San Francisco for a four-year term beginning January 8, 2012. The Director of Elections certified
20 the results of this election on November 22, 2011, and the Board of Supervisors declared the results
21 on December 6, 2011.

22 9. On January 8, 2012, SHERIFF MIRKARIMI ceased to be a member of the
23 Board of Supervisors and assumed office as Sheriff.

24 10. As set forth in Charter Sections 6.100 and 6.105, the Sheriff is an elective officer of
25 the City. Under San Francisco Charter Section 6.105, the duties of the Sheriff include keeping the
26 County jails; receiving all prisoners committed to jail by competent authorities; executing the orders
27 and legal processes issued by the courts of the State of California; upon court order detailing
28 necessary bailiffs; and executing the orders and legal processes issued by the Board of Supervisors

1 or by any legally authorized department or commission. Under Government Code Section 26600,
2 the Sheriff is also responsible for preserving the peace, "and to accomplish this object may sponsor,
3 supervise, or participate in any project of crime prevention, rehabilitation of persons previously
4 convicted of crime, or the suppression of delinquency."

5 11. As a peace officer, the Sheriff has the authority to make arrests and to carry a
6 firearm, among other powers. Cal. Penal Code § 830.1 et seq.

7 12. Under California Family Code Sections 6250 et seq., peace officers, including the
8 Sheriff, can request and must enforce emergency protective orders in domestic violence cases.

9 13. The Office of the Sheriff regularly interacts with local programs for perpetrators and
10 victims of domestic violence. This interaction includes providing grant funding to one or more
11 rehabilitation programs for perpetrators of domestic violence, and the Sheriff's Office may refer
12 offenders to such programs. The Sheriff's Office also provides recovery programs for persons in jail
13 who are victims of domestic violence.

14 14. The Office of the Sheriff also interacts with and cooperates with the City and County
15 of San Francisco's Adult Probation Department, which supervises all individuals sentenced to
16 probation. The Sheriff is a member of the Community Corrections Partnership, which is chaired by
17 the county's Chief Probation Officer. Cal. Penal Code § 1230. The Sheriff is also responsible for
18 appointing a co-chair of the City's Re-Entry Council, which supports programs serving individuals
19 exiting the criminal justice system who reside in or will be released to San Francisco.

20 San Francisco Administrative Code 5.1-1 et seq.

21 15. The Sheriff's Office also participates in and funds activities related to pre-trial
22 diversion, sentencing, re-entry and rehabilitation.

23 **C. Wrongful Conduct By Sheriff Mirkarimi**

24 16. On or about December 31, 2011, SHERIFF MIRKARIMI committed acts of verbal
25 and physical abuse against his wife, Eliana Lopez. During an argument with Ms. Lopez on that
26 date, SHERIFF MIRKARIMI grabbed Ms. Lopez with such force that he bruised her upper right
27 arm.

1 17. During that incident, SHERIFF MIRKARIMI restrained Ms. Lopez and violated her
2 personal liberty.

3 18. At or around the time of the incident, SHERIFF MIRKARIMI indicated to
4 Ms. Lopez that he was very powerful and could therefore take custody of their two-year-old child if
5 Ms. Lopez attempted to end their relationship.

6 19. On January 1, 2012, Ms. Lopez described the incident to one of her neighbors.
7 On January 4, 2012, Ms. Lopez described the incident to a second neighbor. One of these neighbors
8 contacted the San Francisco Police Department, which initiated a criminal investigation into the
9 report of domestic violence by SHERIFF MIRKARIMI.

10 20. On January 13, 2012, the District Attorney initiated a criminal complaint against
11 SHERIFF MIRKARIMI, charging that SHERIFF MIRKARIMI violated three provisions of the
12 California Penal Code in connection with the December 31, 2011 incident. Specifically, the
13 District Attorney charged that SHERIFF MIRKARIMI violated:

- 14 • Penal Code Section 273.5(a), by unlawfully inflicting a corporal injury resulting in
15 traumatic condition upon Ms. Lopez;
- 16 • Penal Code Section 273a(b), by willfully and unlawfully causing and permitting the
17 person and health of his two-year-old child to be endangered; and
- 18 • Penal Code Section 136.1(b)(1), by willfully and unlawfully attempting to prevent
19 and dissuade Ms. Lopez from making a report of the incident to law enforcement.

20 21. On March 12, 2012, the District Attorney amended the criminal complaint to add a
21 fourth charge: that SHERIFF MIRKARIMI violated California Penal Code Section 236 by willfully
22 and unlawfully violating the personal liberty of Ms. Lopez during the December 31, 2011 incident.

23 22. Following the incident, individuals who may have been speaking on behalf of
24 SHERIFF MIRKARIMI, acting as SHERIFF MIRKARIMI's agents, or acting in coordination with
25 SHERIFF MIRKARIMI, dissuaded and intimidated one or more witnesses, discouraged them from
26 speaking with law enforcement authorities, and encouraged them to destroy evidence.

27 23. On March 12, 2012, SHERIFF MIRKARIMI pled guilty to committing the crime of
28 false imprisonment in violation of California Penal Code Section 236 during the December 31, 2011

1 incident. Under Section 236, false imprisonment is the unlawful violation of the personal liberty of
2 another. "Force is an element of both felony and misdemeanor false imprisonment." *People v.*
3 *Dominguez* (2010) 180 Cal. App. 4th 1351, 1356-1357. By pleading guilty to that charge,
4 SHERIFF MIRKARIMI admitted that he unlawfully violated Ms. Lopez's personal liberty by use of
5 force.

6 24. On March 19, 2012, the Honorable James Collins of the San Francisco County
7 Superior Court sentenced SHERIFF MIRKARIMI for misdemeanor false imprisonment to one day
8 in jail, three years probation, 52 weeks of domestic violence counseling, community service and a
9 fine.

10 25. SHERIFF MIRKARIMI's actions have negatively impacted the functioning of the
11 Office of Sheriff. For example, Don Wilson, president of the San Francisco Deputy Sheriff's
12 Association, publicly stated after sentencing that Mirkarimi's guilty plea negatively affected
13 deputies' morale and that morale is very low.

14 26. Concurrently with the filing of these charges and service upon
15 SHERIFF MIRKARIMI, under Charter Section 15.105, I suspended SHERIFF MIRKARIMI from
16 office and appointed a qualified person to serve as Sheriff during the period of suspension.

17 **OFFICIAL MISCONDUCT BY SHERIFF MIRKARIMI**

18 27. Paragraphs 1-24 are incorporated by reference and realleged as if set forth in full.

19 28. SHERIFF MIRKARIMI committed official misconduct under Charter
20 Section 15.105(e) by willfully engaging in the acts described above, including but not limited to the
21 act of falsely imprisoning Ms. Lopez.

22 29. SHERIFF MIRKARIMI's actions constitute official misconduct under Charter
23 Section 15.105(e) because he engaged in willful actions that constitute "conduct that falls below the
24 standard of decency, good faith and right action impliedly required of all public officers." Jointly
25 and severally, the conduct described in Paragraphs 14-23 falls below the standard of decency
26 required of all public officers. SHERIFF MIRKARIMI's conduct described in those Paragraphs
27 includes but is not limited to: falsely imprisoning Ms. Lopez; committing acts of domestic violence
28

1 against Ms. Lopez that resulted in physical injuries to her; threatening to use his power and status as
2 a City official against her in child custody proceedings; and endangering the health of a child.

3 30. Even if Charter Section 15.105(e) required a direct nexus between
4 SHERIFF MIRKARIMI's wrongful conduct and the duties of his office to support a finding of
5 official misconduct, that additional element is satisfied here. SHERIFF MIRKARIMI'S conduct, as
6 described above, related to the duties of his office in at least the following ways:

- 7 • SHERIFF MIRKARIMI misused his office, and the status and authority it carries,
8 for personal advantage when he stated to Ms. Lopez that he could win custody of
9 their child because he was very powerful.
- 10 • The Sheriff is the City official charged by law with receiving prisoners and
11 overseeing the jails. SHERIFF MIRKARIMI engaged in conduct related to the duties
12 of Sheriff by committing criminal acts that could and did result in his personal
13 imprisonment in jail. SHERIFF MIRKARIMI's one-day sentence to county jail
14 undermines his ability to receive inmates and to supervise the County jails.
- 15 • The Sheriff is the head of a City department responsible for interacting and
16 cooperating with the City and County of San Francisco's Adult Probation
17 Department for all individuals sentenced to probation. SHERIFF MIRKARIMI
18 committed criminal acts that could and did result in SHERIFF MIRKARIMI serving
19 three years of probation.
- 20 • The Sheriff is a peace officer responsible for enforcing emergency protective orders
21 in domestic violence cases, and is the head of a City department that regularly works
22 with and funds local programs for perpetrators and victims of domestic violence.
23 SHERIFF MIRKARIMI engaged in acts of domestic violence.
- 24 • The Sheriff is the City official responsible for keeping the County jails and for
25 ensuring the legal and judicious imprisonment of inmates. SHERIFF MIRKARIMI
26 falsely imprisoned Ms. Lopez, using force to restrain her against her will.

- The Sheriff is a peace officer who has the power to carry a firearm and who is charged with the power to use force for law enforcement purposes.

SHERIFF MIRKARIMI used illicit force against Ms. Lopez.

- The Sheriff is the chief elected law enforcement officer of the City and County of San Francisco. SHERIFF MIRKARIMI may have acted or directed others acting with him or on his behalf to discourage and dissuade witnesses from lawfully providing information regarding criminal activity to law enforcement authorities, and encourage the destruction of evidence regarding criminal activity.

31. SHERIFF MIRKARIMI's actions undermine the integrity of the Office of Sheriff.

He misused the power and status accompanying his public office. He committed unlawful acts of violence and falsely imprisoned his wife—ultimately resulting in his own imprisonment.

This misconduct is fundamentally incompatible with holding the Office of Sheriff, the chief elected law enforcement officer in the City and County of San Francisco and constitutes official misconduct under Section 15.105 of the Charter.

PRAYER

Therefore, in my capacity as Mayor of the City and County of San Francisco, I am seeking the following under Charter Section 15.105:

1. That the Ethics Commission hold a public hearing not less than five days after the filing of these written charges, and after the hearing, transmit the full record of the hearing to the Board of Supervisors with a recommendation that the charges of official misconduct against SHERIFF MIRKARIMI should be sustained.

2. That the Board of Supervisors review the complete record and sustain the charges of official misconduct against SHERIFF MIRKARIMI by not less than a three-fourths vote of all members of the Board of Supervisors (i.e., nine votes).

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3. That upon the vote of the Board of Supervisors sustaining the charges,
SHERIFF MIRKARIMI be removed from the Office of Sheriff of the City and County of
San Francisco.

DATED: March 21, 2012



EDWIN M. LEE
Mayor
City and County of San Francisco

PROOF OF SERVICE

I, GEORGE COTHRAN, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, 1390 Market St., 7th Floor, San Francisco, CA 94102.

On March 21, 2012, I served the following document(s):

CHARGES OF OFFICIAL MISCONDUCT

NOTICE OF SUSPENSION

on the following persons at the locations specified:

SERVICE LIST

Sheriff Ross Mirkarimi
c/o David P. Waggoner, Attorney at Law
1777 Haight Street
San Francisco, CA 94117-2807

in the manner indicated below:

- BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.
- BY PERSONAL SERVICE:** I sealed true and correct copies of the above documents in addressed envelope(s) and delivered such envelopes by hand at the above locations.
- BY OVERNIGHT DELIVERY:** I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier the same day.
- BY ELECTRONIC MAIL:** I caused a copy of such document to be transmitted via electronic mail in Portable Document Format ("PDF") Adobe Acrobat from the electronic address: *holly.chin@sfgov.org*

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed March 21, 2012, at San Francisco, California.



GEORGE COTHRAN

BOARD of SUPERVISORS



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

Date:	March 26, 2012
To:	Honorable Members, Board of Supervisors
From:	ACG Angela Calvillo, Clerk of the Board
Subject:	Form 700

This is to inform you that the following individuals have submitted a Form 700 Statement:

Supervisor David Campos, BOS, LAFCo – Annual
Supervisor David Chiu, BOS – Annual
Supervisor Sean Elsbernd, BOS – Annual
Andrea Bruss, Legislative Aide – Annual
Margaux Kelly, Legislative Aide – Annual
Matthias Mormino, Legislative Aide – Annual
Nick Pagoulatos, Legislative Aide – Annual
Catherine Stefani, Legislative Aide – Annual
Hanley Chan, SOTF - Annual
Hope Johnson, SOTF – Annual
Severin Campbell, Budget Analyst – Annual
Myong Leigh, Redistricting Task Force – Annual
Sonia Melara, Redistricting Task Force – Annual
Mark Schreiber, Redistricting Task Force – Annual
Melissa Tidwell, Redistricting Task Force – Annual
Jen Low, Legislative Aide – Leaving
Ohn Myint, COB, Annual - Leaving
Christopher Rustom, COB - Leaving

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Bernal Heights Library Mural

From: A <squillistrega@sbcglobal.net>
To: Board.of.Supervisors@sfgov.org
Date: 03/21/2012 10:02 AM
Subject: Bernal Heights Library Mural

Hello Board of Supervisors,

We were very disturbed to hear that the mural on the library wall was being removed. We have lived in this neighborhood every time we came to the library, which was once or twice a week. **Please do not remove the mural!** The mural is a beautiful piece of art that has been a part of our community for many years.

Amelia Ranche Ferretti
Davide Ferretti

4

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Support for Restoration of Bernal Heights Library Mural (Visual Arts Committee Agenda Item 14, 3/21/12)

From: Cynthia Servetnick <cynthia.servetnick@gmail.com>
To: jdbeltran@sfgov.org
Cc: tom.decaigny@sfgov.org, sharon.page_ritchie@sfgov.org, sblackman@sfpl.org, lherrera@sfpl.org, John Avalos <John.Avalos@sfgov.org>, David Campos <david.campos@sfgov.org>, David Chiu <David.Chiu@sfgov.org>, Carmen Chu <Carmen.Chu@sfgov.org>, Malia Cohen <Malia.Cohen@sfgov.org>, Sean Elsbernd <Sean.Elsbernd@sfgov.org>, Mark Farrell <Mark.Farrell@sfgov.org>, Jane Kim <jane.kim@sfgov.org>, Eric Mar <Eric.L.Mar@sfgov.org>, Christina.Olague@sfgov.org, Scott Wiener <scott.wiener@sfgov.org>, Board.of.Supervisors@sfgov.org, sfpreservationconsortium <sfpreservationconsortium@yahoogroups.com>, libraryusers2004 <libraryusers2004@yahoo.com>
Date: 03/21/2012 09:49 AM
Subject: Support for Restoration of Bernal Heights Library Mural (Visual Arts Committee Agenda Item 14, 3/21/12)

Honorable President Beltran:

On behalf of the San Francisco Preservation Consortium, a grassroots historic preservation education and advocacy group comprised of individuals and member organizations, we ask the Visual Arts Committee to support the restoration of the existing mural on the Bernal Heights Branch Library, which was created between 1980 and 1982 through a community effort led by muralists Arch Williams and Carlos Alcala. The mural features Chilean singer-songwriter Victor Jara and American singer Holly Near. One side of the wall honors working women and the other side of the wall depicts the history of Bernal Heights.

As funding for mural restoration may be available from the Library and the City's Community Challenge Grant Program, we urge restoration of the Bernal Heights Library community mural--an aspect of "People's Art"--rather than replacement as recommended by the Library Commission on July 21, 2011.

Sincerely,

Cynthia Servetnick, eGroup Moderator
San Francisco Preservation Consortium

=====
<http://www.sfgov.org/site/frame.asp?u=http://www.sfartscommission.org>

14. Bernal Heights Branch Library

Susan Pontious

Action

Explanatory Documents: Project Overview; Precita Eyes Mural Application; Ruben Rude Mural Application; Letters of Support; Letters in Opposition (revised 3/20/12); Approvals Timeline; Community Meetings Calendar

Presentation Time: Approximately 10 minutes

Presentation of the Bernal Heights Branch Library Mural removal and replacement effort.

Motion: Motion to approve the removal of the murals by Arch Williams and others on the Courtland Avenue and Moultrie Street sides of the Bernal Heights Branch Library, which will be replaced by a tile and bronze artwork by Precita Eyes on the Courland Avenue side of the library and a painted mural by Rueben Rude on the Moultrie Street side of the library.

Motion: Motion to approve final design of the mural by Rueben Rude for the Moultrie Street side of the Bernal Heights Branch Library.

Motion: Motion to approve design development of the proposal for a tile and bronze mural by Precita Eyes for the front of the Bernal Heights Branch Library on Courtland Avenue.

Thank you for the radio.
emersondell to: board.of.supervisors
Please respond to "emersondell"

03/21/2012 11:04 AM

City Hall,
Thank you for having your meeting on the radio.
Emerson

Sent from my Verizon Wireless 4GLTE smartphone.

5

Craig
BOS-11

**Ms. Peggy Handler
918 Avalon Ave.
San Francisco, CA 94112-2134**

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAR 22 PM 3:44

TO ALL SAN FRANCISCO SUPERVISORS:

I AM LISTENING ON MY RADIO. THANK YOU FOR
BROADCASTING ON THE RADIO AGAIN AND IT'S ABOUT TIME.



Stop the demolition of a national eligible masterplanned community.

ce frazier

to:

board.of.supervisors

03/20/2012 03:24 PM

Hide Details

From: ce frazier <mail@change.org>

To: board.of.supervisors@sfgov.org

Please respond to no-reply@change.org

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unnecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.


Thank you for your support and interest in housing, jobs, and the environment.

6

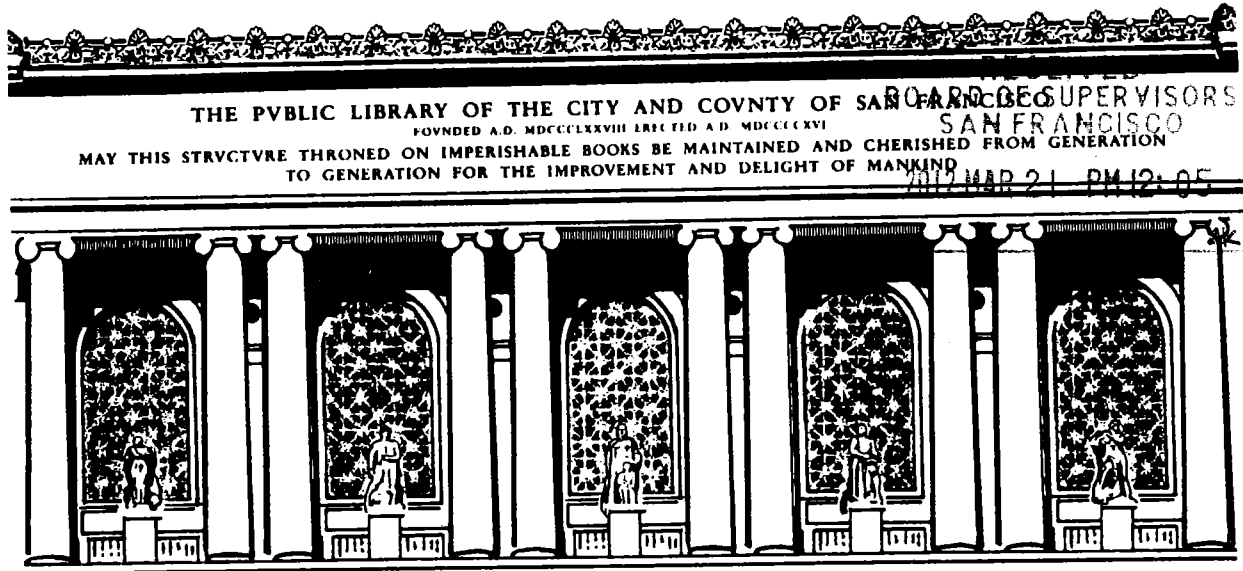
Sincerely

Aaron Goodman

ce frazier
brooklyn, New York

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition>. To respond, [click here](#) 

B35-11
603
c pages



The Original Library Movement

March 21, 2012

James Chaffee

63 Stoneybrook Avenue
San Francisco, CA 94112

Member
Board of Supervisors
City Hall
San Francisco, CA 94102

Re: **David Chiu Had Me Arrested at a Supervisors Meeting**
Chapter Four: The Long-term Campaign of Privatization

Dear Supervisor:

In this fourth installment of my description of my lawsuit against the David Chiu because he had me arrested and removed from an open public meeting, I should provide some background. There is no question this is a direct attack on dissent and the right to expose the abuses of privatization. In one of my previous chapters I made a reference to the fact that this was just a continuation of the suppression of democratic openness and participation that we see at the Library Commission.

For those who have never experienced it up close, the abuse that is generated by people who are ripping off the society for millions of dollars per year may be difficult to imagine. It is certainly beyond what I thought was possible. The forces that are created by dominance of corporate influence by and through the mechanism of corporate philanthropy is no different from the oligarchies of the 19th Century, exactly as ruthless and as demeaning to humanity.

The first factor that serves that mechanism is the challenge to the credibility of its critics. No matter how outrageous the misrepresentation, it is supported by the political mechanism that might think that there is some good that is being served by the money. Therefore, not only is there a natural tendency to disbelieve the critics, but that same credibility is directly attacked.

7

Board of Supervisors
March 21, 2012
Page 3

The chief, and most current, example is the president of the Library Commission. The Sunshine Task Force found her guilty of willful official misconduct. The Ethics Commission found her unfit for office based on conduct "below standard of decency, good faith and right action impliedly required of all public officials." Of course, and I say "of course," because it is the perversion of decency that we all expect, the Library Commission ratified her action by unanimous reelecting her as the Commission president. Actually, such an endorsement of wrongdoing should be unthinkable. It is so far below any standard of democratic and social values that the failure to resign voluntarily is itself shocking. Of course, the Library Commission unanimously ratified her as their president because she is needed to kick the stupid butts of the democracy radicals (like me). The Library Commission does not tolerate open discussion because they can't.

So a member of the public (not me), compared this outrageous betrayal of democracy to Roman Emperors, "maybe what you should do is what they used to do in the old Roman Republic – elect Ms. Gomez for the position of dictator for life and then at least the rest of us would have the hope an assassination might result in a change of leadership." Not only is it fair comment, but if they are imperious enough to act like Roman Emperors why should they care? Just so no one would take umbrage, that member of the public cleared it up later that same meeting as clearly a metaphor, "Historically that was what the Romans did. They had a dictator for life and then the people would get tired of that person and they would sit around and go, gee maybe someone will bump him off. And it was not a literal – and I think you knew that – and I did not appreciate the fact that it was raised as something – I think you all know better – that I did not mean literal assassination."

So what did the Library Commission president do next? She swore out a police complaint against the guy. Why not? If you are going to misuse the power of the state to line your own pockets, it is better to go all the way.

That is the Library Commission, but Board president David Chiu is no better. He knows where the money is and he knows what discussion has to be suppressed to keep the money flowing his way. Between Corporate Philanthropy and simple greed the expectations of democracy hold little sway in minds of political players of which David Chiu is only the chief exemplar.

Very truly yours,

James Chaffee
cc: Interested citizens & media

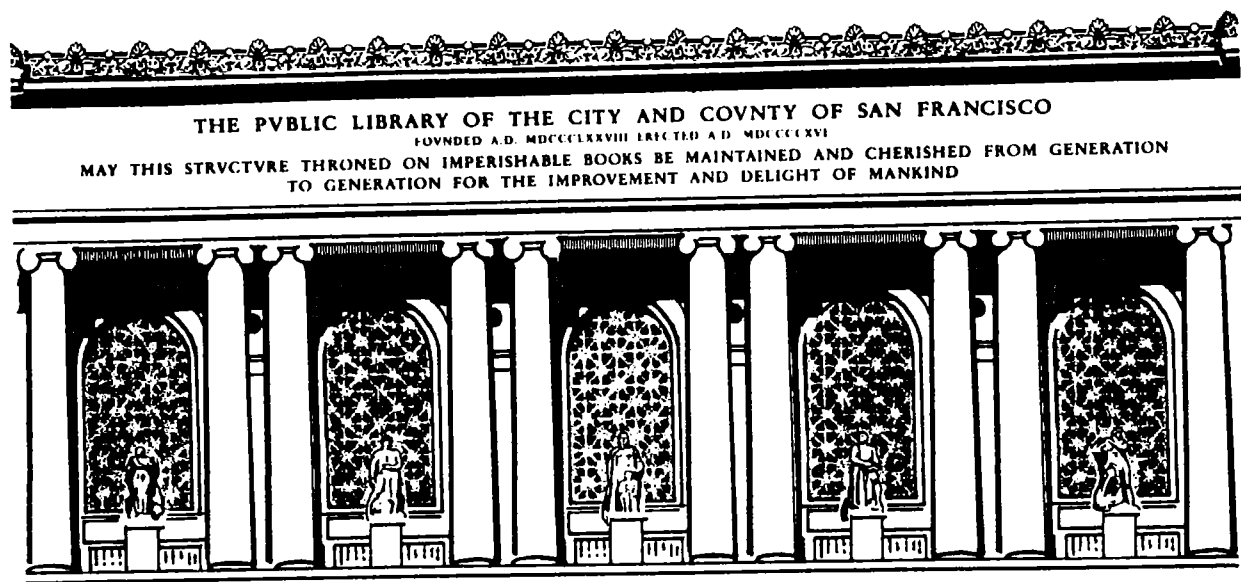
Thus, the lies are incredible – to coin a phrase. Once they have the money to enforce their credibility, they will claim that the sun does not rise in the East and water does not run downhill, if it serves their purpose.

The barriers that protect graft are barriers of class and the barriers of class are barriers of contempt. This has a great deal of appeal. Self-styled aristocrats think that aristocracies are natural and their privileges are based on a higher level of intelligence, education, and most of all, civility. The trouble is that it is both a manufactured impression and a self-fulfilling prophecy. They simply insult citizens, lie to citizens, deprive citizens of knowledge and the protection of the rules and then point to their condition as evidence of their inferiority. Well, why does it always turn out that the donors are the aristocrats and the public is uncivilized? The answer is that it is a self-serving creation that is manufactured to disenfranchise whomever they wish. There is a quotation that I have used before, and that one sees elsewhere from time to time, from John Milton: "with a most inhuman cruelty, they who have put out the people's eyes, reproach them of their blindness." As I think of it, this quotation was used in a documentary called "Manufacturing Consent," which is the point.

There are two devices that the Library Commission has employed that I must explain. One is "le mot de Coulter" and the other is the Public Comment Fund.

Le mot de Coulter is what was once called the barnyard epithet, or BS's big brother. It is named for the former president of the Library Commission who used it not just to describe the opinions of the public, but their character, motives and value in the world. He would do this as the chair of a public meeting. By itself that is a little too superficial, as if we objecting to the profanity of it. Le mot de Coulter is just the leading edge of the campaign that includes process junkie, that's tough, who cares, and the legendary "get a life," along with all kinds of vile stuff I hope you can barely imagine.

The public comment fund is a device to demonstrate that democracy is nonsense. It was created so that whenever anyone complained about the Friends of the Library they could claim that rather than being frustrated, those who complain "are just raising money for the Friends." When anyone complains about corruption, commercialization or privatization they laugh and throw another \$5 in the Fund. The president of the Library Commission is among those who contribute to it. I love the public comment fund because it illustrates better than anything else could the underlying reality that truth and decency does not matter in the face of private money. This is immeasurably worse because they have a motive, ripping off the city for millions of dollars.



The Original Library Movement

March 26, 2012

James Chaffee
63 Stonybrook Avenue
San Francisco, CA 94112

Member
Board of Supervisors
City Hall
San Francisco, CA 94102

Re: David Chiu Had Me Arrested at a Supervisors Meeting
Chapter Five: Bringing Out the Rhetorical Big Guns

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
MAR 26 PM 1:11

Dear Supervisor:

My complaint against David Chui for having me arrested at a Supervisors meeting comes up for its first big test on Tuesday, March 27, 2012. Not only has the case been moved to Oakland, but the judge handles all motions for the week on Tuesdays at 2:00 p.m. There is some irony that in order to defend my right to attend Supervisors meetings, I might have to miss a Supervisors meeting.

It is the functional equivalent of a demurrer, but they don't have demurrers in Federal Court, i.e., a motion to dismiss for failure to state a cause of action. The City Attorney has taken the position that the fact that I am a victim by itself contains probable cause to justify the arrest. For that to be true you would have to assume that every victim is partially responsible for their own case and can be arrested based on that assumption. Do we arrest every rape victim because they must have done something to cause it? Do we arrest every mugging victim because they must have done something to provoke it? If we did that, no one would be able to seek protection of the law.

In fact the concept of "blaming the victim" has gained some purchase as a socially common construct, a sort of "buzz word." People know that it is unfair to blame the victim even though they may be unaware of how often and

how expedient it has become to do so. It is simply a subset of the general phenomenon called, the self-fulfilling prophecy. In other words, it happens because we expect it to happen, and if it is politically useful, a wide spectrum of occurrences simply become another example of it.

So let's turn the expectations around. There was a book, a John Grisham legal thriller, made into a movie, not too long ago called "A Time to Kill." The emotional climax comes when the lawyer in the courtroom describing the horrifying crime in general terms ends with, "imagine she's white."

So let's imagine – a sixty-four year old work-class black man comes to public meetings. He is properly dressed, but if you look closely you can tell that he got the jacket and tie at the Goodwill and he comes from a time when he was taught that if you present yourself properly and conduct yourself according to the rules, you are entitled to be there just because you are an American. There is no such thing as a second-class citizen. These anachronisms are slightly amusing and he is not fooling anyone.

At the meeting, gang of white racist youth, we will call them skin-heads to make the scene more vivid, start a demonstration right behind his head, violating the rules by standing, shouting at the chair and jostling the back of his head. After enduring this for some time, the black man shouts at the chair something like, "Time to enforce the rules." The skin-heads threaten the man, bombard him with racial epithets, claim that they are going to wait outside for him and take care of him, then go to wait outside the door. After a few minutes they get tired of waiting and send a white sheriff's deputy to come to get him and bring him out. The man, thinking it unwise to go out where these racists are waiting for him, refuses to do so. Besides, he knows he has a right to be there under the law. So the man is then arrested and charged with refusing to leave. I assume we don't have to explain the concept of Catch-22. The supervisors themselves let it happen because this man is always complaining about the lack of justice and their betrayal of democratic principles. More importantly, he is not a part of their power structure and networks of influence, and seems intent on showing that their power structure to be based on payoffs and corruption, which it is.

Having been arrested he is placed in a holding cell in the basement of City Hall, without a chair for more than an hour, then placed in handcuffs behind his back, paraded out to the street in cuffs, placed in the aluminum-lined box about the size of an oven of a prisoner transport, with an aluminum seat only slightly deeper than his hands held in cuffs. He is taken to the Hall of Justice, given release papers, told that he is not free to return to City Hall and released to walk back.

Board of Supervisors
March 26, 2012
Page 3

I hope that we have reached the point in this country where his concerns would not be dismissed as trivial or inconsequential. Ok. Now, imagine he is white. You can do that can't you? Whatever purchase this has on my readers' imagination as individuals, as a legal matter we are all in the same boat and in order to enforce the principle that there are protections in society for all of us, we really have to mean "all of us."

In the interest of full honest I have to admit that this argument did not occur to me until several weeks later. I was only conscious at the time that the supervisors will use any excuse to remove me because of who I am. I am on their enemies list, their "undesirable list," if you like, because they don't like what I have to say. There is a "City Hall Family," including all those who rip off the City and their lobbyists, that does not tolerate outsiders. For this family, trading the illusion that they are aristocrats for money is their life's blood. When they say, "round up the usual suspects," they mean me. I once asked a deputy sheriff if the meeting was open and he said, "Not for you it's not." The clerk, Angela Calvillo herself, tried to have me removed the last time the election of Board president came up, and she ended up backing down with Gavin Newsom sitting right there.

It is not unrealistic to say that, the Federal Courts being what they are with respect to a pro se litigant, someone who acts as his own lawyer, I could be thrown out of court tomorrow and this could be the end of the line. I hope you realize that if I am, it will be a loss for all of us.

Very truly yours,

James Chaffee
cc: Interested citizens & media

Bos-11
LJB

FILE NO.

RESOLUTION NO. 12-00002

RECEIVED
COMMISSIONERS
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAR 19 PM 2:10
AK

1 [Resolution in support of the United States Court of Appeals for the Ninth Circuit's recent stay
2 of deportation ruling on five immigration cases]

3 **Resolution commending recent stay of deportation ruling on five immigration cases by**
4 **the United States Court of Appeals for the Ninth Circuit and calling for clear, fair and**
5 **consistent federal policies for naturalization applications.**

6
7 WHEREAS, The San Francisco Immigrant Rights Commission (IRC) has been a
8 champion for the inclusion and integration of San Francisco's immigrant residents and
9 workers for 15 years and the IRC has fought for fair and humane policies at the local, state
10 and federal levels; and,

11 WHEREAS, The IRC urges policymakers and leaders to adopt fair and consistent
12 policies that take into account the personal circumstances of individuals when considering
13 their applications for naturalization, citizenship or relief from removal; and,

14 WHEREAS, On February 6, 2012, the United States Court of Appeals for the Ninth
15 Circuit, based in San Francisco, California, temporarily halted five deportation cases involving
16 seven undocumented immigrants considered to be "low risk." The individuals have no criminal
17 pasts and have resided in the United States for several years, in some cases for more than
18 two decades; and,

19 WHEREAS, In issuing the above order, the Court instructed the United States
20 Immigration and Customs Enforcement (ICE) and the Department of Homeland Security Chief
21 Counsel to determine if the individuals should be granted relief from deportation under the
22 new policy which calls for prosecutorial discretion outlined in a June 17, 2011 memorandum
23 issued by ICE Director John Morton; and,

24 WHEREAS, Director Morton's memorandum on Exercising Prosecutorial Discretion
25 consistent with the Civil Immigration Enforcement Priorities of the Agency for the

1 Apprehension, Detention, and Removal of Aliens calls for positive consideration in deciding
2 the fate of veterans and members of the U.S. Armed Forces; long-time lawful permanent
3 residents; minors and elderly individuals; individuals present in this country since childhood;
4 pregnant and nursing women; victims of domestic violence; trafficking or other serious crimes;
5 and, individuals with serious health conditions. According to Director Morton's instructions,
6 undocumented immigrants in these categories are to be assigned low priority in determining
7 their deportation status; and,

8 WHEREAS, In staying the five immigration cases under their review, the Ninth Circuit
9 Court ordered Federal officials to clarify their policies and respond to the Court by March 19,
10 2012; now, therefore, be it

11 RESOLVED, That the San Francisco Immigrant Rights Commission commends
12 members of the United States Ninth Circuit Court of Appeals for their February 6, 2012
13 decision. The Commission urges the Court to uphold the policy of applying prosecutorial
14 discretion to the seven plaintiffs in the five pending cases, to close these cases permanently
15 and to allow the plaintiffs to remain in the United States; and, be it

16 FURTHER RESOLVED, That the San Francisco Immigrant Rights Commission calls
17 for the fair, appropriate and consistent application of prosecutorial discretion in all appeal
18 cases under consideration.

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CITY AND COUNTY OF SAN FRANCISCO
IMMIGRANT RIGHTS COMMISSION



Commissioners:

Felix Fuentes, Vice Chair
Teresa Chee
Kathleen Coll
Elahe Enssani
Haregu Gaime
Vera Haile
Florence Kong
Melba Maldonado
Sonya Molodetskaya
Toye Moses
Sam (Kok-Po) Ng
Mario Paz
Arthur Tom

**CERTIFICATION OF EXECUTIVE DIRECTOR OF THE
COMMISSION**

Resolution No. 12-00002

I hereby certify that I am the duly appointed Executive Director of the
Immigrant Rights Commission and that the above resolution was adopted and
approved by the Immigrant Rights Commission at a properly noticed
Commission meeting on March 12, 2012.

A handwritten signature in cursive script that reads "Adrienne Pon".

Adrienne Pon
Executive Director
Office of Civic Engagement & Immigrant Affairs

OFFICE OF THE MAYOR
SAN FRANCISCO



Orig Rules Clerk
c. COB, page 2 of file
EDWIN M. LEE
MAYOR

Notice of Appointment

March 19, 2012

San Francisco Board of Supervisors
City Hall, Room 244
1 Carlton B. Goodlett Place
San Francisco, California 94102

Honorable Board of Supervisors:

Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

Belle Taylor-McGhee to the Health Commission, assuming the seat formerly held by James Illig, for a term ending January 15, 2016.

I am confident that Ms. Taylor-McGhee, a CCSF elector, will serve our community well. Attached are her qualifications to serve, which demonstrate how this appointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

Should you have any questions related to this appointment, please contact my Director of Appointments, Nicole Wheaton, at (415) 554-7940.

Sincerely,


Edwin M. Lee
Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAR 19 PM 4:42
COB

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE
MAYOR

March 19, 2012

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAR 19 PM 4:43
ML

Dear Ms. Calvillo,

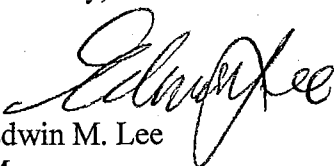
Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

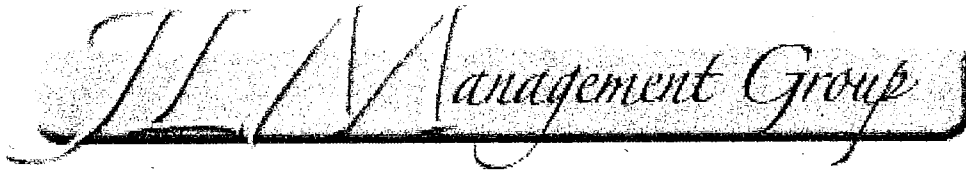
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Sincerely,


Edwin M. Lee
Mayor



BELLE TAYLOR-MCGHEE

BIOGRAPHY



Belle Taylor-McGhee is a national leader in women's reproductive health, a public speaker and published writer. In 2010, Ms. Taylor-McGhee reported from Tanzania and Uganda, Africa on the high rate of maternal mortality and how communities and governments in Africa are addressing the problem. In a three-part series published in the 2010 spring, summer and winter issues of *Ms Magazine*, Ms. Taylor-McGhee wrote about the challenge in Sub-Saharan Africa to meet the Millennium Development Goal 5: to reduce maternal mortality by 75 percent. More recently, Ms. Taylor-McGhee wrote an opinion editorial published in the *San Francisco Chronicle* (6/27/10) about a national billboard campaign targeting the reproductive autonomy of African American women,

Ms. Taylor-McGhee is an experienced executive director – having run several nonprofit organizations in the San Francisco Bay Area for more than a decade. She is the former President/CEO of the Pacific

Institute for Women's Health (PIWH) where she oversaw the merger of PIWH with Pharmacy Access Partnership, a center of the Oakland-based Public Health Institute. Currently, Ms. Taylor-McGhee is a consultant with JLM Management Group, a multi-disciplinary consulting firm specializing in strategic communications, media and public relations, and business development.

Ms. Taylor-McGhee has extensive expertise in media and public policy. She served as Director of Communications for NARAL Pro-Choice America in Washington, DC, and she headed CARAL Pro-Choice America in San Francisco; as well as the San Francisco Department on the Status of Women – appointed by former San Francisco Mayor Willie L. Brown, Jr. Ms. Taylor-McGhee is a former television news investigative reporter with more than a dozen years of broadcast journalism experience in Seattle, Tampa/St. Petersburg and Alabama markets. She holds a B.A. degree in broadcasting and journalism from the University of Alabama. Ms. Taylor-McGhee completed the 2004 "Women and Power: Leadership in a New World" Executive Education Program at Harvard Kennedy School.

Ms. Taylor-McGhee serves on the Board of Directors for EngenderHealth, an international NGO working to improve the sexual and reproductive health of women and men worldwide. She also serves on the national steering committee to advance over-the-counter access in the U.S. for oral contraceptives. Additionally, Ms. Taylor-McGhee chairs the communications committee for Trust Black Women, a national partnership working to protect and preserve reproductive autonomy for African American women. Ms. Taylor-McGhee lives in San Francisco with her husband, James L. McGhee.

JLM Management Group 220 N. Lake Merced Hills San Francisco, CA 94132

Phone: 415.841.1950 Fax: 415.841.9322

Belle Taylor-McGhee email: belletm@earthlink.net

BOARD of SUPERVISORS



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

MEMORANDUM

Date: March 20, 2012
To: Honorable Members, Board of Supervisors
From: *AC* Angela Calvillo, Clerk of the Board
Subject: APPOINTMENT BY THE MAYOR

The Mayor has submitted an appointment to the following body:

- Belle Taylor-McGhee, Health Commission, term ending January 15, 2016

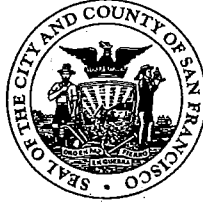
Under the Board's Rules of Order Section 2.24, a Supervisor can request a hearing on an appointment by notifying the Clerk in writing.

Upon receipt of such notice, the Clerk shall refer the appointment to the Rules Committee so that the Board may consider the appointment and act within thirty days of the appointment as provided in Section 3.100(18) of the Charter.

Please notify me in writing by 12:00 p.m. Monday, March 26, 2012, if you would like to request a hearing on this appointment.

Attachments

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE
MAYOR

March 19, 2012

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAR 19 PM 4:43
ML

Dear Ms. Calvillo,

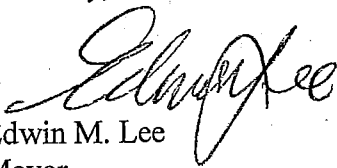
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Sincerely,


Edwin M. Lee
Mayor

OFFICE OF THE MAYOR
SAN FRANCISCO



Orig Rules Clerk
c. COB, page 6 file
EDWIN M. LEE
MAYOR

Notice of Appointment

March 19, 2012

San Francisco Board of Supervisors
City Hall, Room 244
1 Carlton B. Goodlett Place
San Francisco, California 94102

Honorable Board of Supervisors:

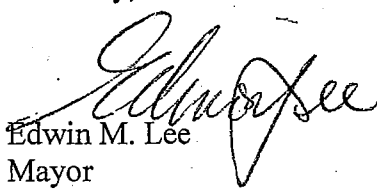
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Sincerely,


Edwin M. Lee
Mayor

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BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAR 19 PM 4:42
Lee

JLM Management Group

BELLE TAYLOR-MCGHEE

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JLM Management Group 220 N. Lake Merced Hills San Francisco, CA 94132

Phone: 415.841.1950 Fax: 415.841.9322

Belle Taylor-McGhee email: belletm@earthlink.net

BOS-11
C-PAGE



Protect the First Amendment

Dana Bellwether

to:

undisclosed-recipients;;

03/22/2012 11:35 PM

Hide Details

From: Dana Bellwether <dana937@gmail.com>

To: undisclosed-recipients;;

Dear San Francisco Supervisors:

Please work to keep any of these measures against Constitutionally protected freedom of expression from getting the greatest city in the US in its clutches:

Expanding Permit Requirements

Charging Protesters for Municipal Costs

Demonizing Protesters In Pre-Event Press Conferences

Creating Exclusion Zones and Segregating Protesters

Mass Arrests, Punitive Detention

Thank you.

Dana Bellwether

11

BOS-11
C-page

File # 120183



Masonic Center -- March 27th hearing

Zack Lyons

to:

mayoredwinlee, david.chiu, eric.mar, mark.farrell, carmen.chu, christina.olague, jane.kim,
sean.elsbernd, scott.wiener, david.campos, malia.cohen, john.avalos

03/23/2012 09:29 AM

Cc:

board.of.supervisors

Hide Details

From: Zack Lyons <zackary.lyons@gmail.com> Sort List...

To: mayoredwinlee@sfgov.org, david.chiu@sfgov.org, eric.mar@sfgov.org,
mark.farrell@sfgov.org, carmen.chu@sfgov.org, christina.olague@sfgov.org,
jane.kim@sfgov.org, sean.elsbernd@sfgov.org, scott.wiener@sfgov.org,
david.campos@sfgov.org, malia.cohen@sfgov.org, john.avalos@sfgov.org

Cc: board.of.supervisors@sfgov.org

Dear Mr. Mayor and the Distinguished Board of Supervisors:

I am a citizen of San Francisco and writing to express my support of the evolution and ongoing use of the Masonic Center as a cultural and entertainment space in San Francisco. I understand that there will be a hearing on March 27th to discuss the Conditional Use Permit Application for the Center and I strongly encourage you to adopt the findings of the Planning Commission. To my knowledge, there is nothing that will change how the venue has been run for some time, and the historical importance and recognition of the Center is preserved.

It is important to embrace change and work with it to continue to make San Francisco a bastion of culture and interest worldwide. This includes bringing in great citizens and talent for our jobs, enticing more tourism, and overall raising money for the City through these avenues. I understand and respect the concerns of the neighborhood, but these concerns have been successfully addressed in similar situations all over the country. I urge you to look towards the future and to adopt these reasonable and balanced event limitations.

Thank you for your time and consideration.

Very truly yours,

Zackary M. Lyons

12

152 1/2 Ord Street
San Francisco, CA 94114

--
Appreciation is a wonderful thing: It makes what is excellent in others belong to us as well.
-- Voltaire

BOS-11
C-Page



Masonic Center
Brendan Kelleher

to:

Mayor Ed Lee, President David Chiu, Eric Mar, Mark Farrell, Carmen Chu, Christina Olague, Jane Kim, Sean Elsbernd, Scott Wiener, David Campos, Malia Cohen, John Avalos, Angela Calvillo

03/22/2012 05:50 PM

Hide Details

From: Brendan Kelleher <brendankelleher@gmail.com> Sort List...

File #
120183

To: Mayor Ed Lee <mayoredwinlee@sfgov.org>, President David Chiu <david.chiu@sfgov.org>, Eric Mar <eric.mar@sfgov.org>, Mark Farrell <mark.farrell@sfgov.org>, Carmen Chu <carmen.chu@sfgov.org>, Christina Olague <christina.olague@sfgov.org>, Jane Kim <jane.kim@sfgov.org>, Sean Elsbernd <sean.elsbernd@sfgov.org>, Scott Wiener <scott.wiener@sfgov.org>, David Campos <david.campos@sfgov.org>, Malia Cohen <malia.cohen@sfgov.org>, John Avalos <john.avalos@sfgov.org>, Angela Calvillo <board.of.supervisors@sfgov.org>

All,

Just wanted to voice my support for the continued existing operation of the Masonic Center and Live Nation's management thereof. I encourage the Board to approve the Conditional Use Permit application and urge the Board to adopt the event limitations approved by the Planning Commission, as they remain in step with the historical use of the Masonic Center.

Thanks,
Brendan

--
Brendan Kelleher
35 Beideman Street
San Francisco, CA 94115
(917) 750-8604

12

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 120183: Nob Hill Masonic Center

From: Finley Wise <finleywise@gmail.com>
To: Angela Calvillo <board.of.supervisors@sfgov.org>
Date: 03/23/2012 12:44 PM
Subject: Nob Hill Masonic Center

Hi there-

I am writing to express my support for the continued existing operation of the Masonic Center as well as Live Nation as it's manager. I am an avid concert-goer and I would be chagrined to see this venue stopped from doing what it does best. I also want to express my support of the ultimate approval of the building's application for a liquor license permit. Please adopt the event limitations approved by the Planning Commission! Thank you.

Sincerely,

Finley Wise
458 Greenwich Street
San Francisco, CA 94133

file 120183



In support of the approval of Live Nation's Conditional Use Permit application

Robert Schendle

to:

Mayor Ed Lee, President David Chiu, Eric Mar, Mark Farrell, Carmen Chu, Christina Olague, Jane Kim, Sean Elsbernd, Scott Wiener, David Campos, Malia Cohen, John Avalos, Angela Calvillo

03/25/2012 02:43 PM

Hide Details

From: Robert Schendle <rschend@gmail.com> Sort List...

To: Mayor Ed Lee <mayoredwinlee@sfgov.org>, President David Chiu <david.chiu@sfgov.org>, Eric Mar <eric.mar@sfgov.org>, Mark Farrell <mark.farrell@sfgov.org>, Carmen Chu <carmen.chu@sfgov.org>, Christina Olague <christina.olague@sfgov.org>, Jane Kim <jane.kim@sfgov.org>, Sean Elsbernd <sean.elsbernd@sfgov.org>, Scott Wiener <scott.wiener@sfgov.org>, David Campos <david.campos@sfgov.org>, Malia Cohen <malia.cohen@sfgov.org>, John Avalos <john.avalos@sfgov.org>, Angela Calvillo <board.of.supervisors@sfgov.org>

Mayor Lee, Board President Chiu, and esteemed members of the Board of Supervisors:

I am a Lower Pac Heights/Nob Hill resident and I would like to voice my support for the continued existing operation of the Masonic Center and Live Nation's professional management, and encourage the approval of the Conditional Use Permit application.

I urge you to adopt the event limitations approved by the Planing Commission.

This is vitally important to the cultural significance of the Masonic Center and the Nob Hill neighborhood. It is unfortunate that a small group of wealthy citizens are preventing Live Nation from acquiring a permanent license.

Thank you for your consideration in this matter.

Sincerely,

Robert Schendle
1980 Sacramento St., #301
SFCA 94109



BOS-11 electronically
page

Edwin M. Lee, Mayor
Philip A. Ginsburg, General Manager

March 23, 2012

Ms. Angela Calvillo
Clerk of the Board
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4689

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAR 21 PM 3:46
BY AK

Dear Ms. Calvillo:

Please find attached the Recreation and Park Department's (RPD) report for the 2nd quarter of FY11-12 in response to the requirements of Resolution 157-99 Lead Poisoning Prevention. To date, RPD has completed assessment and abatement at **178** sites since program inception in 1999.

We are currently completing abatement at two sites, and surveys are pending at four sites.

I hope that you and interested members of the public find that the Department's performance demonstrates our commitment to the health and well being of the children we serve.

Thank you for your support of this important program. Please do not hesitate to contact me with any questions, comments or suggestions you have.

Sincerely,

Philip A. Ginsburg
General Manager

Attachments: 1. FY11-12 Implementation Plan, 2nd Quarter Status Report
2. FY10-11 Site List
3. Status Report for All Sites

Copy: J. Walseth, DPH, Children's Environmental Health Promotion

Attachment 1. Implementation Plan Status Report

2nd Quarter Status Report

Plan Item	Status
I. Hazard Identification and Control	
a) Site Prioritization	<p>The site prioritization list is revised after each cycle which usually coincides with the fiscal year budget cycle. Prioritization is established from verified hazard reports (e.g. periodic inspections), documented program use (departmental and day care), estimated participant age, and presence of playgrounds or schoolyards.</p> <p>The site prioritization list for FY11-12 is currently being finalized.</p>
b) Survey	<p>Surveys are complete at eight FY10-11 sites, and are pending at four remaining sites.</p>
c) Abatement	<p>Abatement is complete at two FY10-11 sites, and is pending at one site. No abatement was required at the other six sites. There is also one FY09-10 site with abatement pending.</p>
d) Site Posting and Notification	<p>Each site has been or will be posted for abatement in advance so that staff and the public may be advised of the work to be performed.</p>
II. Facilities Operations and Maintenance	
a) Periodic Inspection	<p>Annual periodic facility inspections are completed by staff. For FY10-11, the completion rate was 63%. Classes on how to complete these inspections continue to be offered throughout the year. We hope to continue skill development of facility inspectors through this class and expect this will improve the completion quality and rate.</p>
b) Housekeeping	<p>Housekeeping as it relates to lead is addressed in the training course for periodic inspections. In addition, administrative and custodial employees are reminded of this hazard and the steps to control it through our Safety Awareness Meeting program (discussed in Staff Training below).</p>

c) Staff Training

Under the Department's Injury and Illness Prevention Program, basic lead awareness training is required every two years for all staff.

Lead training among Structural Maintenance staff, which would allow them to perform lead-related work, was completed in 2010 for a select group of maintenance staff so that some lead work can be conducted in house. Maintenance staff is developing a written Operations and Maintenance program, and once this program has been reviewed and approved, maintenance staff will be authorized to perform this type of work.

Attachment 2. FY 10-11 Site List

FY10-11 Site List

Facility Name	Location	Completed	Notes	Retest
Pioneer Park/Coit Tower	Telegraph Hill		FY09-10 site; abatement pending	
Exploratorium (and Theater)	3602 Lyon Street		Abatement pending	
Laurel Hill Playground	Euclid & Collins	FY10-11	Abatement completed.	
Selby/Palou Mini Park	Selby & Palou	FY10-11	No abatement required	
Prentiss Mini Park	Prentiss/Eugenia	FY10-11	No abatement required	
Lessing/Sears Mini Park	Lessing/Sears	FY10-11	No abatement required	
Muriel Leff Mini Park	7th Avenue/Anza	FY10-11	No abatement required	
10th Avenue/Clement Mini Park	Richmond Library	FY10-11	No abatement required	
Turk/Hyde Mini Park	Turk & Hyde	FY10-11	No abatement required	
Candlestick Park	Jamestown Avenue		Completion under review	
Pine Lake Park			Retest; survey pending	FY07-08
24th/York Mini Park			Retest; survey pending	FY04-05
Eureka Valley Rec Center			Retest; survey pending	FY99-00
Big Rec, GGP			Retest; survey pending	FY07-08

Attachment 3. Status Report for All Sites

Status Report for RPD Sites

Sites are listed in order in which they were prioritized for survey. Prioritization is done using an algorithm which takes into account attributes of a site that would likely mean the presence of children from 0-12 years old (e.g. programming serving children, or the presence of a playground).

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
1	Upper Noe Recreation Center	Day/Sanchez	99-00			
2	Jackson Playground	17th/Carolina	99-00	Abatement completed in FY05-06.	04-05	
3	Mission Rec Center	745 Treat Street	99-00, 02-03	Includes both the Harrison and Treat St. sides.	06-07	X
4	Palega Recreation Center	Felton/Holyoke	99-00			X
5	Eureka Valley Rec Center	Collingwood/18th	99-00			
6	Glen Park	Chenery/Elk	99-00, 00-01	Includes Silver Tree Day Camp		
7	Joe DiMaggio Playground	Lombard/Mason	99-00			
8	Crocker Amazon Playground	Geneva/Moscow	99-00			
9	George Christopher Playground	Diamond Hts/Duncan	99-00			
10	Alice Chalmers Playground	Brunswick/Whittier	99-00			
11	Cayuga Playground	Cayuga/Naglee	99-00			
12	Cabrillo Playground	38th/Cabrillo	99-00			
13	Herz Playground (and Pool)		99-00, 00-01	Includes Coffmann Pool		X
14	Mission Playground	19th & Linda	99-00			
15	Minnie & Lovie Ward Rec Center	Capital Avenue/Montana	99-00			
16	Sunset Playground	28th Avenue/Lawton	99-00			X
17	West Sunset Playground	39th Avenue/Ortega	99-00			
18	Excelsior Playground	Russia/Madrid	99-00			
19	Helen Wills Playground	Broadway/Larkin	99-00			
20	J. P. Murphy Playground	1960 9th Avenue	99-00			X
21	Argonne Playground	18th/Geary	99-00			
22	Duboce Park	Duboce/Scott	99-00, 01-02	Includes Harvey Milk Center		
23	Golden Gate Park	Panhandle	99-00			
24	Junipero Serra Playground	300 Stonecrest Drive	99-00			
25	Merced Heights Playground	Byxbee/Shields	99-00			
26	Miraloma Playground	Omar/Sequoia Ways	99-00			
27	Silver Terrace Playground	Silver Avenue/Bayshore	99-00			
28	Gene Friend Rec. Center	Folsom/Harriet/6th	99-00			
29	South Sunset Playground	40th Avenue/Vicente	99-00			
30	Potrero Hill Recreation Center	22nd/Arkansas	99-00			
31	Rochambeau Playground	24th Avenue/Lake Street	00-01, 09-10	No abatement needed.		
33	Cow Hollow Playground	Baker/Greenwich	00-01; 09-10			
34	West Portal Playground	Uiloa/Lenox Way	00-01	No abatement needed		
35	Moscone Recreation Center	Chestnut/Buchanan	00-01			
36	Midtown Terrace Playground	Clarendon/Olympia	00-01	No abatement needed		
37	Presidio Heights Playground	Clay/Laurel	00-01			
38	Tenderloin Children's Rec. Ctr.	560/570 Ellis Street	00-01			

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
39	Hamilton Rec Center	Geary/Steiner	00-01	Note that the Rec. Center part of the facility is new (2010)		
41	Margaret S. Hayward Playground	Laguna, Turk	00-01			
43	Saint Mary's Recreation Center	Murray St./JustinDr.	00-01			
44	Fulton Playground	27th Avenue/Fulton	00-01			
45	Bernal Heights Recreation Center	Moultrie/Jarboe	00-01	No abatement needed		
46	Douglass Playground	Upper/26th Douglass	00-01			
47	Garfield Square	25th/Harrison	00-01			
48	Woh Hei Yuen	1213 Powell	00-01			
49	Father Alfred E. Boeddeker Park	Ellis/Taylor/Eddy/Jones	00-01			
50	Gilman Playground	Gilman/Griffiths	00-01			X
51	Grattan Playground	Stanyan/Alma	00-01	No abatement needed		
52	Hayes Valley Playground	Hayes/Buchanan	00-01			
53	Youngblood Coleman Playground	Galvez/Mendell	00-01			X
55	Angelo J. Rossi Playground (and Pool)	Arguello Blvd./Anza	00-01			
56	Carl Larsen Park (and Pool)	19th/Wawona	00-01			
57	Sunnyside Playground	Melrose/Edna	00-01	No abatement needed		
58	Balboa Park (and Pool)	Ocean/San Jose	00-01	Includes Matthew Boxer stadium		X
59	James Rolph Jr. Playground	Potrero Ave./Army Street	00-01, 02-03	This was originally supposed to be Rolph-Nicol (Eucalyptus) Park in 02-03, but the consultant surveyed the wrong site.		X
60	Louis Sutter Playground	University/Wayland	00-01			
61	Richmond Playground	18th Avenue/Lake Street	00-01			
62	Joseph Lee Recreation Center	Oakdale/Mendell	00-01			
63	Chinese Recreation Center	Washington/Mason	00-01			
64	McLaren Park	Visitacion Valley	06-07		05-06	
65	Mission Dolores Park	18th/Dolores	06-07	No abatement needed	05-06	
66	Bernal Heights Park	Bernal Heights Blvd.	01-02	No abatement needed		
67	Cayuga/Lamartine-Mini Park	Cayuga/Lamartine	01-02, 09-10	No abatement needed		
68	Willie Woo Woo Wong PG	Sacramento/Waverly	01-02, 09-10	No abatement needed.		
70	Jospeh L. Alioto Performing Arts Piazza	Grove/Larkin	01-02	No abatement needed		
71	Collis P. Huntington Park	California/Taylor	01-02			
72	South Park	64 South Park Avenue	01-02			
73	Alta Plaza Park	Jackson/Steiner	01-02			
74	Bay View Playground (and Pool)	3rd/Armstrong	01-02	No abatement needed		
75	Chestnut/Kearny Open Space	NW Chestnut/Kearny	01-02	No survey done; structures no longer exist.		
76	Raymond Kimbell Playground	Pierce/Ellis	01-02			
77	Michelangelo Playground	Greenwich/Jones	01-02			
78	Peixotto Playground	Beaver/15th Street	01-02	No abatement needed		

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
80	States St. Playground	States St./Museum Way	01-02			
81	Adam Rogers Park	Jennings/Oakdale	01-02	No abatement needed		
82	Alamo Square	Hayes/Steiner	01-02			
83	Alioto Mini Park	20th/Capp	01-02	No abatement needed		
84	Beideman/O'Farrell Mini Park	O'Farrell/Beideman	01-02	No abatement needed		
85	Brooks Park	373 Ramsell	01-02	No abatement needed		
86	Buchanan St. Mall	Buchanan betw. Grove & Turk	01-02	No abatement needed		
87	Buena Vista Park	Buena Vista/Haight	01-02			
88	Bush/Broderick Mini Park	Bush/Broderick	01-02			
89	Cottage Row Mini Park	Sutter/E. Fillmore	01-02			
90	Franklin Square	16th/Bryant	01-02			
91	Golden Gate Heights Park	12th Ave./Rockridge Dr.	01-02			
92	Hilltop Park	La Salle/Whitney Yg. Circle	01-02	No abatement needed		
93	Lafayette Park	Washington/Laguna	01-02			
94	Julius Kahn Playground	Jackson/Spruce	01-02			
95	Jose Coronado Playground	21st/Folsom	02-03	As of 10/10/02 as per Capital Program Director, G. Hoy, there are no current plans for renovation		
96	Golden Gate Park (playgrounds)	Fell/Stanyan	05-06			
97	Washington Square	Filbert/Stockton	02-03	No abatement needed. Children's play area and bathrooms to be renovated in 3/04.		
98	McCoppin Square	24th Avenue/Taraval	02-03	As of 10/10/02 as per Gary Hoy, no current plans for renovation		
99	Mountain Lake Park	12th Avenue/Lake Sreet	02-03	As of 10/10/02 as per Gary Hoy, no current plans for renovation		
100	Randolph/Bright Mini Park	Randolph/Bright	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
101	Visitacion Valley Greenway	Campbell Ave./E. Rutland	02-03	No abatement needed. Renovation scheduled 3/04.		
102	Utah/18th Mini Park	Utah/18th Street	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
103	Palou/Phelps Park	Palou at Phelps	02-03	No abatement needed. Renovation occurred Summer 2003. Marvin Yee was project mgr. No lead survey/abatement rpt in RPD files.		
104	Coleridge Mini Park	Coleridge/Esmeralda	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
105	Lincoln Park (includes Golf Course)	34th Avenue/Clement	02-03	Renovation scheduled 9/04		
106	Little Hollywood Park	Lathrop-Tocoloma	02-03	No abatement needed. Renovation scheduled 9/04		

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
107	McKinley Square	20th/Vermont	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
109	Noe Valley Courts	24th/Douglass	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
110	Parkside Square	26th Avenue/Vicente	02-03	Children's play area and bathrooms to be renovated in 9/03.		
111	Portsmouth Square	Kearny/Washington	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
112	Potrero del Sol	Potrero/Army	02-03	No abatement needed, renovation scheduled 9/04		
113	Potrero Hill Mini Park	Connecticut/22nd Street	02-03	Renovation scheduled 9/04		
114	Precita Park	Precita/Folsom	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
115	Sgt. John Macaulay Park	Larkin/O'Farrell	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
116	Sigmund Stern Recreation Grove	19th Avenue/Sloat Blvd.	04-05	As of 10/10/02 Capital Program Director indicates no current plans for renovation. Funding expired; will complete in FY04-05		
117	24th/York Mini Park	24th/York/Bryant	02-03	Completed as part of current renovation in December 2002, Renovation scheduled 3/04.		
118	Camp Mather	Mather, Tuolomne County	04-05			X
119	Hyde/Vallejo Mini Park	Hyde/Vallejo	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
120	Juri Commons	San Jose/Guerrero/25th	05-06			
121	Kelloch Velasco Mini Park	Kelloch/Velasco	02-03	No abatement needed. Children's play area scheduled for renovation on 9/04		
122	Koshland Park	Page/Buchanan	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
123	Head/Brotherhood Mini Park	Head/Brotherwood Way	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
124	Walter Haas Playground	Addison/Farnum/Beacon	02-03	Capital Projects to renovate in Spring 2003. Mauer is PM		
125	Holly Park	Holly Circle	02-03	Renovation planned to begin 4/03; Judi Mosqueda from DPW is PM		
126	Page-Laguna-Mini Park	Page/Laguna	04-05	No abatement needed		

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
127	Golden Gate/Steiner Mini Park	Golden Gate/Steiner		No Facility, benches only		
128	Tank Hill	Clarendon/Twin Peaks	04-05	No abatement needed		
129	Rolph Nicol Playground	Eucalyptus Dr./25th Avenue	04-05	No abatement needed		
130	Golden Gate Park	Carrousel	05-06			
131	Golden Gate Park	Tennis Court	05-06			
132	Washington/Hyde Mini Park	Washington/Hyde	04-05	No abatement needed		
133	Ridgetop Plaza	Whitney Young Circle	05-06	No abatement needed		
134	Golden Gate Park	Beach Chalet	06-07	No abatement needed		
135	Golden Gate Park	Polo Field	06-07			
136	Sharp Park (includes Golf Course)	Pacifica, San Mateo Co.	06-07			
137	Golden Gate Park	Senior Center	06-07			X
138	Pine Lake Park	Crestlake/Vale/Wawona	07-08			
139	Golden Gate Park	Stow Lake Boathouse	06-07			
140	Golden Gate Park	County Fair Building	06-07	No abatement needed		
141	Golden Gate Park	Sharon Bldg.	07-08			
143	Allyne Park	Gough/Green	06-07	No abatement needed		
144	DuPont Courts	30th Ave./Clement	07-08			
145	Golden Gate Park	Big Rec	07-08			
146	Lower Great Highway	Sloat to Pt. Lobos	07-08			
147	Golden Gate Park	Kezar Pavilion	08-09			
148	Yacht Harbor and Marina Green	Marina	06-07, 07-08	Includes Yacht Harbor, Gas House Cover, 2 Yacht Clubs and Marina Green		
149	Palace of Fine Arts	3601 Lyon Street	09-10	No abatement needed.		
150	Telegraph Hill/Pioneer Park	Telegraph Hill	09-10	Abatement pending.		
151	Saint Mary's Square	California Street/Grant	09-10	No abatement needed.		
152	Union Square	Post/Stockton	09-10	No abatement needed.		
153	Golden Gate Park	Angler's Lodge	07-08			
154	Golden Gate Park	Bandstand	07-08	No abatement needed		
155	Golden Gate Park	Bowling Green	07-08	Retested 4/09; 16 ppb first draw, still in program		X
156	Golden Gate Park	Conservatory	08-09	No abatement needed.		
157	Golden Gate Park	Golf Course	09-10			
158	Golden Gate Park	Kezar Stadium	07-08			X
159	Golden Gate Park	Nursery	09-10	No abatement needed		X
160	Golden Gate Park	Stables	na	Being demolished. Hazard assessment already completed by Capital.		

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
161	Golden Gate Park	McLaren Lodge	01-02, 02-03	Done out of order. Was in response to release/spill. See File 565.		
162	Corona Heights (and Randall Museum)	16th/Roosevelt	00-01	Randall Museum used to be separate, but in TMA, Randall is part of Corona Heights, so the two were combined 6/10.		
163	Laurel Hill Playground	Euclid & Collins	10-11			
164	Selby/Palou Mini Park	Selby & Palou	10-11	No abatement needed		
165	Prentiss Mini Park	Prentiss/Eugenia	10-11	No abatement needed		
166	Lessing/Sears Mini Park	Lessing/Sears	10-11	No abatement needed		
167	Muriel Leff Mini Park	7th Avenue/Anza	10-11	No abatement needed		
168	10th Avenue/Clement Mini Park	Richmond Library	10-11	No abatement needed		
169	Turk/Hyde Mini Park	Turk & Hyde	10-11	No abatement needed		
170	Exploratorium (and Theater)	3602 Lyon Street		Leased site. Part of Palace of Fine Arts. Abatement pending.		
171	Candlestick Park	Jamestown Avenue	10-11			
172	Broadway Tunnel West-Mini Park	Leavenworth/Broadway				
173	Broadway Tunnel East-Mini Park	Broadway/Himmelman				
174	Lake Merced Park	Skyline/Lake Merced		Includes Harding Park and Flemming Golf, Boat House and other sites. Note that the Sandy Tatum clubhouse and maintenance facilities were built in 2004 and should be excluded from the survey.		
175	Ina Coolbrith Mini Park	Vallejo/Taylor				
176	Justin Herman/Embarcadero Plaza	Clay/Embarcadero				
177	Billy Goat Hill	Laidley/30th				
178	Coso/Precita-Mini Park	Coso/Precita				
179	Dorothy Erskine Park	Martha/Baden				
180	Duncan Castro Open Space	Diamond Heights				
181	Edgehill Mountain	Edgehill/Kensington Way				
182	Everson/Digby Lots	61 Everson				
183	Fairmount Plaza	Fairmont/Miguel				
184	15th Avenue Steps	Kirkham/15th Avenue				
185	Geneva Avenue Strip	Geneva/Delano				
186	Grand View Park	Moraga/14th Avenue				
187	Hawk Hill	14th Avenue/Rivera				
188	Interior Green Belt	Sutro Forest				
189	Japantown Peace Plaza	Post/Buchanan/Gearry				
190	Jefferson Square	Eddy/Gough				
191	Joseph Conrad Mini Park	Columbus/Beach				
192	Kite Hill	Yukon/19th				
193	Lakeview/Ashton Mini Park	Lakeview/Ashton				
194	Maritime Plaza	Battery/Clay				
195	McLaren Park-Golf Course	2100 Sunnydale Avenue				
196	Mt. Davidson Park	Myra Way				
197	Mt.Olympus	Upper Terrace				

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
198	Mullen/Peralta-Mini Park	Mullen/Peralta Mini Park				
199	O'Shaughnessey Hollow	O'Shaughnessey Blvd.				
200	Park Presidio Blvd.	Park Presidio Blvd.				
201	Rock Outcropping	Ortega/14th Avenue		Lots 11, 12, 21, 22, 6		
202	South End Rowing/Dolphin Club	Aquatic Park		Land is leased		
203	Russian Hill Open Space	Hyde/Larkin/Chestnut		Hyde Street Reservoir		
204	Saturn Street Steps	Saturn/Ord				
205	Seward Mini Park	Seward/Acme Alley				
206	Twin Peaks	Twin Peaks Blvd.				
207	Fillmore/Turk Mini Park	Fillmore/Turk				
208	Esprit Park	Minnesota Street				
209	Brotherhood/Chester Mini Park	Chester St. near Brotherhood Way				
210	Sue Bierman Park	Market/Steuart				
211	29th/Diamond Open Space	1701 Diamond/29th		Is not on current list of RPD sites (6/2/10).		
212	Berkeley Way Open Space	200 Berkeley Way		Is not on current list of RPD sites (6/2/10).		
213	Diamond/Farnum Open Space	Diamond/Farnum		Is not on current list of RPD sites (6/2/10).		
214	Joost/Baden Mini Park	Joost/N of Baden				
215	Grand View Open Space	Moraga/15th Avenue		Included in Grand View Park		
216	Balboa Natural Area	Great Highway/Balboa		Is not on current list of RPD sites (6/2/10).		
217	Fay Park	Chestnut and Leavenworth				
218	Guy Place Mini Park	Guy Place				
219	Portola Open Space					
220	Roosevelt/Henry Steps					
221	Sunnyside Conservatory	Monterey & Baden				
222	Topaz Open Space	Monterey & Baden				
New Facilities: These facilities not to be included in CLPP survey as they were built after 1978.						
	Alice Marble Tennis Courts	Greenwich/Hyde		Not owned by RPD. PUC demolished in 2003 and all will be rebuilt.		
	Richmond Rec Center	18th Ave./Lake St./Calif.		New facility		
	Visitation Valley Playground	Cora/Leland/Raymond		Original building clubhouse and PG demolished in 2001. Facility is new.		
	King Pool	3rd/Armstrong		New facility		
	Patricia's Green in Hayes Valley	Hayes & Octavia		Built in 2005		
	India Basin Shoreline Park	E. Hunters Pt. Blvd.		Built in 2003		
	Parque Ninos Unidos	23rd and Folsom		Built in 2004		
	Victoria Manolo Draves Park	Folsom & Sherman		Built in 2006		
	Aptos Playground	Aptos/Ocean Avenue		Site demolished and rebuilt in 2006		

**Issued: SFMTA: Audit Follow-up Memorandum: 2009 Audit of City of San Francisco
Portsmouth Plaza Parking Corporation**

Controller Reports to: Angela Calvillo, Peggy Nevin, BOS-Supervisors,
BOS-Legislative Aides, Steve Kawa, Kate Howard,
Christine Falvey, Jason Elliott, Severin Campbell,

03/20/2012 11:57 AM

Sent by: **Kristen McGuire**

The Office of the Controller's City Services Auditor Division (CSA) followed up on the recommendations in its October 2009 audit report, *Audit of City of San Francisco Portsmouth Plaza Parking Corporation*. Of the 18 recommendations in the audit report, CSA focused on 8 of the report's more significant recommendations, finding that 6 were fully implemented and 2 were partially implemented. CSA performs audit follow-up because the greatest benefit of audits is not in the findings reported or the recommendations made, but in the implementation of actions to resolve those findings.

To view the full report, please visit our website at:
<http://co.sfgov.org/webreports/details.aspx?id=1398>

This is a send-only email address.

For questions regarding the memorandum, please contact Tonia Lediju at Tonia.Lediju@sfgov.org or 415-554-5393, or CSA at 415-554-7469.

14



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER


Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

AUDIT FOLLOW-UP MEMORANDUM

TO: Chairman and Members, Board of Directors,
San Francisco Municipal Transportation Agency

Edward D. Reiskin, Director of Transportation,
San Francisco Municipal Transportation Agency

FROM: Tonia Lediju, Director of Audits, City Services Auditor Division 

DATE: March 20, 2012

SUBJECT: **Follow-up of 2009 Audit of City of San Francisco Portsmouth Plaza
Parking Corporation**

EXECUTIVE SUMMARY

In July 2011 the San Francisco Municipal Transportation Agency (SFMTA) reported progress indicating that it had fully implemented 17 (94 percent) of the 18 recommendations in a 2009 audit report on the City of San Francisco Portsmouth Plaza Parking Corporation (Portsmouth). SFMTA did not agree with and did not implement the report's remaining recommendation. The follow-up focused on 8 of the report's more significant recommendations, finding that 6 were fully implemented and 2 were partially implemented.

BACKGROUND, OBJECTIVE & METHODOLOGY

Background

The Office of the Controller's City Services Auditor Division (CSA) followed up on the recommendations in its October 2009 audit report, *Audit of City of San Francisco Portsmouth Plaza Parking Corporation*. Portsmouth had a 50-year lease agreement with the City and County of San Francisco (City), in the form of its Recreation and Park Commission (commission), because the Portsmouth Square Garage (garage) is beneath a park. This lease expired on March 28, 2010, and the commission and Portsmouth entered a new 40-year agreement on April 1, 2011. Although the garage is on Recreation and Park Department property, it is administered by SFMTA, as required by Administrative Code Section 17.8, which states that SFMTA has jurisdiction and control over all city-owned off-street parking facilities.

The SFMTA Board of Directors and the City's Board of Supervisors set and establish rates for

city parking garages. Since the audit's completion, SFMTA developed the Parking Facility Operation and Management Regulations (SFMTA Regulations), which it issued on May 1, 2010, and updated on July 1, 2011.

Portsmouth operates the garage and receives gross receipts from parking operations. Portsmouth uses a portion of the gross receipts to pay all of the garage's operating expenses, such as salaries and utilities. After Portsmouth pays operating expenses and parking taxes, Portsmouth retains 15 percent of the gross receipts in its surplus revenue funds for capital improvements to the garage. Portsmouth does not profit by receiving a management fee for operating the garage.

Objective

The objective of this follow-up is to verify whether SFMTA and Portsmouth sufficiently implemented significant recommendations made in the October 2009 audit report. The audit team conducted a risk assessment and selected eight recommendations for follow-up. Consistent with Government Auditing Standards, Section 7.05, promulgated by the United States Government Accountability Office (GAO), the purposes of audit reports include facilitating follow-up to determine whether appropriate corrective actions have been taken.

Methodology

The audit team discussed with key SFMTA and Portsmouth personnel the status of the corrective actions to date, conducted a risk assessment to select 8 of the 18 recommendations in the audit report for follow-up, obtained documentary evidence to support the implementation status, and verified the existence of the procedures SFMTA and Portsmouth have established to follow CSA's recommendations. CSA follows up on its audits because their greatest benefit is not in the findings reported or the recommendations made, but in the implementation of actions to resolve audit findings.

RESULTS

At SFMTA's request, in July 2011 Portsmouth sent SFMTA a letter stating that 17 of the 18 recommendations in CSA's 2009 audit report were fully implemented, and SFMTA indicated to CSA that it concurred with Portsmouth's response.¹ Of those 17 recommendations, 8 were assessed in this follow-up, which found that 6 were fully implemented and 2 were partially implemented, as presented below.

¹ SFMTA disagreed with the recommendation that SFMTA credit Portsmouth \$9,653 for a net overpayment for the audit period. SFMTA stated that any net surplus revenue belongs to the Recreation and Park Department and, therefore, did not implement the recommendation.

Recommendation 1: SFMTA should require Portsmouth to direct its revenue control system provider to ensure that the system charges SFMTA-approved parking rates.

Portsmouth does not have the authority to direct GMG Systems, the garage's revenue control system administrator, to change the parking rates in the revenue control system. According to Portsmouth and SFMTA staff, only SFMTA has that authority.

The auditors found that Portsmouth's revenue control system was programmed such that the duration of two types of grace periods did not comply with SFMTA policy. According to the SFMTA Regulations, section 3.2 (c), garages are allowed to have three types of grace periods, as shown in the exhibit below.

EXHIBIT	Parking Garage Grace Periods Allowed by SFMTA Regulations
Type	Description
Initial	For a turnaround (immediate in and out) upon entering a garage, the grace period is between 5 and 10 minutes.
Exit	After payment is made at a pay station or central cashier location, the grace period is 15 minutes.
Incremental	Where a customer pays a parking rate calculated by the hour and the time on the parking ticket shows that the customer has exceeded the last full increment of time, the grace period is 2 minutes.

Source: Parking Facility Operation and Management Regulations for Portsmouth Square Garage (July 1, 2011)

The follow-up initially found that Portsmouth was correctly administering only the initial grace period. As a result, SFMTA asked GMG Systems to change the exit grace period at the garage from 20 minutes to 15 minutes, and its incremental grace period from 7 minutes to 2 minutes to comply with SFMTA's regulations. CSA later confirmed that GMG Systems programmed all three grace periods in accordance with the SFMTA Regulations.

Conclusion: Recommendation 1 was implemented.

Recommendation 2: SFMTA should request Portsmouth to identify missing tickets by producing a monthly revenue control system report that lists every ticket issued and whether it was returned.

CSA confirmed that Portsmouth has a monthly revenue control system report that shows the total number of tickets issued. Portsmouth also has a monthly report that lists each missing ticket and its status, such as a lost ticket for which the patron paid the lost ticket charge.

Conclusion: Recommendation 2 was implemented.

Recommendation 3: SFMTA should ensure that the Recreation and Park Commission's contract requires Portsmouth to review missing tickets and send the results of these reviews to SFMTA monthly.

The lease itself that the Recreation and Park Commission established with Portsmouth after the 2009 audit report does not address missing tickets. However, the lease indirectly addresses the issue by requiring Portsmouth to comply with the SFMTA Regulations. The SFMTA Regulations, section 6.7(a), provide instructions on the handling of unaccounted parking tickets (also known as missing tickets). The regulation specifies that the number of insufficiently documented unaccounted parking tickets in a month may not exceed 0.25 percent of transient tickets issued. If a garage exceeds this threshold, the regulation requires the garage manager to pay the full amount due for all insufficiently documented unaccounted parking tickets for that month. However, this provision is unenforceable at the Portsmouth Square Garage because Portsmouth does not have the funds to pay a penalty. Rather, all of its costs are reimbursed by the City and it does not have any of its own funds, according to the SFMTA parking manager.

According to the SFMTA parking manager, Portsmouth sends monthly missing ticket reports to SFMTA. However, based on the November 2011 monthly revenue control system reports, Portsmouth does not compare the number of insufficiently documented unaccounted parking tickets to the number of transient tickets issued. Without this comparison, Portsmouth is unable to document that it complies with SFMTA's threshold of 0.25 percent of transient tickets, and SFMTA cannot determine whether Portsmouth is complying with this threshold, regardless of the fact that no monetary penalty can be applied.

Conclusion: Recommendation 3 was partially implemented. To fully implement this recommendation, SFMTA should implement the follow-up recommendations below.

Follow-up Recommendations:

SFMTA should:

- 3a. Develop a written policy applicable to Portsmouth that specifies a penalty if Portsmouth exceeds the unaccounted parking tickets threshold of 0.25 percent of transient tickets, and provide that policy to Portsmouth.
- 3b. Require Portsmouth to submit a monthly report that compares the number of insufficiently documented unaccounted parking tickets to the number of transient tickets issued.

Recommendation 6: SFMTA should require Portsmouth to develop and maintain an inventory list of all access cards, whether active or inactive. The list should contain the access card number recognized by the revenue control system, the card surface number, customer information (if active), and any other pertinent information. An employee external to this function should review the access card inventory for completeness and confirm that all inactive cards are present.

CSA confirmed that Portsmouth maintains an inventory list of all access cards, including active or inactive status of cards. The list contains the access card number that is recognized by the revenue control system (which is also the surface number), and customer information and other pertinent information.

According to the garage manager, he reviews the inventory list monthly for completeness and confirms that inactive cards are all present. However, Portsmouth has no written procedure that addresses staff duties in administering and reviewing access cards. Separation of duties between the employee maintaining the inventory list and the employee reviewing the inventory list can mitigate the possibility of errors, theft, and mishandling.

Conclusion: Recommendation 6 was implemented.

Follow-up Recommendation:

- 6a. SFMTA should require Portsmouth to develop a written procedure that covers the access card inventory activity, including the separation of duties between the employee maintaining the inventory list and the employee reviewing the inventory list against the physical inventory of cards.

Recommendation 7: SFMTA should require Portsmouth to immediately begin collecting late fees from all monthly parkers who pay after the first of the month and ensure that the Recreation and Park Commission's contract requires Portsmouth to collect late fees.

Portsmouth now bills and collects late fees from monthly parkers that pay late. A Portsmouth report for September through November 2011 shows that it invoiced late-paying monthly parkers \$550 of late fees for these three months. The garage manager said that Portsmouth collected all late fees that were due. Using a sample monthly parker, CSA verified that Portsmouth collected the late fees it invoiced.

Portsmouth's lease does not directly address the collection of late fees. However, the lease refers to the SFMTA Regulations, section 3.1(b)(i) of which provides instructions on the collection of late fees. CSA considers these instructions sufficient to address this aspect of the recommendation. Further, Portsmouth's monthly parking application, which informs the applicant of a \$25 monthly late fee, is consistent with SFMTA's authorized late fee of \$25.

Conclusion: Recommendation 7 was implemented.

Recommendation 14: SFMTA should require Portsmouth to begin regular procedures for reviewing and reconciling validation stamps sold, and inventory them. A log maintained on an electronic spreadsheet would be easier to review than the current manual system. This review process should be documented and performed by an employee other than the one maintaining the validation stamp log and inventory.

Portsmouth issued a validation stamp inventory procedure memorandum on September 26, 2011. The memo, however, did not address how the duties are separated between the employee that maintains the validation stamp log and stamp inventory, and the one that reviews the log and inventory. Prompted by this follow-up, Portsmouth developed a validation stamp policy and procedure. While this policy and procedure addressed the duties of the employee that maintains the validation stamp log and inventory, it did not address the reviewer's duties.

Portsmouth maintains two electronic logs, one for electronic validation stamps and another for sticker validation stamps. The spreadsheets provide detailed information regarding the validation stamps inventory and sales. CSA traced one electronic stamp invoice to the information on a validation sales report and confirmed that Portsmouth was paid for it.

Conclusion: Recommendation 14 was partially implemented. To fully implement this recommendation, SFMTA should implement the follow-up recommendation below.

Follow-up Recommendation:

- 14a. SFMTA should require Portsmouth to further develop its written validation stamp policy and procedure by specifying the duties of the employee responsible for reviewing the validation stamp log and inventory.

Recommendation 15: SFMTA should ensure that Portsmouth does not engage in future validation discount arrangements without the prior written approval of the Portsmouth's board of directors and SFMTA.

According to its corporate manager, Portsmouth has not engaged in new validation discount arrangements without the prior written approval of Portsmouth's board and SFMTA. Portsmouth has a customer validation parking program that offers qualified local businesses discounted validation stamps for their customers. This program began on May 1, 2003, and the rates are approved by SFMTA.

Conclusion: Recommendation 15 was implemented.

Recommendation 16: SFMTA should work with Portsmouth to develop a written free parking policy. Portsmouth should regularly obtain from the Recreation and Park Department a list of its employees and their work schedules at Portsmouth Square to determine that Recreation and Park employees are correctly granted free parking privileges. Portsmouth should immediately deactivate all access cards collected from Portsmouth employees, which are no longer in use.

Effective March 4, 2010, SFMTA eliminated free parking at city garages for all employees, vendors, and subcontractors, as well as members of various boards and commissions. The garage manager confirmed that Portsmouth follows SFMTA parking policies. Portsmouth issued a memo to its staff clarifying SFMTA's free parking policy, which allows free parking for only certain types of emergency and service vehicles. Because SFMTA has established a free parking policy and Portsmouth has taken steps to follow it, this fulfills the intent of the report's recommendation.

Because Recreation and Park employees are now required to pay for parking, Portsmouth does not need the employees' schedules. In addition, garage employees are required to pay for parking, and the Portsmouth corporate manager stated that all access cards that were returned by employees were deactivated.

Conclusion: Recommendation 16 was implemented.

CSA extends its appreciation to you and your staff who assisted with this review. If you have any questions or concerns, please call me at (415) 554-5393 or email me at tonia.lediju@sfgov.org.

cc: Ben Rosenfield, Controller
Kathleen Sakelaris, SFMTA
Michael Robertson, SFMTA
Amit Kothari, SFMTA
Rob Malone, SFMTA
Peter H. Lee, Portsmouth
Ben Carlick, Controller
Mary Hom, Controller

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ATTACHMENT A: FINDING AND RECOMMENDATIONS

Recommendation	Department's Response to Original Report	Report Status as of This Follow-up	Auditor's Follow-up Work	Results
<p>SFMTA should:</p> <ol style="list-style-type: none"> 1. Require Portsmouth to direct its revenue control system provider to ensure that the system charges SFMTA-approved parking rates. 	<p>SFMTA concurs with the recommendation. On June 26, 2009, SFMTA directed the Portsmouth Square corporation manager and the revenue control system provider that all programming requests must be authorized by SFMTA. Portsmouth must forward all programming requests to SFMTA and not directly to the revenue control system provider. This action ensures that the system charges SFMTA-approved parking rates.</p>	<p>This remains the current policy.</p>	<p>CSA found that only SFMTA has the authority to direct GMG Systems, the garage's revenue control system administrator, to change the parking rates in the revenue control system.</p> <p>At the start of this follow-up, Portsmouth's revenue control system was programmed such that the duration of two types of grace periods did not comply with SFMTA policy and/or SFMTA board-approved rates. However, by the end of this follow-up, CSA confirmed that Portsmouth's revenue control system was programmed so that all three types of grace periods comply with SFMTA parking policy.</p>	<p>Implemented.</p>

Recommendation	Department's Response to Original Report	Report Status as of This Follow-up	Auditor's Follow-up Work	Results
<p>2. Request Portsmouth to identify missing tickets by producing a monthly revenue control system report that lists every ticket issued and whether it was returned.</p>	<p>SFMTA concurs with the recommendation. Within 10 business days from the release of the final audit report, SFMTA staff will meet with the Portsmouth Square garage manager regarding implementation of the action plan to produce a standard monthly revenue control system report.</p>	<p>In additional to its monthly report, Portsmouth produces a lost ticket report.</p>	<p>CSA confirmed that Portsmouth has a monthly revenue control system report that shows the total number of tickets issued.</p> <p>Portsmouth also has a monthly report that lists each missing ticket and its status, such as a lost ticket for which the patron paid the lost ticket charge.</p>	<p>Implemented.</p>
<p>3. Ensure that the Recreation and Park Commission's contract requires Portsmouth to review missing tickets and send the results of these reviews to SFMTA monthly.</p>	<p>SFMTA concurs with the recommendation. The review of missing tickets and oversight by SFMTA are addressed in the recently developed "Parking Facility Operation and Management Regulations," which will be applied to all parking facilities. In its new lease agreement with the Portsmouth Plaza Corporation, the Recreation and Parks Department will require that the garage complies with these regulations and any future amendments.</p>	<p>Same as recommendation #2 above.</p>	<p>CSA confirmed that the new lease with Portsmouth requires Portsmouth to comply with SFMTA regulations. CSA also confirmed that the regulations provide instructions on the handling of unaccounted parking tickets (also known as missing tickets). However, the penalty under the SFMTA regulation cannot be applied to Portsmouth.</p> <p>Portsmouth has reports to monitor missing tickets. However, based on the November 2011 monthly reports, Portsmouth does not compare the number of insufficiently documented unaccounted parking tickets to the number of transient tickets issued. Therefore, Portsmouth is unable to determine whether it complies with</p>	<p>Partially Implemented. See follow-up recommendations in Attachment B.</p>

Recommendation	Department's Response to Original Report	Report Status as of This Follow-up	Auditor's Follow-up Work	Results
			<p>SFMTA's threshold that insufficiently documented unaccounted parking tickets not exceed 0.25 percent of transient tickets issued.</p> <p>CSA found that Portsmouth has sent the missing tickets reports to SFMTA.</p>	
<p>6. Require Portsmouth to develop and maintain an inventory list of all access cards, whether active or inactive. The list should contain the access card number recognized by the revenue control system, the card surface number, customer information (if active), and any other pertinent information. An employee external to this function should review the access card inventory for completeness and confirm that all inactive cards are present.</p>	<p>SFMTA concurs with the recommendation. Within 10 business days from the release of the final audit report, SFMTA staff will meet with the Portsmouth Square corporation manager regarding implementation of this recommendation.</p>	<p>The parking access cards listing is available for review on the parking revenue control system and an internal report (spreadsheet) prepared by the garage management.</p>	<p>CSA confirmed that Portsmouth maintains an inventory list of all access cards that indicates whether they are active or inactive. The list contains the access card number that is recognized by the revenue control system and other pertinent information. The garage manager reviews the inventory list monthly for completeness and confirmed for this follow-up that all inactive cards are present. However, Portsmouth has no written procedure that addresses staff duties in administering and reviewing access cards.</p>	<p>Implemented. See follow-up recommendation in Attachment B.</p>

Recommendation	Department's Response to Original Report	Report Status as of This Follow-up	Auditor's Follow-up Work	Results
<p>7. Require Portsmouth to immediately begin collecting late fees from all monthly parkers who pay after the first of the month and ensure that the Recreation and Park Commission's contract requires Portsmouth to collect late fees.</p>	<p>SFMTA concurs with the recommendation. Within 10 business days from the release of the final audit report, SFMTA staff will meet with the Portsmouth Square corporation manager regarding implementation of an action plan to collect late fees of all monthly parkers.</p>	<p>Late fees for monthly parking are enforced.</p>	<p>CSA confirmed that Portsmouth now bills and collects late fees from monthly parkers that pay late.</p> <p>CSA confirmed that the new lease with Portsmouth required it to comply with SFMTA regulations. CSA also confirmed that the regulations provided instructions on the collection of late fees. CSA considers these instructions sufficient to address this aspect of the recommendation.</p>	<p>Implemented.</p>
<p>14. Require Portsmouth to begin regular procedures for reviewing and reconciling validation stamps sold, and inventory them. A log maintained on an electronic spreadsheet would be easier to review than the current manual system. This review process should be documented and performed by an employee other than the one maintaining the validation stamp log and inventory.</p>	<p>SFMTA concurs with the recommendation. Within 10 business days from the release of the final audit report, MTA staff will meet with the Portsmouth Square corporation manager to develop procedure for reviewing and reconciling inventory and sale of validation stamps, which will also be incorporated into the Standard Operating Procedures Manual.</p>	<p>Portsmouth has revised the log system to maintain the completeness of the validation stamps.</p>	<p>CSA found that Portsmouth's memo of September 26, 2011, on validation stamp inventory provides procedures for the tracking of validation stamps. However, the memo does not address how the duties are separated between the employee and the reviewer of the validation stamp log and stamp inventory.</p> <p>Prompted by this follow-up, Portsmouth developed a validation stamp policy and procedure document. While this document addressed the duties of the employee that maintains the validation stamp log and inventory, it did not address the reviewer's</p>	<p>Partially Implemented. See follow-up recommendation in Attachment B.</p>

March 20, 2012

Recommendation	Department's Response to Original Report	Report Status as of This Follow-up	Auditor's Follow-up Work	Results
			<p>duties.</p> <p>Portsmouth maintains two electronic logs that provide detailed information regarding the validation stamps inventory and sales.</p>	
<p>15. Ensure that Portsmouth does not engage in future validation discount arrangements without the prior written approval of Portsmouth's board of directors and SFMTA.</p>	<p>SFMTA concurs with the recommendation. Within 10 business days from the release of the final audit report, SFMTA staff will meet with the Portsmouth Square corporation manager and outline the authorization process before any additional validation discount arrangements can be implemented.</p>	<p>All discounts are subject to written approval by the Corporation's board of directors and SFMTA.</p>	<p>Portsmouth confirmed that it has not engaged in new validation discount arrangements without the prior written approval of its board and SFMTA.</p>	<p>Implemented.</p>
<p>16. Work with Portsmouth to develop a written free parking policy. Portsmouth should regularly obtain from the Recreation and Park Department a list of its employees and their work schedules at Portsmouth Square to determine that Recreation and Park</p>	<p>SFMTA concurs with the recommendation. Within 10 business days from the release of the final audit report, SFMTA staff will meet with the Portsmouth Square corporation manager to initiate the development of a formal written free parking policy.</p>	<p>Free parking policy fully enforced per SFMTA written notification on March 4, 2010.</p>	<p>CSA confirmed that effective March 4, 2010, SFMTA eliminated virtually all free parking for at city garages.</p> <p>Because SFMTA has established a free parking policy and Portsmouth has taken steps to follow it, this fulfills the intent of the report's recommendation.</p>	<p>Implemented.</p>

Recommendation	Department's Response to Original Report	Report Status as of This Follow-up	Auditor's Follow-up Work	Results
<p>employees are correctly granted free parking privileges. Portsmouth should immediately deactivate all access cards collected from Portsmouth employees, which are no longer in use.</p>			<p>Because Recreation and Park employees are now required to pay for parking, Portsmouth does not need the employees' schedules. In addition, garage employees are required to pay for parking, and the Portsmouth corporate manager stated that all access cards that were returned by employees were deactivated.</p>	

ATTACHMENT B: DEPARTMENT RESPONSE

Edwin M. Lee | Mayor
Tom Nolen | Chairman
Cheryl Brinkman | Vice-Chairman
Leona Bridges | Director
Malcolm Heinicke | Director
Jerry Lee | Director
Bruce Oka | Director
Joël Ramos | Director
Edward D. Reiskin | Director of Transportation

March 2, 2012

Ms. Tonia Lediju
Audits Director
Office of the Controller
City Hall, Room 477
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Ms. Lediju:

We appreciate the opportunity to review the draft audit follow-up memorandum concerning the Portsmouth Plaza Parking Corporation. Attached is the completed *Follow-Up Recommendations and Responses* form, which is the basis of our written response for inclusion in the final audit follow-up memorandum.

If you have any questions or need additional information regarding the attached, please contact Amit Kothari at (415) 701-4462 or by email at amit.kothari@sfmta.com.

Sincerely,



Edward D. Reiskin
Director of Transportation

Attachment

FOLLOW-UP RECOMMENDATIONS AND RESPONSES

Recommendation <small>(note: The numbers below correspond to the numbers in the audit report)</small>	Responsible Agency	Response
SFMTA should: 3a. Develop a written policy applicable to Portsmouth that specifies a penalty if Portsmouth exceeds the unaccounted parking tickets threshold of 0.25 percent of transient tickets, and provide that policy to Portsmouth.	SFMTA	Concur. SFMTA will work with Corporation staff and Board members to develop and implement accountability measures to be undertaken if the unaccounted parking ticket rate exceeds the 0.25 percent stipulated in SFMTA's regulations, given that a financial penalty is not appropriate for this facility.
3b. Require Portsmouth to submit a monthly report that compares the number of insufficiently documented unaccounted parking tickets to the number of transient tickets issued.	SFMTA	Concur. SFMTA made this request, and the Corporation began reporting the percentage on its monthly report for January 2012.
6a. Require Portsmouth to develop a written procedure that covers the access card inventory activity, including the separation of duties between the employee maintaining the inventory list and the employee reviewing the inventory list against the physical inventory of cards.	SFMTA	Concur. The Corporation has completed a draft of an updated written procedure. SFMTA will work with the Corporation to finalize the updated procedure by March 31, 2012.

Recommendation <small>(note: The numbers below correspond to the numbers in the audit report)</small>	Responsible Agency	Response
14a. Require Portsmouth to further develop its written validation stamp policy and procedure by specifying the duties of the employee responsible for reviewing the validation stamp log and inventory.	SFMTA	Concur. The Corporation has completed a draft of an updated written procedure. SFMTA will work with the Corporation to finalize the updated procedure by March 31, 2012.

File 120183

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

March 19, 2012

Hon. David Chiu, President
San Francisco Board of Supervisors
City Hall Room 244
One Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Nob Hill Masonic Center (File No. 120183)
Appeal of Conditional Use Authorization to extend current use
Hearing Date: March 27, 2012

Dear President Chiu and Supervisors:

I am writing on behalf of the California Masonic Memorial Temple ("CMMT"), the non-profit charitable corporation that owns the Nob Hill Masonic Center at 1111 California Street (the "Masonic"), to oppose the appeal of the Planning Commission's unanimous January 19, 2012, decision approving a conditional use permit (Motion No. 18520). The January 19 conditional use approval merely allows the Masonic to continue its current operations. The Masonic is the only mid-size concert venue in the City other than the Opera House and Davies Hall, both of which have very few dates available for events not affiliated with the Opera, Ballet or Symphony. For that reason, continuation of the Masonic's current operations is key to fulfilling City policies, contained in the General Plan Arts Element and the Music and Culture Sustainability Policy, that call for preservation of existing performance venues.

Based on historic average use, the Planning Commission imposed an annual limit on the number of live entertainment events that occur at the Masonic (only 68 live entertainment events annually) and a limit on the total number of large events each year (287 such events). The Commission also imposed hours of operations (11:00 on weekdays and 11:30 p.m. on weekends), limited alcoholic beverage sales, required off-duty SFPD personnel at all large events, and imposed other good neighbor conditions (see Conditions Nos. 1 to 35 set forth in Exhibit A to Planning Commission Motion No. 18520). Before these conditions were imposed, there were *no limits* on the number, type or hours of events at the Masonic, or any other operating conditions.

Nonetheless, an appeal of the Commission's unanimous decision was filed by the Nob Hill Coalition (founded by residents of the Gramercy Tower condominiums, the building at 1177 California Street immediately adjacent to the Masonic that was constructed over a decade

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805-11 cpage

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Upland
Michael Sutton, Vice President
Monterey
Jim Kellogg, Member
Discovery Bay
Richard Rogers, Member
Santa Barbara
Jack Baylis, Member
Los Angeles

EDMUND G. BROWN, JR.



Governor

Sonke Mastrup
EXECUTIVE DIRECTOR
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Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
(916) 653-5040 Fax
fgc@fgc.ca.gov

STATE OF CALIFORNIA

Fish and Game Commission

March 23, 2012

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TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 632, Title 14, California Code of Regulations, relating to Central marine protected areas, which will be published in the California Regulatory Notice Register on March 23, 2012.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Ms. Marija Vojkovich, Manager, Marine Region, Department of Fish and Game, (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

16

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203.1, 205(c), 219, 220, 1590, 1591, 2860, 2861 and 6750 of the Fish and Game Code, and Sections 36725(a) and 36725(e), of the Public Resources Code, and to implement, interpret or make specific Sections 200, 202, 203.1, 205(c), 219, 220, 1580, 1583, 2861, 5521, 6653, 8420(e) and 8500 of the Fish and Game Code, and Sections 36700(e), 36710(e), 36725(a) and 36725(e) of the Public Resources Code, proposes to amend Section 632, Title 14, California Code of Regulations, relating to marine protected areas.

Informative Digest/Policy Statement Overview

Background

The Marine Life Management Act (MLMA, Stats. 1998, ch. 1052) created a broad programmatic framework for managing fisheries through a variety of conservation measures, including marine protected areas (MPAs). The Marine Life Protection Act (MLPA, Stats. 1999, ch. 1015) established a programmatic framework for designating such MPAs in the form of a statewide network. The Marine Managed Areas Improvement Act (MMAIA, Stats. 2000, ch. 385) standardized the designation of marine managed areas (MMAs), which include MPAs. The overriding goal of these acts is to ensure the conservation, sustainable use, and restoration of California's marine resources. Unlike previous laws, which focused on individual species, the acts focus on maintaining the health of marine ecosystems and biodiversity in order to sustain resources.

Existing regulations (the no-change alternative) consist of five MPAs covering an area of 3.1 square miles (sq mi), representing 0.3 percent of the state waters within the MLPA North Coast Study Region (NCSR). Sixty-six percent of the protected area is within no-take state marine reserves covering 2.1 sq mi or 0.2 percent of the state waters within the MLPA NCSR.

The regulatory action is intended to meet the goals described in the MLPA within a portion of California's State waters. The area covered in this regulatory action is the MLPA NCSR, defined as State waters from the California-Oregon border to Alder Creek, near Point Arena in Mendocino County. This region covers approximately 1,027 sq mi of state waters. The MLPA goals focus on improving the connectivity and effectiveness of California's existing array of MPAs to protect the State's marine life, habitats, and ecosystems. The MLPA specifically requires that the Department of Fish and Game (Department) prepare a master plan and that the Fish and Game Commission (Commission) adopt a Marine Life Protection Program and regulations based on the plan to achieve the MLPA goals (Fish and Game Code Section 2855).

The MLPA requires that the program, in part, contain an improved marine life reserve (now state marine reserve) component [Fish and Game Code subsection 2853(c)(1)] and protect the natural diversity of marine life and the structure, function, and integrity of marine ecosystems [Fish and Game Code subsection 2853(b)(1)]. This protection may help provide sustainable resources as well as enhance functioning ecosystems that provide benefits to both consumptive and non-consumptive user groups. The program may include areas with various levels of protection (LOP) through MPAs that may allow for specified commercial and recreational activities. These activities include but are not limited to fishing for certain species but not others, fishing with certain practices but not others, and kelp harvesting, provided these activities are consistent with the objectives of the area and the goals and guidelines of the MLPA.

Regional Implementation of Marine Life Protection Act

Important in developing the Proposed Regulation was the consideration for the north coast MPAs to form a component of a statewide biological network. The north coast is the fourth of five study regions to be implemented through the MLPA.

The Proposed Regulation establishes a network component of MPAs for the north coast designed to include all representative north coast habitats and major oceanic conditions. Unique and critical habitats were considered separately to guarantee both representation and protection. From an ecological perspective, the Proposed Regulation creates a network component of MPAs in the north coast consistent with the goals of the MLPA. The Proposed Regulation attempts to minimize potential negative socio-economic impacts and optimize potential positive socio-economic impacts for all users, to the extent possible.

Proposed Regulation

The Proposed Regulation includes 19 MPAs, one MMA, and seven special closures for the NCSR. Of the 19 MPAs, 15 are new and four are existing MPAs. Of the 15 new proposed MPAs, eight MPAs include sub-options for boundaries or allowed take. The Proposed Regulation also amends the boundaries and allowed take of the four existing MPAs to meet the Department's feasibility guidelines and to facilitate public understanding. One existing MPA, the Punta Gorda State Marine Reserve (SMR), would be removed and replaced by two proposed nearby SMRs.

The three classifications of MPAs used in California to reflect differing allowed uses are SMR, state marine conservation area (SMCA), and state marine park (SMP). Public Resources Code Section 36710 lists the restrictions applied in these classifications. Two of these classifications, SMR and SMCA, are utilized in the Proposed Regulation. One MMA classification known as a state marine recreational management area (SMRMA) is a component of the Proposed Regulation. Public Resources Code Section 36700(e) lists the restrictions in this classification. The Commission has the statutory authority to designate SMRs, SMCAs, and SMRMAs; however, the third MPA classification, SMP, may only be created, modified, or deleted under the authority of the State Park and Recreation Commission [Public Resources Code Section 36725(b)].

Pre-existing activities and artificial structures including but not limited to utility cables, bridge maintenance, maintenance dredging, and habitat restoration occur throughout the NCSR. These activities may result in incidental take. However, the activities are regulated by other federal, state, and local agencies, whose jurisdiction cannot be pre-empted through designation of MPAs under the MLPA. Out of the 19 MPAs and one MMA in the Proposed Regulation, three have been identified as having various existing activities regulated by other agencies. These activities are specified within the proposed MPA regulations to make explicit that these regulated activities are allowed to continue under current permits. The Department provided details regarding these activities, and other unresolved issues requiring the Commission's input, at the Commission's October 19, 2011 meeting.

Beginning in July 2009, the Department and Marine Life Protection Act Initiative (MLPAI) staff began discussions with north coast tribes and tribal communities regarding the MLPAI north coast MLPA planning process. At the Commission's June 29-30, 2011 meeting, staff provided three options developed to accommodate tribal take in MPAs on the north coast. The Commission chose Tribal Option 1 to provide for specific non-commercial tribal uses by federally recognized tribes. The Commission asked the federally recognized tribes to submit a factual record of historic and current uses in specific geographies, other than SMRs, to the Commission

within 60 days. The Commission directed the Department to develop regulatory language defining tribal take using specific criteria. The criteria the Commission identified required any tribal member taking living marine resources to possess an identification card issued by a federally recognized tribe, a valid California fishing license for persons 16 years and older, and any valid report card, validation, permit or any other entitlement that is required by applicable federal, state, or local law. The Commission also decided that all tribal take must be consistent with existing regulation. The Commission received six factual records representing twenty-four federally recognized north coast tribes and tribal communities prior to the 60-day deadline. The factual records identified eleven MPAs for tribal use with overlapping requests in some MPAs by specific tribes. In addition to the factual records, the Commission received two letters calling attention to intertribal agreements. These intertribal agreements are transactions between tribes and tribal communities wishing to take resources within the ancestral territories of other tribes and tribal communities, and need to be negotiated between those tribes. The regulations for the NCSR MPAs will not be changed based on intertribal agreements but will reflect tribal take in specific MPAs as they were listed in the factual records received by the Commission.

Take "from shore only" is currently proposed at Double Cone Rock SMCA and Big River Estuary SMCA in the Proposed Regulation. Two existing MPAs outside of the study region also include take restricted to shore only. Due to confusion over the interpretation of what it means to "take from shore only", the Proposed Regulation includes a general definition for take "originating from shore" that would apply to the Proposed Regulation as well as other MPAs coastwide that allow shore only fishing.

Regulatory Sub-options

Regulatory sub-options are included for eight of the proposed MPAs within the Commission's Proposed Regulation, to provide alternatives to either boundaries or take regulations in the Proposed Regulation that address Department feasibility concerns, as requested by MLPA Initiative staff or stakeholders.

Proposed Regulation Details

The 19 MPAs, one MMA, and seven special closures in the Proposed Regulation encompass geographically 136 sq mi, representing 13 percent of the approximately 1,027 sq mi of state waters within the north coast region. No-take SMRs encompass 51 sq mi or five percent of state waters within the north coast region. The remaining areas are primarily SMCAs and one SMRMA that allow some fishing activity, covering an area of 85 sq mi or eight percent of state waters within the MLPA NCSR.

Alternatives to Regulation Change

Alternatives to the Proposed Regulation were provided by the North Coast Regional Stakeholders Group (NCRSG) and Blue Ribbon Task Force (BRTF) to meet the purposes of the regulatory action but were not selected as the preferred alternative. Each alternative, with the exception of the no-change alternative, meets the goals and guidelines of the MLPA to varying degrees, and attempts to adhere to the SAT guidelines in the draft master plan to the extent possible.

Alternative 1 – This is the Enhanced Compliance Alternative (ECA), developed by the BRTF using the NCRSG proposal and input by constituents representing a variety of consumptive, non-consumptive, and environmental interests. It consists of 21 proposed MPAs and seven special closures covering an area of 134 sq mi, representing 13 percent of the approximately 1,027 sq mi of state waters within the north coast region. No-take SMRs or "very high protection" SMCAs that do not allow fishing encompass 51 sq mi or five percent of state waters

within the MLPA NCSR. The remaining MPAs encompass 83 sq mi or eight percent of state waters within the MLPA NCSR.

No-Change Alternative

The no-change alternative would leave existing MPAs in state waters of the MLPA NCSR unchanged. This alternative does not address the goals and requirements of the MLPA.

Benefit of Proposed Regulation

The benefit of the Proposed Regulation is the creation of a network component of MPAs in the north coast consistent with the goals of the MLPA. From an economic and social perspective, the Proposed Regulation attempts to minimize potential negative socio-economic impacts and optimize potential positive socio-economic impacts for all users, to the extent possible.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. The California Department of Parks and Recreation (State Parks) provided input on issues related to their concerns and jurisdiction during the development of the Proposed Regulation. Pre-existing activities and artificial structures including but not limited to utility cables, bridge maintenance, maintenance dredging, and habitat restoration occur throughout the NCSR. These activities may result in incidental take. However, the activities are regulated by other federal, state, and local agencies, whose jurisdiction cannot be pre-empted through designation of MPAs under the MLPA.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Red Lion Hotel, 1929 4th Street, Eureka, California, on Wednesday, April 11, 2012 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Red Lion Hotel, 1929 4th Street, Eureka, California, on Wednesday, June 6, 2012 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before Friday, June 1, 2012 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on Monday, June 4, 2012. All comments must be received no later than June 6, 2012 at the hearing in Eureka, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Ms. Marija Vojkovich, Manager, Marine Region, Department of Fish and Game, (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons (ISOR), including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The Proposed Regulation will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. The Proposed Regulation may have negative impacts on commercial and recreational fishing operations and businesses.

The impacts presented here do not represent a complete socioeconomic impact analysis, but rather what is generally referred to as a first order impact analysis, meaning that it only assesses potential impacts up to the dock (i.e., for commercial, commercial passenger fishing vessel and recreational fisheries). Furthermore, a key assumption of this analysis is that estimates represent maximum potential impacts. An assumption made in the analysis is that the Proposed Regulation completely eliminates fishing opportunities in areas closed to specific fisheries and that fishermen are unable to adjust or mitigate in any way. In other words, all fishing in an area affected by a marine protected area (MPA) is lost completely, when in reality it is more likely that fishermen will shift their efforts to areas outside the MPA. The effect of such an assumption is most likely an overestimation of the impact, or a "worst case scenario."

The estimates of maximum potential impacts shown here rely on the survey work and subsequent geographic information system (GIS) data analysis conducted by MLPA contractor Ecotrust, and either reported in various documents to the Science Advisory Team (SAT), NCRSG, and BRTF or generated using the GIS data analysis tool created by Ecotrust. Ecotrust interviewed fishermen to determine both locations of fishing activities and the relative importance of each location. In other words, areas identified were considered by the level of importance placed on those areas relative to total fishing grounds; these are referred to as areas of "stated importance" in analyses. Ecotrust's importance indices were combined with cost share information (gathered during the interviews) to measure the maximum potential impacts of prospective closures on stated and economic values for key commercial, commercial passenger fishing vessel, and recreational harvesters. The methodology used to determine maximum potential impacts for the Proposed Regulation are described in ISOR Attachment 3 (pp 91-96).

Commercial Harvesters

The maximum potential net economic impact (profit in real 2007 dollars) to commercial harvesters under the Proposed Regulation (see Table 4) was estimated to be \$278,177 per year. In comparison, the estimated average annual baseline ex-vessel value for the study region from 2000–2007 was estimated to be \$23,865,216 and, based on business cost estimates derived from interviews, the estimated corresponding baseline net profit was \$9,289,008. Using these values, the estimated maximum potential percentage reduction per year under the Proposed Regulation was 3.0 percent.

Table 4. Estimated annual maximum potential net economic impacts to commercial harvesters by fishery relative to the base for the Proposed Regulation in the North Coast Study Region.

Fishery	Baseline Ex-Vessel Value	Baseline Profit	Proposed Regulation	
			Estimated Profit Loss (\$)	Estimated Profit Loss (%)
Anchovy/Sardine (Lampara Net)	\$44,428	\$7,553	\$506	6.7%
Dungeness Crab (Trap)	\$18,471,736	\$6,852,874	\$177,737	2.6%
Herring (Gillnet)	\$11,701	\$4,915	\$96	1.9%
Rockfish (Fixed Gear)	\$642,453	\$296,189	\$18,640	6.3%
Salmon (Troll)	\$3,027,616	\$1,249,463	\$32,366	2.6%
Shrimp (Trap)	\$251,315	\$93,286	\$0	0.0%
Smelt (Brail-Dip Net)	\$122,680	\$48,358	\$0	0.0%
Surfperch (Hook and Line)	\$26,431	\$12,167	\$2,389	19.6%
Urchin (Dive Captain)	\$896,780	\$465,151	\$29,637	6.4%
Urchin (Walk-on Dive)	\$370,076	\$259,053	\$16,805	6.5%
All Fisheries	\$23,865,216	\$9,289,008	\$278,177	3.0%

The estimated maximum potential impact to commercial harvesters was also calculated by port under the Proposed Regulation (Figure 2). In addition, it should be noted that the potential impacts to specific fisheries also vary by port.

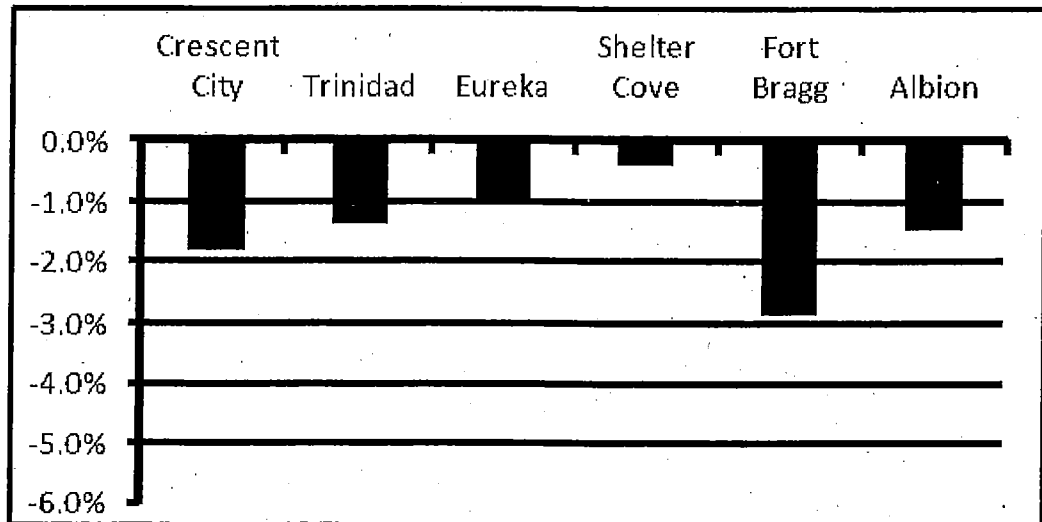


Figure 2. Estimated annual maximum potential net economic impacts of the Proposed Regulation to commercial harvesters by port.

Due to the aggregation of data necessary to maintain the confidentiality of individual fishermen's financial data, the average impacts across fisheries may not be representative of the true maximum potential impact to an individual fisherman and may actually underestimate the maximum potential impact to specific individuals.

That said, Ecotrust, as part of their assessment, was asked to provide summary information on any disproportionate impacts on individual fishermen and/or particular fisheries. This was based on lessons learned in the MLPA Central Coast Study Region, where significant disproportionate impacts were only discovered in the implementation phase, leaving limited options to lessen these impacts.

Ecotrust evaluated whether any port-fishery combinations may be disproportionately affected by the Proposed Regulation. To assess these impacts, Ecotrust used a box plot analysis to identify outliers within each fishery (calculated using estimated impacts on the stated value of total fishing grounds). In a box plot analysis, outliers are defined as extreme values that deviate significantly from the rest of the sample. Box plot analysis results can also inform convergence among MPA proposals within a fishery and/or relative potential impacts between fisheries. While no port-fishery combination is disproportionately impacted at a statistically significant level, the surfperch fishery may be disproportionately impacted relative to other fisheries. Similarly, while there are no statistically significant outliers for urchin, surfperch, or herring, the bi-modal nature of the potential impacts should be noted.

Recreational Harvesters

Ecotrust also analyzed the maximum potential impacts to commercial passenger fishing vessel (CPFV) operators and recreational fishermen (dive, kayak, and private vessel user groups only) in terms of percentage of the fishing grounds within the study region and percentage of stated importance values of fishing grounds within the study region. Estimated impacts represent impacts to areas of stated importance and not impacts on

level of effort or on spatial area of total fishing grounds. Similar to the commercial estimates of maximum potential impact, these estimates assume all fishing activity that previously occurred in a closed area is "lost" and not replaced by movement to another location.

Commercial Passenger Fishing Vessels

Ecotrust calculated the maximum potential net economic impact for the CPFV fisheries as the average percentage reduction in net economic revenue (i.e., profit) based on stated importance for all five species considered (Table 5).

Table 5. Estimated annual maximum potential net economic impacts to commercial passenger fishing vessel fisheries relative to the base.

Port	California Halibut	Dungeness Crab	Pacific Halibut	Rockfish/Bottomfish	Salmon
Crescent City	0.0%	0.0%	0.0%	0.0%	0.0%
Trinidad	0.5%	0.0%	0.0%	0.1%	1.7%
Eureka	0.0%	0.0%	3.0%	12.0%	1.9%
Shelter Cove	0.0%	0.0%	15.3%	6.9%	0.0%
Fort Bragg	0.0%	9.5%	0.0%	6.2%	11.6%

Other recreational harvesters

Recreational fisheries were stratified by port and user group (i.e., dive, kayak, and private vessel). See Table 6 for additional details.

While not actual economic losses, a loss in recreational fishing areas could lead to decreases in revenues to recreational fishing-dependent businesses.

Table 6. Estimated percentage of stated value of total recreational fishing grounds affected by port and user group for the Proposed Regulation.

Port	User Group	Abalone	California Halibut	Dungeness Crab	Pacific Halibut	Rockfish/ Bottomfish	Salmon
Crescent City	Dive	0.0%	---	0.0%	---	0.4%	---
	Kayak	---	---	---	---	---	---
	Private Vessel	---	3.1%	0.0%	3.8%	0.1%	0.4%
Trinidad	Dive	0.0%	---	0.0%	---	0.0%	---
	Kayak	---	---	---	---	0.0%	0.0%
	Private Vessel	---	0.0%	0.1%	0.0%	5.3%	0.4%
Eureka	Dive	0.0%	---	0.0%	---	15.6%	---
	Kayak	---	---	---	---	---	---
	Private Vessel	---	0.1%	0.0%	0.8%	12.6%	0.1%
Shelter Cove	Dive	0.0%	---	0.0%	---	0.0%	---
	Kayak	---	---	---	---	---	---
	Private Vessel	---	0.0%	0.0%	7.9%	8.9%	0.0%
Fort Bragg/ Albion	Dive	9.4%	---	0.0%	---	9.3%	---
	Kayak	---	---	---	---	6.8%	0.7%
	Private Vessel	---	17.8%	7.7%	22.9%	8.0%	4.3%

In the long term, the potential negative impacts may be balanced by potential positive impacts of sustainable fisheries, non-consumptive benefits, and ecosystem function in the reserve areas. In addition, potential benefits may be realized through adult fish spillover to areas adjacent to marine reserves and state marine conservation areas that prohibit bottom fishing for finfish, as well as through transport to distant sites.

The impacts of Proposed Regulation are essentially the same as the impacts for the Revised Round 3 North Coast Regional Stakeholder Group Marine Protected Area Proposal (RNCP). Attachment 15 contains a comparison of the impacts of the RNCP and the Enhanced Compliance Alternative.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

Each alternative has potential impacts on the creation and elimination of jobs related to commercial, CPFV, recreational fishing, and non-consumptive activities. An estimate of the number of jobs eliminated as a direct result of the proposed action is difficult to

determine. Commercial fishing operations are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable stocks and subsequently the long-term viability of these same small businesses. Jobs related to the non-consumptive tourism and recreational industries would be expected to increase over time by some unknown factor based on expected improvements in site quality and increased visitation to certain locations.

The benefit of the Proposed Regulation is the creation of a network component of MPAs in the north coast, protecting and enhancing natural resources and improving natural resources sustainability, consistent with the goals of the MLPA. From an economic and social perspective, the Proposed Regulation attempts to minimize potential negative socio-economic impacts and optimize potential positive socio-economic impacts for all users, to the extent possible.

Non-monetary benefits to the health and welfare of California residents and to worker safety are not anticipated.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

Additional costs to State agencies for enforcement, monitoring, and management of MPAs are difficult to estimate and are dependent on not only the impacts of the Proposed Regulation, but also other regulations and processes, expectations and implementation needs. Further discussion is needed to clarify the needs and expectations. Comprehensive DFG monitoring, management and enforcement for the North Coast Study Region cannot be absorbed by existing DFG budgets, and will result in significant funding and position needs.

The Department will incur costs associated with printing and installing new regulatory signage, and developing and printing public outreach materials. However, partnerships with state and federal agencies, academic institutions, and non-profit organizations are likely to continue to play an important role in assisting with MLPA implementation in coming years.

Current cooperative efforts with the Channel Islands National Marine Sanctuary, Monterey Bay National Marine Sanctuary, and Gulf of the Farallones National Marine Sanctuary have provided funding for some existing State costs, and cooperative efforts are expected to increase with the adoption of the proposed regulation. In addition to agency partnerships, during planning and implementation of the MLPA study regions (i.e., central coast, north central coast, and south coast), substantial funding in the millions of dollars were contributed by private fund sources including MLPAL partners, and through bond money distributed through the Ocean Protection Council. These contributions supported costs for baseline science and socio-economic data collection, signage, and outreach and education, among other things, and allowed for a greater outcome than may have been possible with Department funding alone. While it is

difficult to quantify the level of support that will be provided by partnerships in future years, the Department will continue to actively pursue and maximize such assistance.

Changes requiring additional enforcement, monitoring, or management will increase the recurring costs to the Department, and total state costs would increase as new study regions are designated and become operational. For the north coast, the near-term cost to implement the proposed MPAs will include one-time startup, a baseline data collection program, and recurring annual costs. In light of uncertainty regarding the cost for monitoring, funding due to the State's current fiscal crisis, and the level of future funding from external partners, the estimated new funding requirements by the state for MLPA in the north coast are unknown at this time.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

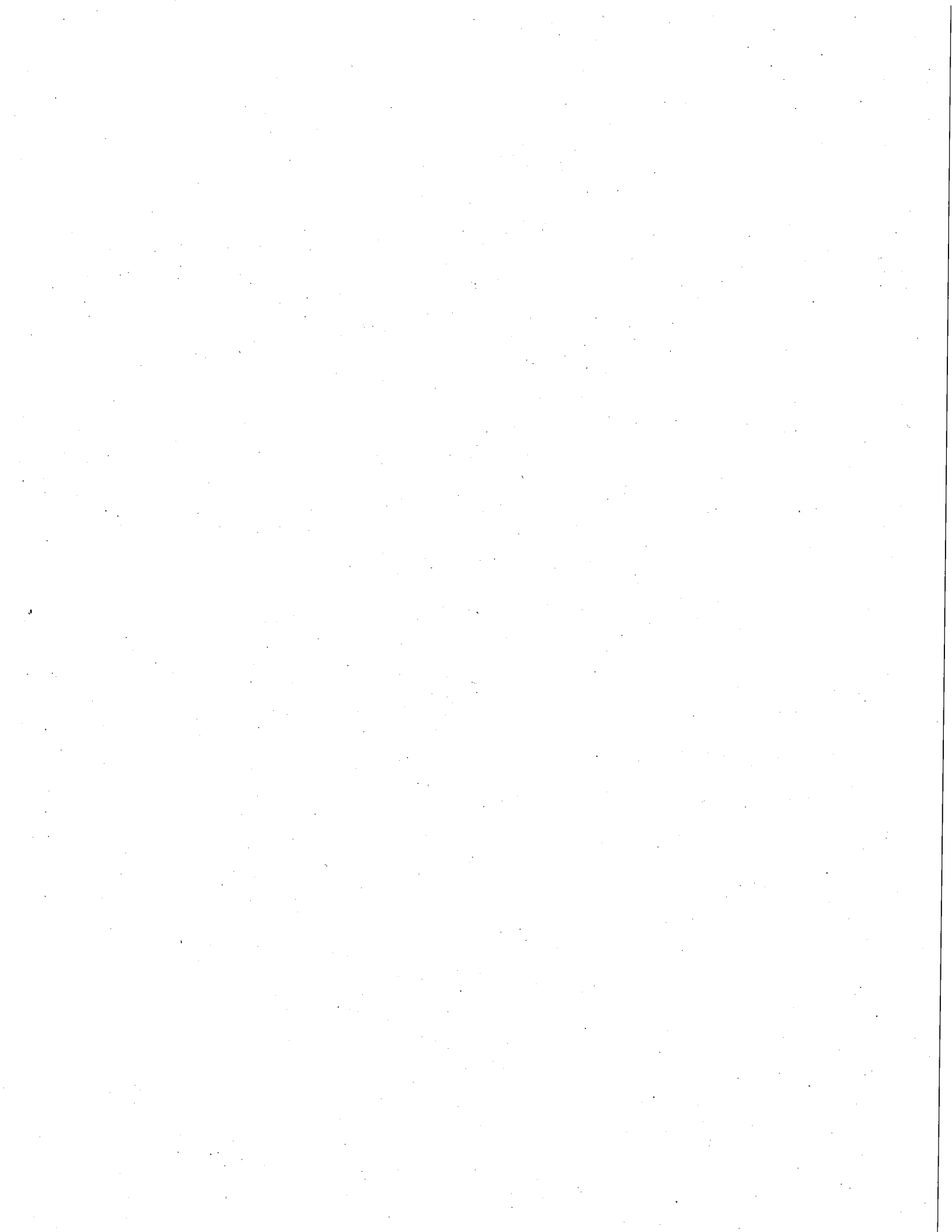
Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated: March 13, 2012



District 3
C-page

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Attribute	Value
Service Request Ref #	1089003
Classification	City Services >> General Requests >> Request for City Services
Associated with	Sheralyn Bundy
Title	complaint
Description	<p>--- Caller States: "My water has been smelling bad for months. It has been making me sick. I have collected samples of the water and I have given the water to various individuals that are going to test the water. They are going to give it to the City officials to drink in their water and coffee. I have had an employee that works for the building come to my apartment to do some work. He would not wash his hand in my sink. He said that the City was putting something in my water. Have you seen Erin Brokovich? Well if the water is good enough for me to drink then it should be good enough for all of the city officials. You tell the board of Supervisors and the City officials that everything that has been done to me will be done to them. There is a famous saying that what goes around, comes around."</p> <p><u>ADDRESS:</u> 1000 SUTTER, UNIT 810 S.F. CA.</p>
Status	Open
Due Date	Mar 28 12 09:41 (6 days from now)
Allocated to	Rana Calonsag
Created Date	Mar 21 12 09:41 (1 hour ago)
Created by	Mercedes Martinez
Raised by	Sheralyn Bundy (Voice In)
Priority	Medium
Severity	Medium

History

Type	Description	Raised by	Created by	Created
Initial Contact	Voice In (Verified) - 101051326922/I	Sheralyn Bundy	Mercedes Martinez	Mar 21 12 09:40
Event	Agent Created Case	(No Interaction)	Mercedes Martinez	Mar 21 12 09:41
Event	Agent Updated Case Details - Reallocated to queue: Board of Supervisors - Clerk of the Board - G	(No Interaction)	Eform webservice Call	Mar 21 12 09:52
Event	Agent Updated Case Details - Title updated to: complaint Description updated to: --- Caller States:...	(No Interaction)	Eform webservice Call	Mar 21 12 09:52

17

Type	Description	Raised by	Created by	Created
eForm	GenericEform	(No Interaction)	Mercedes Martinez	Mar 21 12 09:52
Event	Agent Took Ownership of Case	(No Interaction)	Rana Calonsag	Mar 21 12 10:52

6 items found.



Show all results [printable version]

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

Issued: Park Maintenance Standards Six Month Report FY 2011-12

Angela Calvillo, Peggy Nevin, BOS-Supervisors,
Controller Reports to: BOS-Legislative Aides, Steve Kawa, Christine
Falvey, Kate Howard, Jason Elliott, Severin

03/22/2012 01:40 PM

Sent by: Kristen McGuire

The Controller's Office has issued the San Francisco Park Maintenance Standards Six Month Report FY 2011-12. Citywide, the average mid-year park score was 90.6 percent, an increase compared to both last year and all prior years. Average scores in all supervisorial districts were at least 85 percent for the first time since the park evaluation program began in FY 2005-06. Last year's two lowest scoring districts both saw substantial increases and scores in district 11 increased by 5.6 percent, more than any other district. Of the 21 parks scoring below 80 percent in FY 2010-11, all but one showed improvement.

The Controller's Office would like to thank the staff of the Recreation and Parks Department for their cooperation on the Park Maintenance Standards Program.

To view the full report, please visit our website at:
<http://co.sfgov.org/webreports/details.aspx?id=1401>

You can also access the report on the Controller's website (<http://www.sfcontroller.org/>) under the News & Events section.

This is a send only email. For more information, please contact:

Office of the Controller
City Services Auditor Division
Phone: 415-554-7463
Email: CSA.ProjectManager@sfgov.org

18

Diesel and Biodiesel Purchasing Policy

City Administrator to: Department Heads

Sent by: **Kathy Bianchi**

03/22/2012 01:36 PM

Cc: William Zeller, Bob Hayden, Jaci Fong, Department Head
Assistant, Melanie Nutter

Dear Department Heads:

Please see the attached memo regarding Diesel and Biodiesel Purchasing Policy pursuant to the Mayor's Executive Directive 06-02 (also attached).

Memo from the City Administrator:



Biodiesel memo Dept Hds 3-21-12.pdf

Mayor's Executive Directive 06-02:



ED 06-02.pdf

Sincerely,

Naomi M. Kelly
City Administrator



OFFICE OF THE CITY ADMINISTRATOR



Edwin M. Lee, Mayor
Naomi M. Kelly, City Administrator

MEMORANDUM

March 21, 2012

TO: Department Heads

FROM: Naomi Kelly *Naomi Kelly*
City Administrator

SUBJECT: Diesel and Biodiesel Purchasing Policy

The Mayor's Executive Directive 06-02, Biodiesel for Municipal Fleets, dated May 18, 2006, established the policy that all diesel-using departments begin using 20% biodiesel blend (B20) in their diesel vehicles as soon as practicable, and established the goal that each department be 100% compliant with this B20 policy by the end of 2007. The Directive further stated that departments shall then pursue the use of biodiesel blends that are higher than B20 for use in their vehicles.

In accordance with the Biodiesel Directive, effective July 1, 2012:

- The only diesel fuel OCA will provide for transportation use will be B20, except as provided below.
- Departments that require a biodiesel blend less than B20 must apply for and receive a temporary, site-specific waiver from the Department of Environment. The waiver request must include a plan and schedule for B20 compliance.
- In no case will biodiesel blends of less than B5 be available for transportation use.

The waiver process will be handled on a case by case basis and administered by the Department of Environment. Please direct any inquiries to Bill Zeller, Department of Environment, by email or phone at 355-3728.



Executive Directive 06-02
Biodiesel for Municipal Fleets

May 18th, 2006

By virtue of the power and authority vested in me by Section 3.100 of the San Francisco Charter to provide administration and oversight of all departments and governmental units in the executive branch of the City and County of San Francisco, I do hereby issue this Executive Directive to become effective immediately:

1. The City declares its commitment to increasing the pace of municipal use of biodiesel.

San Francisco City Government has long led the country in its commitment to alternative transportation fuels as a key part of its efforts to attain clean air, promote renewable energy and reduce greenhouse gas emissions.

Since 1999, the City's Healthy Air and Smog Prevention ordinance and more recently my Executive Directive 5-103 issued in September 2005, have established requirements for City fleets to purchase vehicles using alternative fuels or energy-efficient vehicles with low emissions. San Francisco now has more than 800 alternative fuel vehicles in its fleet.

In 2005, Senator Barbara Boxer awarded the San Francisco Department of Environment her Conservation Champion Award, citing the City's alternative fuel vehicles success record.

The Board of Supervisors recently passed, and I signed, legislation to create a Biodiesel Access Taskforce, the first of its kind in the nation, to streamline regulations and create incentives for private-sector use of biodiesel.

Several City departments and agencies have successfully tested and used biodiesel in pilot programs using B20 (a blend of 20% biodiesel and 80% petroleum diesel) or higher biodiesel blends, including San Francisco Airport, Department of Public Works, MUNI, and the San Francisco Zoo. Ferries operating out of San Francisco have also tested B20 with excellent results.

The San Francisco Fire Department is initiating this week a 6-month pilot program to test and monitor the use of B20 in 9 Fire Department apparatus located in the southeastern section of San Francisco, an area that consistently experiences the City's poorest air quality. Upon successful completion of the pilot program, the Fire Department expects to expand the use of biodiesel throughout the City.

2. Increased municipal use of Biodiesel will result in numerous environmental benefits, including:

- **reduced petroleum consumption:** the City's municipal fleet currently uses approximately 8 million gallons of petroleum diesel each year. City-wide use of B20 in the municipal fleet will reduce petroleum consumption by approximately 1.6 million gallons.
- **cleaner air:** the use of B20 will significantly reduce emissions of particulate matter, carbon monoxide, hydrocarbons and toxic air pollutants.
- **reduced greenhouse gas emissions:** biodiesel has been found to reduce carbon dioxide emissions by up to 78% compared to petroleum diesel, on a life-cycle basis.
- **promotion of sustainable and locally produced biodiesel:** most biodiesel is made from virgin plant oils and it is a priority of the City to encourage sustainable agricultural practices in the growing of plant oils for biodiesel. Biodiesel can also be made from recycled sources, including waste oil and animal fats from restaurants. The City is working with several local companies to facilitate the production of biodiesel from these local renewable sources.
- **promotion of biodiesel markets:** the City's leadership will help enable the use of cleaner burning, renewable biodiesel by the City's residents and businesses.

3. Departments shall advance biodiesel use by taking the following actions:

- Central Shops and individual department fleet managers shall identify vehicle and equipment applications that can most quickly be transitioned to biodiesel, and shall make any necessary preparations for biodiesel use, including modifications to engines or cleaning of existing diesel storage tanks.
- All diesel-using departments shall draft a report listing all diesel vehicles and diesel equipment and send it to Department of Environment, with a copy to my office, by July 1st, 2006. The Department of Environment and Central Shops shall identify additional related information to be included in the report and notify the departments of those requirements no later than May 31, 2006.
- All diesel-using departments shall begin using a B20 biodiesel blend as soon as practicable in all diesel vehicles and other diesel equipment, with the following incremental goals in each department's use of B20:
 - initiate and complete biodiesel pilot project by December 31, 2006;
 - 25% by March 31, 2007; and
 - 100% by December 31, 2007.
- All diesel-using departments shall then pursue further increases in the use of biodiesel through the use of greater-than 20% blends and/or neat biodiesel (B100).

- Using SF STAT and CCSF Fleet Inventory, all diesel-using departments shall report annually on July 1st (beginning July 1st, 2007) on departmental progress with biodiesel use. This report shall be sent to the Department of the Environment and shall include:
 - the number of diesel vehicles and other diesel equipment owned by the department;
 - the number of diesel vehicles and diesel equipment running on biodiesel and what blend of biodiesel those vehicles are using;
 - the amount of biodiesel (on a neat/B100 basis) used by the department; and
 - a description of the department's experience with biodiesel, including information related to improved air quality and any operational or maintenance issues.

- The Department of Environment shall prepare a yearly, consolidated report each September 30th on the efforts that diesel-using departments are making towards achieving the City's biodiesel goals.

For more information, please contact the Clean Air Program at the Department of the Environment at (415) 355-3700.

Gavin Newsom
Mayor

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Ocean Beach

From: Rosemary <Rosenevton@comcast.net>
To: Board of Supervisors <Board.of.Supervisors@sfgov.org>
Date: 03/26/2012 02:00 PM
Subject: Ocean Beach

Please see the attached pictures taken from our san francisco ocean beach, we plan to sponsor the American Cup in our city and we have our ocean beach that has not been maintained, renovated or cleaned for years. I was born in San Francisco and have lived here all of my 58 years, I have also body surfed ocean beach in my earlier years but still go walk the beach with my mother and my granddaughter on the weekends, I am unable to push my granddaughters stoller over the sand dunes on the sidewalk. Please look at these photos and tell me are you proud to say this is SAN FRANCISCO OCEAN BEACH? We have had wind issues in the past and have never had sand coming up over the wall, by the way the wall is falling apart and looks like hell. Please just take a moment review these pictures and get our ocean beach to look like our embarcadero? The city is making improvements all over town, what about our ocean beach?

There is no access for the handicap or childrens strollers and one heck of an eye sore looking at the walls falling apart, no stairs left to sit on, no bathroom facilities what is happening, why are we neglecting our ocean beach so?

The sand may get pushed over to the side but that is only a temporary fix, need to push it back towards the ocean away from the wall area.

I hope someone will at least look at the pictures and please just go walk from lincoln way to balboa on the beach boardwalk, you tell me what you see.

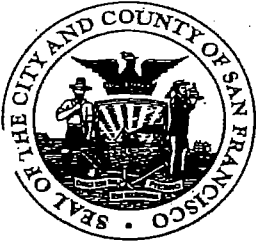
Thank you

Rosemary Newton a tax paying, native san franciscan. A MIME attachment of type <message/rfc822> was removed here

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CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

BOS-11
Cpage

MEMORANDUM
CSC NO. 2012 - 03

Board of Supervisors
Charter Sec. 4.104 Copy
City Hall, Room 263
1 Dr. Carlton B. Goodlett Place
Box 1 (RL) I - IV

E. DENNIS NORMANDY
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

SCOTT R. HELDFOND
COMMISSIONER

MARY Y. JUNG
COMMISSIONER

ANITA SANCHEZ
EXECUTIVE OFFICER

DATE: March 21, 2012

TO: Chief Joanne Hayes-White, San Francisco Fire Department
Tom O'Connor, President, S.F. Firefighters Local 798

FROM: Anita Sanchez
Executive Officer

SUBJECT: Civil Service Commission Rule Change No. 2000 - 59
Amendments to Volume III - Civil Service Commission
Rules Applicable to the Uniformed Ranks of the
Department: Rule 311 - Examinations.

RECEIVED
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2012 MAR 23 11:09:33

The Civil Service Commission acted on March 19, 2012 to adopt amendments to Civil Service Commission Rule 311 - Examinations; specifically, Rule 311.10 - Rating Keys - Fire Department of a Pilot Program to allow the release of Rating Keys.

The amendments authorize the Department of Human Resources (DHR) to establish a pilot program which will allow the release of the rating keys for review by Fire Department promotional candidates of examinations developed by the Department of Human Resources. The important components of the amendments include:

1. The pilot program shall sunset no later than two (2) years from the date of adoption;
2. DHR will provide the Commission with quarterly reports on the status, problems and successes of the pilot program;
3. The Commission has full discretion to terminate the pilot program; and
4. As no protests are being allowed, that DHR remains committed to reviewing concerns and addressing those issues as is its normal requirement.

Attached for inclusion in your copy of the Civil Service Commission Rules are amended pages 311.8 through 311.11 dated March 19, 2012.

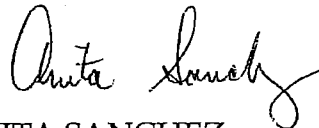
21

A revised copy of page V (Amendment Control Sheet) dated March 19, 2012 is also included. Substitute the updated page for the corresponding page in your copy of the Civil Service Commission Rules Volume III.

If you have any questions, please call me at (415) 252-3250 or Assistant Executive Officer Sandra Eng at (415) 252-3254.

Sincerely,

CIVIL SERVICE COMMISSION



ANITA SANCHEZ

Executive Officer

Attachments

- c:
- E. Dennis Normandy, President
 - Kate Favetti, Vice President
 - Scott R. Heldfond, Commissioner
 - Mary Y. Jung, Commissioner
 - Heather Buren, United Fire Service Women, 1590 La Playa, San Francisco, CA 94122
 - Kevin Burke, S.F. Fire Chief's Association, 240 Stillings Avenue, San Francisco, CA 94131
 - Jesusa Bushong, San Francisco Fire Department
 - Norm Caba, Asian Firefighters' Association, P.O. Box 410082, San Francisco, CA 94141
 - Micki Callahan, Human Resources Director
 - Jared Cooper, Firefighter-Paramedic Association, 6459 N. Pleasant, Fresno, CA 93711
 - Mariano Elias, Los Bomberos de San Francisco, 109 Cortland Circle, Vallejo, CA 94589
 - Sandra Eng, Assistant Executive Officer, CSC
 - Chief Mark Gonzales, Deputy Chief, Operations Division, San Francisco Fire Department
 - Ehrhardt Groothoff, EMS Officers' Association, P.O. Box 236, Kenwood, CA 95452
 - Chief Raymond Guzman, Deputy Chief, Administration, San Francisco Fire Department
 - Dave Johnson, Department of Human Resources
 - Donna Kotake, Department of Human Resources
 - John Kraus, Recruitment and Assessment Services Director, DHR
 - Kevin Smith, Black Firefighters' Association, 4936 Third Street, San Francisco, CA 94124

Rule 311 Examinations

Article III: Inspection and Appeal Procedure

Applicability: Article III, Rule 311 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 311.10 Rating Keys

Rating keys shall not be available for review or inspection, except as otherwise provided in Section 311.10.1. Protests of questions or answers on any examination shall not be allowed.

311.10.1 Pilot Program – Release of Rating Key

The Civil Service Commission authorizes the Department of Human Resources to establish and implement a pilot program as follows:

- 1) The pilot program will authorize the release of the rating keys for review or inspection by Fire promotional candidates for examinations developed by the Department of Human Resources.
- 2) Protests of questions or answers on any examination shall not be allowed.
- 3) This Rule 311.10.1 and the pilot program shall sunset no later than two years from the date of adoption, March 19, 2012.
- 4) The pilot program may be terminated at any time at the discretion of the Civil Service Commission.
- 5) The Department of Human Resources shall provide quarterly reports to the Civil Service Commission on the status of the pilot program.
- 6) There being no protests allowed, concerns will be reviewed and addressed by the Department of Human Resources as is normally required.

Sec. 311.11 Protests and Appeals – Examination Administration

311.11.1 All protests regarding the administration of an examination component must be filed in writing with the Fire Department Examination Unit within seven (7) calendar days of the administration of that specific examination component. A day the Examination Unit is closed shall not be counted as

Sec. 311.11 Protests and Appeals – Examination Administration (cont.)**311.11.1 (cont.)**

a calendar day. Protests shall be limited to allegations of bias, malfeasance, or misfeasance by exam administrators.

311.11.2 All protests properly filed under this section shall be resolved in accordance with the provisions of these Rules. The decision of the Human Resources Director on these protests may be appealed to the Civil Service Commission. Appeals of the Human Resources Director's decisions must be filed as provided elsewhere in these Rules.

Sec. 311.12 Qualifications Appraisal Board Interview – Challenges**311.12.1 In the Event of Challenge**

In the event of any challenge of a board member or any ratings in qualification appraisal interviews, all other candidates whose standing in the examination may be affected shall be notified of the challenge.

311.12.2 Challenge of Board Members

1) A board member may excuse herself or himself from rating any candidate when, in the judgment of the board member, it would be difficult to rate the candidate impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.

2) Any challenge as to personal bias or competence of a person serving as a board member in the qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Civil Service Commission following denial by the Human Resources Director, the rating by the challenged board member shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the remaining members of the examining board.

If more than one-half of the board members are successfully challenged, then the Human Resources Director shall cancel this session and a new board shall be constituted, unless more than one board has been convened for the examination, in which case the candidate shall be examined by an alternate board of equal number.

Sec. 311.12 Qualifications Appraisal Board Interview – Challenges (cont.)**311.12.2 Challenge of Board Members (cont.)**

3) Any challenge of the conduct of the qualifications appraisal board based on a claim of bias, malfeasance, or misfeasance of board members must be made in writing and submitted to the Fire Department Examination Unit within two (2) business days from when the qualifications appraisal interview was held. Challenges based on bias, malfeasance or misfeasance not filed in this two (2) day period cannot be considered. Such challenges must state the specific grounds upon which the challenge is based. Failure to state the specific grounds for the challenge shall nullify the challenge. All challenges properly filed under this section shall be resolved by the Human Resources Director in accordance with the provisions of these Rules before the examinations of the participants are scored. The protest time periods in Section 311.11 do not apply to this section.

4) The Civil Service Commission, in acting on an appeal of the qualification appraisal board, shall consider only the applications, records, tape recordings, and questions and answers which constitute the record of the qualification appraisal board interview. The Civil Service Commission will sustain challenges only when the candidate presents evidence that clearly substantiates a charge of bias, malfeasance, or misfeasance.

5) The decision of the Civil Service Commission on this subject shall be final.

6) In absence of a challenge under this section or upon a decision by the Civil Service Commission under this section, later challenges shall be precluded.

311.12.3 Inspection of Ratings in Qualifications Appraisal Board Interviews by Participants

1) After the qualifications appraisal interviews for an examination are scored, the ratings shall be available for a minimum period of two (2) business days following the completion of the scoring for all participants or for some other two (2) day period set by the Human Resources Director, provided that the candidates are advised of the dates, during which period each participant may inspect their own ratings. During the inspection period, participants will be able to determine how their final score was computed. The identity of the board member giving any mark or grade in a qualification appraisal interview shall not be disclosed.

311.12.3 Inspection of Ratings in Qualifications Appraisal Board Interviews by Participants (cont.)

2) Any challenges shall be filed in writing within the inspection period and shall be limited to:

- failure of the qualifications appraisal board to apply uniform standards; and
- any questions propounded by the board which occur during a qualifications appraisal interview which require an answer in conflict with any Federal, State, or City and County laws, rules, or regulations which apply to the government of the City and County of San Francisco, the Department of Human Resources, and/or the Civil Service Commission.

3) All challenges properly filed under this section shall be resolved in accordance with the provisions of these Rules. The Human Resources Director shall not consider challenges merely because candidates believe they are entitled to a higher score. The Human Resources Director will not substitute her/his judgment for the judgment of the qualification appraisal interviewers. Ratings by a qualification appraisal board of less than the minimum passing score shall not be raised to more than the minimum passing score.

4) No evidence or documents supportive of qualifications shall be presented to the Human Resources Director which were not presented to the qualifications appraisal board unless the candidate was denied the opportunity to do so.

5) The decision of the Human Resources Director on this subject shall be final.

6) In the absence of a challenge under this section or upon a decision by the Human Resources Director under this section, later challenges shall be precluded.

To: Alisa Miller/BOS/SFGOV,
Cc:
Bcc:
Subject: Student Housing Impacts have NOT been adequately assessed on family rental housing stock. - Land-Use / SFBOS

From: Aaron Goodman <amgodman@yahoo.com>
To: alisa.miller@sfgov.org
Cc: scott.wiener@sfgov.org, eric.l.mar@sfgov.org, malia.cohen@sfgov.org, board.of.supervisors@sfgov.org, john.rahaim@sfgov.org
Date: 03/24/2012 08:25 AM
Subject: Student Housing Impacts have NOT been adequately assessed on family rental housing stock. - Land-Use / SFBOS

SF Board of Supervisors Land-Use Committee (Monday March 26th meeting)

I am unable to attend the next hearings on

Items 113374 and 120191 (efficiency units) and 120220 (regarding signage on privately owned open-space area student housing and land owned in Parkmerced that is publicly accessible from the street, and would promote signage signs placed on SFSU owned property in Parkmerced). The imposed signage changes are unnecessary and cause urban sprawl also removed in parkmerced that were notable species along Font for signage entry features to the open-space median allow denser student housing on prior low-scale density housing on University Park South. This will also adversely affect Stonestown will also be affected further if plans for redensification by the university progress.

please see the attached memo on the impacts of Student Housing on Family Housing and existing communities. regard

Thank you for your attention to this issue and impacts un-assessed by the city in terms of student housing impacts. Please universities and adequately assess impact fees that correct the issues through densification of existing campus areas

The study of CSU impacts and fee increases connect DIRECTLY to the purchase of land in 2000-2004 of Stonestown and of consultants and costs of capital planning staff. The proposal for a "creative-arts-center" on prior open-space of Parkmerced indicates a lack of adequate compensation to residents for the loss of their open-space and public amenities in Parkmerced (hardball courts, shoe-horse area, garden areas, and community building.)

Although the deal was in the past, it is imperative that the impacts be adequately assessed in terms of impacts on families of San Francisco.

Sincerely

A. Goodman



2012_3_26_landusememo.pdf

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March 24, 2012

San Francisco Board of Supervisors (Land-Use Committee)

On Monday you are discussing an important item on the impacts of INSTITUTIONAL GROWTH without any checks and balances. The impact of student housing growth, and pirating of the city's general housing stock from the general public has been consistently ignored in terms of "fair-share" impact fees and adequate assessment of enrollment growth. Supervisor Scott Wiener's legislation includes currently a segment that prohibits the transfer or shift of residential housing to student housing use. This section MUST remain in place until adequate steps are taken to analyze and determine the impacts of student housing on neighborhoods is determined via a nexus study or adequate information presented by non-biased groups on the topic.

Schools like the Academy of ART, San Francisco State University, City College, University of SF, and other small local schools utilize property and their financing wings to purchase land and develop it in similar fashion to larger universities. The SFSU Foundation (now entitled U.Corp, or University Corporation) changed its mission statement from education first, to include the term "development". This provided the university with the ability to utilize funds and donated money to purchase land that they could not prior. It was a "first" and exception to the CSU rule stated Robert Corrigan back in 2000-2004 in his "presidents emails" to students. Corrigan's statements can be found via "google" search and indicate that something out of the ordinary was occurring to allow growth and expansion. The impact of this change has been negative to numerous issues out on the city's western side.

- Parking
- Traffic
- Housing
- Open-Space

All have been impacted severely in terms of the increase in the enrollment cap, and purchases of land by SFSU. The University increased its tuition thereafter consistently and caused many raised voices of concern due to the inflation of tuition, and housing costs in the area. Stones town and portions of Parkmerced were purchased by the university a loss of over 1,000 units of former rent-controlled housing, parcels of open space and a community center belonging to tenants at Parkmerced. ZERO impact fees were assessed, and the few negotiated impact assessments such as on transit were negligible in scope and amount, even though traffic and transit impacts have only worsened in the district during university hours, and the university cut its bus services, along with the SFMTA in the district. The lack of any analysis to the impacts of the university growth problem is that they do not pay their "fair-share" impact fees per state court decisions on housing, transit, open-space, and parking...CSU vs. Long Beach or Santa Barbara I think was the correct case. A city sued to garner money from CSU to adequately assess and negate the negative impacts on the community/city.

The impacts on family housing have been notable in San Francisco especially on the western side of the city, as units have been removed by SFSU-CSU and no new units built to provide low-mid income rental housing not above 33% of the median income. Families, as has been previously discussed by the board, are a protected class and losing families in SF has been a MAJOR issue due to costs of housing. As noted in a previous email to the SFBOS, the newest rental housing built on Ocean Ave is unaffordable to many families, but students at City College may "occupy" these units through sharing illegally or "cramming" into units and sharing the costs. Many students build out illegally the internal partitions in units in Parkmerced and this has become a concern due to fire-hazards and impacts on street parking and noise, water-use, and overall conditions in the towers (garbage).

SFSU had an IMPLIED PARTNERSHIP (see remarks Bert Polacci a manager government relations lobbyist with Stellar Management with SFSU-CSU) the ads in the SFSU-CSU journal the Xpress available in the journalism department promoted "student living re-defined" while families were leaving parkmerced in droves! The consistent effort to attract students OVER families had resulted in a gentrification of the Parkmerced Community. No analysis was done on the impacts and concerns raised during the SFSU-CSU Masterplan EIR by the city. It is a well documented fact that housing adjacent to universities and colleges is LUCRATIVE, and therefore the TURNOVER ratio of rental units increased consistently. Students at SFSU stay for 3-4 years and therefore the flipping of units intensified by SF State when renovations occurred by SFSU and Parkmerced's prior Stellar Management ownership. New units that were renovated were priced above the means of many families, and the impacts of students increased when they noted that CSU laws prohibit dogs, alcohol, and smoking, yet in Parkmerced's remaining unpurchased areas they could have a pad, or unit without being subjected to the CSU rules. As more students shared units and utilized facebook and "party-pad" units to have multi-unit parties in Parkmerced additional families were forced to move out due to the situation getting worse in some of the towers and low-rise units. Attempts by management and residents to discuss the issue with SFSU-CSU created the SFSU-Taskforce a small "complaint" meeting group run by the university but with little teeth or enforcement on the issues being raised in the community in terms of housing impacts.

No data exists on the impacts on rental housing at Stonestown and Parkmerced by the planning dept. **THE PLANNING DEPARTMENT AND AN INDEPENDENT THIRD PARTY GROUP SHOULD BE REQUIRED TO STUDY AND PRESENT ACTUAL DATA ON THE IMPACTS OF UNIVERSITY AREAS ON HOUSING AVAILABILITY AND IMPACTS SINCE SUCH PURCHASES AS STONESTOWN AND PARKMERCED IN DISTRICT 7.** The loss of stonestown and parts of parkmerced has NOT been adequately assessed in terms of impacts on Parkmerced by student housing...

It would be key as Supervisors to utilize the tools you have at the Land-Use committee to enforce the issue at the planning department and planning commission.....Attorney Sue Hestor and others have spoken on the Academy of Art impacts on surrounding areas. I do not believe that the universities are playing fair, when they increase enrollment caps, raise tuition to fund land-grabs such as stonestown and parkmerced in 2000-2004 and do a masterplan www.sfumasterplan.org that divides and conquers parkmerced's prior status as affordable family housing and the city does nothing to adequately assess the impacts on rental housing and family housing.

It is time to hold the planning department accountable in terms of analysis on their approved EIR's for SFSU-CSU and Parkmerced, to ensure that they act in the GENERAL publics best interests. Students need student housing, and FAMILIES need family housing. Allowing universities and public institutions the ability to cannibalize our housing stock without impact fees being assessed is against the communities and cities best interests. Please keep the section prohibiting the conversion of residential housing to student housing, and do not allow efficiency units to promote re-densification over adequate infill and rehabilitation (University Park South) so that students not only get housing built by the university, they also get housing that includes open-space, and are not stuffed like sardines into units with little protection to communities and the students themselves in terms of costs. Please require an analysis of impacts on families from 1990 onwards DATA is needed!!!!

Sincerely

Aaron Goodman
25 Lisbon St.
San Francisco, CA 94112
amgodman@yahoo.com

City and County of San Francisco

**Edwin M. Lee
Mayor**



BOS-11, BTF Clerk, COB
Department of Public Health *Page*

**Barbara A. Garcia, MPA
Director of Health**

Date: March 22, 2012

To: Clerk of the Board of Supervisors

CC: Controller's Office Grants Unit

From: Miguel Quinonez, Accountant IV *MQ*
Department of Public Health - Fiscal (Grants)

Subject: Grant Budget Revision
Grant Name: Primary & Behavioral Health Care Integration (PBHCI)
Grant Code: HMAD03-12

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAR 23 PM 3:55

In accordance with Administrative Code Section 10.170-I (F), this memo serves to notify the Board of Supervisors of a Federal Grant line item budget revision in excess of 15% requiring funding agency approval.

We have attached a copy of budget revision documentation submitted to the funding agency.

Attachment: Budget revision documentation

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PBHCI
Department of Health and Human Services
Substance Abuse and Mental Health Services Administration
Center for Mental Health Services

Notice of Award

Issue Date: 03/21/2012

Grant Number: 1U79SM059756-01 REVISED

Program Director:

Toni Rucker

Project Title: SF: "The Primary and Behavioral Health Care Integration" Initiative

Grantee Address	Business Address
SAN FRANCISCO DEPT OF PUBLIC HEALTH Deputy Director of Health 1380 Howard Street 4th Floor San Francisco, CA 94103	Marcellina Ogbu Deputy Director of Health San Francisco Dept. of Public Health 1380 Howard Street 5th Floor San Francisco, CA 94103

Budget Period: 09/01/2011 – 08/31/2015

Project Period: 09/01/2011 – 08/31/2015

Dear Grantee:

The Substance Abuse and Mental Health Services Administration hereby revises this award (see "Award Calculation" in Section I and "Terms and Conditions" in Section III) to SAN FRANCISCO DEPT OF PUBLIC HEALTH in support of the above referenced project. This award is pursuant to the authority of Section 520A of the PHS Act, as amended and is subject to the requirements of this statute and regulation and of other referenced, incorporated or attached terms and conditions.

Award recipients may access the SAMHSA website at www.samhsa.gov (click on "Grants" then SAMHSA Grants Management), which provides information relating to the Division of Payment Management System, HHS Division of Cost Allocation and Postaward Administration Requirements. Please use your grant number for reference.

Acceptance of this award including the "Terms and Conditions" is acknowledged by the grantee when funds are drawn down or otherwise obtained from the grant payment system.

If you have any questions about this award, please contact your Grants Management Specialist and your Government Project Officer listed in your terms and conditions.

Sincerely yours,

Sherie Fairfax
Grants Management Officer
Division of Grants Management

See additional information below

SECTION I – AWARD DATA – 1U79SM059756-01 REVISED

Award Calculation (U.S. Dollars)

Salaries and Wages	\$770,715
Fringe Benefits	\$185,774
Personnel Costs (Subtotal)	\$956,489
Supplies	\$11,525
Consortium/Contractual Cost	\$818,828
Travel Costs	\$15,689
Other	\$74,500
Direct Cost	\$1,877,031
Indirect Cost	\$91,408
Approved Budget	\$1,968,439
Federal Share	\$1,968,439
Cumulative Prior Awards for this Budget Period	\$1,968,439

AMOUNT OF THIS ACTION (FEDERAL SHARE) \$0

SUMMARY TOTALS FOR ALL YEARS	
YR	AMOUNT
1	\$1,968,439

* Recommended future year total cost support, subject to the availability of funds and satisfactory progress of the project.

Fiscal Information:

CFDA Number: 93.243
 EIN: 1946000417A8
 Document Number: 11SM59756A
 Fiscal Year: 2011

IC	CAN	Amount
SM	C96PPAC	\$1,893,939

SM Administrative Data:

PCC: PCBHI-PT / OC: 4145

SECTION II – PAYMENT/HOTLINE INFORMATION – 1U79SM059756-01 REVISED

Payments under this award will be made available through the HHS Payment Management System (PMS). PMS is a centralized grants payment and cash management system, operated by the HHS Program Support Center (PSC), Division of Payment Management (DPM). Inquiries regarding payment should be directed to: The Division of Payment Management System, PO Box 6021, Rockville, MD 20852, Help Desk Support – Telephone Number: 1-877-614-5533.

The HHS Inspector General maintains a toll-free hotline for receiving information concerning fraud, waste, or abuse under grants and cooperative agreements. The telephone number is: 1-800-HHS-TIPS (1-800-447-8477). The mailing address is: Office of Inspector General, Department of Health and Human Services, Attn: HOTLINE, 330 Independence Ave., SW, Washington, DC 20201.

SECTION III – TERMS AND CONDITIONS – 1U79SM059756-01 REVISED

This award is based on the application submitted to, and as approved by, SAMHSA on the above-title project and is subject to the terms and conditions incorporated either directly or by reference in the following:

- a. The grant program legislation and program regulation cited in this Notice of Award.
- b. The restrictions on the expenditure of federal funds in appropriations acts to the extent those restrictions are pertinent to the award.
- c. 45 CFR Part 74 or 45 CFR Part 92 as applicable.
- d. The HHS Grants Policy Statement.
- e. This award notice, INCLUDING THE TERMS AND CONDITIONS CITED BELOW.

Treatment of Program Income:

Additional Costs

SECTION IV – SM Special Terms and Condition – 1U79SM059756-01 REVISED

This award is revised to reflect approval of the revised budget to hire 4 positions as contract. This revised budget may not reflect the true budget cost categories but you may rebudget 25% of the total award amount without prior approval.

All previous terms and conditions remain in effect.

Trina Dutta, Program Official

Phone: (240) 276-1944 **Email:** trina.dutta@samhsa.hhs.gov

Sherie Fairfax, Grants Specialist

Phone: 240-276-1415 **Email:** sherie.fairfax@samhsa.hhs.gov **Fax:** 240-276-1430

**SAMHSA CMHS Grant Number 1U79SM059756-01
San Francisco Department of Public Health (SFDPH)
The Primary and Behavioral Health Care Integration (PBHCI) Initiative**

**Budget and Justification for Year 1
09/01/11-08/31/12**

A. Personnel**Federal Request: \$110,103**

Position	Name	Months	Annual Salary	Level of Effort	Cost
Project Director	Toni Rucker, PhD	12	-	10%	0
Program Coordinator	Ernestina Carrillo, LCSW	12	-	10%	0
Clinical Director	Deborah Borne, MD, MSW	12	-	20%	0
Psychiatric Social Worker	To be named	6	83,408	100%	41,704
Health Worker II	To be named	6	54,990	100%	27,495
Public Service Aide	To be named	6	34,190	50%	8,548
Medical Evaluations Assistant	To be named	6	56,186	50%	14,047
Nurse Practitioner	Katrina Peirce, FNP, RN	6	183,092	20%	18,309
Project Evaluator	Toni Rucker, PhD	12	-	10%	0
Total Personnel				370%	110,103

Project Director: Toni Rucker, PhD

As the Director of Community Programs Grants, Dr. Rucker will develop the PBHCI project implementation committee and execute collaborative partner MOUs. In conjunction with the Project Coordinator and Project Evaluator, Dr. Rucker will develop collaborative relationships with governmental and community partners; coordination of activities between SFDPH, contractors, and collaborative agencies, as well as ensure compliance with the grant's terms and conditions. In the role of Project Director, Dr. Rucker will devote 10% Level of Effort (LOE) to the project and will be funded by Non-Federal sources.

Program Coordinator & SOMMHS Director: Ernestina Carrillo, LCSW

As the Director of SOMMHS and the PBHCI Program Coordinator, Ms. Carrillo will be responsible for overall program implementation, community stakeholder notifications and establishing client advisory groups. Mr. Carrillo will work with and supervise activities of SF FIRST Case Management staff who are responsible for HUMS case management activities and for PBHCI participants. Additionally, Ms. Carrillo will directly supervise Health Worker IV, Health Worker II, Medical Evaluation Assistant, and Public Service Aide staff and will ensure that baseline evaluation tools provided by SOMMHS Psycho-Social staff are completed for PBHCI project participants. Ms. Carrillo will devote 10% LOE to the project and will be funded by Non-Federal sources.

Clinical Director & Supervising Physician: Deborah Borne, MD, MSW

Dr. Borne will be responsible for all aspects of the clinical components PBHCI project. Dr. Borne will have oversight of client service, coordination with HOT team and SF FIRST, hiring Primary Care project staff, and direct supervision of the Psychiatric Social Worker and Nurse Practitioner. In conjunction with the Program Coordinator and the Project Evaluator, the Dr. Borne will ensure compliance with the grant's terms and conditions. Dr. Borne will devote 20% LOE to the project and will be funded by Non-Federal sources.

Psychiatric Social Worker: To be named

The SOMMHS Psychiatric Social Worker will assist in treatment planning for the behaviorally and medically complex patient, provides individual and group treatment services including wrap around case management, provides screening for common conditions, assessments and interventions related to chronic disease management, substance use, cognitive and physical functioning; serve as a liaison with members of the medical nursing staff, medical staff and other health providers; develops and provides comprehensive care plans to address the needs and strengths identified in the assessment process; collaborates with other multi-disciplinary health care team members on treatment; documents all interventions with patients; maintains clinical records and other necessary paperwork in compliance with administrative requirements. The Psychiatric Social Worker will devote 100% LOE to the project and is budgeted as Federal Request.

Grant #: 1U79SM059756-01
SFDPH PBHCI

Health Worker II: To be named

As part of the Integrated Care Team, the Health Worker II will work with the Physician Specialist and Registered Nurse in completing routine client/patient medical procedure. The Health Worker II will assist the psychiatric social worker in medical social work: benefits acquisition, housing, and accompanying patients off site medical appointments. The individual will also provide medical and psychosocial standard screening, request interventions for chronic disease management, manages and supports referrals to specialty services; advises patients and others regarding health care and other facilities available to them; assist patients in utilizing such services; make follow-up contacts when required; serves as liaison between the professional staff and the community, may assists in gathering and evaluating data concerning the program to which assigned; may perform incidental clerical duties such as keeping records, answering the telephone and arranging client appointments.; may transport ambulatory patients between their homes and clinics, hospitals or other social agencies; may transport staff members to meetings with administration approval; reports malfunctions of the vehicle to supervisor. The Health Worker II will devote 100% LOE to the project and is budgeted as Federal Request.

Public Service Aide: To be named

As part of the Integrated Care Team, the Public Service Aide will be responsible for disseminating health care information to the general public and specific target population, providing non-nursing support services to patients, researching and compiling data; assisting in the preparation of related reports and documents; and assisting in the implementation of quality improvement and clinical programs. The Public Service Aide will devote 50% LOE to the project and is budgeted as Federal Request.

Medical Evaluations Assistant: To be named

The Medical Evaluations Assistant will assist Integrated Care Team physicians and registered nurses in completing routine client/patient medical procedures. The Medical Evaluations Assistant will possess a recognized Medical Assistant Degree or Certificate, or have completed and Emergency Medical Technician/Paramedic training program. In the Medical Evaluations Assistant's role of Preventive Screening and Registry Tracking, the MEA will administer the chronic disease registry and perform preventive screenings. The Medical Evaluations Assistant will devote 50% LOE to the project and is budgeted as Federal Request.

Nurse Practitioner: Katrina Peirce, FNP, RN

Ms. Pierce will coordinate all Wellness program, self-management, and group and individual coaching activities for PBHCI participants and staff. Ms. Pierce will devote 20% LOE to the project and is budgeted as Federal Request.

Project Evaluator: Toni Rucker, PhD

Dr. Rucker will oversee client data collection; data analysis and cleaning; and disseminate project Evaluation information to PBHCI project collaborative agencies, SFDPH management, and the funding agency. Dr. Rucker will directly supervise Evaluation activities of the Epidemiologists and Health Worker. In conjunction with the Project Coordinator and Clinical Director, Dr. Rucker will ensure compliance with the grant's terms and conditions. In the role of Project Evaluator, Dr. Rucker will devote 10% LOE to the project and will be funded by Non-Federal sources.

B. Fringe

Federal Request: \$34,682

Component	Personnel	Rate	Cost
Unemployment Insurance	110,103	0.30%	330
Long-Term Disability Insurance	110,103	0.88%	969
Medicare	110,103	1.45%	1,596
Social Security	110,103	6.20%	6,826
Retirement Contribution	110,103	10.50%	11,561
Health/Vision/Dental Insurance	110,103	12.17%	13,400
Total Fringe		31.50%	34,682

Grant #: 1U79SM059756-01
SFDPH PBHCI

Fringe: Budgeted at 31.5% of personnel costs, payroll taxes and fringe benefits include employer's share of Federal, State, and locally mandated payroll taxes; health, vision and dental insurance premiums; disability and unemployment insurance premiums; and employer's contribution to employee retirement plans.

C. Travel**Federal Request: \$5,000**

Purpose of Travel	Location	Item	Rate	Cost
Annual Grantee Meeting	Washington DC	Airfare	\$566 per round trip x 2 persons	1,132
		Lodging	\$224 per night x 4 nights x 2 persons	1,792
		M&IE (100%)	\$71 per day x 3 days x 2 persons	426
		M&IE (75%)	\$53.25 per day x 2 days x 2 persons	213
Total Annual Grantee Meeting				3,563
Regional Learning Community Meeting	San Diego CA	Airfare	\$275 per round trip x 2 persons	550
		Lodging	\$133 per night x 2 nights x 2 persons	532
		M&IE (100%)	\$71 per day x 1 day x 2 persons	142
		M&IE (75%)	\$53.25 per day x 2 days x 2 persons	213
Total Regional Learning Community Meeting				1,437
Total Travel				5,000

Annual Grantee Meeting: Funds are budgeted for the Project Director and one other PBHCI project staff member to attend an annual grantee meeting in the Washington DC area in order to present the results of the project and receive technical assistance from SAMHSA staff. Travel expenses for these three-day meetings include round trip airfare, lodging expense for four nights, and Meal & Incidental Expense (M&IE) for five days. The budget for airfare is based on an informal airline and travel website survey of roundtrip airfare costs between San Francisco and Washington DC area airports. The budget for lodging is based on the U.S. General Services Administration (GSA) lodging rate for the Washington DC area for the months of March through June 2012. The M&IE budget is based on GSA guidelines, which allow 75% of the Washington DC M&IE rate for the first and last days of travel and 100% of the M&IE rate for all other days of travel. Travel expenses for the Annual Grantee Meeting are budgeted as Federal Request.

Regional Learning Community Meeting: Funds are budgeted for two PBHCI project staff members who are closely involved in the implementation of the PBHCI project to attend a regional meeting in San Diego CA during Year 1 of the project. Attendees will receive information and assistance from SAMHSA staff as well as receive and share information with other PBHCI grantees in order to facilitate implementation of the PBHCI project. Travel expenses for this two-day meeting include round trip airfare, lodging expense for two nights, and M&IE for three days. The budget for airfare is based on an informal airline and travel website survey of roundtrip airfare costs between San Francisco and San Diego airports. The budget for lodging is based on the GSA lodging rate for San Diego for the months of January through September 2012. The M&IE budget is based on GSA guidelines, which allow 75% of the San Diego M&IE rate for the first and last days of travel and 100% of the M&IE rate for all other days of travel. Travel expenses for the Regional Learning Community Meeting are budgeted as Federal Request.

D. Equipment**Federal Request: \$0**

Federal funds are not budgeted capital equipment purchases for this project.

E. Supplies**Federal Request: \$11,525**

Item	Calculation	Cost
Examination Room Furniture		
Medical Examination Table	\$2,400 each x 1 table	2,400
Desk	\$250 each x 1 desk	250
Desk Chair	\$100 each x 1 chair	100
Total Examination Room Equipment and Furniture		2,750

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Group Room Furniture and Electronics		
Flat Panel Television	\$750 each x 1 Television	750
DVD Player	\$175 each x 1 DVD Player	175
Sofas	\$300 each x 2 sofas	600
Chairs	\$25 each x 10 chairs	250
Tables	\$100 each x 4 tables	400
Total Group Room Equipment and Furniture		2,175
Notebook Computers	\$2,200 each x 3 Notebook Computers	6,600
Total Supplies		11,525

Examination Room Furniture

Funds are budgeted for the purchase of examination room furniture in Year 1 of the project. Budgeted furniture purchases include a medical examination table to be used for PBHCI client examinations and screenings as well as a desk and desk chair that will be used by PBHCI staff. Examination room furniture is budgeted as Federal Request.

Group Room Electronics and Furniture

Funds are budgeted for the purchase of electronics and furniture in Year 1 of the project. Budgeted electronics and furniture purchases include a wall-mounted flat panel TV with accompanying DVD player, both of which will be used to present wellness-promoting audio/visual materials to PBHCI clients, and sofas, cushioned stackable chairs, and movable meeting tables, which will be used by PBHCI clients during wellness-promoting group sessions. Group room electronics and furniture are budgeted as Federal Request.

Notebook Computers

Funds are budgeted for the purchase of three notebook computers in Year 1 of the project. The notebook computers will have Windows operating system, Microsoft Office software, and other standard business software and capabilities such as networking and Wi-Fi connectivity. Two notebook computers will be assigned to the Integrated Care Team and used by the Health Worker IV and Health Worker II. The third notebook computer will be shared by the Evaluation Epidemiologist II, the Evaluation Health Worker II and the CCMS Epidemiologist II. Notebook computers are budgeted as Federal Request.

F. Contract

Federal Request: \$116,975

SFDPH will contract with Asian American Recovery Services, Inc. (AARS) to provide Fiscal Intermediary services for the employment of PBHCI positions that cannot be hired as SFDPH employees in a timely manner. Founded in 1985, AARS is a non-profit 501(c)(3) corporation that provides Mental Health and Substance Abuse treatment services in San Francisco, San Mateo and Santa Clara counties. Additionally, AARS has provided Fiscal Intermediary services to SFDPH since 1999. Detailed justifications for AARS expenditures follow:

Contract Personnel

Federal Request: \$82,238

Position	Name	Months	Annual Salary	Level of Effort	Cost
Health Worker IV (Integrated Care Team)	To be named	6	57,876	100%	28,938
Epidemiologist II (Evaluation)	To be named	6	79,456	50%	19,864
Health Worker II (Evaluation)	To be named	6	45,240	60%	13,572
Epidemiologist II (CCMS)	To be named	6	79,456	50%	19,864
Total Personnel				260%	82,238

Health Worker IV: To be named

As part of the Integrated Care Team, the Health Worker IV will over see all Operations of PBHCI program including clinic Flow med clinic/wellness, Care coordination assistance, Wellness Supervision of Health Worker Staff, case conferencing and staff meetings. Also assist in completing routine health care screening, immunizations direction Medical Evaluations Assistant and Health Worker; may supervise a specific health or rehabilitation program; plans, directs, and coordinates the educational, recreational,

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therapeutic and work projects of the program participants as directed by professional-staff; may assists in preparation of in-service training materials; provides liaison with Team Leaders regarding function and performance of Health Workers; may interview and screen program clients, identifying general client condition; performs crisis intervention activities under professional direction; provides broad social counseling activities and assists in group therapy sessions. The Health Worker IV will devote 100% LOE to the project and is budgeted as Federal Request.

Epidemiologist II (Evaluation): To be named

The Evaluation Epidemiologist will provide quarterly data analysis and cleaning; disseminate project evaluation information to the project evaluator; and generate data and outcome evaluation reports. The Evaluation Epidemiologist will devote 50% LOE to the project and is budgeted as Federal Request.

Health Worker II (Evaluation): To be named

The Evaluation Health Worker will assist the Project Evaluator and Evaluation Epidemiologist with data analysis and cleaning; assist SOMMHS in tracking PBHCI participants; provide survey administration, data entry, and data record keeping; and conduct follow-up interviews with PBHCI participants. Additionally, the Health Worker tracks and disburses client evaluation incentives. The Health Worker will devote 60% LOE to the project and is budgeted as Federal Request.

Epidemiologist II (CCMS): To be named

Under the direction of the Community Programs Deputy Director, Privacy Officer and Director of Quality Management, the Epidemiologist will develop, implement and maintain the Coordinated Case Management System (CCMS) database. The CCMS Epidemiologist will devote 50% LOE to the project and is budgeted as Federal Request.

Contract Fringe

Federal Request: \$22,204

Component	Personnel	Rate	Cost
AD&D, LTD, & Life Insurance	82,238	0.31%	255
Unemployment Insurance	82,238	1.43%	1,176
Worker's Compensation Insurance	82,238	2.38%	1,957
Retirement Contribution	82,238	2.47%	2,031
Social Security	82,238	7.46%	6,135
Health, Dental & Vision Insurance	82,238	12.95%	10,650
Total Contract Fringe		27.00%	22,204

Contract Fringe: Budgeted at 27% of contract personnel costs, payroll taxes and fringe benefits include employer's share of Federal, State, and locally mandated payroll taxes; health, vision and dental insurance premiums; life and disability insurance premiums; worker's comp and unemployment insurance premiums; and employer's contribution to employee retirement plans.

Contract Indirect Costs

Federal Request: \$12,533

The DHHS-approved Indirect Cost Rate for AARS allows 12.8% indirect to be charged on direct expenses; however, to be consistent with the indirect rate AARS charges for other SFDPH Fiscal Intermediary services, AARS will only charge 12% indirect for the PBHCI project. A copy of the AARS Indirect Cost Rate for Fiscal Year 2011-12 is enclosed on the following pages for reference.

G. Construction

Federal Request: \$0

Federal funds are not budgeted for construction activities for this project.

H. Other

Federal Request: \$2,500

Item	Calculation	Cost
Client Evaluation Incentives	\$10 per interview x 250 interviews	2,500
Total Other		2,500

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Client Evaluation Incentives

Non-cash client incentives will be awarded to PBHCI participants for participation and completion of the six-month and discharge Evaluation interviews. In Year 1, client incentives are only budgeted for six-month interviews because few if any of the projected 250 PBHCI clients will be discharged during the term. Incentives will be \$10 in value and will be in the form of gift cards for groceries, clothing/apparel, and similar items as determined by the Project Evaluator. Client Evaluation Incentives are budgeted as Federal Request.

Total Direct Costs

Federal Request: \$280,785

Indirect Costs

SFDPH indirect cost for Primary Care programs is calculated at 11.86% of personnel (salaries) based on data provided by the SFDPH Finance Manager. A copy of the SFDPH FY 11-12 Indirect Cost Rate is enclosed on the following pages.

Federal Request: \$13,057

TOTAL YEAR 1 PROJECT COSTS

Federal Request: \$293,842

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 The Primary and Behavioral Health Care Integration (PBHCI) Initiative
Budget for Year 1

A. Personnel							
	Position	Name	Months	Salary	Level of Effort	Federal Request	
<u>Project Oversight</u>							
	Project Director	Toni Rucker, PhD	12	-	10%	0	
<u>Integrated Care Team</u>							
	Program Coordinator & SOMMHS Director	Ernestina Carrillo, LCSW	12	-	10%	0	
	Clinical Director & Supervising Physician	Deborah Borne, MD, MSW	12	-	20%	0	
2930	Psychiatric Social Worker	To be named	6	83,408 ✓	100% ✓	41,704	
2586	Health Worker II	To be named	6	54,990 ✓	100%	27,495	
9924	Public Service Aide	To be named	6	34,190 ✓	50%	8,548	
<u>Preventive Screening and Registry Tracking</u>							
2430	Medical Evaluations Assistant	To be named	6	56,186 ✓	50%	14,047	
<u>Wellness Programs</u>							
	Nurse Practitioner ✓ (2378)	Katrina Peirce, FNP, RN	6	183,092 ✓	20%	18,309	
<u>Evaluation</u>							
	Project Evaluator	Toni Rucker, PhD	12	-	10%	0	
Total Personnel						370%	110,103
B. Fringe (Personnel x 31.5%)						34,682	
C. Travel							
	Annual Grantee Conference					3,563	
	Regional Learning Community Meeting					1,437	
Total Travel						5,000	
D. Equipment						0	
E. Supplies							
	Examination Room Furniture					2,750	
	Group Room Electronics and Furniture					2,175	
	Notebook Computers					6,600	
Total Supplies						11,525	
F. Contract - Asian American Recovery Services, Inc.							
Contract Personnel							
	Position	Name	Months	Salary	Level of Effort	Federal Request	
<u>Integrated Care Team</u>							
	Health Worker IV ✓	To be named	6	57,876	100%	28,938	
<u>Evaluation</u>							
	Epidemiologist II ✓	To be named	6	79,456	50%	19,864	
2586	Health Worker II -	To be named	6	45,240	60%	13,572	
<u>Infrastructure: CCMS Development & Maintenance</u>							
	Epidemiologist II ✓	To be named	6	79,456	50%	19,864	
Total Contract Personnel					260%	82,238	
Contract Fringe (Personnel x 27%)						22,204	
Contract Indirect (Personnel + Fringe x 12%)						12,533	
Total Contract						116,975	
G. Construction						0	
H. Other - Client Evaluation Incentives						2,500	
Total Direct Cost						280,785	
Indirect Cost (Personnel x 11.86%)						13,057	
Total Cost						293,842	

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 Budget for Years 1-4

Toni Rucker, PhD.

A. Personnel			Year 1	Year 1	Year 2-4	Year 1	Year 2	Year 3	Year 4	TOTAL		
Position	Name	Months	Salary	LOE	LOE	Federal Request	Federal Request	Federal Request	Federal Request	Federal Request		
<u>Project Oversight</u>												
Project Director	Toni Rucker, PhD	12	-	10%	10%	0	0	0	0	0		
<u>Integrated Care Team</u>												
Program Coordinator & SOMMHS Director	Ernestina Carrillo, LCSW	12	-	10%	10%	0	0	0	0	0		
Clinical Director & Supervising Physician	Deborah Borne, MD, MSW	12	-	20%	20%	0	0	0	0	0		
Psychiatric Social Worker	To be named	6	83,408	100%	100%	41,704	83,408	83,408	83,408	291,928		
Health Worker II	To be named	6	54,990	100%	100%	27,495	54,990	54,990	54,990	192,465		
Public Service Aide	To be named	6	34,190	50%	50%	8,548	17,095	17,095	17,095	59,833		
<u>Preventive Screening and Registry Tracking</u>												
Medical Evaluations Assistant	To be named	6	56,186	50%	50%	14,047	28,093	28,093	28,093	98,326		
<u>Wellness Programs</u>												
Nurse Practitioner	Katrina Peirce, FNP, RN	6	183,092	20%	20%	18,309	36,618	36,618	36,618	128,163		
<u>Evaluation</u>												
Project Evaluator	Toni Rucker, PhD	12	-	10%	10%	0	0	0	0	0		
Total Personnel						370%	370%	110,103 ✓	220,204	220,204	220,204	770,715 ✓
B. Fringe (Personnel x 31.5%)								34,682 ✓	69,364	69,364	69,364	242,774 185,774
C. Travel								5,000 ✓	3,563	3,563	3,563	15,689 ✓
D. Equipment								0	0	0	0	0
E. Supplies								11,525 ✓	0	0	0	11,525 ✓
F. Contract - Asian American Recovery Services, Inc.												
Contract Personnel			Year 1	Year 1	Year 2-4	Year 1	Year 2	Year 3	Year 4	TOTAL		
Position	Name	Months	Salary	LOE	LOE	Federal Request	Federal Request	Federal Request	Federal Request	Federal Request		
<u>Integrated Care Team</u>												
Health Worker IV	To be named	6	57,876	100%	100%	28,938	57,876	57,876	57,876	202,566		
<u>Evaluation</u>												
Epidemiologist II	To be named	6	79,456	50%	50%	19,864	39,728	39,728	39,728	139,048		
Health Worker II	To be named	6	45,240	60%	60%	13,572	27,144	27,144	27,144	95,004		
<u>Infrastructure: CCMS Development & Maintenance</u>												
Epidemiologist II	To be named	6	79,456	50%	50%	19,864	39,728	39,728	39,728	139,048		
Total Contract Personnel						260%	260%	82,238	164,476	164,476	164,476	575,666
Contract Fringe (Personnel x 27%)								22,204	44,409	44,409	44,409	155,431
Contract Indirect (Personnel + Fringe x 12%)								12,533	25,066	25,066	25,066	87,731
Total Contract								116,975 ✓	233,951	233,951	233,951	818,828 ✓
G. Construction								0	0	0	0	0
H. Other - Client Evaluation Incentives								2,500 ✓	5,000	5,000	5,000	17,500 74,500
Total Direct Cost								280,785	532,082	532,082	532,082	1,877,031
Indirect Cost (Personnel x 11.86%)								13,057	26,117	26,117	26,117	91,408 ✓
Total Cost						8		293,842	558,199	558,199	558,199	1,968,439