

C-Pages – BOS Meeting 05/03/11, File: 110483

Petitions and Communications received from April 19, 2011, through April 25, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on May 3, 2011.

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, submitting support for proposed motion affirming the determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review. File No. 110344, Copy: Each Supervisor, Approximately 200 letters (1)

*From concerned citizens, submitting support for proposed motion reversing the determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review. File No. 110344, Copy: Each Supervisor, 25 letters (2)

From James Chaffee, regarding the 311 system of Customer Service. (3)

From Aaron Goodman, regarding the Parkmerced project. 5 letters (4)

From SoMa Leadership Council, submitting support for an independent Citizens Advisory Committee to oversee the Twitter tax exemption deal. Copy: Each Supervisor (5)

*From concerned citizens, urging the Board of Supervisors to take action to restore the wetlands at Sharp Park Golf Course. 25 letters (6)

From concerned citizens, submitting opposition to the sidewalk sitting ban. 20 letters (7)

From Jeff Staben, regarding smart meters. (8)

From Municipal Transportation Agency, submitting the draft Departmental Climate Action Plan for 2011. (9)

From Local Agency Formation Commission, submitting Resolution in Support of SB 790, Electricity, Community Choice Aggregation. Copy: Each Supervisor (10)

From Panhandler Boycott, submitting support for enforcing the sit/lie ordinance. (11)

From concerned citizens, submitting support for the new North Beach Library. File No. 110316 (12)

From concerned citizens, submitting support for proposed legislation that bans the delivery of unwanted Yellow Pages in San Francisco. File No. 110114, 5 letters (13)

From Cole Valley Improvement Association, submitting support for the Recology Contract. File No. 101225 (14)

From Van Arsdale, submitting support for a voluntary ban on feeding of pigeons. (15)

From Treasure Island Homeless Development Initiative, submitting support for the Treasure Island project. File No. 110296, Copy: Land Use Committee Clerk, 2 letters (16)

From James Corrigan, regarding the Fire Department. (17)

From Patrick Monette-Shaw, regarding the budget. (18)

From Roxana Rudd, submitting opposition to proposed legislation that bans the delivery of unwanted Yellow Pages in San Francisco. File No. 110114 (19)

From Human Rights Commission, submitting support for amending the Administrative and Police Codes, to prohibit discrimination against persons on the basis of an arrest or conviction record. (20)

From Supervisor Roger Abe, Yuba County, regarding the proposed Recology Contract. File No. 101225, Copy: Budget and Finance Clerk (21)

From Office of the Controller, submitting the results of the follow-up review for the 2009 audit of the Department of Aging and Adult Services. (22)

From Office of the Controller, submitting the Schedule of Cash, Investments, and Accrued Interest Receivable Report for the Office of the Treasurer and Tax Collector. (23)

From Robert Bachman, submitting a California Preliminary 20-Day Notice pursuant to Sections 3097 and 3098 of the California Civil Code as sub-contractor to KONE, Inc. Copy: Each Supervisor (24)

From Jessica Dillon, concerning the Botanical Gardens fees. File No. 110255 (25)

From State Public Utilities Commission, submitting notice of public hearing to accept public comment on proposed new models of natural gas pipeline safety regulations applicable to all California pipelines. Copy: Each Supervisor (26)

From State Office of Historic Preservation, submitting notice that the San Francisco Juvenile Court and Detention Home was placed on the National Register of Historic Places. Copy: Each Supervisor (27)

From Civil Service Commission, regarding FY2011-2012 Salary Survey for Registered Nurse Classifications. Copy: Each Supervisor (28)

From Clerk of the Board, the following individuals have submitted a Form 700 Statement: (29)
Jackson West, SOTF - assuming
David Snyder, SOTF - annual

(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.)

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

File 110344
Cpage BOS-11



Please please - AT&T service upgrade at Ocean Beach!
Sally Turk to: Ms. Angela Calvillo

04/22/2011 10:51 AM

Ms. Calvillo,

I signed up for AT&T service about a year ago, believing that the fast DSL was arriving soon. I am not happy with other alternatives. Please allow this to happen!

Thanks for any role you played in reviewing AT&T's request to build its Uverse network here in San Francisco and comply with City plans. I'm aware of the service and think it's pretty amazing what can now be done through a phone line that is already in place. Anyway, it's time SF had someone other than cable that offers TV and Internet access. I like the idea of having a choice for home entertainment and Internet access. Thanks very much.

Sincerely,

Sally Turk
855 La Playa St Apt 351
San Francisco, CA 94121

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



To: Andrea Ausberry/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110344: Please require EIR for AT&T utility boxes

From: "Kathy Howard" <kathyhoward@earthlink.net>
To: <Board.of.Supervisors@sfgov.org>, <David.Campos@sfgov.org>, <David.Chiu@sfgov.org>, <Eric.L.Mar@sfgov.org>, <John.Avalos@sfgov.org>, "Ross Mirkarimi" <Ross.Mirkarimi@sfgov.org>, "Supervisor Jane Kim" <Jane.Kim@sfgov.org>, "Supervisor Malia Cohen" <Malia.Cohen@sfgov.org>, "Carmen Chu" <Carmen.Chu@sfgov.org>, <Sean.Elsbernd@sfgov.org>, "Supervisor Mark Farrell" <Mark.Farrell@sfgov.org>, <Scott.Wiener@sfgov.org>
Cc: <jonathan@sfbeautiful.org>
Date: 04/21/2011 08:13 PM
Subject: Please require EIR for AT&T utility boxes

Dear Supervisor:

Please require an Environmental Impact Report of the AT&T "Lightspeed" Network Upgrade. This matter will be before the Board of Supervisors at its meeting on Tuesday, April 26 (case number: 2010.0944E)

What other business gets to install this kind of urban blight? A friend of mine owns a coffee shop, and she was cited for putting her tiny fold-up sign a little too far from her business. And now we are going to let AT&T place these monsters in our neighborhoods permanently?

According to on-line reports, AT&T profits rose 39% in the first quarter of 2011. AT&T can afford to spend a little to make all San Francisco neighborhoods more pleasant. Let's have a full EIR and find some other places for this equipment, places that do not destroy our neighborhood character or prevent low-income housing areas from improving their neighborhoods.

The real question is - would you want this in front of your house? I doubt it - and neither does anyone else. This is not a NIMBY issue - it is a DTOC - Don't Trash Our City issue !

Sincerely,
K. Howard
1243 42nd Avenue, SF, CA 94122



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Does the San Francisco 311 Customer Service work for taxpayers? In my case, not for the past 7 weeks.

From: JAMES CORRIGAN <marylouc@mac.com>
To: board.of.supervisors@sfgov.org
Date: 04/19/2011 05:16 PM
Subject: Does the San Francisco 311 Customer Service work for taxpayers? In my case, not for the past 7 weeks.

Dear Members of the San Francisco Board of Supervisors:

When Chief Hayes-White would not answer questions I posed to her regarding Fire Safety in San Francisco, I tried the 311 system of Customer Service on March 1, 2011.

This is the Status of my request as of April 19, 2011.

311 Service Request Number 834791 Title

complaint

Status **Open** Description

--- Dear Chief of Department Hayes-White: On January 20, 2011 I sent you an E Mail entitled, "Questions regarding fire safety in San Francisco." On February 9, 2011 I forwarded the same E Mail to you as I had not received answers to my questions regarding a S.F. firefighter appearing to be absent on duty from her firehouse. As of March 1, 2011 I have not received a reply from you. Could you please answer the few questions I asked in that E Mail of January 20, 2011. Thank you, Jim Corrigan

Date Opened **03/01/2011 16:09**

**Sincerely yours,
Jim Corrigan**

ORIGINAL, UNANSWERED E MAIL: Questions regarding fire safety in San Francisco.

Begin forwarded message:

From: JAMES CORRIGAN <marylouc@mac.com>
Date: January 20, 2011 8:52:17 AM PST
To: Secretary.FireChief@sfgov.org
Cc: Fire Commission <Fire.Commission@sfgov.org>, Pat Gardner <Patrick.Gardner@sfgov.org>
Subject: **Questions regarding fire safety in San Francisco.**

Dear Chief of Department Hayes-White:

- 1) What was this on duty, San Francisco firefighter (pictured below) doing at

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COSTCO on Sunday morning, January 16, 2011 at approximately 11 :00 A.M.?

2) Does the SFFD still have a Rule that all firehouse shopping is to be done with rigs in order to have a full crew response to a fire or other emergency?

3) Why is she driving a private vehicle to COSTCO?

4) What Unit was she assigned to that day and, if an emergency unit, was it operating short-handed while she was absent?

5) If she was shopping for firehouse meals, could it have anything to do with the fact that it was an NFL playoff Sunday, and the officer in charge

sent only her out shopping, so the others in the firehouse might enjoy watching the game on TV?

6) If the answer to question # 5 is affirmative, what assurances does a taxpayer have that 20 other San Francisco firehouses did not do exactly the same thing on that NFL Playoff Sunday?

Thank you in advance for the answers to this taxpayers question that may or may not indicate a serious reduction of available manpower on the emergency vehicles

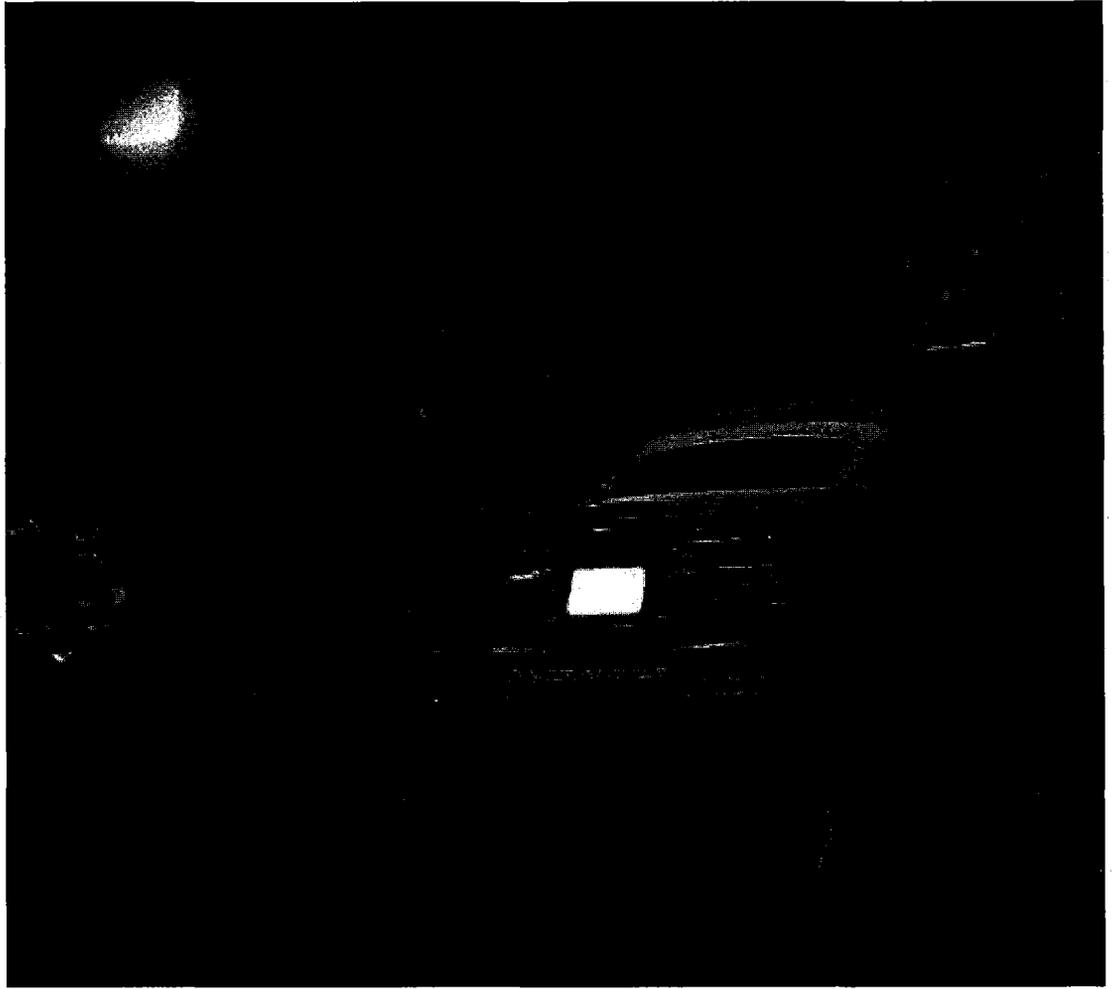
in San Francisco at certain times of the week.

Sincerely yours,

James J. Corrigan











To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: SFSU-CSU "Creative Arts Center" - EIR, we dont need one we are a state institution.....

From: Aaron Goodman <amgodman@yahoo.com>
To: board.of.supervisors@sfgov.org
Date: 04/19/2011 03:05 PM
Subject: Fw: SFSU-CSU "Creative Arts Center" - EIR, we dont need one we are a state institution.....

SFSU-CSU's new latest "expenditure" and "monolith" to education vs. "sustainable" growth.....

http://www.archpaper.com/e-board_rev.asp?News_ID=5166

SF Board of Supervisors;

As the land-use committee held another hearing on April 18th where supervisors made exclamations of how in detail and "wonderfull" the productions portraying Parkmerced appeared from the project sponsor/developer team, and once again was "enthralled" by the glitzy green images, and lists of bio-inducive claims of the project sponsor, and enamored by the ongoing statements claiming the existing buildings are old, beyond use, and out-dated.

We see such ongoing projects suddenly step up again to the plate, a continuous 1-2 punch of project after project in the western districts. The brotherhood way development, the Cambon drive shopping center proposal, the SFSU-CSU's Masterplan project was than the next big entry, than the Parkmerced project, and now again SFSU-CSU unveils a project on a prior "snatched" site directly on the prior land that defined the district of Parkmerced. The "loss-of-use" of the prior open-space site and community center, which contained a community building (that prior housed the montessori children's center, the basketball, tennis, handball and women's sfsu softball fields, in addition to open-space that served prior as horse-shoes and other ammenities is ignored.

The large-scale building an "awe-inspiring" star-i-tect styled design emphasizes largess, and multiple theaters. It utilizes photo-imagery to woo the observer into thinking this is green and LEED certified. There is no discussion of the carbon effects, the demolition of the existing building, the lack of any proposal that showed "shared" ammenities for residents who lose acres of open space, and the effects on the humanistic scale of people, those who need outdoor ammenities, and who will see there outdoor area shrink again. The students at SFSU living in the dormitories again will lose open-space, recreation area, in

addition to the tenants. An area that could serve as communal garden facilities and shared common areas easily renovated, or restored, is instead bulldozed for a large bond project.

5 performance spaces, when city college has another facility being "co-sponsored" by SFSU, and in addition the existing building "creative-arts center" on site is ignored for any adaptive re-use, or renovations.

The costs again are amazing \$200million in bond money to be submitted to voters, when the CSU-SFSU foundation spent just recently millions on the Library and then went on a tuition hike spree since 2000-2011 just so coinciding with the land-purchases of University Park North and University Park South (parts of parkmerced shown for this development)...

They cut teacher's salaries, raise tuition and reduce classes, while increasing class enrollment... Then plead poverty at the state level...

I would also note that the Western office of the National Trust for Historic Preservation in memo's submitted to the SFSU-CSU planners, CSU regents, and city of San Francisco, noted that any future project proposed should be done through a PROJECT SPECIFIC ENVIRONMENTAL IMPACT REPORT. This project MANDATES that an EIR be done for it, due to it being part of the cumulative effects on Parkmerced, and being in the pipeline and known by the university to be a future project.

To date this has NOT occurred on the project, nor the proposals of both the SFSU-CSU Masterplan, and Parkmerced "vision" projects in how they both ignore infill, and preservation in a lustful grab at development vs. sustainable adaptive re-use of the existing buildings.

As we approach earth day, it is truly disheartening to see that we still cannot take solid steps towards comprehension of cause and effect in the built environment, and we keep letting the institutions that run the educational and public amenities spend so freely, while cutting back simultaneously the right to a non-cost-prohibitive education....

I hope the students protest this one for the right principles, that they comprehend sustainability, and their own rights... and not get swayed as easily as the SF Board of Supervisors on the green washing of projects and promises of "LEED-GOLD".....which in the case of CSU_SFSU seems more like "PUBLIC_FUNDED_GOLD_MINE".....

A.Goodman

Date: Tuesday, April 19, 2011, 2:34 PM

SFSU's new Performing Arts Center (PAC) renderings:
http://www.archpaper.com/e-board_rev.asp?News_ID=51
66



To: BOS Constituent Mail Distribution, Joy Lamug/BOS/SFGOV,
Cc:
Bcc:
Subject: File 1102061 urge the SFBOS to review the attached item, and PDF on the issues...
(A.Goodman)

From: Aaron Goodman <amgodman@yahoo.com>
To: board.of.supervisors@sfgov.org
Date: 04/21/2011 08:49 PM
Subject: I urge the SFBOS to review the attached item, and PDF on the issues.... (A.Goodman)

SF Board of Supervisors

Below is the link, and text of the article in citireport on Parkmerced just published 4.21.11

It is important for those of you who did not get a better look at the issues/alternatives to review the link attached to the citi-report article below online. It shows only a partial list of concerns and issues, but is directly related to what I submitted as an alternative for infill/density/direct transit routing along 19th ave with grade-seperation, and infill/density at stonestown and along other corridor areas in district 7.

We can solve the issues, we just should not allow one developer carte-blanche to destroy a working existing community. We do not need another fillmore, we need housing, affordable housing, rental housing, sustainable adaptive-reuse, and we can achieve more than green-lead certification, by employing many people and trades groups in adapative re-use, and preservation work on the existing site of the garden units....

Take a look , if you need more graphic analysis I can and will come to your office down at city

hall, unpaid as a "LOBBYIST" (see other articles on HMS Smollins 15k a pop-visit) and we can discuss PUBLIC BENEFIT and the realm of solutions we can utilize to solve this issue.... I will gladly meet in OPEN door sessions with the public, tenants, and community and organizations involved to discuss the way we can vet a better solution for ALL parties involved... Not in private without public input on your current deliberations....

Sincerely

Aaron Goodman
amgodman@yahoo.com

http://www.citireport.com/2011/04/a-voice-from-parkmerced/?utm_medium=email&utm_campaign=CitiReport+April+21&utm_content=CitiReport+April+21+CID_8404360eb280df6858827959208b16bd&utm_source=Email+Newsletters&utm_term=A+Voice+From+Parkmerced

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A Voice From Parkmerced

by Larry Bush on 04/21/2011

Parkmerced, a complex of 3,221 housing units, has been a flashpoint in San Francisco politics from the days when it was owned by Leona Helmsley, dubbed the Queen of Mean before she took up residence in a New York jail on tax evasion. It also was the focus of a lawsuit over its method for calculating rent increases that on occasion reached 28%. That lawsuit was settled out of court.

Today it stands as one of four large apartment complexes west of the Mississippi river in a configuration that is rarely found in one complex within San Francisco's borders. High rises, garden apartments, town houses, sweeping green lawns totaling 116 acres — it seems to be a

virtual transplant from some place other than the San Francisco of postcards and cable cars. It also has been remarkably affordable. One yardstick: several hundred units are rented through the Section 8 voucher program funded by the U.S. Department of Housing and Urban Development to the San Francisco Housing Authority. It also has been affordable for students from nearby San Francisco State and for seniors. Their website displays apartments and townhouses with some up to three bedrooms that continue to draw applicants.

As valuable as it is for its residents, it appears to be even more valuable for its owners. They have drafted a plan now working its way through city agencies, headed ultimately for the Board of Supervisors, that will increase density and make other changes that a vocal group of Parkmerced residents are resisting. For Park Merced's owners, with deep pockets, it's easy to be heard at City Hall. In just March, Park Merced paid \$15,000 a month to HMS Associates for five contacts of city officials. That is, as they say, the tip of the iceberg.

Motivated residents, none more than Aaron Goodman, have mobilized both community organizations and an array of impressive facts and projections to make their case that the current plan does not serve either the tenants or ultimately the city. They are not arguing, they say, against change but against the change that is now being proposed.

Because the issue raises issues more complicated and nuanced than most media convey to general audiences, CitiReport offered to Mr. Goodman as one activist for Parkmerced tenants an opportunity to present an alternate view of the Parkmerced plan.

It is best read here in a pdf format now placed on CitiReport for interested readers. CitiReport believes it can add another dimension to the discussion.

Legal memo on the Parkmerced Project FEIR for next Tuesday's closed session of the BOS.
Law Offices of Stuart Flashman

to:

Board.of.Supervisors, John.Avalos, David.Campos, Ross.Mirkarimi, Eric.L.Mar, Mark.Farrell,
David.Chiu, Carmen.Chu, Jane.Kim, Sean.Elsbernd, Scott.Wiener, Malia.Cohen

04/21/2011 11:29 AM

Cc:

bruce

Please respond to stu

Show Details

Attached is a legal memo being submitted on behalf of San Francisco Tomorrow in regards to the Board's scheduled closed session on April 26th to discuss the Parkmerced Project EIR certification.

	Serving public interest and private clients since 1990
Stuart Flashman <i>Attorney</i>	Law Offices of Stuart Flashman 5626 Ocean View Drive Oakland, CA 94618-1533 tel: (510) 652-5373 fax: (510) 652-5373
stu@stufash.com	

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Law Offices of
Stuart M. Flashman
5626 Ocean View Drive
Oakland, CA 94618-1533
(510) 652-5373 (voice & FAX)
e-mail: stu@stufash.com

Memorandum

Date: April 21, 2011
To: San Francisco Board of Supervisors
From: Stuart M. Flashman
Subject: Certification of Final Environmental Impact Report for Park Merced Project.

SUMMARY

This memorandum, provided as a resource in advance of the April 26th closed session, explains some of the numerous legal reasons why the Final EIR for the Parkmerced Project should not be certified and their legal and factual bases.

Tenant Displacement Impacts – The FEIR claims there will be no tenant displacement impacts because on-site rent-controlled replacement units will be provided to all displaced tenants. However, this provision may violate the Costa/Hawkins Rental Housing Act, which prohibits local rent control for almost all housing constructed after 1995. It is unclear whether the provision relied upon here will pass legal muster. Consequently, under *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, the EIR should have identified the displacement impact as significant and unavoidable.

Land Use Impacts – The Project is inconsistent with several General Plan Priority Policies enacted by voter-approved Proposition M. It also violates many General Plan Housing Element policies. These policies were enacted to avoid impacts that are considered significant under CEQA. Therefore the FEIR should have been identified these inconsistencies as significant impacts.

Cumulative Seismic and Displacement Impacts – The FEIR disclaims any responsibility for leaving the existing high-rise structures in an “as-is” condition. However, that decision is an essential part of the Project and cannot be ignored. Leaving the existing high-rise structures unprotected makes it very likely that they will become uninhabitable after a major earthquake, resulting in a significant cumulative displacement impact. This impact should have been disclosed in the EIR, and mitigation in the form of seismic retrofit measures should have been considered. In addition, major PG&E gas pipeline within two blocks of project constitutes major earthquake risk undisclosed by EIR.

Mitigation Measures whose implementation cannot be assured – CEQA requires that mitigation measures be found feasible. This includes both institutional and financial feasibility. Many of the mitigation measures proposed as parts of the project, notably the relocation of the MUNI Metro streetcar line, will require approval by other agencies and major financial commitments for which the required resources may not be available and have not been guaranteed. Under *Sacramento Old City Association, supra*, these measures cannot be relied upon, and the impacts they attempt to mitigate should have been identified as significant and unavoidable.

Alternatives not Considered – An EIR is required to consider a reasonable range of alternatives that could avoid or reduce significant impacts. The FEIR refused to consider numerous alternatives that could have reduced or avoided significant transportation displacement, and historical resource impacts, notably an alternative involving transferring title of the property to a tenant-owned limited equity cooperative that would have the financial resources to rehabilitate and seismically retrofit the existing structures.

This memorandum is submitted on behalf of my client, San Francisco Tomorrow, to follow up on my remarks at the Board's hearing on the appeal of the above-referenced EIR certification on March 29th. I specifically want to bring to your attention some of the legal issues involved in view of the Board's unanimous action continuing the appeal until May 24th and its decision to hold a closed session on related issues on April 26th.

As I indicated in my comments, the Final EIR has major deficiencies. These greatly concern my client, and I believe they should greatly concern you as well, not only because of the potential for a legal challenge, but even more importantly because they mean that the Board, and the public, do not have the complete and accurate information needed to make informed decisions about this major project. I will go through the major deficiencies in turn, providing the information you need to understand each deficiency and its implications.

Tenant Displacement Impacts

One of the most important impacts, and the one that specifically caused the Board to continue its consideration of certifying the EIR, is displacing current tenants when the garden apartments at Parkmerced are torn down. The EIR says there will be no significant impacts because the developer has promised, through the project development agreement, to provide the displaced tenants with equivalent or better replacement housing at rent controlled rates. I will leave aside the question of how equivalency will be determined, given that the current proposal doesn't specify standards for that determination and given that many of the newly-constructed units would be very different from the existing garden apartments (e.g., high-rise units vs. surface units with semi-private garden areas).

The developer's proposal to offer rent-controlled replacement units would be far less problematic if it weren't for the Costa/Hawkins Rental Housing Act (AB 1164 [1995] codified as California Civil Code Sections 1954.50-1954.535). That act prohibited applying local rent control to housing built after 1996 with certain narrow exceptions. One of those exceptions allows rent control as follows:

(b) Subdivision (a) does not apply where the owner has otherwise agreed by contract with a public entity in consideration for a direct financial contribution or any other forms of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

The Mayor's staff and the Planning Department argue that since the development agreement for the project is a contract between the owner and the City and County, and since it provides for rent control on the replacement units in return for various forms of consideration, some of which are referenced in Government Code §65915, this project falls under the exception and rent control is allowable.

However, there is no published case law interpreting this provision. While the Mayor's and the Planning Department staff's interpretation is certainly one possibility, it is also true that statutory exceptions are to be construed narrowly (*City and County of San Francisco v. Ballard* (2006) 136 Cal.App.4th 381, 400.) Further, the statute's specific reference to §65915, the state's density bonus statute, could be read to indicate that the exception only applies to incentives or concessions granting under the density bonus law, which has not been invoked for this project. In short, the section's meaning is ambiguous and the enforceability of the development agreement provision is very much open to question.

While the provision of replacement units is not explicitly identified as a mitigation measure to avoid a significant impact, there is little question that without these units,

existing residents would be displaced to non-rent-controlled units. Such displacement would be considered a significant impact. In essence, then, providing replacement units *may* be effective mitigation for potentially significant displacement impacts, but the feasibility of the mitigation cannot yet be determined.

As I indicated at the hearing, CEQA case law addresses precisely this issue. In *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, the court confronted a situation where there were potentially significant parking and traffic impacts from building a convention center. Because the project was still at an early stage, the City had not yet decided on specific mitigation measures. However, the project EIR identified a range of mitigation options and the City committed itself to achieving adequate mitigation. The court concluded that this was enough to declare the impact mitigated. However, the court also quoted with approval a comment about what to do when mitigation measures could not be relied upon to adequately address an impact:

In such cases, the approving agency should commit itself to eventually working out such measures as can be feasibly devised, *but should treat the impacts in question as being significant at the time of project approval.* (*Id.* at p.1028.)

This is, in essence, the situation here. Without assurance that the courts will find the replacement unit provision legal and binding, the City cannot rely on displacement impacts being mitigated by the development agreement provision. Consequently, the City has no choice but to find the displacement impact significant and unavoidable.¹ That determination, it turn, will require recirculating the EIR to allow public comment on the newly-identified significant impact. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112.)

Land Use Impacts

The EIR asserts that the Project will have no significant land use impacts. Essentially, it argues that any policy inconsistencies do not implicate environmental concerns. (DEIR at p. V.A.10.) It goes on to insist that the Project is fully consistent with all of the priority policies established by Proposition M (EIR Comments & Responses Document at pp. III.B.30-31), even though those policies require conserving and protecting existing housing and neighborhood character, preserving and enhancing affordable housing and maximizing earthquake preparedness while this project would tear down half of Parkmerced's existing rent-controlled units, leave the other half to be rendered uninhabitable by the next major earthquake, and disrupt an existing neighborhood's character. The priority policies also require the preservation of landmarks and historic buildings while the Project would eventually result in the complete destruction of the historic Parkmerced project. The priority policies also call for protecting open space and sunlight access from development where the Project would replace existing open space with new development and overshadow the area with a new set of high-rise structures. The EIR dismisses all of these concerns in a summary and conclusory manner, consisting more of semantic parsing of phrases than consideration of the policies' substance and meaning. Additionally, there are numerous policies contained in the General Plan Housing Element that the proposed Project also violates. Again, the DEIR argues that these policy conflicts do not implicate the environment.

¹ As was pointed out by some speakers at the hearing, even providing replacement units doesn't eliminate the displacement impact, any more than having auto insurance means that an accident didn't damage your car. It may reduce the seriousness of the impact, but the impact should still have been evaluated in the EIR.

As already discussed, however, the priority policies established by Proposition M were enacted to protect the environment, and their violation will, in fact, result in environmental impacts. The policy on preserving and enhancing affordable housing directly implicates the potential for the project to cause displacement of current residents, an impact specifically called out in the Initial Study checklist established by the California Office of Planning and Research (“OPR”). Likewise, the policy requiring the preservation of historic structures also addresses an impact specifically identified in the OPR Initial Study checklist. Obviously, the policies protecting open space and sunlight access have environmental implications, as does the policy for maximizing earthquake preparedness. Consequently, the violation of these policies was a subject both necessary and proper to address in the EIR.

Under well-established case law, general plan consistency is judged by the standard of “substantial compliance.” That phrase has a specific meaning in this context. It means, “actual compliance in respect to the substance essential to every reasonable objective of the statute, as distinguished from mere technical imperfections of form.” (*St. Vincent's School for Boys, Catholic Charities CYO v. City of San Rafael* (2008) 161 Cal.App.4th 989, 1009.) The proposed Project cannot, by any reasonable interpretation, be considered to actually comply with the substance essential to the objectives of the priority policies enacted by Proposition M. The EIR’s failure to identify the impacts associated with these policy violations deprived you, the decision makers, and the citizens of San Francisco of important and necessary information on the Project’s significant environmental impacts and its potential violation of state planning law, in violation of CEQA.

Cumulative Seismic Stability and Displacement Impacts

The EIR accurately identifies the project site as lying close to the San Andreas Fault. It also correctly notes that some western portions of the project site are underlain with unconsolidated fill, and would therefore be subject to severe ground shaking and liquefaction in the event of a major earthquake. While the newly-constructed buildings in the project would be built to be able to withstand the quake without significant damage, such would not be the case for the existing high-rise buildings, which the project proposes to leave standing and in use without significant seismic retrofitting. Nevertheless, the EIR concludes that the Project would have no significant seismic impacts because the Project does not include these high-rise buildings.

The Response to Comments Document does, however, include information on the seismic safety of these high-rise structures, which date back to the 1950s. It concludes that:

... the towers were expected to perform adequately from a life safety perspective, although significant structural and non-structural damage may occur, such as extensive cracking in the exterior and interior concrete walls, floors, and roof slabs. *“Performing adequately from a life-safety perspective” indicates that the structures would not fail and occupants would be able to exit the structures. The habitability of the structures after a major event would have to be separately assessed at that time.* (EIR Comments & Responses Document at pp. III.A.35-36 [emphasis added].)

What this response indicates is that, unlike the newly-built high-rise structures in the Project, the existing high-rise structures would protect the lives, but not the domiciles, of their tenants. This would be particularly true for those structures built on the western fill-underlain portions of the project site. Further, unlike the tenants whose low-rise buildings would be razed as part of the Project, the high-rise tenants would not be entitled to replacement housing *when* (not if) their buildings became uninhabitable.

While the EIR takes the position that the Project has no responsibility for the existing high-rises or their tenants, the fact remains that the choice of leaving the high-rises in their current state, neither demolishing them nor retrofitting them to make their continued habitability more than a gamble, is a conscious decision that is integral to the Project as proposed.

Under CEQA, the consideration of project impacts must take into account not only impacts from the project itself, but also cumulative impacts – impacts from the project plus past, present, and reasonably foreseeable future projects and events. “The Big One” is unquestionably a reasonably foreseeable future event for San Francisco and for the Parkmerced project site in particular. The decision to leave the high-rises in their current state is as much a decision to eventually condemn and demolish them as is the decision to demolish the existing garden apartment buildings. Consequently, the EIR should have and needs to discuss the cumulative displacement impacts that will occur when a major earthquake makes the existing high-rises uninhabitable.

In addition to this, the EIR failed to disclose the presence of a major PG&E high-pressure gas pipeline within two blocks of the Project. Especially with the recent history of pipeline failures and the lack of information on the reliability of this pipeline, the significant risk of pipeline failure during a major earthquake, and consequent risk to future Project residents, both from the likely explosion and fire and from the disruption of access to the Project site both for evacuation and for emergency vehicle access, should have been disclosed.

Unreliable Mitigation Measures

The FEIR identifies and relies upon a number of mitigation measures that would require approval by other agencies. For example, the rerouting of the MUNI M-Ocean View streetcar line would require approval of the San Francisco MTA. Similarly, proposed improvements to 19th Avenue, SR 1, would require approval by Caltrans. None of these approvals can be assumed. Consequently, under *Sacramento Old City Assn. v. City Council, supra*, the impacts proposed to be mitigated must be considered significant and unavoidable.

Similarly, some of the proposed mitigation measures, including again the rerouting of the MUNI M line, would require extensive financial contributions by the developer at a future time. These contributions cannot be assumed without some kind of guarantee in the form of a bond or other financial surety. Again, without some kind of guarantee on funding for mitigations, they cannot be considered feasible and the impacts must be considered significant and unavoidable.

Alternatives Not Considered

The FEIR's consideration of project alternatives included, in addition to the mandatory no project alternative, five alternatives:

- Build-out under current zoning
- Retention of only the central part of the existing project
- Retention of only the Western portion of the existing project
- Transit options for the proposed Project
- Proposed Project without transit improvements

Of these five, two are essentially little more than variants on the proposed project. The third, build-out under existing zoning is unrealistic in that the existing project constituted a completed development under the existing zoning, and while it may

not have utilized every inch of developable space allowed under that zoning, it would be unrealistic to expect a reconfiguration of the project for the limited extra development that could be allowed. Finally, the two partial retention options, while assertedly included to reduce impacts to historic structures, were of such a partial nature that they would do little to reduce or eliminate those impacts. In short, only those alternatives that were closely related to the proposed projects were alternatives worthy of serious consideration.

Meanwhile, organizations and members of the public submitted numerous serious alternative proposals. None of these were given serious consideration by the EIR. Nor was serious consideration given to locating this high-density primarily market-rate housing project in closer proximity to an existing transit hub such as the Balboa Park or Daly City BART station, where a truly transit-oriented development, with a concomitant reduction in project parking, would have made far more sense.

Among the other alternatives presented in comments on the DEIR that should have been seriously considered, but were thrust aside, were the following:

- A rehabilitate and upgrade existing structures alternative, to be financed by conversion of the project into limited-equity cooperative housing;
- An alternative that would preserve in toto the historically-significant landscaping plan for the site;
- An adaptive re-use that would have added to some of the existing low-rise structure, with some of the added space being used to add commercial retail space to serve project residents;
- A transit-oriented project that would have incorporated a bus rapid transit route connecting to the Daly City or Balboa Park BART station, rather than attempting a much more extensive and expensive overhaul of the MUNI light rail line;
- Redevelopment as a locally-controlled redevelopment project or other creative financing methods (e.g., joint redevelopment in collaboration with SFSU), including, perhaps, portions of some of the preceding alternative options.

CONCLUSION

The current FEIR fails dismally in providing you, and the public, with the information needed to understand the proposed project and its impacts and make an informed decision about what, if any, project to approve. Perhaps equally important, the current FEIR has serious legal vulnerabilities that will almost certainly lead to litigation that will stall anything from happening for several years. The choice is in your hands.



To: Joy Lamug/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110206: Stop the demolition of a national eligible masterplanned community.

From: Carrie Gleason <mail@change.org>
To: board.of.supervisors@sfgov.org
Date: 04/20/2011 04:05 PM
Subject: Stop the demolition of a national eligible masterplanned community.

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.

Sincerely

Aaron Goodman

Carrie Gleason
Arizona City, AZ

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition. To respond, email responses@change.org and include a link to this petition.



To: BOS Constituent Mail Distribution, Joy Lamug/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110206: SF Examiner Article on "promises" on rent control and enforceability - Parkmerced (April 26th closed door)

From: Aaron Goodman <amgodman@yahoo.com>
To: board.of.supervisors@sfgov.org
Date: 04/25/2011 08:33 AM
Subject: SF Examiner Article on "promises" on rent control and enforceability - Parkmerced (April 26th closed door)

SF Board of Supervisors;

<http://www.sfexaminer.com/local/bay-area/2011/04/peninsula-affordable-housing-strategies-examined>

Again we reiterate the issue that regardless of the MOEWD's view, the enforceability of promises on rent-controlled housing built currently are not with "these developer agreements cannot be enforced with 100% certainty" Michael Yarne MOEWD

We are talking about peoples homes, where they live, and the concerns for there future.

The article on the Treasure Island project echo the same concerns for the existing residents.
Another total demolition project already heading forward;

<http://www.sfexaminer.com/local/development/2011/04/treasure-island-dwellers-brace-change-redevelopmen>

When you base your decision on legal interpretation alone, you risk more by NOT re-reviewing the entire pro

I strongly urge you to reconsider the options, and provide a better project by looking at alternatives....
We can do better, by sending the project back and forcing the developer to re-structure, or renegotiate the project, with appropriate changes.

Do not base your decision on Trinity Plaza, base it on state law... which states clearly the developer agreements are un-enforceable....

That should be the basis, not attempts to circumvent state law. Otherwise you will end up like the next article missing a neighborhood, and wondering what step is next.

<http://www.sfexaminer.com/local/development/2011/04/controversial-san-francisco-lot-back-supervisors-spc>

A. Goodman

SoMa Leadership Council urges oversight of Twitter deal

Jim Meko

to:

David Chiu, Jane Kim, Ross Mirkarimi, Scott Wiener, Malia Cohen, Mark Farrell, John Avalos, David Campos, Sean Elsbernd, Eric Mar, Carmen Chu, Board of Supervisors

04/22/2011 12:27 PM

Show Details

FOR IMMEDIATE RELEASE

**SOMA LEADERSHIP COUNCIL ENDORSES
INDEPENDENT COMMUNITY OVERSIGHT COMMITTEE
TO OVERSEE TWITTER TAX EXEMPTION DEAL**

On Wednesday, April 20, 2011, the SoMa Leadership Council voted to support efforts to create an independent Citizens Advisory Committee (CAC) to oversee the implementation of the Community Benefits Agreement that is required of Twitter and other high tech businesses seeking to take advantage of the tax exemption recently granted by the Board of Supervisors. The vote was unanimous.

The tax exemption agreement won't take effect until a Community Benefits Agreement, including an oversight body to oversee implementation, has been approved. The Mayor's Office of Economic and Workforce Development (MOEWD) recently released a draft agreement that community activists have characterized as much too weak.

The Mid-Market Redevelopment Project Area Committee, rumored to be favored by the Mayor's office as the implementation body, was elected in 1997. Vacancies since then have been filled by the PAC itself. The committee is dominated by downtown development interests.

The SoMa Leadership Council urged the Board of Supervisors to avoid the negative baggage associated with Redevelopment and select a new independent body that is more representative of the community. "The community has been noticeably absent in this dialog up until now," noted Jim Meko, chair of the leadership council. "The credibility of MOEWD and the Board are at stake."

The SoMa Leadership Council is an organization of community activists from all over South of Market. It's been in existence since 2000 and has gained credibility throughout the city by virtue of its broad-based membership and consensus building processes. Its focus is on good planning and good government.

For more information, contact:

Jim Meko, chair
SoMa Leadership Council
366 Tenth Street
San Francisco CA 94103
(415) 552-2401 office
(415) 624-4309 cell
(415) 552-2424 fax
www.somaleadership.org

5

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



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Please Save The Sharp Park Wetlands

Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-5184
(415) 554-5163 fax
Board.of.Supervisors@sfgov.org

Complete a Board of Supervisors Customer Service Satisfaction form by clicking
<http://www.sfbos.org/index.aspx?page=104>

----- Forwarded by Board of Supervisors/BOS/SFGOV on 04/21/2011 05:29 PM -----

From: Olja Kaludjerovic <dado.k@t-com.me>
To: Board.of.Supervisors@sfgov.org
Date: 04/21/2011 02:29 PM
Subject: Please Save The Sharp Park Wetlands

Dear Board of Supervisors

I am writing to urge the City of San Francisco to turn the Sharp Park Golf Course over to its next door neighbor, the National Park Service. The Sharp Park Wetlands provide critical habitat for the endangered California Red-Legged Frog and a variety of other wildlife. Both frogs and wetlands are rapidly disappearing in California and worldwide, so it is disconcerting that the City of San Francisco is currently using taxpayer dollars to pump the Sharp Park Wetlands dry, killing endangered frogs in the process, and violating state and federal laws.

The Sharp Park Golf Course has a long history of environmental and economic troubles, and the time has clearly come for the City of San Francisco to change course. By closing the golf course and handing the land over to the National Park Service, the City of San Francisco would relieve itself of its current financial, legal and environmental burden, and it would also clearly mark itself as a world leader in environmental protection efforts.

The restored Sharp Park Wetlands would be a safe haven for threatened wildlife and would provide valuable recreational opportunities to San Francisco residents and tourists alike. This would not only improve the quality of life for San Francisco's residents, it would increase the long-term economic value of the property.

On behalf of all those who enjoy nature and wildlife, thanks for your consideration.

Olja Kaludjerovic

Kotor, ot 85330
YU

6



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Overturn San Francisco's Discriminatory Sidewalk Sitting Ban

This week the Clerk's Office has received 20 form emails like the one below.

Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-5184
(415) 554-5163 fax
Board.of.Supervisors@sfgov.org

Complete a Board of Supervisors Customer Service Satisfaction form by clicking
<http://www.sfbos.org/index.aspx?page=104>
----- Forwarded by Board of Supervisors/BOS/SFGOV on 04/21/2011 05:27 PM -----

From: maddie schuttauf <mail@change.org>
To: Board.of.Supervisors@sfgov.org
Date: 04/21/2011 06:44 AM
Subject: Overturn San Francisco's Discriminatory Sidewalk Sitting Ban

Greetings,

As you know, after the San Francisco Board of Supervisors voted 8-3 against a measure to ban sitting on city sidewalks in June 2010, Mayor Gavin Newsom took Proposition L, better known as the sit-lie ordinance, to the ballot.

Supporters, especially businesspeople in the Haight-Ashbury neighborhood, said it would curb loitering and aggressive panhandling. But since the police acknowledge that enforcement will be "complaint-driven," opponents are sure it will be unfairly used against homeless people.

Penalties for repeat offenders include 30-day jail sentences and \$500 fines. Officials can go ahead and add to that jail sentence, since \$500 might as well be \$1,000,000 for many of the city's homeless. It makes no sense to put people in jail, costing taxpayers money, because they can't pay a fine.

Please take action once again to end this discriminatory sidewalk sitting ban.

maddie schuttauf
kissimee, FL

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/overturn-san-franciscos-discriminatory-sidewalk-sitting-ban. To

respond, email responses@change.org and include a link to this petition.

7



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: smart meter alert

From: "Jeff Staben" <jstaben@coastal.ca.gov>
To: <dd@aidlindarlingdesign.com>, <kjohnson@ideo.com>, <sherlock@speakeasy.net>, <zsmith@capitalpacific.com>
Cc: <ross.mirkarimi@sfgov.org>, <board.of.supervisors@sfgov.org>
Date: 04/21/2011 06:49 PM
Subject: smart meter alert

FYI - today we received PG&E's letter telling us that they plan to install a smart meter on the row. As you probably heard, there's a lot of controversy re: its safety and reliability but as a consumer you will no longer have a voice in the matter once it is installed. This issue as well as the ability to opt out is in PUCs hands but PG&E is trying to expedite that process before you can do anything.

Call their # 1-866-743-0263 and let PG&E know that you are concerned, do not want the meters installed and that Article 10 prevents any visible change on the row without planning departments review and approval. Also, pl. go online and fill out this survey. It's important.

Lastly, let our supervisor know that PG&E is trying to circumvent planning code laws and our communities safety - let's not have another San Bruno tragedy in our hands. This site has articles re: many problems with this smart meter.

http://emfsafetynetwork.org/?page_id=872

8



To: BOS Constituent Mail Distribution, *Maddalene Lecavoli, cpage*
Cc:
Bcc:
Subject: SFMTA Draft 2011 Climate Action Strateg

From: "Brown, Peter" <Peter.Brown@sfmta.com>
To: "BOS-Legislative Aides" <BOS-Legislative.Aides@sfgov.org>, "Caldeira, Rick" <Rick.Caldeira@sfgov.org>
Cc: "Martinsen, Janet" <Janet.Martinsen@sfmta.com>, "Calvillo, Angela" <Angela.Calvillo@sfgov.org>
Date: 04/21/2011 04:59 PM
Subject:

Good Afternoon,

Please find attached the SFMTA Draft 2011 Climate Action Strategy for the transportation sector (<http://www.sfmta.com/cms/cmta/documents/4-19-11item13CAS-citywide.pdf>) and cover letter. This plan is being submitted to the Board of Supervisors as required by Proposition A. Ordinance No. 316-10, Electronic Distribution of Documents, requires that any report over 10 pages be submitted only electronically. Please confirm that the Clerk's office will forward the report to each member of the Board of Supervisors.

Sincerely,

Peter Brown

Peter Brown
Project Manager, Long Range & Capital Planning
Sustainable Streets, Policy and Planning Division
SFMTA | Municipal Transportation Agency
One South Van Ness Ave - 7th Floor
San Francisco, CA 94103
phone: 415.701.5485
mobile: 707.548.4520
peter.brown@sfmta.com



Ltr to Supervisor Calvillo re CAP & CAS.PDF

9

Edwin M. Lee | Mayor
Tom Nolan | Chairman
Jerry Lee | Vice-Chairman
Leona Bridges | Director
Cheryl Brinkman | Director
Malcolm Heinicke | Director
Bruce Oka | Director
Nathaniel P. Ford Sr. | Executive Director/CEO

April 18, 2011

Angela Calvillo, Clerk of the Board
Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Subject: Departmental Climate Action Plan and Draft 2011 Climate Action Strategy

Dear Ms. Calvillo:

The San Francisco Municipal Transportation Agency (SFMTA) is pleased to submit to the Board of Supervisors the 2010 Departmental Climate Action Plan (DepCAP) update and the 2011 Climate Action Strategy (CAS) to reduce greenhouse gas (GHG) emissions from the surface transportation system. These two documents respond to Proposition A (2007), which established a goal of reducing greenhouse gas (GHG) emissions from San Francisco's transportation sector to 80 percent of 1990 levels by 2012. It further directed the SFMTA to address the following:

1. Zero greenhouse gas emissions for Municipal Railway transit vehicles;
2. Lowering energy consumption in Agency facilities and by non-transit vehicles;
3. Maximizing waste reduction in Agency operations;
4. Increasing transit trips and reducing private vehicle trips within the City;
5. Increasing the use of bicycling and walking as alternate forms of transportation; and
6. Improving regional transit connections to reduce private vehicle use by commuters.

The San Francisco Department of the Environment (SFE) coordinates the emission inventories of each city department through the annual DepCAP. The SFMTA's DepCAP covers items 1-3 in the list above by identifying direct agency GHG emissions from energy use, fuels and waste. The SFE collects each department DepCAP to keep track of municipal emissions. The SFMTA is proud to announce that it is on track to meet the Board adopted goals of 20 percent reduction below 1990 levels by 2012 (21 percent reduction to date).

In addition to the annual DepCAP, the SFE is developing a Communitywide Climate Action Plan which will include the GHG emissions for each sector of the economy including energy, buildings, transportation, water and waste. Prop A (2007) requires the SFMTA to develop, analyze and implement strategies for substantially reducing GHG emissions and submit this document to the Board of Supervisors every two years. Items 4-6 in the list

above are covered in the attached Draft 2011 CAS which aims to address system issues such as congestion, vehicle miles traveled, vehicle emissions and identify measures to reduce them. The report will serve as the transportation chapter for the SFE Communitywide Climate Action Plan and aims to meet the intent of Prop A (2007) by proposing six greenhouse gas mitigation strategies that build upon San Francisco and global best practices. The SFMTA's emissions represent less than one percent of the City's total, therefore the strategies are critical to meet overall transportation and community reduction goals.

Since many emission reduction measures are outside the immediate control of the agency, the 2011 CAS underscores the need for partnerships and collaboration among government, businesses, community and individuals to meet the goals. While some measures are existing or in pilot stage in the City, other measures are new and will require separate analysis before the Board can adopt them. Therefore, this Draft 2011 CAS is considered a living document and will be updated every two years.

The SFMTA worked closely with key government, business, academic and community stakeholders; including an SFE selected transportation panel, and consultations with over 30 peer cities worldwide to assess the state of the practice. Staff conducted a detailed review of low-carbon transportation and GHG reduction measures, which helped determine the specific package of measures recommended in the six strategies. For each of the six strategies, staff assessed the strategy's GHG reduction potential, potential costs to the public and private sectors, impact on transit system demand, and overall potential effectiveness. The document closes with recommended priorities for policy makers on near term actions and next steps for each responsible entity.

We trust you will find these two documents useful and we look forward to working with you to complete the necessary projects, enact the policies and secure the funding to implement the various measures to meet our City's sustainability objectives. If you have any questions on either document, please contact Timothy Papandreou, Deputy for Planning at 415.701.4333 or email at timothy.papandreou@sfmta.com.

Sincerely,



Nathaniel P. Ford, Sr.
Executive Director/CEO

cc: SFMTA Board of Directors
CCSF Directors

BOS-11 COB

cpage

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 APR 19 AM 9:51

BY

Lw

**San Francisco
Local Agency
Formation Commission**

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. 415.554.5184
Fax. 415.554.5163

April 18, 2011

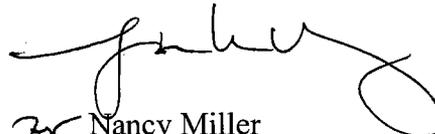
The Honorable Members of the Board of Supervisors
Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Dear Board Members:

On March 25, 2011, the San Francisco Local Agency Formation Commission passed resolution no. 2011-02, which is attached, supporting Senate Bill 790 and requesting that the Board of Supervisors adopt a similar resolution.

Should your office decide to respond to this resolution, correspondence can be directed to San Francisco Local Agency Formation Commission, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California 94102. Thank you.

Sincerely,


for Nancy Miller
Interim Executive Officer

c: Angela Calvillo, Clerk of the Board

10

1 [Supporting Senate Bill 790, Electricity: Community Choice Aggregation]

2
3 **Resolution supporting Senate Bill 790, Electricity: Community Choice Aggregation,**
4 **introduced on February 22, 2011, by Senator Mark Leno.**

5
6 NOTE: Amendment additions are double-underlined;
7 Amendment deletions are ~~striketrough-normal~~.

8 WHEARAS, On September 24, 2002, the California State Assembly Bill 117 (AB 117)
9 was passed and signed into law. AB 117 gave California cities and counties the ability to
10 aggregate the electric loads of residents, businesses and public facilities to assist in the
11 purchase and sale of electrical energy in a more competitive market; and

12 WHEREAS, On May 18, 2004, the Board of Supervisors passed, and the Mayor
13 signed, Ordinance No. 86-04 establishing a Community Choice Aggregation (CCA) Program,
14 allowing San Francisco to aggregate the electrical load of electrical consumers in San
15 Francisco pursuant to AB 117. The CCA Ordinance established a mechanism for San
16 Francisco to accelerate the introduction of renewable energy, conservation, and energy
17 efficiency into San Francisco's portfolio of energy resources; and

18 WHEREAS, In Ordinance No. 86-04, the Board of Supervisors established a CCA
19 Program pursuant to Public Utilities Code Sections 218.3, 331.1, 366, 366.2, 381.1, 394, and
20 394.25 finding that CCA provides a means by which the City may help ensure the provision of
21 clean, reasonably priced, and reliable electricity to San Francisco customers; and

22 WHEREAS, Ordinance No. 146-07 allows the governance of the CCA Program
23 management and control be undertaken by the San Francisco Public Utilities Commission
24 (SFPUC), pursuant to California Public Utilities Code Section 366.2; and

25 WHEREAS, The CPUC submitted a report to the Legislature on the issues and

1 progress of CCA on January 31, 2011, which brought up concerns that needed to be
2 addressed by the Legislature; and

3 WHEREAS, The San Francisco Local Agency Formation Commission (SF LAFCo) and
4 the SFPUC submitted proposed language to Senator Mark Leno with other interested parties,
5 including the Marin Energy Authority; and

6 WHEREAS, On February 22, 2011, Senator Mark Leno introduced Senate Bill 790 to
7 address some of the concerns raised in the CPUC report and issues that other government
8 entities have raised in the past; now, therefore, be it

9 RESOLVED, The San Francisco Local Agency Formation Commission supports
10 Senate Bill 790 and encourages the State Legislature to pass Senate Bill 790, as introduced
11 by Senator Leno; and, be it

12 FURTHER RESOLVED, The Executive Officer is directed to forward this Resolution to
13 the Board of Supervisors of the City and County of San Francisco requesting that the Board of
14 Supervisors adopt a similar Resolution.

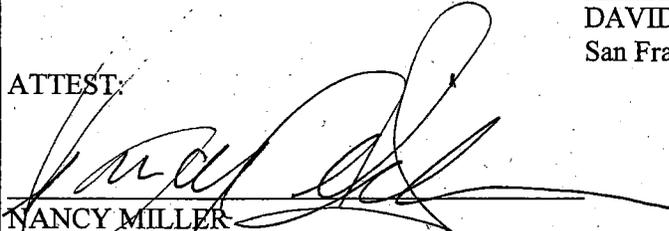
15 On a motion by Commissioner Mirkarimi, seconded by Commissioner Pimentel, the foregoing Resolution was
16 passed and adopted by the San Francisco Local Agency Formation Commission, State of California, this 25th day
17 of March 2011, by the following vote:

18 AYES: Chairperson Campos, Commissioners Mirkarimi, and Pimentel.
19 NOES: None.
20 ABSENT: Commissioners Avalos and Schmeltzer.

21 

22 DAVID CAMPOS, CHAIRPERSON
23 San Francisco Local Agency Formation Commission

24 ATTEST:

25 
NANCY MILLER
Interim Executive Officer



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: A Public Health Issue @ OFarrell & Jones

From: Panhandler Boycott <panhandlerboycott@yahoo.com>
To: board.of.supervisors@sfgov.org, carmen.chu@sfgov.org, chustaff@sfgov.org,
cnevius@sfchronicle.com, David.Campos@sfgov.org, david.chiu@sfgov.org, Ed Lee
<Edwin.Lee@sfgov.org>, Eric.L.Mar@sfgov.org, jane.kim@sfgov.org, John.Avalos@sfgov.org,
Malia.Cohen@sfgov.org, Mark.Farrell@sfgov.org, ross.mirkarimi@sfgov.org,
Scott.Wiener@sfgov.org, Sean.Elsbernd@sfgov.org
Date: 04/19/2011 01:55 AM
Subject: A Public Health Issue @ OFarrell & Jones

<http://panhandlerboycott.wordpress.com/2011/04/19/ofarrell-street-btwn-jonesshannon-422011-207pm-4162011-230pm/>

One "poster-child" case for enforcing the Sit/Lie Ordinance is the intersection of Ofarrell and Jones. This day I got off the Geary bus because traffic was awful and encountered this scene. Walking up Shannon Alley I broke up a drug deal between two guys. Further up my camera confronted a prostitution deal in progress.

Coming off the bus a couple weeks later at about the same time Ofarrell and Jones had groups of people sitting and lying on the ground with some guy completely wasted on the ground. At night people will sit in a doorway and smoke a pipe or now more rarely use a needle which they leave in the gutter or on the sidewalk.

This location has a bunch of subsidized housing arrangements and is a stone's throw from Glide Memorial which helps perpetuate this problem. What is amazing is how prevalent the problem appears and nothing seems to get done. This is clearly a public health issue.

11

File 110316
- cpage

From: Martha Mahony <marthamahony@hotmail.com>
To: <eric.l.mar@sfgov.org>, <mark.farrell@sfgov.org>, <david.chiu@sfgov.org>, <carmen.chu@sfgov.org>, <ross.mirkarimi@sfgov.org>, <jane.kim@sfgov.org>, <sean.elsbernd@sfgov.org>, <scott.weiner@sfgov.org>, <david.campos@sfgov.org>, <malia.cohen@sfgov.org>, <john.avalos@sfgov.org>
Date: 04/19/2011 09:59 AM
Subject: North Beach Library and Playground

Dear San Francisco Board of Supervisors:

Please vote YES in support of the North Beach Library and Playground. Our community has worked hard to express support for a new library and playground in our neighborhood. This project has been in the works for years now and the final EIR proves that it is a good fit for our neighborhood. PLEASE don't delay this project any further. The families of North Beach deserve a new library and playground!

Regards,

Martha Mahony

604 Lombard Street

(Mom of two young kids who use the library weekly and the playground daily)

From: "Cindy James" <cynthiahjames@yahoo.com>

File 110316

Date: April 14, 2011 4:38:10 PM PDT

To: c_olague@yahoo.com, rm@well.com, wordweaver21@aol.com, plangsf@gmail.com, cpaye,
mooreurban@aol.com, hscommish@yahoo.com, Rodney@waxmuseum.com,
Linda.avery@sfgov.org, Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org,
David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Ross.Mirkarimi@sfgov.org,
Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org, Scott.Weiner@sfgov.org,
David.Campos@sfgov.org, Malia.Cohen@sfgov.org, John.Avalos@sfgov.org
Cc: "Fay Darmawi" <fdarmawi@yahoo.com>, Lizzy@Arcadia-Garden.com,
blip@sfppl.org

Subject: New North Beach Library - DEIR Acceptance

Dear all-

I have been a North Beach resident for close to 20 years and am now raising my 3 young children in the neighborhood. I feel truly blessed to live in a such a wonderful city and community. However, I have to say that I have been seriously considering leaving the city due to the dated, sub-par public facilities that my family frequents along with other issues that impact families. We are avid library visitors and the current NB library is woefully inadequate and does not support the needs of our community at all. God forbid if my kids need to go to the bathroom.

Creating a new North Beach library that truly meets the needs of the community would be a huge step forward in the livability of SF for families. With that I am asking that you all to please adopt the DEIR so our community can have a new library that is of adequate size and capacity for North Beach. The EIR is complete and accurate because it:

- Showed that by building a new library on a parking lot, tearing down the old library, and closing a small portion of Mason Street, we gain over 12,000 square feet of open space. We need more open space in North Beach because it is the most dense neighborhood in the city with the least amount of open space per capita.
- Found that there were no significant impacts to traffic, public transportation, or emergency vehicle access in North Beach if we remove the parking lot and close a portion of Mason Street for a new library. (*Note: the intersection at Mason and Columbus is extremely dangerous and poses a risk to pedestrians and is a big win for public safety if permanently closed.*)
- Included so many detailed preservation alternatives that show that renovating the existing library will not adequately serve the community. We need a new library because renovating the existing one would result in reduced usable space due to ramps, widened aisles and an elevator for handicapped accessibility.
- Concludes how much better a new library would be for my community rather than renovating the existing one. Our community needs a new library because the new library addresses all of the deficiencies of the existing library. The existing library does not have: (1) enough computers for our school-age kids; (2) an area for middle and high schoolers to study in groups or individually, nor; (3) an accessible community room to be used for programs such as story time for tots, or arts and crafts for families. All these issues will be addressed in a new library that will be almost 60% bigger.
- Stated that although the existing library is a historic resource, there are 6 other libraries that have been preserved of exact historical significance. We need a new library in North Beach because the existing one is too small and no history will be lost as there are better examples of this type of architecture in the city.

I sincerely hope that you all vote to approve the DEIR and allow the new North Beach library to move forward. Progress is a not a dirty word and no community should be held hostage a small group of special interests. The new library would be a huge step in the right direction for the residents of North Beach.

Regards,
Cynthia James



To: BOS Constituent Mail Distribution, Alisa Somera/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110114 - 2 emails

From: Kori Turrubiate <mail@change.org>
To: Board.of.Supervisors@sfgov.org
Date: 04/19/2011 09:49 PM
Subject: I Support a Ban on Unwanted Yellow Pages

Greetings,

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

A vast and growing majority of Americans now get their information online, via high-speed Internet connections. In this context, the automatic delivery of phone books on doorsteps every single year represents an enormous waste.

Cities can reduce their carbon footprint and save trees by ending needless phone book printing. Residents can stop feeling aggravated by receiving piles of phone books they do not want and did not ask for. And all taxpayers benefit from the money the city will save on recycling costs.

Yellow Page distributors have a history of opposing local efforts to limit their distribution abilities. That's why I am writing early to demonstrate my support for this measure. It also will set a great example for cities around the nation to take similar steps.

Thank you for your time,

Kori Turrubiate
Red Bank, NJ

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To respond, email responses@change.org and include a link to this petition.

From: Jess Butzke <mail@change.org>
To: Board.of.Supervisors@sfgov.org
Date: 04/20/2011 07:19 AM
Subject: I Support a Ban on Unwanted Yellow Pages

Greetings,

13

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

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Thank you for your time,

Jess Butzke
sparta, NJ

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To respond, email responses@change.org and include a link to this petition.



To: Alisa Somera/BOS/SFGOV, BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 110114- Yellow Pages - 2 Support emails

From: Christian Rodriguez <mail@change.org>
To: Board.of.Supervisors@sfgov.org
Date: 04/20/2011 12:34 PM
Subject: I Support a Ban on Unwanted Yellow Pages

Greetings,

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

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Yellow Page distributors have a history of opposing local efforts to limit their distribution abilities. That's why I am writing early to demonstrate my support for this measure. It also will set a great example for cities around the nation to take similar steps.

Thank you for your time,

Christian Rodriguez
Deerfield Beach, FL

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To

respond, email responses@change.org and include a link to this petition.

From: Troy Quinton <mail@change.org>
To: Board.of.Supervisors@sfgov.org
Date: 04/20/2011 04:45 PM
Subject: I Support a Ban on Unwanted Yellow Pages

Greetings,

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

A vast and growing majority of Americans now get their information online, via high-speed Internet connections. In this context, the automatic delivery of phone books on doorsteps every single year represents an enormous waste.

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Yellow Page distributors have a history of opposing local efforts to limit their distribution abilities. That's why I am writing early to demonstrate my support for this measure. It also will set a great example for cities around the nation to take similar steps.

Thank you for your time,

Troy Quinton
Silverton, OR

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To

respond, email responses@change.org and include a link to this petition.



To: BOS Constituent Mail Distribution, Alisa Somera/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110114 Yellow Pages

The Clerk's Office has received three form emails like the one below.

From: Ronald OConnor <mail@change.org>
To: Board.of.Supervisors@sfgov.org
Date: 04/24/2011 11:24 AM
Subject: I Support a Ban on Unwanted Yellow Pages

Greetings,

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

A vast and growing majority of Americans now get their information online, via high-speed Internet connections. In this context, the automatic delivery of phone books on doorsteps every single year represents an enormous waste.

Cities can reduce their carbon footprint and save trees by ending needless phone book printing. Residents can stop feeling aggravated by receiving piles of phone books they do not want and did not ask for. And all taxpayers benefit from the money the city will save on recycling costs.

Yellow Page distributors have a history of opposing local efforts to limit their distribution abilities. That's why I am writing early to demonstrate my support for this measure. It also will set a great example for cities around the nation to take similar steps.

Thank you for your time,

Ronald OConnor
Westland, MI

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To respond, email responses@change.org and include a link to this petition.



To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: File 101225: Recology Contract

From: Lena <emmeryl@aol.com>
To: board.of.supervisors@sfgov.org
Date: 04/19/2011 06:14 PM
Subject: Recology Contract

Dear Supervisors,
The Cole Valley Improvement Association strongly supports the contract for Recology to deal with waste disposal for San Francisco. They are a reliable, local company and have earned the right to the contract by virtue of the lowest bid in addition to a long history of service to San Francisco.
Lena Emmery , President
Cole Valley Improvement Association



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: A voluntary ban on the feeding of pigeons in San Francisco in Memorial Honor of Herb Caen, for public health and city beautification reasons

From: DG Van Arsdale <dgvansdale@lie.com>
To: <board.of.supervisors@sfgov.org>
Date: 04/20/2011 04:52 AM
Subject: A voluntary ban on the feeding of pigeons in San Francisco in Memorial Honor of Herb Caen, for public health and city beautification reasons

Dear Supervisors of San Francisco,

I thought there was already a voluntary ban on the feeding of pigeons, since the City looks so much cleaner, the awnings and sidewalks, and there is so much more sidewalk dining in the last 10 years.

If it is not Official yet, may i propose a Herb Caen Memorial Voluntary Ban on the Public-area Feeding of Pigeons in San Francisco. Since they are major/primary disease vectors and can transmit 30-60 diseases to the public, this would be an important statement about the City's concern for public health and the City's appearance. Of course, any residents with pet pigeons could feed them at their own private property, i guess, in respect for The Constitution and pet lovers rights.

Sutro Tower is named in Honor of the Mayor who gave the city the swimming pools on the shark infested shore line. This would be a nice way to remember and celebrate columnist Herb Caen ,who loved San Francisco so much. Yes, i did eat meat loaf and mash potatoes all day on his death anniversary at the many City restaurants paying

their respects.

Best wishes !!

Sincerely,

d.g. van arsdale

Burlingame, Ca.

cell=408-833-0300



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Treasure Island Project Letters of Support

File 110296
Land Use Clerk
Cpage

From: Laura Shipman <LShipman@tihdi.org>
To: "Board of Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>
Date: 04/19/2011 03:41 PM
Subject: Treasure Island Project Letters of Support

Hello,

The Treasure Island Development Initiative and our member organizations would like to submit the attached letters of support for the Treasure Island Project for distribution to the Supervisors.

Laura Shipman

Treasure Island Homeless Development Initiative
Enterprise Rose Architectural Fellow
1 Avenue of the Palms, Room 166
San Francisco, CA 94130
phone: (415) 274 0311 x 392
fax: (415) 834 9134
lshipman@tihdi.org
www.tihdi.org



TIHDI lettersofsupport_BoS.PDF



April 14, 2011

David Chiu, President
Members of the San Francisco Board of Supervisors
San Francisco, CA 94102

RE: SUPPORT FOR THE TREASURE ISLAND PROJECT

Dear President Chiu and Members of the Board of Supervisors:

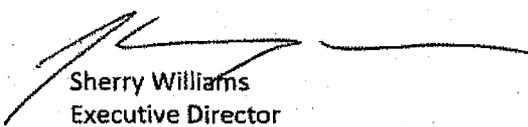
We are writing to express our strong support for the Treasure Island Project and to urge you and your colleagues to vote to certify the EIR and approve the Project DDA and Entitlements when those items are before you in the next few weeks. We are excited about the opportunities this plan will present for homeless and low-income San Franciscans.

The Treasure Island Homeless Development (TIHDI), a collaboration of community based organizations, was founded in 1994 and has been working on the reuse of Treasure Island ever since. We have been part of the "interim" phase of reuse and have renovated and occupied 250 housing units for homeless families and individuals, provided job and job training opportunities to hundreds of homeless and low income San Franciscans and created many community resources such as a childcare center, a community center and recreation and youth programming. We also have been working on the long term redevelopment plan for Treasure Island and have been working create a plan that includes all San Franciscans, from all socio economic backgrounds. The plan before accomplishes this goal.

The project plan has a minimum of 2000 units of affordable housing which includes 435 units of permanent supportive housing and transitional housing for formally homeless families and individuals. There is also the ability to increase to 2400 affordable units should there be changes to the state Infrastructure Financing Districts law. In addition, the project has a 25% hiring goal for homeless and economically disadvantaged job seekers for both construction and permanent jobs, with 50% of the jobs to be filled by San Franciscans as well as community facilities to serve residents of all ages and income levels. Lastly, it has opportunities to build on the success of the social entrepreneur model by providing contract opportunities for non-profits who train and employ homeless and economically disadvantaged San Franciscans, thereby providing a broad spectrum of opportunity for a diverse group of job seekers.

Treasure Island has truly represented a unique opportunity for San Francisco in a variety of ways. Thus far, hundreds have been able to exit homelessness through housing and jobs as part of Treasure Island's civilian reuse. We truly hope you will endorse the project so that hundreds more may be offered these same opportunities.

Sincerely,


Sherry Williams
Executive Director



April 12th, 2011

David Chiu, President
Members of the San Francisco Board of Supervisors
San Francisco, CA 94102

RE: SUPPORT FOR THE TREASURE ISLAND PROJECT

Dear President Chiu, and Members of the Board:

We are writing to express our strong support for the Treasure Island Project and to urge you and your colleagues to vote to certify the EIR and approve the Project DDA and Entitlements when those items are before you in the next few weeks.

The Treasure Island Project has been the subject of over 200 public meetings during the last 10 years and is the most thoroughly vetted large project in San Francisco history. The Project will create approximately 8,000 new homes, including at least 25% affordable homes for very-low, low- and moderate-income families. It is estimated that more than 2,000 new construction jobs will be created during the Project's build-out and another 2,500 or more permanent jobs will be created upon the Project's completion.

In addition to the new homes and new jobs that will be created, the TI Project will also create the largest public open space and parks program in San Francisco since the creation of Golden Gate Park. The new park system will include active sports fields with space for SF Little League, Gaelic Football, Rugby and others, an Urban Farm, storm water wetlands and an extensive habitat management plan to enhance the natural setting on Yerba Buena Island. In addition to the Project's community benefits package, the Project will also be one of the Country's leading sustainable developments, and it has already been recognized nationally and internationally for its design.

The Treasure Island Project is now, after more than a decade of public planning, ready for your approval, and we strongly urge you to support the Project when it comes before you for its final votes in the next few weeks.

Sincerely,

A handwritten signature in cursive script that reads "Gail Gilman".

Gail Gilman
Executive Director
Community Housing Partnership

Properties & Programs

Senator • San Cristina • Iroquois • Island Bay Homes
Treasure Island Supportive Housing • Cambridge • Hamlin
Essex • Arnett Watson Apartments • Zygmunt Arendt House
Community Housing Organizing Project • CHP Enterprise
Employment & Training Programs • Treatment & Supportive Housing Program

Administrative Office
280 Turk Street
San Francisco, CA 94102
p 415 929 2470
f 415 749 2791
www.chp-sf.org



April 18, 2011

David Chiu, President
Members of the San Francisco Board of Supervisors
San Francisco, CA 94102

RE: SUPPORT FOR THE TREASURE ISLAND PROJECT

Dear President Chiu, and Members of the Board:

We are writing to express our support the Treasure Island Project and to urge you and your colleagues to vote to certify the EIR and approve the Project DDA and Entitlements when those items are before you in the next few weeks. The project plan includes a 25% affordable housing requirement which translates into 2000 affordable housing units including 435 units of permanent supportive housing and transitional housing for formally homeless families and individuals, as well as community facilities to serve residents of all ages and income levels. Treasure Island will provide significant affordable housing opportunities for homeless and low-income San Franciscans.

The plan originally included a 30% affordable housing requirement under a traditional redevelopment financed plan. Under the Infrastructure Financing District (IFD) plan, 4 affordable housing sites were eliminated due to the smaller amount of tax increment financing available. The developers have committed to providing flexibility in the plan to retain these sites as affordable if there is the future ability to generate more subsidies through changes to IFD legislation. We strongly support the efforts to get back to a 30% affordability threshold on Treasure Island.

Mercy Housing California (MHC) owns and operates over 2,200 units of affordable housing in San Francisco and was the developer for the first phase of homeless housing units developed on Treasure Island in 2000 for Walden House, Catholic Charities, Swords to Plowshares and Haight Ashbury Free Clinics. MHC has been an active participant in TIHDI for the last 15 years.

The development also has a 25% hiring goal for homeless and economically disadvantaged job seekers for both construction and permanent jobs, with 50% of the jobs to be filled by San Franciscans. It also has opportunities to build on the success of the social entrepreneur model by providing contract opportunities for non-profits who train and employ homeless and economically disadvantaged San Franciscans.

Mercy Services Corporation

1360 Mission Street, Suite 300, San Francisco, California 94103 o | 415.355.7100 f | 415.355.7101 tty | 800.855.2880 mercyhousing.org

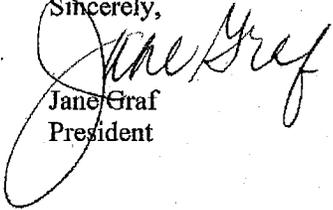


Professional management by Mercy Services Corporation.

LIVE IN HOPE

Treasure Island has truly represented a unique opportunity for San Francisco in a variety of ways. Thus far, hundreds have been able to exit homelessness through housing and jobs as part of Treasure Island's civilian reuse. We truly hope you will endorse the project so that hundreds more may be offered these same opportunities.

Sincerely,

A handwritten signature in cursive script that reads "Jane Graf". The signature is written in black ink and is positioned to the right of the typed name and title.

Jane Graf
President



Catholic Charities CYO
San Francisco, San Mateo & Marin

180 Howard Street, Suite 100
San Francisco, CA 94105-1617
Tel 415.972.1200 Fax 415.972.1201
www.cccyo.org

April 14, 2011

David Chiu, President
Members of the San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca 94102-4689

RE: SUPPORT FOR THE TREASURE ISLAND PROJECT

Dear President Chiu and Members of the Board:

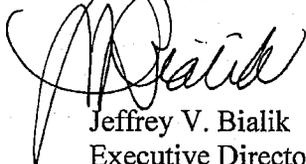
We are writing to express our strong support of the Treasure Island Project and to urge you and your colleagues to vote to certify the EIR and approve the Project DDA and Entitlements when those items are before you in the next few weeks. We are excited about the opportunities this plan will present for homeless and low-income San Franciscans.

The project plan includes 2000 units affordable housing including 435 units of permanent supportive housing and transitional housing for formally homeless families and individuals, as well as community facilities to serve residents of all ages and income levels. In addition, the project has a 25% hiring goal for homeless and economically disadvantaged job seekers for both construction and permanent jobs, with 50% of the jobs to be filled by San Franciscans. It also has opportunities to build on the success of the social entrepreneur model by providing contract opportunities for non-profits who train and employ homeless and economically disadvantaged San Franciscans.

Catholic Charities CYO Treasure Island Supportive Housing program promotes the self-sufficiency and independence of formerly homeless families. Clients are supported through an array of services that are designed to assist families with the challenges of accessing and retaining safe, secure and permanent housing and to achieve residential, economic and personal stability. Permanent, subsidized supportive housing is provided to formerly homeless families where the head of household has one or more special needs which may include mental health challenges, disabling HIV/AIDS or history of substance abuse.

Treasure Island has truly represented a unique opportunity for San Francisco in a variety of ways. Thus far, hundreds have been able to exit homelessness through housing and jobs as part of Treasure Island's civilian reuse. We truly hope you will endorse the project so that hundreds more may be offered these same opportunities.

Sincerely,



Jeffrey V. Bialik
Executive Director



April 14, 2011

David Chiu, President
Members of the San Francisco Board of Supervisors
San Francisco, CA 94102

RE: SUPPORT FOR THE TREASURE ISLAND PROJECT

Dear President Chiu, and Members of the Board:

We are writing to express our strong support the Treasure Island Project and to urge you and your colleagues to vote to certify the EIR and approve the Project DDA and Entitlements when those items are before you in the next few weeks. We are excited about the opportunities this plan will present for homeless and low-income San Franciscans.

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Swords to Plowshares has been operating transitional housing for homeless veterans, including those with serious mental health issues and frail & elderly veterans, since 2000. This opportunity has allowed hundreds of veterans to regain a foothold and escape homelessness while addressing the often complex health issues that they face. The island provides a peaceful setting for healing, and we look forward to continuing this important work during and following redevelopment.

Treasure Island has truly represented a unique opportunity for San Francisco in a variety of ways. Thus far, hundreds have been able to exit homelessness through housing and jobs as part of Treasure Island's civilian reuse. We truly hope you will endorse the project so that hundreds more may be offered these same opportunities.

Sincerely,

Michael Blecker
Executive Director



BEGIN THE JOURNEY TO CHANGE.

April 14, 2011

David Chiu, President
Members of the San Francisco Board of Supervisors
San Francisco, CA 94102

RE: SUPPORT FOR THE TREASURE ISLAND PROJECT

Dear President Chiu and Members of the Board:

We are writing to express our strong support the Treasure Island Project and to urge you and your colleagues to vote to certify the EIR and approve the Project DDA and Entitlements when those items are before you in the next few weeks. We are excited about the opportunities this plan will present for homeless and low-income San Franciscans.

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Rubicon's mission is to prepare very low-income people to achieve financial independence and to partner with people with mental illness on their journey of recovery.

At Treasure Island, through our Rubicon Landscape division, we perform most of the landscaping work on the Island. Over the years, we've hired over 70 significantly disadvantaged San Francisco residents. Most have minimal work history. They include people suffering from homelessness, mental illness, and those recovering from substance abuse. We have helped them enter the workforce, earn substantially more income, and become much more self-supporting. Many have moved on to other employers, and some have advanced to take on significant responsibilities such as becoming supervisors.

Treasure Island has truly represented a unique opportunity for San Francisco in a variety of ways. Thus far, hundreds have been able to exit homelessness through housing and jobs as part of Treasure Island's civilian reuse. We truly hope you will endorse the project so that hundreds more may be offered these same opportunities.

Sincerely,

Jane Fischberg
President and Executive Director



connecting ability to opportunity

April 18, 2011

David Chiu, President
Members of the San Francisco Board of Supervisors
San Francisco, CA 94102

RE: SUPPORT FOR THE TREASURE ISLAND PROJECT

Dear President Chiu and Members of the Board:

We are writing to express our strong support the Treasure Island Project and to urge you and your colleagues to vote to certify the EIR and approve the Project DDA and Entitlements when those items are before you in the next few weeks. We are excited about the opportunities this plan will present for homeless and low-income San Franciscans.

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Toolworks, a social enterprise serving low-income and homeless people with disabilities, is a charter member of the Treasure Island Homeless Development Initiative known as TIHDI. Our highly successful employment program, based in the main administration building, provides vocational training, job readiness skills and job placement to approximately 25 low-income San Franciscans each year. Contract opportunities with TIDA, the U.S. Coast Guard, Treasure Island businesses and community-based organizations provide permanent employment for this underserved population.

Treasure Island has truly represented a unique opportunity for San Francisco in a variety of ways. Thus far, hundreds have been able to exit homelessness through housing and jobs as part of Treasure Island's civilian reuse. We truly hope you will endorse the project so that hundreds more may be offered these same opportunities.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven F. Crabiel".

Steven F. Crabiel
Executive Director



WALDEN HOUSE inc

Giving Hope - Changing Lives

David Chiu, President
Members of the San Francisco Board of Supervisors
San Francisco, CA 94102

RE: SUPPORT FOR THE TREASURE ISLAND PROJECT

Dear President Chiu, and Members of the Board:

We are writing to express our strong support the Treasure Island Project and to urge you and your colleagues to vote to certify the EIR and approve the Project DDA and Entitlements when those items are before you in the next few weeks. We are excited about the opportunities this plan will present for homeless and low-income San Franciscans.

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Walden House provides housing and services on Treasure Island to adults, children, and families with histories of homelessness and substance abuse who are at risk for recurrence of homelessness. Low-cost supportive and transitional housing on Treasure Island offers them the chance to build stable, healthy lifestyles and accrue modest savings in safe housing that is removed from the violence and substance use that pervade their old neighborhoods. With those foundations, they gain the resources and confidence they need to pursue permanent housing, stability, and independence.

Treasure Island has truly represented a unique opportunity for San Francisco in a variety of ways. Thus far, hundreds have been able to exit homelessness through housing and jobs as part of Treasure Island's civilian reuse. We truly hope you will endorse the project so that hundreds more may be offered these same opportunities.

Sincerely,

Vitka Eisen, MSW, Ed.D
Chief Executive Officer



David Chiu, President
Members of the San Francisco Board of Supervisors
San Francisco, CA 94102

RE: SUPPORT FOR THE TREASURE ISLAND PROJECT

Dear President Chiu and Members of the Board:

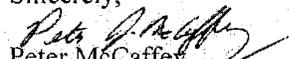
We are writing to express our strong support the Treasure Island Project and to urge you and your colleagues to vote to certify the EIR and approve the Project DDA and Entitlements when those items are before you in the next few weeks. We are excited about the opportunities this plan will present for homeless and low-income San Franciscans.

The project plan includes 2000 units affordable housing including 435 units of permanent supportive housing and transitional housing for formally homeless families and individuals, as well as community facilities to serve residents of all ages and income levels. In addition, the project has a 25% hiring goal for homeless and economically disadvantaged job seekers for both construction and permanent jobs, with 50% of the jobs to be filled by San Franciscans. It also has opportunities to build on the success of the social entrepreneur model by providing contract opportunities for non-profits who train and employ homeless and economically disadvantaged San Franciscans.

We at Wine Valley Catering have been working on Treasure Island for many years and have been involved with TIHDI for the last three years. We are so pleased with the quality of the employees we are getting from TIHDI. We have many valuable team members that that have been though the program and are key components to Wine Valley Catering. We only look to expand our partnership on Treasure Island and expect to hire many more employees as the Project moves forward.

Treasure Island has truly represented a unique opportunity for San Francisco in a variety of ways. Thus far, hundreds have been able to exit homelessness through housing and jobs as part of Treasure Island's civilian reuse. We truly hope you will endorse the project so that hundreds more may be offered these same opportunities.

Sincerely,


Peter McCaffey

Wine Valley Catering
1 Avenue of the Palms, Room 151
San Francisco, CA 94130



To: BOS Constituent Mail Distribution, Alisa Somera/BOS/SFGOV,
Cc:
Bcc:
Subject: Treasure Island Project Letters of Support

From: Laura Shipman <LShipman@tihdi.org>
To: "Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>
Date: 04/20/2011 03:35 PM
Subject: Treasure Island Project Letters of Support

Hello,

The Treasure Island Development Initiative would like to submit the two additional attached letters of support for the Treasure Island Project for distribution to the Supervisors.

Laura Shipman

Treasure Island Homeless Development Initiative

Enterprise Rose Architectural Fellow

1 Avenue of the Palms, Room 166

San Francisco, CA 94130

phone: (415) 274 0311 x 392

fax: (415) 834 9134

lshipman@tihdi.org

www.tihdi.org



BOS support lett_nb.pdf



letter to Sup. Chiu.pdf

April 18, 2011

David Chiu, President
Members of the San Francisco Board of Supervisors
San Francisco, CA 94102
RE: SUPPORT FOR THE TREASURE ISLAND PROJECT

Dear President Chiu and Members of the Board of Supervisors:

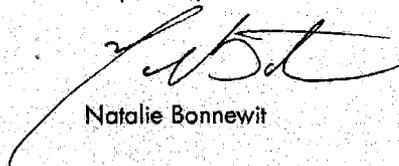
I am writing to express my strong support the Treasure Island Project and to urge you to vote to certify the EIR and approve the Project DDA and Entitlements when those items are presented to you in the next few weeks.

I have been a member of the Citizens Advisory Board since 2005 and a board member of the Treasure Island Homeless Development Initiative since 2002. After years of planning and countless meetings, I am especially excited about the opportunities the Treasure Island Project affords homeless and low-income San Franciscans.

The project plan includes 2000 units of affordable housing, including 435 units of permanent supportive housing and transitional housing for formerly homeless families and individuals, as well as community facilities to serve residents of all ages and income levels. In addition, the project has a 25% hiring goal for homeless and economically disadvantaged job seekers for both construction and permanent jobs, with 50% of the jobs to be filled by San Franciscans. The Project also offers opportunities to build on the success of the social entrepreneur model by providing contract opportunities for non-profits who train and employ homeless and economically disadvantaged San Franciscans.

Treasure Island has truly represented a unique opportunity for San Francisco in a variety of ways. Thus far, hundreds of people have been able to exit homelessness through housing and jobs as part of Treasure Island's civilian reuse. I sincerely hope you will endorse the project so that hundreds more may be offered these same opportunities in the decades to come.

Respectfully,



Natalie Bonnewit



BOYS & GIRLS CLUBS
OF SAN FRANCISCO

the future starts here

April 20, 2011

David Chiu, President
Members of the San Francisco Board of Supervisors
San Francisco, CA 94102

RE: SUPPORT FOR THE TREASURE ISLAND PROJECT

Dear President Chiu, and Members of the Board

We are writing to express our strong support the Treasure Island Project and to urge you and your colleagues to vote to certify the EIR and approve the Project DDA and Entitlements when those items are before you in the next few weeks. We are excited about the opportunities this plan will present for homeless and low-income San Franciscans.

The project plan includes 2000 units affordable housing including 435 units of permanent supportive housing and transitional housing for formally homeless families and individuals, as well as community facilities to serve residents of all ages and income levels. In addition, the project has a 25% hiring goal for homeless and economically disadvantaged job seekers for both construction and permanent jobs, with 50% of the jobs to be filled by San Franciscans. It also has opportunities to build on the success of the social entrepreneur model by providing contract opportunities for non-profits who train and employ homeless and economically disadvantaged San Franciscans.

Boys & Girls Clubs of San Francisco has operated a Club on Treasure Island since the summer of 2000. Now in our 11th year of operation here, it is clear the need for our services is strong. The Club served 450 school-aged children and teens on Treasure Island in 2010; an average of 66 young people a day during the school year, and 80 a day during the summer, chose to spend their out-of-school time at the Club. The youth are primarily African American, Latino, Chinese/other Asian, and Other or Multi-Ethnic. Their family's income is 80% extremely low income, 15% very low income and 5% low income. Our agency focuses on providing comprehensive services year round to school age youth during out of school time. There are four impact areas of programming that we believe will help our members leave us at 18 "ready for

life": Academic Success, Healthy Lifestyles, Good Character with Community Engagement, and Job Readiness with Earning Potential. Academic support and free one on one tutoring is offered in a quiet area of the Club with adult staff, volunteers and paid, credentialed tutors. Treasure Island Club serves all and is intentional about serving youth with physical, social/emotional, and learning difference needs. A wide range of activities is offered to impact youth, including: character development & leadership programs, tutoring, athletics, financial literacy, and healthy cooking programs. Behavioral Health Services are offered at Club.

Treasure Island has truly represented a unique opportunity for San Francisco in a variety of ways. Thus far, hundreds have been able to exit homelessness through housing and jobs as part of Treasure Island's civilian reuse. We truly hope you will endorse the project so that hundreds more may be offered these same opportunities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Maxine Wilson', written in a cursive style.

Maxine Wilson
Vice President of Operations

Where the FAT is! Firehouses are muscle.

JAMES CORRIGAN

to:

board.of.supervisors

04/21/2011 11:31 AM

Cc:

Sean Elsbernd, John Avalos, David.Chiu, Carmen.Chu, Ross.Mirkarimi, Bevan.Dufty, Eric.L.Mar, Scott.Wiener, Mark.Farrell, Malia.Cohen, Jane.Kim

Show Details

Dear Members of the Board of Supervisors:

On KCBS this morning, I heard Chief Hayes-White whip out the old cudgel against reducing costs in the

SFFD by saying the only way to reduce costs is to close, or brown-out 2, 3 or 4 San Francisco Firehouses.

This time she even added, one of which would be in Chinatown. Now that is "Scare Tactics."

Especially with a Chinese-American Mayor.

Chief Hayes White continues to ignore where cuts can be safely made in the SFFD, and choosing to point out to the voters the thing they fear most, the closing of a neighborhood firehouse.

Would politicians and voters rise up if she said the following?

"In order not to shut down 3 engine companies in San Francisco, I have decided to reduce the number of daily Chiefs' drivers from 6 positions to zero, and reduce the daily number of Battalion and Assistant Chiefs in Fire Suppression from 12 to 8. I do this because 80% to 90% of our dispatches are medical-related and that we only average one structural fire per day in San Francisco. I do not want to make any cuts, but, due to budgetary restraints, I feel this reduction will have the lesser impact upon fire safety in our City. It means we will continue to have the **same number of Engines, Trucks, Rescue Squads** and all will be **fully manned** just as before, when fighting our fires.

At every fire, everyone will be there except the Chiefs' DRIVERS will be missing.

Cost analysis shows that closing 3 firehouses for a year would save \$7,191,000. Eliminating the 6 Chiefs' drivers and reducing Chiefs in the field by 4 each day, we would see a yearly savings of \$7,990,000

I hope you all will agree with me, that this is a sensible solution to this budgetary

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crisis."

Please don't allow Chief Hayes White to continue fabricating that closing firehouses (our worst fear) is the only way to substantially reduce costs in her Department.

Sincerely yours,

Jim Corrigan

Basic Math on the savings for this sensible plan.

Civil Service and the Comptroller agree, it takes 4.7 employees to man a position 24/7/365.

6 Chiefs Drivers per day means the City is paying 28.2 Drivers, appx. \$140,000 a year or a total of **\$3,948,000**.

4 Battalion Chiefs per day means the City is paying 18.8 Chiefs appx. \$215,000 a year or a total of **\$4,092,000**

2009 Earnings for Battalion Chiefs. They made more in 2010.

YEAR	RANK	BASE PAY	OVERTIME	BONUS PAY	TOTALS
MORR	BATTALION CHIEF	\$158,362	\$64,628	\$32,893	\$255,884
SIRAG	BATTALION CHIEF	\$200,111	\$19,785	\$27,683	\$247,580
KENNE	ASSISTANT CHIEF	\$183,050	\$33,605	\$32,084	\$248,739
CARDI	BATTALION CHIEF	\$186,346	\$30,888	\$16,360	\$233,595
STEVE	ASSISTANT CHIEF	\$183,050	\$65,084	\$27,838	\$275,973
LEE	BATTALION CHIEF	\$183,050	\$25,435	\$30,121	\$238,607
BARD	BATTALION CHIEF	\$180,224	\$25,427	\$35,429	\$241,081
LEE	BATTALION CHIEF	\$159,810	\$37,354	\$42,032	\$239,198
GONZ	BATTALION CHIEF	\$158,363	\$6,400	\$54,956	\$219,720
FRAN	BATTALION CHIEF	\$158,362	\$53,885	\$17,256	\$229,504
ABBOT	BATTALION CHIEF	\$158,362	\$48,694	\$17,364	\$224,422
POSTE	BATTALION CHIEF	\$158,362	\$25,227	\$24,531	\$208,122
WYRS	BATTALION CHIEF	\$158,362	\$42,870	\$15,240	\$216,473
BURK	BATTALION CHIEF	\$158,362	\$30,495	\$25,863	\$214,721
HICK	BATTALION CHIEF	\$158,362	\$4,702	\$18,432	\$181,496
SERRA	BATTALION CHIEF	\$158,362	\$56,396	\$33,217	\$247,975
SCULL	BATTALION CHIEF	\$158,362	\$52,151	\$25,858	\$236,372
RICHA	BATTALION CHIEF	\$158,362	\$49,488	\$19,214	\$227,065
SUTTE	BATTALION CHIEF	\$158,362	\$46,434	\$23,729	\$228,526
ROS	BATTALION CHIEF	\$158,362	\$7,100	\$17,893	\$183,356
MCNAU	BATTALION CHIEF	\$158,362	\$1,208	\$17,613	\$177,184
BLAK	BATTALION CHIEF	\$158,362	\$0.00	\$18,271	\$176,634
CASTE	BATTALION CHIEF	\$158,362	\$56,005	\$10,306	\$224,674
RUBE	BATTALION CHIEF	\$158,362	\$32,590	\$18,235	\$209,188
HAL	BATTALION CHIEF	\$158,362	\$26,844	\$17,847	\$203,054
PUMP	BATTALION CHIEF	\$158,362	\$21,688	\$17,364	\$197,415
GONZ	BATTALION CHIEF	\$158,362	\$12,793	\$25,638	\$196,795
CRAN	BATTALION CHIEF	\$158,362	\$44,961	\$11,762	\$215,086
TAYL	BATTALION CHIEF	\$158,362	\$21,463	\$20,676	\$200,501
KALO	BATTALION CHIEF	\$158,362	\$40,646	\$19,149	\$218,158
SMIT	BATTALION CHIEF	\$158,362	\$31,428	\$18,858	\$208,650
NOLA	BATTALION CHIEF	\$158,362	\$8,647	\$25,005	\$192,014
FIELD	BATTALION CHIEF	\$158,359	\$23,808	\$17,873	\$200,042
SMERD	BATTALION CHIEF	\$157,282	\$4,195	\$18,874	\$180,353
KEARN	BATTALION CHIEF	\$156,873	\$56,267	\$32,690	\$245,832

AVG \$218,400

NOW YOU CAN BEGIN TO SEE THE SAVINGS!

Hourly and Overtime Costs for Battalion and Assistant Chiefs are very high by any standard.

San Francisco Fire Department Field Overtime Rates for FY 2010

A Battalion Chief in 2010, working a 24 hour, OVERTIME watch, cost the City \$2,271.00. That's ONE CHIEF - ONE 24 HOUR PERIOD

An Assistant Chief in the firehouse working a 24 hour, OVERTIME watch cost taxpayers \$2,649.00. That's ONE CHIEF - ONE 24 HOUR PERIOD.



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Initial Unedited Monette-Shaw Letter-to-the-Editor:

----- Forwarded by Board of Supervisors/BOS/SFGOV on 04/21/2011 12:39 PM -----

From: pmonette-shaw <Pmonette-shaw@earthlink.net>
To: undisclosed-recipients;;
Date: 04/20/2011 11:00 PM
Subject: Initial Unedited Monette-Shaw Letter-to-the-Editor:

The Examiner published a condensed version of my letter to the editor in today's edition at (
<http://www.sfexaminer.com/opinion/letters-editor/2011/04/not-just-muni-wasting-money-useless-pr>).

The Examiner omitted a key concept or two.

Here's the full 150-word letter I submitted, which the Examiner wantonly shortened.

Patrick

Letter to Editor

Your April 11 editorial "Muni-ficent PR a useless waste of our money" barely scratches the waste of San Francisco's public funds. It's not just Muni.

Consider Laguna Honda Hospital's "rebranding" public relations spending. Although the Public Health Department already had a public information officer paid \$129,000 annually, LHH spent an additional \$819,441 between 2008 and 2010 on just salaries for its in-house PR department.

LHH's spending on PR salaries will reach \$1 million by December, across just four years. In response to a public records request, LHH refused disclosing its total annual PR budget.

LHH's PR spending isn't meant to enhance its image with safety-net Medi-Cal patients it purportedly serves, who have nowhere else to go. It's meant to assure

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Laguna Honda Foundation philanthropic donors everything is hunky-dory at LHH. That's public funds being used to "market" a non-profit entity, eerily reminiscent of CSU's co-mingling of public and private funds.

Patrick Monette-Shaw

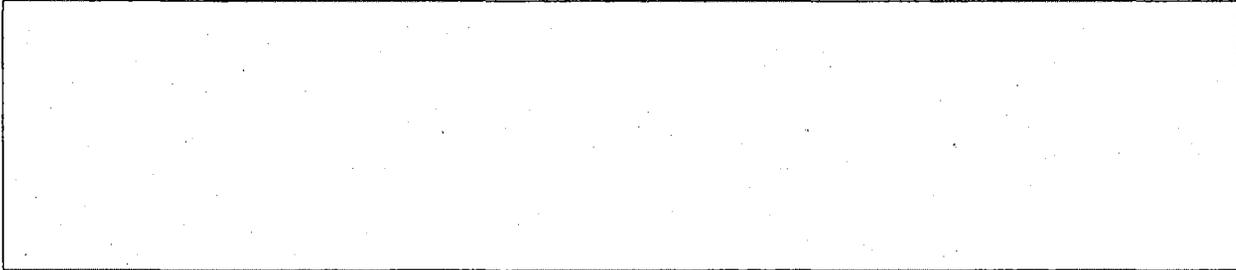
San Francisco

File 110114
AS-cpage



Chinese/Spanish/LGBT without their directories?
Roxana Rudd to: Clerk of the Board Angela Calvillo

04/13/2011 08:57 AM



Clerk of the Board Calvillo,

Is it true that you're considering a vote to restrict the yellow pages? Isn't that illegal or something? Of course that probably wouldn't stop the supervisors. Please just know that I think that is not a good idea.

San Francisco is already known as a place that is unfriendly to and hard to do business. The Board has put all kinds of regulations on small businesses, and taking away a popular marketing and advertising tool just reinforces the city's reputation as being business UN-friendly. Even if you're not worried about that, I would think you'd take significant pause before cutting off old people and people who use the Chinese and Spanish directories. I can't imagine that this is a risk you want to have on your watch.

Sincerely,

Roxana Rudd
1210 E Sunflower Cir
Orange, CA 92866

19



To: BOS Constituent Mail Distribution, Angela Calvillo/BOS/SFGOV,
Cc:
Bcc:
Subject: HRC Reentry Letter - Adopted 4/14/11

From: Boris Delepine/HRC/SFGOV
To: Nicole Wheaton/MAYOR/SFGOV@SFGOV, Board of Supervisors/BOS/SFGOV@SFGOV
Cc: Theresa Sparks/HRC/SFGOV@SFGOV, jessica.flintoft@sfireentry.com, Nadia Babella/HRC/SFGOV@SFGOV
Date: 04/19/2011 09:02 AM
Subject: HRC Reentry Letter - Adopted 4/14/11

At the regular meeting of the Human Rights Commission held on April 14, 2011, the Commission unanimously approved the attached letter addressed to Mayor Lee and the Board of Supervisors.

The letter expresses the Commission's strong support for amending San Francisco Codes, including but not limited to, Chapter 12 of the Administrative Code and Article 33 of the Police Code, to prohibit discrimination against persons on the basis of an arrest or conviction record.

Please forward the attached letter to Mayor Lee and all eleven members of the Board of Supervisors.

Thank you.



HRC_Reentry_Letter_4_14.pdf

Boris Delepine
San Francisco Human Rights Commission
25 Van Ness Avenue, Suite 800
San Francisco, CA 94102

email: boris.delepine@sfgov.org
phone: 415.252.2504
fax: 415.431.5764

City and County of San Francisco



Edwin M. Lee
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Small and Micro Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Theresa Sparks
Executive Director

April 14, 2011

Mayor Edwin Lee, Mayor
City of San Francisco

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

Dear Mayor Lee, President Chiu and Members:

We are writing to express strong support for amending San Francisco Codes, including but not limited to, Chapter 12 of the Administrative Code and Article 33 of the Police Code, to prohibit discrimination against persons on the basis of an arrest or conviction record.

On March 29, 2011, the Reentry Council of San Francisco voted unanimously to prohibit such discrimination, recognizing the lifelong collateral consequences experienced by people with prior arrest or conviction records in accessing employment and housing.

Background

One in four adults in California (almost 7 million Californians) has a misdemeanor or felony arrest or conviction record. When those adults seek employment or housing, they often face blanket denials. Further, the disproportionate representation of African Americans and Latinos in the criminal justice system has concentrated the social and economic disadvantages of such discrimination in communities of color.

The use of criminal background checks can help ensure public safety; however, too often, criminal background checks are used indiscriminately and overbroadly. These practices create lifelong barriers for people with arrest and conviction records who are seeking housing, employment, and other opportunities. Moreover, overboard exclusion of people based on arrest or conviction record actually compromises public safety. The removal of obstacles to employment and housing for people with arrest or convictions record increases public health and safety by providing economic and social opportunities to a large group of people living in the City.¹ Studies have shown that providing individuals the opportunity for stable employment

¹ "According to the available research and the analyses in this brief, jurisdictions with increased employment had positive public safety outcomes when compared with jurisdictions with more unemployment." Aliya Maseelall, Amanda Petteruti,



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
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TDD (415) 252-2550
www.sfgov.org/site/sfhumanrights



actually lowers recidivism rates proving that people who are employed significantly are less likely to be re-arrested.²

Joining almost thirty cities and counties and six states, the City and County of San Francisco has already implemented a local fair hiring policy for employment with the City and County.³ For jobs where a conviction is not a statutory bar, San Francisco evaluates conviction history on a case-by-case basis, considering several factors in determining an applicant's suitability for the job.

The City and County of San Francisco has a long and proud tradition of advancing the civil and human rights of people who are not otherwise protected by state or federal law. Building on its fair hiring policies in the public sector, San Francisco now has the opportunity to join other jurisdictions that have addressed the widespread discrimination still existing in the private sector.⁴

Considerations

The recommendation contained herein shall apply except to the extent permitted by federal, state, or local law. The recommendation shall not conflict, and shall not be interpreted to conflict, with any federal, state, or local law that restricts employment, housing, or other opportunities on the basis of an arrest or conviction record. For example, this recommendation would not provide a basis to challenge local, state or federal law restricting employment based on certain types of convictions, which includes, but is not limited to, the following general job categories: occupations working with youth, the disabled, and elderly; health and safety occupations; public safety and security occupations; and occupations requiring licenses.⁵ The Human Rights Commission (HRC) recognizes that there may be cases which give rise to preemption. We understand that the City Attorney's Office will then provide necessary analysis and advice on this and related issues prior to the development of an ordinance or related compliance guidelines.

Further, the HRC recognizes that the implementation of this recommendation would affect the activities of a range of stakeholders, including but not limited to, other City/County departments and contractors, businesses, property owners, and others. We understand that

Nastassia Walsh, & Jason Ziedenberg, *Employment, Wages and Public Safety*, Justice Policy Institute (Nov. 2007) P.6, available at http://www.justicepolicy.org/images/upload/07_10_REP_EmploymentAndPublicSafety_AC.pdf.

² According to a study in Illinois that followed 1,600 individuals recently released from state prison, only 8 percent of those who were employed for a year committed another crime, compared to the state's 54-percent average recidivism rate. American Correctional Assoc., 135th Congress of Correction, Presentation by Dr. Art Lurigio (Loyola University) Safer Foundation Recidivism Study (August 8, 2005).

³ See "Conviction History FAQ," SF Department of Human Resources, <http://sfdhr.org>.

⁴ Cities that require vendors to adhere to fair hiring policies that move consideration of applicant conviction history until final stages of hiring include Boston, MA; Cambridge, MA; Worcester, MA; New Haven, CT; and Hartford, CT. Massachusetts, Wisconsin, Hawaii, Pennsylvania, and New York require private employers to adhere to various fair hiring measures. In addition, five jurisdictions—Madison, Appleton, and Dane County in Wisconsin and Urbana and Champaign in Illinois—have passed ordinances that prohibit discrimination against individuals with an arrest or conviction record in housing.

⁵ In the matter of licenses, however, which overlaps with most of these categories, state law mandates that a board may only deny a license based on a conviction if the conviction is "substantially related" to the work. (Cal. Bus. & Prof. Code § 480).

affected stakeholders should have an opportunity to consider how best to implement this recommendation. To that end, the HRC and the Reentry Council support all appropriate efforts to ensure that stakeholder input is obtained and meaningfully considered. The HRC is pleased that the Mayor's Office of Housing is committed to facilitating conversations with stakeholders to ensure that the language for the proposed ordinance and related guidelines support successful implementation of this recommendation in affordable housing.

Article 33 of the San Francisco Police Code sets forth the City's policy to eliminate discrimination based on race, religion, color, ancestry, national origin, place of birth, age, sex, religion, creed, disability, sexual orientation, gender identity, weight or height. Protections include those in the areas of employment, housing, business establishments, and public accommodations within the City and County of San Francisco.

Chapter 12A of the San Francisco Administrative Code sets forth the powers and duties of the City and County's Human Rights Commission and Department. Chapters 12B and 12C set forth the non-discrimination provisions required of any agency with a contract or property contract with the City and County of San Francisco.

The HRC is responsible for monitoring compliance of both Article 33 of the Police Code and Chapter 12 of the Administrative Code. If amendments were adopted, the HRC will develop detailed compliance guidelines to facilitate the appropriate implementation. The HRC will develop these guidelines in consultation with all affected stakeholders, including but not limited to, the Reentry Council of the City and County of San Francisco, other City/County departments and contractors, businesses, landlords and property owners, public safety partners, and civil rights organizations.

Recommendation

The HRC recommends that the Mayor and Board of Supervisors modify Article 33 of the San Francisco Police Code, Chapter 12 of the San Francisco Administrative Code in order to prohibit discrimination on the basis of an arrest or conviction record. *For purposes of this recommendation, "arrest or conviction record" shall mean "a record from any jurisdiction that may include, but not be limited to, detentions, arrests, juvenile petitions sustained, and/or convictions."*

Employment

Article 33 of the Police Code applies to all employers within San Francisco, including employment agencies, labor organizations, or persons engaging the services of an independent contractor. Chapter 12B prohibits discrimination in employment by contracting agencies of the City and County. Chapter 12C prohibits discrimination in the provision of services, including accommodations, advantages, facilities, privileges, services, or membership in the business, social or other establishment or organization by the contracting agencies of the City and County.

Except as otherwise provided by law, it is recommended that the following activities be prohibited:

- 1) To inquire at any time about an applicant's arrests that did not lead to conviction;
- 2) To inquire about an applicant's conviction record prior to determining whether the applicant is otherwise qualified for the position;
- 3) To base an employment decision on a conviction, unless the conviction is determined to be a substantially job-related conviction.

For purposes of this recommendation, a "substantially job-related conviction" shall mean that the conduct for which the person was convicted has a substantial, direct, and specific negative bearing on a person's fitness or ability to perform the duties or responsibilities necessarily related to the position.

Further, the HRC recommends the following policy on the use of background check reports in employment:

- 1) If the employer determines that a conviction is substantially job-related, the job applicant must be notified immediately and provided a copy of the background check report, to the extent permitted under federal, state, and local law.⁶
- 2) The applicant shall be notified of the grounds for, and have an opportunity to appeal, an adverse employment action based on the background check report.

For the purposes of this recommendation, "background check report" means any criminal history report, including those produced by the California Department of Justice, the Federal Bureau of Investigation, or other law enforcement agencies, or by any private consumer reporting agency.

Housing, Business Establishments, and Public Accommodations

Article 33 of the Police Code prohibits discriminatory activity in housing and in business establishments and public accommodations within San Francisco.⁷ Chapter 12C prohibits discrimination in the provision of services, including accommodations, advantages, facilities, privileges, services, or membership in the business, social or other establishment or organization by the contracting agencies of the City and County.

Except as otherwise provided by law, it is recommended that in any real property transaction, it shall be prohibited to inquire at any time about an applicant's arrests that did not lead to conviction. Further, nothing shall prohibit refusal to buy, sell, finance, rent or lease a real property unit unless the conviction is reasonably housing-related.

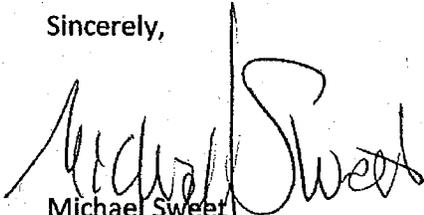
⁶ Under the federal law, the Fair Credit Reporting Act (15 U.S.C. § 1681, *et seq.*), employers must provide a copy of an applicant's commercially-prepared background check report before the employer makes an adverse employment decision based on the report. California's Investigative Consumer Reporting Agencies Act (ICRAA) (Cal. Civil Code §1785, *et seq.*) provides broader protection, including requiring notice to the applicant of the option to receive the background check report. Criminal history reports produced by the California Department of Justice, the Federal Bureau of Investigation, or other law enforcement agencies are subject to laws that protect access to and sharing of these reports.

⁷ Exceptions include the rental or leasing of any housing unit in which the owner or any member of his or her family occupies one of the living units and it is necessary to share a bathroom or kitchen facility in common with the prospective tenant or the structure contains fewer than three dwelling units.

For purposes of this recommendation, reasonably housing-related conviction shall mean that the conduct for which the person was convicted has a reasonably direct negative bearing on the safety of persons or property, given the nature of the housing.

Pursuant to a unanimous vote by the Human Rights Commission on April 14, 2011, the Commission urges the Mayor and the Board to adopt an ordinance to effectively implement this recommendation.

Sincerely,



Michael Sweet
Commission Chair



Theresa Sparks
Executive Director

cc: Members of the Reentry Council of City and County of San Francisco
Human Rights Commissioners

File 101225
BF clerk



To: Carmen Chu/BOS/SFGOV, Ross Mirkarimi/BOS/SFGOV, Jane Kim/BOS/SFGOV, Scott Wiener/BOS/SFGOV, David Chiu/BOS/SFGOV,
Cc:
Bcc:
Subject: Proposed Recology Contract

From: "Abe, Roger" <rabe@CO.YUBA.CA.US>
To: "boardofsupervisors@sfgov.org" <boardofsupervisors@sfgov.org>
Cc: "victoryoung@sfgov.org" <victoryoung@sfgov.org>
Date: 04/19/2011 01:54 PM
Subject: Proposed Recology Contract

Supervisor Chu,

Please see the attached letter and exhibits for my comments that I wish to submit to your committee.
Thank you for consideration of my statements.



Roger Abe SF Budget & Finance Cmt Letter.doc letter.B&FmeetingApril.20.2011.Exhibit A.pdf



letter.B&FmeetingApril.20.2011.Exhibit B.pdf letter.B&FmeetingApril.20.2011.Exhibit C.pdf

(21)



ROGER ABE

SUPERVISOR - FOURTH DISTRICT

Yuba County Government Center
915 8th Street, Suite 109 · Marysville, California 95901
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April 19, 2011

Supervisor Carmen Chu, Chair
SF Budget and Finance Committee
Hearing date April 20, 2011

Re: Study to Examine Practices for Selecting Refuse Collection, Hauling and Disposal Providers prepared for SF LAFCO by R3 Consulting Group

My name is Roger Abe, I am writing in my capacity as a member of the Board of supervisors for Yuba County representing the Fourth District, which is comprised of rural unincorporated County areas adjacent to and surrounding the City of Wheatland, Ca. I am writing in my individual capacity and on behalf of my constituents who are opposed to Recology diverting its waste to our rural and agricultural community.

I understand that this matter is to be heard by the SF Budget and Finance Committee on April 20, 2011; and, specifically, the Board is requested at that time to approve a contract with Recology to transport waste by San Francisco over 100 miles, through the City of Wheatland, to the Ostrom Rd. landfill in Yuba County. Any approval of this contract at this juncture is highly premature as there are numerous unanswered questions with respect to the project which are currently under evaluation by Yuba County and other jurisdictions. These issues include, but are not limited to:

Lead Enforcement Agency Petition

- A Petition has been filed with the Yuba County Local Enforcement Agency requesting a hearing on matters related to the current operations of the Ostrom Rd. Landfill. Petitioners assert that Recology must count beneficial re-use material, also know as Alternative Daily Cover (ADC) as part of the total daily and cumulative tonnage. It is Recology's position that ADC need not be counted as part of cumulative tonnage counts, a position that the California Integrated Waste Management Board (CIWMB) disagrees with. Attached hereto as Exhibit "A" is a true and correct copy of the LEA Petition. Attached as Exhibit "B" is a true and correct copy of a letter from CWIMB which disagrees with Recology's assertion that ADC need not be counted towards tonnage limits. With respect to counting ADC, CIWMB writes in that letter that, "To assist the local enforcement agency in crafting any changes to the permit it is recommended that the environmental

document include thorough analysis of the acceptance of all incoming materials (and accompanying traffic) to allow for a comprehensive review of all environmental impacts, whether or not those materials are considered beneficial". While this matter was initially scheduled to be heard by the LEA on March 31, 2011; it was re-scheduled as the LEA did not have, and currently does not have, a full panel, including a technical member, as required by Public Resources Code Sections 44307 et. seq. Attached as Exhibit "C" is a true and correct copy of a letter from Yuba County Counsel Angil Morris-Jones agreeing that the LEA does not have a panel as required by state law and continuing the previously scheduled hearing. As of the writing of this letter, there is not a full LEA panel and the LEA Petition has not be re-scheduled.

If Petitioners are correct, then Recology is exceeding daily tonnage counts and permitted traffic counts in violation of its Use Permit and the existing Use Permit must be modified before San Francisco waste can be added to the landfill.

It would be premature to grant this contract to Recology until this petition is heard by the LEA.

Scoping Meeting and Environmental Review

- Recology held a scoping meeting in Yuba County pursuant to local policy to scope its proposed project for the rail spur. One of the purposes of this scoping meeting is for the County to define the scope of the project and determine the level of environmental review required by that project.

Local stakeholders have already written to the County challenging the scope of the project as defined by Recology. Recology's project scope focuses on the rail spur only which is to be built immediately adjacent to the Ostrom Rd. landfill and completely fails to mention the source of the waste to be diverted from Ostrom Rd. Multiple local stakeholders have voiced their concern that the project description should include the *whole* of the project starting from the source of the waste and the route that waste travels to reach the Ostrom Rd. landfill, including the impacts on the City of Wheatland. In fact, CIWMB agrees that the project as proposed by Recology should be subject to full environmental review and that such review should include the entire project, including the source and the route that the waste will take. See Exhibit B attached hereto.

It would be premature to grant this contract to Recology until the project description is finalized and the appropriate environmental document is completed.

Tipping Rates as Established by Yuba County

- The tipping rates for the Ostrom Rd. landfill are established by the Yuba County Board of Supervisors. The current tipping fee of \$4.40 was established in 1996 and was subject to a cost of living increase. Recology has not paid any cost of living increase since the 1996 contract was approved. According to the Use Permit, Yuba County has the discretion to raise fees. The Yuba County Board of Supervisors is currently reviewing the amount of our tipping fee, will likely institute an increase later this year, or early next year.

It would be premature to grant this contract to Recology until such time it can be confirmed what the tipping fees will be for Recology's proposed project. Currently, it appears that Recology is asserting that tipping fees for the waste from San Francisco will remain at the \$4.40 rate established in 1996. Without confirmation of what the actual fees will be, the "cost plus" contract places an uncertain burden on the rate-payers of San Francisco.

In summary, I would strongly urge you to postpone any decision regarding the proposed Recology contract to transport San Francisco's waste to Yuba County.

Sincerely,

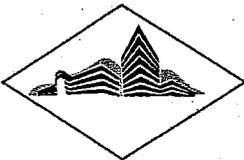
Roger Abe
Yuba County 4th District Supervisor

Cc: Supervisor Ross Mirkarimi
Supervisor Jane Kim

**Brigit S.
Barnes &
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Inc.**

A Law Corporation

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December 31, 2010

Via Email and Regular Mail

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CalRecycle Permitting and Enforcement
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Sacramento, CA 95812-4025
Email: Zane.Poulson@CalRecycle.ca.gov

Re: *Petition for Administrative Hearing Pursuant to PRC §44307
Recology (Norcal) Ostrom Road Landfill, No. SWFP 58-AA-0011
Our Client: Yuba Group Against Garbage; File No.: 2508*

Dear Mr. Maan and Mr. Poulson:

This office represents Yuba Group Against Garbage ("YuGAG"), and on its behalf, presents this petition requesting a hearing pursuant to Public Resources Code (PRC) §§ 44307 and 44310 regarding what we believe may be substantial irregularities and/or defects in the Local Enforcement Agency's ("LEA")¹ administration of the Solid Waste Facility Permit ("SWFP") for Ostrom Road Landfill.

PRC § 44307 provides, "The enforcement agency shall also hold a hearing upon a petition to the enforcement agency from any person requesting the enforcement agency to review an alleged failure of the agency to act as required by law or regulation." YuGAG contends that LEA has failed to comply with legal mandates related to the landfill that may materially impact public health and the environment. Based on review of the applicable laws and regulations, YuGAG contends that LEA has failed to comply with, or has taken actions that are inconsistent with, or that are not authorized by, the regulations adopted by CalRecycle [formerly California Integrated Waste Management Board ("CIWMB")] pursuant to the PRC. [See §43214.] LEA failed to act as required by law or regulation in relation to the following:

¹ Responsibility for enforcing state minimum standards as defined by the CIWMB shall be administered by the LEA in consultation as deemed appropriate with the Regional Water Quality Control Board or other oversight agency (CCR §20005. CIWMB – Purpose Scope and Applicability of CIWMB Standards). The LEA is created pursuant PRC §§ 43200-43219.

Asset Preservation	•	Commercial Real Estate	•	Environmental
General Business	•	Real Estate Financing	•	Litigation

EXHIBIT A

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- Failed to make interpretation and determinations of the Ostrom Road Landfill SWFP consistent with CIWMB policy and regulations;
- Failed to set regulatory limits on the amount of biosolids/alternative daily cover (“ADC”) accepted or stored on site at the landfill;
- Failed to investigate and regulate waste-to-cover ratios for the landfill consistent with actual tonnages and ratios that the life of the landfill projections are based on;
- Failed to determine impact of ADC and beneficial reuses² on the capacity and life of the landfill; and
- Failed to require SWFP revisions for significant changes in operation and design, which is inconsistent with regulations.

YuGAG is requesting a hearing at this time because of the urgency arising out of San Francisco’s impending approval of the 10-year contract with Recology [formerly Norcal Waste Systems, Inc. (“NorCal”)] to rail wastes to Ostrom Road Landfill from the City and County of San Francisco, starting in 2015. Until the issues raised in this petition have been reviewed and remedied, Recology should not be allowed to represent to the San Francisco Board of Supervisors that the landfill is presently fully permitted to accept San Francisco’s municipal solid waste (“MSW”), organic, and ADC materials transported to the Ostrom Road landfill for disposal and processing and that the Ostrom Road Landfill only needs a construction permit to handle the wastes at the rail spur. Recology’s proposal to rail wastes to Ostrom Road Landfill from San Francisco is based in part on (1) Recology’s incorrect claims of being fully permitted to do so, and (2) Recology’s reliance on improper LEA SWFP determinations that materials brought to the site for beneficial reuse are not to be counted as part of the daily waste tonnage or traffic. Recology incorrectly claims that these determinations are consistent with CIWMB policy, even though CIWMB has confirmed in writing that these claims (based on LEA determinations) are not consistent with CIWMB policy, the law, or regulations.³

RELEVANT FACTS

1. On February 9, 2009, City and County of San Francisco issued Request for Proposals (“RFP”) for Landfill Disposal Capacity. The proposal due date was April 10, 2009. “The agreement(s) will commence with the expiry of the City’s current landfill agreement (anticipated to be 2015) through December 31, 2025, or until the City reaches 5,000,000 tons of disposal, whichever comes first.”

² Beneficial reuse of solid wastes at a solid waste landfill shall include, but not be limited to, the following: alternative daily cover, alternative intermediate cover, final cover foundation layer, liner operations layer, leachate and landfill gas collection system, construction fill, road base, wet weather operations pads and access roads, and soil amendments for erosion control and landscaping (CCR 20686).

³ Letter from CIWMB to Yuba County Planning Department regarding Recology’s application to modify CUP 92-06, dated May 5, 2009.

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2. On April 8, 2009, Yuba County Planning Department received Recology's application to modify Ostrom Road Landfill's Conditional Use Permit ("CUP") 92-06 for construction and operation of a rail spur and loading/unloading operations to allow the delivery and unloading of materials transported by rail to the Ostrom Road Landfill. The application also requested clarification on materials received for beneficial reuse to not be counted as waste tonnage or truck traffic, claiming that is consistent with interpretation of the CIWMB.

On April 14, 2009, Yuba County Planning Department routed "Early Consultation" on the Recology application for modification of the CUP for preliminary comments and/or recommendations regarding the proposed project.

3. On April 10, 2009, Recology responded to the RFP with a Proposal for Landfill Disposal Capacity for the City and County of San Francisco proposing to transport San Francisco's MSW, organic⁴, and ADC materials by rail to the Ostrom Road Landfill. This includes (1) the MSW and recycling residuals for disposal currently going by truck to Altamont Landfill *plus* (2) the compostable (organics for processing) and ADC material currently going by truck to Recology's Hay Road Landfill. Recology also proposed back-hauling Recology-processed materials from the northern Sacramento Valley to Bay Area markets and shipping hubs by rail instead of by truck, as these markets expand.

4. On May 5, 2009, CIWMB commented to Yuba County Planning that the rail spur project is likely to require a change to the existing Ostrom Road Landfill SWFP. CIWMB also challenged that Recology's statement: "The CIWMB considers material used for beneficial reuse as diversion and not in their determination of daily waste tonnage or for waste hauling vehicle counts since it does not count for disposal," is not supported by CIWMB regulations or policy, other than for the purpose of fee determinations. [Emphasis added.]

5. San Francisco Department of the Environment sent out a notice of intent to award the waste disposal contract to Recology on September 10, 2009. On September 16, 2009, Waste Management of Alameda submitted a formal protest, followed by a second protest on September 29, 2009. San Francisco evaluated the protests, found that the objections did not have merit and sent a response back on November 13, 2009.

6. Initially, Yuba County Planning Department stated the "current status of the project [modification of the CUP for the rail spur] is 'incomplete' and currently on 'hold.'" On September 23, 2009, Recology resubmitted the application to modify CUP 92-06 for rail

⁴ "Organic Material" means any food scraps, plant trimmings, food soiled paper, or other material that can be composted into usable products in a safe and timely manner by facilities accepting material collected in San Francisco's collection programs. City and County of San Francisco Department of the Environment Landfill Disposal Agreement between the City and County of San Francisco and Recology San Francisco, Definitions, page 3 of 34.

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spur to Yuba County Planning Department; and on October 23, 2009, Yuba County Planning stated that the application is deemed complete for processing.

7. In September 2010, San Francisco Department of Environment transmitted to the Board of Supervisors a proposed resolution approving landfill disposal and facilitation agreements to award the contract to Recology.

YuGAG has reviewed Recology's proposal for the City and County of San Francisco waste disposal contract and its website, "Green Rail and Ostrom Road Landfill" (www.ostromroad.com), for Recology's claims to San Francisco regarding the proposed contract for disposal of San Francisco wastes at the Ostrom Road Landfill.

Recology's contract proposal is to transport San Francisco's MSW, organic, and ADC materials to the Ostrom Road Landfill for disposal and processing. In addition to transporting material for landfill disposal by rail, Recology also proposes to transport San Francisco's organic material by rail for composting at Ostrom Road Landfill, instead of the current mode of transporting this material by truck to the Hay Road Landfill for composting. Recology's Hay Road Landfill is permitted for composting⁵; however, the Ostrom Road Landfill currently does not process organic material and has no permit for composting organics.

On its website, Recology inaccurately claims that the Ostrom Road Landfill is fully permitted to accept the tonnages envisioned in their plan for disposal of San Francisco wastes and that the only permit required is for the construction to upgrade the rail infrastructure and extend it onto the landfill site (www.ostromroad.com). In April 2008, Recology applied to Yuba County Planning Department for modification of their CUP to allow the rail spur. However, adding the rail spur to handle landfill wastes increases the landfill facility's permitted acreage, which is a significant change in design or operation requiring an application for a revision to the SWFP [CCR §21620(a)(4)(B)].

Recology also claims on its website that with the San Francisco contract, the landfill will still have 61 years of life remaining to serve the local communities (www.ostromroad.com). Recology's claims are not consistent with the estimated life of the landfill as shown in Recology's 2002 SWFP or Recology's 2008 amendment to the Joint Technical Document ("JTD") or Recology's 2009 Waste Discharge Requirements ("WDRs").⁶ LEA's review of

⁵ The Jepson Prairie Organics has a permitted acreage of 54 acres within the Hay Road Landfill footprint for composting organics (SWFP 48-AA-0083). The landfill operations will in the future develop this area for landfilling of solid wastes.

⁶ Solid Waste Facility Permit Number 58-AA-0011 issued September 26, 2002; Joint Technical Document for the Norcal Waste Systems Ostrom Road Landfill, Revision 7, August 2008, prepared by Golder Associates Inc.; California Regional Water Quality Control Board Central Valley Region Order No. R5-2009-0020, Waste Discharge Requirements for Norcal Waste Systems Ostrom Road landfill, Incorporated, Ostrom Road landfill, approved in 2009.

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these issues should not wait for the environmental review and public hearings on the CUP modification, because San Francisco Board of Supervisors' approval to award the new waste disposal contract to Recology may be imminent and will have a potential adverse effect on the total waste tonnage and life of the Ostrom Road Landfill and negative impact on the local community. These issues should be heard by LEA before San Francisco awards the 10-year contract to Recology to rail MSW, organic, and ADC materials to the Ostrom Road Landfill, based on what we contend is misinformation distributed by Recology, and LEA's failure to act as required by law. These concerns are described in detail in the Statement of Issues below.

STATEMENT OF ISSUES

Following is a summary of the issues where LEA has failed to act as required by law or regulations. Attached to this summary is an appendix providing more detail on the basis for all these contentions:

1. LEA has failed to comply with, or has taken actions that are inconsistent with, or that are not authorized by CIWMB regulations. LEA has failed to interpret Ostrom Road Landfill SWFP, and make determinations, consistent with CIWMB policy and CCR 20686 and 20690.⁷ Recology uses LEA's incorrect interpretations and determinations, which may directly impact the capacity and life of the landfill, as well as public health and the environment, to support their claims as to gross tonnage, truck traffic, and remaining life of the Ostrom Road Landfill.

Specifically, the policy of the CIWMB is that material used for beneficial reuse is considered as diversion of waste (not counted as waste) for the purposes of fee determinations **only**. It does not apply to waste tonnages and truck traffic.⁸ However, in 1999, LEA interpreted the SWFP to provide that incoming waste vehicles do not include vehicles carrying alternative daily cover or construction materials. In 2006, again LEA made determinations that the SWFP provides that only solid waste materials that are disposed in the landfill will be counted towards the maximum tonnage limit and the permitted traffic volume limit will not be applied to vehicles that bring in material currently approved for use as ADC or vehicles that bring in concrete that is used on the site. This is in direct contrast with CIWMB policy and the regulations that state beneficial reuse shall be restricted to quantities of solid wastes no more than necessary for the specific use, and any ADC materials used in excess of the minimum amount necessary for cover (overuse) are counted

⁷ "20686(a) Beneficial reuse shall be restricted to those solid wastes appropriate for the specific use.... (b) Beneficial reuse shall be restricted to quantities of solid wastes no more than necessary to meet the minimum requirements of (a)." "20690(7) Waste derived materials used as alternative daily cover shall be restricted to quantities no more than necessary to meet the performance requirements of ¶(a)(2) [cover the entire working face] Should the CIWMB determine after consulting with the EA that an owner or operator violated this standard, the owner or operator shall revise the applicable reports to *reflect the overuse as disposal*, and pay the required BOE disposal tipping fees for the amount of overuse." [Emphasis added.]

⁸ See Footnote 3.

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as waste disposal and charged disposal tipping fees [CCR 20686(a), (b)]. LEA's determination also denies Yuba County needed revenue from its host fees going back to at least 1998. [LEA's incorrect determination also substantially skews calculations of truck traffic for transportation impacts and artificially constricts review of air quality impacts related to truck traffic in the environmental review.]

Furthermore, Recology's proposed disposal contract with San Francisco would divert the organic material and ADC currently going to Hay Road Landfill to Ostrom Road Landfill. The City of San Francisco is a major customer of Hay Road Landfill and has committed to 145,000 tons per year for organic materials to be composted, as well as materials such as inerts and C&D fines. Under the new Ostrom Road Landfill contract and according to LEA's interpretation, this additional volume would not be subject to the SWFP daily maximum tonnage limit (Proposal page 5, ¶3).

2. LEA has failed to set a regulatory limit in the SWFP on the amount of ADC (including biosolids) that will be accepted or stored on site at the facility. The only apparent limit on biosolids acceptance is the new biosolids management facility's ability to store dewatered sewage sludge in two five-acre surface impoundments and in the sludge drying operations in the adjacent Land Treatment Unit ("LTU"). (ADC is also stockpiled near the working face.) However, if biosolids come to the facility as an acceptably dry material they can be disposed of without limit and without being counted as waste under LEA's interpretation of the SWFP.

Specifically, Recology's 2008 JTD states, "A *portion* or all of the sludges may be diverted for beneficial uses, including use as alternative daily cover (ADC) or admixing with soil to manufacture an operations layer for the construction of landfill liner systems" (page 15). [Emphasis added.] Yet, LEA's interpretation of the SWFP was that the limit on vehicles for disposal is *not* applied to vehicles that bring material currently approved for use as ADC or vehicles that bring in concrete that is used on the site [even if it is overused as cover or directly disposed of in the landfill, which also requires disposal tipping fees].

3. LEA has failed to determine the appropriate waste-to-cover ratio for the SWFP and the stated ratios (explained below) are inconsistent, which may result in violation of the regulations restricting beneficial reuse to those solid wastes appropriate for the specific use and restricting beneficial reuse to quantities of solid wastes no more than necessary to meet the minimum requirements [see 20686(a), (b); 20690(7)].

Specifically, CalRecycle reports (on their website on waste disposal and ADC tonnages) that Ostrom Road Landfill waste-to-cover ratios were between 8:1 and 5.7:1 from 2006 to 2008⁹; Recology stated the waste-to-cover ratio is 2.3:1 in its 2007 SWFP application; and in the

⁹ Ostrom Road Landfill waste-to-cover ratios were: 2006 – 270,022:33,933 = 8:1; 2007 – 266,175:35,572 = 7.5:1; 2008 – 251,506:44,096 = 5.7:1. (See CalRecycle website for solid waste and ADC tonnages.)

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2008 JTD, Recology stated ADC materials were being used with a waste-to-cover ratio of 4:1 (pages 33-34). However, Recology's calculations of the life of the landfill projections in the 2008 JTD, assumed a 10:1 waste-to-cover ratio. With the construction and operation of the surface impoundment and LTU for biosolids at Ostrom Road Landfill, what is the ratio expected to be, and how much ADC tonnage will actually be disposed of as waste in the landfill? In other words, if the calculations for the life of the landfill (2035 to 2066) are based on a 10:1 waste-to-cover ratio and trucks bringing in material approved for ADC are not counted as waste tonnage, and if ADC/beneficial reuse material is overused (a much greater volume of cover than necessary for that purpose is used and directly disposed of in the landfill), and ADC is disposed of as waste, then the calculations on the projected life of the landfill are incorrect and the landfill's maximum capacity will be reached in a much shorter timeframe.

It is already shown in SWFP documents and actual reported tonnages that a much greater tonnage of ADC is expected to be used, and now the Biosolids Management Facility provides for a greater volume of biosolids to be stored and processed. Thus, LEA needs to confirm the correct amount of beneficial reuse or, alternatively, advise Yuba County Board of Supervisors and the public of the correct projected life of the landfill, as well as establish conditions for operation of this facility.

Furthermore, Recology's proposed disposal contract with San Francisco would divert the organic material and ADC currently going to Hay Road Landfill to Ostrom Road Landfill, which in 2008 was 140,213 tons per year for organic materials to be composted, as well as materials such as inerts and C&D fines. The MSW and residual material derived from processing of recyclable materials proposed to be diverted from Altamont Landfill to Ostrom Road Landfill totaled 471,551 tons in 2008. Of this, 611,764 tons of material, 23 percent, could be considered ADC and would result in a 3.4:1 waste-to-cover ratio.

4. LEA has failed to resolve inconsistencies in waste-to-cover ratios at the Ostrom Road Landfill and resolve the impact of ADC and beneficial reuses on the capacity and life of the landfill.

Specifically, Recology has misstated, improperly counted, or otherwise misrepresented materials counted as ADC or beneficial use, in violation of state regulations, statutes, or policies, such that the "permitted" level of tonnage accepted for disposal is inaccurate and false. LEA must act to resolve this issue in accordance with the laws and regulations and require corrected statements of the expected landfill tonnages into the facility.

5. LEA has failed to prepare, or cause to be prepared, SWFP revisions as required by law or, alternatively, LEA has approved permit revisions that are not consistent with the laws and statutes. To change the facility's design and operations, or to change the SWFP, the operator is required to submit the updated information as an amendment to the existing JTD or submit a complete JTD [CCR 21590(a)(1), (2)]. All full SWFPs shall be reviewed

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and if necessary revised, from the date of last issuance at least once every five years [CCR 21675 (a)].

Specifically, the Ostrom Road Landfill permit was issued September 26, 2002 and the five-year permit review date was September 26, 2007. Recology's 2007 Application for Solid Waste Facility Permit/Waste Discharge Requirements was received by LEA July 16, 2007 and accepted October 5, 2007. The application did not list the design and operation changes. The JTD for the Ostrom Road Landfill Revision 7, August 2008 was accepted by LEA on September 11, 2008. Although the gas-to-energy plant was mentioned ("A landfill gas-to-energy facility is currently under construction") in the 2008 JTD, no details were addressed. LEA, in the January 23, 2009 CIWMB Disposal Facility Inspection Report, states "the Landfill Gas to Energy plant on-site is operative at this time." Now, Recology's Proposal for Landfill Disposal Capacity for City and County of San Francisco states: "At our Ostrom Road site, landfill gas is captured and used as a bio-fuel in a state-of-the-art gas-to-electricity power plant" (page 10, ¶2); and the Recology website states: "Landfill gas is converted into electricity and powers 1,500 homes locally" (www.ostromroad.com).

The SWFP and the amendments to the JTD fail to address significant changes in design or operation of the landfill facility pursuant to 21590(a)(1), (2); 21620(4); specifically, the gas-to-energy plant, and now, the rail spur (expansion of the permitted acreage for the facility). The SWFP has not been revised to include LEA conditions related to changes in the Ostrom Road Landfill design and operation. Thus, LEA has failed to require revision of the SWFP for significant design and operation changes to provide further restrictions, prohibitions, mitigations, terms conditions or other measures to adequately protect public health, public safety, ensure compliance with State minimum standards or to protect the environment.

The CalRecycle website shows the SWFP 58-AA-0011 issued September 26, 2002, and the documents that describe and/or restrict the operations of Ostrom Road Landfill are the August 2002 JTD and the RWQCB WDRs Order No. 96-218 dated August 9, 1996.

Recology is proposing its Hay Road Landfill, which has been in continuous operation since 1964, as the backup resource facility to the Ostrom Road Landfill for disposal capacity for the City and County of San Francisco. However, unlike Ostrom Road Landfill, the Solano County LEA revised the permits for Hay Road Landfill. The Hay Road Landfill Joint Technical Document is dated July 2007. Based on the JTD, the revised SWFP was issued on June 23, 2008 and included Class II waste pile and land treatment unit for sewage sludge, as well as limits for on-site storage of woodwaste, concrete and asphalt, and ADC. Additionally, composting of organics is conducted by Jepson Prairie Organics under a separate permit (SWFP 48-AA-0083) on 54 acres within the Hay Road Landfill footprint, which will be developed for landfilling of solid wastes in the future. Hay Road Landfill's

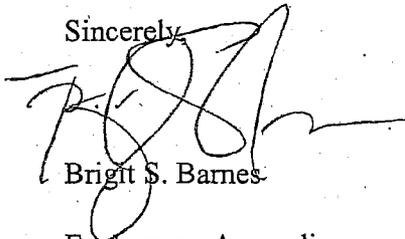
WDRs were also revised in 2008 in accordance with the JTD. Yuba LEA has not taken these steps with regard to the Ostrom Road Landfill.

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Recology is not only proposing to San Francisco to rail haul its wastes and process residuals for disposal to Ostrom Road Landfill. Recology is also proposing to rail haul organics for OMRI-certified composting, organics for Grade-B composting, inerts for landfill construction, and recovered materials for alternative daily cover such as C&D fines, which currently all go to Hay Road Landfill. Thus, Recology is proposing to replace the current mode of transporting this material for composting from San Francisco by truck to the Hay Road Landfill with rail haul to Ostrom Road Landfill. Hay Road Landfill has a separate permit for composting; however, Ostrom Road Landfill has neither a permit for composting, nor has Recology applied for one.

YuGAG respectfully requests the LEA hold a hearing to review these alleged failures of the agency to act as required by law or regulations in accordance with PRC §§ 44307 and 44310.

Sincerely,



Bright S. Barnes

Enclosure: Appendix

cc: Client
Yuba County Board of Supervisors
Yuba County Community Development Department

Ostrom Landfill\Administrative Hearing\LEA.L01

The County of Yuba

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March 21, 2011

Brigit S. Barnes, Esq.
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Re: Postponement of Administrative Hearing

Dear Brigit Barnes:

I am in receipt of your letter dated March 18, 2011 in regards to the technical expert member of the Bi-County Independent Hearing Panel. It appears that you are correct that Mr. Cagle was appointed by the Board of Supervisors as the technical expert member of the Hearing Panel and I concur that Mr. Cagle should not have been appointed as the technical expert member as he does not meet the requirements of the Code.

In my March 7, 2011 letter to Susan Vergne, I stated that Jerry Uhland is the technical expert member of the Panel. During a telephone conversation with Susan on that same date, I stated that Mr. Uhland meets the legal requirements for serving as the technical expert per PRC § 44308 (b)(3). In other words, Mr. Uhland, through his employment, training and education has gained and possesses "knowledge of solid waste management methods and technology".

In your letter you imply that Mr. Uhland does not meet the specific requirements of law. However, there is no requirement in the statute that the technical expert must have a certain specific type of knowledge to serve as such by having knowledge in the "technical administration of landfill or the LEA' certification obligations..."

In any event, Mr. Cagle does not have the required knowledge to be the technical member of the panel. I have contacted the Panel's Chair, John Nicoletti, and advised him that the March 31, 2011 hearing needs to be continued. I have asked Mr. Uhland to provide me with a resume so that the BOS has additional information needed to decide whether or not to appoint him as the technical expert of the Panel. I hope to have this information within the week. Should my understanding prove correct and Mr. Uhland does meet the technical expert requirements, I intend to take this matter to the BOS for the purpose of switching the appointments. In other words, Mr. Cagle would become the

Letter to Brigit S. Barnes
Administrative Hearing on Petition Postponed
March 21, 2011
Page 2

at-large member and Mr. Uhland would become the technical expert member. If this occurs, I believe that the new Administrative Hearing date will be at the end of April or May.

However, if Mr. Uhland does not prove to meet the legal requirements to serve in such capacity, the Clerk of the BOS will need to recruit for a technical expert to serve on the Panel. In either event, I will keep you advised.

Please check your availability now, should the Clerk of Independent Hearing Panel call you for such information. As counsel for the Petitioner, you will receive a written notice that the March 31, 2011 Administrative Hearing on your petition is postponed and will be re-noticed when a new date and time has been set.

Should you have questions regarding the foregoing, please feel free to call.

Sincerely,


April P. Morris-Jones
Yuba County Counsel

AMJ/amd

cc: Donna Stottlemeyer, Clerk of Independent Hearing Panel Board
Thomas Foran, Deputy County Counsel for LEA



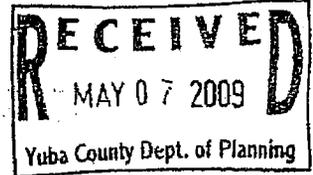
LINDA S. ADAMS
SECRETARY FOR ENVIRONMENTAL
PROTECTION

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD



ALAN D. SCHWARZBAUM
CHAIRMAN

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812-4025
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MARGO REID BROWN
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May 5, 2009

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Mr. Anthony Gon
Community Development Specialist
Yuba County Planning Department
915 8th Street
Marysville, CA 95901

JOHN LAIRD
JLAIRD@CIWMB.CA.GOV
(916) 341-6010

Subject: SCH No. Not Circulated – Notice of Early Consultation (NOEC) for Construction and Operation of a Rail Spur, Delivery and Unloading of Materials to the Ostrom Road Landfill, and “Modification” of California Integrated Waste Management Board Policy Regarding Delivery of Beneficial Reuse Materials Facility No. 58-AA-0011

CAROLE MIGDEN
CMIGDEN@CIWMB.CA.GOV
(916) 341-6024

Dear Mr. Gon:

ROSALIE MULÉ
RMULÉ@CIWMB.CA.GOV
(916) 341-6016

Thank you for allowing the California Integrated Waste Management Board (CIWMB) staff to review and provide comments for this proposed project and for your agency’s consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

If the Board’s project description varies substantially from the project as understood by the Lead Agency, the CIWMB staff requests that the Lead Agency clarify any significant differences in the project description of the NOEC.

Project Description

The proposed project consists of the addition of a rail delivery system to the existing Ostrom Road Landfill. According to the project description, no increase in tonnage limits is contemplated.

The incoming material will arrive in lidded steel containers and transported to the landfill by truck. Emptied containers will then return to the rail line by truck. Circulating truck traffic between the rail area and disposal area will all occur on-site. An all weather working area at the rail spur will be built for container loading and unloading, container storage and staging, and equipment parking.



The project description indicates that the waste stream will remain "consistent with the current" landfill permit. No structures are to be built in the rail area. This area is to have the same operating hours as the existing landfill, 6:00 a.m. to 7:00 p.m., Monday through Saturday. Filled containers are not to remain at the landfill for longer than 48 hours. Three to five trains per week are anticipated. No additional off-site truck traffic is contemplated.

Comments on the Rail Facility

Implementation of the proposed project is likely to require a change to the existing Ostrom Road Landfill Permit. As a responsible agency, CIWMB will therefore review any subsequent documentation for adequacy relating to the solid waste facility permitting process.

Applicable state minimum standards for the described operations include Title 14 California Code of Regulations (14CCR) Sections 17406.1 through 17419.2.

Although the project is described to be on land already owned by the landfill operator, it is not clear whether the rail area itself is completely within the current permitted boundary of the existing landfill. If the project is to be part of the landfill activities and covered by the landfill permit then the increase in acreage of landfill should be addressed in the environmental document. The acreage of the rail spur operations area should be delineated in the document, whether or not it is wholly within the existing permit. If the rail operation is to be operated separately from the landfill then it may be subject to a separate permit.

The impacts of the rail facility on the other landfill activities should be considered in the environmental document. These impacts may include, but not be limited to, the effects of the transport of containers to and from the active face and how the containers are handled at the disposal area. For example, what additional equipment and/or procedures would be required to unseal and empty the containers at the disposal area? Additional measures may be considered, such as increased traffic controls, dust mitigation, increased equipment requirements, etc. The sealed containers of waste will generate decomposition gases, many of which may be odorous and methane may also be generated that could create health and safety issues including explosions.

The project description does not provide information on the source of the sealed containers. CIWMB staff are aware of one facility in northern California currently capable of accepting solid waste, transferring it to sealed rail containers, and placing them onto rail cars. What is/are the origination point(s) of the sealed containers required to support the proposed project? Does the project include the siting and operation of new facilities required to support the landfill related operations? The whole project has a potential for resulting in physical change in the environment by constructing, modifying and/or operating the solid waste transfer operations necessary to support the project.

The NOEC specifically highlights acceptance of materials for beneficial reuse. Any expansion or addition of reuse activities not already allowed under the solid waste facilities permit for Ostrom Road Landfill should be addressed in the environmental document.

Comments on "Modification" of CIWMB Policy Regarding Delivery of Beneficial Reuse Materials

The NOEC describes a request by the operator to modify or clarify what is described as current CIWMB policy. In the NOEC, it is stated, "The CIWMB considers material used for beneficial reuse as diversion and not in their determination of daily waste tonnage or for waste hauling vehicle counts since it does not count for disposal." This statement is not supported by CIWMB regulations or policy, other than for the purpose of fee determinations.

Although diversion of materials for beneficial reuse is encouraged by CIWMB, there is no policy in place that specifies that material to be beneficially reused at a solid waste facility is always excluded from determination of incoming waste tonnage relative to the solid waste facilities permit. The solid waste facility permit in this case was written by local enforcement agencies, and what is determined to count or not to count toward the daily tonnage has been determined by the local enforcement agency. The local enforcement agency is obligated to ensure that the permit limits are consistent with CEQA documentation. To assist the local enforcement agency in crafting any changes to the permit it is recommended that the environmental document include thorough analysis of the acceptance of *all* incoming materials (and accompanying traffic) to allow for a comprehensive review of environmental impacts, whether or not the materials are considered beneficial.

CIWMB staff are aware that the issue of "what counts" for incoming tonnage and vehicles has historically been an issue at the subject facility, and suggest that the forthcoming environmental review would be an opportune time to provide clarity in this area. CIWMB staff encourage using the CEQA process for this project as an opportunity to clarify what the operator intends to do at this facility and properly address impacts. During the solid waste facility permit process, the local enforcement agency and CIWMB will review the CEQA documentation relative to a proposed permit and its accompanying RFI for consistency.

Summary

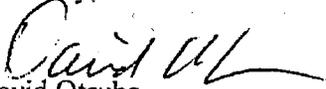
CIWMB staff thanks the Yuba County Planning Department for the opportunity to review this Notice of Early Consultation. We request copies of any subsequent environmental documents for this project. In addition, we highly recommend, and wish to participate in any, consultation meetings with your department and representatives of the operator and local enforcement agency regarding this project.

Gon

4

If you have questions, please contact me at (916) 341-6330 or at dotsubo@ciwmb.ca.gov.

Sincerely,



David Otsubo

Supervising Integrated Waste Management Specialist I
Permits South Branch
Permitting and LEA Support Division

cc: Drew Lehman, Recology, via email

Gon
5

bcc: Ray Seamans, CIWMB
Troy Weber, CIWMB



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Issued: Results of Follow-up Review for 2009 Audit of Aging and Adult Services

From: Controller Reports/CON/SFGOV
To: Angela Calvillo/BOS/SFGOV@SFGOV, BOS-Supervisors/BOS/SFGOV; BOS-Legislative Aides/BOS/SFGOV, Steve Kawa/MAYOR/SFGOV@SFGOV, Greg Wagner/MAYOR/SFGOV@SFGOV, Christine Falvey/MAYOR/SFGOV@SFGOV, Jason Elliott/MAYOR/SFGOV@SFGOV, Starr Terrell/MAYOR/SFGOV@SFGOV, Francis Tsang/MAYOR/SFGOV@SFGOV, Jennifer Entine Matz/MAYOR/SFGOV@SFGOV, ggiubbini@sftc.org, Severin Campbell/BudgetAnalyst/SFGOV@SFGOV, Debra Newman/BudgetAnalyst/SFGOV@SFGOV, sfdocs@sfpl.info, gmetcalf@spur.org, Department Heads/MAYOR/SFGOV, Tara Collins/CTYATT@CTYATT, home@prosf.org, CON-Media Contact/CON/SFGOV, CON-EVERYONE/CON/SFGOV, Trent Rhorer/DHS/CCSF@CCSF, Anne Hinton/DHS/CCSF@CCSF, Phil Arnold/DHS/CCSF@CCSF, Nikki Iroko/DHS/CCSF@CCSF, Joseph Huang/DHS/CCSF@CCSF, Joseph Garza/DHS/CCSF@CCSF
Date: 04/14/2011 10:07 AM
Subject: Issued: Results of Follow-up Review for 2009 Audit of Aging and Adult Services
Sent by: Richard Kurylo

The Office of the Controller, City Services Auditor, has issued a memorandum regarding the status of recommendations that were issued from the following audit memorandum: "*Aging and Adult Services Lacks Key Accounting Controls to Safeguard Client Assets in Three of Its Programs*" in June 2009.

The review indicates that the Department of Aging and Adult Services (DAAS) has taken the corrective actions needed to implement the original memorandum's recommendations.

To view the full memorandum, please visit our website at:
<http://co.sfgov.org/webreports/details.aspx?id=1264>

For questions regarding the memorandum, please contact Irella Blackwood at:
Irella.Blackwood@sfgov.org or 415-554-7641, or the Controller's Office, Audit Division at 415-554-7469.



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

AUDIT FOLLOW-UP MEMORANDUM

TO: Trent Rhorer, Executive Director, Human Services Agency
Ann Hinton, Executive Director, Department of Aging & Adult Services

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

DATE: April 14, 2011

SUBJECT: Results of Follow-up Review for 2009 Audit of the Department of Aging and Adult Services

EXECUTIVE SUMMARY

Consistent with Government Auditing Standards, Section 8.05, promulgated by the United States Government Accountability Office (GAO), City Services Auditor (CSA) conducted a follow-up review of the agreed-upon recommendations in the June 2009 audit memorandum entitled: *Aging and Adult Services Lacks Key Accounting Controls to Safeguard Client Assets in Three of Its Programs*. Section 8.05 states that the purposes of audit reports include facilitating follow-up to determine whether appropriate corrective actions have been taken.

The Department of Aging and Adult Services (DAAS) has taken the corrective actions needed to implement the audit memorandum's recommendations, with the goal of improving DAAS's operations. CSA reviewed the status of DAAS's efforts to implement the recommendations in the audit memorandum and concludes that the DAAS took the appropriate actions. DAAS made the necessary improvements to the Panoramic system, created a comprehensive manual of its policies and procedures for its financial operations, and performs bank reconciliations on time.

The benefits from an audit are not in the findings reported or the recommendations made, but in the implementation of those recommendations.

BACKGROUND & METHODOLOGY

CSA audited the DAAS in 2009. The audit could not be completed because the financial information was not auditable. However, CSA issued an audit memorandum with three recommendations for DAAS to correct the issues found during the survey phase of the audit.

Operations

The Department of Aging and Adult Services is within the Human Services Agency, serving older adults, adults with disabilities and their families to maximize self-sufficiency, safety, health

and independence. The Public Administrator (PA), Public Guardian (PG), and Representative Payee (Rep Payee) are three service programs within DAAS.

- The PA program manages the estates of San Francisco residents who have no family available to manage their estates. The PA program searches for family members and wills, arranges for disposition of remains, locates and manages all assets, monitors creditor claims, reviews taxes and provides all services necessary to administer each estate through distribution to heirs and beneficiaries.
- The PG program serves as a court-appointed conservator for residents who have physical and mental limitations that make them unable to handle basic personal and financial needs. Also, the PG program develops care plans for clients' immediate and long-term care, and collects, manages, and disburses funds for its clients.
- The Rep Payee program manages money for elderly individuals and adults (age 18 or older) with physical and/or mental impairments who cannot manage their own funds. This program ensures that the clients' daily living needs are met and maintains their well-being and independence. The Unit collects revenues from cash fares and fare media sales. The Unit is composed of:

Objectives

The objective of this follow-up review is to verify whether DAAS sufficiently implemented the recommendations in the audit memorandum dated June 2009.

Methodology

To conduct the follow-up review, the audit team discussed with key DAAS accounting personnel the status of the corrective actions taken to date, obtained documentary evidence to support the implementation status, and verified the existence of the procedures DAAS has established to follow CSA's recommendations.

RESULTS

Recommendation 1: Require its software contractor to make necessary upgrades or improvements to the accounting system so that monthly bank and investment statement reconciliations can be properly performed.

Consistent with the recommendation, DAAS instructed its software contractor to make necessary upgrades or improvements in the Panoramic system.

1. CSA confirmed that on January 26, 2009, DAAS' software contractor created the "Find a Check" report. This report enables the user to search for a check number and obtain the details of the check, including date issued, vendor name, amount, and description. The report may be used to support an exception in the bank reconciliation process.
2. On February 24, 2009, the software contractor created the "Open Adjustment" report, which shows all the adjustments to the bank or book balance. For example, the report shows the interest posted in FAMIS but not yet transferred to the checking account. This report is used for adjustments in the bank reconciliation process.

3. In March and July 2009, the software contractor created an "Investment Ledger," "Open Checks," "Trial Reconciliation," "Posting Log," and "Trial Balance" reports in the Panoramic system. These reports are used to reconcile the investment accounts and verify outstanding checks and account balances in the bank reconciliation process.

These improvements facilitate the preparation of monthly reconciliations of clients' assets for all three of its programs.

During the review, the audit team noted that the list of users in the Panoramic system is not periodically reviewed. As a best practice, DAAS should regularly review the user list and deactivate users who no longer need access to the system.

Conclusion: Recommendation 1 has been implemented.

Recommendation 2: Compile and distribute to accounting staff a comprehensive policies and procedures manual for its financial operations, which will guide staff on how to perform their work. The manual should be regularly updated with new or revised policies and procedures that are appropriately reviewed and approved by management.

Consistent with the recommendation, DAAS has prepared a comprehensive manual to document its policies and procedures for its financial operations, which provides guidance to accounting staff on how to perform daily cash transactions and month-end bank reconciliations. The manual includes sections such as:

- Cash and Checks Receipts Procedures, Disbursement Procedures, and Reconciliation Process for Representative Payee, Public Guardian, and Public Administrator programs
- Stale Dated Checks Policy
- Daily AM Cash Analysis Report
- Daily AM Open Check/Cleared Checks
- Daily PM Upload
- Overnight Investment Sweep
- Interest Distribution
- Wire Transfers
- Vendor Setup
- Semi-monthly Transfers
- End of Period Closing
- Checks Inventory
- Record Retention

DAAS last updated its manual and distributed to accounting staff in January 2011.

Conclusion: Recommendation 2 has been implemented.

April 14, 2011

Recommendation 3: Reconcile estate, guardian, and payee program account imbalances in the accounting system as soon as possible after each month-end closing, and run periodic trial balances to ensure that total amounts held in the accounts appear reasonable.

Consistent with the recommendation, DAAS performs monthly bank reconciliations for each of its three programs after each month-end. CSA found these reconciliations to be accurate and generally supported. The bank reconciliation reports are reviewed by the DAAS Accounting Supervisor and approved by the Fiscal Manager.

Although the reconciliations are to be performed on the 21st of every month, in December 2010, the bank reconciliations for the PG and Rep Payee program accounts were performed on the business day after the prescribed deadline. In addition, two documents needed to support the calculations of the Rep Payee investment account for January 2011 were missing. DAAS should ensure that all reconciliations are done timely and contain complete supporting information.

Conclusion: Recommendation 3 has been implemented.

CSA extends its appreciation to you and your staff who assisted with this follow-up review. If you have any questions or concerns, please call or e-mail Irella Blackwood, Audit Manager, at (415) 554-7641 or Irella.Blackwood@sfgov.org.

cc: Phil Arnold, Deputy Director for Finance and Administration, Human Services Agency
Joseph Huang, Finance Director, Human Services Agency
Nikki Iroko, Fiscal Manager, Human Services Agency
Joseph Garza, Accounting Supervisor, Human Services Agency
Irella Blackwood, Audit Manager
Vivian Chu, Audit Associate

ATTACHMENT A: DEPARTMENT RESPONSE

City and County of San Francisco



Edwin M. Lee, Mayor

Human Services Agency

Department of Human Services
Department of Aging and Adult Services

Trent Rhorer, Executive Director

April 7, 2011

To Tonia Lediju, Director of Audits:

Thank you so much for the opportunity to provide additional information to address items presented in the Audit Follow-up Memorandum during the exit conference on April 1.

In Recommendation 1, you noted that "the list of users in the Panoramic system is not periodically reviewed. As a best practice, DAAS should regularly review the user list and deactivate users who no longer need access to the system." We completely agree with your recommendation and have already taken the following steps:

- We are reviewing the system user listing with the Panoramic Consultant to ensure each user group is assigned a set of profiles that is appropriate for its functions.
- We will be setting a limit on the number of users in the "Administrator" group
- We will update the listing as status and/or functions of users change.
- As the review is completed, and users properly assigned to user levels, we will add language to the DAAS Accounting Unit Policies & Procedures specifying the periodic review of Panoramic user accounts and access levels.

In Recommendation 3, you noted that "two documents needed to support the calculations of the Rep Payee investment account for January 2011 were missing. DAAS should ensure that all reconciliations are done timely and contain complete supporting documentation." Once again, we completely agree with your recommendation.

- We will include a copy of the "FAMIS Investment Balance" reconciliation as part of the supporting documentation for the monthly Bank Reconciliations, implemented effective the January 2011 Bank Reconciliation.
- We will add language to the DAAS Accounting Unit Policies & Procedures with the changes to the Bank Reconciliation process.

In general, we truly appreciate the CSA staff's review of our program and intend to fully implement all recommendations without delay.

Sincerely,


Joseph Huang, Finance Director

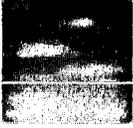
Cc: Irella Blackwood, Audit Manager
Vivian Chu, Associate Auditor

ATTACHMENT B: RECOMMENDATIONS AND RESPONSES

No.	Recommendation	DAAS Response to Audit	Status per the DAAS	Auditor's Follow-up Work	Results
1	Require its software contractor to make necessary upgrades or improvements to the accounting system so that monthly bank reconciliations can be properly performed.	Upon instruction, the software contractor has made necessary enhancements in Panoramic (e.g. set up of additional G/L Accounts, redesigned of reconciliation formats, and cleared up most of the conversion-related bugs, including the recurring errors in the Burial Trust cash ledgers of five Public Guardian clients). These improvements will allow a timely monthly reconciliation of clients' assets for all three DAAS programs. They will also allow a full and separate reconciliation of the investment account. We have taken advantage of the technical assistance from the Controller's office and have made good strides in identifying, analyzing, and adjusting for the timing differences between Panoramic "book" balance and the and the bank balance and the valuation differences on the investment.	The department has instructed its software contractor to make necessary upgrades in the Panoramic system. These upgrades include the following reports: <ul style="list-style-type: none"> • "Find a Check" report • "Open Adjustment" report • "Investment Ledger" report • "Open Checks" report • "Trial Reconciliation" report • "Posting Log" report • "Trial Balance" report These improvements allow DAAS to prepare timely monthly reconciliations of clients' assets for all three of DAAS programs.	CSA obtained and reviewed proof of Panoramic upgrades. CSA reviewed the creation dates of reports provided by DAAS. CSA obtained an understanding of how Panoramic system generates bank reconciliation reports and reviewed system evidence.	Implemented.

No.	Recommendation	DAAS Response to Audit	Status per the DAAS	Auditor's Follow-up Work	Results
2	<p>Compile and distribute to accounting staff a comprehensive policies and procedures manual for its financial operations, which will provide guidance to staff on how to perform their work. The manual should be regularly updated with new or revised policies and procedures that are appropriately reviewed and approved by management.</p>	<p>We are drafting and compiling a comprehensive, organized policies and procedures handbook. The handbook will have numbered pages, a table of content, reference materials and guides. Once the draft is finalized, but before it is released for staff use, it will be submitted for management review and approval. An electronic copy of handbook will be maintained by the unit supervisor who will update it regularly and obtain management approval as new or revised policies and procedures are implemented.</p>	<p>DAAS has prepared a manual of comprehensive policies and procedures for its financial operations, which provides guidance to accounting staff on how to perform daily cash transactions and end of month bank reconciliations. The manual includes sections on:</p> <ul style="list-style-type: none"> • Cash and Checks Receipts Procedures, Disbursement Procedures, and Reconciliation Process for Representative Payee, Public Guardian, and Public Administrator programs. • Stale Dated Checks Policy • Daily AM Cash Analysis Report • Daily AM Open Check/Cleared Checks • Daily PM Upload • Overnight Investment Sweep • Interest Distribution • Wire Transfers • Vendor Setup • Semi-Monthly Transfers • End of Period Closing • Checks Inventory • Record Retention <p>The manual was last updated and distributed to accounting staff in January 2011.</p>	<p>CSA obtained and reviewed DAAS Accounting Unit Policies & Procedures (P&P) Manual.</p> <p>CSA verified that the manual is comprehensive, which includes sections for Cash and Checks Receipts Procedures, Disbursement Procedures, and Reconciliation Process for Representative Payee, Public Guardian, and Public Administrator programs as well as other sections that are required for the daily cash transactions.</p> <p>CSA confirmed the P&P manual was last edited and distributed to accounting staff in January 2011.</p>	<p>Implemented.</p>

No.	Recommendation	DAAS Response to Audit	Status per the DAAS	Auditor's Follow-up Work	Results
3	<p>Reconcile estate, guardian, and payee program account imbalances in the accounting system as soon as possible after each month-end closing, and run periodic trial balances to ensure that total amounts held in the accounts appear reasonable.</p>	<p>We have completed manual bank reconciliations on the Public Administrator and the Public Guardian Burial and Operating Cash accounts retroactive to January 1, 2007. We hope to complete the Representative-Payee outstanding reconciliations in the coming weeks. Now that the necessary system improvements are in place, we will be able to successfully run all the month-end closing reports and perform a timely monthly reconciliation in Panoramic. Our goal is to start performing the monthly cash reconciliations for all three programs on a periodic, consistent basis, by 21st of every month for the previous month just ended.</p> <p>Below are some corrective measures we are implementing to strengthen internal controls:</p> <ul style="list-style-type: none"> ➤ Instructed Panoramic to add safeguards to "lock-down" reconciled balances (i.e., prevent users from making such edits or reversing adjustments that have potential to change the balances of accounts that have already been reconciled). ➤ Developed a safeguard that permits the use of the "reverse button" only in the same month as transactions are created (as long as the month is still open). All post-period adjustments in Panoramic must be made with adjusting entries, properly supported with clear and complete documentations, and submitted for supervisory review and approval. ➤ Periodically monitor and clear dated open checks, and work with programs to develop a prudent check stale-dating policy for the respective programs. 	<p>DAAS performs the monthly bank reconciliations for all three programs consistently by 21st of every month for the previous months. The bank reconciliation reports are reviewed by DAAS Accounting Supervisor and approved by Fiscal Manager.</p>	<p>CSA obtained and reviewed monthly bank reconciliations for estate, guardian, and payee accounts for the three most recent months (Nov. 2010, Dec. 2010, and Jan. 2011). CSA found that bank reconciliations for these accounts were performed properly. However, the audit team noted that bank reconciliations for December 2010 of the PG and Rep Payee accounts were done late. In addition, two documents that support the calculations of the investment account for January 2011 of Rep Payee account were missing.</p>	<p>Implemented.</p>



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Issued: TTX: Quarterly Review of the Schedule of Cash, Investments, and Accrued Interest as of 9/30/10 and 12/31/10

From: Controller Reports/CON/SFGOV
To: Angela Calvillo/BOS/SFGOV@SFGOV, BOS-Supervisors/BOS/SFGOV, BOS-Legislative Aides/BOS/SFGOV, Steve Kawa/MAYOR/SFGOV@SFGOV, Greg Wagner/MAYOR/SFGOV@SFGOV, Christine Falvey/MAYOR/SFGOV@SFGOV, Starr Terrell/MAYOR/SFGOV@SFGOV, Jason Elliott/MAYOR/SFGOV@SFGOV, Francis Tsang/MAYOR/SFGOV@SFGOV, Jennifer Entine Matz/MAYOR/SFGOV@SFGOV, ggiubbini@sftc.org, Severin Campbell/BudgetAnalyst/SFGOV@SFGOV, Debra Newman/BudgetAnalyst/SFGOV@SFGOV, sfdocs@sfpl.info, gmetcalf@spur.org, Department Heads/MAYOR/SFGOV, Tara Collins/CTYATT@CTYATT, home@prosf.org, CON-Media Contact/CON/SFGOV, CON-EVERYONE/CON/SFGOV, CON-Finance Officers/CON/SFGOV, Jose Cisneros/TTX/SFGOV@SFGOV, Pauline Marx/TTX/SFGOV@SFGOV
Date: 04/21/2011 01:54 PM
Subject: Issued: TTX: Quarterly Review of the Schedule of Cash, Investments, and Accrued Interest as of 9/30/10 and 12/31/10
Sent by: Richard Kurylo

The Office of the Controller, City Services Auditor, has issued two reports concerning the quarterly reviews of the Office of the Treasurer and Tax Collector's Schedule of Cash, Investments, and Accrued Interest Receivable as of September 30, 2010, and December 31, 2010. These reviews were performed under contract by Macias Gini O'Connell LLP.

The reviews indicate that Macias Gini & O'Connell LLP is not aware of any material modifications that should be made to the Schedules mentioned above in order for them to be in conformity with generally accepted accounting principles.

To view the full reports, please visit the following websites at:
<http://co.sfgov.org/webreports/details.aspx?id=1267> and
<http://co.sfgov.org/webreports/details.aspx?id=1268>

This is a send only email address.

For questions regarding these reports please contact Tonia Lediju at tonia.lediju@sfgov.org or 415-554-5939, or the Controller's Office, Audits Unit at 415-554-7469.

Thank you.

City and County of San Francisco

Office of the Controller – City Services Auditor

OFFICE OF THE TREASURER AND TAX COLLECTOR:

Quarterly Review of the Schedule of
Cash, Investments, and Accrued
Interest Receivable as of
September 30, 2010



April 21, 2011

**CONTROLLER'S OFFICE
CITY SERVICES AUDITOR**

The City Services Auditor was created within the Controller's Office through an amendment to the City Charter that was approved by voters in November 2003. Under Appendix F to the City Charter, the City Services Auditor has broad authority for:

- Reporting on the level and effectiveness of San Francisco's public services and benchmarking the city to other public agencies and jurisdictions.
- Conducting financial and performance audits of city departments, contractors, and functions to assess efficiency and effectiveness of processes and services.
- Operating a whistleblower hotline and website and investigating reports of waste, fraud, and abuse of city resources.
- Ensuring the financial integrity and improving the overall performance and efficiency of city government.

The audits unit conducts financial audits, attestation engagements, and performance audits. Financial audits address the financial integrity of both city departments and contractors and provide reasonable assurance about whether financial statements are presented fairly in all material aspects in conformity with generally accepted accounting principles. Attestation engagements examine, review, or perform procedures on a broad range of subjects such as internal controls; compliance with requirements of specified laws, regulations, rules, contracts, or grants; and the reliability of performance measures. Performance audits focus primarily on assessment of city services and processes, providing recommendations to improve department operations.

We conduct our audits in accordance with the Government Auditing Standards published by the U.S. Government Accountability Office (GAO). These standards require:

- Independence of audit staff and the audit organization.
- Objectivity of the auditors performing the work.
- Competent staff, including continuing professional education.
- Quality control procedures to provide reasonable assurance of compliance with the auditing standards.

Audit Team: Elisa Sullivan, Audit Manager



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

April 21, 2011

José Cisneros, Treasurer
Office of the Treasurer and Tax Collector
City Hall, Room 140
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4638

Dear Mr. Cisneros:

The Controller's Office, City Services Auditor, presents the review report of the Schedule of Cash, Investments, and Accrued Interest Receivable of the Office of the Treasurer and Tax Collector (Treasurer) of the City and County of San Francisco (City) as of September 30, 2010. The Schedule presents the total cash, investments, and accrued interest receivable under the control and accountability of the Treasurer of the City.

Results:

September 30, 2010

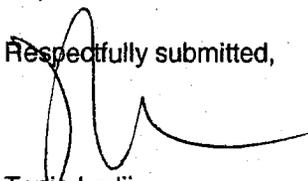
Cash and Investments:

Cash in Bank	409,665,337
Investments and Accrued Interest Receivable	<u>3,808,562,907</u>
Total Cash and Investments	\$4,218,228,244

This review was performed under contract by Macias Gini & O'Connell LLP. For this contract, the City Services Auditor Division performed the department liaison duties of project management and contractor invoice approval.

Based on this review, Macias Gini & O'Connell LLP is not aware of any material modifications that should be made to the Schedule of Cash, Investments, and Accrued Interest Receivable as of September 30, 2010, in order for it to be in conformity with generally accepted accounting principles. However, as explained in Note II.B. to the Schedule of Cash, Investments, and Accrued Interest Receivable, investments are recorded as of the settlement date and management has not presented the risk disclosures required under Governmental Accounting Standards Board Statement No. 40, *Deposit and Investment Risk Disclosures – an amendment of GASB Statement No. 3*.

Respectfully submitted,


Tonia Lediju
Director of Audits

cc: Mayor
Board of Supervisors
Civil Grand Jury
Budget Analyst
Public Library

**CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE TREASURER
AND TAX COLLECTOR**

Independent Accountant's Review Report and
Schedule of Cash, Investments, and
Accrued Interest Receivable

September 30, 2010



Certified Public Accountants.

Sacramento • Walnut Creek • Oakland • Los Angeles/Century City • Newport Beach • San Diego

mgocpa.com

The Honorable Mayor Edwin M. Lee
The Honorable Members of the Board of Supervisors
San Francisco, California

Independent Accountant's Review Report

We have reviewed the accompanying Schedule of Cash, Investments, and Accrued Interest Receivable of the City and County of San Francisco's (City) Office of the Treasurer and Tax Collector (Treasurer) as of September 30, 2010, in accordance with *Statements on Standards for Accounting and Review Services* issued by the American Institute of Certified Public Accountants. All information included in the Schedule of Cash, Investments, and Accrued Interest Receivable is the representation of the management of the Treasurer.

A review consists principally of inquiries of Treasurer personnel and analytical procedures applied to financial data. It is substantially less in scope than an audit in accordance with generally accepted auditing standards, the objective of which is the expression of an opinion regarding the financial statements taken as a whole. Accordingly, we do not express such an opinion.

Based on our review, with the exception of the matters described in the following paragraph, we are not aware of any material modifications that should be made to the accompanying Schedule of Cash, Investments, and Accrued Interest Receivable as of September 30, 2010, in order for it to be in conformity with generally accepted accounting principles.

As explained in Note II.B. to the Schedule of Cash, Investments, and Accrued Interest Receivable, investments are recorded as of the settlement date rather than the trade date and management has not presented the risk disclosures required under Governmental Accounting Standards Board Statement No. 40, *Deposit and Investment Risk Disclosures—an amendment of GASB Statement No. 3*.

Macias Gini & Connell LLP
Certified Public Accountants

Walnut Creek, California
April 1, 2011

**CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE TREASURER AND TAX COLLECTOR**

**SCHEDULE OF CASH, INVESTMENTS, AND ACCRUED INTEREST RECEIVABLE
SEPTEMBER 30, 2010**

Cash:	
Cash in Bank	<u>\$ 409,665,337</u>
Investments:	
U.S. Treasury Bills	217,806,871
U.S. Treasury Notes	423,274,996
FFCB Notes	396,660,230
FAMC Notes	45,714,600
FHLB Notes	271,221,775
FHLMC Bonds	504,928,563
FHLMC Floater Notes	20,068,750
FNMA Notes	769,131,134
Temporary LGP	936,801,158
Temporary LGP Floater	50,179,688
Negotiable Certificates of Deposit	25,000,000
Money Market Mutual Funds	252,112
Bankers Acceptance	49,959,108
Tennessee Valley Authority Bonds	23,206,641
Public Time Deposits	<u>70,100,000</u>
Total Investments	3,804,305,626
Accrued Interest Receivable	<u>4,257,281</u>
Total Cash, Investments, and Accrued Interest Receivable	<u><u>\$ 4,218,228,244</u></u>

See Independent Accountant's Review Report and
Accompanying Notes to Schedule of Cash, Investments, and Accrued Interest Receivable.

**CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE TREASURER AND TAX COLLECTOR**

NOTES TO THE SCHEDULE OF CASH, INVESTMENTS,
AND ACCRUED INTEREST RECIVABLE
SEPTEMBER 30, 2010

I. General

The Schedule of Cash, Investments, and Accrued Interest Receivable (Schedule) presents only the cash on hand, cash in bank, investments and related accrued interest receivable under the control and accountability of the Office of the Treasurer and Tax Collector (Treasurer) of the City and County of San Francisco (City). The Schedule is not intended to present fairly the financial position of the Treasurer or of the City.

The Treasurer is responsible for the custody and investment of a majority of the public funds held by the City and funds deposited by external entities that are either required to or voluntarily deposit funds with the Treasurer. The Treasurer is authorized to conduct these functions by the California Government Code Section 53600 et seq. and the San Francisco Administrative Code, Chapter 10, under investment policies established by the Treasurer and filed with the City's Board of Supervisors. The Treasurer also provides a safekeeping service for the City, where City departments may deposit securities and other assets in the Treasurer's vault.

II. Summary of Significant Accounting Policies

A. Cash and Deposits

The California Government Code requires California banks and savings and loan associations to secure the City's deposits not covered by federal deposit insurance by pledging government securities as collateral. The fair value of pledged securities must equal at least 110 percent of the City's deposits. The collateral must be held at the pledging bank's trust department or another bank, acting as the pledging bank's agent, in the City's name. All of the banks with funds deposited by the Treasurer secure deposits with sufficient collateral.

B. Investments

The Treasurer makes investments in securities for a pooled money investment account and for individual investment accounts that are not invested through the pooled money investment account. The Schedule is prepared using the economic resources measurement focus and the accrual basis of accounting. Investment transactions are recorded on the settlement date. However, generally accepted accounting principles in the United States of America require investments to be recorded on the trade date. Deposits and investments with the Treasurer are exposed to risks such as credit risk, concentration of credit risk, and interest rate risk. Disclosures related to such risks as required under Governmental Accounting Standards Board Statement No. 40, *Deposit and Investment Risk Disclosures—an amendment of GASB Statement No. 3*, are not presented in this report as the Treasurer does not believe that these disclosures are necessary to meet the objectives of the users of the Schedule.

**CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE TREASURER AND TAX COLLECTOR**

NOTES TO THE SCHEDULE OF CASH, INVESTMENTS,
AND ACCRUED INTEREST RECEIVABLE
SEPTEMBER 30, 2010

II. Summary of Significant Accounting Policies (continued)

The securities in the accompanying Schedule are reported at fair value in accordance with Governmental Accounting Standards Board Statement No. 31, *Accounting and Financial Reporting for Certain Investments and for External Investment Pools*. The statement requires external investment pools to report all investments at fair value. The following table summarizes the investments stated at cost and fair value, which is based on current market prices.

<u>Investment Type</u>	<u>Cost</u>	<u>Fair Value</u>
U.S. Treasury Bills	\$ 217,202,058	\$ 217,806,871
U.S. Treasury Notes	422,285,379	423,274,996
FFCB Notes	394,730,396	396,660,230
FAMC Notes	44,914,950	45,714,600
FHLB Notes	270,215,922	271,221,775
FHLMC Bonds	503,229,467	504,928,563
FHLMC Floater Notes	19,995,000	20,068,750
FNMA Notes	764,869,277	769,131,134
Temporary LGP	930,073,529	936,801,158
Temporary LGP Floater	50,074,050	50,179,688
Negotiable Certificates of Deposit	25,000,000	25,000,000
Money Market Mutual Funds	252,112	252,112
Bankers Acceptance	49,867,943	49,959,108
Tennessee Valley Authority Bonds	22,999,798	23,206,641
Public Time Deposits	70,100,000	70,100,000
TOTAL	<u>\$ 3,785,809,881</u>	<u>\$ 3,804,305,626</u>

City and County of San Francisco

Office of the Controller – City Services Auditor

OFFICE OF THE TREASURER AND TAX COLLECTOR:

**Quarterly Review of the Schedule of
Cash, Investments, and Accrued
Interest Receivable as of
December 31, 2010**



April 21, 2011

**CONTROLLER'S OFFICE
CITY SERVICES AUDITOR**

The City Services Auditor was created within the Controller's Office through an amendment to the City Charter that was approved by voters in November 2003. Under Appendix F to the City Charter, the City Services Auditor has broad authority for:

- Reporting on the level and effectiveness of San Francisco's public services and benchmarking the city to other public agencies and jurisdictions.
- Conducting financial and performance audits of city departments, contractors, and functions to assess efficiency and effectiveness of processes and services.
- Operating a whistleblower hotline and website and investigating reports of waste, fraud, and abuse of city resources.
- Ensuring the financial integrity and improving the overall performance and efficiency of city government.

The audits unit conducts financial audits, attestation engagements, and performance audits. Financial audits address the financial integrity of both city departments and contractors and provide reasonable assurance about whether financial statements are presented fairly in all material aspects in conformity with generally accepted accounting principles. Attestation engagements examine, review, or perform procedures on a broad range of subjects such as internal controls; compliance with requirements of specified laws, regulations, rules, contracts, or grants; and the reliability of performance measures. Performance audits focus primarily on assessment of city services and processes, providing recommendations to improve department operations.

We conduct our audits in accordance with the Government Auditing Standards published by the U.S. Government Accountability Office (GAO). These standards require:

- Independence of audit staff and the audit organization.
- Objectivity of the auditors performing the work.
- Competent staff, including continuing professional education.
- Quality control procedures to provide reasonable assurance of compliance with the auditing standards.

Audit Team: Elisa Sullivan, Audit Manager



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

April 21, 2011

José Cisneros, Treasurer
Office of the Treasurer and Tax Collector
City Hall, Room 140
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4638

Dear Mr. Cisneros:

The Controller's Office, City Services Auditor, presents the review report of the Schedule of Cash, Investments, and Accrued Interest Receivable of the Office of the Treasurer and Tax Collector (Treasurer) of the City and County of San Francisco (City) as of December 31, 2010. The Schedule presents the total cash, investments, and accrued interest receivable under the control and accountability of the Treasurer of the City.

Results:

December 31, 2010

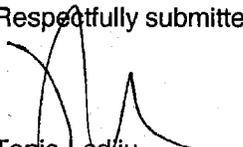
Cash and Investments:

Cash in Bank	182,849,363
Investments and Accrued Interest Receivable	<u>4,983,316,370</u>
Total Cash and Investments	\$5,166,165,733

This review was performed under contract by Macias Gini & O'Connell LLP. For this contract, the City Services Auditor Division performed the department liaison duties of project management and contractor invoice approval.

Based on this review, Macias Gini & O'Connell LLP is not aware of any material modifications that should be made to the Schedule of Cash, Investments, and Accrued Interest Receivable as of December 31, 2010, in order for it to be in conformity with generally accepted accounting principles. However, as explained in Note II.B. to the Schedule of Cash, Investments, and Accrued Interest Receivable, investments are recorded as of the settlement date and management has not presented the risk disclosures required under Governmental Accounting Standards Board Statement No. 40, *Deposit and Investment Risk Disclosures – an amendment of GASB Statement No. 3*.

Respectfully submitted,


Tonia Ledju
Director of Audits

cc: Mayor
Board of Supervisors
Civil Grand Jury
Budget Analyst
Public Library

**CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE TREASURER
AND TAX COLLECTOR**

Independent Accountant's Review Report and
Schedule of Cash, Investments, and
Accrued Interest Receivable

December 31, 2010



Certified Public Accountants.

Sacramento • Walnut Creek • Oakland • Los Angeles/Century City • Newport Beach • San Diego

mgocpa.com

The Honorable Mayor Edwin M. Lee
The Honorable Members of the Board of Supervisors
San Francisco, California

Independent Accountant's Review Report

We have reviewed the accompanying Schedule of Cash, Investments, and Accrued Interest Receivable of the City and County of San Francisco's (City) Office of the Treasurer and Tax Collector (Treasurer) as of December 31, 2010. A review includes primarily applying analytical procedures to management's financial data and making inquiries of Treasurer management. A review is substantially less in scope than an audit, the objective of which is the expression of an opinion regarding the financial schedule as a whole. Accordingly, we do not express such an opinion.

Management is responsible for the preparation and fair presentation of the financial schedule in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial schedule.

Our responsibility is to conduct the review in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. Those standards require us to perform procedures to obtain limited assurance that there are no material modifications that should be made to the financial schedule. We believe that the results of our procedures provide a reasonable basis for our report.

Based on our review, with the exception of the matters described in the following paragraph, we are not aware of any material modifications that should be made to the accompanying Schedule of Cash, Investments, and Accrued Interest Receivable as of December 31, 2010, in order for it to be in conformity with accounting principles generally accepted in the United States of America.

As explained in Note II.B. to the Schedule of Cash, Investments, and Accrued Interest Receivable, investments are recorded as of the settlement date rather than the trade date and management has not presented the risk disclosures required under Governmental Accounting Standards Board Statement No. 40, *Deposit and Investment Risk Disclosures—an amendment of GASB Statement No. 3*.

Macias Gini & Connell LLP
Certified Public Accountants

Walnut Creek, California
April 1, 2011

**CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE TREASURER AND TAX COLLECTOR**

**SCHEDULE OF CASH, INVESTMENTS, AND ACCRUED INTEREST RECEIVABLE
DECEMBER 31, 2010**

Cash:	
Cash in Bank	<u>\$ 182,849,363</u>
Investments:	
U.S. Treasury Bills	67,984,376
U.S. Treasury Notes	498,150,010
FFCB Notes	740,707,075
FAMC Notes	80,021,875
FHLB Notes	792,227,153
FHLMC Bonds	478,457,866
FNMA Notes	879,074,848
FNMA Floater	100,093,750
Temporary LGP	922,079,679
Temporary LGP Floater	50,136,719
Negotiable Certificates of Deposit	225,000,000
Money Market Mutual Fund	2,280,742
Bankers Acceptance	50,000,000
Tennessee Valley Authority Bonds	22,194,453
Public Time Deposits	20,100,000
California Revenue Anticipation Notes	<u>50,357,750</u>
Total Investments	4,978,866,296
Accrued Interest Receivable	<u>4,450,074</u>
Total Cash, Investments, and Accrued Interest Receivable	<u><u>\$ 5,166,165,733</u></u>

See Independent Accountant's Review Report and
Accompanying Notes to Schedule of Cash, Investments, and Accrued Interest Receivable.

**CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE TREASURER AND TAX COLLECTOR**

NOTES TO THE SCHEDULE OF CASH, INVESTMENTS,
AND ACCRUED INTEREST RECIVABLE
DECEMBER 31, 2010

I. General

The Schedule of Cash, Investments, and Accrued Interest Receivable (Schedule) presents only the cash on hand, cash in bank, investments and related accrued interest receivable under the control and accountability of the Office of the Treasurer and Tax Collector (Treasurer) of the City and County of San Francisco (City). The Schedule is not intended to present fairly the financial position of the Treasurer or of the City.

The Treasurer is responsible for the custody and investment of a majority of the public funds held by the City and funds deposited by external entities that are either required to or voluntarily deposit funds with the Treasurer. The Treasurer is authorized to conduct these functions by the California Government Code Section 53600 et seq. and the San Francisco Administrative Code, Chapter 10, under investment policies established by the Treasurer and filed with the City's Board of Supervisors. The Treasurer also provides a safekeeping service for the City, where City departments may deposit securities and other assets in the Treasurer's vault.

II. Summary of Significant Accounting Policies

A. Cash and Deposits

The California Government Code requires California banks and savings and loan associations to secure the City's deposits not covered by federal deposit insurance by pledging government securities as collateral. The fair value of pledged securities must equal at least 110 percent of the City's deposits. The collateral must be held at the pledging bank's trust department or another bank, acting as the pledging bank's agent, in the City's name. All of the banks with funds deposited by the Treasurer secure deposits with sufficient collateral.

B. Investments

The Treasurer makes investments in securities for a pooled money investment account and for individual investment accounts that are not invested through the pooled money investment account. The Schedule is prepared using the economic resources measurement focus and the accrual basis of accounting. Investment transactions are recorded on the settlement date. However, generally accepted accounting principles in the United States of America require investments to be recorded on the trade date. Deposits and investments with the Treasurer are exposed to risks such as credit risk, concentration of credit risk, and interest rate risk. Disclosures related to such risks as required under Governmental Accounting Standards Board Statement No. 40, *Deposit and Investment Risk Disclosures—an amendment of GASB Statement No. 3*, are not presented in this report as the Treasurer does not believe that these disclosures are necessary to meet the objectives of the users of the Schedule.

**CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE TREASURER AND TAX COLLECTOR**

NOTES TO THE SCHEDULE OF CASH, INVESTMENTS,
AND ACCRUED INTEREST RECIVABLE
DECEMBER 31, 2010

II. Summary of Significant Accounting Policies (continued)

The securities in the accompanying Schedule are reported at fair value in accordance with Governmental Accounting Standards Board Statement No. 31, *Accounting and Financial Reporting for Certain Investments and for External Investment Pools*. The statement requires external investment pools to report all investments at fair value. The following table summarizes the investments stated at cost and fair value, which is based on current market prices.

Investment Type	Cost	Fair Value
U.S. Treasury Bills	\$ 67,780,816	\$ 67,984,376
U.S. Treasury Notes	499,628,611	498,150,010
FFCB Notes	741,495,989	740,707,075
FAMC Notes	79,866,650	80,021,875
FHLB Notes	798,642,232	792,227,153
FHLMC Bonds	478,367,640	478,457,866
FNMA Notes	879,455,060	879,074,848
FNMA Floater	100,020,194	100,093,750
Temporary LGP	918,628,550	922,079,679
Temporary LGP Floater	50,074,050	50,136,719
Negotiable Certificates of Deposit	225,000,000	225,000,000
Money Market Mutual Fund	2,280,742	2,280,742
Bankers Acceptance	49,867,943	50,000,000
Tennessee Valley Authority Bonds	22,725,275	22,194,453
Public Time Deposits	20,100,000	20,100,000
California Revenue Anticipation Notes	50,370,250	50,357,750
TOTAL	\$ 4,984,304,002	\$ 4,978,866,296

BOS-11
cpage

LAW OFFICES OF
ROBERT L. BACHMAN

CALIFORNIA OFFICE
THE ATRIUM
19100 VON KARMAN AVENUE, SUITE 380
IRVINE, CALIFORNIA 92612
TELEPHONE: (949) 955-0221
FAX: (949) 955-0324

REPLY TO:
 CALIFORNIA OFFICE
 NEVADA OFFICE

NEVADA OFFICE
3431 E. Sunset Rd.
Building C, Suite 12
LAS VEGAS, NEVADA 89120
TELEPHONE: (702) 456-3693
FAX: (702) 456-8346

April 14, 2011

VIA U.S. MAIL, CERTIFIED
RETURN RECEIPT REQUEST

CT Corporation System, Agent
Westfield Metreon, LLC
818 W. 7th St.
Los Angeles, CA 90017

Westfield Corp.
1350 Travis Blvd.
Fairfield, CA 94533

Clerk of The Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B Goodlet Place
City Hall Room, #244
San Francisco, CA 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 APR 18 PM 3:30
BY ALC

RE: California Preliminary 20-Day Notice
Creditor: KONE, Inc.
Debtor: Westfield Corp.
Our File No.: 1332-4/ NCS#L233709

Dear Gentlemen:

The sending of the following **California Preliminary 20-Day Notice** is prescribed by the construction lien laws of California. This is a statutory requirement and needs to be done as a matter of law.

The sending of this notice should not reflect on the credit worthiness of KONE, Inc.'s customer or any other party to the project; nor does it indicate any expected problem in the payment of KONE, Inc.'s invoices.

Very truly yours,

ROBERT L. BACHMAN

RLB: ju
Enclosures

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CALIFORNIA PRELIMINARY 20-DAY NOTICE

USE PROOF OF SERVICE AFFIDAVIT OF CALIFORNIA PRELIMINARY 20-DAY NOTICE

(PUBLIC AND PRIVATE WORK)

IN ACCORDANCE WITH SECTION 3097 AND 3098, CALIFORNIA CIVIL CODE

YOU ARE HEREBY NOTIFIED THAT...

CONSTRUCTION LENDER or
Reputed Construction Lender,

KONE, Inc.
1751 Harbor Bay Parkway, #150
Alameda, CA 94502

(name and address of person or firm-Sender)

has furnished or will furnish labor, services, equipment or materials of the following general description:

sale and installation of elevator/escalator

for the building, structure or other work of improvement located at:

101 4th Street San Francisco, CA 94103

The name of the person or firm who contracted for the purchase of such labor, services, equipment or materials:

Westfield Corp.

.....**FOLD HERE**.....

OWNER or PUBLIC AGENCY
or Reputed Owner (on private work) or (on public work)

Clerk of The Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B Goodlet Place
City Hall Room, #244
San Francisco, CA 94102

OWNER or PUBLIC AGENCY
or Reputed Owner (on private work) or (on public work)

CT Corporation System, Agent
Westfield Metreon, LLC
818 W. 7th St.
Los Angeles, CA 90017

Construction loan no. _____ (if known)

ORIGINAL CONTRACTOR or
Reputed Contractor, if any

Westfield Corp.
1350 Travis Blvd.
Fairfield, CA 94533

SUBCONTRACTOR
with whom claimant has contracted

NOTICE TO PROPERTY OWNER

If bills are not paid in full for the labor, services, equipment, or materials furnished or to be furnished, a mechanic's lien leading to the loss, through court foreclosure proceedings, of all or part of your property being so improved may be placed against the property even though you have paid your contractor in full. You may wish to protect yourself against this consequence by (1) requiring your contractor to furnish a signed release by the person or firm giving you this notice before making payment to your contractor, or (2) any other method or device that is appropriate under the circumstances. Other than residential homeowners of dwellings containing fewer than five units, private project owners must notify the original contractor and any lien claimant who has provided the owner with a preliminary 20-day lien notice in accordance with Section 3097 of the Civil Code that a notice of completion or notice of cessation has been recorded within 10 days of its recordation. Notice shall be by registered mail, certified mail, or first-class mail, evidenced by a certificate of mailing. Failure to notify will extend the deadlines to record a lien.

The person or firm giving this notice is required, pursuant to a collective bargaining agreement, to pay supplemental fringe benefits into an express trust fund (described in Civil Code § 3111), said fund is identified as follows: (strike if inapplicable)

(name)

(address)

Mailed this date: April 14, 2011

_____, Agent
(signature) (title)

An estimate of the total price of the labor, services, equipment or materials furnished or to be furnished is:

\$442,980.00



To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: Please abolish the fees at the Arboretum

From: Jessica Dillon <jwdmeow@gmail.com>
To: mayoredwinlee@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 04/24/2011 03:47 PM
Subject: Please abolish the fees at the Arboretum

When I moved home earlier this year, I was distraught to find that the Arboretum is now charging entrance fees, as it is my favorite place in Golden Gate park. My understanding is that the fees were to be removed when Prop N passed, however the fees have been extended. I also understand that the attendance at the Arboretum has declined dramatically due to the fees.

Please sunset the fees, as was originally intended, and let the public go back to enjoying their San Francisco landmark.

Thank you,
Jessica Dillon
San Francisco

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BOS-11 cpage

APRIL 18, 2011

TO: STATE, COUNTY AND CITY OFFICIALS

NOTIFICATION OF PUBLIC HEARINGS:

THE CALIFORNIA PUBLIC UTILITIES COMMISSION IS MEETING IN SANTA ROSA AND LOS ANGELES TO ACCEPT PUBLIC COMMENT ON PROPOSED NEW SAFETY AND RELIABILITY REGULATIONS FOR NATURAL GAS TRANSMISSION AND DISTRIBUTION PIPELINES

THE CALIFORNIA PUBLIC UTILITIES COMMISSION WOULD LIKE TO HEAR FROM YOU!

All persons wishing to present their views to the Commission may attend the hearings scheduled below:

**May 12, 2011
4:00 p.m. to 7:00 p.m.
CalTrans Building
First Floor, Conference Room
100 South Main Street
Los Angeles, CA 90012**

**May 16, 2011
4:00 p.m. to 7:00 p.m.
Steele Lane Community Center
Auditorium, Dohn Room
415 Steele Lane
Santa Rosa, CA 94503**

REASON FOR HEARING:

As part of its response to the tragic gas transmission line rupture and fire in San Bruno on September 9, 2010, the Commission is reviewing its existing safety rules and considering proposals for new models of natural gas pipeline safety regulation applicable to all California pipelines. The Commission seeks public input on its proposed rules and rulemaking treatment for the costs of safety improvements. The Commission's decision describing its specific proposals and topics under consideration can be found on the Commission's website at www.cpuc.ca.gov. A printed copy may also be obtained from PG&E at 1-800-743-5000. For TDD/TTY (speech-hearing impaired), call 1-800-652-4712 or from the PG&E website at www.pge.com.

The locations above are wheelchair accessible. If you need interpreters for language or for the hearing impaired please contact the Public Advisor's Office at the telephone numbers listed below at least three to five working days in advance of the meeting date.

CPUC PROCESS:

Staff from the CPUC's Public Advisor's Office will be present at these hearings to assist you. If you are unable to attend either one of these important hearings and would like additional information on how to participate at these public hearings or if you would like to submit written comments about (R.11-02-019), please contact: Public Advisor's Office

505 Van Ness Avenue
Room 2103
San Francisco, CA 94102
1-415-703-2074 or 1-866-849-8390 (toll free)
TTY 1-415-703-5282 or 1-866-836-7825 (toll free)
E-mail to public.advisor@cpuc.ca.gov

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2011 APR 19 PM 3:18
AK

A copy (R.11-02-019) is available for review at the CPUC, 505 Van Ness Avenue, San Francisco, CA 94102, Monday-Friday, 8 a.m.-noon, and on the CPUC's website at <http://www.cpuc.ca.gov/puc/>.

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BOS-11 cpage

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov



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BY _____
2011 APR 18 PM 3:11
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April 15, 2011

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

RE: National Register of Historic Places Nomination for
San Francisco Juvenile Court and Detention Home

Dear Ms. Calvillo:

I am pleased to notify you that on April 8, 2011, the above-named property was placed on the National Register of Historic Places (National Register). As a result of being placed on the National Register, this property has also been listed in the California Register of Historical Resources, pursuant to Section 4851(a)(2) of the Public Resources Code.

Placement on the National Register affords a property the honor of inclusion in the nation's official list of cultural resources worthy of preservation and provides a degree of protection from adverse effects resulting from federally funded or licensed projects. Registration provides a number of incentives for preservation of historic properties, including special building codes to facilitate the restoration of historic structures, and certain tax advantages.

There are no restrictions placed upon a private property owner with regard to normal use, maintenance, or sale of a property listed in the National Register. However, a project that may cause substantial adverse changes in the significance of a registered property may require compliance with local ordinances or the California Environmental Quality Act. In addition, registered properties damaged due to a natural disaster may be subject to the provisions of Section 5028 of the Public Resources Code regarding demolition or significant alterations, if imminent threat to life safety does not exist.

If you have any questions or require further information, please contact the Registration Unit at (916) 445-7008.

Sincerely,

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Enclosure: National Register Notification of Listing

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April 15, 2011

The Director of the National Park Service is pleased to send you the following announcements and actions on properties for the National Register of Historic Places. For further information contact Edson Beall via voice (202) 354-2255, or E-mail: <Edson_Beall@nps.gov> This and past Weekly Lists are also available here: <http://www.nps.gov/history/nr/nrlist.htm>

Our physical location address is:

National Park Service 2280, 8th floor
National Register of Historic Places
1201 "I" (Eye) Street, NW,
Washington D.C. 20005

National Park Week: April 16-24, 2011 <http://www.nps.gov/npweek/index.htm>

WEEKLY LIST OF ACTIONS TAKEN ON PROPERTIES: 4/04/11 THROUGH
4/08/11

KEY: State, County, Property Name, Address/Boundary, City, Vicinity, Reference
Number, NHL, Action, Date, Multiple Name

CALIFORNIA, SAN FRANCISCO COUNTY,
San Francisco Juvenile Court and Detention Center,
150 Otis St,
San Francisco, 11000182,
LISTED, 4/08/11



CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

605-11
COB
Cpage

E. DENNIS NORMANDY
PRESIDENT

DONALD A. CASPER
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MORGAN R. GORRONO
COMMISSIONER

MARY Y. JUNG
COMMISSIONER

LISA SEITZ GRUWELL
COMMISSIONER

ANITA SANCHEZ
EXECUTIVE OFFICER

April 21, 2011

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

Dear Members of the Board:

At its meeting of April 18, 2011, the Civil Service Commission had for its consideration the Fiscal Year 2011-12 Salary Survey for Registered Nurse Classifications as provided under Charter Section A8.403. A copy of the report to the Commission prepared by the Department of Human Resources is attached.

It was the decision of the Civil Service Commission to adopt the report; Certify to the Board of Supervisors for the Acute Care Nursing Classifications the highest prevailing salary schedules in the six Bay Area Counties (Public & Private) in effect on April 15, 2011.

Please contact me at 252-3250 if there are questions or if additional information is needed.

Respectfully,

CIVIL SERVICE COMMISSION

ANITA SANCHEZ
Executive Officer

Attachment

c: Angela Calvillo, Clerk of the Board

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2011 APR 25 AM 9:48
BY [Signature]

28

NOTIFICATIONS:

Ed Warshauer
Service Employees International
Union, Local 1021
350 Rhode Island, Suite 100 South
San Francisco, CA 94103

Jennifer Johnston
Department of Human Resources
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Michael McLaughlin
Teamsters, Local 856
453 San Mateo Avenue
San Bruno, CA 94066

Elizabeth Jacobi
Department of Public Health
Human Resources Office
101 Grove Street
San Francisco, CA 94102

Micki Callahan
Department of Human Resources
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Ted Yamasaki
Department of Human Resources
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Martin Gran
Department of Human Resources
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Steve Ponder
Department of Human Resources
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Rich David
Department of Human Resources
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

City and County of San Francisco
Edwin M. Lee
Mayor



Department of Human Resources
Micki Callahan
Human Resources Director

TO: The Honorable Civil Service Commission

FROM: Micki Callahan, Human Resources Director *MC*

SUBJECT: **Salary Survey of Registered Nurse Classifications, 2011-2012**
(Charter Section 48.403)

RECOMMENDATION: Adopt Staff Report; forward to Board of Supervisors

Charter Section 48.403 requires the Civil Service Commission to certify to the Board of Supervisors the highest collective bargaining salary schedule, at the maximum, for acute care nurses in the six Bay Area counties as of April 15th of each year. It also requires that the Board of Supervisors set a rate of pay for such nurses, which does not exceed the schedule certified by the Civil Service Commission.

In addition, the Charter specifies that if the highest prevailing wage exceeds the current City and County rate, the Civil Service Commission may also certify the amount of the difference between the City and County and the employer used for certification, the maximum salary plus the dollar value of health service and vacation benefits. The Board of Supervisors may then provide additional salary, conditions and benefits of employment not to exceed this dollar value.

The City and SEIU Local 1021 are currently in the first year of a two year collective bargaining agreement covering the City's registered nurses. The purpose of this certification is to demonstrate that the value of wages and benefits provided by that collective bargaining agreement conform to the limits provided by the Charter.

The Department of Human Resources is submitting to the Civil Service Commission for certification to the Board of Supervisors the following:

I. Certification of the Highest Prevailing Salary Schedule

The highest prevailing salary schedule, at maximum, in effect on April 15, 2011 for the acute care staff nurse classification granted by collective bargaining agreement is \$68.60 per hour. This was determined after conducting a survey of the following Bay Area hospitals and medical centers: Alameda County Medical Center, Alta Bates Summit Medical Center, California Pacific Medical Center, Children's Hospital and Research Center of Oakland, Chinese Hospital, Contra

Costa County Regional Medical Center, Kaiser, Marin General Hospital, San Mateo County Medical Center, Santa Clara Valley Medical Center, Seton Medical Center, Stanford Medical Center, UCSF Medical Center and Washington Hospital. The survey includes both public and private entities. Given the competitive nature of the labor market, maintaining the confidentiality of the private organizations is essential to insuring their future cooperation, and consistent with salary survey best practices. Therefore, the highest payer will not be indicated by name, because the medical center specifically provided this data on the condition of anonymity. It should be noted that the medical center with the highest prevailing salary schedule, at maximum, for a journey-level nurse rate is \$7.55 higher per hour than our current hourly rate of \$61.05. For the purpose of this report, the medical center with the highest prevailing salary schedule, at maximum, will be referred to as "Medical Center A."

Some pertinent facts regarding the wages and conditions of the survey:

1. The survey confirmed with Medical Center A that the classification duties, responsibilities and minimum qualifications of its nurses are comparable to those of the CCSF Registered Nurse classification. The survey matched the level that is considered the journey-level classification.
2. It should be noted that Medical Center A requires 31 years of service to reach the maximum wage rate. Registered nurses employed by the City and County of San Francisco previously required only 10.5 years to reach the maximum wage rate. Two additional tenure steps were added effective the close of business June 30, 2006, providing a new higher maximum at 21 years. At 21 years, Medical Center A is approximately \$4.25 higher per hour than our current hourly rate of \$61.05.

II. *Certification of the wage and benefit hourly difference between the City and County of San Francisco and the employer with the highest prevailing wage rate*

Since Medical Center A's Staff Nurse II rate of pay exceeds that of the City and County of San Francisco's Registered Nurse, the attached table is provided to establish the dollar difference of maximum salary plus the dollar value of health, vacation and applicable benefits, pursuant to Charter Section A8.403(f), between CCSF and Medical Center A's comparable journey-level nurse classification.

A. Health Benefits

1. The relevant collective bargaining agreements provide for basic health care for nurses and their dependents. Medical Center A pays \$595.68 to \$1685.77 per month per nurse and offers two health plans. The City and County pays from \$472.86 to \$2088.96 per month per nurse, depending on which of the three health plans the nurse chooses. The City & County of San Francisco's maximum benefit of \$2088.96 per month exceeds Medical Center A's maximum contribution of \$1685.77 by approximately \$2.32 per hour.
2. Medical Center A also provides a dental coverage plan for such nurses, spouses and/or dependents at a maximum contribution cost of \$136.30 per month. The maximum coverage for the City and County nurses costs \$131.94 per month. The maximum monthly contribution rate for the City and County is approximately \$0.03 per hour less than Medical Center A.

B. Paid Time Off

1. The Medical Center A collective bargaining agreement contains provisions for vacation, holiday and sick accruals. Vacation and sick is accrued depending on length of service. The days off listed below covers vacation, holiday, sick pay, as well as other elective absences.

Medical Center A nurses accrue the following number of days off:

First Year	32 days off earned
Second through fourth year	37 days off earned
Fifth through ninth year	45 days off earned
Tenth and subsequent year	50 days off earned

The City and County of San Francisco's equivalent benefits (vacation, paid sick leave and holidays) are as follows:

First through fifth year	37 days off earned
More than fifth year through fifteenth year	42 days off earned
More than fifteenth year and subsequent year	47 days off earned

2. In addition, the City and County has a Longevity Leave provision of 1 to 6 days depending on length of service. The value of this benefit ranges from \$0.20 to \$1.41 per hour. Medical Center A does not offer this benefit.

C. Longevity Premium

Effective July 1, 2001 the longevity premium for the CCSF Registered Nurse was replaced by a retention bonus for those nurses hired prior to July 1, 2003, which provides an additional 1% of base hourly salary commencing at Year 5 for those on Step 6 or below and 2% of base hourly salary at Year 10 for those on Step 7 or below. Since this bonus is in lieu of a longevity premium, it is included in the analysis since Medical Center A's maximum rate at 31 years of service includes a longevity premium in the base wage.

D. Summary of Wages and Benefits

The total hourly dollar value of Medical Center A's Staff Nurse II for wages and benefits at the maximum rate of pay and 31 years of service exceeds the wage rate and like benefits for the City and County of San Francisco by \$6.00 per hour.

E. Additional Notes

Because no actuarial information was available from the private institutions surveyed, we are unable to note any information regarding retirement comparisons.

III. Recommendations

- I. Adopt Staff Report; certify to the Board of Supervisors the Medical Center A Staff Nurse II rate of \$68.60 is the highest prevailing wage rate in effect on April 15, 2011.

Respectfully submitted,



Steve Ponder
Classification and Compensation Manager

COMPARISON OF WAGES AND BENEFITS

Medical Center A's Staff Nurse II
and
the City and County of San Francisco Registered Nurse
as of April 15, 2011

Years of Service	Base Salary			Health Insurance (max)			Dental Insurance (max)			Paid Time Off*					Longevity Days Off			Retention Bonus**			Total Value Salary and Benefits		Total Hourly Difference		
	CCSF	MC A	CCSF over/	CCSF	MC A	CCSF over/	CCSF	MC A	CCSF over/	CCSF	MC A	CCSF	CCSF	MC A	CCSF	CCSF	MC A	CCSF	CCSF	MC A	CCSF	CCSF	MC A	Center A	
	Hourly	Hourly	(under)	Hourly	Hourly	(under)	Hourly	Hourly	(under)	Days	Value	Days	Value	(under)	Days	Value	(under)	Base Rate	Value	(under)	CCSF	MC A	(under) Med		
0	\$46.48	\$49.09	(\$2.62)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	37	\$6.61	32	\$6.04	\$0.57	0	\$0.00	\$0.00	\$0.00	--	\$0.00	\$0.00	\$0.00	\$65.90	\$65.65	\$0.24
0.5	\$47.95	\$51.55	(\$3.60)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	37	\$6.62	32	\$6.34	\$0.48	0	\$0.00	\$0.00	\$0.00	--	\$0.00	\$0.00	\$0.00	\$67.58	\$68.41	(\$0.83)
1.5	\$49.44	\$51.55	(\$2.11)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	37	\$7.04	37	\$7.34	(\$0.30)	0	\$0.00	\$0.00	\$0.00	--	\$0.00	\$0.00	\$0.00	\$69.29	\$69.41	(\$0.12)
2.5	\$50.85	\$54.12	(\$3.27)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	37	\$7.24	37	\$7.70	(\$0.46)	1	\$0.20	\$0.00	\$0.20	--	\$0.00	\$0.00	\$0.00	\$71.10	\$72.34	(\$1.24)
3.5	\$52.43	\$58.83	(\$6.40)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	37	\$7.46	37	\$8.09	(\$0.63)	1	\$0.20	\$0.00	\$0.20	--	\$0.00	\$0.00	\$0.00	\$72.90	\$75.44	(\$2.54)
4.5	\$52.43	\$58.87	(\$6.44)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	37	\$7.46	37	\$8.38	(\$0.92)	1	\$0.20	\$0.00	\$0.20	--	\$0.00	\$0.00	\$0.00	\$72.90	\$77.77	(\$4.87)
5.5	\$54.05	\$60.32	(\$6.27)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	37	\$7.69	45	\$10.44	(\$2.75)	2	\$0.42	\$0.00	\$0.42	1%	\$0.54	\$0.00	\$0.54	\$75.51	\$81.28	(\$5.77)
6.5	\$54.05	\$60.32	(\$6.27)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	42	\$8.73	45	\$10.44	(\$1.71)	2	\$0.42	\$0.00	\$0.42	1%	\$0.54	\$0.00	\$0.54	\$76.55	\$81.28	(\$4.73)
7.5	\$55.71	\$60.32	(\$4.61)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	42	\$9.00	45	\$10.44	(\$1.44)	4	\$0.86	\$0.00	\$0.86	--	\$0.00	\$0.00	\$0.00	\$78.38	\$81.28	(\$2.90)
8.5	\$55.71	\$61.23	(\$5.52)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	42	\$9.00	45	\$10.60	(\$1.60)	4	\$0.86	\$0.00	\$0.86	--	\$0.00	\$0.00	\$0.00	\$78.38	\$82.35	(\$3.97)
9.5	\$55.71	\$61.23	(\$5.52)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	42	\$9.00	45	\$10.60	(\$1.60)	4	\$0.86	\$0.00	\$0.86	--	\$0.00	\$0.00	\$0.00	\$78.38	\$82.35	(\$3.97)
10.5	\$57.45	\$61.23	(\$3.78)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	42	\$9.28	50	\$11.77	(\$2.49)	6	\$1.33	\$0.00	\$1.33	--	\$0.00	\$0.00	\$0.00	\$80.87	\$83.52	(\$2.65)
11.5	\$57.45	\$62.47	(\$5.02)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	42	\$9.28	50	\$12.01	(\$2.73)	6	\$1.33	\$0.00	\$1.33	--	\$0.00	\$0.00	\$0.00	\$80.87	\$85.00	(\$4.13)
12.5	\$57.45	\$62.47	(\$5.02)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	42	\$9.28	50	\$12.01	(\$2.73)	6	\$1.33	\$0.00	\$1.33	--	\$0.00	\$0.00	\$0.00	\$80.87	\$85.00	(\$4.13)
13.5	\$57.45	\$62.47	(\$5.02)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	42	\$9.28	50	\$12.01	(\$2.73)	6	\$1.33	\$0.00	\$1.33	--	\$0.00	\$0.00	\$0.00	\$80.87	\$85.00	(\$4.13)
14.5	\$57.45	\$62.47	(\$5.02)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	42	\$9.28	50	\$12.01	(\$2.73)	6	\$1.33	\$0.00	\$1.33	--	\$0.00	\$0.00	\$0.00	\$80.87	\$85.00	(\$4.13)
15.5	\$57.45	\$62.47	(\$5.02)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	42	\$9.28	50	\$12.01	(\$2.73)	6	\$1.33	\$0.00	\$1.33	--	\$0.00	\$0.00	\$0.00	\$80.87	\$85.00	(\$4.13)
16.5	\$59.25	\$62.47	(\$3.22)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	47	\$10.71	50	\$12.01	(\$1.30)	6	\$1.37	\$0.00	\$1.37	--	\$0.00	\$0.00	\$0.00	\$84.14	\$85.00	(\$0.86)
17.5	\$59.25	\$64.02	(\$4.77)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	47	\$10.71	50	\$12.31	(\$1.60)	6	\$1.37	\$0.00	\$1.37	--	\$0.00	\$0.00	\$0.00	\$84.14	\$86.85	(\$2.71)
18.5	\$59.25	\$64.02	(\$4.77)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	47	\$10.71	50	\$12.31	(\$1.60)	6	\$1.37	\$0.00	\$1.37	--	\$0.00	\$0.00	\$0.00	\$84.14	\$86.85	(\$2.71)
19.5	\$59.25	\$64.02	(\$4.77)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	47	\$10.71	50	\$12.31	(\$1.60)	6	\$1.37	\$0.00	\$1.37	--	\$0.00	\$0.00	\$0.00	\$84.14	\$86.85	(\$2.71)
20.5	\$59.25	\$64.02	(\$4.77)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	47	\$10.71	50	\$12.31	(\$1.60)	6	\$1.37	\$0.00	\$1.37	--	\$0.00	\$0.00	\$0.00	\$84.14	\$86.85	(\$2.71)
21.5	\$61.05	\$65.30	(\$4.25)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	47	\$11.04	50	\$12.56	(\$1.52)	6	\$1.41	\$0.00	\$1.41	--	\$0.00	\$0.00	\$0.00	\$86.31	\$88.38	(\$2.07)
22.5	\$61.05	\$65.30	(\$4.25)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	47	\$11.04	50	\$12.56	(\$1.52)	6	\$1.41	\$0.00	\$1.41	--	\$0.00	\$0.00	\$0.00	\$86.31	\$88.38	(\$2.07)
23.5	\$61.05	\$65.30	(\$4.25)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	47	\$11.04	50	\$12.56	(\$1.52)	6	\$1.41	\$0.00	\$1.41	--	\$0.00	\$0.00	\$0.00	\$86.31	\$88.38	(\$2.07)
24.5	\$61.05	\$65.30	(\$4.25)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	47	\$11.04	50	\$12.56	(\$1.52)	6	\$1.41	\$0.00	\$1.41	--	\$0.00	\$0.00	\$0.00	\$86.31	\$88.38	(\$2.07)
25.5	\$61.05	\$65.30	(\$4.25)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	47	\$11.04	50	\$12.56	(\$1.52)	6	\$1.41	\$0.00	\$1.41	--	\$0.00	\$0.00	\$0.00	\$86.31	\$88.38	(\$2.07)
26.5	\$61.05	\$66.60	(\$5.55)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	47	\$11.04	50	\$12.81	(\$1.77)	6	\$1.41	\$0.00	\$1.41	--	\$0.00	\$0.00	\$0.00	\$86.31	\$89.93	(\$3.62)
27.5	\$61.05	\$66.60	(\$5.55)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	47	\$11.04	50	\$12.81	(\$1.77)	6	\$1.41	\$0.00	\$1.41	--	\$0.00	\$0.00	\$0.00	\$86.31	\$89.93	(\$3.62)
28.5	\$61.05	\$66.60	(\$5.55)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	47	\$11.04	50	\$12.81	(\$1.77)	6	\$1.41	\$0.00	\$1.41	--	\$0.00	\$0.00	\$0.00	\$86.31	\$89.93	(\$3.62)
29.5	\$61.05	\$66.60	(\$5.55)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	47	\$11.04	50	\$12.81	(\$1.77)	6	\$1.41	\$0.00	\$1.41	--	\$0.00	\$0.00	\$0.00	\$86.31	\$89.93	(\$3.62)
30.5	\$61.05	\$66.60	(\$5.55)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	47	\$11.04	50	\$12.81	(\$1.77)	6	\$1.41	\$0.00	\$1.41	--	\$0.00	\$0.00	\$0.00	\$86.31	\$89.93	(\$3.62)
31.5	\$61.05	\$66.60	(\$5.55)	\$12.05	\$9.73	\$2.32	\$0.76	\$0.79	(\$0.03)	47	\$11.04	50	\$13.19	(\$2.15)	6	\$1.41	\$0.00	\$1.41	--	\$0.00	\$0.00	\$0.00	\$86.31	\$92.31	(\$6.00)

* Paid Time Off includes vacation, sick and holiday leave as well as other effective absences.

** Please note effective 7/1/01 the longevity premium of an additional 1% on base hourly salary at Year 10 changed to a retention bonus of 1% of base hourly salary at Year 5 for those below Step 7 and 2% of base hourly salary at Year 10 for those below Step 8. This premium is not available for nurses hired on or after 7/1/03.

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: April 25, 2011
To: Honorable Members, Board of Supervisors
From: Angela Calvillo, Clerk of the Board
Subject: Form 700

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

Jackson West – SOTF – Assuming
David Snyder – SOTF - Annual

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