

File No. 111179

Committee Item No. 4  
Board Item No. 5

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 3/1/12

Board of Supervisors Meeting

Date 3/13/12

**Cmte Board**

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget Analyst Report
- Legislative Analyst Report
- Youth Commission Report
- Introduction Form (for hearings)
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Award Letter
- Application
- Public Correspondence

**OTHER (Use back side if additional space is needed)**

- Form 700
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Completed by: Linda Wong

Date 2/27/12

Completed by: J.w.

Date 3/8/12

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Appointment, Public Utilities Revenue Bond Oversight Committee]  
2  
3 **Motion appointing Karen Donovan, term ending November 12, 2015, to the Public**  
4 **Utilities Revenue Bond Oversight Committee.**

5  
6 **MOVED,** That the Board of Supervisors of the City and County of San Francisco does  
7 hereby appoint the hereinafter designated person to serve as a member of the Public Utilities  
8 Revenue Bond Oversight Committee, pursuant to the provisions of the San Francisco  
9 Administrative Code, Section 5.30-5.36, for the term specified:

10 Karen Donovan, seat 1, succeeding Brian Browne, term expired, must have expertise,  
11 skills and experience in economics, the environment, construction or project management, for  
12 a four-year term ending November 12, 2015.

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**Board of Supervisors  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 244  
(415) 554-5184 FAX (415) 554-7714**

**Application for Boards, Commissions and Committees**

Application for Appointment to: Revenue Bond Oversight Committee  
Name of Board, Commission, Committee, or Task Force

Seat # or Category (If applicable): Board of Supervisors appointment District: 2

Name: Karen Donovan

Home Address: Lombard Street #1 Zip: 94109

Home Phone: 415 Occupation: Water & Natural Resources Attorney

Work Phone: 510-287-0166 Employer: East Bay Municipal Utility District

Business Address: 375 Eleventh Street Oakland, CA Zip: 94607

Business E-Mail: kdonovan@ebmud.com Home E-Mail: @mindspring.com

Check All That Apply:

A citizen of the United States.  At least 18 years old on or before Election Day.

Not in prison or on parole for a felony conviction

A resident of San Francisco  Yes:  No: (Place of Residence):

Please state your qualifications (attach supplemental sheet if necessary)

Attorney with experience working with water districts throughout the Bay Area on water rights, natural resources, environmental, public law, and rate matters (resume attached)

Education:

LL.M in Environmental Law - George Washington University  
J.D. - University of Notre Dame School of Law

Business and/or professional experience:

Previously worked as attorney in private practice and as attorney for the San Francisco City Attorney's Office

Civic Activities:

Board Member, Friends of the Urban Forest  
Advisory Board Member - Russian Hill Neighbors

Ethnicity: (optional) Caucasian Sex: (optional)  M  F

Have you attended any meetings of the Board/Commission to which you wish appointment?  Yes  No

For appointments by the Board of Supervisors, appearance before the RULES COMMITTEE is a requirement before any appointment can be made.  
(Applications must be received 10 days before the scheduled hearing.)  
(Please Note: Once Completed, this form, including all attachments, become public record)

Date: Oct 25 2011 Applicant's Signature: (required) Karen Donovan  
Please Note: Your application will be retained for one year.

FOR OFFICE USE ONLY:  
Appointed to Seat #: \_\_\_\_\_ Term Expires: \_\_\_\_\_ Date Seat was Vacated: \_\_\_\_\_

**KAREN L DONOVAN**

Lombard Street #1 • San Francisco, CA 94109  
Home – (415) \_\_\_\_\_ • Cell – (415) \_\_\_\_\_ • [@mindspring.com](mailto:_____@mindspring.com)

**PROFESSIONAL EXPERIENCE:**

**East Bay Municipal Utility District, Oakland, CA**

Attorney

March 2006 – present

- Principal attorney responsible for advising EBMUD staff and Board of Directors on issues related to water rights, natural resources, California Environmental Quality Act and National Environmental Policy Act compliance, federal hydropower licensing, and use of watershed lands
- Current responsibilities include:
  - Acting as lead counsel on the preparation of a program environmental impact report for EBMUD's 40-year water planning effort and on the defense of the PEIR in state court
  - Advising on legal issues and strategy in State Water Resources Control Board proceedings impacting District water rights permits and licenses, including a pending permit extension and new Delta restoration proceedings
  - Assisting in efforts to obtain supplemental water supplies through water transfers and regional projects
  - Assisting with efforts related to Sacramento-San Joaquin Delta restoration, including Delta Plan development and public trust proceedings
  - Reviewing and editing all CEQA and joint CEQA/NEPA analyses for District wastewater and water supply projects and preparing Board findings and approval documents
  - Reviewing state and federal legislation and regulatory proposals impacting EBMUD's water rights and watershed lands and preparing proposed amendments
  - Advising on natural resources regulatory and permitting issues for District projects and District management and enhancement efforts on watershed lands
  - Counseling the District Board of Directors and administrative staff on Brown Act and Public Records Act issues
  - Overseeing student interns and externs involved in water rights and resources research

**Duane Morris LLP, San Francisco, CA**

Of Counsel in Energy, Environment and Resources Practice

August 2002 – March 2006

- Advised public and private water districts and joint powers authorities on water law, natural resources, administrative, government contracting, and other matters related to water transfers, water rights protests, infrastructure projects, and related proceedings
- Assisted utilities and municipalities on energy, water, and railroad matters before the California Public Utilities Commission
- Negotiated the renewal of a Central Valley Project contract for a wholesale water district providing municipal and irrigation supplies and provided strategic advice on ESA section 7 consultations and NEPA and CVPIA compliance
- Represented county water district in negotiations to develop a Habitat Conservation Plan and related approvals to cover species impacts in the Delta and provide regulatory assurances to water users
- Assisted municipal water district in developing ordinances to encourage water conservation through ratesetting and metering measures
- Assisted environmental nonprofit organization in developing a joint power agreement to promote ecosystem restoration funding

**Allen Matkins Leck Gamble & Mallory LLP, San Francisco, CA**

Attorney in Land Use and Environmental Practice

July 2000 – June 2002

- Represented landowners and developers in CEQA, land use, and natural resources matters and assisted in defending development interests and manufacturers involved in environmental litigation

- Developed and defended CEQA and NEPA documents and processed land use approvals, including general and specific plan amendments and related requests
- Assisted telecommunications company in obtaining authorizations for a trans-Pacific project from the California Coastal Commission, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and California State Lands Commission
- Counseled landowners in identification of jurisdictional wetlands, obtaining §404 permits and §401 water quality certifications, and defending citizen suits alleging illegal filling of wetlands
- Assisted landowner in negotiating a conservation bank on ranch lands and developed and negotiated approval of habitat conservation plans and related species protection documents

**Office of the City Attorney, City and County of San Francisco**

Deputy City Attorney, Airport Team

March 2000 – July 2000

- Provided legal advice to the San Francisco International Airport management and staff on environmental compliance and enforcement matters, including stormwater management and renewal of the wastewater treatment plant NPDES permits
- Advised on noise mitigation efforts and assisted in negotiating agreements with local communities
- Reviewed contracts and agreements and drafted language to ensure compliance with State and local laws
- Advised on Brown Act compliance and Public Records Act requests

Deputy City Attorney, Public Utilities Team

May 1998 – March 2000

- Provided legal advice to the San Francisco Public Utilities Commission on NEPA/CEQA and federal and state ESA compliance, wetlands permitting and takings issues, Safe Drinking Water Act and Clean Water Act requirements, FERC licensing, and other land use and water resource issues
- Reviewed and commented on TMDL proceedings, biological opinions, EIR/EISs, streambed alteration agreements, and other federal and state agency documents authorizing SFPUC activities
- Represented City in state trial and appellate courts in dispute challenging water and wastewater rates
- Represented the City in State legislative efforts to amend laws impacting SFPUC operations
- Advised the SFPUC on compliance with public meeting laws, Public Records Act disclosure obligations, and other federal, state and local administrative laws

**Perkins Coie LLP, Washington, D.C.**

Associate in Environment and Natural Resources Practice

September 1993 – April 1998

- Prepared legal memoranda, issue papers, and pleadings for proceedings before federal agencies and the federal courts; tracked ongoing reauthorization of federal environmental and resource laws and worked with clients in advocating amendments
- Worked with Western Urban Water Coalition on ESA reform and related efforts
- Drafted comments for utilities on the FERC project decommissioning policy and other rulemakings
- Worked with local communities on Indian gaming and trust acquisition issues
- Assisted utilities in FERC license modification proceedings and FERC exemption applications
- Counseled municipal water purveyors, municipalities, and other clients on issues arising under the Endangered Species Act, NEPA/CEQA, Coastal Zone Management Act, Wild and Scenic Rivers Act, National Park Service Organic Act, mineral leasing laws, and other Federal resource statutes
- Advised clients on aspects of the Administrative Procedure Act, MMPA, NHPA, CWA, and CERCLA
- Assisted in research and writing for several articles and papers on wildlife protection initiatives and resource issues
- Clients included municipalities, water suppliers, industry associations, environmental and nonprofit organizations, and Alaska Native Corporations

## EDUCATION:

### George Washington University Law School, Washington, D.C.

LL.M. in Environmental Law, January 1996

Thesis: A proposal to provide for local community involvement in tribal trust acquisition decisions

### University of Notre Dame, Notre Dame, IN

J.D., *magna cum laude*, May 1992

Senior Editor, *Notre Dame Law Review*

### University of Virginia, Charlottesville, VA

B.A. in History and English, May 1987

## PUBLICATIONS, SPEECHES, AND LECTURES:

*Codifying Sustainable Design – Benefits and Issues*, speech for East Coast Green, September 2010

*Allocating Water in Times of Shortage*, speech for CLE Int'l California Water Law Conference, May 2010

*Water Supply Impacts – CEQA, WSAs, and Urban Water Management Plans*, speech for CLE Int'l CEQA Conference, September 2009

*Codifying Sustainable Development- An Examination of Green Building Ordinances*, speech for NAEP Annual Conference, March 2009

*Water Supply Assessments During This Time of Uncertainty*, speech for ACWA Workshop, Sept. 2008

*Practical Considerations for Annexation*, speech for NBI Land Use Seminar, December 2007

*Indirect Effects and Cumulative Effects*, speech for CLE Int'l NEPA seminar, February 2006

*The Tulare Lake opinion and takings issues related to water projects*, speech for the National Hydropower Association annual meeting, April 2005

*Protecting Your Vulnerability Assessment*, speech for the Association of California Water Agencies, September 2003

Co-author, *Growth Within Bounds: A discussion of the recent changes to the laws governing Local Agency Formation Commissions (LAFCOs)*, California Real Property Journal (Winter 2003)

Guest Lecturer, *Fees & Exactions*, Land Use Law class at Golden Gate Law School, April 2003-2005

Book Chapter: "HCPs – Important Tools for Conserving Habitat and Species," in *Endangered Species Act: Law Policy and Perspective* (ABA 2002)

*An Overview of the Endangered Species Act*, speech for the Association of Metropolitan Sewerage Agencies, Public Agencies Seminar, November 2000

Donald C. Baur & Karen Donovan, *The No Surprises Policy: Contracts 101 Meets the Endangered Species Act*, 27 *Env't'l L.* 767 (1997)

Co-author, *Water Conservation: The Federal Role*, report for the American Water Works Association (1995)

**BAR ADMISSIONS:** California; Montana; District of Columbia; Virginia

## VOLUNTEER ACTIVITIES AND MEMBERSHIPS:

Member, San Francisco Public Utilities Commission Citizens Advisory Committee (2009-2011)

Secretary (2011-present) and Member (2007-2010), San Francisco Bar Association, Environmental Section Executive Committee

Member, Association of California Water Agencies, Legal Affairs Committee (2003-present) and Endangered Species Task Force (2010)

Member, California State Bar Environmental Section, Legislation Committee (2003-2007)

Board Member, Friends of the Urban Forest (2011-present)

Board Member, Streetside Stories (2004-2010)

Board Member (2005-2009) and Advisory Board Member (2009-present), Russian Hill Neighbors

Board Member, Golden Gate Park Public Tennis Club (2001-present)

**STATEMENT OF ECONOMIC INTERESTS**

Date Received  
 Official Use Only

**COVER PAGE**

Please type or print in ink.

NAME OF FILER Donovan	(LAST)	(FIRST) Karen	(MIDDLE) Lynn
--------------------------	--------	------------------	------------------

**1. Office, Agency, or Court**

Agency Name  
 SFPUC  
 Division, Board, Department, District, if applicable  
 Revenue Bond Oversight Committee  
 Your Position  
 candidate for membership

► If filing for multiple positions, list below or on an attachment.

Agency: form already filed for East Bay mud Position: \_\_\_\_\_

**2. Jurisdiction of Office (Check at least one box)**

- State  Judge (Statewide Jurisdiction)  
 Multi-County \_\_\_\_\_  County of \_\_\_\_\_  
 City of San Francisco  Other \_\_\_\_\_

**3. Type of Statement (Check at least one box)**

- Annual: The period covered is January 1, 2010, through December 31, 2010.  Leaving Office: Date Left \_\_\_\_\_  
 -or-  
 The period covered is \_\_\_\_\_ through December 31, 2010. (Check one)  
 The period covered is January 1, 2010, through the date of leaving office.  
 Assuming Office: Date \_\_\_\_\_  The period covered is \_\_\_\_\_ through the date of leaving office.  
 Candidate: Election Year \_\_\_\_\_ Office sought, if different than Part 1: \_\_\_\_\_

**4. Schedule Summary**

Check applicable schedules or "None."

► Total number of pages including this cover page: \_\_\_\_\_

- Schedule A-1 - Investments - schedule attached  Schedule C - Income, Loans, & Business Positions - schedule attached  
 Schedule A-2 - Investments - schedule attached  Schedule D - Income - Gifts - schedule attached  
 Schedule B - Real Property - schedule attached  Schedule E - Income - Gifts - Travel Payments - schedule attached

-or-

None - No reportable interests on any schedule

**5. Verification**

MAILING ADDRESS (Business or Agency Address Recommended - Public Document)	STREET	CITY	STATE	ZIP CODE
	<u>Lombard St #1</u>	<u>San Francisco</u>	<u>CA</u>	<u>94109</u>
D: PHONE NUMBER	E-MAIL ADDRESS			
<u>( 510 )</u>	<u>@ebmud.com</u>			

I have used reasonable diligence in preparing this statement. I have reviewed the information and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

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

Date Signed 10-25-2011  
 (month, day, year)

Signature Karen Lynn  
 (File the originally signed statement with your filing official.)

**SCHEDULE A-1  
Investments**

**Stocks, Bonds, and Other Interests**  
(Ownership Interest is Less Than 10%)

*Do not attach brokerage or financial statements.*

**CALIFORNIA FORM 700**  
FAIR POLITICAL PRACTICES COMMISSION

Name  
James Donovan

▶ NAME OF BUSINESS ENTITY  
General Electric

GENERAL DESCRIPTION OF BUSINESS ACTIVITY  
\_\_\_\_\_

FAIR MARKET VALUE  
 \$2,000 - \$10,000     \$10,001 - \$100,000  
 \$100,001 - \$1,000,000     Over \$1,000,000

NATURE OF INVESTMENT  
 Stock     Other \_\_\_\_\_  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
 \_\_\_\_\_ / \_\_\_\_\_ / 10    \_\_\_\_\_ / \_\_\_\_\_ / 10  
 ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY  
\_\_\_\_\_

GENERAL DESCRIPTION OF BUSINESS ACTIVITY  
\_\_\_\_\_

FAIR MARKET VALUE  
 \$2,000 - \$10,000     \$10,001 - \$100,000  
 \$100,001 - \$1,000,000     Over \$1,000,000

NATURE OF INVESTMENT  
 Stock     Other \_\_\_\_\_  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
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IF APPLICABLE, LIST DATE:  
 \_\_\_\_\_ / \_\_\_\_\_ / 10    \_\_\_\_\_ / \_\_\_\_\_ / 10  
 ACQUIRED                      DISPOSED

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\_\_\_\_\_

GENERAL DESCRIPTION OF BUSINESS ACTIVITY  
\_\_\_\_\_

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(Describe)  
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IF APPLICABLE, LIST DATE:  
 \_\_\_\_\_ / \_\_\_\_\_ / 10    \_\_\_\_\_ / \_\_\_\_\_ / 10  
 ACQUIRED                      DISPOSED

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GENERAL DESCRIPTION OF BUSINESS ACTIVITY  
\_\_\_\_\_

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NATURE OF INVESTMENT  
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(Describe)  
 Partnership     Income Received of \$0 - \$499  
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IF APPLICABLE, LIST DATE:  
 \_\_\_\_\_ / \_\_\_\_\_ / 10    \_\_\_\_\_ / \_\_\_\_\_ / 10  
 ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY  
\_\_\_\_\_

GENERAL DESCRIPTION OF BUSINESS ACTIVITY  
\_\_\_\_\_

FAIR MARKET VALUE  
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 \$100,001 - \$1,000,000     Over \$1,000,000

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(Describe)  
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IF APPLICABLE, LIST DATE:  
 \_\_\_\_\_ / \_\_\_\_\_ / 10    \_\_\_\_\_ / \_\_\_\_\_ / 10  
 ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY  
\_\_\_\_\_

GENERAL DESCRIPTION OF BUSINESS ACTIVITY  
\_\_\_\_\_

FAIR MARKET VALUE  
 \$2,000 - \$10,000     \$10,001 - \$100,000  
 \$100,001 - \$1,000,000     Over \$1,000,000

NATURE OF INVESTMENT  
 Stock     Other \_\_\_\_\_  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
 \_\_\_\_\_ / \_\_\_\_\_ / 10    \_\_\_\_\_ / \_\_\_\_\_ / 10  
 ACQUIRED                      DISPOSED

Comments: \_\_\_\_\_





**Board of Supervisors  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 244  
(415) 554-5184 FAX (415) 554-7714**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

**Application for Boards, Commissions and Committees**

Application for Appointment to: Revenue Bond Oversight Committee

Name of Board, Commission, Committee, or Task Force

NOV 22 2011 PM 3:25  
fc

Seat # or Category (If applicable):

District:

Name: Joseph C. Sheehy

Home Address: 333rd Ave

Zip: 94116

Home Phone: 415

Occupation: Dentist

Work Phone: 650-342-2777

Employer: Self

Business Address: 341 N San Mateo Dr.

Zip: 94401

Business E-Mail: joesheehy@sbcglobal.net

Home E-Mail: @joesheehy.com

Check All That Apply:

A citizen of the United States.  At least 18 years old on or before Election Day.

Not in prison or on parole for a felony conviction

A resident of San Francisco  Yes:  No: (Place of Residence):

Please state your qualifications (attach supplemental sheet if necessary)

Undergrad degree in Chemistry and Biochemistry, Minor in Biology and Economics. Much study and time spent studying the SFPUC Water system. I spend most summers in the Hetch Hetchy watershed and am interested in water

Education:

DDS Gerogetown University 1980, BS San Francisco State, City College, Lowell High School, Sturat Hall Grammer

Business and/or professional experience:

I practice in San Mateo but I am a 4th generation San Franciscan and have always lived in SF except for Schooling. I do post graduate work in Dentistry related to Orthodontics, Prosthodontics, Occlusion, and Esthetics.

Civic Activities:

I have attended several RBOC meetings and remain active in Local Politics, Westside Democratic Club, etc. My son is a Policy director for Congresswoman Grace Napolitano on Capitol Hill. Other son is a Math teacher in SFUSD.

Ethnicity: (optional) White

Sex: (optional)  M  F

Have you attended any meetings of the Board/Commission to which you wish appointment?  Yes  No

For appointments by the Board of Supervisors, appearance before the RULES COMMITTEE is a requirement before any appointment can be made.

(Applications must be received 10 days before the scheduled hearing.)

(Please Note: Once completed, this form, including all attachments, become public record)

Date: 11/20/2011 Applicant's Signature: (required)

Please Note: Your application will be retained for one year.

FOR OFFICE USE ONLY:

Appointed to Seat #: \_\_\_\_\_ Term Expires: \_\_\_\_\_ Date Seat was Vacated: \_\_\_\_\_

**COVER PAGE**

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)  
 Sheehy Joseph Clarence

**1. Office, Agency, or Court**

Agency Name  
 Revenue Bond Oversight Committee  
 Division, Board, Department, District, if applicable  
 RBOC  
 Your Position  
 Member

▶ If filing for multiple positions, list below or on an attachment.

Agency: \_\_\_\_\_ Position: \_\_\_\_\_

**2. Jurisdiction of Office (Check at least one box)**

State  Judge (Statewide Jurisdiction)  
 Multi-County \_\_\_\_\_  County of \_\_\_\_\_  
 City of San Francisco  Other \_\_\_\_\_

**3. Type of Statement (Check at least one box)**

Annual: The period covered is January 1, 2010, through December 31, 2010. -or-  
 The period covered is \_\_\_\_\_ through December 31, 2010.  
 Assuming Office: Date 01 / 01 / 2012  
 Candidate: Election Year \_\_\_\_\_ Office sought, if different than Part 1: \_\_\_\_\_  
 Leaving Office: Date Left 12 / 31 / 2015  
 (Check one)  
 The period covered is January 1, 2010, through the date of leaving office.  
 The period covered is \_\_\_\_\_ through the date of leaving office.

**4. Schedule Summary**

Check applicable schedules or "None."  
 ▶ Total number of pages including this cover page: \_\_\_\_\_  
 Schedule A-1 - Investments - schedule attached  
 Schedule A-2 - Investments - schedule attached  
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 Schedule D - Income - Gifts - schedule attached  
 Schedule E - Income - Gifts - Travel Payments - schedule attached  
 -or-  
 None - No reportable interests on any schedule

**5. Verification**

MAILING ADDRESS STREET CITY STATE ZIP CODE  
 (Business or Agency Address Recommended - Public Document)  
 33rd Ave San Francisco CA 94116  
 PHONE NUMBER E-MAIL ADDRESS  
 (415) \_\_\_\_\_ @joesheehy.com

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

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

Date Signed 11 / 29 / 2011 Signature \_\_\_\_\_  
 (month, day, year) (File the originally signed statement with your filing official)



File 111179 - Your selection to take Chair 1 on the RBOC @ the Rules Committee

Carmen Chu, David Campos, David  
Board of Supervisors to: Chiu, Eric L Mar, John Avalos, Sean  
Elsbernd, Malia Cohen, Scott Wiener, 03/02/2012 05:36 PM

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From: Brian Browne <brian.browne@gmx.com>  
To: Jane.Kim@sfgov.org, "Mormino, Matthias" <Matthias.Mormino@sfgov.org>, mark.farrell@sfgov.org, David.Campos@sfgov.org  
Cc: "Dr. Joe Sheehy" <joesheehy@sbcglobal.net>, "Simpson, Paul" <psimpson@sgijlaw.com>, Phil Ward <psw@hassard.com>, Sean Elsbernd <Sresf@aol.com>, board.of.supervisors@sfgov.org, Doug Comstock <dougcomz@mac.com>  
Date: 03/02/2012 01:53 PM  
Subject: Your selection to take Chair 1 on the RBOC @ the Rules Committee

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Dear Matthias,

Thank you for taking my call. Attached is an article from the San Francisco Civil Jury Gazette entitled: *"Whistling in the Dark: The San Francisco Whistleblower Program."*

The Public Utilities Revenue Bond Oversight Committee (RBOC/CWG) spent much of 2010 considering viable and independent consulting studies (consistent with 2002 Proposition P mandate) from academia. This outreach process to academia had been work-in-progress for years. Did someone panic with the onset of real oversight? Hiring an academic, working as a private consultant, with prior commercial relationships with the SFPUC, does not meet the independent criteria of 2002 P, nor in anyway justify the mysterious disappearance of the UCB-UCLA contract.

The academic candidates were narrowed down to UCB and UCLA. A comprehensive contract (all aspects of SFPUC revenue bond expenditures - can they do it on time and on budget? etc) was almost ready to be signed. These institutions spend long-hours in these negotiations. Without charge, unlike the CSA (see below). The official 2010 RBOC Report does not even discuss this process. Another major omission with the RBOC was the continual under reporting or ignoring of my input. When I questioned the SFPUC's decision to strip the RBOC of funding by issuing Build America Bonds (BABS) - not a mention. A second order solution on this matter was achieved, but only after a major floor fight and relief by submitting the matter to the 4th Estate. These omissions leave a major institutional gap. Accountability? Not what we intended in writing 2002 Proposition P.

The UCLA-UCB contract was made disappear at the beginning of 2011. The Controller's City Services Auditor (Whistleblowers - Proposition C 2003 - CSA) suddenly appeared after secret negotiations. All these facts are documented in my various articles (see below). I discovered much of these data by use of the Brown Act et al sunshine requests. I believe the payment to the CSA by the SFPUC for their (CSA's) pre-MOU work is an unlawful burden on ratepayers, who fund this enterprise. Also, I believe this applies to resources used by the SFPUC in helping RBOC Chair Aimee Brown write a rebuttal to me in the Westside Observer. Which the SFPUC

requested she do (letter from Todd Rydstrom). This SFPUC-CSA payment is exacerbated when it is realized the CSA has a budget of 0.002 percent of the entire city budget including the SFPUC. The CSA has a mandate to investigate any and all departments at any time on its own budget. It never met the 2002 Proposition P criteria of independent not qualified. 0.002 of \$6.5B = \$13.00 MM - not a trivial budget? Why come hat in hand to the utility ratepayers for more money?

Why is the SFPUC paying the dog and pony fees for the CSA to get a lucrative MOU with the RBOC and have the RBOC pay the CSA? I share all and even more concerns with the Grand Jury as to the efficacy and appropriateness of this CSA.

Supervisor Kim mentioned diversity as a reason for choosing. The RBOC has had 3 chairs since 2003 (when it was formed). 2 women (one I nominated) and 1 man. One woman served one term and the other woman I believe 6 terms. There appears no need for additional gender diversity on the RBOC. There is a need on the RBOC for skills to match Prop. P requirements and complete independence of the SFPUC. The RBOC supposedly acts as the independent ratepayers' advocate in bond-expenditures. I did not see unswerving fidelity to the concept of "independent" on Thursday, March 1, 2012 at the Rules Committee.

Why was SFPUC - AGM and CFO Todd Rydstrom there and asked to discuss the independent RBOC? Why not the City Attorney who oversees how independent committees are supposed to work? His appearances appears to correlates well with my "Fox guarding the hen house" article (see below). The RBOC is supposed to be independent of the SFPUC. Of course it is not and that is why it is a disservice to the ratepayers and must sunset on 12/31/12. SFPUC has meddled and directed most things relating to this committee since its inception. Why does it meet in the bowels of the SFPUC? Why has the BoS refused to do what Proposition P instructed it to do and provide full logistical support (not touching its 1/20th of 1% funding from all SFPUC revenue bonds)? So many questions? Not many satisfactory answers. Am I wrong in thinking "committee nullification?"

BTW - when I called the Ethics Committee to complain about the payments by the SFPUC to the CSA for the dog-and-pony presentations I was told to contact the "Whistleblowers." This being the group in main I was complaining about. I did contact the Whistleblowers. They told me to contact the "Commission" (SFPUC). In FORTRAN we called this an implosive "do-loop." Not a service the voting citizens imagined.

Finally - Doctor Sheehy surfaced a major concern - the stripping of SF of 12% of pristine Hetch Hetch water from SF and giving it to the peninsula. SF use this water during the intra MWSA period 1984 to 2009. The peninsula did not. It was probably done, because the SFPUC in signing the 2009 Master Water Sales Agreement assured the peninsula of 184 million gallons per day (MGD) and SF of 81MGD adding to 265 MGD. 265 is a statistical outlier. Approximately 16 times every hundred years. On this statistical outlier SF entered into its largest contract. I was refused admission to MWSA negotiations. What happened to sunshine in SF's largest contract ever? Having this knowledge was integral to my role on the RBOC. Please read 2002 P.

Plus, as a medical specialist, Dr. Sheehy brought clearly in focus on how stripping us of pristine Hetch Hetchy water (at a minimal 1/6th the cost of augmented supplies) could increase the health risks (I believe he cited the Milwaukee "incident") - doubly important in SF, which is fast increasing its role as a world-wide health-provider. We need the best water possible. Not water diluted with very expensive augmented supplies. Not lost on activists is the fact that we gave this water away at cost and must bear the significant cost of augmenting our water supplies from "alternative sources." Enough for today.

Thanks for reading,

Brian Browne

<http://reason.org/news/show/western-water-wars>



<http://westsideobserver.com/columnists.htm> 03-02-2012 12:18:08PM.pdf

# Whistling in the Dark: The San Francisco Whistleblower Program

Government transparency is vital in a democracy, and San Franciscans demand it. There is no denying that bona fide policy reform can and does occur when a witness to organizational misconduct steps forth to report it. The Civil Grand Jury found that, in San Francisco, whistle blowing is a high-risk activity.

The jury found that the San Francisco Whistleblower Program — nearly eight years after its re-launch under a 2003 charter amendment — has failed in its mission to promote the identification of waste, fraud, and abuse.

The existing program deals with mostly low-level issues, does not foster transparency, lacks a comprehensive tracking system, angers and confuses whistleblowers, lacks an appeals system, and fails to create effective and independent oversight.

San Francisco — like local governments elsewhere — presently faces staggering budget deficits, which ultimately will require increased revenue, spending cuts, or both. Citizens are increasingly intolerant of gross inefficiencies, excessive waste, and fiscal mismanagement. This mistrust can result in voter refusal to approve needed bond issues.

No “good government” policy can function effectively in an ethical vacuum. A responsive and well-run Whistleblower Program would provide a means of alerting city officials to misconduct and abuse before it became endemic. By taking corrective action at an early stage, the city can minimize waste, improve morale and efficiency, and encourage staff accountability in departmental operations.

Over 83% of whistleblower complaints were filed on the Controller’s Office public website. The jury found that the website was difficult to navigate, failed to elicit complete information about complaints, and didn’t explain the investigation process. The jury also found that the system is neither welcoming nor user-friendly. Furthermore, it provided no means for whistleblowers to report any retaliation.

The website lacks periodic updates on an investigation’s status. Progress reports might reduce the fear that the complaint is not being addressed

or taken seriously. There is no notification to complainants if the status changes or investigation closes.

The website’s “Definitions” section also poses a problem. Good examples of waste, fraud, and abuse are listed; however, the jury found that 36% of the complaints filed do not fit into what one might logically list under those categories. The jury recommended that the site provide examples defining what does or does not constitute waste, fraud, or abuse.

The grand jury reviewed a statistical sampling of 304 redacted whistleblower complaints supplied by the Central Services Auditor for the period of January, 2009 through December, 2010.

Three factors stood out:

1. Approximately 28% of the records were either duplicative or clearly outside of the whistleblower program jurisdiction.
2. Around 25% of the sample complaints did not fall within the category of waste, fraud, or abuse.
3. The department listed in the complaint, rather than the Whistleblower Program investigators, performed the majority of the investigations. Program investigators simply verify that the department concluded the investigation.

The jury also discovered insufficient program oversight and independent review. In 2003 the duties of the Citizens’ General Obligation Bond Oversight Committee (CGOBOC) expanded to include oversight of the Whistleblower Program. The CGOBOC is a citizens’ watchdog of nine appointees who review expenditures of San Francisco’s general obligation bonds.

Whistleblowers indicated to the jury that when they appeared before a full CGOBOC committee in 2010, the panel members seemed unaware that the program existed or that they had oversight responsibility. CGOBOC finally set up a three-member standing committee to serve as a citizens’ audit review board subcommittee on July 18, 2010.

In its current structure, the CGOBOC depends exclusively on information provided by the con-

troller and the city services auditor; these are the very departments CGOBOC must oversee. A perception of conflict of interest is unavoidable.

The jury found most disturbing the inadequacy of programs to protect whistleblowers against retaliation. Whistleblowers interviewed indicated that they had been laid off, intimidated, and/or “bumped” from their jobs.

The Civil Grand Jury concluded that the Whistleblower Program’s ineffectiveness results from inadequate procedures, poor communication with complainants, and lack of truly independent oversight. Additionally, the program does not make the best use of a whistleblower investigator’s time.

*The jury found that the San Francisco Whistleblower Program — nearly eight years after its re-launch under a 2003 charter amendment — has failed in its mission to promote the identification of waste, fraud, and abuse.*

The Whistleblower Program should encourage individuals to file substantive complaints but should also simplify the process, making it easier to navigate. Additionally, once reports are completed, the information, even if found worthless, be shared with the public to promote transparency in government. At present, the program fails to protect the whistleblower. ☹

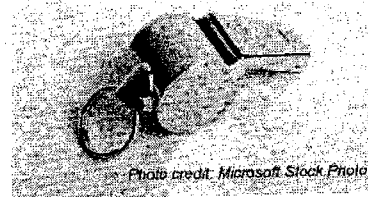


Photo credit: Microsoft Stock Photo

San Francisco  
BOARD OF SUPERVISORS

Date Printed: October 26, 2011

Date Established: December 20, 2002

Active

**PUBLIC UTILITIES REVENUE BOND OVERSIGHT COMMITTEE**

**Contact and Address:**

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Public Utilities Commission  
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Phone: (415) 554-3160

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Email: cperl@sfgwater.org

**Authority:**

Administrative Code Section 5.30-5.36 (Proposition P, passed November 2002) Certified by Secretary of State 12/20/02.

**Board Qualifications:**

The Public Utilities Revenue Bond Oversight Committee is comprised of seven members, two appointed by the Board of Supervisors; two by the Mayor; one member by the Controller; and one member by the governing body of the Bay Area Water Users Association. The seventh member shall be the Budget Analyst for the Board or his/her representative.

At a minimum, the members appointed by the Mayor and the Board shall, individually or collectively, have expertise, skills and experience in economics, the environment, construction and project management. The member appointed by the Controller shall have background and experience in auditing, accounting and project finance.

Except as authorized herein, no current officer or employee of the City shall be appointed to the Committee. All members of the Committee shall be subject to applicable conflict of interest provisions of local and state law. No vendor, contractor or consultant of the City that performs work funded by bonds issued by the City shall be appointed to the Committee.

Each committee member will serve for no more than two consecutive terms. Upon their initial appointment, three members of the Committee shall be assigned by lot an initial term of two years and the remaining four members shall have an initial term of four years. Thereafter each committee member shall serve a four-year term.

"R Board Description" (Screen Print)

San Francisco  
BOARD OF SUPERVISORS

The Committee shall report to the Board, Mayor and PUC regarding the expenditure of revenue bond proceeds on the repair, replacement, upgrading and expansion of the City's water collection, power generation, water distribution and wastewater treatment facilities.

Reports: The Committee shall issue a report at least once a year.

Compensation: \$100.00 per month to each member with the exception of City employees appointed to serve as part of their official City duties and the Budget Analyst or employees of the Budget analyst.

Sunset Clause: January 1, 2013 unless reauthorized by ordinance by the Board of Supervisors.