

FILE NO. 140976

Petitions and Communications received from September 8, 2014, through September 15, 2014, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on September 23, 2014.

**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 will not be redacted.**

From Clerk of the Board, the following agencies have submitted a 2014 Local Agency Biennial Conflict of Interest Code Review Report: (1)

- Civil Grand Jury
- Employees' Retirement System
- Fine Arts Museum of San Francisco
- Office of District Attorney

From Mayor Lee, regarding appointment to the Redevelopment Successor Commission: (2)

- Miguel Bustos - term ending November 3, 2016

From Mayor Lee, regarding appointment to the Public Utilities Commission: (3)

- Anson Moran - term ending August 1, 2018

From State Fish and Game Commission, providing Notice of Receipt of Petition to list the Livermore tarplant as endangered. Copy: Each Supervisor. (4)

From State Fish and Game Commission, providing notice of proposed regulatory action regarding the prohibition of prizes for the take of furbearers and nongame mammals. Copy: Each Supervisor. (5)

From Barbara Austin, regarding the Civil Grand Jury Report, "The Port of San Francisco, Caught between Public Trust and Private Dollar." File No. 140939. (6)

From Aaron Goodman, regarding Civil Grand Jury Reports, "The Port of San Francisco, Caught between Public Trust and Private Dollars"; "Rising Sea Levels...At Our Doorstep"; and "Ethics in the City: Promise, Practice, or Pretense." File Nos. 140791, 140792, and 140793. Copy: Each Supervisor. (7)

From Clerk of the Board, regarding consolidated response for the following departments to 2013-2014 Civil Grand Jury Report, "The Mayor's Office of Housing, Under Pressure and Challenged to Preserve Diversity." File Nos. 140834 and 140943. Copy: Each Supervisor. (8)

- Mayor's Office of Housing and Community Development
- Planning Department
- Department of Building Inspection

From Clerk of the Board, regarding consolidated response for the following departments to 2013-2014 Civil Grand Jury Report, "Survey of San Francisco Commission Websites." File No. 140833. Copy: Each Supervisor. (9)

Mayor's Office

Mayor's Office on Disability

City Attorney

Office of Civic Engagement and Immigrant Affairs

From Controller, regarding quarterly review of the treasurer's schedule of cash, investments, and accrued interest receivable as of December 31, 2013. (10)

From concerned citizens, regarding short-term residential rentals. File No. 140381. 2 letters. Copy: Each Supervisor. (11)

From concerned citizens, submitting signatures for petition regarding Municipal Transportation Agency. 4,042 signatures. Copy: Each Supervisor. (12)

From concerned citizens, regarding Transbay Transit Center and Community Facilities District. 2 letters. File Nos. 140836, 140814, 140815, and 140816. Copy: Each Supervisor. (13)

From Prarthana Gurung, regarding bikes for families. Copy: Each Supervisor. (14)

From Lawyer's Committee for Civil Rights, regarding legal services for unaccompanied children and families. File No. 140918. Copy: Each Supervisor. (15)

From concerned citizen, regarding aid for immigrants. Copy: Each Supervisor. (16)

Sept. 23, 2014 Communications Page

From the Clerk of the Board, the following agencies have submitted a 2014 Local Agency Biennial Conflict of Interest Code Review Report:

Civil Grand Jury  
Employees' Retirement System  
Fine Arts Museums of San Francisco  
Office of District Attorney

2014 SEP 10 PM 1:26

PR  
email

**2014 Local Agency Biennial Notice  
Conflict of Interest Code Review Report**

Name of Agency: The Civil Grand Jury  
Mailing Address: City Hall, Room 488, 1 Dr. Carlton B. Goodlett Place, SF, CA 94102  
Contact Person: Asja Steeves Office Phone No: 415-554-6630  
E-mail: CivilGrandJury@sfgov.org or Asja.Steeves@sfgov.org

This agency has reviewed its conflict-of-interest code and has determined that:

**An amendment is required. The following amendments are necessary:**  
(Check all that apply.)

- Include new positions (including consultants) that must be designated.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete positions that have been abolished.
- Delete positions that no longer make or participate in making governmental decisions.
- Other (describe) \_\_\_\_\_

**No amendment is required.**

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of gifts and income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

  
Signature of Chief Executive Officer

9.9.14  
Date

Complete this notice regardless of how recently your code was approved or amended.

Please return this notice no later than **August 4, 2014**, via e-mail (PDF) or inter-office mail to:

Clerk of the Board  
Board of Supervisors  
ATTN: Peggy Nevin  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
E-mail: [peggy.nevin@sfgov.org](mailto:peggy.nevin@sfgov.org)

of law

San Francisco Campaign and Governmental Conduct Code

**SEC. 3.1-180. CIVIL GRAND JURY.**

**Disclosure Category 2.** Persons in this category shall disclose all investments and business positions in business entities, and income from any sources which have done business within the City and County in the previous two years and income from all individuals who are employees of the City and County and all interests in real property.

***Designated Positions***

***Disclosure Categories***

Member, Civil Grand Jury

2

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000)

(Derivation: Former Administrative Code Section 58.170; added by Ord. 190-90, App. 5/24/90; amended by Ord. 340-99, File No. 992046, App. 12/30/99)

**2014 Local Agency Biennial Notice  
Conflict of Interest Code Review Report**

Name of Agency: San Francisco Employees' Retirement System  
Mailing Address: 30 Van Ness Avenue, Suite 3000  
Contact Person: Norm Nickens Office Phone No: (415) 487-7025  
E-mail: norm.nickens@sfgov.org

This agency has reviewed its conflict-of-interest code and has determined that:

**An amendment is required. The following amendments are necessary:**  
(Check all that apply.)

- Include new positions (including consultants) that must be designated.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete positions that have been abolished.
- Delete positions that no longer make or participate in making governmental decisions.
- Other (describe) \_\_\_\_\_

**No amendment is required.**

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of gifts and income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

  
\_\_\_\_\_  
Signature of Chief Executive Officer

  
\_\_\_\_\_  
Date

Complete this notice regardless of how recently your code was approved or amended.

Please return this notice no later than **August 4, 2014**, via e-mail (PDF) or inter-office mail to:

Clerk of the Board  
Board of Supervisors  
ATTN: Peggy Nevin  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
E-mail: [peggy.nevin@sfgov.org](mailto:peggy.nevin@sfgov.org)

San Francisco Campaign and Governmental Conduct Code

**SEC. 3.1-410. RETIREMENT SYSTEM.**

**Disclosure Category 2.** Persons in this category shall disclose all investments and business positions held in business entities, and income from any business entity, engaged in the development, manufacture, distribution, sale, or lease of computer hardware or software.

<i>Designated Positions</i>	<i>Disclosure Categories</i>
Member, Retirement Board	See Sec. 3.1-510
Commission Secretary	See Sec. 3.1-510
Executive Director	See Sec. 3.1-510
Deputy Director ( <del>Administration</del> )	1
Actuarial Services Coordinator	1
<del>Internal Audit Manager</del> Compliance Manager	1
Finance Manager	1
IT Manager	2
<del>Deputy Director (Investments)</del> Chief Investment Officer	See Sec. 3.1-510
Managing Director	See Sec. 3.1-510
Senior Portfolio Manager	1
Senior Investment Officer	1
Security Analyst	1
Deferred Compensation Manager	1
Consultant(s)	1

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 58-01, File No. 001951, App. App. 4/13/2001; Ord. 35-02, File No. 011875, App. 3/29/2002; Ord. 99-05, File No. 041570, App. 5/25/2005; Ord. 93-08, File No. 090199, App. 6/10/2009; Ord. 9-13, File No. 120964, App. 2/4/2013, Eff. 3/6/2013, Oper. 1/1/2013)

(Derivation: Former Administrative Code Section 58.370; added by Ord. 3-90, App. 1/5/90; amended by Ord. 190-90, App. 5/24/90; Ord. 380-94, App. 11/10/94; Ord. 56-97, App. 3/6/97; Ord. 345-98, App. 11/19/98)

---

**From:** Megan Bourne [MBourne@famsf.org]  
**Sent:** Monday, September 08, 2014 2:21 PM  
**To:** Nevin, Peggy  
**Cc:** Shen, Andrew (CAT); Michele Gutierrez; Charlie Castillo  
**Subject:** FAMSF Conflict of Interest Code Amendment  
**Attachments:** FAMSF Conflict of Interest Code Review.pdf

Dear Ms. Nevin,

Attached is the Fine Arts Museums' Conflict of Interest Code Review form. We have no changes in designated filers.

Kind regards,  
Megan

**Megan Bourne**  
Executive Secretary to the Board of Trustees

Fine Arts Museums of San Francisco  
de Young | Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118  
p 415.750.3669 | f 415.750.7686 | c 415.260.0217  
[mbourne@famsf.org](mailto:mbourne@famsf.org) | [famsf.org](http://famsf.org)



**2014 Local Agency Biennial Notice**  
**Conflict of Interest Code Review Report**

Name of Agency: Fine Arts Museums of San Francisco  
Mailing Address: 50 Hagiwara Tea Garden Drive, San Francisco, CA 94118  
Contact Person: Megan Bourne Office Phone No: 415-750-3669  
E-mail: mbourne@famsf.org

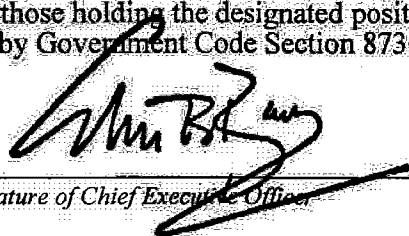
This agency has reviewed its conflict-of-interest code and has determined that:

**An amendment is required. The following amendments are necessary:**  
(Check all that apply.)

- Include new positions (including consultants) that must be designated.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete positions that have been abolished.
- Delete positions that no longer make or participate in making governmental decisions.
- Other (describe) \_\_\_\_\_

**No amendment is required.**

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of gifts and income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

  
\_\_\_\_\_  
Signature of Chief Executive Officer

September 9, 2014

\_\_\_\_\_  
Date

Complete this notice regardless of how recently your code was approved or amended.

Please return this notice no later than **August 4, 2014**, via e-mail (PDF) or inter-office mail to:

Clerk of the Board  
Board of Supervisors  
ATTN: Peggy Nevin  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
E-mail: [peggy.nevin@sfgov.org](mailto:peggy.nevin@sfgov.org)

---

**From:** Clendinen, Eugene (DAT)  
**Sent:** Monday, September 08, 2014 1:57 PM  
**To:** Shen, Andrew (CAT); Nevin, Peggy  
**Cc:** Monachino, Evette (DAT); Woo, Sharon (DAT)  
**Subject:** RE: Conflict of Interest Code amendments - District Attorney  
**Attachments:** Conflict of Interest Required Filers Report 2014.pdf

Peggy/Andrew,

Attached is the Office of District Attorney's Conflict of Interest Code Review Report. We have made two changes. We have deleted the reporting requirement for the Manager of Legal Operations as her job function has changed. We have added the Chief Information Officer as a new reporter. Let me know if you have any questions.

Eugene G. Clendinen  
Chief Administrative & Financial Officer  
Office of District Attorney George Gascón  
850 Bryant Street, Rm 313  
San Francisco, CA 94103  
Phone: (415) 553-1895  
Fax: (415) 553-9700

**2014 Local Agency Biennial Notice  
Conflict of Interest Code Review Report**

Name of Agency: Office of the District Attorney  
Mailing Address: 850 Bryant Street, Rm 322, San Francisco CA 94103  
Contact Person: Eugene Clendinen Office Phone No: (415) 553-1895  
E-mail: Eugene.Clendinen@sfgov.org

This agency has reviewed its conflict-of-interest code and has determined that:

**An amendment is required. The following amendments are necessary:**  
(Check all that apply.)

- Include new positions (including consultants) that must be designated.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete positions that have been abolished.
- Delete positions that no longer make or participate in making governmental decisions.
- Other (describe) \_\_\_\_\_

**No amendment is required.**

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of gifts and income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

  
\_\_\_\_\_  
Signature of Chief Executive Officer

9/8/14  
\_\_\_\_\_  
Date

Complete this notice regardless of how recently your code was approved or amended.

Please return this notice no later than **August 4, 2014**, via e-mail (PDF) or inter-office mail to:

Clerk of the Board  
Board of Supervisors  
ATTN: Peggy Nevin  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
E-mail: [peggy.nevin@sfgov.org](mailto:peggy.nevin@sfgov.org)

**SEC. 3.1-205. DISTRICT ATTORNEY.**

**Disclosure Category 2.** Persons in this category shall disclose all income from and investments in businesses that provide services or that manufacture or sell supplies of the type used by the Office of the District Attorney.

<i>Designated Positions</i>	<i>Disclosure Categories</i>
District Attorney	See Sec. 3.1-500
Chief Assistant District Attorney	1
Chief of Staff	1
Assistant Chief Attorney I – Division Chiefs	1
<del>Manager of Legal Operations</del>	1 (Remove)
<b>Chief Information Officer</b>	1 (Add)
Chief Administrative & Financial Officer	1
Assistant Chief Administrative & Financial Officer	1
All Attorneys	1
All Investigators	1
Chief Victim Witness	2
Assistant Chief Victim Witness	2

OFFICE OF THE MAYOR  
SAN FRANCISCO



Orig: Leg clerk  
C: Bos-11, CoB. EDWIN M. LEE  
Leg Dep, Dep Atty Albany MAYOR  
Rules clerk.  
cpage de file

September 11, 2014

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 SEP 11 PM 3:50

Dear Ms. Calvillo,

It is my pleasure to notify you of my nomination to the Redevelopment Successor Commission (commonly known as Commission on Community Investment and Infrastructure), pursuant to Ordinance No. 215-12:

Miguel Bustos, assuming Seat 3, formerly held by Christine Johnson, for a term ending November 3, 2016.

I am confident that Mr. Bustos, an elector, will serve our community well. Attached herein for your reference are his qualifications to serve.

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

Sincerely,

Edwin M. Lee  
Mayor

2

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

### Notice of Appointment

September 11, 2014

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

Honorable Board of Supervisors:

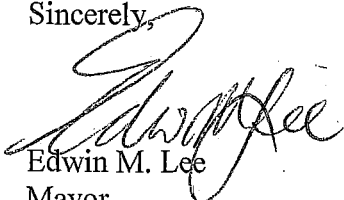
It is my pleasure to notify you of my nomination to the Redevelopment Successor Commission (commonly known as Commission on Community Investment and Infrastructure), pursuant to Ordinance No. 215-12:

Miguel Bustos, assuming Seat 3, formerly held by Christine Johnson, for a term ending November 3, 2016.

I am confident that Mr. Bustos, an elector, will serve our community well. Attached herein for your reference are his qualifications to serve.

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

Sincerely,

  
Edwin M. Lee  
Mayor

## MIGUEL BUSTOS

2757 Harrison Street, San Francisco, CA 94110

Email: [miguelmbustos@gmail.com](mailto:miguelmbustos@gmail.com)

Primary Phone: (415) 760-5277

### Career Highlights:

Over 20 years of experience leveraging philanthropic resources across local, regional and national sectors toward achieving sustainable change in a broad cross-section of constituencies. I have worked for two mayors, a member of the U.S. House of Representatives and the Vice-President and the President of the United States. These opportunities have gifted me the experience to know how to translate vision into policy; dreams into appropriations; and disparate voices into coalitions. Finally, I have broad experience in managing people and resources for I have oversaw three not-for-profits and countless volunteers and know the value of communication when it comes to achieving long and short range goals and objectives.

### Professional Experiences:

Senior Vice President Wells Fargo  
Community Relations and Outreach Regional Director Northern and Central California  
2013-Present

Manage programmatic goals and Community Relations strategy for Wells Fargo Home Mortgage for Northern and Central California; collaborate across functions with Governmental Affairs, Banking, Community Development, Legal, Communications, and the Wells Fargo Foundation to provide community resources; supported Wells Fargo's support of increasing the well-being of underserved people through the following strategies: financial literacy, financial inclusion policies, savings programs and home ownership; maintain internal and external relationships to enhance the reputation within communities, philanthropy, and government; and act as spokesperson and thought leader for the company.

Senior Program Manager for the Americas Levi Strauss Foundation  
2010-2012 San Francisco, California

Managed programmatic goals and strategies for the Foundation's grantmaking priorities and program in the Americas; collaborated across functions with Governmental Affairs, Social Environment and Sustainability Teams, Global Sourcing, Corporate Affairs (Community Investment Teams), Corporate Communications and Human Resources to maximize employee volunteerism and corporate social responsibility alignment; supported the Foundation's mission to advance the rights and well being of underserved people through the following strategies: promoting the rights and well-being of workers, addressing HIV/AIDS stigma and discrimination, and reducing poverty by providing asset building opportunities (financial literacy, financial inclusion policies, savings programs and entrepreneurship); maintained internal and external relationships to enhance the reputation of the parent company within communities, philanthropy, and government; and acted as spokesperson and thought leader for the Foundation.

Director, Office of Intergovernmental Affairs Mayor Ronald V. Dellums  
2007 - 2010 Oakland, California

Served as a senior policy advisor to the Mayor; created policy strategies and partnered with local public officials, the State Legislature, and the Federal government on legislative priorities (Education, Sustainability, Financial Literacy- Asset Building, Affordable Housing, Work Force Development, and Labor); promoted public/private partnerships with communities, businesses, and philanthropic organizations; coordinated state and federal appropriations, authorizations, and grants processes; directed the hiring and managing of the state and federal lobbyists in Sacramento and Washington, D.C; worked with the Port of Oakland to enhance its economic health and promoted its social and sustainability efforts in the local community and with labor; served as Protocol Officer and coordinated international meetings and partnerships with foreign dignitaries; managed the city's Sister Cities Program; and led city-wide employee volunteerism activities (AIDS Walk San Francisco and East Bay, PRIDE Parade, MLK Freedom Center).

Director of Boards and Commissions Mayor Gavin Newsom's Office of Governmental Affairs  
2007 San Francisco, California

Served as the Mayor's liaison to all San Francisco's Commissions, Boards, and Authorities; facilitated the appointments of community leaders to these governing bodies. Responsibilities included engaging neighborhood groups, building relationships with community leaders, monitoring actions of the commissions, and briefing the Mayor and senior staff on policy developments; and collaborating on public policy projects related to governmental affairs, community relations, and public/private partnerships.

Deputy District Director/Grants Manager  
2004 - 2006

U.S. Congresswoman Barbara Lee  
East Bay, California

Managed the Congressional Office and the development of the Congresswoman's policy priorities; primary policy areas included: the Environment, Education, Housing, Financial Literacy, Poverty, Civic Participation/Voting, HIV/AIDS, Workers Rights, and the Conflict in the Middle East. Strengthened relationships with key community groups (Latino, Labor, Native American, Arab American, Jewish, African American, and LGBT); designed and implemented the Grants Programs for the 9th Congressional District, including the development of public/private partnerships with public agencies, philanthropic organizations, nonprofits, labor, faith-based, and the business communities; represented the Congresswoman at meetings, rallies, and hearings, and in labor negotiations; led the Office's Employee Volunteer Program (AIDS Walk San Francisco & East Bay, PRIDE Parade, Mentoring at MLK Freedom Center and Youth Upraising).

**Presidential Appointments:**

Policy Advisor  
1996-1999

Executive Office of the President and Vice President  
The White House  
Executive Office of the Vice President and Mrs. Gore

Advised Mrs. Gore on prevalent social and health issues such as the arts, education, mental health, and HIV/AIDS (specifically, combating the stigma associated with mental illness and HIV); developed positive collaborations with state, local, and tribal governments, business stakeholders, and community-based leaders; maintained relationships with Congressional Caucuses; organized the White House Team's participation in community events (Race for the Cure & AIDS Walk).

Youth HIV/AIDS Advisor  
1995

Executive Office of the President  
The White House Office of National AIDS Policy

Advised the President on the social, ethnic, religious, physical and mental health concerns of adolescents regarding HIV/AIDS (specifically, combating the stigma and discrimination associated with HIV); analyzed national data and co-authored a Presidential Report entitled -*Youth and HIV/AIDS: An American Agenda*; provided comprehensive recommendations on AIDS policy to the President, Congress, local officials, faith and community based leaders.

**Education:**

Master of Business Administration  
March 2014

St. Mary's College, Moraga, CA  
School of Business and Economics

Concentration: Global Corporate & Social Responsibility

Master of Arts

The American University, Washington, DC  
School of International Service

Political Science, International Affairs  
May 1995

Concentration: International Peace and Conflict Resolution

Bachelor of Arts  
May 1993

Holy Names University, Oakland, CA

Political Science, International Relations

Honors: Student Body President, Founders Medal Recipient, Commencement Valedictorian

Certified Professional Executive and Life Coach (CPC)

Coaches Institute International

November 2009

**Leadership:**

- Member, Board of Directors, Hispanics in Philanthropy (2010-Present)
- Commissioner, San Francisco Redevelopment Agency, Appointed by Mayor Gavin Newsom and Unanimously Confirmed by the San Francisco Board of Supervisors, December 2009- 2012
- Rockefeller Fellow, The Next Generation Leadership Fellows Program  
The Rockefeller Foundation (2002-Present)

**Civic Involvement:**

The GLIDE Foundation Board of Director; Dominican Sisters Vision of Hope Educational Fund; The Mission Council; Calle 24; The Horizons Foundation (Past Chair of External Affairs Committee); The National Names Project – The AIDS Memorial Quilt Foundation (Board Member); The National Catholic AIDS Network (Board Member); The National Hispanic Education and Media Group (Board Member and Adviser to Cade Cabeza Es Un Mundo/Each Mind Is A World Education Project); Human Rights Campaign Local Steering Committee; Mission Neighborhood Centers (Vice President of the Board); San Francisco Carnaval Committee (Chair); St.



Mary's Medical Center (Board Member and Member of the Medical Credentialing Committee); The Martin Luther King Freedom Center (Board Member); and Political Research Associates (Board Member).

**International Delegations:**

- Delegation Member, St. Mary's College Project Trip to New Zealand and Australia, January 2014
- Delegation Member, St. Mary's College Project Trip to Rwanda and Zanzibar, March 2013
- Delegation Member, United States' Local, State, Federal and Legislators and Officials, Mexico's 60th External Relations Conference, Mexico City, Mexico, November 2008
- Delegation Coordinator, HIV/AIDS in South Africa, Cape Town, South Africa, May 2008
- Delegation Member, Elected and Community Leaders Mission to Israel, San Francisco Jewish Community Relations Council March 2005
- Delegation Leader, Children's International Villages, Helsinki, Finland, 1992

**International Travel:**

Argentina, Australia, Austria, Belgium, Brazil, Cambodia, Canada, Chile, Dominican Republic, England, Egypt, Fiji, Finland, France, Haiti, Indonesia, Ireland, Israel, Italy, Mexico, New Zealand, Nicaragua, Rwanda, South Africa, Singapore, Spain, Thailand, The Bahamas, Uruguay, Vietnam, and Zanzibar.

**Fluent Languages:**

English and Spanish

OFFICE OF THE MAYOR  
SAN FRANCISCO



Orig: Leg Clerk

BOS-11, COB

EDWIN M. LEE

MAYOR

Leg Dep

Dep City Atty

Rules Clerk

CPAGE Acfile

September 11, 2014

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 SEP 11 PM 3:49  
RL

Dear Ms. Calvillo,

Pursuant to Section 4.112 of the Charter of the City and County of San Francisco, I hereby make the following nomination:

Anson Moran to the Public Utilities Commission, Seat 4, for a term ending August 1, 2018

I am confident Mr. Moran, an elector, will continue to serve the City and County well. Attached herein for your reference are his qualifications to serve.

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

Sincerely,

Edwin M. Lee  
Mayor

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

### Notice of Appointment

September 11, 2014

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

Honorable Board of Supervisors:


Pursuant to Section 4.112 of the Charter of the City and County of San Francisco, I hereby make the following nomination:

Anson Moran to the Public Utilities Commission, Seat 4, for a term ending August 1, 2018

I am confident Mr. Moran, an elector, will continue to serve the City and County well. Attached herein for your reference are his qualifications to serve.

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

Sincerely,

  
Edwin M. Lee  
Mayor

# Anson B. Moran

## Background

**Consulting Practice** providing water resource development services since July 01.

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

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

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

Seven years as **Marketing Representative for IBM**

**Anson B. Moran**  
**Resume**

**Home Address**

1039 Cole Street  
San Francisco, CA 94117

**Phone Numbers**

Home: (415) 681-0259  
Work: (415) 730-5637

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

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

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

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

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

Responsible for Hetch Hetchy, the Water Department and the Clean Water Program; four operating divisions and five support bureaus comprising 1,700 employees.

- Produced over \$25 million in surplus power revenues for the General Fund annually
- Served high quality water to 2.3 million customers in San Francisco, San Mateo, Santa Clara and Alameda Counties
- Collected and treated storm water and waste water in compliance with all permits and regulations

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

Leader in local, State and Federal water policy

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

Sponsored major planning efforts:

- System Planning and Regulatory Compliance Bureau
- Water Quality Study
- Vulnerability Study (to assess infrastructure needs)

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

#### Reorganized PUC

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

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

##### Implemented new power contracts

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

##### Initiated aggressive and comprehensive effort with the City Attorney to identify and protect Hetch Hetchy's water rights and related interests

- Authorized effort to document contractual relationships and water rights
- Recognized threat posed to City interests by Modesto and Turlock Irrigation Districts operation of New Don Pedro Reservoir
- Developed strategic plan which resulted in successful litigation and mediation with the Districts

##### Ended Hetch Hetchy's history of isolation from the water industry

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

##### Flattened Hetchy's organization

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

##### Placed emphasis on preventive maintenance programs

- Strengthened Maintenance Engineering function
- Developed on-going facilities maintenance programs

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

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

Improved organizational performance in areas of "basic decencies"

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

Conducted first competitive selection of financial advisors and underwriters

Issued revenue bonds

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

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

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

Implemented new budgeting programs for all PUC departments

Built staff creating new function within the PUC

Represented PUC/MUNI interests at the Metropolitan Transportation Commission

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

Worked on DA's use of criminal justice computer systems

Consolidated case files and eliminated manual indexing system

Implemented new post-Prop. 13 budgeting systems

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

Worked on SFPD use of criminal justice computer systems

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

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

Automated reporting of criminal justice statistics to State

**9/73-6/74: CORO Fellow**

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

**Education:**

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

1975 MA Urban Studies from Occidental College (Los Angeles)



305-11

**Commissioners**  
Michael Sutton, President  
Monterey  
Jack Baylis, Vice President  
Los Angeles  
Jim Kellogg, Member  
Discovery Bay  
Richard Rogers, Member  
Santa Barbara  
Jacque Hostler-Carmesin, Member  
McKinleyville

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Fish and Game Commission**



Sonke Mastrup, Executive Director  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
(916) 653-5040 Fax  
www.fgc.ca.gov

September 10, 2014

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 SEP 12 PM 2:40

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a Notice of Receipt of Petition to list the Livermore tarplant as endangered under the California Endangered Species Act. This notice will be published in the California Regulatory Notice Register on September 12, 2014.

Sincerely,

*Sheri Tiemann*  
Sheri Tiemann

Associate Governmental Program Analyst

Attachment

**Commissioners**  
**Michael Sutton**, President  
Monterey  
**Jack Baylis**, Vice President  
Los Angeles  
**Jim Kellogg**, Member  
Discovery Bay  
**Richard Rogers**, Member  
Santa Barbara  
**Jacque Hostler-Carmesin**, Member  
McKinleyville

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

## Fish and Game Commission



**Sonke Mastrup**, Executive Director  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
(916) 653-5040 Fax  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

### CALIFORNIA FISH AND GAME COMMISSION NOTICE OF RECEIPT OF PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, on August 26, 2014, the California Fish and Game Commission received a petition from Mr. Heath Bartosh to list the Livermore tarplant (*Deinandra bacigalupii*) as endangered under the California Endangered Species Act.

Livermore tarplant is supported by poorly drained, seasonally dry, high alkaline Pescadero and Solano series soils of sedimentary parent material. It occurs in alkaline meadows and grasslands in the vicinity of barren alkali scalds, alkali vernal pools, and playa-like pools.

Pursuant to Section 2073 of the Fish and Game Code, on August 28, 2014, the Commission transmitted the petition to the California Department of Fish and Wildlife for review pursuant to Section 2073.5 of said code. It is anticipated that the Department's evaluation and recommendation relating to the petition will be received by the Commission at its February 2015 meeting.

Interested parties may contact Ms. Helen Birss, Habitat Conservation Planning Branch Chief, California Department of Fish and Wildlife, 1416 Ninth Street, Suite 1260, Sacramento, CA 95814, or telephone 916.653.9834, for information on the petition or to submit information to the Department relating to the petitioned species.

August 28, 2014

Fish and Game Commission

Sonke Mastrup  
Executive Director

**Commissioners**  
**Michael Sutton**, President  
Monterey  
**Jack Baylis**, Vice President  
Los Angeles  
**Jim Kellogg**, Member  
Discovery Bay  
**Richard Rogers**, Member  
Santa Barbara  
**Jacque Hostler-Carmesin**, Member  
McKinleyville

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Fish and Game Commission**



*BOS-11, cpage*  
**Sonke Mastrup**, Executive Director  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
(916) 653-5040 Fax  
www.fgc.ca.gov

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 SEP -8 PM 3:00

August 28, 2014

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Sections 465 and 472, Title 14, California Code of Regulations, relating to the prohibition of prizes for the take of furbearers and nongame mammals, which will be published in the California Regulatory Notice Register on August 29, 2014.

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

**Ms. Caren Woodson**, Fish and Game Commission, phone (916) 651-1329, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Caren Woodson".

Caren Woodson  
Associate Government Program Analyst

Enclosure

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

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 3003.1, 3800, 4009.5, and 4150, of the Fish and Game Code and to implement, interpret, or make specific sections 200, 201, 202, 203, 203.1, 206, 207, 355, 2003, 3800, and 4150 of said Code, proposes to amend Sections 465 and 472, Title 14, California Code of Regulations, relating to take of nongame animals.

**Informative Digest/Policy Statement Overview**

Section 2003 of Fish and Game Code (FGC), subsection (a) prohibits offering prizes or other inducements "for the taking of game birds, mammals, fish, reptiles or amphibians in an individual contest, tournament or derby." However, Section 2003, FGC, then goes on to provide limited exceptions to this rule. These exceptions permit take of game fish if permitted by the Department of Fish and Wildlife (Department), frog-jumping contests, fish contests conducted in the waters of the Pacific Ocean, and, in subsection (d), the offering of prizes "for the taking of game birds and mammals, if the total value of all prizes or other inducements is less than five hundred dollars (\$500)." The Commission's proposed regulatory changes resolve the potential inconsistent treatment of "game" and "nongame mammals" in subsections (a) and (d) by clarifying that Section 2003, FGC, prohibits offering prizes or inducements for take of all mammals (game, nongame, and furbearers) in subsection (a), and, in subsection (d) permits prize offerings of less than \$500 only for the take of game mammals.

The Commission reasons the word "game" preceding "birds" in subsection (a) was not intended to apply to "mammals" because the use of a comma between "birds" and "mammals" makes clear that "game" only applies to "birds" in this general prohibition. Subsection (a) is clearly a longstanding broad prohibition protecting game birds and all mammals, fish, reptiles, and amphibians. Turning to subsection (d), the Commission further reasons that in this later added subsection the word "game" preceding "birds" was intended to apply to "mammals."

The Commission views the alternative reading of subsection 2003(d), FGC, permitting inducements for the unlimited take of furbearers and nongame mammals as unsportsmanlike and likely not the intent of the legislature in the 2004 amendment adding subsection (d). The Commission believes that offering inducements for hunting contests of animals with no regulated take does not reflect good sportsmanship or the likely intent of the legislature. Therefore, the Commission believes the changes to sections 465 and 472 clarify the proper interpretation of subsection 2003(d), FGC, and recognize and encourage sportsmanlike behavior.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate take and possession of nongame

mammals (Sections 203 and 4150). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to offering prizes or other inducements for the take of furbearers and nongame animals.

### **Benefits of the Proposed Regulations**

Adoption of clear instruction about the legal hunting of furbearers and nongame mammals provides for the conservation, maintenance, and utilization of the living resources of the state's wildlife under the jurisdiction of the state for the benefit of all the citizens of the state. The proposed regulations provide continued recreational opportunity to the public, afford opportunities for multi-generational family activities, and promote respect for California's environment by the future stewards of the State's resources. The fees that hunters pay for licenses and stamps are used for conservation.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mount Shasta Hatchery Museum, 1 North Old Stage Road, Mount Shasta, California, on Wednesday, October 8, 2014, at 8:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Airtel Plaza Hotel, 7277 Valjean Avenue, Van Nuys, California, on Wednesday, December 3, 2014, at 8:00 a.m., or as soon thereafter as the matter may be heard.

It is requested, but not required, that written comments be submitted on or before November 20, 2014, at the address given below, or by fax at (916) 653-5040, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). **Written comments mailed, faxed or emailed to the Commission office, must be received before 12:00 noon on November 26, 2014.** All comments must be received no later than December 3, 2014, at the hearing in Van Nuys, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Caren Woodson at the preceding address or phone number. **Caren Woodson, Fish and Game Commission, phone 916-651-1329, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

### **Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

### **Impact of Regulatory Action/Results of the Economic Impact Analysis**

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal clarifies and strengthens the enforceability of portions of the current regulation.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

The Commission does not anticipate any impacts the proposed action would have on the creation or elimination of jobs or businesses in California or on the expansion of businesses in California; and, does not anticipate benefits to worker safety, because the proposal only clarifies the application of a specific section of Fish and Game Code.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulations are intended to provide continued recreational opportunity to the public. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources.

The Commission anticipates benefits to the environment by the sustainable

management of California's upland game resources. The fees that hunters pay for licenses and stamps are used for conservation.

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

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

(d) Costs or Savings to State Agencies or Costs/ Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

**Effect on Small Business**

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

**Consideration of Alternatives**

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

FISH AND GAME COMMISSION

Sonke Mastrup  
Executive Director

Dated:

---

**From:** Board of Supervisors (BOS)  
**To:** BOS-Supervisors; Major, Erica  
**Subject:** File 140939: FOR THE GOVERNMENT & OVERSIGHT COMMITTEE

---

**From:** Barbara Austin [mailto:bjfa4@aol.com]  
**Sent:** Wednesday, September 10, 2014 12:31 PM  
**To:** Board of Supervisors (BOS)  
**Subject:** FOR THE GOVERNMENT & OVERSIGHT COMMITTEE

Supervisors Breed, Tang and Chui

I support and urge the committee to adopt the Grand Jury's recommendations that the Port Commission should consist of a mix of appointees representing the Mayor, Supervisors and Citizenry

Yours truly,  
B.Austin



---

**From:** Board of Supervisors (BOS)  
**To:** BOS-Supervisors; Major, Erica  
**Subject:** Files 140791,0140792,0140793: GAO Meeting Sept. 11th - Items 1,3,5

---

**From:** Aaron Goodman [<mailto:amgodman@yahoo.com>]  
**Sent:** Wednesday, September 10, 2014 10:53 PM  
**To:** BreedStaff (BOS); Tang, Katy (BOS); Chiu, David (BOS)  
**Cc:** Board of Supervisors (BOS)  
**Subject:** GAO Meeting Sept. 11th - Items 1,3,5

SF BOS GAO Committee

I write to you as I will be unable to attend the GAO meeting on Sept. 11th but wanted to ensure my concerns are relayed on the three civil grand jury reports before you on Thursday.

On the Item 1: I want to strongly recommend that you follow the concerns of the Civil Grand Jury by having public representative members on the Port Commission and not just 100% developer and private interests. We have seen on the 8 Washington project and other proposals the need to have public input representative of the communities and public's best interests invoked on such projects and recommend that you ensure that the appointee process is not cornered by private interests.

On item 3: I want to suggest and recommend that you read the appeal on Treasure Island by Saul Bloom and Aaron Peskin on the concerns raised on the EIR, and lacking follow up on the importance of addressing global warming and changes on our coastal areas. Most of the Cattellus development BVHP, TI and many other projects and proposals are risking more rather than invoking better solutions for the long-term. Quick profits are eliminating sound judgement and it is important to provide the public with adequate analysis and better public involvement on decisions that are impacted by global warming which we cannot control all of..

On item 5: I would suggest and recommend that Supervisor Chiu recuse himself from any decision making on this issue based on the Ethics issues he was involved with on Parkmerced. Many Supervisors involved in decision making, and concerns on ethics, and the consistent "play" of ammendments and added legislation promote a reduced ethical position in regards to development. Public input and involvement in the Ethics commission, its proper funding, and adequate trained and knowledgeable staffing is key to ensuring that government officals abide by the laws and ensure the public's best interests are conveyed.

Please do your utmost to follow the input of the Civil Grand Jury on all three issues, they represent the people, the publics concerns, and the importance of an informed elected body.

Sincerely

Aaron Goodman  
c:415.786.6929  
D11

BOARD of SUPERVISORS



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

BOS-11  
electronically

DATE: September 9, 2014  
TO: Members of the Board of Supervisors  
FROM: *AC* Angela Calvillo, Clerk of the Board

File 140834  
140943

SUBJECT: 2013-2014 Civil Grand Jury Report "The Mayor's Office of Housing, Under Pressure and Challenged to Preserve Diversity"

We are in receipt of the following required responses to the San Francisco Civil Grand Jury report released July 7, 2014, entitled: **The Mayor's Office of Housing, Under Pressure and Challenged to Preserve Diversity**. Pursuant to California Penal Code, Sections 933 and 933.05, the City Departments shall respond to the report within 60 days of receipt, or no later than September 5, 2014.

For each finding the Department response shall:

- 1) agree with the finding; or
- 2) disagree with it, wholly or partially, and explain why.

As to each recommendation the Department shall report that:

- 1) the recommendation has been implemented, with a summary explanation; or
- 2) the recommendation has not been implemented but will be within a set timeframe as provided; or
- 3) the recommendation requires further analysis. The officer or agency head must define what additional study is needed. The Grand Jury expects a progress report within six months; or
- 4) the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

The Civil Grand Jury Report identified the following City Departments to submit responses (attached):

- Mayor's Office submitted a consolidated response for the following:
  - a. Mayor's Office of Housing and Community Development
  - b. Planning Department
  - c. Department of Building Inspection

(Received September 5, 2014, for Findings 1 through 11 and Recommendations 1 through 3, 4a, 4b, 5a, 5b, 6a through 6c, 7, 8a, 8b, 9a, 9b, 10a, 10b and 11)

These departmental responses are being provided for your information, as received, and may not conform to the parameters stated in California Penal Code, Section 933.05 et seq. The Government Audit and Oversight Committee will consider the subject report, along with the responses, at an upcoming hearing and will prepare the Board’s official response by Resolution for the full Board’s consideration.

C:

Honorable Cynthia Ming-mei Lee, Presiding Judge  
Elena Schmid, Foreperson, 2013-2014 San Francisco Civil Grand Jury  
Lee Olson, Mayor’s Office  
Eugene Flannery, Mayor’s Office  
Antonio Guerra, Mayor’s Office  
Roger Kim, Mayor’s Office  
Chris Simi, Mayor’s Office  
Ben Rosenfield, Controller  
Asja Steeves, Controller’s Office  
Jon Givner, Deputy City Attorney  
Rick Caldeira, Legislative Deputy  
Severin Campbell, Budget and Legislative Analyst’s Office  
Matt Jaime, Budget and Legislative Analyst’s Office  
John Rahaim, Director, Planning Department  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department  
Tom Hui, Director, Department of Building Inspection  
William Strawn, Department of Building Inspection  
Carolyn Jayin, Department of Building Inspection



September 5, 2014

The Honorable Cynthia Ming-mei Lee  
Presiding Judge  
Superior Court of California, County of San Francisco  
400 McAllister Street  
San Francisco, CA 94102

Dear Judge Lee:

Pursuant to Penal Code sections 933 and 933.05, the following is in reply to the 2013-2014 Civil Grand Jury report, *The Mayor's Office of Housing: Under Pressure and Challenged to Preserve Diversity*. This letter represents the consolidated City and County of San Francisco reply of the Mayor's Office of Housing and Community Development, the Planning Department, and the Department of Building Inspection. We would like to thank the members of the Civil Grand Jury for their interest in housing availability and the work of the Mayor's Office of Housing and Community Development.

The conditions that shape San Francisco's housing market are unique. San Francisco is a land-constrained city of hills surrounded by water on three sides. Trailing only New York City, San Francisco is the second most densely populated major city in the United States. We are also proud of our history and environment, and we seek to protect the neighborhood architecture and diversity beloved by residents and visitors alike.

The City's strong economy over the past few years has affected the availability of affordable housing. In the past three years, the City's unemployment rate has been cut in half and 42,000 new jobs have been created. This robust economic growth has generated hundreds of millions of dollars in new revenue for San Francisco to fund vital public services. However, this increased prosperity has also escalated the price of housing as demand has increased.

San Francisco and other cities are largely on their own to manage an affordability crisis brought on by macro and local economic factors. With the dissolution of Redevelopment agencies by the State, San Francisco and other counties lost the primary engine of affordable housing development in California. At the federal level, there is a continuing lack of federal support for affordable housing outside of Low Income Housing Tax Credits. At the local level, San Francisco has taken important steps to address the crisis. In 2012, the voters authorized the Housing Trust Fund, which created a dedicated \$1.5 billion funding stream for affordable housing over the next 30 years. In addition, an additional \$50 million over the next two years has been budgeted to expedite and seed new projects throughout San Francisco, as well as \$2 million to rehabilitate vacant public housing units that will be reserved for homeless individuals and families.

Understanding the need for additional housing and development for over a decade, the City has planned for growth in our central core and eastern neighborhoods. The Planning Department drafted and the Board of Supervisors approved a number of award-winning area and redevelopment plans such as Market-Octavia, Eastern Neighborhoods, Rincon Hill, and the Transbay Redevelopment Plan to prepare for growth.

And our City has a plan to do more.

To address the City's housing shortage, and the resulting pent-up demand and price escalation, the Mayor has developed the following seven point housing plan, which aims to leverage the unprecedented growth that our City is experiencing in an effort to create housing opportunities for all, regardless of income.

1. Protect our residents from eviction and displacement. This includes reform of the Ellis Act.
2. Stabilize and protect at-risk rent-controlled units, through rehabilitation loans and a new program to permanently stabilize rent conditions in at-risk units.
3. Revitalize and rebuild public housing, by continuing HOPE SF commitments and improving thousands of other Housing Authority units.
4. Double downpayment loan assistance amounts, helping recipients address the upfront hurdles of becoming a homeowners.
5. Build more affordable housing faster, through additional funding and new tools to spread the burden of construction from the City to our private partners.
6. Continue to build market rate units, especially rental units, to address the demand crisis that has built up from years of inadequate housing supply.
7. Make construction of new housing easier. Increase staff and reduce processing times in City departments and provide affected neighborhoods the infrastructure needed to thrive with growth.

The cornerstone of this plan consists of the construction of 30,000 new and rehabilitated homes throughout the City by 2020.

- At least 10,000 homes will be permanently affordable to low income (up to 80% of median income, currently \$77,700 for a family of four) and moderate income (less than 120% of median income, currently \$116,500 for a family of four) families.
- The majority will be within financial reach of working, middle income San Franciscans (up to 150% of median income, currently \$145,650 for a family of four).

With roughly 376,000 existing housing units in San Francisco, an increase of 30,000 units represents a significant addition to the City's housing stock. By ensuring that the majority of these new units are affordable to a wide range of individuals and families, San Francisco's economic diversity will be maintained.

A significant component of the Mayor's seven point housing plan is the preservation of San Francisco's public housing. By combining federal, local and private investments, San Francisco will complete badly needed repairs to over 4,000 dilapidated public housing units over the next three years. This will improve living conditions for over 10,000 residents who must now wait weeks for basic repairs in their homes due to decades of chronic federal underfunding and local mismanagement. These measures expand and enhance our HOPE SF program – an ongoing effort that will replace approximately 2,000 units of distressed public housing with new, vibrant, mixed-income communities while providing extensive support services for public housing residents. While these units do not add to the overall housing stock for the City, we will lose these affordable units if nothing is done. That is why the rehabilitation of affordable public housing is a major part of my 30,000 unit plan.

These new opportunities will add to the existing programs and assistance provided to protect San Francisco's character and care for its residents, including, among others: single-family home repair and lead abatement programs; capital financing and rental subsidy assistance for homeless households and persons living with HIV/AIDS; a below market-rate inclusionary housing program (rental and ownership); and homeownership counseling and foreclosure intervention services.

Additionally, this November, voters will have the opportunity to endorse our housing plan as City policy. If approved, this consensus initiative will ensure we develop a funding plan to address our City's housing crisis and protect against any hurdles that may impede our housing production progress. I look forward to working with Supervisors Jane Kim and London Breed, the entire Board of Supervisors, housing advocates, builders, and residents on future strategies and legislation that will advance our City's housing goals and strengthen our diverse neighborhoods.

The following response stems from the Jury's suggested improvements. We appreciate the recognition that "the Mayor's Office of Housing and Community Development has a good reputation as an innovative and effective agency for developing affordable housing." On the whole, the Jury's report was well balanced and City Departments are in the process of implementing many of the reported suggestions.

**The consolidated response of the Mayor's Office of Housing and Community Development, Planning Department, and Department of Building Inspection to the Civil Grand Jury's findings and recommendations is as follows:**

**Finding 1:**

Housing development in the last decade has fallen far short of regional need targets. New production overwhelmingly delivered market rate units despite housing need targets for a broader income spectrum. This has reduced the number of housing opportunities affordable to the majority of citizens.

**Agree.** While true, it is important to note that San Francisco has developed proportionately more new housing than other local jurisdictions.

**Recommendation 1:**

The Jury recommends the Board of Supervisors convene a hearing this calendar year to review the final report from the Mayor's Housing Task Force and ensure that policy recommendations improve the relationship between Market Rate and Affordable Housing to reflect the economic diversity of the City, and include annual monitoring of regional housing achievement numbers as defined by the Regional Housing Needs Allocation and the Housing Element.

**The recommendation has not been implemented, but will be by the end of 2014.** MOHCD has coordinated with the Office of Economic and Workforce Development (OEWD) and the Planning Department to provide a summary memo to the Mayor outlining the initial progress of the Mayor's Housing Working Group. The Mayor's Office and OEWD will work with the Board of Supervisors to schedule an informational hearing to report on both the recommendations of the Group, as well as the status and timeline for implementation of procedural, legislative, and programmatic changes intended to facilitate the production of housing affordable to a diverse group of San Franciscans.

**Finding 2:**

Housing construction for middle income households is not meeting regional housing targets. Local government programs to address the situation are limited.

**Agree.**

**Recommendation 2:**

The Jury recommends that MOHCD articulate strategies to improve achievement of regional housing targets for Middle Income households and establish incremental targets by year. The Jury also recommends that MOHCD report annually to the Board of Supervisors on progress in achieving these targets and includes best practice research from other municipalities about Middle Income policy solutions.

**The recommendation has been implemented.** MOHCD has been working with OEWD and the Mayor's Housing Working Group (HWG) to address the funding gap for middle-income housing in San Francisco, which is increasingly underserved by the condominium/single-family home market and unable to access traditional affordable housing funding sources. Investigation of new funding streams, mixed-income development opportunities, local process improvements that promote middle-income housing, and best practices nationally is underway. MOHCD, OEWD, and the Planning Department will transmit a status report to the Mayor by September 2014, which will include progress toward the Mayor's tentative goal of creating 5,000 middle-income units. Middle income is defined by the HWG as housing serving households at and between 80% and 150% of AMI, in consideration of the fact that 150% AMI households face an affordability gap in many San Francisco neighborhoods. [Note: the Civil Grand Jury defines middle income as 50-120% AMI.]

**Finding 3:**

Housing Authority properties may require stabilization funds or other gap financing measures to successfully enable the public-private partnership strategy agreed to by stakeholders in the re-envisioning plan. The City's Housing Trust Fund could be used to provide funding resources to help support the Re-envisioning plan.

**Agree.**

**Recommendation 3:**

The Jury recommends that as Housing Trust Fund (HTF) funds are allocated to Housing Authority properties, MOHCD and the Mayor document a funding analysis for the allocation and the impact these disbursements may have on MOHCD Affordable Housing goals and programs to the Board of Supervisors and the public in the year of encumbrance. Reports should include annual updates on repayment.

**When funds are encumbered, this recommendation will be implemented at the end of Fiscal Year 2014-15.** The status of public housing's role as "housing of last resort," combined with the severity of the deferred maintenance conditions in San Francisco's public housing units makes their repair and preservation a critical component of our City's housing policy. If these units are lost due to uninhabitability, homelessness for public housing residents becomes a real threat. Stabilization of public housing fits squarely within the goals of the Housing Trust Fund and all other MOHCD funding sources that permit rehabilitation of low-income housing as an eligible use. MOHCD will provide a report regarding the uses of its Housing Trust Fund and other resources allocated to public housing at the end of the year of encumbrance. MOHCD will include in such reports all relevant information regarding repayments.

**Finding 4:**

Public information on the City's affordable housing strategy and operations is difficult to find on the MOHCD website. News, reports, and documents related to agency responsibilities are scattered or posted under obscure sections. Many documents and links are outdated and the site is poorly organized for seeking portfolio, project activity, and operational reporting information.



**Agree.**

**Recommendation 4a:**

To keep the public and the Board of Supervisors informed on a timely basis, the Jury recommends that the MOHCD website be made much more user friendly with improved navigation and better public access to content.

**This recommendation is already being implemented.** The revamping of MOHCD's website for more user-friendly access is underway. The starting point for this process has been tracking the frequency of calls MOHCD receives from people looking for information that can be found on the website. This information helps identify what information people are most interested in and what is most difficult to find. MOHCD has also reviewed the website's page view counts to determine which are most and least viewed. This research will inform the new, more navigable MOHCD homepage, scheduled to go live by October 2014. The full reorganization of MOHCD's website is anticipated to be complete by March 2015.

**Recommendation 4b:**

The Jury recommends that MOHCD immediately designate a website manager responsible for technical design and ease-of-use, plus content management including timely posting of documents and metrics reports that are in the public interest.

**This recommendation is already being implemented.** MOHCD currently has a website manager who will manage website improvements. The deployment of a new content management system is anticipated in 2015, which will enable delegation of website updates directly to program staff, facilitating more timely posting of documents and news.

**Finding 5:**

MOHCD has not provided consistent, timely, or easy-to-read documentation on the City's Affordable Housing strategy, goals, and progress, and has not published an Annual Report since 2009.

**Agree.**

**Recommendation 5a:**

The Jury recommends MOHCD publish an Annual Report on their website by March of each year. This report should be oriented to a general audience and include information highlights and measures that communicate achievement towards City Affordable Housing program goals.

**The recommendation has not been implemented, but is in progress, and will be implemented by December 2014.** MOHCD is in the process of producing an Annual Report that includes metrics through FY 2013/2014. While MOHCD is committed to producing an annual report, the intent is to publish it based on fiscal year metrics, which will result in a December publication date.

**Recommendation 5b:**

The Jury recommends MOHCD publish a quarterly Affordable Housing Pipeline Report within a month of each quarter's closing. This may be done within the Planning Department's Quarterly Pipeline Report, but should also include quarterly Affordable Housing program progress highlights.

**The recommendation has not been implemented, but is in progress, and will be implemented by December 2014.** MOHCD is working with the City's Chief Data Officer and the Planning Department to streamline reporting of pipeline projects, including 100% affordable projects, as well as projects developed through the City's Inclusionary Housing Program and the former Redevelopment Agency's Below Market Rate program. In order to align with the Planning Department's reporting, MOHCD will publish a semi-annual (rather than quarterly) pipeline report. The Planning Department currently produces a pipeline report which is available on its website; the information is also provided to SF Open Data. The Planning Department is committed to highlighting affordable housing projects within these reports. In addition, the Planning Director includes the pipeline report in his weekly written report to the Planning Commission.

**Finding 6:**

MOHCD lacks discipline in posting and providing website access to their Affordable Housing metrics and program results reporting.

**Agree.**

**Recommendation 6a:**

MOHCD needs to track and publish metrics with greater frequency using measures based on pipeline and HUD CAPER reporting that help the public to assess the progress of their new development and Housing Support Program efforts.

**The recommendation has not been implemented, but will be implemented within a year.** MOHCD will track and publish housing measures based on pipeline and HUD CAPER reporting data on its website on a quarterly basis within a year.

**Recommendation 6b:**

MOHCD should work with the Planning Department to formulate a Memorandum of Understanding (MOU) specifying timing and responsibility for the preparation and publication of Affordable Housing pipeline data in the Quarterly Pipeline Report. A new report commonly referred to as The Dashboard should be completed. An effort to publish these reports on SF Open Data should be prioritized.

**This recommendation will not be implemented, as it is not warranted.** While MOHCD is supportive of the idea of increased transparency in regular reporting of metrics, the publication of a Quarterly Pipeline Report does not require a formal MOU with the Planning Department. Separately, the "Dashboard" report is a legislated reporting requirement to be implemented by the Planning Department, and relates to the percentage of affordable units that have been entitled, rather than financed. Information to produce the Dashboard is based on data gathered and monitored by the Planning Department, not MOHCD.

**Recommendation 6c:**

MOHCD should establish a metric for accounting public contributions per development project. This financing leverage measure should be reported in the MOHCD Annual Report by project type.

**This recommendation will be implemented upon publication of the annual report.** MOHCD will include in its annual report the amount of City funds allocated to specific developments, the amount of external funds the City funds leveraged, and the ratio of City funds to each project's total development cost, so that the leveraging efficiency of City funds can be compared and measured.

**Finding 7:**

Project phase documentation related to MOHCD new development projects are not readily available for public inspection.

**Agree.**

**Recommendation 7:**

The Jury recommends MOHCD use their website to post up-to-date housing development project information and provide access to key milestone documents as is done on the Boston Redevelopment Authority website.

**This recommendation will be implemented by June 2015.** Upon completion of its website redesign and reorganization, MOHCD plans to add functionality with development project information modeled on the Boston Redevelopment Authority's website as well as other similar examples. The anticipated completion date is June 2015.

**Finding 8:**

MOHCD's current procedures for marketing BMR units place too much burden upon developers without sufficient guidance. Additionally, results of marketing campaigns are not regularly evaluated for effectiveness.

**Agree in part, disagree in part.** While MOHCD agrees that the effectiveness of each developer's BMR marketing and outreach plan needs more extensive evaluation following the marketing period, the department disagrees with the notion that it does not provide its inclusionary housing developers with adequate marketing templates and guidance. Each developer is provided with a six page step-by-step guide to marketing, lottery, and application requirements in addition to a list of approved community-based consultants that the developer may engage.

**Recommendation 8a:**

The Jury recommends MOHCD provide developer partners with more comprehensive materials in the marketing template, including model BMR program marketing plans, advertising samples, marketing templates in multiple languages, directories of approved consultant and public agency partners, and training materials including web delivered training videos, to set clearly understood minimum standards for outreach.

**This recommendation will be implemented by 2015.** As mentioned in the response to finding eight, each developer is provided with a six page step-by-step guide to marketing, lottery, and application requirements in addition to a list of approved community-based consultants that the developer may engage. The template outreach flyer will be translated and incorporated into the marketing template packet by January 2015. In an effort to improve the training of developers and their agents in the lease up and sales procedures of a BMR unit, MOHCD is in the process of redesigning its training curriculum to include video modules by June 2015.

MOHCD is currently reviewing all marketing requirements across all housing programs in an effort to gain consistency around outreach and marketing procedures. One of the improvements already implemented is a new requirement of developer partners that they begin certain outreach activities at the beginning of construction (rather than closer to lease-up) thus providing San Franciscans with more time to establish their qualifications for the affordable housing opportunity.

**Recommendation 8b:**

The Jury recommends MOHCD implement regular evaluations of marketing effectiveness and marketing materials by surveying applicants to indicate source of notification by housing opportunity.

**This recommendation will be implemented along with the rollout of the new MOHCD online application system.** MOHCD welcomes the suggestion to improve the evaluation of marketing effectiveness by surveying program participants and will incorporate that question in its applications upon the rollout of its new online application system.

**Finding 9:**

The process of applying for an affordable housing opportunity is poorly explained and not easily managed on the current MOHCD website. Significant burdens are placed on applicants to manage individual applications for each opening through the process. Similarly, substantial cost and processing burdens are placed on developer partners using inefficient tools to comply with MOHCD procedures. As the portfolio of affordable housing properties grows, economies of scale will be required.

**Agree.**

**Recommendation 9a:**

MOHCD should provide applicants clear, concise materials on the application process, and conduct and evaluate applicant feedback satisfaction surveys after each new major development project comes on-line.

**Recommendation 9b:**

MOHCD should prioritize the completion of its Single Family Program Data and Administration System. MOHCD should measure and report on the cost effectiveness of process improvements and efficiencies from implementation of this system in its annual report.

**Response to Recommendations 9a & 9b:**

**These recommendations have been partially implemented and will be completed in the future.** MOHCD has prioritized the completion of its Database of Affordable Housing Listings, Information, and Applications (DAHLIA) system. The Salesforce-based data system is due to launch this Fall. DAHLIA will allow Inclusionary BMR applicants to log on, create an account, and apply to multiple housing opportunities without having to recreate their entire application. The system will also be completely transparent, allowing developer and lending partners to track the lease/sales process and enter information regarding the lottery in order to keep applicants better informed of the process through their individual account. Clear, concise information will outline the process. MOHCD welcomes the suggestion to evaluate applicant feedback satisfaction surveys through its new data system and will report on the creation and implementation of the new system in its Annual Report.

**Finding 10:**

MOHCD does not provide clear and concise expectations to project partners with regard to broad community outreach and the impact of applicant denials to BMR program goals. This can create potential impediments to fair housing choice for underrepresented ethnic groups.

**Agree.**

**Recommendation 10a:**

The Jury recommends MOHCD work to improve the ethnic diversity of residents in their BMR programs and monitor progress in mitigating any institutional barriers to fair housing choice. Data on representational statistics should be collected and evaluated at regular intervals, preferably every 2 years. Any statistical disparities should be reported to the Board of Supervisors.

**This recommendation will be implemented in the MOHCD 2015 annual report.** MOHCD is collecting statistical data on an ongoing basis and agrees with the suggestion to report statistical disparities of BMR residents to the Board of Supervisors beginning with its 2015 annual report.

**Recommendation 10b:**

The Jury recommends MOHCD work with developer partners to standardize criteria used for BMR rental application denials. Strategies to reduce minimum down payment requirement denials for BMR ownership units should be given consideration.

**This recommendation will be implemented in 2015.** In the Board of Supervisor's next revision of the BMR Procedures Manual, MOHCD plans to suggest the adoption of more specific and standardized marketing and rental eligibility requirements focusing on credit and criminal background and other screening criteria. MOHCD is currently targeting June 2015 for these updates. Additionally, underwriting criteria for all Downpayment Assistance Loan Programs (DALP) has been modified to minimize barriers including reducing the amount of cash a household needs to have to purchase through DALP.

**Finding 11:**

Errors in identifying inclusionary housing projects can affect the creation of BMR compliance plans. Issues with data accuracy from the Planning Department and the Department of Building Inspection impact the ability of MOHCD to approach inclusionary developers in a timely manner.

**Agree.**

**Recommendation 11:**

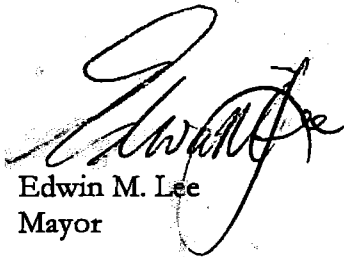
The Jury recommends that the Planning Department and the Department of Building Inspection make internal process changes to improve the accuracy of data tagged as a new Affordable Housing project under the Inclusionary Housing Program.

**This recommendation is in the process of being implemented and will be fully met in 2015.**


MOHCD is working with Planning's Housing Ombudsperson, as well as with OCII's Housing Program manager, to improve the quality and accuracy of data reported to MOHCD related to fees and requirements of the Inclusionary Housing Program. This includes a more efficient means to track the number and location of required units, as well as automatic indexing of required fees. Planning and OCII provide this data to DBI when applicable affordable housing projects are routed to DBI for the review of building permits and structural, and mechanical plans. Once verified by Planning or OCII, such affordable and inclusionary housing projects are assigned DBI priority designation, moved to the top of the plan review queue, and tracked on DBI's Priority Housing Project list. The new Permit and Project Tracking System, scheduled to go live in the second quarter of FY 2014-15, will significantly improve DBI's ability to quickly and accurately identify projects that qualify for priority designation. Thus the Grand Jury's recommendation is anticipated to be fully met by the third quarter of FY 2014-15.

Thank you again for the opportunity to comment on this Civil Grand Jury report.

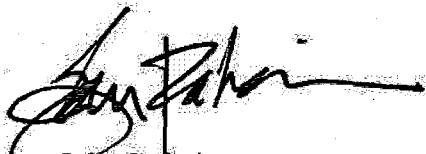
Sincerely,



Edwin M. Lee  
Mayor



Kate Hartley for Olson Lee  
Mayor's Office of Housing and Community Development



John Rahaim  
Planning



Tom Hui  
Building Inspection

BOARD of SUPERVISORS



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

BOS-11  
electronically

DATE: September 9, 2014  
TO: Members of the Board of Supervisors  
FROM: ~~me~~ Angela Calvillo, Clerk of the Board  
SUBJECT: 2013-2014 Civil Grand Jury Report "Survey of San Francisco Commission Websites"

File 140833

We are in receipt of the following required responses to the San Francisco Civil Grand Jury report released July 8, 2014, entitled: **Survey of San Francisco Commission Websites**. Pursuant to California Penal Code, Sections 933 and 933.05, the City Departments shall respond to the report within 60 days of receipt, or no later than September 6, 2014.

For each finding the Department response shall:

- 1) agree with the finding; or
- 2) disagree with it, wholly or partially, and explain why.

As to each recommendation the Department shall report that:

- 1) the recommendation has been implemented, with a summary explanation; or
- 2) the recommendation has not been implemented but will be within a set timeframe as provided; or
- 3) the recommendation requires further analysis. The officer or agency head must define what additional study is needed. The Grand Jury expects a progress report within six months; or
- 4) the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

The Civil Grand Jury Report identified the following City Departments to submit responses (attached):

- Mayor's Office  
(Received September 5, 2014, for Findings 2 and 3 and Recommendations 2 and 3)
- Mayor's Office on Disability  
(Received September 5, 2014, for Finding 1 and Recommendations 1a and 1b)
- City Attorney  
(Received September 5, 2014, for Finding 4 and Recommendation 4)
- Office of Civic Engagement and Immigrant Affairs (submitted but not required)  
(Received September 8, 2014, for Finding 1 and Recommendation 1b)

These departmental responses are being provided for your information, as received, and may not conform to the parameters stated in California Penal Code, Section 933.05 et seq. The Government Audit and Oversight Committee will consider the subject report, along with the responses, at an upcoming hearing and will prepare the Board’s official response by Resolution for the full Board’s consideration.

C:

Honorable Cynthia Ming-mei Lee, Presiding Judge  
Elena Schmid, Foreperson, 2013-2014 San Francisco Civil Grand Jury  
Joy Bonaguro, Mayor’s Office  
Antonio Guerra, Mayor’s Office  
Roger Kim, Mayor’s Office  
Carla Johnson, Director, Mayor’s Office of Disability  
Ben Rosenfield, Controller  
Asja Steeves, Controller’s Office  
Jon Givner, Deputy City Attorney  
Rick Caldeira, Legislative Deputy  
Severin Campbell, Budget and Legislative Analyst’s Office  
Matt Jaime, Budget and Legislative Analyst’s Office  
Adrienne Pon, Director, Office of Civic Engagement and Immigrant Affairs





September 5, 2014

The Honorable Cynthia Ming-mei Lee  
Presiding Judge  
Superior Court of California, County of San Francisco  
400 McAllister Street  
San Francisco, CA 94102

Dear Judge Lee:

Pursuant to Penal Code sections 933 and 933.05, the following is in reply to the 2013-2014 Civil Grand Jury report, *Survey of San Francisco Commission Websites*. We would like to thank the members of the Civil Grand Jury for their interest in the operations and transparency of the commission process.

The various boards, commissions, task forces, and committees that develop and approve policy are a core part of San Francisco government. The City has thousands of citizens that share in our commitment to solving problems and crafting a local government that better serves its citizenry.

As noted in the original report, the Jury found "that the commissions reviewed did well complying with open meeting standards. We noted consistent practices, with advance notice and scheduling of meetings, preparation of agenda, invitation of public comment, and posting of meeting minutes." While these practices exhibit San Francisco's culture of open and inclusive government, the Jury has correctly noted room for improvement. Providing greater access to annual reports and commission attendance would improve public transparency and knowledge of the commission process.

**The Mayor's Office response to the Civil Grand Jury's findings and recommendations is as follows:**

**Accountability**

**Finding 2:**

Fewer than 50% of the commissions post an annual report as required.

**Response:** *Agree.* City Charter section 4.103 mandates that, "each board and commission of the City and County shall be required by ordinance to prepare an annual report describing its activities, and shall file such report with the Mayor and the Clerk of the Board of Supervisors." However, while posting an annual report should be considered a best practice, this specific language does not specifically *require* posting on a website.

**Recommendation 2:**

The Mayor should ensure that each commission posts its annual report on the commission website and provides a URL link to the SFPL, promptly.

**Response:** *Recommendation will be implemented in the future.* By the end of the current fiscal year, a letter will be issued to all boards and commissions encouraging them to post their annual report on their website as well as send an e-copy of the report to the Library and the Board of Supervisors.

**Attendance**

**Finding 3:**

Commissioner attendance records are not readily available to the public. To discover this information after the fact is difficult.

Response: *Disagree.* Attendance records for Mayoral appointees are posted online on the Mayor's website. The "Mayoral Appointments" page links to quarterly attendance reports for boards and commissions.

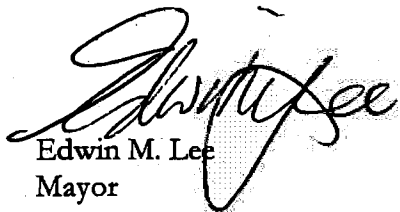
**Recommendation 3:**

All commissions should keep and post to their website a record of commissioner attendance. Maintenance of an ongoing record should be required.

Response: *Recommendation will not be implemented, not warranted.* While boards and commissions should keep and post to their website a record of attendance, this recommendation must be implemented by the individual entities themselves and not the Mayor's Office.

Thank you again for the opportunity to comment on this Civil Grand Jury report.

Sincerely,



Edwin M. Lee  
Mayor

# Mayor's Office on Disability



Edwin M. Lee  
Mayor

Carla Johnson, CBO, CASp.  
Director

Hon. Cynthia Ming-Mei Lee  
Presiding Judge, County of San Francisco  
Superior Court of California  
400 McAllister Street, Room 008  
San Francisco, CA 94102

*Re: 2013-2014 Civil Grand Jury Report:  
"Survey of San Francisco Commission Websites"*

September 5, 2014

Dear Judge Lee:

This letter serves as the response from the Mayor's Office on Disability (MOD) to the 2013-2014 Civil Grand Jury's report on the survey of San Francisco commission websites, and their findings regarding notices that inform citizens of their rights, and the process, for requesting disability accommodations and or language support. I appreciate the Civil Grand Jury's efforts and their attention to this issue because access to the democratic and citizen participatory process that unfolds at all City and County Commissions, is a fundamental right for people with disabilities and paramount to our work as the City of San Francisco's overall ADA Coordinator.

I wish to clarify however that while MOD's role as San Francisco's ADA Coordinator means that we work collaboratively with the different City Departments and Commission Secretaries to ensure that their websites and meetings are accessible to all, language access is directly under the purview of the Office of Civic Engagement and Immigrant Affairs (OCEIA) through their enforcement of the Language Access Ordinance. As a result, you will be receiving separate correspondence from their Director explaining their actions in response to the Civil Grand Jury Report.

The Civil Grand Jury (CGJ) acknowledged that they had some difficulty identifying all of the commissions operating in San Francisco, and that they relied upon an index from a 2010 City Attorney Opinion to develop their list. Their bar graph statistics indicated that the CGJ surveyed thirty two websites serving the commissions. Unfortunately however the report did not contain a list of which websites they investigated. When we contacted the CGJ and requested clarification, they cited confidentiality concerns and were unable to provide us their list, so MOD chose to work from the most current list provided by the City Attorney's Office for boards & commissions that were created by City Charter. As a result, MOD surveyed thirty nine websites, or seven more than the CGJ.

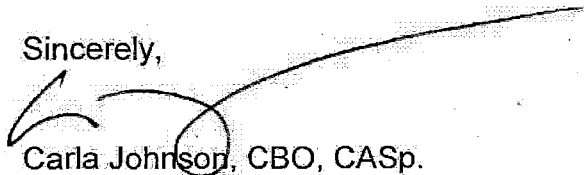
In accordance with the Civil Grand Jury's report and authority, the Mayor's Office on Disability was directed to provide responses to Finding 1 and Recommendations 1a and 1b. The following are our responses:

<b>Civil Grand Jury's Finding</b>	<b>MOD Response</b>
<p>A statement that informs the process of requesting accommodation for physical disability and/or language support is not easily found on many commission websites.</p>	<p><b>Partially Agree.</b> The Mayor's Office on Disability is the City's ADA compliance office and in this capacity it is our mission to ensure that all City and County programs, services and activities are compliant with Title II of the Americans with Disabilities Act (ADA). Providing a notice of the right to request disability accommodations and the process by which to do so is one of the fundamental administrative requirements of Title II of the ADA. While the ADA is clear that notice is required, it does not specifically state that notice shall be posted on a website (as opposed to including the information on a meeting Agenda), however we agree that this is a best practice because it makes the information easier to find.</p> <p>In accordance with the ADA, boards and commissions must provide communication access to people with disabilities; therefore all print and electronic communications must include an accessibility notice so that residents with disabilities have an equal opportunity to participate in the meetings. MOD conducts frequent training to various City departments and staff and emphasizes key elements of conducting fully accessible meetings including providing an accessibility notice in all event communications.</p> <p>The ADA, however, does not specifically address the needs of Limited English Proficiency (LEP) for San Francisco residents. The Language Access Ordinance (LAO) is the specific mandate that addresses this issue. The Office of Civic Engagement &amp; Immigrant Affairs (OCEIA) is specifically tasked with monitoring and enforcing compliance with the LAO. Upon receiving the CGJ report, MOD immediately notified OCEIA and they will be preparing a separate report on the notification for language access.</p>

<b>Civil Grand Jury's Recommendations</b>	<b>MOD Response</b>
<p>1a. The Mayor's Office on Disability should coordinate with commissions to ensure that statements for accommodation are easily located on commission websites.</p>	<p><b>The recommendation has been implemented.</b> Upon receipt of the list of boards and commissions from the City Attorney's Office, MOD staff conducted a review of the 39 commission websites.</p> <p>MOD found that the majority of the commission agenda's (32 out of 39) contained an accessibility notice, but at the initial review only 12 of the commission's websites had specific statements for disability accommodations.</p> <p>Subsequent to the review, MOD staff identified and contacted all commission secretaries and provided technical assistance via electronic mail and telephone call. To date, 35 out of the 39 commissions now feature an accessibility notice prominently on both their website and agenda material.</p> <p>Of the remaining four commissions, all agenda materials now feature the accessibility notices. Two are in the process of updating their website through their webmaster. And two failed to respond despite multiple attempts to reach them.</p>
<p>1b. When commission websites are developed to include language support that support should be provided in the same languages used in the voter's guide.</p>	<p><b>This recommendation will not be implemented by MOD.</b> As discussed previously, language support matters fall within the jurisdiction of the Office of Civic Engagement &amp; Immigrant Affairs. They will be submitting a separate report addressing their efforts to implement language access.</p>

Thank you again for the Civil Grand Jury's attention to disability rights issues. If you have additional questions about this report please do not hesitate to contact me.

Sincerely,



Carla Johnson, CBO, CASp.  
 Director  
 Enclosures [1]

Cc: Civil Grand Jury  
 Board of Supervisors

**MOD Reviewed List of Commission Websites & Agendas That Comply with Disability Access Notice  
As of September 3, 2014**

Commission Websites Reviewed	Disability Language on Webpage	Disability Language on Agendas	Notes	Website address
Access Appeals	Yes	Yes		<a href="http://sfdbi.org/access-appeals-commission">http://sfdbi.org/access-appeals-commission</a>
Commission on Aging	Yes	Yes		<a href="http://www.sfhsa.org/490.htm">http://www.sfhsa.org/490.htm</a>
Airport	Yes	Yes		<a href="http://www.flysfo.com/about-sfo/airport-commission/about-commission/disability-access">http://www.flysfo.com/about-sfo/airport-commission/about-commission/disability-access</a>
<b>Animal Control and Welfare</b>	No	Yes	<i>msg. 8/21/2014; 8/26/2014</i>	<a href="http://www.sfgov2.org/index.aspx?page=369">http://www.sfgov2.org/index.aspx?page=369</a>
Asian Arts	Yes	Yes		<a href="http://www.asianart.org/visit/visitors-with-special-needs">http://www.asianart.org/visit/visitors-with-special-needs</a>
<b>Arts Commission</b>	No	Yes		<a href="http://www.sfartscommission.org/">http://www.sfartscommission.org/</a>
Building Inspection	Yes	Yes		<a href="http://sfdbi.org/about-bic">http://sfdbi.org/about-bic</a>
Children And Families First	Yes	Yes		<a href="http://www.first5sf.org/about/agendas">http://www.first5sf.org/about/agendas</a>
Civil Service	Yes	Yes		<a href="http://sfgov.org/civil_service/commission-hearing-policies-and-procedures">http://sfgov.org/civil_service/commission-hearing-policies-and-procedures</a>
<b>City Hall Preservation Advisory</b>	No	Yes	<i>msg. 8/21/2014 and 8/22/2014; 8/26/2014</i>	<a href="http://sfgsa.org/index.aspx?page=743">http://sfgsa.org/index.aspx?page=743</a>
Code Advisory	Yes	Yes		<a href="http://sfdbi.org/code-advisory-committee">http://sfdbi.org/code-advisory-committee</a>
Community Investment and Infrastructure	Yes	Yes		<a href="http://www.sfoic.org/index.aspx?page=261">http://www.sfoic.org/index.aspx?page=261</a>
Elections	Yes	Yes		<a href="http://www.sfgov2.org/index.aspx?page=4214#access">http://www.sfgov2.org/index.aspx?page=4214#access</a>
Entertainment	Yes	Yes		<a href="http://www.sfgov2.org/index.aspx?page=338">http://www.sfgov2.org/index.aspx?page=338</a>
Environment	Yes	Yes		<a href="http://www.sfenvironment.org/commission">http://www.sfenvironment.org/commission</a>
Ethics	Yes	Yes		<a href="http://www.sfethics.org/ethics/2009/05/contact-the-commission.html">http://www.sfethics.org/ethics/2009/05/contact-the-commission.html</a>
Film	Yes	Yes		<a href="http://38.106.4.41/index.aspx?page=53">http://38.106.4.41/index.aspx?page=53</a>
Fire	Yes	Yes		<a href="http://www.sf-fire.org/index.aspx?page=250">http://www.sf-fire.org/index.aspx?page=250</a>
Historic Preservation	Yes	Yes		<a href="http://www.sf-planning.org/index.aspx?page=1892">http://www.sf-planning.org/index.aspx?page=1892</a>
Housing Authority	Yes	Yes		<a href="http://www.sfha.org/Board-of-Commissioners.html">http://www.sfha.org/Board-of-Commissioners.html</a>
Human Rights	Yes	Yes		<a href="http://sf-hrc.org/commission-meetings">http://sf-hrc.org/commission-meetings</a>

**MOD Reviewed List of Commission Websites & Agendas That Comply with Disability Access Notice  
As of September 3, 2014**

Commission Websites Reviewed	Disability Language on Webpage	Disability Language on Agendas	Notes	Website address
Human Services	Yes	Yes		<a href="http://www.sfhsa.org/491.htm">http://www.sfhsa.org/491.htm</a>
Immigrant Rights	Yes	Yes		<a href="http://www.sfgov2.org/index.aspx?page=2322">http://www.sfgov2.org/index.aspx?page=2322</a>
Juvenile Probation	Yes	Yes		<a href="http://sfgov.org/juvprobation/juvenile-probation-commission-meeting-information">http://sfgov.org/juvprobation/juvenile-probation-commission-meeting-information</a>
Law Library	Yes	Yes		<a href="http://38.106.4.152/index.aspx?page=8">http://38.106.4.152/index.aspx?page=8</a>
Library	Yes	Yes		<a href="http://sfpl.org/index.php?pg=2000059001">http://sfpl.org/index.php?pg=2000059001</a>
Local Agency Formation	Yes	Yes		<a href="http://www.sfbos.org/index.aspx?page=4154">http://www.sfbos.org/index.aspx?page=4154</a>
Planning	Yes	Yes		<a href="http://www.sf-planning.org/index.aspx?page=7">http://www.sf-planning.org/index.aspx?page=7</a>
Police	Yes	Yes		<a href="http://sf-police.org/index.aspx?page=2572">http://sf-police.org/index.aspx?page=2572</a>
Port	Yes	Yes		<a href="http://www.sf-port.org/index.aspx?page=133">http://www.sf-port.org/index.aspx?page=133</a>
Public Utilities	Yes	Yes		<a href="http://www.sfwater.org/index.aspx?page=167">http://www.sfwater.org/index.aspx?page=167</a>
Rec and Park	Yes	Yes		<a href="http://sfrecpark.org/about/disability-questions/">http://sfrecpark.org/about/disability-questions/</a>
Rent Board Commission	Yes	Yes		<a href="http://www.sfrb.org/index.aspx?page=938">http://www.sfrb.org/index.aspx?page=938</a>
Small Business	Yes	Yes		<a href="http://sfgsa.org/index.aspx?page=4204">http://sfgsa.org/index.aspx?page=4204</a>
Southeast Community Facility	Yes	Yes		<a href="http://sfgov.org/sefacility/meeting-information">http://sfgov.org/sefacility/meeting-information</a>
SFMTA/MTC	Yes	Yes		<a href="http://www.sfmta.com/about-sfmta/organization/committees/multimodal-accessibility-advisory-committee-maac">http://www.sfmta.com/about-sfmta/organization/committees/multimodal-accessibility-advisory-committee-maac</a>
<b>Veteran Affairs</b>	<b>No</b>	<b>No</b>	<i>msg, 8/21/2014; 8/26/2014</i>	<a href="http://sfgov.org/vets/">http://sfgov.org/vets/</a>
Status of Women	Yes	Yes		<a href="http://sfgov.org/dosw/cosw-meeting-information-0">http://sfgov.org/dosw/cosw-meeting-information-0</a>
Youth	Yes	Yes		<a href="http://www.sfbos.org/index.aspx?page=5653">http://www.sfbos.org/index.aspx?page=5653</a>



DENNIS J. HERRERA  
City Attorney

JON GIVNER  
Deputy City Attorney

DIRECT DIAL: (415) 554-4694  
E-MAIL: jon.givner@sfgov.org

September 5, 2014

Hon. Cynthia Ming-mei Lee  
Presiding Judge  
San Francisco Superior Court  
400 McAllister Street, Room 8  
San Francisco, California 94102

Re: City Attorney Office's response to the June 2014 Civil Grand Jury Report entitled, "Survey of San Francisco Commission Websites"

Dear Judge Lee:

In accordance with Penal Code Sections 933 and 933.05, the City Attorney's Office submits the following response to the Civil Grand Jury Report entitled, "Survey of San Francisco Commission Websites" issued in June 2014. The Grand Jury requested that this office respond to the report.

For the Civil Grand Jury finding for which you ask a response from the City Attorney's Office, you asked that we either:

1. agree with the finding, or
2. disagree with it, wholly or partially, and explain why.

For the Civil Grand Jury recommendation for which you ask a response from the City Attorney's Office, you asked that we report either:

1. the recommendation has been implemented, with a summary explanation; or
2. the recommendation has not been implemented but will be within a set timeframe as provided; or
3. the recommendation requires further analysis. The officer or agency head must define what additional study is needed. The Grand Jury expects a progress report within six months; or
4. the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

Accordingly, the City Attorney's Office responds as follows:

**Finding No. 4:** There is no easy reference to all of the commissions in San Francisco. The most complete list the Jury was able to find is located in the Index of the City Attorney Opinion 2010-01 (pages 98-99).

**City Attorney's Office Response to Finding No. 4:** Partially agree. There are a number of resources on City websites that list active commissions, including three that are particularly useful. First, the San Francisco Conflict of Interest Code (S.F. Campaign and Governmental Conduct Code, Article III, Chapter 1) lists all City decision-making bodies whose members must



Letter to Hon. Cynthia Ming-mei Lee  
Page 2  
September 5, 2014

file Statements of Economic Interests with the City's Ethics Commission. Second, as the Jury's report notes, City Attorney Opinion 2010-01 lists City boards and commissions, along with a description of their duties and powers. This Office recently updated and re-issued that opinion as City Attorney Opinion 2014-01, available on the City Attorney's website at <http://www.sfcityattorney.org/modules/showdocument.aspx?documentid=1734>. Third, under Government Code Section 54972, the Clerk of the Board of Supervisors annually publishes a list of all boards, commissions, committees and task forces to which the Board of Supervisors makes appointments. The most recent such publication is available at <http://www.sfbos.org/Modules/ShowDocument.aspx?documentid=47458>. Although these three resources include information about all active commissions in the City, there is no alphabetical listing of active commissions easily accessible to the public.

**Recommendation No. 4:** The City Attorney should ensure that there is an annual list of active commissions that is complete and listed alphabetically.

**City Attorney's Office Response to Recommendation No. 4:** The recommendation has not been implemented but will be implemented within 90 days. The City Attorney's Office will prepare a list of decision-making boards and commissions created by ordinance or City Charter. The Board of Supervisors, the Mayor, and City agencies sometimes create advisory bodies that have no policy-making authority and whose members are not required to file financial disclosures. The City Attorney's Office does not track those bodies and may not maintain a list of them.

Very truly yours,

DENNIS J. HERRERA  
City Attorney

  
Jon Givner  
Deputy City Attorney

cc: Erica Major, Clerk's Office



CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF CIVIC ENGAGEMENT & IMMIGRANT AFFAIRS

Edwin M. Lee, Mayor  
Naomi Kelly, City Administrator

Adrienne Pon, Executive Director

September 5, 2014

Presiding Judge Cynthia Ming-mei Lee  
Department 206  
400 McAllister Street  
San Francisco, CA 94102-4514

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 SEP -8 PM 1:19  
21

Re: 2013-14 Civil Grand Jury Report: *Survey of San Francisco Commission Websites*

Dear Judge Lee,

This letter responds to the 2013-14 Civil Grand Jury Report on the survey of San Francisco commission websites and its findings regarding notices that inform citizens of their rights, and the process, for requesting disability accommodations and/or language support. The Office of Civic Engagement & Immigrant Affairs (OCEIA) oversees citywide compliance with the San Francisco Language Access Ordinance (LAO) as authorized in San Francisco Administrative Code, Chapter 91: Language Access. The Mayor's Office on Disability (MOD) oversees ADA related disability accommodations will be responding to these issues in a separate letter.

In accordance with the Civil Grand Jury's report and authority, OCEIA is providing the following responses to Finding 1 and Recommendation 1b as it relates to language access.


CIVIL GRAND JURY'S FINDING	OCEIA'S RESPONSE
<p>A statement that informs the process of requesting accommodation for physical disability and/or language support is not easily found on many commission websites.</p>	<p><b>Partial Agreement:</b> Disability accommodations are under the purview of MOD and MOD has responded separately to this issue. Language Access laws in San Francisco were enacted by the Board of Supervisors in 2001, first as the Equal Access to Services Ordinance and amended in 2009 as the Language Access Ordinance (LAO). OCEIA has been overseeing LAO compliance since 2009 and has been training city departments annually on requirements and responsibilities.</p> <p>All city departments that provide information or</p>

	<p>services to the public are covered under the LAO. In addition, 26 named Tier 1 Departments must meet additional requirements and file annual compliance plans with OCEIA.</p> <p>The LAO does not specifically address requirements for website information. Departments are required to post notices in a public place informing Limited English Speaking Persons who seek services, in their native tongue, of their right to request translation services from all City departments.</p> <p>Section 91.6 of the LAO (Public Meetings and Hearings) requires City Boards, Commissions and Departments to provide oral interpretation of any public meeting or hearing if requested at least 48 hours in advance of the meeting or hearing. Meeting minutes shall be translated if: 1) requested; 2) after the legislative body adopts the meeting minutes; and 3) within a reasonable time period thereafter. The LAO states that City Boards, Commissions and Departments shall <u>not</u> automatically translate meeting notices, agendas or minutes. There is no reference in the LAO to any requirement for website information for City Boards, Commissions and Departments.</p>
<p>1 b. When commission websites are developed to include language support that support should be provided in the same languages used in the voter's guide.</p>	<p><b>Will Not be Implemented at this time.</b></p> <p>The LAO specifies which languages are required for language support by authorizing OCEIA to annually determine whether at least 10,000 Limited English Speaking residents speak a shared language other than English. This sets a threshold that three languages meet at this time: Chinese (both Cantonese and Mandarin), Spanish and Filipino (Tagalog). Departments covered under the LAO must provide services in these required languages. This information is validated each year using the best available data from the United States Census Bureau and/or other reliable sources. Departments may use a determination of five percent of Limited English Speaking Persons who use the Department's services Citywide to provide support in languages other than the three currently required.</p> <p>There are a number of issues with website based</p>

	information and translating this information accurately in language: 1) The LAO does not require ALL information to be translated (only vital information is required) and does not reference website information at all; 2) not all members of the public have access to the internet or are able to read/understand/access or navigate information in written form; and 3) current and common usage of online translation tools are inaccurate, particularly for character-based languages such as Chinese. OCEIA has been working with City departments to develop better online tools and approaches even those this is not required by the LAO or ADA and issued a number of guidances on language access.
--	---

Thank you for the Civil Grand Jury's attention to language access issues which we consider critical to full and meaningful civic participation. Please feel free to contact my office if you have any questions or need additional information.

Always,



Adrienne Pon  
Executive Director

cc: Civil Grand Jury  
Board of Supervisors

---

**From:** Nevin, Peggy [peggy.nevin@sfgov.org]  
**Sent:** Wednesday, September 10, 2014 1:24 PM  
**To:** BOS-Supervisors  
**Subject:** : Issued: Quarterly Review of the Treasurer's Schedule of Cash, Investments, and Accrued Interest Receivable as of December 31, 2013

---

**From:** Reports, Controller (CON)  
**Sent:** Wednesday, September 10, 2014 12:04 PM  
**To:** Calvillo, Angela (BOS); Nevin, Peggy; Kawa, Steve (MYR); Howard, Kate (MYR); Falvey, Christine (MYR); Elliott, Jason (MYR); Campbell, Severin (BUD); Newman, Debra (BUD); Rose, Harvey (BUD); [sfdocs@sfpl.info](mailto:sfdocs@sfpl.info); CON-EVERYONE; CON-CCSF Dept Heads; CON-Finance Officers; Cisneros, Jose (TTX); Marx, Pauline (TTX); Durgy, Michelle (TTX); [alouie@mgocpa.com](mailto:alouie@mgocpa.com)  
**Subject:** Issued: Quarterly Review of the Treasurer's Schedule of Cash, Investments, and Accrued Interest Receivable as of December 31, 2013

The City and County of San Francisco (City), Office of the Treasurer and Tax Collector (Treasurer), coordinates with the Office of the Controller's City Services Auditor Division (CSA) to conduct quarterly reviews and an annual audit of the City's investment fund.

CSA today issued a report on the quarterly review of the Schedule of Cash, Investments, and Accrued Interest Receivable as of December 31, 2013.

CSA has engaged Macias Gini & O'Connell LLP (Macias) to perform these services. Based on its reviews, Macias is not aware of any material modifications that should be made to the schedules in order for them to be in conformity with generally accepted accounting principles.

To view the full report, please visit our Web site at:  
<http://openbook.sfgov.org/webreports/details3.aspx?id=1798>

This is a send-only e-mail address.

For questions about the report, please contact Director of City Audits Tonia Lediju at [Tonia.Lediju@sfgov.org](mailto:Tonia.Lediju@sfgov.org) or 415-554-5393 or the CSA Audits Unit at 415-554-7469.

Follow us on Twitter @SFController

**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, 2013**



*September 10, 2014*

**OFFICE OF THE CONTROLLER  
CITY SERVICES AUDITOR**

The City Services Auditor Division (CSA) was created in the Office of the Controller through an amendment to the Charter of the City and County of San Francisco (City) that was approved by voters in November 2003. Charter Appendix F grants CSA broad authority to:

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

CSA may conduct 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.

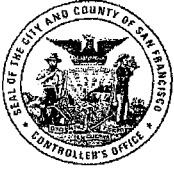
CSA conducts its audits in accordance with the Government Auditing Standards published by the U.S. Government Accountability Office (GAO). These standards require:

- 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.

For questions regarding the report, please contact Director of City Audits Tonia Lediju at [Tonia.Lediju@sfgov.org](mailto:Tonia.Lediju@sfgov.org) or 415-554-5393 or CSA at 415-554-7469.

CSA Team:                    Kate Chalk, Audit Manager  
                                      Joanna Zywno, Associate Auditor  
Review Consultants: Macias Gini & O'Connell LLP





**CITY AND COUNTY OF SAN FRANCISCO**  
**OFFICE OF THE CONTROLLER**

**Ben Rosenfield**  
Controller

**Monique Zmuda**  
Deputy Controller

September 10, 2014

Mr. 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 Office of the Controller's City Services Auditor Division (CSA) 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, 2013. The schedule presents the total cash, investments, and accrued interest receivable under the control and accountability of the City's Treasurer.

**Results:**


	<u>December 31, 2013</u>
<b>Cash and Investments</b>	
Cash in Bank	\$540,903,972
Investments and Accrued Interest Receivable	<u>6,110,751,426</u>
<b>Total Cash and Investments</b>	<b>\$6,651,655,398</b>

This review was performed under contract by Macias Gini & O'Connell LLP. For this contract, CSA performs the department liaison duties of project management and 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, 2013, in order for it to be in conformity with generally accepted accounting principles. However, as explained in Note II.B. to the schedule, investments are recorded as of the settlement date and management has not presented the risk disclosures required under Governmental Accounting Standards Board (GASB) Statement No. 40, *Deposit and Investment Risk Disclosures – an amendment of GASB Statement No. 3*.

CSA appreciates the assistance and cooperation of Treasurer staff during the review. For questions regarding the report, please contact me at [Tonia.Lediju@sfgov.org](mailto:Tonia.Lediju@sfgov.org) or 415-554-5393 or CSA at 415-554-7469.

Respectfully,



Tonia Lediju  
Director of City Audits

cc: Mayor  
Board of Supervisors  
Citizens Audit Review Board  
City Attorney  
Civil Grand Jury  
Budget Analyst  
Public Library

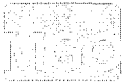
**CITY AND COUNTY OF SAN FRANCISCO  
OFFICE OF THE TREASURER  
AND TAX COLLECTOR**

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

December 31, 2013



**Certified Public Accountants.**



**Certified Public Accountants.**

Walnut Creek  
2121 N. California Blvd., Suite 750  
Walnut Creek, CA 94596  
925.274.0190

Sacramento

Oakland

LA/Century City

Newport Beach

San Diego

Seattle

### **Independent Accountant's Review Report**

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

We have reviewed the accompanying Schedule of Cash, Investments, and Accrued Interest Receivable (Schedule) of the City and County of San Francisco's (City) Office of the Treasurer and Tax Collector (Treasurer) as of December 31, 2013. A review includes primarily applying analytical procedures to management's financial data and making inquiries of the Treasurer's management. A review is substantially less in scope than an audit, the objective of which is the expression of an opinion regarding the Schedule as a whole. Accordingly, we do not express such an opinion.

The Treasurer's management is responsible for the preparation and fair presentation of the 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 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 statements. We believe that the results of our procedures provide a reasonable basis for our report.

Based on our review, with the exception of the matter described in the following paragraph, we are not aware of any material modifications that should be made to the Schedule as of December 31, 2013 in order for them to be in conformity with accounting principles generally accepted in the United States of America.

As explained in Note II.B. to the Schedule, 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*. The amount by which this departure would affect the Schedule is not reasonably determinable.

*Macias Gini & Connell LLP*

Walnut Creek, California  
August 28, 2014

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

**SCHEDULE OF CASH, INVESTMENTS, AND ACCRUED INTEREST RECEIVABLE  
DECEMBER 31, 2013**

Cash:	
Cash in Bank - Investment Pool	\$ 540,903,972
Pooled Investments:	
U.S. Treasury Notes	764,552,750
Federal Agencies	4,016,029,425
Commercial Paper	89,470,415
Negotiable Certificates of Deposit	300,056,917
Public Time Deposits	720,000
Corporate Medium Term Notes	656,473,893
State and Local Government Agencies	158,189,232
Money Market Funds	125,070,698
Subtotal Pooled Investments	<u>6,110,563,330</u>
Investment from Separately Managed Account:	
SFRDA South Beach Harbor Refunding Bond	3,890,000
Interest Receivable - Investment Pool, Net	<u>(3,701,904)</u>
Total Cash, Investments, and Accrued Interest Receivable	<u><u>\$ 6,651,655,398</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 RECEIVABLE  
DECEMBER 31, 2013

**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, letters of credit or first deed mortgage notes as collateral. The fair value of pledged securities will range between 105 and 150 percent of the City's deposits, depending on the type of security pledged. Pledging letters of credit issued by the Federal Home Loan Bank of San Francisco must have a fair value of at least 105 percent of the secured public deposits. Pledging first deed mortgage notes must have a fair value of at least 150 percent of the secured public deposits. Government 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. For deposits not covered by federal deposit insurance, 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  
DECEMBER 31, 2013

**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 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>
Investments from investment pool:		
U.S. Treasury Notes	\$ 763,185,991	\$ 764,552,750
Federal Agencies	4,020,341,832	4,016,029,425
Commercial Paper	89,469,023	89,470,415
Negotiable Certificates of Deposit	300,000,000	300,056,917
Public Time Deposits	720,000	720,000
Corporate Medium Term Notes	667,077,099	656,473,893
State and Local Government Agencies	161,563,283	158,189,232
Money Market Funds	125,070,698	125,070,698
Total investments from investment pool	<u>6,127,427,926</u>	<u>6,110,563,330</u>
Investments from separately managed account:		
SFRDA South Beach Harbor Refunding Bond	3,890,000	3,890,000
Total investments	<u>\$ 6,131,317,926</u>	<u>\$ 6,114,453,330</u>

**C. Interest Receivable, Net**

The Treasurer reported a negative interest receivable balance of \$3,701,904 at December 31, 2013. Normally, a positive balance for interest receivable represents interest revenue earned that has not yet been received. However, a negative balance occurs because the cumulative amortization of premiums is greater than the interest receivable and the amortization of discounts at the end of the quarter.

---

**From:** Board of Supervisors (BOS)  
**To:** BOS-Supervisors; Ausberry, Andrea  
**Subject:** File 140381: The MPIC asks you not to send Supervisor Chiu's AirBnb legislation to the full Board  
**Attachments:** Airbnb Letter to Land Use Committee.docx

---

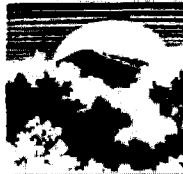
**From:** Miraloma Park Improvement Club [<mailto:miralomapark@gmail.com>]  
**Sent:** Wednesday, September 10, 2014 11:46 AM  
**To:** Wiener, Scott; Kim, Jane (BOS); Cohen, Malia (BOS); Board of Supervisors (BOS)  
**Cc:** Robert Gee; Yee, Norman (BOS)  
**Subject:** The MPIC asks you not to send Supervisor Chiu's AirBnb legislation to the full Board

The Miraloma Park Improvement Club (MPIC), which represents 2200 homes on Mt. Davidson in an entirely RH-1 zoned neighborhood, asks you not to refer to the full Board Supervisor Chiu's legislation to legalize short-term, AirBnb-type rentals across the City. The legislation would reduce available long-term housing and degrade SF's environment, and Mr. Chiu has refused to make changes recommended by the Planning Commission. We understand that consideration of this item is on your September 15 agenda. Please refer to details in our attached letter.

Sincerely,

Dan Liberthson, Corresponding Secretary





350 O'Shaughnessy Boulevard • San Francisco, California 94127  
Telephone: (415) 281-0892

## Miraloma Park Improvement Club

September 9, 2014

Supervisors Cohen, Kim, and Wiener  
San Francisco Board of Supervisors Land Use and Economic Development Committee  
One Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, Ca 94102-4689

Dear Supervisors:


The Miraloma Park Improvement Club (MPIC), which numbers 500 members and represents about 2200 homes in a single-family (all RH-1-zoned) neighborhood, asks you not to refer to the full Board of Supervisors the legislation proposed by Supervisor Chiu regarding AirBnb-type, short-term rentals in San Francisco. Mr. Chiu's legislation is tantamount to rezoning all of San Francisco as commercial with little regulation or oversight. Such a monumental land-use change, which would render the single-family zoning designation meaningless, should not be undertaken by legislative fiat and without broad and compelling public agreement, particularly since Mr. Chiu has refused to implement several modifications to his proposal recommended by the Planning Commission.

You may have heard from some people stating that online short-term rentals enable them to keep desired homes in SF they otherwise could not afford. But other home-owners in single-family-zoned neighborhoods also have desires and quality-of-life needs, and should retain rights they have been promised. The MPIC has heard complaints from home-owners near houses rented out by AirBnb members, including excessive noise and vehicular use. When these complainants purchased their Miraloma Park homes, they were assured of RH-1 zoning that, if enforced, would prevent such problems by excluding short-term rentals. To abolish this zoning on behalf of a few residents at the expense of many others would be neither fair nor reasonable.

If Mr. Chiu's legislation is approved, inevitably many single rented units (legal and illegal) in R-1 and R-2 districts, as well as entire buildings with multiple apartments, would become dedicated to short-term rentals and thus removed from long-term rental availability. This would exacerbate the already extreme shortage of affordable long-term housing in SF, driving up already exorbitant housing costs up for both renters and new owners. The short- to mid-term result would be further depletion of SF's single-family and multiple-family homes, increased exodus and exclusion of families and long-term renters, and the consequent need for massive and unzoned new-housing construction. This would degrade SF's visual character, livability, and viability as an attractive choice for residence and tourism, likely consequences that should be assessed by an EIR under CEQA. The proposed legislation would primarily benefit profiteers and developers, to the ultimate detriment of home-owners and renters who claim they could not afford to reside in SF unless permitted to rent out their units short-term.

We further oppose Supervisor Chiu's legislation because it redefines commercial use of a home (rental as a hotel or B&B) as a "residential use" across the entire city, negating CC&Rs and zoning laws that currently forbid commercial use of homes. Neighborhoods should be considered individually for this commercial use. What may be right for SOMA or North Beach may be wrong for Miraloma Park. If the City is to be rezoned to allow short-term rentals, it should be done by zone or Supervisorial District, given the unique needs of SF's residential neighborhoods. And surely radical changes to zoning should mandate full environmental evaluation as well as public participation and power of decision, not just approval by a majority of supervisors.

Sincerely,

  
Robert Gee, President  
cc: Supervisor Norman Yee, Mayor Edwin Lee

---

**From:** Dan McGue [danMcGue@paragon-re.com]  
**Sent:** Monday, September 15, 2014 7:41 AM  
**To:** Board of Supervisors (BOS)

BOS - 11  
C pages  
File No. 140381

Please consider the following when looking at AirBNB:

1. Current Rental property insurance DOES NOT cover Airbnb-style sub tenancies and owners buildings that are found to be used as such are being denied coverage. Current rental policies leave the owner, the Airbnb host and ALL of their fellow tenants at risk. Any legislation should require the tenant host or platform to cover all and adequate coverage for the building and fellow tenants.
2. Apartment owners must be notified of prospective AirBNB-style sub tenancies and give their permission. Owners are not in the hotel business currently and are not prepared to be in it. There are huge responsibilities that come to the owner when a tenant sublets a unit as a hotel room. Owners have a legal responsibility to keep their tenants safe and provide a comfortable residence. How can they do so if they are no longer in control of who comes and goes and who has a key. This is a safety nightmare for all of our tenants, not just the Airbnb host. Any legislation must require permission by the landlord and an enforcement mechanism where we know who is a "tenant" in our buildings at any time.

Thank you,

**Daniel K. McGue**

---

**From:** Board of Supervisors (BOS)  
**To:** BOS-Supervisors  
**Subject:** 4,042 signers: Stop SFMTA (San Francisco Municipal Transportation Agency) petition

---

**From:** ENUF and CSFN [mailto:petitions@moveon.org]  
**Sent:** Tuesday, September 09, 2014 6:38 PM  
**To:** Board of Supervisors (BOS)  
**Subject:** 4,042 signers: Stop SFMTA (San Francisco Municipal Transportation Agency) petition

Dear San Francisco Board of Supervisors,

I started a petition to you titled *Stop SFMTA (San Francisco Municipal Transportation Agency)*. So far, the petition has 4,042 total signers.

You can post a response for us to pass along to all petition signers by clicking here:  
[http://petitions.moveon.org/target\\_talkback.html?tt=tt-23483-custom-39844-20240909-w8YFqR](http://petitions.moveon.org/target_talkback.html?tt=tt-23483-custom-39844-20240909-w8YFqR)

The petition states:

"As residents and taxpayers of San Francisco we believe that the SFMTA's first and foremost responsibility is to improve MUNI and to make MUNI a more desirable means of transportation. It is not SFMTA's job to make owning and driving a motor vehicle more expensive and difficult. The SFMTA needs to be accountable to all the citizens of San Francisco. We need a balanced, unbiased municipal transportation policy. We respectfully request that the Mayor and District Supervisors immediately stop the SFMTA from: 1. Installing new parking meters and extending the hours of enforcement 2. Enforcing Sunday parking meters 3. Increasing meter rates, fees and fines "

To download a PDF file of all your constituents who have signed the petition, including their addresses, click this link: [http://petitions.moveon.org/deliver\\_pdf.html?job\\_id=1311969&target\\_type=custom&target\\_id=39844](http://petitions.moveon.org/deliver_pdf.html?job_id=1311969&target_type=custom&target_id=39844)

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:  
[http://petitions.moveon.org/deliver\\_pdf.html?job\\_id=1311969&target\\_type=custom&target\\_id=39844&csv=1](http://petitions.moveon.org/deliver_pdf.html?job_id=1311969&target_type=custom&target_id=39844&csv=1)

Thank you.

--ENUF and CSFN

---

*If you have any other questions, please email [petitions@moveon.org](mailto:petitions@moveon.org).*

*The links to download the petition as a PDF and to respond to all of your constituents will remain available for the next 14 days.*

*This email was sent through MoveOn's petition website, a free service that allows anyone to set up their own online petition and share it with friends. MoveOn does not endorse the contents of petitions posted on our public petition website. If you don't want to receive further emails updating you on how many people have*

*signed this petition, click here:*

[http://petitions.moveon.org/delivery\\_unsub.html?e= m0xZcWlJXzqH9ZTz\\_cNZWJvYXJkLm9mLnN1cGVydmlzb3JzQHNmZ292Lm9yZw--&petition\\_id=23483.](http://petitions.moveon.org/delivery_unsub.html?e=m0xZcWlJXzqH9ZTz_cNZWJvYXJkLm9mLnN1cGVydmlzb3JzQHNmZ292Lm9yZw--&petition_id=23483)

*page*

---

**From:** Board of Supervisors (BOS)  
**To:** BOS-Supervisors  
**Subject:** File 140836, 140814, 140815, 140816: Community Facilities District

---

**From:** David Groves [mailto:[ddavid.groves@yahoo.com](mailto:ddavid.groves@yahoo.com)]  
**Sent:** Monday, September 08, 2014 10:50 PM  
**To:** Board of Supervisors (BOS)  
**Subject:** Community Facilities District

From: david g [ddavid.groves@yahoo.com]  
Sent: Monday, September 8, 2014 10 :50PM  
To: Board of Supervisors (BOS)  
Subj: Community Facilities District

Dear San Francisco Board of Supervisors

I am writing because I want the Board of Supervisors to keep the deal and vote for Community Facilities District to pay their share.

I am not a resident of the City of San Francisco, but I support the TransBay Center.

I am a disabled veteran who uses Caltrain to get to the City and I look forward to the improved connection of CalTrains and High Speed Rail extension to create a central transit hub for the entire Region and continue to make the City a Transit First City, and a "Grand Central Station on the West".

Sincerely,

David Groves  
501 Tilton Avenue  
San Mateo, CA 94401  
650.644.6814

File 140836  
140814, 140815  
140816  
epage

**From:** Jamie Whitaker [jamiewhitaker@gmail.com]  
**Sent:** Monday, September 08, 2014 9:59 PM  
**To:** Kim, Jane (BOS); Chiu, David (BOS); Campos, David (BOS); Avalos, John (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Yee, Norman (BOS); Cohen, Malia (BOS); Breed, London (BOS); Tang, Katy (BOS); Wiener, Scott; Board of Supervisors (BOS)  
**Cc:** jdineen@sfchronicle.com; btorres@bizjournals.com; jsabatini@sfxaminer.com  
**Subject:** No changes to Transbay CFD formulae - pass it as is

Dear Supervisors,

Please do not amend the established CFD formulae for the Transbay Transit Center District. A deal for the tremendous upzoning is a deal - no changes now that they're building the structures that will increase the load on our infrastructure. Please pass the creation of the CFD as agreed upon with the upzoning changes years ago.

San Franciscans are paying close attention, and we have a very strong case with a City Attorney office who I am confident will win the lawsuit, should one be filed. It will be even harder to convince other San Francisco neighborhoods to increase zoning and density if we let the developers roll us in Transbay. Already, neighbors see the lack of parks, the lack of local bus service east of 2nd Street, and the lack of any new public school in Rincon Hill despite District 6 now comprising 20% of the property tax rolls in San Francisco, and they are digging in their heels to avoid similar exploitation. Let's show neighbors that we will hold developers accountable for infrastructure improvements in return for the 1,070 foot, 900 foot, 800 foot, and other monster high-rise heights.

The taxable value and rents of these buildings will go down and back up because that's how our business cycle works. Boston properties will absolutely file Assessment Appeals Board filings at every whiff of a declining office market. Today's high rents can drop like a rock once the spigot of venture capital shuts off. Same is true for the market value of the property when sold - it can go down and reset the base price much lower.

Keep a long term view, and protect the interests of San Francisco.

Thank you for your consideration.

Jamie Whitaker

Sent from my iPad

---

**From:** Board of Supervisors (BOS)  
**To:** BOS-Supervisors  
**Subject:** FW: Act Now to Support Bikes for Families!

-----Original Message-----

**From:** Prarthana Gurung [<mailto:pgurung108@gmail.com>]  
**Sent:** Monday, September 08, 2014 1:11 PM  
**To:** Board of Supervisors (BOS)  
**Subject:** Act Now to Support Bikes for Families!

I am deeply concerned about the health, wellbeing, and transportation access of young people in San Francisco. I urge you to support the "Unclaimed Bicycles Ordinance" that is promoting healthy, active transportation, aligns with the city's climate objectives, and increases access to opportunity for families across the city.

Prarthana Gurung

San Francisco, CA 94102

---

**From:** Board of Supervisors (BOS)  
**To:** BOS-Supervisors; Wong, Linda (BOS)  
**Subject:** File 140918: Appropriation - Legal Services for Unaccompanied Children and Families (File # 140918 / Item 2, Budget & Finance Committee, Sept. 10, 2014)  
**Attachments:** LCCR Letter of Support for Appropriation - Legal Services for Unaccompanied Children and Families.pdf

---

**From:** Robin Goldfaden [<mailto:rgoldfaden@LCCR.com>]  
**Sent:** Tuesday, September 09, 2014 12:58 PM  
**To:** Board of Supervisors (BOS); Lee, Mayor (MYR)  
**Cc:** Oren Sellstrom  
**Subject:** Appropriation - Legal Services for Unaccompanied Children and Families (File #140918 / Item 2, Budget & Finance Committee, Sept. 10, 2014)

Please see the attached letter from Lawyers' Committee for Civil Rights of the San Francisco Bay Area.

Thank you.

Robin Goldfaden  
*Senior Attorney, Immigrant Justice*  
**Lawyers' Committee for Civil Rights  
of the San Francisco Bay Area**  
131 Steuart Street, Suite 400  
San Francisco, CA 94105  
Tel: 415.543.9444 ext. 201  
Fax: 415.543.0296  
[rgoldfaden@lccr.com](mailto:rgoldfaden@lccr.com)  
[www.lccr.com](http://www.lccr.com)

*The information contained in this e-mail may be confidential and legally privileged and is for the use of the intended recipient only. If you are not the intended recipient or an authorized employee or agent thereof, or if this message has been addressed to you in error, any review, use, dissemination, distribution, or reproduction of this communication or its contents (including any attachments) is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone or reply e-mail and permanently delete it and any attachments and copies from your system and files. Thank you.*



# LAWYERS' COMMITTEE FOR CIVIL RIGHTS

OF THE SAN FRANCISCO BAY AREA

September 9, 2014

## BOARD OF DIRECTORS

Rohit K. Singla

*Chair*

Daniel M. Hutchinson

*Chair-Elect*

Monty Agarwal

Krystal N. Bowen

Harry B. Bremond

George H. Brown

John L. Burris

Raymond A. Cardozo

Charles S. Crompton

James Finberg

Sara Finigan

Joshua R. Floum

Lupe C. Garcia

Nancy E. Harris

Nicole D. Harris

Loren Kieve

Leigh A. Kirmsse

Jack W. Londen

David A. Lowe

Shauna Marshall

Pamela Y. Price

Vincent A. Ruiz

Jacob R. Sorensen

James C. Sturdevant

Robert A. Thompson

*Executive Director*

Kimberly Thomas Rapp

Hon. Mark Farrell

Hon. Eric Mar

Hon. John Avalos

Budget & Finance Committee

Board of Supervisors, City & County of San Francisco

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102-4689

Re: Item 2, Budget and Finance Committee, September 10, 2014.

File # 140918 [Appropriation - Legal Services for Unaccompanied Children and Families - Mayor's Office of Housing - \$2,400,000 - FYs 2014-2015 and 2015-2016 (Sponsors: Campos, Avalos, and Yee)] – **SUPPORT**

Dear Supervisors Farrell, Mar, and Avalos:

The Lawyers' Committee for Civil Rights of the San Francisco Bay Area (LCCR) writes to express its deepest support for the above-referenced appropriations measure, to ensure that unaccompanied children and families appearing before the San Francisco Immigration Court on a recently introduced "rocket docket" are afforded counsel. The need for additional funding to support access to counsel for this vulnerable segment of our community cannot be understated.

### *I. The Need for Counsel & The Difference Representation Makes*

The problem of children and families having to proceed without counsel in complex, high-stakes immigration proceedings in our City is not a new one, but it is one that has taken on heightened urgency with the increasing caseload and the advent of the so-called "rocket docket," which fast-tracks the cases of unaccompanied children and families who recently came into the immigration system.

Even before the Obama Administration instituted the rocket docket, nonprofit legal services providers were unable to meet the legal needs of all those who could not afford private counsel.<sup>1</sup> Thousands of adults, families, and children – many of them longtime San Francisco residents – have had cases pending before the San Francisco Immigration Court for months and even years.<sup>2</sup> As the September 2, 2014 Policy Analysis Report from the Budget and Legislative Analyst's Office notes, a substantial percentage are unrepresented. *See* Budget and Legislative Analyst's Office, POLICY ANALYSIS REPORT RE ESTIMATED COST OF PROVIDING LEGAL REPRESENTATION TO UNACCOMPANIED JUVENILES AND

<sup>1</sup> Despite the adversarial nature of removal proceedings and the grave stakes for the individuals in those proceedings, there is not a recognized right to appointed counsel in the immigration context as there is in the criminal context.

<sup>2</sup> According to the Transactional Access Records Clearinghouse (TRAC) at Syracuse University, over 26,000 cases are pending before the San Francisco Immigration Court. *See* TRAC, IMMIGRATION COURT BACKLOG TOOL: PENDING CASES AND LENGTH OF WAIT IN IMMIGRATION COURTS (Sept. 5, 2014), available at [http://trac.syr.edu/phptools/immigration/court\\_backlog/](http://trac.syr.edu/phptools/immigration/court_backlog/).

FAMILIES IN SAN FRANCISCO IMMIGRATION COURT at 10 (Sept. 2, 2014) [hereafter POLICY ANALYSIS REPORT].

Lack of representation has been an especially acute problem for unaccompanied children. More than half – from teenagers to infants and toddlers – are without counsel in their removal (deportation) proceedings. POLICY ANALYSIS REPORT at 7, 10-11; *see also* Transactional Records Access Clearinghouse (TRAC), NEW DATA ON UNACCOMPANIED CHILDREN IN IMMIGRATION COURT (July 15, 2014), *available at* <http://trac.syr.edu/imm/juvenile>.<sup>3</sup>

With the volume and pace of the new rocket docket, the level of unmet need has reached a crisis level. Nonprofit immigration legal services providers, already unable to meet the legal needs of those unable to afford private counsel, are now staggering under the weight of it all. With the increased number of unaccompanied children and families seeking refuge here, the proportion without counsel will surely rise unless the capacity of legal services providers is substantially increased. *See, e.g.*, POLICY ANALYSIS REPORT at 10-11; Center for Gender & Refugee Studies and Kids in Need of Defense, A TREACHEROUS JOURNEY: CHILD MIGRANTS NAVIGATING THE U.S. IMMIGRATION SYSTEM at 77 (Feb. 2014) (“[T]he number of children who lack legal counsel to assist them in pursuing their claims for protection is growing significantly.”). As the Budget and Legislative Analyst has documented, the rocket docket alone is on track to have 2,130 unaccompanied children and family units per year lacking counsel. *See* POLICY ANALYSIS REPORT at 2, 11.

The appropriations measure before the Board of Supervisors will ensure that otherwise unrepresented unaccompanied minors and families on the rocket docket will have access to counsel, which has been shown to be critical to the outcome of immigration cases. For children in particular, one recent analysis of court records has shown that when there has been representation before the Immigration Court, in close to 50% of cases, the Immigration Judge did not order deportation but instead allowed the child to remain in the United States; in stark contrast, for juveniles without an attorney, only one out of ten (10%) were allowed to stay. *See* TRAC, NEW DATA ON UNACCOMPANIED CHILDREN IN IMMIGRATION COURT (July 15, 2014), *available at* <http://trac.syr.edu/immigration/reports/359/>.<sup>4</sup>

It is not surprising that legal representation makes such a critical difference for those in removal proceedings. Courts have long recognized immigration law as one of the most complex areas of American jurisprudence. *See, e.g., Castro-O’Ryan v. INS*, 847 F.2d 1307, 1312 (9th Cir. 1988). It is an ever-evolving area of law that challenges even attorneys and adjudicators. For children and families who must proceed without counsel, there are numerous serious barriers to presenting claims and defenses effectively, including the challenges posed by language and cultural differences, lack of education and understanding of the law, and the impact of trauma, which the vast majority of children and families on the rocket docket have experienced. Children on their own also face additional difficulties related to their young age and developmental factors.

---

<sup>3</sup> Representation rates are not available specifically for the subpopulation of families in removal proceedings, but the overall rate at which representation is not had is quite high, and one can expect that families on the rocket docket may experience an exacerbation of that rate due to the compressed timeline for their cases. *See* POLICY ANALYSIS REPORT at 10, 11 (noting an average of 59% of all completed immigration court cases with legal representation in FY 2012-13; concluding that expedited case processing could impact the number of cases attorneys can carry as they will have less time to complete casework that would ordinarily be handled over a lengthier period).

<sup>4</sup> Even for those not permitted to remain in the United States, representation made a critical difference – at a markedly higher rate, children with counsel have been permitted to leave under a voluntary departure order, which avoids the harsh legal consequences of a removal order. *See* TRAC, NEW DATA ON UNACCOMPANIED CHILDREN IN IMMIGRATION COURT (July 15, 2014), *available at* <http://trac.syr.edu/immigration/reports/359/>.

Legal representation in this context can literally make the difference between lives saved and lives lost. If we do not act, entire families and children on their own will be ordered deported to countries where they face inescapable violence.<sup>5</sup>

II. *Pro Bono Resources Are A Critical Piece Of The Solution, But They Alone Cannot Meet The Needs Presented By The Current Crisis.*

The San Francisco Bay Area and its nonprofit legal organizations have enjoyed a rich history of engagement, support, and contribution from the private bar. Across a range of civil rights and social justice causes, from housing and immigration to education and community economic empowerment, private law firms in the area contribute thousands of hours each year to direct legal services, impact litigation, and other crucial advocacy efforts. Bay Area nonprofit legal organizations and the private bar have forged strong working relationships, because we know that *pro bono* representation works best when it is undertaken as a partnership between the nonprofit community and the private bar.

Thus, while *pro bono* representation is an important complement to the work of nonprofit legal services providers, it is not a replacement. Nor should it be viewed that way. In the immigration context in particular, there are cases that are well-suited for *pro bono* attorneys who, despite not themselves being immigration experts, with proper support are able to grapple with a new area of law and bring their skills, commitment, and resources to bear in a way that has consistently been shown to be effective. But other cases and clients belong with the nonprofit attorneys who practice in this realm day in and day out. The contributions of the *pro bono* bar are crucial, particularly in times of heightened need, but they cannot and should not be seen as supplanting the role of nonprofit service providers whose expertise and focus are vitally needed.

Last month, the Mayor's Office of Housing & Community Development issued a Request for Proposals (RFP) to launch a "Right to Civil Counsel" pilot project focused on engaging and supporting the *pro bono* bar to provide representation for San Francisco immigrant residents at risk for deportation. LCCR responded to the RFP with a proposal to launch this pilot project with the City's support and the support of the private bar. LCCR's proposal was built on the foundation of its asylum program, which, in partnership with the private bar, has assisted thousands of refugees over the past 31 years. LCCR was excited to learn it had been awarded the grant in the amount of \$100,000. We are grateful for the support and confidence the City is investing in us.

But crucial as it is for those it will serve, this one grant is not enough to meet the needs of unaccompanied minors and families on the San Francisco Immigration Court's rocket docket, for at least two key reasons:

- The numbers are simply too high. As the report of the Budget and Legislative Analyst's Office carefully lays out, an estimated 2,533 unaccompanied children and families will have their cases expedited on the rocket docket in just one year. See POLICY ANALYSIS REPORT at 2, 9-11. The City's Budget and Legislative Analysis further estimates that 2,130 of these children and families will go without representation. See *id.* at 2, 10-11.<sup>6</sup> Even with the *pro bono* resources the \$100,000 Right to Civil Counsel grant will leverage, the proposed appropriations measure is critical to meet the overwhelming need for services

<sup>5</sup> Reports documenting the high rates of violence in the countries those on the rocket docket have fled are too numerous to cite here. The high levels of violence and harm do not mean that every affected person will qualify for protection relief in the United States, but a study by the United Nations High Commissioner for Refugees found that nearly 60% of children coming to the U.S. from Honduras, Guatemala, El Salvador, and Mexico were forcibly displaced because they suffered or faced harms that potentially qualified them for international protection. See UNHCR, CHILDREN ON THE RUN (2014). As conditions in the countries children and families are most commonly fleeing have been deteriorating, the probability that they qualify for some form of protection very likely has grown.

<sup>6</sup> As the Budget and Legislative Analyst notes, this may underestimate the caseload. POLICY ANALYSIS REPORT at 11.

- The Right to Civil Counsel project is not focused exclusively on children or on the rocket docket. While some of that population will be served, LCCR's intent and hope is that the funds will support *pro bono* representation across a broader spectrum of need, such as adults and children who are not on the rocket docket. These include women fleeing brutal domestic violence in countries where authorities fail to protect; those running from harm like female genital cutting, forced marriage, and forced prostitution; LGBT individuals who seek refuge here as an alternative to brutal beatings, rapes, and threats to their lives in their home countries; and those who face unimaginable torture for expressing their political views.

No one knows and appreciates the value of *pro bono* contributions more than LCCR. Leveraging the resources of the private bar to advance the cause of social justice has been central to the organization's mission since its founding in 1968. We also know *pro bono* resources alone cannot solve a crisis of this magnitude. Funding to directly support nonprofit legal service providers is also necessary. Only by working in tandem can our community come together to meet the current need.

### III. Conclusion

From its schools to its health care centers, San Francisco has responded to the needs of newly arrived children and families in remarkable ways that are emblematic of what makes this city a unique and inspiring place. But if we wish to have these children and families be safe in the long run, we must ensure that they have access to the high-quality legal services that are critical to the outcome of their immigration cases. This is the true test of our commitment.

Deportations rip apart the fabric of our community and come at a great cost to us all. They are especially harmful when they flow from a fundamental lack of fairness and when the consequences of a wrong decision are so grave. The funds proposed to ensure that families and unaccompanied children on the rocket docket before the San Francisco Immigration Court have representation will literally save hundreds of lives.

San Francisco has a chance to make due process a reality and not an empty promise for hundreds of children and families whose lives hang in the balance. We have a chance to lead. We must not miss this opportunity to be true to our values as a City. We urge your support for the proposed appropriation to provide legal representation to unaccompanied children and families.

Thank you for your consideration.

Sincerely,



OREN M. SELLSTROM  
*Interim Executive Director*



ROBIN GOLDFADEN  
*Senior Attorney, Immigrant Justice*

cc. Supervisor London Breed  
Supervisor David Campos  
Supervisor David Chiu  
Supervisor Malia Cohen  
Supervisor Jane Kim  
Supervisor Katy Tang  
Supervisor Scott Wiener  
Supervisor Norman Yee  
Mayor Edwin M. Lee

BOS - 11  
C pages

## Aiding young immigrants attempting to enter San Francisco from Mexico

There are many news accounts these days, filled with stories about unaccompanied minors being rushed through the federal immigration system. San Francisco Immigration courtrooms are filling up with children facing deportation.

Some of these children appear in front of an immigration judge without representation, being forced to navigate the complexities of immigration law on their own.

The number of immigrants from Mexico seeking entry into the U.S., has spiked the past year. The Department of Justice has issued a directive to immigration courts 'fast track' cases of recent arrivals through 'rocket dockets'.

These cases primarily involve unaccompanied minors and families, which consist of at least one adult family member and one child.

The DOJ directive is based on their belief that new arrivals do not have claims for immigration relief, and should therefore simply be returned to their countries of origin. Recent studies show, however, that most of the recent arrivals would qualify for refugee or a type of special status for certain juveniles. A majority of the recent migrants are Central Americans and are seeking refuge in the United States because of gang and drug wars in Guatemala, Honduras, and El Salvador.

Many of the migrants may qualify for refugee or other immigration protections, thus the rocket docket raises a number of concerns. As a result of the federal directive for immigration courts to prioritize "surge" cases, the courts' resolution of thousands of other cases that have been pending long before many of these children and families even entered the United States have been delayed. Immigration courts around the country are now removing judges from their regularly scheduled dockets in order to focus almost exclusively on the "surge" cases. The impact is that many of the 375,000 plus cases already pending before immigration judges will have their resolutions delayed many months, if not years.

Talk about chickens coming home to roost...

If kids from south of our border are offered protection then so to should young African-American children. They should

also be included in the rocket docket system, and be offered a safe haven from white slavery, gun violence, human trafficking, and terrorism. I believe in the sanctity of life and in fair treatment for all, irrespective, of creed, ethnicity, or color. We are kept by the Lord, our savior.

San Francisco is plagued with problems similar to that of what is occurring in Mexico and in Africa. There are Afro-Americans waiting to be placed in a safer district within San Francisco, to enjoy a better living situation.

If anyone makes the assertion that African-Americans should be content with their plight, then they should willingly subject themselves to changing the color of their skin and live in areas occupied by solely by blacks, in Africa.

Then and only then will they have any basis for their social commentary.

I state the same for Arab-Americans, Asian-Americans and for Pacific Islanders.

Thank you,

Thevoice.fitch3@gmail.com

2014 SEP - 9 PM 2: 13  
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

(16)