

FILE NO. 140723

Petitions and Communications received from June 16, 2014, through June 30, 2014, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on July 8, 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 Mayor Lee, designating Supervisor Malia Cohen as Acting Mayor from June 19 to June 21, 2014. Copy: Each Supervisor. (1)

From Mayor Lee, designating Supervisor Mark Farrell as Acting Mayor from June 22 to June 24, 2014. Copy: Each Supervisor. (2)

From Mayor Lee, regarding appointment to the Library Commission. Copy: Each Supervisor. (3)
Dr. Mary Wardell Ghirarduzzi

From Treasurer and Tax Collector, submitting Monthly Investment Report for May 2014. Copy: Each Supervisor. (4)

From concerned citizens, submitting signatures for petition regarding Municipal Transportation Agency. 2,641 signatures. Copy: Each Supervisor. (5)

From California Public Utilities Commission, regarding notice of Pacific Gas and Electric Company's demand response direct participation cost recovery. Copy: Each Supervisor. (6)

From Sheriff, regarding waiver request for Rapid Notify, Inc. Copy: Each Supervisor. (7)

From Sheriff, regarding waiver request for Recology Peninsula Services. Copy: Each Supervisor. (8)

From Sheriff, regarding waiver request for Chevron USA, Inc. Copy: Each Supervisor. (9)

From Dr. Kerry Kriger, regarding Sharp Park Golf Course. Copy: Each Supervisor. (10)

From Fish and Game Commission, submitting a notice of proposed regulatory action relating to Pacific hagfish traps. Copy: Each Supervisor. (11)

From Fish and Game Commission, submitting a notice of proposed regulatory action relating to tiger salamanders. Copy: Each Supervisor. (12)

From Status of Women, regarding Sugar-Sweetened Beverage Tax Ordinance. File No. 140098. Copy: Each Supervisor. (13)

From Kermit R. Kubitz, regarding recreation and open space element hearing. Copy: Each Supervisor. (14)

From concerned citizens, regarding Sunday parking. 4 letters. Copy: Each Supervisor. (15)

From California Association of Psychiatric Technicians, regarding Laura's Law. File No. 140558. Copy: Each Supervisor. (16)

From Tim Stafford, regarding Strawberry Music Festival. Copy: Each Supervisor. (17)

From Hayes Valley Neighborhood Association, regarding liquor license application of Nabila's Naturals. Copy: Each Supervisor. (18)

From Hollis Court Associates, regarding assessment costs for sidewalk repairs. File No. 140584. Copy: Each Supervisor. (19)

From Allen Jones, regarding naming of new Trans Bay Terminal. Copy: Each Supervisor. (20)

From Jordan Park Improvement Association, regarding 2009 Housing Element. File No. 140414. Copy: Each Supervisor. (21)

From Treasurer and Tax Collector, submitting Annual Report for 2013 Payroll Expense Tax Exclusion. Copy: Each Supervisor. (22)

- Central Market Street and Tenderloin Area
- Stock-Based Compensation
- Enterprise Zone
- Surplus Business Tax Revenue
- Net New Payroll
- Clean Technology Business
- Biotechnology

From Marvis Phillips, regarding project funding for city departments. 2 letters. File No. 140619. Copy: Each Supervisor. (23)

From Roger Lake, regarding cost of sidewalk repairs. File Nos. 140584 and 140585. Copy: Each Supervisor. (24),

From Roland Salvato, regarding World War II memorial garden. (25)

From concerned citizens, regarding Municipal Transportation Agency proposals. 2 letters. Copy: Each Supervisor. (26)

From Bay Area Council, regarding housing shortage. Copy: Each Supervisor. (27)

From Controller, submitting memorandum on Combined Construction Audits, Assessments, and Reviews for FYs 2012-2013 and 2013-2014. Copy: Each Supervisor. (28)

From Thomas N. Lippe, regarding 706 Mission Street. Copy: Each Supervisor. (29)

From Castro/Upper Market Community Benefit District, regarding LGBT Historical Society and Museum. Copy: Each Supervisor. (30)

From Alicia Gaylord, regarding Housing Affordability. Copy: Each Supervisor. (31)

From Francisco Da Costa, regarding planned housing units. Copy: Each Supervisor. (32)

From Lou Ann Bassan, regarding homeless budget. Copy: Each Supervisor. (33)

From Health Service System, regarding delayed opening every other Thursday. Copy: Each Supervisor. (34)

From Janette Barroca, regarding Governor Romney's predictions. Copy: Each Supervisor. (35)

From Brian Browne, regarding elevator complaint. Copy: Each Supervisor. (36)

From Nancy Ewart, regarding cleanup crews. Copy: Each Supervisor. (37)

From Craig Thomas Yates, regarding Lucas museum. (38)

From Office of Inspector General, regarding audit report for July 1, 2012, through June 30, 2013. Copy: Each Supervisor, Controller. (39)

From Mayor, regarding amended Mayor's Executive Directive 14-02, San Francisco Inter-Agency Council on Homelessness. Copy: Clerk of the Board, Legislative Deputy. (40)

From Clerk of the Board, regarding 2013-2014 Civil Grand Jury Report "The Port of San Francisco, Caught Between Public Trust and Private Dollars." Copy: Each Supervisor. (41)

From Clerk of the Board, regarding 2013-2014 Civil Grand Jury Report "Rising Sea Levels...At Our Doorstep." Copy: Each Supervisor. (42)

From Clerk of the Board, regarding 2013-2014 Civil Grand Jury Report "Ethics in the City: Promise, Practice or Pretense." Copy: Each Supervisor. (43)

From concerned citizen, regarding sit-lie ordinance. Copy: Each Supervisor. (44)

From John Fitch, regarding meter parking and disabled placards. Copy: Each Supervisor. (45)

From John Fitch, regarding money management class. Copy: Each Supervisor. (45)

From Fish and Game Commission, regarding notice of proposed changes to sections 163 and 164, Title 14, California Code of Regulations. Copy: Each Supervisor. (46)

From Fish and Game Commission, regarding notice of proposed changes to section 786.9, Title 14, California Code of Regulations. Copy: Each Supervisor. (47)

From Pinwheels, Inc., regarding notification of application for a passenger stage corporation certificate. (48)

From Capital Planning Committee, regarding CPC action at the June 23, 2014, CPC Meeting. Copy: Each Supervisor. (49)

From SFERS, regarding Actuarial Cost and Effect Report. File No. 140455. Copy: Each Supervisor. (50)

From Controller, regarding audit of the Bay Institute Aquarium Foundation. (51)

From Controller, regarding City Services Auditor Annual Work Plan FY2014-15. (52)

From Clerk of the Board, regarding agencies that have submitted a 2014 Local Agency Biennial Conflict of Interest Review Report. (53)

Board of Appeals

Dept. of Children, Youth and Their Families (DCYF)

Children and Families First Commission

Citizen's General Obligation Bond Oversight Committee

Civil Service Commission

Controller

Finance Corporation

Golden Gate Park Concourse Authority

Human Services Commission

Juvenile Probation Dept.

Residential Rent Stabilization and Arbitration Board

Sheriff

War Memorial

From Clerk of the Board, regarding departments that submitted their reports regarding Sole Source Contracts for FY2013-2014. (54)

311 Customer Service Center

Controller

Dept. of Emergency Management
Dept. of Human Resources
Mayor's Office of Community Development & Housing
Mayor's Office on Disability
Residential Rent Stabilization & Arbitration
Treasure Island Development

From Metropolitan Transportation Commission, regarding release of draft 2015 Transportation Improvement Program and draft Air Quality Conformity Analysis for Public Review and Comment. (55)

From Patricia Kincaid, regarding Golden Gate Bridge suicide prevention. Copy: Each Supervisor. (56)

From James Miller, regarding Safeway recycling center. (57)

From Port, regarding Bond Accountability Report. (58) Copy: Each Supervisor. (58)

From Public Health, regarding increases in contracts during FY2013-2014. Copy: Each Supervisor. (59)

From Public Defender, regarding Laura's Law. File No. 140557. Copy: Each Supervisor. (60) (see also item 16)

OFFICE OF THE MAYOR
SAN FRANCISCO



orig: page

EDWIN M. LEE
MAYOR

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2014 JUN 19 AM 9:30

EH

BOS-11, Aides
COB, Deputies
Dep City Attny
J. Elliott
Ac file

June 19, 2014

Ms. Angela Calvillo
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Dear Ms. Calvillo,

Pursuant to Charter Section 3.100, I hereby designate Supervisor Malia Cohen as Acting-Mayor from the time I leave the State of California on Thursday, June 19, 2014 at 12:20 a.m., until Saturday, June 21 at 11:59 p.m.

Sincerely,

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

Edwin M. Lee
Mayor

cc: Mr. Dennis Herrera, City Attorney
All Members, Board of Supervisors

OFFICE OF THE MAYOR
SAN FRANCISCO



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2014 JUN 19 AM 9:30

THB

orig. - C page

EDWIN M. LEE
MAYOR

*BOH, Aides
COB, Deputies
Dep City Atty
J Elliott, Acfele*

June 19, 2014

Ms. Angela Calvillo
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Dear Ms. Calvillo,

Pursuant to Charter Section 3.100, I hereby designate Supervisor Mark Farrell as Acting-Mayor from Sunday, June 22, 2014 at 12:01 a.m., until I return on Tuesday, June 24 at 9:26 p.m.

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

Sincerely,

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

Edwin M. Lee
Mayor

cc: Mr. Dennis Herrera, City Attorney
All Members, Board of Supervisors

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE
MAYOR

*Orig: Leg Clerk
c: COB, Leg Dep
Dep. City Attny
Rules Comm
cpage Acfile.*

Notice of Appointment

June 19, 2014

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
JUN 19 PM 4:48

Honorable Board of Supervisors:

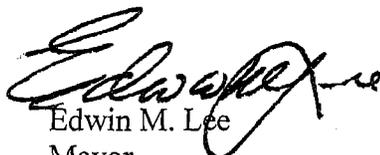
Pursuant to Section 3.100(18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

Dr. Mary Wardell Ghirarduzzi to the Library Commission, assuming the seat formerly held by Jewelle Gomez, for a term ending January 15, 2018

I am confident that Dr. Wardell Ghirarduzzi, an elector of the City and County, will serve our community well. Attached herein for your reference are her 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

June 19, 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 JUN 19 PM 4:19
A

Dear Ms. Calvillo,

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

Dr. Mary Wardell Ghirarduzzi to the Library Commission, assuming the seat formerly held by Jewelle Gomez, for a term ending January 15, 2018

I am confident that Dr. Wardell Ghirarduzzi, an elector of the City and County, will serve our community well. Attached herein for your reference are her 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

DR. MARY WARDELL GHIRARDUZZI

313 Anza Street, San Francisco, CA 94118
(415) 509-4449 mobile (415) 422-2821 office
e-mail: drmjwardell@gmail.com

PROFESSIONAL SUMMARY

A visionary leader with energy, enthusiasm along with 18 years experience in leading California higher education. An excellent communicator, facilitator, and strategic thinker with a proven record of building collaborative relationships with faculty, staff, and students, and working seamlessly with trustees, alumni and community constituents to advance institution mission and create organizational learning opportunities.

EDUCATION

Doctor of Education in Organizational Leadership
Pepperdine University, April 2010

Dissertation thesis: *Leadership behaviors and practices among executive women of color in higher education*

Master of Arts in Education
San Diego State University, May 1998
Specialization: Cross Cultural Counseling

Bachelor of Arts in Communication
University of the Pacific, May 1989
Emphasis: Public Relations

General Education
San Joaquin Delta College, 1984-1986, transferred with no degree
Curricular and extracurricular engagements: Delta Singers (the master chorale) and Women's Softball

ADMINISTRATIVE EXPERIENCE AND LEADERSHIP

Associate Vice Provost, Diversity and Community Engagement, February 2011-present, University of San Francisco

- Provide leadership and oversight for diversity and inclusion as chief diversity officer.
- Provide expertise on issues of access, equity, diversity and inclusion on campus.
- Elevate visibility and enhance diversity-related matters and efforts at all levels for the university
- Increase the representation (recruitment) and improve the success (retention) of faculty, staff, and students to reflect diverse talent in all its' forms
- Provide support and leadership in the university's efforts to promote social justice, equity, and diversity and inclusion.
- Work with all campus divisions, academic deans, and administrative department heads for campus-wide diversity education implementation
- Build and maintain coordination for all diversity-related work, encourage collaborations across campus, facilitate dialogues and leverage resources.
- Serve as ambassador and campus resource to diverse communities in San Francisco Bay area.

- Facilitate communication, messages, and efforts to engage communities that may have been marginalized or not connected to the university and its' offerings and resources.

Associate Vice President and Dean of Students, January 2008 – February 2011

University of San Francisco

- Responsible for creating and maintaining a safe, healthy, and supportive environment and culture that integrates the intellectual, physical, social, emotional and spiritual development of all students.
- Lead campus-wide behavioral intervention team assessing and managing student issues and cases that involve health, safety, family, and/ or behavior infraction to campus code of conduct.
- Oversee and supervise campus units including counseling and psychological services, student conduct/ discipline, health promotion services, health insurance services, Gender & Sexuality Center (founding dean), and the Koret Recreational Center.
- Oversee budgets for student affairs areas; seek external sources of funding for student service programs.
- Provide support and consultation to administrative staff and faculty on challenging student issues at regional campuses at the Presidio, San Jose, Sacramento, Pleasanton and Santa Rosa.
- Work closely with public safety, legal counsel, and human resources on employment, safety, investigations, or other issues.
- Lead university-wide committees and task forces that support the campus mission and holistic student development.
- Supervise and evaluate the performance of professionals; design employment plans as needed for training and development.
- Serve on accreditation student life team for campus preparation for WASC visit.
- Organize symposia, conferences, and author lectures for topics contributing to campus life ranging from sexual violence prevention, African American Male Conference, and the 'hook-up' relationship culture.
- Provide consultation to faculty on classroom management strategies and behavioral intervention or other issues that impact the learning environment.
- Provide leadership and expertise for the development, implementation and evaluation of policies and regulations pertaining to student life, especially those related to alcohol and drug use, student conduct, and student residences.
- Serve as ambassador for university with alumni, parents, students, neighbors, and community leaders.
- Work with neighborhood home associations within the proximity of the university to ensure regular meetings, communication about campus life and activities, and responsiveness to neighbor concerns.

Dean of Student Affairs, August 2000-January 2008

Otis College of Art and Design, Los Angeles, CA

- Serve as senior student affairs administrator for campus community.
- Plan, direct, administer and evaluate student service units including: Career Services and internships, Student Counseling and Psychological Services, Judicial Affairs, Orientation Programs, Student Activities, Housing and Residential Life, Disabled Student Services, Student organizations and leadership development, International Student Services, Tutoring Services and the Student Resources Center.
- Instruct social responsibility module and ethical leadership seminar for first year students.
- Provide leadership in the college strategic planning process.

- Supervise and evaluate the performance of professionals; design employment plans as needed for training and development.
- Oversee and plan budgets for student affairs areas; identify priorities for program and service development and fund appropriately; identify external sources of funding for student service programs.
- Serve on accreditation committee charged with campus preparation for WASC visit.
- Advise and brief senior cabinet on liability and student safety issues.
- Maintain confidential information and recommend course of action to support and promote student success.
- Provide policy, cost, and benefit analysis to campus for proposed services based on current higher education trends and institutional needs.
- Assess program and services effectiveness through surveys, annual reports, and student feedback.
- Serve as advocate for students.
- Respond to concerns and inquiries from various college constituents such as faculty consultation on classroom management, student conduct, and parent relations; facilitate proactive communication to promote positive constituent relationships.
- Write and update key college policy and communication pieces including student handbook, brochures and academic planner.
- Coordinate annual commencement ceremony; serve as chair of campus-wide planning committee.
- Develop and implement new student services and college initiatives. Founding administrator for the Student Resources Center and the Student Housing Program. Initiated the following offices: counseling services, disability services, and international student services; co-development of ethics curriculum in new student orientation. Developed parent orientation with the participation of academic leadership.
- Implement Department of Education Title III grant for student support area, including the tracking and reporting of services and expenditures.
- Develop curriculum and assessment for First Year Experience (FYE); co-launched program with liberal studies faculty coordinator.
- Serve and chair various campus wide committees including the student life committee of faculty academic senate, commencement, search committees, member of academic assembly (ex-officio).
- Apply and respond to appropriate federal, state, and local laws and legislation applicable to post secondary institutions including FERPA, Clery Act and ADA compliance; DOE compliance includes reporting of campus crime statistics.

Assistant Dean of Students, April 1999 - August 2000 Assistant to the Dean of Students, June 1998 - March 1999 California State University San Marcos, San Marcos, CA

- Provide retention counseling to students on a wide-variety of academic and personal issues.
- Serve as the university disciplinary officer and resource for student grievance process.
- Develop and present educational and informational workshops for students, families, faculty and community members.
- Represent the Office of the Vice President of Student Affairs and Dean of Students in university and community relations.

Community Outreach Coordinator, Student Academic Outreach Program, March 1993 - May 1998 California State University San Marcos

- Coordinated projects linking the University with community based K-12 initiatives

targeting underrepresented students, parents, secondary school personnel, and university faculty/ staff.

- Developed and implemented programs in academic enrichment, increasing the pool of college eligible students from economically, educationally, and environmentally disadvantaged backgrounds.
- Advised students on academic goal setting and developed educational plans.
- Instructed general education course for first-year college students (GEL 101).

Program Coordinator, Admissions and Recruitment and Counselor, Upward Bound, September 1986 - May 1989 University of the Pacific, Stockton, CA

- Coordinated community-based career development program as an undergraduate campus leader targeted at middle-school students increasing the students' awareness of potential careers.
- Recruited and supported program participants from educationally disadvantaged backgrounds to persist to college.

INSTRUCTIONAL EXPERIENCE AND ACADEMIC EXPERTISE

**Adjunct Professor, September 2008 – present
School of Management, University of San Francisco**

- Instruct business curriculum to undergraduate and graduate students in the USF School of Management.
- Teach following courses: *Organizational Behavior, Leadership, Decision Making and Group Process, and Organization Communication.*

**Instructor, First Year Success Seminar, September 1997- September 1999
California State University San Marcos**

- Instruct first-year seminar course: GEL 101 (*Life-long Learning: The Student, The University, and The Community*).

**Instructor, Upward Bound Program, September 1994 - May 1998
California State University San Marcos**

- Instructed course preparing underrepresented high school students for college entrance, including college preparatory coursework, admissions requirements, career assessments, financial aid & scholarship searches, goal setting, and college life.

ASSESSMENT, ACCREDITATION AND TECHNOLOGY

- Serve on college-wide steering committee to plan and prepare for Western Association of Schools and Colleges (WASC) accreditation visit.
- Develop programs per Title III grant specification; prepare documents and reports in support for student learning - 2008 WASC visit.
- Administer program and institutional assessment to establish learning outcomes to improve student affairs programs and services utilization.
- Provide leadership in the college strategic planning process and mission and vision statements revision.
- Provide vision and planning for use of technology for on-line student services delivery and academic support services.

INTERNATIONAL ENGAGEMENT AND CULTURAL IMMERSIONS

El Salvador, June 2012. Selected among USF faculty and staff to deepen sensitivity and understanding of El Salvador's history of civil war and repression, and impact to students and Salvadoran community in SF Bay Area, and the role of a Jesuit university mission today.

India, July 2009. Tour of northern territories of India to explore and learn cultural traditions and experience cultural immersion. Visited several remote villages with native guides and hosted by Indian families; documented experiences visually through photography.

Ireland, June 2008. Invited delegate for international exchange to study student services delivery systems at four universities in Ireland. Sponsored by the National Association of Student Personnel Administrators (NASPA).

Australia, December 2005. Member of three-person U.S. delegation of student services leaders for international exchange and experience in student services. Visited six colleges and universities in Australian cities including Canberra and Sydney. Sponsored by the National Association of Student Personnel Administrators (NASPA).

Salamanca, Spain, June 2005. Selected among U.S. student affairs officers to participate in international exchange and dialogue with higher education leaders from multiple countries and host country Spain. Weeklong institute focused on strengthening international study abroad and exchange opportunities for undergraduate students.

Monterrey, Mexico, June 2004. Participant in doctoral student exchange and international policy forum between the Graduate School of Education and Psychology, Pepperdine University, and the Universidad de Monterrey, Mexico. Met with government and corporate leaders in Mexico to discuss social, political, economic and education policies and issues that impact Mexico/ U.S./ California/ Los Angeles relations.

PRESENTATIONS, TRAININGS AND WORKSHOPS (partial list)

Wardell, M. (8/ 2011). *Women in Entrepreneurship*. Moderated a panel of prominent Latina business owners who have successfully navigated turbulent waters of entrepreneurship. National Society of Hispanic MBA's, LEAD Conference: Leading through change, San Francisco.

Wardell, M. (2011). Delivered diversity-related presentations to members of university community and external community groups including alumni board, new faculty and student groups. On-going.

Wardell, M. (2010). Provided a keynote address about alcohol use and best practices for national alcohol prevention event to college campus community, University of San Francisco.

Wardell, M. (2005 - 2007). *The Millennial Student*. Facilitate workshops through faculty development series on considerations for faculty in their work with millennial students. Otis College of Art and Design.

Wardell, M. (2000- 2007). *Working with the Distressed Student*. Facilitate workshops with groups of faculty in their work with students and classroom management. Otis College of Art and Design.

Wardell, M. (1998-2007). *Team Building, Leadership Development*. Facilitated series of workshops designed to support staff and student development. Success Workshop Series, Otis College and CSU San Marcos.

Wardell, M. et al (2005). *The University of Monterrey, Mexico and Pepperdine University, United States: A Transcultural Leadership Experience*. Paper presentation. The Third Annual Hawaii International Conference on Education. Oahu, Hawaii.

Wardell, M. (2000). *Stumbling Towards Excellence: Meeting Student Needs and Organizational Challenges*. Facilitated a formal round-table discussion on institutional challenges and the need for assessment in enhancing our first year course (GEL 101). FYE Students in Transition Conference: WEST, San Francisco, CA.

PUBLICATIONS AND EXHIBITIONS

Wardell, M. J. (2010). *Leadership behaviors and practices among executive women of color in higher education*. Pepperdine University – binded and copyrighted, not published.

Wardell, M. (2009). *Immersion India*. Solo photographic installation of selected works and artist talk from travel to Agra, Vrindavan, Mathura, New Delhi, and Jaipur. The Crossroads Gallery, University of San Francisco, November 12-25.

Wardell, M. (2009). *Immersion India*. Solo photographic installation selected works of travels through India at Internos Wine Bar, San Francisco, December 1-29.

Wardell, M., et. al (2004). *The University of Monterrey, Mexico and Pepperdine University, United States: A Transcultural Leadership Experience*. Scholar and Educator: The Journal of the Society of Educators and Scholars, Volume XXVI: Number 1-2.

PROFESSIONAL ASSOCIATIONS/ AFFILIATIONS (past and present)

American Association of Colleges and Universities (AACU)

American Educational Research Association (AERA)

American College Health Association (ACHA)

American Council on Education (ACE)

American Management Association (AMA)

Association of Higher Education and Disability (AHEAD)

Association of Jesuit Colleges and Universities (AJCU)

Association of Student Judicial Administrators (ASJA)

Advisory Board Member (Southern California), Working Mother Magazine California

Association for Postsecondary Education and Disability (CAPED)

Friends of the Commission on the Status of Women, San Francisco

National Association of Diversity Officers in Higher Education (NADOHE)

National Association of Higher Education Administrators (NASPA)

References

Dr. Jennifer Turpin
Provost
University of San Francisco
(415) 422-6136
turpinj@usfca.edu

Dr. Joseph Marshall
Executive Director
Omega Boys Club
(415) 826-8664
drj@street-soldiers.org

Mr. Chuck Smith, Vice Chairman, University of San Francisco, Board of Trustees
CEO, AT&T West (retired chief executive officer)
(925) 672-1513
(925) 323-2600
chuck.smith@pacbell.net

Fr. Stephen Privett, S.J.
President
University of San Francisco
(415) 422-6762
privett@usfca.edu

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: FW:
Attachments: CCSF Monthly Pooled Investment Report for May 2014 (2).pdf

From: Durgy, Michelle (TTX)
Sent: Tuesday, June 17, 2014 9:43 AM
To: Ronald Gerhard; aimee.brown@mac.com; Board of Supervisors (BOS); Perl, Charles (PUC); Cisneros, Jose (TTX); cynthia.fong@sfcta.org; Grazioli, Joseph; Lediju, Tonia (CON); Lu, Carol (MYR); Marx, Pauline (TTX); Morales, Richard (PUC); Rosenfield, Ben (CON); Rydstrom, Todd (PUC); SF Docs (LIB)
Subject:

Hello All -

Please find the CCSF Pooled Fund Investment Report for May 2014 attached for your use.

Regards,
Michelle

Michelle Durgy
Chief Investment Officer
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 140
San Francisco, CA 94102
415-554-5210

Office of the Treasurer & Tax Collector
City and County of San Francisco



José Cisneros, Treasurer

Pauline Marx, Chief Assistant Treasurer
Michelle Durgy, Chief Investment Officer

Investment Report for the month of May 2014

June 15, 2014

The Honorable Edwin M. Lee
Mayor of San Francisco
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4638

The Honorable Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4638

Ladies and Gentlemen,

In accordance with the provisions of California State Government Code, Section 53646, we forward this report detailing the City's pooled fund portfolio as of May 31, 2014. These investments provide sufficient liquidity to meet expenditure requirements for the next six months and are in compliance with our statement of investment policy and California Code.

This correspondence and its attachments show the investment activity for the month of May 2014 for the portfolios under the Treasurer's management. All pricing and valuation data is obtained from Interactive Data Corporation.

CCSF Pooled Fund Investment Earnings Statistics *

<i>(in \$ million)</i>	Current Month		Prior Month	
	Fiscal YTD	May 2014	Fiscal YTD	April 2014
Average Daily Balance	\$ 6,204	\$ 6,963	\$ 6,126	\$ 6,870
Net Earnings	41.64	4.80	36.83	4.07
Earned Income Yield	0.73%	0.81%	0.72%	0.72%

CCSF Pooled Fund Statistics *

<i>(in \$ million)</i>	% of	Book	Market	Wtd. Avg.	Wtd. Avg.	WAM
Investment Type	Portfolio	Value	Value	Coupon	YTM	
U.S. Treasuries	10.03%	\$ 686.3	\$ 690.5	1.18%	1.05%	816
Federal Agencies	65.13%	4,478.6	4,483.6	0.94%	0.82%	787
State & Local Government						
Agency Obligations	1.15%	79.9	78.9	2.13%	0.91%	625
Public Time Deposits	0.01%	0.5	0.5	0.46%	0.46%	283
Negotiable CDs	5.31%	365.5	365.6	0.29%	0.28%	317
Commercial Paper	6.43%	442.9	443.0	0.00%	0.15%	18
Medium Term Notes	10.12%	702.3	696.8	1.71%	0.45%	285
Money Market Funds	1.82%	125.1	125.1	0.03%	0.03%	2
Totals	100.0%	\$ 6,881.0	\$ 6,884.0	0.95%	0.72%	649

In the remainder of this report, we provide additional information and analytics at the security-level and portfolio-level, as recommended by the California Debt and Investment Advisory Commission.

Very truly yours,

José Cisneros
Treasurer

cc: Treasury Oversight Committee: Aimee Brown, Ronald Gerhard, Joe Grazioli, Charles Perl
Ben Rosenfield, Controller, Office of the Controller
Tonia Lediju, Internal Audit, Office of the Controller
Cynthia Fong, Deputy Director for Finance & Administration, San Francisco County Transportation Authority
Carol Lu, Budget Analyst
San Francisco Public Library

* Please see last page of this report for non-pooled funds holdings and statistics.

Portfolio Summary Pooled Fund

As of May 31, 2014

<i>(in \$ million)</i>							
Security Type	Par Value	Book Value	Market Value	Market/Book Price	Current % Allocation	Max. Policy Allocation	Compliant?
U.S. Treasuries	\$ 685.0	\$ 686.3	\$ 690.5	100.61	10.03%	100%	Yes
Federal Agencies	4,463.4	4,478.6	4,483.6	100.11	65.13%	85%	Yes
State & Local Government							
Agency Obligations	77.5	79.9	78.9	98.80	1.15%	20%	Yes
Public Time Deposits	0.5	0.5	0.5	100.00	0.01%	100%	Yes
Negotiable CDs	365.5	365.5	365.6	100.02	5.31%	30%	Yes
Bankers Acceptances	-	-	-	-	0.00%	40%	Yes
Commercial Paper	443.0	442.9	443.0	100.01	6.43%	25%	Yes
Medium Term Notes	691.7	702.3	696.8	99.23	10.12%	15%	Yes
Repurchase Agreements	-	-	-	-	0.00%	100%	Yes
Reverse Repurchase/ Securities Lending Agreements	-	-	-	-	0.00%	\$75mm	Yes
Money Market Funds	125.1	125.1	125.1	100.00	1.82%	100%	Yes
LAIF	-	-	-	-	0.00%	\$50mm	Yes
TOTAL	\$ 6,851.7	\$ 6,881.0	\$ 6,884.0	100.04	100.00%	-	Yes

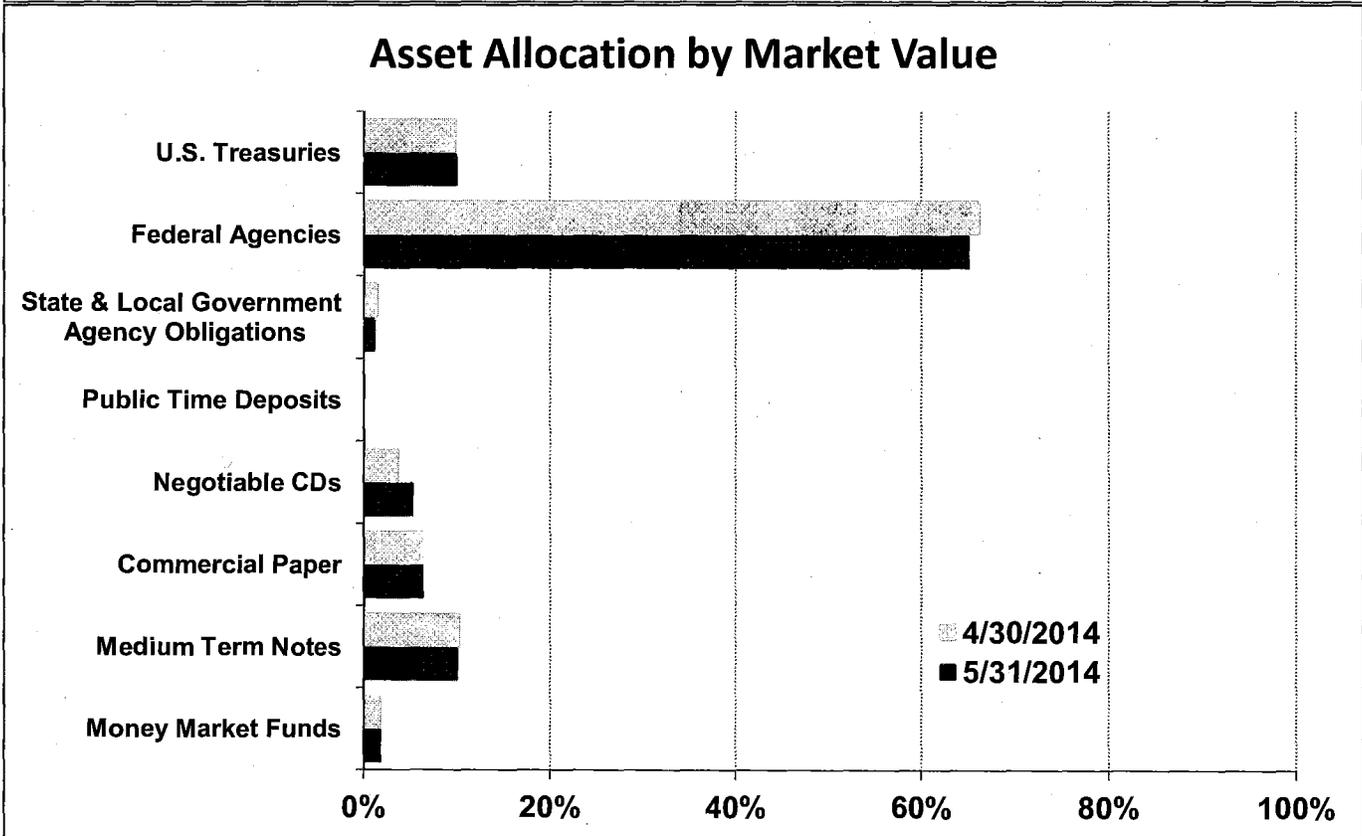
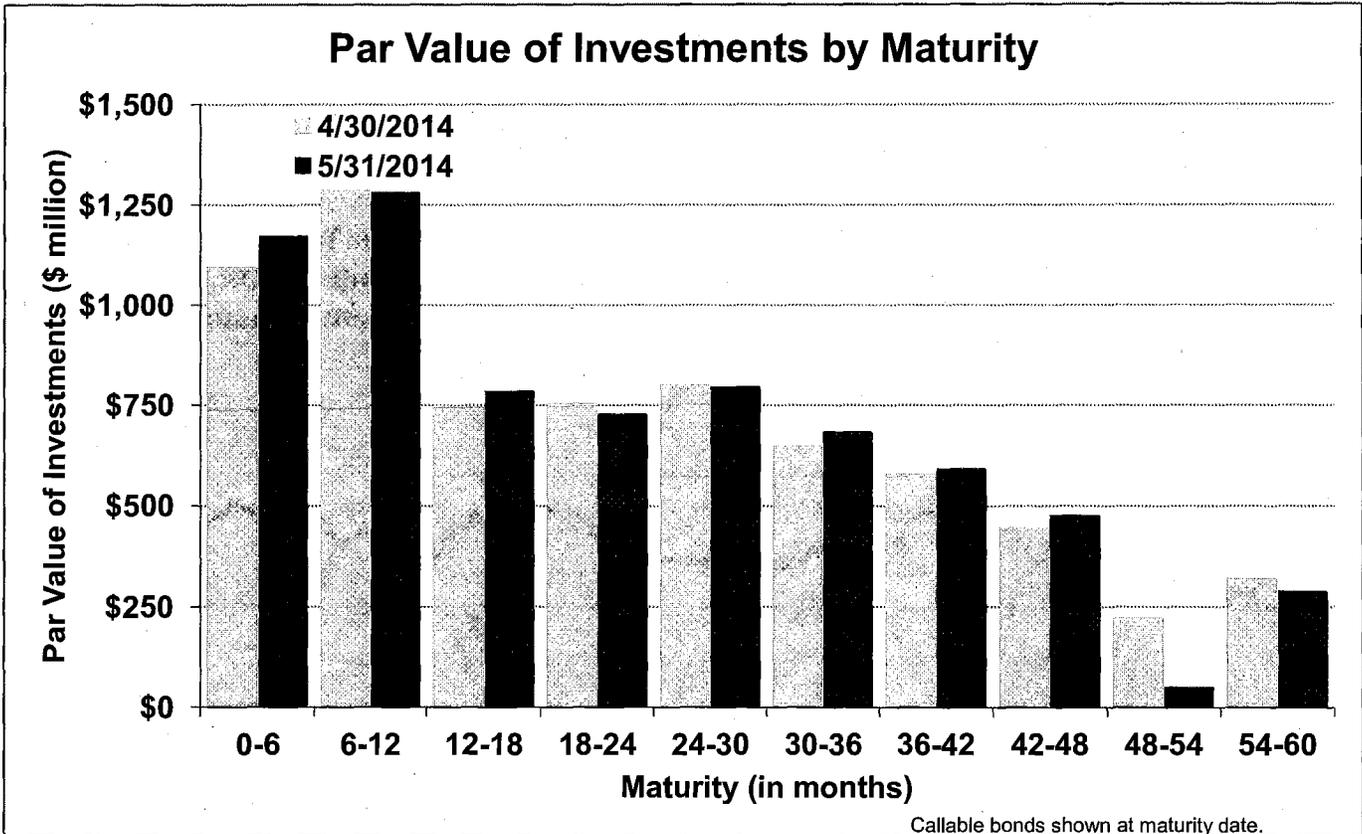
The City and County of San Francisco uses the following methodology to determine compliance: Compliance is pre-trade and calculated on both a par and market value basis, using the result with the lowest percentage of the overall portfolio value. Cash balances are included in the City's compliance calculations.

Please note the information in this report does not include cash balances. Due to fluctuations in the market value of the securities held in the Pooled Fund and changes in the City's cash position, the allocation limits may be exceeded on a post-trade compliance basis. In these instances, no compliance violation has occurred, as the policy limits were not exceeded prior to trade execution.

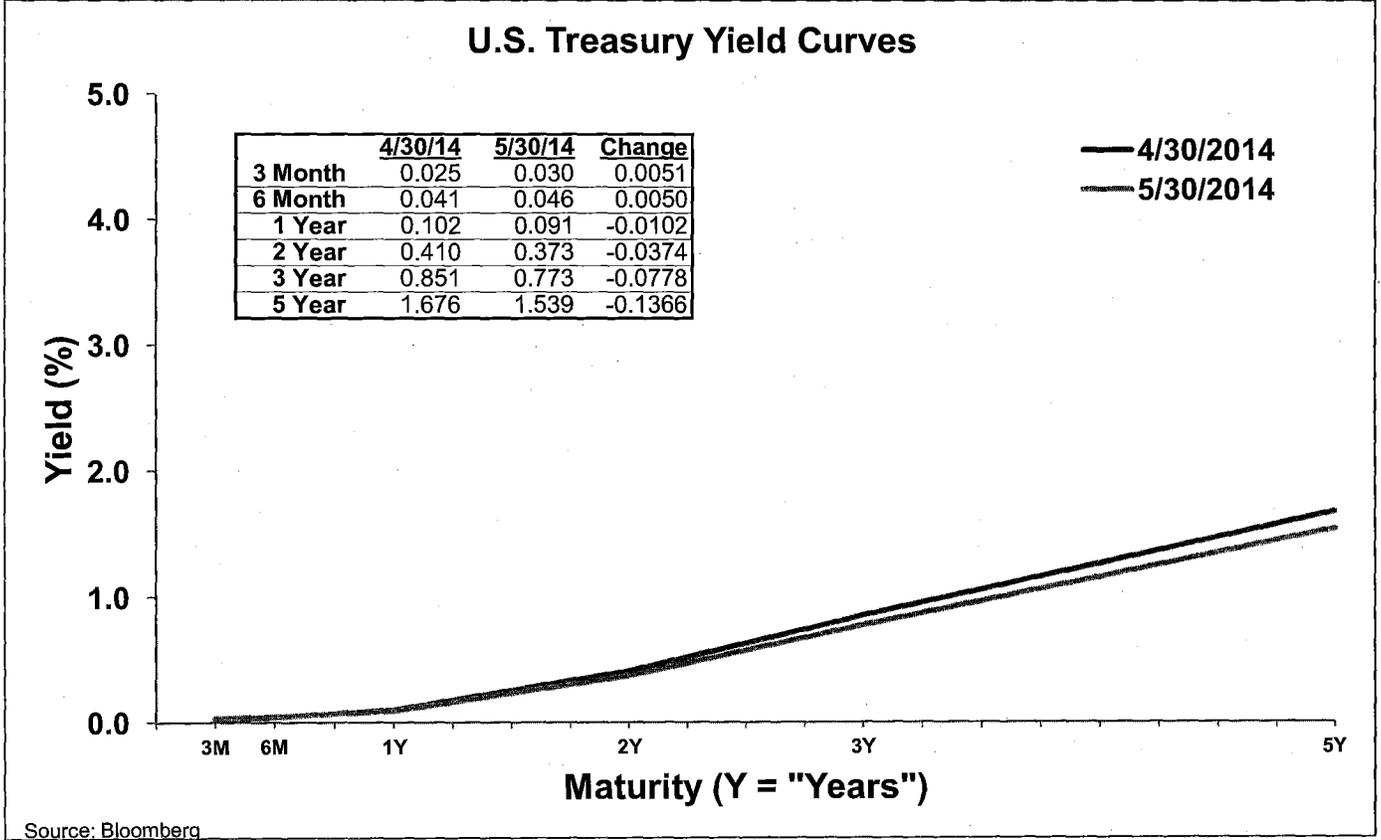
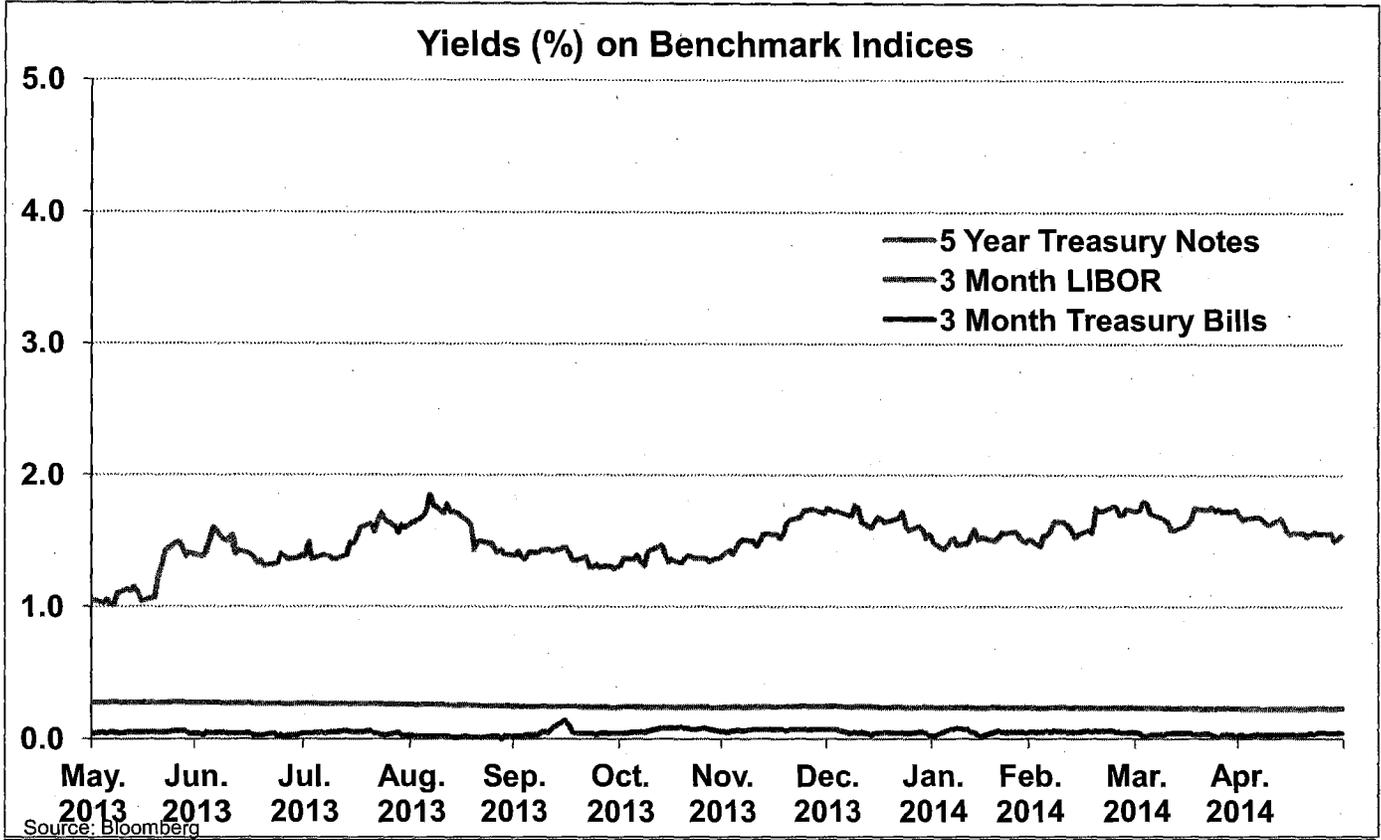
The full Investment Policy can be found at <http://www.sftreasurer.org/>, in the Reports & Plans section of the About menu.

Totals may not add due to rounding.

Portfolio Analysis Pooled Fund



Yield Curves



Investment Inventory

Pooled Fund

As of May 31, 2014

Type of Investment	CUSIP	Issue Name	Settle	Maturity	Duration	Coupon	Par Value	Book Value	Amortized	
			Date	Date					Book Value	Market Value
U.S. Treasuries	912828LC2	US TSY NT	6/1/11	7/31/14	0.17	2.63	\$ 25,000,000	\$ 26,382,813	\$ 25,071,772	\$ 25,104,500
U.S. Treasuries	912828MW7	US TSY NT	2/24/12	3/31/15	0.83	2.50	50,000,000	53,105,469	50,831,969	50,994,000
U.S. Treasuries	912828PE4	US TSY NT	12/23/11	10/31/15	1.41	1.25	25,000,000	25,609,375	25,223,755	25,374,000
U.S. Treasuries	912828PJ3	US TSY NT	12/16/10	11/30/15	1.49	1.38	50,000,000	49,519,531	49,854,798	50,867,000
U.S. Treasuries	912828PJ3	US TSY NT	12/16/10	11/30/15	1.49	1.38	50,000,000	49,519,531	49,854,798	50,867,000
U.S. Treasuries	912828PJ3	US TSY NT	12/23/10	11/30/15	1.49	1.38	50,000,000	48,539,063	49,556,776	50,867,000
U.S. Treasuries	912828RJ1	US TSY NT	10/11/11	9/30/16	2.31	1.00	75,000,000	74,830,078	74,920,279	75,867,000
U.S. Treasuries	912828RM4	US TSY NT	12/26/13	10/31/16	2.39	1.00	25,000,000	25,183,594	25,155,878	25,273,500
U.S. Treasuries	912828RX0	US TSY NT	2/25/14	12/31/16	2.55	0.88	25,000,000	25,179,348	25,165,916	25,166,000
U.S. Treasuries	912828SJ0	US TSY NT	3/14/12	2/28/17	2.72	0.88	100,000,000	99,695,313	99,831,346	100,508,000
U.S. Treasuries	912828SJ0	US TSY NT	3/21/12	2/28/17	2.72	0.88	25,000,000	24,599,609	24,777,511	25,127,000
U.S. Treasuries	912828SJ0	US TSY NT	3/21/12	2/28/17	2.72	0.88	25,000,000	24,599,609	24,777,511	25,127,000
U.S. Treasuries	912828SM3	US TSY NT	4/4/12	3/31/17	2.80	1.00	50,000,000	49,835,938	49,906,893	50,390,500
U.S. Treasuries	912828TM2	US TSY NT	9/17/12	8/31/17	3.22	0.63	60,000,000	59,807,813	59,873,894	59,451,600
U.S. Treasuries	912828UE8	US TSY NT	1/4/13	12/31/17	3.53	0.75	50,000,000	49,886,719	49,918,614	49,469,000
Subtotals					2.21	1.18	\$ 685,000,000	\$ 686,293,801	\$ 684,721,710	\$ 690,453,100
Federal Agencies	31315PHX0	FARMER MAC MTN	4/10/12	6/5/14	0.00	3.15	\$ 14,080,000	\$ 14,878,195	\$ 14,084,062	\$ 14,083,379
Federal Agencies	3133XWE70	FHLB TAP	5/15/12	6/13/14	0.04	2.50	48,000,000	50,088,480	48,033,019	48,035,520
Federal Agencies	3133724E1	FHLB	12/31/10	6/30/14	0.08	1.21	50,000,000	50,000,000	50,000,000	50,044,000
Federal Agencies	3137EACU1	FHLMC BONDS	6/2/11	7/30/14	0.16	1.00	75,000,000	74,946,000	74,997,239	75,111,000
Federal Agencies	3134G2UA8	FHLMC NT	12/1/11	8/20/14	0.22	1.00	28,000,000	28,247,744	28,019,959	28,056,840
Federal Agencies	31398A3G5	FNMA EX-CALL NT	4/4/12	9/8/14	0.27	1.50	13,200,000	13,515,216	13,235,182	13,250,688
Federal Agencies	31315PRZ4	FARMER MAC MTN	4/9/13	10/1/14	0.34	0.24	18,000,000	17,996,400	17,999,187	18,007,200
Federal Agencies	3136FTRF8	FNMA FLT QTR FF+39	12/12/11	11/21/14	0.22	0.48	26,500,000	26,523,585	26,503,796	26,545,580
Federal Agencies	31331J4S9	FFCB	12/16/10	12/8/14	0.52	1.40	24,000,000	23,988,000	23,998,431	24,160,320
Federal Agencies	31331J4S9	FFCB	12/8/10	12/8/14	0.52	1.40	19,000,000	18,956,680	18,994,366	19,126,920
Federal Agencies	313371W51	FHLB	12/8/10	12/12/14	0.53	1.25	75,000,000	74,391,000	74,919,354	75,445,500
Federal Agencies	3133XVNU1	FHLB	11/23/10	12/12/14	0.52	2.75	25,400,000	26,848,308	25,589,846	25,752,044
Federal Agencies	3133XVNU1	FHLB	11/23/10	12/12/14	0.52	2.75	2,915,000	3,079,668	2,936,585	2,955,402
Federal Agencies	3133XVNU1	FHLB	12/8/10	12/12/14	0.52	2.75	50,000,000	52,674,000	50,354,100	50,693,000
Federal Agencies	313371W93	FHLB	12/15/10	12/15/14	0.54	1.34	75,000,000	75,000,000	75,000,000	75,486,750
Federal Agencies	3136FTVW6	FNMA FLT QTR FF+35	12/15/11	12/15/14	0.04	0.44	75,000,000	75,000,000	75,000,000	75,130,500
Federal Agencies	31331J6Q1	FFCB	12/29/10	12/29/14	0.57	1.72	27,175,000	27,157,065	27,172,410	27,422,836
Federal Agencies	31331J6Q1	FFCB	12/29/10	12/29/14	0.57	1.72	65,000,000	64,989,600	64,998,498	65,592,800
Federal Agencies	3130A0FX3	FHLB	12/13/13	2/18/15	0.71	0.21	50,000,000	49,992,000	49,995,148	50,024,000
Federal Agencies	3133EAQ35	FFCB FLT NT FF+14	9/4/12	3/4/15	0.01	0.23	100,000,000	99,924,300	99,977,066	100,082,000
Federal Agencies	3135G0HG1	FNMA GLOBAL	1/13/14	3/16/15	0.79	0.38	9,399,000	9,418,089	9,411,875	9,416,388
Federal Agencies	3133EAJP4	FFCB FLT NT 1ML+1.5	4/30/12	4/27/15	0.07	0.17	50,000,000	49,992,600	49,997,764	50,028,500
Federal Agencies	31315PWJ4	FARMER MAC FLT NT FF+26	5/3/12	5/1/15	0.18	0.35	50,000,000	50,000,000	50,000,000	50,101,500
Federal Agencies	3133EAQC5	FFCB FLT NT 1ML+1	6/8/12	5/14/15	0.04	0.16	50,000,000	49,985,500	49,995,298	50,025,500
Federal Agencies	3133EDC67	FFCB NT	12/19/13	6/18/15	1.05	0.25	50,000,000	49,992,847	49,995,100	50,077,000
Federal Agencies	3133EAVE5	FFCB FLT NT 1ML+2	12/5/12	6/22/15	0.06	0.17	50,000,000	49,987,300	49,994,723	50,032,500
Federal Agencies	31315PDZ9	FAMCA	11/22/13	7/22/15	1.12	2.38	15,000,000	15,511,350	15,350,447	15,372,150
Federal Agencies	3133ECVW1	FFCB FLT NT T-BILL+14	8/5/13	8/5/15	0.18	0.17	62,500,000	62,487,500	62,492,637	62,531,250
Federal Agencies	313383V81	FHLB	12/12/13	8/28/15	1.24	0.38	9,000,000	9,014,130	9,010,258	9,021,420
Federal Agencies	3137EACM9	FHLMC BONDS	12/15/10	9/10/15	1.26	1.75	50,000,000	49,050,000	49,744,104	50,992,500
Federal Agencies	313370JB5	FHLB	12/15/10	9/11/15	1.27	1.75	75,000,000	73,587,000	74,618,792	76,492,500
Federal Agencies	31315PGT0	FARMER MAC	9/15/10	9/15/15	1.27	2.13	45,000,000	44,914,950	44,978,062	46,089,900

Investment Inventory

Pooled Fund

Type of Investment	CUSIP	Issue Name	Settle	Maturity	Duration	Coupon	Par Value	Book Value	Amortized	Market Value
			Date	Date					Book Value	
Federal Agencies	3133ECZG2	FFCB NT	12/10/13	9/16/15	1.29	0.55	52,047,000	52,256,229	52,200,110	52,280,691
Federal Agencies	3133ECJB1	FFCB FLT NT QTR TBILL+16	4/16/13	9/18/15	0.05	0.19	50,000,000	50,000,000	50,000,000	50,037,000
Federal Agencies	3133ECJB1	FFCB FLT NT QTR T-BILL+16	4/24/13	9/18/15	0.05	0.19	16,200,000	16,198,073	16,198,958	16,211,988
Federal Agencies	31398A3T7	FNMA NT EX-CALL	10/14/11	9/21/15	1.29	2.00	25,000,000	25,881,000	25,292,237	25,578,250
Federal Agencies	3133EAJF6	FFCB FLT NT 1ML+2.5	11/30/12	9/22/15	0.06	0.17	27,953,000	27,941,120	27,947,465	27,973,406
Federal Agencies	31398A4M1	FNMA	12/15/10	10/26/15	1.39	1.63	25,000,000	24,317,500	24,803,243	25,489,250
Federal Agencies	31398A4M1	FNMA	12/23/10	10/26/15	1.39	1.63	42,000,000	40,924,380	41,688,508	42,821,940
Federal Agencies	31331J2S1	FFCB	12/15/10	11/16/15	1.45	1.50	25,000,000	24,186,981	24,758,854	25,456,750
Federal Agencies	3133ECLZ5	FFCB FLT NT MONTHLY 1ML+0	5/8/13	11/19/15	0.05	0.15	25,000,000	24,997,000	24,998,262	25,008,250
Federal Agencies	3133835R8	FHLB CALL NT	1/31/14	12/4/15	0.00	0.34	13,565,000	13,565,520	13,566,741	13,565,136
Federal Agencies	313371ZY5	FHLB	12/3/10	12/11/15	1.50	1.88	25,000,000	24,982,000	24,994,523	25,604,250
Federal Agencies	313371ZY5	FHLB	12/14/10	12/11/15	1.50	1.88	50,000,000	49,871,500	49,960,668	51,208,500
Federal Agencies	3133ED5A6	FFCB FLT	12/12/13	1/20/16	0.05	0.15	50,000,000	50,000,000	50,000,000	50,014,500
Federal Agencies	31315P3B3	FARMER MAC MTN	1/27/14	1/25/16	1.64	0.42	30,000,000	30,000,000	30,000,000	30,062,400
Federal Agencies	313375RN9	FHLB NT	4/13/12	3/11/16	1.76	1.00	22,200,000	22,357,620	22,271,635	22,420,002
Federal Agencies	3133XCP43	FHLB	12/12/13	3/11/16	1.73	3.13	14,000,000	14,848,400	14,671,478	14,683,340
Federal Agencies	3133EAJU3	FFCB NT	4/12/12	3/28/16	1.81	1.05	25,000,000	25,220,750	25,101,673	25,361,750
Federal Agencies	3135G0VA8	FNMA GLOBAL NT	12/13/13	3/30/16	1.83	0.50	25,000,000	25,022,250	25,017,736	25,076,250
Federal Agencies	31315PTF6	FAMCA FLT MTN 1ML+0	4/1/13	4/1/16	0.00	0.15	50,000,000	50,000,000	50,000,000	50,012,000
Federal Agencies	313379Z21	FHLB NT	4/18/12	4/18/16	1.87	0.81	20,000,000	19,992,200	19,996,332	20,138,600
Federal Agencies	3133ECW77	FFCB NT	11/20/13	5/9/16	1.93	0.65	22,650,000	22,746,489	22,725,820	22,753,964
Federal Agencies	3135G0RZ8	FNMA CALL NT	11/30/12	5/26/16	1.98	0.55	22,540,000	22,540,000	22,540,000	22,527,828
Federal Agencies	3133EDB35	FFCB FLT NT 1ML+3	1/15/14	6/2/16	0.01	0.18	50,000,000	49,991,681	49,992,993	50,039,500
Federal Agencies	31315PB73	FAMCA NT	2/9/12	6/9/16	2.00	0.90	10,000,000	10,000,000	10,000,000	10,120,200
Federal Agencies	313771AA5	FHLB SUB NT	5/20/13	6/13/16	1.91	5.63	16,925,000	19,472,890	18,615,252	18,652,704
Federal Agencies	313771AA5	FHLB SUB NT	5/30/13	6/13/16	1.91	5.63	14,195,000	16,259,095	15,576,642	15,644,026
Federal Agencies	3133EDDP4	FFCB NT	2/11/14	6/17/16	2.03	0.52	50,000,000	50,079,333	50,071,375	50,107,000
Federal Agencies	3130A1BK3	FHLB CALL NT	3/24/14	6/24/16	2.05	0.50	25,000,000	25,000,000	25,000,000	25,009,250
Federal Agencies	3135G0XP3	FNMA GLOBAL NT	3/25/14	7/5/16	2.09	0.38	50,000,000	49,794,767	49,814,922	49,912,500
Federal Agencies	31315PA25	FAMCA MTN	7/27/11	7/27/16	2.11	2.00	15,000,000	14,934,750	14,971,893	15,514,350
Federal Agencies	31315PA25	FAMCA MTN	3/26/13	7/27/16	2.11	2.00	14,100,000	14,735,205	14,510,095	14,583,489
Federal Agencies	31315PA25	FAMCA MTN	3/26/13	7/27/16	2.11	2.00	11,900,000	12,440,498	12,248,952	12,308,051
Federal Agencies	31315PA25	FAMCA MTN	3/26/14	7/27/16	2.11	2.00	20,000,000	20,708,906	20,658,432	20,685,800
Federal Agencies	3134G4ET1	FHLMC CALL NT	1/9/14	8/8/16	2.17	0.85	40,220,000	40,300,440	40,245,924	40,268,264
Federal Agencies	3135G0YE7	FNMA GLOBAL NT	3/17/14	8/26/16	2.22	0.63	50,000,000	50,142,994	50,132,376	50,137,500
Federal Agencies	3135G0YE7	FNMA GLOBAL NT	3/25/14	8/26/16	2.22	0.63	50,000,000	49,952,024	49,957,644	50,137,500
Federal Agencies	31315PQB8	FAMCA NT	10/29/13	9/1/16	2.21	1.50	7,000,000	7,156,240	7,123,878	7,143,290
Federal Agencies	313370TW8	FHLB BD	10/11/11	9/9/16	2.22	2.00	25,000,000	25,727,400	25,336,752	25,794,250
Federal Agencies	3133EDH21	FFCB FLT NT 1ML+2	3/14/14	9/14/16	0.04	0.17	50,000,000	49,993,612	49,994,164	50,017,500
Federal Agencies	3134G4XW3	FHLMC CALL MTN	3/26/14	9/26/16	2.31	0.60	25,000,000	25,000,000	25,000,000	25,019,250
Federal Agencies	3134G3P38	FHLMC NT CALL	12/14/12	10/5/16	2.33	0.75	75,000,000	75,071,250	75,004,265	74,937,750
Federal Agencies	3133EDJA1	FFCB FLT NT 1ML+2	4/11/14	10/11/16	0.03	0.17	25,000,000	24,993,750	24,994,099	25,006,750
Federal Agencies	3137EADS5	FHLMC GLOBAL NT	3/3/14	10/14/16	2.35	0.88	25,000,000	25,000,250	25,181,398	25,184,250
Federal Agencies	3134G4HK7	FHLMC CALL STEP NT	10/24/13	10/24/16	2.39	0.50	25,000,000	25,000,000	25,000,000	25,018,000
Federal Agencies	3136G1WP0	FNMA CALL NT	11/4/13	11/4/16	2.39	1.50	18,000,000	18,350,460	18,250,123	18,261,900
Federal Agencies	313381GA7	FHLB NT	11/30/12	11/30/16	2.49	0.57	23,100,000	23,104,389	23,102,743	23,079,903
Federal Agencies	3130A12F4	FHLB CALL NT	3/19/14	12/19/16	2.53	0.70	20,500,000	20,497,950	20,498,101	20,515,580
Federal Agencies	313381KR5	FHLB NT CALL	12/28/12	12/28/16	2.55	0.63	13,500,000	13,500,000	13,500,000	13,490,820
Federal Agencies	313381KR5	FHLB NT CALL	12/28/12	12/28/16	2.55	0.63	9,000,000	9,000,000	9,000,000	8,993,880
Federal Agencies	3134G33C2	FHLMC NT	1/3/13	1/3/17	2.57	0.60	50,000,000	50,000,000	50,000,000	49,866,000

Investment Inventory

Pooled Fund

Type of Investment	CUSIP	Issue Name	Settle	Maturity	Duration	Coupon	Par Value	Book Value	Amortized	
			Date	Date					Book Value	Market Value
Federal Agencies	3133ECB37	FFCB NT	12/20/12	1/12/17	2.59	0.58	14,000,000	14,000,000	14,000,000	13,951,420
Federal Agencies	31315PWW5	FARMER MAC MTN	5/4/12	1/17/17	2.59	1.01	49,500,000	49,475,250	49,486,164	49,871,250
Federal Agencies	3133786Q9	FHLB NT	1/10/13	2/13/17	2.66	1.00	67,780,000	68,546,456	68,286,528	68,217,181
Federal Agencies	3133EDFW7	FFCB FLT NT 1ML+5.5	2/27/14	2/27/17	0.07	0.21	50,000,000	50,000,000	50,000,000	50,037,500
Federal Agencies	3134G4XM5	FHLMC CALL MTN	3/28/14	3/28/17	2.80	0.78	25,000,000	25,000,000	25,000,000	24,904,750
Federal Agencies	3136G1ZB8	FNMA CALL NT	3/28/14	3/28/17	2.79	0.88	25,000,000	25,000,000	25,000,000	24,999,750
Federal Agencies	31315PTQ2	FARMER MAC MTN	4/10/12	4/10/17	2.81	1.26	12,500,000	12,439,250	12,465,267	12,606,250
Federal Agencies	3133ECLL6	FFCB NT	4/17/13	4/17/17	2.86	0.60	10,000,000	10,000,000	10,000,000	9,933,400
Federal Agencies	31315PUQ0	FARMER MAC MTN	4/26/12	4/26/17	2.86	1.13	10,500,000	10,500,000	10,500,000	10,563,525
Federal Agencies	31315PV89	FARMER MAC FLT CALL NT 3ML+10	5/1/14	5/1/17	0.17	0.33	50,000,000	50,000,000	50,000,000	50,141,000
Federal Agencies	3137EADF3	FHLMC NT	5/14/12	5/12/17	2.90	1.25	25,000,000	25,133,000	25,078,458	25,223,250
Federal Agencies	31315PZQ5	FARMER MAC MTN	12/28/12	6/5/17	2.95	1.11	9,000,000	9,122,130	9,082,928	9,023,850
Federal Agencies	3133EAUW6	FFCB FLT NT FF+22	6/19/12	6/19/17	0.05	0.31	50,000,000	50,000,000	50,000,000	50,027,000
Federal Agencies	3137EADH9	FHLMC GLOBAL NT	3/25/14	6/29/17	3.03	1.00	25,000,000	24,980,347	24,984,875	24,999,250
Federal Agencies	3133ECV92	FFCB FLT NT 1ML+4	7/24/13	7/24/17	0.07	0.19	50,000,000	50,000,000	50,000,000	49,994,000
Federal Agencies	3134G3ZH6	FHLMC CALL MTN	4/15/14	7/25/17	3.10	1.00	19,000,000	19,037,472	19,037,659	18,925,900
Federal Agencies	3133ECVG6	FFCB FLT NT 3ML+0	8/5/13	7/26/17	0.15	0.23	23,520,000	23,520,000	23,520,000	23,502,595
Federal Agencies	3136G0B59	FNMA STEP NT	9/20/12	9/20/17	3.27	0.70	64,750,000	64,750,000	64,750,000	64,762,303
Federal Agencies	3136G0D81	FNMA STEP NT	9/27/12	9/27/17	3.29	0.72	100,000,000	100,000,000	100,000,000	100,031,000
Federal Agencies	3137EADL0	FHLMC GLOBAL NT	3/25/14	9/29/17	3.28	1.00	25,000,000	24,808,175	24,818,334	25,021,250
Federal Agencies	3136G0Q20	FNMA CALL STEP NT	3/13/14	10/17/17	3.34	0.75	49,090,000	49,080,182	49,080,780	49,081,164
Federal Agencies	3136G0Y39	FNMA STEP NT	11/8/12	11/8/17	3.40	0.70	50,000,000	50,000,000	50,000,000	49,700,500
Federal Agencies	3134G44F2	FHLMC CALL MTN	5/21/13	11/21/17	3.43	0.80	50,000,000	50,000,000	50,000,000	49,211,000
Federal Agencies	3136G13T4	FNMA STEP NT	12/26/12	12/26/17	3.52	0.75	39,000,000	39,000,000	39,000,000	38,872,470
Federal Agencies	3136G13Q0	FNMA STEP NT	12/26/12	12/26/17	3.52	0.75	29,000,000	29,000,000	29,000,000	28,931,560
Federal Agencies	3134G32W9	FHLMC MTN CALL	12/26/12	12/26/17	3.48	1.25	33,600,000	33,991,272	33,617,883	33,621,840
Federal Agencies	3134G32W9	FHLMC MTN CALL	12/26/12	12/26/17	3.48	1.25	50,000,000	50,605,000	50,027,651	50,032,500
Federal Agencies	3134G32M1	FHLMC CALL NT	12/28/12	12/28/17	3.51	1.00	50,000,000	50,000,000	50,000,000	49,334,000
Federal Agencies	3135G0UN1	FNMA GLOBAL NT CALL	2/26/14	2/28/18	3.67	1.15	19,000,000	18,877,450	18,885,408	18,906,900
Federal Agencies	3135G0UN1	FNMA GLOBAL NT CALL	2/26/14	2/28/18	3.67	1.15	8,770,000	8,713,434	8,717,107	8,727,027
Federal Agencies	3136G1KN8	FNMA NT CALL	4/24/13	4/24/18	3.80	1.50	50,000,000	50,903,000	50,404,495	49,981,500
Federal Agencies	3136G1K81	FNMA NT STEP	4/30/13	4/30/18	3.87	0.75	12,600,000	12,600,000	12,600,000	12,501,720
Federal Agencies	31315PZM4	FARMER MAC STEP NT	5/3/13	5/3/18	3.87	0.70	24,600,000	24,600,000	24,600,000	24,614,268
Federal Agencies	313382XK4	FHLB STEP NT	5/7/13	5/7/18	3.90	0.75	25,000,000	25,000,000	25,000,000	24,959,000
Federal Agencies	3133ECPB4	FFCB NT	5/23/13	5/14/18	3.89	0.88	10,000,000	9,934,600	9,948,062	9,894,900
Federal Agencies	3135G0WJ8	FNMA NT	5/23/13	5/21/18	3.91	0.88	25,000,000	24,786,500	24,830,277	24,651,500
Federal Agencies	3133834P3	FHLB STEP NT	5/22/13	5/22/18	3.94	0.50	50,000,000	50,000,000	50,000,000	49,728,500
Federal Agencies	3134G52D6	FHLMC CALL MTN	4/17/14	7/17/18	3.98	1.64	25,000,000	25,000,000	25,000,000	25,167,500
Federal Agencies	3136G1XY0	FNMA CALL	11/27/13	11/27/18	4.30	2.25	25,000,000	25,327,000	25,104,209	25,112,000
Federal Agencies	3134G4LZ9	FHLMC CALL STEP	12/10/13	12/10/18	4.43	0.88	50,000,000	50,000,000	50,000,000	50,339,000
Federal Agencies	3134G4MB1	FHLMC CALL MULTI-STEP	12/18/13	12/18/18	4.38	1.50	25,000,000	25,000,000	25,000,000	25,015,000
Federal Agencies	3134G4S74	FHLMC CALL NT	1/16/14	1/16/19	4.41	2.00	17,800,000	17,800,000	17,800,000	17,840,228
Federal Agencies	3130A0JC5	FHLB STEP NT	1/17/14	1/17/19	4.52	1.00	55,660,000	55,660,000	55,660,000	55,710,651
Federal Agencies	3130A1B98	FHLB STEP CALL NT	3/27/14	3/27/19	4.71	1.00	75,000,000	75,000,000	75,000,000	75,024,750
Federal Agencies	31315PQ69	FARMER MAC FLT CALL NT 3ML+15	4/3/14	4/3/19	4.79	0.38	50,000,000	50,000,000	50,000,000	50,028,000
Federal Agencies	3130A1H68	FHLB STEP CALL NT	4/17/14	4/17/19	4.75	1.15	15,000,000	14,996,250	14,996,342	14,988,600
Subtotals					1.77	0.94	\$ 4,463,434,000	\$ 4,478,581,171	\$ 4,470,195,998	\$ 4,483,635,189
State/Local Agencies	62451FFC9	WHISMAN SCHOOL DIST MTN VIEW	7/24/12	8/1/14	0.17	0.75	\$ 1,125,000	\$ 1,125,000	\$ 1,125,000	\$ 1,125,056
State/Local Agencies	612574DP5	MONTEREY COMM COLLEGE GO	5/7/13	8/1/14	0.17	0.43	310,000	310,000	310,000	310,099

Investment Inventory Pooled Fund

Type of Investment	CUSIP	Issue Name	Settle		Maturity	Duration	Coupon	Par Value	Book Value	Amortized	
			Date	Date						Book Value	Market Value
State/Local Agencies	64966DPC7	NEW YORK CITY GO	6/7/12	11/1/14	0.42	4.75	8,000,000	8,774,720	8,135,156	8,144,800	
State/Local Agencies	13063BN65	CALIFORNIA ST TAXABLE GO BD	3/27/13	2/1/15	0.67	0.85	10,000,000	10,038,000	10,013,772	10,023,000	
State/Local Agencies	649791JS0	NEW YORK ST TAXABLE GO	3/21/13	3/1/15	0.75	0.39	4,620,000	4,619,076	4,619,645	4,621,709	
State/Local Agencies	91412GPW9	UNIV OF CALIFORNIA REVENUE BC	3/14/13	5/15/15	0.96	0.39	5,000,000	5,000,000	5,000,000	5,002,000	
State/Local Agencies	612574DQ3	MONTEREY COMM COLLEGE GO	5/7/13	8/1/15	1.16	0.63	315,000	315,000	315,000	315,788	
State/Local Agencies	64966GXS6	NEW YORK CITY TAXABLE GO	4/1/13	12/1/15	1.43	5.13	12,255,000	13,700,477	13,068,266	13,077,556	
State/Local Agencies	13063BN73	CALIFORNIA ST TAXABLE GO BD	3/27/13	2/1/16	1.65	1.05	11,000,000	11,037,180	11,021,787	11,074,250	
State/Local Agencies	91412GUT0	UNIV OF CALIFORNIA REVENUE	4/10/14	5/15/16	1.95	0.63	2,500,000	2,500,000	2,500,000	2,509,975	
State/Local Agencies	612574DR1	MONTEREY COMM COLLEGE GO	5/7/13	8/1/16	2.14	0.98	2,670,000	2,670,000	2,670,000	2,677,983	
State/Local Agencies	91412GUU7	UNIV OF CALIFORNIA REVENUE BD	4/10/14	5/15/17	2.91	1.22	3,250,000	3,250,000	3,250,000	3,263,650	
State/Local Agencies	13063CFC9	CALIFORNIA ST GO BD	11/5/13	11/1/17	3.33	1.75	16,500,000	16,558,905	16,550,496	16,802,115	
Subtotals						1.67	2.13	\$ 77,545,000	\$ 79,898,358	\$ 78,579,122	\$ 78,938,981
Public Time Deposits		TRANS PACIFIC NATIONAL BANK P	2/7/14	2/7/15	0.68	0.46	\$ 240,000	\$ 240,000	\$ 240,000	\$ 240,000	
Public Time Deposits		BANK OF SAN FRANCISCO PTD	4/9/14	4/9/15	0.85	0.45	240,000	240,000	240,000	240,000	
Subtotals						0.77	0.46	\$ 480,000	\$ 480,000	\$ 480,000	\$ 480,000
Negotiable CDs	78009NNK8	RBC FLT YCD 1ML+11	6/24/13	6/24/14	0.07	0.26	\$ 25,000,000	\$ 25,000,000	\$ 25,000,000	\$ 25,003,333	
Negotiable CDs	06366BTG5	BANK OF MONTREAL YCD	5/7/14	7/1/14	0.09	0.12	50,000,000	50,000,000	50,000,000	50,002,583	
Negotiable CDs	06366BNF3	BANK OF MONTREAL YCD	4/2/14	7/2/14	0.09	0.16	50,000,000	50,000,000	50,000,000	50,004,444	
Negotiable CDs	06417HFD3	BANK OF NOVA SCOTIA YCD	3/24/14	8/14/14	0.21	0.22	25,000,000	25,008,778	25,007,344	25,008,330	
Negotiable CDs	96121TTS7	WESTPAC FLT YCD 1ML+9	1/23/14	8/28/14	0.08	0.23	25,000,000	25,009,250	25,003,751	25,010,537	
Negotiable CDs	06417FB58	BANK OF NOVA SCOTIA YCD 3ML+1	7/17/13	1/20/15	0.13	0.41	50,000,000	50,000,000	50,000,000	50,057,249	
Negotiable CDs	78009NGU4	ROYAL BANK OF CANADA NY YCD	5/19/14	6/25/15	0.07	0.33	5,500,000	5,499,996	5,500,085	5,489,550	
Negotiable CDs	06417HHL3	BANK OF NOVA SCOTIA FLT 3ML+2	4/3/14	3/22/16	0.06	0.46	10,000,000	10,001,189	10,001,165	10,000,290	
Negotiable CDs	96121TWJ3	WESTPAC FLT YCD 3ML+15	4/24/14	4/25/16	0.15	0.38	25,000,000	25,000,000	25,000,000	25,000,000	
Negotiable CDs	96121TWK0	WESTPAC FLT YCD 1ML+22	4/24/14	4/25/16	0.07	0.37	50,000,000	50,000,000	50,000,000	50,000,000	
Negotiable CDs	06417HKT2	BANK OF NOVA SCOTIA YCD 3ML+1	5/9/14	5/9/16	0.20	0.41	50,000,000	49,979,050	49,979,709	49,980,150	
Subtotals						0.11	0.29	\$ 365,500,000	\$ 365,498,263	\$ 365,492,054	\$ 365,556,465
Commercial Paper	06538CFA4	BANK OF TOKYO MITSUBISHI CP	5/27/14	6/10/14	0.03	0.00	\$ 100,000,000	\$ 99,994,944	\$ 99,994,944	\$ 99,996,750	
Commercial Paper	06538CFG1	BANK OF TOKYO MITSUBISHI UFJ C	5/14/14	6/16/14	0.04	0.00	200,000,000	199,968,833	199,968,833	199,989,167	
Commercial Paper	06538CFT3	BANK OF TOKYO MITSUBISHI CP	5/27/14	6/27/14	0.07	0.00	100,000,000	99,986,222	99,986,222	99,990,611	
Commercial Paper	59157UFW5	METLIFE SHORT TERM FUNDING CI	4/14/14	6/30/14	0.08	0.00	43,000,000	42,989,883	42,989,883	42,995,497	
Subtotals						0.05	0.00	\$ 443,000,000	\$ 442,939,883	\$ 442,939,883	\$ 442,972,025
Medium Term Notes	594918AB0	MICROSOFT MTN	4/7/14	6/1/14	0.00	2.95	\$ 2,500,000	\$ 2,536,488	\$ 2,525,813	\$ 2,500,000	
Medium Term Notes	36962GX41	GE CAPITAL CORP MTN	4/9/13	6/9/14	0.03	5.65	25,000,000	26,515,000	25,028,451	25,019,500	
Medium Term Notes	59217EBW3	MET LIFE GLOBAL FUNDING MTN	11/13/12	6/10/14	0.03	5.13	10,000,000	10,725,948	10,011,382	10,008,100	
Medium Term Notes	64952WBL6	NEW YORK LIFE MTN 3ML+0	3/27/13	7/30/14	0.16	0.22	3,000,000	3,000,630	3,000,076	3,000,420	
Medium Term Notes	78008TXA7	RBC MTN	11/1/13	10/30/14	0.42	1.45	10,000,000	10,117,152	10,048,733	10,049,300	
Medium Term Notes	459200GZ8	IBM MTN	11/5/13	10/31/14	0.42	0.88	31,814,000	32,008,702	31,896,207	31,904,988	
Medium Term Notes	36962G4G6	GE CAPITAL CORP MTN	8/7/13	11/14/14	0.46	3.75	2,920,000	3,039,340	2,962,695	2,965,260	
Medium Term Notes	07385TAJ5	JP MORGAN CHASE MTN	12/18/13	11/15/14	0.46	5.70	11,500,000	12,039,350	11,771,300	11,773,700	

Investment Inventory

Pooled Fund

Type of Investment	CUSIP	Issue Name	Settle	Maturity	Duration	Coupon	Par Value	Book Value	Amortized	
			Date	Date					Book Value	Market Value
Medium Term Notes	07385TAJ5	JP MORGAN CHASE MTN	12/19/13	11/15/14	0.46	5.70	25,654,000	26,853,068	26,258,968	26,264,565
Medium Term Notes	89233P7B6	TOYOTA MTN 3ML+17	1/28/13	12/5/14	0.01	0.41	10,000,000	10,004,700	10,001,300	10,009,100
Medium Term Notes	36962G6T6	GE FLT NT 3ML+38	1/10/13	1/9/15	0.11	0.61	25,000,000	25,000,000	25,000,000	25,061,750
Medium Term Notes	36962G5M2	GE CAPITAL CORP MTN	7/12/13	1/9/15	0.60	2.15	87,824,000	89,617,366	88,553,171	88,816,411
Medium Term Notes	36962G5M2	GE CAPITAL CORP MTN	8/7/13	1/9/15	0.60	2.15	4,820,000	4,926,667	4,865,538	4,874,466
Medium Term Notes	36962G5M2	GE CAPITAL CORP MTN	12/16/13	1/9/15	0.60	2.15	27,743,000	28,291,202	28,055,855	28,056,496
Medium Term Notes	46625HHP8	JP MORGAN CHASE MTN	2/18/14	1/20/15	0.63	3.70	16,935,000	17,479,931	17,327,823	17,284,030
Medium Term Notes	46625HHP8	JP MORGAN CHASE MTN	3/17/14	1/20/15	0.63	3.70	22,580,000	23,322,393	23,172,333	23,045,374
Medium Term Notes	78008SVS2	RBC MTN FIX-TO-FLT	1/22/13	1/22/15	0.14	0.33	100,000,000	100,000,000	100,000,000	99,792,000
Medium Term Notes	89233P7H3	TOYOTA MTN 3ML+17	1/23/13	1/23/15	0.15	0.40	35,000,000	35,000,000	35,000,000	35,039,200
Medium Term Notes	89233P7L4	TOYOTA MTN FIX-TO-FLOAT	2/4/13	2/4/15	0.18	0.32	25,000,000	25,000,000	25,000,000	24,996,500
Medium Term Notes	717081DA8	PFIZER MTN	12/9/13	3/15/15	0.78	5.35	3,000,000	3,185,850	3,115,703	3,114,210
Medium Term Notes	89236TAG0	TOYOTA MOTOR CREDIT CORP 3M	4/12/13	4/8/15	0.10	0.38	50,000,000	50,000,000	50,000,000	50,036,500
Medium Term Notes	459200HD6	IBM MTN	12/19/13	5/11/15	0.94	0.75	5,425,000	5,460,859	5,449,283	5,447,405
Medium Term Notes	36962G5Z3	GE CAPITAL CORP MTN	8/19/13	7/2/15	1.07	1.63	5,000,000	5,075,250	5,043,694	5,060,500
Medium Term Notes	36962G4M3	GE CAPITAL CORP FLT MTN 3ML+7	11/25/13	7/9/15	0.11	0.98	8,624,955	8,624,955	8,605,883	8,602,857
Medium Term Notes	89233P6J0	TOYOTA MTN	11/15/13	7/17/15	1.12	0.88	10,000,000	10,072,000	10,048,591	10,066,900
Medium Term Notes	89233P6J0	TOYOTA MTN	3/4/14	7/17/15	1.12	0.88	6,100,000	6,154,853	6,146,330	6,140,809
Medium Term Notes	594918AG9	MICROSOFT MTN	10/30/13	9/25/15	1.31	1.63	3,186,000	3,260,266	3,237,398	3,243,698
Medium Term Notes	369604BE2	GENERAL ELECTRIC MTN	3/5/14	10/9/15	1.35	0.85	10,000,000	10,069,000	10,058,585	10,058,000
Medium Term Notes	369604BE2	GENERAL ELECTRIC MTN	5/7/14	10/9/15	1.35	0.85	8,000,000	8,048,969	8,046,869	8,046,400
Medium Term Notes	369604BE2	GENERAL ELECTRIC MTN	5/19/14	10/9/15	1.34	0.85	9,300,000	9,367,094	9,365,602	9,353,940
Medium Term Notes	06366RJH9	BANK OF MONTREAL MTN	3/27/14	11/6/15	1.43	0.80	8,500,000	8,532,470	8,528,832	8,544,795
Medium Term Notes	36962G4T8	GE CAPITAL CORP MTN	5/12/14	11/9/15	1.42	2.25	7,000,000	7,185,203	7,178,467	7,180,670
Medium Term Notes	742718DS5	PROCTER & GAMBLE MTN	3/7/14	11/15/15	1.44	1.80	23,025,000	23,588,652	23,510,215	23,490,335
Medium Term Notes	742718DS5	PROCTER & GAMBLE MTN	3/12/14	11/15/15	1.44	1.80	10,000,000	10,231,900	10,201,257	10,202,100
Medium Term Notes	459200GU9	IBM CORP NT	2/11/14	1/5/16	1.57	2.00	19,579,000	20,178,901	20,089,894	20,083,747
Medium Term Notes	064255AK8	BTMUFJ FLT MTN 3ML+45	3/17/14	2/26/16	0.24	0.68	10,000,000	10,035,800	10,031,973	10,018,400
Medium Term Notes	36962G2V5	GE FLT MTN 3ML+20	5/19/14	5/11/16	0.20	0.42	17,689,000	17,704,784	17,704,527	17,691,476
Subtotals					0.50	1.71	\$ 691,659,000	\$ 702,254,742	\$ 696,842,746	\$ 696,843,904
Money Market Funds	61747C707	MS INSTL GOVT FUND	5/30/14	6/2/14	0.01	0.04	\$ 75,081,061	\$ 75,081,061	\$ 75,081,061	\$ 75,081,061
Money Market Funds	09248U718	BLACKROCK T-FUND INSTL	5/30/14	6/2/14	0.01	0.01	25,000,000	25,000,000	25,000,000	25,000,000
Money Market Funds	316175108	FIDELITY INSTL GOVT PORT	5/30/14	6/2/14	0.01	0.01	25,003,096	25,003,096	25,003,096	25,003,096
Subtotals					0.01	0.03	\$ 125,084,157	\$ 125,084,157	\$ 125,084,157	\$ 125,084,157
Grand Totals					1.45	0.95	\$ 6,851,702,157	\$ 6,881,030,375	\$ 6,864,335,671	\$ 6,883,963,821

Monthly Investment Earnings

Pooled Fund

For month ended May 31, 2014

Type of Investment	CUSIP	Issue Name	Par Value	Coupon	YTM ¹	Settle Date	Maturity Date	Earned Interest	Amort. Expense	Realized Gain/(Loss)	Earned Income /Net Earnings
U.S. Treasuries	912828LC2	US TSY NT	\$ 25,000,000	2.63	0.85	6/1/11	7/31/14	\$ 56,198	\$ (37,082)	\$ -	\$ 19,116
U.S. Treasuries	912828MW7	US TSY NT	50,000,000	2.50	0.48	2/24/12	3/31/15	105,874	(85,119)	-	20,755
U.S. Treasuries	912828PE4	US TSY NT	25,000,000	1.25	0.61	12/23/11	10/31/15	26,325	(13,417)	-	12,908
U.S. Treasuries	912828PJ3	US TSY NT	50,000,000	1.38	1.58	12/16/10	11/30/15	58,541	8,229	-	66,770
U.S. Treasuries	912828PJ3	US TSY NT	50,000,000	1.38	1.58	12/16/10	11/30/15	58,541	8,229	-	66,770
U.S. Treasuries	912828PJ3	US TSY NT	50,000,000	1.38	2.00	12/23/10	11/30/15	58,541	25,119	-	83,659
U.S. Treasuries	912828RJ1	US TSY NT	75,000,000	1.00	1.05	10/11/11	9/30/16	63,525	2,901	-	66,425
U.S. Treasuries	912828RM4	US TSY NT	25,000,000	1.00	0.74	12/26/13	10/31/16	21,060	(5,473)	-	15,587
U.S. Treasuries	912828RX0	US TSY NT	25,000,000	0.88	0.67	2/25/14	12/31/16	18,733	(4,337)	-	14,395
U.S. Treasuries	912828SJ0	US TSY NT	25,000,000	0.88	1.21	3/21/12	2/28/17	18,427	6,877	-	25,304
U.S. Treasuries	912828SJ0	US TSY NT	25,000,000	0.88	1.21	3/21/12	2/28/17	18,427	6,877	-	25,304
U.S. Treasuries	912828SJ0	US TSY NT	100,000,000	0.88	0.94	3/14/12	2/28/17	73,709	5,213	-	78,922
U.S. Treasuries	912828SM3	US TSY NT	50,000,000	1.00	1.07	4/4/12	3/31/17	42,350	2,791	-	45,141
U.S. Treasuries	912828TM2	US TSY NT	60,000,000	0.63	0.69	9/17/12	8/31/17	31,590	3,293	-	34,883
U.S. Treasuries	912828UE8	US TSY NT	50,000,000	0.75	0.80	1/4/13	12/31/17	32,113	1,927	-	34,041
Subtotals			\$ 685,000,000					\$ 683,952	\$ (73,972)	\$ -	\$ 609,980
Federal Agencies	31315PHX0	FARMER MAC MTN	\$ 14,080,000	3.15	0.50	4/10/12	6/5/14	\$ 36,960	\$ (31,481)	\$ -	\$ 5,479
Federal Agencies	3133XWE70	FHLB TAP	48,000,000	2.50	0.40	5/15/12	6/13/14	100,000	(85,300)	-	14,700
Federal Agencies	3133724E1	FHLB	50,000,000	1.21	1.21	12/31/10	6/30/14	50,417	-	-	50,417
Federal Agencies	3137EACU1	FHLMC BONDS	75,000,000	1.00	1.02	6/2/11	7/30/14	62,500	1,451	-	63,951
Federal Agencies	3134G2UA8	FHLMC NT	28,000,000	1.00	0.67	12/1/11	8/20/14	23,333	(7,734)	-	15,599
Federal Agencies	31398A3G5	FNMA EX-CALL NT	13,200,000	1.50	0.51	4/4/12	9/8/14	16,500	(11,017)	-	5,483
Federal Agencies	31315PRZ4	FARMER MAC MTN	18,000,000	0.24	0.26	4/9/13	10/1/14	3,638	207	-	3,844
Federal Agencies	3136FTRF8	FNMA FLT QTR FF+39	26,500,000	0.48	0.30	12/12/11	11/21/14	11,092	(680)	-	10,412
Federal Agencies	31331J4S9	FFCB	19,000,000	1.40	1.46	12/8/10	12/8/14	22,167	919	-	23,086
Federal Agencies	31331J4S9	FFCB	24,000,000	1.40	1.41	12/16/10	12/8/14	28,000	256	-	28,256
Federal Agencies	313371W51	FHLB	75,000,000	1.25	1.46	12/8/10	12/12/14	78,125	12,887	-	91,012
Federal Agencies	3133XVNU1	FHLB	2,915,000	2.75	1.31	11/23/10	12/12/14	6,680	(3,449)	-	3,231
Federal Agencies	3133XVNU1	FHLB	25,400,000	2.75	1.30	11/23/10	12/12/14	58,208	(30,336)	-	27,872
Federal Agencies	3133XVNU1	FHLB	50,000,000	2.75	1.37	12/8/10	12/12/14	114,583	(56,583)	-	58,000
Federal Agencies	313371W93	FHLB	75,000,000	1.34	1.34	12/15/10	12/15/14	83,750	-	-	83,750
Federal Agencies	3136FTVN6	FNMA FLT QTR FF+35	75,000,000	0.44	0.44	12/15/11	12/15/14	27,319	-	-	27,319
Federal Agencies	31331J6Q1	FFCB	27,175,000	1.72	1.74	12/29/10	12/29/14	38,951	381	-	39,331
Federal Agencies	31331J6Q1	FFCB	65,000,000	1.72	1.72	12/29/10	12/29/14	93,167	221	-	93,387
Federal Agencies	3130A0FX3	FHLB	50,000,000	0.21	0.22	12/13/13	2/18/15	8,750	574	-	9,324
Federal Agencies	3133EAQ35	FFCB FLT NT FF+14	100,000,000	0.23	0.32	9/4/12	3/4/15	19,556	2,576	-	22,132
Federal Agencies	3135G0HG1	FNMA GLOBAL	9,399,000	0.38	0.20	1/13/14	3/16/15	2,937	(1,386)	-	1,551
Federal Agencies	3133EAJP4	FFCB FLT NT 1ML+1.5	50,000,000	0.17	0.18	4/30/12	4/27/15	7,169	210	-	7,379
Federal Agencies	31315PWJ4	FARMER MAC FLT NT FF+26	50,000,000	0.35	0.35	5/3/12	5/1/15	14,499	-	-	14,499
Federal Agencies	3133EAQC5	FFCB FLT NT 1ML+1	50,000,000	0.16	0.19	6/8/12	5/14/15	6,962	420	-	7,382
Federal Agencies	3133EDC67	FFCB NT	50,000,000	0.25	0.26	12/19/13	6/18/15	10,417	426	-	10,843
Federal Agencies	3133EAVE5	FFCB FLT NT 1ML+2	50,000,000	0.17	0.19	12/5/12	6/22/15	7,347	424	-	7,770
Federal Agencies	31315PDZ9	FAMCA	15,000,000	2.38	0.32	11/22/13	7/22/15	29,688	(26,115)	-	3,572
Federal Agencies	3133ECVW1	FFCB FLT NT T-BILL+14	62,500,000	0.17	0.19	8/5/13	8/5/15	8,776	531	-	9,307
Federal Agencies	313383V81	FHLB	9,000,000	0.38	0.28	12/12/13	8/28/15	2,813	(702)	-	2,111
Federal Agencies	3137EACM9	FHLMC BONDS	50,000,000	1.75	2.17	12/15/10	9/10/15	72,917	17,023	-	89,940
Federal Agencies	313370JB5	FHLB	75,000,000	1.75	2.31	12/15/10	9/11/15	109,375	25,305	-	134,680
Federal Agencies	31315PGT0	FARMER MAC	45,000,000	2.13	2.17	9/15/10	9/15/15	79,688	1,444	-	81,131
Federal Agencies	3133ECZG2	FFCB NT	52,047,000	0.55	0.32	12/10/13	9/16/15	23,855	(10,056)	-	13,799
Federal Agencies	3133ECJB1	FFCB FLT NT QTR T-BILL+16	16,200,000	0.18	0.20	4/24/13	9/18/15	2,543	68	-	2,611

Monthly Investment Earnings

Pooled Fund

Type of Investment	CUSIP	Issue Name	Par Value	Coupon	YTM ¹	Settle Date	Maturity Date	Earned Interest	Amort. Expense	Realized Gain/(Loss)	Earned Income /Net Earnings
Federal Agencies	3133ECJB1	FFCB FLT NT QTR TBILL+16	50,000,000	0.18	0.19	4/16/13	9/18/15	7,849	-	-	7,849
Federal Agencies	31398A3T7	FNMA NT EX-CALL	25,000,000	2.00	1.08	10/14/11	9/21/15	41,667	(18,992)	-	22,674
Federal Agencies	3133EAJF6	FFCB FLT NT 1ML+2.5	27,953,000	0.17	0.20	11/30/12	9/22/15	4,228	359	-	4,586
Federal Agencies	31398A4M1	FNMA	25,000,000	1.63	2.22	12/15/10	10/26/15	33,854	11,913	-	45,767
Federal Agencies	31398A4M5	FNMA	42,000,000	1.63	2.19	12/23/10	10/26/15	56,875	18,860	-	75,735
Federal Agencies	3136G1LX5	FNMA NT CALL	-	0.32	0.32	5/15/13	11/13/15	2,625	-	-	2,625
Federal Agencies	31333J2S1	FFCB	25,000,000	1.50	2.20	12/15/10	11/16/15	31,250	14,025	-	45,275
Federal Agencies	3133ECLZ5	FFCB FLT NT MONTHLY 1ML+0	25,000,000	0.15	0.16	5/8/13	11/19/15	3,263	101	-	3,364
Federal Agencies	3133835R8	FHLB CALL NT	13,565,000	0.34	0.37	1/31/14	12/4/15	3,843	313	-	4,156
Federal Agencies	313371ZY5	FHLB	25,000,000	1.88	1.89	12/3/10	12/11/15	39,063	304	-	39,367
Federal Agencies	313371ZY5	FHLB	50,000,000	1.88	1.93	12/14/10	12/11/15	78,125	2,185	-	80,310
Federal Agencies	3133ED5A6	FFCB FLT	50,000,000	0.15	0.15	12/12/13	1/20/16	6,499	-	-	6,499
Federal Agencies	31315P3B3	FARMER MAC MTN	30,000,000	0.42	0.42	1/27/14	1/25/16	10,500	-	-	10,500
Federal Agencies	313375RN9	FHLB NT	22,200,000	1.00	0.82	4/13/12	3/11/16	18,500	(3,422)	-	15,078
Federal Agencies	3133XXP43	FHLB	14,000,000	3.13	0.41	12/12/13	3/11/16	36,458	(32,074)	-	4,385
Federal Agencies	3133EAJU3	FFCB NT	25,000,000	1.05	0.82	4/12/12	3/28/16	21,875	(4,733)	-	17,142
Federal Agencies	3135G0VA8	FNMA GLOBAL NT	25,000,000	0.50	0.46	12/13/13	3/30/16	10,417	(823)	-	9,594
Federal Agencies	31315PTF6	FAMCA FLT MTN 1ML+0	50,000,000	0.15	0.15	4/1/13	4/1/16	6,523	-	-	6,523
Federal Agencies	313379Z21	FHLB NT	20,000,000	0.81	0.82	4/18/12	4/18/16	13,500	166	-	13,666
Federal Agencies	3133ECWT7	FFCB NT	22,650,000	0.65	0.48	11/20/13	5/9/16	12,269	(3,320)	-	8,949
Federal Agencies	3135G0RZ8	FNMA CALL NT	22,540,000	0.55	0.55	11/30/12	5/26/16	10,331	-	-	10,331
Federal Agencies	3133EDB35	FFCB FLT NT 1ML+3	50,000,000	0.18	0.19	1/15/14	6/2/16	7,774	297	-	8,070
Federal Agencies	31315PB73	FAMCA NT	10,000,000	0.90	0.90	2/9/12	6/9/16	7,500	-	-	7,500
Federal Agencies	313771AA5	FHLB SUB NT	14,195,000	5.63	0.77	5/30/13	6/13/16	66,539	(57,646)	-	8,893
Federal Agencies	313771AA5	FHLB SUB NT	16,925,000	5.63	0.65	5/20/13	6/13/16	79,336	(70,522)	-	8,814
Federal Agencies	3133EDDP4	FFCB NT	50,000,000	0.52	0.47	2/11/14	6/17/16	21,667	(2,243)	-	19,424
Federal Agencies	3130A1BK3	FHLB CALL NT	25,000,000	0.50	0.50	3/24/14	6/24/16	10,417	-	-	10,417
Federal Agencies	3135G0XP3	FNMA GLOBAL NT	50,000,000	0.38	0.59	3/25/14	7/5/16	15,625	9,188	-	24,813
Federal Agencies	31315PA25	FAMCA MTN	11,900,000	2.00	0.62	3/26/13	7/27/16	19,833	(13,745)	-	6,088
Federal Agencies	31315PA25	FAMCA MTN	14,100,000	2.00	0.63	3/26/13	7/27/16	23,500	(16,154)	-	7,346
Federal Agencies	31315PA25	FAMCA MTN	15,000,000	2.00	2.09	7/27/11	7/27/16	25,000	1,107	-	26,107
Federal Agencies	31315PA25	FAMCA MTN	20,000,000	2.00	0.61	3/26/14	7/27/16	33,333	(23,353)	-	9,980
Federal Agencies	3134G4ET1	FHLMC CALL NT	40,220,000	0.85	0.77	1/9/14	8/8/16	28,489	(11,818)	-	16,671
Federal Agencies	3135G0YE7	FNMA GLOBAL NT	50,000,000	0.63	0.52	3/17/14	8/26/16	26,042	(4,331)	-	21,711
Federal Agencies	3135G0YE7	FNMA GLOBAL NT	50,000,000	0.63	0.69	3/25/14	8/26/16	26,042	2,562	-	28,604
Federal Agencies	31315PQB8	FAMCA NT	7,000,000	1.50	0.70	10/29/13	9/1/16	8,750	(4,666)	-	4,084
Federal Agencies	313370TW8	FHLB BD	25,000,000	2.00	1.39	10/11/11	9/9/16	41,667	(12,562)	-	29,104
Federal Agencies	3133EDH21	FFCB FLT NT 1ML+2	50,000,000	0.17	0.18	3/14/14	9/14/16	7,392	216	-	7,609
Federal Agencies	3134G4XW3	FHLMC CALL MTN	25,000,000	0.60	0.60	3/26/14	9/26/16	12,500	-	-	12,500
Federal Agencies	3134G3P38	FHLMC NT CALL	75,000,000	0.75	0.72	12/14/12	10/5/16	46,875	(3,889)	-	42,986
Federal Agencies	3133EDJA1	FFCB FLT NT 1ML+2	25,000,000	0.17	0.18	4/11/14	10/11/16	3,670	212	-	3,882
Federal Agencies	3137EADS5	FHLMC GLOBAL NT	25,000,000	0.88	0.57	3/3/14	10/14/16	18,229	(6,493)	-	11,736
Federal Agencies	3134G4HK7	FHLMC CALL STEP NT	25,000,000	0.50	0.50	10/24/13	10/24/16	10,417	-	-	10,417
Federal Agencies	3136G1WP0	FNMA CALL NT	18,000,000	1.50	0.84	11/4/13	11/4/16	22,500	(14,883)	-	7,617
Federal Agencies	313381GA7	FHLB NT	23,100,000	0.57	0.57	11/30/12	11/30/16	10,973	(93)	-	10,879
Federal Agencies	3130A12F4	FHLB CALL NT	20,500,000	0.70	0.70	3/19/14	12/19/16	11,958	63	-	12,022
Federal Agencies	313381KR5	FHLB NT CALL	9,000,000	0.63	0.63	12/28/12	12/28/16	4,688	-	-	4,688
Federal Agencies	313381KR5	FHLB NT CALL	13,500,000	0.63	0.63	12/28/12	12/28/16	7,031	-	-	7,031
Federal Agencies	3134G33C2	FHLMC NT	50,000,000	0.60	0.60	1/3/13	1/3/17	25,000	-	-	25,000
Federal Agencies	3133ECB37	FFCB NT	14,000,000	0.58	0.58	12/20/12	1/12/17	6,767	-	-	6,767
Federal Agencies	31315PWW5	FARMER MAC MTN	49,500,000	1.01	1.02	5/4/12	1/17/17	41,663	446	-	42,109
Federal Agencies	3133786Q9	FHLB NT	67,780,000	1.00	0.72	1/10/13	2/13/17	56,483	(15,893)	-	40,590

Monthly Investment Earnings Pooled Fund

Type of Investment	CUSIP	Issue Name	Par Value	Coupon	YTM ¹	Settle Date	Maturity Date	Earned Interest	Amort. Expense	Realized Gain/(Loss)	Earned Income /Net Earnings
Federal Agencies	3133EDFW7	FFCB FLT NT 1ML+5.5	50,000,000	0.21	0.21	2/27/14	2/27/17	8,891	-	-	8,891
Federal Agencies	3134G4XM5	FHLMC CALL MTN	25,000,000	0.78	0.78	3/28/14	3/28/17	16,250	-	-	16,250
Federal Agencies	3136G1ZB8	FNMA CALL NT	25,000,000	0.88	0.88	3/28/14	3/28/17	18,229	-	-	18,229
Federal Agencies	31315PTQ2	FARMER MAC MTN	12,500,000	1.26	1.36	4/10/12	4/10/17	13,125	1,031	-	14,156
Federal Agencies	3133ECLL6	FFCB NT	10,000,000	0.60	0.60	4/17/13	4/17/17	5,000	-	-	5,000
Federal Agencies	31315PUQ0	FARMER MAC MTN	10,500,000	1.13	1.13	4/26/12	4/26/17	9,844	-	-	9,844
Federal Agencies	31315PV89	FARMER MAC FLT CALL NT 3ML+10	50,000,000	0.33	0.33	5/1/14	5/1/17	13,556	-	-	13,556
Federal Agencies	3133794Y2	FHLB FIX-TO-FLOAT CALL NT	-	0.50	0.50	5/9/12	5/9/17	2,778	-	-	2,778
Federal Agencies	3137EADF3	FHLMC NT	25,000,000	1.25	1.14	5/14/12	5/12/17	26,042	(2,260)	-	23,781
Federal Agencies	3136G0GW5	FNMA STEP NT CALL	-	0.85	0.73	6/11/12	5/23/17	25,972	281,511	(290,500)	16,983
Federal Agencies	31315PZQ5	FARMER MAC MTN	9,000,000	1.11	0.80	12/28/12	6/5/17	8,325	(2,337)	-	5,988
Federal Agencies	3133EAUW6	FFCB FLT NT FF+22	50,000,000	0.31	0.31	6/19/12	6/19/17	13,222	-	-	13,222
Federal Agencies	3137EADH9	FHLMC GLOBAL NT	25,000,000	1.00	1.10	3/25/14	6/29/17	20,833	2,064	-	22,898
Federal Agencies	3133ECV92	FFCB FLT NT 1ML+4	50,000,000	0.19	0.19	7/24/13	7/24/17	8,254	-	-	8,254
Federal Agencies	3134G3ZH6	FHLMC CALL MTN	19,000,000	1.00	1.01	4/15/14	7/25/17	15,833	123	-	15,956
Federal Agencies	3133ECV66	FFCB FLT NT 3ML+0	23,520,000	0.23	0.23	8/5/13	7/26/17	4,466	-	-	4,466
Federal Agencies	3136G0B59	FNMA STEP NT	64,750,000	0.70	0.70	9/20/12	9/20/17	37,771	-	-	37,771
Federal Agencies	3136G0D81	FNMA STEP NT	100,000,000	0.72	0.72	9/27/12	9/27/17	60,000	-	-	60,000
Federal Agencies	3137EADL0	FHLMC GLOBAL NT	25,000,000	1.00	1.22	3/25/14	9/29/17	20,833	4,631	-	25,465
Federal Agencies	3136G0Q20	FNMA CALL STEP NT	49,090,000	0.75	0.76	3/13/14	10/17/17	30,681	232	-	30,913
Federal Agencies	3136G0Y39	FNMA STEP NT	50,000,000	0.70	0.70	11/8/12	11/8/17	47,188	-	-	47,188
Federal Agencies	3134G44F2	FHLMC CALL MTN	50,000,000	0.80	0.80	5/21/13	11/21/17	33,333	-	-	33,333
Federal Agencies	3134G32W9	FHLMC MTN CALL	33,600,000	1.25	1.01	12/26/12	12/26/17	35,000	(22,174)	-	12,826
Federal Agencies	3134G32W9	FHLMC MTN CALL	50,000,000	1.25	1.00	12/26/12	12/26/17	52,083	(34,287)	-	17,796
Federal Agencies	3136G13Q0	FNMA STEP NT	29,000,000	0.75	0.75	12/26/12	12/26/17	18,125	-	-	18,125
Federal Agencies	3136G13T4	FNMA STEP NT	39,000,000	0.75	0.75	12/26/12	12/26/17	24,375	-	-	24,375
Federal Agencies	3134G32M1	FHLMC CALL NT	50,000,000	1.00	1.00	12/28/12	12/28/17	41,667	-	-	41,667
Federal Agencies	3135G0UN1	FNMA GLOBAL NT CALL	8,770,000	1.15	1.32	2/26/14	2/28/18	8,405	1,199	-	9,603
Federal Agencies	3135G0UN1	FNMA GLOBAL NT CALL	19,000,000	1.15	1.32	2/26/14	2/28/18	18,208	2,597	-	20,805
Federal Agencies	3136G1KN8	FNMA NT CALL	50,000,000	1.50	1.13	4/24/13	4/24/18	62,500	(38,347)	-	24,153
Federal Agencies	3136G1K81	FNMA NT STEP	12,600,000	0.75	0.75	4/30/13	4/30/18	7,875	-	-	7,875
Federal Agencies	31315PZM4	FARMER MAC STEP NT	24,600,000	0.70	0.70	5/3/13	5/3/18	14,350	-	-	14,350
Federal Agencies	313382XK4	FHLB STEP NT	25,000,000	0.75	0.75	5/7/13	5/7/18	14,583	-	-	14,583
Federal Agencies	3133ECPB4	FFCB NT	10,000,000	0.88	1.01	5/23/13	5/14/18	7,292	1,116	-	8,407
Federal Agencies	3135G0WJ8	FNMA NT	25,000,000	0.88	1.05	5/23/13	5/21/18	18,229	3,629	-	21,858
Federal Agencies	3133834P3	FHLB STEP NT	50,000,000	0.50	0.50	5/22/13	5/22/18	20,833	-	-	20,833
Federal Agencies	3134G52D6	FHLMC CALL MTN	25,000,000	1.64	1.64	4/17/14	7/17/18	34,167	-	-	34,167
Federal Agencies	3135G0YM9	FNMA GLOBAL NT	-	1.88	1.69	3/25/14	9/18/18	72,917	9,111	677,150	759,178
Federal Agencies	3136G1XY0	FNMA CALL	25,000,000	2.25	1.97	11/27/13	11/27/18	46,875	(37,132)	-	9,743
Federal Agencies	3134G4LZ9	FHLMC CALL STEP	50,000,000	0.88	0.88	12/10/13	12/10/18	36,458	-	-	36,458
Federal Agencies	3134G4MB1	FHLMC CALL MULTI-STEP	25,000,000	1.50	1.50	12/18/13	12/18/18	31,250	-	-	31,250
Federal Agencies	3134G4S74	FHLMC CALL NT	17,800,000	2.00	2.00	1/16/14	1/16/19	29,667	-	-	29,667
Federal Agencies	3130A0JC5	FHLB STEP NT	55,660,000	1.00	1.00	1/17/14	1/17/19	46,383	-	-	46,383
Federal Agencies	3130A1AC2	FHLB CALL NT	-	1.85	1.92	3/27/14	3/27/19	7,194	(335)	16,250	23,109
Federal Agencies	3130A1B98	FHLB STEP CALL NT	75,000,000	1.00	1.00	3/27/14	3/27/19	62,500	-	-	62,500
Federal Agencies	31315PQ69	FARMER MAC FLT CALL NT 3ML+15	50,000,000	0.38	0.38	4/3/14	4/3/19	15,754	-	-	15,754
Federal Agencies	3130A1H68	FHLB STEP CALL NT	15,000,000	1.15	1.16	4/17/14	4/17/19	14,375	64	-	14,439
Subtotals			\$ 4,463,434,000					\$ 3,621,342	\$ (288,420)	\$ 402,900	\$ 3,735,822
State/Local Agencies	13063CEA4	CALIFORNIA ST RAN	\$ -	2.00	0.21	8/22/13	5/28/14	\$ 39,945	\$ (35,692)	\$ -	\$ 4,253
State/Local Agencies	612574DP5	MONTEREY COMM COLLEGE GO	310,000	0.43	0.43	5/7/13	8/1/14	111	-	-	111
State/Local Agencies	62451FFC9	WHISMAN SCHOOL DIST MTN VIEW	1,125,000	0.75	0.75	7/24/12	8/1/14	704	-	-	704

Monthly Investment Earnings

Pooled Fund

Type of Investment	CUSIP	Issue Name	Par Value	Coupon	YTM ¹	Settle Date	Maturity Date	Earned Interest	Amort. Expense	Realized Gain/(Loss)	Earned Income /Net Earnings
State/Local Agencies	64966DPC7	NEW YORK CITY GO	8,000,000	4.75	0.68	6/7/12	11/1/14	31,667	(27,385)	-	4,282
State/Local Agencies	13063BN65	CALIFORNIA ST TAXABLE GO BD	10,000,000	0.85	0.64	3/27/13	2/1/15	7,083	(1,743)	-	5,341
State/Local Agencies	649791JS0	NEW YORK ST TAXABLE GO	4,620,000	0.39	0.40	3/21/13	3/1/15	1,502	40	-	1,542
State/Local Agencies	91412GPW9	UNIV OF CALIFORNIA REVENUE BC	5,000,000	0.39	0.39	3/14/13	5/15/15	1,633	-	-	1,633
State/Local Agencies	612574DQ3	MONTEREY COMM COLLEGE GO	315,000	0.63	0.63	5/7/13	8/1/15	165	-	-	165
State/Local Agencies	64966GXS6	NEW YORK CITY TAXABLE GO	12,255,000	5.13	0.66	4/1/13	12/1/15	52,390	(46,006)	-	6,384
State/Local Agencies	13063BN73	CALIFORNIA ST TAXABLE GO BD	11,000,000	1.05	0.91	3/27/13	2/1/16	9,625	(1,107)	-	8,518
State/Local Agencies	91412GUT0	UNIV OF CALIFORNIA REVENUE	2,500,000	0.63	0.63	4/10/14	5/15/16	1,321	-	-	1,321
State/Local Agencies	612574DR1	MONTEREY COMM COLLEGE GO	2,670,000	0.98	0.98	5/7/13	8/1/16	2,185	-	-	2,185
State/Local Agencies	91412GUU7	UNIV OF CALIFORNIA REVENUE BD	3,250,000	1.22	1.22	4/10/14	5/15/17	3,310	-	-	3,310
State/Local Agencies	13063CFC9	CALIFORNIA ST GO BD	16,500,000	1.75	1.66	11/5/13	11/1/17	24,063	(1,253)	-	22,809
Subtotals			\$ 77,545,000					\$ 175,704	\$ (113,146)	\$ -	\$ 62,558
Public Time Deposits		TRANS PACIFIC NATIONAL BANK P	\$ 240,000	0.46	0.46	2/7/14	2/7/15	\$ 95	\$ -	\$ -	\$ 95
Public Time Deposits		BANK OF SAN FRANCISCO PTD	240,000	0.45	0.45	4/9/14	4/9/15	93	-	-	93
Subtotals			\$ 480,000					\$ 188	\$ -	\$ -	\$ 188
Negotiable CDs	78009NNK8	RBC FLT YCD 1ML+11	\$ 25,000,000	0.26	0.26	6/24/13	6/24/14	\$ 5,639	\$ -	\$ -	\$ 5,639
Negotiable CDs	06366BTG5	BANK OF MONTREAL YCD	50,000,000	0.12	0.12	5/7/14	7/1/14	4,167	-	-	4,167
Negotiable CDs	06366BNF3	BANK OF MONTREAL YCD	50,000,000	0.16	0.16	4/2/14	7/2/14	6,889	-	-	6,889
Negotiable CDs	06417HFD3	BANK OF NOVA SCOTIA YCD	25,000,000	0.22	0.19	3/24/14	8/14/14	4,736	(644)	-	4,092
Negotiable CDs	96121TTS7	WESTPAC FLT YCD 1ML+9	25,000,000	0.23	0.08	1/23/14	8/28/14	4,987	(1,321)	-	3,665
Negotiable CDs	06417FB58	BANK OF NOVA SCOTIA YCD 3ML+1	50,000,000	0.41	0.41	7/17/13	1/20/15	17,496	-	-	17,496
Negotiable CDs	78009NGU4	ROYAL BANK OF CANADA NY YCD	5,500,000	0.33	0.38	5/19/14	6/25/15	610	89	-	699
Negotiable CDs	06417HHL3	BANK OF NOVA SCOTIA FLT 3ML+2:	10,000,000	0.46	0.46	4/3/14	3/22/16	3,999	(13)	-	3,986
Negotiable CDs	96121TWJ3	WESTPAC FLT YCD 3ML+15	25,000,000	0.38	0.38	4/24/14	4/25/16	8,150	-	-	8,150
Negotiable CDs	96121TWK0	WESTPAC FLT YCD 1ML+22	50,000,000	0.37	0.37	4/24/14	4/25/16	16,014	-	-	16,014
Negotiable CDs	06417HK2	BANK OF NOVA SCOTIA YCD 3ML+1	50,000,000	0.41	0.43	5/9/14	5/9/16	13,223	659	-	13,883
Subtotals			\$ 365,500,000					\$ 85,909	\$ (1,230)	\$ -	\$ 84,679
Commercial Paper	06538CEE7	BANK OF TOKYO MITSUBISHI UFJ C	\$ -	0.00	0.17	4/14/14	5/14/14	\$ 12,278	\$ -	\$ -	\$ 12,278
Commercial Paper	06538CET4	BANK OF TOKYO MITSUBISHI UFJ C	-	0.00	0.17	4/25/14	5/27/14	24,556	-	-	24,556
Commercial Paper	06538CFA4	BANK OF TOKYO MITSUBISHI CP	100,000,000	0.00	0.13	5/27/14	6/10/14	1,806	-	-	1,806
Commercial Paper	06538CFG1	BANK OF TOKYO MITSUBISHI UFJ C	200,000,000	0.00	0.17	5/14/14	6/16/14	17,000	-	-	17,000
Commercial Paper	06538CFT3	BANK OF TOKYO MITSUBISHI CP	100,000,000	0.00	0.16	5/27/14	6/27/14	2,222	-	-	2,222
Commercial Paper	59157UFW5	METLIFE SHORT TERM FUNDING C	43,000,000	0.00	0.11	4/14/14	6/30/14	4,073	-	-	4,073
Subtotals			\$ 443,000,000					\$ 61,934	\$ -	\$ -	\$ 61,934
Medium Term Notes	854403AA0	STANFORD UNIVERSITY MTN	\$ -	3.63	0.27	4/26/13	5/1/14	\$ -	\$ -	\$ -	\$ -
Medium Term Notes	854403AA0	STANFORD UNIVERSITY MTN	-	3.63	0.27	4/26/13	5/1/14	-	-	-	-
Medium Term Notes	46623EJH3	JP MORGAN CHASE FLT MTN 3ML+	-	0.92	0.32	5/2/13	5/2/14	701	(532)	-	169
Medium Term Notes	46623EJH3	JP MORGAN CHASE FLT MTN 3ML+	-	0.92	0.32	8/2/13	5/2/14	511	(389)	-	121
Medium Term Notes	459200GW5	IBM MTN	-	1.25	0.14	4/29/14	5/12/14	573	(508)	-	65
Medium Term Notes	594918AB0	MICROSOFT MTN	2,500,000	2.95	0.10	4/7/14	6/1/14	6,146	(6,017)	-	129
Medium Term Notes	36962GX41	GE CAPITAL CORP MTN	25,000,000	5.65	0.44	4/9/13	6/9/14	117,708	(110,246)	-	7,462
Medium Term Notes	59217EBW3	MET LIFE GLOBAL FUNDING MTN	10,000,000	5.13	0.49	11/13/12	6/10/14	42,708	(39,206)	-	3,502
Medium Term Notes	64952WBL6	NEW YORK LIFE MTN 3ML+0	3,000,000	0.22	0.14	3/27/13	7/30/14	581	(40)	-	541
Medium Term Notes	78008TXA7	RBC MTN	10,000,000	1.45	0.27	11/1/13	10/30/14	12,083	(10,005)	-	2,079
Medium Term Notes	459200GX8	IBM MTN	31,814,000	0.88	0.25	11/5/13	10/31/14	23,198	(16,766)	-	6,432
Medium Term Notes	36962G4G6	GE CAPITAL CORP MTN	2,920,000	3.75	0.52	8/7/13	11/14/14	9,125	(7,973)	-	1,152
Medium Term Notes	07385TAJ5	JP MORGAN CHASE MTN	11,500,000	5.70	0.52	12/18/13	11/15/14	54,625	(50,361)	-	4,264
Medium Term Notes	07385TAJ5	JP MORGAN CHASE MTN	25,654,000	5.70	0.52	12/19/13	11/15/14	121,857	(112,299)	-	9,557

Monthly Investment Earnings Pooled Fund

Type of Investment	CUSIP	Issue Name	Par Value	Coupon	YTM ¹	Settle Date	Maturity Date	Earned Interest	Amort. Expense	Realized Gain/(Loss)	Earned Income /Net Earnings
Medium Term Notes	89233P7B6	TOYOTA MTN 3ML+17	10,000,000	0.41	0.34	1/28/13	12/5/14	3,493	(216)	-	3,278
Medium Term Notes	36962G5M2	GE CAPITAL CORP MTN	4,820,000	2.15	0.59	8/7/13	1/9/15	8,636	(6,359)	-	2,277
Medium Term Notes	36962G5M2	GE CAPITAL CORP MTN	27,743,000	2.15	0.29	12/16/13	1/9/15	49,706	(43,687)	-	6,019
Medium Term Notes	36962G5M2	GE CAPITAL CORP MTN	87,824,000	2.15	0.77	7/12/13	1/9/15	157,351	(101,821)	-	55,530
Medium Term Notes	36962G6T6	GE FLT NT 3ML+38	25,000,000	0.61	0.61	1/10/13	1/9/15	13,118	-	-	13,118
Medium Term Notes	46625HHP8	JP MORGAN CHASE MTN	16,935,000	3.70	0.51	2/18/14	1/20/15	52,216	(45,780)	-	6,436
Medium Term Notes	46625HHP8	JP MORGAN CHASE MTN	22,580,000	3.70	0.48	3/17/14	1/20/15	69,622	(61,209)	-	8,413
Medium Term Notes	78008SVS2	RBC MTN FIX-TO-FLT	100,000,000	0.33	0.33	1/22/13	1/22/15	27,321	-	-	27,321
Medium Term Notes	89233P7H3	TOYOTA MTN 3ML+17	35,000,000	0.40	0.40	1/23/13	1/23/15	11,930	-	-	11,930
Medium Term Notes	89233P7L4	TOYOTA MTN FIX-TO-FLOAT	25,000,000	0.32	0.32	2/4/13	2/4/15	6,489	-	-	6,489
Medium Term Notes	717081DA8	PFIZER MTN	3,000,000	5.35	0.44	12/9/13	3/15/15	13,375	(12,498)	-	877
Medium Term Notes	89236TAG0	TOYOTA MOTOR CREDIT CORP 3M	50,000,000	0.38	0.38	4/12/13	4/8/15	16,344	-	-	16,344
Medium Term Notes	459200HD6	IBM MTN	5,425,000	0.75	0.27	12/19/13	5/11/15	3,391	(2,188)	-	1,202
Medium Term Notes	36962G5Z3	GE CAPITAL CORP MTN	5,000,000	1.63	0.81	8/19/13	7/2/15	6,771	(3,420)	-	3,350
Medium Term Notes	36962G4M3	GE CAPITAL CORP FLT MTN 3ML+7!	8,565,000	0.98	0.42	11/25/13	7/9/15	6,990	(3,145)	-	3,845
Medium Term Notes	89233P6J0	TOYOTA MTN	6,100,000	0.88	0.30	3/4/14	7/17/15	4,448	(2,969)	-	1,479
Medium Term Notes	89233P6J0	TOYOTA MTN	10,000,000	0.88	0.44	11/15/13	7/17/15	7,292	(3,665)	-	3,627
Medium Term Notes	594918AG9	MICROSOFT MTN	3,186,000	1.63	0.39	10/30/13	9/25/15	4,314	(3,313)	-	1,002
Medium Term Notes	369604BE2	GENERAL ELECTRIC MTN	8,000,000	0.85	0.46	5/7/14	10/9/15	4,533	(2,100)	-	2,433
Medium Term Notes	369604BE2	GENERAL ELECTRIC MTN	9,300,000	0.85	0.40	5/19/14	10/9/15	2,855	(1,492)	-	1,362
Medium Term Notes	369604BE2	GENERAL ELECTRIC MTN	10,000,000	0.85	0.42	3/5/14	10/9/15	7,083	(3,669)	-	3,414
Medium Term Notes	06366RJH9	BANK OF MONTREAL MTN	8,500,000	0.80	0.56	3/27/14	11/6/15	5,667	(1,709)	-	3,958
Medium Term Notes	36962G4T8	GE CAPITAL CORP MTN	7,000,000	2.25	0.48	5/12/14	11/9/15	8,313	(6,736)	-	1,577
Medium Term Notes	742718DS5	PROCTER & GAMBLE MTN	10,000,000	1.80	0.41	3/12/14	11/15/15	15,000	(11,727)	-	3,273
Medium Term Notes	742718DS5	PROCTER & GAMBLE MTN	23,025,000	1.80	0.34	3/7/14	11/15/15	34,538	(28,274)	-	6,264
Medium Term Notes	459200GU9	IBM CORP NT	19,579,000	2.00	0.48	2/11/14	1/5/16	32,632	(25,084)	-	7,548
Medium Term Notes	064255AK8	BTMUFJ FLT MTN 3ML+45	10,000,000	0.68	0.47	3/17/14	2/26/16	5,883	(1,561)	-	4,322
Medium Term Notes	36962G2V5	GE FLT MTN 3ML+20	17,689,000	0.42	0.38	5/19/14	5/11/16	2,704	(258)	-	2,447
Subtotals			\$ 691,659,000					\$ 971,830	\$ (727,221)	\$ -	\$ 244,609
Money Market Funds		CITI SWEEP	\$ -	0.02	0.02	5/6/14	5/7/14	\$ 0	\$ -	\$ -	\$ 0
Money Market Funds	09248U718	BLACKROCK T-FUND INSTL	25,000,000	0.01	0.01	5/30/14	6/2/14	212	-	-	212
Money Market Funds	316175108	FIDELITY INSTL GOVT PORT	25,003,096	0.01	0.01	5/30/14	6/2/14	219	-	-	219
Money Market Funds	61747C707	MS INSTL GOVT FUND	75,081,061	0.04	0.04	5/30/14	6/2/14	2,636	-	-	2,636
Subtotals			\$ 125,084,157					\$ 3,068	\$ -	\$ -	\$ 3,068
Grand Totals			\$ 6,851,702,157					\$ 5,603,927	\$ (1,203,989)	\$ 402,900	\$ 4,802,838

¹Yield to maturity is calculated at purchase

Investment Transactions Pooled Fund

For month ended May 31, 2014

Transaction	Settle	Maturity	Type of Investment	Issuer Name	CUSIP	Par Value	Coupon	YTM	Price	Interest	Transaction
Purchase	5/1/2014	5/1/2017	Federal Agencies	FARMER MAC FLT CALL NT 3	31315PV89	\$ 50,000,000	0.33	0.33	\$ 100.00	\$ -	\$ 50,000,000
Purchase	5/6/2014	5/7/2014	Money Market Funds	CITI SWEEP		21,038	0.02	0.02	100.00	-	21,038
Purchase	5/7/2014	10/9/2015	Medium Term Notes	GENERAL ELECTRIC MTN	369604BE2	8,000,000	0.85	0.46	100.55	-	8,048,969
Purchase	5/7/2014	7/1/2014	Negotiable CDs	BANK OF MONTREAL YCD	06366BTG5	50,000,000	0.12	0.12	100.00	-	50,000,000
Purchase	5/9/2014	5/9/2016	Negotiable CDs	BANK OF NOVA SCOTIA YCD	06417HKT2	50,000,000	0.41	0.43	99.96	-	49,979,050
Purchase	5/12/2014	11/9/2015	Medium Term Notes	GE CAPITAL CORP MTN	36962G4T8	7,000,000	2.25	0.48	102.63	-	7,185,203
Purchase	5/14/2014	6/16/2014	Commercial Paper	BANK OF TOKYO MITSUBISHI	06538CFG1	200,000,000	-	0.17	99.98	-	199,968,833
Purchase	5/19/2014	6/25/2015	Negotiable CDs	ROYAL BANK OF CANADA NY	78009NGU4	5,500,000	0.33	0.38	99.95	-	5,499,996
Purchase	5/19/2014	10/9/2015	Medium Term Notes	GENERAL ELECTRIC MTN	369604BE2	9,300,000	0.85	0.40	100.63	-	9,367,094
Purchase	5/19/2014	5/11/2016	Medium Term Notes	GE FLT MTN 3ML+20	36962G2V5	17,689,000	0.42	0.38	100.08	-	17,704,784
Purchase	5/27/2014	5/28/2014	Money Market Funds	CITI SWEEP		34,173	0.02	0.02	100.00	-	34,173
Purchase	5/27/2014	6/10/2014	Commercial Paper	BANK OF TOKYO MITSUBISHI	06538CFA4	100,000,000	-	0.13	99.99	-	99,994,944
Purchase	5/27/2014	6/27/2014	Commercial Paper	BANK OF TOKYO MITSUBISHI	06538CFT3	100,000,000	-	0.16	99.99	-	99,986,222
Purchase	5/30/2014	6/2/2014	Money Market Funds	FIDELITY INSTL GOVT PORT	316175108	212	0.01	0.01	100.00	-	212
Purchase	5/30/2014	6/2/2014	Money Market Funds	MS INSTL GOVT FUND	61747C707	2,551	0.04	0.04	100.00	-	2,551
Subtotals						\$ 597,546,973	0.14	0.21	\$ 100.04	\$ -	\$ 597,793,069
Sale	5/7/2014	5/7/2014	Money Market Funds	CITI SWEEP		\$ 21,038	0.02	0.02	\$ 100.00	\$ -	\$ 21,038
Sale	5/28/2014	5/28/2014	Money Market Funds	CITI SWEEP		34,173	0.02	0.02	100.00	-	34,173
Sale	5/29/2014	9/18/2018	Federal Agencies	FNMA GLOBAL NT	3135G0YM9	50,000,000	1.88	1.69	100.81	166,667	51,265,396
Sale	5/29/2014	3/27/2019	Federal Agencies	FHLB CALL NT	3130A1AC2	5,000,000	1.85	1.92	99.65	15,931	5,014,681
Subtotals						\$ 55,055,210	1.88	1.71	\$ 100.70	\$ 182,597	\$ 56,335,286
Call	5/9/2014	5/9/2017	Federal Agencies	FHLB FIX-TO-FLOAT CALL N	3133794Y2	\$ 25,000,000	0.50	0.50	\$ 100.00	\$ -	\$ 25,000,000
Call	5/13/2014	11/13/2015	Federal Agencies	FNMA NT CALL	3136G1LX5	24,610,000	0.32	0.32	100.00	-	24,610,000
Call	5/23/2014	5/23/2017	Federal Agencies	FNMA STEP NT CALL	3136G0GW5	50,000,000	0.85	0.73	100.58	-	50,000,000
Subtotals						\$ 99,610,000	0.63	0.57	\$ 100.29	\$ -	\$ 99,610,000
Maturity	5/1/2014	5/1/2014	Medium Term Notes	STANFORD UNIVERSITY MTN	854403AA0	\$ 6,500,000	3.63	0.27	\$ 103.39	\$ 117,813	\$ 6,617,813
Maturity	5/1/2014	5/1/2014	Medium Term Notes	STANFORD UNIVERSITY MTN	854403AA0	5,000,000	3.63	0.27	103.39	90,625	5,090,625
Maturity	5/2/2014	5/2/2014	Medium Term Notes	JP MORGAN CHASE FLT MTN	46623EJH3	27,475,000	0.92	0.32	100.71	34,522	27,509,522
Maturity	5/2/2014	5/2/2014	Medium Term Notes	JP MORGAN CHASE FLT MTN	46623EJH3	20,000,000	0.92	0.32	100.53	25,130	20,025,130
Maturity	5/12/2014	5/12/2014	Medium Term Notes	IBM MTN	459200GW5	1,500,000	1.25	0.14	100.04	677	1,509,375
Maturity	5/14/2014	5/14/2014	Commercial Paper	BANK OF TOKYO MITSUBISHI	06538CEE7	200,000,000	-	0.17	99.99	28,333	200,000,000
Maturity	5/27/2014	5/27/2014	Commercial Paper	BANK OF TOKYO MITSUBISHI	06538CET4	200,000,000	-	0.17	99.98	30,222	200,000,000
Maturity	5/28/2014	5/28/2014	State/Local Agencies	CALIFORNIA ST RAN	13063CEA4	27,000,000	2.00	0.21	101.37	412,767	27,412,767
Subtotals						\$ 487,475,000	0.29	0.19	\$ 100.21	\$ 740,090	\$ 488,165,232
Interest	5/1/2014	11/1/2014	State/Local Agencies	NEW YORK CITY GO	64966DPC7	\$ 8,000,000	4.75	0.68	\$ 109.68	\$ 190,000	\$ 190,000
Interest	5/1/2014	11/1/2017	State/Local Agencies	CALIFORNIA ST GO BD	13063CFC9	16,500,000	1.75	1.66	100.36	141,167	141,167
Interest	5/1/2014	4/1/2016	Federal Agencies	FAMCA FLT MTN 1ML+0	31315PTF6	50,000,000	0.15	0.15	100.00	6,323	6,323
Interest	5/2/2014	5/3/2014	Money Market Funds	CITI SWEEP		-	0.02	0.02	100.00	42	42
Interest	5/2/2014	5/30/2014	Money Market Funds	BLACKROCK T-FUND INSTL	09248U718	25,000,000	0.01	0.01	100.00	206	206
Interest	5/2/2014	6/2/2016	Federal Agencies	FFCB FLT NT 1ML+3	3133EDB35	50,000,000	0.18	0.19	99.98	7,583	7,583
Interest	5/3/2014	5/3/2018	Federal Agencies	FARMER MAC STEP NT	31315PZM4	24,600,000	0.70	0.70	100.00	86,100	86,100
Interest	5/3/2014	5/1/2015	Federal Agencies	FARMER MAC FLT NT FF+26	31315PWJ4	50,000,000	0.36	0.36	100.00	42,958	42,958
Interest	5/4/2014	11/4/2016	Federal Agencies	FNMA CALL NT	3136G1WP0	18,000,000	1.50	0.84	101.95	135,000	135,000
Interest	5/4/2014	2/4/2015	Medium Term Notes	TOYOTA MTN FIX-TO-FLOAT	89233P7L4	25,000,000	0.32	0.32	100.00	21,038	21,038
Interest	5/5/2014	8/5/2015	Federal Agencies	FFCB FLT NT T-BILL+14	3133ECVW1	62,500,000	0.16	0.18	99.98	28,488	28,488
Interest	5/6/2014	11/6/2015	Medium Term Notes	BANK OF MONTREAL MTN	06366RJH9	8,500,000	0.80	0.56	100.38	7,367	34,000
Interest	5/7/2014	2/7/2015	Public Time Deposits	TRANS PACIFIC NATIONAL B		240,000	0.46	0.46	100.00	273	273
Interest	5/7/2014	5/7/2018	Federal Agencies	FHLB STEP NT	313382XK4	25,000,000	0.50	0.50	100.00	62,500	62,500

Investment Transactions Pooled Fund

Transaction	Settle	Maturity	Type of Investment	Issuer Name	CUSIP	Par Value	Coupon	YTM	Price	Interest	Transaction
Interest	5/8/2014	11/8/2017	Federal Agencies	FNMA STEP NT	3136G0Y39	50,000,000	2.55	2.55	100.00	175,000	175,000
Interest	5/9/2014	5/9/2016	Federal Agencies	FFCB NT	3133ECWT7	22,650,000	0.65	0.48	100.43	69,114	73,613
Interest	5/9/2014	5/9/2017	Federal Agencies	FHLB FIX-TO-FLOAT CALL N	3133794Y2	25,000,000	0.50	0.50	100.00	31,250	31,250
Interest	5/11/2014	5/11/2015	Medium Term Notes	IBM MTN	459200HD6	5,425,000	0.75	0.27	100.66	16,049	20,344
Interest	5/11/2014	10/11/2016	Federal Agencies	FFCB FLT NT 1ML+2	3133EDJA1	25,000,000	0.17	0.18	99.98	3,560	3,560
Interest	5/12/2014	5/12/2017	Federal Agencies	FHLMC NT	3137EADF3	25,000,000	1.25	1.14	100.53	156,250	156,250
Interest	5/13/2014	11/13/2015	Federal Agencies	FNMA NT CALL	3136G1LX5	24,610,000	0.32	0.32	100.00	39,376	39,376
Interest	5/14/2014	11/14/2014	Medium Term Notes	GE CAPITAL CORP MTN	36962G4G6	2,920,000	3.75	0.52	104.09	54,750	54,750
Interest	5/14/2014	5/14/2018	Federal Agencies	FFCB NT	3133ECPB4	10,000,000	0.88	1.01	99.35	43,750	43,750
Interest	5/14/2014	5/14/2015	Federal Agencies	FFCB FLT NT 1ML+1	3133EAQC5	50,000,000	0.16	0.19	99.97	6,771	6,771
Interest	5/14/2014	9/14/2016	Federal Agencies	FFCB FLT NT 1ML+2	3133EDH21	50,000,000	0.17	0.18	99.99	7,188	7,188
Interest	5/15/2014	5/15/2015	State/Local Agencies	UNIV OF CALIFORNIA REVEN	91412GPW9	5,000,000	0.39	0.39	100.00	9,800	9,800
Interest	5/15/2014	11/15/2015	Medium Term Notes	PROCTER & GAMBLE MTN	742718DS5	10,000,000	1.80	0.41	102.32	31,500	90,000
Interest	5/15/2014	11/15/2014	Medium Term Notes	JP MORGAN CHASE MTN	07385TAJ5	11,500,000	5.70	0.52	104.69	267,663	327,750
Interest	5/15/2014	11/15/2015	Medium Term Notes	PROCTER & GAMBLE MTN	742718DS5	23,025,000	1.80	0.34	102.45	78,285	207,225
Interest	5/15/2014	11/15/2014	Medium Term Notes	JP MORGAN CHASE MTN	07385TAJ5	25,654,000	5.70	0.52	104.67	593,035	731,139
Interest	5/16/2014	11/16/2015	Federal Agencies	FFCB	31331J2S1	25,000,000	1.50	2.20	96.75	187,500	187,500
Interest	5/19/2014	11/19/2015	Federal Agencies	FFCB FLT NT MONTHLY 1ML+	3133ECLZ5	25,000,000	0.15	0.16	99.99	3,167	3,167
Interest	5/20/2014	1/20/2016	Federal Agencies	FFCB FLT	3133ED5A6	50,000,000	0.15	0.15	100.00	6,333	6,333
Interest	5/21/2014	5/21/2018	Federal Agencies	FNMA NT	3135G0WJ8	25,000,000	0.88	1.05	99.15	109,375	109,375
Interest	5/21/2014	11/21/2014	Federal Agencies	FNMA FLT QTR FF+39	3136FTRF8	26,500,000	0.49	0.33	100.09	31,012	31,012
Interest	5/21/2014	11/21/2017	Federal Agencies	FHLMC CALL MTN	3134G44F2	50,000,000	0.80	0.80	100.00	200,000	200,000
Interest	5/22/2014	9/22/2015	Federal Agencies	FFCB FLT NT 1ML+2.5	3133EAFJ6	27,953,000	0.18	0.21	99.96	4,123	4,123
Interest	5/22/2014	5/22/2018	Federal Agencies	FHLB STEP NT	3133834P3	50,000,000	0.50	0.50	100.00	125,000	125,000
Interest	5/22/2014	6/22/2015	Federal Agencies	FFCB FLT NT 1ML+2	3133EAVE5	50,000,000	0.17	0.19	99.97	7,167	7,167
Interest	5/23/2014	5/23/2017	Federal Agencies	FNMA STEP NT CALL	3136G0GW5	50,000,000	0.85	0.73	100.58	212,500	212,500
Interest	5/24/2014	7/24/2017	Federal Agencies	FFCB FLT NT 1ML+4	3133ECV92	50,000,000	0.19	0.19	100.00	8,013	8,013
Interest	5/26/2014	5/26/2016	Federal Agencies	FNMA CALL NT	3135G0RZ8	22,540,000	0.55	0.55	100.00	61,985	61,985
Interest	5/27/2014	2/26/2016	Medium Term Notes	BTMUFJ FLT MTN 3ML+45	064255AK8	10,000,000	0.68	0.50	100.36	13,497	17,109
Interest	5/27/2014	11/27/2018	Federal Agencies	FNMA CALL	3136G1XY0	25,000,000	2.25	1.97	101.31	281,250	281,250
Interest	5/27/2014	6/24/2014	Negotiable CDs	RFC FLT YCD 1ML+11	78009NNK8	25,000,000	0.26	0.26	100.00	6,011	6,011
Interest	5/27/2014	4/27/2015	Federal Agencies	FFCB FLT NT 1ML+1.5	3133EAFP4	50,000,000	0.17	0.18	99.99	6,950	6,950
Interest	5/27/2014	2/27/2017	Federal Agencies	FFCB FLT NT 1ML+5.5	3133EDFW7	50,000,000	0.21	0.21	100.00	8,617	8,617
Interest	5/27/2014	4/25/2016	Negotiable CDs	WESTPAC FLT YCD 1ML+22	96121TWK0	50,000,000	0.37	0.37	100.00	17,064	17,064
Interest	5/28/2014	8/28/2014	Negotiable CDs	WESTPAC FLT YCD 1ML+9	96121TTS7	25,000,000	0.23	0.12	100.04	4,829	4,829
Interest	5/30/2014	11/30/2016	Federal Agencies	FHLB NT	313381GA7	23,100,000	0.57	0.57	100.02	65,835	65,835
Interest	5/30/2014	6/2/2014	Money Market Funds	FIDELITY INSTL GOVT PORT	316175108	25,002,884	0.01	0.01	100.00	212	212
Interest	5/30/2014	6/2/2014	Money Market Funds	MS INSTL GOVT FUND	61747C707	75,078,510	0.04	0.04	100.00	2,551	2,551
Interest	5/31/2014	11/30/2015	U.S. Treasuries	US TSY NT	912828PJ3	50,000,000	1.38	1.58	99.04	343,750	343,750
Interest	5/31/2014	11/30/2015	U.S. Treasuries	US TSY NT	912828PJ3	50,000,000	1.38	1.58	99.04	343,750	343,750
Interest	5/31/2014	11/30/2015	U.S. Treasuries	US TSY NT	912828PJ3	50,000,000	1.38	2.00	97.08	343,750	343,750
Subtotals						\$ 1,689,298,394	0.74	0.60	\$ 100.07	\$ 4,706,624	\$ 5,131,294

Grand Totals	15	Purchases
	(4)	Sales
	(11)	Maturities / Calls
	0	Change in number of positions

Non-Pooled Investments

As of May 31, 2014

Type of Investment	CUSIP	Issue Name	Settle	Maturity	Duration	Coupon	Par Value	Book Value	Amortized	
			Date	Date					Book Value	Market Value
State/Local Agencies	797712AD8	SFRDA SOUTH BEACH HARBOR	1/20/12	12/1/16	2.38	3.50	\$ 3,890,000	\$ 3,890,000	\$ 3,890,000	\$ 3,890,000
Subtotals					2.38	3.50	\$ 3,890,000	\$ 3,890,000	\$ 3,890,000	\$ 3,890,000
Grand Totals					2.38	3.50	\$ 3,890,000	\$ 3,890,000	\$ 3,890,000	\$ 3,890,000

NON-POOLED FUNDS PORTFOLIO STATISTICS

	Current Month		Prior Month	
	Fiscal YTD	May 2014	Fiscal YTD	April 2014
Average Daily Balance	\$ 14,461,814	\$ 3,890,000	\$ 15,539,861	\$ 3,890,000
Net Earnings	\$ 135,616	\$ 11,346	\$ 124,270	\$ 11,346
Earned Income Yield	1.02%	3.43%	0.96%	3.55%

Note: All non-pooled securities were inherited by the City and County of San Francisco as successor agency to the San Francisco Redevelopment Agency. Book value and amortized book value are derived from limited information received from the SFRDA and are subject to verification.

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: FW: I'm the 2,641st signer: "Stop SFMTA (San Francisco Municipal Transportation Agency)"

From: Wade Wright [mailto:petitions-noreply@moveon.org]
Sent: Monday, June 23, 2014 7:28 PM
To: Board of Supervisors (BOS)
Subject: I'm the 2,641st signer: "Stop SFMTA (San Francisco Municipal Transportation Agency)"

Dear San Francisco Board of Supervisors,

I just signed a petition addressed to you titled *Stop SFMTA (San Francisco Municipal Transportation Agency)*. So far, 2,641 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-23483-custom-39844-20240623-WYCJZe

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 "

My additional comments are:

Enough is really enough. Please fix MUNI, there is no possible way to be a transit first city without reliable public transit. Voters combined city agencies in the hope of lessened bureaucracy and a balanced civic transportation department. It is the shame of San Francisco that we live with these heavy handed policies today.

To download a PDF 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=1257232&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=1257232&target_type=custom&target_id=39844&csv=1

Wade Wright
San Francisco, CA

This email was sent through MoveOn's public 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 have any questions, please email petitions@moveon.org. 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.

From: Paul Bodner [petitions-noreply@moveon.org]
Sent: Thursday, June 19, 2014 6:57 PM
To: Board of Supervisors (BOS)
Subject: I'm the 2,637th signer: "Stop SFMTA (San Francisco Municipal Transportation Agency)"

Dear San Francisco Board of Supervisors,

I just signed a petition addressed to you titled *Stop SFMTA (San Francisco Municipal Transportation Agency)*. So far, 2,637 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-23483-custom-39844-20240619-hMtpL

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 "

My additional comments are:

Thanks. Now roll back the cost of the residential parking permit for MOTORCYCLES who are eco-friendly and use 1/10th the parking space of a car.

To download a PDF 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=1253762&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=1253762&target_type=custom&target_id=39844&csv=1

Paul Bodner
San Francisco, CA

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http://petitions.moveon.org/delivery_unsub.html?e=m0xZcWlJXzqH9ZTz_cNZWJvYXJkLm9mLnN1cGVydmIz b3JzOHNmZ292Lm9yZw--&petition_id=23483.

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: FW: I'm the 2,635th signer: "Stop SFMTA (San Francisco Municipal Transportation Agency)"

From: Susan Bernard [<mailto:petitions-noreply@moveon.org>]
Sent: Wednesday, June 18, 2014 11:19 AM
To: Board of Supervisors (BOS)
Subject: I'm the 2,635th signer: "Stop SFMTA (San Francisco Municipal Transportation Agency)"

Dear San Francisco Board of Supervisors,

I just signed a petition addressed to you titled *Stop SFMTA (San Francisco Municipal Transportation Agency)*. So far, 2,635 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-23483-custom-39844-20240618-GcCmkK

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 "

My additional comments are:

I oppose the SFMTA's anti-car attitude. Huge amounts of money are given over to the Bike Coalition demands; where is the fairness based on population and not ideology? There are next to no bikes in Paris which is flat. Why all the bike lanes in SF? We need a more balanced transportation policy to represent all citizens (including the marginally ambulatory like me, a senior citizen). I would not be able to visit Golden Gate Park without a car. I would not be able to take my grandchildren to school without a car. I would not be able to shop for groceries (without additional cost) without a car. Give me and most of the other middle class citizens of SF a break! --Susan Bernard

To download a PDF 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=1252185&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=1252185&target_type=custom&target_id=39844&csv=1

Susan Bernard
San Francisco, CA

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http://petitions.moveon.org/delivery_unsub.html?e=_m0xZcWlJXzqH9ZTz_cNZWJvYXJkLm9mLnN1cGVydm1zb3JzQHNmZ292Lm9yZw--&petition_id=23483.

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: FW: I'm the 2,634th signer: "Stop SFMTA (San Francisco Municipal Transportation Agency)"

From: Cindy Wilcox [mailto:petitions-noreply@moveon.org]
Sent: Tuesday, June 17, 2014 5:09 AM
To: Board of Supervisors (BOS)
Subject: I'm the 2,634th signer: "Stop SFMTA (San Francisco Municipal Transportation Agency)"

Dear San Francisco Board of Supervisors,

I just signed a petition addressed to you titled *Stop SFMTA (San Francisco Municipal Transportation Agency)*. So far, 2,634 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-23483-custom-39844-20240617-k6rbyY

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 "

My additional comments are:

Yah, I'll sign this petition but it doesn't go nearly far enough. Parking fees are too expensive including parking meters and permits and don't even get me started on parking tickets. If SFMTA's only goals were to fix Muni and balance Muni's budget this city should have asked the taxpayers for the money to do so instead of creating another corrupt bureaucracy. The citizens of San Francisco need to take back their city and abolish the SFMTA.

To download a PDF 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=1250749&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=1250749&target_type=custom&target_id=39844&csv=1

Cindy Wilcox
San Francisco, CA

This email was sent through MoveOn's public 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 have any questions, please email petitions@moveon.org. 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.

BOS-11
CPAG

June 13, 2014

TO: STATE, CITY AND LOCAL OFFICIALS

NOTICE OF APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY'S DEMAND RESPONSE DIRECT PARTICIPATION COST RECOVERY (A.14-06-001)

Summary

On June 2, 2014 Pacific Gas and Electric Company (PG&E) filed an application with the California Public Utilities Commission (CPUC) requesting approval for recovery of infrastructure cost associated with IT and administrative functions. These costs will be used to implement a procedure that allows bundled service customers to directly bid their reduction in electric usage into California's wholesale electricity markets. If approved, PG&E's application requests \$1.5 million to be collected in rates effective January 1, 2015.

Demand Response programs motivate electric customers through financial incentives to reduce their electric usage during high-demand periods and/or shift electric usage to other periods when electric demand is lower. This program increases electric reliability and reduces California's total power purchase costs. Previous CPUC Decision 12-11-025 required that PG&E allow Demand Response customers to schedule their electric load reductions directly with the California Independent System Operator (CAISO).

How will PG&E's application affect me?

If approved, this application would increase electric rates by less than one percent for the customers listed below:

- Bundled service customers, those who receive electric generation, as well as transmission and distribution service from PG&E.
- Direct access, those who only receive transmission and distribution service from PG&E.
- Community choice aggregation customers, those who only receive transmission and distribution service from PG&E.

A residential customer using the system wide average of 550 kWh per month would see an average bill increase of \$0.01 (or 0.01 percent), from \$95.39 to \$95.40. Actual bill impacts will vary depending on your electric usage.

How do I find out more about PG&E's application?

You can view PG&E's application and exhibits at www.pge.com/RegCases. Select "Demand Response Rule 24 Cost Recovery" from the Cases dropdown menu.

If you have questions about PG&E's application, please contact PG&E at **1-800-743-5000**. TDD/TTY users call **1-800-652-4712**. Para más detalles llame al **1-800-660-6789** (詳情請致電) **1-800-893-9555**

If you would like a copy of PG&E's application and exhibits, please write to PG&E at the address below:

Pacific Gas and Electric Company
Demand Response Direct Participation Cost Recovery
P.O. Box 7442
San Francisco, CA 94120

A copy of PG&E's application and exhibits are also available for review at the CPUC, 505 Van Ness Avenue, San Francisco, CA 94102, Monday-Friday, 8 a.m.-noon. PG&E's application (without exhibits) is available on the CPUC's website at www.cpuc.ca.gov/puc.

How does the CPUC's decision-making process work?

The application will be reviewed through the CPUC's formal process. The application will be assigned to a CPUC Administrative Law Judge (Judge). The Judge presides over the proceeding, which may include evidentiary hearings to give parties an opportunity to present evidence and cross-examine witnesses. Members of the public may attend but not participate in these hearings unless they are parties to the case. The hearings and documents submitted in the proceeding become part of the formal record that the Judge relies upon in writing a proposed decision to present to the five-member Commission for its consideration.

Any CPUC Commissioner may issue an alternate decision. The proposed and any alternate decisions are voted upon by the Commissioners at a CPUC meeting. The CPUC may adopt all or part of PG&E's request, modify it or deny the application.

If you would like to follow this proceeding or any other issue before the CPUC, you may utilize the CPUC's free and confidential subscription service. Sign up at: <http://subscribecpuc.cpuc.ca.gov/>.

If you would like to learn how you can participate in this proceeding, or if you have comments or questions, you may access the CPUC's Public Advisor's website at www.cpuc.ca.gov/puc and click on "Public Advisor" from the CPUC Information menu. You may also:

Email: public.advisor@cpuc.ca.gov	Call: 1-415-703-2074 or 1-866-849-8390 (toll-free)
Mail: Public Advisor's Office 505 Van Ness Avenue, Room 2103 San Francisco, CA 94102	TTY: 1-415-703-5282 or 1-866-836-7825 (toll-free)

If you are writing or emailing the Public Advisor's Office, please include the application number (14-06-001). All comments will be circulated to the Commissioners, the assigned Judge and the CPUC staff.

6

June 13, 2014

TO: STATE, CITY AND LOCAL OFFICIALS

NOTICE OF PACIFIC GAS AND ELECTRIC COMPANY'S APPLICATION TO RECOVER 2015 ENERGY PURCHASE COSTS (A.14-05-024) AND RETURN 2015 GREENHOUSE GAS REVENUE (A.14-05-025)

Summary

On May 30, 2014, Pacific Gas and Electric Company filed two separate applications with the California Public Utilities Commission (CPUC). The filings are separate requests to recover different types of energy-related costs, which are described below. If approved, both applications will affect electric rates and customers' electric bills.

Every year, PG&E estimates how much it will cost to purchase energy to meet its customers' electricity needs. This filing, known as the Energy Resource Recovery Account (ERRA) forecast, is Application 14-05-024. It includes the costs of fuel needed to generate electricity as well as the costs of buying electricity from third parties, such as renewable energy generators. In its application, PG&E requests an increase of \$319 million in electric rates to recover costs for 2015.

The second application, A.14-05-025, forecasts the revenues which will be returned to eligible customers from the sale of emissions allowances associated with California's greenhouse gas (GHG) reduction program. It also seeks to recover the forecasted administrative expenses associated with this state program. In its application, PG&E seeks to return approximately \$443 million to customers and asks to recover approximately \$1.4 million in administrative costs.

About these filings

If the CPUC approves these applications, PG&E will begin to recover its costs in electric rates, effective January 1, 2015. At the same time, PG&E will apply GHG revenue to rates, which will help lower eligible customers' bills.

PG&E does not profit from either application. In ERRA (A.14-05-024), the cost of energy is passed directly to PG&E's customers with no markup. Any revenue collected from the sale of GHG allowances will be returned to eligible customers through a credit on their bill or through a rate reduction. The exact amount of returned revenues may change based on market factors and are subject to regulatory approval. The legislature and CPUC has determined the order and method by which they are returned to customers. They are:

- First, to some industrial customers annually, via a fixed-amount bill credit.
- Then, to small business and residential customers each month, via a bill credit based on usage.
- Then, an additional credit for all residential households semi-annually, which will appear on customers' energy statement as the California Climate Credit.

Both filings have a system to track actual costs and revenues with forecasted costs and revenues.

How will PG&E's application affect me?

If the CPUC approves PG&E's request in the ERRA filing (A.14-05-024) it will increase rates. However, the GHG application (A.14-05-025), if approved, would offset this rate increase. Altogether, PG&E proposes to recover \$378 million from bundled service customers—those who receive electric generation as well as transmission and distribution services from PG&E.

A chart presenting a more illustrative description of the net impact on proposed changes in rates was sent directly to customers in June and July. The distribution of these rate changes to each customer class ultimately depends on the CPUC's final decisions.

If both applications are approved, PG&E estimates that a residential customer using 500 kWh per month would see an average bill increase of \$1.42 (or 1.9 percent), from \$74.44 to \$75.86. Individual customers' bills will differ. Eligible residential customers will receive a California Climate Credit twice a year in April and October on their electricity bills of approximately \$26.56.

How will PG&E's applications affect non-bundled customers?

Direct Access (DA) and Community Choice Aggregation (CCA) customers only receive electric transmission and distribution services from PG&E. Since PG&E does not buy energy for these customers, PG&E's applications do not affect their generation rates. However, DA and CCA customers are required to pay certain procurement-related charges, and eligible customers will receive GHG revenue. The net impact of PG&E's applications on DA and CCA customers is -\$9 million, or an average decrease of 1.3 percent. DA and CCA customers will receive their share of GHG revenues through their distribution rates. The revenues will offset their overall bills.

Another category of non-bundled customers is Departing Load customers. These customers do not receive electric generation, transmission or distribution services from PG&E for their departing load. However, like DA and CCA customers, they are required to pay certain procurement-related charges. The net impact on Departing Load customers is \$0.3 million, or an average increase of 1.1 percent.

How do I find out more about PG&E's proposals?

If you have questions about PG&E's filings, please contact PG&E at 1-800-743-5000. For TDD/TTY (speech-hearing impaired), call 1-800-652-4712. Para más detalles llame al 1-800-660-6789 (詳情請致電) 1-800-893-9555

If you would like a copy of PG&E's filings and exhibits, please write to PG&E at the addresses below:

Pacific Gas and Electric Company
2015 Energy Resource Recovery
Account and Generation
Non-bypassable Charges Forecast
P.O. Box 7442
San Francisco, CA 94120

Pacific Gas and Electric Company
Greenhouse Gas Revenue and Reconciliation Application
P. O. Box 7442
San Francisco, CA 94120

A copy of PG&E's filings and exhibits are also available for review at the CPUC, 505 Van Ness Avenue, San Francisco, CA 94102, Monday–Friday, 8 a.m.–noon. PG&E's filings (without exhibits) are available on the CPUC's website at www.cpuc.ca.gov/puc.

How does the CPUC's decision-making process work?

The filings will be reviewed through the CPUC's formal administrative law process. The filed proposals are assigned to a CPUC Administrative Law Judge (Judge). The Judge presides over the proceeding, which may include hearings to give parties of record an opportunity to present evidence or cross-examine witnesses. Members of the public may attend but not participate in these hearings unless they are parties to the case. The hearings and documents submitted in the proceeding become part of the formal record that the Judge relies upon in writing a proposed decision to present to the five-member Commission.

Any CPUC Commissioner may issue an alternate decision. The proposed and any alternate decisions are acted upon at a CPUC voting meeting. When the CPUC acts on the filing, it may adopt all or part of PG&E's request, modify it or deny the request.

If you would like to follow these proceedings or any other issue before the CPUC, you may utilize the CPUC's free subscription service. Sign up at: <http://subscribecpuc.cpuc.ca.gov/>.

If you would like to learn how you can participate in these proceedings, or if you have comments or questions, you may access the CPUC's Public Advisor's website at www.cpuc.ca.gov/puc and click on "Public Advisor" from the CPUC Information menu. You may also:

Email: public.advisor@cpuc.ca.gov Mail: Public Advisor's Office 505 Van Ness Avenue, Room 2103 San Francisco, CA 94102	Call: 1-866-849-8390 (toll-free) or 1-415-703-2074 TTY 1-866-836-7825 (toll-free) or 1-415-703-5282
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If you are writing or emailing the Public Advisor's Office, please include the proceeding number (ERRA, A.14-05-024; GHG, A.14-05-025). All comments will be circulated to the Commissioners, the assigned Judge and the CPUC staff.



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

**1 DR. CARLTON B. GOODLETT PLACE
ROOM 456, CITY HALL
SAN FRANCISCO, CALIFORNIA 94102**

BOS-11
page



**Ross Mirkarimi
SHERIFF**

June 17, 2014
Reference # 2014-070

To: Angela Calvillo
Clerk of the Board of Supervisors

From: Bree Mawhorter
Deputy Director/CFO *[Signature]*

Re: Waiver Request – Rapid Notify, Inc.

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PM

Pursuant to the San Francisco Administrative code Chapters 12B & 14B attached is a copy the Waiver Request Form (HRC Form 201) sent to the Contract Monitoring Division on 6/17/14.

The Sheriff's Department is requesting a waiver from Administrative Code Chapters 12B and 12C requirement for Rapid Notify, Inc.

This is a one year subscription fee which allows access to Rapid Notify, a proprietary emergency telecommunication system for San Mateo County. The System is fully automated and pre-programmed with all residential and business telephone numbers in that county. The system allows the Sheriff to initiate automated emergency telephone calls to residents and business of San Mateo County, with emergency information related to the San Francisco County Jails located in San Bruno.

If you have any questions about this request, please contact Mylan Luong at (415) 554-7236. Thanks you for your consideration of this matter.



BOS-11
cpage

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

1 DR. CARLTON B. GOODLETT PLACE
ROOM 456, CITY HALL
SAN FRANCISCO, CALIFORNIA 94102



**Ross Mirkarimi
SHERIFF**

Date: 06/17/14
Reference #2014-071

To: Angela Calvillo
Clerk of the Board of Supervisors

From: Bree Mawhorter
Deputy Director/CFO 

Subject: Request for Waiver of applicable San Francisco Administrative Code Requirements for Garbage Collection Services for the San Francisco County Jails in San Bruno, CA to Be Provided by Recology Peninsula Services, Vendor #16179 in the amount of \$120,000 for the Term July 1, 2014 to June 30, 2015.

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2014 JUN 18 PM 12:18
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The San Francisco Sheriff's Department (SFSD) requests your approval of the above referenced sole source request for the reasons set forth in this memo.

The San Bruno, CA Municipal Code Section 10.20.050 provides that San Bruno, CA City Council "may provide for the issuance of an exclusive permanent contract for the collection of garbage and rubbish with the city in the manner and upon the terms set forth in this chapter." Please refer to the language attached to this memo.

San Bruno Garbage Company is the company contracted by the City of San Bruno for garbage collection under the provisions of San Bruno's Municipal Code.

Please call Mylan Luong at 415-554-7236 with any questions you may have regarding this request.

Sole Source Waiver Request

Administrative Code Section 21.5(b) provides that commodities or services available only from a sole source shall be procured in accordance with Purchaser's regulations. Purchaser's regulations provide that, "If a department needs a commodity or service which is unique and which is known to be provided by only one vendor, then only one price quotation is solicited from the single vendor. The requesting department must submit documentation to the Purchaser justifying the transaction as a sole source. From time to time, the Purchaser may conduct a formal bid to determine the continuing validity of the sole source determination." (Procurement Instruction 12.06, Exhibit A, Section IX.D, dated April 28, 1989)

Directions: Use this form to justify a sole source transaction. The department requestor must complete the information below and attach a written memo with appropriate supporting documentation to justify this request. The memo must provide specific and comprehensive information that explains why the requested transaction should be considered a sole source. Departments are encouraged to consult with the Human Rights Commission and the City Attorney prior to submitting this request.

Department: **Sheriff** Date Submitted 6/17/14

Contact: **Mylan Luong** Phone: **554-7236**

Vendor Name: **Recology Peninsula Services** Vendor # **16179**

Type of Contract: Commodity Professional Service Non-Professional Service
Other

Amount: \$ **120,000** ADPICS Doc #:

Describe the product or service: **Municipal Garbage/waste collection services provided under contract with the City of San Bruno as the official garbage collection company for the sheriff's County Jail Facilities in San Bruno. Services include one 30 yard covered debris box 1x/month, one 30 yard compactor 1x/week, and two 1 yard bin 1x/month plus monthly rent.**

Has the Human Rights Commission granted a sole source waiver on this transaction? **No, vendor is compliant**
If yes, when was the sole source granted? Please attach a copy of the HRC Waiver.

Check the appropriate statement. Attach a memo and documentation to address the questions following each statement.

Goods or services are available from only one source.

Explain why this is the only product or service that will meet the City's needs. Why is this the only vendor or contractor that can provide the services or products? What steps were taken to verify that the goods or services are not available from another source? Explain what efforts were made to obtain the best possible price. Why do you feel the price to be fair and reasonable? How was this vendor chosen? How long has the vendor been providing goods or services for your department?

Only one prospective vendor is willing to enter into a contract with the City.

Explain why no other vendors are willing to contract with the City. If there are compliance issues, what have you done to get other possible sources to become compliant? Have you contacted HRC? Have you received a waiver from HRC?

Item has design and/or performance features that are essential to the department, and no other source satisfies the City's requirements.

Explain why the design/performance features are essential. Have you contacted other suppliers to evaluate items/services with similar features and capabilities? If no, explain why not. If yes, list the suppliers and explain why their goods or services do not meet the department's needs.

Licensed or patented good or service.

Provide proof that the license or patent limits the availability of the product or service to only one source.

Other:

INSTRUCTIONS:

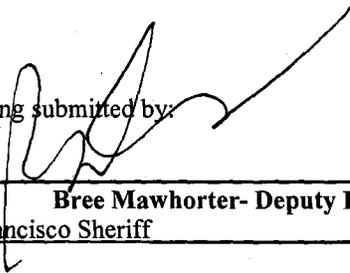
The Sole Source request must be approved before the department makes a commitment to the vendor, and before funds are encumbered. If the Sole Source request is denied, the department will be advised to conduct a competitive process to select the vendor/contractor. If the Sole Source request is to extend an existing professional service contract, attach a copy of the original contract and any prior sole source determinations made by HRC or Purchasing. When processing professional service contracts and modifications for signature, attach the approved sole source waiver form to the contract documents.

This form is required for every transaction, contract, or contract modification that the department wishes to be treated as a sole source. For additional information call the Purchaser assigned to your department.

The Department Head must sign this request before it is sent to OCA-Purchasing.

This Sole Source request is being submitted by:

Department Head Signature: _____



Bree Mawhorter- Deputy Diector/CFO

Date: _____

Name of Department: San Francisco Sheriff

OCA Review and Approval:

Sole Source Approved: _____

Sole Source Denied: _____

Reason for Determination

OCA Staff: _____

Date: _____

OCA Staff: _____

Date: _____

OCA Director: _____

Date: _____

San Bruno Municipal Code							
Up	Previous	Next	Main		Search	Print	No Frames

Title 10 MUNICIPAL SERVICES

Chapter 10.20 GARBAGE AND REFUSE

10.20.050 Authority of city to contract for garbage collection services.

A. The city council may provide for the issuance of an exclusive permanent contract for the collection of garbage and rubbish within the city in the manner and upon the terms set forth in this chapter.

B. Any person or firm to whom the city council shall grant a contract for the collection, hauling, gathering, and disposing of garbage and rubbish in the city shall be designated the official scavenger and garbage collector of the city.

C. Every person owning, occupying or in charge of any premises in the city shall, notwithstanding any other provisions of this chapter, engage such official scavenger and garbage collector for the collection and disposal of all garbage accumulating, retaining or existing upon any such premises.

D. The city council may from time to time make such arrangements as may seem proper with the official scavenger and garbage collector for the collection by the city or its agents of periodic garbage bills; provided, that in no event shall the city assume any responsibility or liability for the noncollection of any amount due, nor for any other act or omission of such scavenger and garbage collector in and during the collection of garbage and rubbish. (Ord. 1396 § 1, 1982; prior code § 14-3.5)

CITY of SAN BRUNO



Public Services

567 El Camino Real
San Bruno, CA 94066
Voice: (650) 616-7065
Fax: (650) 794-1443

Corporation Yard
225 Huntington Avenue
Phone (650) 616-7160
Fax (650) 873-0285

Public Services - Home

Divisions & Operations

Contractors & Homeowners

Streets & Stormwater

Wastewater

Water

Sustainability Programs

- Sustainability Programs - Home
- Recycling
- Sustainable Food Ware Ordinance
- Water Conservation
- Stormwater Pollution Prevention
- Garbage Collection

Projects

FAQ's

Contact Us

San Mateo County Fair

The San Mateo County Fair will take place June 8 through June 16. Be sure to visit the flowstobay.org Water Pollution Prevention booth to learn ways to prevent harmful materials from getting into our water systems!

[Click Here for more information](#)

San Bruno's Sustainability Programs



Reusable Bag Ordinance Update - 4/15/2013

On Earth Day, April 22, 2013, the San Bruno Reusable Bag Ordinance will launch, requiring that retailers no longer provide customers with single-use plastic carry-out bags. On that day, San Bruno joins other cities and counties that encourage the use of reusable bags, promoting healthier environments for citizens through the decreased use of single-use plastic bags.

Researchers have well documented the harmful impact to our environment and wildlife caused by single-use plastic bags. Plastic never biodegrades; instead it breaks down into smaller particles that seep into our soil and water. According to Save the Bay, approximately 1 million plastic bags enter San Francisco Bay each year, causing significant harm to water quality and wildlife.

Prior to the adoption of the Ordinance by the City Council, the City held outreach meetings with businesses and residents and received generally positive feedback. The ban will apply to all retail businesses in San Bruno, including grocery stores, convenience stores, pharmacies and other shops. It does not apply to plastic bags used for restaurant food take-outs or for produce, meats, bulk foods and prescription medicines. Shop owners are encouraged to return any unused plastic bags to their vendors for repurposing and/or refund.

If retail customers do not bring a reusable bag, the retailer will charge them a minimum of 10-cents per paper bag until January 1, 2015, after which a minimum 25-cents bag charge may apply. Shoppers using reusable bags are encouraged to practice "healthy bag habits" that include washing reusable bags regularly to remove bacteria and other potential food contaminants. Other recommendations for bag safety can be found on the San Mateo County Health System website.

A copy of the staff report with detailed information is available [here](#).

A copy of the Reusable Bag Ordinance is available [here](#).

Please contact the Public Services Department at (650) 616-7065 with any comments or questions.



Recycle Plastic Bags!
Find Your Nearest Drop-off Location [Click Here](#)

The City of San Bruno has for years taken a lead role on environmental issues, including early adoption of curbside recycling, adoption of a recycled-content purchasing policy, support of water conservation measures, local recycling information, and stormwater pollution prevention efforts.

The City annually sponsors events such as Clean Your Files Day (an Earth Day event to promote

recycling of office paper), Operation Clean Sweep (the City's annual litter clean-up event), and Coats for Kids (a reuse program for winter clothes). In addition, the City works closely with our franchised garbage and recycling hauler, Recology San Bruno and the County of San Mateo's recycling and hazardous waste programs.

San Bruno Recycles
every piece counts!

For more information about what you can do to reduce, reuse, and recycle, please click here, call Recology San Bruno at (650) 583-8536, or email the Public Works Department.

Please note: The City's franchise with Recology San Bruno is an exclusive agreement. This means that San Bruno residents and businesses are not allowed to select competing haulers for garbage or recycling services (including debris boxes). If you need any garbage or recycling services, please call Recology San Bruno at 583-8536. To report a problem with the service you receive from San Bruno Garbage, call the City Manager's office at 616-7056.





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

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ROOM 456, CITY HALL
SAN FRANCISCO, CALIFORNIA 94102

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**Ross Mirkarimi
SHERIFF**

June 17, 2014
Reference #2014-75

To: Angela Calvillo
Clerk of the Board of Supervisors

From: Bree Mawhorter
Deputy Director/CFD 

Re: Waiver Request – Chevron USA, Inc.

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PN

The Sheriff's Department is requesting a continuation of the waiver from Administrative Code Chapters 12B and 12C requirement for the purchase of gasoline using Chevron USA cards.

While department staff are instructed, and expected to, use City-operation gasoline stations whenever possible (or appropriate natural gas dispensing facilities for CNG vehicles), some Sheriff's Department employees use City Vehicles to travel distances outside the City, requiring a convenient purchasing mechanism, such as a gasoline credit card, to refuel their vehicles.

Examples of such trips include transporting prisoners to Atascadero State Hospital and other remote locations, doing background checks of potential deputy hires who live some distance from the City, trips to Sacramento for mandated meetings, and out-of-county witness interviews and/or other investigations into alleged wrongdoing by department staff and/or prisoners in custody.

We are unaware of any gasoline credit card company that is compliant with Chapter 12B and 12C.

If you have any questions about this request, please contact me at (415) 554-4316. Thanks you for your consideration of this matter.

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2014 JUN 18 PM 2:52

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

Dear Board of Supervisors,

I am writing to inform you that unless all Sharp Park Golf Course redevelopment projects and management proposals derived from A18 are removed from the SNRAMP CEQA process, SAVE THE FROGS! will oppose SNRAMP's approval. We have reached this conclusion after carefully weighing the SNRAMP's conservation benefits against the environmental harm that will be wrought by A18. It is clear that the proposed conservation benefits SRNAMP may bring to the City's other natural areas are greatly outweighed by the concrete harms that A18 will impose on Sharp Park's amphibians.

This conclusion is based on, among other considerations, (a) the fact that the natural areas program, which we support in principle, already has authority to implement the DEIR's proposed conservation projects in most of the City's natural areas, and therefore adopting the SNRAMP DEIR as currently proposed will provide no additional conservation benefit to these areas; (b) the few areas where additional conservation gains would be authorized are analyzed only at the "program" level, which means some subsequent, significant environmental review document will be required before those projects move forward, making those projects subject to further delay, expense, and uncertainty; and (c) the Sharp Park Golf Course redevelopment project, in contrast, is analyzed at the "project" level and would therefore not require additional CEQA review before it is implemented: and yet A18 was not subject to all of CEQA's required review procedures and not a single alternative to A18 was considered in the DEIR.

A18 has been heavily criticized by scientists, conservation groups, and community park advocates in both 2009 and 2011 because of its harmful impacts on imperiled wildlife and the economic sustainability of the Recreation and Park Department. SAVE THE FROGS! is not willing to sacrifice Sharp Park, unquestionably the Recreation and Park Department's most ecologically and biologically important natural area, to this ill-conceived project for a vague promise of conservation benefits in other areas. Yet this is what SNRAMP DEIR's preferred alternative currently offers. The vast majority of California's wetlands have been destroyed; Sharp Park is home to federally protected, endangered California Red-Legged Frogs (*Rana draytonii*), an iconic amphibian that the Board of Supervisors should work to protect, rather than to kill, harm and harass, which is what happens when the City pumps the Sharp Park Wetlands out to sea and their egg masses get stranded on dry land.

I therefore reiterate that SAVE THE FROGS! will oppose adoption of the SNRAMP DEIR unless all Sharp Park Golf Course redevelopment projects and management proposals derived from A18 are removed from the SNRAMP CEQA process.

Sincerely,

Kerry Kriger

Dr. Kerry Kriger

15-June-2014



Dr. Kerry Kriger
Executive Director
831-621-6215

2524 San Pablo Avenue
Berkeley, CA 94702 USA
E-mail: kerry@savethefrogs.com

savethefrogs.com

BOS-11, cpage

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

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2014 JUN 20 PM 2:48

June 17, 2014

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 180.6, Title 14, California Code of Regulations, relating to a minimum hole diameter for commercial hagfish traps, which will be published in the California Regulatory Notice Register on June 20, 2014.

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

Dr. Craig Shuman, Manager, Marine Region, Department of Fish and Wildlife, telephone number (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment



**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 8403 and 9022 of the Fish and Game Code and to implement, interpret or make specific said sections of said Code, proposes to add Section 180.6, Title 14, California Code of Regulations (CCR), relating to Pacific hagfish traps.

Informative Digest/Policy Statement Overview

Current statutes, California Fish and Game Code Sections 9000.5(a)-(d), 9001, and 9001.6, define the types of traps used in the hagfish fishery, require a general trap permit, specify maximum number of traps allowed by type, and prohibit possession of other species or gear while targeting or having in possession hagfish. No statute or regulation exists requiring a minimum hole diameter for hagfish traps.

The proposed regulation would require all traps used within the hagfish fishery to have a minimum hole diameter of 9/16 inch. Its purpose is to sustain the hagfish resource by promoting escapement of smaller, immature hagfish.

BENEFITS OF THE PROPOSED ACTION:

The proposed regulation benefits the environment. Adoption of measures to ensure escapement of immature hagfish will help maintain sufficient populations of hagfish to ensure the continued sustainability of this resource.

EVALUATION OF INCOMPATIBILITY WITH EXISTING 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 the commercial take of finfish using traps (sections 8403 and 9022, Fish and Game Code). No other State agency has the authority to promulgate commercial fishing regulations. The proposed regulations are compatible with sections 180, 180.2, 180.4 and 180.5, Title 14, CCR, which address other aspects of commercial take of finfish using traps. The Commission has searched the CCR for any regulations regarding trap hole size diameter for the commercial take of hagfish and has found no such regulation; therefore the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.

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 Hilton San Diego Mission Valley, 901 Camino del Rio South, San Diego, California, on Wednesday, August 6, 2014 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 24, 2014 at the address given below, or by e-mail to FGC@fgc.ca.gov. Written comments mailed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 4, 2014. All comments must be received no later than August 6, 2014, at the hearing in San Diego, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number.

Craig Shuman, Regional Manager, Marine Region, Department of Fish and Wildlife, phone (805) 568-1246, 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. 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 businesses, including the ability of California businesses to compete with businesses in other states. This is an export-only fishery, with very few participating fishery receivers. The demand from the primary importing country has been stable for several years and is increasing.

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

No impacts are anticipated on the creation or elimination of jobs within the state, the creation of new businesses or elimination of existing businesses, or the expansion of businesses in California. The commercial fishery is influenced primarily by the foreign market demand for hagfish.

There is no anticipated change in benefit to the health and welfare of California residents. The fishery is entirely for foreign export, so the regulation is unlikely to affect the health and welfare of California residents.

The proposed regulation does not affect worker safety.

There are anticipated benefits to the environment by the sustainable management of California's hagfish resource.

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

The Commission anticipates minor costs to some hagfish fishermen to drill larger holes in their current traps. Some fishermen already comply but the number is not known. The cost for the work to comply is estimated to be \$500.00 per fisherman.

(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: June 6, 2014

BOS-11, page

Commissioners
Michael Sutton, President
Monterey
Richard Rogers, Vice President
Santa Barbara
Jim Kellogg, Member
Discovery Bay
Jack Baylis, Member
Los Angeles
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
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SAN FRANCISCO
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June 20, 2014

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending sections 200.12, 200.29 and 200.31, Title 14, California Code of Regulations, relating to the prohibition of the use of tiger salamanders as bait, which are published in the California Regulatory Notice Register on June 20, 2014.

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

Additional information and all associated documents may be found on the Fish and Game Commission website at www.fgc.ca.gov.

Laura Patterson, Wildlife Branch, phone (916) 341-6981, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Jon D. Snellstrom
Associate Governmental Program Analyst

Attachment

**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 2000, 2000.5, 2001, 2013, 2120, 2121, 2122, 2270, 2270.5, 2271, 2272, 6300, 6301, 6303, 6306, 6401, 8437, 8461, 8462, 8463, 8490, 8491, 15005, 15006 and 15101, Fish and Game Code.; proposes to Amend Sections 200.12, 200.29, and 200.31, Title 14, California Code of Regulations (CCR), relating to Tiger Salamander.

Informative Digest/Policy Statement Overview

Current regulations in sections 200.12, 200.29, and 200.31, Title 14, California Code of Regulations (CCR), provide for the legal use of waterdogs (i.e. tiger salamanders) as freshwater bait fish. These current regulations conflict with subsection 671(a) which specifies that it is "unlawful to import, transport, or possess" restricted species including tiger salamanders, which are listed in subsection 671(c)(3)(C)1.

The Commission proposes to remove the conflicting provisions in these sections from the regulatory text.

Benefits of the regulations

The benefits of the amended regulations, which remove references to "waterdogs" in sections 200.12, 200.29, and 200.31, will be in making these sections consistent with subsection 671(a). This will resolve any public confusion over the illegal use of waterdogs as bait in California.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government. The amended regulations clarify for the public that the use of waterdogs as bait is not permitted in the state.

Evaluation of incompatibility with existing regulations

The Commission has reviewed the Title 14, CCR, and conducted a search of any similar regulations on this topic and has concluded that the proposed amendments to sections 200.12, 200.29, and 200.31 are neither inconsistent nor incompatible with existing state regulations. The changes will resolve existing inconsistencies with Section 671.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be at the Hilton San Diego Mission Valley 901 Camino Del Rio South, San Diego, California, on Wednesday, August 6, 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 July 24, 2014 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on July 31, 2014. All comments must be received no later than August 6, 2014 at the hearing in San Diego. 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 Jon Snellstrom at the preceding address or phone number. **Laura Patterson, Wildlife Branch, phone (916) 341-6981, 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. 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 Businesses, 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, because the amendments merely make existing regulations in these sections consistent with the prohibited use of these animals which are listed as a restricted species subsection 671(c)(3)(C)1.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California, because the amendments merely make existing regulations in these sections consistent with the prohibited use of these animals which are listed as a restricted species subsection 671(c)(3)(C)1.

The Commission does not anticipate benefits to the health and welfare of California residents or to worker safety because the proposed amendments do not affect health, welfare, or safety.

The Commission anticipates benefits to the state's environment because the amendments make existing regulations in these sections consistent with the prohibited use of these animals which are listed as a restricted species (subsection 671(c)(3)(C)1.) due to their detrimental effects on native wildlife.

(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

Dated: June 10, 2014

Sonke Mastrup
Executive Director



City and County of San Francisco
DEPARTMENT ON THE STATUS OF WOMEN



BOS-11
 page
 RECEIVED
 SAN FRANCISCO

Emily M. Murase, PhD
 Executive Director

2014 JUN 17 AM 9:09
 Edwin M. Lee
 Mayor

AK

Date: June 9, 2014
To: ✓ Linda Wong, Clerk of the Budget and Finance Committee, Board of Supervisors
CC: Jason Elliot, Director of Legislative and Government Affairs, Office of Mayor Lee
Thru: Dr. Emily Murase, Executive Director
From: Elizabeth Laferriere, Legislative Director
Re: Sugar-Sweetened Beverage Tax Ordinance, BOS File No. 140098

It is the charter mandate of the Department on the Status of Women to provide analysis to the Mayor and the Board of Supervisors regarding legislation that impacts women and girls. The Sugar-Sweetened Beverage (SSB) Tax Ordinance falls under this mandate.

SSBs like soda, juice drinks, and sports drinks, pose health risks to all consumers, although some risks impact girls and young women more so or differently than boys and young men. These health risks relate to young girls' physical health and psychosocial development. First, SSBs negatively impact young girls' bone development: a 2009 study found that drinking SSBs triples girls' risks of bone fractures.¹ SSB intake is also associated with a reduction of milk consumption, lowering bone mineral density. Half of adult bone mass is grown during adolescence so it is critical that young girls develop healthy bones.²

Further, SSBs contribute to obesity and diabetes rates, as each additional SSB serving increases a child's risk of obesity by 60%.³ In addition to physical ailments such as diabetes and asthma, childhood obesity contributes to body dysmorphia, decreased confidence, and the likelihood of eating disorders, conditions which disproportionately harm girls.⁴ Among Californian third-graders, 35% of girls report a desire to lose weight, and 24% report dieting with the intent to lose weight.⁵ Consumption of SSBs is also linked to mental problems in adolescents including hyperactivity, mental distress, and conduct problems, for which girls are disproportionately penalized.⁶ Limiting girls and young women's SSB consumption, as well as encouraging nutritious eating and play, therefore significantly impact their physical health and positive self-image.

Beyond its influence on girls' current well-being, the health consequences and likelihood of SSB consumption follows young girls into womanhood. The beverage consumption patterns of girls at age 9 predict their patterns at age 19, and, on average, girls' rates of drinking milk decrease while those of drinking soda increase over time.⁷ Numerous health problems are connected to adult women's consumption of SSBs, including uterine, endometrial, and breast cancers. Additionally, women who drink 2 servings of SSBs a day have a 26% greater risk of developing Type 2 diabetes than those who do not.⁸

Further, pregnant women who drink SSBs transfer the consequences of consumption to the next generation. The teenagers of women who gain excessive weight during their pregnancies are more likely to be obese than those who gain a moderate amount of weight, even when controlling for eating habits and genetic predisposition to obesity, indicating a significant impact of prenatal environment on teenage obesity.⁹ Moreover, research suggests that diabetic mothers' high blood sugar during pregnancy may also predispose their children to diabetes.¹⁰

In these ways, a decrease in SSB intake not only benefits girls and young women in the short term—it also significantly impacts their long-term health and the well-being of their children. Discouraging the choice of consuming SSBs while encouraging nutritious eating habits would have far-reaching benefits for girls, young women, adult women, and future generations. Funding after-school physical activities and healthier eating through this tax would magnify those effects and provide more opportunities for girls to engage in important health education.

Therefore, the Department generally supports the May 2014 draft of the Tax on Sugar-Sweetened Beverages, BOS File No. 140098. However, Sec. 557, which mandates an annual expenditure report, lacks any distinct requirement to evaluate the Fund's equitable allocation. Currently, the proposed oversight committee is tasked with analyzing programming to identify community needs and inform the optimal use of the Fund. In performing said analysis, **the committee should be required to analyze the gender, race, and socioeconomic indicators of the children benefiting from the fund so as to ensure its fair distribution.** The Department would also request that **some of the funding be directed to programs that promote a healthy self-image.**

If enacted, this small but meaningful intervention would promote health improvements for thousands of women and girls.

Please direct any questions to Legislative Director Elizabeth Laferriere at (415) 252-2578 or elizabeth.laferriere@sfgov.org.

¹ Wyshak, G. (2009). <http://www.ncbi.nlm.nih.gov/pubmed/10850510>

² Weaver, CM. (2008) <http://www.ncbi.nlm.nih.gov/pubmed/18296321>

Gortmaker, S. et al. (2009). <http://www.rwjf.org/content/dam/farm/reports/reports/2009/rwjf50143>

³ Schulze M.B., et al. (2010). <http://www.ncbi.nlm.nih.gov/pubmed/15328324>

⁴ Strauss R.S. (2000). <http://www.ncbi.nlm.nih.gov/pubmed/10617752>

⁵ Robinson, T.N. et al. (2001). <http://www.ncbi.nlm.nih.gov/pubmed/11174614>

Girls Incorporated. (2007). <http://www.girlsinc.org/sites/default/files/downloads/girlsandtheirbodies.pdf>

⁶ Lien L. et al. (2006). <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1586153/>

⁷ Striegel-Moore, R.H. et al. (2006). <http://www.ncbi.nlm.nih.gov/pubmed/16492426>

Fiorito, L.M., et al. (2010). <http://www.ncbi.nlm.nih.gov/pubmed/20338280>

⁸ Schliep, K. et al. (2013). <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3578404/>

Malik V. et al. (2010). <http://care.diabetesjournals.org/content/33/11/2477.full>

⁹ Paul, A. (2010). <http://time.com/84145/how-the-first-nine-months-shape-the-rest-of-your-life/>

¹⁰ Ibid.

From: Kit Kubitz [mesondk@yahoo.com]
Sent: Monday, June 23, 2014 8:54 AM
To: Yee, Norman (BOS); Wiener, Scott; Tang, Katy (BOS); Eric.Mar@sfgov.org; Farrell, Mark (BOS); Cohen, Malia (BOS); Chiu, David (BOS); Campos, David (BOS); Breed, London (BOS); Avalos, John (BOS); jacquie proctor; Board of Supervisors (BOS)
Subject: Reasons to reject, or request modification of ROSE Section 4.2
Attachments: SFBOS Land Use Jun16.docx; Ltr_to_Mayor_Lee_re_Mt_Davidson_1-27-2014-2.pdf

Dear San Francisco Supervisors

Enclosed is the letter which I previously submitted to the BOS Land Use Committee requesting modification or rejection of Sec. 4.2 of the Recreation and Open Space Element (ROSE) modification to San Francisco's General Plan. While not able to attend the meeting, I reviewed both the supporting reports from the San Francisco Planning Department and other related Departments including the Park and Recreation Department. They suggested that the proposed ROSE was a) the subject of extensive public discussion and hearings and balanced and b) within the purview of the Planning Department to present a proposal which was not subject to language modification by the Board of Supervisors. Neither of these propositions is correct or supportive of Element 4.2.

I gave three reasons in the letter to the Land Use Committee for not adopting a ROSE plan modification containing 4.2 without substantial modification including: lack of clarity of intention, limits and consequences of 4.2, unless clarified; premature implementation of 4.2 as a policy prior to completion of the Significant Natural Area Resource Management Plan EIR, and lack of legal authority for 4.2 without further review.

The presenting agencies at the Land Use Committee suggested that element 4.2 was balanced, and represented a lengthy public process as a consensus. However, the vast majority of the public comments at the Land Use Committee were opposed to 4.2, and the result was NO RECOMMENDATION by the Land Use Committee after questioning by Supervisors Wiener and the other members.

I suggest that Section 4.2 has not been fully publicly vetted, is opposed by significant community groups and segments, and should not be adopted without modification. In terms of the claim that the Planning Department has control of the language of the ROSE, the BOS is the ultimate authority on ordinances and policies in San Francisco, and if

it does not wish to adopt the ROSE with Section 4.2 as written, it can send the ROSE back to the Planning Department for modification as directed by the BOS. The San Francisco Board of Supervisors should not be presented a fait accompli by its City Departments.

My reasons for suggesting Element 4.2 of the ROSE may lead to unintended consequences or results as exemplified by the following circumstances. As part of a recent federal rule making by the US Fish and Wildlife Service, critical habitat was established for a plant, the Franciscana manzanita, despite numerous public comments about the need for preservation of San Francisco Parks for recreational use.

Incredibly, in the Final Rule establishing Franciscan Manzanita critical habitat, 73 acres were added based on recommendations and information from the San Francisco Park and Recreation Department, which had not been included in the original proposal. These 73 additional acres in McClaren Park and Diamond Heights were never the subject of public hearing, notice or comment. No San Francisco resident was ever given the opportunity by the Park and Recreation Department to evaluate, comment on, or protest the selection of this additional acreage. This recommendation and consignment of SF Park land to a potential federal use restriction was made without any public, Park Commission, or BOS approval or hearing process.

This is the type of staff action which might be permitted under Element 4.2, unless clarified.

ADDITION OF 73 ACRES TO CRITICAL HABITAT BY SF PARK AND REC

See the following excerpt from the USFWS rule making. According to the June 28, 2013 proposal for critical habitat for Franciscan Manzanita,

“Revisions to Proposed Critical Habitat Designation
On September 5, 2012, we proposed 11 units, consisting of approximately 318 ac (129 ha) in City and County of San Francisco, California, as critical habitat for *Arctostaphylos franciscana* (77 FR 54517). As stated above, we are correcting the acreage of the original proposal to a total of 197 ac (80 ha).

We are now proposing to increase the designation by approximately 73 ac (30 ha) to a total of approximately 270 ac (109 ha) in 13 critical habitat units in the City and County of San Francisco, California. We propose this increase based on additional information on habitat suitability that San Francisco Parks and Recreation Department (SFPRD) staff provided to us.

The additional areas include: Two subunits in Unit 9 (Diamond Heights) so that the unit now consists of three subunits; and two new units at McLaren Park: Unit 12 (McLaren Park East), which consists of two subunits, and Unit 13 (McLaren Park West). Below, under Revised Proposed Critical Habitat: Additional Units, we provide an updated unit description for proposed Unit 9 and unit descriptions for proposed Units 12 and 13."

SNARMP STILL UNDER REVIEW

At the same time, the SNARMP is still undergoing environmental review, and identifies, in the current draft, on the Planning Department EIR and Negative Declaration website, the "maintenance alternative" rather than the "maximum restoration" alternative as the environmentally preferred alternative for the City's parks. Element 4.2 should not be adopted to be used as a basis for biasing or modifying the SNARMP to ratchet up the "maximum restoration" alternative over the maintenance alternative in the SNARMP EIR process.

See the following descriptions of San Francisco land use for parks including recreational use in the SNARMP which may have been affected by the Park and Rec staff decision to include areas such as McLaren Park as critical habitat:

- "Mount Davidson, the highest point in San Francisco, is in south-central San Francisco. Elevations range from approximately 600 to 900 feet above sea level. Developed facilities are minimal and include trails, access roads, a bus turnaround, Works Progress Administration (WPA) stairs and retaining walls, a water tank, and the cement cross (owned by the Council of Armenian-American organizations of Northern California and not part of the Natural Area). Forests dominate the landscape at Mount Davidson, covering three-quarters of the Natural Area (SFRPD 2006). As a highly visible focal point within the City that supports a diverse array of habitats, plants, and animals, Mount Davidson has high natural resource and recreational values for the citizens of San Francisco, include City views, high levels of recreational trail use, and extensive urban forest (SFRPD 2006).
- McLaren Park is near the southeast corner of San Francisco. Elevations in McLaren Park range from approximately 100 and 125 feet above mean sea level in the southern and northern corners of the park to just over 525 feet above mean sea level along Mansell Street. Recreation facilities within McLaren Park include over 11 miles of trails, tennis courts, ball fields, a golf course, picnic areas, overlooks, and an amphitheater. The Natural Area at McLaren Park is composed of grassland, scrub,

and tree-dominated vegetation series. As one of the largest Natural Areas in the City, McLaren Park has high natural resource and recreation values for San Franciscans, including trails, scenic views, and extensive grasslands (SFRPD 2006)."

For all of the reasons stated above, the ROSE should not be adopted if it contains element 4.2 as proposed. Section 4.2 should be sent back to the Planning Department for some or all of the following modifications

Add: "This element 4.2 should not be used to allocate, modify use of, or consign any San Francisco Park land to any federal use, critical habitat, or federal program controlling land use. There are already multiple federal land use programs neighboring San Francisco including the Presidio and Golden Gate National Recreation Area. Element 4.2 should not be used to convert multi-use recreation areas to single use or purpose areas, or by restricting public access, without notice, public hearing, and San Francisco Board of Supervisors Approval."

I request that the Clerk of the Board of Supervisors include these comments in the record and provide copies to the BOS for use in consideration of the ROSE plan modification including proposed element 4.2

Kermit R. Kubitz
415-412-4393
mesondk@yahoo.com



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

Miraloma Park Improvement Club

January 27, 2014

Mayor Edwin M. Lee
City Hall,
Room 200,
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Mayor Lee,

The Miraloma Park Improvement Club, incorporated in 1935, has a 2,200 home constituency on the slopes of Mt. Davidson and a membership of approximately 500 residents. We are proud of our long history of close collaborative work with City agencies. We actively advocated for preservation of O'Shaughnessy Hollow as a biologically significant natural area and also for the inclusion of a natural areas plan in the City's Master Plan. In addition, we have supported native plant propagation and conservation on Mt. Davidson and work with the SFPD to ensure that this beautiful park is safe for all to enjoy.

The MPIC has written numerous letters to the General Manager of the Recreation and Parks Department expressing concern about the Natural Areas Program activities currently in process that have not been responded to. MPIC is also opposed to the proposed for expansion in the Significant Natural Resource Areas Management Plan (SNRAMP) for Mt. Davidson Park and as evaluated in the SNRAMP Draft EIR. The Club's DEIR letter stated opposition to the SNRAMP project and maximum restoration alternative. It offered support of the Maintenance or Maximum Restoration Alternatives with certain conditions such as no fencing, herbicide use, or net tree loss.

Since submittal of the Club's DEIR comment letter, Professor Joseph McBride (Department of Environmental Science, Policy, and Management, UC Berkeley) who has completed numerous scientific studies of the San Francisco eucalyptus and Monterey cypress forests for the Presidio and Golden Gate National Recreation Areas, has found significant flaws in the forest management plan included in the Significant Natural Resource Areas Management Plan for Mt. Davidson Park. See the attached June 29, 2013 letter of Professor McBride to the San Francisco Recreation and Park Department wherein he concludes that removal or thinning of trees in Mt. Davidson is not scientifically justified.

Mt. Davidson Park was created in 1929 in response to a three-year community campaign to preserve the historic Sutro Forest and provide a recreational area for the West of Twin Peaks District. We find the current SNRAMP plans to be inconsistent with these goals. We are also concerned about the dissension that the Plan has caused within the community. The SNRAMP EIR process will also not provide a mechanism for elimination of the proposed tree cutting in Mt. Davidson Park. Whereas Professor McBride has concluded that removal or thinning of trees in Mt. Davidson is not scientifically justified. Therefore, to address these concerns, we request that the following Mt. Davidson Park Management Areas identified in the SNRAMP Figure 6.2 (attached) as MA-1c, MA-2c, MA-2e, and MA-3a be removed from the Natural Areas Program designation and returned to regular City park recreational and

maintenance status under the supervision of the Recreation and Park Department Forestry Division as was originally intended in the Park's creation.

Mount Davidson Park is the last significant remnant of the historic Sutro forest on City land. Because the forest has significant historical associations and defines the character of the surrounding neighborhoods, it meets most of the criteria for protection by the City's Landmark Tree Ordinance as an historic cultural resource. The Recreation and Park Department should be directed to fulfill its stewardship responsibility and submit the 30.1 acre forest portion of the park to the Urban Forestry Council for landmark designation.

MPIC supports the non-forested areas of Mt. Davidson Park (Management Areas MA-1a, MA-1b, MA-2a, MA-2b, and MA-2d) remaining as a designated Natural Area and subject to the SNRAMP Maintenance or Maximum Recreation alternatives with conditions.

Thank you for your consideration.

Best regards,

A handwritten signature in black ink, appearing to read 'R. Gee', written over a horizontal line.

Robert Gee
President

Attachments

cc:

Supervisor Norman Yee
City Attorney Dennis Herrera
Senator Diane Feinstein
Representative Nancy Pelosi
SF Recreation and Park Department
SF Urban Forestry Council
SF Park, Recreation and Open Space Advisory Committee
West of Twin Peaks Central Council

To: San Francisco Board of Supervisors
Land Use Committee

From: Kermit R. Kubitz

Re: Recreation and Open Space Element (ROSE)
Amendment Section 4.2 - Reasons to reject

Dear Sir or Madam

This letter, being submitted to the San Francisco Board of Supervisors (BOS) Land Use Committee via the Clerk of the BOS is to summarize a number of reasons, both as policy and legally, the adoption of the Recreation and Open Space Element (ROSE) of the SF General Plan should not include section 4.2

Section 4.2 appears to direct and allow the City of San Francisco to inventory open space, including private property, for determination and inclusion as areas for native plant gardening or restoration, and to develop management plans for such newly determined areas that correspond to the Natural Areas Program (NAP)

There are three basic reasons why Section 4.2 should not be adopted at this time, but should be either modified or rejected.

First, the scope and limits on the actions intended or authorized by Section 4.2 are not clear, and should be more clearly delineated to exclude areas which members of the public, community groups such as the Miraloma Park Improvement Club, or private property owners may not wish to have included, for a variety of reasons, in any native plant restoration program. More clearly specifying the scope, and appropriate limitations of Section 4.2 would aid public understanding of the intent of the City and protections for its citizens who may or may not wish to participate in such programs.

Second, the adoption of such an element of the San Francisco plan for recreation and open space has already been part of a controversy. Numerous citizens have voiced objections to the Department of Parks and Recreation's Significant Natural Resources Area Management Plan (SNRAMP), and commented on the Environmental Impact Report (EIR) for the SNRAMP. This EIR, which has been repeatedly delayed, found in the last available public draft that a "maintenance alternative" was the environmentally superior option compared to the "maximum restoration alternative" the alternative being pushed by the Department of Parks and Recreation.

The Miraloma Park Improvement Club (MPIC) is on record, in a letter dated January 27, 2014, to Mayor Ed Lee, as opposing the maximum restoration alternative, and has written numerous letters to the General Manager of the Recreation and Parks Department expressing concern about the Natural Areas Program (NAP). Little or no response from the Rec and Parks Department has been received, despite these repeated expressions of community concern. The MPIC's letters have also cited the reports of Professor Joseph McBride, Department of Environmental Science, Policy, and Management, UC Berkeley, who found significant flaws in the forest management plans included in the SNRAMP for Mt. Davidson Park. The fact that these concerns have been raised repeatedly, supported by documentation (a June 29, 2013 letter from Professor McBride to the SF Rec and Park Dept.), and not responded to does not lead to confidence that an ambiguous and unlimited planning element such as Section 4.2 will not be overused or employed as justification for undesired and unknown City actions affecting our and other neighborhoods.

Third, and finally, it is not clear that the proposed Section 4.2 does not constitute an action which either requires an Environmental Impact Report (EIR) or would be considered an action covered by the EIR process for the SNRAMP. As noted above, the EIR has not

been completed for the SNRAMP, the Draft EIR found a maintenance alternative to be the environmentally superior alternative compared to a maximum restoration alternative, and Section 4.2 would appear to shortcut that policy choice before completion of the SNRAMP EIR process. This is neither good policy nor legally permissible, i.e. adoption of a policy related to choices covered under the SNRAMP before completion of the EIR.

For the reasons stated above, I request that adoption of a Recreation and Open Space Element containing the Section 4.2 as presently included either not be adopted at this time, or be significantly modified to reflect community concerns about its scope and meaning. As a general matter, it may be well not to adopt this Section 4.2 at all until the SNRAMP EIR is reissued for public comment and an informed public discussion can be held.

Respectfully submitted, for inclusion in the record of the
SFBOS Land Use Committee June 16, 2014

Kermit R. Kubitz
Resident of San Francisco in Sherwood Forest/Miraloma Park
415-412-4393
mesondk@yahoo.com

BOS-11

From: mari [mari.eliza@sbcglobal.net]
Sent: Thursday, June 19, 2014 9:19 PM
To: Lee, Mayor (MYR)
Cc: Board of Supervisors (BOS)
Subject: Thanks for free Sundays

To be delivered by email to the following:

Mayor Ed Lee – MayorEdwinLee@sfgov.org
Board of Supervisors – Board.of.Supervisors@sfgov.org

June 14, 2014

RE: Thank You for Free Sunday Parking.

Dear Mayor and Supervisors,

Thank you for listening to the public outcry for free Sunday parking and returning San Francisco to that welcome tradition.

Sincerely,

Mari Eliza, Grateful San Francisco citizen

BOS-11

From: Oussama Sekkat [osekkat@gmail.com]
Sent: Thursday, June 19, 2014 8:40 PM
To: Lee, Mayor (MYR); Board of Supervisors (BOS)
Subject: RE: Thank You for Free Sunday Parking.

Dear Mayor and Supervisors,

Thank you for listening to the public outcry for free Sunday parking and returning San Francisco to that welcome tradition.

Sincerely,

Grateful San Francisco Citizen

Subject: File No. 140522 Appeal of the statutory exemption granted for elimination of parking meter fees on Sunday afternoons
Attachments: SC Letter Sunday Parking EIR 05-26-2014.pdf

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

From: Sue Vaughan [mailto:susan.e.vaughan@sonic.net]
Sent: Tuesday, June 10, 2014 10:05 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Chiu, David (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Wiener, Scott; Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Cc: Board of Supervisors (BOS); Calvillo, Angela (BOS); Becky Evans; Karen Babbitt; John Rizzo; Arthur Feinstein; Michelle Myers
Subject: File No. 140522: Appeal of the statutory exemption granted for elimination of parking meter fees on Sunday afternoons

Dear Supervisors,

Please see the attached letter relating to:

File No. 140522. Hearing of persons interested in or objecting to the Planning Commission's decision, dated March 25, 2014, certification of a statutory exemption for the San Francisco Municipal Transportation Agency (SFMTA) Resolution No. 14-061 - SFMTA's FY2015-2016 Two-Year Capital Budget, providing a statutory exemption for the establishment, modification or restructuring of rates, tolls, fares, and/or charges. (Appellant: James Birkelund, on behalf of Livable City, the San Francisco Transit Riders Union, and Mario Tanev} (Filed May 15, 2014).

--
Sue Vaughan
(415) 668-3119
(415) 601-9297



**SIERRA
CLUB**
FOUNDED 1892

San Francisco Group of the San Francisco Bay Chapter

2120 Clement Street, Apartment 10
San Francisco, CA 94121
June 8, 2014

Dear President Chiu:

The Sierra Club believes that statutory and categorical exemptions from environmental reviews are not appropriate for the San Francisco Municipal Transportation Agency (SFMTA) decision to rescind charging for parking at metered spaces on Sunday afternoons. The Sierra Club urges you and all other members of the San Francisco Board of Supervisors to support the appeal of the SFMTA Board of Directors decision to rescind charging for parking on Sunday afternoons without doing a full environmental impact report.

Sundays are now shopping days as are Monday through Saturday. Evidence supports the operation of parking meters on Sunday afternoons for environmental and safety benefits (in addition to the fact that operating meters benefits local businesses). Charging for parking at metered spaces reduces traffic congestion and thereby reduces greenhouse gas emissions. In fact, in adopting charging for parking on Sunday afternoons, starting in January 2013, the SFMTA itself sited environmental benefits. According to its own study dated December 10, 2013, charging for parking at meters on Sundays reduced circling in the search for parking from an average of four or more minutes to fewer than two minutes, thereby reducing greenhouse gas and particulate emissions. The reduction in traffic also improves safety for pedestrians and bicyclists, and the additional revenues enhance Muni operations.

In reversing its decision to charge for parking at meters on Sundays, the Sierra Club believes that the SFMTA failed to analyze and consider these environmental and safety impacts, as required under the California Environmental Quality Act (CEQA). CEQA requires that decision-makers and the public be fully informed about significant environmental impacts of adopting certain projects and/or policies and about means to mitigate the impacts. In making the decision to rescind the charges for parking at meters on Sunday afternoons, the decision-makers and the public were given no information at all about the environmental impacts of that decision, let alone means to mitigate the impacts. The purpose of CEQA was thwarted.

Additionally, the decision to rescind charging for parking on Sunday afternoons – thereby inducing people to drive knowing that parking will be free, though they must now circle for longer times looking for that free parking – violates policies and objectives in the City's General Plan and Charter, including:

Policy 1.2 prioritizing the safe passage of pedestrians over other modes of transit;

Policy 19.2 promoting increased traffic safety, with special attention to hazards that cause personal injury;

Section 8A.103(c) of the City Charter, setting minimum on-time performance and service standards for Muni; and,

Section 8A.103(f) 1) requiring that the SFMTA to issue periodic Climate Action Plans describing “measures taken and progress made toward reducing greenhouse gas emissions from San Francisco’s transportation sector to 80 percent of 1990 levels by 2012,” 2) promoting the reduction of private automobile vehicle trips within the City, and 3) promoting walking and bicycling as alternative and preferable forms of transportation to travel in private automobiles.

The decision also violates the SFMTA’s own “2011 Climate Action Strategy for San Francisco’s Transportation System” by increasing traffic and greenhouse gases.

Sincerely,
Sue Vaughan
Chair
SF Group
Sierra Club

CC:

Clerk of the San Francisco Board of Supervisors, Angela Calvillo, Angela.Calvillo@sfgov.org

Judson True, Judson.True@sfgov.org

Catherine Rauschuber, Catherine.Rauschuber@sfgov.org

Supervisor Eric L. Mar, eric.l.mar@sfgov.org

Supervisor Mark Farrell, mark.farrell@sfgov.org

Supervisor David Chiu, david.chiu@sfgov.org

Supervisor Katy Tang, katy.tang@sfgov.org

Supervisor London Breed, london.breed@sfgov.org

Supervisor Jane Kim, jane.kim@sfgov.org

Supervisor Norman Yee, norman.yee@sfgov.org

Supervisor Scott Wiener, scott.wiener@sfgov.org

Supervisor David Campos, david.campos@sfgov.org

Supervisor Malia Cohen, malia.cohen@sfgov.org

Supervisor John Avalos, john.avalos@sfgov.org

From: SF League of Pissed Off Voters [theleaguesf@gmail.com]
Sent: Tuesday, June 17, 2014 1:08 PM
To: John Avalos; Mar, Eric (BOS); Campos, David (BOS); Chiu, David (BOS); Farrell, Mark (BOS); Wiener, Scott; Cohen, Malia (BOS); Breed, London (BOS); Tang, Katy (BOS); Kim, Jane (BOS); Yee, Norman (BOS)
Cc: Board of Supervisors (BOS); Jones, Sarah (CPC)
Subject: CEQA Appeal of Sunday Metered Parking

Appeal of SFMTA's Elimination of Metered Parking on Sundays (File No. 140522)
The League of Pissed Off Voters Position

It was an April Fool's joke of a vote when the San Francisco Municipal Transportation (SFMTA) rolled back Sunday meters. The SFMTA Board prematurely voted to repeal Sunday Meters, citing future bond money and the nonexistent November 2014 Vehicle License Fee ballot measure funds. They claimed that this funding would make up the \$11 million loss in revenue from an already underfunded system. It was irresponsible to depend on funding that may or may not be available to make up this deficit, and it is disappointing that after this giveaway the Mayor has dropped his support of the VLF.

SFMTA argues that they can make the math work and balance its budget without Sunday meters revenue. How? They've never met the Charter-mandated goals for on-time performance. They've under-invested in pedestrian and bicycle safety and will not be able to meet their Vision Zero goals. There are environmental and public safety consequences to eliminating crucial funding—it's time to stop playing chicken with public safety.

It's not just the League and other transit advocates that show the environmental and traffic benefits for San Francisco—SFMTA's OWN DATA proves that enforcing metered parking on Sunday was good for the City. An SFMTA study published in December 2013 indicated that after Sunday metering, drivers were able to find a parking spot twice as fast as before. In addition, parking turnover increase by at least 20 percent, helping patrons reach local businesses.

The SFMTA is trying to use loopholes in the California Environmental Quality Act to try to avoid their legal requirement to analyze the environmental impacts of repealing Sunday Meters. They claim it is part of their entire budget and is necessary to balance the books. **How the hell does giving away \$11 million balance their budget? The SFMTA can't hold Sunday Meters hostage by saying their entire budget is dependent on it. This is a clear abuse of a exemption that CEQA allows for cases when agencies need to raise fees to meet their operating expenses.**

We are aware of the challenges involved in making transportation policy decisions; however, SFMTA did the wrong thing here, was not transparent in its decision-making, and did not comply with CEQA. **A CEQA budget exemption should not be used to mask political decisions.** The League of Pissed Off Voters requests that the Board of Supervisors step in here and overturn the decision to revoke metered parking on Sundays.

If the Board of Supervisors gives in on this, it's time to delete "transit first" from the City charter.

Who is the League of Pissed Off Voters?

We're a bunch of political geeks in a torrid but troubled love affair with San Francisco. We're blessed to live in America's most progressive city, but we're cursed to live in a city where most of the youth who grow up here can't afford to live here. Frisco has its own dark history of injustice: redevelopment, environmental racism, the "old boys" network. All of us lucky enough to enjoy the San Francisco magic owe it to our City to fight to keep it diverse, just, and healthy. What are you doing to make a difference?

Stay up to date on all our events and local news at:

[facebook.com/theLeagueSF](https://www.facebook.com/theLeagueSF)

twitter.com/theLeagueSF

theLeagueSF.tumblr.com

theLeague.com/sf

theLeagueSF@gmail.com

yy

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Miller, Alisa
Subject: FW: JUNE 23 HEARING: Letter of support for "Laura's Law" implementation
Attachments: 20140617105245776.pdf

File 140558

From: Brady Oppenheim [<mailto:brady@psychtechs.net>]
Sent: Tuesday, June 17, 2014 11:06 AM
To: Calvillo, Angela (BOS)
Cc: Board of Supervisors (BOS)
Subject: JUNE 23 HEARING: Letter of support for "Laura's Law" implementation

Greetings, Ms. Calvillo – Attached, please find a letter from our state president, Juan Nolasco, for the June 23 Board of Supervisors Rules Committee hearing regarding the proposed implementation of "Laura's Law" assisted-outpatient treatment for constituents with mental illnesses. I have mailed the original document to your attention as well. Please let me know if I may be of further assistance. Thank you – B.

Brady Oppenheim
California Association of Psychiatric Technicians
www.psychtechs.net
twitter.com/psychtechs



California Association of Psychiatric Technicians

June 17, 2014

File 140558

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2014 JUN 18 PM 2:53

ZHB

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

Via e-mail and regular mail

RE: IMPLEMENTATION OF "LAURA'S LAW" ASSISTED-OUTPATIENT TREATMENT PROGRAM

Dear Ms. Calvillo:

Due to a scheduling conflict, I regret that I will not be able to attend the June 23 Supervisors' Rules Committee public hearing on the proposed implementation of "Laura's Law." However, I would be grateful if you would distribute this letter to supervisors and any additional decisionmakers you feel are appropriate.

On behalf of our 14,000-member professional organization, I am again writing to implore San Francisco City & County to implement "Laura's Law." This law is a California state law allowing counties to create and run court-ordered assisted-outpatient treatment programs for your constituents with serious mental illnesses. To qualify for this program, a constituent must have a serious mental illness plus a recent history of psychiatric hospitalizations, jailings or acts, threats or attempts of serious violent behavior toward himself, herself or others. The law was named after Laura Wilcox, a young woman from Nevada County who – along with two others – was killed by a man with serious mental illness who had refused treatment.

As state-licensed, -trained and -regulated mental-health and developmental-services nursing professionals, Psychiatric Technicians are very familiar with the urgent and all-too-often unmet needs of Californians with mental illnesses and developmental disabilities, as well as the desperate, ongoing efforts of families to get needed mental-health care for their loved ones in crises. We Psychiatric Technicians are formally pledged to uphold the integrity, dignity and rights of Californians in our care. Laura's Law upholds Californians' rights while allowing them to get the services they need -- providing a cost-effective, life-saving tool to help Californians who are facing suffering, danger and even death because of untreated mental illness.

Since Senate Bill 585 clarified that Proposition 63/Mental Health Services Act funds can indeed be used to pay for Laura's Law programs, we're pleased that more counties have joined Nevada County -- Laura Wilcox's home -- in considering and even implementing assisted-outpatient treatment programs for constituents in need. San Francisco has long been considered a national leader in progressive constituent services and it is our sincere hope that your city/county will help set the trend for compassionate care for people with mental illnesses and their families throughout the United States.

Please contact me at (800) 677-2278 if I may be of further assistance on this issue.

Sincerely,

Juan Nolasco, PT
CAPT State President

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: FW: Keep Strawberry at Mather

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

From: Tim Stafford [<mailto:timstaffordguitar@gmail.com>]
Sent: Wednesday, June 18, 2014 11:25 AM
To: Commission, Recpark (REC)
Subject: Keep Strawberry at Mather

From: Tim Stafford <timstaffordguitar@gmail.com>
Subject: Keep Strawberry at Mather

Hello,

I have been a performer at Strawberry Music Festival many times over the years. It is without a doubt one of the finest acoustic music festivals in the world, a true treasure. It's hard to believe anyone wants to deny people a chance to experience Strawberry, spend much needed money and time in Tuolumne County, and do so not only without harming the environment, but making crucial improvements in so many areas. That is the Strawberry Way. Please reconsider the decision not to allow Strawberry to hold its 60th festival at Camp Mather. This must be a mistake of some kind!

Sincerely,

Tim Stafford
Grammy winner, former member of Alison Krauss and Union Station Founder of Blue Highway

--
This e-mail was sent from a contact form on Save The Strawberry Music Festival
(<http://www.savestrawberrymusicfest.com>)

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Evans, Derek
Subject: FW: Hayes Valley Neighborhood Association Letter of Support for Liquor License application of Nabila's Naturals
Attachments: Nabila Letter.doc

From: Lawrence Cronander [<mailto:lcronander@yahoo.com>]
Sent: Tuesday, June 17, 2014 8:08 PM
To: Board of Supervisors (BOS)
Cc: BreedStaff (BOS); Ramiz Yousef
Subject: Hayes Valley Neighborhood Association Letter of Support for Liquor License application of Nabila's Naturals

Dear Ms. Calvillo,

Attached please find the Hayes Valley Neighborhood Association's letter regarding the above matter.

Thank you,

Lawrence Cronander
Vice-President, Hayes Valley Neighborhood Association
Chair, Business Relations Committee

June 17th, 2014

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

Re: Nabila's Naturals Liquor License Application

Dear Ms. Calvillo:

I write this letter to express the support of the Hayes Valley Neighborhood Association regarding the application of Nabila's Naturals located at 559 Hayes Street, San Francisco, CA 94102 to purchase the liquor license of the former Anna's Market on Hayes Street.

Nabila's Naturals and its proprietor, Mr. Ramiz Yousef, have been valued and responsible members of the Hayes Valley business and larger community for over eighteen years. Their application will allow Nabila's to upgrade their existing type 20 license to a type 21 and thereby to provide the Hayes Valley community with a mix of eclectic specialty items and spirits not available elsewhere in the neighborhood.

I urge your support for Mr. Yousef's application.

Thank you for your consideration.

Kindest Regards,

Lawrence Cronander
Vice-President, Hayes Valley Neighborhood Association
Chair, Business Relations Committee

cc: Office of London Breed, Supervisor District 5
Mr. Ramiz Yousef

From: Board of Supervisors (BOS)
To: BOS-Supervisors; BOS-Legislative Aides
Subject: ~~File 140584~~ request for waiver of assessment for sidewalk repairs
Attachments: letter to BOS.pdf

File # 140584

From: Rosa Schlacter [<mailto:rosa.schlacter@yahoo.com>]
Sent: Tuesday, June 17, 2014 2:36 PM
To: Calvillo, Angela (BOS); Board of Supervisors (BOS)
Subject: request for waiver of assessment for sidewalk repairs

Please see the attached regarding 1519-1529 O'Farrell San Francisco, CA



Hollis Court Associates– A Homeowners' Association
1360-1370 Webster Street
&
1519-1529 O'Farrell Street
San Francisco, CA 95115-3758



June 17, 2014

City & County of San Francisco
Board of Supervisors
Clerk of the Board
1 Dr. Carlton B. Goodlett Place Room 244
San Francisco CA

**Subject: Assessment costs submitted by the Director of Public Works for Sidewalk
and curb repairs 1519-1529 O'Farrell S.F. CA 94115-3758**

A notice of public hearing regarding the above was posted on the referenced building.
No information was provided on the amount of the assessment, nor how that information could be obtained.

I do recall when sidewalk repairs were made, and the damages were the result of trees planted and maintained by the City.

I did check the spreadsheet of the City maintained trees and O'Farrell Street between Webster and Hollis, and Hollis Street are listed on the site.

We have in the past been caused to file Claims with the City as roots from these trees and the trees adjacent to the Rosa Parks School have invaded our sewer pipes.

Therefore we respectfully request that this assessment be waived.

Thank you,

Rosa Rankin
President
Hollis Court Associates

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: FW: Naming of new Trans Bay Terminal

From: Allen Jones [<mailto:jones-allen@att.net>]
Sent: Tuesday, June 17, 2014 7:29 AM
To: Board of Supervisors (BOS); Lee, Mayor (MYR)
Subject: Naming of new Trans Bay Terminal

Attention: All Members of the San Francisco Board of Supervisors

The stories of the life of Dr. Maya Angelou should not be forgotten, they are so inspiring.

Raped at age 8-years-old and the reason she stopped speaking for six years, to her being the first female San Francisco Cable Car grip man...okay grip person. This young mother of 17 was not only a prostitute but a pimp. I even heard she successfully found her kidnapped grandson after a four year search. This path guided her throughout her career as a writer, poet, actress and of course the great teacher that she was and still is.

I along with millions of others will remember Dr. Maya Angelou as a woman whose voice was the sound of wisdom.

The fact that she inspired so many especially young Black girls tells me that we in San Francisco must let her know; in a special way we will never forget how she made so many feel.

"I've learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel." Maya Angelou.

If Dr. Maya Angelou made you feel good then I think we San Franciscans should not just do it but place before the voters the idea of naming the new SF East Bay Trans bay Terminal in her honor.

I first suggested the naming of the new Trans bay Terminal after Bayard Rustin and am determined to have him as well as Oliver W. Sipple remembered in The City. However, Dr. Maya Angelou is a person who so many of us would love to honor if given the chance. I call on the mayor of San Francisco and the SF Board of Supervisors to allow us the opportunity to say, "Thank you Maya Angelou."

Allen Jones
(415) 756-7733
jones-allen@att.net

From: :) [gumby5@att.net]
Sent: Tuesday, June 17, 2014 1:05 PM
To: Campos, David (BOS); Chiu, David (BOS); Mar, Eric (BOS); Kim, Jane (BOS); Avalos, John (BOS); Tang, Katy (BOS); Breed, London (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Yee, Norman (BOS); Wiener, Scott
Cc: Board of Supervisors (BOS); Rahaim, John (CPC); Cindy Wu; Rodney Fong; Michael Antonini; Gwyneth Borden; Rich Hillis; Kathrin Moore; Hisashi Sugaya; andrew@tefarch.com; aaron.hyland.hpc@gmail.com; ellen.hpc@ellenjohnckconsulting.com; RSEJohns@yahoo.com; diane@johnburtonfoundation.org; jonathan.pearlman.hpc@gmail.com; Secretary, Commissions (CPC); Kathy Devincenzi; Judith Berkowitz
Subject: Repealing Ordinance No. 108-11 - Adoption of 2009 Housing Element (File No. 140414)
Attachments: HE-BOS-2009HE Ordinance Amdnt Letter-20140617mtg.docx

Dear President Chiu and Members of the Board of Supervisors:
Please see attached and incorporated below my letter re subject-referenced matter.
As you are aware, many neighborhoods have unique qualities which, if not carefully considered can have the potential for chaotic consequences for neighborhood constituents who are concerned with their neighborhood character. It matters not what other avenues MAY be available but that the letter and as shown below ask that today's ordinance language be amended to include the important discussion from the BOS-LUEDC on "neighborhood character" prior to adoption of the 2009 Housing Element vote:

Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Subject: Repealing Ordinance No. 108-11 – Adoption of 2009 Housing Element (File No. 140414)

Dear Board of Supervisors,

In your packet for today's (June 17, 2014) full Board of Supervisors Meeting, you have File No. 140414 for the proposed ordinance for the Adoption of 2009 Housing Element.

On hardcopy Page 3 of the document, Section 2 – Findings, Paragraph (a), there is a summary of Resolution No. 19123 adopted on an April 24, 2014 Planning Commission Meeting. The proposed ordinance language makes mention only of Planning Commission and older full Board of Supervisors meetings.

It is requested that in the ordinance language, mention is made about the Board of Supervisors Land Use and Economic Development Committee's June 9, 2014 meeting that a discussion and clarification was made in regards to neighbors concerned about "neighborhood character."

Many neighborhoods came before you to speak on the Housing Element as it relates to "neighborhood character" and want to maintain it as much as possible. Neighborhoods passed a resolution at the Coalition for San Francisco Neighborhoods, an organization of about 40, about this issue.

Please include mention of what transpired in brief in the amendment proposal as follows after (c) :
(EXISTING: (c) On April 24, 2014, by Motion No. 19121, the Planning Commission certified...)
INSERT the following and re-alphabetize (d) to (e) as the last item:

"(d) On June 9, 2014, by Motion No. XXXXX, the Board of Supervisors Land Use and Economic Development Committee adopted a resolution to recommend to the full Board of Supervisors without recommendation the 2009 Housing Element and acknowledged that this 2009 Housing Element is not a blanket mandate against maintaining neighborhood character."

Since this is only a brief summary of what occurred and is of vital importance to your constituents who care deeply about neighborhood character which is to be protected and maintained, your inclusion of this simple requested addition will speak on how each of you are backing your constituents.

I welcome your support in this modest change.

Thank you very much for your time and attention to this matter.

Rose Hillson
Member, Jordan Park Improvement Association

cc: Clerk of the Board of Supervisors
John Rahaim, Director of Planning
Planning Commissioners
Historic Preservation Commissioners
Judy Berkowitz, President, Coalition for San Francisco Neighborhoods

Many supervisors have heard from their constituents on neighborhood character and are working on many development plans for their neighborhoods. Each has unique qualities. Japantown has its own neighborhood character.. Chinatown has its requests for neighborhood character. So do your constituents in the Mission, Russian Hill, Telegraph Hill, Liberty Hill, Excelsior, Cathedral Hill, the Sunset, the Richmond, Pacific Heights, the Tenderloin, Potrero, etc. who are part of Coalition for San Francisco Neighborhoods – a group which stood against the 2004/2009 Housing Element iterations as Planning Department had written. Much had to do with neighborhood character in addition to issues brought up by Ms. Katherine Devincenzi, Esq. in litigation in re shortcomings of the 2009 Housing Element (still in litigation):

- * Policies only “respect” rather than “maintain neighborhood character (change from 1990 Residence Element)
- * EIR did not accurately consider feasible alternatives such as to maintain existing height, bulk and density patterns to protect existing neighborhood character. Thus the EIR was deficient and not corrected.
- * Alternatives discussion still conclusory and feasible alternatives not adopted as in Policy 1.2 where area and community plans were not limited
- * Transit impacts and water and energy are significant in the 2009 Housing Element EIR and not addressed adequately
- * Final EIR did not accurately consider feasible alternative such as maintaining density and height and bulk in areas such as RH-1 and RH-2.
- * Factual support is lacking on revised alternatives analysis and evades comments.
- * Comments are still conclusory.
- * 2009 HE produces far more new housing units than needed to accommodate RHNA for the plan period ending 2014. New housing units over the years has exceeded in many years. The June 2010 HE alternative is feasible. It is requested to add the very brief additional ordinance language that hones in on many of your constituents’ requests in re neighborhood character. This additional language will help to exemplify that the Board of Supervisors acknowledges this small but very critical oversight in the summary legislation as your constituents have brought up time and again.

Thank you for your support in this small amendment documenting what transpired.

Rose Hillson
Jordan Park Improvement Association

June 17, 2014

Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Subject: Repealing Ordinance No. 108-11 – Adoption of 2009 Housing Element (File No. 140414)

Dear Board of Supervisors,

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It is requested that in the ordinance language, mention is made about the Board of Supervisors Land Use and Economic Development Committee's June 9, 2014 meeting that a discussion and clarification was made in regards to neighbors concerned about "neighborhood character."

Many neighborhoods came before you to speak on the Housing Element as it relates to "neighborhood character" and want to maintain it as much as possible. Neighborhoods passed a resolution at the Coalition for San Francisco Neighborhoods, an organization of about 40, about this issue.

Please include mention of what transpired in brief in the amendment proposal as follows after (c) :
(EXISTING: (c) On April 24, 2014, by Motion No. 19121, the Planning Commission certified...)

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Since this is only a brief summary of what occurred and is of vital importance to your constituents who care deeply about neighborhood character which is to be protected and maintained, your inclusion of this simple requested addition will speak on how each of you are backing your constituents.

I welcome your support in this modest change.

Thank you very much for your time and attention to this matter.

Rose Hillson
Member, Jordan Park Improvement Association

cc: Clerk of the Board of Supervisors
John Rahaim, Director of Planning
Planning Commissioners
Historic Preservation Commissioners
Judy Berkowitz, President, Coalition for San Francisco Neighborhoods

Office of the Treasurer & Tax Collector
City and County of San Francisco



BOS-11
cpage

José Cisneros, Treasurer

June 20, 2014

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 20 PM 4:33
AK

Re: Annual Report to the Board of Supervisors
2013 Payroll Expense Tax Exclusion – Central Market Street & Tenderloin Area

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that were approved for the Central Market Street & Tenderloin Area Exclusion from the Payroll Expense Tax for the 2013 calendar year.

Schedule A of the report summarizes the number of businesses approved for the exclusion, the total number of San Francisco employees, the number of eligible employees at those businesses, the total amount of Central Market Street & Tenderloin Area Exclusion claimed, and the total Payroll Expense Tax forgone due to the exclusion for calendar year 2013. Eleven (11) businesses were approved for the Central Market Street & Tenderloin Area Exclusion, and they excluded a total of \$282,933,151.40 in payroll expense, which represents \$4,243,997.27 in forgone Payroll Expense Tax at those businesses that are eligible for the exclusion.

Schedule B of the report summarizes the Central Market Street & Tenderloin Area Exclusion for calendar years 2011 through 2013. Compared to the calendar year 2012, results indicate a decrease of 3 businesses approved but an increase of 912 employees eligible for the Central Market Street & Tenderloin Area exclusion for the calendar year 2013 in San Francisco.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Very truly yours,

A handwritten signature in black ink, appearing to read "David Augustine".

David Augustine
Tax Collector

cc: José Cisneros
San Francisco Public Library

Attachment

22

**TAX COLLECTOR'S ANNUAL REPORT
CENTRAL MARKET STREET & TENDERLOIN AREA PAYROLL EXPENSE TAX EXCLUSION**

Schedule A

Year	Number of Businesses Approved	Total SF Employees	Number of Eligible Employees	Central Market Exclusion	Payroll Expense Tax Forgone due to CMTE
2013	11	3114	2722	\$282,933,151.40	\$4,243,997.27

**TAX COLLECTOR'S ANNUAL REPORT
CENTRAL MARKET STREET & TENDERLOIN AREA PAYROLL EXPENSE TAX EXCLUSION
FOR CALENDAR YEARS 2011 THROUGH 2013**

Schedule B

Year	Number of Businesses Approved	Total SF Employees	Number of Eligible Employees	Central Market Exclusion	Payroll Expense Tax Forgone due to CMTE
2011	2	219	131	\$2,317,422.19	\$34,761.33
2012	14	2225	1810	\$126,888,132.52	\$1,903,321.99
2013	11	3114	2722	\$282,933,151.40	\$4,243,997.27
Change from 2012 to 2013	(3)	889	912	\$156,045,018.88	\$2,340,675.28

Office of the Treasurer & Tax Collector
City and County of San Francisco



BOS-11, copy

José Cisneros, Treasurer

June 20, 2014

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 20 PM 4:33
AK

Re: Annual Report to the Board of Supervisors
2013 Payroll Expense Tax Exclusion – Stock-Based Compensation

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that were approved for the Stock-Based Compensation Exclusion from the Payroll Expense Tax for the 2013 calendar year.

Schedule A of the report summarizes the number of businesses approved for the exclusion, the amount of Stock-Based Compensation Exclusion claimed, and the total Payroll Expense Tax forgone due to the exclusion for calendar year 2013. One (1) business was approved for the Stock-Based Compensation Exclusion, and it excluded a total of \$37,922,531.00 in payroll expense, which represents \$568,837.97 in forgone Payroll Expense Tax.

Schedule B of the report summarizes the Stock-Based Compensation Exclusion for calendar years 2011 through 2013. Compared to the preceding calendar year 2012, results indicate a decrease of 1 business approved for the Stock-Based Compensation Exclusion in San Francisco.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Very truly yours,

David Augustine
Tax Collector

cc: José Cisneros
San Francisco Public Library

Attachment

**TAX COLLECTOR'S ANNUAL REPORT
STOCK BASED COMPENSATION PAYROLL EXPENSE TAX EXCLUSION
CALENDAR YEAR 2013**

Schedule A

Year	Number of Businesses Approved	Total SF Employees	Stock Based Compensation Exclusion	Payroll Expense Tax Forgone
2013	1	1336	\$37,922,531.00	\$568,837.97

**TAX COLLECTOR'S ANNUAL REPORT
STOCK BASED COMPENSATION PAYROLL EXPENSE TAX EXCLUSION
CALENDAR YEARS 2011 THROUGH 2013**

Schedule B

Year	Number of Businesses Approved	Total SF Employees	Stock Based Compensation Exclusion	Payroll Expense Tax Forgone
2011	1	1975	\$100,621,719.00	\$1,509,325.79
2012	2	2134	\$223,527,383.00	\$3,352,910.75
2013	1	1336	\$37,922,531.00	\$568,837.97
Change from 2012 to 2013	(1)	(798)	(\$185,604,852.00)	(\$2,784,072.78)

Office of the Treasurer & Tax Collector
City and County of San Francisco



BOS-11 page

José Cisneros, Treasurer

June 20, 2014

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

Re: Annual Report
2013 Payroll Expense Tax Credit – Enterprise Zone

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 20 PM 4:33
AK

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that received the Enterprise Zone Tax Credit for the 2013 calendar year.

Schedule A of the report summarizes the number of businesses approved for the Enterprise Zone Tax Credit, the total number of San Francisco employees at those businesses, the number of eligible employees, and the amount of tax credit claimed. One hundred and seventy-six (176) businesses were approved for the Enterprise Zone Tax Credit in the amount of \$780,686.14. These businesses reported a total of 15,856 employees that qualified for this tax credit.

Schedule B of the report summarizes the Enterprise Zone Tax Credits for tax years 2010 through 2013. Compared to the calendar year 2012, results indicate an increase of 14 businesses approved with an increase of 189 eligible employees in the Enterprise Zone sector for the calendar year 2013 in San Francisco.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Very truly yours,

David Augustine
Tax Collector

cc: José Cisneros
San Francisco Public Library

Attachment

**TAX COLLECTOR'S ANNUAL REPORT
PAYROLL EXPENSE - ENTERPRISE ZONE TAX CREDIT
CALENDAR YEAR 2013**

Schedule A

Year	Number of Businesses	Total SF Employees	Number of Eligible Employees	Total Enterprise Zone Tax Credit
2013	176	15,856	1,147	\$780,686.14

**TAX COLLECTOR'S ANNUAL REPORT
PAYROLL EXPENSE - ENTERPRISE ZONE TAX CREDIT
CALENDAR YEARS 2011 THROUGH 2013**

Schedule B

Year	Number of Businesses Approved	Total SF Employees	Number of Eligible Employees	Total Enterprise Zone Tax Credit
2011*	115	13,645	578	\$650,785.92
2012 *	162	13,398	958	\$593,013.10
2013	176	15,856	1,147	\$780,686.14
Change from 2012 to 2013	14	2,458	189	\$187,673.04

* AMENDED

Office of the Treasurer & Tax Collector
City and County of San Francisco



BOS-11
CPAGE
José Cisneros, Treasurer

June 20, 2014

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 20 PM 4: 34
AK

Re: Annual Report to the Board of Supervisors
2013 Payroll Expense Tax Exclusion – Surplus Business Tax Revenue

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that received the Surplus Business Tax Revenue Tax Credit to the Payroll Expense Tax for the 2013 calendar year.

Schedule A of the report summarizes the number of businesses approved for the Surplus Business Tax Revenue Tax Credit, and amount of tax credit claimed. Seven thousand one hundred and twenty (7,120) businesses were approved for the Surplus Business Tax Revenue Tax Credit in the amount of \$3,560,000.00.

Schedule B of the report summarizes the Surplus Business Tax Credit for calendar years 2012 through 2013. Compared to the preceding calendar year 2012, results indicate an increase of 339 businesses claiming Surplus Business Tax Revenue Tax Credit for 2013 and an increased amount of \$169,500.00.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Very truly yours,

A handwritten signature in black ink, appearing to read "David Augustine".

David Augustine
Tax Collector

cc: José Cisneros
San Francisco Public Library

Attachment

**TAX COLLECTOR'S ANNUAL REPORT
SURPLUS BUSINESS TAX CREDIT
CALENDAR YEAR 2013**

Schedule A

Year	Number of Businesses Approved	Surplus Business Tax Credit
2013	7120	\$3,560,000.00

**TAX COLLECTOR'S ANNUAL REPORT
SURPLUS BUSINESS TAX CREDIT
CALENDAR YEARS 2012 THROUGH 2013**

Schedule B

Year	Number of Businesses Approved	Surplus Business Tax Credit
2012	6781	\$3,390,500.00
2013	7120	\$3,560,000.00
Change from 2012 to 2013	339	\$169,500.00

Office of the Treasurer & Tax Collector
City and County of San Francisco



BOS-11, page

José Cisneros, Treasurer

June 20, 2014

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 20 PM 4:38
AK

Re: Annual Report to the Board of Supervisors
2013 Payroll Expense Tax Exclusion – Net New Payroll

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that were approved for the Net New Payroll Exclusion from the Payroll Expense Tax for the 2013 calendar year.

Schedule A of the report summarizes for the 2013 calendar year the number of businesses which claimed the exclusion, the total amount of Net New Payroll Exclusion claimed, and the total Payroll Expense Tax forgone due to the exclusion for calendar year 2013. Two thousand four hundred and eighty-eight (2,488) businesses were approved for the Net New Payroll Exclusion, and they excluded a total of \$350,571,492.04 in payroll expense, which represents \$5,258,572.38 in forgone Payroll Expense Tax.

Schedule B of the report summarizes the Net New Payroll Exclusion for calendar years 2012 through 2013 with amounts updated. Compared to the preceding calendar year 2012, results indicate an increase of \$3,101,115.01 Payroll Expense Tax forgone for the calendar year 2013.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Very truly yours,

A handwritten signature in black ink, appearing to read "David Augustine".

David Augustine
Tax Collector

cc: José Cisneros
San Francisco Public Library

Attachment

**TAX COLLECTOR'S ANNUAL REPORT
NET NEW PAYROLL EXCLUSION
CALENDAR YEAR 2013**

Schedule A

Year	Number of Businesses Claimed	Net New Payroll Exclusion	Total Payroll Expense Tax Forgone after NNP Exclusion
2013	2488	\$350,571,492.04	\$5,258,572.38

Schedule B

Year	Number of Businesses Claimed	Net New Payroll Exclusion	Total Payroll Expense Tax Forgone after NNP Exclusion
2012*	1665	\$143,830,491.35	\$2,157,457.37
2013	2488	\$350,571,492.04	\$5,258,572.38
Change from 2012 to 2013	823	\$206,741,000.69	\$3,101,115.01

* Amended

BOS-11, cpage

Office of the Treasurer & Tax Collector
City and County of San Francisco



José Cisneros, Treasurer

June 20, 2014

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 20 PM 4:33
AK

Re: Annual Report to the Board of Supervisors
2013 Payroll Expense Tax Exclusion - Clean Technology Business

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that were approved for the Clean Technology Business Exclusion from the Payroll Expense Tax for the 2013 calendar year.

Schedule A of the report summarizes for the number of businesses approved for the exclusion, the total number of San Francisco employees at those businesses, the number of eligible employees, the total amount of Clean Technology Business Exclusion claimed and the total Payroll Expense Tax forgone due to the exclusion for the calendar year 2013. Eighteen (18) businesses were approved for the Clean Technology Business Exclusion, and they excluded a total of \$51,024,053.45 in payroll expense, which represents \$765,360.80 in forgone Payroll Expense Tax for this exclusion for those businesses that are eligible for the exclusion. These businesses reported a total of 494 employees that qualified for the exclusion.

Schedule B of the report summarizes the Clean Technology Business Exclusion for calendar years 2011 through 2013. Compared to the calendar year 2012, results indicate a decrease of 226 jobs in the clean technology business sector for the calendar year 2013 in San Francisco.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Very truly yours,

David Augustine
Tax Collector

cc: José Cisneros
San Francisco Public Library

Attachment

**TAX COLLECTOR'S ANNUAL REPORT
CLEAN TECHNOLOGY PAYROLL EXPENSE TAX EXCLUSION
CALENDAR YEAR 2013**

Schedule A

Year	Number of Businesses Approved	Total SF Employees	Number of Eligible Employees	Clean Technology Exclusion	Payroll Expense Tax Forgone due to Clean Technology Exclusion
2013	18	494	494	\$51,024,053.45	\$765,360.80

**TAX COLLECTOR'S ANNUAL REPORT
CLEAN TECHNOLOGY PAYROLL EXPENSE TAX EXCLUSION
FOR CALENDAR YEARS 2011 THROUGH 2013**

Schedule B

Year	Number of Businesses Approved	Total SF Employees	Number of Eligible Employees	Clean Technology Exclusion	Payroll Expense Tax Forgone due to Clean Technology Exclusion
2011	22	684	629	\$57,563,544.50	\$863,453.17
2012	22	728	720	\$76,680,629.96	\$1,150,209.45
2013	18	494	494	\$51,024,053.45	\$765,360.80
Change from 2012 to 2013	(4)	(234)	(226)	(\$25,656,576.51)	(\$384,848.65)

Office of the Treasurer & Tax Collector
City and County of San Francisco



Bos-11, cpage

José Cisneros, Treasurer

June 20, 2014

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 20 PM 4:33
AK

Re: Annual Report to the Board of Supervisors
2013 Payroll Expense Tax Exclusion - Biotechnology

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that were approved for the Biotechnology Exclusion from the Payroll Expense Tax for the 2013 calendar year.

Schedule A of the report summarizes for the 2013 calendar year the number of businesses approved for the exclusion, the total number of San Francisco employees at those businesses, the number of eligible employees, the total amount of Biotechnology Exclusion claimed, and the total Payroll Expense Tax forgone due to the exclusion for calendar year 2013. Twenty (20) businesses were approved for the Biotechnology Exclusion, and they excluded a total of \$106,379,194.64 in payroll expense, which represents \$1,595,687.92 in forgone Payroll Expense Tax for this exclusion at those businesses that are eligible for the exclusion. These businesses reported a total of 702 employees that qualified for the exclusion.

Schedule B of the report summarizes the Biotechnology Exclusion for calendar years 2011 through 2013 with amounts updated. Compared to the preceding calendar year 2012, results indicate a decrease of 153 jobs in the biotechnology business sector for the calendar year 2013 in San Francisco.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Very truly yours,

David Augustine
Tax Collector

cc: José Cisneros
San Francisco Public Library

Attachment

**TAX COLLECTOR'S ANNUAL REPORT
BIOTECHNOLOGY PAYROLL EXPENSE TAX EXCLUSION
CALENDAR YEAR 2013**

Schedule A

Year	Number of Businesses Approved	Total SF Employees	Number of Eligible Employees	Biotechnology Exclusion	Payroll Expense Tax Forgone due to Biotechnology Exclusion
2013	20	764	702	\$106,379,194.64	\$1,595,687.92

**TAX COLLECTOR'S ANNUAL REPORT
BIOTECHNOLOGY PAYROLL EXPENSE TAX EXCLUSION
FOR CALENDAR YEARS 2011 THROUGH 2013**

Schedule B

Year	Number of Businesses Approved	Total SF Employees	Number of Eligible Employees	Biotechnology Exclusion	Payroll Expense Tax Forgone due to Biotechnology Exclusion
2011 *	28	706	706	\$100,429,982.58	\$1,506,449.74
2012	26	855	855	\$108,424,930.60	\$1,626,373.96
2013	20	764	702	\$106,379,194.64	\$1,595,687.92
Change from 2012 to 2013	(6)	(91)	(153)	(\$2,045,735.96)	(\$30,686.04)

* Amended

From: Marvis Phillips [marvisphillips@gmail.com]
Sent: Tuesday, June 17, 2014 6:53 PM
To: Health.commission.dph@sfdph.org; Farrell, Mark (BOS); Mar, Eric (BOS); Avalos, John (BOS); Board of Supervisors (BOS); Breed, London (BOS); Campos, David (BOS); Chiu, David (BOS); Cohen, Malia (BOS); Kim, Jane (BOS); Tang, Katy (BOS); Wiener, Scott; Yee, Norman (BOS) ✓
Subject: Additional Project Funding for DPH

Dear President Edward A. Chow MD and Health Commission Members, Members of SF Superivisors Budget Committee, and other Supervisors:

There is a little-known DPH Program which helps house the "hard-to house" frail and disabled clients. These clients are in need of more than "independent living," but not nursing home housing. As of right now, SF has very few board and care facilities that SSI recipients can afford and most are run and kept in a deplorable state. Most of these clients are placed in out of county facilities, or end up in nursing homes where they do not belong. The program is titled "County Placement Office of DPH." They are in need of additional targeted case managers, public conservators and locations for where they can house clients in San Francisco.

What is extremely important, is to house these people in "clean, safe and decent" housing so they can live out their lives in a respectable fashion. What we have instead is infested deplorable housing with little or no services and no hope. Is this where you would want your loved ones to end up? Wouldn't you rather they go to a clean, safe and well-serviced establishment.

As I understand it, some, but not all of the funding, comes from a settlement at Laguna Honda. But this is grossly inadequate and has been for several years.

Now is the time to step up to develop a workable plan to fund and fix this problem.

Thank you for your assistance in this very important matter.

Sincerely,

Marvis J. Phillips
Interim Executive Director
Alliance for a Better District 6

From: Marvis Phillips [marvisphillips@gmail.com]
Sent: Tuesday, June 17, 2014 7:11 PM
To: Commission, Fire (FIR); FireChief, Secretary; Farrell, Mark (BOS); Mar, Eric (BOS); Avalos, John (BOS); Board of Supervisors (BOS); Breed, London (BOS); Campos, David (BOS); Chiu, David (BOS); Cohen, Malia (BOS); Kim, Jane (BOS); Tang, Katy (BOS); Wiener, Scott; Yee, Norman (BOS) ✓
Subject: Additional Funding for the Fire Department

Dear Fire Commissioners, Fire Chief, and BOS Budget Committee and other Supervisors:

73 percent response to calls for paramedic services in a city of 812,862 persons is troubling. As a person with a heart disorder and a TIA stroke condition, I know that if I need an ambulance to get me to the emergency room, might having to wait is a great concern. In the past three years, I've had two moderate TIA strokes, and two mild heart attacks. Waiting is not an option for me.

From news reports, the SFFD has had the money to purchase 16 ambulances, but we also have 16 ambulances that are overdue to be retired, so this money won't be used to buy anything additional, but to replace what we already have. We also need to constantly hire personnel to replace retiring and disabled personnel, and the proposed increase of eight paramedics only provides enough personnel to ride in two ambulances (not a whole lot). We cannot continue at this rate. The Fire Department must have the resources necessary to meet its needs, and we cannot keep using overtime, because the cost is prohibitive.

Calls for service are up, population is up, our population is aging, baby boomer generation is starting to retire (including Fire Department personnel). With the shrunken budgets of the past few years, and reduced manpower required because of it, it's now time to play "catch up."

So if the Chief thinks that the Department will need \$10 million to meet the needs of the next year or two, to replace our aging medical fleet and personnel, than I think this is a viable reason to increase their budget from the \$3 million increase budgeted by the Mayor. We of the Alliance for a Better District 6 support our Fire Chief's request for \$10 million to fund modernization and increase in our medical services. We therefore ask the San Francisco Fire Commission to come out in support publicly for the Chief and her budget request. We call upon the Budget Committee and fellow supervisors to enforce this front line service of the San Francisco Fire Department by giving them the resources they need to meet the challenges of the City's residents now and in the future.

Thank you for your support on this important matter.

Sincerely,

Marvis J. Phillips
Interim Executive Director
Alliance for a Better District 6

Roger Lake e Susana Muñoz

215 Banks Street, San Francisco, CA 94110

Tel: 415-826-5937 Fax: 415-826-5937

BOS-11, cpage
140584
140585

Angela Calvillo
Clerk of the Board
Room 224 City Hall
1 Dr. Carlton B. Goodlet Place
San Francisco CA 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 16 PM 4:16
SFB

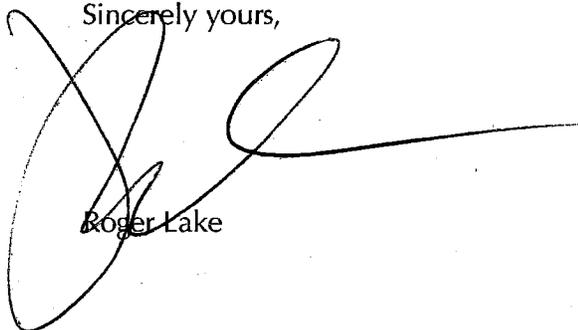
June 14, 2014

RE: Attached notice of Board Hearing

I would like to go on record, since I cannot attend the hearing itself, with my comments that this project was very poorly managed. I have enclosed a copy of the bill that I have not yet paid because I contested the bill when it arrived. There was no "tree root pruning" done at my home. Didn't happen. I was standing right there. I called the number on the bill, explained that undisputed fact, and then received a phone call from a staff person who said that he would get back to me. Didn't happen.

I was more than willing to participate in the project of sidewalk repair, even though the contractor who was doing the work did not seem to understand the plan that had been marked out by DPW. My real complaint is the lack of communication about this. Overall, in my personal experience, a poorly managed project. Without any proof of work accomplished, I continue to refuse the \$105 dollar charge for "tree root pruning".

Sincerely yours,



Roger Lake



Edwin M. Lee, Mayor
Mohammed Nuru, Director

San Francisco Department of Public Works
Office of the Deputy Director & City Engineer, Fuad Sweiss
Bureau of Street-Use and Mapping
1155 Market Street, 3rd Floor
San Francisco, CA 94103
(415) 554-5810 * www.sfdpw.org



Jerry Sanguinetti, Bureau Manager

NOTICE OF BOARD OF SUPERVISORS PUBLIC HEARING

June 4, 2014

Location: 215 - 215 BANKS ST
Block/Lot: 5658/017
Notice To Repair #: 989957

Pursuant to Article 15, Sections 706 through 706.4 of the Public Works Code, a hearing before the Board of Supervisors will be held regarding the cost of sidewalk repairs completed by the City & County of San Francisco to be placed as an assessment on property taxes.

The hearing will be scheduled as follows:

Hearing Date: Tuesday, June 17, 2014

Time: 3 PM

Location: Legislative Chamber, Room 250 located at
City Hall, 1 Dr. Carlton B. Goodlett Place, San
Francisco, CA

Board's Website: <http://www.sfbos.org/index.aspx?page=2314>





INVOICE for 215 BANKS ST

SIDEWALK INSPECTION & REPAIR PROGRAM (SIRP)

LAKE ROGER A & MUNOZ SUSANA

Block/Lot 5658017

215 BANKS ST

SAN FRANCISCO CA 94110

Invoice Date	Invoice #	Block/Lot	Property Location
09/18/2013	101411	5658017 : NTR 989957	215 BANKS ST

The following is an itemized list of the sidewalk repairs performed on your property as part of the City's Sidewalk Inspection & Repair Program.

Section	Description	Quantity	Unit Price	Cost
	3-1/2 " Concrete Sidewalk(SF) LCG6 - 3-1/2 " Concrete Sidewalk(SF) LCG6	30	\$10.00	\$300.00
	Tree Root Pruning(SF) LCG6 - Tree Root Pruning(SF) LCG6	30	\$3.50	\$105.00
Total				\$405.00
Balance Due				\$405.00

We appreciate your remittance within thirty (30) days from the date of this invoice.

If payment is not received within thirty (30) days, this invoice will be referred to the Board of Supervisors as an assessment to be attached to your property tax. This assessment will incur an additional 12% administration fee to the cost of repairs.

If you have any questions about this invoice, please contact us at (415) 554-5810.

Detach and return this portion with your payment

Block/Lot	Invoice Date	Invoice #
5658017 : NTR 989957	09/18/2013	101411
Responsible Person	Location	Balance Due
LAKE ROGER A & MUNOZ SUSANA	215 BANKS ST	\$405.00
Mailing Address	Amount Paid	
215 BANKS ST SAN FRANCISCO CA 94110		

Block/Lot : 5658017

Remit Payment To:

BUREAU OF STREET USE and MAPPING, DPW

Attn: SIRP

1155 Market St, 3rd floor
SAN FRANCISCO, CA 94103

(101411)

For Office use Only

Date Paid _____

Received By _____

From: Roland Salvato [rolandsalvato@hotmail.com]
Sent: Saturday, June 21, 2014 3:42 PM
To: Board of Supervisors (BOS)
Subject: FW: W.W.II Memorial Garden

FYI

Well done is better than well said.
--Benjamin Franklin

Date: Sat, 21 Jun 2014 14:06:24 -0700

From: choden@sbcglobal.net

Subject: W.W.II Memorial Garden

To: cm_marsteller@hotmail.com; Bruce_Balshone@yahoo.com; arthurchang@comcast.net;
jclary@cleanwater.org; emtjal@sbcglobal.net; ma-miller@msn.com; janemorrison@worldnet.att.net;
ddanne1@sbcglobal.net; arthurfeinstein@earthlink.net; WongAIA@aol.com; claireandbear@comcast.net;
adam.scow@gmail.com; choden@sbcglobal.net; amgodman@yahoo.com; scau1321@aol.com;
alderlandscape@comcast.net; rolandsalvato@hotmail.com; lyfong@pacbell.net; joe.eskenazi@sfbay.com;
TIMREDMONDSF@GMAIL.COM; sfjberk@mac.com; Jane.Kim@sfgov.org; David.Campos@sfgov.org

Between the closed War Memorial Bldg. and its veterans offices and the Opera House, is a garden containing earth from the battlefields of W.W.II. This dedicated garden is now being bulldozed by what ignorant forces whose silent example also removes homes and people from San Francisco. Where lies the indignation and clamour? Bernie Choden

BOS - 11, C pagos

From: Richard Skaff [richardskaff1@gmail.com]
Sent: Saturday, June 21, 2014 2:54 PM
To: 'Bob Planthold'
Cc: cwnevius@sfnchronicle.com; Johnson, Carla (ADM); Board of Supervisors (BOS); Lee, Mayor (MYR)
Subject: C.W. Nevius Article - SF Chronicle - June 20th 2014

Bob,

I'm writing to let you know that I'm really surprised and disappointed in your comments in Mr. Nevius' June 20, 2014 column in the SF Chronicle.

<http://www.sfgate.com/bayarea/nevius/article/Stunning-turn-toward-charging-for-disabled-parking-5568646.php>

In that article, you state, "...Some of us were adamant in the beginning that we needed to do rigorous enforcement," Planthold said. "I've changed my mind. Even Carla Johnson, the current head of the mayor's office on disability, came in thinking enforcement. All of us (I don't believe that your statement is correct. It's my understanding that at least two of the members of the MTA Advisory Committee, both with disabilities, vehemently opposed the MTA proposal but were out-voted by the majority of the Committee), advocates and disabled, changed our minds..."

"...We've unfortunately had opposition voiced by people who have not read the study," said Planthold, who walks with crutches and braces..."

In that Chronicle article, Mr. Nevius states, "The thinking is simple. Removing free parking means there is no reason to fake a disability." What a concept! Let's not make take the next step in that thought, because we don't want to think about the damage the MTA proposal will have on a very large portion of our state-wide population of people with disabilities.

I have never received any communication from you asking whether I had read the MTA Advisory Committee's report (I had read the report and I don't appreciate your broad-brush inference!).

During my 15 year tenure with the City of San Francisco, the City's Department of Parking and Traffic had, on a number of occasions, attempted to make the same California Department of Motor Vehicle regulatory changes as S.F. MTA is presently proposing. Working with representatives of the disability community, we (yes, it was because of the effective advocacy by many in our community) looked at enforcement, which we found to be inadequate, at best (I was successful in convincing the SF Parking and Traffic Department to hire an inspector with a disability who is now part of the placard inspection/investigation program). We were successful in opposing those efforts. Clearly, more recently, SF MTA was able to put together an advisory committee with folks they wanted, a majority (including some with disabilities) that support their efforts to make the draconian.

In my opinion, SF MTA has two goals in mind – respond to the needs of the bicycle community and do everything possible to remove cars from San Francisco, and, find a way to get more income (by adding more meters and charging those who have never had to pay).

Additionally, I'm concerned that if the City is successful, the changes that occur will take place state-wide. Unless something took place that I don't know about, I don't believe there was any state-wide discussion about the proposal except when Carla Johnson, the Executive Director of the San Francisco Mayor's Office on Disability went to a meeting of the California Commission on Disability Access and made the "dog and pony show" presentation to the Commissioners. Three important things happened during the presentation of the SF MTA proposal – first, Ms. Johnson, who should know better, showed the Commission a video visually describing the SF MTA efforts, but she showed it without captioning for attendees at that meeting who are deaf. Not very sensitive! And second, a majority of the Commission members spoke out vehemently against the proposal. And third, many of us were both very surprised and pleased that Assembly member Tom Ammiano, who has always been an advocate of civil rights, had a member of his staff read a statement from him and to the Commission opposing the proposal by Ms. Johnson and SF MTA. I hope he knows how much many of us within our community appreciated that effort.

To end, I'm quite surprised and disappointed in your efforts and support for the SF MTA proposal, especially since it appears that neither you or any of the other members of the SF MTA Advisory Committee have thought to discuss the proposed changes with our community on a state-wide basis. If you had, I'm quite confident that you would have heard a resounding "NO"!

I hope you will reconsider your position, and in the future, not make such incorrect and broad-brushed statements about others.

Richard Skaff, Executive Director

Designing Accessible Communities
Office: 707-604-3503

Cell: 415-497-1091

Email: richardskaff1@gmail.com

From: Ruthee Goldkorn [knowbarriers@yahoo.com]
Sent: Saturday, June 21, 2014 3:33 PM
To: Richard Skaff; 'Bob Planthold'; cdr-membersxchange@yahoogroups.com; Disabilities Caucus
Cc: cwnevius@schronicle.com; Johnson, Carla (ADM); Board of Supervisors (BOS); Lee, Mayor (MYR)
Subject: Re: C.W. Nevius Article - SF Chronicle - June 20th 2014

Mr. Planthold, really? Fake a disAbility????????????????!!!!!!!!!!!!!!!!!!!!!! This kind of inflammatory rhetoric gives a modicum of credibility to the urban myth that upwards of 50% of placards are illegitimate.

The issuance of a placard depends entirely on the application process. After the UCLA football team disAbled parking scandal (which had zero to do with parking, it was a fraud to perpetrated so as to not pay on campus parking fees) the legislative response oput an onus on DMV to track placard apps, determine validity of the application (not the applicant) and keep stats on the clinicians who sign the application so that if there are deviations from the norm it is obvious.

There is no evidence that DMV ever did any of this. There is no evidence that DMV has any records of whether a placard is or is not being misused and DMV has no tangible evidence that the number of placards being misused comes anywhere close to that number being thrown around like a political football designed to incite and inflame anti-disAbility rights sentiment.

A request for an audit of these records was requested in February. We are still waiting.

Enforcement of existing regulations is essential and more importantly holding DMV accountable for the statistical documentation of placards and their rightful owners to achieve thoughtful and appropriate public policy implementation is the answer.

Legislation will be sought to tighten the existing regulations, protect our parking rights as they exist and a simple requirement that those who deal with the deceased to let DMV know when a person has passed so that, just like they have to notify Social Security, DMV knows the placard is to be nullified and no new placard I issued.

Once again, for those who have missed the 500 times this has been said; we will be more than happy to pay our fair share IF the following conditions are met:

1. Fully compliant accessible on street accessible parking spaces are installed wherever there is on street parking
2. Fully compliant accessible paths of travel IN FRNT OF parked vehicles
3. Fully compliant accessible MID BLOCK CURB CUTS
4. Fully compliant accessible and USABLE parking meters (NO, we DO NOT all have smarty pants phones to be able to pay from the car on the street and DO NOT expect we will!!!!) and adoption of appropriate municipal ordinances that apply to off street and

private parking services that they too must have fully compliant accessible USABLE parking meters

5. DO NOT PLACE TIME RESTRICTIONS ON PARKING SPACES FOR PEOPLE WITH DISABILITIES. WE DO NOT MOVE THAT FAST!!!!!!!!!!!!!!!!!!!!!! IT CAN TAKE A MAMA

WITH A BABY IN A SPECIAL STROLLER 30 MINUTES JUST TO GET OUT OF THE CAR!!! IT CAN TAKE ME 20 MINUTES JUST TO GET OUT, GET MY WHEELCHAIR SET AND GET ON THE SIDEWALK.

So, that Ladies and Gentlemen is the parking situation in a nut shell. For those who believe we are a group of spoiled children who had a hissy fit and got "special" laws, think again. We are the fastest growing minority population and we do not use programs and services like "normal" people do. And by "normal" I mean those who have not yet acquired a disAbility either by accident or aging. We do have additional requirements to make sure that the programs and services are provided with equity. The LAW says those who provide programs and services have to provide those additional requirements.

Respectfully,

Ruthee Goldkorn

On Saturday, June 21, 2014 2:54 PM, Richard Skaff <richardskaff1@gmail.com> wrote:

Bob,

I'm writing to let you know that I'm really surprised and disappointed in your comments in Mr. Nevius' June 20, 2014 column in the SF Chronicle.

<http://www.sfgate.com/bayarea/nevius/article/Stunning-turn-toward-charging-for-disabled-parking-5568646.php>

In that article, you state, "...Some of us were adamant in the beginning that we needed to do rigorous enforcement," Planthold said. "I've changed my mind. Even Carla Johnson, the current head of the mayor's office on disability, came in thinking enforcement. All of us(I don't believe that your statement is correct. It's my understanding that at least two of the members of the MTA Advisory Committee, both with disabilities, vehemently opposed the MTA proposal but were out-voted by the majority of the Committee), advocates and disabled, changed our minds..."

"...We've unfortunately had opposition voiced by people who have not read the study," said Planthold, who walks with crutches and braces..."

In that Chronicle article, Mr. Nevius states, "The thinking is simple. Removing free parking means there is no reason to fake a disability." What a concept! Let's not make take the next step in that thought, because we don't want to think about the damage the MTA proposal will have on a very large portion of our state-wide population of people with disabilities. I have never received any communication from you asking whether I had read the MTA Advisory Committee's report (I had read the report and I don't appreciate your broad-brush inference!).

During my 15 year tenure with the City of San Francisco, the City's Department of Parking and Traffic had, on a number of occasions, attempted to make the same California Department of Motor Vehicle regulatory changes as S.F. MTA is presently proposing. Working with representatives of the disability community, we (yes, it was because of the effective advocacy by many in our community) looked at enforcement, which we found to be inadequate, at best (I was successful in convincing the SF Parking and Traffic Department to hire an inspector with a disability who is now part of the placard inspection/investigation program). We were successful in opposing those efforts. Clearly, more recently, SF MTA was able to put together an advisory committee with folks they wanted, a majority (including some with disabilities) that support their efforts to make the draconian.

In my opinion, SF MTA has two goals in mind – respond to the needs of the bicycle community and do everything possible to remove cars from San Francisco, and, find a way to get more income (by adding more meters and charging those who have never had to pay).

Additionally, I'm concerned that if the City is successful, the changes that occur will take place state-wide. Unless something took place that I don't know about, I don't believe there was any state-wide discussion about the proposal except when Carla Johnson, the Executive Director of the San Francisco Mayor's Office on Disability went to a meeting of the California Commission on Disability Access and made the "dog and pony show" presentation to the Commissioners. Three important things happened during the presentation of the SF MTA proposal – first, Ms. Johnson, who should know better, showed the Commission a video visually describing the SF MTA efforts, but she showed it without captioning for attendees at that meeting who are deaf. Not very sensitive! And second, a majority of the Commission members spoke out vehemently against the proposal. And third, many of us were both very surprised and pleased that Assembly member Tom Ammiano, who has always been an advocate of civil rights, had a member of his staff read a statement from him and to the Commission opposing the proposal by Ms. Johnson and SF MTA. I hope he knows how much many of us within our community appreciated that effort.

To end, I'm quite surprised and disappointed in your efforts and support for the SF MTA proposal, especially since it appears that neither you or any of the other members of the SF MTA Advisory Committee have thought to discuss the proposed changes with our community on a state-wide basis. If you had, I'm quite confident that you would have heard a resounding "NO"!

I hope you will reconsider your position, and in the future, not make such incorrect and broad-brushed statements about others.

Richard Skaff, Executive Director
Designing Accessible Communities
Office: 707-604-3503
Cell: 415-497-1091
Email: richardskaff1@gmail.com

From: Board of Supervisors (BOS)
To: BOS-Supervisors; BOS-Legislative Aides
Subject: FW: District 6 Housing Ordinance
Attachments: Supervisor Kim Housing Letter.docx

From: Suzanne Robinson [<mailto:srobinson@bayareacouncil.org>] **On Behalf Of** Jim Wunderman
Sent: Tuesday, June 17, 2014 12:21 PM
To: Kim, Jane (BOS)
Cc: Board of Supervisors (BOS); Lee, Mayor (MYR)
Subject: District 6 Housing Ordinance

Dear Supervisor Kim,

Please find attached a letter from the Bay Area Council concerning your proposal to regulate new housing starts in San Francisco.

Please feel free to contact me if you have any questions,

Sincerely,

Jim Wunderman

Jim Wunderman | President and CEO | **BAYAREA COUNCIL**
353 Sacramento Street 10th Floor | San Francisco, CA 94111
415-946-8701 office | 415-830-1730 cell | Jim@bayareacouncil.org | www.bayareacouncil.org



July 20, 2014

Supervisor Jane Kim
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

Dear Supervisor Kim,

The Bay Area Council is 100% in agreement with you that District 6, San Francisco, and the rest of the Bay Area, are all currently facing an acute housing shortage at all levels of affordability, particularly in the below market rate sector. It is a problem that necessitates immediate attention because it threatens to seriously damage our social fabric and ultimately derail our economic recovery if we continue to ignore it.

We applaud your decisive action, however we have grave concerns that your proposal to regulate new housing starts in District 6 might do more harm than good. Mandating that any new housing development go through additional permitting and discretionary review because of district wide ratios that are beyond the project proponents control is both unfair and potentially counterproductive. We are very concerned that this ordinance, should it pass or go to the ballot, will make new developments unfeasible and make District 6 off limits to all new housing starts. The most basic laws of economics tell us that when you restrict supply, demand along with prices will rise forcing out more low income residents.

We would be very happy to work with you on how best to address this most critical of issues and find long term viable solutions to our housing shortage.

Sincerely

A handwritten signature in black ink that reads "Jim Wunderman".

Jim Wunderman
President & CEO
Bay Area Council

Cc: Mayor Ed Lee
San Francisco Board of Supervisors

From: Reports, Controller (CON) [controller.reports@sfgov.org]
Sent: Thursday, June 19, 2014 1:41 PM
To: Calvillo, Angela (BOS); BOS-Supervisors; BOS-Legislative Aides; Falvey, Christine (MYR); Steeves, Asja (CON); Campbell, Severin (BUD); Newman, Debra (BUD); Rose, Harvey (BUD); SF Docs (LIB); gmetcalf@spur.org; CON-EVERYONE; Nuru, Mohammed (DPW); Kelly, Jr, Harlan (PUC); Ginsburg, Phil (REC); Moyer, Monique (PRT); Martin, John (SFO) (AIR); ed.reiskin@sfmta.com; Hom, Nancy (PUC); Bowman Bailey, Laura (PUC); Johanson, Alan (PUC); Wade, Dan; Poole, Benjamin (PUC); Sakelaris, Kathleen (MTA); Farhangi, Shahnám (MTA); Yuen, Victor (MTA); Ajike, Toks (REC); Kamalanathan, Dawn (REC); Emerson, Taylor (REC); Satero, Ivar (AIR); Neumayr, Geoff (AIR); Tang, Wallace (AIR); Nicomedes, Lourdes (DPW); Dorian, Mark (DPW); Lopez, Edgar (DPW); Dawson, Julia (DPW); Camillo, Stacey (DPW); Onderdonk, Evelyn (PRT); Forbes, Elaine (PRT); Leung, Tim (PRT); Woo, John (PRT); Elliott, Jason (MYR)
Subject: Issued: Fiscal Years 2012-13 and 2013-14 Combined Construction Audits, Assessments, and Reviews

The Office of the Controller's City Services Auditor Division (CSA) today issued a summary memorandum on its construction-related audit, assessment, and review work in fiscal years 2012-13 and 2013-14 for departments with construction contracting authority. Overall, CSA's work found that:

1. Departments and contractors did not always comply with all contract terms and requirements and/or could not provide proper documentation of completion of all contract requirements.
2. Departments did not properly follow Job Order Contract (JOC) program procedures and one department may have used the JOC program inappropriately.
3. Some department construction contracts are missing important information or contain unclear or outdated requirements.
4. Department and contractor policies, procedures, and oversight of contract compliance need improvement.
5. Departments select construction contractors primarily based on lowest bid without evaluating their quality or performance.

Based on these findings, CSA concludes that opportunities exist to improve contracts and strengthen departments' management, oversight, and controls over construction projects. CSA's reports and memorandums for these projects include 130 recommendations. To date, 100 (77 percent) of the 130 recommendations have been implemented or otherwise closed.

To view the full memorandum, please visit our Web site at:
<http://openbook.sfgov.org/webreports/details3.aspx?id=1757>

This is a send-only e-mail address.

For questions about the memorandum, please contact Director of City Audits Tonia Lediju at tonia.lediju@sfgov.org or 415-554-5393 or the CSA Audits Unit at 415-554-7469.

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CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

MEMORANDUM

TO: City Departments With Construction Contracting Authority

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

DATE: June 19, 2014

SUBJECT: Fiscal Years 2012-13 and 2013-14 Combined Construction Audits, Assessments, and Reviews: Opportunities Exist to Strengthen Departments' Management, Oversight, and Controls Over Construction Projects

EXECUTIVE SUMMARY

The Office of the Controller's City Services Auditor Division (CSA) conducted construction-related audits, assessments, and reviews in fiscal years 2012-13 and 2013-14 and found that:

1. Departments and contractors did not always comply with all contract terms and requirements and/or could not provide proper documentation of completion of all contract requirements.
2. Departments did not properly follow Job Order Contract (JOC) program procedures and one department may have used the JOC program inappropriately.
3. Some department construction contracts are missing important information or contain unclear or outdated requirements.
4. Department and contractor policies, procedures, and oversight of contract compliance need improvement.
5. Departments select construction contractors primarily based on lowest bid without evaluating their quality or performance.

Based on these findings, CSA concludes that opportunities exist to improve contracts and strengthen departments' management, oversight, and controls over construction projects. CSA's reports and memorandums for these projects include 130 recommendations addressed to management and staff at the six departments with construction contracting authority:

1. Airport Commission (Airport)
2. Department of Public Works (Public Works)
3. Port of San Francisco (Port)
4. Recreation and Park Department (Rec and Park)
5. San Francisco Municipal Transportation Agency (SFMTA)
6. San Francisco Public Utilities Commission (SFPUC)

BACKGROUND, OBJECTIVES & METHODOLOGY

Background

Citizens' General Obligation Bond Oversight Committee. In 2002 San Francisco voters adopted Proposition F, the Citizen Oversight of Bond Expenditures Initiative. The ordinance established the City and County of San Francisco (City) Citizens' General Obligation Bond Oversight Committee (CGOBOC) for the purpose of informing the public about expenditure of proceeds from general obligation bonds, which are a type of long-term debt paid for over time. In 2003 city voters added to the duties of CGOBOC by approving Proposition C, which enacted a city Charter amendment that requires CGOBOC to serve as a Citizens Audit Review Board.

The City's Ten-Year Capital Plan. The annual construction appropriation is part of the City's rolling ten-year capital plan, which was initially adopted in 2005. In 2006 the City released its first citywide ten-year capital plan. The Fiscal Year 2014-2023 Capital Plan (Capital Plan) anticipates approximately \$1.5 billion in general obligation bond debt issuance through fiscal year 2020-21, and nearly \$25.1 billion in funding across all service areas and department types for capital improvements and investment in the City's infrastructure.

The Projects CSA Performed. Given the level of funding in the Capital Plan, it is important to ensure that city resources are being used appropriately and effectively, city departments are sufficiently overseeing and managing construction projects, departments and contractors are complying with relevant requirements and procedures, and the City is adhering to industry standards and leading practices. As such, in fiscal years 2012-13 and 2013-14 CSA completed 23 audits, assessments, or reviews related to construction projects' processes and management, including:¹

- 10 assessments of construction contract close-out procedures
- 2 performance audits of construction contract change order processes
- 2 performance audits of departmental Job Order Contract (JOC) programs
- 3 performance audits of the San Francisco General Hospital (SFGH) Rebuild project
- 4 reviews of the Central Subway Project (Central Subway) consultant overhead rates
- 1 performance audit of project controls for the Public Safety Building project, which is funded by the Earthquake Safety and Emergency Response Bond (ESER) program
- 1 performance audit of citywide contractor performance evaluation (CPE) processes

Exhibit 1 shows the type of work performed for each department, the number of findings and recommendations for each department, and the number of recommendations already implemented. As shown in Exhibit 1, 100 (77 percent) of the 130 recommendations have been implemented to date.

¹ Consultants working under CSA management and oversight performed some of the audits, assessments, and reviews.

**EXHIBIT 1 CSA's Projects, Findings, and Recommendations by Department
 Fiscal Years 2012-13 and 2013-14**

Project Type	Department						
	Airport	Public Works	SFMTA	Port	SFPUC	Rec and Park	Citywide
Close-out	2	3	2	1	2		
Change order		1 ^a			1	1 ^a	
JOC program		1			1		
SFGH Rebuild		3					
Central Subway			4				
ESER program		1					
CPE processes							1
Findings	3	45	8	0	18	4	6
Recommendations	7	69	12	0	27	6	12
Recs. Implemented ^b	7	52	10	n/a ^c	25	6	0 ^d

Notes:

- ^a A change order audit of both Public Works and Rec and Park had three findings and three recommendations related to both departments.
- ^b Implemented or otherwise closed.
- ^c Not applicable; there were no recommendations.
- ^d The report containing these recommendations was issued in May 2014, near the end of the period considered.

Source: Auditor's analysis of issued memorandums and reports.

Objectives

The objectives of these audits, assessments, and reviews varied according to the specific department or program, but were related to the need for oversight of capital program projects and the overall purpose and objectives of CGOBOC to provide review and oversight of construction projects to ensure that projects stay on time, on scope, and on budget. In general, the objectives were to determine whether:

- Departments and contractors complied with contract provisions and departmental policies and procedures.
- Departments properly oversaw compliance with contract terms and procedures.
- Construction projects were managed effectively and efficiently.
- Change orders were reasonable and properly reviewed.
- Subcontractor markups and overhead rates were reasonable and reflected actual costs.
- Departments are appropriately and sufficiently assessing and monitoring construction contractor quality and performance.

Methodology

The methodologies used in these audits, assessments, and reviews varied according to the specific department or program. In general, CSA reviewed contract documents, department policies and procedures, and industry best practices; evaluated specific contractor payment, task order, and change order applications; interviewed department and contractor staff; verified monthly subcontractor billings and invoices; and evaluated and assessed internal controls.

SUMMARY OF RESULTS

Finding 1 – Departments and contractors did not always comply with all contract requirements and/or could not provide proper documentation of completion of all contract requirements.

Summary of Findings

Several departments (Airport, Public Works, SFMTA, and SFPUC) did not always complete or require the contractor to complete all applicable contract close-out procedures. Contract close-out formally ends the construction phase of a capital project and ensures that all contractual and legal obligations have been fulfilled before final payment is released. Ensuring compliance with all close-out procedures assures the City that the contractor used city resources appropriately and completed the work in accordance with contract terms.

Some of the uncompleted procedures are low-risk, such as documenting the use of certain cleaning materials, but some are high-risk, such as issuing certificates of completion or requiring the contractor to document in writing that the work is complete and ready for inspection. In one case, Public Works staff stated that a procedure had been completed and verbal approval given, but could not provide adequate documentation to verify completion of all applicable close-out procedures.

None of the departments assessed use a checklist to ensure that all close-out procedures have been completed. Procedural steps are a tool to assist city staff in ensuring that the department and contractor meet contract requirements and ensure successful completion of the project. Failure to follow all required steps could cause an important requirement to be overlooked, and lack of adequate documentation of completion of contract close-out procedures could be a problem if the contractor and City disagree on whether a particular procedure was completed. Creating a checklist of required procedures and documentation is a best practice for contract close-out and would assist city staff in ensuring that all applicable close-out procedures in the contract are completed and documented.

Some departments did not always strictly adhere to the contract requirements for change orders, including:

- Verifying contractor compliance with change order pricing provisions and allowable markups (Public Works, SFPUC, and Rec and Park).
- Requiring contractors to provide detailed breakdowns of labor rates (SFPUC).
- Submitting timely change order requests (SFPUC).
- Obtaining independent cost estimates before approval (Public Works).
- Documenting the record of negotiations for larger change orders (Public Works).

Further, some change orders on an SFPUC project took over 100 days to approve, and many were approved after substantial completion.

Contract provisions should be followed or amended as appropriate to ensure compliance. Failure to obtain independent price estimates for change order work and increasing allowable

markups could lead to increased costs to the City. Change orders should be reviewed and approved before the work is performed. Inadequate documentation, improper oversight, or approval delays could result in additional cost or create a risk to the project by leading to schedule delays or work being performed “at risk.”

Similar to the close-out assessment findings, departments did not always retain adequate documentation of change orders related to pricing and the need for time extensions and sometimes allowed modifications based on verbal agreements. Change orders should have the proper cost and time extension documentation. Verbal agreements or insufficient documentation regarding the specifics of (and need for) a change order could be a problem if the contractor and City disagree about compensation or completion later in the project.

Summary of Recommendations

Departments should:

- Ensure that they follow all contract provisions—and that contractors do the same—or amend the contract as necessary.
- Ensure that all close-out and change order procedures required in the contract are completed and documented, paying special attention to high-risk procedures such as documentation of inspection readiness and issuing certificates of completion, obtaining independent cost estimates for change orders, properly documenting the reasons for change orders and retaining a record of negotiations, and approving change orders before performing the work.
- Discontinue the use of verbal agreements for recognizing completion of contract requirements and allowing contract modifications.
- Implement and use close-out and change order templates or checklists for all construction projects.
- Ensure that they have ready access to the documentation needed to verify that all close-out and change order procedures have been properly completed.

Finding 2 – Departments did not properly follow all Job Order Contract program procedures and one department may have used the JOC program inappropriately.

Summary of Findings

Public Works and SFPUC did not follow all of the JOC program requirements, including allowing contractors to begin work before confirmation of available funds (SFPUC), allowing retroactive extension of completion dates (Public Works), and incorporating non-prepriced work (SFPUC). Also, some projects were inappropriately implemented under the SFPUC JOC program.

The purpose of departmental JOC programs is to save resources and time by expediting simple construction projects with pre-negotiated prices, although such a policy is not clearly defined in the City’s Administrative Code (Administrative Code). In one case, however, a large SFPUC construction project was broken into smaller projects in order to use the JOC program, and a number of SFPUC JOC projects relied significantly on non-prepriced tasks. This gives the appearance of using the program out of convenience and to circumvent the City’s formal

competitive solicitation process. Further, some projects implemented under the Public Works JOC program exceeded the allowable dollar threshold, and some SFPUC projects were federally-funded, contrary to the program regulations.

Summary of Recommendations

Departments should:

- Modify written policies, procedures, or other guidance to address areas such as the JOC program's purpose, descriptions or examples of specific types of projects that qualify for the JOC program, and allowing exceptions to the dollar threshold and the requirement for pre-pricing of work.
- Create written criteria guiding the assignment of JOC program contractors to projects.
- Ensure that JOC program contracts comply with program requirements, and that larger projects are not broken into smaller projects to avoid the City's competitive bidding process.

Finding 3 – Some department construction contracts are missing important information or contain unclear or outdated requirements.

Summary of Findings

In some cases, important close-out procedures are missing from department construction contracts. For example, an SFMTA contract does not require the contractor to request an inspection or the City to conduct one to determine completion status and does not require the department to issue a certificate of final completion. This contract also contains unclear requirements and unnecessary detail in the close-out section. Also, an Airport contract does not require the contractor to provide written notice to the City that the work is substantially complete and ready for inspection.

Requiring formal documentation of inspections and inspection readiness is a best practice that could help departments avoid unnecessary re-inspections and help defend the City from unwarranted claims. Having well-defined contract requirements is essential to ensure that both the City and contractor are in agreement regarding the contract and allow the City to determine if the requirements for project completion have been met. For example, SFMTA could not determine compliance with a liquidated damages clause of \$3,000 per day because the contract did not specify whether a requirement had to be completed before substantial or final completion.

One Public Works contract inadequately defines how to calculate the total contractor markup allowed and is unclear on whether or not to allow supplier direct costs with markup to be included in subcontractor costs. Different calculations were used to determine actual markup dollar amounts and whether or not the 25 percent maximum markup threshold was reached, and the general contractor allowed supplier direct costs with markup to be used. In both of these cases, the City paid more in contractor markup than it would have otherwise. In another case, due to unclear contract language regarding allowable exclusions of reimbursable expenses, a

subcontractor on a Public Works project did not comply with contract requirements regarding billing for such expenses. Further, Public Works change order provisions have no standard clause to prevent a contractor from recovering or limiting its attempt to recover additional costs or time related to an agreed-upon change order.

Summary of Recommendations

Departments should ensure that:

- The appropriate contract type is used for construction work.
- All standard city construction close-out procedures are included in construction contracts.
- All contract requirements and terms are clearly defined, paying special attention to sections related to contractor and subcontractor markups and payment.
- Contracts clearly define payment schedules, milestones for retention release, exclusions for reimbursable expenses, and limitations on recovery of additional costs for change orders.

Finding 4 – Department and contractor policies, procedures, and oversight of contract compliance need improvement.

Summary of Findings

The Public Works and SFPUC JOC program policies and procedures lack criteria and guidance for key processes. For example, the programs lack formal procedures for choosing which contractor receives a given project, and the policies and procedures do not include criteria for project authorization decisions. Further, some controls over the approval process for Public Works JOC program project invoices are insufficient, and Public Works does not have written procedure steps documenting and providing guidance for developing its monthly cost control report, an important component of project oversight.

The general contractor for a Public Works project has not developed clear billing instructions for its subcontractors, resulting in the routine use of excessive time to resolve recurring, minor billing issues caused by inaccurate and incomplete subcontractor submittals. Further, the general contractor lacks policies and procedures to actively monitor compliance with billing and with license and insurance contract terms for all subcontractor tiers. In another case, a subcontractor on a Public Works project did not comply with contract requirements regarding billing for reimbursable expenses and did not pass on to the City discounts obtained from suppliers.

In many cases, subcontractor overhead rates for SFMTA's Central Subway project are too high. Overhead rates for some subcontractors included unsupported, unallowable, or unreasonable costs, resulting in excessive overhead rates and higher costs to the City.

Summary of Recommendations

Departments should:

- Design and document written procedures regarding the department's monthly cost control report that, at a minimum, describe the specific steps and data sources used to develop the report.
- Develop policies and procedures for departmental JOC programs related to contractor selection and handling exceptions to program regulations.
- Instruct general contractors to require their subcontractors to submit accurate and complete progress payment applications and establish written procedures to ensure that their subcontractors require their lower-tier subcontractors to include clauses in those contracts naming the City as additional insured.
- Decrease subcontractor overhead rates that were found to be based in part on unsupported, unallowable, or unreasonable costs.

Finding 5 – Departments select construction contractors primarily based on lowest bid without evaluating their quality or performance.

Summary of Findings

The Public Works JOC program does not require departments to assess contractor quality after contractors perform work, and SFPUC inadequately assesses the qualifications of potential JOC contractors. Although the Administrative Code requires departments to award JOC program contracts to the lowest responsible bidder, without information on the quality of contractor performance departments may not always identify the best contractor and cannot prevent offering new task orders or new contracts to inadequately performing contractors.

Although 70 percent of surveyed city construction staff across the six departments with construction contracting authority have at least occasionally encountered contractors that they considered to be poor performers, the Administrative Code does not require departments to assess the performance of construction contractors and departments do not consider past performance when awarding city contracts. Poor-performing contractors negatively affect the City through project delays, substandard work, and the high likelihood of claims and litigation.

CSA researched contractor evaluation practices in other jurisdictions and found that four of the five jurisdictions that have implemented performance evaluations indicated that doing so has positively impacted their construction project bid pool by attracting high-quality contractors and discouraging poor performers from bidding on projects.

Summary of Recommendations

Departments should:

- Include a requirement in their JOC programs to evaluate contractors' qualifications by using the experience and expertise of their own qualified staff and consider these evaluations when selecting JOC contractors or awarding JOC program contracts.

- Collaborate with the Mayor's Office, Board of Supervisors, Office of the City Attorney, and other relevant stakeholders to amend the Administrative Code to require performance evaluations of all city contractors and consideration of these evaluations in the contract award process.
- Develop and implement procedures for completing and recording contractor performance evaluations and develop a database for storing and accessing this information.

CONCLUSION

The findings in this memorandum are intended to present an overall summary of the main themes and more significant findings discovered as a result of CSA's construction audit, assessment, and review work over the past two fiscal years. This memorandum is not intended to include all of CSA's findings and recommendations.

Links to the individual reports and memorandums, including findings, recommendations, and department responses, are included as an attachment. CSA is working with the departments to follow up on the status of the recommendations in these reports and memorandums. If you have any questions or concerns, please contact me at (415) 554-5393 or Tonia.Lediju@sfgov.org.

cc: Board of Supervisors
Budget Analyst
Citizens Audit Review Board
City Attorney
Civil Grand Jury
Mayor
Public Library
Departments
Airport
Port
Public Works
Rec & Park
SFMTA
SFPUC
Controller
Ben Rosenfield
Monique Zmuda
Mark de la Rosa
Deric Licko

ATTACHMENT: LINKS TO PUBLISHED REPORTS AND MEMORANDUMS

No.	Issuance Date	Department	Project Type	Report Name and Web Link
1	7/5/2012	SFMTA	Overhead Rate Desk Review	San Francisco Municipal Transportation Agency: Assessment of Indirect Rate Submissions of Six Central Subway Partners Contractors http://openbook.sfgov.org/webreports/details3.aspx?id=1440
2	7/16/2012	Public Works	Close-out Assessment	Results of the Assessment of Department of Public Works' Compliance with Construction Contract Close-out Procedures for the Chinatown Public Health Center ADA Improvements Phase II Project http://openbook.sfgov.org/webreports/details3.aspx?id=1447
3	7/16/2012	Public Works	Close-out Assessment	Results of Assessment of Department of Public Works' Compliance with Construction Contract Close-out Procedures for the Castro Street Pavement Renovation Project http://openbook.sfgov.org/webreports/details3.aspx?id=1448
4	7/30/2012	Public Works	SFGH Rebuild Audit	Department of Public Works: Webcor Generally Complies With Progress Payment Requirements, but Should Improve Internal Guidelines to Ensure Accuracy and Completeness http://openbook.sfgov.org/webreports/details3.aspx?id=1456
5	11/28/2012	SFMTA	Close-out Assessment	Memorandum on Assessment of the San Francisco Municipal Transportation Agency's Compliance With Close-out Procedures for the Metro East Contract http://openbook.sfgov.org/webreports/details3.aspx?id=1502
6	12/12/2012	Airport	Close-out Assessment	The Airport Did Not Always Follow the Close-out Procedures in Its Cooling Towers Rehabilitation Contract and Must Improve Its Documentation of Compliance http://openbook.sfgov.org/webreports/details3.aspx?id=1515
7	12/26/2012	SFPUC	JOC Program Audit	San Francisco Public Utilities Commission: The Job Order Contract Program Lacks Sufficient Oversight to Ensure Program Effectiveness http://openbook.sfgov.org/webreports/details3.aspx?id=1523

No.	Issuance Date	Department	Project Type	Report Name and Web Link
8	2/5/2013	SFMTA	Overhead Rate Desk Review	San Francisco Municipal Transportation Agency: Overhead Rates of Ten Central Subway Project Consultants Must Be Reduced http://openbook.sfgov.org/webreports/details3.aspx?id=1534
9	4/2/2013	Rec and Park/ Public Works	Change Order Audit	Recreation and Park Department: Chinese Recreation Center and Mission Clubhouse and Playground Construction Management — The Change Management Process Requires Some Improvements http://openbook.sfgov.org/webreports/details3.aspx?id=1553
10	4/9/2013	SFPUC	Change Order Audit	San Francisco Public Utilities Commission: Alameda Siphon No. 4 Construction Management – The Change Management Process Generally Complied With Contract Provisions but Requires Some Improvements http://openbook.sfgov.org/webreports/details3.aspx?id=1555
11	5/1/2013	SFMTA	Overhead Rate Desk Review	San Francisco Municipal Transportation Agency: Overhead Rates of Five Central Subway Project Design Consultants Must Be Reduced http://openbook.sfgov.org/webreports/details3.aspx?id=1564
12	5/13/2013	SFPUC	Close-out Assessment	San Francisco Public Utilities Commission Did Not Issue a Certificate of Completion for the Harry Tracy Water Treatment Plant Short-Term Improvement Project http://openbook.sfgov.org/webreports/details3.aspx?id=1568
13	5/23/2013	Public Works	SFGH Rebuild Audit	Department of Public Works: Improvements Are Needed to Better Monitor Subcontractors' Insurance and Licenses and Strengthen Contract Terms for the San Francisco General Hospital Rebuild Project http://openbook.sfgov.org/webreports/details3.aspx?id=1576
14	6/25/2013	SFMTA	Overhead Rate Desk Review	San Francisco Municipal Transportation Agency: Overhead Rates of Two Central Subway Project Management Consultants Must Be Reduced http://openbook.sfgov.org/webreports/details3.aspx?id=1594

No.	Issuance Date	Department	Project Type	Report Name and Web Link
15	7/16/2013	Public Works	JOC Program Audit	Department of Public Works: The Job Order Contract Program Is Generally Effective But Requires Improvements to Ensure Accountability and Consistency http://openbook.sfgov.org/webreports/details3.aspx?id=1604
16	7/30/2013	Public Works	Close-out Assessment	The Department of Public Works Generally Complied With Close-out Procedures for the Laguna Honda Hospital Replacement Program Contract but Must Better Document Its Compliance http://openbook.sfgov.org/webreports/details3.aspx?id=1606
17	10/17/2013	SFMTA	Close-out Assessment	San Francisco Municipal Transportation Agency: The Department Generally Complied With Close-out Procedure Requirements in Its Contract for the Cable Car Propulsion System DC Motor Drives Upgrade http://openbook.sfgov.org/webreports/details3.aspx?id=1619
18	10/31/2013	Port	Close-out Assessment	Port Commission: The Department Complied With All Applicable Close-out Procedures in Its Contract for the Pier 35 North Apron Improvements Project http://openbook.sfgov.org/webreports/details3.aspx?id=1624
19	1/8/2014	SFPUC	Close-out Assessment	San Francisco Public Utilities Commission: The Department Complied With All Applicable Close-out Procedures in Its Contract for the Bay Division Pipelines Nos. 3 & 4 Crossover Facilities Project http://openbook.sfgov.org/webreports/details3.aspx?id=1653
20	2/13/2014	Airport	Close-out Assessment	Airport Commission: The Department Did Not Use the Appropriate Contract Type and Did Not Perform All Close-out Procedures Airport Commission: The Department Did Not Use the Appropriate Contract Type and Did Not Perform All Close-out Procedures http://openbook.sfgov.org/webreports/details3.aspx?id=1669
21	4/16/2014	Public Works	ESER Public Safety Building Audit	Department of Public Works: Controls Over the Public Safety Building Project Should Be Strengthened to Improve Project Scheduling and the Change Management Process http://openbook.sfgov.org/webreports/details3.aspx?id=1731

No.	Issuance Date	Department	Project Type	Report Name and Web Link
22	5/20/2014	Citywide	Contractor Performance Evaluation Audit	Citywide Construction: Adopting Leading Practices Could Improve the City's Construction Contractor Bid Pool http://openbook.sfgov.org/webreports/details3.aspx?id=1743
23	5/21/2014	Public Works	SFGH Rebuild Audit	Department of Public Works: Controls Over Billings and Payments for the General Hospital Rebuild Project Are Effective, but Some Contract Requirements Need Clarification http://openbook.sfgov.org/webreports/details3.aspx?id=1744

Law Offices of
THOMAS N. LIPPE, APC

201 Mission Street
12th Floor
San Francisco, California 94105

Orig: Mayor's Office

BDS-11, COB, page

Telephone: 415-777-5604

Facsimile: 415-777-5606

Email: Lippelaw@sonic.net

*Dep City
Attney*

June 18, 2014

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

Successor Agency to the Redevelopment Agency of the City and County of San Francisco
1 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 19 PM 4:50
TL

Re: Notice of Commencement of CEQA Action Regarding 706 Mission Street - The Mexican Museum and Residential Tower Project; State Clearinghouse Number 2011042035 (Pub. Resources Code § 21167.5)

Dear Ms. Cavillo and Above Referenced Agencies:

This letter provides written notice pursuant to Public Resources Code section 21167.5 that my clients, 765 Market Street Residential Owners Association, Friends of Yerba Buena, Paul Sedway, Ron Wornick, Matthew Schoenberg, Joe Fang, and Margaret Collins, intend to file a lawsuit challenging the City's approval of two subdivision maps for the 706 Mission Street-Mexican Museum and Residential Tower Project that the Board of Supervisors approved on May 20, 2014.

The Project and its approvals are described in Notices of Determination filed with the San Francisco County Clerk by the Planning Department on May 23, 2014. The grounds for this lawsuit include grounds that these approvals do not comply with the requirements of the California Environmental Quality Act.

I am also writing to advise you that my clients remain interested in continuing to discuss settlement of this dispute on terms previously offered.

Thank you for your attention to this matter.

Very Truly Yours,

Tom Lippe

Thomas N. Lippe

From: Board of Supervisors (BOS)
To: BOS-Supervisors; BOS-Legislative Aides
Subject: FW: Castro/Upper Market Community Benefit District Support for GLBT Historical Society
Attachments: CastroCBDSupport GLBTHistoricalSociety.pdf

From: andrea.aiello1@gmail.com [<mailto:andrea.aiello1@gmail.com>] **On Behalf Of** Andrea Aiello
Sent: Wednesday, June 18, 2014 11:48 AM
To: Howard, Kate (MYR)
Cc: Torres, Joaquin (MYR); Wiener, Scott; Power, Andres; Historical Society; Board of Supervisors (BOS); Perea, Daniel (POL)
Subject: Castro/Upper Market Community Benefit District Support for GLBT Historical Society

Dear Mayor Lee,
Attached please find a letter urging continued City support of the GLBT Historical Society & Museum. \$200,000 is urgently needed to maintain the GLBT Historical Society & Museum's strong presence in San Francisco.

If you have any questions about this support, please do not hesitate to contact me at 415-500-1181 or via email: execdirector@castrocbd.org

Thank you for your attention to this important matter.

Andrea Aiello

--
Andrea Aiello
Executive Director
Castro/Upper Market CBD
www.castrocbd.org
[facebook.com/castrocbd](https://www.facebook.com/castrocbd)
email: execdirector@castrocbd.org
ph: 415-500-1181



584 Castro Street #336
San Francisco, CA 94114
PH 415.500.1181
FX 415.522.0395
www.castrocbd.org
www.facebook/
castrocbd
@visitthecastro

June 18, 2014

Mayor Edwin M. Lee
City Hall, Room 200,
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Mayor Lee:

The Castro/Upper Market Community Benefit District (Castro CBD) is writing to ask you to continue City support for the GLBT History Museum and archives. The Castro CBD supports the Historical Society's request for \$200,000 over the next two years in City support. The CBD understands Supervisor Wiener is proposing this amount as an add-back to the City budget.

The Historical Society is facing two major challenges in the near future and they are requesting \$200,000 over the next two years to help them meet these challenges:

- Moving their archives due to large rent increases.
- Committing the GLBT History Museum at 4127 18th Street in the Castro.

As a tourist destination, attracting 50,000 visitors over the past three years, the GLBT History Museum is an important contributor to the economic vitality of the Castro. Queer history is a valuable piece of San Francisco's global identity, and the GLBT Historical Society plays an essential role in maintaining that brand. Not only do they operate the only GLBT history museum in the nation, they also maintain a large archive that filmmakers and authors use to tell the stories of LGBT people. (For example, the film *Milk* drew extensively on our archives.) There are other cities that have great queer

history, but San Francisco is seen around the world as a birthplace of queer history, an enormous benefit to the city. The GLBT Historical Society helps make that happen.

The Historical Society is aggressively seeking other support as well. They have received major grants for the archive program over the last few years allowing them to process and make available large amounts of new material. They have increased corporate support for the museum including new sponsorships by Wells Fargo, Bank of West, Whole Foods and See's Candies, and they have launched a membership card program to strengthen support from individuals.

However, for the immediate future, they urgently need continued city support. Given the new rent increases it is unlikely the museum can continue without any support from the city.

Thank you again for your continued support of LGBT issues in San Francisco. The Castro CBD looks forward to the continued growth of the GLBT Historical Society and the History Museum.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Aiello". The signature is fluid and cursive, with a horizontal line above the name.

Andrea Aiello
Executive Director

cc: Kate Howard, Budget Director, Office of the Mayor
Joaquin Torres, Director, Mayor's Office of Neighborhood Services
Supervisor Scott Wiener
All Members of the S.F. Board of Supervisors
Captain Dan Perea, S.F.P.D. Mission Station
Paul Boneberg, GLBT Historical Society & Museum

Subject:

Stop Ballot-Box Planning for Housing Affordability

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

From: Alicia Gaylord [<mailto:agaylord@bridgehousing.com>]

Sent: Tuesday, June 17, 2014 9:09 AM

To: info@sfhac.org; Lee, Mayor (MYR); Mar, Eric (BOS); Farrell, Mark (BOS); Chiu, David (BOS); Tang, Katy (BOS); BreedStaff (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Wiener, Scott; Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)

Subject: Stop Ballot-Box Planning for Housing Affordability

Dear Supervisor Kim and Mayor Lee,

While I strongly agree that our city needs to focus on building more affordable housing, I do not believe that going to the ballot with complex land-use planning is the best way to achieve the Mayor's goal of producing 30,000 new homes, including 10,000 permanently affordable housing units, by 2020.

Please consider legislative action to achieve housing affordability. Supervisor Kim, I urge you to withdraw your Housing Balance initiative for the November ballot. Collaborative legislation, rather than simplistic campaign slogans, is a better way to determine complex land-use policies.

Thank you.

CC: SF Board of Supervisors

--

Alicia Gaylord

agaylord@bridgehousing.com

San Francisco

Resident, Affordable Housing Developer

From: Francisco Da Costa [fdc1947@gmail.com]
Sent: Saturday, June 21, 2014 8:21 AM
To: Francisco Da Costa
Subject: 30,000 units planned on very contaminated ground - the last frontier - Southeast Sector of San Francisco.

30,000 units planned on very contaminated ground - the last frontier - the Southeast Sector of San Francisco:

<http://kilamanjaro-kilamanjaro.blogspot.com/2014/06/too-much-hog-wash-flowing-at-city-hall.html>

*Francisco Da Costa
Director
Environmental Justice Advocacy*

BOS-11

From: Lou Ann Bassan [louann.bassan@gmail.com]
Sent: Thursday, June 19, 2014 10:22 PM
To: Board of Supervisors (BOS); Tang, Katy (BOS); Lum, Curtis (POL); Lee, Mayor (MYR); greg.surh@sfgov.org
Subject: Budget Meeting: Slash "Homeless" Budget

CPAGE

LOU ANN BASSAN
3338 Noriega Street
San Francisco, CA 94122
415.753.8315
louann.bassan@gmail.com

June 19, 2014
Linda Wong, Clerk
Board of Supervisors
City and County of San Francisco
attn: David Chiu, President, Board of Supervisors
attn: Katy Tang, Supervisor, District 4
attn: All Supervisors
board.of.supervisors@sfgov.org

Re: Budget and Finance Committee Meeting (June 20, 2014): "Homeless" Budget needs to be slashed.

Dear Clerk:

Please forward to all of the supervisors as well as place on the list of communications included in the Board of Supervisors' agenda for tomorrow's Budget and Finance Committee meeting.

Dear Board of Supervisors,

Stop the insanity of the "homeless" budget now!

For the past 10 years, San Francisco has spent obscene amounts of money on the "homeless." The most recent estimate by Harvey Rose is \$165 million. A rough estimate over the past 10 years would be \$1.5 billion. And yet the problem of the "homeless" is still the same, or worse – but definitely not better. Obviously, the expenditure of ~\$165 million per year has not been effective or successful; thus, it is obvious the money is being wasted.

The "homeless" count is supposedly flat at about 6,500. That works out to a whopping +\$25,000 per "homeless" person per year! It is obvious that the vast majority of the money is spent on "homeless" enablers, who have a vested interest in the issue and whose careers depend on enabling "homeless" people.

The time has come to stop wasting taxpayer money on the "homeless" issues.

A simple 3-year solution is as follows: 2014: cut \$65 million from the budget. 2015: cut \$50 million from the budget. 2016: cut \$50 million from the budget. Of course Randy Shaw will argue that we need to spend more, not less, and that cutting the budget will only increase the homeless population. He is blatantly wrong, as evidenced by the +\$25,000 per “homeless” person per year.

Stop enabling the problem; roll up the welcome mat

San Francisco is known all over the world as the place to come if you want to be “homeless” and live on the taxpayer dime and feed at the public trough. A perfect example was in the San Francisco Chronicle, The City Exposed, profiling Mr. Claude Holman of Texas on June 9, 2014. Mr. Holman is 79, and has family in Texas (5 adult children), but his social worker hinted that he would find the benefits in San Francisco more to his liking – and sure enough, he does! Not only that, he heard in Los Angeles that San Francisco was the land of opportunity. He “decided to come to San Francisco, a strange city, with no money, no relatives and no plan.” He is quoted, “You don’t have to be homeless, and you don’t have to be hungry in this city.... You can get free food seven days a week. You can get clothing twice a week. Housing if you want it. I was lucky to get this room. I’m gonna stay here for a while.” Stop! Stop! Stop this insanity of free services to people like Mr. Holman. Send Mr. Holman back to Texas and let his children take care of him.

Well, the time has come to pull the rug out from under such people. Mr. Holman needs to go home to Texas where his family can take care of him – he should not be foisted on the taxpayers of San Francisco.

And City Attorney Dennis Herrera needs to investigate why social workers in other states are encouraging their clients to come to San Francisco, i.e., why other states are dumping their welfare cases in San Francisco. Mr. Herrera recently investigated a similar issue of why Nevada was sending its indigent patients to San Francisco (City Attorney Dennis Herrera News Release, September 10, 2013, Contact: Gabriel Zitrin, (415) 554 4653, Herrera files class action suit against Nevada over ‘patient dumping’ practices, expenses; City Attorney follows through on litigation threat to seek statewide injunction, restitution for S.F.’s costs for care of improperly based non-residents).

Define “homeless”: vagrants and practitioners of anti-social behavior

The “homeless” count is supposedly flat at about 6,500. Harvey Rose reported the City developed 3,071 units of new housing since 2002, so the “homeless” count should have dropped by half.

Instead, it remains flat. This can mean only one thing: nature abhors a vacuum – every time a “homeless” person is housed, another “homeless” person arrives in San Francisco seeking benefits.

Yet “homeless” advocates will point to statistics that they have placed thousands in “permanent supportive housing” and without such housing, the numbers of “homeless” would be even higher. They cannot prove that claim.

So by definition these people are no longer “homeless.” Someone may live in supportive housing, yet be on the streets everyday, panhandling, using drugs, urinating and defecating, and is still

referred to as a “homeless” person. The fact is, we are not really talking about “homeless” people, but about vagrants and those exhibiting anti-social behavior.

(And why are taxpayers paying \$81 million per year for permanent supportive housing? Is this for the 3,000 new units since 2002 – which equates to \$27,000 per year per unit! Year after year after year for supposedly “homeless” people.)

Start enforcing laws and ordinances aimed at unacceptable anti-social behavior

It is time for the Board of Supervisors and the administrators of the city and the police force to start enforcing laws and ordinances aimed at unacceptable anti-social behavior. Enforcement does not mean the “homeless” are being disrespected. It means that the taxpayers of this city are finally being respected.

In our society, we have a social contract – and no one has the right to urinate or defecate on public streets or in MUNI vehicles; nor do they have the right to sleep anywhere they want, or in any park paid for by taxpayers; nor do they have the right to accost and harass passers-by; nor do they have the right to panhandle. Society has drawn a line (i.e., laws and ordinances). Those who cross it need to be dealt with appropriately. Stop turning a blind eye to the unacceptable anti-social behavior.

Start enforcing the laws and ordinances already on the books on behalf of the taxpayers of this city, and the tourists who visit this city. We literally have to endure running a gauntlet of harassment, foul language, overt and blatant drug use and drug dealing, and puddles and piles of human waste. It is time taxpayers of San Francisco took back their city!

Host a “Homeless”

All members of the 50 or so advocacy groups supporting the “homeless” and their issues and the expenditure of \$165 million per year of taxpayers’ money should “Host a Homeless Person” in his or her home for one month. The “homeless” person would be assigned at random, and the advocate can provide food, clothing and shelter, medical care, transportation, etc. Since there are “only” 6,500 or so “homeless” people in San Francisco, surely there would be enough volunteers each month to immediately solve the “homeless” problem.

Those who don’t want to be adopted can continue to use the emergency shelters, which cost taxpayers \$17,607,000 per year – equivalent to \$2,700 per “homeless” per year. If the homeless don’t want to use the shelters, then close the shelters and save taxpayers \$17,607,000 per year.

Demand

We are asking our city government to clean up Civic Center, Civic Center Plaza and Civic Center BART Station, and return these areas to the people – all the people, and all the taxpayers who pay to maintain these areas. No longer should these areas be an enclave of vagrants and human degradation. Civic Center is an absolute embarrassment and I am ashamed to take any tourists there.

As a taxpaying citizen of what could be one of the most beautiful cities in the world, I am demanding that my elected representatives do something effective and solve the problems I have described.

And the solution is not to spend more money on the “homeless” issue – San Francisco already spends \$165 million PER YEAR – to NO avail – but rather to redirect the monies spent to services that will be effective and will get people the help they need. And if this can’t be effected, then stop the flow of money – stop enabling vagrancy, socially unacceptable behaviors, vandalism, drug-using and drug-dealing.

The money being wasted on the “homeless” needs to be redirected for the benefit of the taxpayers who are paying it. By this I mean that the money should be used to fully staff each and every police station in accordance with the San Francisco City Charter. For example, our Taraval Police Station has only 88 officers, instead of 102 – so it is operating at only about 85% of capacity.

Every fire station should be fully staffed. Every public library should be fully staffed and open from 8am-10pm every day of the week. The city gardeners should be fully staffed so that they can beautify the parks in San Francisco.

It’s time to start beautifying San Francisco to its fullest potential and to stop encouraging, enabling and abetting filth, crime and anti-social depravity in San Francisco.

Board of Supervisors: develop a backbone! Just say NO to this budget!

Thank you for your immediate attention.

Sincerely,

Lou Ann Bassan

cc:

Captain Curtis Lum, San Francisco Police Department, Taraval Police Station, 2345 24th Avenue, San Francisco, CA 94116, 415.759.3100, fax: 415.759.3105, curtis.lum@sfgov.org

The Honorable Edwin Lee, Mayor of San Francisco, City Hall, Room 200, 1 Dr. Carlton B. Goodlett Plaza, San Francisco, CA 94102-4689, 415.554.6141, mayoredwinlee@sfgov.org

Greg Suhr, Chief of Police, 850 Bryant St., #525, San Francisco, CA 94103, 415-553-1373, greg.suhr@sfgov.org

Deborah Saunders, San Francisco Chronicle, 901 Mission Street, San Francisco, CA 94103 dsaunders@sfchronicle.com

BOS 11

From: Board of Supervisors (BOS)
Sent: Friday, June 20, 2014 11:47 AM
To: BOS-Supervisors; BOS-Legislative Aides
Subject: FW: HSS Delayed Opening Every Other Thursday

From: donotreply@sfgov.org [<mailto:donotreply@sfgov.org>]
Sent: Friday, June 20, 2014 7:24 AM
To: The City and County of San Francisco-All
Subject: HSS Delayed Opening Every Other Thursday

The Health Service System (HSS) administers health benefits for employees, retirees and their families. To better serve our members, the Health Service System call center and walk-in office will open at 9:30am every other Thursday, beginning July 10, 2014.

This delayed opening allows the Health Service System to provide our staff with team training. It's part of our commitment to providing our employee and retiree members with the best service and most up-to-date information about health and wellness benefits.

For details, including an annual calendar of delayed opening dates, visit our website myhss.org. Except for the delayed opening at 9:30am every other Thursday, HSS will continue its regular weekday schedule of service from 8:00am to 5:00pm.

Please help HSS spread the word by posting this flyer in your break room:
myhss.org/downloads/member_services/HSS_DelayedOpening.pdf.

From: Janette Barroca [jbb3252@yahoo.com]
Sent: Sunday, June 22, 2014 11:05 PM
To: Barroca Manuel Bem; Barroca P; Barroca Nadine; Del Monte Richard; Del Monte Kenneth
Cc: Del Monte David; Adrienne; Neighbor Lorraine Kelley; Rep. Dr. Fleming/LA ; Rep. Michele Bachmann ; Rep Mike Coffman/Colorado; Biagini/ Gitmed - Michelle; Cremolini; Board of Supervisors (BOS); Marge Goody; Rep. Tom McClintock ; Del Monte / Nowicki Pete; Neighbor Delle Sedie; Neighbor De Martini Gene; Crosetti Joyce; Biagini Fred; Biagini Diane McGrath; Ed & Diane De Matei

Remember how President Obama and the Democrats mocked Governor Romney's predictions during the 2012 elections?

It turns out, Mitt Romney was right.

Mitt saw it coming. He warned the country about **Russia**, our "biggest geopolitical foe," well before Russia began their belligerence in Ukraine.

Mitt Romney also noted that the **Department of Veterans Affairs desperately needed reform**. His calls to action were mocked by liberals. Americans learned that veterans in urgent need of medical attention were left on a waiting list; with some never receiving the treatment they were promised.

And there was **Iraq**-- Mitt predicted that if American troops were to be **pulled out of Iraq too soon**, the unstable country would devolve into violence at the hands of terrorists.

Unfortunately today, that's exactly what's happening.

Mitt Romney continues to be proven right, again and again. So many Americans missed their chance to support a leader who understands our country's real problems, at home and abroad.

BOS-11

From: brian@h2oecon.com
Sent: Friday, June 20, 2014 1:03 PM
To: DPH, EnvHealth (DPH); DBICUSTOMERSERVICE, DBI (DBI)
Cc: Board of Supervisors (BOS); Ted Gullicksen
Subject: Noise and shaking from elevators heard inside my apartment

SFDPH Complaint Number 373-2986
SFDBI Complaint Number 373 2989

My complaint about the elevators at 550 Battery Street is about the noise and shaking heard inside my apartment 24/7. Inspecting the interior of these elevator or listening to them from the outside or chatting with management does not address the problem. There is no point coming to 550 Battery without listening to the 24/7 stochastic noise that rumbles (Doppler Effect) through the apartment (s) interiors as a result of these elevators. Living here is near impossible. I do not believe that well maintained elevators would create this egregious situation.

No where in my original complaint did I suggest the problem could be detected by listening on the outside, riding in the elevators or chatting with management. I invite you, subject to mutual consent, to come into my apartment and listen and if necessary take decibel readings. You must be inside the apartment. I have two decibel meters.

Staff from the Gateway LLC, SPE, Delaware have confirmed this disturbance using their own decibel meter. Confirming is not enough. I need to sleep and have the quiet enjoyment of my apartment. This problem must be fixed. To investigate you must do this from the inside of my apartment (or other like situated apartments).

Please come immediately. This problem has lingered too long without any attention. I have begged management to fix it to no avail. Please get back to me ASAP

Sincerely,

Brian Browne
415-956-4628

Lagunte, Richard (BOS)

BOS 11, Crages

From: Nancy Ewart [nej1945@astound.net]
Sent: Saturday, June 21, 2014 3:18 PM
To: Board of Supervisors (BOS)
Cc: Wiener, Scott
Subject: Clean up crews

There is a twitter campaign going on right now to discuss the issues of SF's foul streets. I am glad to add my voice to those who want more clean up crews. Streets smell like open toilets and look like it as well. IF SF is to be a tourist destination, keeping the streets and sidewalks must be a priority. Plus the health of those of us who live here.

We all know that the homeless are busy pooping away - the culture of tolerance toward them allows this behavior to go unchallenged. But walking over poop and having to carry a scented towel over my nose to block out the offensive odors is not why I pay taxes. I've been in 3rd world cities that were cleaner than this one.

Sincerely,
Nancy Ewart
Resident of SF since 1966

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: FW: Chicago beats out S.F. for George Lucas' museum

From: Craig Yates [mailto:craig.yates@sbcglobal.net]
Sent: Wednesday, June 25, 2014 4:18 PM
To: Board of Supervisors (BOS); Lee, Mayor (MYR)
Cc: clochhead@sfchronicle.com; Carl
Subject: Chicago beats out S.F. for George Lucas' museum

Hello SF Board of Supervisors and Mayor Lee,

Amazing how you lost excellent cultural George Lucas museum, yet you give away all concerns such as naming a street after Nancy Pelosi in Golden Gate Park, here in historical City of San Francisco Nancy Pelosi has never added, or created real values for San Francisco as Honorable George Lucas has. I suggest you re-entire conversation with Honorable George Lucas for the Museum and Educational programs.

<http://www.sfchronicle.com/bayarea/article/Chicago-beats-out->
<http://www.sfchronicle.com/bayarea/article/Chicago-beats-out-San-Francisco-for-George-Lucas-5576588.php-5576588.php>

Craig Thomas Yates



DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Box 11, Controller
CPAGE*

OFFICE OF INSPECTOR GENERAL



OFFICE OF AUDIT SERVICES
NATIONAL EXTERNAL AUDIT REVIEW CENTER
1100 WALNUT STREET, SUITE 850
KANSAS CITY, MO 64106

JUN 20 2014

Report Number: A-09-14-25058

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO
CITY HALL ROOM 300
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CALIFORNIA 94102-4694

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 26 AM 9:57
RF

Dear Board Members:

We have received the audit report on the City and County for the period July 1, 2012, through June 30, 2013. The report was received by the Federal Audit Clearinghouse on April 16, 2014, (identification number 132266). The audit was performed by MACIAS GINI AND O'CONNELL LLP, Certified Public Accountants. Results of the review by the Federal cognizant agency, the Department of Transportation, have not been received. You will receive a separate letter if the cognizant agency indicates the audit did not fully meet Federal requirements.

Please refer to Attachment A, where we have summarized the finding and recommendation and identified the Federal department responsible for resolution.

There were no findings associated with this report that were identified for formal resolution action by the Department of Health and Human Services (HHS).

In accordance with the principles of the Freedom of Information Act (Public Law No. 90-23), reports issued on the Department's grantees and contractors are made available, if requested, to members of the press and general public to the extent that information contained therein is not subject to exemptions in the Act which the Department chooses to exercise. (See 45 CFR Part 5 Section 5.21 of the Department's Public Information Regulations.)

If you have any questions, please contact our office at (800) 732-0679.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Cogley". The signature is stylized with a large initial "P" and a long, sweeping underline.

Patrick J. Cogley
Regional Inspector General for Audit Services

Enclosure

ATTACHMENT A

Page 1 of 1

Report Number

A-09-14-25058

<i>Recommendation Codes</i>	<i>Page</i>	<i>Amount</i>	<i>Resolution Agency</i>	<i>Recommendations</i>
	177	N/A	Pass-Through Entity	2013-001.

To: BOS-Supervisors; BOS-Legislative Aides ✓
Subject: FW: Mayor's Executive Directive 14-02 - San Francisco Inter-Agency Council on Homelessness (AMENDED)
Attachments: ED 14-02 - SF Inter-Agency Council on Homelessness - Amended.pdf
Importance: High

From: Ryerson, Olga (MYR) [<mailto:olga.ryerson@sfgov.org>]
Sent: Thursday, June 26, 2014 3:44 PM
To: Ryerson, Olga (MYR)
Subject: Mayor's Executive Directive 14-02 - San Francisco Inter-Agency Council on Homelessness (AMENDED)
Importance: High

Dear Department Heads:

Attached is an amended Mayor's Executive Directive 14-02 – San Francisco Inter-Agency Council on Homelessness. The Executive Directive was amended to include the Department of Public Works as a member of the SFICH.

Thank you,

Olga

Olga A. Ryerson
Confidential Secretary to the Mayor
City & County of San Francisco
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Phone: (415) 554-6910
Fax: (415) 554-6113



Executive Directive 14-02
San Francisco Inter-Agency Council on Homelessness
June 26, 2014 (Amended)

Through this Executive Directive, I hereby direct the creation of the San Francisco Inter-Agency Council on Homelessness (SFICH).

Modeled after the US Interagency Council on Homelessness (USICH), the mission of the SFICH will be to coordinate the City and County's response to homelessness, create consistent and transparent data metrics to share progress, and to maximize the effectiveness of federal, state and private contributions to end homelessness.

The key to ending homelessness in San Francisco is harnessing the will and the resources of all stakeholders towards one goal. Ending homelessness requires collaborative leadership at all levels of government and across all sectors.

SFICH will consist of agency heads and citywide elected officials with support from other relevant Mayoral staff and state and federal partners.

SFICH will work with its partners to:

- Establish and maintain effective, coordinated, and supportive relationships with every City agency working to reduce homelessness;
- Organize and support effective implementation of the five year strategic plan developed by the Local Homeless Coordinating Board;
- Continue to support policies contained in *The Ten Year Plan to Abolish Chronic Homelessness* that have been deemed effective;
- Develop effective portals to local programs and initiatives;
- Establish and maintain productive communications with the Board of Supervisors and other elected officials;
- Establish partnerships with public and private sector stakeholders; and
- Monitor, evaluate, and recommend improvements in serving those experiencing homelessness and disseminate best practices.

The Director of the Office of Housing Opportunities, Partnerships and Engagement will serve as the Executive Director of the SFICH, and the membership will include:

Department Head, Human Services Agency
Department Head, Department of Public Health
Department Head, Office of Housing and Community Development
Department Head, Department of Children, Youth and Families
Chief, San Francisco Police Department
Chief, San Francisco Fire Department
Department Head, Department of Public Works
Department Head, Recreation and Parks Department
Department Head, Adult Probation
Department Head, Juvenile Probation
District Attorney
Public Defender
City Treasurer

Executive Directive 14-02
San Francisco Inter-Agency Council on Homelessness
June 25, 2014
Page Two

Sherriff
Chief Data Officer
Mayor's Budget Director
Mayor's Director of Legislative and Government Affairs
Mayor's Senior Advisor on Health
Superintendent, San Francisco Unified School District
Director, San Francisco Housing Authority
Medical Center Director, San Francisco Veterans Affairs
State Representative, to be determined
United States Interagency Council on Homelessness, San Francisco Representative

This Executive Directive will take effect immediately and will remain in place until rescinded or amended by future Directive.



Edwin M. Lee
Mayor, City & County of San Francisco

BOARD of SUPERVISORS



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

MEMORANDUM

Date: June 24, 2014
To: Honorable Members, Board of Supervisors
From: ~~ABC~~ Angela Calvillo, Clerk of the Board
Subject: 2013-2014 CIVIL GRAND JURY REPORT

We are in receipt of the San Francisco Civil Grand Jury report released Thursday, June 19, 2014, entitled: **The Port of San Francisco, Caught Between Public Trust and Private Dollars** (attached).

Pursuant to California Penal Code, Sections 933 and 933.05, the Board must:

1. Respond to the report within 90 days of receipt, or no later than September 17, 2014.
2. For each finding:
 - agree with the finding or
 - disagree with the finding, wholly or partially, and explain why.
3. For each recommendation indicate:
 - that the recommendation has been implemented and a summary of how it was implemented;
 - that the recommendation has not been, but will be, implemented in the future, with a timeframe for implementation;
 - that the recommendation requires further analysis, with an explanation of the scope of the analysis and timeframe of no more than six months; or
 - that the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

Pursuant to San Francisco Administrative Code, Section 2.10, in coordination with the Committee Chair, the Clerk will schedule a public hearing before the Government Audit and Oversight Committee to allow the Board the necessary time to review and formally respond to the findings and recommendations.

The Budget and Legislative Analyst will prepare a resolution, outlining the findings and recommendations for the Committee's consideration, to be heard at the same time as the hearing on the report.

Attachment

- c: Honorable Cynthia Ming-mei Lee, Presiding Judge (w/o attachment)
- Mayor's Office
- Ben Rosenfield, Controller
- Jon Givner, Deputy City Attorney (w/o attachment)
- Rick Caldeira, Legislative Deputy Director
- Debra Newman, Office of the Budget and Legislative Analyst
- Severin Campbell, Office of the Budget and Legislative Analyst
- Asja Steeves, Civil Grand Jury Coordinator
- Elena Schmid, Foreperson, San Francisco Civil Grand Jury (w/o attachment)

The Port of San Francisco

Caught Between Public Trust and Private Dollars

June 2014



City and County of San Francisco
Civil Grand Jury 2013-2014

City Hall
1 Dr. Carlton B. Goodlett Pl, San Francisco, CA 94102
Phone 415-554-6630

MEMBERS OF THE 2013-2014
CIVIL GRAND JURY
CITY AND COUNTY OF SAN FRANCISCO

Elena Schmid, Foreperson
Robert van Ravenswaay, Foreperson Pro Tem
Thomas Duda, Recording Secretary
Maryta Piazza, Corresponding Secretary

Larry Bush
Hans Carter
Daniel Chesir
Barbara Cahrssen
Mike Ege
John Finnick
Kai Forsley
Charles Head
David Hoiem
Joseph Kelly
Mazel Looney
Claudia O'Callaghan
Ernestine Patterson
Michael Skahill

THE CIVIL GRAND JURY

The Civil Grand Jury is a government oversight panel of volunteers who serve for one year. It makes findings and recommendations resulting from its investigations.

Reports of the Civil Grand Jury do not identify individuals by name. Disclosure of information about individuals interviewed by the jury is prohibited. California Penal Code, Section 929

STATE LAW REQUIREMENT California Penal Code, section 933.05

Each published report includes a list of those public entities that are required to respond to the Presiding Judge of the Superior Court within 60- to 90 days, as specified.

A copy must be sent to the Board of Supervisors. All responses are made available to the public.

For each finding the response must:

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

As to each recommendation the responding party must 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.

TABLE OF CONTENTS

ISSUE	1
SUMMARY	1
A New Waterfront Maritime and Land Use Plan	1
Change Driven by Political Agendas	1
A New Port Commission	1
A “Pig in a Poke”	2
Maritime’s Role Can Be Increased	2
Current Challenges	2
Notable Accomplishments	2
BACKGROUND	4
Recent Changes	5
Recent Proposals	6
America’s Cup	6
Proposed Golden State Warriors Arena	6
8 Washington Street	6
Funding Options	7
DISCUSSION	8
Who is Making Decisions?	8
▪ The Mayor’s Office	8
▪ The Port Commission	8
▪ Public Forums	8
▪ Public Trust	9
Waterfront Land Use Plan	9
▪ Voter Approval	10
▪ Revised Waterfront Maritime and Land Use Plan	10
Port Operations and Priorities	11
▪ Transportation	11
▪ MUNI T-Third St. Line	12
▪ Maritime Use	13
▪ Northern Waterfront	14
▪ Cruise Ship Terminal	14
▪ Central Waterfront	15
▪ Ferry Building	15
▪ South Beach/China Basin	15
▪ Southern Waterfront	15
▪ Cargo Services	15
▪ Infrastructure and Historic Resources	16
Proposed Developments and Activities	16
▪ Pier 30-32	16
▪ America’s Cup	19
▪ Pier 70	19
▪ Mission Rock	22
Financing of Capital Improvements	24

- Infrastructure Finance Districts 24
- Other Funding Sources 25
- Other Development Options 25
- A Marine Research Institute 26

FINDINGS AND RECOMMENDATIONS 28

- Who is Making Decisions? 28
- Waterfront Land Use 28
- Transportation 29
- Cruise Ship Terminal 30
- Pier 30-32 30
- America’s Cup 31
- Pier 70 31
- Mission Rock 32
- Financing of Capital Improvements 32

RESPONSE MATRIX 33

- Who is Making Decisions? 33
- Waterfront Land Use 33
- Transportation 35
- Cruise Ship Terminal 35
- Pier 30-32 35
- America’s Cup 36
- Pier 70 37
- Mission Rock 37
- Financing of Capital Improvements 37

METHODOLOGY 38

BIBLIOGRAPHY 39

GLOSSARY 42

APPENDICES 43

- Ten-Year Capital Plan, 2015-2024 43
- Key Project Sites Map 44
- Waterfront Design and Access 45
- Historic District Map 47
- Major Waterfront Projects Map 48
- Proposed Policy for Use of IFD on Port Property 49

ISSUE

The Port of San Francisco is facing daunting challenges to fulfill Public Trust obligations. The Port's piers, all of which were built over a hundred years ago, are deteriorating and many capital improvements have been deferred for decades. The recent trend of the Port has been to negotiate selling or encumbering precious Port property and signing agreements for the City to forego tax benefits in exchange for massive funding from private developers.

The Jury investigated whether there are other options for the use and development of Port property that better meets the desires and needs of the City's residents. Of equal concern is whether there is sufficient public input in determining the best ways to meet Public Trust requirements.

SUMMARY

In response to a citizen's complaint regarding politically connected developers seeking to override the Waterfront Land Use Plan for profit, the Jury investigated Port operations and how decisions are made.

A New Waterfront Maritime and Land Use Plan

The time has come to revisit the nearly two-decades-old Waterfront Land Use Plan, adding additional focus on maritime roles and ensuring that the public is fully engaged in the process of setting guidelines for the Port's future.

Change Driven by Political Agendas

The Jury has found that the Port is making substantive progress in some areas, but is hamstrung by operational burdens placed by other City entities, primarily the Planning Department and the Mayor's office. Over the past years, the Port also has not maintained the past level of outreach to the general public, instead relying more heavily on the City's officials to guide decisions.

A New Port Commission

An important element in ensuring that the Port's future and its planning is the product of greater public input, the Jury recommends a charter amendment to change the appointment of Port Commissioners. The current system authorizes the mayor to make all five appointments as required per Section 12 of the Burton Act¹. Mayoral appointments do not involve a public application process or consideration of any candidate not named by the mayor. It is recommended that the Board of Supervisors make two Port Commission appointments and the Mayor make three. Appointments made by the Board of Supervisors undergo a more public process of applications, hearings and votes before taking office. Candidates also are required to publicly disclose their financial interests in advance of Board consideration, allowing for a review of potential conflicts of interest. This process is unique to Board of Supervisor appointments. Each of these features allows for greater citizen involvement and discussion of the Port's future. This system of sharing authority in critical land use and economic decisions fits the city's current approach of dividing appointments between the Mayor and the Board for the

¹ The Burton Act, Reflecting All Amendments Through May 1994, p.11,
http://sfport.com/ftp/uploadedfiles/about_us/divisions/planning_development/projects/Burton%20Act.pdf

Planning Commission, the Board of Permit Appeals, and the Building Inspection Commissions, among others.

A “Pig in a Poke”

In 1968, the citizens of San Francisco received a valuable asset. The Burton Act transferred 7.5 miles of San Francisco Bay waterfront property and piers held by the State of California to the City of San Francisco. However, like many gifts, there were obligations attached. The infrastructure was deteriorating, the historic structures were crumbling, and the primary source of revenue, cargo movement, had been steadily decreasing since WWII.

At the time of the transfer, no economic analysis was done on costs to be incurred by the City and Port or the State’s role in meeting those costs. A proposal by Leo McCarthy, representing San Francisco in the California State Assembly, sought state underwriting for the San Francisco port bond costs, but failed to gain approval.

Now, 46 years later, very little has changed except that the cost of rehabilitation of the aging infrastructure has ballooned to \$1.59 billion while oversight and restrictions on development have increased.

Maritime’s Role Can Be Increased

The Jury has noted that, in fiscal year 2012/13, only 6% of the Port’s revenue came from cargo services with another 2% from “Other Maritime.” Most revenue (85%) comes from commercial and industrial, parking, fishing, cruise, harbor services, and ship repair. The remaining 7% is classified as “Other.”²

Current Challenges

Visitor and commuter traffic along the Waterfront create gridlock, necessitating improved transit solutions. The cumulative effect of multiple projects requires close cooperation with SFMTA and the Planning Department.

Projects that change the landscape of the Waterfront have also presented challenges to measured growth. This report looks at how some developments have had insufficient public input.

Notable Accomplishments

The Jury would be remiss if we did not acknowledge that the Port, although operating in a very difficult environment of budgetary constraints, regulatory oversight, and political influence, has in many instances successfully carried out its mission and greatly enhanced the area of its jurisdiction. This is not meant to be a comprehensive list but simply an illustration of the many projects that merit praise.

- Primarily a real estate and land bank, the Port is responsible for monitoring about 550 Port agreements (i.e. leases, licenses, parking permits, etc.) with 394 tenants. These agreements range from month-to-month terms for a sidewalk kiosk renting kayaks to 66-year leases for cargo and ship repair facilities. All businesses operating on Port property have some form of rental agreement, which in addition to a fixed rate may include

² Port Commission, “Independent Auditor’s Report, Management’s Discussion and Analysis and Financial Statements For the Years Ended June 30, 2013 and 2012”

revenue sharing. The Real Estate Division is doing an excellent job managing the various lease terms and finding new tenants.

- The Ferry Building is the heart of the waterfront. Formerly simply a somewhat rundown building that commuters passed through to walk to downtown, it is now a vibrant destination in itself. Expansion of the terminal from Pier 2 to Pier 14 will increase capacity beyond the current 130 daily ferry visits.
- The Exploratorium relocation from the Palace of Fine Arts to Pier 15 is a welcome addition to the waterfront. The Bay Observatory Gallery focuses on the geography, history, and ecology of the San Francisco Bay region.
- Pier 45 houses the largest commercial fish processing facility on the West Coast, keeping the fishing industry active at Fisherman's Wharf.
- AT&T Park is recognized as the finest baseball park in the Major Leagues. As of September 2013, the park has hosted a record-breaking streak of 240 consecutive sellout games.³ The venue also hosts live performances and free simulcasts of the San Francisco Opera.
- Steamboat Point and Delancey Street add much needed affordable and supportive housing to San Francisco residents.
- Anchor Brewing, in business in San Francisco since 1896, is expanding its operations to Pier 48 to take advantage of water transport for its raw materials and waste products.
- The Illinois Street multi-modal bridge and the recently approved Quint Street spur are essential to the Port's objective of increasing rail access for cargo movement in the Southern Waterfront.
- The Port has developed or planned over twenty parks, plazas, open space, and fishing piers as well as links to the Bay Trail.⁴

³ San Jose Mercury News, September 23, 2013, http://www.mercurynews.com/giants/ci_24158014/san-francisco-giants-ghostly-sellout-streak-still-intact

⁴ Port of San Francisco, Parks and Open Space, <http://www.sfport.com/index.aspx?page=60>

BACKGROUND

The Port's jurisdiction consists of 7.5 miles along the bay waterfront running from the Hyde Street pier in the northern waterfront down to India Basin in the southern part. Prior to 1968, this waterfront area was controlled and operated by the State of California. In 1968, the control and management of this waterfront area was transferred to the Port via the Burton Act, AB2649, in trust for the people of California. The Port owns and manages about 39 piers, 43 inland seawall lots, 80 substructures, and 245 commercial and industrial buildings. Seawall lots are tidelands that were filled and cut off from the waterfront by the construction of a seawall in the late 19th and early 20th centuries, now occupied by the Embarcadero roadway. Most of the seawall lots are primarily used for parking.

“As part of the transfer agreement, the port acquired \$53 million dollars of bonded indebtedness and a requirement to spend \$100 million dollars on shipping and cargo-handling improvements. This requirement, later reduced to \$25 million, forced the port to look to commercial developments to generate the income that would pay for these improvements. Many proposals were hotly contested. What made this such a predicament were layers of regulation on the one hand and lack of a clear planning vision on the other. Use of port land is subject to restrictions by numerous agencies, including the State Lands Commission (the port owns its land in trust for the people of California), the Bay Conservation and Development Commission (BCDC), and the City Planning Department. The result has been a de facto ban on office and housing development on port property, which other ports around the world tend to have encouraged. The complexity of permit processing and inter-agency coordination has undermined even non-controversial proposals—primarily projects that involve maritime or maritime-related uses.”⁵

The Port is like a city unto itself with numerous departments. For example, the Port has its own real estate, accounting, planning and development, and legal departments.⁶ Under the terms of the transfer from the State, San Francisco was required to create a Port Commission and to receive approvals from various state agencies such as the State Lands Commission and the regional Bay Conservation and Development Commission. There are now eighteen regulatory agencies, from Federal to City level, that have some degree of oversight ensuring that provisions focused on maritime use are honored. The Port Commission is comprised of five members appointed by the Mayor and confirmed by the Board of Supervisors. Commissioners serve a four-year term.

In 1955 the City's waterfront was the focus of a “citizen revolt” when a double-decker freeway was announced that would run along the waterfront, effectively cutting the City off with a concrete wall. It opened in 1959. Another freeway expansion across San Francisco drew 200,000 people in 1964 to protest, dooming further expansion of freeways including on the waterfront.

During this era, developers proposed a series of high-rise towers along the waterfront, beginning

⁵ Jasper Rubin, “The Decline of the Port”, November 1, 1999, pub. SPUR
<http://www.spur.org/publications/article/1999-11-01/decline-port>

⁶ The legal department has five city attorneys assigned to the Port and the planning and development department handles large development projects in conjunction with the Port appointed Citizens Advisory Committees (CACs). The Port has its own set of separate codes: a building code, electrical code, mechanical code, plumbing code, and procedures code.

with Fontana Towers approved in 1960 and built in 1963 and 1965 standing 18 stories tall at the edge of Aquatic Park. Other proposals included a 50-story office high-rise on the waterfront. The further implementation of plans for a waterfront of high rises was thwarted by a vote of the Board of Supervisors following a lobbying effort led by Casper Weinberger, a Russian Hill resident (later to be a member of President Reagan's cabinet). The Board adopted a height limit of 40 feet along the waterfront, with buildings behind stepped down to avoid blocking off the waterfront and reflecting the topography of the hills.

In the following decades, San Francisco's maritime shipping declined in its importance. Larger ships needed better access afforded by increased dredging, which they found in Oakland. The shift from bulk cargo to container shipping reshaped transportation needs, including requiring a rail system that could allow transit for double-stacked containers. The Port's rail tunnel from the Southern Waterfront does not have sufficient vertical clearance for double-stacked containers. Changes in US Navy vessels also made San Francisco of secondary importance. Instead, ship repair and drydock, the fishing industry, recreation and some remaining bulk cargo maintain a lessened maritime shipping role.

Developers saw potential for profit in the repurposing of Port structures and construction on Port lands.

San Francisco then sought and obtained approval to amend the definition of "maritime use" to mean activities that increased public activity on the waterfront. With this amended definition, San Francisco narrowly approved Pier 39 in 1979 as a destination for activities ranging from restaurants to themed activities. Fisherman's Wharf retained its critical function for fish processing and sales, but the land facing the wharves was not under Port authority and became a haven for discount t-shirts, souvenirs and tourist entertainment. Long-established San Francisco businesses and icons like the Buena Vista Cafe and Ghirardelli Chocolate took a back seat.

Over the next three-plus decades, San Francisco's waterfront emerged as a major destination for both City residents and tourists. The northern waterfront, anchored by Fisherman's Wharf, is connected with an historic streetcar F line to the renovated Ferry Building, a nationally renowned home for locally grown and produced Bay Area foods. A restored waterfront continues south to the new San Francisco Giants ballpark and the new South Beach neighborhood. The development of Seawall Lot 337, now currently a parking lot for the San Francisco Giants, is in planning stages for commercial and residential use. Further to the south Pier 70 is well along in the approval process for development of commercial, residential and open space. A bond measure paid for creation of a new waterfront park and a major pedestrian pier into the Bay allowing visitors and residents to take in the panorama of the City's waterfront.

Recent Changes

The waterfront has gone through massive changes since the demolition of the Embarcadero Freeway in 1991.

- The conversion of the Ferry Building from a disembarkation point for ferry passengers to a destination for all residents
- Construction of the Giant's ballpark, initially included in the Waterfront Land Use Plan
- Construction of the largest fish processing facility on the West Coast at Pier 45
- The addition of the historic streetcar F-Line from Upper Market to Fisherman's Wharf
- Affordable housing at Delancey Street and Steamboat Point

- Construction of South Beach Harbor
- Relocation of the Exploratorium
- Cruise ship terminal at Pier 27

Not all changes have been positive.

- Cargo movement in the Southern Waterfront has suffered a massive decline over the last ten years
- Capital improvements made at Piers 80 and 94-96 to increase freight container handling embraced outmoded technology and are virtually unused today
- The Embarcadero roadway has become severely congested, hampering the movement of transit, emergency, and private vehicles

Recent Proposals

There have been attempts in the immediate past for developments or projects that would enhance the City and the Port. Three listed below have been notable failures.

America's Cup

- Planning by the Port and the Mayor's Office for the America's Cup failed to include agreements that protected the City's interests and failed to maximize the benefits that the City might have achieved. The usual agreement for sharing revenue from the proceeds of use of Port facilities was not included in the agreement.
- A new cruise ship terminal, built at considerable Port cost, was made available with no return to the City even though the America's Cup sponsors promoted concerts and viewing suites that potentially resulted in large profits for the sponsors and nothing to the Port.
- The Port and the City lost a combined \$11.5M on the event.

Proposed Golden State Warriors Arena

Although no longer planned for construction on Piers 30-32, the trajectory of the proposal merits attention.

- Attempted fast-tracking of the approval process by the Mayor's Office to have a "legacy project"
- Very little outreach to community members and neighborhood groups that would have been affected
- Increased traffic flow and transit needs on the Embarcadero were glossed over
- Hiring former mayoral staffers to facilitate the approval process, leading to the impression that the public role was secondary to the Mayor's interest.

8 Washington Street

- Strongly pushed for approval by the Mayor's office, including testimonials in TV commercials by the Mayor.
- Substantial contributions were made to non-profit organizations by the developer. These organizations subsequently endorsed the project.
- Defeated in two ballot measures by a 2:1 margin

Funding Options

Most recently, the Port and the Mayor's office have been overly reliant on funds from major real estate developers. In return for a capital infusion, the developer receives long-term leases and tax benefits, as well as all the profit from the proposed development. The Port benefits from mitigation of its liability for rehabilitation. The Port and the City receive no revenue for decades.

This model for development is compatible with the priorities of the City and the Port.⁷ Developmental benefits derived include affordable housing, small industry, historic reconstruction and open space.

Alternatively, there are many other potential sources of funds.

- General Obligation Bonds require 2/3 voter approval. Recreation and Park bond funds are being used to develop Crane Cove Park and a GO bond was passed to improve Pier 22 ½, used by the fireboats.
- Revenue Bonds are currently used, most recently a \$30M bond for development of the Cruise Ship Terminal. Use is limited by the ability of the Port to generate revenue
- Federal Funding has recently been approved for extension of freight rail service on Quint Street and in 2005 Federal transportation funds were used to build a bridge on Illinois Street for vehicle and rail access to Pier 80.
- Infrastructure Finance Districts (IFDs) can be formed to issue bonds and divert future tax revenue for up to 30 years to pay for capital improvements.⁸
- Additional tenant uses such as Teatro ZinZanni, Cirque de Soleil, Cavalia, San Francisco Opera simulcasts, concerts, and other entertainment venues could be placed on vacant piers. These tenants would not require permanent construction.

⁷ As an enterprise department, the Port is expected to be self-supporting but not necessarily turn a profit.

⁸ See appendix p.51

DISCUSSION

Who is Making Decisions?

San Francisco voters, through a series of ballot measures, have established policies and limits on waterfront development and changes. In 1988, voters approved a measure to homeport the USS Missouri in San Francisco with accompanying support from City funds. However, in a few short years, the USS Missouri was decommissioned resulting in the end of that plan. In 1989, voters rejected a measure to build a baseball ballpark on the Waterfront. San Francisco voters in 1996 also approved a ballpark on the waterfront that did not involve City funds, a football stadium that partially replaced a waterfront state park, and a measure allowing the Port Commission to issue revenue bonds without voter approval. Voters also prohibited filling in the Bay in order to add 100 acres to San Francisco International Airport. In related matters, voters approved bond measures to add parks and recreation at the waterfront, improve streets and light rail transportation on the waterfront through issuance of bonds, and funding for a cruise ship terminal.

▪ The Mayor's Office

- A number of mayors have made it a priority to ensure that the City's waterfront remain accessible to people of all income levels, with Mayor Feinstein supporting the Delancey Street housing and jobs center for 500 residents, the Steamboat Point affordable housing complex with 108 one, two and three-bedroom apartments at 800 Embarcadero just north of AT&T Park and a focus on businesses that have strong San Francisco roots. Mayor Agnos, with a close 6-5 vote by the Board, won approval to tear down the Embarcadero Freeway, rejecting Caltrans plans to retrofit and replace the structure. The result was to create renewed economic investment and public access.
- Recent activities at the Port have been closely guided and monitored by the Mayor's office. The 34th America's Cup event which garnered a net loss to the City of \$5 million, the attempt to have a "legacy project" on piers 30-32, the proposal to build a luxury high-rise condominium development at 8 Washington Street and the rushed construction of an underutilized cruise ship terminal at Pier 27 are examples of influence by the Mayor's office, with support from the Planning Department.

▪ The Port Commission

- The Port Commission consists of five members appointed by the Mayor, subject to approval by the Board of Supervisors.
- All other commissions dealing with land use decisions, including Planning, Building Inspection, and Board of Permit Appeals are not appointed solely by the Mayor and consequently may be more responsive to public input.

▪ Public Forums

- "In San Francisco, successful outcomes are founded on open dialog and diverse partnerships with the many people, organizations and agencies that share a deep interest in improving the Port waterfront for the public. The Port has set up

several Community Advisory Groups made up of community stakeholders for all areas along the waterfront. The Advisory Groups meet regularly, which also provides a public forum for interested citizens to participate.”⁹

- These forums have had mixed success in reaching a consensus of opinion regarding some developments. For major projects requiring zoning changes and exceptions to the Waterfront Land Use Plan there are notable examples of extensive and lengthy community outreach and approval (Pier 70 and AT&T Park) and other examples of meeting minimum requirements (Golden State Warriors, Mission Rock).
- Citizens Advisory Committees (CACs) are also appointed by the Port but are specific to a particular project.

▪ Public Trust

- The Port was conveyed to the City of San Francisco with the mandate to operate under the ancient Public Trust doctrine, thereby assuring its use for the benefit of all people.
- “The primary doctrine governing all activities at the Port is the preservation of the public trust. The origins of the public trust doctrine are traceable to Roman law concepts of common property. Under Roman law, the air, the rivers, the sea and the seashore were incapable of private ownership; they were dedicated to the use of the public.”¹⁰ The formulation of this doctrine in the Justinian Code in 530 C.E.¹¹ has withstood the test of time. Its inclusion in the Magna Carta and English Common Law, confirmed by the U.S. Supreme Court in 1892¹² has been often challenged but never overturned.

Waterfront Land Use Plan¹³

The Waterfront Land Use Plan provides guidance and priorities for the Port. It defines acceptable and non-acceptable uses and provides general plans for improvements and development of the various sections along the waterfront. Seven goals are stated in Chapter 2:

- 1) **A Working Waterfront.** Port lands should continue to be reserved to meet the current and future needs of cargo shipping, fishing, passenger cruises, ship repair, ferries and excursion boats, recreational boating and other water-dependent activities.
- 2) **A Revitalized Port.** New investment should stimulate the revitalization of the waterfront, providing new jobs, revenues, public amenities and other benefits to the Port, the City and the State.
- 3) **A Diversity of Activities and People.** Port lands should host a diverse and exciting array of maritime, commercial, entertainment, civic, open space, recreation and other waterfront activities for all San Franciscans and visitors to enjoy.

⁹ Community Advisory Groups, <http://www.sfport.com/index.aspx?page=198>

¹⁰ Institutes of Justinian 2.1.1., The Public Trust Doctrine, California State Lands Commission, http://www.slc.ca.gov/policy_statements/public_trust/public_trust_doctrine.pdf

¹¹ “By the law of nature these things are common to mankind – the air, running water, the sea, and consequently the shores of the sea. No one, therefore, is forbidden to approach the seashore, provided that he respects habitations, monuments, and buildings which are not, like the sea, subject only to the law of nations.” - See more at:

<http://onthecommons.org/public-trust-doctrine-venerable-and-besieged#sthash.a6T7Rbld.dpuf>

¹² Illinois Central Railroad v. Illinois, 146 U.S. 387 (1892). - See more at: <http://onthecommons.org/public-trust-doctrine-venerable-and-besieged#sthash.a6T7Rbld.dpuf>

¹³ Waterfront Land Use Plan, <http://www.sfport.com/index.aspx?page=199>

- 4) Access Along the Waterfront. A network of parks, plazas, walkways, open spaces and integrated transportation improvements should improve access to and enhance the enjoyment and appreciation of the Bay environment.
- 5) An Evolving Waterfront, Mindful of Its Past and Future. Improvements should respect and enhance the waterfront's historic character, while also creating new opportunities for San Franciscans to integrate Port activities into their daily lives.
- 6) Urban Design Worthy of the Waterfront Setting. The design of new developments should be of exemplary quality and should highlight visual and physical access to and from the Bay, while respecting the waterfront's rich historic context and the character of neighboring development.
- 7) Economic Access Which Reflects the Diversity of San Francisco. The economic opportunities created by commercial uses should be made accessible to persons of both sexes and from a representative variety of ethnic and cultural backgrounds so that those persons receiving these economic opportunities reflect the diversity of the City of San Francisco.¹⁴

- Voter Approval

- In 1990 voters approved a requirement to establish a waterfront land use policy that specifically banned hotels on portions of Port property and also reiterated height limits. The Port Commission adopted the Waterfront Land Use Plan in 1997 following an extensive public outreach and consultation process that involved representatives appointed by the mayor, the Board of Supervisors, community groups and others.
- In 2001, San Francisco voters enacted a charter requirement mandating voter approval of any landfill of 100 acres or more, including defining established piers as landfill.
- In 2004 the Plan was republished as amended by the Port Commission and the Planning Department.

- Revised Waterfront Maritime and Land Use Plan

- The existing Plan has served the Port and the public well during the past 17 years but is now falling short of current needs.
- A revised plan should remain flexible enough to adapt to future unknown requirements while still attempting to forecast future opportunities.
- Maritime use, especially in the Southern Waterfront needs to be emphasized.
- Transportation along the waterfront needs to be addressed.
- Rising Sea Levels needs to be addressed.
- Air quality needs to be addressed.
- Housing, both market rate and affordable, needs to be addressed.
- Integration with other City departments (i.e. Dept. of Public Works, Public Utilities Commission, Planning Dept., Mayor's Office, San Francisco Municipal Transit Agency, Recreation and Parks) needs to be addressed.
- Connection with City residents through community organizations, neighborhood associations, trade organizations, advocacy groups, conservation organizations, educational institutions, etc. should be included

¹⁴ Waterfront Land Use Plan, Overall Goals / Highlights, <http://www.sfport.com/index.aspx?page=200>

- A committee to revise the existing Waterfront Land Use Plan could include members of the above-mentioned groups as well as appointees by the Port, the Mayor and the Board of Supervisors.

Port Operations and Priorities

The Port's total operating revenues for the fiscal year ending June 30, 2013 were \$81,512,000. Only about 25% of the Port's total operating revenue comes from maritime operations. The remaining 75% is derived mainly from real estate rental income from Port property leased to private and public entities, parking meters, ticket revenue, and parking stall rentals.¹⁵

There are currently about 550 Port agreements (i.e. leases, licenses, parking permits, etc.) with 394 tenants. The reason the agreements exceed the number of tenants is because some tenants have multiple agreements. Most of the leases are smaller industrial type leases (e.g. storage, warehousing, etc.). There are currently about 184 month-to-month leases.

The Port Commission must approve all lease terms longer than five years. The Board of Supervisors must approve any lease that generates annual rent of \$1 million or more or with a term of more than ten years. The City's Administrative Code section 23.23 states that any City lease that is expected to produce more than \$2,500 per month in revenue is subject to competitive bidding unless it's impractical or impossible to do so. It also provides that it is the City's policy that any lease awarded without following the competitive bidding procedures be in an amount not less than the fair market value of the leased property. The Port does not do competitive bidding unless the proposed leased area is a unique situation. For example, restaurant and parking lot spaces are almost always offered for competitive bidding and usually have longer-term leases (five to ten or more years).

Certain City agencies are designated "enterprise agencies." An enterprise agency is a City department that is supposed to be self-supporting from revenue generated from its own business activities (e.g. rental income from leased property, airport landing fees, user fees) and is not supposed to receive money from the City's general fund. Examples of City enterprise agencies are the San Francisco Airport and the San Francisco Public Utilities Commission. The Port of San Francisco considers itself to be an enterprise agency, but it does receive money from the general fund in the form of reimbursements for expenses and in the form of lease payments from other City agencies. For example, as is explained in more detail below, the Port received about \$4 million in reimbursement from the general fund for expenditures it incurred relating to the hosting of the 34th America's Cup event.¹⁶ Additionally, the City rents out space to various other City agencies (like the MTA, the Department of Elections, the Department of Real Estate, the Department of Public Works, etc.) and receives rent from them, which comes from the general fund.

- Transportation

¹⁵ Based on the Port's Independent Auditor's Report done by MGO Certified Public Accountants for the years ended June 30, 2013 and 2012, which reports the following Port revenue amounts for the fiscal year ended June 30, 2013: total operating revenues of \$81.512 million of which \$43.266 million was derived from commercial and industrial real estate rental income and \$17.774 million from parking fees

¹⁶ "Board of Supervisors Budget and Legislative Analyst, Policy Analysis Report," February 10, 2014, <http://www.sfbos.org/Modules/ShowDocument.aspx?documentid=47894>

- The current transportation system of light rail and vehicular traffic is inadequate. The Embarcadero has been closed to traffic entirely in order to accommodate special needs such as cruise ship passengers arriving or departing. Other events along the waterfront may also result in lengthy backups. Of greater concern, there are times when emergency service vehicles cannot use the roadbed but must instead drive on the light rail tracks.
 - The City's transportation plans so far have not provided a solution, and its planning for increased traffic resulting from new development would not resolve the current situation but would only attempt to mitigate additional transportation needs. It is critically important that any waterfront future development place heavy emphasis on transportation needs in practice as well as in theory. Adding additional parking, for example, assures additional roadway traffic.
- MUNI T-Third St. Line
 - To more fully serve the needs of the waterfront, SFMTA (San Francisco Municipal Transportation Authority) inaugurated limited weekend service along the T-Third Light Rail Muni Metro Line on January 13, 2007.¹⁷ The T-Third provides essential service to Port properties south of the Ferry Building and links proposed development project areas at Mission Rock and Pier 70 to Port lands north of Mission Creek.
 - In contrast to the 15-Third Bus that the T-Third replaced, which operated in mixed traffic along city streets, the T-Third has “a nearly exclusive right of way....distinguished by its artistic paving and raised white curbs.”¹⁸ Intended as an enhancement to the Third Street route, “...the exclusive track way is a separate lane just for the LRVs [Light Rail Vehicles] that allow them to operate without interference from other traffic.”
 - The planning called for new traffic signals to incorporate a “signal prioritization/pre-emption system” that is designed to speed travel times and minimize delays along its route. At the time that it opened, the T-Third Metro right of way permitted vehicle traffic to make signalized left turns across its parallel, northbound and southbound rails at 31 intersections.¹⁹ Signaling systems along T-line Third Street corridor identify approaching Muni Light Rail Vehicles (LRVs) with an electronic system known as VETAG. As a T-line LRV approaches a signal priority-equipped intersection, an electronic signal between a sensor on the LRV and a sensor embedded in the pavement below identifies the LRV to the traffic signal computer. Depending on the configuration of the traffic signal's computer program, the LRV can either receive priority (if the traffic signal being approached is green it stays green) or preemption (the approached signal automatically turns green for the LRV).

¹⁷“Mayor Gavin Newsom Announces Third Street Light Rail to Begin Service January 13,”

States News Service, May 2, 2007. Retrieved via LexisNexis, January 12, 2014. [Hereafter cited as “Newsom Announces.”]

¹⁸ “Discover the T-Third,” *SFMTA*, http://www.sfmta.com/cms/mroutes/documents/T3-Manual_v6na.pdf. Retrieved via the *Internet Archive WayBack Machine*, January 12, 2014.

¹⁹ On time performance data for the 15-Third Bus, T-Third Metro, and published timetables for each.

- Muni admits that poor maintenance has limited the effectiveness of the VETAG system along Third Street, slowing T-Line LRVs from moving at their optimal pace. The T sputters along at a pace that is slower than the 15-Third Bus that it replaced.²⁰ Presently, Muni contends that all maintenance problems with VETAG are resolved and that the agency is considering a plan to implement signal preemption at “key” intersections. In light of the T-Line’s slow travel times relative to the retired 15-Third bus, any effort to speed travel along the Third Street corridor is a necessary step toward providing service that can support future development.

It remains to be seen whether this system can now be implemented as planned as well as expanded to carry more passengers.

- Maritime Use

Maritime use at the Port goes well beyond what takes place on ships and boats. There are many land uses authorized by the Waterfront Land Use Plan for activities directly supporting maritime activities.

“Maritime land uses include but are not limited to:

- Maritime cargo handling and storage facilities;
- Ship repair facilities;
- Fish processing facilities;
- Marinas and boat launch ramps;
- Ferryboat terminals;
- Cruise ship terminals;
- Excursion and charter boat facilities and terminals;
- Ship berthing facilities
- Maritime construction and maritime supply facilities;
- Marine equipment and supply facilities
- Cargo shipping;
- Ship repair;
- Fishing industry;
- Recreational boating and water use;
- Ferry and excursion boats and water taxis;
- Passenger cruise ships;
- Historic ships;
- Maritime support services;
- Maritime offices;
- Port-priority uses”²¹

²⁰ Source: On time performance data for the 15-Third Bus, T-Third Metro, and published timetables for each.

²¹ “Waterfront Land Use Plan”, Section 61.3. Added by Proposition H, 11/6/90; amended by Ord. 7-98, App.

1/16/98



*Italian
Fishing Boats
at
Fisherman's
Wharf c.
1915²²*

▪ Northern Waterfront

- Piers 45 to 48 are designated as the Embarcadero Historic District, extending from Aquatic Park to China Basin. Much maritime activity occurs in this part of the Port. The Northern Waterfront contains Fisherman's Wharf, historic ships, fishing and fish processing, cruise and excursion facilities, marina, and recreational boating.
- Historic ships are located at Pier 45 Hyde Street Pier. Adjacent to Pier 45 is Fisherman's Wharf, home to commercial fishing, sport, and charter boat fleets. Pier 45 houses the West Coast's largest concentration of commercial fish processors and distributors.
- In addition to retail, Pier 39 also provides berthing for fishing, sport and charter boats. Excursion boats are berthed at Pier 41 and Pier 33. A new berth has been built at Pier 19 for entertainment (sailing ships, cocktail cruises, etc.) but there is no interest for its use at present.

▪ Cruise Ship Terminal

"The cruise industry alone generates approximately \$30 million annually in direct economic impacts, supports 400 jobs in the City, and generates approximately \$900,000 in annual revenues to the City's General Fund."²³

²² Panama-Pacific International Exposition Popular Information, Italian Fishing Boats c. 1915
http://www.books-about-california.com/Images/PPIE_Popular_Information/Italian_Fishing_Boats.jpg

²³ Caltrans Freight Planning Fact Sheet 7/12,
http://dot.ca.gov/hq/tpp/offices/ogm/ships/Fact_Sheets/Port_of_San_Francisco_Fact_Sheet_073012.pdf

A new Cruise Ship Terminal is under construction at Pier 27. Upon completion it is projected to handle 40 to 80 calls per year. Plans to increase utilization of the Port's new Cruise Ship Terminal need to be formulated. It is now operating at a fraction of its capacity because of the federal Passenger Vessel Services Act of 1886, which requires foreign flagged vessels traveling from one U.S. port to stop at a foreign port before a subsequent stop at a U.S. port.

Consequently, there are very few ships docking here, resulting in a substantial loss of potential revenue to the Port. Instead, the major revenue from this location comes from its use as a parking lot. Pier 35, the former cruise terminal will be used for backup. South of Pier 35 are excursion, tug and tow facilities, and San Francisco Bar Pilots at Pier 9.

- Central Waterfront

The Central Waterfront has ferry terminals, the Ferry Building, Exploratorium, Bay Pilots, tugboats, and the Port of SF main office.

- Ferry Building

3,000,000 passengers per year use the piers at the Ferry Building. Ferry service provides minimal revenue to the Port, but is sufficient to pay for the operational costs. Ferry operations are an important part of the public service provided by the Port and are integral to the Water Emergency Transportation Authority (WETA) in the event of a major disaster. Facilities will be expanded to Pier 14. Fireboats are located at Pier 22 ½.

- South Beach/China Basin

South Beach Harbor is a recreational boating and docking facility located between AT&T Park and Pier 40. Originally developed by the San Francisco Redevelopment Agency in 1984, it was taken over by the Port in 2012 after the dissolution of state redevelopment agencies. It contains 700 slips and South Beach Park. Pier 48 will house a new Anchor Steam Brewery. This is considered a maritime use because the brewery will use barges to transport raw materials and waste to and from. AT&T Park also has a ferry terminal.

- Southern Waterfront

The Southern Waterfront is home to maritime industrial uses. BAE operates a ship repair yard at Pier 70, where there are two drydocks owned by the Port and leased to BAE. The shipyard provides union jobs to 250 to 1500 workers daily, depending on the workload. The port is soliciting interest from qualified respondents for developing and operating a bulk marine cargo-handling terminal at Pier 96, considered an ideal location for transshipping iron ore.

- Cargo Services

The Port has the ability to increase its cargo services in the Southern Waterfront. Pier 80 and 94/96 each have three deep-water berths with cranes capable of working both break bulk and containers for off-loading to the on-dock rail lines. There is a combined 145 acres of paved cargo staging area, 550,000 square feet of which is covered storage.

“A recent economic benefits study highlights the value of maintaining and expanding industrial uses on Port property. The report⁴ estimated that Port industrial and maritime tenants generated over \$785 million in annual economic activity in San Francisco, and employed roughly 2,400 workers (2011 data).”²⁴

Cargo traffic has been steadily decreasing over the years. In 2004 there were 224 cargo vessel calls, down to 95 in 2005 and only 39 in 2013.²⁵ The Port is soliciting interest from qualified respondents for developing and operating a bulk marine cargo-handling terminal at its underutilized Pier 96. The Port would like to see iron ore transshipped from there.

In the mid-to-late 1960s, containerization took hold as the principal means of moving freight. The Port reacted to this trend by building the break-bulk Army Street Terminal (Pier 80) and a LASH terminal (Pier 98); both were outmoded technologies even as they were being constructed. Although it is prudent for the Port to solicit more break-bulk cargo in order to maximize current use, the Jury hopes that there is a greater effort to forecast possible future uses of the Port’s deep-water berths and other maritime facilities.

- Infrastructure and Historic Resources

The Port of San Francisco faces serious financial challenges for capital improvements. At the time of transfer to the City in 1968, the Port already faced a deficit for infrastructure repair and maintenance. Under the terms of the Public Trust, all revenue created by the Port is reserved exclusively for its own use. The Port currently receives payments from the General Fund for leases of Port property, and a general obligation bond has been approved for rebuilding Pier 22 ½ for the use of fireboats. Recreation and Park bond monies have been designated for open space improvements at Pier 70.

In efforts to meet infrastructure needs as determined by the Port, various developments are under discussion that would advance funds for repairs to be repaid through Port forgiveness of routine financial obligations such as rent payments, real estate transfer taxes, and other revenues that typically are paid to the Port. The issue of the Port’s infrastructure needs as measured against citizen priorities such as open space, recreational spaces, or revenue from more standard leases have not always been properly considered.

Proposed Developments and Activities

It is significant to note that the projects outlined for Pier 30-32, Mission Rock, and Pier 70 all require zoning changes and exemptions to the Waterfront Land Use Plan. This commonality is indicative of demands from other City departments, requirements for a high return on investment from the developers, and overriding of the Waterfront Land Use plan.

- Pier 30-32

The Port’s piers, all of which were built over a hundred years ago, are deteriorating and capital improvements have been deferred over the years.²⁶ For example, Pier 30-32, which is located between the San Francisco-Oakland Bay Bridge and the AT&T baseball park, has a remaining

²⁴ Ten-Year Capital Plan FY 2015-2024 Update, Port of San Francisco

²⁵ Port of San Francisco, “Cargo Statistics”, <http://www.sfport.com/index.aspx?page=164>

²⁶ See Port of San Francisco 2014-2023 Ten-Year Capital Plan.

useful life of about ten years, as do most of the other piers. Pier 30-32 is about 900 feet long and 12.5 acres in area and is located on the east side of the Embarcadero at Bryant Street; it is currently used mainly for short-term parking. Since Pier 30-32 has a natural deepwater berth along its east face, (1350 feet in length) it is also occasionally used as a tertiary berth for cruise ships and other deep draft vessels. Seawall Lot 330 is located across the street from Pier 30-32 on the west side of the Embarcadero between Beale and Bryant Streets; it is approximately 2.3 acres of undeveloped land currently used for short-term parking.

GSW Arena LLC is an affiliate of the entity that owns the Golden State Warriors, a basketball team in the National Basketball Association. GSW Arena LLC (GSW) had proposed a multi-use development at Pier 30-32 and Seawall Lot 330. GSW's proposed development project included the following: construction of a new basketball arena on Pier 30-32 with seating for approximately 17,000 to 19,000 persons; rehabilitation of Pier 30-32 to support said arena; and the sale by the Port to GSW of Seawall Lot 330 for construction of residential, hotel, and/or retail uses and accessory parking. In addition to sports events, GSW had indicated its intent to use this arena for more than 150 events such as concerts every year. According to Port documents, in order to support the arena and related structures and address rising sea levels, the cost to rehabilitate Pier 30-32 for the Warriors' arena would have been substantially higher than the cost to simply rehabilitate and preserve the pier.²⁷

When the GSW proposal was made in 2012, the construction cost estimate for rebuilding and strengthening Pier 30-32 so that it could support the arena structure was \$120 million. A third party estimate for the cost of rehabilitating Pier 30-32 to bear the weight of the arena structure was about \$171 million.²⁸ The Port's "Ten-Year Capital Plan FY 2015-2024 Update" estimates the cost to be \$165 million.²⁹ The Jury was informed during its investigation that it could have been as high as \$180 million. In contrast, according to Port documents, the approximate cost to simply rehabilitate and preserve the pier is estimated by the Port to be \$68 million; the approximate cost to simply remove the pier altogether is estimated by the Port to be \$45 million.³⁰

Under the 2012 GSW proposal, the Port would have been obligated to reimburse GSW for the cost of rehabilitating Pier 30-32 to support the Warriors' arena, which at that time was estimated to be \$120 million. Under the proposal, GSW would have been entitled to a 13% annual return on said reimbursement amount of \$120 million. Payment by the Port of the \$120 million rehabilitation cost would have come from the following three sources:

- A purchase credit of \$30.4 million from the sale of Seawall Lot 330 to GSW (the fair market value of Seawall Lot 330 was estimated several years ago to be \$30.4 million but is most likely higher now);
- A long term lease of Pier 30-32 to GSW with annual rent credits for the next 66 years, which meant that the Port would have received no rent for the lease of Pier 30-32 for the next 66 years (the estimated annual rent for Pier 30-32 once improved was valued at \$1.97 million a few years ago);

²⁷ See page 7 of "Memorandum from Monique Moyer to the Port Commission dated 3/18/2013"

²⁸ Based on a third party cost construction estimate dated 1/22/2014 prepared by M Lee Corporation

²⁹ See page 33 of the Port of San Francisco Ten-Year Capital Plan FY 2015-2024 Update

³⁰ See page 7 of "Memorandum from Monique Moyer to the Port Commission dated 3/18/2013" and "Port of San Francisco 2014-2023 10 Year Capital" cited on page 7 of said Memorandum; see link <http://www.sfport.com/modules/showdocument.aspx?documentid=5640>

- Establishment of an Infrastructure Financing District on Pier 30-32 and Seawall Lot 330 under which a \$60 million 30 year bond would have been issued and then repaid with General Fund property tax revenue for the next 30 years.

The above-described GSW proposal is apparently off the table. It was reported in late April of this year that the Warriors have purchased land in the Mission Bay area to construct their basketball arena and no longer have plans to use Pier 30-32 for any development. The City and Port are apparently no longer in negotiations with GSW to use Pier 30-32 for any GSW development. The reason for inclusion of this proposal in this report is to provide the public with a fuller and more detailed understanding of the Port's negotiations and financial trade-offs it would have accepted under the terms as outlined.

The Port is prohibited by state law from selling any of its piers but it is not prohibited per se from selling certain seawall lots, including Seawall Lot 330, under certain Public Trust conditions.³¹ The Port's Waterfront Land Use Plan, initially adopted by the Port Commission in 1997, specifies acceptable Public Trust uses for the piers like museums, restaurants, parking, and recreational enterprises, but it does not identify a professional sports arena, like the GSW's proposed arena, as an acceptable use of Pier 30-32.³² Also, the City's zoning laws currently limit any development on the piers, including Pier 30-32, to a 40-foot height limit.³³ Hence, amendments to both the Waterfront Land Use Plan and the City's zoning laws would have been necessary before final approval of any such GSW arena project.

Finally, the SF Waterfront Special Area Plan issued by the Bay Conservation Development Commission provides that improvements along the Port waterfront area should have "design policies that promote low-scale development and preserve Bay views."³⁴ The plan also states that large piers like Pier 30-32 and Piers 27-29, if redeveloped as a large pier, should have the following:

- (1) "A higher proportion of their area devoted to public access and open space than Finger Piers;
- (2) "[p]ublic access provided should consist of:
 - Perimeter access
 - Significant park(s)/plaza(s) on the pier perimeter
 - Additional areas, e.g., small parks or plazas integrated into the perimeter access
 - Significant view corridors to the Bay from points on the pier which by their location have more of a relationship to the water than to the project
 - The Bayside History Walk (on Pier 29); and
- (3) "Public open spaces within the interior of large piers that do not provide physical or visual proximity to the Bay should not be included in the determination of maximum feasible public access to be provided on the pier."³⁵

Amendment of the BCDC SF Waterfront Special Area Plan requires 2/3 voter approval of the

³¹ See e.g. AB 1389 (2001), Senate Bill 815 (2007), and AB 418 (2011)

³² See Port's Waterfront Land Use Plan, Chapter 4, South Beach/China Basin Acceptable Land Use Table (1,2,3,4)

³³ See The Zoning Map of the City and County of San Francisco established by sections 105 and 106 of the City's Planning Code, Height & Bulk District Maps, Map HT01

³⁴ BCDC SF Waterfront Special Area Plan, page 19

³⁵ BCDC SF Waterfront Special Area Plan, page 34

BCDC 27 commissioners (i.e. 18 votes).³⁶

- America's Cup

The America's Cup is an international sailing competition held every few years. In 2012/2013, the Port and City hosted the 34th America's Cup event at the waterfront. The event consisted of a series of sailing races. In its Annual Report for Fiscal Year Ended June 30, 2012, the Port estimated that hosting the America's Cup would result in an aggregate \$3.2 million rent loss to the Port during the occurrence of the event.

The City ended up spending approximately \$20.5 million from the general fund for the event, which included about \$4 million of reimbursement to the Port for Port expenditures and lost rent resulting from the event. To help defray some of that cost, the City received about \$8.7 million in private fundraising and about \$5.8 million in tax revenue, leaving a net loss to taxpayers for the event of about \$6 million.^{37, 38} The sources of the tax revenue were transient occupancy taxes (hotel tax) of about \$2.35 million, sales taxes of about \$1.16 million, payroll taxes of about \$1.27 million, and parking taxes of about \$1 million.

In addition to the loss to the City's general fund, the Port spent from its own operating revenue about \$2.5 million in operating costs (e.g. legal fees, tenant relocation costs, marketing, etc.), and about \$3 million in capital expenditures (e.g. dredging, relocation of power lines, etc.). The Port derived no long-term benefit. None of these Port expenditures were reimbursed by the City's general fund.

The total loss to the City and Port for the event amounted to about \$11.5 million (\$6 million from the general fund plus \$5.5 million in unreimbursed Port expenditures). Neither the City nor the Port received any revenue sharing or venue rent from the event. The Port allowed the use of its piers for the staging of the America's Cup rent free. The City via a Memorandum of Understanding between the City and the Port agreed to reimburse the Port for this loss of rent. The Port was reimbursed \$2 million from the general fund.³⁹ The City should clarify when an event hosted by the City needs approval by the Board of Supervisors or when it requires a simple event permit only.

- Pier 70

Pier 70 is in the Central Waterfront and is bounded by Mariposa Street, Illinois Street, 22nd Street, and the San Francisco Bay. In addition to Pier 70 the site includes Pier 68 and part of Seawall Lot 349. It comprises approximately 28 acres containing a mix of heavy commercial and

³⁶ BCDC San Francisco Bay Plan requires the affirmative vote of two-thirds of the members of the Commission to amend the Bay Plan and special area plans, like the SF Waterfront Special Area Plan, are subject to the same procedures for public notice, hearing, and voting as other amendments or changes in the Bay Plan.

³⁷ See San Francisco Budget and Legislative Analyst's Office report entitled "Analysis of the Impact of the 34th America's Cup to the City" <http://www.sfbos.org/Modules/ShowDocument.aspx?documentid=47894>

³⁸ For a fiscal impact analysis, also see The Bay Area Council Institute December, 2013 report "The Economic Impact of the 34th America's Cup in San Francisco"

<http://www.bayareacouncil.org/press-releases/bay-area-council-economic-institute-releases-americas-cup-economic-impact-study/>

³⁹ See San Francisco Budget and Legislative Analyst's Office report entitled "Analysis of the Impact of the 34th America's Cup to the City" <http://www.sfbos.org/Modules/ShowDocument.aspx?documentid=47894>

light industrial buildings. Current commercial activities include warehousing, contractor and construction storage and until June 2013, the City's impound facility for towed cars.

In the City's early days, the Pier 70 area became the location of activities that required isolated sites on the outskirts of the downtown area, such as gunpowder manufacturing. As the area became established as a center for industrial operations and shipping in the 1850's, the serpentine hillsides were blasted away to create street corridors for landside movement along the Bay, and piers were extended over the water. This area offered excellent accessibility by ship to relatively deep offshore waters in the Bay and commercial routes in the Pacific Ocean.⁴⁰

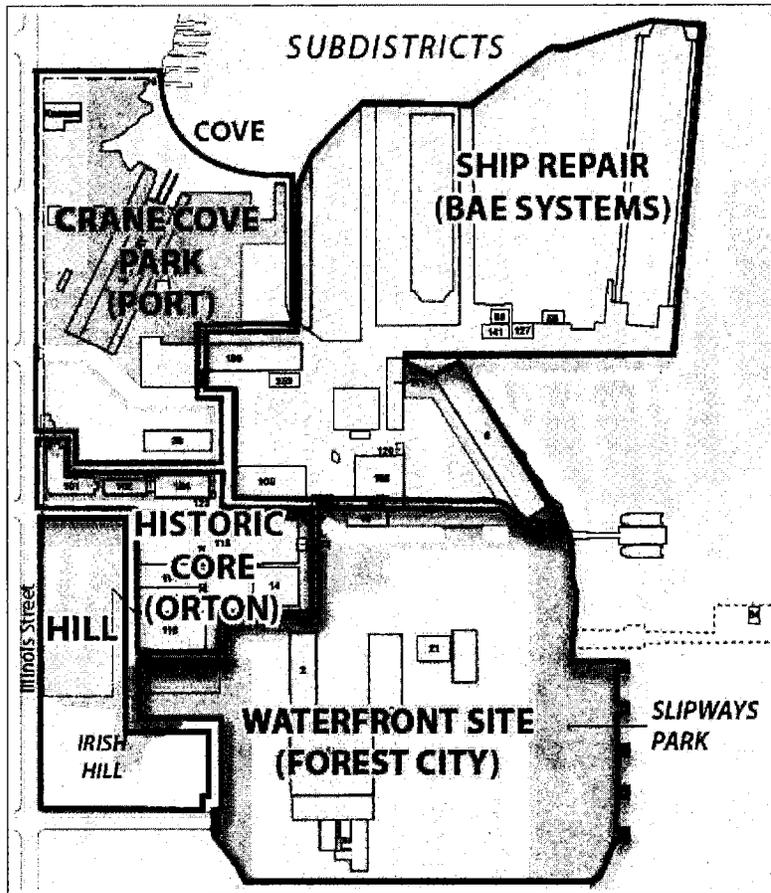
The Port acquired portions of the waterfront site and the rest of Pier 70 from the State, the federal government, and private parties. Portions of Pier 70 are historic uplands that were never submerged tidelands subject to the Public Trust, and several parcels have been in and out of private and federal ownership, creating a patchwork of parcels subject to Public Trust restrictions.⁴¹ The inland areas of the site not subject to Public Trust controls were originally part of the serpentine cliffs surrounding the area, not tidelands that have been filled. This portion is eligible for residential use. Existing historic buildings provide a ready-made footprint for commercial and industrial use. The Pier 70 site is eligible for listing in the National Register of Historic Places as an Historic District for its national significance in the area of maritime industry, beginning with the initial construction of the Union Iron Works Machine Shop (1885-1886) and closing at the end of World War II. Within Pier 70, 44 historic resources have been identified as eligible for listing in the National Register of Historic Places. About half of these structures have been condemned for structural or environmental reasons, and all are rapidly deteriorating, which threatens their historic integrity.⁴²

⁴⁰ "Pier 70 Preferred Master Plan", Chapter 1, April 2010,
http://sfport.com/ftp/uploadedfiles/about_us/divisions/planning_development/southern_waterfront/pier70masterplan_intro-overview.pdf

⁴¹ File No. 130495 Committee Item No. 11 - Board of Supervisors, June 5 2013
http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/committees/materials/bf060513_130495.pdf

⁴² "Pier 70 Preferred Master Plan", Chapter 1, April 2010,
http://sfport.com/ftp/uploadedfiles/about_us/divisions/planning_development/southern_waterfront/pier70masterplan_intro-overview.pdf

To support the Pier 70 planning effort, the Port retained a team of consultants with technical expertise in the fields of historic preservation, land use economics, urban planning and design,⁴³ environmental analysis, engineering, and cost estimation. In addition, the Port worked through a collaborative process with federal, state, and regional government agencies, other departments



Pier 70 Sub Areas Project Map⁴⁴

within the City family, and the public. Strong government partnerships have enabled the Port to produce a Plan that is informed by key regulatory considerations and that enjoys strong public consensus.

Special attention has been given to ship repair industry needs. The Port has worked closely with BAE San Francisco Ship Repair (BAE), a subsidiary of BAE Systems, the Port's ship repair operator, as it develops its own complementary facility plan. This will ensure adequate space and operational latitude for compatible co-existence of ongoing ship repair operations, historic preservation, and new

development at Pier 70. The Pier 70 Plan is premised on continuing ship repair at the site consistent with the Port's mission. In coordination with the Port, BAE prepared a long-term plan for the Pier 70 ship repair operations to integrate strategic needs of the shipyard with this Plan. Continuing this historic industry is itself recognized as part of Pier 70's historic preservation strategy. By maintaining the original business that created Pier 70, the Port preserves the authentic maritime heritage that is the foundation of Pier 70 Historic District.

In the summer of 2005, the Port and Mayor Gavin Newsom partnered with San Francisco Planning and Urban Research (SPUR) and EDAW, a local land use planning firm, to prepare a "Concept Vision Plan" for Pier 70. The Concept Vision Plan was developed through many community forums and workshops and reflected significant community interest in the future of the area. It set forth principles of historic preservation, sustainability, and integration with the surrounding neighborhoods, and called for continued ship repair, a marina, office space, a public market, arts, and a series of open spaces. Many of the ideas and possibilities revealed in that

⁴³ Port of San Francisco, Land Use & Environment » Projects » Pier 70 Area, Pier 70 Implementation, September 2012, <http://www.sfport.com/index.aspx?page=2130>

⁴⁴ Pier 70 Implementation, Port of San Francisco. <http://www.sfport.com/index.aspx?page=2130>

Concept Vision Plan received enthusiastic responses from government and community stakeholders alike and have influenced the development of this Plan. The uses envisioned for the site include biotechnology, medical office/support, general office and corporate campuses, retail/service commercial, exhibition/museum, waterfront commercial/production/distribution/repair, open space, water recreation and residential. Interviews conducted with representatives of the developers and documents provided by the Port indicate that there has been extensive community input into the project and that the process will continue until plans have been finalized and approved. All indications point to a high degree of support both from City departments and concerned citizens.

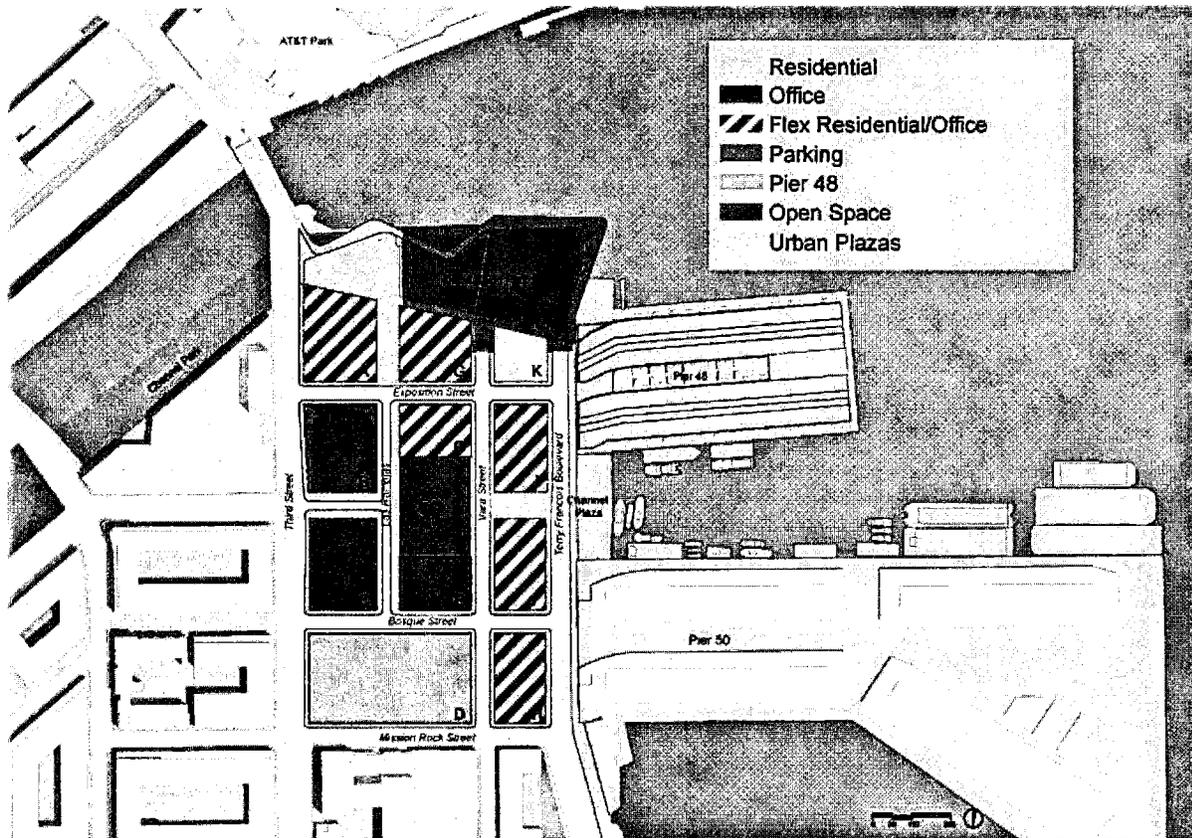
Two commercial developers have been selected through RFPs (Request for Proposal) and have entered exclusive negotiating agreements with the City. Orton Development Inc has been granted rights to restore and develop the historic site and Forest City has the right to develop the mixed-use component. BAE Systems (ship repair) will continue its operations. Crane Cove Park will be developed by the Recreation and Parks Department of San Francisco in conjunction with Forest City.

The development proposed for this site by Forest City has four main components: Crane Cove Park, restoration of three historic buildings, development of a mixed-use (commercial and residential) area and continued operation of the BAE Systems ship repair yard. Restoration of eight historic structures by Orton Development in the core area has already begun and occupancy is scheduled for 2014.

- Mission Rock

Seawall Lot 337 is in current use as a parking lot for AT&T Park. The San Francisco Giants are proposing to develop this property to include offices, residences, retail, parking, open space, and a new Anchor Steam Brewery on Pier 48. (Pier 48 is the southernmost pier in the Embarcadero Historic District. Anchor Steam Brewery is anticipating construction for their waterfront facility to begin in 2014.)

“The Port of San Francisco has been engaged in the planning process for SWL 337 and Pier 48 for many years, with the Mission Rock team joining these efforts in 2008. Below is a brief outline of the progress to date, and our plans for the future.



Mission Rock Proposed Development Diagram⁴⁵

2007

Senate Bill 815 passed by California Legislature, allowing for development of Seawall Lot 337, among others, by lifting the Public Trust for a certain period of time.

2007

Port commences an intensive planning process and community input gathering regarding the future of SWL337.

2008

San Francisco Giants team responds to Port's Request for Developer Qualifications/Concepts.

2009

San Francisco Giants team responds to Port's Request for Developer Proposals, and is awarded the development rights to SWL 337 and Pier 48.

2010

Port and Gaints [sic] team sign an Exclusive Negotiation Agreement

March 2011

Giants submit Revised Proposal Concept

⁴⁵ Seawall Lot 337 (SWL 337) & Pier 48, March 12, 2013 Port Commission Meeting, <http://www.sfport.com/modules/showdocument.aspx?documentid=5629>

March 2012

Giants submit Revised Proposal Submission

Expected Winter 2013

Term Sheet Endorsement by Port Commission and Board of Supervisors

Looking Ahead

Entitlements / EIR and Design for Development Documents to commence after endorsement of the Term Sheet by the Board of Supervisors

2015 - 2020

Construction of infrastructure, public resources, residential buildings, office buildings, and community amenities⁴⁶

It should be noted that, although this proposed project is adhering relatively close to the timeline above (Term Sheet endorsement by the Board of Supervisors in May, 2013⁴⁷), there has been very little publicity and public outreach. This is of particular concern because the project involves 650-1000 new housing units, several high-rise buildings requiring zoning changes, and a 2,690 space parking lot.⁴⁸

Financing of Capital Improvements

Although revenue from leases, parking, other City entities, and docking fees etc. is sufficient to pay for the day-to-day operating and maintenance costs, there is very little left over for capital improvements and rehabilitation of historic structures. There is a difficult balance between acquiring a large infusion of cash from private developers and maintaining the Public Trust. The developer has to be willing to take years to plan a project and receive approvals from the myriad regulatory bodies governing Port activities. The Port has to meet obligations provided by the Waterfront Land Use Plan, City requirements for open space, housing, and transportation while securing zoning and height limit changes from the Planning Department.

- Infrastructure Finance Districts⁴⁹

In recent years, the use of Infrastructure Finance Districts (IFDs) have been proposed to increase opportunities for major investment from private sources. This normally involves a long-term lease or sale of Port property to the developer. Attached to this property transfer is a credit of equal amount, the net cost to the developer being \$0. Additionally, property tax is credited back to the developer to further help offset development costs. Income from the newly built development will also go to the developer. The City can also issue bonds to help fund infrastructure such as open space or other recreational facilities.

⁴⁶ Schedule from "Mission Rock", <http://www.missionrock.org/schedule.php>

⁴⁷ "Term Sheet Between the City and County of San Francisco, Acting by and through the San Francisco Port Commission and Seawall Lot 337 Associates, LLC"
<http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/resolutions13/r0142-13.pdf>

⁴⁸ Mission Rock Design + Development Revised Proposal, March 2012,
<http://www.sfport.com/ftp/uploadedfiles/MissionRockMarch12RevProposalDesign.pdf>

⁴⁹ Proposed Policy for Use of IFD on Port Property, included in its entirety in Board of Supervisors Resolution 123-13, adopted 4/13/13. See appendix p 51 for full text, <http://onesanfrancisco.org/wp-content/uploads/Agenda-Item-5-Port-Proposed-IFD-Policy-memo.pdf>

All revenue from an IFD can only be used for capital improvements, not operating expenses. The development that did not exist before will create new open space, housing, and businesses. The Port removes a liability (rotting infrastructure) from its books. The lease or property that was lost to the developer, although valuable, was not bringing any revenue.

According to the *Port of San Francisco 2014-2023 Ten-Year Capital Plan*, the Port seeks half a billion dollars (\$500 M) from the issuance of IFD bonds, or nearly 50% of its ten-year capital improvement budget. Under State Law, the Port of San Francisco is exempt from the requirement that it seek voter approval for the creation of an IFD District and the issuance of IFD Bonds.⁵⁰ Resolution 123-13 approved by the Board of Supervisors on April 23, 2013, expressly permits "Potential property annexations to the Port IFD of non-Port property adjacent to Port property"⁵¹ with Board of Supervisors approval. This ordinance allows potential inclusion of, for example, the Golden State Warriors' Arena in a Port IFD even though it is no longer proposed for construction on Port property.

▪ Other Funding Sources

Many other funding sources are available to the Port and have been or are currently in use.

- General Obligation bonds—issued by the City and repaid from the General Fund. There is an outstanding bond for improvement to the fireboat Pier 22 ½. GO bonds require voter approval unless issued by an IFD.
- Port revenue bonds—issued by the Port but debt service limited by operating funds, now funding the Cruise Ship Terminal.
- Federal transportation funding—used to improve rail access in the Southern Waterfront for cargo movement. The Illinois Street multi-modal bridge over Islais Creek was built with mostly federal funds, and the Port has just received \$2.97 million for completion of a rail spur on Quint Street that will tie into the Southern Pacific line.⁵²
- Park and Recreation bond funds have been approved for development of Crane Cove Park at Pier 70.

▪ Other Development Options

- Piers can be developed for open space uses such as soccer, tennis, basketball or other sports fields as well as general park usage.
- Many events and venues would require minimum reinforcement of existing piers because structures needed would be lightweight. These could be for entertainment, such as Teatro ZinZanni, Cirque de Soleil, and Cavalia.
- Other enterprises requiring minimal construction costs could be a flower market, space for antique, craft, and food truck fairs, or other events featuring local restaurants, vintners, and breweries.

⁵⁰ Jensen, Randall, "Brown OKs Law to Let San Francisco Create Tax District," *The Bond Buyer*, September 29, 2011

⁵¹ Resolution adopting Guidelines for the Establishment and Use of an Infrastructure Financing District with Project Areas on Land Under the Jurisdiction of the San Francisco Port Commission. See appendix p. 51

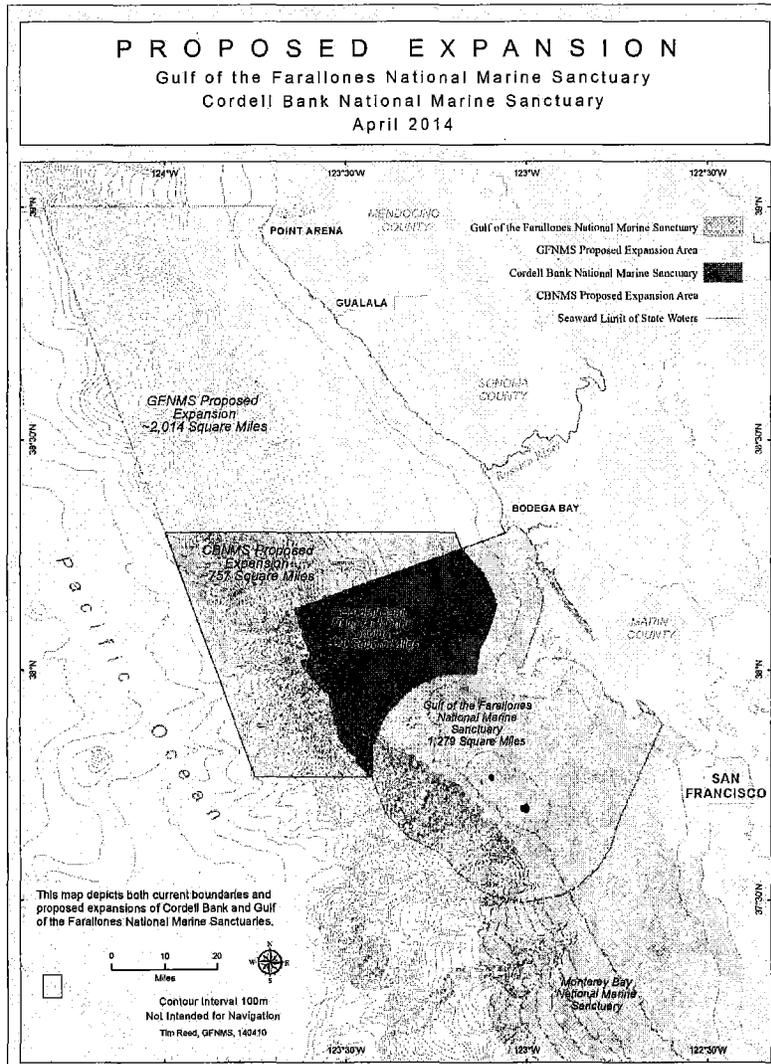
<http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/resolutions13/r0123-13.pdf>

⁵² Port Commission Memorandum April 18, 2014

<http://www.sfport.com/modules/showdocument.aspx?documentid=7919>

- A Marine Research Institute

Pier 30-32 has had no fewer than five proposed projects, all of which have failed due to a variety of reasons. The Jury would like to suggest another possible use for this 13-acre parcel, which includes a 1350-foot-long deepwater berth that never requires dredging. All previous proposals



*NOAA Map of Proposed Expansion*⁵³

included maritime use as mandated by the Waterfront Land Use Plan, BCDC, State Land Use Commission and other regulatory agencies. These proposals met the maritime use requirement inasmuch as they would attract visitors to the waterfront, but they were not oriented primarily around the bay and ocean environment.

Another option for Pier 30-32 may open several sources of funding that, to our knowledge, have never been considered. Our suggestion is to investigate the possibility of building a Marine Research Institute on the pier. The project lead could be an educational institution such as Woods Hole Oceanographic Institution or Scripps Institute of Oceanography (UC San Diego), a conservation group such as Cousteau Society, Greenpeace, or Ocean Conservancy, or even government based groups such

as National Oceanic and Atmospheric Administration (NOAA) or United Nations Educational, Scientific and Cultural Organization (UNESCO).

With close proximity to the Gulf of the Farallones, Cordell Bank, and Monterey Bay National Marine Sanctuaries to the west and the Sacramento-San Joaquin Delta to the east, a San Francisco Bay location presents a unique opportunity for marine and estuary study. The Cordell Bank and Gulf of the Farallones Sanctuaries today cover about 1800 square miles, but the proposed addition by NOAA will add an additional 2,000 square miles extending north.

⁵³Proposed Cordell Bank & Gulf of the Farallones Expansion, http://farallones.noaa.gov/manage/expansion_cbgf.html

Funding could be derived not only from the sources mentioned above, but it may be possible to get donations from charitable foundations, such as Ford Foundation or Paul Getty Trust, and supplement large contributions by forming a coalition of the dozens of smaller advocacy and conservation groups—a form of crowd-funding on a large scale.⁵⁴

⁵⁴Link to various research facilities and vessels, <http://www.seasky.org/links/sealink06.html#Research%20Vessels>

FINDINGS AND RECOMMENDATIONS

Who is Making Decisions?

Finding 1:

Recent activities at the Port have been strongly influenced by the Mayor's office. These included the promotion of the 8 Washington Street project, most aspects of the 34th America's Cup races, a "legacy project" at Pier 30-32, and an underutilized cruise ship terminal at Pier 27. The Port Commission readily gave approvals with minimal public input. All other commissions dealing with land use decisions, including Planning, Building Inspection, and Board of Permit Appeals, are not appointed solely by the mayor. Section 12 of the Burton Act specifies that all five Harbor Commissioners be appointed by the Mayor and confirmed by the Board.

▪ Recommendation 1:

The Port Commission should be restructured to reflect more public interest. The Jury recommends that the Board of Supervisors seek necessary changes in state law to allow a charter amendment to be submitted to the public for revision of the current five-member Port Commission appointed by the Mayor to a Port Commission with three mayoral appointees and two by the Board of Supervisors. We recommend that this change be put before the voters in 2015.

Waterfront Land Use

Finding 2:

The Port is primarily a land bank and real estate management company; only 25% of revenue is from maritime activities. Annual revenues of \$82 million are not sufficient to meet the needs for infrastructure repair. Today the Port has a policy of attempting to repair all existing piers and related structures.

▪ Recommendation 2a:

Costs and benefits to repair and maintain these piers should be evaluated and weighed against the cost and benefits of not doing so. It may be possible that the sacrifice of some piers will reduce maintenance costs, thereby freeing monies for repair of more significant structures and create more open space.

▪ Recommendation 2b:

Other sources of revenue should be expanded. Maritime and industrial use in the Southern Waterfront has great potential. The Port is actively pursuing growth in this area and should continue to improve infrastructure and search for new tenants.

Finding 3:

The waterfront is one of the most desirable areas in the City. Proposed projects receive only limited public input by Citizen Advisory Committees (CAC) whose members are selected by the Port. The Planning Department and Mayor's Office have a great deal of authority to influence the selection of development projects. Citizens at large are made aware of these projects only after the Port has published an RFP. The public is not made aware of possible alternate uses that

may have been considered during the early stages of project planning.

- Recommendation 3:

Proposed variances from the Plan should receive increased public scrutiny prior to the issuance of an RFP.

Finding 4:

The priority of the Port for development is to create an income stream for capital improvements rather than a determination of how best to enhance the quality of life for the residents of the City. Port revitalization has been enhanced in the past by adherence to the Waterfront Land Use Plan. Developments have provided local business opportunities, mixed housing where appropriate, stronger public transit options, maintenance of height and bulk limits, and preservation of view corridors. Some uses, however, both current and proposed, of Port land do not conform to the Waterfront Land Use Plan. Zoning and height limits have been changed by the Planning Department and the Mayor's Office. There is a lack of transparency in development proposals, particularly in regard to input from the Mayor's Office and active involvement of former Mayoral staff advocating on behalf of developers, giving rise to concerns that an agreement had been reached prior to public input.

- Recommendation 4a:

The Port should immediately begin an assessment and update of the Waterfront Land Use Plan, to be renamed the Waterfront Maritime and Land Use Plan to meet current and future requirements for Port development. This should be completed and adopted in a relatively short time span of one to two years.

- Recommendation 4b

The Port should ensure that changes or variances to the existing Waterfront Land Use Plan or the City's General Plan should have extensive public input before implementation.

Transportation

Finding 5:

Further development along the waterfront will add new transportation requirements. Transportation along the waterfront does not meet current needs. Portions of the Embarcadero are closed during cruise ship arrivals and events at AT&T Park. Emergency vehicles sometimes use the light rail right of way to circumvent traffic even when there is no major activity on the Embarcadero. San Francisco Municipal Transportation Agency master plan does not directly address development on Port lands.

- Recommendation 5:

SFMTA should incorporate current and future transit needs, taking into consideration not only increased capacity requirements from individual projects, but the cumulative effect of multiple projects added to existing passenger loads. SFMTA must address reliability and increased capacity that will be required for all modes of transportation, especially the T-Line and motor coach lines connecting to the Pier 70 site. The VETAG system should be maintained to operate at maximum efficiency.

Cruise Ship Terminal

Finding 6:

When it becomes operational, the Cruise Ship Terminal at Pier 27 is projected to be severely underutilized. This is because federal law, namely the Passenger Vessel Services Act of 1886, prohibits foreign-flagged passenger ships from calling on two U.S. ports without an intervening foreign port. This Act greatly restricts the use of the newly built Cruise Ship Terminal. The Port estimates that the use of the terminal would increase from the current 50 visits per year to 150 visits if the Passenger Vessel Services Act of 1886 were amended or the Port were granted an exemption for a pilot program. It is also estimated that there is between \$750,000 and \$1 million economic benefit to the City from each docking. This includes ship provisioning, tourism, berthing fees and tugboats.

- **Recommendation 6:**

The City should immediately begin lobbying for modifications to the Passenger Vessel Services Act of 1886 to allow foreign-flagged vessels easier access to the City as a pilot program. This lobbying effort should be in conjunction with other U.S. passenger port destinations including those in Alaska, Hawaii, Oregon, and Washington.

Pier 30-32

Finding 7:

Under the 2012 GSW proposal, the Port would not have received rent from the leasing of Pier 30-32 to GSW for the next 66 years. Property tax revenue associated with the IFD that was to be established would have been used to repay the IFD bond for the next 30 years.

In contrast, if the Port simply sells Seawall Lot 330 to a third party for development, all of the property tax resulting from said development would go into the City's General Fund.

Furthermore, the Warriors' arena project conformed neither to the guidelines set forth in the SF Waterfront Special Area Plan (issued by BCDC) nor to the Waterfront Land Use Plan.

- **Recommendation 7:**

The Port should consider alternatives to fund the cost of rehabilitating Piers 30-32. The sale of Seawall Lot 330 could supply a large portion of \$68 M needed to strengthen the substructure for light use. The Jury recommends that the Port actively investigate alternative light uses for Piers 30-32. In addition to general park usage, sports fields for soccer, tennis, basketball, or other sports could be provided. Temporary venues for entertainment companies such as Teatro ZinZanni, Cirque de Soleil, and Cavalia would also not require an extensive substructure. Although not light use, the Port might also consider placement of a major marine research institute to fully utilize the unique characteristics of this site.

America's Cup

Finding 8:

The 34th America's Cup was a major monetary loss to the City's taxpayers to the tune of about \$6 million and a major loss to the Port of about \$5.5 million in unreimbursed Port expenditures. The City and the Port subsidized the America's Cup at taxpayers' expense. The City received no direct revenue from the 34th America's Cup event in the form of revenue sharing or venue rent. In negotiating event and/or development agreements at the waterfront, the City and Port do not seek to make a profit from the deal but is simply looking to recover its costs and break even.

- Recommendation 8a:

All major events at the Port, like the America's Cup, must be approved by the Port Commission and the Board of Supervisors.

- Recommendation 8b:

Prior to approval, the City should require a validated cost proposal using fair market rental rates, revenue sharing with the Port, marquee billing for the City, full post-event accounting, and posting of all event financials on the Port website within one month after completion of the event. Said report shall include an itemization of:

- The amount and source of all revenue generated by the event.
- The amount, payor, and payee of each cost incurred for the event.
- The name of each event cancelled, if any, as a result of the approval of the event and the amount of revenue lost as a result of the cancellation.

Pier 70

Finding 9:

The Port does not have an official policy governing the process for proposed development projects. Many projects are moved ahead with minimal community input, often in the form of a quick review by the CAC and Planning Department then forwarded to the Board of Supervisors for final approval.

The Pier 70 Master Plan was developed with significant community outreach to both the general public and affected neighborhood associations. The Plan represents a balance of community needs and the requirement of the developer to obtain a reasonable return on investment.

- Recommendation 9a:

The Port should ensure ongoing community input be maintained until an acceptable compromise is reached on the final plans.

- Recommendation 9b:

The Jury neither supports nor opposes the development of Pier 70 but we strongly endorse the extensive public outreach and community input as part of the design and development process of

the Pier 70 Master Plan. We recommend that the Port follow this model as a template for all major developments on Port lands.

Mission Rock

Finding 10:

Although the development of Pier 48 and Seawall Lot 337, also known as Mission Rock, began in 2007, there has been insufficient information and involvement for community groups, neighborhood and merchants' associations, and residents potentially affected by this project.

- Recommendation 10:

The Jury recommends increased publicity and outreach so that an acceptable compromise can be reached on the scope of this development.

Financing of Capital Improvements

Finding 11:

Although State Law does not require voter approval for the issuance of Port IFD Bonds, voter approval yields greater public awareness of the costs of proposed Port developments.

- Recommendation 11:

The Jury recommends that the Port Commission work with the Board of Supervisors to place a referendum before the voters that asks for approval to issue IFD Bonds. Such a referendum should specifically state the total amount of bonded indebtedness that the Port seeks to incur through IFD Bonds, the specific sources of funds for IFD Bond repayment, and the length of time required to discharge any IFD Bond debt.

RESPONSE MATRIX

FINDINGS	RECOMMENDATIONS	RESPONSE REQUIRED
<p><u>Who is Making Decisions?</u></p> <p>Finding 1: Recent activities at the Port have been strongly influenced by the Mayor’s office. These included the promotion of the 8 Washington Street project, most aspects of the 34th America’s Cup races, a “legacy project” at Pier 30-32, and an underutilized cruise ship terminal at Pier 27. The Port Commission readily gave approvals with minimal public input. All other commissions dealing with land use decisions, including Planning, Building Inspection, and Board of Permit Appeals, are not appointed solely by the mayor. Section 12 of the Burton Act specifies that all five Harbor Commissioners be appointed by the Mayor and confirmed by the Board.</p>	<p>The Port Commission should be restructured to reflect more public interest. The Jury recommends that the Board of Supervisors seek necessary changes in state law to allow a charter amendment to be submitted to the public for revision of the current five-member Port Commission appointed by the Mayor to a Port Commission with three mayoral appointees and two by the Board of Supervisors. We recommend that this change be put before the voters in 2015.</p>	<p>Board of Supervisors</p>
<p><u>Waterfront Land Use</u></p> <p>Finding 2: The Port is primarily a land bank and real estate management company; only 25% of revenue is from maritime activities. Annual revenues of \$82 million are not sufficient to meet the needs for infrastructure repair. Today the Port has a policy of attempting to repair all existing piers and related structures</p>	<ul style="list-style-type: none"> ▪ Recommendation 2a: Costs and benefits to repair and maintain these piers should be evaluated and weighed against the cost and benefits of not doing so. It may be possible that the sacrifice of some piers will reduce maintenance costs, thereby freeing monies for repair of more significant structures and create more open space. ▪ Recommendation 2b: Other sources of revenue should be expanded. Maritime and industrial use in the Southern Waterfront has great potential. The Port is actively pursuing growth in this area and should 	<p>Port of San Francisco</p>

FINDINGS	RECOMMENDATIONS	RESPONSE REQUIRED
	continue to improve infrastructure and search for new tenants.	
<p>Finding 3: The waterfront is one of the most desirable areas in the City. Proposed projects receive only limited public input by Citizen Advisory Committees (CAC) whose members are selected by the Port. The Planning Department and Mayor's Office have a great deal of authority to influence the selection of development projects. Citizens at large are made aware of these projects only after the Port has published an RFP. The public is not made aware of possible alternate uses that may have been considered during the early stages of project planning.</p>	<ul style="list-style-type: none"> ▪ Recommendation 3: Proposed variances from the Plan should receive increased public scrutiny prior to the issuance of an RFP. 	<p>Port of San Francisco Planning Department</p>
<p>Finding 4: The priority of the Port for development is to create an income stream for capital improvements rather than a determination of how best to enhance the quality of life for the residents of the City. Port revitalization has been enhanced in the past by adherence to the Waterfront Land Use Plan. Developments have provided local business opportunities, mixed housing where appropriate, stronger public transit options, maintenance of height and bulk limits, and preservation of view corridors. Some uses, however, both current and proposed, of Port land do not conform to the Waterfront Land Use Plan. Zoning and height limits have been changed by the Planning Department and the Mayor's Office. There is a lack of transparency in development proposals, particularly in regard to input from the Mayor's Office and active involvement of former Mayoral staff advocating on behalf of developers, giving rise to concerns that an agreement had been reached prior to public input.</p>	<ul style="list-style-type: none"> ▪ Recommendation 4a: The Port should immediately begin an assessment and update of the Waterfront Land Use Plan, to be renamed the Waterfront Maritime and Land Use Plan to meet current and future requirements for Port development. This should be completed and adopted in a relatively short time span of one to two years. ▪ Recommendation 4b The Port should ensure that changes or variances to the existing Waterfront Land Use Plan or the City's General Plan should have extensive public input before implementation. 	<p>(4a) Port of San Francisco</p> <p>(4b) Port of San Francisco Planning Department Board of Supervisors</p>

FINDINGS	RECOMMENDATIONS	RESPONSE REQUIRED
<p><u>Transportation</u></p> <p>Finding 5: Further development along the waterfront will add new transportation requirements. Transportation along the waterfront does not meet current needs. Portions of the Embarcadero are closed during cruise ship arrivals and events at AT&T Park. Emergency vehicles sometimes use the light rail right of way to circumvent traffic even when there is no major activity on the Embarcadero. San Francisco Municipal Transportation Agency master plan does not directly address development on Port lands.</p>	<ul style="list-style-type: none"> ▪ Recommendation 5: SFMTA should incorporate current and future transit needs, taking into consideration not only increased capacity requirements from individual projects, but the cumulative effect of multiple projects added to existing passenger loads. SFMTA must address reliability and increased capacity that will be required for all modes of transportation, especially the T-Line and motor coach lines connecting to the Pier 70 site. The VETAG system should be maintained to operate at maximum efficiency. 	<p>Port of San Francisco</p> <p>San Francisco Municipal Transportation Authority</p>
<p><u>Cruise Ship Terminal</u></p> <p>Finding 6: When it becomes operational, the Cruise Ship Terminal at Pier 27 is projected to be severely underutilized. This is because federal law, namely the Passenger Vessel Services Act of 1886, prohibits foreign-flagged passenger ships from calling on two U.S. ports without an intervening foreign port. This Act greatly restricts the use of the newly built Cruise Ship Terminal. The Port estimates that the use of the terminal would increase from the current 50 visits per year to 150 visits if the Passenger Vessel Services Act of 1886 were amended or the Port were granted an exemption for a pilot program. It is also estimated that there is between \$750,000 and \$1 million economic benefit to the City from each docking. This includes ship provisioning, tourism, berthing fees and tugboats.</p>	<ul style="list-style-type: none"> ▪ Recommendation 6: The City should immediately begin lobbying for modifications to the Passenger Vessel Services Act of 1886 to allow foreign-flagged vessels easier access to the City as a pilot program. This lobbying effort should be in conjunction with other U.S. passenger port destinations including those in Alaska, Hawaii, Oregon, and Washington. 	<p>Port of San Francisco</p> <p>Mayor</p> <p>Board of Supervisors</p>
<p><u>Pier 30-32</u></p> <p>Finding 7: Under the 2012 GSW proposal, the Port would not have received rent from the leasing of Pier 30-32 to GSW for</p>	<ul style="list-style-type: none"> ▪ Recommendation 7: The Port should consider alternatives to fund the cost of rehabilitating Piers 30-32. The sale of Seawall Lot 330 could supply a large portion of \$68 M needed to strengthen the 	<p>Port of San Francisco</p>

FINDINGS	RECOMMENDATIONS	RESPONSE REQUIRED
<p>the next 66 years. Property tax revenue associated with the IFD that was to be established would have been used to repay the IFD bond for the next 30 years.</p> <p>In contrast, if the Port simply sells Seawall Lot 330 to a third party for development, all of the property tax resulting from said development would go into the City's General Fund.</p> <p>Furthermore, the Warriors' arena project conformed neither to the guidelines set forth in the SF Waterfront Special Area Plan (issued by BCDC) nor to the Waterfront Land Use Plan.</p>	<p>substructure for light use. The Jury recommends that the Port actively investigate alternative light uses for Piers 30-32. In addition to general park usage, sports fields for soccer, tennis, basketball, or other sports could be provided.</p> <p>Temporary venues for entertainment companies such as Teatro ZinZanni, Cirque de Soleil, and Cavalia would also not require an extensive substructure. Although not light use, the Port might also consider placement of a major marine research institute to fully utilize the unique characteristics of this site.</p>	
<p><u>America's Cup</u></p> <p>Finding 8: The 34th America's Cup was a major monetary loss to the City's taxpayers to the tune of about \$6 million and a major loss to the Port of about \$5.5 million in unreimbursed Port expenditures. The City and the Port subsidized the America's Cup at taxpayers' expense. The City received no direct revenue from the 34th America's Cup event in the form of revenue sharing or venue rent. In negotiating event and/or development agreements at the waterfront, the City and Port does not seek to make a profit from the deal but is simply looking to recover its costs and break even.</p>	<ul style="list-style-type: none"> ▪ Recommendation 8a: All major events at the Port, like the America's Cup, must be approved by the Port Commission and the Board of Supervisors. ▪ Recommendation 8b: Prior to approval, the City should require a validated cost proposal using fair market rental rates, revenue sharing with the Port, marquee billing for the City, full post-event accounting, and posting of all event financials on the Port website within one month after completion of the event. Said report shall include an itemization of: <ul style="list-style-type: none"> ○ The amount and source of all revenue generated by the event. ○ The amount, payor, and payee of each cost incurred for the event. ○ The name of each event cancelled, if any, as a result of the approval of the event and the amount of revenue lost as a result of the cancellation. 	<p>Port of San Francisco</p> <p>Board of Supervisors</p> <p>Mayor</p>

FINDINGS	RECOMMENDATIONS	RESPONSE REQUIRED
<p><u>Pier 70</u></p> <p>Finding 9: The Port does not have an official policy governing the process for proposed development projects. Many projects are moved ahead with minimal community input, often in the form of a quick review by the CAC and Planning Department then forwarded to the Board of Supervisors for final approval.</p> <p>The Pier 70 Master Plan was developed with significant community outreach to both the general public and affected neighborhood associations. The Plan represents a balance of community needs and the requirement of the developer to obtain a reasonable return on investment.</p>	<ul style="list-style-type: none"> ▪ Recommendation 9a: The Port should ensure ongoing community input be maintained until an acceptable compromise is reached on the final plans. ▪ Recommendation 9b: The Jury neither supports nor opposes the development of Pier 70 but we strongly endorse the extensive public outreach and community input as part of the design and development process of the Pier 70 Master Plan. We recommend that the Port follow this model as a template for all major developments on Port lands. 	<p>Port of San Francisco</p> <p>Planning Department</p> <p>Department of Public Works</p> <p>Recreation and Parks Department</p>
<p><u>Mission Rock</u></p> <p>Finding 10: Although the development of Pier 48 and Seawall Lot 337, also known as Mission Rock, began in 2007, there has been insufficient information and involvement for community groups, neighborhood and merchants' associations, and residents potentially affected by this project.</p>	<ul style="list-style-type: none"> ▪ Recommendation 10: The Jury recommends increased publicity and outreach so that an acceptable compromise can be reached on the scope of this development. 	<p>Port of San Francisco</p> <p>Planning Department</p>
<p><u>Financing of Capital Improvements</u></p> <p>Finding 11: Although State Law does not require voter approval for the issuance of Port IFD Bonds, voter approval yields greater public awareness of the costs of proposed Port developments.</p>	<ul style="list-style-type: none"> ▪ Recommendation 11: The Jury recommends that the Port Commission work with the Board of Supervisors to place a referendum before the voters that asks for approval to issue IFD Bonds. Such a referendum should specifically state the total amount of bonded indebtedness that the Port seeks to incur through IFD Bonds, the specific sources of funds for IFD Bond repayment, and the length of time required to discharge any IFD Bond debt. 	<p>Port of San Francisco</p> <p>Board of Supervisors</p>

METHODOLOGY

The San Francisco Civil Grand Jury's investigation of the Port of San Francisco was conducted spanning a period of six months. We interviewed twenty-four individuals representing many City departments, including the Port of San Francisco, the Office of the Mayor, San Francisco Municipal Transit Agency, Planning Department, Recreation and Parks and Board of Supervisors. In addition, individuals and representatives of other entities were interviewed, including neighborhood associations, trade unions, BCDC, ABAG, Forest City, Orton Development, and other experts in the history and finances of the Port of San Francisco.

The Jury reviewed more than 175 documents, reports, web pages, and minutes. Port facilities and sites currently being considered for development were inspected. The Jury learned that some plans propose changes that potentially impact the waterfront decades into the future as a result of agreements that can extend as long as 50 to 66 years.

The Port is a complex entity and does not readily lend itself to an in-depth study within the time constraints of the term of this year's Civil Grand Jury. There are many operational and financial aspects that are beyond the scope of this report. Our biggest challenge was to analyze the massive amount of information we acquired and then to focus our efforts on those areas that would have the greatest impact for the citizens of San Francisco, whom we represent.

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GLOSSARY

ABAG—Association of Bay Area Governments

BCDC—Bay Conservation and Development Commission – California state agency that is dedicated to the protection and enhancement of San Francisco Bay and to the encouragement of the Bay's responsible use

CAC—Citizens Advisory Committee, appointed by the Port of San Francisco for evaluation and recommendation pertaining to specific projects

Break-bulk cargo – cargo that is not containerized

Burton Act—AB2649 transferred responsibilities for the Harbor of San Francisco from the State of California to the City and County of San Francisco in 1968

LASH—Lighter Aboard Ship. Containerized freight is lifted from a deep-water ship and placed on a shallow water transport (“lighter”) to be moved closer to shore for offloading to land.

IFD—Infrastructure Financing District is created to pay for public works. IFDs can divert property tax increment revenues and issue bonds for up to 30 years to finance highways, transit, water systems, sewer projects, flood control, childcare facilities, libraries, parks, and solid waste facilities. IFDs can only pay for capital improvements, not maintenance, repairs, operating costs, and services.

LRV—light rail vehicle

Public Trust—Dating from Roman law, the concept that the air, the rivers, the sea and the seashore were incapable of private ownership; they were dedicated to the use of the public. The State of California Public Doctrine states that tide and submerged lands are unique and that the state holds them in trust for the people.

RFP—Request For Proposal is issued when a project is approved. Developers respond by submitting a proposal to the controlling entity.

Seawall Lot—property owned by the Port inland from the seawall

SFMTA—San Francisco Municipal Transportation Authority

Term Sheet—After an RFP is accepted, the Term Sheet defines the responsibilities of the various parties in the development process. Term Sheets are non-binding.

VETAG—a signaling system for LRVs which identifies oncoming transit vehicles in order to prioritize traffic signals for the purpose of reducing travel time

APPENDICES

Ten-Year Capital Plan, 2015-2024

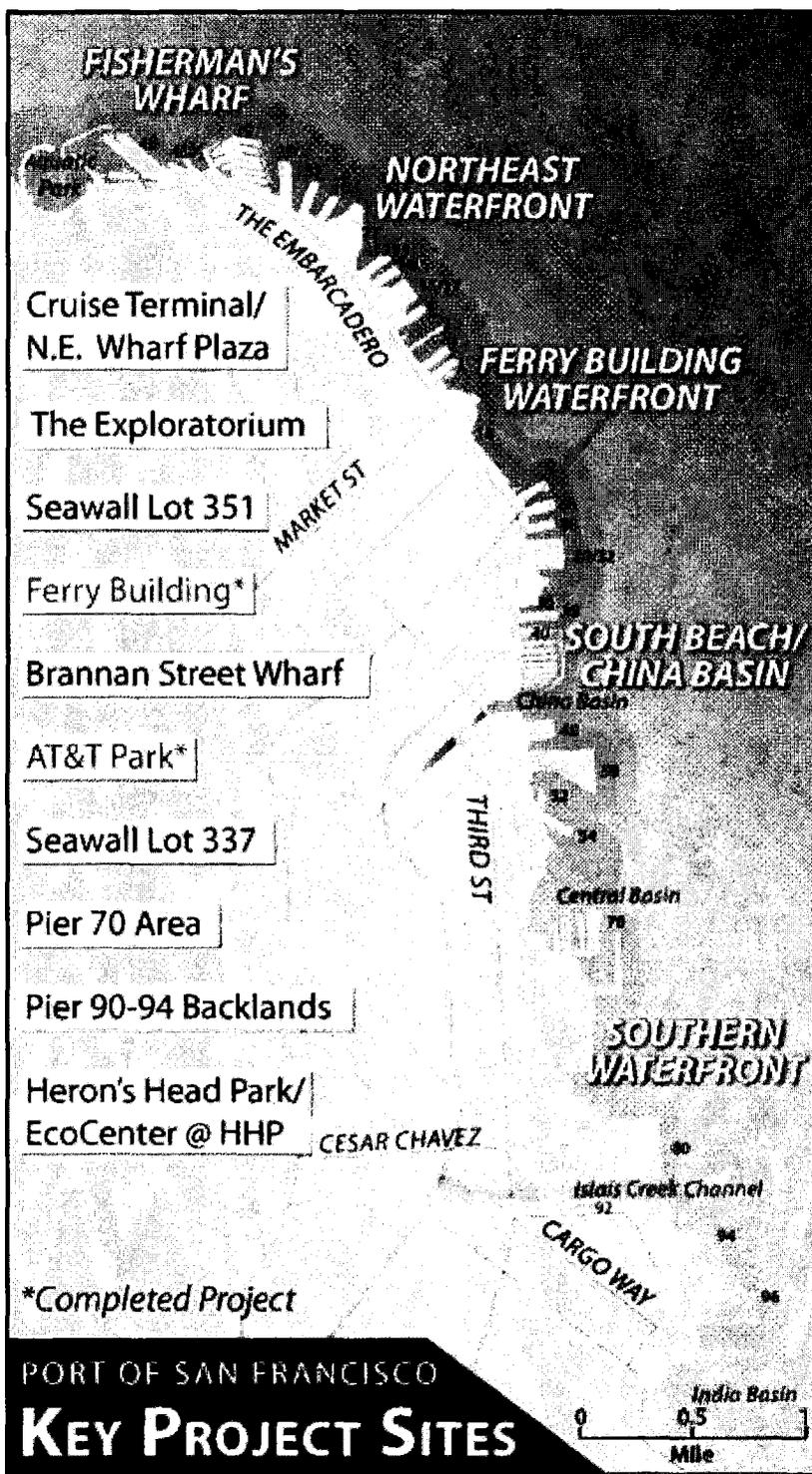
Memorandum to the Port Commission from Monique Moyer, Executive Director Port of San Francisco:

“DIRECTOR’S RECOMMENDATION: Approve Attached Resolution

This memorandum presents the update to the Port of San Francisco’s Ten-Year Capital Plan for Fiscal Year 2015-2024 (Capital Plan). The Capital Plan provides the public with reporting on the Port’s capital strategy, including a comprehensive inventory of the Port’s facilities, current conditions and capital needs, and available and projected capital resources over the next ten years. It is an important reference document that supports and guides capital expenditure and investment decisions by the Port Commission and staff.”⁵⁵

⁵⁵ Executive Summary, <http://www.sfport.com/modules/showdocument.aspx?documentid=7314>, full text available at <http://www.sf-port.org/modules/showdocument.aspx?documentid=7887>

Key Project Sites Map



Waterfront Design and Access

City Connection Areas

The Waterfront Design & Access goals will have the greatest opportunity to be fully realized in the "City Connection Areas"—important places where the City and the waterfront converge and where reunification of the City and the waterfront is most likely to occur. Each of these areas possesses one or more of the following features:

Open Space

A significant existing or future public waterfront open space;

Unique Character

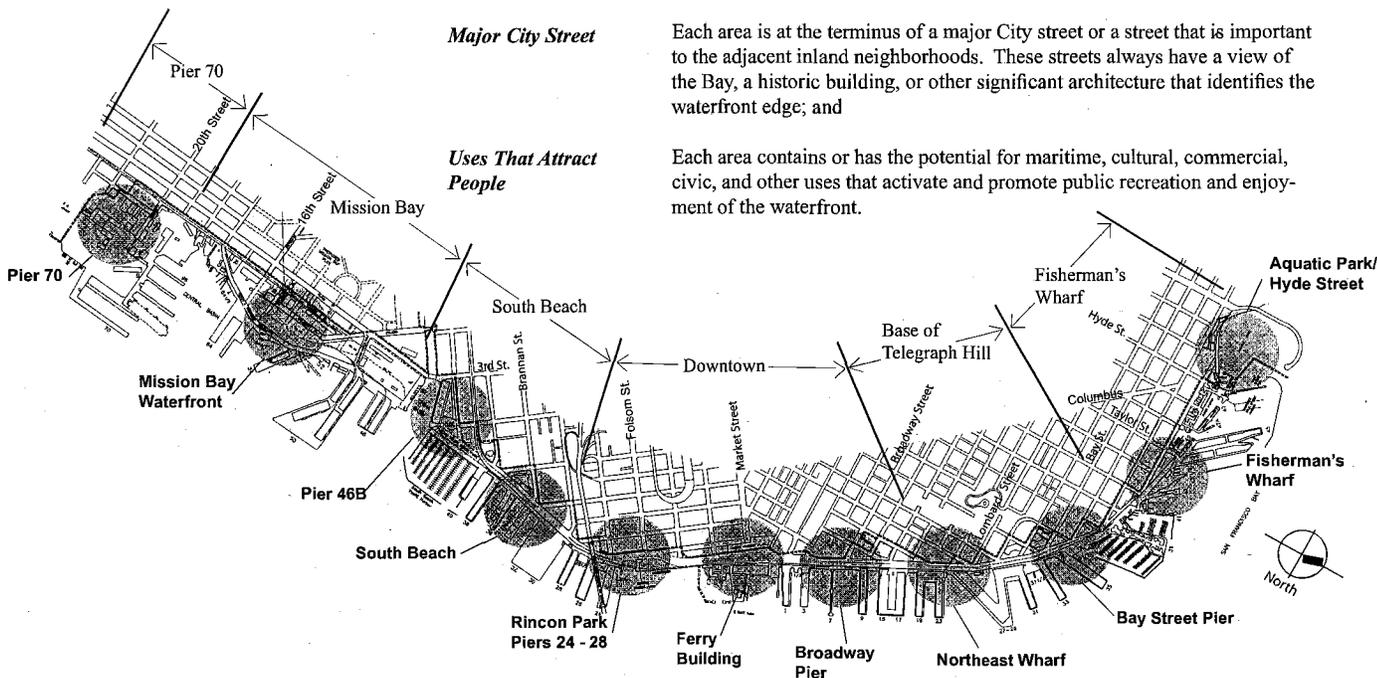
An architectural or maritime character of improvements that is unique to that area of the waterfront and adjacent neighborhood;

Major City Street

Each area is at the terminus of a major City street or a street that is important to the adjacent inland neighborhoods. These streets always have a view of the Bay, a historic building, or other significant architecture that identifies the waterfront edge; and

Uses That Attract People

Each area contains or has the potential for maritime, cultural, commercial, civic, and other uses that activate and promote public recreation and enjoyment of the waterfront.



The City Connection Areas are located at regular, five to ten minute walking intervals along the waterfront. Together, they establish a comprehensive network of individual places from Aquatic Park to Pier 70 where public access and open space, view and historic preservation objectives will be applied to new developments. Some of the areas are already well established such as Fisherman's Wharf. Others are identified in the Waterfront Plan as

"Mixed Use Opportunity Areas" where the development of new open spaces and/or public access, maritime activities, and commercial uses is targeted. Port properties south of Pier 70 are largely developed or reserved for container terminals which preclude their redevelopment as City Connection Areas.

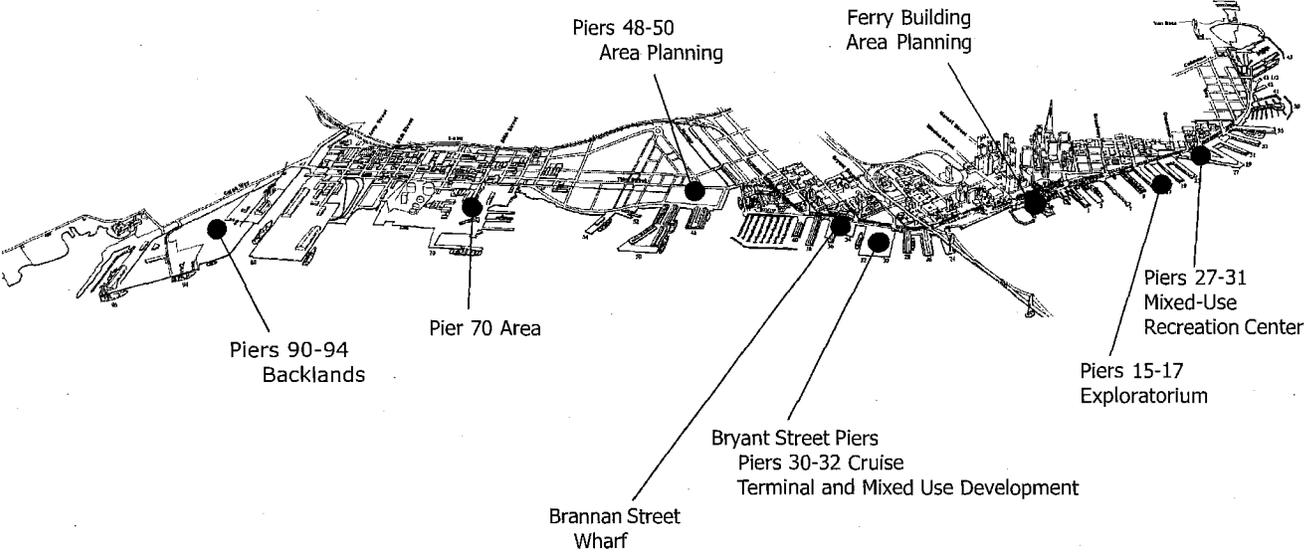
Aquatic Park/Hyde Street	This area includes those portions of the swimming and rowing club docks and Bay waters which are within Port jurisdiction on the east side of Aquatic Park, the San Francisco Maritime National Historical Park at the Hyde Street Pier, and the new Hyde Street fishing harbor. Along with the Fisherman's Wharf Historic Walking Tour completed in 2001, these facilities will continue to enhance the maritime, historic and recreational character of Fisherman's Wharf.
Fisherman's Wharf	The Wharf exhibits a unique mix of fishing and visitor-oriented uses, and an eclectic built form. Expanded fishing industry operations, harbor facilities, ferry operations, and public open space on Seawall Lots 300 and 301 will complement existing visitor attractions and draw City residents to the area.
Bay Street Pier	This area will provide an important connection to the City where Bay Street meets the historic bulkhead buildings along The Embarcadero. Piers 31-35 and Seawall Lot 314 form a development opportunity area which, together with East Wharf Park, will provide a gateway to Fisherman's Wharf from the Northeast Waterfront.
Northeast Wharf	A new waterfront open space will be located at Pier 27, and include removal of a portion of the pier shed. It will provide a connection to the waterfront and views of Treasure Island for residents, workers and visitors to the base of Telegraph Hill area.
Broadway Pier	Pier 9 is a prime maritime site and Seawall Lots 322-I, 323 and 324 are prime sites for infill development. New uses should take advantage of the major public access amenities at Pier 7 and provide a focal point for the area where Broadway meets The Embarcadero.
Ferry Building	The Ferry Building is the focal point of the area. This historic landmark building and its environs will be restored as a regional transportation hub with public and commercial uses, a grand boulevard and new public plaza. Views from Herb Caen Way to the Bay will be enhanced.
Rincon Park & Piers	Rincon Park will provide a new downtown open space with spectacular Bay views. The Park will be enhanced by the removal of dilapidated Pier 24 and development of new maritime and commercial recreation uses on Piers 26 and 28. Pier development will include new public access with views of the Bay Bridge and the City skyline.
South Beach & Pier 46B	The South Beach area, which includes the new Giants ballpark, has undergone a transition from industrial uses to mixed residential and commercial uses. Piers 34 and 36 will be removed to create "Brannan Street Wharf," a major public open space to serve local residents and businesses, and ballpark visitors. This open space will also serve future maritime and commercial recreation uses on adjacent Piers 30-32.
Mission Bay Waterfront	This area's unique character is derived from an active mix of maritime uses along the shoreline ranging from cargo operations to recreational boating. Waterfront public access improvements will include new waterfront walkways along Terry Francois Boulevard and China Basin Channel with maritime and City views.
Pier 70	Located adjacent to the Port's ship repair yard in the heart of the industrial waterfront, this area includes historic Union Iron Works buildings (Buildings 101, 102, 104 and 113-114) which should be preserved and adaptively reused.

Waterfront Land Use Plan, 2004 Amendments⁵⁶

⁵⁶ Waterfront Design & Access, www.sfpport.org/ftp/uploadedfiles/about_us/divisions/planning_development/WDesAcc.pdf, see pp 16-17

Major Waterfront Projects Map

Port of San Francisco
Appendix A: Major Waterfront Projects
RFQ for Real Estate Economics and Other Consulting Services



G:\P\ing&Dev Project Status\Full Port Monthly Map

Proposed Policy for Use of IFD on Port Property

Overview

The Port and the Office of Economic and Workforce Development are collaborating on three major proposed waterfront projects: the GSW Arena LLC multi-purpose entertainment facility on Piers 30-32 and Seawall Lot 330; the Seawall Lot 337 Associates, LLC proposal for 2,500,000 sf of mixed use development on Seawall Lot 337; and the Forest City Development California, Inc. proposal for over 2,500,000 sf of mixed use development at the 25 acre Pier 70 waterfront site. The Port is also pursuing a mixed use development of the historic 20th Street buildings at Pier 70 with Orton Development, Inc.

Each of these projects is expected to generate significant growth in possessory interest tax and to require public finance proceeds to fund infrastructure to make the proposed projects financially feasible. Each project sponsor is seeking Port Commission and Board of Supervisors approval of a term sheet and a finding of fiscal feasibility within the next year in order to commence environmental review pursuant to the San Francisco Administrative Code.

City staff believes that it is critical to establish a policy framework for the use of infrastructure financing district (“IFD” or “district”) proceeds on Port property in advance of consideration of the subject term sheets so that project considerations do not drive (but rather inform) the City’s policy deliberations regarding IFD as a tool to enable development of Port property. It is also important to discuss financing strategies. Notably, the credit quality of IFD bonds is not tested.

It is very likely that credit enhancements through a pledge of special taxes levied under the Mello-Roos Community Facilities Act of 1982 (“Mello-Roos Act”) (see footnote 2 below) would significantly reduce the costs.

This memo includes the following:

PORT OF SAN FRANCISCO

TEL 415 274 0400 TTY 415 274 0587 Pier 1, The Embarcadero

Port IFD Policy Page 2 of 5

- A brief overview of the *nexus analysis* that the City, in consultation with the Port, conducted in 2004 (and refreshed in 2008), which examines tax revenues generated on Port property compared to the cost of City services provided on Port property; and
-
- A summary of the proposed IFD policy on Port property, including proposed uses and potential debt strategies.

Nexus Analysis

Pursuant to the Charter and the Burton Act, the Port maintains a Harbor Fund to fund Port operations. The basic purpose of the 2004 nexus analysis, and the follow-up 2008

study, was to examine the total applicable taxes (including property taxes, business taxes, sales taxes, etc.) generated from businesses and other revenues along Port property (such as parking ticket citations) and the cost of City services (Police, Fire, etc.) to serve business and the public along Port property. The study established that taxes generated from Port property are sufficient to pay for a baseline level of services.

The principle underlying the study is that the General Fund should not subsidize the Port, and that the Harbor Fund should not pay for City services unless taxes generated from Port property are not sufficient to fund those services. The Port pays for services that it opts to procure above a base level of services in its annual budget. For instance, the Port pays for additional police services in the Fisherman's Wharf area and often procures services from the Department of Public Works.

This principle should extend to waterfront development in that an IFD should be structured to ensure a fair allocation of costs and benefits between the City and the Port, which should be reassessed through the appropriations process over the life of the IFD. (Note: Following bond issuance, the allocation of tax increment to the IFD should be sufficient to pay debt service on bonds and replenish a debt service reserve fund).

Proposed IFD Policy

The Port proposes to form an IFD along the entirety of Port property (the "Port IFD"); within the Port IFD, the Port would establish "project areas" (also referred to as "waterfront districts") encompassing each project site, but would only establish a project area when the related development is approved by the Board of Supervisors.⁵⁷

Consistent with IFD law applicable to the proposed Port IFD, proposed uses of the Port IFD proceeds include:

- Repairs and upgrades to piers, docks and wharves and the Port's seawall
- Installation of piles, both to support piers and to support buildings where soil is subject to liquefaction
- Parks and shoreline improvements, where the Port has been unable to identify General Obligation bond funding to fund new parks

¹ The proposed policy assumes the Port will form only one IFD -- the Port IFD -- and that the Port will form project areas within the Port IFD. If the Port decides instead to form more than one IFD, then all references in the policy to a waterfront district should be read as references to an IFD.

⁵⁷ The proposed policy assumes the Port will form only one IFD -- the Port IFD -- and that the Port will form project areas within the Port IFD. If the Port decides instead to form more than one IFD, then all references in the policy to a waterfront district should be read as references to an IFD.

- Utility infrastructure, including utility requirements to comply with water quality standards imposed by the Regional Water Quality Control Board
- Streets and sidewalks
- Seismic upgrades and improvements to the City's seawall and other measures to address sea level rise
- Environmental remediation
- Historic rehabilitation
- Improvements to Port maritime facilities

The Port proposes the following minimum criteria regarding the formation of IFD project areas (sometimes called "waterfront districts") on Port property:

1. **Port land.** Consistent with the IFD law, the Port IFD may initially be formed only with Port land.
2. **Annexing Non-Port Land.** If an owner of non-Port land petitions to add adjacent property to a waterfront district in accordance with the IFD law, the City will consider on a case-by-case basis whether to annex such property and to what extent tax increment generated in the non-Port land but not used for waterfront district infrastructure should be subject to the City IFD Guidelines.
3. **CEQA.** Although the City may initially form the Port IFD to include all of the Port land, neither the Port IFD nor any project-specific project area will be authorized to use property tax increment until the City has completed environmental review of the proposed development project and any proposed public facilities to be financed with property tax increment from the project area.
4. **Priority of Improvements.** Waterfront districts must finance improvements that are consistent with the IFD law, the Port's then-applicable Waterfront Land Use Plan, the Public Trust (if constructed on trust property), and the Port's 10-Year Capital Plan.
5. **Economic Benefit.** The infrastructure financing plan ("IFP") will include a projection for each project area/waterfront district of the amount of total revenue that the City's General Fund is projected to receive as a result of the proposed development project and the number of jobs and other economic development benefits the waterfront district is projected to produce, similar to the type of analysis that City staff and consultants perform to comply with Chapter 29 of the Administrative Code to determine that projects requiring public funding are fiscally feasible and responsible.
6. **State and City matching contributions.** In those cases where the IFD Law authorizes the allocation of the State's share of property tax increment to a waterfront district in proportion to the City's allocation of tax increment to the waterfront district, the City will allocate to the waterfront district the amount of tax increment that will maximize the amount of the State's tax increment that is available to fund eligible projects in the waterfront district.

7. **Amount of increment allocated.** The waterfront districts will fund eligible waterfront improvements necessary for each proposed development project in an amount up to \$0.65 per property tax dollar, or, where permitted by State law, up to \$0.90 per property tax dollar, until the costs of required infrastructure are fully paid or reimbursed. The allocation should be sufficient to enable the Port to (a) obtain fair market rent for Port leases, and (b) enable proposed development projects to attract private equity. No increment will be used to pay a developer's return. The Board of Supervisors in its discretion may allocate additional increment to other waterfront projects that require funding. Increment will be disbursed to the project area to fund (a) debt service and debt service coverage for bonds issued under

Port IFD Policy Page 4 of 5

the Mello-Roos Act ("Community Facilities District Bonds" or "CFD Bonds") or IFD bonds, and/or (b) eligible costs on a pay-as-you-go basis.⁵⁸

8. **Excess increment.** Tax increment not required to fund eligible project-specific infrastructure will be allocated to the City's General Fund or to improvements to the City's seawall and measures to protect against sea level rise.

9. **Port Annual Capital Program.** If the Port issues Port revenue bonds⁵⁹ repaid by tax increment revenue generated in one or more waterfront districts, to further the purposes of Port Commission Resolution No. 12-22, adopting the Port's Policy for Funding Capital Budget Expenditures, the Port will annually invest in its annual Capital Program any tax increment revenue allocated to the waterfront district for the purpose of providing debt service coverage on Port revenue bond debt payable from tax increment.

10. **Funding for Infrastructure Maintenance.** Tax increment will be allocated to the Port IFD from a waterfront district only when the Port has identified a source of funding for the maintenance of any infrastructure to be financed. This source could be in the form of: (a) private financing mechanisms, such as a homeowners' association assessment; (b) a supplemental special tax (such as a community facilities district formed under the Mello- Roos Act) or assessment district (such as a community benefit district); or (c) the Port's maintenance budget or other allocation of the Port Harbor Fund.

Infrastructure Finance Plan Review and Approval

⁵⁸ For example, one vehicle for efficiently leveraging tax increment to finance public infrastructure would involve (i) formation of a community facilities district ("CFD") under the Mello-Roos Act and an IFD project area -- the boundaries of which are coterminous with the boundaries of the private development -- prior to construction of the public infrastructure, (ii) issuance of CFD bonds early in the development cycle, i.e., prior to generation of significant tax increment that can be allocated to the IFD, (iii) application of special taxes levied in the CFD to pay debt service as long as tax increment is not available and (iv) use of tax increment, when available, to pay debt service on the bonds, which allows a reduction in the amount of special taxes levied for that purpose

⁵⁹ City staff currently assumes that the preferred method for debt issuance would be a CFD bond repaid with IFD proceeds.

By Resolution 110-12, the Board of Supervisors stated its intention to form the Port IFD – “City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco). Resolution 110-12 contemplates distinct *project areas/waterfront districts* for each major project along the waterfront (such as Pier 70) and also contemplates that additional project areas will be added from time to time.

City staff will develop an Infrastructure Finance Plan (“IFP”) for the Port IFD, which will include a separate “IFP appendix” for each project area. Each IFP appendix will describe the sources and uses of funding for the project area. City staff recommends the following process for review and approval of each IFP appendix:

1. The Port, in consultation with other City agencies including but not limited to the Department of Public Works and the San Francisco Public Utilities Commission, will review and comment on horizontal infrastructure proposals from each project developer and obtain third-party cost estimates for such horizontal infrastructure;

Port IFD Policy Page 5 of 5

2. Companion transaction documents will include mechanisms to ensure a fair price for subject infrastructure work and to protect the City from cost overruns, such as bidding requirements or guaranteed maximum price contracts; and
3. Each IFP appendix will be subject to review by and a recommendation from the Capital Planning Committee to the Board of Supervisors prior to its vote on whether to adopt the IFP appendix.

Strategic Criteria

- **Use IFDs where other Port moneys are insufficient.** Waterfront districts should be used to construct public facilities when the Port does not otherwise have sufficient funds to finance the improvements.
- **Use IFDs strategically to leverage non-City resources.** Waterfront districts should be used as a tool to leverage additional regional, state and federal funds. For example, IFDs may prove instrumental in securing matching federal or state dollars for transportation projects.
- **Continue the “best-practices” citizen participation procedures used to help City agencies prioritize implementation of public facilities funded by a waterfront district.** This could be achieved through regular and special presentations to the Port’s advisory groups and engaging regularly with other local municipal citizens advisory committees and stakeholder groups.
- **The Port, the Mayor’s Budget Office and the Controller will periodically conduct a nexus study, at five year intervals.** The nexus analysis will examine whether the cost of City services exceeds or is less than the total City general taxes and other revenues the City collects from Port property. The Mayor, the Board of Supervisors and the Port Commission may adjust the funding from the Port’s Harbor Fund to pay for these services in the Port’s annual budget.

BOARD of SUPERVISORS



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

MEMORANDUM

Date: June 24, 2014
To: Honorable Members, Board of Supervisors
From: *AC* Angela Calvillo, Clerk of the Board
Subject: 2013-2014 CIVIL GRAND JURY REPORT

We are in receipt of the San Francisco Civil Grand Jury report released Wednesday, June 25, 2014, entitled: **Rising Sea Levels...At Our Doorstep** (attached).

Pursuant to California Penal Code, Sections 933 and 933.05, the Board must:

1. Respond to the report within 90 days of receipt, or no later than September 23, 2014.
2. For each finding:
 - agree with the finding or
 - disagree with the finding, wholly or partially, and explain why.
3. For each recommendation indicate:
 - that the recommendation has been implemented and a summary of how it was implemented;
 - that the recommendation has not been, but will be, implemented in the future, with a timeframe for implementation;
 - that the recommendation requires further analysis, with an explanation of the scope of the analysis and timeframe of no more than six months; or
 - that the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

Pursuant to San Francisco Administrative Code, Section 2.10, in coordination with the Committee Chair, the Clerk will schedule a public hearing before the Government Audit and Oversight Committee to allow the Board the necessary time to review and formally respond to the findings and recommendations.

The Budget and Legislative Analyst will prepare a resolution, outlining the findings and recommendations for the Committee's consideration, to be heard at the same time as the hearing on the report.

Attachment

- c: Honorable Cynthia Ming-mei Lee, Presiding Judge (w/o attachment)
- Mayor's Office
- Ben Rosenfield, Controller
- Jon Givner, Deputy City Attorney (w/o attachment)
- Rick Caldeira, Legislative Deputy Director
- Debra Newman, Office of the Budget and Legislative Analyst
- Severin Campbell, Office of the Budget and Legislative Analyst
- Asja Steeves, Civil Grand Jury Coordinator
- Elena Schmid, Foreperson, San Francisco Civil Grand Jury (w/o attachment)

Rising Sea Levels



...At Our Doorstep

June 2014



**City and County of San Francisco
Civil Grand Jury 2013-2014**

City Hall
1 Dr. Carlton B. Goodlett Pl, San Francisco, CA 94102
Phone 415-554-6630

MEMBERS OF THE 2013-2014
CIVIL GRAND JURY
CITY AND COUNTY OF SAN FRANCISCO

Elena Schmid, Foreperson

Robert van Ravenswaay, Foreperson Pro Tem

Thomas Duda, Recording Secretary

Maryta Piazza, Corresponding Secretary

Larry Bush

Hans Carter

Daniel Chesir

Barbara Cahrssen

Mike Ege

John Finnick

Kai Forsley

Charles Head

David Hoiem

Joseph Kelly

Mazel Looney

Claudia O'Callaghan

Ernestine Patterson

Michael Skahill

THE CIVIL GRAND JURY

The Civil Grand Jury is a government oversight panel of volunteers who serve for one year. It makes findings and recommendations resulting from its investigations.

Reports of the Civil Grand Jury do not identify individuals by name. Disclosure of information about individuals interviewed by the jury is prohibited. California Penal Code, Section 929

STATE LAW REQUIREMENT California Penal Code, section 933.05

Each published report includes a list of those public entities that are required to respond to the Presiding Judge of the Superior Court within 60- to 90 days, as specified.

A copy must be sent to the Board of Supervisors. All responses are made available to the public.

For each finding the response must:

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

As to each recommendation the responding party must 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.

TABLE OF CONTENTS

Issue	1
Summary	1
Background	2
Discussion	2
Discussion of Specific Areas	6
City Wastewater Plants	6
Port of San Francisco Waterfront Area	6
San Francisco Airport (SFO)	7
Treasure Island	8
Crissy Field	8
Federal Concerns	8
Findings and Recommendations	9
Response Matrix	15
Methodology	22
Bibliography	23
Appendices	
A. Sea Level Rise Projections	26
B. Bay Area Map with Historical Shoreline	27
C. Map of SFO Vulnerabilities to Rising Sea Levels	28
D. Map of SFO Shoreline Deficiencies by 2050	29
E. Treasure Island Adaptations to Rising Sea Levels	30

ISSUE

Rising seas levels: How and where will rising sea levels most likely affect the City of San Francisco and what is the City doing to address the issue.

SUMMARY

With each passing year the ocean and bay along the shores of San Francisco are continuing to rise. San Francisco, like other coastal cities around the world, faces a major flooding risk as a result of sea level rise. Because of global climate change, sea level rise is happening at an accelerated rate. The estimate for the San Francisco Bay area adopted by the State of California Coastal Commission, the San Francisco Bay Conservation and Development Commission (BCDC), and others is a gradual rise to 16 inches by 2050 and 55 inches by 2100.

Unlike an earthquake, which happens suddenly and unexpectedly, sea level rise occurs gradually over time. However, the flood damage that can result can be just as damaging, especially when combined with storm surges, rainfall, high winds, high tides, and increased earthquake-induced liquefaction in areas of shoreline erosion.

Is San Francisco aware of our future in this regard? Yes. Every department the Jury interviewed indicated they were keenly aware of the rising sea level threat.

Are projects in vulnerable areas, such as the Port or the Mission Bay flood zone, considering rising seas in their building or restoration plans? Treasure Island, yes. Pier 70 project, yes, the Exploratorium at the Port, no.

Is Ocean Beach proceeding with mitigation suggestions by an in-depth study? Not yet.

Can anyone buying property today in a potential flood zone expect to see property values reduced by the end of a 30-year mortgage?

We are currently at the cusp of the future in terms of sustainability. It took the Loma Prieta earthquake to awaken San Francisco to the necessity of intensified seismic retrofitting. Let's not wait for a major flooding disaster, like Hurricane Sandy on the east coast, to start addressing the serious threat of rising sea levels. The threat is real; the time to act is now.

For a start, San Francisco should, among other things, adopt a citywide comprehensive plan for adaptation to rising sea levels and amend the City's Planning and Building Codes to include provisions addressing the impacts of sea level rise.

Awareness is the beginning. Consistent plans, integrated into City policy, are vital. The following is the Jury's look into San Francisco's present and future regarding the inevitable rise of our seas.

BACKGROUND

The Gold Rush left San Francisco Bay one-third its original size. The remaining two-thirds of the bay was filled to increase its height to just above sea level. This fill now supports our port buildings, piers, and residences (see Appendix B).

Underground streams flow through a large area of the City, evidenced by their flooding above ground during heavy rainstorms. Mission Bay, a recognized flood plain, is currently a heavily developed area, with several future projects under consideration.

Sea level rise has become a serious concern around the world, especially in coastal cities like San Francisco, New York, Boston, Sydney, London, Venice, Seattle, and Los Angeles, and it appears to be happening at an accelerated rate. Climate scientists attribute the acceleration to a number of factors, including thermal expansion and the meltdown of glaciers and the Greenland and West Antarctica ice sheets, all apparently caused by global warming. Higher sea levels can result in higher, stronger storm surges that can have a severe impact on coastal areas, including erosion, flooding, contamination of water sources, and damage to wastewater treatment plants.¹

Accordingly, the Jury decided to investigate how and in what areas the City of San Francisco will most likely be affected by rising sea levels and what the City is doing to address the issue. In particular, our investigation focused on three inquiries: (1) whether the City is addressing the issue; (2) if so, what the City is doing now to address the issue; and (3) what the City should be doing now and in the near future to address the issue.

The Jury's concern for the future of San Francisco has prompted us to engage in this investigation. Much has been discovered to be commended and much to recommend.

DISCUSSION

Rising sea levels will be a dramatic and significant consequence of climate change in California. A tidal gauge by the Golden Gate Bridge has been measuring sea levels over the past century and indicates a rise of nearly 8 inches over that time. It will continue to rise as a result of thermal expansion of the oceans and an increase in ocean volume as land ice melts and runs off into the ocean. If development continues in areas at risk, all estimates of personal and property loss will rise. There are numerous reports on rising sea levels produced by scientists, governmental entities, and organizations on an international, national, state, and local level. These reports reiterate the science and the recommendations for individual communities. The following represent a composite of that information.

The Third National Climate Assessment report was released in May 2014. The report states,

¹See Melillo, Jerry M., Terese (T.C.) Richmond, and Gary W. Yohe, Eds., 2014: *Climate Change Impacts in the United States: the Third National Climate Assessment* U.S. Global Change Research Program, 841 pp.doi:10.7930/JOZ31WJ2, Key Message 10: Sea Level rise, page 44; also see discussion in *National Geographic*, Rising Seas issue in its entirety, 9/13 and National Geographic article on sea level rise at <http://ocean.nationalgeographic.com/ocean/critical-issues-sea-level-rise/> and Union of Concerned Scientists article on sea level rise at http://www.ucsusa.org/global_warming/science_and_impacts/impacts/causes-of-sea-level-rise.html

“Nearly 5 million people in the U.S. live within 4 feet of the local high-tide level (also known as mean higher high water). In the next several decades, storm surges and high tides could combine with sea level rise and land subsidence to further increase flooding in many of these regions.”²

According to John Englander, oceanographer, consultant, author of *High Tide on Main Street*, and founder of Sea Level Institute, “[a]s sea level rises, the shoreline will move far inland, since the average global shoreline movement is estimated at more than 300 feet for each foot of vertical change in sea level.”³³

According to the City’s Department of Emergency Management report, *San Francisco Hazard Mitigation Plan, December, 2008*⁴ the following scenario will ensue: The rise of sea levels will affect the shoreline areas of the City, including Ocean Beach, the Marina, The Embarcadero, and the entire bayside edge, as well as parts of Treasure Island and flood plains; flooding from sea level rise will likely damage buildings and roads in these areas; salt water intrusion will likely cause damage to infrastructure, such as pipes and foundations; coastal flooding also presents a risk to major transportation infrastructure, especially at the Port of San Francisco and San Francisco International Airport (SFO).

A study done by the Pacific Institute concludes that no matter what policies are implemented in the future, sea level rise will inevitably change the character of San Francisco Bay. This study recommends that future development and protection be governed by sustainability. Sustainability means “meeting the needs of the present without compromising the ability of future generations to meet their own needs.”⁵

The California Coastal Commission released its *Draft Sea-Level Rise Policy Guidance* in October 2013, which reports:

- The State is using National Research Council numbers of potential rise, which are: 1.5” to 12” by 2030, 4.5” to 24” by 2050, and 16.5” to 66” by 2100.

- The State will require the use of those measurements in planning.

- Coastal Development Permits (CDP) will be necessary for future development. If no time frame is provided in the application for a CDP, it will be considered to have a 75 to 100 year minimum project life.

- The CDP will include a site-specific analysis of how rising sea levels may constrain the project site.

- The Local Coastal Program (LCP) should require new development in potentially hazardous locations to include a waiver of the property owners’ right to shoreline protection or State assistance in the future.

- The report recommends maximizing protection of public access, recreation, and sensitive coastal resources (Coastal Act Chapter 3, Section 30235)

² Melillo, Jerry M., Terese (T.C.) Richmond, and Gary W. Yohe, Eds., 2014; *Climate Change Impacts in the United States: the Third National Climate Assessment*, U. S. Global Change Research Program, 841 pp. doi: 10.7930/JOZ31WJ2, Key Message 10: Sea Level Rise, page 44

³ John Englander’s blog, *Sea Level Rise is Just Four Points*, 10/31/13

⁴ An assessment of risks posed by natural and human-caused hazards and strategies for mitigation of those risks

⁵ See Heberger, Matthew, Heater Cooley, Eli Moore, Pablo Herrera (Pacific Institute) 2012, *The Impacts of Sea Level Rise on the San Francisco Bay*, California Energy Commission Publication No. CEC=500-2012-014

-The LCP should include an updated inventory and maps of all land uses, clearly showing areas vulnerable to sea level rise.

The Ocean Beach Master Plan of May, 2012 is the combined effort of SPUR (San Francisco Planning and Urban Research Association) and its consultants, and involves the City of San Francisco, the State of California, the Army Corps of Engineers, and the National Park Service. It states: "Ocean Beach is 3.5 miles of beach and rugged coast from Cliff House to Fort Funston. For over 100 years, the ocean has been pushed seaward 200 feet from its natural equilibrium by roadways and development. There currently exists 10,000 feet of coastal armory (seawalls and boulders). Yet the storms of 2009-2010 caused its bluffs to recede 40 feet." The plan provides that rather than staying in a reactionary mode, the time has come for the City to begin to put into place recommendations set forth in this plan, including, in part: (1) roadway reconfiguration near the zoo and at the south end of Ocean Beach; (2) reinforcement of the Lake Merced tunnel to control wastewater; (3) creation of a natural tidelands at the south end of Ocean Beach. Some work based on the plan's recommendations has already been put in place by PUC, DPW, and the Golden Gate National Recreation Area (GGNRA.) The Ocean Beach Master Plan does not have the force of law or policy. Nevertheless it provides a compelling case for enacting a long-term policy framework for Ocean Beach.

Bay Conservation and Development Commission (BCDC), formed to oversee bay development, dredging, and fill, under the State Public Trust Doctrine, has jurisdiction over the open water and marshes of greater San Francisco Bay, portions of most creeks, rivers, and other tributaries that flow into the bay, and 100 feet landward of the mean high tide line. BCDC's jurisdiction, however, is not stationary or fixed geographically, and it will change with an encroaching shoreline due to sea level rise. Since the law confers to BCDC jurisdiction over all areas that are subject to tidal action to mean high tide and areas within 100 feet landward of the mean high tide line, BCDC's jurisdiction will necessarily extend landward as sea level rises. Currently, BCDC permits are presented for approval one at a time, which does not allow for the addressing of cumulative impact.

In October 2011, BCDC issued a report entitled, *Living with a Rising Bay: Vulnerability and Adaptation in San Francisco Bay and on its Shoreline*. This report addresses the potential viability of the Association of Bay Area Governments (ABAG) as a regional source of planning. ABAG includes not only BCDC, but the Metropolitan Transportation Commission, the Joint Policy Committee, and the Bay Area Air Quality Management District. According to this BCDC report, indirect effects of sea level rise are its salinity intrusion into groundwater and raising the water table along the shoreline and underground streams. An increased water table increases the risk of flooding by limiting the amount of precipitation that can infiltrate the ground. Also, a higher water table increases the risk of soil liquefaction during an earthquake (Holzer 2006)⁶.

Further, the report advises governments to select appropriate responses for a specific site, prioritize them, and implement them over time. Considering limited resources, planning can be mainstreamed into existing planning efforts (Luers, 2007)⁷. Plans can be incorporated into routine repairs and maintenance projects without incurring additional costs. One suggestion involves clustered development, which would allow development in one area of a parcel. Under

⁶ Holzer T., et al 2006, "Predicted Liquefaction of East Bay Fills, etc., see Bibliography

⁷ Luers, A.L., et al. "Our changing Climate", etc., see Bibliography

this strategy, development could be allowed in flood zones, but strategically located back from the shoreline or flood zone to provide space for that shoreline to move. The report also includes the reminder that the cost of modifying structures in their design stages is considerably less than the costs of reconstruction and flood damage.

BCDC has a Rising Sea Levels working group of eight BCDC commissioners who met in July 2013 with Chevron, Union Pacific, Kaiser, PG&E, and SFO. In August 2013, they met with BART, Capitol Corridor Rail Service, East Bay Municipal Utility District (EBMUD), and the Port of Oakland. In October 2013, the group met with Bay Area Council, Bay Planning Coalition, Silicon Valley Leadership Group, East Bay Economic Development Alliance, and San Francisco Chamber of Commerce. They will be meeting next with the insurance industry. These meetings concern regional strategy for resilient shorelines.

The Jury reviewed numerous public documents that address rising sea levels, issued by numerous City departments, including the Port, the Public Utilities Commission, the San Francisco Airport, and the Department of Environment, also known as SF Environment. The Jury talked to these agencies regarding rising sea levels and how they believed it would impact the City and what they were doing to adapt. All of these agencies agreed that rising sea levels is a real and serious threat that the City needs to address. In fact, an informal committee called, "SF Adapt", was recently formed with a subcommittee dedicated to addressing the rising sea levels issue. The full committee includes a representative from each of the following City agencies: the Port, the Public Utilities Commission, the San Francisco Airport, the Department of Environment, the Planning Department, the Recreation and Park Department, the Office of the City Administrator, Municipal Transportation Agency (MTA), and the Department of Public Works (DPW).

The Jury observed, however, that although there is no question this issue exists, the City has not yet produced a comprehensive plan for adaptation to rising sea levels.

BCDC estimates that the sea level of San Francisco Bay will rise 16 inches by 2050 and 55 inches by 2100 (see Appendix A for a list of various sea level rise predictions). Flood damage resulting from rising sea levels can be especially severe when combined with storm surges and high tides. Neither the City's Planning Code nor the City's Building Inspection Code contains any provisions addressing BCDC's sea level rise projections. Neither code insists that any construction project vulnerable to future shoreline flooding be designed to be resilient to at least the 2050 sea level rise projection. Nor do they provide a plan to address long-term rising sea level issues for construction projects intended to last beyond 2050. For example, rising sea levels was not taken into consideration for the Port's renovation of the Pier 1 building or the Ferry Building or the recently completed Exploratorium construction. However, some proposed projects in the City do take rising sea levels into consideration in their design plans (see for example, the Treasure Island development and the Pier 70 construction project discussed below under Discussion of Specific Areas).

A further example is the design process for the Port of Redwood City. Since their risk assessment revealed that sea level rise would be 1.53 feet by 2060 and there would be a 100-year flood level of +11.2 feet MLLW⁸ by 2060, it was decided to design adaptation measures for 12.7

⁸ MLLW stands for mean low, low water:, which is the average of the lower of 2 low tides over a certain period of time. There are 2 low tides and 2 high tides daily.

feet MLLW by 2060.

DISCUSSION OF SPECIFIC AREAS

City Wastewater Plants

San Francisco has a combined sewer system that collects and treats both stormwater and wastewater effluent in the same system of sewer pipes. The system consists of large below-ground transport structures throughout the city that pump the sewage to wastewater treatment plants for treatment and eventual discharge into the bay and ocean. The City has three wastewater treatment plants: the Southeast Wastewater Treatment Plant in the Bayview district, which was built in 1952 and treats 80% of the City's wastewater flow; the Oceanside Treatment Plant on the Great Highway near the San Francisco Zoo, which was built in 1993 and treats 20% of the City's wastewater; and the North Point Weather Facility on Bay Street and The Embarcadero, which was built in 1951 and is only operated during wet weather to handle up to 150 million gallons per day of stormwater.

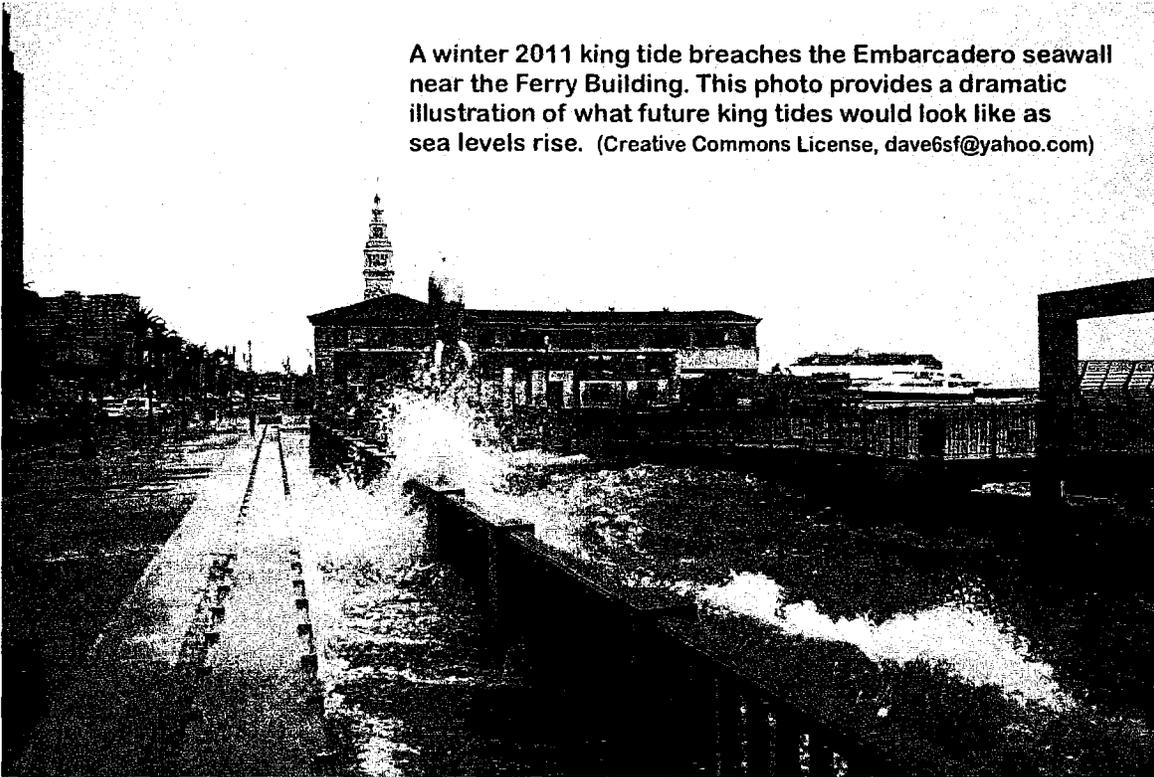
These plants are particularly vulnerable to the effects of rising sea levels, as bay and ocean salt water will eventually flow into the wastewater collection systems, especially at high tide, thereby increasing the volume of wastewater requiring treatment and possibly causing flooding. Also, salt water intrusion kills the organisms that clean the wastewater and deteriorates the infrastructure of the plants. Salt water backflows have already infiltrated the City's wastewater treatment plants, both bayside and oceanside, and sea level rise will increase the intensity of that intrusion. PUC has indicated in its Sewer System Master Plan and in other documents that backflow prevention devices and local pump stations should be installed to prevent backflow intrusion into the system. To the Jury's knowledge, this has not yet been done.

Port of San Francisco Waterfront Area

Sea level rise presents a major threat to the 7.5 miles of the Port's waterfront that stretches along the bay from the Hyde Street pier to the north to India Basin to the south. Seasonal king tides⁹ already overflow the City's seawall, an occurrence that might happen more regularly as a result of rising sea levels. The Port currently has an unwritten, unofficial policy requiring all new construction projects to address rising sea levels in their design plans. One example is the proposed Pier 70 project, which involves, among other things, restoration and development of the historical buildings there and development of a commercial and residential area. The project has plans to elevate a building pad to 14.5 feet to withstand a projected extreme tide of 14.4 feet at the end of this century.

⁹ High tides that occur when the gravitational pull of the sun and the moon are in alignment

A winter 2011 king tide breaches the Embarcadero seawall near the Ferry Building. This photo provides a dramatic illustration of what future king tides would look like as sea levels rise. (Creative Commons License, dave6sf@yahoo.com)



The Port's shoreline presents unique challenges to rising sea levels. There is a section just south of the Ferry Building that frequently floods during winter storms. A winter, 2014 king tide estimated at 9 feet would have reached the surface level of many piers. Fortunately, that tide did not reach its potential and stopped at 7 feet. Many piers are old and decaying. The seawall runs under buildings, creating an accessibility problem. A Port consultant, URS Corporation, developed a map indicating the extent of inundation associated with a rise of 15 inches by 2050. (see Appendix B) The line of inundation closely resembles the shoreline of the bay prior to the Gold Rush

San Francisco Airport (SFO)

The average king tide from 1970 to 2012 was 9 feet. SFO is using as an adaptation guide the BCDC sea level rise projection of 16 inches by 2050 and 55 inches by 2100. SFO's wastewater treatment plant, which is about 100 feet from the bay, has had some saltwater intrusion from storms. SFO has some seawall protection, but it was designed to protect only against high waves and does not protect against rising sea levels.

San Francisco Airport (SFO) has a constant challenge in keeping its runways dry and safe for landings. During a rainstorm in February 2014, SFO was limited to one runway, postponing and canceling flights for several hours. Its wastewater plant and a City College of San Francisco school for mechanics sit on unprotected airport property north of the runways. Two creeks run landside of the airport to Highway 101. While natural tidelands would be an option for mitigation against rising seas, the consequential influx of birds would be a danger to air traffic.

According to BCDC's report of 10/6/11, *Living with a Rising Bay*, SFO would be 72% under

water with an increase of 16 inches and 93% under water with an increase of 55 inches (see Appendices C and D).

It is interesting to note that permits for any potential work on airport property, including mitigation for rising sea levels, must be obtained from U.S. Fish and Wildlife, State Fish and Wildlife, Army Corps of Engineers, BCDC, State Coastal Conservancy, FAA, and the federal Environment Protection Agency. This is in contrast to the fewer number of permits required for other city properties.

Treasure Island

Treasure Island is undergoing a huge development project with a proposed production of up to 8,000 homes, extensive open spaces, hotels, restaurants, and retail. Appendix E shows Treasure Island project drawings of planned adaptive management strategies for protection against sea level rise.

Treasure Island has a geology of bay clay, mud, and fill, not a promising foundation for its planned development. Its development plans, however, are an example of what can be done to mitigate encroaching sea water (see Appendix E). Mud will be dynamically compacted to solid fill to prevent liquefaction. Compaction will lower the level of the island by 30 inches. The ground level will then be raised with further compacted fill to 4 feet above current sea levels. Development will sit back from the shoreline 100 feet, which given current predictions of sea level rise, may or may not be sufficient. Plans are based on projections of a 16-inch rise by 2050 and 55 1/2-inch rise by 2100. There will be a commercial facility district for funding of sea walls.

Crissy Field

This area's newly restored wetlands may serve a dual purpose, both as a natural habitat and as flood containment. Wetlands soil and vegetation will serve to slow encroaching waters.

Federal Concerns

The City is currently uninsured for flood damage under FEMA's National Flood Insurance Program. The City does, however, maintain its umbrella membership in the program which allows private property owners to purchase FEMA insurance. For those properties insured under this program, funds are available to mitigate against future flooding. It would be interesting for the City to request a premium estimate from FEMA and then compare that estimate with the funding it could acquire from FEMA for such mitigation and adaptation

Secretary of Housing and Urban Development, Shaun Donovan, states, "If we build smart, if we build resilience into communities, then we can live along the coast. We can do it in a way that saves lives and protects taxpayers."¹⁰

-----"San Francisco is more than a real estate opportunity. It's a precious, special, fragile place."
Herb Caen

¹⁰ At joint press conference with NYC Mayor Bloomberg in Brooklyn, NY, CBS/AP; 8/11/13

FINDINGS AND RECOMMENDATIONS

Comprehensive Plan

Finding 1:

The City does not have a citywide comprehensive plan that addresses the rising sea level issue.

Recommendation 1a:

The City should prepare and adopt a risk assessment in preparation for developing a comprehensive plan regarding the rising sea level issue.

Recommendation 1b:

The City should adopt a citywide comprehensive plan for adaptation to rising sea levels, especially along its shores and its floodplains, which should include a provision that the plan be reviewed and reassessed every five years.

The plan should include the provision that construction projects approval should take into account the anticipated lifespan of each project and the risks faced as outlined in said plan. Special consideration should be given to those anticipated to survive for more than thirty years.

Recommendation 1c:

The City should build infrastructure systems that are resilient and adaptable to rising sea levels.

The City, through its planning and building departments, should require that any construction project vulnerable to future shoreline or floodplain flooding be designed to be resilient to sea level rise at the 2050 projection, e.g., 16 inches, if the construction is not expected to last longer than 2050. For construction intended to last longer than 2050, it is recommended that the City require that the project be designed to address sea level rise projections for the longer term.

Recommendation 1d:

The City departments that would necessarily be involved in adaptation to rising sea levels, such as Department of Public Works, Public Utilities Commission, Municipal Transportation Agency, the Port, should coordinate their projects with each other and with utility companies, such as PG&E, Comcast, and AT&T, to minimize inconvenience to the public, and to businesses, and further to avoid repetition of efforts and inefficient use of funds, labor, and time.

Planning Code and Building Code

Finding 2:

The City's Planning Code has no provisions addressing the impacts associated with rising sea levels. Without appropriate provisions within the City's Planning Code, there are no effective means to insure sustainable development on land vulnerable to rising sea levels.

Recommendation 2a:

The City should amend its Planning Code to include maps showing the areas in the City that are most at risk from the impacts of sea level rise.

The Planning Code should be amended to prohibit development in said at-risk areas unless there is compliance with the provisions of the City's Building Code and the Port's Building Code (if applicable to the project) outlined in Recommendation 3 below.

The amendment should include a provision that the amended sections of the Code regarding the impact of rising sea levels be reviewed and reassessed every five years.

Recommendation 2b:

The Planning Code should be amended to discourage permanent development in at-risk areas where public safety cannot be protected regarding the impact of rising sea levels.

Finding 3:

The City's Building Code and the Port's Building Code have no provisions addressing the impacts associated with rising sea levels. Without appropriate provisions within the City's Building Code and the Port's Building Code, there are no effective means to control construction methods that would insure a project's resistance to the impacts of rising sea levels.

Recommendation 3:

The City's Building Code and the Port's Building Code should be amended to include:

- (1) provisions addressing the impacts associated with sea level rise, especially when combined with sudden storm surges and king tides,
- (2) construction methods that would ensure a project's resistance to and protection from the impacts of rising sea levels, especially when combined with sudden storm surges and king tides;
- (3) amendments written to protect the most vulnerable systems, including but not necessarily limited to, electrical, telecommunications, and fire protection systems;
- (4) a provision that the sections of the Codes regarding the impact of rising sea levels should be reviewed and reassessed every five years.

Finding 4:

BCDC has the final say on any permit within its jurisdiction.

Recommendation 4:

The City should consult with BCDC at the onset of development plans within BCDC's jurisdiction to ensure equitable and efficient results without necessitating surplus expenditures and time.

Ocean Beach Master Plan

Finding 5:

A comprehensive risk assessment of Ocean Beach, with mitigation recommendations made to the City regarding rising sea levels, was completed by SPUR, with City, State of California and U.S Corps of Engineers involvement, resulting in the Ocean Beach Master Plan, dated May, 2012.

Recommendation 5:

The City should consider implementation of recommendations that are most pertinent to the City set forth in the Ocean Beach Master Plan, May 2012.

Public Utilities Commission

Finding 6:

A number of measures can be taken now by the Public Utilities Commission to minimize the impact of sea level rise, especially when combined with future king tides and sudden surges.

Recommendation 6:

The City should build, through the Public Utilities Commission, larger sewer pumps, sewer pipes, and sewer transport storage boxes surrounding the city in the near future to accommodate king tides, sudden surges, and sea level rise.

Finding 7:

Salt water backflows have already infiltrated the City's wastewater treatment plants, both in the Bayside and Oceanside plants. Salt water kills organisms in the system that clean wastewater and damages wastewater treatment equipment. As a result of sea level rise, bay and ocean saltwater backflow into the wastewater treatment systems will dramatically increase, causing serious problems for the wastewater treatment processes.

Recommendation 7:

The City should, as an interim measure, retrofit outfalls in the wastewater treatment system with backflow prevention devices to prevent salt water intrusion into the collection systems resulting

from high tides, sudden surges, and rising sea level. Local pump stations should also be installed to raise the flow to sewer discharge structures with higher elevations.

Finding 8:

The Southeast Wastewater Treatment Plant (Bayside), built in 1952, is aging and needs restoration.

Recommendation 8:

The City should retrofit the Southeast Wastewater Treatment Plant to accommodate future king tides, sudden surges, and sea level rise.

San Francisco Airport

Finding 9:

The San Francisco Airport (SFO) is located slightly above sea level and therefore vulnerable to flooding from heavy rainfall, king tides, and rising sea levels. A number of measures can be taken now by SFO to minimize the impact of sea level rise, especially when combined with future king tides and sudden surges.

Recommendation 9a:

SFO should increase the height of its existing seawalls along its runways to accommodate rising sea levels.

Recommendation 9b:

SFO should continue to improve measures to eliminate standing water on its runways to ensure they remain sufficiently above sea level.

Recommendation 9c:

The northern section of SFO should be analyzed by airport engineers to determine how best to protect its wastewater treatment plant and other infrastructure in that section from sea level rise (e.g. construction of sea walls).

The Port of San Francisco

Finding 10:

The Port of San Francisco is built on landfill, and its seawall lies beneath many buildings along the bay. Many piers are in poor condition. A number of measures can be taken now by the Port to minimize the impact of sea level rise, especially when combined with future king tides and sudden surges.

Recommendation 10a:

The Port should begin planning and create a timeline for construction of flood control barriers in the low spots along the edges of the piers to prevent waterfront flooding associated with sea level rise.

Recommendation 10b:

To assist with the cost of protective measures to address sea level rise, the Port Commission should establish a reserve fund as part of its leasing policy whereby a surcharge is assessed as part of the rent or as a separate line item in each lease.

City Adaptation Funds

Finding 11:

The City has not set aside funds for the cost of adaptation to sea level rise.

Recommendation 11a:

The City should start a reserve fund for adaptation for rising sea levels, a portion of which could be obtained from a surcharge on development planned for areas vulnerable to said eventuality.

Recommendation 11b:

The City should assess costs of both implementation of adaptation strategies and potential losses from failing to do so.

Recommendation 11c:

The City should explore applying for grants offered by Congress' Pre-Disaster Mitigation Program. Receipt of grants is based upon risk assessments indicating that potential savings would exceed the cost of implementation.

The City should explore available matching funds from the Army Corps of Engineers and other federal sources.

Recommendation 11d:

The City should request an insurance premium estimate from FEMA and then compare that estimate with the funding it could acquire from FEMA for mitigation and adaptation against future flooding.

Regional Issues

Finding 12:

Rising sea levels is a regional problem. What one community does to protect its shorelines may have a negative impact on a neighboring community.

Recommendation 12a:

The City should, through its Mayor and Board of Supervisors, coordinate its efforts with other cities and organizations in the bay area by establishing a working group to address the impact of rising sea levels. This has been successfully accomplished by four counties on the east coast of Florida, as an example.

Recommendation 12b:

That the City create a local working group of community citizens and stakeholders to feed into the regional group.

RESPONSE MATRIX

FINDINGS	RECOMMENDATIONS	RESPONSE REQUIRED
<p><u>Comprehensive Plan</u></p> <p>Finding 1</p> <p>The City does not have a citywide comprehensive plan that addresses the rising sea level issue.</p>	<p>Recommendation 1a</p> <p>The City should prepare and adopt a risk assessment in preparation for developing its comprehensive plan regarding the rising sea level issue</p> <p>Recommendation 1b</p> <p>The City should adopt a citywide comprehensive plan for adaptation to rising sea levels, especially along its shores and its floodplains.</p> <p>Said plan should include the provision that construction projects' approval should take into account the anticipated lifespan of each project and the risks faced as outlined in said plan. Special consideration should be given to those anticipated to survive for more than 30 years.</p> <p>Said plan should include a provision that the plan be reviewed and reassessed every 5 years.</p> <p>Recommendation 1c:</p> <p>The City should build infrastructure systems that are resilient and adaptable to rising sea levels.</p> <p>That the City, through its planning and building departments, require that any construction project vulnerable to future shoreline or floodplain flooding be designed to be resilient to sea level rise at the 2050 projection, e.g., 16 inches if the construction is not expected to last longer than 2050. For construction intended to last longer than 2050, that the City require that the project be designed to address sea level rise projections for the longer term.</p>	<p>Mayor or Mayor's Designated Agency Board of Supervisors DPW Dept. of Environment Dept. of Emergency Management Planning Port PUC</p>

FINDINGS	RECOMMENDATIONS	RESPONSE REQUIRED
	<p>Recommendation 1d:</p> <p>That City departments that would necessarily be involved in adaptation to rising sea levels, such as Department of Public Works, Public Utilities Commission, Municipal Transportation Agency, the Port, coordinate their projects with each other and with utility companies, such as PG&E, Comcast, and AT&T, to minimize inconvenience to the public, and to businesses, and to further avoid repetition of efforts and inefficient use of funds, labor, and time.</p>	
<p><u>Planning Code and Building Code</u></p> <p>Finding 2:</p> <p>The City's Planning Code has no provisions addressing the impacts associated with rising sea levels. Without appropriate provisions within the City's Planning Code, there are no effective means to insure sustainable development on land vulnerable to rising sea levels.</p>	<p>Recommendation 2a:</p> <p>The Planning Code should be amended to include maps showing the areas in the City that are most at risk from the impacts of sea level rise.</p> <p>The Planning Code should be amended to prohibit development in said at-risk areas unless there is compliance with the provisions of the City's Building Code and the Port's Building Code (if applicable to the project) outlined in Recommendations 3a and 3b.</p> <p>The Planning Code should include a provision that the amended sections of the Code regarding the impact of rising sea levels be reviewed and reassessed every 5 years.</p>	<p>Board of Supervisors Planning</p>
	<p>Recommendation 2b:</p> <p>The Planning Code should be amended to discourage permanent development in at risk areas where public safety cannot be protected.</p>	
<p>Finding 3:</p> <p>The City's Building Code and the Port's Building Code have no provisions</p>	<p>Recommendation 3:</p> <p>The City's Building Code and the Port's Building Code should be amended to include:</p>	<p>Board of Supervisors DBI Planning Port</p>

FINDINGS	RECOMMENDATIONS	RESPONSE REQUIRED
<p>addressing the impacts associated with rising sea levels. Without appropriate provisions within the city's Building Code and the Port's Building Code, there are no effective means to control construction methods that would insure a project's resistance to the impacts of rising sea levels.</p>	<p>(1) provisions addressing the impacts associated with sea level rise, especially when combined with storm surges and king tides;</p> <p>(2) construction methods that would ensure a project's resistance to and protection from the impacts of rising sea levels, especially when combined with sudden storm surges and king tides;</p> <p>(3) amendments written to protect the most vulnerable systems, including but not necessarily limited to, electrical, telecommunications, and fire protection systems;</p> <p>(4) provisions relating to rising sea levels be reviewed and reassessed every five years.</p>	
<p>Finding 4:</p> <p>BCDC has the final say on any permit within its jurisdiction.</p>	<p>Recommendation 4:</p> <p>The City should consult with BCDC at the onset of development plans within BCDC's jurisdiction to ensure equitable and efficient results without necessitating surplus expenditures and time.</p>	<p>Mayor Planning Port</p>
<p><u>Ocean Beach Master Plan</u></p> <p>Finding 5:</p> <p>A comprehensive risk assessment of Ocean Beach, with mitigation recommendations made to the City regarding rising sea levels, was completed by SPUR, with City, State of California and U.S Corps of Engineers involvement, resulting in the Ocean Beach Master Plan, dated May, 2012.</p>	<p>Recommendation 5:</p> <p>The City should consider implementation of recommendations that are most pertinent to the City, as set forth in the Ocean Beach Master Plan of May 2012.</p>	<p>Mayor or Mayor's Designated Agency Board of Supervisors</p>

FINDINGS	RECOMMENDATIONS	RESPONSE REQUIRED
<p><u>Public Utilities Commission</u></p> <p>Finding 6:</p> <p>A number of measures can be taken now by the Public Utilities Commission to minimize the impact of sea level rise, especially when combined with future king tides and sudden surges.</p>	<p>Recommendation 6:</p> <p>The Public Utilities Commission should build larger sewer pumps, sewer pipes, and sewer transport storage boxes surrounding the city in the near future to accommodate king tides, sudden surges, and sea level rise.</p>	<p>PUC</p>
<p>Finding 7:</p> <p>Salt water backflows have already infiltrated the City's wastewater treatment plants, both in the Bayside and Oceanside plants. Salt water kills organisms in the system that clean wastewater. Salt water also damages wastewater treatment equipment. As a result of sea level rise, bay and ocean saltwater backflow into the wastewater treatment systems will dramatically increase, causing serious problems for the wastewater treatment processes.</p>	<p>Recommendation 7:</p> <p>As an interim measure, the City should retrofit outfalls in the wastewater treatment system with backflow prevention devices to prevent salt water intrusion into the collection systems resulting from high tides, sudden surges, and rising sea level. Local pump stations should also be installed to raise the flow to sewer discharge structures with higher elevations.</p>	<p>PUC</p>
<p>Finding 8:</p> <p>The Southeast Wastewater Treatment Plant, built in 1952, is aging and needs restoration.</p>	<p>Recommendation 8:</p> <p>The Southeast Wastewater Treatment Plant should be retrofitted to accommodate future king tides, sudden surges, and sea level rise.</p>	<p>PUC</p>

FINDINGS	RECOMMENDATIONS	RESPONSE REQUIRED
<p><u>San Francisco Airport</u></p> <p>Finding 9:</p> <p>The San Francisco airport (SFO) is located slightly above sea level and therefore vulnerable to flooding from heavy rainfall, king tides, and rising sea levels. A number of measures can be taken now by SFO to minimize the impact of sea level rise, especially when combined with future king tides and sudden surges.</p>	<p>Recommendation 9a:</p> <p>SFO should increase the height of its existing seawalls along its runways to accommodate rising sea levels.</p> <p>Recommendation 9b:</p> <p>SFO should continue to improve measures to eliminate standing water on its runways to ensure they remain sufficiently above sea level.</p> <p>Recommendation 9c:</p> <p>The northern section of SFO should be analyzed by airport engineers to determine how best to protect its wastewater treatment plant and other infrastructure in that section from sea level rise.</p>	<p>SFO</p>
<p><u>The Port of San Francisco</u></p> <p>Finding 10:</p> <p>The Port of San Francisco is built on landfill, and its seawall lies beneath many buildings along the bay. Many piers are in poor condition. A number of measures can be taken now by the Port to minimize the impact of sea level rise, especially when combined with future king tides and sudden surges.</p>	<p>Recommendation 10a:</p> <p>The Port should begin planning and creating a timeline for construction of flood control barriers in the low spots along the edges of the piers to prevent waterfront flooding associated with sea level rise.</p> <p>Recommendation 10b:</p> <p>To assist with the cost of protective measures to address sea level rise, the Port Commission should establish a reserve fund as part of its leasing policy whereby a surcharge is assessed as part of the rent or as a separate line item in each lease.</p>	<p>Port</p>

FINDINGS	RECOMMENDATIONS	RESPONSE REQUIRED
<p><u>City Adaptation Funds</u></p> <p>Finding 11:</p> <p>The City has not set aside funds for the cost of adaptation to sea level rise.</p>	<p>Recommendation 11a:</p> <p>The City should start a reserve fund for adaptation for rising sea levels, a portion of which could be obtained from a surcharge on development planned for areas vulnerable to said eventuality.</p> <p>Recommendation 11b:</p> <p>The City should assess costs of both implementation of adaptation strategies and potential losses from failing to do so.</p> <p>Recommendation 11c:</p> <p>The City should explore applying for grants offered by Congress' Pre-Disaster Mitigation Program. Receipt of grants is based upon risk assessments that indicate that potential savings exceed the cost of implementation.</p> <p>The City should explore available matching funds from the Army Corps of Engineers and other federal sources.</p> <p>Recommendation 11d:</p> <p>The City should request an insurance premium estimate from FEMA and then compare that estimate with the funding it could acquire from FEMA for mitigation and adaptation against future flooding.</p>	<p>Mayor Board of Supervisors City Administrator Controller</p>

FINDINGS	RECOMMENDATIONS	RESPONSE REQUIRED
<p><u>Regional Problem</u></p> <p>Finding 12:</p> <p>Rising sea levels is a regional problem. What one community does to protect its shorelines may have a negative impact on a neighboring community. This has been successfully accomplished by four counties on the east coast of Florida, as an example.</p>	<p>Recommendation 12a:</p> <p>The City, through its Mayor and Board of Supervisors, should coordinate its efforts with other cities and organizations in the bay area by establishing a regional working group to address the impact of rising sea levels.</p> <p>Recommendation 12b:</p> <p>The City should create a local working group of community citizens and stakeholders to feed into the regional group.</p>	<p>Mayor Board of Supervisors Planning</p>

METHODOLOGY

The Jury conducted over a dozen interviews of personnel of City agencies and non-City agencies and reviewed numerous documents issued by these agencies to determine what the City is doing to address rising sea levels. Numerous scientific reports and studies regarding global climate change and sea level rise were reviewed, including those listed in this report's bibliography. The Jury also attended a number of panel discussions on the issue and took personal tours of SFO, the Oceanside Wastewater Treatment Plant, Ocean Beach, Treasure Island, the Port piers, and adjacent areas along the Port waterfront.

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APPENDIX A

Sea Level Rise Projections

	<u>2050</u>	<u>2100</u>
BCDC (Bay Conservation & Development Commission)	16"	55"
CA Climate Action	10" – 17"	17" – 31"
SPUR (San Francisco Planning & Urban Research Assoc.)	16"	55"
IPCC (Int'l Governmental Panel on Climate Change)	6.7" – 16.6"	11" – 38"
NOAA (Nat'l Oceanic & Atmospheric Assoc.)		78"
USACOE (Army Corps of Engineers)		60"
USGS (U.S. Geological Survey)		60"
Pacific Institute		60"
SFPUC SF Public Utilities Commission	16"	25" – 70"
National Research Council (State of CA using)	4.68" – 24"	16.56" – 65.76"
ISB (Gov. Schwarzenegger's Independent Science Board)		55"

APPENDIX B



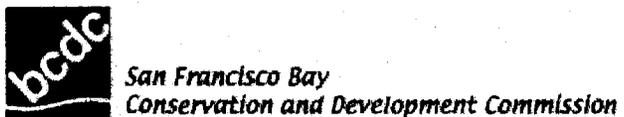
San Francisco Bay
Conservation and Development Commission

Figure 1.6

Bay Area Land Uses and Bay Subregions



SOURCE: Urban and open space (GreenInfo 2004); Regions (EcoAtlas 2005)



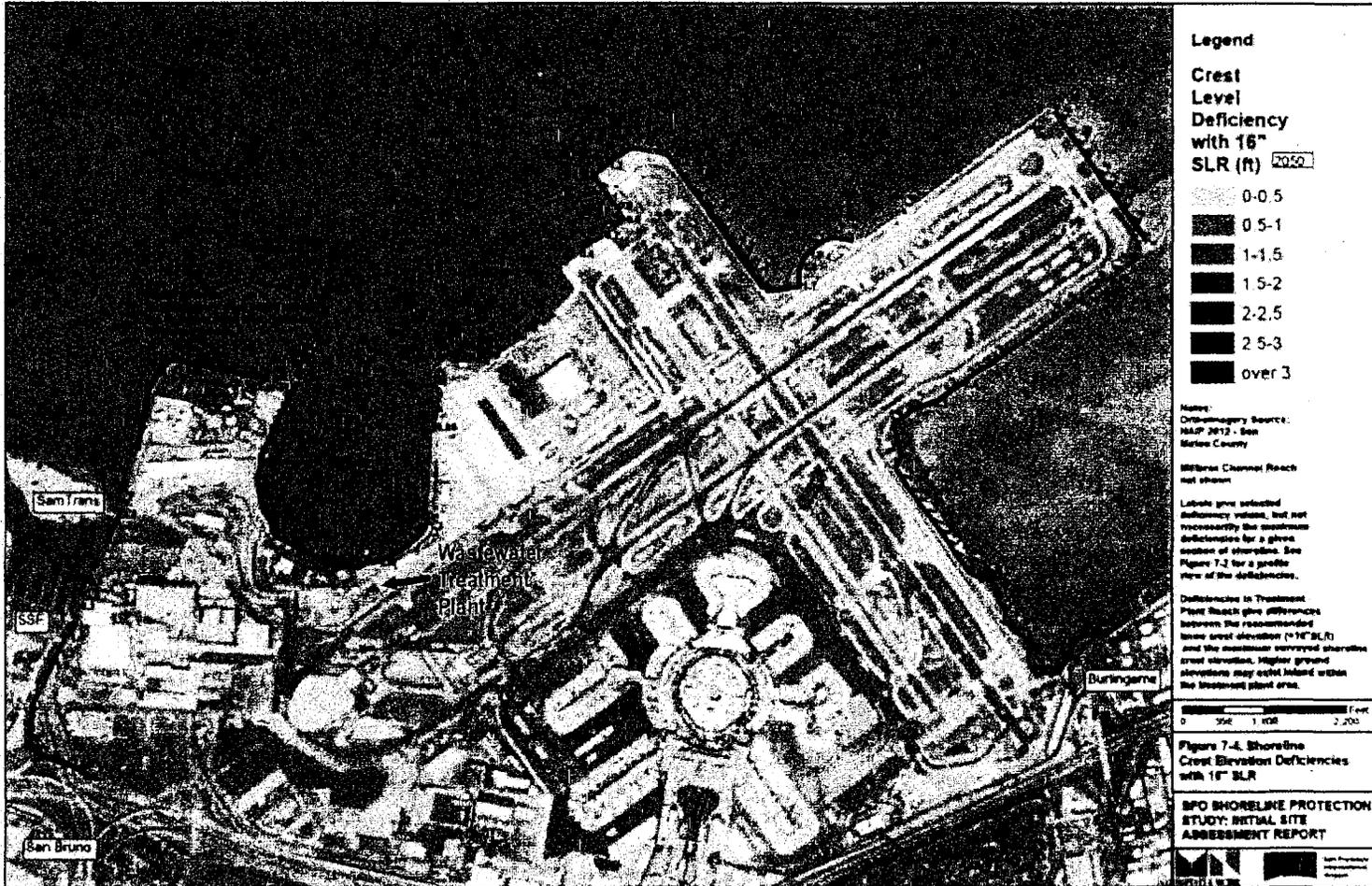
■ Area vulnerable to an approximate 16 inch sea level rise

■ Area vulnerable to an approximate 55 inch sea level rise



APPENDIX C

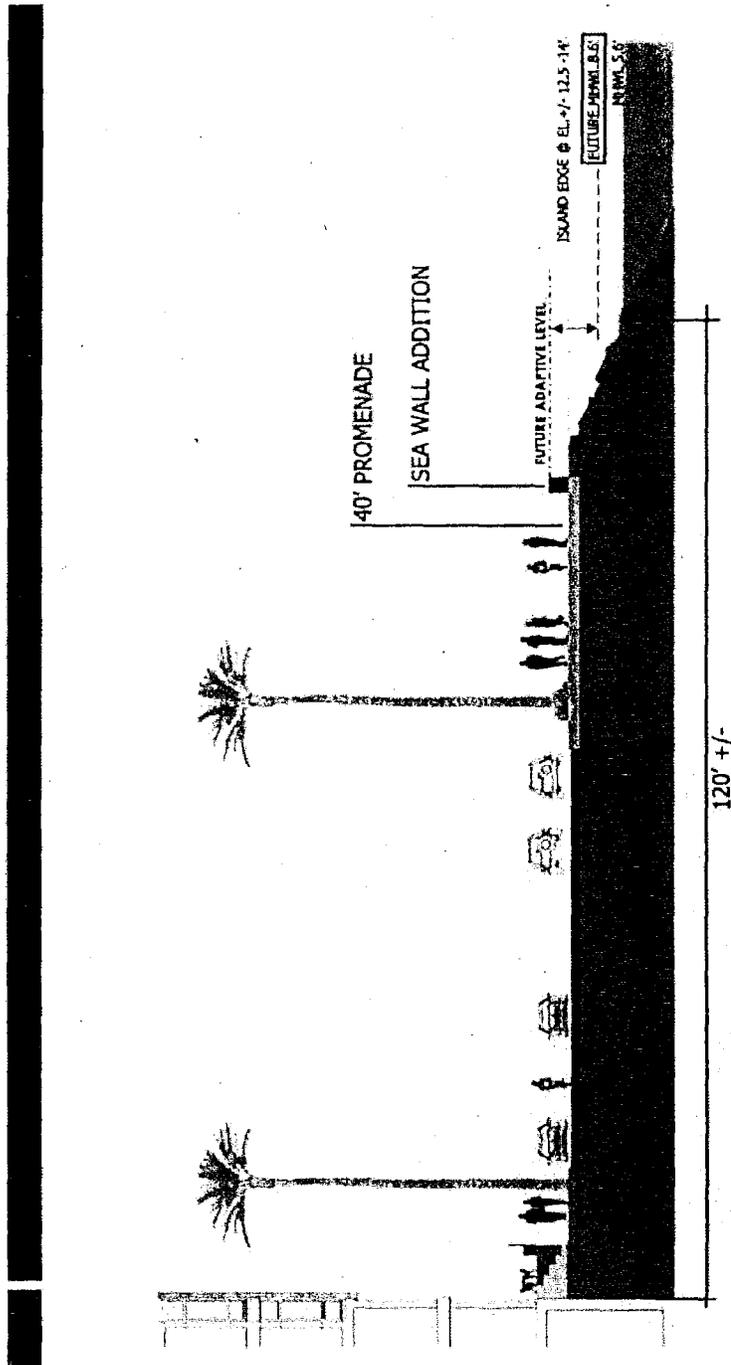
Deficiencies – 2050 (16" SLR)



APPENDIX D

APPENDIX E

Sea Level Rise – Adaptive Strategies



BOARD of SUPERVISORS



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

MEMORANDUM

Date: June 24, 2014
To: Honorable Members, Board of Supervisors
From:  Angela Calvillo, Clerk of the Board
Subject: 2013-2014 CIVIL GRAND JURY REPORT

We are in receipt of the San Francisco Civil Grand Jury report released Thursday, June 26, 2014, entitled: **Ethics in the City: Promise, Practice or Pretense** (attached).

Pursuant to California Penal Code, Sections 933 and 933.05, the Board must:

1. Respond to the report within 90 days of receipt, or no later than September 24, 2014.
2. For each finding:
 - agree with the finding or
 - disagree with the finding, wholly or partially, and explain why.
3. For each recommendation indicate:
 - that the recommendation has been implemented and a summary of how it was implemented;
 - that the recommendation has not been, but will be, implemented in the future, with a timeframe for implementation;
 - that the recommendation requires further analysis, with an explanation of the scope of the analysis and timeframe of no more than six months; or
 - that the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

Pursuant to San Francisco Administrative Code, Section 2.10, in coordination with the Committee Chair, the Clerk will schedule a public hearing before the Government Audit and Oversight Committee to allow the Board the necessary time to review and formally respond to the findings and recommendations.

The Budget and Legislative Analyst will prepare a resolution, outlining the findings and recommendations for the Committee's consideration, to be heard at the same time as the hearing on the report.

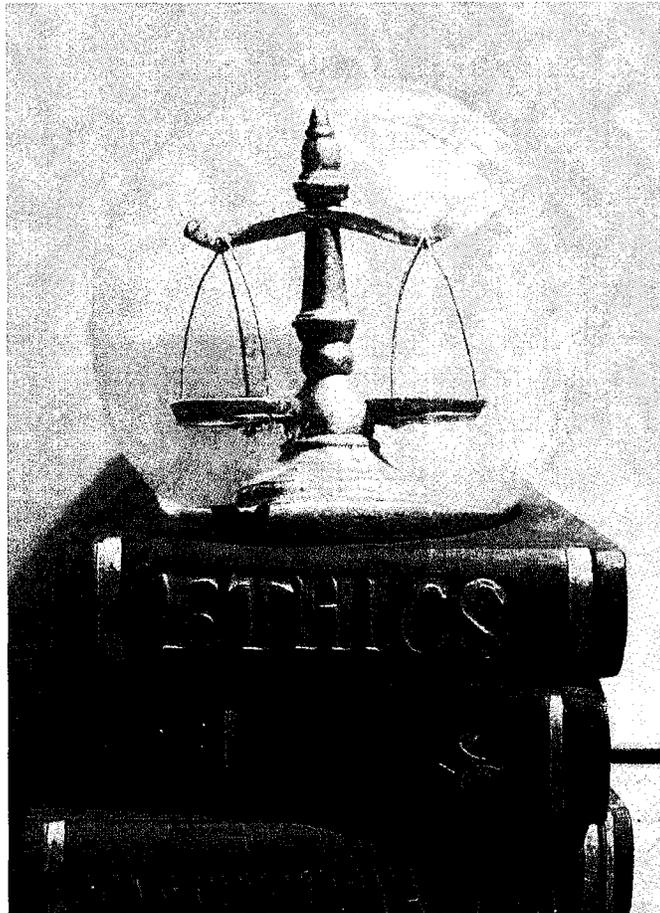
Attachment

- c: Honorable Cynthia Ming-mei Lee, Presiding Judge (w/o attachment)
- Mayor's Office
- Ben Rosenfield, Controller
- Jon Givner, Deputy City Attorney (w/o attachment)
- Rick Caldeira, Legislative Deputy Director
- Debra Newman, Office of the Budget and Legislative Analyst
- Severin Campbell, Office of the Budget and Legislative Analyst
- Asja Steeves, Civil Grand Jury Coordinator
- Elena Schmid, Foreperson, San Francisco Civil Grand Jury (w/o attachment)

Ethics in the City:

Promise, Practice or Pretense

June 2014



City and County of San Francisco
Civil Grand Jury 2013-2014

City Hall, Room 488
1 Dr. Carlton B. Goodlett Pl, San Francisco, CA 94102
Phone 415-554-6630

MEMBERS OF THE 2013-2014
CIVIL GRAND JURY
CITY AND COUNTY OF SAN FRANCISCO

Elena Schmid, Foreperson
Robert van Ravenswaay, Foreperson Pro Tem
Thomas Duda, Recording Secretary
Maryta Piazza, Corresponding Secretary

Larry Bush
Hans Carter
Daniel Chesir
Barbara Cohrssen
Mike Ege
John Finnick
Kai Forsley
Charles Head
David Hoiem
Joseph Kelly
Mazel Looney
Claudia O'Callaghan
Ernestine Patterson
Michael Skahill

THE CIVIL GRAND JURY

The Civil Grand Jury is a government oversight panel of volunteers who serve for one year. It makes findings and recommendations resulting from its investigations.

Reports of the Civil Grand Jury do not identify individuals by name. Disclosure of information about individuals interviewed by the jury is prohibited. California Penal Code, Section 929

STATE LAW REQUIREMENT California Penal Code, section 933.05

Each published report includes a list of those public entities that are required to respond to the Presiding Judge of the Superior Court within 60 to 90 days, as specified.

A copy must be sent to the Board of Supervisors. All responses are made available to the public.

For each finding the response must:

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

As to each recommendation the responding party must 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.

TABLE OF CONTENTS

ISSUE..... 1

SUMMARY 1

Overview1

Changed Landscape.....1

Diffused Responsibility.....2

BACKGROUND 3

The Institutional Framework3

The Ethics Commission.....3

Sunshine Ordinance Task Force4

DISCUSSION 4

Transparency—In General.....4

 Campaign Related Disclosures 5

 Public Entity Disclosures..... 5

 Public Official Disclosures..... 5

Campaign Reporting.....6

 Campaign-related Committees 6

 Campaign Consultants..... 6

 Voter Handbook Disclosures 6

 Lobbyists..... 7

 Disclosure of Signed Contracts..... 7

Public Entity Disclosures.....7

 Public Meetings..... 7

 Public Records 7

 Sources of Outside Funding (Sunshine Ordinance)..... 7

 Statements of Incompatible Activity..... 8

Public Officials' Disclosures8

 Form 700 – Statement of Economic Interests..... 8

 Gift Disclosure 8

 Gift of Travel Disclosures..... 8

 Public Calendars 9

 Behested Payments..... 9

 Lobbyists on Behalf of City 9

 Waivers Of Post-Public Employment Restrictions 9

 Certification Of Training..... 10

Enforcement.....10

 Enforcement for Most Cases Moved to The FPPC 11

 Administrative Penalties 12

 Forfeitures 12

 Citizen’s Right Of Action..... 13

 Whistleblower Program 13

Recommended Systemic and Structural Changes14

 Transparency..... 14

Campaign Related Disclosures15

 Lobbyist registrations and disclosures 16

Public Entity Disclosures.....17

Ethics in the City: Promise, Practice or Pretense

Open public meetings 17

Release of public records 17

Sources of Outside Funding (Sunshine Ordinance)..... 18

Statements of Incompatible Activities 18

Public Official Disclosures.....19

Form 700 - Statements of Economic Interests..... 19

Gift of Travel disclosures 20

Public calendars of public officials (Sunshine Ordinance)..... 20

Waivers of post-public employment restrictions by the Ethics Commission 21

Sunshine Ordinance Task Force and the Ethics Commission 21

Ethics Commission Structure and Relation to Staff 22

Commission Performance And Staffing 24

A New Focus For Commission Activities 24

Coda: Proposition J Case Study 27

RESPONSE MATRIX..... 31

METHODOLOGY 42

BIBLIOGRAPHY (SELECTED) 42

GLOSSARY 43

APPENDIX ONE 44

The Legal Framework.....44

 Transparency For Government 44

 Transparency In Campaigns 45

 Ethics Laws 46

 Anti-Corruption Laws 47

 Process To Amend The Laws 47

 Finding The Laws 48

APPENDIX TWO 50

Behested Payments - Example.....50

APPENDIX THREE..... 55

Gifts of Travel Example 55

APPENDIX FOUR..... 72

Proposition J Voters Guide Materials72

Ethics in the City: Promise, Practice or Pretense

ISSUE

The Jury members were concerned about reports of apparent improper actions by City officials and departments with little or no evident enforcement responses.

The Jury looked at the institutions involved with preventing and punishing improper actions and at the laws they administer. Ethics Commission operations provided a starting point, as a 2010-2011 Civil Grand Jury report recommended a more detailed investigation. We rapidly learned that "transparency" is a key component of ensuring governmental integrity, so we broadened our focus to consider how to protect and enhance government transparency.

During our eight-month investigation, a wide spectrum of local, state, campaign, political and public sources told us the Ethics Commission is not an effective enforcement agency, while generally endorsing its efforts to promote transparency.

SUMMARY

The Jury finds that San Francisco officials at all levels have impeded actions intended to establish a culture of ethical behavior, and that the focus needed to ensure accountability and anti-corruption standards needs greater leadership from the Mayor, the Board of Supervisors, the City Attorney, the District Attorney, and City department heads and commissions.

Overview

- The Jury recommends transferring all major enforcement cases to the California Fair Political Practices Commission on a two-year pilot contract to ensure stronger and fairer enforcement action. The state agency would be able to act in cases alleging violations of unique San Francisco ethics laws as well as state laws similar to the role it has accepted with several other jurisdictions.
- The Jury recommends the Ethics Commission emphasize increased transparency by significantly upgrading its systems for disclosing the full range of money spent, given, or benefitting City officials and their projects. It has successfully developed improvements to its disclosure reports making them more user-friendly but currently fails to provide easy access to reports on millions more spent on behalf of or at the request of City officials, including spending to influence administrative and legislative decisions.
- The Jury recommends changes in the operation of the Ethics Commission to make the five-member commission a stronger force in developing policy and ensuring effective implementation. The Jury recommends the Ethics Commissions activate its committee structure. Additionally, we recommend splitting the duties of the Executive Director from the duties of Commission Secretary.

Changed Landscape

In the two decades since voters created the San Francisco Ethics Commission, the political landscape has changed substantially. The Commission itself has been tasked with new responsibilities ranging from partial public financing of campaigns to registering and disclosing

Ethics in the City: Promise, Practice or Pretense

the activities of campaign consultants. At the same time, federal court decisions have affected the ability of local governments to regulate the reporting and influence of money in political activities. The California State Legislature has enacted new standards that also affect local campaign finance laws.

Currently, elections are more significantly affected than before by the creation of independent expenditure committees, the lifting of contribution limits, and the ability to hide the source of funds paying for campaign messages. New approaches to campaigning have come into play that do not correspond with existing law directly, and often have exploited exceptions in the laws in ways that create major blind spots in transparency.

Today elected officials can create their own political committees to spend on other candidates and on measures they favor while accepting unlimited contributions from those seeking benefits such as entitlements from these same officials.

These new changes are a challenge to ethical standards long accepted in San Francisco and which, more troubling, fall outside of any regulation, oversight or user-friendly disclosures. In the last 35 years, San Francisco citizens had at least 16 local ballot measures dealing with campaign finance, ethics, conflict of interest and transparency, demonstrating a long interest in trying to control corruption.

Diffused Responsibility

The Jury found that although the Ethics Commission appears to be the primary enforcement authority, it has substantially less power than other City and state officials to actually punish wrongdoers. Its investigative powers, by requiring confidentiality of its investigations, muzzle it from publicly criticizing questionable activities.

BACKGROUND

The Institutional Framework

The Ethics Commission and San Francisco Sunshine Ordinance Task Force are the front lines in overseeing and implementing City laws on transparency, ethics and violations.¹

A web of City and state laws establish rules on campaign finance and lobbying, and require that public officials and employees act in accordance with the public trust. The Ethics Commission generally administers these laws locally, while enforcement responsibilities are spread out.

Other state and City laws require open government through open meetings and public records. Both the San Francisco Sunshine Ordinance Task Force and the Ethics Commission enforce these laws locally.

The Ethics Commission

The voters created the San Francisco Ethics Commission in 1993 as a five-member commission, approving a proposal placed on the ballot by the Board of Supervisors. The Mayor, the Board of Supervisors, the Assessor, the City Attorney and the District Attorney each make a single appointment to the Commission. The City Attorney's appointee must have background in governmental ethics law. The Mayor's appointee must have background in public information and public meetings. The Assessor's appointee must have background in campaign finance. The appointees of the Board of Supervisors and the District Attorney must be broadly representative of the general public.

The Commissioners each serve a single six-year term without pay for their service but do receive access to the City health coverage. The Commission meets monthly at City Hall, with occasional special meetings.

Ethics Commission duties include general policy-making responsibilities for the Commission itself, along with significant administrative responsibilities for its staff, including acting as the filing agent for campaign filings for candidates, ballot measures and committees, lobbyists, campaign consultants and Disclosure of Economic Statements (Form 700), as well as administering the public funding of candidates for Mayor and supervisor, educating City officials about conflict of interest and campaign treasurers about filing requirements, conducting audits, and investigating and resolving violations (some of which are eventually decided by the Commission).

The legal framework has changed significantly since the Ethics Commission was created. For the Commission, the term of office and the appointing authorities have changed. Administering publicly funded candidates and regulating campaign consultants are added responsibilities. The laws they administer have in large part been taken from the Charter and various locations in the San Francisco code and consolidated into the Campaign and Governmental Conduct Code; key state laws have also undergone significant changes.

The Ethics Commission has a staff of nineteen to handle the administrative responsibilities of the Commission. The operating budget for the Commission has grown from \$157,000 in 1994 to

¹ The legal framework is discussed in Appendix One.

Ethics in the City: Promise, Practice or Pretense

over \$2,000,000 in 2013.

The San Francisco Ethics Commission earns high marks among California jurisdictions for its electronic filing and self-reported disclosures by campaigns, candidates, lobbyists and consultants in each category. In addition to disclosures required under state law, San Francisco has enacted additional disclosure requirements intended to provide greater transparency.

The Ethics Commission can also propose changes in the laws it administers and can place measures on the ballot.

Sunshine Ordinance Task Force

The Sunshine Ordinance Task Force reports to and advises the Board of Supervisors, and provides information to other City departments, on appropriate ways to implement the Sunshine Ordinance and to implement its goals. It also proposes amendments, receives the annual report of Supervisor of Public Records, and refers matters to enforcement.²

The Sunshine Ordinance Task Force consists of eleven voting members appointed by the Board of Supervisors, with qualifications stated in the ordinance.³ The Mayor and the Clerk of the Board of Supervisors, or their designees, serve as non-voting members of the task force. The Clerk of the Board of Supervisors provides modest administrative support, as does the City Attorney.

The Board of Supervisors is responsible for appointments but has, at times, failed to make timely appointments to the Sunshine Ordinance Task Force, stopping its work due to quorum problems.

The Sunshine Ordinance has only had one significant change since initial enactment, which converted the ordinance passed by the Board of Supervisors into an ordinance passed by the voters. General language on open meetings and public records was added to the Charter in 1996.⁴

Because there is no full-time staff, all powers are vested in the Task Force, specifically including policy-making powers.

DISCUSSION

Transparency—In General

Transparency in government includes open meetings and public records. These matters generally come under state laws and the Sunshine Ordinance.

Transparency also includes public information about the decision-makers: their backgrounds, their commitments, and their supporters. In the case of elected officials, detailed campaign finance information is filed. Additionally, many policy decisions in San Francisco are made through ballot measures. Committees advocating for or against individual ballot measures file

² The Sunshine Ordinance is Chapter 67 of the Administrative Code; § 67.30(c) of the Administrative Code outlines responsibilities of the Task Force.

³ See § 67.30(a) of the Administrative Code.

⁴ See Charter § 16.112

Ethics in the City: Promise, Practice or Pretense

finance information on their campaigns. In San Francisco, these filings are made with the Ethics Commission.

A third area of transparency is open data sets from government. This area is just starting to emerge, and San Francisco has a Chief Data Officer and Department Data Coordinators to implement its Open Data policies.⁵ Data sets are currently posted at DataSF.⁶ The Ethics Commission has embraced this effort, and has posted many data sets with DataSF, which are broadly used.

As data sets become more widely available, and the software tools to analyze them continue to simplify, independent review of government actions and of information filed with government will lead to new thinking about the meaning of this information. The Jury notes this development and encourages its growth.⁷

Currently, required public disclosures include the following:

Campaign Related Disclosures

- Candidate campaign committees (state and local law)
- Reporting of spending by other types of campaign-related committees, including independent committees supporting candidates, ballot proposition committees, and general purpose committees (state and local law)
- Campaign consultant registrations and disclosures (local law)
- Voter Handbook Disclosures (state and local law)
- Lobbyist registrations and disclosures (local law similar to state law)
- Disclosure of contracts approved and signed (local law)

Public Entity Disclosures

- Open public meetings that follow a stipulated format (Sunshine Ordinance and state law)
- Release of public records upon request (Sunshine Ordinance and state law)
- Sources of Outside Funding (Sunshine Ordinance)
- Statements of Incompatible Activities (local law) prepared by departments and commissions.

Public Official Disclosures

- Statements of Economic Interests (Form 700)— required by state and local law —
- Gift disclosures by public officials and designated employees (state and local law)
- Gift of Travel disclosures by public officials and designated employees (state and local law)
- Public calendars of public officials (Sunshine Ordinance) (except members of the Board of Supervisors)
- Reporting of behested payments (state and local law)

⁵ In 2009, Mayor Gavin Newsom issued an Executive Directive promoting Open Data. In 2010, the Board of Supervisors expanded on the Directive with the passage of the City's Open Data Policy (Ordinance 293-10), codified in San Francisco's Administrative Code § 22D.

⁶ <https://data.sfgov.org/>

⁷ Groups such as Code For America might help to generate open source applications to analyze these data sets.

Ethics in the City: Promise, Practice or Pretense

- Lobbyist On Behalf Of City disclosures (Sunshine Ordinance)
- Waivers of post-public employment restrictions by the Ethics Commission
- Annual certification of training in ethics and public disclosure (state and local law)

Campaign Reporting

The political campaign cycle barely pauses between elections. As term limits have taken effect, elected officials often aim for other offices but are not yet declared candidates subject to filing requirements. Groups interested in affecting City government action work continuously, adjusting their approach to the political season—sometimes campaign contributions, sometimes gifts and event tickets and travel, sometimes behested payments, and so on. The lines between campaigns, public relations, lobbying, and potential conflicts of interest have become blurred.

San Francisco's laws mirror state laws in most significant respects. The City law expresses concerns about "the appearance that elected officials may be unduly influenced by contributors who support their campaigns or oppose their opponents' campaigns."⁸ Other stated purposes of the campaign finance law include assisting voters to make informed decisions and helping to restore public trust through mandated disclosures.

Campaign-related Committees

Elected officials, and those who want to be elected officials, operate their campaigns through candidate campaign committees. Candidate committees must disclose campaign contributions, campaign mailers and advertisements, expenditures and other campaign activities, as well as limitations and bans on certain contributions — no contributions over \$500 (local law); no contributions from City contractors (local law).

Other types of committees are regulated differently by state and local laws, and file their information locally with the Ethics Commission. These include independent committees supporting candidates; ballot proposition committees; and general-purpose committees. Some of these committees can promote a candidate's activities when playing different roles, such as advocating a ballot proposition.

Campaign Consultants

Campaign consultant registration is required by Proposition G, an ordinance passed by the voters in 1997. It requires campaign consultants to register with the Ethics Commission, to provide information on each client, on political contributions made by or delivered by the campaign consultant or where the consultant acted as the intermediary, and on any gifts given or promised by the consultant to a local office holder.

Voter Handbook Disclosures

The Voter Handbook notes the source of funds for each paid argument. The official wording and explanations undergo a public comment process.

⁸ See Purpose and Intent of the Campaign Finance law - § 1.100 of the Campaign and Governmental Conduct Code.

Ethics in the City: Promise, Practice or Pretense

Lobbyists

Lobbyists are required to register and to report their contacts, their clients and their payments both promised and made. This registration and disclosure requirement is intended "to reveal information about lobbyists' efforts to influence decision-making".⁹

Disclosure of Signed Contracts

Each city elective officer who approves a contract that has a value of \$50,000 or more in a fiscal year files a disclosure form with the Ethics Commission within five business days of approval.¹⁰ This requirement applies if the contract is approved by the City elective officer, any board on which the City elective officer serves, or the board of any state agency on which an appointee of the City elective officer serves. The section that requires the filing of this information also bars City elective officers from taking contributions from a contractor beginning from the time negotiations commence until six months after the contract is signed.

Completed contract approval forms are posted on the Ethics Commission web site.¹¹

Public Entity Disclosures

Public Meetings

San Francisco mandates that City government operate openly and with transparency in decision making. This includes open meetings noticed in advance, open access to documents to be presented at meetings, and public comment before action by City decision-makers.

Public Records

To the extent that reports are filed and become publicly available, the public benefits from the transparency provided. The public benefit can be increased dramatically by increasing accessibility to reports. If reports are audited for accuracy and completeness, the public can have greater confidence in the information provided.

Many of the reports have filing schedules. It is a fairly simple matter to determine whether someone has filed a report on time. The difficulty comes in determining whether the content of the report is accurate and complete and in determining whether everybody who should file a report has done so.

In all cases, there are deadlines for making information publicly available and, in the case of government documents, the deadline is a standard of 24-hour release of documents unless an exception is cited.

Sources of Outside Funding (Sunshine Ordinance)

There are many "Friends Of" groups associated with departments. Departments are required to post on their websites the names of anyone who donates \$100 or more to assist their operations,

⁹ See Findings on Lobby Law - § 2.100 of the Campaign and Governmental Conduct (Derivation: Former Administrative Code § 16.520; added by Ord. 19-99, App. 2/19/99)

¹⁰ Required by C&GCC § 1.126; the form is SFEC-126

¹¹ <http://www.sfethics.org/ethics/2009/05/contracts.html>

Ethics in the City: Promise, Practice or Pretense

along with a statement of any financial interest involving the City the donor might have. If the donation comes from an organization, their members must be disclosed.¹²

Statements of Incompatible Activity

C&GCC (Campaign & Governmental Conduct Code)§ 3.216 prohibits officers or employees from engaging in activities incompatible with their position, such as being an officer of a group being funded by the Department. Each department develops its own Statement of Incompatible Activities filed with, and approved by, the Ethics Commission. No Statement of Incompatible Activities becomes operative until the meet and confer requirements of State law and the collective bargaining agreements are satisfied.

Each Department provides its Statement of Incompatible Activities to its officers and employees each year.

Approved departmental Statements of Incompatible Activities are posted online on the Ethics Commission web site.¹³

Public Officials' Disclosures

Form 700 – Statement of Economic Interests

State law requires San Francisco office holders and key employees to disclose their financial interests annually. This year marks the first year of electronic filing. Filings also are required after entering office, either appointed or elected, and after leaving office.

Only elected officials and key officeholders file these reports at the Ethics Commission, who places them on their web site. Other officials who are required to file disclosures because of their role in awarding contracts, permits and other actions that provide financial benefits file their reports with an official at the Department level.

Gift Disclosure

The current overall gift limit in state law is currently \$440/year from a source reportable on Form 700, and will soon be reduced to \$200 per year.¹⁴ Gifts, other than gifts of travel, are reported on Form 700.¹⁵

Gift of Travel Disclosures

San Francisco keeps to the state standard for gifts of travel, although it could enact greater disclosure. Currently, only persons or entities that contributed \$500 or more are disclosed. The amount over \$500 is not specified. It also includes only those contributions for travel outside of California.

City contractors and developers seeking City Hall approvals may make a gift to pay for the travel

¹² See § 67.29-6 of the Sunshine Ordinance

¹³ <http://www.sfethics.org/ethics/2009/05/statements-of-incompatible-activities.html>

¹⁴ See § 3.214 of the Campaign and Governmental Conduct Code

¹⁵ see <http://www.sfethics.org/ethics/2013/01/summary-of-gift-rules-march-2013.html>

Ethics in the City: Promise, Practice or Pretense

of City officials without disclosing how much they have given.

Appendix 3 has examples of actual filings with both the pre-trip and post-trip filing.

Public Calendars

When the voters amended the Sunshine Ordinance, they required City officials to maintain a daily calendar that lists meetings, both in the office and outside City Hall when conducting City business. The calendar requirement includes the names of those who attended, and the date of the meeting. If the meeting is not publicly recorded, the calendar entry shall include a general statement of issues discussed.¹⁶

Behested Payments

California law allows elected officials to request contributions for nonprofit agencies or governmental purposes with no restrictions on the amount or source of the contribution. The officeholder is responsible for filing a disclosure of the "behest payment" with the FPPC or its designee, in this case the Ethics Commission.

Reports are posted on the Ethics Commission website.¹⁷

Lobbyists on Behalf of City

Lobbyists on Behalf of the City are a different category of lobbyists. They are retained by the City or its agencies to lobby other units of government, such as the state or federal government. The Sunshine Ordinance, not the Lobbyist Ordinance, requires their reports. The reports are posted on the Ethics Commission website.¹⁸

Waivers Of Post-Public Employment Restrictions

Prior to 2003, there was a two-year ban on representing a private interest before one's agency after public service, along with similar limitations on former Supervisors.

Now there is a one-year ban in most circumstances and a permanent ban on "switching sides". As part of 2003 Proposition E, this restriction moved from the Charter to ordinance and was modified, taking some variations from state law. City officers and employees are also barred from being employed by a contractor if that former employee was involved in the contract award. In a change, the Ethics Commission was empowered to grant waivers if they made certain findings—that the waiver would not "create the potential for undue influence or unfair advantage" or that "imposing the restriction would cause extreme hardship for the City officer or employee."¹⁹

A listing of post-employment waiver requests is posted on the Ethics Commission web site.²⁰

¹⁶ See full text of § 67.29.5 of the Administrative Code

¹⁷ <http://www.sfethics.org/ethics/2012/05/payments-made-at-the-behest-of-an-elected-officer.html>

¹⁸ <http://www.sfethics.org/ethics/Lobbyists-on-Behalf-of-the-City/>

¹⁹ See § 3.234 of the San Francisco Campaign and Governmental Conduct Code.

²⁰ <http://www.sfethics.org/ethics/2011/03/post-employment-restriction-waivers.html>

Ethics in the City: Promise, Practice or Pretense

Certification Of Training

The Ethics Commission is responsible for annual training seminars for top-level officials including elected officers and commissioners. This training reinforces the importance of compliance and informs officials of any changes in the laws relating to conflicts of interest, lobbying, governmental ethics, open meetings, and public records.²¹

San Francisco City workers and appointees sign statements that they received training on sunshine and ethical requirements. Campaign treasurers and lobbyists sign that they received training on the requirements of the campaigning and lobbying ordinances. This mirrors training required at the state level.

Enforcement

The linchpins of San Francisco's ethics enforcement policies rests on public disclosure of the flow of money to City decision-makers (either through gifts, contributions, or holding investments) restricting some sources in an effort to curb pay-to-play politics where financial benefits to officials result in financial benefits to the donor or contributor, and enforcement when violations occur.

When it comes to official ethical misconduct (public corruption), federal, state, and local investigators and prosecutors can and do step in. Matters like bribery, self-dealing, misuse of public funds, and other conflicts of interest are typical subjects for prosecution.²²

Ethical areas on the edge of the criminal sphere - misdemeanor level - often do not have clean lines drawn between proper and improper conduct. Gray areas in laws make prosecutions difficult because the elements of a crime must be clear so the defendant "knew" he or she was violating the law. In recent years here in San Francisco, cases have been dismissed because the laws under which the defendant was charged were found to be vaguely written, failing to clearly define the prohibited conduct.

There are four potential levels of enforcement of the campaign finance, lobbying, ethics and conflict of interest laws in San Francisco:

- Criminal sanctions can only be enforced by the District Attorney. If a person "knowingly or willfully" violates any conflict of interest or governmental ethics laws, s/he is guilty of a misdemeanor and if convicted, is subject to a fine and/or imprisonment. False filings are deemed perjury, which is a felony. The District Attorney must bring any such action.
- The City Attorney can seek civil court sanctions. If a person "intentionally or negligently" violates any conflict of interest or governmental ethics laws, s/he is liable in a civil action and is subject to a fine. The City Attorney must bring any such action.

²¹ City Charter appendix C C3.699-11 Duties (14(b))

²² Voter fraud comes under the purview of the California Secretary of State and the Department of Elections in San Francisco.

Ethics in the City: Promise, Practice or Pretense

- Administrative sanctions are brought by the Ethics Commission. If a person violates any conflict of interest or governmental ethics laws, s/he is liable in an administrative proceeding before the Ethics Commission. There may be fines and/or letters of warning.
- Discipline for public employees is through their departments, or removal of elected and other high-ranking officials by action of the Mayor, the Ethics Commission and the Board of Supervisors.

Of the key laws, San Francisco's Campaign & Governmental Conduct Code (C&GCC) has all types of possible enforcement action. In addition, the Sunshine Ordinance Task Force is authorized to make a finding that the ordinance was violated but the enforcement of their finding is referred to Ethics and the District Attorney.

The Ethics Commission also has responsibility for considering the removal of specified public officials from office if the Mayor suspends them.²³

Enforcement for Most Cases Moved to The FPPC

Many cases currently can be prosecuted both by the FPPC and by the Ethics Commission because City laws are based on state law.

With Form 700 filings, the Ethics Commission is the local filing agent but can only assess \$10 per day of late filing fees, so it has handed off those cases to the FPPC for enforcement. In 2013, nearly a dozen City officials stipulated that they violated this law in settlements with the FPPC.

Finding 1a: The Ethics Commission lacks resources to handle major enforcement cases. These include, for example, cases alleging misconduct, conflict of interest, violating campaign finance and lobbying laws, and violating post-employment restrictions.

Finding 1b: The Ethics Commission has only two investigators.

Finding 1c: The confidentiality required of Ethics Commission investigations runs counter to the Commission's other duties to make information more public and to increase the transparency of government.

Finding 1d: The District Attorney, City Attorney and the Fair Political Practices Commission have more substantial investigative staffs.

Finding 1e: The Fair Political Practices Commission has been very active in bringing enforcement actions, and handles enforcement for some local units of California government.

²³ Only the Mayor has the authority to act in cases of misconduct or violation of city laws by city commissioners appointed by the mayor and, at this point, the Mayor has stated that he does not have a policy on disciplining offenders but decides on a "...case by case basis." see testimony at: http://sanfrancisco.granicus.com/TranscriptViewer.php?view_id=142&clip_id=15510

Ethics in the City: Promise, Practice or Pretense

Finding 1f: Enforcement is best handled outside of the environment of political partisanship and preferences.

Recommendation 1: The Jury recommends a contract with the Fair Political Practices Commission for at least a two-year pilot basis to enforce both state and related San Francisco law violations.

Administrative Penalties

The Commission staff is tasked with monitoring most of the election cycle filings disclosures and auditing individual candidates and committees. This area has grown in complexity since the inception of the Commission.

As outlined in the 2010-2011 Grand Jury Report on the Ethics Commission, the system for imposing fines and penalties upon individuals and Committees appeared arbitrary and deficient. There were enormous differences in fines assessed in similar cases and often huge differences between the fines initially proposed and those assessed at final settlement.

Arbitrary enforcement creates the impression that the penalty is tied to the status of the alleged violator rather than to the violation itself. In some cases, low-level penalties have been levied against high-ranking City appointees while citizen activists have faced enforcement penalties significantly higher for lesser offenses.

In July 2013, the Commission adopted policies to establish fixed penalties for certain campaign finance violations.²⁴

Forfeitures

Forfeitures are potential penalties for certain campaign finance violations - the wrongful money received is to be paid directly over to the City through the Ethics Commission unless reduced or waived by the Commission. Circumstances that would result in forfeitures include:

- §1.114(e)—Taking money into campaign account if contributor crosses \$100 threshold without disclosures.
- §1.114(f)—Exceeding campaign contribution limits
- §1.126(d)—receiving contributions from City contractors, their officers or board members (applies only to sitting officeholders receiving contributions).
- §1.126 (a) and (b)—Receiving funds that originate from an improper donor. such as a corporation or an individual "maxed out", but are "laundered" through others.

The Jury notes the new policies for fixed penalties call for forfeiture in the case of §1.114 violations.

Finding 2: In some instances, improper campaign contributions were returned to the contributor rather than forfeited to the City as required by City law. The Jury found no record of the Commission acting to waive or reduce the forfeiture.

²⁴ <http://www.sfethics.org/ethics/2013/07/ethics-commission-policies-re-fixed-penalties-for-violations-of-certain-cfro-sections.html>

Ethics in the City: Promise, Practice or Pretense

Recommendation 2: The Board of Supervisors should request an independent audit by the City Attorney to determine whether prohibited contributions were forfeited to the City as required by law.

Citizen's Right Of Action

San Francisco law recognizes a Citizen's Right of Action to require that the law be enforced in over a dozen different circumstances, ranging from environmental protections to housing code violations. Proposition J in 2000 could be enforced by citizen suit but was repealed three years later as part of voter approved "ethics reform."²⁵

At the state level, the Political Reform Act provides a Private Right of Action both for injunctions and for civil penalties. Injunctions can be sought directly and actions for civil penalties can be brought after government lawyers have declined the case.²⁶ The Public Records Act allows any person to bring action for release of records.²⁷

The Sunshine Ordinance allows any person to bring a civil action to enforce it, especially for release of records.²⁸

Residents can bring a civil action on behalf of the people of San Francisco to enjoin violations of or compel compliance with a conflict of interest or governmental ethics law, provided the City Attorney has declined to bring an action.

Finding 3: A broader Citizen's Right of Action to enforce ethics laws will provide assurance to the public that the laws will be enforced.

Recommendation 3: The Jury recommends that the Ethics Commission and the Board of Supervisors act to enhance the Citizen's Right of Action to enforce all of the City's ethics laws, with an award of attorney fees and a share of any penalties going to the City for a successful filer, as was provided by Proposition J.

Whistleblower Program

The Jury finds that an important aspect of accountability and anti-corruption standards is a strong whistleblower program with protections against retaliation. The Jury finds that San Francisco currently lacks such a strong program, including protection against retaliation and public disclosure of actions taken based on whistleblower information. The current protections fail to cover contractors working on City-funded projects.

The Jury recommends that the whistleblower program, its current provisions and its implementation be an issue for a future Civil Grand Jury.²⁹

²⁵ See discussion as part of the Proposition J review on p. 30 supra.

²⁶ See §91003 regarding injunctions. §§91004-91007 on civil actions, which cannot be brought for as much as 120 days while government lawyers consider whether or not to take the case. 90% of any monies recovered would go to the state; 10% to the citizen, plus attorney fees.

²⁷ Government Code §6258

²⁸ §§67.21(f), 67.35(a) and 67.35(d) of the Sunshine Ordinance

²⁹ We note this has been previously examined by Civil Grand Juries, most recently in 2010-2011 with their report: "Whistling In The Dark: The San Francisco Whistleblower Program"

Recommended Systemic and Structural Changes

Transparency

This Jury looks to the Ethics Commission as the entity who carries the primary responsibility for ensuring the public has thorough access to information. As noted previously, the Ethics Commission has primary responsibility to receive and publish the mandated public disclosures by campaigns, public entities, and public officials under the C&GCC. It also has enforcement responsibility under the Sunshine Ordinance.

Ethics Commission Staff deserves credit for moving the vast majority of the campaign forms from paper to paperless which allows the information to be published quickly on the Commission website. This applies to candidate filings as well as to many ballot measure and independent committee filings.

The Jury recommends improving public access to open records on the Ethics Commission's Web site.

Finding 4: Some information currently reported and posted is not put into the standard searchable electronic format. The Jury specifically finds that contract approval forms, Form 700 forms, behested payments forms, and Lobbyists On Behalf Of The City forms can be converted to a searchable format before they are posted.

Recommendation 4: That contract approval forms be converted to a format which allows searches by the name of the official, by the name of the contractor, the value of contracts and the date the contract was signed. Behested payments information should be filed electronically in a format that allows for searches and data aggregation. Form 700s should be formatted to allow data to be searched on income sources, outside employment, gift sources and travel.

Finding 5: Required filings are treated independently and cannot easily be cross searched electronically using common data reference fields like name and organization to access and aggregate information types, such as dollar amounts, that cross between filings.³⁰

Recommendation 5: The Ethics Commission work to develop a common format database for data posted to DataSF, initially aiming to combine campaign, lobbying and Form 700 data.

³⁰ Voters seeking to follow these money trails will have little help from the current system of electronic filing. Under the current system, each report is filed under the name of one committee and each committee report is then filed separately by the date of the filing. There is no system that ties all the reports into a single database that can be easily searched or that can easily provide a total of all contributions to a single individual. It is possible to enter the name of a donor or vendor, but the system then lists each document involving that individual or entity separately.

Campaign Related Disclosures

With respect to elected officials, there is a broad range of disclosures required for campaign contributions (state and local law), campaign spending (state and local law) and, a variety of campaign related actions, as well as limitations and bans on certain contributions; no contributions over \$500 (local law); no contributions from City contractors (local law).

These disclosures, rules and restrictions primarily apply to committees formed by a candidate for their own election for local office (not state party offices, etc.). In 2011 and 2012, committees emerged that upend existing practices.

Finding 6a: City officials, both those in elective office and political appointees, may create separate committees to raise funds and campaign for political party office such as the Party Central Committees, as well as separate committees to raise funds and campaign for ballot measures or to contribute to other candidate. There are no limits on contributions to these committees.

Finding 6b: If candidates seek election to local political party committees during the same election cycle while also seeking election to an official City position, including supervisor, candidate committee rules do not apply. Thus while being limited to a \$500 cap in a City contest (or even an outright prohibition on contributions), donors may contribute additional funds through the back door of a political party contest.³¹

Candidates also face no restrictions on how they spend funds on a political party race and may legally choose to spend the entire amount only in the district where they are contesting for a City office, thus reaching deeper and more frequently to the voters who will decide on the City contest.

Finding 6c: The rise of major donors, and the potential for further influence following the recent U.S. Supreme Court decisions³² may well influence elections far beyond what political party affiliation has historically done.

Finding 6d: Corporations may not contribute directly to a candidate for City office but may instead contribute to a business association that contributes to a candidate, or to a nonprofit that spends on behalf of a candidate, or to another committee controlled by the candidate or officeholder, or through an independent expenditure committee.³³

Finding 6e: Corporate money is being funneled into local campaigns through a web of nonprofit organizations. The Jury cannot determine whether the main effect is to hide the true source of contributions or if this shields illegal contributions from disclosure. The Ethics Commission has not discussed a disclosure strategy to make this information

³¹ In looking through filings with the FPPC, the Jury found that in 2012 more than \$444,000 was contributed to Democratic County Central Committee candidates.

³² see *McCutcheon v Federal Election Commission* 572 U. S. ____ (2014), *Citizens United v Federal Election Commission* 558 US 310 (2010), *Federal Election Commission v Wisconsin Right to Life* 551 US 449 (2007)

³³ In the 2010 campaign for supervisor, these independent expenditure committees raised and spent \$1.3 million outpacing the spending by the candidates themselves.

Ethics in the City: Promise, Practice or Pretense

public.

Recommendation 6a: The Commission should proactively look at ways to track back 501(c) (3) &(4) money to real donors before the start of campaigns where this kind of money will be important; its true source should be identified.

Recommendation 6b: The Commission should propose ordinance amendments to require disclaimers in mailings, ads, door hangers and other voter outreach materials funded by committees whose individual donors are not identified to the satisfaction of a reasonable person which states, “this is paid for by (insert organization name) funded by anonymous donors in this campaign cycle”.

Finding 7: The Ethics Commission provides written information only in English although San Francisco has strong political participation from communities and officials whose first language is not English and who require guides and educational materials relevant to their needs.

Recommendation 7: The Ethics Commission should make guides and educational materials available in the major languages as is done in other City Departments.

Lobbyist registrations and disclosures

In 2013, registered lobbyists reported to the Ethics Commission that their clients paid them over \$5.8 million.³⁴

City law does not prohibit contributions from lobbyists to the officials they lobby, unlike state law. In 2013, about \$135,000 was contributed to candidates from registered lobbyists.³⁵

The lobbyist law itself excludes from “contacts” 17 categories that do not have to be publicly disclosed.³⁶ This limits the number of people required to register as lobbyists, rightfully excluding many people with limited contacts, but also excluding some people actively involved in influencing decision-making and reducing both the number of contacts reported and the amounts of money spent influencing decision-making.

In 2010, the Board accepted amendments drafted by the Ethics Commission that had the effect of eliminating some lobbyists from disclosing their spending and contacts—so-called “expenditure lobbyists.” Among those who are no longer required to make disclosures is the San Francisco Chamber of Commerce.

Finding 8: The current definition of “lobbyist” and “contacts” does not provide the public with sufficient information to understand how City Hall decisions are influenced despite the intent of the law.

³⁴ See <https://netfile.com/Sunlight/sf/Lobbyist/PaymentsPromisedSearch>

³⁵ see: <https://netfile.com/Sunlight/sf/Lobbyist/PoliticalContributionsSearch>

³⁶ The exclusions are listed at § 2.105(d)(1) of the Campaign and Governmental Conduct Code and include providing information at the request of an elected official, communicating regarding an existing contract including questions on performance, or negotiating the terms of the contract after being selected to enter into the contract.

Ethics in the City: Promise, Practice or Pretense

Recommendation 8: The lobbyist ordinance should be reviewed and amended to provide clearer public disclosure of contacts with City officials regarding the interests of clients, and who should be required to register and make disclosures.

Finding 9: The effort to influence City Hall decisions is not limited to contacts with City officials but also includes outreach to community, political and nonprofit organizations as well as to the general public through television ads, mailers, robocalls, polling, and other strategies. In 2010 the Ethics Commission proposal was approved by the Board to eliminate reporting on these expenditures

Recommendation 9: The requirement for disclosure of all expenditures aimed at influencing City Hall decisions should be reinstated in the law with full public disclosure.

Finding 10: People holding themselves out as "strategic advisors" provide advice on ways to influence City decision-making.

Recommendation 10: Work of "strategic advisors" that provide guidance on winning approvals from City officials and/or the public should be reviewed by the Ethics Commission for possible inclusion in the lobbyist registration and/or campaign consultant law.

Public Entity Disclosures

Open public meetings

When considering the number of public meetings held by San Francisco Boards, Commissions and other public bodies each year, the numbers of complaints are few. This Jury finds that meeting public meeting requirements have become routine and have become part of the San Francisco government culture.

Release of public records

When considering the number of public records requests received and fulfilled each year, the number of complaints are few. This Jury finds that releasing public records has become routine and has become part of the San Francisco government culture.

The recent move to providing electronic copies of documents to requestors is positive, yielding efficiencies to both the requestor and to the disclosing agency.

Technological change has reshaped the world of public meetings and public records. Public meetings are frequently televised and are available for streaming on-line. The members of public bodies are often communicating during the meetings on their computers and telephones. The papers, discussions and public meetings that once documented a decision's "paper trail" now include e-mail, text messages, phone calls and electronic file transfers. Drafts of legislation will often zip around the Internet to be edited by lobbyists and other interests without transparency. Although the Sunshine Ordinance calls for it, the Jury learned that the City has no policy on retaining or disclosing text messages or emails and has no plan to address the increasing intermixture of business and personal communications through multiple e-mail accounts and multiple telephones.

Ethics in the City: Promise, Practice or Pretense

Finding 11: The role of e-mail and text messages in governmental decision-making has not been fully discussed and explored. Rules on preservation of e-mails in public records are very hazy and some departmental officials told the Jury they routinely delete e-mail. Guidance from the City Attorney on preservation of e-mail is non-specific.³⁷ There is no guidance regarding text messages. There is no policy that applies to private e-mails and text messages that further public decision-making.

Recommendation 11: The Ethics Commission in conjunction with the City Attorney should develop a policy to ensure preservation of e-mails and text messages consistent with preservation of other public records. The policy, along with policies on preservation of public records, should be made available for public comment. Once it is completed and published it should be made available on City Attorney and Ethics Commission web pages that lists each Department, its policy, and how to obtain documents.

Sources of Outside Funding (Sunshine Ordinance)

Many San Francisco's departmental operations benefit from special grants or gifts. It might be a behest contribution requested by a City officeholder, or it might come from an organization formed to support the department's work. Departments are required to post on their websites the names of anyone who donates \$100 or more to assist their operations, along with a statement of any financial interest involving the City the donor might have. If the donation comes from an organization, its members must be disclosed.³⁸

Finding 12: Many departments have failed to post their sources of outside funding, as required by the Sunshine Ordinance.

Recommendation 12: The Jury recommends that the Ethics Commission and the Sunshine Ordinance Task Force review departmental web sites for compliance and notify non-compliant departments to immediately post their sources of outside funding, or face a show-cause before the Ethics Commission on why the information has not been posted.

Statements of Incompatible Activities

Only Department heads can discipline a Department level official for violating ethical standards, and under current practice, the public is not informed of any sanctions for unethical conduct. Other penalties, such as fines, can be imposed by other enforcement agencies and are made public.

³⁷ Good Government Guide: An Overview of the Laws Governing the Conduct of Public Officials 2010-2011 Edition (downloaded from: <http://www.sfcityattorney.org/Modules/ShowDocument.aspx?documentid=686>) On one hand, it says e-mails are public records, under the public records act (see pp.80); on the other hand, it narrowly defines records that must be retained — "For example, as a general rule, employees may immediately dispose of phone message slips, notes of meetings, research notes prepared for the personal use of the employee creating them, and the large majority of e-mail communications." p. 103 But the Sunshine Ordinance specifically requires the Mayor and Department Heads to maintain and preserve e-mails in a professional and businesslike manner. §67.29-7(a) Also note: The City Attorney has not updated the Good Government Guide, a primer used by city departments and officials, since 2011. The Guide therefore does not contain guidance on current requirements.

³⁸ See § 67.29-6. Sources Of Outside Funding. (Sunshine Ordinance)

Ethics in the City: Promise, Practice or Pretense

Finding 13: When violations of the standards in a departmental Statements of Incompatible Activities are enforced departmentally as a disciplinary matter, the Ethics Commission is not notified and the discipline is not disclosed to the public.

Recommendation 13: All violations of departmental Statements of Incompatible Activities should be disclosed to the Ethics Commission and posted on the Commission's web site.³⁹

Public Official Disclosures

Form 700 - Statements of Economic Interests

Annual filing of Form 700 is required by state and local law. This year marks the first year of electronic filing. Filings also are required after entering office, either appointed or elected, and upon leaving office. This year, staff started reminding late filers of missed deadlines by mail and by phone, increasing compliance markedly.

The state Fair Political Practices Commission ultimately imposes much more substantial penalties on non-filers than are available for the Ethics Commission direct enforcement, so much of the enforcement is handled at the state level.

Finding 14: The Ethics Commission has increased compliance by notifying any employee who fails to file Form 700 within 30 days after the deadline that he or she must file or face potential penalties.

Recommendation 14a: The Ethics Commission should continue to routinely notify all non-filers of their obligation within 30 days of the state filing deadline.

Recommendation 14b: The Ethics Commission should recommend dismissal for any officer or employee who fails to file 90 days after the deadline.

Recommendation 14c: The Ethics Commission should recommend dismissal for any officer or employee who files a Statement of Economic Interest (Form 700) that is inaccurate and relevant to the position they hold.

Recommendation 14d: Now that all Form 700 filers file electronically, the Ethics Commission should require that all Form 700s be filed with them as well as with the Department filing officer.

Finding 15: The disclosures in Form 700 filings also may reveal violations of San Francisco laws that are enforced locally. This includes compensated advocacy before other commissions and arrangements that violate the locally adopted and enacted Statements of Incompatible Activities for each department.

Recommendation 15: The Ethics Commission should audit and act on violations disclosed through Form 700 filings of local prohibitions such as compensated advocacy

³⁹ The Sunshine Ordinance specifically authorizes making public disclosure of employee misconduct – see Sec. 67.24(c)(7).

Ethics in the City: Promise, Practice or Pretense

and incompatible activities, and enforce these violations with strong action.

Gift of Travel disclosures

Finding 16: City officials travel expenses can be covered by gifts made by individuals, lobbyists, business associations, corporations or any other source, including those with financial interests in matters to be decided by the official. The public disclosure is limited to a list of donors or donor organizations contributing \$500 or more, but without specifying the total amount of the gift. Additionally, a significant amount of travel expenses are paid through organizations that do not disclose the names of the original donors.

Recommendation 16: The Ethics Commission should require full disclosure of contributions or payments for official travel of City officials, including the actual amount contributed and the names of the original donors. The official should also disclose what official business was conducted, including meetings, who participated in the meetings, topics, speeches given, ceremonies attended and other information.

Public calendars of public officials (Sunshine Ordinance)

The Jury surveyed calendars from the Mayor, the District Attorney, the City Attorney, key department heads and other elected officials for a month during our service. While the Sunshine Ordinance does not require Supervisors to keep a calendar, nearly all of them provided copies.

Finding 17a: There is useful information in the calendars of City Officials that should be readily available to the public.

Finding 17b: The Jury found calendar entries that did not meet the law's requirements, particularly in listing the meeting's subject matter and attendee names. As a result, it is not possible to crosscheck lobbyists' reports on their meetings with City officials with the calendar reports from the City officials.

Finding 17c: The training currently provided on the Sunshine Ordinance contains no materials on the keeping of official calendars as required by the Ordinance.

Recommendation 17a: The Ethics Commission staff should collect the official calendars prepared under the Sunshine Ordinance monthly, convert them to electronic form and post them online.

Recommendation 17b: The City Attorney and the Ethics Commission ensure that those officials subject to the calendar requirement, and their administrative staff, be trained on the law's requirements.

Finding 18: The Board of Supervisors is not subject to this calendar requirement. Many members did provide their calendars upon request, and the information in their calendars will be helpful for public understanding of their work.

Recommendation 18: The Board of Supervisors should adopt a rule subjecting themselves to the public calendar requirement of the Sunshine Ordinance.

Ethics in the City: Promise, Practice or Pretense

Waivers of post-public employment restrictions by the Ethics Commission

In reviewing meeting minutes where post-public employment restriction waivers have been approved, the Jury did not find specific determinations of how the applicant's waiver would meet the conditions of the ordinance.

Finding 19: The public record will be better served if post-public employment restriction waivers are granted by Commission resolutions that indicate the specific grounds for granting the waiver. In at least one instance, the Ethics Commission inappropriately interpreted the "extreme hardship" standard to grant a post-public employment restriction waiver.

Recommendation 19: The Commission should grant or deny post-public employment restriction waiver applications by resolutions that indicate specifically how the decision meets the conditions of the ordinance.

Sunshine Ordinance Task Force and the Ethics Commission

The Ethics Commission and the Sunshine Ordinance Task Force have had a complicated relationship over the years rooted in the enforcement (and enforceability) of the Sunshine Ordinance. Decisions of the task force are not enforced by the Ethics Commission without further investigation.

The ultimate finding the Sunshine Ordinance Task Force can make is to find someone has committed "official misconduct."⁴⁰ This is an end point in their process since they lack authority to enforce their findings.

"Official misconduct" is defined in Charter provisions dealing with the Ethics Commission and its role in the removal of certain elected officials from office.⁴¹ Because of these consequences for the accused, due process protections should be observed.

Finding 20: Both the Ethics Commission and the Sunshine Ordinance Task Force act in good faith. They are authorized to come to similar ends—transparency in government. However, there are legal and procedural differences between their process and their legal requirements. Therefore, the results of their work are not in harmony with each other.

⁴⁰ 67.34. WILLFUL FAILURE SHALL BE OFFICIAL MISCONDUCT.

The willful failure of any elected official, department head, or other managerial city employee to discharge any duties imposed by the Sunshine Ordinance, the Brown Act or the Public Records Act shall be deemed official misconduct. Complaints involving allegations of willful violations of this ordinance, the Brown Act or the Public Records Act by elected officials or department heads of the City and County of San Francisco shall be handled by the Ethics Commission.

⁴¹ §(e) OFFICIAL MISCONDUCT. Official misconduct means any wrongful behavior by a public officer in relation to the duties of his or her office, willful in its character, including any failure, refusal or neglect of an officer to perform any duty enjoined on him or her by law, or conduct that falls below the standard of decency, good faith and right action impliedly required of all public officers and including any violation of a specific conflict of interest or governmental ethics law. When any City law provides that a violation of the law constitutes or is deemed official misconduct, the conduct is covered by this definition and may subject the person to discipline and/or removal from office.

Ethics in the City: Promise, Practice or Pretense

Recommendation 20a: The Mayor's Office should establish a blue-ribbon committee of experts and stakeholders in open government, sunshine, and transparency, including former Sunshine Task Force members. The Committee of Experts should review and update the Sunshine Ordinance as necessary and should report to both entities and the Board of Supervisors recommendations that would result in coordination and respect for the functions of each entity.

Recommendation 20b: For now, arrangements should be made jointly by the Ethics Commission and the Sunshine Ordinance Task Force to have complaints heard by an independent hearing officer who would develop a consistent legally sufficient record of the case for the decision of each body. This would allow the meetings of the Task Force and the Commission to focus on broader policy issues.

Ethics Commission Structure and Relation to Staff

An appointed Commission has general policy-making powers.⁴² A department head has responsibility for administering the department.⁴³

The Ethics Commission itself is established by §15.100 of the Charter which details the appointment process and establishes their ability to call witnesses. Charter §15.101 authorizes them to hire an Executive Director who "shall be the chief executive of the department and shall have all the powers provided for department heads." Article XV of the Charter goes on to delineate the rulemaking power of the Commission and to define its role in the process removing public officers from their positions.

Other duties of the "Ethics Commission" are enumerated in Appendix C of the Charter, especially in §C3.699-11, where administrative duties are mixed in with policy duties without any effort by the drafters to distinguish between the two. Because of this, there is no clear definition of the Commission as a policy body distinct from the Executive Director and staff that are charged administrative functions. Paragraph 6 seems to be the broadest statement of policy-making power for the Ethics Commission.⁴⁴

In any instance where the Commission may be called to adjudicate a matter investigated by the staff, it takes no part in the investigation and is not even told about the investigation until the matter comes before them. This highlights the differing roles of the Commission and the staff.

The Commission should have its own sense of duties and responsibilities that are separate and distinct from those of staff. Staff, especially the Executive Director, will be crucial to the Commission's work, but rather than being completely dependent for the information flow coming through the Executive Director, the Jury is recommending a practice that is evident throughout

⁴² See Charter §4.102(1)

⁴³ See Administrative Code §2A.30

⁴⁴ 6. To make recommendations to the mayor and the board of supervisors concerning (a) campaign finance reform, (b) adoption of and revisions to City ordinances laws related to conflict of interest and lobbying laws and governmental ethics and (c) the submission to the voters of charter amendments relating to campaign finance, conflicts of interest and governmental ethics. The commission shall report to the board of supervisors and mayor annually concerning the effectiveness of such laws. The commission shall transmit its first set of recommendations to the board of supervisors and mayor no later than July 1, 1995"

Ethics in the City: Promise, Practice or Pretense

the Commission structure in San Francisco. Most commissions appoint an Executive Secretary to manage their affairs and operations separate from the departmental staff.⁴⁵

The Jury has found that the vast majority of the information provided to the Ethics Commissioners for meetings comes from staff, which can create an appearance of impropriety if a decision seems rushed or is made with insufficient information.

A Commission Secretary would be responsible for the support functions for the Ethics Commissioners. This could include such duties as providing support to the Ethics Commissioners, serving as the recording secretary for their meetings/hearings, managing the administrative needs of the Ethics Commissioners including preparing, disseminating, and appropriately posting the Commissions' advanced calendars, hearings calendars, meeting packets, minutes, meeting/hearing results and actions, list and recording official acts of the Commissioners. It also would provide a direct information channel to the Commissioners separate from the Executive Director.

In most cases, Commission Secretaries provide a central point of contact for the Commission. The Secretary can support the public's engagement with the Commission by maintaining open and transparent communication with the public, ensuring the availability of material and information to the public, answering questions, responding sensitively to diverse and multicultural communities engaging in the Commissions' process; and ensuring appropriate decorum and public involvement at Commission hearings.

Finding 21a: The policy-making powers of the Ethics Commission are vested in the Commission itself, not in the Executive Director (absent express delegation by the Commission).

Finding 21b: The current structure where staff provides much of each Commission meeting's content creates the impression that the Commission is not an independent policy-making body.

Recommendation 21: The Board of Supervisors should provide the Commissioners an Executive Secretary separate from the existing Commission's employee base who will, among other duties, prepare the Commission's agendas, maintain minutes, lists of complaints, serve as a liaison for public input and interested persons meetings and assist a Commission member to be the parliamentarian.

Finding 22: While the Commission's Bylaws authorize committees, no committees have been established or meet. One result is that all matters requiring deliberation by the Commission are heard only once a month, in a process that can extend for many months and sometimes for years. If the Commission acts through its committee structure, issues can be explored and brought to the full Commission in a more developed state, thus providing a better basis for the Commission's actions.

Recommendation 22: The Commissioners should use their committee structure to focus

⁴⁵ Specifically authorized by § 4.102(9) of the Charter.

Ethics in the City: Promise, Practice or Pretense

on Ethics Commission issues. In the weeks between monthly meetings, each commissioner could take the lead on issues of concern to the Ethics Commission, such as developing policies on emerging campaign finance issues, transparency matters, complaint processing and training. This structure would allow for more interaction with the public and the regulated community.

The Charter specifies the City Attorney shall be the legal advisor of the Ethics Commission.⁴⁶ At times, the City Attorney has stepped aside from certain matters due to potential conflicts of interest. Routinely, the City Attorney advises the Commission on matters where other departments, also represented by the City Attorney, hold differing positions. This creates an appearance of impropriety.

Given the twenty year history of the City Attorney working with the Ethics Commission, it is appropriate for both parties to take a long dispassionate look at how these arrangement works and consider the possibility of having the Ethics Commission engage outside counsel. The Charter provides a case-by-case process for a department to seek outside counsel.⁴⁷ Perhaps this process can be adapted to fit this situation if the City Attorney and the Ethics Commission reach an agreement on representation.

Finding 23: While the Charter mandates the City Attorney represent the Ethics Commission, conflicts have arisen repeatedly and the Ethics Commission has had to obtain outside counsel. We find these instances of conflict are likely to continue and that the Commission is best represented by a consistent set of lawyers who are not City employees.

Recommendation 23: That the Ethics Commission apply to the City Attorney for permission to engage outside counsel for advice and recommendations.

Commission Performance And Staffing

The Jury is making recommendations that fundamentally reshape what the Ethics Commission does and how it goes about its tasks. Therefore, depending on which of our recommendations are accepted for implementation, the Ethics Commission budget, staffing, and performance needs to be reviewed to determine appropriate levels of staffing and budget resources. That review is beyond the scope of this report.

Interactions with ethics professionals from other jurisdictions can inform the Ethics Commission and its staff about emerging best practices for ethics professionals in government but no one has attended the Council on Governmental Ethics Laws meetings in recent years. The Jury hopes that representatives of the Commission can attend Council on Governmental Ethics Laws meetings again and report back to the Commission on what they learn.

A New Focus For Commission Activities

City Charter Appendix C3.699-11(6) states: "The commission shall report to the board of supervisors and Mayor annually concerning the effectiveness of such laws," referring to

⁴⁶ Charter §15.102

⁴⁷ See Charter §6.102

Ethics in the City: Promise, Practice or Pretense

campaign finance, conflicts of interest and governmental ethics laws. A City Attorney advice letter concluded that the Charter language did not specify whether meeting this requirement should be done in writing, orally or in another format, but it did not conclude that the requirement did not exist. This is a separate requirement from the Charter requirement that all City departments file an annual report.

Finding 24a: The Jury was unable to locate and the Ethics Commission was unable to provide copies of any reports or notes of oral presentations to the Mayor or to the Board of Supervisors as required in the Charter to report annually on the effectiveness of San Francisco's ethics laws.

Finding 24b: The Jury was unable to locate any reports that reviewed changes in laws aimed at transparency and ethical conduct adopted in other jurisdictions that might be relevant to San Francisco. The only references were to changes based on court decisions that lessened public disclosure and protections against the influence of money in politics, even when those decisions were not based on San Francisco cases.

It is important that laws adapt to changing circumstances. The requirement for the Ethics Commission to report annually to the Mayor and the Board of Supervisors on the effectiveness of the laws is necessary to address a constantly changing political environment and provides an opportunity to consider different ways to achieve the goals of the laws.

Finding 24c: The proper standard to judge the effectiveness of laws is to consider their ability to achieve the purposes set forth in each law when it was enacted.

The effectiveness of the lobby law would be how well it reveals information about lobbyists efforts to influence decision-making regarding local legislative and administrative matters. The effectiveness of the campaign finance laws should be judged on a variety of criteria including whether a full range of useful information is reported; whether limitations on contributions effectively limit contributions, whether such reporting assists voters in making informed decisions; whether the files can be efficiently reviewed and compared; and whether there is public trust in governmental and electoral institutions.

The effectiveness of a conflict of interest laws can be judged in part on public confidence in the integrity of government decision-making. The number and type of violations noted would be an indicator as would be the types of information revealed in the filings related to conflicts of interest—Form 700, gifts, employment restriction waiver requests.

Recommendation 24: The Mayor and the Board of Supervisors should request an annual written report from the Ethics Commission that meets the standards set out in the Charter for annual reviews of the effectiveness of the City's laws. This report should be posted on the Ethics Commission web site.

Throughout this report, we have catalogued information that is filed and publicly disclosed. There is a wide range of information that appears useful to the public. However, without at least some audit and review, the public cannot be confident of its accuracy, and the filers have little incentive to ensure the correctness of their filings.

Ethics in the City: Promise, Practice or Pretense

Finding 25a: Periodic reviews of filed information are essential to ensure its validity.

Finding 25b: The Ethics Commission has undertaken little to no monitoring and auditing of the content of Lobbyists, Campaign Consultants, Conflict of Interest and Governmental Ethics filings beyond fines for late filing of statements; nor have they actively monitored whether former City employees abide by the restrictions on dealing with their former departments.

Recommendation 25: The Ethics Commission should begin to focus staff resources on monitoring and auditing other items within the Ethics Commission jurisdiction unrelated to campaigns such as the following ordinances: Conflict of Interest, Governmental Ethics, The Lobbyist Ordinance, Campaign Consultant Ordinance, and the Sunshine Ordinance.

Information reported elsewhere can provide another layer of understanding to local reports. For example, the FPPC received filings for years on races for political party Central Committee slots that are now being filed locally, but the prior filings are relevant to understanding local politics as well. The FPPC receives campaign filings from incumbent San Francisco officeholders seeking state office, which shows their current campaign fundraising while making decisions that may be important to their contributors.

Other items might include reports on enforcement actions involving San Francisco officials and entities actively involved in San Francisco lobbying and campaigns or doing business with San Francisco; federal actions that debar or institute limited denial of participation in federal contracts resulting from federal investigations.

Finding 26: The Ethics Commission, though its staff, can catalog information reported elsewhere that is relevant for supplemental understanding of information currently reported locally. Links to this information would be a logical addition to the Ethics Commission web site.

Recommendation 26: The Ethics Commission should determine information reported elsewhere that is relevant for supplemental understanding of information currently reported locally, and provide links to it on the Ethics Commission web site, if it cannot be imported and posted.

The Jury found instances of Ethics Commission proposals to reduce protections against pay-to-play politics, reduce requirements for full disclosure of spending to influence City decisions, and relaxed standards regarding post-employment which did not explain how the proposal would further the purposes of the underlying law.⁴⁸

Finding 27: The Charter requires that proposals to amend campaign finance and ethics laws explain how the change will assist in furthering the purpose of the law. The Ethics Commission proposals have not included any statements showing that its proposals will

⁴⁸ For example, see the proposal from 2010 on contractor contributions discussed at the Oct 18, 2010 Ethics Commission meeting, and the memo with draft legislation at http://www.sfethics.org/files/memo_to_EC_re_proposed_changes_10.6.10_packet.pdf

Ethics in the City: Promise, Practice or Pretense

further the purposes of the law.

Recommendation 27: When a bill is proposed or passed to amend campaign finance and ethics laws, it should specify how it "further the purposes of this Chapter".⁴⁹

And finally, the Jury believes the appearance of impropriety may be even more corrosive to public trust in government than actual criminal wrongdoing. Why? Because actual wrongdoing can get prosecuted, while it seems that nothing is ever done about things that "just look bad."

The conflict of interest law stresses the importance of appearances. "Government decisions should be, and should appear to be, made on a fair and impartial basis."⁵⁰ This theme shows up repeatedly in the law, as well as in related case law.

Finding 28a: The Commission has not taken an active role in questioning the propriety of actions that skirt the edges of legality. This inquiry can feed into reports on the effectiveness of laws, and also remind public officials that they can be called to account for the appearance of impropriety.

Finding 28b: The general public needs an opportunity to talk to the Ethics Commission about their expectations and beliefs on ethical behavior of public officials. This initial discussion may help to highlight matters that appear to be improper.

Recommendation 28: That the Commission hold hearings, whether through their committees or in the full Commission, to ask the public to report matters that appear improper, then call the responsible officials before the Commission to account for and defend their actions.

Coda: Proposition J Case Study

How The Proposition J Law Changed to Lessen Ethical Protections

If you blinked, you missed this one. Passed in a landslide in 2000, it was quietly repealed three years later.

Proposition J was called "Taxpayer Protection."⁵¹ It regulated behavior of public officials, barring them from receiving a "personal or campaign advantage" (e.g. contributions, gifts, employment) from anyone who gained a "public benefit" by action of the public official. This prohibition continued for two years after the official left office. It barred campaign contributions, gifts, and potential employment in many instances.

No one stood against this proposition—there was no argument against it in the Voter's Guide and

⁴⁹ e.g. The state is required to do the same thing when amending the Political Reform Act. It makes a conclusory pro forma finding by inserting a section: "The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code." We would hope to see some actual findings.

⁵⁰ C&GCC §3.200(e)

⁵¹ Proposition J added Article XX to Chapter 16 of the Administrative Code. See Appendix Four for full text and ballot materials – Proposition J Handbook

Ethics in the City: Promise, Practice or Pretense

no paid arguments against it.

“Public benefit” was broadly defined, including contracts, land sales, leases, franchises, land use variances, and tax abatements or other tax variances not generally applicable. “Public official” was limited to “any elected or appointed official acting in an official capacity,” not civil servants, only elected and appointed officials.

The Proposition J Findings and Declarations spoke of tainted decision making and corruptive influences of donations in much stronger language than is used in other San Francisco laws.⁵²

Proposition J also provided a Citizen’s Right of Action against public officials who violated its terms if the City Attorney and the District Attorney declined to pursue a case. After payment of attorney fees, 90% of any monies recovered would go to San Francisco.

Proposition J paralleled other San Francisco laws, in some ways broader, in some ways narrower, and used different terminology. City law bans contractor campaign contributions from the time contract negotiations begin until six months after the contract is awarded is in effect. City law limits the ability of public officials and employees to take certain jobs after their government service—narrower than Proposition J for public officials covered by it, broader for other employees.

The Steps By Which Proposition J was Amended Out of Existence

Step 1: In 2000, via a citizen petition initiative, Proposition J was placed on the ballot. Voters overwhelmingly (83%) approved an ordinance that banned public officials from receiving contributions of any kind from persons who obtained benefits through a decision by that official.

⁵² Section 16.991. Findings and Declarations

(a) The people of the City and County of San Francisco (“City and County”) find that the use or disposition of public assets is often tainted by conflicts of interest among local public officials entrusted with their management and control. Such assets, including publicly owned real property, land use decisions conferring substantial private benefits, conferral of a franchise without competition, public purchases, taxation, and financing, should be arranged strictly on the merits for the benefit of the public, and irrespective of the separate personal or financial interests of involved public officials.

(b) The people find that public decisions to sell or lease property, to confer cable, trash hauling and other franchises, to award public construction or service contracts, or to utilize or dispose of other public assets, and to grant special land use or taxation exceptions have often been made with the expectation of, and subsequent receipt of, private benefits from those so assisted to involved public ‘decision makers’. The people further find that the sources of such corruptive influence include gifts and honoraria, future employment offers, and anticipated campaign contributions for public officials who are either elected or who later seek elective office. The trading of special favors or advantage in the management or disposal of public assets and in the making of major public purchases compromises the political process, undermines confidence in democratic institutions, deprives meritorious prospective private buyers, lessees, and sellers of fair opportunity, and deprives the public of its rightful enjoyment and effective use of public assets.

(c) Accordingly, the people declare that there is a compelling state interest in reducing the corruptive influence of emoluments, gifts, and prospective campaign contributions on the decisions of public officials in the management of public assets and franchises, and in the disposition of public funds. The people, who compensate public officials, expect and declare that as a condition of such public office, no gifts, promised employment, or campaign contributions shall be received from any substantial beneficiary of such a public decision for a reasonable period, as provided herein.

Ethics in the City: Promise, Practice or Pretense

Step 2: Although not designated in Proposition J, the Ethics Commission administered this proposition. In 2003, the Ethics Commission proposed repealing Proposition J at their April 2003 meeting as part of their effort to recodify conflict of interest laws out of the Charter, amending some of them and making non-voter amendments possible in the future—the effort that became Proposition E on the 2003 ballot.⁵³

Step 3: In 2003, voters approved Proposition E that recodified the ethics laws; however, it also had the undisclosed effect of deleting Proposition J language.

The City Attorney had codified Proposition J as Article 3, Chapter 7 of the C&GCC (§3.700 et seq) and it was repealed in a section of Proposition E of 2003—the ethics recodification entitled "Deletion of Ordinances regulating conflicts of interest and transfer of Charter sections regulating conflicts of interest into the Campaign and Governmental Conduct Code."

Proposition E started as a two part proposal from the Ethics Commission. One part had amendments to the Charter moving items into ordinance; the second part was a series of amendments to the conflict of interest ordinance. These two parts were merged into one proposal, and the Board of Supervisors made some changes during the process. The original Ethics Commission conflict of interest changes showed the Proposition J language being struck out; the redraft at the Board just repealed it by reference.

The deletion of Proposition J was noted in the Legislative Digest at the Board of Supervisors, saying "Other conflict of interest provisions included in this measure and an amendment to the Campaign Finance Reform Ordinance will accomplish some of the same goals by limiting gifts, future employment, and campaign contributions, but are more narrowly tailored to accomplishing these goals."

No mention of this was made in the Voter's Guide for the 2003 election, and we find no discussion of it during the campaign.

Thus, the concept of regulating public officials' relations with those who receive "public benefits" from them (Proposition J's intent) was totally eliminated from San Francisco law.

Finding 29: The Findings and Declarations of Proposition J clearly articulate many public concerns with role of money in politics and should be re-adopted, perhaps adapted to be part of the general conflict of interest law - Chapter 2 of Article III of the C&GCC.

Recommendation 29: That the Ethics Commission hold a hearing on "Proposition J Revisited" to consider how some of its concepts apply today and whether the "public

⁵³ From the Ethics Commission meeting minutes 4/14/2003:

(Staff) explained that Proposition J, which places limits on gifts, future employment and campaign contributions, and which is currently part of the C&GCC, is now redundant because the goals of Proposition J are either (a) already addressed in the proposed conflict of interest amendments, or (b) scheduled to be addressed by proposed amendments to be considered in Item VIII at tonight's meeting.

Motion 03-04-14-7 (Melbostad/Garcia): Moved, seconded, and unanimously passed (4-0): that the Commission adopt the proposed staff recommendation to delete Proposition J from the Campaign and Governmental Conduct Code.

Ethics in the City: Promise, Practice or Pretense

benefit" definition includes elements that should be incorporated into sections of the C&GCC⁵⁴, and specifically consider offering amendments to C&GCC which re-incorporate its Findings and Declarations into current San Francisco law, and to consider placing these amendments on the ballot.

⁵⁴ The Jury's examination of lobbying contacts for 2013 found that only a small fraction of lobbying involves city contracts while nine out of ten lobbyist contacts involve development projects which would be within the "public benefit" definition, and which fall outside the ban on contractor contributions

RESPONSE MATRIX

Findings	Recommendations	Response Required
<p><u>Finding 1a</u>: The Ethics Commission lacks resources to handle major enforcement cases. These include, for example, cases alleging misconduct, conflict of interest, violating campaign finance and lobbying laws, and violating post-employment restrictions.</p> <p><u>Finding 1b</u>: The Ethics Commission has only two investigators.</p> <p><u>Finding 1c</u>: The confidentiality required of Ethics Commission investigations runs counter to the Commission's other duties to make information more public and to increase the transparency of government.</p> <p><u>Finding 1d</u>: The District Attorney, City Attorney and the Fair Political Practices Commission have more substantial investigative staffs.</p> <p><u>Finding 1e</u>: The Fair Political Practices Commission has been very active in bringing enforcement actions, and handles enforcement for some local units of California government.</p> <p><u>Finding 1f</u>: Enforcement is best handled outside of the environment of political partisanship and preferences.</p>	<p><u>Recommendation 1</u>: The Jury recommends a contract with the Fair Political Practices Commission for at least a two-year pilot basis to enforce both state and related San Francisco law violations.</p>	<p>Ethics Commission Board of Supervisors City Attorney District Attorney</p>

Ethics in the City: Promise, Practice or Pretense

<p><u>Finding 2:</u> In some instances, improper campaign contributions were returned to the contributor rather than forfeited to the City as required by City law. The Jury found no record of the Commission acting to waive or reduce the forfeiture.</p>	<p><u>Recommendation 2:</u> The Board of Supervisors should request an independent audit by the City Attorney to determine whether prohibited contributions were forfeited to the City as required by law.</p>	<p>Board Of Supervisors City Attorney</p>
<p><u>Finding 3:</u> A broader citizen’s right of action to enforce ethics laws will provide assurance to the public that the laws will be enforced.</p>	<p><u>Recommendation 3:</u> The Jury recommends that the Ethics Commission and the Board of Supervisors act to enhance the Citizen’s Right of Action to enforce all of the City’s ethics laws, with an award of attorney fees and a share of any penalties going to the City for a successful filer, as was provided by Proposition J.</p>	<p>Ethics Commission City Attorney Board Of Supervisors</p>
<p><u>Finding 4:</u> Some information currently reported and posted is not put into the standard searchable electronic format. The Jury specifically finds that contract approval forms, Form 700 forms, behested payments forms, and Lobbyists On Behalf Of The City forms can be converted to a searchable format before they are posted.</p>	<p><u>Recommendation 4:</u> That contract approval forms be converted to a format which allows searches by the name of the official, by the name of the contractor, the value of contracts and the date the contract was signed. Behested payments information should be filed electronically in a format that allows for searches and data aggregation. Form 700s should be formatted to allow data to be searched on income sources, outside employment, gift sources and travel.</p>	<p>Ethics Commission Ethics Commission Executive Director Chief Data Officer</p>
<p><u>Finding 5:</u> Required filings are treated independently and cannot easily be cross searched electronically using common data reference fields like name and organization to access and aggregate information types, such as dollar amounts, that cross between filings.</p>	<p><u>Recommendation 5:</u> The Ethics Commission work to develop a common format database for data posted to DataSF, initially aiming to combine campaign, lobbying and Form 700 data.</p>	<p>Ethics Commission Ethics Commission Executive Director Chief Data Officer</p>

Ethics in the City: Promise, Practice or Pretense

<p><u>Finding 6a:</u> City officials, both those in elective office and political appointees, also may create separate committees to raise funds and campaign for political party office such as the Party Central Committees. There are no limits on contributions to these committees.</p> <p><u>Finding 6b:</u> If candidates seek election to local political party committees during the same election cycle while also seeking election to an official City position, including supervisor, candidate committee rules do not apply. Thus while being limited to a \$500 cap in a City contest (or even an outright prohibition on contributions), donors may contribute additional funds through the back door of a political party contest.</p> <p><u>Finding 6c:</u> The rise of major donors, and the potential for further influence following the recent U.S. Supreme Court decision, may well influence elections far beyond what political party affiliation has historically done.</p> <p><u>Finding 6d:</u> Corporations may not contribute directly to a candidate for City office but may instead contribute to a business association that contributes to a candidate, or to a nonprofit that spends on behalf of a candidate, or to another committee controlled by the candidate or officeholder, or through an independent expenditure committee.</p> <p><u>Finding 6e:</u> Corporate money is being funneled into local campaigns through a web of nonprofit organizations. The Jury cannot determine whether</p>	<p><u>Recommendation 6a:</u> The Ethics Commission should proactively look at ways to track back 501(c) (3) &(4) money to real donors before the start of campaigns where this kind of money will be important; its true source should be identified.</p> <p><u>Recommendation 6b:</u> The Ethics Commission should propose ordinance amendments to require disclaimers in mailings, ads, door hangers and other voter outreach materials funded by committees whose individual donors are not identified to the satisfaction of a reasonable person which state “this is paid for by (insert organization name) funded by anonymous donors in this campaign cycle.”</p>	<p>Ethics Commission</p>
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Ethics in the City: Promise, Practice or Pretense

<p>the main effect is to hide the true source of contributions or if this shields illegal contributions from disclosure. The Ethics Commission has not discussed a disclosure strategy to make this information public.</p>		
<p><u>Finding 7:</u> The Ethics Commission provides written information only in English although San Francisco has strong political participation from communities and officials whose first language is not English and who require guides and educational materials relevant to their needs.</p>	<p><u>Recommendation 7:</u> The Ethics Commission should make guides and educational materials available in the major languages as is done in other City Departments.</p>	<p>Ethics Commission Executive Director</p>
<p><u>Finding 8:</u> The current definition of “lobbyist” and “contacts” does not provide the public with sufficient information to understand who and how City Hall decisions are influenced despite the intent of the law.</p>	<p><u>Recommendation 8:</u> The lobbyist ordinance should be reviewed and amended to provide clearer public disclosure of contacts with City officials regarding the interests of clients, and who should be required to register and make disclosures.</p>	<p>Ethics Commission Board Of Supervisors</p>
<p><u>Finding 9:</u> The effort to influence City Hall decisions is not limited to contacts with City officials but also includes outreach to community, political and nonprofit organizations as well as to the general public through television ads, mailers, robocalls, polling and other strategies. In 2010 the Ethics Commission proposal was approved by the Board to eliminate reporting on these expenditures</p>	<p><u>Recommendation 9:</u> The requirement for disclosure of all expenditures aimed at influencing City Hall decisions should be reinstated in the law with full public disclosure.</p>	<p>Ethics Commission Board Of Supervisors</p>
<p><u>Finding 10:</u> People holding themselves out as "strategic advisors" provide advice on ways to influence City decision-making.</p>	<p><u>Recommendation 10:</u> Work of "strategic advisors" that provide guidance on winning approvals from City officials and/or the public should be reviewed by the Ethics Commission for possible inclusion in the</p>	<p>Ethics Commission</p>

Ethics in the City: Promise, Practice or Pretense

	lobbyist registration and/or campaign consultant law.	
<u>Finding 11:</u> The role of e-mail and text messages in governmental decision-making has not been fully discussed and explored. Rules on preservation of e-mails in public records are very hazy and some departmental officials told the Jury they routinely delete e-mail. Guidance from the City Attorney on preservation of e-mail is non-specific. There is no guidance regarding text messages. There is no policy that applies to private e-mails and text messages that further public decision-making.	<u>Recommendation 11:</u> The Ethics Commission in conjunction with the City Attorney should develop a policy to ensure preservation of e-mails and text messages consistent with preservation of other public records. The policy, along with policies on preservation of public records, should be made available for public comment. Once it is completed and published it should be made available on City Attorney and Ethics Commission web pages that lists each Department, its policy, and how to obtain documents.	City Attorney Ethics Commission Sunshine Ordinance Task Force Board Of Supervisors
<u>Finding 12:</u> Many departments have failed to post their sources of outside funding as required by the Sunshine Ordinance.	<u>Recommendation 12:</u> The Jury recommends that the Ethics Commission and the Sunshine Ordinance Task Force review departmental web sites for compliance and notify non-compliant departments to immediately post their sources of outside funding, or face a show-cause before the Ethics Commission on why the information has not been posted.	Ethics Commission Executive Director Sunshine Ordinance Task Force
<u>Finding 13:</u> When violations of the standards in a departmental Statements of Incompatible Activities are enforced departmentally as a disciplinary matter, the Ethics Commission is not notified and the discipline is not disclosed to the public.	<u>Recommendation 13:</u> All violations of departmental Statements of Incompatible Activities should be disclosed to the Ethics Commission and posted on the Commission's web site.	Ethics Commission Executive Director Ethics Commission
<u>Finding 14:</u> The Ethics Commission has increased compliance by notifying any employee who fails to file Form 700 within 30 days after the deadline that he or she must file or face potential penalties.	<u>Recommendation 14a:</u> The Ethics Commission should continue to routinely notify all non-filers of their obligation within 30 days of the state filing deadline. <u>Recommendation 14b:</u> The Ethics Commission should recommend dismissal for any officer or employee who	Ethics Commission Executive Director Ethics Commission

Ethics in the City: Promise, Practice or Pretense

	<p>fails to file by the 90 day deadline for referral to the Fair Political Practices Commission</p> <p><u>Recommendation 14c:</u> The Ethics Commission should recommend dismissal for any officer or employee who files a Statement of Economic Interest that is inaccurate and relevant to the position they hold.</p> <p><u>Recommendation 14d:</u> Now that all Form 700 filers file electronically, the Ethics Commission should propose that they be filed with them as well as with the Department filing officer.</p>	
<p><u>Finding 15:</u> The disclosures in Form 700 filings also may reveal violations of San Francisco laws that are enforced locally. This includes compensated advocacy before other commissions and arrangements that violate the locally adopted and enacted Statements of Incompatible Activities for each department.</p>	<p><u>Recommendation 15:</u> The Ethics Commission should audit and act on violations disclosed through Form 700 filings of local prohibitions such as compensated advocacy and incompatible activities, and enforce these violations with strong action.</p>	<p>Ethics Commission Ethics Commission Executive Director</p>
<p><u>Finding 16:</u> City officials travel expenses can be covered by gifts made by individuals, lobbyists, business associations, corporations or any other source, including those with financial interests in matters to be decided by the official. The public disclosure is limited to a list of donors or donor organizations contributing \$500 or more, but without specifying the total amount of the gift. Additionally, a significant amount of travel expenses are paid through organizations that do not disclose the names of the original donors.</p>	<p><u>Recommendation 16:</u> The Ethics Commission should require full disclosure of contributions or payments for official travel of City officials, including the actual amount contributed and the names of the original donors. The official should also disclose what official business was conducted, including meetings, who participated in the meetings, topics, speeches given, ceremonies attended and other information.</p>	<p>Ethics Commission Board of Supervisors</p>

Ethics in the City: Promise, Practice or Pretense

<p><u>Finding 17a:</u> There is useful information in the calendars of City Officials that should be readily available to the public.</p> <p><u>Finding 17b:</u> The Jury found calendar entries that did not meet the law's requirements, particularly in listing the meeting's subject matter and attendee names. As a result, it is not possible to crosscheck lobbyists' reports on their meetings with City officials with the calendar reports from the City officials.</p> <p><u>Finding 17c:</u> The training currently provided on the Sunshine Ordinance contains no materials on the keeping of official calendars as required by the Ordinance.</p>	<p><u>Recommendation 17a:</u> The Ethics Commission staff should collect the official calendars prepared under the Sunshine Ordinance monthly, convert them to electronic form and post them online.</p> <p><u>Recommendation 17b:</u> The City Attorney and the Ethics Commission ensure that those officials subject to the calendar requirement, and their administrative staff, be trained on the law's requirements.</p>	<p>Ethics Commission Executive Director</p> <p>Ethics Commission</p> <p>Sunshine Ordinance Task Force</p> <p>City Attorney</p>
<p><u>Finding 18:</u> The Board of Supervisors is not subject to this calendar requirement. Many members did provide their calendars upon request, and the information in their calendars will be helpful for public understanding of their work.</p>	<p>The Board of Supervisors should adopt a rule subjecting themselves to the public calendar requirement of the Sunshine Ordinance.</p>	<p>Board Of Supervisors</p>
<p><u>Finding 19:</u> The public record will be better served if post-public employment restriction waivers are granted by Commission resolutions that indicate the specific grounds for granting the waiver. In at least one instance, the Ethics Commission inappropriately interpreted the "extreme hardship" standard to grant a post-public employment restriction waiver.</p>	<p><u>Recommendation 19:</u> The Commission should grant or deny post-public employment restriction waiver applications by resolutions that indicate specifically how the decision meets the conditions of the ordinance.</p>	<p>Ethics Commission</p>

Ethics in the City: Promise, Practice or Pretense

<p><u>Finding 20:</u> Both the Ethics Commission and the Sunshine Ordinance Task Force act in good faith. They are authorized to come to similar ends – transparency in government. However, there are legal and procedural differences between their process and their legal requirements. Therefore, the results of their work are not in harmony with each other.</p>	<p><u>Recommendation 20a:</u> The Mayor's Office should establish a blue-ribbon committee of experts and stakeholders in open government, sunshine and transparency, including former Sunshine Task Force members. The Committee of Experts should review and update the Sunshine Ordinance as necessary and should report to both entities and the Board of Supervisors recommendations that would result in coordination and respect for the functions of each entity.</p> <p><u>Recommendation 20b:</u> For now, arrangements should be made jointly by the Ethics Commission and the Sunshine Ordinance Task Force to have complaints heard by an independent hearing officer who would develop a consistent legally sufficient record of the case for the decision of each body. This would allow the meetings of the Task Force and the Commission to focus on broader policy issues.</p>	<p>Sunshine Ordinance Task Force</p> <p>Mayor</p> <p>Board Of Supervisors</p> <p>Ethics Commission</p>
<p><u>Finding 21a:</u> The policy-making powers of the Ethics Commission are vested in the Commission itself, not in the Executive Director (absent express delegation by the Commission).</p> <p><u>Finding 21b:</u> The current structure where staff provides much of each Commission meeting's content creates the impression that the Commission is not an independent policy-making body.</p>	<p><u>Recommendation 21:</u> The Board of Supervisors should provide the Commissioners an Executive Secretary separate from the existing Commission's employee base who will, among other duties, prepare the Commission's agendas, maintain minutes, lists of complaints, serve as a liaison for public input and interested persons meetings and assist a Commission member to be the parliamentarian.</p>	<p>Board Of Supervisors</p> <p>Ethics Commission</p> <p>Ethics Commission Executive Director</p>

Ethics in the City: Promise, Practice or Pretense

<p><u>Finding 22:</u> While the Commission's Bylaws authorize committees, no committees have been established or meet. One result is that all matters requiring deliberation by the Commission are heard only once a month, in a process that can extend for many months and sometimes for years. If the Commission acts through its committee structure, issues can be explored and brought to the full commission in a more developed state, thus providing a better basis for the Commission's actions.</p>	<p><u>Recommendation 22:</u> The Commissioners should use their committee structure to focus on Ethics Commission issues. In the weeks between monthly meetings, each commissioner could take the lead on issues of concern to the Ethics Commission, such as developing policies on emerging campaign finance issues, transparency matters, complaint processing and training. This structure would allow for more interaction with the public and the regulated community.</p>	<p>Ethics Commission</p>
<p><u>Finding 23:</u> While the Charter mandates the City Attorney represent the Ethics Commission, conflicts have arisen repeatedly, and the Ethics Commission has had to obtain outside counsel. We find these instances of conflict are likely to continue, and that the Commission is best represented by a consistent set of lawyers who are not City employees.</p>	<p><u>Recommendation 23:</u> That the Ethics Commission apply to the City Attorney for permission to engage outside counsel for advice and recommendations</p>	<p>Ethics Commission Ethics Commission Executive Director City Attorney</p>
<p><u>Finding 24a:</u> The Jury was unable to locate and the Ethics Commission was unable to provide copies of any reports or notes of oral presentations to the Mayor or to the Board of Supervisors as required in the Charter to report annually on the effectiveness of San Francisco's ethics laws.</p> <p><u>Finding 24b:</u> The Jury was unable to locate any reports that reviewed changes in laws aimed at transparency and ethical conduct adopted in other jurisdictions that might be relevant to San Francisco. The only references were to changes based on court</p>	<p><u>Recommendation 24:</u> The Mayor and the Board of Supervisors should request an annual written report from the Ethics Commission that meets the standards set out in the Charter for annual reviews of the effectiveness of the City's laws. This report should be posted on the Ethics Commission web site.</p>	<p>Board Of Supervisors Mayor Ethics Commission</p>

Ethics in the City: Promise, Practice or Pretense

<p>decisions that resulted in less public disclosure and less protection against the influence of money in politics even when those decisions were not based on San Francisco cases.</p> <p><u>Finding 24c:</u> The proper standard to judge the effectiveness of laws is to consider their ability to achieve the purposes set forth when they were enacted.</p>		
<p><u>Finding 25a:</u> Periodic reviews of filed information are essential to ensure its validity.</p> <p><u>Finding 25b:</u> The Ethics Commission has undertaken little to no monitoring and auditing of the content of Lobbyists, Campaign Consultants, Conflict of Interest and Governmental Ethics filings beyond fines for late filing of statements; nor have they actively monitored whether former City employees abide by the restrictions on dealing with their former departments.</p>	<p><u>Recommendation 25:</u> The Ethics Commission should begin to focus Staff resources on monitoring and auditing other items within the Ethics Commission jurisdiction unrelated to campaigns such as the following ordinances: Conflict of Interest, Governmental Ethics, The Lobbyist Ordinance, Campaign Consultant Ordinance and the Sunshine Ordinance.</p>	<p>Ethics Commission Ethics Commission Executive Director Board Of Supervisors</p>
<p><u>Finding 26:</u> The Ethics Commission, though its staff, can catalog information reported elsewhere that is relevant for supplemental understanding of information currently reported locally. Links to this information would be a logical addition to the Ethics Commission web site.</p>	<p><u>Recommendation 26:</u> The Ethics Commission should determine information reported elsewhere that is relevant for supplemental understanding of information currently reported locally, and provide links to it on the Ethics Commission web site, if it cannot be imported and posted.</p>	<p>Ethics Commission Ethics Commission Executive Director Chief Data Officer</p>

Ethics in the City: Promise, Practice or Pretense

<p><u>Finding 27:</u> The Charter requires that proposals to amend campaign finance and ethics laws explain <u>how</u> the change will assist in furthering the purpose of the law. The Ethics Commission proposals have not included any statements showing that its proposals will further the purposes of the law.</p>	<p><u>Recommendation 27:</u> When a bill is proposed or passed to amend campaign finance and ethics laws, it should specify <u>how</u> it "furthers the purposes of this Chapter".</p>	<p>Ethics Commission Ethics Commission Executive Director Board of Supervisors City Attorney</p>
<p><u>Finding 28a:</u> The Commission has not taken an active role in questioning the propriety of actions that skirt the edges of legality. This inquiry can feed into reports on the effectiveness of laws, and also remind public officials that they can be called to account for the appearance of impropriety.</p> <p><u>Finding 28b:</u> The general public needs an opportunity to talk to the Ethics Commission about their expectations and beliefs on ethical behavior of public officials. This initial discussion may help to highlight matters that appear to be improper.</p>	<p><u>Recommendation 28:</u> That the Commission hold hearings, whether through their committees or in the full Commission, to ask the public to report matters that appear improper, then call the responsible officials before the Commission to account for and defend their actions.</p>	<p>Ethics Commission</p>
<p><u>Finding 29:</u> The Findings and Declarations of Proposition J (2000) clearly articulate many public concerns with role of money in politics and should be re-adopted, perhaps adapted to be part of the general conflict of interest law - Chapter 2 of Article III of the C&GCC.</p>	<p><u>Recommendation 29:</u> That the Ethics Commission hold a hearing on "Proposition J Revisited" to consider how some of its concepts apply today and whether the "public benefit" definition includes elements that should be incorporated into sections of the C&GCC, and specifically consider offering amendments to C&GCC which re-incorporate its Findings and Declarations into current San Francisco law, and to consider placing these amendments on the ballot.</p>	<p>Ethics Commission Board of Supervisors</p>

METHODOLOGY

The San Francisco Civil Grand Jury investigated the Ethics Commission, Sunshine Ordinance Task Force, and other government transparency practices of the City. We conducted over twenty interviews of people knowledgeable about the public bodies involved or about efforts and practices to promote government transparency.

Our investigation led us to review hundreds of documents from various sources. These sources included commission meetings (streaming video as well as minutes), ordinances and propositions, The San Francisco Ethics Commission and the data.sf.org websites, the FPPC website, newspaper reports, and online journalism.

BIBLIOGRAPHY (SELECTED)

Appendix One discusses the key laws and where to find them.

Budget Analyst Report – San Francisco Board of Supervisors June 06, 2012 - Comparison of City and County of San Francisco and City of Los Angeles Ethics Laws – Phase 2

Fair Political Practices Commission Publications <http://www.fppc.ca.gov/index.php?id=226>

SF Ethics Commission Annual Reports

2013: <http://www.sfethics.org/ethics/2013/11/san-francisco-ethics-commission-annual-report-july-1-2012-june-30-2013.html>

2012: <http://www.sfethics.org/ethics/2013/01/san-francisco-ethics-commission-annual-report-july-1-2011-june-30-2012.html>

2011: <http://www.sfethics.org/ethics/2011/09/san-francisco-ethics-commission-annual-report-july-1-2010-june-30-2011.html>

Earlier reports: <http://www.sfethics.org/ethics/2009/05/annual-reports.html>

Los Angeles Ethics Commission publications:

<http://ethics.lacity.org/publications.cfm>

2010-2011 SF Civil Grand Jury Report on Ethics:

[San Francisco Ethics Commission: The Sleeping Watchdog](#)

SF Ethics response to 2010-2011 Civil Grand Jury report on Ethics:

<http://www.sfethics.org/ethics/2011/09/ethics-commission-response-to-the-2010-2011-civil-grand-jury-report.html>

2004-2005 SF Civil Grand Jury report on ethics:

[San Francisco Ethics Commission Budgeting and Staffing Issues](#)

2012-2013 Orange County Civil Grand Jury report: “A Call For Ethical Standards: Corruption In Orange County”

GLOSSARY

C&GCC - San Francisco Campaign and Governmental Conduct Code, a separate code in San Francisco Ordinances created in 2000 from existing laws related to campaign finance, lobbyists, conflict of interest, government ethics, and whistleblower protection.

Behest Payments -- payments made at the behest of elected officials are presumed not to be campaign contributions if: the payments are made principally for legislative, governmental, or charitable purposes, and the payments are made principally for purposes unrelated to the official's candidacy for elected office.

City - The City and County of San Francisco

Form 700 Statements of Economic Interests (SEIs or Form 700s) - These state mandated forms include information about the sources of an official's income, investments, business positions, real property holdings and gifts. Merely reporting an economic interest is not a conflict in itself; a conflict arises when an official governmental decision, made by the official, impacts their economic interests. Form 700s are an important means for the official that files them, the media, and the public to help gauge where potential conflicts of interest may exist.

FPPC - California Fair Political Practices Commission (FPPC) was created by the Political Reform Act of 1974.

Political Reform Act of 1974 – the core California law on campaign finance, financial reporting and many conflicts of interest, a ballot initiative passed by California voters in 1974 as Proposition 9.

Ralph M. Brown Act – the California law on open meetings, originally passed in 1953 and codified at . Government Code §§ 54950 et seq

APPENDIX ONE

The Legal Framework

The grand jury looked at the laws administered directly or indirectly by the Ethics Commission and the Sunshine Ordinance Task Force.

A web of local, state, and federal laws require that public officials and employees act in accordance with the public trust. These laws rest on common law, constitutional and Charter principles and provisions that set norms of behavior for public officials. Self-dealing is wrong. Divided loyalties demand recusal.

San Francisco voters have adopted a variety of Charter amendments and ordinances over the years, which aim, in different ways, at promoting transparency in government and elections along with preventing corruption.

The Ethics Commission legal framework has changed significantly since its creation. For the Commission, the term of office and the appointing authorities have changed. Administering publicly funded candidates is an added responsibility. The local laws they administer have in large part been taken from the Charter and various locations in the San Francisco code and consolidated into the Campaign and Governmental Conduct Code and amended.

The Sunshine Ordinance Task Force has only one significant change since initial enactment—converting an ordinance passed by the Board of Supervisors into an ordinance passed by the voters.

Transparency For Government

Expansive government sunshine language was added to the California Constitution in 2004, mandating that existing laws be construed to further the public right of access; and to allow public scrutiny of public records.⁵⁵ The existing state law framework on transparency is the Ralph M. Brown Act⁵⁶ enacted in 1953, and the California Public Records Act⁵⁷ enacted in 1968.

The Brown Act and the Public Records Act set the floors for San Francisco government transparency. Both permit local jurisdictions to enact ordinances whose transparency requirements are greater than those established in the state laws.

The San Francisco Sunshine ordinance was passed by the Board of Supervisors and went into effect on January 1, 1994.⁵⁸ The ordinance follows the California Brown Act and the California Public Records Act. Its purposes are broadly stated:

⁵⁵ Proposition 59 - passed Legislature unanimously, and was approved by 83.4% of the 2004 voters. Now codified as Article I, § 3(b) of California Constitution.

⁵⁶ Government Code §§ 54950 et seq

⁵⁷ Government Code § 6250 through § 6276.48. This law is modeled on the Federal Freedom of Information Act.

⁵⁸ The San Francisco Sunshine Ordinance — Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, approved November 2, 1999, codified Chapter 67 of the San Francisco Administrative Code. Kevin Shelley took the lead in moving the ordinance through the Board of Supervisors. It passed 11-0 in 1993, was signed by then-Mayor Frank Jordan and became effective on 1/1/94.

Ethics in the City: Promise, Practice or Pretense

- a. Government's duty is to serve the public, reaching its decisions in full view of the public.
- b. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The ordinance will assure that their deliberations are conducted before the people and that City operations are open to the people's review.

Over the next few years, sunshine activists noted difficulties with the implementation of the Sunshine Ordinance and developed revisions mandating greater public access to City records. By petition, their amendments, touching on every section of the ordinance, went on the ballot and were adopted by the voters in November 1999.⁵⁹

Transparency In Campaigns

The core state law is the Political Reform Act of 1974, a ballot measure approved by the voters in June 1974.⁶⁰ The Political Reform Act also established the Fair Political Practices Commission (FPPC). These established a reporting framework at the state level while authorizing local officials to act as local filing agents for the FPPC.

From its inception, the Ethics Commission was designated as the local filing agent for the FPPC, so it receives all local campaign filings and enforces local requirements that go beyond FPPC requirements. For example, in 1997, voters approved a proposal requiring campaign consultants to register with the Ethics Commission, reporting on their clients, services provided and payments received.

Campaign disclosures and regulations have been more closely judged in recent years under the First Amendment to the United States Constitution.⁶¹ Several significant cases decided by the United States Supreme Court have struck down campaign finance limits as infringing free speech, while affirming the importance and availability of mandated disclosures of campaign finances.⁶²

The Problem Of Contractor Contributions

San Francisco's law prohibits contributions to the candidate or candidate-election committee that has a role in approving the contract from those who are seeking contract approvals. This is intended to maintain an arms-length relationship between officials and donors seeking contract approvals.

San Francisco voters approved a measure making it illegal for City officials and the political committees they control to solicit or accept any campaign contributions from someone who has a contract that the official will decide and making it the responsibility of an elected official to

⁵⁹ Proposition G (1999) passed by a 58-42 margin despite public opposition by then-Mayor Willie Brown, seven supervisors, the Democratic and Republican county central committees, the Chamber of Commerce, SPUR and the Chronicle.

⁶⁰ Generally codified in the Government Code §§ 81000 et seq

⁶¹ "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

⁶² See *McCutcheon v Federal Election Commission* 572 U. S. ____ (2014), *Citizens United v Federal Election Commission* 558 US 310 (2010), *Federal Election Commission v Wisconsin Right to Life* 551 US 449 (2007)

Ethics in the City: Promise, Practice or Pretense

convey contributions from City contractors to the City, although the Ethics Commission may waive or reduce the forfeiture.⁶³ San Francisco also prohibits contributions that are reimbursed by another person or entity that skirts the contribution limits.

San Francisco's Campaign Finance Reform Ordinance prohibits contributions from City contractors and from officers or Board members of City contractors.⁶⁴

Ethics Laws

"Public office is a public trust and all officers and employees of the City and County shall exercise their public duties in a manner consistent with this trust."⁶⁵

Ethics laws start from the general concept of public service as a public trust, with the power of public office to be exercised fairly and impartially. They further caution officers and employees to avoid the appearance of impropriety.

The Charter further says: the breach of "the standard of decency, good faith and right action" is grounds for removal of a public officer.⁶⁶

The City conflict of interest laws⁶⁷ articulate basic principles:

Governmental processes must promote fairness and equity for all residents; for the people to maintain public trust in governmental institutions, conflicts of interest and outside activities of public officers and employees must be regulated. Public officers and employees cannot buy their appointment or accept anything of value from their subordinates, and they must not participate in decisions related to their own character or conduct or that of their family members.

Public officers and employees must be independent, impartial, and responsible to the people and not use public office and employment for personal gain. Their decisions should be, and should appear to be, made on a fair and impartial basis.

This Jury cannot emphasize strongly enough the importance of avoiding the appearance of impropriety. The laws in this area grow more and more complex; avoiding inadvertent violations becomes difficult. But an effort to soften the law in special cases often creates loopholes that swallow the entire law.

State law bars contractual conflicts of interest of public officers and employees.⁶⁸ This was first placed in California laws in 1851 and codified common law prohibitions against self-dealing.

⁶³ C&GCC § 1.126(c) and (d) - added by 2008 Prop H

⁶⁴ C&GCC § 1.126(b)

⁶⁵ § 15.103 of the San Francisco Charter

⁶⁶ § 15.105(e) of the San Francisco Charter

⁶⁷ Chapter 2 of Article III of C&GCC, re-adopted by the voters in 2003

⁶⁸ Government Code § 1090 provides:

"Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members."

Courts routinely void contracts entered into in violation of § 1090.

Ethics in the City: Promise, Practice or Pretense

The Political Reform Act of 1974 adds more laws on conflict of interest, mandating disclosure of economic interests, gifts, behested payments among others.

In 2000, the Board of Supervisors gathered together all these local laws into the San Francisco Campaign and Governmental Conduct Code. State laws on financial conflict of interest - both in the California Political Reform Act and in §1090 of Government Code - are expressly incorporated into San Francisco ordinances by §3.206 of the C&GCC.

In 2003, voters approved an “omnibus ethics reform.” Proposition E was promoted as updating and clarifying City laws on ethics and conflicts of interest.⁶⁹ It moved some Charter provisions into ordinance, and authorized future amendments to the Campaign Finance ordinance and to the Conflict of Interest ordinance by 4/5 of the Ethics Commission and 2/3 of the Board of Supervisors rather than by the voters.

Anti-Corruption Laws

Corruption is the abuse of entrusted power for private gain.

Corrupt behavior is the opposite of ethical behavior. Rather than using power consistent with public trust, the entrusted power is used for private gain. Corruption is a crime and is controlled by treating it as a crime—charging corrupt officials as criminals and jailing them.

Corruption charges tend to be brought under more general criminal laws: bribery, fraud, extortion, embezzlement, conflict of interest, nepotism, influence-peddling, mail fraud wire fraud, failure to provide honest services, some racketeering laws, and facilitating criminal activity (i.e., money laundering and drug trafficking).⁷⁰

Quid pro quo corruption, both actual and in appearance, is currently where campaign regulation is allowed. But there are definitional problems once one goes beyond the obvious “money for a permit”.

Process To Amend The Laws

Some laws can be amended more easily than others because some of these laws were passed by the voters, some are modeled on state laws, and others were passed by the Board of Supervisors.

We count at least 22 local ballot questions in the last 65 years related to campaign finance, ethics, conflict of interest, and transparency, 16 since 1980. And we certainly have not identified all of them.

The voters approved many of the San Francisco laws we discuss here. Unless the voters approved a different process to amend the proposition in the future, the voters must approve any future amendments.

At the state level, the Political Reform Act when approved by the voters contained such a process—the Act can be amended in ways to further its purposes by a two-thirds vote of the

⁶⁹ Put on the ballot by the Board of Supervisors – Legislative File No. 030681 – Ammiano lead sponsor.

⁷⁰ See <http://www.fbi.gov/news/stories/2013/april/a-look-back-at-the-william-j.-jefferson-corruption-case>

Ethics in the City: Promise, Practice or Pretense

legislature and signed by the governor. Other amendments or a repeal require a vote of the people.⁷¹

The original Ethics Commission Charter amendment had no provision for its amendment, nor did the many conflict of interest provisions then in the Charter.

A significant feature of Proposition E, passed the voters in 2003, was to allow future amendments to the campaign finance laws⁷² and the conflict of interest laws⁷³ by a 4/5 vote of the Ethics Commission followed by a 2/3 vote of the Board of Supervisors if the amendment "furthers the purposes of this Chapter". Meet and confer may apply before changes take effect - conflict of interest rules affect City employees, for example, who are virtually all unionized.

The Sunshine Ordinance, though originally passed by the Board of Supervisors, was completely re-enacted by the voters when revised in 1999, and has no section on how it can be amended. As a result, any amendments will require submission to the voters.

The Campaign Consultant chapter - passed by the voters - can only be amended by the voters.

The Board of Supervisors, Ethics Commission and City Attorney have a "work around" that allows some small amendments to these laws by ordinances that supplement them. A new chapter banning the use of cell phones at public meetings supplemented the Sunshine Ordinance.⁷⁴ New sections requiring that campaign consultant reports be filed electronically and cross-referencing certain lobbying prohibitions for campaign consultants supplemented the Campaign Consultant ordinance.⁷⁵

Finding The Laws

We considered having an appendix with the laws, but there are so many of them and they keep changing. With the Web tools available today, the laws can be easily found.

One good starting site is a page on the laws maintained by the Ethics Commission, currently found at: <http://www.sfethics.org/ethics/2009/05/law-advice.html#i>

This has links to the San Francisco Charter and Codes currently maintained by City American Legal:

http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:sanfrancisco_ca

This page also links to the Commission's own regulations and bylaws, Statements of Incompatible Activities and the Sunshine Ordinance.

⁷¹ See § 81012

⁷² C&GCC Article 1, Chapter 1— § 1.103

⁷³ C&GCC Article 3, Chapter 2 — § 3.204 "the Board of Supervisors may amend this chapter if..."

⁷⁴ §67a.1 of the Administrative Code, added by Ord. 286-00, File No. 001155, App. 12/22/2000.

⁷⁵ §1.540 - Electronic Reporting and §1.545 Construction with other laws - were adopted later by ordinance as part of this chapter.

Ethics in the City: Promise, Practice or Pretense

When researching the San Francisco Code, note that each section has some notes on when it was adopted and amended. The File Number of each change can searched on the Board of Supervisors Web site.⁷⁶

State law is best found on the FPPC site: Their home page: <http://www.fppc.ca.gov/>

The Political Reform Act is found at: <http://www.fppc.ca.gov/index.php?id=51>

⁷⁶ For example, a recent change in the Findings in the Lobbyist Ordinance is "Ord. 235-09, File No. 090833, App. 11/10/2009". The Ordinance number ends in 09, meaning 2009; the file number starts with 09, meaning it was considered in 2009. <https://sfgov.legistar.com/Legislation.aspx> is a search page for legislation. Put the number into the search box and specify the search is for 2009 and you get the link to file: <https://sfgov.legistar.com/LegislationDetail.aspx?ID=483810&GUID=6FE013C0-2582-4665-B766-92A9A0C60143&Options=ID|Text|&Search=090833> The new page gives links to versions and the meeting information for each step of the legislative process.

APPENDIX TWO

Behested Payments - Example

Here are some large recently reported behested payment reports. Behested payment reports are filed with the Ethics Commission with the most recent filings found at:

http://www.sfethics.org/ethics/Payments_Made_at_the_Behest_of_an_Elected_Officer/

Example forms include:

Four payments to the America's Cup Organizing Committee. Three from June 2013 and one from January 2014.

Ethics in the City: Promise, Practice or Pretense

Behested Payment Report		A Public Document		Behested Payment Report	
1. Elected Officer or CPUC Member <i>(Last name, First name)</i> Lee, Edwin M. Agency Name Office of the Mayor Agency Street Address City Hall, Room 200, 1 Dr. Carlton B. Goodlett Place, S.F., CA 94102		Date Stamp 2013 JUL 11 AM 10:45 SAN FRANCISCO ETHICS COMMISSION		California Form 803 For Official Use Only	
Designated Contact Person <i>(Name and title, if different)</i> Olga A. Ryerson Area Code/Phone Number (415) 554-6910		by <input type="checkbox"/> Amendment <i>(See Part 6)</i> Date of Original Filing: _____ <i>(month, day, year)</i>			
2. Payor Information <i>(For additional payors, include an attachment with the names and addresses.)</i> Kilroy Realty Corporation Name Address San Francisco CA 94105 City State Zip Code					
3. Payee Information <i>(For additional payees, include an attachment with the names and addresses.)</i> America's Cup Organizing Committee (ACOC) Name Address San Francisco CA 94133 City State Zip Code					
4. Payment Information <i>(Complete all information.)</i> Date of Payment: <u>06/24/2013</u> Amount of Payment: <i>(in-Kind FMV)</i> \$ <u>\$500,000.00</u> <i>(month, day, year)</i> <i>(Round to whole dollars.)</i> Payment Type: <input checked="" type="checkbox"/> Monetary Donation or <input type="checkbox"/> In-Kind Goods or Services <i>(Provide description below)</i> Brief Description of In-Kind Payment: <u>Check</u> Purpose: <i>(Check one and provide description below.)</i> <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Governmental <input type="checkbox"/> Charitable Describe the legislative, governmental, charitable purpose, or event: <u>America's Cup Organizing Committee (ACOC) - To help pay for costs associated with the City hosting the San Francisco America's Cup.</u>					
5. Amendment Description or Comments _____ _____ _____					
6. Verification I certify, under penalty of perjury under the laws of the State of California, that to the best of my knowledge, the information contained herein is true and complete. Executed on <u>July 10, 2013</u> By _____ DATE SIGNATURE OF ELECTED OFFICER OR CPUC MEMBER					

FPPC Form 803 (December/09)
 FPPC Toll-Free Helpline: 800/ASK-FPPC (266/276-3772)

Behested Payment Report		A Public Document		Behested Payment Report		
1. Elected Officer or CPUC Member <i>(Last name, First name)</i> Lee, Edwin M. Agency Name Office of the Mayor Agency Street Address City Hall, Room 200, 1 Dr. Carlton B. Goodlett Place, S.F., CA 94102 Designated Contact Person <i>(Name and title, if different)</i> Olga A. Ryerson Area Code/Phone Number E-mail <i>(Optional)</i> (415) 554-6910 olga.ryerson@sfgov.org			Date Stamp 2013 JUL 11 10:46 ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED	California 803 Form For Official Use Only		
			<input type="checkbox"/> Amendment <i>(See Part 6)</i> Date of Original Filing: _____ <i>(month, day, year)</i>			
2. Payor Information <i>(For additional payors, include an attachment with the names and addresses.)</i> Bay Area Council Name Address San Francisco CA 94111 City State Zip Code						
3. Payee Information <i>(For additional payees, include an attachment with the names and addresses.)</i> America's Cup Organizing Committee (ACOC) Name Address San Francisco CA 94133 City State Zip Code						
4. Payment Information <i>(Complete all information.)</i> Date of Payment: <u>06/26/2013</u> Amount of Payment: <i>(In-Kind PMV)</i> \$ <u>\$150,000.00</u> <i>(month, day, year)</i> <i>(Round to whole dollars.)</i> Payment Type: <input checked="" type="checkbox"/> Monetary Donation or <input type="checkbox"/> In-Kind Goods or Services <i>(Provide description below.)</i> Brief Description of In-Kind Payment: <u>Check</u>						
Purpose: <i>(Check one and provide description below.)</i> <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Governmental <input type="checkbox"/> Charitable Describe the legislative, governmental, charitable purpose, or event: <u>America's Cup Organizing Committee</u> <u>(ACOC) - To help pay for costs associated with the City hosting the San Francisco America's Cup.</u>						
5. Amendment Description or Comments <hr/> <hr/> <hr/>						
6. Verification I certify, under penalty of perjury under the laws of the State of California, that to the best of my knowledge, the information contained herein is true and complete.						
Executed on <u>July 10, 2013</u> DATE		By _____ SIGNATURE OF ELECTED OFFICER OR CPUC MEMBER				

APPENDIX THREE

Gifts of Travel Example

Here are examples of Gifts of Travel Forms files in 2013. For most trips, a form is filed before the trip, and a revised form is filed after the trip when the final costs are known.

Forms are filed with the Ethics Commission and are posted online in a series of web pages with the most recent filings found at:

http://www.sfethics.org/ethics/Gifts_of_Travel/

Example forms include:

- Trip to Hong Kong/Beijing/Guangzhou/Macao 3/29/13 to 4/07/13
- Trip to Shanghai/Seoul 10/16/13-10/21/13
- Trip to Bangalore, India 11/29/13-12/10/13

Form SFEC-3.216(d)
Cover Page

FILED
Amended 4/29/2013
13 APR 30 PM 4:33
CLERK OF SUPERIOR COURT
ETHICS COMMISSION

Please type or print legibly in ink.

1. Information regarding Elected Officer:				NY _____
Name (Last)	(First)	(Middle)	Daytime Telephone	
Lee	Edwin	Mah	(415) 554-6910	
Mailing Address	Street	Zip	Fax Telephone	
City Hall, Room 200, 1 Dr. Carlton B. Goodlett Place		94102	(415) 554-6113	
Office Held			Email Address	
Mayor			mayoradwinlee@sfgov.org	

2. Purpose of Travel:
To visit China to promote business and cultural exchange and to sign an MOU at the Cultural Ministry.

To promote the Chinese New Year Parade, the San Francisco Symphony, and the Asian Art Museum.

To meet with the new leadership of China.

4. Schedule Summary:
Total number of pages, including this cover page: 3

Check applicable schedules:

Schedule A Yes - schedule attached
Gift of transportation, lodging or subsistence

Schedule B Yes - schedule attached
Gift to the City of transportation, lodging or subsistence

Schedule C Yes - schedule attached
Reimbursement to the City of gift of transportation, lodging or subsistence

3. Dates of Travel and Itinerary:

03/29/13	SF/Hong Kong (thru 3/31/13)
Month/Day/Year	City, State, Country
03/31/13	Hong Kong/Beijing (thru 4/3/13)
04/03/13	Beijing/Guangzhou (thru 4/5/13)
04/05/13	Guangzhou/Chuhai/Macau (thru 4/7/13)
04/07/13	Macau/San Francisco

5. Verification:
I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge, the information contained herein and in any attached schedules is true and complete.

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

Date signed: 4/29/2013
Signature: _____

**Form SFEC-3.216(d)
Schedule A – Gifts of Travel**

1. Information regarding entity funding gift of transportation, lodging or subsistence

Full Name of Entity:
San Francisco Chinese Chamber of Commerce*

Address:
[Redacted] San Francisco CA 94108
Street City State Zip

Name of Contact Person:
Rose Pak

Email Address: [Redacted] Telephone:
[Redacted] 415, 982-3000

3. Cost of transportation, lodging or subsistence

A. Please list the total amount of costs that will be paid by the entity to fund the elected officer's travel, including but not limited to the amount directly related to the cost of the officer's transportation, lodging and subsistence.
**\$9,240.00

B. Please list the amount in Item A that is directly related to the cost of the officer's transportation, lodging and subsistence.
**\$9,240.00

2. Information regarding contributors who contributed more than \$500 to the entity to fund the trip

Please list the name, occupation and employer of any contributor who contributed more than \$500 to the entity funding the trip and whose contributions were used in whole or in part to fund the trip:

None (Please see attached schedule for additional information)

Name of Contributor: _____
Occupation of Contributor: _____
Employer of Contributor: _____

Name of Contributor: _____
Occupation of Contributor: _____
Employer of Contributor: _____

Name of Contributor: _____
Occupation of Contributor: _____
Employer of Contributor: _____

Check box if additional schedules are attached.

4. Information regarding persons accompanying the elected officer

Please list the name of any individual who is

- (a) a City employee required to file a Statement of Economic Interests;
- (b) a lobbyist or campaign consultant registered with the Ethics Commission;
- (c) an employee of or individual who has an ownership interest in a lobbyist or campaign consultant registered with the Ethics Commission; or
- (d) an employee or officer of the entity that will pay for the gift of transportation, lodging or subsistence, and

who is accompanying the elected officer on the trip.

Please identify whether the individual is category (a), (b), (c), or (d), as described above.

Name of Individual	Category
Please see attached.	

Check box if additional schedules are attached.

Notes:
*The SF Chinese Chamber of Commerce acted as the intermediary for gifts of travel listed on the attached schedule. Each person listed contributed \$220 to help defray Mayor's cost of the trip. One additional donor is reported on this form.

**The cost of transportation, lodging or subsistence is updated. The amount listed is half of the total cost of this trip for the Mayor and Mrs. Anita Leo. The cost reported on the original Form SFEC-3.216(d), filed with the Ethics Commission on March 28, 2013, included the total cost for lodging for both the Mayor and Mrs. Leo. Mrs. Leo's total cost will be reported on the Mayor's Form 700 for 2013, due to the Ethics Commission by April 1, 2014. This is consistent with our reporting criteria.

Ethics in the City: Promise, Practice or Pretense

Form SFEC-3.216(d)
 Edwin M. Lee
 3/29/13 - 4/7/13 China

Section 2. Information regarding contributors who contributed more than \$500 to the entity to fund the trip.

*Following is a schedule of persons contributing \$220 to defray the cost of the Mayor's trip:

Name of Contributor	Occupation of Contributor	Employer of Contributor
Willie L. Brown, Jr.	Former SF Mayor	N/A
Rose Lan Pak	General Consultant	SF Chinese Chamber of Commerce
Eddie Kwok-Hung Au	First Vice President	SF Chinese Chamber of Commerce
Susana Lau Au	Owner	Man Hing Ivory
Serena Hualdan Chen	Director	American Pacific International Capital, Inc.
Wilson Hualsheng Chen	President	American Pacific International Capital, Inc.
Kwan Shan Cheung	President	Hunter Company
Denn Hu	Chairman	Universal Paragon Corporation, SF
Gonelli Lui Lo	Director	Harbor View Holdings, Inc.
Sonya Moldetskaya	Commissioner	Immigrant Rights Commission
Geoffrey Mark Palermo	President	Evon Corporations
Wayne Perry	Chairman	Cornerstone Concillium, Inc.
Edward Michael Riordan	Lawyer	Retired
Gloria Becerra Riordan	N/A	N/A
Justin Tin	Dentist	JT Dental Group
Kinson Kin Wong	Owner	R & G Lounge
Ringo Wong	Owner	Tomokazu Japanese Cuisine
Tony Zhang	Owner	Bel Builders
Benny Zhang	Chief Financial Officer	Bel Builders
Alan Chan	Manager	Good View Lumber and Building Supply
Stephen Huang	Manager	MTC Maple Trade Corporation
Alfred Lee	President	GLT Investment
Xiao Dan Zhou	Manager Member	Urban Property Venture
Monica Huie	Buyer	Kwan Wo Construction
David Li	Project Manager	Kwan Wo Construction
Fay Chu	Administrator	Kwan Wo Construction
Kelvin Shum	Account Manager	Kwan Wo Construction
Double AA Corporation	N/A	N/A
GAWFCO Enterprises	N/A	N/A
Anderson Enterprises, Inc.	N/A	N/A
Mercedes-Benz of SF	N/A	N/A
John Khau	Vice President	Boyet Construction
James Robert	President	Boyet Construction
Wayne Hule	President	Young Electric
Chuck Walters	Vice President	Young Electric
Gin Yi Ho	Loan Officer	Chinese Trust Bank
Ed Lew	N/A	Retired
Stephen Fong	N/A	Retired
Hongli Wang	Housewife	N/A
Victor Zhang	Director of Purchasing	Haly Hotel
Kebing Zhang	Manager	American Pacific International Capital, Inc.
*Clement Chan	Office Manager	JT Dental Group

Section 4. Information regarding persons accompanying the elected officer:

- Rose Lan Pak, General Consultant, Chinese Chamber of Commerce (d)
- Eddie Kwok-Hung, First Vice President, Chinese Chamber of Commerce (d)
- Shih-Wai Lu, Mayor's Office of Communications (a)
- Matthew Goudeau Director, Mayor's Office of Protocol (a)
- Mark Chandler, Director, Mayor's Office of International Trade & Commerce (a)
- Harlan L. Kelly, Jr., General Manager, Public Utilities Commission (a)
- Mohammed Nuru, Director, Department of Public Works (a)
- Jay Xu, Director and CEO, Asian Art Museum of San Francisco (a)
- Kandance Bender, Deputy Airport Director, SF International Airport (a)

Form SFEC-3.216(d)
Cover Page

FILED
13 MAR 28 PM 3:05

SAN FRANCISCO
ETHICS COMMISSION

Please type or print legibly in ink.

1. Information regarding Elected Officer:			
Name (Last)	(First)	(Middle)	Daytime Telephone
Lee	Edwin	Mah	(415) 554-6910
Mailing Address	Street	Zip	Fax Telephone
City Hall, Room 200, 1 Dr. Carlton B. Goodlett Place		94102	(415) 554-6113
Office Held	Email Address		
Mayor	mayoredwinlee@sfgov.org		

2. Purpose of Travel:
To visit China to promote business and cultural exchange and to sign an MOU at the Cultural Ministry.

To promote the Chinese New Year Parade, the San Francisco Symphony, and the Asian Art Museum.

Top meet with the new leadership of China.

3. Dates of Travel and Itinerary:

03/29/13	SF/Hong Kong (thru 3/31/13)
Month/Day/Year	City, State, Country
03/31/13	Hong Kong/Beijing (thru 4/3/13)
04/03/13	Beijing/Guangzhou (thru 4/5/13)
04/05/13	Guangzhou/China/Macau (thru 4/7/13)
04/07/13	Macau/San Francisco

4. Schedule Summary:
Total number of pages, including this cover page: 5

Check applicable schedules:

Schedule A Yes - schedule attached
Gift of transportation, lodging or subsistence

Schedule B Yes - schedule attached
Gift to the City of transportation, lodging or subsistence

Schedule C Yes - schedule attached
Reimbursement to the City of gift of transportation, lodging or subsistence

5. Verification:
I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge, the information contained herein and in any attached schedules is true and complete.

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

Date signed: 3/28/13

Signature: [Redacted]

**Form SFEC-3.216(d)
Schedule A – Gifts of Travel**

1. Information regarding entity funding gift of transportation, lodging or subsistence

Full Name of Entity:
San Francisco Chinese Chamber of Commerce*

Address:
[Redacted] San Francisco CA 94108
Street City State Zip

Name of Contact Person:
Rose Pak

Email Address: Telephone:
[Redacted] (415) 982-3000

3. Cost of transportation, lodging or subsistence

A. Please list the total amount of costs that will be paid by the entity to fund the elected officer's travel, including but not limited to the amount directly related to the cost of the officer's transportation, lodging and subsistence.
\$11,970

B. Please list the amount in Item A that is directly related to the cost of the officer's transportation, lodging and subsistence.
\$11,970

2. Information regarding contributors who contributed more than \$500 to the entity to fund the trip

Please list the name, occupation and employer of any contributor who contributed more than \$500 to the entity funding the trip and whose contributions were used in whole or in part to fund the trip:

None (Please see attached schedule for additional information)

Name of Contributor: _____
Occupation of Contributor: _____
Employer of Contributor: _____

Name of Contributor: _____
Occupation of Contributor: _____
Employer of Contributor: _____

Name of Contributor: _____
Occupation of Contributor: _____
Employer of Contributor: _____

Check box if additional schedules are attached.

4. Information regarding persons accompanying the elected officer

Please list the name of any individual who is

- (a) a City employee required to file a Statement of Economic Interests,
- (b) a lobbyist or campaign consultant registered with the Ethics Commission;
- (c) an employee of or individual who has an ownership interest in a lobbyist or campaign consultant registered with the Ethics Commission; or
- (d) an employee or officer of the entity that will pay for the gift of transportation, lodging or subsistence, and

who is accompanying the elected officer on the trip.

Please identify whether the individual is category (a), (b), (c), or (d), as described above.

Name of Individual	Category
Please see attached.	

Check box if additional schedules are attached.

*Note: The SF Chinese Chamber of Commerce acted as the intermediary for gifts of travel listed on the attached schedule. Each person listed contributed \$440 to help defray the cost of the Mayor's trip.

Ethics in the City: Promise, Practice or Pretense

Form SFEC-3.216(d)
 Edwin M. Lee
 3/29/13 - 4/7/13 China

Section 2. Information regarding contributors who contributed more than \$500 to the entity to fund the trip.

Following is a schedule of persons contributing \$440 to defray the cost of the Mayor's trip:

Name of Contributor	Occupation of Contributor	Employer of Contributor
Willie L. Brown, Jr.	Former SF Mayor	N/A
Rosa Lan Pak	General Consultant	SF Chinese Chamber of Commerce
Eddie Kwok-Hung Au	First Vice President	SF Chinese Chamber of Commerce
Susana Lau Au	Owner	Man Hing Ivory
Serena Huaidan Chen	Director	American Pacific International Capital, Inc.
Wilson Huaisheng Chen	President	American Pacific International Capital, Inc.
Kwan Shan Cheung	President	Hunter Company
Denn Hu	Chairman	Universal Paragon Corporation, SF
Gorrelli Lui Lo	Director	Harbor View Holdings, Inc.
Sonya Molodetskaya	Commissioner	Immigrant Rights Commission
Geoffrey Mark Palermo	President	Evon Corporations
Wayne Perry	Chairman	Cornerstone Concillium, Inc.
Edward Michael Riordan	Lawyer	Retired
Gloria Becerra Riordan	N/A	N/A
Justin Tin	Dentist	JT Dental Group
Kinson Kin Wong	Owner	R & G Lounges
Ringo Wong	Owner	Tomokazu Japanese Cuisine
Tony Zhang	Owner	Bel Builders
Benny Zhang	Chief Financial Officer	Bel Builders
Alan Chan	Manager	Good View Lumber and Building Supply
Stephen Huang	Manager	MTC Maple Trade Corporation
Alfred Lee	President	GLT Investment
Xiao Dan Zhou	Manager Member	Urban Property Venture
Monica Hui	Buyer	Kwan Wo Construction
David Li	Project Manager	Kwan Wo Construction
Fay Chu	Administrator	Kwan Wo Construction
Kelvin Shum	Account Manager	Kwan Wo Construction
Double AA Corporation	N/A	N/A
GAWFCO Enterprises	N/A	N/A
Anderson Enterprises, Inc.	N/A	N/A
Mercedes-Benz of SF	N/A	N/A
John Khau	Vice President	Boyett Construction
James Robert	President	Boyett Construction
Wayne Hui	President	Young Electric
Chuck Walters	Vice President	Young Electric
Gin Yi Ho	Loan Officer	Chinese Trust Bank
Ed Lew	N/A	Retired
Stephen Fong	N/A	Retired
Hongli Wang	Housewife	N/A
Victor Zhang	Director of Purchasing	Haiyi Hotel
Kebing Zhang	Manager	American Pacific International Capital, Inc.

Section 4. Information regarding persons accompanying the elected officer.

- Rose Lan Pak, General Consultant, Chinese Chamber of Commerce (d)
- Eddie Kwok-Hung, First Vice President, Chinese Chamber of Commerce (d)
- Shih-Wei Lu, Mayor's Office of Communications (a)
- Matthew Goudeau Director, Mayor's Office of Protocol (a)
- Mark Chandler, Director, Mayor's Office of International Trade & Commerce (a)
- Harlan L. Kelly, Jr., General Manager, Public Utilities Commission (a)
- Mohammed Nuru, Director, Department of Public Works (a)
- Jay Xu, Director and CEO, Asian Art Museum of San Francisco (a)
- Kandance Bender, Deputy Airport Director, SF International Airport (a)

Revised 11/07/13
(Dates changed to reflect shortened trip)

Form SFEC-3.216(d)
Cover Page

13 NOV -8 AM 11:42

San Francisco
Ethics Commission

Please type or print legibly in ink.

1. Information regarding Elected Officer:			
Name (Last)	(First)	(Middle)	Daytime Telephone
Lee	Edwin	Mah	(415) 554-6910
Mailing Address	Street	Zip	Fax Telephone
City Hall, Rm. 200, 1 Dr. Carlton B. Goodlett Pl., S.F., CA		94102	(415) 554-6113
Office Held	Email Address		
Mayor	mayoredwinlee@sfgov.org		

2. Purpose of Travel:
This mission to China and Korea will provide significant opportunities for cultural and educational exchanges and economic partnerships of great benefit to San Francisco.

4. Schedule Summary:
Total number of pages, including this cover page 2

Check applicable schedules:

Schedule A Yes - schedule attached
Gift of transportation, lodging or subsistence

Schedule B Yes - schedule attached
Gift to the City of transportation, lodging or subsistence

Schedule C Yes - schedule attached
Reimbursement to the City of gift of transportation, lodging or subsistence

3. Dates of Travel and Itinerary:

10/16/13	San Francisco - Shanghai, China
Month/Day/Year	City, State, Country
10/20/13	Shanghai - Seoul, Korea
10/21/13	Seoul - San Francisco

5. Verification:
I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge, the information contained herein and in any attached schedules is true and complete.

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

Date signed 11/08/13

Signature 

**Form SFEC-3.216(d)
Schedule A – Gifts of Travel**

1. Information regarding entity funding gift of transportation, lodging or subsistence

Full Name of Entity:
San Francisco Shanghai Sister City Committee

Address:
809 Sacramento St. San Francisco, CA 94108
Street City State Zip

Name of Contact Person:
James Fang, Chairman

Email Address: _____ Telephone: _____
(415) 387-0220

3. Cost of transportation, lodging or subsistence

A. Please list the total amount of costs that will be paid by the entity to fund the elected officer's travel, including but not limited to the amount directly related to the cost of the officer's transportation, lodging and subsistence.
\$20,500.00

B. Please list the amount in Item A that is directly related to the cost of the officer's transportation, lodging and subsistence.
\$20,500.00

2. Information regarding contributors who contributed more than \$500 to the entity to fund the trip

Please list the names, occupation and employer of any contributor who contributed more than \$500 to the entity funding the trip and whose contributions were used in whole or in part to fund the trip:

See attached.

Name of Contributor	_____
Occupation of Contributor	_____
Employer of Contributor	_____
Name of Contributor	_____
Occupation of Contributor	_____
Employer of Contributor	_____
Name of Contributor	_____
Occupation of Contributor	_____
Employer of Contributor	_____

Check box if additional schedules are attached.

4. Information regarding persons accompanying the elected officer

Please list the name of any individual who is

- (a) a City employee required to file a Statement of Economic Interests,
- (b) a lobbyist or campaign consultant registered with the Ethics Commission;
- (c) an employee of or individual who has an ownership interest in a lobbyist or campaign consultant registered with the Ethics Commission; or
- (d) an employee or officer of the entity that will pay for the gift of transportation, lodging or subsistence, and

who is accompanying the elected officer on the trip.

Please identify whether the individual is category (a), (b), (c), or (d), as described above.

Name of Individual	Category
<u>See attached.</u>	_____
_____	_____
_____	_____

Check box if additional schedules are attached.

*The cost of transportation, lodging or subsistence is the total cost of this trip for the Mayor and shared costs for Mrs. Anita Lee (lodging and transportation). Mrs. Lee's total costs will be reported on the Mayor's Form 700 for 2013, due to the Ethics Commission by April 1, 2014.

Form SFEC-3.216(d)
Cover Page

FILED
13 OCT 11 PM 3:38
S.F. ETHICS COMMISSION

Please type or print legibly in ink.

1. Information regarding Elected Officer:			
Name (Last)	(First)	(Middle)	Daytime Telephone
Lee	Edwin	Mah	(415) 554-6910
Mailing Address	Street	Zip	Fax Telephone
City Hall, Rm. 200, 1 Dr. Carlton B. Goodlett Pl., S.F., CA		94102	(415) 554-6113
Office Held	Email Address		
Mayor	mayoredwinlee@sfgov.org		

2. Purpose of Travel:
This mission to China and Korea will provide significant opportunities for cultural and educational exchanges and economic partnerships of great benefit to San Francisco.

4. Schedule Summary:
Total number of pages, including this cover page: 2

Check applicable schedules:

Schedule A Yes - schedule attached
Gift of transportation, lodging or subsistence

Schedule B Yes - schedule attached
Gift to the City of transportation, lodging or subsistence

Schedule C Yes - schedule attached
Reimbursement to the City of gift of transportation, lodging or subsistence

3. Dates of Travel and Itinerary:

10/14/13	San Francisco - Beijing, China
Month/Day/Year	City, State, Country
10/17/13	Beijing - Shanghai
10/21/13	Shanghai - Seoul, Korea
10/23/13	Seoul - San Francisco

5. Verification:
I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge, the information contained herein and in any attached schedules is true and complete.

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

Date signed: 10/11/2013

Signature: 

**Form SFEC-3.216(d)
Schedule A – Gifts of Travel**

1. Information regarding entity funding gift of transportation, lodging or subsistence

Full Name of Entity:
San Francisco Shanghai Sister City Committee

Address:
San Francisco CA 94108
Street City State Zip

Name of Contact Person:
James Fang, Chairman

Email Address: Telephone:
(415) 397-0220

3. Cost of transportation, lodging or subsistence

A. Please list the total amount of costs that will be paid by the entity to fund the elected officer's travel, including but not limited to the amount directly related to the cost of the officer's transportation, lodging and subsistence.
\$20,500.00

B. Please list the amount in Item A that is directly related to the cost of the officer's transportation, lodging and subsistence.
\$20,500.00

2. Information regarding contributors who contributed more than \$500 to the entity to fund the trip

Please list the name, occupation and employer of any contributor who contributed more than \$500 to the entity funding the trip and whose contributions were used in whole or in part to fund the trip:

See attached.

Name of Contributor: _____
Occupation of Contributor: _____
Employer of Contributor: _____

Name of Contributor: _____
Occupation of Contributor: _____
Employer of Contributor: _____

Name of Contributor: _____
Occupation of Contributor: _____
Employer of Contributor: _____

Check box if additional schedules are attached.

4. Information regarding persons accompanying the elected officer

Please list the name of any individual who is

- (a) a City employee required to file a Statement of Economic Interests,
- (b) a lobbyist or campaign consultant registered with the Ethics Commission;
- (c) an employee of or individual who has an ownership interest in a lobbyist or campaign consultant registered with the Ethics Commission; or
- (d) an employee or officer of the entity that will pay for the gift of transportation, lodging or subsistence, and

who is accompanying the elected officer on the trip.

Please identify whether the individual is category (a), (b), (c), or (d), as described above.

Name of Individual Category
See attached.

Check box if additional schedules are attached.

*The cost of transportation, lodging or subsistence is the total cost of this trip for the Mayor and shared costs for Mrs. Anita Lee (lodging and transportation). Mrs. Lee's total costs will be reported on the Mayor's Form 700 for 2013, due to the Ethics Commission by April 1, 2014.

Ethics in the City: Promise, Practice or Pretense

Attachment to Form SFEC-3.218(d)
 Edwin M. Lee
 10-14-13 – 10-23-13 China/Korea

Section 2. Information regarding contributors who contributed more than \$500 to the entity to fund the trip.

Contributors
UBER Technology Inc.
Equity Realty
GoDigital Media Group
AppDirect
AirBnB
San Francisco Travel
City of Seoul
Shanghai Foreign Affairs Office
Beijing Foreign Affairs Office
Shaklee
Bombardier
Chec
Doppelmayr Cable Car
Cubic
Hilton
Parsons
Gap, Inc.
United Airlines
Koret Foundation

Name	Occupation	Employer
Walter Allen, CEO & President	CEO of transportation infrastructure	Acumen Building Enterprise, Inc.
Anne Alvarez, President of the Board	Charitable work	Little Children's Aid
Yat-Pang Au, CEO & Founder	Finance	Veritas
Helena Au	Finance	Veritas
Walter Baczkowski, Chief Executive Officer	Realty	San Francisco Association of Realtors
Laurence Baer, CEO	CEO of sports franchise	San Francisco Giants
Pam Baer		Spouse of Larry Baer
John Curson, Managing Partner	Manager	Approach Partners
Thomas Escher, President & Chairman		Red and White Fleet
William Fong, Executive Vice President	Banker	East West Bank
Boe Hayward, Partner	Registered lobbyist	Goodyear-Peterson, LLC
Mike Healy, Partner	Lawyer	Sedgwick Law
Jeffrey Heller, President	Architect	Heller Manus Architects
Tom Henderson, CEO	CEO	San Francisco Regional Center, LLC
Lily Huang, Director, Global Gateway Division	Banker	Silicon Valley Bank
Mary Jung, Chair	Realtor	San Francisco Democratic Party
Jerry Kennelly, Chairman & Chief Executive Officer	CEO technology firm	Riverbed Technology, Inc.
Dev Krishnan, President & CEO	CEO of transportation infrastructure	Kal Krishnan Consulting Services, Inc.
George Lam, President	President of property corp	LF Properties Corporation
Richard Peterson, Principal	Registered lobbyist	Goodyear-Peterson, LLC
Tanya Peterson, President & Director	Director of non-profit organization	San Francisco Zoological Society

Ethics in the City: Promise, Practice or Pretense

Name	Occupation	Employer
Ross Portugles	Manager	Shanghai Baosan
Betty Wong, Broker	Real estate	Pacific Union Real Estate
John Wong, Founding Chairman	Real estate	Asian Real Estate Association of America
Ronald Wong, President & CEO	Manager of communications firm	Imprenta Communications Group, Inc.

Section 4. Information regarding persons accompanying the elected officer:

Name	Category
Mark Chandler	(a)
Matthew Goudeau	(a)
Francis Tsang	(a)
Jennifer Matz	(a)
Phil Ginsburg	(a)
Supervisor Jane Kim	(a)
Supervisor London Breed	(a)
Supervisor Norman Yee	(a)
Commissioner Kimberly Brandon	(a)
Al Perez	(a) and (d)
Boe Hayward	(b) and (c)
Richard Peterson	(b) and (c)
Claudine Cheng	(b)
James Fang	(d)
Jesus Coronel	(d)
Sandra Siharath	(d)

Form SFEC-3.216(d)
Cover Page

FILED
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SAN FRANCISCO
ETHICS COMMISSION

Please type or print legibly in ink.

1. Information regarding Elected Officer:			
Name (Last)	(First)	(Middle)	Daytime Telephone
Lee	Edwin	Mah	(415) 554-6910
Mailing Address	Street	Zip	Fax Telephone
City Hall, Rm. 200, 1 Dr. Carlton B. Goodlett Pl., S.F., CA		94102	(415) 554-6113
Office Held	Email Address		
Mayor	mayoredwinlee@sfgov.org		

2. Purpose of Travel:
To expand ties with Bangalore Sister City with a special focus on areas with significant opportunities for cultural and educational exchanges, economic partnerships, and humanitarian assistance.

4. Schedule Summary:
Total number of pages, including this cover page: 4

Check applicable schedules:

Schedule A Yes - schedule attached
Gift of transportation, lodging or subsistence

Schedule B Yes - schedule attached
Gift to the City of transportation, lodging or subsistence

Schedule C Yes - schedule attached
Reimbursement to the City of gift of transportation, lodging or subsistence

3. Dates of Travel and Itinerary:

Nov 29 - Dec 1, 2013	SFO-Bangalore, India
Dec 1-5, 2013	Bangalore, India
Dec 5-10, 2013	Personal Travel
Dec 10, 2013	Return to San Francisco

5. Verification:
I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge, the information contained herein and in any attached schedules is true and complete.

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

Date signed: 11/27/13

Signature: [Redacted]

03117
 THE MAYOR OF
 SAN FRANCISCO

Form SFEC-3.216(d)
Schedule A – Gifts of Travel

1. Information regarding entity funding gift of transportation, lodging or subsistence

Full Name of Entity:
 San Francisco-Bangalore Sister City Committee

Address:
 Palo Alto CA 94301

Name of Contact Person:
 Uday Bellary

Email Address: Telephone:
 (408) 316-8787

3. Cost of transportation, lodging or subsistence

A. Please list the total amount of costs that will be paid by the entity to fund the elected officer's travel, including but not limited to the amount directly related to the cost of the officer's transportation, lodging and subsistence.
 * \$19,837.00

B. Please list the amount in Item A that is directly related to the cost of the officer's transportation, lodging and subsistence.
 * \$19,837.00

2. Information regarding contributors who contributed more than \$500 to the entity to fund the trip

Please list the name, occupation and employer of any contributor who contributed more than \$500 to the entity funding the trip and whose contributions were used in whole or in part to fund the trip:

Please see Attached

Name of Contributor: _____
 Occupation of Contributor: _____
 Employer of Contributor: _____

Name of Contributor: _____
 Occupation of Contributor: _____
 Employer of Contributor: _____

Name of Contributor: _____
 Occupation of Contributor: _____
 Employer of Contributor: _____

Check box if additional schedules are attached.

4. Information regarding persons accompanying the elected officer

Please list the name of any individual who is

- (a) a City employee required to file a Statement of Economic Interests,
- (b) a lobbyist or campaign consultant registered with the Ethics Commission;
- (c) an employee of or individual who has an ownership interest in a lobbyist or campaign consultant registered with the Ethics Commission; or
- (d) an employee or officer of the entity that will pay for the gift of transportation, lodging or subsistence, and

who is accompanying the elected officer on the trip.

Please identify whether the individual is category (a), (b), (c), or (d), as described above.

Name of Individual: _____ Category: _____

Please see Attached

Check box if additional schedules are attached.

*The cost of transportation, lodging or subsistence is the total cost of this trip for the Mayor and shared costs for Mrs. Anita Lee (lodging and transportation). Mrs. Lee's total costs will be reported on the Mayor's Form 700 for 2013, due to the Ethics Commission by April 1, 2014.

Ethics in the City: Promise, Practice or Pretense

Form SFEC-3.216(d)
 Edwin M. Lee
 11/29/13 – 12/10/13

Section 2. Information regarding contributors who contributed more than \$500 to the entity to fund the trip.

Name of Contributor	Occupation of Contributor
Acuitherm LLC	
Andy Meroy	CEO, Tam Brand Restaurants Group LLC
Anu Natarajan	Fremont Vice Mayor
Asian Art Museum	
Bay Area Council Economic Institute	
Biocon	
Brayton Wilbur Foundation	
Brown and Caldwell	
Catamount Ventures	
CH2M Hill	
Cisco Systems	
City Lights Promotions	
El Camino Hospital	
Emirates Airlines	
FKCCI	
Franklin Templeton Investment	
Gary Jacobs	Glaser Weil Fink Jacobs Howard Avchen & Shapiro LLP
Government of Karnataka	
Karnataka Udyoga Mitra	
Kiran-Mazumdar-Shaw	
Kumar Malavalli	CEO, InMage Board, San Francisco-Bangalore Sister City Committee
Mango Marketing Design	
Mark Dana	Fremont Assistant City Manager
Michael Alvarez	MD Anderson Center for Professional Development & Entrepreneurship
Microsoft	
Montgomery Entertainment, LLC	
Palo Alto Medical Center	
Recology	
Rickshaw	
San Francisco Bangalore Sister City	
Scott Fearon	Crown Capital Management
Sparks and Associate	
Strand Life Science	
Taj Compton Place	
Taj West End	
The Hive	
Vilaya Malavalli	
Viva Moqi	Platinum Advisors, LLC
Webcor Builders	

Section 4. Information regarding persons accompanying the elected officer:

Christine Falvey	Director of Communications, Office of the Mayor	a
Jason Elliott	Director of Legislative & Government Affairs, office of the Mayor	a
Jay Xu	Director and CEO, Asian Art Museum of San Francisco Director, Asian Art Commission	a&d
Mark Chandler	Director, Mayor's Office of International Trade & Commerce	a
Matthew Goudeau	Director, Mayor's Office of Protocol	a
Michael Carlin	Deputy General Manager, Public Utilities Commission	a
Tamar Hurwitz	School Education Program Manager, Department of the Environment Board, San Francisco-Bangalore Sister City Committee	a&d
Una Fannon	Senior Manager for International Business Development, Office of Economic and Workforce Development	a
Nicole Wheaton	Director of Appointments Commission and Board Liaison	a

Ethics in the City: Promise, Practice or Pretense

Form SFEC-3.216(d)
 Edwin M. Lee
 11/29/13 - 12/10/13

Viva Mogi	Platinum Advisors	b&c
Anil Menon	President of Smart + Connected Communities, Cisco	d
Ashley Montgomery	Contractor, San Francisco-Bangalore Sister City Committee Montgomery Entertainment, LLC	d
Avinash S. Patwardhan	Global Technology Director - Urban Programs VP & Technology Fellow, CH2M Hill	d
Cesar Molina	Head, El Camino Hospital	d
Chad Ramnathan	Cardiovascular Surgeon, El Camino Hospital	d
Conrad Vial	Renowned Cardiovascular Surgeon, El Camino Hospital	d
Deepa Harris	Board, San Francisco-Bangalore Sister City Committee Sr. Vice President of Sales and Marketing, TAJ Group	d
Elizabeth Vilardo	President, Palo Alto Medical Foundation	d
Eric Pifer	CMO, El Camino Hospital	d
Eric Potashner	Sr. Director Strategic Affairs, Recology	d
Gordon Feller	Director, Cisco Systems	d
James Herlihy	Board, San Francisco-Bangalore Sister City Committee Deutsche Bank Private Wealth Management	d
Jay Patil	Senior Vice President, Brown & Caldwell	d
Kumar Malavalli	Board, San Francisco-Bangalore Sister City Committee CEO, Co-Founder, InMage	d
Kurt Herzog	President and CEO, Acutherm, LLC	d
Latha P. Palaniappan	Biobanking and Clinical Research, Palo Alto Medical Foundation	d
Madhav Misra	Board, San Francisco-Bangalore Sister City Committee Misra Capital Management, LLC	d
Manoj Shalendra	National Sales, Emirates	d
Marc Musgrove	Corporate Communications, Cisco	d
Meera Prashad	Board, San Francisco-Bangalore Sister City Committee GetGoing, Inc.	d
Peter Paul Yu	President, American Society of Oncology	d
Robert Sinha	Radiation Oncologist, El Camino Hospital	d
Scott Heldfond	Board, San Francisco-Bangalore Sister City Committee Aon, PLC/UB Group	d
Sean Randolph	Board, San Francisco-Bangalore Sister City Committee President and CEO, Bay Area Council	d
Shyamali Singhal	Head of Oncology Center, El Camino Hospital	d
Tom Ryba	President & CEO, El Camino Hospital	d
Uday Bellary	Board, San Francisco-Bangalore Sister City Committee Verifaya Corp.	d
Vijay Advani	Board, San Francisco-Bangalore Sister City Committee Executive Vice President, Franklin Templeton Investment	d
Vijay Bist	Board, San Francisco-Bangalore Sister City Committee Amber India Inc.	d
Vijay Kumar	Board, San Francisco-Bangalore Sister City Committee Vice President, CH2M Hill	d

APPENDIX FOUR

Proposition J Voters Guide Materials

Proposition	J
Title	City Contractor Contributions
Date	11/7/2000
Vote Count	Yes: 236,094 No: 49,538
Percentage of votes	Yes: 82.66% No: 17.34%
Percentage of votes required to pass	50%+1
How it was placed on the ballot	Initiative
Kind	Ordinance
Question Stated on the Ballot	Shall the City ban officials from accepting gifts, payments, or campaign contributions from a person or group if the official previously approved granting the donor a contract or special benefit?

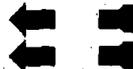
City Contractor Contributions



PROPOSITION J

Shall the City ban officials from accepting gifts, payments, or campaign contributions from a person or group if the official previously approved granting the donor a contract or special benefit?

YES
NO



Digest

by Ballot Simplification Committee

THE WAY IT IS NOW: Under state and local law, public officials may not participate in decisions in which they have a financial interest. For example, officials may not vote to give a contract to a company that they own in whole or in part.

Officials must report all gifts they receive worth more than \$50, and may not accept more than \$300 in gifts per year from any single source. An official may not participate in making a government decision affecting anyone who has given \$250 or more in gifts or income to the official in the past year. Campaign contributions to an official are not considered gifts or income.

THE PROPOSAL: Proposition J is an ordinance that would ban any City official from accepting a gift, payment, job offer, or campaign contribution from a person or group, if the City official previously had approved granting a contract, lease, franchise, land use variance, special tax

benefit, or monetary payment to that person or group. This ban would apply from the date of approval of the benefit until two years after the official's term of office ended or the official otherwise left office, or six years after the approval, whichever came first.

A "YES" VOTE MEANS: If you vote yes, you want to ban City officials from accepting gifts or campaign contributions from a person or group where the official has previously approved granting a contract or special benefit to that person or group.

A "NO" VOTE MEANS: If you vote no, you do not want to ban City officials from accepting gifts or campaign contributions from a person or group where the official has previously approved granting a contract or special benefit to that person or group.

Controller's Statement on "J"

City Controller Edward Harrington has issued the following statement on the fiscal impact of Proposition J:

Should the proposed ordinance be adopted, in my opinion, it would have a minor effect on the cost of government.

How "J" Got on the Ballot

On June 30, 2000 the Department of Elections certified that the initiative petition, calling for Proposition J to be placed on the ballot, had qualified for the ballot.

9,735 signatures were required to place an ordinance on the ballot.

This number is equal to 5 % of the total number of people who voted for Mayor in 1999. A random check of the signatures submitted on June 1, 2000 by the proponent of the initiative petition showed that more than the required number of signatures were valid.

THIS MEASURE REQUIRES 50%+1 AFFIRMATIVE VOTES TO PASS.

ARGUMENTS FOR AND AGAINST THIS MEASURE IMMEDIATELY FOLLOW THIS PAGE. THE FULL TEXT BEGINS ON PAGE P-133
SOME OF THE WORDS USED IN THE BALLOT DIGEST ARE EXPLAINED ON PAGE P-2

P-127



City Contractor Contributions

PROPONENT'S ARGUMENT IN FAVOR OF PROPOSITION J

No arguments were submitted

REBUTTAL TO PROPONENT'S ARGUMENT IN FAVOR OF PROPOSITION J

Arguments printed on this page are the opinion of the authors and have not been checked for accuracy by any official agency.

P-128

City Contractor Contributions



OPPONENT'S ARGUMENT AGAINST PROPOSITION J

No arguments were submitted

REBUTTAL TO OPPONENT'S ARGUMENT AGAINST PROPOSITION J

Arguments printed on this page are the opinion of the authors and have not been checked for accuracy by any official agency.

P-129



City Contractor Contributions

PAID ARGUMENTS IN FAVOR OF PROPOSITION J

Republicans stand for good government. This reform proposition was put on the ballot by a non-partisan, grassroots, good-government group. It should enjoy the respect of all citizens. This measure would help stop bribery and corruption in city hall. **And in San Francisco, that'll be a full time job!**

Adam Sparks
GOP Candidate for Congress, San Francisco

The true source of funds used for the printing fee of this argument is Adam Sparks.

The flow of corporate campaign contributions and gifts to public officials is corrupting our local democracy.

Joel Ventresca
President, Coalition for San Francisco Neighborhoods (1987-89; 1992-94)

The true source of funds used for the printing fee of this argument is Joel Ventresca.

Ralph Nader, both the San Francisco Democratic AND Republican committees and California Common Cause all agree on only one thing this year: They all endorse Measure J. That's because Measure J is good government without politics.

The signatures needed to qualify Measure J were collected by the non-partisan Oaks Project through an unprecedented 100% volunteer petition effort.

Measure J prevents corruption by banning "legal" kickbacks. J bars politicians from taking money, gifts, or jobs from anyone benefiting from the politician's actions (i.e. granting city contracts, special tax breaks of land deals).

VOTE YES on Measure J.

Ben Gertner
Oaks Project Volunteer

The true source of funds used for the printing fee of this argument is Nicholas Wirz.

Stop *special deals* to downtown special interests like **Bloomingdale's!**

Vote YES on Prop J!

Jake McGoldrick
Candidate for District 1 Supervisor

The true source of funds used for the printing fee of this argument is McGoldrick for Supervisor.

The three largest contributors to the true source recipient committee are 1. Hiroshi Fukuda 2. Mowitza Biddle 3. Steve Williams.

Elected officials shouldn't reward campaign contributors with city contracts and money. But that's exactly what has brought the FBI into City Hall. Keep everyone's hands out of the cookie jar. **Vote Yes on Proposition J.**

Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club

The true source of funds used for the printing fee of this argument is Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club.

The three largest contributors to the true source recipient committee are 1. Californians for Indian Self-Reliance 2. Assemblywoman Carole Migden 3. Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club.

We support city government for the public interest, not special interests!

Proposition J promotes integrity in city officials, saving taxpayers from wasteful contracts and favoritism. Vote Yes on J.

San Francisco Green Party

The true source of funds used for the printing fee of this argument is the San Francisco Green Party.

The three largest contributors to the true source recipient committee are: 1. Marge Harburg 2. Jo Chamberlain 3. John Strawn.

Arguments printed on this page are the opinion of the authors and have not been checked for accuracy by any official agency.

P-130



City Contractor Contributions

PAID ARGUMENTS AGAINST PROPOSITION J

No Paid Arguments Were Submitted Against Measure J

Arguments printed on this page are the opinion of the authors and have not been checked for accuracy by any official agency.

P-132

TEXT OF PROPOSED INITIATIVE ORDINANCE PROPOSITION J

Amendment to San Francisco Administrative Code

Chapter 16 of the San Francisco Administrative Code shall be amended by the addition of the following Article:

ARTICLE XX. TAXPAYER PROTECTION

Section 16.990. Title

This Article shall be known as the City and County of San Francisco Taxpayer Protection Amendment of 2000.

Section 16.991. Findings and Declarations

(a) The people of the City and County of San Francisco ("City and County") find that the use or disposition of public assets is often tainted by conflicts of interest among local public officials entrusted with their management and control. Such assets, including publicly owned real property, land use decisions conferring substantial private benefits, conferral of a franchise without competition, public purchases, taxation, and financing, should be arranged strictly on the merits for the benefit of the public, and irrespective of the separate personal or financial interests of involved public officials.

(b) The people find that public decisions to sell or lease property, to confer cable, trash hauling and other franchises, to award public construction or service contracts, or to utilize or dispose of other public assets, and to grant special land use or taxation exceptions have often been made with the expectation of, and subsequent receipt of, private benefits from those so assisted to involved public "decision makers". The people further find that the sources of such corruptive influence include gifts and honoraria, future employment offers, and anticipated campaign contributions for public officials who are either elected or who later seek elective office. The trading of special favors or advantage in the management or disposal of public assets and in the making of major public purchases compromises the political process, undermines confidence in democratic institutions, deprives meritorious prospective private buyers, lessees, and sellers of fair opportunity, and deprives the public of its rightful enjoyment and effective use of public assets.

(c) Accordingly, the people declare that there is a compelling state interest in reducing the corruptive influence of emoluments, gifts, and prospective campaign contributions on the decisions of public officials in the management of public assets and franchises, and in the disposition of public funds. The people, who compensate public officials, expect and declare that as a condition of such public office, no gifts, promised employment, or campaign contributions shall be received from any substantial

beneficiary of such a public decision for a reasonable period, as provided herein.

Section 16.992. Definitions

(a) As used herein, the term public benefit does not include public employment in the normal course of business for services rendered, but includes a contract, benefit, or arrangement between the City and County and any individual, corporation, firm, partnership, association, or other person or entity to:

(1) provide personal services of a value in excess of \$50,000 over any 12 month period;

(2) sell or furnish any material, supplies or equipment to the City and County of a value in excess of \$50,000 over any 12 month period;

(3) buy or sell any real property to or from the City and County with a value in excess of \$50,000, or lease any real property to or from the City and County with a value in excess of \$50,000 over any 12 month period;

(4) receive an award of a franchise to conduct any business activity in a territory in which no other competitor potentially is available to provide similar and competitive services, and for which gross revenue from the business activity exceeds \$50,000 in any 12 month period;

(5) confer a land use variance, special use permit, or other exception to a pre-existing master plan or land use ordinance pertaining to real property where such decision has a value in excess of \$50,000;

(6) confer a tax abatement, exception, or benefit not generally applicable of a value in excess of \$5,000 in any 12 month period;

(7) receive cash or specie of a net value to the recipient in excess of \$10,000 in any 12 month period.

(b) Those persons or entities receiving public benefits as defined in Section 16.992(a)(1)-(7) shall include the individual, corporation, firm, partnership, association, or other person or entity so benefiting, and any individual or person who, during a period where such benefit is received or accrues,

(1) has more than a ten percent (10%) equity, participation, or revenue interest in that entity; or
(2) who is a trustee, director, partner, or officer of that entity.

(c) As used herein, the term personal or campaign advantage shall include:

(1) any gift, honoraria, emolument, or personal pecuniary benefit of a value in excess of \$50;

(2) any employment for compensation;

(3) any campaign contributions for any elective office said official may pursue.

(d) As used herein, the term public official includes any elected or appointed public official acting in an official capacity.

Section 16.993. Prohibitions

(a) No City and County public official who has

exercised discretion to approve and who has approved or voted to approve a public benefit as defined in Section 16.992(a) may receive a personal or campaign advantage as defined in Section 16.992(c) from a person as defined in Section 16.992(b) for a period beginning on the date the official approves or votes to approve the public benefit, and ending no later than

(1) two years after the expiration of the term of office that the official is serving at the time the official approves or votes to approve the public benefit;

(2) two years after the official's departure from his or her office whether or not there is a pre-established term of office; or

(3) six years from the date the official approves or votes to approve the public benefit; whichever is first.

(b) Section 16.993(a) shall also apply to the exercise of discretion of any such public official serving in his or her official capacity through a redevelopment agency, or any other public agency, whether within or without the territorial jurisdiction of the City and County either as a representative or appointee of the City and County.

Section 16.994. Responsibilities of City and County Public Officials and Advantage Recipients

(a) City and County public officials shall practice due diligence to ascertain whether or not a benefit defined under Section 16.992(a) has been conferred, and to monitor personal or campaign advantages enumerated under Section 16.992(c) so that any such qualifying advantage received is returned forthwith, and no later than ten days after its receipt.

(b) City and County public officials shall provide, upon inquiry by any person, the names of all entities and persons known to them who respectively qualify as public benefit recipients under the terms of Sections 16.992 and 16.993.

Section 16.995. Disclosure of the Law

The City and County shall provide any person, corporation, firm, partnership, association, or other person or entity applying or competing for any benefit enumerated in Section 16.992(a) with written notice of the provisions of this Article and the future limitations it imposes. Said notice shall be incorporated into requests for "proposal," bid invitations, or other existing informational disclosure documents to persons engaged in prospective business with, from, or through the City and County.

Section 16.996. Penalties and Enforcement

(a) In addition to all other penalties which might apply, any knowing and willful violation

(Continued on next page)

LEGAL TEXT OF PROPOSITION J (CONTINUED)

of this Article by a public official constitutes a criminal misdemeanor offense.

(b) A civil action may be brought under this Article against a public official who receives a personal or campaign advantage in violation of Section 16.993. A finding of liability shall subject the public official to the following civil remedies:

(1) restitution of the personal or campaign advantage received, which shall accrue to the General Fund of the City and County;

(2) a civil penalty of up to five times the value of the personal or campaign advantage received;

(3) injunctive relief necessary to prevent present and future violations of this Article;

(4) disqualification from future public office or position within the jurisdiction, if violations are willful, egregious, or repeated.

(c) A civil action under subdivision (b) of this section may be brought by any resident of the City and County. In the event that such an action is brought by a resident of the City and County and the petitioner prevails, the respondent public official shall pay reasonable attorney's fees and costs to the prevailing petitioner. Civil penalties collected in such a prosecution shall accrue 10% to the petitioner and 90% to the General Fund of the City and County.

(d) Any person who believes that the provisions of this Article have been violated may file a complaint with the Ethics Commission. Upon receipt of a complaint, or upon its own initiative, the Commission may investigate alleged violations of this Article and may enforce the provisions of this Article pursuant to Charter Section C3.699-13 and to the rules and regulations adopted pursuant to Charter Section 15.102.

Section 16.997. Effect of Article

The provisions of this Article are intended to supplement, and not to replace, any provisions of the San Francisco Charter and Administrative Code that relate to campaign finance, lobbying, conflicts of interest or governmental ethics.

Section 16.998. Severability

If any provision of this Article is held invalid, such invalidity or unconstitutionality shall not affect other provisions or applications which can be given effect without the invalidated provision, and to this end the provisions of this Article are severable.

City Contractor Contributions



PAID ARGUMENTS IN FAVOR OF PROPOSITION J

Should contractors with business before boards and commissions be prohibited from donating to the members of those boards? This is a tough one, I just don't know, hmmm, let me think...

Vote YES on J.

Matt Gonzalez

The true source of funds used for the printing fee of this argument is Matt Gonzalez.

Proposition J bans the quid pro quo of awarding city contracts for campaign contributions. It stops city officials from taking money and jobs from those they award contracts to.

Vote Yes on Proposition J!

San Francisco Tomorrow

The true source of funds used for the printing fee of this argument is San Francisco Tomorrow.

The three largest contributors to the true source recipient committee are 1. Jane Morrison 2. Zoanne Nordstrom 3. Jennifer Clary.

VOTE YES ON PROPOSITION J!

There are at least two reasons for voters and taxpayers to support Proposition J strongly: First, it's a sincere initiative by real voters, not elected officials, to control the disturbing syndrome of money and other gifts dictating Board of Supervisors and various commissions' actions. Secondly, it's plain good government policy to prohibit decision-makers from voting on matters where proponents or opponents have given campaign contributions or gifts or anything of value.

Proposition J stops that kind of purchased influence from dominating City Hall decisions that affect our lives and well-being. This measure was painstakingly qualified for the ballot by people like our neighbors and yours. Don't let them down. Send malodorous City Hall a strong message - San Francisco is not for sale. **Vote YES ON PROPOSITION J.**

Good Government Alliance

The true source of funds used for the printing fee of this argument is Good Government Alliance.

The largest contributor to the true source recipient committee is: 1. Kopp's Good Government Alliance.

The San Francisco Republican Party supports reasonable and workable reforms of the political system.

That is why we are supporting Proposition J. Prop. J will help eliminate undue influence, whether in fact or in appearance, by entities or individuals doing or seeking business with the City.

Vote Yes on Proposition J.

San Francisco Republican Party

Donald A. Casper, Chairman

Mike Garza, Candidate

12th Congressional District

Terence Faulkner, Candidate

3rd Senate District

Julie Bell

Lee S. Dolson, Ph.D.

Gail E. Neira

Grace Norton-Fitzpatrick

Les Payne

Howard Epstein, Candidate

12th Assembly District

Harold Hoogasian, Candidate

District VII Supervisor

Albert Chang

Joel Hornstein

Denis Norrington

Rita O'Hara

Dana Walsh

The true source of funds used for the printing fee of this argument is the above signers and the San Francisco Republican Party.

Arguments printed on this page are the opinion of the authors and have not been checked for accuracy by any official agency.

305-11

SAN FRANCISCO BOARD OF SUPERVISORS
SAN FRANCISCO CITY HALL
SAN FRANCISCO; CALIFORNIA

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2014 JUN 23 PM 3:10

TO WHOM IT MAY CONCERN

When you, the supervisors passed the no-sit, no-lie ordinance as protection for citizens and shop owners against the influx of homeless persons arriving in great numbers into this once beautiful and clean city. What we have now in the Tenderloin on the block of Turk street between Hyde and Larkin Streets is an encampment of great medical harm to the elderly and the children who use the childrens park at the corner of Hyd and Turk. The advent of the Methadone clinic on Turk has brought into our midst many drug users and sellers. At any given time you can see the sale of a variety of drugs as well as needles stuck into various body parts with absolutely no concern for who might be passing by. The sellers and users have become so commonplace that they are often overlooked. Little children should not have to become unwilling witnesses to this daily routine. The police which are sworn to uphold your laws drive by frequently with seemingly nothing on their minds but where the nearest donut shop might be.

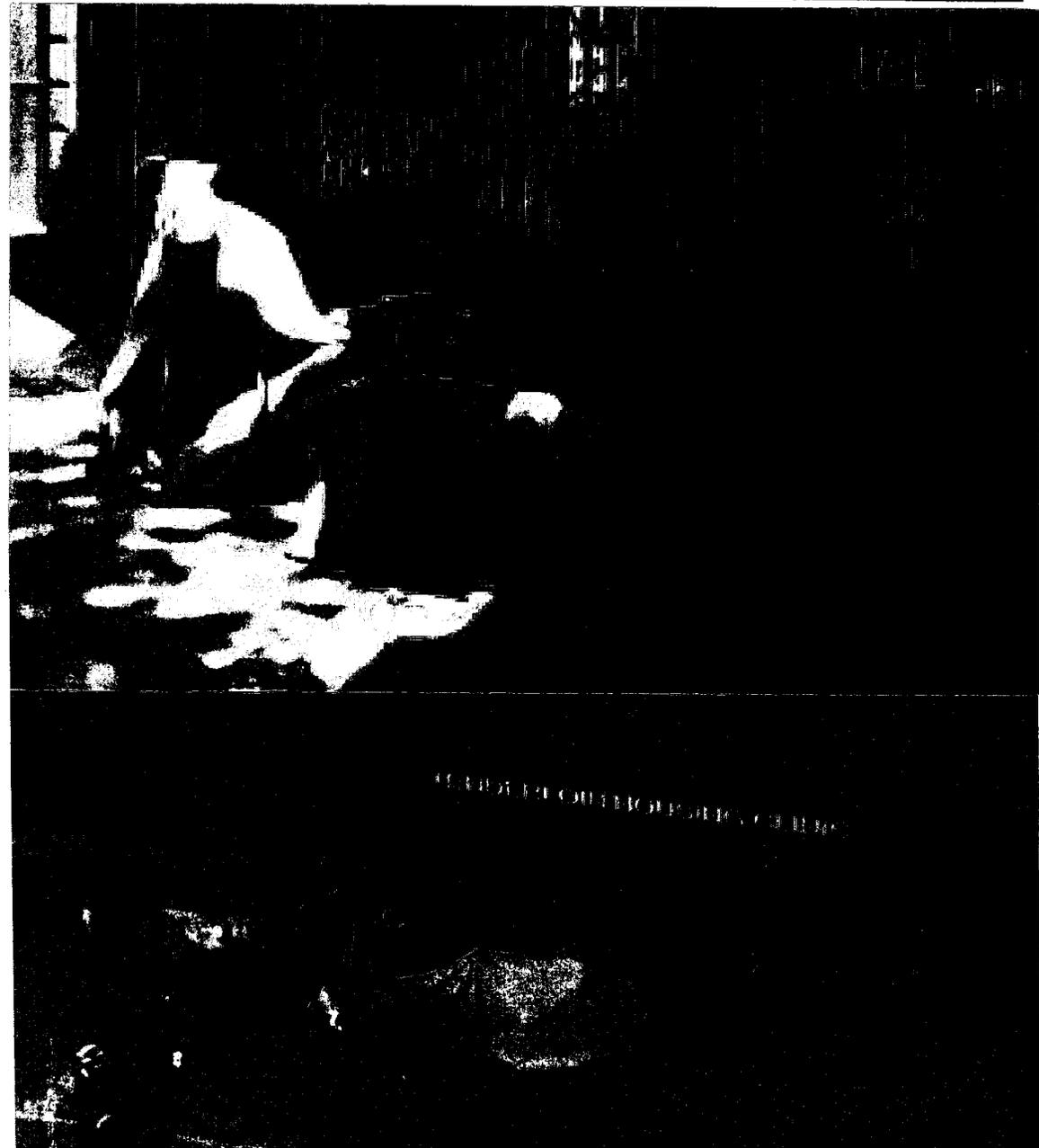
Please help the good people who live in this environment. If the police refuse to enforce what is law, then perhaps this matter should be turned over to 70n Your Side who will at least inform the voters and taxpayers that nothing is being done.

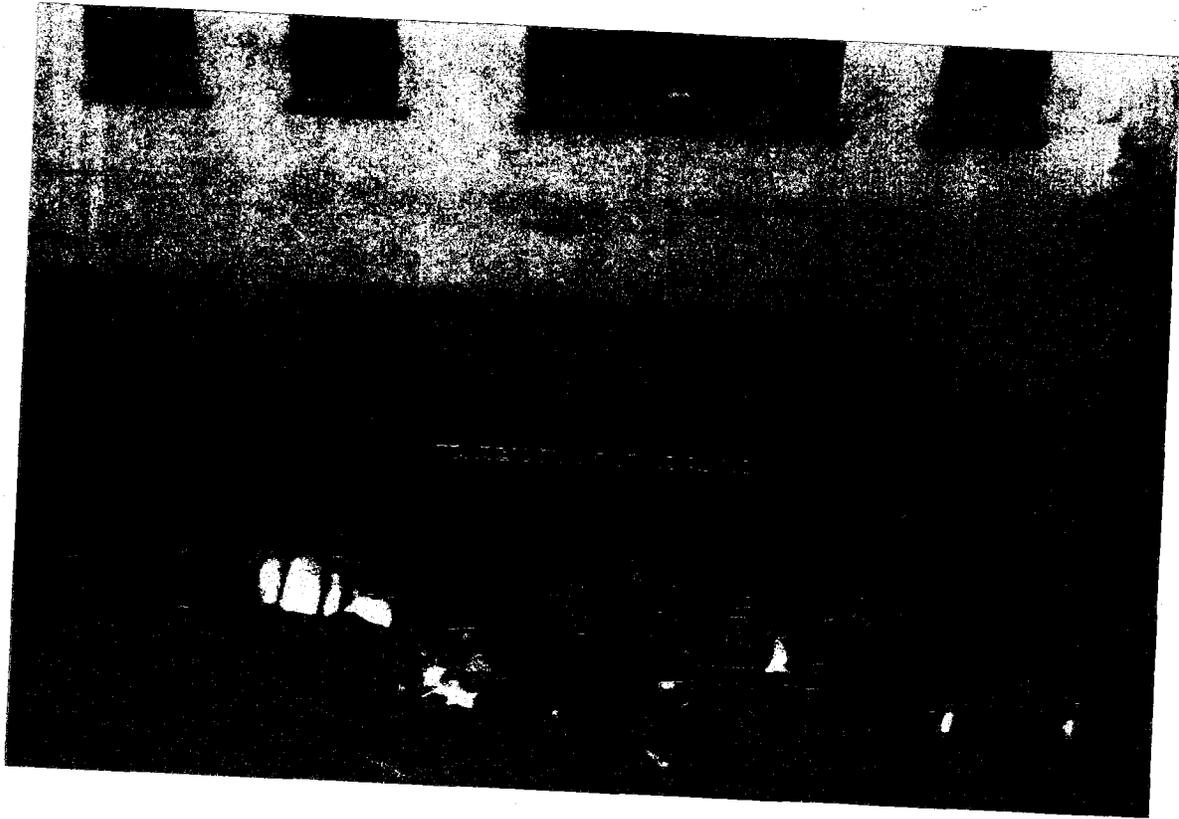
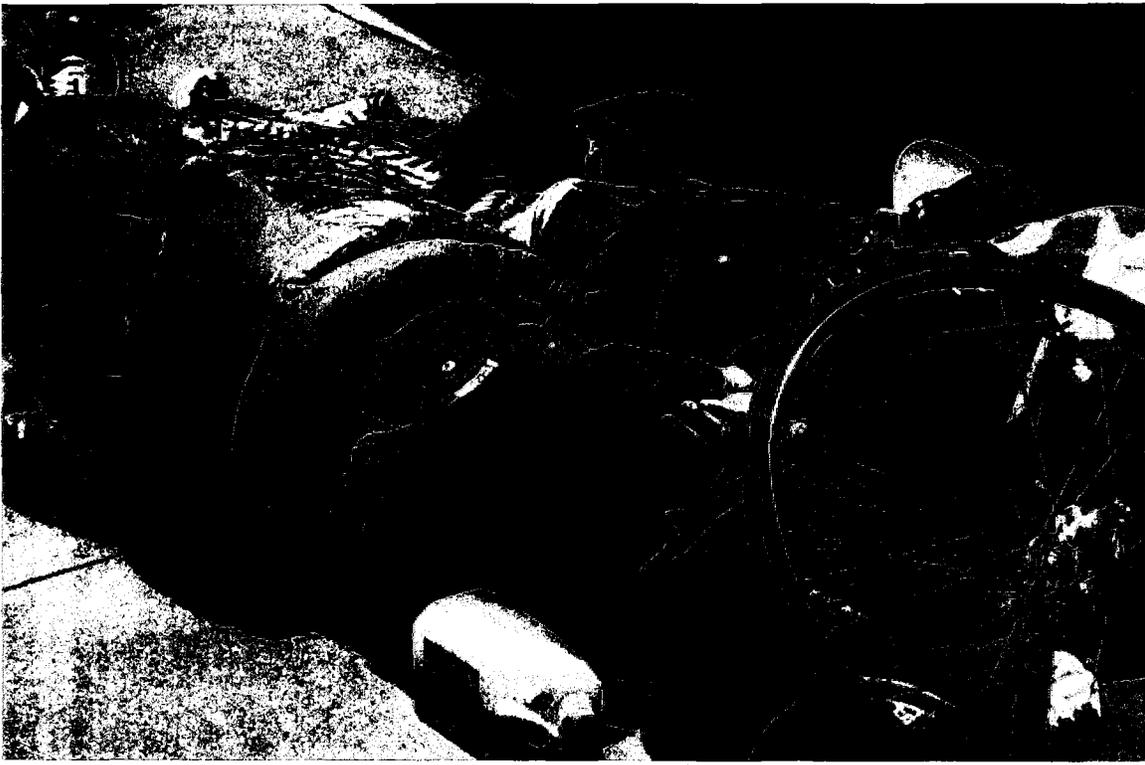
Gratefully,

Citizens who care

cc photographs enclosed

P.S. If you feel compassion for the cops not doing their jobs, think about the feds who watch drug dealers who have taken over the Post Office at Hyde and Golden Gate and are doing nothing.





BOS 11, C pages

Here's a call to all san Francisco supervisors attention to what I've been paying attention to. For years san Francisco has been plague with meter parking involving d.p.placards,I have observe many san Francisco employees who's in transportation parking there vehicle on a meter with a d.p.placard I would like propose two solutions.#1,if a city employee vehicle is I d to someone in transportation then that person employment must be re evaluated per. his or her Medical card there's a public safety issue involve.#2 anyone that parks on a meter or in a handicap parking spot must have a d.p.license plate in san Francisco. Placard cards are being misused. It's being abuse by non-disabled family members and friends of the disabled. There are cases where a disabled individual will pay another person to take them out to wherever, sometimes treat them to eat. Family members or friends of a disabled individual must be able to pay for parking.

Thank you

John fitch

the voice.Fitch 3@gmail.com

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BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 24 PM 2:05



45

BOG-11, C pages

I'm calling your attention to what I've been paying attention to: I'm asking all supervisors to put their heads together and come up with: a money mgmt class for all persons employed by san Francisco so that workers can be smart with money to make it work. There are men and women approaching retirement. People who have 25 years or more are stress out over there 401K or future retirement options. There are people on the job that are afraid. They don't have much in the bank. They haven't left themselves an out. Let me share something with you, at the beginning of a person employment they were handed some seeds. When those seeds leave your hand, they don't leave your life, they go into the future. (1)making bad investments and receiving terrible legal advice, can put a person in a declining tailspin of sorts.(2)people are reticent to help you because they assume that you are well off.(3)money is only a indication of how well a person is doing. Credit on the other hand, I believe counts for more, as it is a reflection of one's responsible financial mgmt. (4) money is important but a person do not have to be a slave to it. And a person never want to corrupt there soul. A person shouldn't always feel this way. Sometimes I think we can be better human beings by losing everything we own, and starting all over again. (5) Edgar Allen Poe said never to suffer, never to have been bless. Sound crazy.

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2014 JUN 24 PM 2:05



Thank you

John fitch

the voice.Fitch 3@gmail.com

46

Post 11, 1 pages

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

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

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

Fish and Game Commission



June 17, 2014

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 23 PM 3:10

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to sections 163 and 164, Title 14, California Code of Regulations, relating to harvest of herring and harvesting of herring eggs, which will be published in the California Regulatory Notice Register on June 20, 2014.

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

Mr. Ryan Bartling, Marine Region, Department of Fish and Wildlife, telephone number (707) 576-2877, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sheri Tiemann
Associate Governmental Program Analyst

Attachment

**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 1050, 5510, 8389, 8550, 8552.1, 8553 and 8555, of the Fish and Game Code and to implement, interpret or make specific sections 713, 1050, 7850, 7850.5, 7852.2, 7881, 8043, 8053, 8389, 8550, 8550.5, 8552, 8552.1, 8552.2, 8552.3, 8552.4, 8552.5, 8552.6, 8552.7, 8552.8, 8553, 8554, 8555, 8556, 8557, and 8559 of said Code, proposes to amend sections 163 and 164, Title 14, California Code of Regulations, relating to the commercial herring fishery.

Informative Digest/Policy Statement Overview

Sections 163 and 164, Title 14, CCR, specify that herring may be taken for commercial purposes only under a revocable permit, subject to such regulations as the Fish and Game Commission shall prescribe. Current regulations specify: permittee qualifications; permit application procedures and requirements; permit limitations; permit areas; vessel identification requirements; fishing quotas; seasons; gear restrictions; and landing and monitoring requirements. Annual fishing quotas are necessary to provide for a sustainable fishery. The proposed regulatory changes in Section 163 will establish the fishing quotas for Crescent City Area, Humboldt Bay and Tomales Bay; and for the 2014-2015 season in San Francisco Bay:

- Set the Crescent City Area quota at zero (0) tons or maintain status-quo of 30 tons.
- Set the Humboldt Bay quota at zero (0) tons or maintain status-quo of 60 tons.
- Set the Tomales Bay quota at zero (0) tons or maintain status-quo of 350 tons.
- Replace the language shall "not exceed" with shall "be" with respect to the quotas selected for the Crescent City Area, Humboldt Bay and Tomales Bay.
- Set the San Francisco Bay quota for the 2014-2015 season between zero (0) and 10 percent of the 2013-2014 San Francisco Bay spawning biomass estimate for Pacific herring as provided in the 2014 Draft Supplemental Environmental Document (DSED).
- A minor editorial change will be made to Section 164 indicating a change in the revision date (Rev 2/14) because of a minor revision to the HEOK Royalty Report Form FG 143 HR.

Benefits of the Regulation

The Commission anticipates benefits to the State's environment and the health and welfare of California residents. The proposed regulation changes are intended to set annual harvest quotas within a range that will maintain sustainable herring populations for their ecological values and commercial use. Maintaining a sustainable herring fishery encourages consumption of a nutritious food.

Consistency with State or Federal Regulations

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 the commercial take of herring (sections 8550 and 8553, Fish and Game Code). 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 the commercial take of herring. There are no comparable federal regulations for the commercial harvest of herring.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be at the Hilton San Diego Mission Valley 901 Camino del Rio South, San Diego, California, on Wednesday, August 6, 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 July 24, 2014 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on July 31, 2014. All comments must be received no later than August 6, 2014 at the hearing in San Diego. 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 Sheri Tiemann at the preceding address or phone number. **Ryan Bartling, Marine Region, Department of Fish and Wildlife, phone (707) 576-2877, 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. 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 Department is providing the Commission analyses on five potential 2014-2015 quota options for San Francisco Bay ranging from zero to 10 percent of the 10-year average biomass estimate of 52,000 tons (see attached Economic Impact Assessment, EIA). The potential incremental changes to total State economic output for the no

change, zero (0) ton, 2,444 ton, 2,600 ton, or 5,200 ton quota, options are: none, \$(6,874,000), \$(2,378,000), \$(2,091,000), and \$2,691,000, respectively, relative to 2013-2014 season's 3,737 ton quota and the ex-vessel price per ton.

No adverse incremental economic impacts to businesses in California would occur under a quota allocation of 3,737 tons or more. Moreover, given the recent market conditions for herring roe (increasing demand overseas and higher prices), any allocation of 3,737 tons or less could affect the ability of California businesses to compete with businesses in other states. This is evident in the recent market reports from the National Marine Fisheries Service, showing a 78 percent increase (by weight) in exports of Pacific herring products from California in 2013, relative to 2012. The corresponding increase in nominal dollar value of exports of Pacific herring products from California was about 59 percent (unadjusted for inflation).

Since no commercial herring fishing activity has taken place in Tomales Bay, Humboldt Bay, and Crescent City Harbor in the last six years, we conclude no adverse incremental economic impacts to businesses under the recommended zero quota allocation for these three areas.

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

Any quota option over 3,737 tons will result in positive incremental contributions to employment for the State: for example, an increase of about 38 jobs for a quota of 5,200 tons (see attached EIA). Conversely, a zero (0) ton or 2,444 ton allowable quota could adversely impact as many as 97 to 33 jobs in the fishing industry and related industries. This is based on an employment multiplier of 27 jobs per each million dollar change in direct output from commercial herring fishing activities.

Most commercial herring industry participants are small businesses (as defined in California Government Code Section 11342.610), which may incur a detriment under a quota option less than 3,202 tons for San Francisco Bay. This 3,202 tons was the total harvest of Pacific herring landed during the 2013-2014 season, though the allowable quota was higher at 3,737 tons.

It is unlikely that any of the proposed quota options would alone cause the elimination of existing businesses in the State. This is in light of the favorable market conditions currently enjoyed by the herring processors and exporters. Given these promising market trends, it is possible that any quota option over 3,737 tons could potentially encourage investment, expansion, and creation of some new businesses in the State

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates benefits to the State's environment and the health and welfare of California residents. The proposed regulation changes are intended to set annual harvest quotas within a range that will maintain sustainable herring populations

for their ecological values and commercial use. Maintaining a sustainable herring fishery encourages consumption of a nutritious food.

No provisions of the regulation benefit worker safety because only fishing quotas are being set.

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

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. There are no new fees or reporting requirements stipulated in the proposed regulations.

(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

Dated:

Sonke Mastrup
Executive Director

Bas - 11, cpage

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

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

Fish and Game Commission



June 17, 2014

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 23 PM 3:10

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 786.9, Title 14, California Code of Regulations, relating to take of rare plants, which will be published in the California Regulatory Notice Register on June 20, 2014.

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

Mr. Craig Martz, Regulations Unit Manager, Department of Fish and Wildlife, telephone number (916) 653-4674, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sheri Tiemann
Associate Governmental Program Analyst

Attachment

**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 Section 1907 of the Fish and Game Code and to implement, interpret or make specific sections 1900, 1906, 1908, 1910, 1912 and 1913 of said Code, proposes to add Section 786.9, Title 14, California Code of Regulations, relating to take of rare plants.

Informative Digest/Policy Statement Overview

The California Fish and Game Commission (Commission) has not yet adopted regulations to be implemented by the California Department of Fish and Wildlife (Department) to govern the take, possession, propagation, transportation, exportation, importation, or sale of rare or endangered plants under the authority of the Native Plant Protection Act (NPPA), (Fish & Game Code subsection (a) of Section 1907). Although the Department may permit the take of threatened and endangered plants under the California Endangered Species Act (CESA) and other statutes, the Department does not have the ability to permit take, possession, propagation, transportation, exportation, importation, or sale of rare plants.

There are 64 species, subspecies and varieties of plants that have been designated as rare by the Commission. The proposed regulation will allow the Department to permit the take, possession, propagation, transportation, exportation, importation, or sale of rare plants using the same procedures and subject to the same conditions in Section 783 *et seq.*, Title 14, California Code of Regulations (CCR), relating to incidental take permits; in Section 786 *et seq.*, Title 14, CCR, relating to Voluntary Local Programs; in Fish and Game Code Section 2800 *et seq.* relating to Natural Community Conservation Plans; or in Fish and Game Code Section 2089.2 *et seq.* relating to Safe Harbor Agreements. The proposed regulation will allow the person or entity seeking the take authorization to select which one of the four programs listed above that they would like to use. The proposed regulation will also allow the Department to permit the take, possession, propagation, transportation, exportation, importation or sale of rare plants for scientific, educational or management purposes pursuant to either Fish and Game Code subsection (a) of Section 2081 or Fish and Game Code Section 1002 *et seq.* and Section 650 *et seq.*, Title 14, CCR, at the Department's discretion.

The NPPA prohibits take, possession or sale of endangered or rare native plants (Fish & Game Code Section 1908), but includes exceptions for some activities, and the proposed regulation will not change or limit those existing exceptions. The proposed regulation also includes a "grandfather" provision for plans, permits, or other agreements that may have inadvertently authorized rare plant impacts in the past, and make such authorizations effective as of the day they were approved.

The proposed regulation will promote the purpose of the NPPA and intent of the Legislature to preserve, protect and enhance endangered or rare native plants of California by allowing the Department to permit the incidental take of rare plants where the take is minimized and fully mitigated or using the other mechanisms provided in the proposed regulation that will provide for protection, enhancement, conservation or other benefits to rare plants. The proposed regulation will provide more options, more certainty and less liability for the regulated community when it comes to completing projects, because the regulation will provide a way to undertake activities that are now prohibited because they may involve take, possession, propagation, transportation, exportation, importation or sale of rare plants. The proposed regulation will ensure that there is no confusing regulatory overlap that would require obtaining different permits with different standards and requirements under CESA and the NPPA for the same activity. The Department needs the ability to write scientific, educational, or management permits for rare plants to facilitate important scientific research and important conservation and management activities to

help prevent the extinction of rare plants.

The Commission has reviewed its own regulations and finds that the proposed regulation is neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR and finds no other state agency regulations pertaining to the take of rare plants. Eighteen plants that are designated by California as rare are also designated as threatened, endangered or candidates under the federal Endangered Species Act (ESA), however the proposed regulation is neither inconsistent nor incompatible with existing federal regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be at the Hilton San Diego Mission Valley 901 Camino Del Rio South, San Diego, California, on Wednesday, August 6, 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 July 24, 2014 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on July 31, 2014. All comments must be received no later than August 6, 2014 at the hearing in San Diego. 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 Sheri Tiemann at the preceding address or phone number. **Craig Martz, Regulations Unit Manager, Department of Fish and Wildlife, phone (916) 653-4674, 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. 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. This regulation will permit greater certainty and flexibility for business pursuits.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. In situations where take of rare plants was otherwise not allowed by law, the regulation will provide a mechanism for take that was otherwise unavailable, thereby increasing certainty and flexibility for businesses in California in situations where a rare plant could be taken by a project. The proposed regulation will not require a permit or other authorization for rare plants where the take is otherwise allowed by law, and therefore will not place an additional burden on business in those situations.

The Commission anticipates benefits to the health and welfare of California residents from better protection of the State's natural resources. The Commission does not anticipate any benefits to worker safety from the proposed regulation. The Commission anticipates benefits to the environment through better regulation of the take of rare plants by the Department, and the ability of the Department to permit important research, conservation, and management actions for rare plants.

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

In some situations where rare plants are present the proposed regulation will eliminate a barrier to pursuing the highest value use of land. The permit and mitigation costs to a representative private person or business would likely be offset by the increased returns on project that would have previously been prohibited due to the presence of a rare plant. For example, if a permit were to be issued to take, possess, propagate, transport, export, import or sell rare plants for activities that are not allowed by the NPPA exemptions (Fish & Game Code subsections (b) and (c) of Section 1907, Section 1912, and Section 1913.) by the same procedures and subject to the same conditions as an incidental take permit pursuant to Fish and Game Code subsection (b) of Section 2081, applying for and complying with such a permit would mean that the representative private person or business would have to minimize and fully mitigate the take allowed by the permit, and ensure adequate funding to conduct the minimization and full mitigation. This minimization and full mitigation could involve habitat restoration, the purchase and management of compensatory habitat, or the purchase of credits from an approved mitigation bank. The costs of complying with such a permit would vary depending upon the extent of the take being permitted, the extent and quality of the habitat being removed or disturbed, and other site specific factors.

To quantify the cost to an applicant to comply with a rare plant permit issued by the Department using the same procedures and conditions as in Fish and Game Code subsection (b) of Section 2081, the Department reviewed incidental take permits that were issued by the Department for threatened and endangered plant species from 2000 to present. The Department's records for many of these permits show that a security was required or other financial information was provided. The Department's records indicate that the average security or other cost for compliance with an incidental take permit that covers at least one threatened or endangered plant species is approximately \$879,000 per permit; however many of these permits also cover animal species, so the Department assumed that each species covered by an incidental take permit contributed equally to its cost. Therefore the average cost for the threatened and endangered plant species' contribution to an incidental take permit is approximately \$531,000.

However, because a representative private person or business could continue to avoid conducting any of the activities that are currently prohibited by the NPPA, they would not necessarily incur any additional costs that may be associated with obtaining and complying with authorization to take, possess, propagate, transport, export, import or sell rare plants provided by the proposed regulation.

Since 2000 there have been an average of 4 incidental take permits issued by the Department per year that cover at least one threatened or endangered plant species. There are approximately 42 percent as many rare plants (64) as there are threatened and endangered plants (154). Applying this proportion to the average annual number of incidental take permits covering at least one threatened or endangered plant species we estimate that approximately 1.7 incidental take permits covering at least one rare plant could be issued per year. Because incidental take permits often cover multiple different species, this does not necessarily indicate that 1.7 additional permits will be issued per year.

- (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:

Pinwheels Inc.

235 Westlake Center #213
Daly City, CA 94015
Phone: (415) 425-4678

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2014 JUN 24 AM 11:27

CHB

Date: June 23, 2014

Dear City and County Clerk of San Francisco:

My name is Chad Nam, the Chief Executive Officer of Pinwheels Inc., a youth transportation services. As part of the PSC application process set forth by Public Utility Commission (PUC), Pinwheels Inc. is required to notify various governmental entities and organizations in San Francisco, including the city and county Clerk of San Francisco.

Included is Attachment A of the PSC application. Attachment A briefly explains the company, service and the equipment provided by Pinwheels Inc. Should you have questions or require further clarification, please contact me at (415) 425-4678.

Sincerely,



Chad Nam
CEO/Founder

ATTACHMENT A

NOTICE

On June 20, 2014, the Application of ***Pinwheels, Inc.*** was filed with the California Public Utilities Commission, seeking a passenger stage corporation certificate to provide transportation services to youths. Our shuttle services range from a shuttle service to and from schools and afterschool activities, akin to a Super Shuttle for schools and afterschool activities, to on intra-city field trips for schools and learning institutions. Because this is an On-Demand service, the routes will be created based on the demand for a given day. Though the routes will not change drastically from day to day, each day may have unique routes based on the number of customers, origin and destination. Please refer to **Exhibit A** for information regarding fares. The "Applicant" will use both 2013 and 2014 Mercedes Sprinter Passenger buses to transport youths. A copy of the Application and related exhibits will be furnished by applicant upon request. Please direct any requests to ***Pinwheels, Inc.***, 235 Westlake Center, Suite #213, Daly City, 94015 or you may call **Chad Nam (CEO/Founder)** directly at (415) 425-4678.



Capital Planning Committee

BOS - 11, B & F Clerk, C pages

Naomi M. Kelly, City Administrator, Chair

MEMORANDUM

June 23, 2014

To: Supervisor David Chiu, Board President

From: Naomi Kelly, City Administrator and Capital Planning Committee Chair

Copy: Members of the Board of Supervisors
Angela Calvillo, Clerk of the Board
Capital Planning Committee

nkelly

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 24 AM 11:21

Regarding: (1) Seismic Safety Loan Program (SSLP) General Obligation (G.O.) bonds and Supplemental Appropriation; (2) Resolution of Intention to establish Community Facilities District No. 2014-1 (Transbay Transit Center); (3) Resolution of Intention to incur up to \$1,400,000,000 in bonded indebtedness for Community Facilities District No. 2014-1 (Transbay Transit Center); and (4) San Francisco Public Utilities Commission (SFPUC) Supplemental Appropriation Ordinance.

In accordance with Section 3.21 of the Administrative Code, on June 23, 2014, the Capital Planning Committee (CPC) approved the following action items to be considered by the Board of Supervisors. The CPC's recommendations are set forth below.

1. Board File Number: TBD

Approval of the Resolution authorizing the issuance of up to \$24,000,000 in Seismic Safety Loan Program (SSLP) General Obligation (G.O.) bonds and related Supplemental Appropriation request.

Recommendation:

Recommend the Board of Supervisors approve the Resolution and Supplemental Appropriation.

Comments:

The CPC recommends approval of these items by a vote of 11-0.

Committee members or representatives in favor include: Naomi Kelly, City Administrator; Ben Rosenfield, Controller; Mohammed Nuru, Director, Public Works; Kate Howard, Mayor's Budget Director; Judson True, Board President's Office; Jonathan Rewers, SFMTA; Todd Rydstrom, SFPUC; John Rahaim, Director, Planning Department; Ivar Satero, San Francisco International Airport; Dawn Kamalanathan, Recreation and Parks Department; and Elaine Forbes, Port of San Francisco.

2. Board File Number: TBD

Approval of the Resolution of Intention to establish Community Facilities District No. 2014-1 (Transbay Transit Center)

W. H. H. H.

Recommendation: Recommend the Board of Supervisors approve the Resolution of Intention.

Comments: The CPC recommends approval of these items by a vote of 11-0.

Committee members or representatives in favor include: Naomi Kelly, City Administrator; Ben Rosenfield, Controller; Mohammed Nuru, Director, Public Works; Kate Howard, Mayor's Budget Director; Judson True, Board President's Office; Jonathan Rewers, SFMTA; Todd Rydstrom, SFPUC; John Rahaim, Director, Planning Department; Ivar Satero, San Francisco International Airport; Dawn Kamalanathan, Recreation and Parks Department; and Elaine Forbes, Port of San Francisco.

3. Board File Number: TBD

Approval of the Resolution of Intention to incur up to \$1,400,000,000 in bonded indebtedness for Community Facilities District No. 2014-1 (Transbay Transit Center)

Recommendation: Recommend the Board of Supervisors approve the Resolution of Intention to incur up to \$1,400,000,000 in bonded indebtedness.

Comments: The CPC recommends approval of these items by a vote of 11-0.

Committee members or representatives in favor include: Naomi Kelly, City Administrator; Ben Rosenfield, Controller; Mohammed Nuru, Director, Public Works; Kate Howard, Mayor's Budget Director; Judson True, Board President's Office; Jonathan Rewers, SFMTA; Todd Rydstrom, SFPUC; John Rahaim, Director, Planning Department; Ivar Satero, San Francisco International Airport; Dawn Kamalanathan, Recreation and Parks Department; and Elaine Forbes, Port of San Francisco.

4. Board File Number: TBD

Approval of the San Francisco Public Utilities Commission (SFPUC) Supplemental Appropriation Ordinance reappropriating up to \$23,000,000 of Wastewater Enterprise Revenue Bonds, to support capital improvements related to the Wastewater Enterprise North Shore/ Channel Force Main Project.

Recommendation: Recommend the Board of Supervisors approve the Supplemental Appropriation Ordinance.

Comments: The CPC recommends approval of these items by a vote of 11-0.

Committee members or representatives in favor include: Naomi Kelly, City Administrator; Ben Rosenfield,

Controller; Mohammed Nuru, Director, Public Works; Kate Howard, Mayor's Budget Director; Amy Chan, Board President's Office; Jonathan Rewers, SFMTA; Todd Rydstrom, SFPUC; John Rahaim, Director, Planning Department; Ivar Satero, San Francisco International Airport; Dawn Kamalanathan, Recreation and Parks Department; and Elaine Forbes, Port of San Francisco.



BDS-11, cpage
City and County of San Francisco
Employees' Retirement System
Office of the Executive Director

June 24, 2014

File 140455

Angela Calvillo
Clerk of the Board
Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

Alisa Miller
Clerk, Government Audit and Oversight Committee
Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 25 PM 2:58

Re: Actuarial Cost and Effect Report regarding File No. 140455 – Ordinance amending the Administrative Code to create a cancer presumption for firefighter and police officer industrial disability and death as a result of duty retirement benefits

Dear Ms. Calvillo and Ms. Miller,

The Retirement System acknowledges receipt of your referral of the above referenced proposed ordinance amending the Retirement System provisions of the Administrative Code and your request for an actuarial cost and effect report of the proposed ordinance under Charter Section A8.500.

Terms of the Proposed Ordinance

If adopted by the Board of Supervisors, the proposed ordinance would amend the Administrative Code to create a cancer presumption for firefighters and police officers who apply for industrial disability retirement benefits and for qualified survivors of firefighters and police officers who apply for death as a result of duty retirement benefits. Under the proposed ordinance, if a firefighter or police officer who applies for an industrial disability retirement based on cancer can demonstrate work exposure to a carcinogen as defined by the International Agency for Research on Cancer, then the cancer is presumed industrial. The presumption would also apply when a qualified survivor applies for a death as a result of duty retirement benefit based on cancer and can demonstrate the required work exposure of the member to a carcinogen. The presumption in the proposed ordinance is rebuttable. The rebuttal standard mirrors the rebuttal standard in the California workers' compensation cancer presumption.

Cost and Effect of the Proposed Ordinance

The Retirement System's consulting actuary, Cheiron, conducted an analysis of the cost and effect of the proposed ordinance. I have summarized Cheiron's analysis below. The full Cheiron report is attached.

Under the proposed ordinance, for firefighters and police officers who become incapacitated from the performance of their duties due to cancer and can demonstrate the requisite work exposure to a carcinogen, the cancer will be presumed industrially caused. The same would be true for death as a result of duty applications. While the presumption is rebuttable, it is likely to result in an increase in the number of firefighter and police officer industrial disability retirement and death as a result of duty applications where the cancer is found to be industrial. As a result, additional benefits are likely to be payable for certain firefighter and police officer retirees and their beneficiaries. In particular, (a) benefits payable to qualified survivors of firefighter and police officer members granted industrial disability retirements are higher than those paid for service pensions and (b) the minimum industrial disability retirement benefit of 50% of final compensation may be higher in certain cases than the service pension benefit for the same member.

Cheiron has determined, based on its analysis of the Retirement System's data regarding industrial disability retirement applications involving cancer (as described below), that the additional costs associated with the proposed ordinance would be minor. Specifically, as explained further below, Cheiron estimated that assuming the cancer presumption applied to historical and pending industrial disability retirement applications where cancer was identified as a basis for disability, so that the cancer was found industrial, and assuming the application was granted, then the increase in the System's actuarial liability would be approximately \$3.0 million. This estimated increase is a 0.015% increase in the \$20 billion actuarial liability for the retirement system as of July 1, 2013.

SFERS staff reviewed the medical bases for all denied firefighter and police officer industrial disability retirement applications filed since 1998. They found ten industrial disability retirement applications that listed cancer as one of the medical bases for industrial disability where the application was denied industrial disability benefits. Additionally, staff identified ten pending industrial disability retirement applications that list cancer as one of the medical bases for industrial disability. The results of Cheiron's analysis of these two groups are as follows:

Ten historical industrial disability retirement applications that listed cancer as one of the medical bases for industrial disability that were denied. Cheiron estimates that if all ten of these denied applications were instead granted industrial disability retirement benefits, the estimated increase in the present value of the retirees' benefits as of July 1, 2014 would be approximately \$0.9 million. This increase is primarily due to the increased benefits that would be provided to qualified survivors if the benefit was for an industrial disability. It is not certain that the proposed cancer presumption, had it been in effect when these applications were decided, would have changed the outcomes of any or all of the applications.

Ten pending industrial disability retirement applications that list cancer as one of the medical bases for industrial disability. Cheiron estimates that if the ten pending industrial disability retirement applications that list cancer as one of the medical bases for industrial disability are all determined to involve industrial disabilities and are granted, the estimated increase in the present value of the members' benefits as of July 1, 2104 would be approximately \$2.1 million. Cheiron reports that most of this increase (\$1.4 million) would be due to two applicants who would receive substantially larger benefits when they reach their Qualified Service Retirement dates. The remaining increases are primarily due to the increased benefits that

would be provided to qualified survivors. At this time, the outcomes of these pending applications are unknown, including whether a cancer presumption would impact the outcome.

The Retirement System will appear at the Government Audit and Oversight Committee hearing on this subject and be available to address any questions of the Committee members.

Best regards,



Jay Huish
Executive Director
San Francisco Employees' Retirement System

Attachment: Cheiron report dated June 11, 2014

cc: President David Chiu
Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

Supervisor Scott Wiener
Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102



Classic Values, Innovative Advice

June 11, 2014

VIA ELECTRONIC MAIL

Mr. Jay Huish, Executive Director
San Francisco Employees Retirement System
30 Van Ness Avenue, Suite 3000
San Francisco, California 94102

Re: Cancer Presumption for Firefighter and Police Officer Industrial Disability and Death

Dear Jay:

As requested, we have analyzed the effect of the implementation of Ordinance No. 140455, which states that for firefighters and police officers who become incapacitated due to cancer, the cancer shall be presumed to be duty related.

While the presumption is disputable under the proposed ordinance, it is likely to result in an increase in the number of disabilities and deaths that are classified as industrial. As a result, additional benefits are likely to be payable for certain retirees and their beneficiaries. In particular, under an industrial disability, benefits payable to qualified survivors are higher and the minimum industrial disability benefit of 50% of final compensation may be higher. In addition, members who have not yet reached their qualified service retirement (QSR) date (age 50 with 25 years of service) will be eligible for an increased benefit when they do reach this date. Consequently, we cannot certify that the proposed legislation would not increase costs at all.

However, based on historical data provided, we believe the additional costs would be minor. It is our understanding that since 1998, there were 10 cancer cases that were denied industrial disability, and there are 10 pending industrial disability cases with cancer. If the 10 cancer cases that were denied industrial disability were instead granted industrial disability, the estimated increase in the present value of their benefits as of July 1, 2014 would be approximately \$0.9 million. This increase is primarily due to the increased benefits that would be provided to qualified survivors if the benefit had been classified as an industrial disability.

If the 10 cancer cases that are pending were all determined to be industrial disabilities, the estimated increase in the present value of their benefits as of July 1, 2014 would be approximately \$2.1 million. Most of this increase (\$1.4 million) would be due to the two members who would receive substantially larger benefits when they reach their Qualified Service Retirement dates. The remaining increases are primarily due to the increased benefits that would be provided to qualified survivors.

It is not clear if the proposed cancer presumption would affect the determination of industrial disability in the pending cases or if it would have changed all 10 cases that were previously



Mr. Jay Huish
June 11, 2014
Page 2 of 3

denied. However, if all 20 of these cases were decided to be industrial disability due to the proposed cancer presumption, the increase in the System's actuarial liability would be about \$3.0 million. This amount compares to an actuarial liability for the retirement system of over \$20 billion as of July 1, 2013, or a 0.015% increase

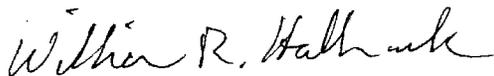
In preparing this letter, we relied on information (some oral and some written) supplied by SFERS. This information includes, but is not limited to, the plan provisions, employee data and financial information. We performed an informal examination of the obvious characteristics of the data for reasonableness and consistency in accordance with Actuarial Standard of Practice #23. For a summary of the plan provisions, assumptions and methods, please refer to the July 1, 2013 actuarial valuation report for SFERS.

To the best of my knowledge, this letter and its contents have been prepared in accordance with generally recognized and accepted actuarial principles and practices which are consistent with the Code of Professional Conduct and applicable Actuarial Standards of Practice set out by the Actuarial Standards Board. Furthermore, as a credentialed actuary, I meet the Qualification Standards of the American Academy of Actuaries to render the opinion contained in this letter. This letter does not address any contractual or legal issues. I am not an attorney and our firm does not provide any legal services or advice.

This letter was prepared exclusively for the City and County of San Francisco Employees' Retirement System for the purpose described herein. This letter is not intended to benefit any third party, and Cheiron assumes no duty or liability to any such party.

If you have any questions, please let us know.

Sincerely,
Cheiron



William R. Hallmark, ASA, FCA, EA, MAAA
Consulting Actuary

cc: Ken Kent
Anne Harper
Janet Brazelton

Mr. Jay Huish
 June 11, 2014
 Page 3 of 3

Data Summary

City and County of San Francisco Employees' Retirement System				
Cancer Presumption for Firefighter and Police Officer Industrial Disability and Death				
Data Summary				
	<u>Denied Cases</u>		<u>Pending Cases</u>	
	Service Retirement	Industrial Disability	Service Retirement	Industrial Disability
Count	10		10	
Sum of Benefits Paid to Members	\$ 74,099	\$ 74,195	\$ 69,583	\$ 71,541
Sum of Increase in Benefit at QSR Date	N/A	N/A	N/A	\$ 13,395
Sum of Benefits Paid to Beneficiaries	\$ 6,468	\$ 8,574	\$ 4,280	\$ 4,877
Present Value of Benefits as of 7/1/2014	\$ 14,492,549	\$ 15,404,699	\$ 13,128,353	\$ 15,258,235

From: Reports, Controller (CON) [controller.reports@sfgov.org]
Sent: Wednesday, June 25, 2014 1:40 PM
To: Calvillo, Angela (BOS); BOS-Supervisors; Kawa, Steve (MYR); Campbell, Severin (BUD); Newman, Debra (BUD); Rose, Harvey (BUD); CON-EVERYONE; Moyer, Monique (PRT); Quesada, Amy (PRT); Forbes, Elaine (PRT); Woo, John (PRT); 'cchaquica@KPMG.com'; 'nrose@kpmg.com'; 'Eugene.Yano@YanoCPA.com'; 'bobbi@bay.org'; 'sfdocs@sfpl.info'
Subject: Issued: The Bay Institute Aquarium Foundation Underpaid Rent by \$39,309 and Needs to Improve Internal Controls Over the Reporting of Gross Receipts to the Port for 2010 Through 2012

The San Francisco Port Commission (Port) coordinates with the Office of the Controller's City Services Auditor Division (CSA) to conduct periodic concession or compliance audits of the Port's tenants. CSA engaged KPMG LLP to audit tenants at the Port of San Francisco to determine whether they comply with the reporting, payment, and selected other provisions of their agreements with the Port.

CSA presents the report for the audit of The Bay Institute Aquarium Foundation dba Aquarium by the Bay (Aquarium). The audit period was January 1, 2010, through December 31, 2012.

The Aquarium underreported gross receipts to the Port by incorrectly deducting the cost of sales relating to its photography services from gross receipts and having a lack of internal controls to ensure the accuracy of its gross receipts reporting, resulting in a net underpayment of \$39,309 in rent. During the audit period the Aquarium reported \$25,343,046 in gross receipts and paid \$1,013,722 in rent to the Port.

To view the full report, please visit our Web site at:
<http://openbook.sfgov.org/webreports/details3.aspx?id=1762>

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 or 415-554-5393 or the CSA Audits Unit at 415-554-7469.

Follow us on Twitter [@sfcontroller](https://twitter.com/sfcontroller)

City and County of San Francisco

Office of the Controller – City Services Auditor

PORT COMMISSION:

The Bay Institute Aquarium Foundation Underpaid Rent by \$39,309 and Needs to Improve Internal Controls Over the Reporting of Gross Receipts to the Port for 2010 Through 2012



June 25, 2014

**OFFICE OF THE CONTROLLER
CITY SERVICES AUDITOR**

The City Services Auditor (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 benchmark 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 investigate 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 about the report, please contact Director of City Audits Tonia Lediju at Tonia.Lediju@sfgov.org or 415-554-5393 or CSA at 415-554-7469.

CSA Audit Team: Winnie Woo, Associate Auditor

Audit Consultants: KPMG LLP



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

June 25, 2014

San Francisco Port Commission
Pier 1, The Embarcadero
San Francisco, CA 94111

Ms. Monique Moyer
Executive Director
Port of San Francisco
Pier 1, The Embarcadero
San Francisco, CA 94111

Dear Commission President, Commissioners, and Ms. Moyer:

The City and County of San Francisco's Port Commission (Port) coordinates with the Office of the Controller's City Services Auditor Division (CSA) to conduct periodic concession and compliance audits of the Port's tenants. CSA engaged KPMG LLP (KPMG) to audit the Port's tenants to determine whether they comply with the reporting, payment, and other selected provisions of their leases.

CSA presents the report for the audit of The Bay Institute Aquarium Foundation dba Aquarium by the Bay (Aquarium) prepared by KPMG. The Aquarium operates an aquarium and a retail store.

Reporting Period: January 1, 2010, through December 31, 2012

Rent Paid: \$1,013,722

Results:

The Aquarium underreported gross receipts to the Port by incorrectly deducting the cost of sales relating to its photography services from gross receipts and having a lack of internal controls to ensure the accuracy of its gross receipts reporting, resulting in a net underpayment of \$39,309 in rent. During the audit period the Aquarium reported \$25,343,046 in gross receipts and paid \$1,013,722 in rent to the Port.

The responses of the Aquarium and the Port are attached to this report.

CSA appreciates the assistance and cooperation of Port and tenant staff during the audit. For questions about the report, please contact me at Tonia.Lediju@sfgov.org or 415-554-5393 or CSA at 415-554-7469.

Respectfully,

Tonia Lediju
Director of City Audits

Attachment

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



KPMG LLP
Suite 1400
55 Second Street
San Francisco, CA 94105

Performance Audit Report

San Francisco Port Commission
Port of San Francisco
Pier 1, The Embarcadero
San Francisco, CA 94111

President and Members:

We have completed a performance audit of the Annual Aquarium Revenues and related percentage rent reported and paid or payable by The Bay Institute Aquarium Foundation d/b/a Aquarium by the Bay (Aquarium or Subtenant), to the Port of San Francisco (Port) for the period from January 1, 2010 to December 31, 2012.

Objective and Scope

The objective of this performance audit was to determine whether the Aquarium was in substantial compliance with the reporting, payment and other rent-related provisions of its subleases with Pier 39 Limited Partnership (Pier 39 or Tenant) for lease #L-9707, Third Amendment (Third Amendment) with the City and County of San Francisco (City), operating through the San Francisco Port Commission (Port Commission). To meet the objective of our performance audit, we verified that Annual Aquarium Revenues for the audit period were reported to the Port in accordance with the lease provisions, and that such amounts agreed with the Subtenant's underlying accounting records; identified and reported the amount and cause of any significant error(s) (over or under) in reporting, together with the impact on rent paid or payable to the Port; and identified and reported any recommendations to improve record keeping and reporting processes of the Tenant relative to its ability to comply with lease provisions.

The scope of our audit included the Annual Aquarium Revenues and related percentage rent reported and paid or payable by the Aquarium to the Port for the period from January 1, 2010 to December 31, 2012.

This audit and the resulting report relates only to the Annual Aquarium Revenues and percentage rent reported by the Aquarium, and does not extend to any other performance or financial audits of the Port Commission, Pier 39, or the Aquarium, taken as a whole.

Methodology

To meet the objective of our performance audit, we performed the following procedures: reviewed the applicable terms of the lease and the adequacy of the Tenant's procedures and internal controls for collecting, recording, summarizing, and reporting its annual Aquarium Revenues and calculating its payments to the Port; judgmentally selected and tested samples of daily and monthly revenues; recalculated monthly rent due; and verified the accuracy and timeliness of reporting Annual Aquarium Revenues and rent and submitting rent payments to the Port.



We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and recommendations based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and recommendations based on our audit objective.

Tenant Background

North Point Center, Inc., the predecessor in interest to the current Tenant, entered into a 60-year ground lease (Lease Agreement) on August 3, 1977 with the City, operating through the Port Commission, for the Pier 39 area in San Francisco. Two amendments to the lease, among other things, transferred the lessee's rights and obligations to the Tenant and extended the ground lease term to December 31, 2042. The Tenant and the Port entered into the Third Amendment of lease #L-9707 on October 23, 1990. The Third Amendment identified a subtenant that would operate the Aquarium. Multiple subtenants have operated the Aquarium since 1990. The Port has a direct-bill relationship with the Subtenant where the Aquarium reports Revenue and pays rent to the Port instead of Pier 39. The current Subtenant operates the Aquarium and an adjoining retail store. In addition to the Lease Amendment, the Subtenant has a separate sublease with Pier 39 in which it pays a fixed amount of rent to Pier 39 to operate a theater and a second retail store. Revenues generated by the theater and second retail store are included in Annual Aquarium Revenues.

Per the Third Amendment, rent on the Aquarium consists of the following:

- (1) Monthly minimum rent of \$7,273 from January 2010 to April 2011, and \$7,607 thereafter.
- (2) Percentage Rent of four percent (4%) of Annual Aquarium Revenues, less minimum rent.

The Third Amendment also calls for an Annual Rent Guarantee (including minimum rent and percentage rent) of \$150,000 per year.

Annual Aquarium Revenues do not include refunds or credits; taxes collected; sales of fixtures, furniture, and equipment that are not in stock in trade; and rebates and/or discounts mandated by governmental or quasi-governmental authorities.

The Subtenant is required to submit a quarterly statement of Aquarium Revenues and percentage rent payable to the Port within 30 days of quarter-end.

Audit Results

The following summarizes total rent due, and paid or payable, to the Port, and any underpayment based on procedures performed and pursuant to the Lease Agreement as summarized above:

	January 1 to December 31			Total
	2010	2011	2012	
Rent due to the Port:				
Minimum rent	\$ 87,271	\$ 89,942	\$ 91,278	\$ 268,491
Percentage rent	229,206	260,083	295,251	784,540
Total rent due to the Port	316,477	350,025	386,529	1,053,031
Total rent paid or payable to the Port	310,878	335,422	367,422	1,013,722
Underpayment of rent	\$ (5,599)	\$ (14,603)	\$ (19,107)	\$ (39,309)



The following summarizes Annual Aquarium Revenues received by the Tenant during the three-year period ended December 31, 2012 and related percentage rent after deductions for minimum rent:

	January 1 to December 31			
	2010	2011	2012	Total
Gross receipts:				
As reported	\$ 7,771,941	\$ 8,385,554	\$ 9,185,551	\$ 25,343,046
Audit adjustments:				
Costs of sales improperly deducted	213,232	406,808	398,408	1,018,448
Unreported revenue adjustments	(72,977)	(41,732)	79,263	(35,446)
Contributions not includable	(276)	—	—	(276)
Total audit adjustments	139,979	365,076	477,671	982,726
Total gross receipts after audit adjustments	\$ 7,911,920	\$ 8,750,630	\$ 9,663,222	\$ 26,325,772
Percentage rent:				
Total rent as reported	\$ 310,878	\$ 335,422	\$ 367,422	\$ 1,013,722
Audit adjustments:				
Costs of sales improperly deducted	8,529	16,272	15,936	40,737
Unreported revenue adjustments	(2,919)	(1,669)	3,171	(1,417)
Contributions not includable	(11)	—	—	(11)
Total audit adjustments	5,599	14,603	19,107	39,309
Percentage rent before deduction for minimum rent	316,477	350,025	386,529	1,053,031
Deduction for minimum rent	(87,271)	(89,942)	(91,278)	(268,491)
Percentage rent after deduction for minimum rent	\$ 229,206	\$ 260,083	\$ 295,251	\$ 784,540



Finding 2012-01 – The Tenant Excluded Cost of Sales Paid to Another Business Located in the Fishermen’s Wharf Area

Criteria

Section II.C.1 of the Third Amendment specifies the Tenant’s requirement to pay percentage rent and states in part:

“...Tenant agrees to pay Landlord rent separate from and additional to Minimum Annual Rent based on a percentage of Annual Aquarium Revenues (as defined below), less the Minimum Annual Rent payable during the same period ...”

Section II.C.3 of the Third Amendment defines Annual Aquarium Revenues and states in part:

“... ‘Annual Aquarium Revenues’ as used herein shall be defined as the total of all gross revenues and receipts of every kind derived by Tenant or, if there shall be a Subtenant, by Subtenant from operating the Aquarium during the term of the Lease...”

Section II.C.3 of the Third Amendment specifies amounts that shall not be included in Annual Aquarium Revenues and states in part:

“...shall not include refunds or credits, taxes collected, sales of fixtures, furniture and equipment that are not in stock in trade, and rebates and/or discounts mandated by governmental or quasi-governmental authorities...”

Conditions and Related Effects

The Aquarium incorrectly deducted \$1,018,448 from Aquarium Revenues for cost of sales relating to its photography services during the audit period, which resulted in an underpayment of \$40,737 in rent to the Port.

The Aquarium provides photography services to customers, and pays the cost of sales to another entity located in the Fishermen’s Wharf. The cost of sales paid area was deducted from Aquarium Revenues. The Third Amendment does not allow for such a deduction.

Cause

The misstatement was caused by incorrect interpretation of lease provisions and oversight by those charged with responsibility over the operation of the tenant and execution of sublease provisions.

Recommendation

The Port should collect \$40,737 in rent from the Aquarium for the incorrect deduction of cost of sales from gross receipts. The Port should also determine if deductions for cost of sales were taken by the Aquarium for periods not under audit, and collect any additional percentage rent due. The Port also should require Pier 39 and the Aquarium to comply with all lease provisions on what is not includable in Aquarium Revenues.



Finding 2012-02 – The Tenant Did Not Correctly Report Annual Aquarium Revenues

Criteria

Section II.C.1 of the Third Amendment specifies the Tenant's requirement to pay percentage rent and states in part:

“...Tenant agrees to pay Landlord rent separate from and additional to Minimum Annual Rent based on a percentage of Annual Aquarium Revenues (as defined below), less the Minimum Annual Rent payable during the same period ...”

Section II.C.3 of the Third Amendment defines Annual Aquarium Revenues and states in part:

“... ‘Annual Aquarium Revenues’ as used herein shall be defined as the total of all gross revenues and receipts of every kind derived by Tenant or, if there shall be a Subtenant, by Subtenant from operating the Aquarium during the term of the Lease...”

Conditions and Related Effects

We identified discrepancies between the Aquarium's audited financial statements and annual Aquarium Revenues reported to the Port for all three years under audit, which resulted in net overreported Aquarium Revenues of \$35,446 during the three-year period ended December 31, 2012, and associated percentage rent of \$1,417.

Aquarium investigated the discrepancies and found that it had both overreported and underreported Aquarium Revenues. We requested, and the Subtenant provided, reconciliations for differences between the audited financial statements and Annual Aquarium Revenues.

In addition, the Subtenant reported contribution revenues of \$276 in Aquarium Revenues. Contribution revenues to a tax-exempt organization are not considered Aquarium Revenues as defined by the Third Amendment. The percentage rent associated with this overreporting of Aquarium Revenues is \$11.

Cause

This was caused by inadequate internal controls to ensure that the Subtenant revised its monthly reports of Aquarium Revenues after monthly closing and did not report revisions to the Port.

Recommendation

The Port should credit the Aquarium \$1,428 in rent for the overpayment of percentage rent. The Port also should require the Aquarium to submit corrections to its Aquarium Revenues reports promptly after differences between actual and reported Aquarium Revenues become known.

Conclusion

Based upon the performance audit procedures performed and the results obtained, we have met our audit objective. Except as noted above, we conclude that the Aquarium was in substantial compliance with the reporting, payment, and other rent-related provisions of the Third Amendment to lease #L-9707 with the Port that are applicable to the Aquarium as Subtenant.

This performance audit did not constitute an audit of financial statements in accordance with *Government Auditing Standards* or auditing standards generally accepted in the United States of America. KPMG LLP was not engaged to, and did not, render an opinion on the Tenant's internal controls over financial reporting or over the Tenant's financial management systems.



This report is intended solely for management and members of the San Francisco Port Commission, the Board of Supervisors and management of the City and County of San Francisco, management of Pier 39 Limited Partnership, and management of The Bay Institute Aquarium Foundation d/b/a Aquarium by the Bay, and is not intended to be, and should not be, used by anyone other than these specified parties.

KPMG LLP

June 2, 2014



The Embarcadero at Beach Street
San Francisco, CA 94133
phone: 415.623.5300
fax: 415.623.5324

aquariumofthebay.org

Tonia Lediju
Director of City Audits
Office of the Controller
City Services Auditor Division
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 477
San Francisco, CA 94102

June 2, 2014

Dear Ms. Lediju,

Pursuant to a performance Audit Report submitted to San Francisco Port Commission from KPMG LLP, The Bay Institute Aquarium Foundation has the following responses:

Finding 2012-01 – Tenant Excluded Cost of Sales...

The Foundation strongly disagrees that there is a cost of sales relating to photography services, resulting in an underpayment of \$40,737 in rent to the Port.

Justification: Bay Cruise Photos operates a concession at The Aquarium of the Bay. In return, they pay the Foundation 35% of gross sales, excluding sales tax. As the Foundation pays all sales tax, we include ALL gross sales for tax purposes. This is not the Foundation's concession. Therefore, no rent should be paid to the Port.

Finding 2012-02 – Tenant Did Not Correctly Report Annual Revenues...

While we have agreed and reconciled with KPMG LLP regarding over/under reporting of revenues, this results from partners often times adjusting our revenues after reporting monthly revenue to the Port. We do not believe we have "inadequate internal controls".

The Foundation therefore believes the Port should reimburse the Foundation \$1,417 in over reporting of revenue during the period 1/1/10-12/31/12.

Respectfully,

Bobbi Evans
Chief Financial Officer



June 17, 2014

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

Re: Tenant Performance Audit – The Bay Institute Aquarium Foundation

Dear Ms. Lediju:

Thank you for the opportunity to review the draft performance audit report prepared by KPMG LLP covering The Bay Institute Aquarium Foundation (dba Aquarium by the Bay) pursuant to the provisions of Third Amendment to Port Lease No. L-9707. Based on the report details provided by KPMG, Port management accepted the report.

Enclosed is the City's standard Recommendations and Responses form. The Port will follow up, as necessary, to ensure that the performance audit findings and associated recommendations are adequately addressed.

Sincerely,

Susan Reynolds
Director of Real Estate

John J. Woo
Fiscal Officer

Enclosure

Cc: Nancy Rose, KPMG LLP
Elaine Forbes, Director of Finance and Administration

PORT COMMISSION: PERFORMANCE AUDIT OF THE BAY INSTITUTE (AQUARIUM)

For each recommendation, indicate whether the department concurs, does not concur, or partially concurs. If the department concurs with the recommendation, please indicate the expected implementation date and implementation plan. If the department does not concur or partially concurs, please provide an explanation and an alternate plan of action to address the identified issue.

RECOMMENDATIONS AND RESPONSES

Recommendation	Responsible Agency	Response
<p>1. The Port should collect \$40,737 in rent from the Aquarium for the incorrect deduction of cost of sales from gross receipts. The Port should also determine if deductions for cost of sales were taken by the Aquarium for periods not under audit, and collect any additional percentage rent due. The Port also should require Pier 39 and the Aquarium to comply with all lease provisions on what is not includable in Aquarium Revenues.</p>	<p>Port</p>	<p>Partially concur. The "sub-concession" arrangement between the Aquarium and Bay Cruise Photos warrants formal review.</p> <p>The audit finding, as written, is technically correct. The relevant lease provisions define Aquarium Revenues as "the total of all gross revenues and receipts of every kind derived...from the operating the Aquarium". It is our understanding that the Aquarium collects for photo sales on behalf of the sub-concessionaire and retains for itself a portion of the gross sales proceeds (excluding sales tax). The lease provisions do not contain any provision for the exclusion or deduction of any collected revenues and the underlying sub-concession arrangement has not been subject to any degree of review by the Port's Real Estate Division.</p> <p>Within 60 days of the final report, the Port will complete a review of the sub-concession agreement between the Aquarium and Bay Cruise Photos and provide the Aquarium a written determination on what should be reported under the Port lease. If such determination affirms the audit finding, the Port will immediately invoice the Aquarium for the \$40,737 in additional percentage rent in accordance with the performance audit finding and recommendation and will also direct Pier 39 and the Aquarium to comply fully with the lease provisions for reporting Aquarium Revenues.</p>

PORT COMMISSION: PERFORMANCE AUDIT OF THE BAY INSTITUTE (AQUARIUM)

Recommendation	Responsible Agency	Response
2. The Port should credit the Aquarium \$1,428 in rent for the overpayment of percentage rent The Port also should require the Aquarium to submit corrections to its Aquarium Revenue reports promptly after differences between actual and reported Aquarium Revenues become known.	Port	Concur. The Port will immediately credit the Aquarium for the \$1,428 in overpaid rent identified by the performance audit. Within 30 days of the final report, the Port will direct the Aquarium to submit corrections to its revenue reports promptly after differences between actual and reported Aquarium Revenues become known.

From: Reports, Controller (CON) [controller.reports@sfgov.org]
Sent: Friday, June 27, 2014 11:43 AM
To: BOS-Supervisors; Kawa, Steve (MYR); Howard, Kate (MYR); Elliott, Jason (MYR); Steeves, Asja (CON); Campbell, Severin (BUD); Newman, Debra (BUD); Rose, Harvey (BUD); SF Docs (LIB); CON-EVERYONE; CON-CCSF Dept Heads
Subject: Issued: Office of the Controller: City Services Auditor Annual Work Plan Fiscal Year 2014-15

The Office of the Controller's City Services Auditor Division (CSA) today issued its work plan for fiscal year 2014-15. The Office of the Controller's City Services Auditor Division (CSA) developed this plan by considering audits and other responsibilities mandated by the City and County of San Francisco (City) Charter and municipal codes, the results of a limited risk assessment, and input from city management, leadership, and stakeholders. The plan may change during the fiscal year as circumstances dictate. Quarterly reassessment of risk, requests from city leadership, changes in city organizations or operations, and available CSA staff resources can result in changes to the plan.

To view the full report, please visit our Web site at:
<http://openbook.sfgov.org/webreports/details3.aspx?id=1765>

This is a send-only e-mail address.

For questions about the work plan, please contact Director of City Audits Tonia Lediju at tonia.lediju@sfgov.org or 415-554-5393 or Director of City Performance Peg Stevenson at peg.stevenson@sfgov.org or 415-554-7522.

Follow us on Twitter [@sfcontroller](https://twitter.com/sfcontroller).

52

City and County of San Francisco

Office of the Controller – City Services Auditor

CITY SERVICES AUDITOR

**ANNUAL WORK PLAN:
FISCAL YEAR 2014-15**



June 27, 2014

Introduction

The Office of the Controller's City Services Auditor Division (CSA) developed this Annual Work Plan by considering audits and other responsibilities mandated by the City and County of San Francisco (City) Charter and municipal codes, the results of a limited risk assessment, and input from city management, leadership, and stakeholders. The plan may change during the fiscal year as circumstances dictate. Quarterly reassessment of risk, requests from city leadership, changes in city organizations or operations, and available CSA staff resources can result in changes to the plan.

MISSION

The mission of the Office of the Controller (Controller) is to ensure the City's financial integrity and promote efficient, effective, and accountable government. The Controller's vision is to be a model for good government and to make the City a better place.

CSA was created through a 2003 Charter amendment that envisions a broad effort to measure, audit, and report on San Francisco's public services and government performance. The mandate is to analyze the City's public service delivery, compare and benchmark San Francisco to best practices nationwide, provide information to citizens in new ways, and help drive improvements in city government. CSA is among the most ambitious voter-approved efforts of its kind in local government.

AUTHORITY

CSA has broad authority for:

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

RESOURCES

CSA is funded through a commitment of two-tenths of one percent of the City's annual budget. In fiscal year 2014-15 approximately \$13.4 million is budgeted for CSA's functions under this Charter requirement, plus an additional \$5.4 million allocated from bond sales. CSA has approximately 48 filled full-time equivalent staff, including auditors, performance analysts, project managers, and operations staff. CSA conducts its work in accordance with professional auditing and analysis standards, which require competence, integrity, objectivity, and independence.

CSA performs a variety of important services for city government. The Audits Unit has a wide range of expertise in performance auditing, including compliance auditing, and financial auditing, and a growing ability to audit large data sets and information technology systems. The City Performance Unit provides financial and operational analysis, process mapping, program evaluation, and other work to help City agencies improve public services. CSA can procure expert professional services where needed and manage technical and consultant contracts efficiently on behalf of other city departments. Where multiple city agencies or the City as a whole have similar needs or challenges, CSA works to deliver common solutions and reduce duplication of effort.

Fiscal Year 2013-14 Accomplishments

AUDITS UNIT

During fiscal year 2013-14 the CSA Audits Unit completed or made significant progress on many of its initiatives. The Audits Unit successfully:

- Provided quality assurance through **citywide continuous audit programs** on the City's key business processes that cut across various city departments, including cash transactions assessments, contract compliance audits, and payroll audits. The Audits Unit developed and implemented two new audit programs in the areas of inventory and cash disbursements. The inventory audits determine whether city departments have adequate inventory processes and controls to ensure that materials, supplies, and tools are accurately accounted for, adequately organized, and properly secured. The cash disbursement audits evaluate departments' internal control structures around cash disbursements and determine whether cash disbursements are made in accordance with governing policies and procedures while adequately safeguarding the City's resources. In the next fiscal year, the Audits Unit will develop four new citywide audit programs including departmental policies on employee departure and onboarding programs, citywide eligibility program, and a nonprofit organizations program.
- Built audit focus on construction activities and strengthened its **construction audit program**. Audits and assessments this year focused on change order practices, project controls and oversight, progress payment processes, and the construction project close-out process. An especially significant project was the performance audit of the contractor performance evaluation process in six departments, where CSA determined the adequacy of each department's process regarding construction contractor performance evaluations. All six departments concurred and applauded the audit findings and recommendations. In the upcoming year, the CSA City Performance Unit will provide technical assistance to ensure that the audit report's recommendations are implemented.
- Promoted the **Whistleblower Program** to city employees via department e-mail blasts and a new employee orientation component at the Department of Human Resources. The Whistleblower Program implemented changes to its Web site to provide complainants with additional guidance on filing complaints and on the investigation process. Also, CSA hosted webinars for local governments that have implemented or are considering implementing fraud hotlines.
- Conducted three **large performance audits** including those of the Department of Public Health's (DPH) billing controls, San Francisco Municipal Transportation Agency's (MTA) Taxis and Accessible Services Division, and the City's procurement process, which focuses on the timeliness of contracting for goods and services in the City.
- Completed and passed without deficiencies a **peer review** conducted by the Association of Local Government Auditors (ALGA). The ALGA peer review team noted that the Audits Unit excels by issuing clear, substantive, well-written, and timely audit reports; undertaking audits that are significant in scope and that assess critical risk areas in San Francisco city government; and performing a rigorous annual quality monitoring effort to improve its processes and ensure that it complies with the Government Auditing Standards.

CITY PERFORMANCE UNIT

During fiscal year 2013-14 the City Performance and Operations Unit's largest accomplishments included:

- Working in partnership with the Department of Public Health in preparing for and implementing the Affordable Care Act (ACA). Thousands of San Franciscans are newly eligible for public insurance programs and private health plans through the ACA. DPH is increasing access to primary care, reorganizing its hospital clinic services and other critical operating changes to become a 'provider of choice' in the ACA environment. The City also carried out policy, public education and problem-solving efforts to synchronize enrollment and eligibility between clients whose eligibility changed from Healthy San Francisco to an ACA-related plan.
- Running a citywide working group to complete the WalkFirst plan. WalkFirst consisted of a detailed analysis of accident data, geospatial information, traffic and infrastructure conditions and demographics was to show where pedestrian deaths and injuries are occurring and how the City should alter intersections, road designs, signals and other street conditions. City leadership has committed to funding and building 24 of the highest priority improvements in two years. WalkFirst developed the data and tools to determine how to have a real impact on reducing pedestrian injuries and deaths in San Francisco.
- Using program data and projections to assist the Juvenile Probation Department and the Sheriff's Office in understanding and planning for their jail and supervision populations going forward. For Juvenile Probation, CSA conducted a cost-benefit analysis to measure the relative value to society of assigning juveniles in each of four placements—in or out of their home environments and/or in institutional settings. For the Sheriff's Office, CSA carried out a County Jail Needs Assessment. The Assessment was part of a state grant application for funds to construct or improve jail facilities. San Francisco was not funded in this cycle; however the work benefits the City by establishing a forecasting model detailing the drivers of the jail population and program needs. The work will be updated periodically as replacement jail facilities move into the planning and funding stages in fiscal year 2014-15 and the City works towards the eventual closure of seismically unsafe jail facilities now in the Hall of Justice.
- Scaling up CSA's program of researching and publishing detailed benchmarking reports comparing San Francisco's public services to peer jurisdictions. Reports have been issued in on street and tree maintenance, the jail, library services, recreation and park services, transit services and the City's overall financial management and debt position. New benchmarking analysis is giving San Francisco's government a data-supported picture of where we deliver more and better services than other cities, and where we have weaknesses.
- CSA issued an analysis of the Department of Emergency Management's staffing and scheduling efficiency and effectiveness for the 911 call center. Current staffing and workload levels driven by call volume, work and leave practices and training requirements were analyzed. Improved methods of scheduling shifts, balancing workload and improving call response are underway.
- The Controller's Office launched a series of citywide trainings on a data visualization software, *Tableau* that many city departments are now using in new ways to analyze, chart and understand operating and performance data and improve decision-making and public services. CSA has worked with DPH, MTA, Department of Public Works, Human Services Agency and others to share data and methods, has provided customized technical assistance to interested city departments is engaged in building new capacity with these visualization tools.
- Continuing the development of SFOpenBook, an interactive web tool and now the City's primary effort in making financial information available to the public. This work is in keeping with current data transparency mandates and requests from City leadership and stakeholders. The site now allows for analyzing data on City spending and revenues, budgets, vendor payments and

employee staffing levels. Users can include or exclude categories and time periods in a variety of ways and build their own reports.

- CSA issued a ten-year review, as required by the Charter, of the Public Education Enrichment Fund (PEEF). The analysis evaluates funding levels and outcomes and compares the per-pupil spending and districtwide outcomes to peer school districts in California. Through PEEF, San Francisco's funding commitment from the General Fund to the School District is greater than any county in the State and is reflected in significant increases in program participation in all areas that are funded by PEEF. Additionally, CSA issued the annual report on the PEEF with an overview of the legislation and the Children and Families Commission's and San Francisco Unified School District's expenditure plans, spending to date, and performance measures for fiscal year 2013-14.
- Issuing the San Francisco Park Maintenance Standards Annual Report for fiscal year 2012-13. On average, scores increased from 90.0 percent to 91.1 percent since last year.
- Releasing the first San Francisco Public Utilities Commission (PUC) Ratepayer Assurance Scorecard—the analysis scores SFPU with an A-, reflecting their success in water conservation, cost and debt management, industrial safety and client service quality. Other city departments are considering this type of information or scorecard approach for the highest level of performance reporting to the public.

Fiscal Year 2014-15 Priority Initiatives

1. Capital Improvement Program

CSA provides audit, oversight, and technical assistance services related to the City's significant portfolio of capital improvement programs. In fiscal year 2014-15 the CSA will grow the capital projects portfolio to include technical assistance for departments that manage the City's large construction projects. The majority of the work will focus on streamlining the City's construction procurement processes. Audit recommendations from fiscal year 2013-14 mandate new efforts to use performance and cost results in selecting construction contractors. CSA will work to implement such efforts through changes to the Administrative Code, developing policies and procedures, outreach and adopting best practices in construction management from around the country. CSA will work with the City's Capital Planning Program to move forward on significant public building needs such as the Hall of Justice replacement, consolidating city offices moved out of leased space in the Civic Center, and planning for seismic safety improvements citywide. Also, CSA will conduct a performance audit of the Airport's construction and capital planning activities and an audit of the City's construction safety management procedures. The primary objective of these audits is to assess the efficiency and effectiveness of city departments' controls and procedures for city-funded construction projects.

2. Municipal Transportation Agency Audits and Projects

In fiscal year 2014-15 CSA will conduct two performance audits of MTA, including audits of the agency's absence management and non-revenue vehicle maintenance procedures. CSA will continue working with MTA and other agencies to move forward with the Transit Effectiveness Project improvements, which received environmental clearance in fiscal year 2013-14. Projects will be underway to speed travel time, increase frequencies, and increase bus and light rail efficiency with new signalization, route changes, limited stop lines, and other service improvements. Further technical assistance for MTA will include a reporting effort to inform the public about the large capital plan that will eventually be supported by bond funds, a vehicle license fee, and other funding outlined in the Transportation 2030 Task Force reports. Building off of the WalkFirst success, CSA will undertake a similar effort to plan for street and landscape design improvements working with MTA and City Planning among other stakeholders. CSA is underway with a system to assist MTA and city agencies in tracking and enforcing the increasingly complex commitments written into city development agreements.

3. Public Utilities Commission Audits & Projects

CSA will continue to work with PUC to provide audit services and technical services. Because the Water System Improvement Program (WSIP) is one of the largest infrastructure projects in the nation, CSA has performed and will continue to perform operational and compliance audits to ensure that WSIP contractors have used city resources appropriately and that the contractors complete the work in accordance with contract terms. In fiscal year 2014-15 CSA will also conduct the first in a series of division-level audits with a performance audit of the PUC's Wastewater Enterprise. CSA Performance will support an industrial health and safety review underway at the PUC as well as a variety of performance reporting and program evaluation efforts.

4. Performance Program

The Citywide Performance Measurement Program will continue to manage the citywide performance data collection and reporting process, including publishing quarterly government barometers, benchmarking reports, the Annual Performance Measurement Report, and facilitating inclusion of performance data in the Mayor's Budget Book. The CSA Performance team will continue to work with city departments to achieve robust and reliable measures that reflect the mission and activities of each department. The team will grow its work with departments to improve their reporting capabilities using data visualization tools and scorecards and increase the use of performance measurement in reporting and decision-making. The Controller's Office will also develop new citywide web capacity and information including sharing datasets on SFOpenBook and DataSF.

5. Technology

CSA provides project management and technical assistance on strategic information technology projects with citywide implications. In fiscal year 2014-15 CSA will continue to provide citywide trainings on Tableau (data visualization) software. Based on the successful implementation of management dashboards and processes used by DPW and MTA, the long term goal is increase the use of data visualization tools to enhance performance management citywide. CSA is also engaged in working for solutions to technology system needs shared by multiple departments such as customer relations management, asset management and mobile technology.

6. Contract Oversight

CSA will continue working to enhance the quality and efficiency of city contracting. Work for fiscal year 2014-15 includes contract audits and a Phase II performance audit of the City's contracting and procurement services focusing on the impact of the City's social policies on procurement. CSA's ongoing Nonprofit Monitoring and Capacity Building program maintains fiscal and compliance standards, coordinates city monitoring of nonprofit contractors, and provides training and technical assistance for contractors and city staff. In fiscal year 2014-15 continued efforts will focus on providing practical training and assistance to organizations serving disadvantaged areas of San Francisco.

7. Public Health

As DPH continues to adapt to the new health reform environment and prepares to open the new San Francisco General Hospital (SFGH) in December 2015, CSA will assist the department in high-priority areas providing analytical services, contracting assistance, audits, and support for departmental process and system improvements. Among these efforts, CSA will provide help to create managed care contracts with the San Francisco Health Plan and Covered California plans and support DPH's development of new reimbursement methods in behavioral health services in compliance with state program changes. In order for SFGH to open its new facility in December 2015, CSA will provide analytical and project management assistance in purchasing equipment and information technology systems during the transition. For Laguna Honda Hospital, CSA plans to conduct a staffing analysis considering patient acuity, location, referrals, and a revenue analysis including preparation for managed care. New and continuing audits will focus on areas and DPH units identified by risk analysis and department input, including an audit of the environment health unit, patient billing audit, and vehicle fleet audit.

8. Public Safety

In fiscal year 2014-15 CSA will complete a project to assist the Sheriff's Department in evaluating programs serving inmates in the county jails and provide an updated forecast of the City's jail population to inform planning for the replacement facility. For the Police Department, CSA will continue managing an expert consultant to determine new Police District boundaries with the goals of improving policing strategies throughout the city. Finally, CSA will assist in strategic and program planning for the many public safety agencies that will evacuate the Hall of Justice.

9. Human Resources Management

CSA is underway with a management and employment practices program—a multi-year program to address workforce, hiring, and labor resources and challenges and provide citywide benefits. Projects will include: work on speeding up hiring processes for nurses, dispatchers, technology jobs, and other areas where the City has critical service needs that are most affected by fast-changing labor markets and work on improving management of leaves including workers' compensation claims and costs and other types of family, medical, and disability leaves that affect availability of the City's workforce.

10. Whistleblower Program

CSA will continue to provide best-in-class service by developing and implementing process changes designed to continually enhance the effectiveness of the Whistleblower Program investigations. In fiscal year 2014-15 the Whistleblower Program will continue to host webinars to increase awareness of best practices for other counties and municipalities operating fraud hotlines and incorporate a complainant feedback survey on the Web site.

Conclusion

The table on the following page lists a variety of the audits and projects that are planned for fiscal year 2014-15. CSA's complete work plan includes many additional smaller initiatives and continuous programs. Additional detail is available on request.

Throughout the fiscal year, CSA publishes its audit reports, performance reports, and technical assistance project summaries on the Controller's Web site at <http://www.sfcontroller.org/>. The public is invited to subscribe to CSA's reports, search CSA's database of reports, and use publicly available financial and performance data on the CSA Web site.

CSA strives to provide excellent audit, analytical and technical assistance services to city departments, leadership, and citizens. We invite your comments and feedback on our work at any time.

Major Planned Audits and Projects Fiscal Year 2014-15

Airport Commission	Audit of Airport Construction and Capital Planning Functions
Office of the Assessor-Recorder	Assessor Shared Process Improvement
Department of Building Inspection	Plans and Permits Technology and Systems Support
Department of Building Inspection	Space and Staff Analysis and Implementation
Citywide/Multiple Departments	Audit of the City's Construction Project Insurance Procedures and Practices
Citywide/Multiple Departments	Better Streets Prioritization and Capital Planning
Citywide/Multiple Departments	Cash Disbursements Audit Program (3 Audits)
Citywide/Multiple Departments	Cash Transactions Citywide Program (6 Assessments)
Citywide/Multiple Departments	City Function Benchmarking Report (4 Quarterly Reports)
Citywide/Multiple Departments	City Survey 2015
Citywide/Multiple Departments	Citywide Contract Compliance Audit Program
Citywide/Multiple Departments	Citywide Management and Employment Practices Program
Citywide/Multiple Departments	Citywide Nonprofit Monitoring and Capacity Building Program
Citywide/Multiple Departments	Citywide Payroll Audit Program
Citywide/Multiple Departments	Citywide Performance Measures Program
Citywide/Multiple Departments	Citywide Procurement Performance Audit: Phase II (Impact of Social Policies)
Citywide/Multiple Departments	Construction Change Order Audit Program (2 Audits)
Citywide/Multiple Departments	Construction Contract Closeout Assessment Program (3 Assessments)
Citywide/Multiple Departments	Construction Procurement Process; Admin. Code Chapter 6
Citywide/Multiple Departments	Data Use and Decision-Making Materials and Training
Citywide/Multiple Departments	Data Visualization Project
Citywide/Multiple Departments	Departure Audit Program (3 Audits)
Citywide/Multiple Departments	Development Agreements Monitoring & Enforcement Project: Phase II
Citywide/Multiple Departments	Eligibility Audit Program (2 Audits)
Citywide/Multiple Departments	Inventory and Materials Management Audit Program (3 Audits)
Citywide/Multiple Departments	Nonprofit Organizations Audit Program (2 Audits)
Citywide/Multiple Departments	Onboarding Audit Program (3 Audits)
Citywide/Multiple Departments	Performance Audit of Construction Safety Management Procedures
Citywide/Multiple Departments	Public Health Integrated Delivery System Metrics Implementation
Citywide/Multiple Departments	SFOpenBook: Integrated Reporting of Salary & Benefits
Citywide/Multiple Departments	Stat Programs Materials and Training
Citywide/Multiple Departments	Transportation Demand Management Requirements Tracking
Citywide/Multiple Departments	Whistleblower Program
General Services Agency	Moscone Center Audit
Human Services Agency	Department of Aging and Adult Services Inventory Audit
Human Services Agency	Human Services, Health, and Social Programs Data Sharing
Human Services Agency	In-Home Supportive Services Staffing and Process Analysis
Municipal Transportation Agency	Absence Management Audit
Municipal Transportation Agency	Transit Division Non-revenue Vehicle Maintenance Audit
Municipal Transportation	Vision Zero Management Review and Support to Capital Plan
Police Department	Police District Station Boundaries
Department of Public Health	Community Behavioral Health Services Patient Billings Audit
Department of Public Health	Laguna Honda Discharge and Care Planning Process Improvement
Department of Public Health	Laguna Honda Staffing and Revenue Analyses
Public Utilities Commission	Public Utilities Commission Divisional Performance Audit
Public Utilities Commission	Water System Improvement Program Operations and Maintenance Audit
Public Utilities Commission	Water System Improvement Program: Contractor/Consultant Audit

July 8, 2014 Communications Page

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

Board of Appeals
Dept. of Children, Youth and Their Families (DCYF)
Children and Families First Commission
Citizen's General Obligation Bond Oversight Committee
Civil Service Commission
Controller
Finance Corporation
Golden Gate Park Concourse Authority
Human Services Commission
Juvenile Probation Dept.
Residential Rent Stabilization and Arbitration Board
Sheriff
War Memorial

To: Andrew Shen
Subject: 2014 Biennial Notice - Conflict of Interest Code Review - Response Required
Attachments: Conflict of Interest Code Review Report (2014).pdf

From: Goldstein, Cynthia (PAB)
Sent: Thursday, June 19, 2014 11:14 AM
To: Nevin, Peggy
Subject: RE: 2014 Biennial Notice - Conflict of Interest Code Review - Response Required

Hi Peggy.

Here's the Conflict of Interest form for the Board of Appeals.

Cynthia

Cynthia G. Goldstein
Executive Director
San Francisco Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103
Phone: 415-575-6881
Fax: 415-575-6885
Email: cynthia.goldstein@sfgov.org

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

Name of Agency: Board of Appeals
Mailing Address: 1650 Mission Street, Suite 304, San Francisco, CA 94103
Contact Person: Cynthia Goldstein Office Phone No: 415-575-6881
E-mail: cynthia.goldstein@sfgov.org

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 19 AM 11:56
BY: PJ (via email)

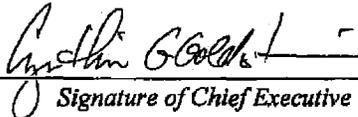
This agency has reviewed its conflict-of-interest code and has determined that:

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

6-19-14

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 of Supervisors
ATTN: Peggy Nevin
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
E-mail: peggy.nevin@sfgov.org

NS/CP

2014 Local Agency Biennial Notice
Conflict of Interest Code Review Report

Name of Agency: Department of Children, Youth and Their Families (DCYF)
Mailing Address: 1390 Market Street, Suite 900 San Francisco, CA 94102
Contact Person: Maria Su Office Phone No: 415-554-3547
E-mail: maria.su@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

June 24, 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 of Supervisors
ATTN: Peggy Nevin
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
E-mail: peggy.nevin@sfgov.org

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 26 PM 4:18
RS

AS
UPA

To: Andrew Shen
Subject: FW: 2014 Biennial Notice - Conflict of Interest Code Review - Response Required
Attachments: 20140626154857867.pdf

From: Kahala Drain (CFC)
Sent: Friday, June 27, 2014 8:40 AM
To: Nevin, Peggy
Subject: RE: 2014 Biennial Notice - Conflict of Interest Code Review - Response Required

Happy Friday Peggy,

Hope all is well and this email finds you in good health.

Please find attached the Department of Children and Families (CFC) Conflict of Interest Code form.

Kindly,

Kahala Drain
415-934-4849

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

Name of Agency: Children & Families Commission
Mailing Address: 1390 Market Street, Ste. 318 San Fran, CA 94102
Contact Person: Kahala Drain Office Phone No: (415) 934-4849
E-mail: Kahala@first5sf.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.

Samuel Kromer
Signature of Chief Executive Officer

6-25-14
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 of Supervisors
ATTN: Peggy Nevin
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
E-mail: peggy.nevin@sfgov.org

AS ✓
ep ✓

To: Andrew Shen
Subject: FW: 2014 Biennial Notice - Conflict of Interest Code Review - Response Required
Attachments: con_20140619163546.PDF; cgoboc_20140619163612.PDF

From: Lane, Maura
Sent: Thursday, June 19, 2014 4:37 PM
To: Nevin, Peggy
Subject: RE: 2014 Biennial Notice - Conflict of Interest Code Review - Response Required

Notices for the Controller's Office and CGOBOC are attached.

Best,

Maura

*cpw
ASW*

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

Name of Agency: Controller's Office
Mailing Address: Room 316, City Hall
Contact Person: Maura Lane Office Phone No: 415-554-7500
E-mail: maura.lane@sfgov.org

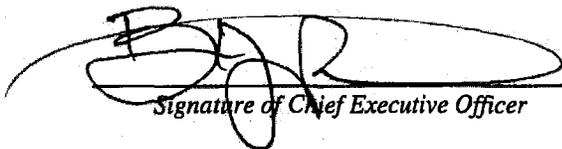
This agency has reviewed its conflict-of-interest code and has determined that:

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

6-19-14

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 of Supervisors
ATTN: Peggy Nevin
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
E-mail: peggy.nevin@sfgov.org

ASV ✓

San Francisco Campaign and Governmental Conduct Code

SEC. 3.1-195. CONTROLLER.

<i>Designated Positions</i>	<i>Disclosure Categories</i>
Controller	1
Deputy Controller	1
Director, Accounting Operations and Financial Systems	1
Director, Payroll and Personnel Systems Division	1
Director, City Services Auditor Audits Unit	1
Director, City Services Auditor Performance Unit	1
Director, Budget and Analysis Division	1
Finance and Administration Director	1
Director, Office of Public Finance	1
Director, Office of Economic Analysis	1
Director, eMerge	1
Director, Financial System Replacement Project - 1 Manager, Contracts	1

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 58-01, File No. 001951, App. 4/13/2001; Ord. 73-03, File No. 022027, App. 4/25/2003; Ord. 99-05, File No. 041570, App. 5/25/2005; Ord. 80-07, File No. 070122, App. 4/19/2007; Ord. 93-08, File No. 090199, App. 6/10/2009; Ord. 320-10, File No. 101272, App. 12/23/2010; Ord. 9-13, File No. 120964, App. 2/4/2013, Eff. 3/6/2013, Oper. 1/1/2013)

(Derivation: Former Administrative Code Section 58.185; added by Ord. 3-90, App. 1/5/90; amended by Ord. 26-90, App. 1/24/90; Ord. 311-92, App. 10/9/92; Ord. 380-94, App. 11/10/94; Ord. 56-97, App. 3/6/97; Ord. 345-98, App. 11/19/98; Ord. 340-99, File No. 992046, App. 12/30/99)

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

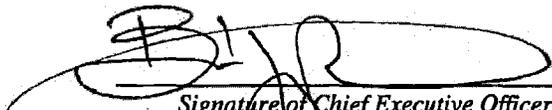
Name of Agency: Citizens' General Obligation Bond Oversight Com
Mailing Address: Controller's Office, Room 316, City Hall
Contact Person: Maura Lane Office Phone No: 415-554-7500
E-mail: maura.lane@sfgov.org

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

8-11-14

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 of Supervisors
ATTN: Peggy Nevin
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
E-mail: peggy.nevin@sfgov.org

ASV

To: Andrew Shen
Subject: 2014 Biennial Notice - Conflict of Interest Code Review - Response Required
Attachments: Form 700 2014 - Amendment Memo.pdf

From: Johnston, Jennifer (CSC)
Sent: Thursday, June 19, 2014 3:01 PM
To: Nevin, Peggy
Cc: Eng, Sandra (CSC); Shen, Andrew (CAT)
Subject: RE: 2014 Biennial Notice - Conflict of Interest Code Review - Response Required

Dear Ms. Nevin:

Please see the attached form indicating that the disclosure category for my position should be Category 1 (not Category 2). Let me know if you have any questions, or if you require anything else from me to effectuate that change.

Sincerely,

Jennifer Johnston
Executive Officer
Civil Service Commission
City and County of San Francisco
Phone: (415) 252-3247
Fax: (415) 252-3260
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102
www.sfgov.org/Civil_Service

2014 Local Agency Biennial Notice
Conflict of Interest Code Review Report

Name of Agency: Civil Service Commission
Mailing Address: 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102
Contact Person: Sandra Eng Office Phone No: (415) 252-3247
E-mail: Sandra.Eng@sfgov.org

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

XX An amendment is required. The following amendments are necessary:

(Check all that apply.)

- Include new positions (including consultants) that must be designated.
- X Revise disclosure categories- the Executive Officer should fall under disclosure Category 1
- 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

June 19, 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 of Supervisors
ATTN: Peggy Nevin
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
E-mail: peggy.nevin@sfgov.org

ASV
CPV

To: Andrew Shen
Subject: 2014 Biennial Notice - Conflict of Interest Code Review - Response Required
Attachments: fin_corp-confict-code-6-26-14.pdf

From: Whittaker, Angela (CON)
Sent: Thursday, June 26, 2014 8:22 AM
To: Nevin, Peggy
Subject: RE: 2014 Biennial Notice - Conflict of Interest Code Review - Response Required

Angela Whittaker
Controller's Office of Public Finance
1 Dr. Carlton B. Goodlett Place
City Hall, Room 336
San Francisco, CA 94102
415-554-6643

Note: I am out of the Office every other Wednesday.

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

Name of Agency: Finance Corporation
Mailing Address: 1 Dr. Carlton B. Goodlett Place, City Hall, Room 336, San Francisco, CA 94102
Contact Person: Angela Whittaker Office Phone No: 415-554-6643
E-mail: AWhittaker90@hotmail.com

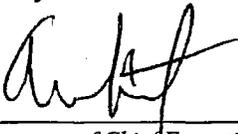
This agency has reviewed its conflict-of-interest code and has determined that:

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

6/19/14

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 of Supervisors
ATTN: Peggy Nevin
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
E-mail: peggy.nevin@sfgov.org

90 ✓
AS ✓

From: Garcia, Cristina (REC)
Sent: Wednesday, June 25, 2014 2:45 PM
To: Nevin, Peggy
Subject: GGPCA Biennial Report
Attachments: GGPCA Biennial Report 6-25-14.pdf

Hi Peggy,

Per your request, attached is the Golden Gate Park Concourse Authority Biennial report for 2014.

Thanks.

Cristina Garcia
RPD Capital Secretary

San Francisco Recreation and Park Department | City & County of San Francisco
30 Van Ness Avenue|5th Floor| San Francisco, CA | 94102

(415) 581-2559 | cristina.garcia@sfgov.org

Visit us at sfrecpark.org
Like us on Facebook
Follow us on Twitter
Watch us on sfRecParkTV
Sign up for our e-News

Please consider the environment before printing this e-mail.

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

From: rpd.mis@sfgov.org [<mailto:rpd.mis@sfgov.org>]
Sent: Wednesday, June 25, 2014 2:43 PM
To: Garcia, Cristina (REC)
Subject: Message from "RNP0026736ED5A9"

This E-mail was sent from "RNP0026736ED5A9" (MP C4503).

Scan Date: 06.25.2014 14:42:56 (-0700)
Queries to: rpd.mis@sfgov.org

2014 Local Agency Biennial Notice

Conflict of Interest Code Review Report

Name of Agency: Golden Gate Park Concourse Authority
Mailing Address: 501 Stanyan St. SF CA 94127
Contact Person: Dan Maver Office Phone No: 581-2542
E-mail: dan.maver@sfgov.org

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

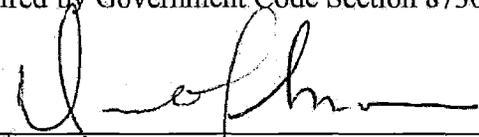
An amendment is required. The following amendments are necessary:

(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

6-25-14

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 of Supervisors
ATTN: Peggy Nevin
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
E-mail: peggy.nevin@sfgov.org

AS ✓
9/2

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 25 AM 10:16

Name of Agency: Human Services Commission – Dept of Human Services
Mailing Address: P.O.Box 7988, San Francisco, CA 94120
Contact Person: Dep Dir Daniel Kaplan Office Phone No: 415 557-6541
E-mail: Daniel.Kaplan@sfgov.org

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

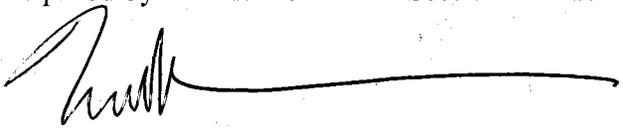
An amendment is required. The following amendments are necessary:

(Check all that apply.)

- Include new positions (including consultants) that must be designated.
- Revise disclosure categories: Director, Contracts changed to Disclosure Category 1
- 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)* Position Added: Manager, Childcare Services at Disclosure Category 1

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
Executive Director Trent Rhorer

June 23, 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 of Supervisors
ATTN: Peggy Nevin
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
E-mail: peggy.nevin@sfgov.org

AS
peggy

SEC. 3.1-285. HUMAN SERVICES AGENCY.

(a) **Disclosure Category 2.** Persons in this category shall disclose all investments and business positions in business entities and income from any source which provides, or contracts with the City and County of San Francisco and its Department of Human Services to provide, services, supplies, materials, machinery or equipment to the Human Services Department.

(b) **Disclosure Category 3.** Persons in this category shall disclose all investments and business positions in business entities and income from any source which owns or operates any board and care home, foster institution for children or home health agency in the jurisdiction.

(c) **Disclosure Category 4.** Persons in this category shall disclose all investments and business positions in business entities and income from any source which is engaged in the sale of products or services related to data processing.

<i>Designated Positions</i>	<i>Disclosure Categories</i>
Members, Human Services Commission	1
Executive Director	1
Contract Managers	2
Deputy Directors	1
Director, Contracts & Facilities	2 1
Director, Information Technology	4
Director, Homeless Programs	2
Director, Personnel	2
Liaison to the Housing Authority	2
Manager, Budget	1
Manager, Investigations	3
Manager, Fiscal Operations	1
Program Manager, County Adult Assistance Programs	2
Program Manager, Family and Children's Services	2, 3
Special Assistant to the Executive Director	2
Supervisor, Materials and Supplies	2
Manager, Childcare Services	1

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 58-01, File No. 001951, App. 4/13/2001; Ord. 99-05, File No. 041570, App. 5/25/2005; Ord. 80-07, File No. 070122, App. 4/19/2007; 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)

From: Cowan, Sheryl (JUV)
Sent: Tuesday, June 24, 2014 3:34 PM
To: Calvillo, Angela (BOS)
Cc: Nevin, Peggy
Subject: Juvenile Probation Dept CONFLICT OF INTEREST REVIEW REPORT
Attachments: 6-24-14 JUV Conflict of Interest Code Review Report - Signed cc to JPC.pdf

Hello Angela and Peggy:

Please find attached a copy of the JUV Conflict of Interest Code Review Report signed by Chief Allen A. Nance. Please let me know if you need anything else.

Take care,

Sheryl Cowan
Executive Assistant to Chief Allen A. Nance
San Francisco Juvenile Probation Department
375 Woodside Avenue, Room 243
San Francisco, CA 94127
(415) 753-7556
Sheryl.cowan@sfgov.org

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

Name of Agency: Juvenile Probation Department
Mailing Address: 375 Woodside Avenue, San Francisco, CA 94127
Contact Person: Chief Probation Officer, Allen A. Nance
Office Phone No: 415/753-7556
E-mail: allen.nance@sfgov.org

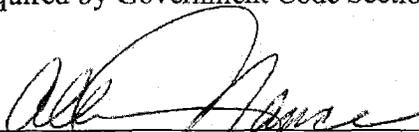
This agency has reviewed its conflict-of-interest code and has determined that:

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

6-24-14

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 of Supervisors
ATTN: Peggy Nevin
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
E-mail: peggy.nevin@sfgov.org

ASV

From: Wolf, Delene (RNT)
Sent: Monday, June 23, 2014 5:05 PM
To: Nevin, Peggy
Cc: Collins, Robert (RNT)
Subject: Conflict of Interest Code Review Report
Attachments: DOC170.pdf

Attached is the Rent Board's report. Please do not hesitate to contact me if there are any questions.

Thank you.

--
Delene Wolf
Executive Director
S.F. Rent Board
25 Van Ness, Suite 320
San Francisco, Ca. 94102
415-252-4650

AS/ qn

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

Name of Agency: S.F. Residential Rent Stabilization & Arbitration Board
Mailing Address: 25 Van Ness Suite 320
Contact Person: Delene Wolf Office Phone No: 415.252.4650
E-mail: delene.wolf@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.

Delene Wolf
Signature of Chief Executive Officer

6/23/14
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 of Supervisors
ATTN: Peggy Nevin
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
E-mail: peggy.nevin@sfgov.org

NS ✓

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

Name of Agency: San Francisco Sheriff's Department
Mailing Address: 1 Carlton B. Goodlett Place, Rm. 456
Contact Person: Freya Horne Office Phone No: (415) 554-7225
E-mail: freya.horne@sfgov.org

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JUN 24 PM 1:54
JW

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

June 20, 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 of Supervisors
ATTN: Peggy Nevin
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
e-mail: peggy.nevin@sfgov.org

CP
ASV

To: Andrew Shen
Subject: 2014 Biennial Notice - Conflict of Interest Code Review - Response Required
Attachments: WAR Cof I Notice 2014 Final.pdf

From: Murray, Elizabeth (WAR)
Sent: Monday, June 23, 2014 12:57 PM
To: Nevin, Peggy
Subject: RE: 2014 Biennial Notice - Conflict of Interest Code Review - Response Required

Attached is C of I Code Review Report for War Memorial. Thank you.

Elizabeth Murray, Managing Director
San Francisco War Memorial and Performing Arts Center
25 Van Ness Avenue, Suite 800
San Francisco, CA 94102
(415) 554-6306
Elizabeth.murray@sfgov.org

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

Name of Agency: War Memorial
Mailing Address: 401 Van Ness Avenue, Suite 110, San Francisco, CA 94102
Contact Person: Elizabeth Murray Office Phone No: (415) 554-6306
E-mail: Elizabeth.murray@sfgov.org

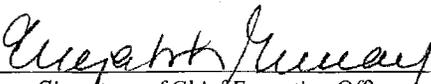
This agency has reviewed its conflict-of-interest code and has determined that:

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

6/23/14
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 of Supervisors
ATTN: Peggy Nevin
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
E-mail: peggy.nevin@sfgov.org

CP
ASV

July 8 – Communication Page

From Clerk of the Board, the following departments have submitted their reports regarding Sole Source Contracts for FY 2013-2014:

311 Customer Service Center
Controller
Dept. of Emergency Management
Dept. of Human Resources
Mayor's Office of Community Dev. & Housing
Mayor's Office on Disability
Residential Rent Stabilization & Arbitration
Treasure Island Development

Subject: Sole Source Contracts Memo - Response Required
Attachments: DEM Sole Source Contracts Memo_06-27-2014.pdf

From: Lee, William (ECD)
Sent: Friday, June 27, 2014 12:10 PM
To: Board of Supervisors (BOS); Calvillo, Angela (BOS)
Cc: Kronenberg, Anne; Ebarle, David (ECD); Chan, Grace (ECD); Levardo, Tristan (ECD); Leung, Patrick (DEM) (ECD); Nevin, Peggy
Subject: FW: Sole Source Contracts Memo - Response Required

Dear Ms. Calvillo:

On behalf of Director Kronenberg, I have attached a memo outlining DEM's response to your request for information concerning sole source contracts.

Please let me know if you have any questions regarding this submission.

Thank you!

William T. Lee
Deputy Director of Administration and Support
Department of Emergency Management
1011 Turk Street
San Francisco, CA 94102
Tel.: 415-558-3866
Fax: 415-558-3841



Department of Emergency Management

1011 Turk Street, San Francisco, CA 94102

Division of Emergency Communications
Phone: (415) 558-3800 Fax: (415) 558-3843

Division of Emergency Services
Phone: (415) 487-5000 Fax: (415) 487-5043



Edwin M. Lee
Mayor

Anne Kronenberg
Executive Director

MEMORANDUM

TO: Angela Calvillo
Clerk of the Board
Board of Supervisors

FROM: Anne Kronenberg *AK*
Executive Director
Department of Emergency Management

DATE: June 27, 2014

RE: Sole Source Contracts for Fiscal Year 2013-2014

This memo addresses the Department of Emergency Management's (DEM) Sole Source Contracts and Annual Report for FY 2013-2014. In accordance with Sunshine Ordinance Section 67.24(e), we are providing the Board of Supervisors with a list of all sole source contracts entered into during this past fiscal year. The list of applicable contracts is as follows:

Doc ref. #	Authority	Vendor Name	Amount	Contract Purpose
POED14000016	21.30	BIDDLE CONSULTING GROUP INC	3,333.00	CRITICAL PRE-EMPLOYMENT TESTING SOFTWARE
BPED14000002	PROFSERV-NOS	CALIFORNIA RESILIENCY ALLIANCE	290,000.00	PUBLIC-PRIVATE SEC RESILIENCY
BPED11000011	21.30	COSMICUBE INC	185,000.00	SF HEROES LICENSE & MAINTENANCE
BPED14000006	21.30	DECCAN INTERNATIONAL	76,443.00	LIVEMUM MAINT. 10/01/13-9/30/14
BPED12000027	21.30	EMSYSTEM LLC	96,628.20	EMRESOURCE MANAGEMENT SYTEM
BPED14000013	21.30	FIRSTWATCH	27,473.43	MAINTAIN FIRSTWATCH SF EMS CAD YR-1
BPED10000021	21.30	INTERMEDIX EMSYSTEMS	1,733,213.08	CORES ALERT SYS MAINTEN, 4095-12/13
DPED14000030	NOS	MEALS ON WHEELS	13,587.00	DISASTER FOOD KITS FOR ELDERLY
BPED12000009	NOS	MEDICAL PRIORITY CONSULTANTS INC	58,500.00	EMD & EFD CERT COURSE AND RE-CERT F
BPED12000017	21.30	MEDICAL PRIORITY CONSULTANTS INC	602,850.00	MAINTENANCE AGREE 7/01/14-6/30/15
POED14000027	NOS	MOTOROLA SOLUTIONS INC	506,723.65	HOMELAND SEC GRANT FUNDS-PORTABLE RADIOS
POED14000044	NOS	MOTOROLA SOLUTIONS INC	58,168.09	DPH PORTABLE RADIOS XTS2500
POED14000046	NOS	MOTOROLA SOLUTIONS INC	971,939.47	HOMELAND SEC GRANT FUNDS-PORTABLE RADIOS
POED14000053	NOS	MOTOROLA SOLUTIONS INC	146,354.66	HOMELAND SEC GRANT FUNDS - ISSI BAR
BPED14000018	21.30	ORACLE AMERICA INC	164,133.50	ORACLE SERVICE CONTRACT RENEWAL
POED14000001	21.30	RADIO IP SOFTWARE INC	6,799.83	SERVICE CONTRACT RENEWAL
POED14000028	21.30	RADIO IP SOFTWARE INC	5,100.00	SERVICE CONTRACT RENEWAL
BPED11000010	21.30	STRATUS TECHNOLOGIES INC	1,626,594.00	STRATUS MAINTENANCE PAYMENT

Doc ref. #	Authority	Vendor Name	Amount	Contract Purpose
POED14000018	21.30	STRATUS TECHNOLOGIES INC	12,684.00	STRATUS FT SERVER MAINTENANCE RENEWAL
POED14000045	21.30	STRATUS TECHNOLOGIES INC	23,146.04	24/7/365 HARDWARE/SOFTWARE SERVICE P6400 & P4700
BPED12000014	PROFSERV-NOS	TIBURON INC	1,887,555.00	ENHANCEMENTS/MODIFICATIONS TO SOFTWARE THAT RUNS THE DISPATCH SYSTEM
BPED12000026	PROFSERV-NOS	TIBURON INC	5,247,152.00	UPGRADE TO THE CITY'S COMPUTER AIDED DISPATCH SYSTEM
POED14000047	NOS	XYBIX SYSTEMS INC	24,000.00	WARRANTY SERVICE

If you have any questions regarding this information, please feel free to contact my Deputy Director of Administration and Support, William Lee, at 415-558-3866.

Thank you.

cc: William Lee, DEM Deputy Director of Administration and Support

From: Johnson, Carla (ADM)
Sent: Monday, June 16, 2014 1:07 PM
To: Board of Supervisors (BOS)
Cc: Nevin, Peggy; Scott, JohnPaul (ADM); Fraguli, Joanna (ADM)
Subject: RE: Sole Source Contracts Memo - Response Required

Dear Ms. Calvillo,

I wanted to let you know that the Mayor's Office on Disability has no sole source contracts in this budget cycle.

Please let me know if I can be of any further assistance.

Carla

Carla Johnson, CBO, CASp
Director, Mayor's Office on Disability
1155 Market Street, First Floor
SF, CA 94103
Direct:(415) 554-6785
Office: (415) 554-6789
FAX: (415) 554-6159
TTY: (415) 554-6799

From: Nevin, Peggy [<mailto:peggy.nevin@sfgov.org>]
Sent: Friday, June 13, 2014 6:11 PM
To: Department Heads
Subject: Sole Source Contracts Memo - Response Required

Please see attached memo regarding Sunshine Ordinance Section 67.24(e) reporting requirement of Sole Source Contracts.

Office of the Clerk of the Board

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

From: McCloskey, Benjamin (MYR)
Sent: Monday, June 16, 2014 2:19 PM
To: Board of Supervisors (BOS)
Subject: RE: Sole Source Contracts Memo - Response Required

Hello,

MOHCD did not enter into any new sole-source contracts in the past fiscal year, other than newspaper subscriptions.

Thanks,
Benjamin

Benjamin McCloskey
Chief Financial Officer
Mayor's Office of Housing and Community Development
1 South Van Ness, 5th Floor
San Francisco, CA 94103
tel: 415.701.5575 fax: 415.701.5501
benjamin.mccloskey@sfgov.org

From: Lee, Olson (MYR)
Sent: Monday, June 16, 2014 11:31 AM
To: McCloskey, Benjamin (MYR)
Subject: FW: Sole Source Contracts Memo - Response Required

From: Nevin, Peggy [<mailto:peggy.nevin@sfgov.org>]
Sent: Friday, June 13, 2014 6:11 PM
To: Department Heads
Subject: Sole Source Contracts Memo - Response Required

Please see attached memo regarding Sunshine Ordinance Section 67.24(e) reporting requirement of Sole Source Contracts.

Office of the Clerk of the Board

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding

pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

From: Collins, Robert (RNT)
Sent: Tuesday, June 17, 2014 2:55 PM
To: Board of Supervisors (BOS)
Cc: Wolf, Delene (RNT)
Subject: Sole Source Contracts for Fiscal Year 2013-2014
Attachments: Sole Source Contracts FY13-14 RNT.pdf

Pursuant to Sunshine Ordinance Section 67.24(e), the department is providing the Board of Supervisors with a list of all sole source contracts entered into during the past fiscal year.

This information is also available on our web site [<http://www.sfrb.org/index.aspx?page=217>]. Please contact us if you have any questions.

Thank you,
Robert

--
robert collins / deputy director / san francisco rent board / 415.252.4628 / sfrb.org



EDWIN M. LEE
MAYOR

DELENE WOLF
EXECUTIVE DIRECTOR

DATE: June 17, 2014
 TO: Clerk of the Board
 FROM: Robert Collins, Deputy Director
 SUBJECT: **Sole Source Contracts for Fiscal Year 2013-2014**

Pursuant to Sunshine Ordinance Section 67.24(e), the department is providing the Board of Supervisors with a list of all sole source contracts entered into during the past fiscal year.

Term	Vendor	Amount	Reason
FY13-14	UC-CEB	\$1,000.00	Contract for the acquisition or use of periodicals, trade journals, newspapers, online research services that are unavailable from another source.

From: Austin, Kate
Sent: Tuesday, June 24, 2014 3:08 PM
To: Board of Supervisors (BOS)
Subject: FW: Sole Source Contracts Memo - Response Required
Attachments: Blanket Sole Source_First American 11.25.13.pdf; 2013-2014 Sole Source Contracts Memo.pdf; Closing Buyer.pdf

Hello,

Treasure Island Development Authority has a Sole Source Contract with First American. Please let me know if you need any additional information.

Best,
Kate

Kate Austin
Treasure Island Development Project
One Avenue of the Palms, Suite 241
San Francisco, CA 94130
P: 415-274-0646
kate.austin@sfgov.org

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2014 JUN 25 AM 9:04

BY RW

CITY AND COUNTY OF SAN FRANCISCO
HUMAN RIGHTS COMMISSION

BLANKET SOLE SOURCE FORM
(HRC-12B-104)

To use the blanket sole source exception to Administrative Code Chapters 12B and 12C, the contracting department is encouraged to first make good faith efforts to obtain compliance, or partial compliance, from the prospective contractor. If such efforts fail, the department must complete this form and submit it to the Human Rights Commission (HRC). HRC will not grant or deny individual requests; upon filing, the exception is granted. HRC will maintain departmental files on the use of this exception and reserves the right to audit departments and revoke the use of this exception where misuse is found. **Use of this form is permitted ONLY where the contract amount at issue is for less than \$250,000.**

Department: Treasure Island Development Authority Date Submitted: 11/25/2013
Contact Name: Kate Austin Phone: 415-274-0646
Dept. Head Signature: [Signature] Date of Contract: 11/25/2013
Name of Contractor: FIRST AMERICAN TITLE CO. Contract Dollar Amount: \$7,120.⁰⁰
(Contract Amount Must Be Less Than \$250,000)

This contract qualifies for a sole source waiver because it is a (check one):

- Contract to purchase postage from the U.S. Postal Service.
- Maintenance agreement where use of a maintenance service provider other than the manufacturer would void a warranty.
- Contract for the acquisition of proprietary equipment where the equipment to be acquired is the only equipment compatible with equipment currently owned or operated by the City and is unavailable from another source.
- Computer software maintenance agreement where the City does not have access to the source codes and such access is necessary to perform the maintenance; or where software has been developed for the City and the City does have access to the source codes but the source codes may not be modified without the developer's consent.
- Contract for the payment of fees associated with memberships, conferences, educational presentations, training sessions or publications that are unavailable from another source and are provided by a governmental, professional or trade organization or association.
- Contract for the acquisition of materials printed by any federal, state, local or regional governmental entity that are unavailable from another source.

(OVER)



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



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
<http://www.sfhrc.org>



- Contract for the acquisition or use of periodicals, trade journals, newspapers, online research services or legal treatises that are unavailable from another source.
- Contract for the employment of student interns where effort has been made to recruit students from any available educational institution that complies with the requirements of San Francisco Admin. Code Chapters 12B and 12C.
- Contract for fees associated with the use of federal, state or regional parks or bridges.
- Contract for parts to repair, or goods to use with equipment owned by the City where the part or good is required for proper operation of the equipment and is available only from the manufacturer of the equipment.
- Property contract between the City and a financial institution where the financial institution is entering into the property contract as a result of foreclosure proceedings and where the previous contractor has defaulted on a loan agreement between the previous contractor and the financial institution.
- Contract for the acquisition and/or borrowing of cultural and educational items and exhibits that are unavailable from another source.
- Contract for the insuring, transporting, storage or curation of cultural and educational exhibits and collection items where the contractor to perform the work has been designated by the lender and use of this designated contractor is required by the loan agreement.
- Contract with any federal, state, local or regional governmental agency or entity to the extent the contract is related to the regulatory functions of such agency or entity, including licensing, inspection, permit, application fees, fines and taxes.
- Lease or permit of City Right of Way property to adjacent landowners where the contracting officer determines that there are no other potential users of the property.

From: Lewis, Brent (HRD)
Sent: Tuesday, June 24, 2014 4:02 PM
To: Board of Supervisors (BOS)
Cc: Callahan, Micki (HRD); Buick, Jeanne (HRD)
Subject: Department of Human Resources Sole Source Contract

Dear Clerk of the Board,

Below please find the sole source contract information for the Department of Human Resources:

Term	Vendor	Amount	Reason
Annual: July 1, 2013- June 30, 2014	ISO Services Inc.	\$40,000	On line research services for Workers' Compensation claims

If you have any questions, please contact me.

Thanks,
Brent Lewis
Director of Finance and IT
Department of Human Resources
City and County of San Francisco
(415) 557-4944

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From: Gibson, Mathias (311)
Sent: Tuesday, June 24, 2014 10:36 AM
To: Board of Supervisors (BOS)
Subject: Sole Source Contracts for FY 2013-2014

To Whom It May Concern,

311 did not enter into any sole source contracts for fiscal year 2013-2014.

Thank you,

Mathias Gibson
Management Analyst | [SF311](#) | [DataSF](#)
t: 415.701.3189 | e: mathias.gibson@sfgov.org

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From: Conover, Lily (CON)
Sent: Thursday, June 26, 2014 2:45 PM
To: Board of Supervisors (BOS)
Cc: Rosenfield, Ben (CON); Zmuda, Monique (CON); Hom, Mary (CON); Wong, Jeannie
Subject: Sole Source Contracts for Fiscal Year 2013-2014
Attachments: CON Sole Source Report FY14.pdf

Good Afternoon,

Attached please find the Controller's list of sole source contracts for fiscal year 2013/14.

Please let me know if you have any questions.

Best Regards,

Lily Conover
Contracts Manager
Office of the Controller
City and County of San Francisco
(415) 554-7525
lily.conover@sfgov.org

**MEMORANDUM**

TO: Clerk of the Board, Board of Supervisors

FROM: Ben Rosenfield, Controller 

DATE: 6/23/14

SUBJECT: Sole Source Contract Reporting Requirement for FY 13/14

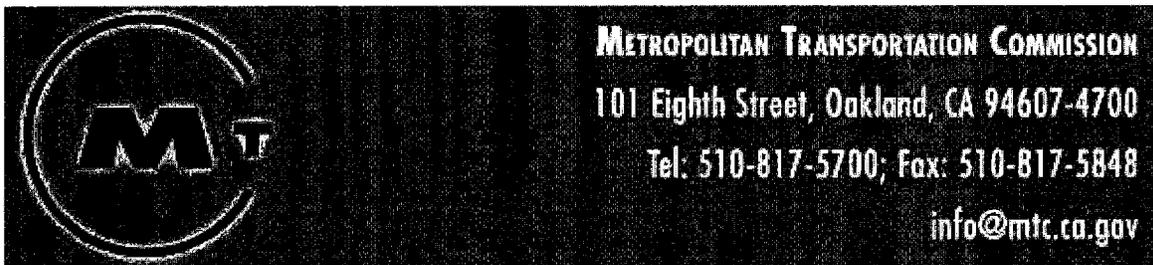
In accordance with Sunshine Ordinance Section 67.24 (e), the Controller's Office is submitting the following information.

Vendor Name	Service	Contract Start Date	Contract End Date	Amount in FY13/14	Reason
A C L SERVICES LTD	ACL Software Maintenance	1/1/2014	12/31/2014	\$2,640	Proprietary software
CANAUDIT INC	FY13-14 IT Audit Program: Network Penetration	5/6/2014	9/30/2014	\$58,200	Only vendor that can provide services
CARDON SOLUTIONS LLC	Executive Information System (EIS) Upgrade Services	8/1/2010	12/31/2014	\$0	No amount increase. 1 year term extension only
HARDER + COMPANY COMMUNITY RESEARCH	Program Evaluation of Wraparound Services	3/4/2013	11/30/2014	\$0	No amount increase. 6 month term extension only
HOSTBRIDGE TECHNOLOGY, LLC	Process Automation Module (CON & PUC)	1/15/2010	1/15/2018	\$117,100	Proprietary software and related services
JOBAPS INC	Professional Services, Software & Support	1/1/2014	12/31/2014	\$237,722	Proprietary software and related services
ORACLE USA INC	Oracle Database License Exadata/Exalogic	11/15/2013	11/14/2014	\$658,068	Proprietary Exadata/Exalogic software and related services
ORACLE USA INC	Oracle Database License Identity Management	5/30/2014	5/29/2015	\$611,464	Proprietary Identity Management software and related services
TALX CORPORATION	Online Payroll Services	7/1/2013	6/30/2015	\$48,000	Proprietary software and related services
TIMELINK INTERNATIONAL CORP.	eMerge PeopleSoft HCM Implementation	6/3/2013	5/31/2015	\$ 0	No amount increase. 1 year term extension only

Please contact Lily Conover at (415) 554-7525 if you have any questions.

From: Calvillo, Angela (BOS)
Sent: Monday, June 30, 2014 11:23 AM
To: Nevin, Peggy
Subject: FW: Release of Draft 2015 TIP

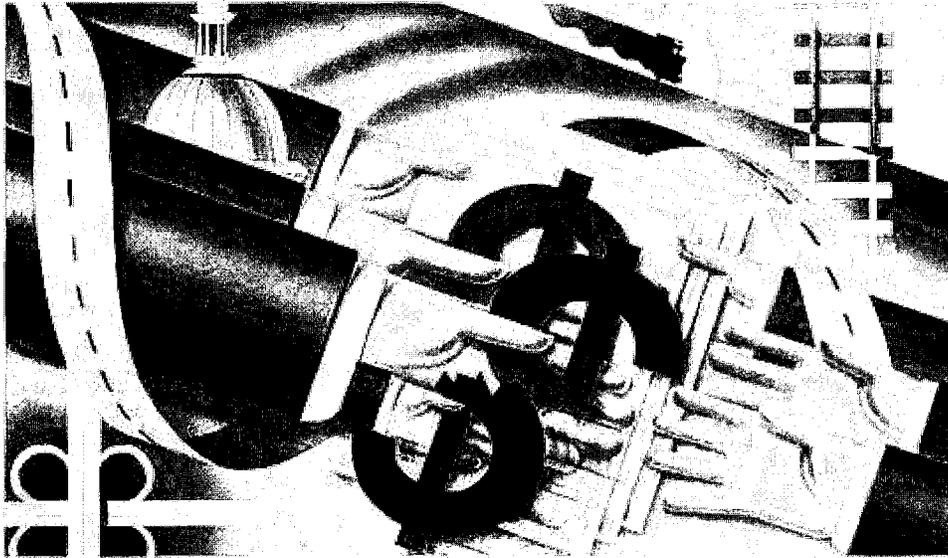
From: MTC Public Information [<mailto:info@mtc.ca.gov>]
Sent: Thursday, June 26, 2014 12:01 PM
To: Calvillo, Angela (BOS)
Subject: Release of Draft 2015 TIP



**Release of Draft 2015 Transportation Improvement
Program (TIP) and
Draft Air Quality Conformity Analysis for Public
Review and Comment**

The Transportation Improvement Program (TIP) lists the near-term transportation projects, programs and investment priorities for the San Francisco Bay Area's surface transportation system--projects that have a federal interest and locally and state-funded regionally significant projects.

55



View and comment on the Draft 2015 TIP and Draft Transportation Air Quality Conformity Analysis for Plan Bay Area and Draft 2015 TIP:

- Online at <http://www.mtc.ca.gov/funding/tip/index.htm>
- At major public libraries in the nine Bay Area counties (For the library closest to you, call MTC's Public Information office at (510) 817-5757, or visit the web link above.)

A public hearing to receive public testimony on both documents is scheduled during MTC's Programming and Allocations Committee meeting on Wed., July 9, 2014, at 9:40 a.m., or immediately following MTC's Administration Committee meeting, whichever occurs later, at 101 Eighth St., Oakland (across from the Lake Merritt BART station).

The deadline for written comments is 5 p.m. on Thursday, July 31, 2014. Submit comments to MTC's Public Information office at 101 Eighth St., Oakland, CA, 94607 or fax to MTC at (510) 817-5848 or send via email to info@mtc.ca.gov.

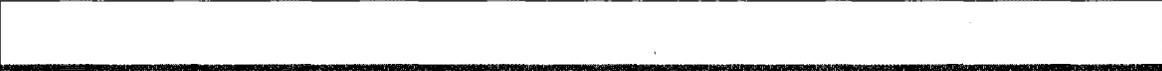
This notice also services to satisfy the public involvement requirements of the Federal Transit Administration (FTA) annual Program of Projects.

At its Sept. 10, 2014 meeting, MTC's Programming and Allocations Committee is scheduled to consider public comments received. Approval of the final documents is expected Sept. 24, 2014, at the MTC Commission meeting.

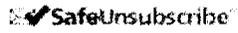
Accessible Meetings

Sign language interpreters or readers will be provided if requested at least three business days in advance. Every effort will be made to provide interpreters for non-English speakers if requested at least three business days in advance. to make your request, please call (510) 817-5757.

¿Necesita este documento o información en español? Llame al 510-817-5656.
如果您需要我們翻譯這份文件，請電：510-817-5688.



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Metropolitan Transportation Commission | MTC/BATA Public Information | MetroCenter | 101 Eighth Street | Oakland | CA | 94607



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- Core Capacity / Cap and Trade
- TIP
- RM 2
- STIP (RTIP & ITIP)
- STP-CMAQ
- ARRA
- Project Delivery
- FTA
- TDA & STA
- Proposition 1B Bond
- FMS
- ATP

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Transportation Improvement Program (TIP)

Draft 2015 TIP

MTC has released the Draft 2015 Transportation Improvement Program (TIP) and Draft Transportation-Air Quality Conformity Analysis for *Plan Bay Area* and the Draft 2015 TIP for public review and comment beginning June 26, 2014 and ending July 31, 2014. These documents are available [here](#), at the MTC/ABAG Library and at [major libraries](#) (PDF) throughout the Bay Area.

2013 TIP

Update

MTC adopted the 2013 TIP on July 18, 2013.
FHWA/FTA approved the 2013 TIP on August 12, 2013

Background

The federally required Transportation Improvement Program (TIP) is a comprehensive listing of Bay Area surface transportation projects that are to receive federal funding or are subject to a federally required action, or are considered regionally significant for air quality conformity purposes. The TIP covers a six-year period and must be financially constrained by year, meaning that the amount of dollars committed to the projects (also referred as "programmed") must not exceed the amount of dollars estimated to be available. The 2013 TIP includes projects "programmed" in six fiscal years: FY 2012-13, FY 2013-14, FY 2014-15, FY 2015-16, FY 2016-17 and FY 2017-18. The 2013 TIP and accompanying Transportation-Air Quality Conformity Analysis were adopted by the Commission on July 18, 2013. The Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) approved them on August 12, 2013

The Draft 2013 TIP and accompanying Transportation-Air Quality Conformity Analysis were released for public review and comment on June 22, 2012, with a public hearing held on July 11, 2012. Responding to comments in September 2012, MTC postponed the final adoption of the new TIP to more closely align with development and adoption of *Plan Bay Area*. A revised Draft 2013 TIP was released for public review and comment on March 29, 2013. MTC held nine public hearings throughout the Bay Area and the comment period closed on May 3, 2013.

MTC has developed the 2013 TIP and Conformity Analysis in cooperation with the county Congestion Management Agencies, California Department of Transportation (Caltrans), individual cities, counties, transit operators, and other project sponsors, and in consultation with the Federal Highway Administration (FHWA), Federal Transit Administration (FTA) and U.S. Environmental Protection Agency (EPA). All projects included in the TIP are consistent with the long-range Regional Transportation Plan (RTP), *Plan Bay Area*.

Per federal conformity regulations, the TIP, along with *Plan Bay Area*, was analyzed by MTC to determine if it is consistent with or conforms to the approved federal State Implementation Plan (SIP), or meets other emissions tests for criteria pollutants and precursors for which the Bay Area air basin is designated as a nonattainment or maintenance area. This includes ground-level ozone, carbon monoxide and fine particulate matter.

The 2013 TIP contains approximately 880 projects totaling about \$16.9 billion. The TIP is also financially constrained. Please find below the TIP and conformity documentation.

Search the Fund Management System (FMS) for the latest TIP projects

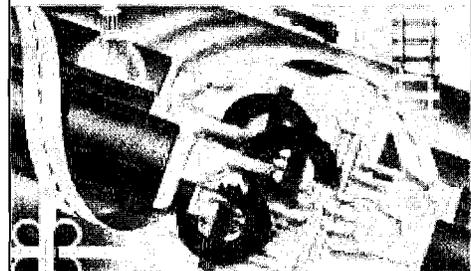


1. [2013 TIP](#)
2. [2013 TIP Revisions](#)
3. [Grouped Listing or Lump Sum Project Lists](#)
4. [Federal Funding Obligations](#)
5. [Fund Management System \(FMS\)](#)
6. [Title VI Complaint Procedure](#)
7. [Archived TIPs](#)

2013 Transportation Improvement Program

For the Nine-County San Francisco Bay Area

July 18, 2013 MTC Resolution No. 0276



Volume I Overview and Project Listings

2013 TIP

- [Guide to the TIP \(PDF\)](#)
 - [Guía para el TIP \(PDF\)](#)
 - [三藩市灣區的運輸改善方案 \(TIP\) 指南 \(PDF\)](#)

- [Overview \(PDF\)](#)
 - [Visión General del Programa de Mejoras al Transporte \(PDF\)](#)
 - [交通運輸改善方案概要](#)
- [Transit Financial Capacity Assessment \(PDF\)](#)
- [Project Listings \(PDF\)](#)
- [Appendices](#)
- [Final Air Quality Conformity \(PDF\)](#)
- [Grouped Listings](#)
- [2013 TIP Investment Analysis: Focus on Low-Income and Minority Communities \(PDF\)](#)
- [Approval Letter \(PDF\)](#)
- [TIP-Related Documents](#)
- [2013 TIP - List of projects as adopted \(PDF\)](#)

Revisions

- [2013 TIP Revisions](#)

Copies of the 2013 TIP and Transportation-Air Quality Conformity Analysis are available for public review at the MTC-ABAG Library, 101 Eighth Street, Oakland, and at [major public libraries \(PDF\)](#) in each of the nine Bay Area counties.

Fund Sources Programmed in the TIP

The 2013 TIP programs transportation funding from a wide variety of sources. The fund sources can be categorized as

- Federal Highway Administration (FHWA) Programs
- Federal Transit Administration (FTA) Programs
- State, Regional, and Local Programs

The detailed list of funding sources is listed below:

- [2013 TIP Fund Source \[Appendix A-39\] \(PDF\)](#)

Grouped Listing or Lump Sum Project Lists

Federal regulations allow MPOs to group or combine projects that are not considered to be of appropriate scale for individual listing. Such projects may be grouped by function, work type or geographical area and must be consistent with the exempt project classification contained in EPA's "Transportation Conformity Regulations (40 CFR part 93)." Such grouped projects are often referred to as "Lump Sum Projects Listings." Once grouped, the MPO is required to maintain outside of the TIP, a detail list of the projects contained in each group.

- [Grouped Listings](#)

Federal Funding Obligations

Federal funding obligation details are listed by year, and by federal funding source. The list also includes bicycle and pedestrian facilities in compliance with the SAFETEA requirements.

- [Federal Funding Obligations](#)

Fund Management System (FMS)

The Fund Management System (FMS) is an online application that allows the public and MTC partners to search for projects based on different search criteria. The FMS application also allows MTC partners to propose modifications to existing projects or to propose new projects for inclusion into the regional Transportation Improvement Program (TIP).



- [More on the Fund Management System \(FMS\)](#)

Title VI Complaint Procedure

As a recipient of federal dollars, MTC is required to comply with Title VI of the Civil Rights Act of 1964 and ensure that services and benefits are provided on a non-discriminatory basis. MTC has in place a Title VI Complaint Procedure that outlines a process for local disposition of Title VI complaints.

- [Title VI Complaint Procedure](#)

Procedimiento de queja conforme al Título VI

Como beneficiario de fondos federales, la MTC se ve obligada a cumplir con el Título VI de la Ley de Derechos Civiles de 1964 y garantizar que los servicios y los beneficios sean proporcionados libres de discriminación. La MTC ha puesto en marcha un Procedimiento de Queja conforme al Título VI que explica un proceso para la resolución local de las quejas conforme al Título VI.

- [Procedimiento de queja conforme al Titulo VI](#)

第 VI 款規定的申訴程序

作為領取聯邦資金的機構，MTC 必須遵守「1964 年民權法案」第 VI 款的規定，確保在沒有任何歧視的基礎上提供服務和福利。MTC 已經制定了第 VI 款規定的申訴程序，該程序描述了地方對第 VI 款規定的申訴程序的處置方法。

- [第 VI 款規定的申訴程序](#)

Archived TIPs

- [March 2013 Draft 2013 TIP](#)
- [June 2012 Draft 2013 TIP](#)
- [2011 TIP](#)
The 2011 TIP and all its revisions can be accessed for informational purposes at this link.
- [2009 TIP](#)
The 2009 TIP and all its revisions can be accessed for informational purposes at this link.
- [2007 TIP](#)
The 2007 TIP and all its revisions can be accessed for informational purposes at this link.

Información en Español

中文信息

CONTACT US

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Metropolitan Transportation Commission • 101 Eighth Street, Oakland, California 94607
Phone: (510) 817-5700, Fax: (510) 817-5848

This page was last modified Thursday June 26, 2014

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From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: FW: Golden Gate suicide prevention

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

From: Patty Kincaid [<mailto:pkcaid@gmail.com>]
Sent: Sunday, June 29, 2014 9:10 AM
To: Board of Supervisors (BOS)
Subject: Golden Gate suicide prevention

Please circulate to the board:

Dear Supervisor,

I applaud your decision to try to prevent suicides from the Golden Gate Bridge, but I question its effectiveness and huge cost.

\$7,000,000 would buy a lot of suicide hot lines and counselors!

If someone is determined to take his/her life, they will find a way. (Perhaps by jumping into the cable net, pulling up to the edge, and over it.) Please reconsider this idea. It is not sound.

Respectfully,

Patricia Kincaid

From: james miller [jimwebdesigns@hotmail.com]
Sent: Sunday, June 29, 2014 8:32 AM
To: business.ethics@safeway.com; webcomments@safeway.com; Lee, Mayor (MYR); Board of Supervisors (BOS); Wiener, Scott; Breed, London (BOS); Kim, Jane (BOS); Farrell, Mark (BOS); (norman.yee.bos@sfgov.org); Cohen, Malia (BOS); Chu, Carmen (ASR); Chiu, David (BOS); Campos, David (BOS); Avalos, John (BOS)
Cc: letters@sfchronicle.com; letters@sfexaminer.com
Subject: SF/Safeway Recycling Centers

Dear Mayor, BoS and Safeway,

I was recently told that the Safeway/Church & Market Recycling Center will close soon. I cannot understand how the City or Safeway can let this happen, since Safeway has closed its other centers recently. What are Safeway customers supposed to do with the CA-redemption containers they constantly sell? I was also told that the nearest R-Ctr is located in the Bayview. For those of us, including myself, who have no car and rely on MUNI, are we supposed to drag bags of cans on the bus? What's more, the Bayview is too far and too dangerous to consider for many of us..

This is not only a huge inconvenience for Sfwy customers but appears to be a particular attack on the homeless and others who collect recyclables on the streets. On the one hand, the mayor continues to boast about the homeless projects, services and programs he endorses, while on the other hand, closing these centers will end one of the only positive and worthwhile services that the homeless engage in: helping to keep our City cleaner.

I can attest that the staff at the Safeway/Church center is always well-organized, very professional and very accurate and courteous with customers. They will be unemployed and very unhappy if this center closes. In short, you create a significant hardship for all SF residents by approving its closure.

For the sake of recyclers and the environment, please reconsider.

James Miller

BOS-11
electronically
Cpage

To: BOS-Supervisors; BOS-Legislative Aides
Subject: Bond Accountability Report
Attachments: Pier 70 Historic Core BAR_signed.pdf

From: Hurley, James (PRT)
Sent: Friday, June 27, 2014 3:17 PM
To: Calvillo, Angela (BOS); Rosenfield, Ben (CON); Cisneros, Jose (TTX); Sesay, Nadia (CON); Rose, Harvey (BUD)
Cc: Moyer, Monique (PRT); Forbes, Elaine (PRT); Rhett, Byron (PRT); Stern, Jonathan (PRT); Williamson, Phil (PRT); Cruz, Nate (PRT); Romero, Anne (MYR); Yanga, Teresa; Ababon, Anthony; Trivedi, Vishal (CON); Strong, Brian (DPW); Elliott, Tani (PRT)
Subject: Bond Accountability Report

Colleagues:

On behalf of Port Executive Director Monique Moyer, please find attached the Bond Accountability Report in reference to the proposed issuance of \$24 million General Obligation Bonds to fund a loan to Orton Development, Inc. through the Seismic Safety Loan Program administered by the Mayor's Office of Housing and Community Development.

Thank you. Have a great weekend.



James Hurley
Port of San Francisco
Pier 1, The Embarcadero
San Francisco, CA 94111
Phone: (415) 274-0598
Email: james.hurley@sfport.com



To: Angela Calvillo, Clerk of the Board of Supervisors
Ben Rosenfield, City Controller
Jose Cisneros, Treasurer
Nadia Sesay, Director, Office of Public Finance
Harvey Rose, Budget Analyst

From: Monique Moyer, Executive Director, Port of San Francisco

Date: June 27, 2014

In accordance with Administrative Code 2.70, attached please find the Port of San Francisco's Bond Accountability Report. With the issuance of this Report, the Mayor's Office of Housing and Community Development (MOHCD) and the Port of San Francisco request approval of the sale of \$24 million in General Obligation (GO) bonds. The bond proceeds will be used to fund a seismic upgrade loan to Orton Development, Inc. (ODI) for improvements to two publically owned buildings at Pier 70 under the 1992 voter-established Unreinforced Masonry Building (UMB) Seismic Safety Loan Program (SSLP). Loan payments will be made by ODI, developer of the 20th Street Historic Buildings at Pier 70 project, to the City in an amount equal to the debt service on the proposed bonds, such that there is no impact on property tax rates, the General Fund, or the Port unless the borrower defaults on its loan payments. In such an event, property taxes would increase in an amount necessary to pay debt service payments.

Of the total issuance amount of \$24 million, up to \$20.1 million of net proceeds will fund the SSLP loan to ODI, to be repaid by ODI at an interest rate of 100 basis points higher than the City's True Interest Cost on the bonds.

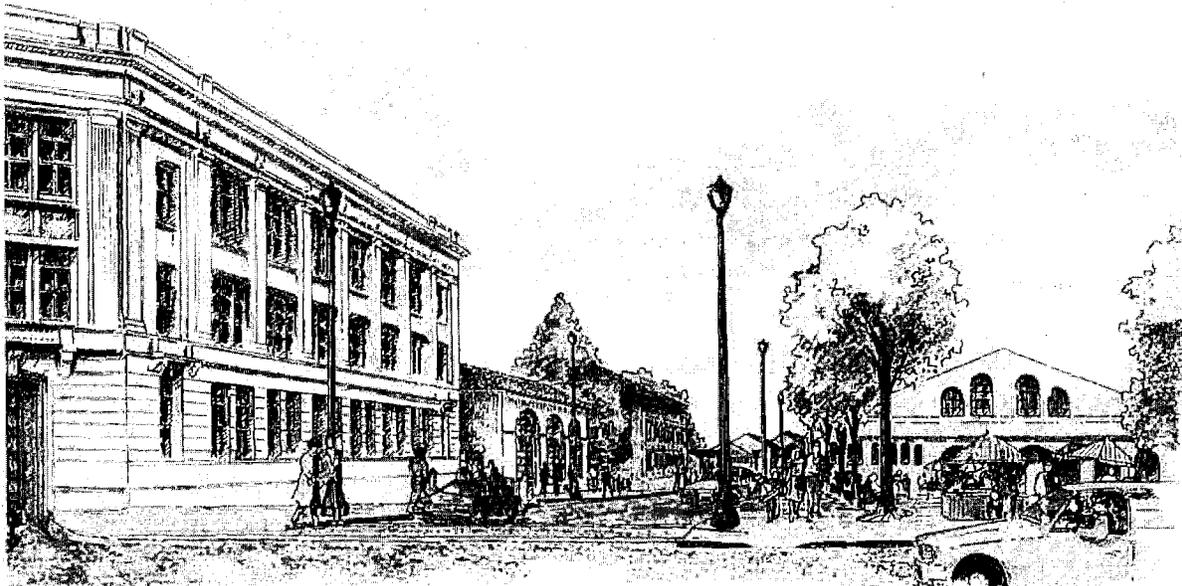
Should you have any questions, please contact Anne Romero, Project Manager, Mayor's Office of Housing and Community Development, 701-5525 or Elaine Forbes, Director of Finance and Administration at the Port of San Francisco, 274-0445.

Executive Summary

In 1992 the City voted to establish a Unreinforced Masonry Building Seismic Safety Loan Program (SSLP), which is administered through the Mayor's Office of Housing and Community Development (MOHCD).

Under this loan program, the proceeds of GO bonds fund a loan to a borrower to make improvements to eligible buildings. Loan payments are made by the borrower in the amount equal to the debt service on the GO bonds (plus 1% interest to cover the City's cost to administer the loan program), such that there is no impact on property tax rates or the General Fund unless the borrower defaults on its loan payments. In such an event, property taxes would increase in an amount necessary to pay debt service payments.

Orton Development, Inc. (ODI) has applied for a loan under this program in order to partially finance required seismic improvements and related soft costs at two unreinforced masonry buildings within the 20th Street Historic Buildings at Pier 70 (see Project Overview Section below). ODI will rehabilitate and operate the buildings through a public/private partnership under a long term ground lease with the Port of San Francisco. The SSLP loan is a critical piece of financing for overall project feasibility as it would displace costly developer equity.



Bond Amounts and Schedule

Based on current project schedules, the City will sell bonds with a total par value of \$24 million in September 2014, with proceeds available soon thereafter. The current estimated loan interest rate is 7.5%, assuming a taxable GO bond issue at 6.5% plus 1% to cover City costs of administering the loan program. The loan will be secured by ODI's leasehold interest with the Port, but subordinate to any senior lender. The loan will provide a critical portion of the Project's total funding requirement since this loan can provide construction financing for the seismic components, replacing costly developer equity which accrues a 14% return compared with the loan at or below 7.5%.

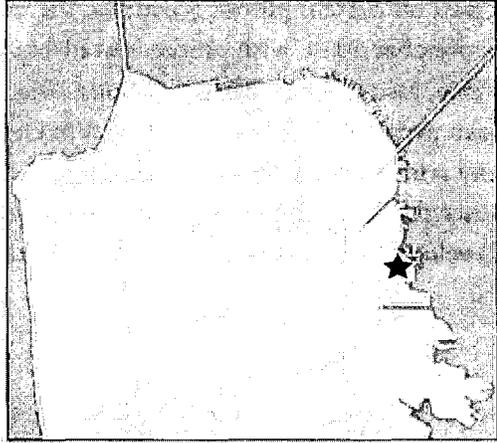


Project Overview

PIER 70

Pier 70 is a 69-acre Port property on San Francisco's Central Waterfront, just south of Mission Bay. It is bounded by Mariposa, Illinois, and 22nd streets and the San Francisco Bay. The area is the most intact industrial maritime complex west of the Mississippi River. It has operated as a ship building or repair yard since the Spanish American War, and continues today at a reduced scale. In 2010, the Port completed the community planning process to determine a Master Plan that balances ship repair activities, new waterfront parks, rehabilitated historic buildings, and new

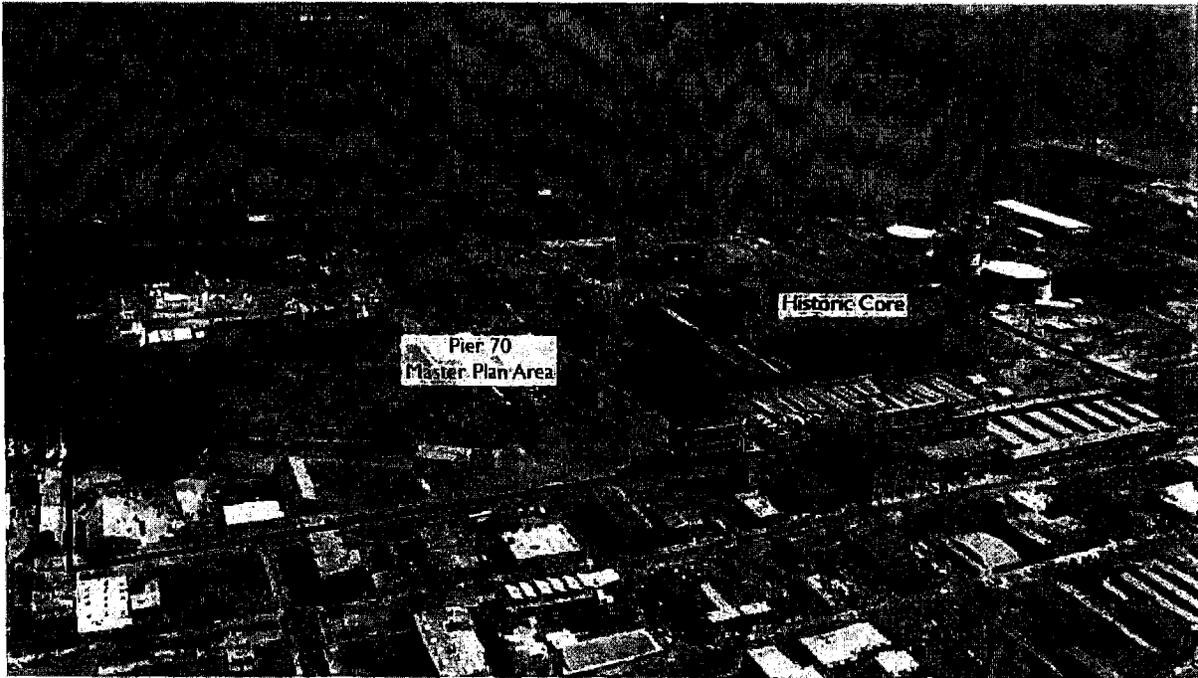
development opportunities over the 69-acre area. Since the Pier 70 buildings are extremely deteriorated, substantial private investment is needed to address the substantial capital needs. Through a competitive process, the Port selected ODI in February 2012 as the developer for the historic rehabilitation of the 20th Street buildings, which will be the first component at Pier 70 to move forward. In addition, Crane Cove Park will be funded with Park GO Bonds and other sources, and Forest City was selected as the developer for the Waterfront Site.



■ 20TH STREET HISTORIC BUILDINGS

The proposed project is the rehabilitation and seismic strengthening of the 20th Street Historic Buildings, a set of six large historic buildings located on or near 20th Street at Pier 70. Some of the buildings date back to the 1880s, and all are in urgent need of repair. The goal of the project is to return the buildings to active use, and make them a vibrant, integral part of the surrounding community. 20th Street will be designed to accommodate a safe pedestrian thoroughfare with links to Crane Cove Park. Both the atrium lobby of Building 113 and exterior courtyard will host frequent activities and events open to the public. The buildings will generally return to the modern equivalent of their historic uses; former office buildings will return to office use with the technological capabilities required for modern business, while historic industrial buildings will return to light industrial use with accessory office and retail uses. All work will be consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties.

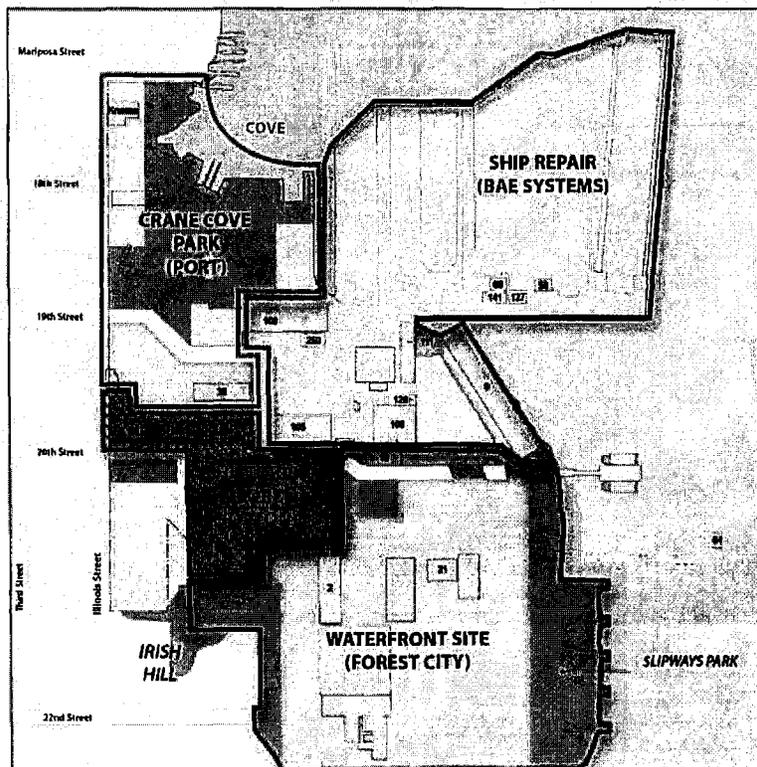
On October 9, 2012, the Port Commission endorsed the Term Sheet establishing the conceptual agreement by the parties of the terms of a transaction. On December 4, 2012, the Board of Supervisors endorsed the term sheet between the Port and ODI to rehabilitate approximately 270,000 gross square feet of the historic buildings, and to add approximately 60,000 GSF of new space primarily in the form of new mezzanines. Initial occupancy of the first building is projected in Fall 2015.

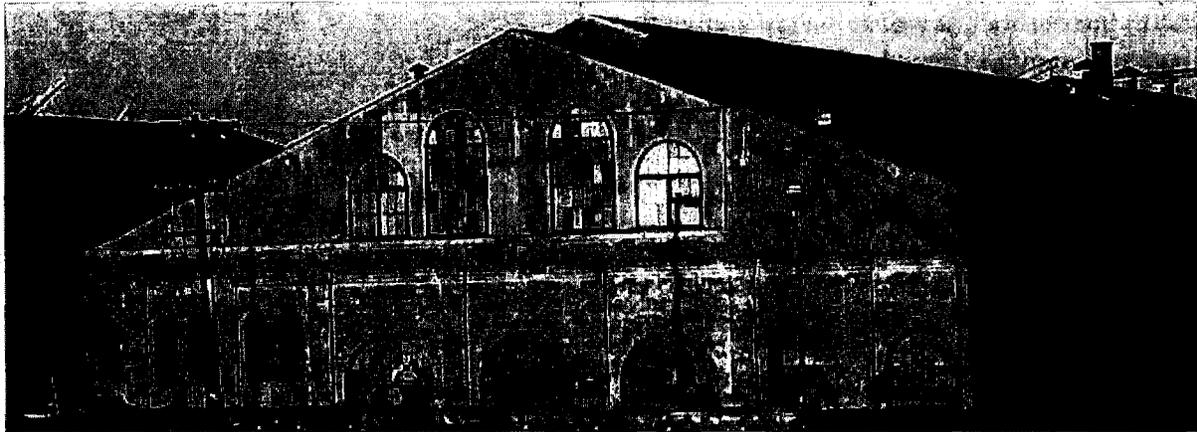


ODI is currently estimating total project costs at \$76.5 million, including approximately \$20.1 million of seismic improvements to be funded by the proposed GO Bonds as described above.

TOTAL PROJECT SOURCES & USES	\$AMOUNT (in millions)
Sources	
ODI Equity	5.95
Historic Tax Credits	13.70
Port Capital	1.75
Bank Loan	35.00
Seismic Safety Loan - CCSF	20.10
Total Sources	76.50
Uses	
Hard Costs	56.00
Soft Costs	12.50
Financing Costs	6.30
Impact Fees	1.70
Total Uses	76.50

The \$20.1 million seismic safety loan proceeds will be used to restore two large unreinforced masonry buildings known as buildings 113/114 and 104, which are described in detail below.



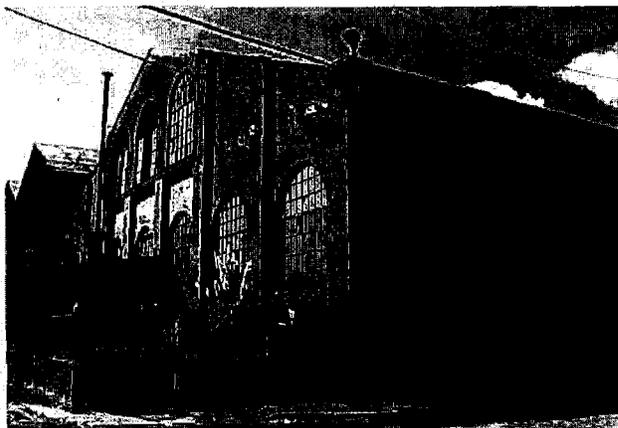


■ BUILDING 113/114

The Union Iron Works Machine Shop is located on the south side of 20th Street just east of Illinois Street, and is one of the most valuable and most vulnerable historic resources on the site. It consists of two masonry buildings built from 1885-1888, later joined by a concrete connector in 1914. The brick sections of building 113 will be split into two wings and be used as light industrial / flex space with ancillary office, showroom and retail uses. The historic foundry in Building 114 will remain a separate space for light manufacturing with ancillary office and retail. The center connector building will become a publically accessible lobby and walkway to an exterior courtyard.

The scope of work includes abatement, demolition or relocation of metal additions to the building on the western and southern facades, roof repair or replacement, a new steel seismic system tying the brick perimeter into the shell, running below grade infrastructure, and pouring concrete slabs to seismically stabilize and strengthen the building. Two minor buildings, Buildings 23 and 24, totaling about 1,500 GSF, which are appendages to Building 113 on its eastern side would be demolished to facilitate the overall rehabilitation.

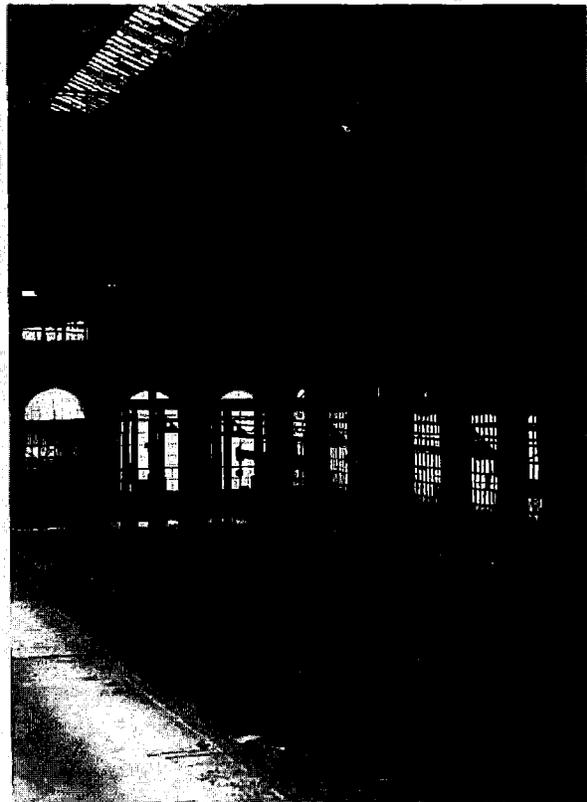
Existing load bearing masonry walls and piers lack steel reinforcement and do not have sufficient structural capacity to meet any seismic code requirements due to severe deterioration. The structural



strengthening would essentially provide a complete new steel structural system to pick up the roof load, with a horizontal diaphragm system to transfer lateral loads. The entire system would lie within the envelope of the existing building. The vulnerable perimeter UMB walls would change from a structural element to a cladding tied into the new structural system. The existing 17-foot high mezzanine at the northwest corner would be continued along the remainder of the

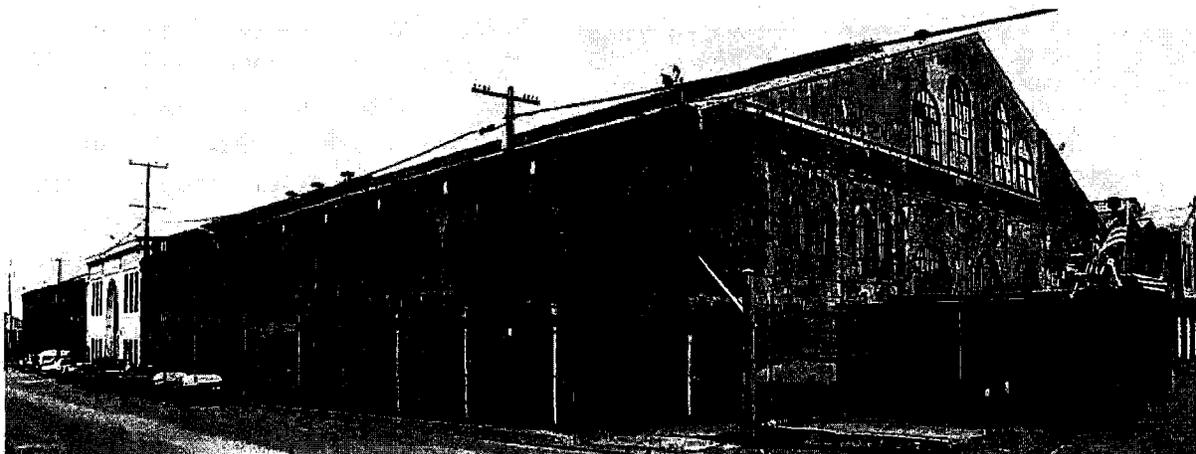
north interior wall, as well as the east and south building interior to provide adequate lateral load resistance. An additional upper horizontal structure would be added at approximately 35 feet high, to complete the necessary lateral load resistance.

Two to three large cranes existing within the building would be positioned to define a center atrium. Below these, new glass and steel walls would be built to the height of the first mezzanine, to partition east and west units in Building 113. At the street level, a new concrete slab would provide a new floor, cap below-ground contaminants, and provide a required lateral diaphragm. The masonry walls and wood windows would be repaired, retaining as much of the original historic fabric as possible, and replacing in kind materials when missing or irreparable.



The central atrium, defined by the two relocated 20-ton cranes and the glass and steel demising walls, would separate the east and west portions of the building, but allow visibility of the full length and heights of the buildings. The atrium would be a publicly accessible space, connecting 20th Street and the plaza formed between Building 113 on the north, Buildings 114 and 115/116 on the west, and Building 14 on the east.

Total improvements to building 113/114 are expected to cost \$29 million.



■ BUILDING 113/114 SOURCES & USES AND SCHEDULE

SOURCES & USES

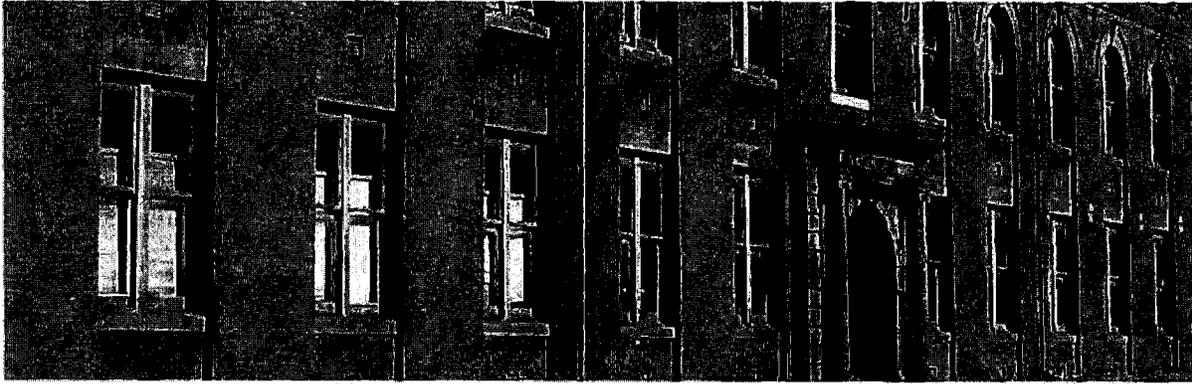
Sources	
ODI Equity	\$1,755,664
Historic Tax Credits	\$4,703,828
Port Capital	\$1,750,000
Bank Loan	\$7,224,619
Seismic Safety Loan	\$13,501,534 (47%)
Total	\$28,935,645

Uses	
Soft Costs	\$4,721,542
Hard Costs	\$24,214,193
Total	\$28,935,645

SCHEDULE

	Scheduled Start Date
Planning	2013
Design	2014
Construction	2014
Completion	2016



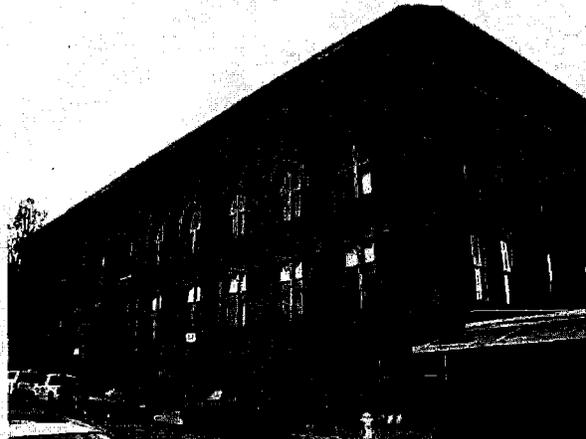


■ BUILDING 104

Building 104 is a 45,237 square foot former Union Ironworks Office building built in 1896 and will return to single tenant office or medical office use. It has very heavy loadbearing exterior brick walls, with floors that threaten to collapse during a major earthquake. It has experienced extensive changes over time and the additions and external stairs are severely deteriorated and threaten building stability.

The interior rehabilitation of Building 104 would consist of demolition of demising walls from the WWII era, rebuilding the rotted portions of the addition areas, repairing or replacing existing plumbing and electrical systems, adding ADA compliant unisex bathrooms as needed, and abatement of environmental conditions. Steel columns would be installed as a seismic bracing system. Exterior changes would be limited to cleaning and repairing brick and stone masonry, repairing wood windows and doors, repairing and selectively replacing ornamental copper work at cornice, roof eave, and roof drainage assemblies, repairing the roofing and replacing skylights.

Total improvements to Building 104 are expected to cost \$9.5 million



■ BUILDING 104 SOURCES & USES AND SCHEDULE

SOURCES & USES

Sources

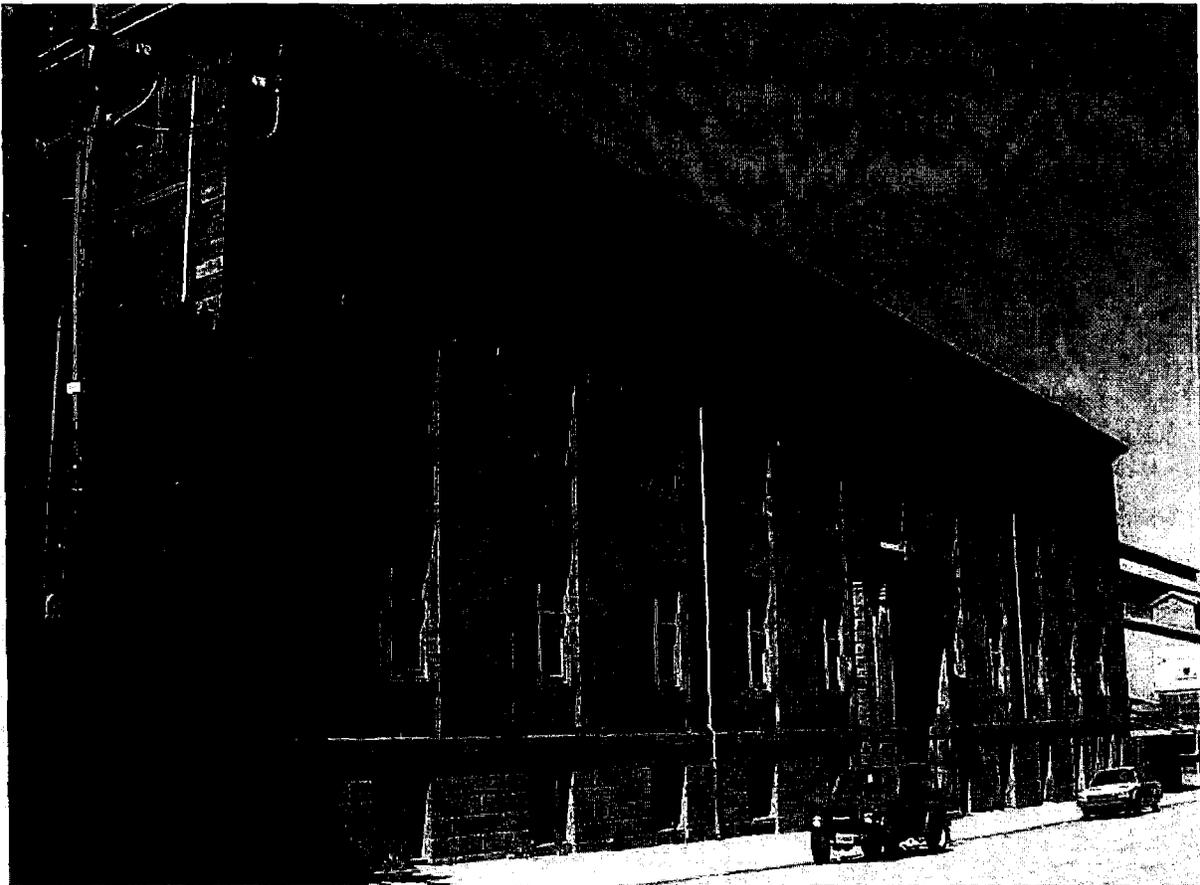
ODI Equity	\$858,141
Historic Tax Credits	\$1,299,157
Port Capital	-
Bank Loan	\$746,533
Seismic Safety Loan	\$6,599,337 (69%)
Total	\$9,503,168

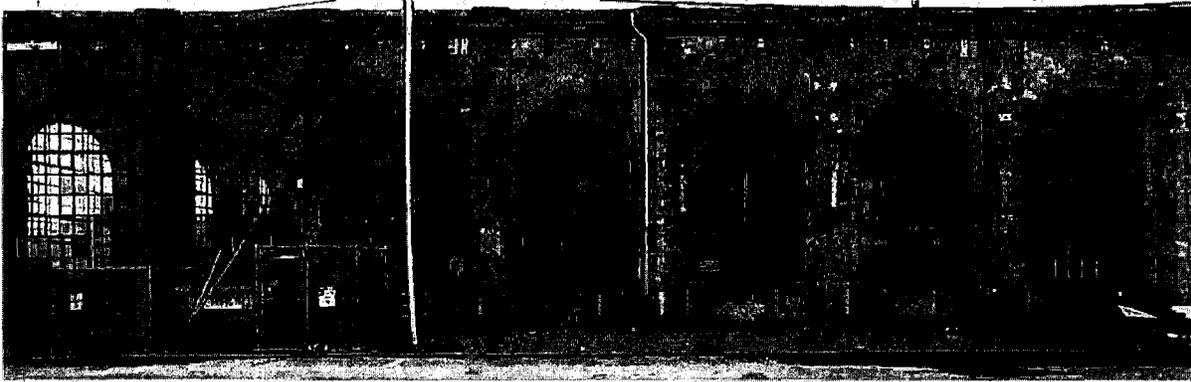
Uses

Soft Costs	\$1,799,975
Hard Costs	\$7,703,193
Total	\$9,503,168

SCHEDULE

	Scheduled Start Date
Planning	2013
Design	2014
Construction	2015
Completion	2016





■ FUTURE CONDITIONS OF LOAN APPROVAL AND ACCOUNTABILITY MEASURES

The Seismic Loan committee typically provides a conditional loan commitment subject to the borrower satisfying key project milestones such as submitting the final appraisal, securing building permits for the construction work, having firm commitments from all sources of project financing and obtaining signed leases from major building tenants. Final approval of the loan and the actual amount of the loan will therefore be determined subsequent to the loan committee's initial, conditional approval at such time as ODI has satisfied the loan conditions and construction is ready to begin. This is expected to occur in August 2014. Specifically, the project still has several key milestones to achieve before the project is ready to begin construction:

- An appraisal that supports the underwriting criteria specified for Seismic Loans;
- Financing commitments equal to or exceeding the total development cost of the project;
- The construction loan and Seismic Loan have closed or will close simultaneously with close of escrow and delivery of the Lease;
- All required insurance is in place;
- Building permits are ready to be issued;
- A performance bond or completion guaranty is in place;
- A guaranteed maximum price construction contract is in place for the proposed rehabilitation of the project; and
- A minimum level of preleasing of the buildings has been secured.

Before the Mayor's Office of Housing and Community Development can enter into a loan agreement with ODI, and in advance of the City selling new GO bonds, the following actions will need to occur:

1. Seismic Loan committee review and consideration of the loan application to determine the application meets statutory underwriting requirements;
2. Capital Planning Committee approval of the bond issuance;
3. CEQA clearance of the project;
4. Port Commission review and approval of the LDDA and Lease;

5. Board of Supervisors review and approval of the LDDA and Lease;
6. Board of Supervisors review and approval of the use of the SSLP and the required bond indebtedness;
7. ODI meets all development agreement requirements and loan committee conditions, and enters into the Lease; and
8. ODI offers a personal guarantee to complete the repair and improvements of the project, and the General Contractor will take out a Performance Bond.

Items 1 - 4 above are complete.

After the bond sale, ODI is subject to a number of accountability measures and ongoing reporting requirements, including:

- Satisfaction of all loan conditions prior to loan closing;
- Submission of compliance reports regarding Local Hire and Local Business Enterprise (LBE) agreements; and
- Submission of monthly and annual statements detailing project costs and revenues and ODI's conformance with all obligations under terms of the ground lease, including conformance with the schedule of performance set forth in the LDDA.



Building 113, World War II circa 1943

Bos-11, cpage



City and County of San Francisco

San Francisco Department of Public Health

Barbara A. Garcia, MPA
Director of Health

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

AK

2014 JUN 30 AM 11:15

Date: June 30, 2014
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Anne Okubo, Deputy Financial Officer, Department of Public Health **AK**
RE: Increases in Contracts during Fiscal Year 2013-14

Attached is the annual report of increases in contracts for the Department of Public Health. If you have any questions on this report, please contact me at 554-2857.

Attachment

cc: Gregg Wagner, Chief Financial Officer, DPH

59

The mission of the San Francisco Department of Public Health is to protect and promote the health of all San Franciscans.

We shall ~ Assess and research the health of the community ~ Develop and enforce health policy ~ Prevent disease and injury ~

~ Educate the public and train health care providers ~ Provide quality, comprehensive, culturally-proficient health services ~ Ensure equal access to all ~

barbara.garcia@sfdph.org – office 415-554-2526 fax 415 554-2710

101 Grove Street, Room 308, San Francisco, CA 94102

Department of Public Health
Increases in Contracts During Fiscal Year 2013-14

Agency	BOS Resolution	Not-to-Exceed Amount	Increase FY 13-14	Sources and Uses for Increase in FY 13-14
Alternative Family Services	563-10	\$11,057,200	\$529,850	Sources: increased work order funds and reallocated general fund. Uses: cost of doing business; increase in outpatient and therapeutic visitation services.
Baker Places	563-10	69,445,722	0	
Bayview Hunters Point Foundation for Community Improvement	563-10	27,451,857	1,482,916	Sources: reallocated general fund and Medi-Cal. Uses: cost of doing business, other miscellaneous service modifications.
Central City Hospitality House	563-10	15,923,347	0	
Conard House	563-10	37,192,197	1,182,804	Sources: reallocated general fund and Medi-Cal. Uses: cost of doing business, other miscellaneous service modifications.
Edgewood Center for Children and Families	563-10	29,109,089	2,359,724	Sources: Increased revenues (SB163, Prop 63), work order and grant funds; and reallocated general fund. Uses: cost of doing business; increase in Hospital Diversion, Family Connection, ECMH programs.
Family Service Agency	563-10	45,483,140	0	
Hyde Street Community Service	563-10	17,162,210	97,494	Sources: reallocated general fund. Uses: cost of doing business
Instituto Familiar de la Raza	563-10	14,219,160	508,825	Sources: reallocated general fund and Medi-Cal. Uses: cost of doing business
Progress Foundation	563-10	92,018,333	527,313	Sources: reallocated general fund and Medi-Cal. Uses: cost of doing business
Regents of the University of California	563-10	74,904,590	2,918,185	Sources: reallocated general fund and Medi-Cal. Uses: cost of doing business, other miscellaneous service modifications.
Richmond Area Multi-Services	563-10	34,773,853	2,735,383	Sources: reallocated general fund and Medi-Cal. Uses: cost of doing business, other miscellaneous service modifications.
San Francisco Study Center	563-10	11,016,593	1,251,854	Sources: reallocated general fund and Medi-Cal, Prop 63 and grants. Uses: cost of doing business, additional services due to new funding
Seneca Center	563-10	63,495,327	0	
Westside Community Mental Health Center	563-10	43,683,160	12,240	Sources: reallocated general fund. Uses: cost of doing business
San Francisco AIDS Foundation	301-11	19,685,910	161,355	Sources: reallocated general fund. Uses: cost of doing business
Netsmart New York	134-12	31,786,819	0	
Addiction, Research and Treatment dba BAART	188-12	26,043,065	169,578	Sources: general fund and Medi-Cal. Uses: cost of doing business
Asian American Recovery Services	190-12	113,859,922	0	
Community Awareness and Treatment Services	315-12	35,699,175	1,026,310	Sources: increased grant funds, reallocated general fund and Medi-Cal. Uses: cost of doing business, other miscellaneous service modifications.
MedImpact Healthcare Systems, Inc.	441-12	17,575,376	0	

Department of Public Health
Increases in Contracts During Fiscal Year 2013-14

Agency	BOS Resolution	Not-to-Exceed Amount	Increase FY 13-14	Sources and Uses for Increase in FY 13-14
Tides Center	37-13	40,508,317	296,795	Sources: reallocated general fund. Uses: cost of doing business
HealthRIGHT 360	258-13	18,471,407	107,217	Sources: reallocated general fund. Uses: cost of doing business
West Bay Housing Corp	259-13	25,060,995	54,470	Sources: reallocated general fund. Uses: cost of doing business
MedImpact Healthcare Systems, Inc.	260-13	21,593,120	870,140	Sources: reallocated general fund. Uses: cost of doing business, other miscellaneous service modifications.
Siemens Medical Solutions, USA Inc.	261-13	52,294,980	0	
Crestwood Behavioral Health Services	262-13	51,728,151	0	
Mental Health Mangement, Inc. dba Canyon Manor	262-13	26,530,847	0	
Health Advocates, LLC	75-14	6,300,390	0	

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Miller, Alisa
Subject: FW: Please find letter re: File No. 140557
Attachments: Adachi Letter to Supervisors on Laura's Law.pdf

File 140557

From: jeff.adachi@sfgov.org [<mailto:jeff.adachi@sfgov.org>]
Sent: Friday, June 27, 2014 5:42 PM
To: Board of Supervisors (BOS)
Cc: Montejano, Jess (BOS)
Subject: Please find letter re: File No. 140557

SAN FRANCISCO PUBLIC DEFENDER

JEFF ADACHI – PUBLIC DEFENDER
MATT GONZALEZ – CHIEF ATTORNEY



June 25, 2014

Supervisor Mark Farrell
City Hall, 1 Dr. Carlton Goodlett Drive
San Francisco, CA 94102

Dear Supervisor Farrell,

As Public Defender, my office provides legal representation to over 3,500 people every year who are in the mental health system and have been charged with criminal offenses or subjected to some form of involuntary treatment or hospitalization due to mental illness. We represent the interests of the patient and are mandated under state law to advocate on their behalf.

I am writing in support of the Assisted Outpatient Treatment (AOT) ordinance, which, if implemented properly, has the potential of strengthening our mental health system and de-criminalizing the treatment of individuals who suffer from severe mental illness. As Public Defender, I have witnessed how the criminalization and incarceration of mentally ill individuals has exacerbated the recovery of such individuals within the criminal and juvenile justice system. My goal in supporting this ordinance is to decriminalize mental illness in our City, and to find treatment alternatives which will no longer require incarceration.

Earlier this year, I had the opportunity to meet with a public defender from Nevada County, whose office implemented Laura's Law in 2008. He informed me that in their county, Laura's Law served to reduce the number of mentally ill clients who were incarcerated by 65%, and resulted in fewer criminal cases in favor of conservatorship or outcomes which took patients out of the criminal justice system. It is my hope that we can achieve a similar result here.

I also have had the opportunity to speak with Judge Thomas Anderson, the Presiding Judge of the Nevada County Superior Court, who is the former Public Defender of Nevada County. Judge Anderson reported that in over 75% of their cases, the intervention of the designated mental health professional by their personal outreach to the individual in crisis resulted in that person accepting some level of treatment. Judge Anderson said that this outreach provided that person with the stability to allow them to remain free of forced commitment in hospital or jail.

Adult Division - HOJ
555 Seventh Street
San Francisco, CA 94103
P: 415.553.1671
F: 415.553.9810
www.sfpublicdefender.org

Juvenile Division - YGC
375 Woodside Avenue, Rm. 118
San Francisco, CA 94127
P: 415.753.7601
F: 415.566.3030

Juvenile Division - JJC
258A Laguna Honda Blvd.
San Francisco, CA 94116
P: 415.753.8174
F: 415.753.8175

Clean Slate
P: 415.553.9337
www.sfpublicdefender.org/services

Community Justice Center
P: 415.202.2832
F: 415.563.8506

Bayview Magic
P: 415.558.2428
www.bayviewmagic.org

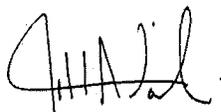
MoMagic
P: 415.567.0400
www.momagic.org

It is important for the public to understand both the strengths and limitations of Laura's Law. Laura's Law is not a panacea for proper mental health care or a cure for homelessness as some have suggested. Laura's law does not grant police or anyone else the authority to restrain or forcibly medicate the patient, and the patient is free to walk away and refuse to participate in treatment. In other words, there is no enforcement mechanism. However, if all of the participating agencies work together to improve outcomes through the judicial review process, I do believe that we can begin making positive changes in the lives of individuals suffering from mental illness and their families. We have experienced this through our City's Behavioral Health Court, which has become a model in terms of how coordinated treatment and services, coupled with court supervision, can improve outcomes.

While I do support Laura's Law, I also believe that it is absolutely necessary that there be a strong oversight committee to ensure that the law is not abused and that individuals who are empowered file a petition are properly trained so that only cases that meet the legal criteria are allowed. My understanding is that the AOT ordinance will be followed by subsequent legislation which will provide for these accountability measures.

We thank your office for soliciting our participation and advice throughout this process and look forward to continuing to work with your office and the Board of Supervisors in drafting the accountability measures.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Adachi". The signature is stylized with a large initial "J" and "A".

Jeff Adachi
Public Defender