



London N. Breed, Mayor  
Philip A. Ginsburg, General Manager

To: Mr. Fred Brousseau

From: Recreation and Park Department Staff

Date: November 18, 2021

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### **General**

We write in response to your November 21, 2021 report and to thank you for your work in this area. We appreciate the opportunity to share our work and commitment to transparency. Over the last eighteen months, we have worked with several city officers and offices to share information and answer questions about the policies and procedures we follow to support open and transparent partnerships that have brought tremendous benefits to San Francisco. We are pleased to see that neither the Controller, nor your report found wrong-doing and we are always open to sharing information about the way we work.

To that end we have a few clarifications and responses to your report:

### **Clarifications**

Throughout the document there are references to Admin Code section 10.100-305, which governs the acceptance of gifts. We wanted to note that also applicable is Administrative Code Section 10.170-1(b), which governs the acceptance of grants. The Department follows the code and the guidance from the Controller's Office for each of these different types of philanthropic support, and it should be noted rarely receives gifts as defined by the Controller.

Also, the report repeatedly critiques the agreements and MOUs for weak conflict of interest regulations and we are happy to strengthen these regulations. We would note that these laws already apply as a matter of law and that is not up for negotiation with partners. Similarly, the prevailing wage laws, which apply to public works contracts, are spelled out in code. Although these do not all apply to privately-funded work, we do already include those provisions in partnership agreements as applicable as a matter of policy. Lastly, we chose to negotiate a one year agreement with an expectation that policies and recommendations around partnership relationships would continue to evolve. The duration of this agreement allows us to consider these recommendations in the next iteration of the MOU.

Lastly, although we are not able to reopen executed agreements, we will be reviewing your report with an eye to how the recommendations can be implemented in possible future partnership projects.



**Recommendations :**

For the most part we welcome the recommendations in the report and many of them are generally in place through the MOU or existing policy.

**Response to Recommendation One:** The RPD/SFPA MOU requires us to reconcile and report on use of funds from the SkyStar Wheel and we plan to do that and submit that reconciliation to the Recreation and Park Commission as required by the MOU. We can happily share this report with the Board.

**Response to Recommendation Two:** We are happy to provide these updates.

**Response to Recommendation Four:** Most of these provisions already exist in the agreements and we will continue to require compliance with prevailing wage requirements. Going forward we are happy to work with our partners to add clarifying language on this subject.

**Response to Recommendation Six:** The new proposed lease for the Gardens of Golden Gate Park is being heard at our Commission on November 18, 2021 and if approved, will be forwarded to the Board.

We want to note that some of these recommendations, particularly Recommendations Three and Five have implications that may not be fully in the best interests of the City, particularly its most committed and active residents. For example, in many partnership projects, designers choose to fully or partially donate their services, and the Department seeks approval for these donations based on the full value of the work. Recommendations Three and Five would prevent this process stifle these sort of sweat equity contributions, which are most common on smaller neighborhood projects. Since these projects go through the full Commission and/or Board approval process it seems most appropriate that those bodies consider the benefits and pitfalls of these projects during the approval processes. Again, we are committed to operate in furtherance of the best interests of the City and welcome the review.