

FILE NO. 161032

Petitions and Communications received from September 19, 2016, through September 26, 2016, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on October 4, 2016.

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 Board President London Breed, submitting memo regarding a special meeting of the Board of Supervisors on October 18, 2016. Copy: Each Supervisor. (1)

From Clerk of the Board, submitting 60 Day Receipt of the Civil Grand Jury Report: "San Francisco County Jails: Our Latest Mental Health Facility Needs Attention." Copy: Each Supervisor. (2)

From Controller's City Services Auditor Division, submitting a compliance audit report on the D&G Company dba Lou's Pier 47. (3)

From concerned citizens, regarding the San Francisco Watershed at Crystal Springs. File No. 160183. 16 letters. Copy: Each Supervisor. (4)

From concerned citizens, regarding the historic streetlamps on Van Ness Avenue. File No. 160993. 5 letters. Copy: Each Supervisor. (5)

From concerned citizens, submitting signature for petition entitled, 'Stop SFMTA.' 4,327th signer. Copy: Each Supervisor. (6)

From T-Mobile West LLC, regarding wireless antennas. (7)

From Alan Dechert, regarding voting system modernization. Copy: Each Supervisor. (8)

From Coalition for San Francisco Neighborhoods, regarding various concerns with the Planning Code. (9)

President, Board of Supervisors
District 5



City and County of San Francisco

BOS-11 - Repetitive
COB, ops/LEG
Dep. City Atty.
BOS-IT page

LONDON N. BREED

Date: September 19, 2016
FROM: London Breed
President, Board of Supervisors
TO: Angela Calvillo
Clerk of the Board
RE: Special Meeting of the Board of Supervisors – October 18, 2016

2016 SEP 19 PM 4:44
RCA

Please be advised that, pursuant to Administrative Code Section 2.8, I am calling a Special Meeting of the Board of Supervisors for Tuesday, October 18, 2016 at 12:00 p.m. in the Legislative Chamber of City Hall, to celebrate the Chamber's Centennial and consider the following Resolutions to include general public comment:

- Recognizing actions taken by the Board and those responsible for building the Chamber.
- Honoring past members of the Board who've had the honor to serve the citizens of San Francisco within the rails of the Chamber.
- Celebrating October 18, 2016, as the 100th Anniversary of the Legislative Chamber in recognition of the first official Board of Supervisors meeting held on October 9, 1906, 100 years ago.

Please let me know if there are any questions.

Sincerely,

London Breed
President of the Board of Supervisors

From: Major, Erica (BOS)
Sent: Tuesday, September 20, 2016 4:07 PM
To: BOS-Supervisors
Cc: BOS-Legislative Aides; 'Kathie Lowry'; 'Kitsaun King'; 'jcunningham@sfcgj.org'; 'ascott@sfcgj.org'; Howard, Kate (MYR); Ababon, Anthony (MYR); Valdez, Marie (MYR); Kelly, Naomi (ADM); Rosenfield, Ben (CON); Steeves, Asja (CON); Givner, Jon (CAT); Somera, Alisa (BOS); Campbell, Severin (BUD); Wasilco, Jadie (BUD); Hennessy, Vicki (SHF); Toet, Theodore (SHF); Chaplin, Toney (POL); Fountain, Christine (POL); Callahan, Micki (HRD); Gard, Susan (HRD); Garcia, Barbara (DPH); Wagner, Greg (DPH); Chawla, Colleen (DPH); Alfaro, Nancy (311); Maimoni, Andy (311)
Subject: 60 Day Receipt - Civil Grand Jury: San Francisco County Jails: Our Latest Mental Health Facility Needs Attention
Attachments: 60 Day Receipt - SF County Jails.doc.pdf

Supervisors:

Please find the attached 60-day receipt from the Clerk of the Board documenting the required department responses for the Civil Grand Jury Report, "San Francisco County Jails: Our Latest Mental Health Facility Needs Attention" have been received. This matter is *anticipated* to be heard in the Government Audit and Oversight Committee on October 6, 2016, at 9:30 a.m. in the Chamber Room 250. The departments that have submitted their response as required are as follows:

- Mayor's Office
- Police Department
- Department of Human Resources
- Department of Public Health
- City Administrator
- 311
- Sheriff's Department
- City Attorney

Best,

Erica Major
Assistant Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102

Phone: (415) 554-4441 | Fax: (415) 554-5163

Erica.Major@sfgov.org | www.sfbos.org

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BOARD of SUPERVISORS



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

DATE: September 20, 2016
TO: Members of the Board of Supervisors
FROM: *AC* Angela Calvillo, Clerk of the Board
SUBJECT: 2015-2016 Civil Grand Jury Report "San Francisco County Jails: Our Latest Mental Health Facility Needs Attention."

We are in receipt of the following consolidated response from the Mayor's Office for the Police Department, Department of Human Resources, Department of Public Health, City Administrator, and 311 on September 12, 2016, the Sheriff's Department received on September 12, 2016, and the Office of the City Attorney received on September 20, 2016, to the San Francisco Civil Grand Jury report released July 14, 2016, entitled: **San Francisco County Jails: Our Latest Mental Health Facility Needs Attention**. Pursuant to California Penal Code, Sections 933 and 933.05, the City Departments shall respond to the report within 60 days of receipt, or no later than September 12, 2016.

For each finding, the Department response shall:

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

As to each recommendation, the Department shall report that:

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

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

Attachment

c: Honorable John K. Stewart, Presiding Judge
Kathie Lowry, 2016-2017 San Francisco Civil Grand Jury
Kitsaun King, 2016-2017 San Francisco Civil Grand Jury
Jay Cunningham, 2015-2016 San Francisco Civil Grand Jury
Alison Scott, 2015-2016 San Francisco Civil Grand Jury
Kate Howard, Mayor's Office
Anthony Ababon, Mayor's Office
Naomi Kelly, Office of the City Administrator
Ben Rosenfield, Office of the Controller
Asja Steeves, Office of the Controller
Jon Givner, City Attorney's Office
Alisa Somera, Office of the Clerk of the Board
Severin Campbell, Budget and Legislative Analyst's Office
Jadie Wasilco, Budget and Legislative Analyst's Office
Vicki Hennessy, Sheriff's Department
Theodore Toet, Sheriff's Department
Acting Chief Toney Chaplin, Police Department
Christine Fountain, Police Department
Micki Callahan, Department of Human Resources
Susan Gard, Department of Human Resources
Barbara Garcia, Department of Public Health
Greg Wagner, Department of Public Health
Colleen Chawla, Department of Public Health
Nancy Alfaro, 311
Andy Maimoni, 311

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE
MAYOR

Received via email
09/12/016
File Nos. 160619 and 160620

September 12, 2016

The Honorable John K. Stewart
Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Dear Judge Stewart:

Pursuant to California Penal Code sections 933 and 933.05, the following is in reply to the 2015-16 Civil Grand Jury report, *San Francisco County Jails – Our Largest Mental Health Facility Needs Attention*. The Civil Grand Jury's evaluation of the Custody Operations and Mental Health/Psychiatric Services is an important contribution to the ongoing planning of the Jail Replacement Project and behavioral health needs of people in jail.

The response describes existing processes across the Sheriff's Department and the Department of Public Health (DPH), which includes Jail Health Services and Jail Behavioral Health Services, for the coordinated provision of safe conditions and appropriate services for jail inmates who may be mentally ill. DPH recently commissioned a forensic mental health consultant to review the operations, policies and standard work of Jail Behavioral Health Services, and is evaluating and implementing the recommendations.

The City has also convened a working group co-chaired by the Sheriff and the Director of Health, and including community members, criminal justice experts, and mental health experts, to plan for the permanent closure of County Jail Nos. 3 and 4 and any corresponding investments to uphold public safety and better serve at-risk individuals. Meeting regularly since March 2016, and using the Sequential Intercept Model as a framework, the Work Group to Re-Envision the Jail Replacement Project has sought to address the following:

- Identifying strategies for reducing the jail population, including alternatives to incarceration and other programs or policies;
- Identifying effective and humane investments in behavioral health programs for those who may otherwise find themselves incarcerated; and
- Reviewing the current state of the City's facilities and identifying what new facility or facilities are needed.

Recommendations from this effort are expected to be finalized in November 2016.

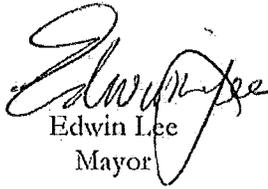
1 DR. CARLTON B. GOODLETT PLACE, ROOM 200
SAN FRANCISCO, CALIFORNIA 94102-4681
TELEPHONE: (415) 554-6141

Consolidated Response to the Civil Grand Jury
San Francisco County Jails – Our Largest Mental Health Facility Needs Attention
September 12, 2016

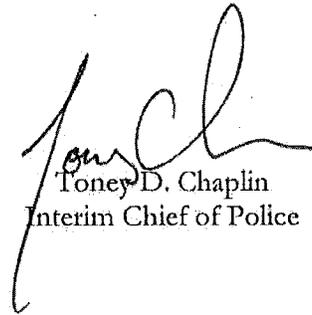
A detailed response from the Mayor's Office, Police Department, Department of Human Resources, Department of Public Health, and City Administrator to the Civil Grand Jury's findings and recommendations follows.

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

Sincerely,



Edwin Lee
Mayor



Toney D. Chaplin
Interim Chief of Police



Micki Callahan
Human Resources Director



Barbara A. Garcia, MPA
Director of Health



Naomi M. Kelly
City Administrator

Findings:

Finding F.A.1. There is currently no jail procedure that accounts for those arrestees referred for hospital care.

Disagree with finding, wholly.

Triage procedures identify those who are too acute or unstable (medically or psychiatrically) to be cared for in the jail. These patients are then referred to the emergency department or psychiatric emergency services at Zuckerberg San Francisco General Hospital (ZSFG) for care. A report is generated each day that identifies these patients in the electronic medical record. These referrals are reviewed daily by the Jail Health Services Director and the triage nurse manager of County Jail #1.

Finding F.A.2. Arrestees and their arresting officer may not always understand the importance of full disclosure of medical history.

Agree with finding.

Finding F.A.5. The results of a preliminary psychiatric evaluation conducted by Jail Behavioral Health at intake could be helpful to the arrestee's long term mental health care if shared with the arrestee's Case Manager, if any.

Agree with finding.

Finding F.A.6. Although there are several ways for family members and friends to contact custody staff regarding concerns about their loved ones who are in jail, models for improvement are available.

Agree with finding.

Finding F.C.1 Jail #4 lacks suitable space for observation and treatment programs.

Agree with finding.

Finding F.C.2. Jails have Jail Behavioral Health Services during day shifts but not at night. Without more behavioral health services in the jails to prepare inmates for reentry, the community mental health model recommended by Dr. Kupers and other experts will not be feasible.

Disagree with finding, partially.

Jail Behavioral Health Services (JBHS) staff are available on site until 10pm on Fri/Sat and until 8pm Sun-Thurs. There is significant JBHS coverage throughout the jails and psychiatry coverage is available 24/7. There are indeed opportunities for more robust re-entry services to augment the existing services provided to those with serious mental illness, HIV and identified complex medical conditions to include other people leaving the jail.

Finding F.C.3. Drug diversion is a serious issue in the Jail.

Disagree with finding, partially.

Consistent with the larger community, the issue of prescription drug diversion has received increasing attention. The disproportionately high prevalence of substance use disorders in jails correlates with greater risk of diversion in this setting.

Finding F.C.4. The San Francisco Sheriff's website provides minimal information about mental health issues of those detained in the jail. As seen on Exhibit Figure 2, the link to "Behavioral Health and Reentry Programs" leads to a general discussion of these programs, and provides a phone number. A caller can only reach a human being at that number during regular business hours.

Agree with finding.

Finding F.C.5. The Sheriff's Department provides data to the Controller and the State Department of Corrections but does not make this data available to the public.

Agree with finding.

The Sheriff's Department provides monthly and quarterly reports to the Board of State and Community Corrections (BSCC). These reports are public and accessible on the BSCC website.

Finding F.D.1. The Sheriff's Department expenditure for overtime is increasing. Increased overtime results in fatigue and stress on the staff.

Agree with finding.

Over the past several years the Sheriff's Department has seen higher than anticipated retirements, coupled with a lower than anticipated ability to hire and train sufficient replacement staff. To reduce overtime usage and get the Sheriff Department back up to an appropriate level of staffing, the budget includes a one-time increase of \$2.5 million in FY 2016-17 to fund additional overtime while the Department plans to hold three classes next year. It is anticipated that in FY 2017-18, the Department's overtime levels will return to FY 2015-16 levels, adjusted for inflation, and the Department will be able to hold one class per year to backfill retirements as they occur.

Finding F.E.1. The Sheriff and the Director of Public Health staff could do more to plan for the critical first few hours after discharge of a person with mental illness.

Agree with finding.

Finding F.E.2. Jail Behavioral Health Services does not currently conduct "release assessments" on patients discharged from the San Francisco Jails.

Disagree with finding, partially.

Release assessments are provided to those with serious mental illness, HIV and identified complex medical conditions.

Finding F.E.3. Bay Area universities represent a source of impartial data reviewers of San Francisco Jail's mental health services.

Disagree with finding, partially.

While Bay Area universities can represent a source of impartial data reviewers, DPH relies on the consult of experts in designated fields for data review and analysis.

Finding F.E.4. Bay Area mental health organizations such as NAMI could provide useful recommendations on mental health services in San Francisco Jails.

Agree with finding.

Recommendations:

Recommendation R.A.1.a. Jail intake should develop a system to communicate and track cases where the triage nurse determines that the arrestee must be taken to a hospital for emergency medical or psychiatric care before admission to Jail.

Recommendation has been implemented.

Triage procedures identify those who are too acute or unstable (medically or psychiatrically) to be cared for in the jail. These patients are then referred to the emergency department or psychiatric emergency services at Zuckerberg San Francisco General Hospital (ZSFG) for care. A report is generated each day that identifies these patients in the electronic medical record. These referrals are reviewed daily by the Jail Health Services Director and the triage nurse manager of County Jail #1.

Recommendation R.A.1.b. The SF Police Chief and Sheriff should revisit their MOU regarding transport and custody transfer.

Recommendation requires further analysis.

The SFPD and SFSID conducted a 6-month pilot involving station transfers (Mission and Tenderloin). The Mayor's Budget Instructions are provided to departments in December of each year and the Mayor proposes a balanced two year budget the following June for consideration by the Board of Supervisors. The MOU regarding transport and custody transfer will be revisited in connection with the City's budget process for FY 2017-18 and FY 2018-19, as provided by the City Charter.

Recommendation R.A.2. In the interest of obtaining a more complete medical history, the Sheriff and the Director of Jail Health Services should update Intake policies and practices to seek informed consent to contact and receive records from the arrestee's Case Manager, primary provider, and family or friends who may have information about the arrestee's medical history and therapeutic medications.

Recommendation has been implemented.

It is the practice for the triage nurse at intake to inform patients of the importance of medical history, to attempt to obtain a complete medical history and to obtain collateral information from outside sources. At the time the patient is seen by a provider, additional records are requested. At any time during the period of incarceration, a patient may request a Release of Information form from medical staff to allow communication between the jail staff and any outside entity that is so designated.

Recommendation R.A.5. The Sheriff and Director of Public Health, in consultation with the City Attorney for issues related to HIPAA, should develop and implement a policy for sharing with an arrestee's Case Manager (if any), the results of a preliminary psychiatric evaluation conducted at Intake.

Recommendation has been implemented.

Jail Behavioral Health Services staff contact community providers to obtain collateral information, and verify medications. These contacts also include a discussion of how the patient is currently presenting in jail.

Communication with community providers while their patient is in jail is ongoing and community providers are encouraged to come in to the jail to provide ongoing care.

Recommendation R.A.6. The Sheriff should add to the inmate handbook a paragraph about the importance of contacting a family member or friend and should provide a 24/7 number that the inmate could give to this contact.

Recommendation has not been, but will be, implemented in the future.

The recommendation will be implemented within six months of this response. SFSD will provide this information in the inmate handbook and Jail Health Services will provide any assistance needed to achieve this.

Recommendation R.B.1.b. The Mayor should include in a supplemental budget request the Sheriff's request for funds to address the problems with old locks at Jail #4 and any other remaining serious maintenance issues.

Recommendation has been implemented.

Repairs to address acute critical maintenance at the Hall of Justice are coordinated with the Sheriff's Department and Real Estate Division of the City Administrator's Office. The FY 2016-17 and FY 2017-18 budget includes \$132,300 and \$138,915, respectively, for Jail #3 and Jail #4 lights and locks maintenance. In addition, the final report of the Work Group to Re-Envision the Jail, anticipated to be completed by November 2016, will provide recommendations for investments in mental health and/or new facilities to needed to close Jail #4.

Recommendation R.C.1. The Sheriff and the Director of Health should find a new replacement facility where Jail #4 inmates can be housed and receive appropriate treatment programs.

Requires further analysis.

The Director of Health and the Sheriff are co-chairing the Work Group to Re-Envision the Jail Replacement Project to plan for the permanent closure of County Jails #3 and #4 and any corresponding investments in new mental health facilities and current jail retrofits needed to uphold public safety and better serve at-risk individuals. Recommendations from this effort are expected to be finalized in November 2016.

Recommendation R.C.2.a. The City should staff Jail Behavioral Health Services 24/7. The Sheriff and the Director of Health should determine the amount to be included in the 2017-2018 budget request.

Requires further analysis.

Further analysis of the impact of staffing Jail Behavioral Health Services 24/7 is required. Such an analysis would include, but not be limited to, anticipated benefit, projected cost, and benchmarking of other jail health service systems.

Recommendation R.C.2.b. The Mayor should include the Sheriff's request for funds for this purpose in his proposed budget.

Requires further analysis.

The Sheriff and the Director of Health are jointly reviewing staffing of Jail Behavioral Health Services 24/7. Additionally, the Mayor's Budget Instructions are provided to departments in December of each year and the Mayor proposes a balanced two year budget the following June for consideration by the Board of Supervisors. The anticipated benefit, projected cost, and benchmarking of other jail health service systems will be considered in connection with the City's budget process for FY 2017-18 and FY 2018-19, as provided by the City Charter.

Recommendation R.C.3. The Director of Public Health and the Sheriff need to develop better methods of informing custody staff which patients are being prescribed narcotic medications so that custody staff may pay extra attention to diversion risks to and from those getting "high-value" medications.

Recommendation will not be implemented.

Medication is protected health information. Under federal law, health care staff are prohibited from disclosing this information to individuals not directly treating a patient. Diverted drugs may or may not be prescribed medications and may or may not be prescribed to the patient in possession of the medication. There are clear policies with regard to the administration of medication (including opioids) and these policies are enforced both by nursing and custody staff.

Recommendation R.C.4.b. The Sheriff should also, in cooperation with the Department of Emergency Services and SF311, develop a mental health information script for use by 311 operators when the Jail Health's Administrative Office is closed. The script should include communication tips for family members and suggest how to provide jail staff with concerns about the potential of detainees to engage in self harm.

Recommendation will not be implemented.

311's Customer Service Representatives, who are responsible for answering incoming calls to 311, provide basic non-emergency information and/or handle the intake of non-emergency requests for general City services (e.g. potholes, street cleaning). To address the concern of lack of access stated on the report, SFSD is developing a process to enable family members who have concerns about detainees to contact trained jail staff directly. Jail Health Services will assist in this effort.

Recommendation R.C.5. The Sheriff's Department should provide jail data for inclusion on the SF OpenData website.

Recommendation has not been, but will be, implemented in the future.

The Sheriff's Department provides data and other information to the Board of State and Community Corrections (BSCC). The Mayor's Office supports including data provided to BSCC in SF OpenData. The Sheriff's Department will work with DataSF to publish their data on SF OpenData as well as complete their inventory and publishing plan per open data requirements. The expected timeframe for this effort is six months.

Recommendation R.D.1.a. To reduce the need for overtime, the Sheriff should, in coordination with the City and County Human Resources Department, put high priority on filling existing vacancies by redoubling recruiting efforts and expediting the hiring process, with the assistance of a dedicated Sheriff's Department recruitment staff.

Recommendation has been implemented.

To reduce overtime usage and get the Sheriff Department back up to an appropriate level of staffing, the budget includes a one-time increase of \$2.5 million in FY 2016-17 to fund additional overtime while the Department plans to hold three classes next year. It is anticipated that in FY 2017-18, the Department's overtime levels will return to FY 2015-16 levels, adjusted for inflation, and the Department will be able to hold one class per year to backfill retirements as they occur.

Deputy Sheriffs (job classification 8302) are civil service employees hired through a process governed by the City Charter and the Civil Service Commission. The Department of Human Resources (DHR) is responsible for administering the civil service examination for 8302 Deputy Sheriffs. DHR conducted a selection process for 8302 in 2015 and adopted a list of 297 eligible candidates in July of 2015, which has since expired. DHR conducted another selection process for 8302 Deputy Sheriffs in early 2016, and adopted a list of 305 eligible candidates in May of 2016. That list will expire on May 30, 2017.

Over the last several years the deputy sheriff exam has been given on an "as needed" basis. Beginning in fiscal year 16/17 DHR plans to dedicate the necessary resources to test and place new candidates on the eligible list approximately every four months. The exam announcement will be open continuously. Continuous testing, a process through which candidates are regularly added to the eligible list, is utilized by both the San Francisco Police and Fire Departments. Continuous testing improves the impact of recruitment and outreach efforts by significantly reducing the time between first contact with someone interested in the job and testing. It is anticipated that continuous testing will help meet departmental needs by ensuring the eligible list is regularly updated with qualified candidates.

Additionally, DHR's recruiter will continue to coordinate efforts with the Sheriff's Department to support recruitment.

Recommendation R.D.4.b. The Mayor should include the Sheriff's request for funds for this purpose (training all Deputies at County Jails on suicide prevention and crisis intervention) in the Mayor's proposed budget.

Recommendation has been implemented.

The FY 2017-18 budget includes training all Deputies at County Jails on suicide prevention and crisis intervention, including enough for a training float.

Recommendation R.E.1. The Sheriff and the Director of Public Health should update the San Francisco Jail's Discharge Planning Policies and Practices to add Wellness Recovery Plan Procedures, including:

- Provide a "warm handoff" to a Case Manager in the community who will arrange for a full continuum of care. (Note that this requires identification of receiving hands ready to accept the patient).

- Have case manager or designee accompany the patient to at least the first continuing care appointment and assess patient needs to assure future appointment compliance.
- Set up a meeting of the Community Case Manager with the patient prior to his release, in order to have a visual connection."
- "Recommendation R.E.1. The Sheriff and the Director of Public Health should update the San Francisco Jail's Discharge Planning Policies and Practices to add Wellness Recovery Plan Procedures, including:
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- Have case manager or designee accompany the patient to at least the first continuing care appointment and assess patient needs to assure future appointment compliance.
- Set up a meeting of the Community Case Manager with the patient prior to his release, in order to have a visual connection.

Recommendation has been implemented.

Community mental health providers may come into the jail to see their patients at any time during the period of incarceration. Patients enrolled in behavioral health court released to case management, those on LPS conservatorship are placed in treatment and transportation provided by SFSD, those released to community residential treatment programs are accompanied by a case manager. Patients who are found incompetent to stand trial on misdemeanor charges are provided a "warm handoff" to all designated community programs. Additionally, those released to the community who are not linked to case management (and are awaiting Intensive Case Management Services) receive an expedited appointment with outpatient case management within a week of discharge.

Recommendation R.E.2. The Sheriff and the Director of Public Health should request the Controller to conduct a benchmark survey of "release assessment" and other, performance measures for mental health services in county jails and suggest best practices for adoption at the San Francisco Jails.

Recommendation has not been, but will be, implemented in the future.

This recommendation will be implemented within two months of this response. We do not currently understand the full range of each patient's needs at discharge (beyond those with SMI, HIV and identified complex medical conditions) and thus this type of assessment could help us target current resources and build capacity for those services we do not provide.

Recommendation R.E.3. The Sheriff and the Director of Public Health should contact appropriate departments in Bay Area universities to determine potential interest in having graduate students analyze performance metrics and prepare reports on mental health services provided in San Francisco Jails.

Recommendation will not be implemented.

DPH relies on the consult of experts in the field for this kind of analysis. This recommendation will be implemented within two months of this response. In fiscal year 2015, DPH commissioned a forensic mental health consultant to review the operations, policies and standard work of Jail Behavioral Health

Services. DPH is currently evaluating and implementing the consultant's recommendations. In addition, DPH will explore opportunities to engage academic partners in defining, capturing and analyzing performance metrics for behavioral health services.

Recommendation R.E.4. The Sheriff and the Director of Public Health should seek out local mental health organizations, such as NAMI and MHB, for recommendations on mental health services provided in the San Francisco Jails and related reentry services.

Recommendation has been implemented.

Local mental health advocate organizations are deeply involved in the SF Workgroup to Re-envision the Jail Replacement Project efforts, including MHA the Mental Health Association of SF and the MHB Mental Health Board of SF. Formal recommendations about mental health services in the jail are under draft. In addition, DPH works closely with client advisory councils and interacts regularly with the Mental Health Board.

GA6

File Nos. 160619 and 160620



OFFICE OF THE SHERIFF CITY AND COUNTY OF SAN FRANCISCO

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



VICKI L. HENNESSY
SHERIFF

September 12, 2016
Ref: VLH 2016-118

RECEIVED
SAN FRANCISCO
2016 SEP 12 PM 2:54
RG

Honorable John K. Stewart
Presiding Judge
San Francisco Superior Court
400 McAllister Street
San Francisco, CA 94102

Dear Judge Stewart;

I write in response to the report of the 2015-2016 Civil Grand Jury, *San Francisco County Jails: Our Largest Mental Health Facility Needs Attention*. The members of the Civil Grand Jury are to be commended for choosing to focus on one of the most complex issues facing county jails today, that of providing compassionate, medically appropriate treatment for individuals with mental illness who become involved in the criminal justice system.

My responses to the Civil Grand Jury's findings and recommendations are as follows:

Finding A.1. *There is currently no jail procedure that accounts for those arrestees referred for hospital care.*

Agree.

Recommendation R.A.1.a. *Jail intake should develop a system to communicate and track cases where the triage nurse determines that the arrestee must be taken to a hospital for emergency medical or psychiatric care before admission to Jail.*

The recommendation has not been, but will be implemented as part of an effort to improve the booking process, including enhanced documentation. The entire effort is anticipated to take approximately six months. While the Department of Public Health enters this information into their data system, federal law, specifically the Health Information Portability and Accountability Act (HIPAA), prohibits the sharing of the information contained in it with the Sheriff's Department.

Recommendation A.1.b. *The SF Police Chief and Sheriff should revisit their MOU regarding transport and custody transfer.*

The recommendation has not been, but will be implemented. The Sheriff's Department has already begun meeting with the Police Department to revise the field arrest card to include more information about detainees and circumstances of arrest. The effort is estimated to take six months.

Finding A.2. Arrestees and their arresting officer may not always understand the importance of full disclosure of medical history.

Agree.

Recommendation A.2. In the interest of obtaining a more complete medical history, the Sheriff and the Director of Jail Health Services should update intake policies and practices to seek informed consent to contact and receive records from the arrestee's case manager, primary provider, and family or friends who may have information about the arrestee's medical history and therapeutic medications.

The taking of medical history and the maintenance of medical information are responsibilities placed with the Department of Public Health. Thus, this recommendation is more appropriately addressed by the Director of Public Health, but the Sheriff's Department will assist in any way possible.

Finding A.3. When an arresting agency brings an arrestee to the Jail for intake, there is a field arrest card.

Agree.

Recommendation A.3. The Sheriff should review current Field Arrest Card content and procedures to assure that best practices are employed, and information necessary for the health and safety of the arrestee and jail personnel is communicated in writing. The information should include circumstances of arrest and any observations or concerns the arresting officer may have about the medical or psychiatric condition of the arrestee.

This recommendation will be implemented in collaboration with the Police Department as part of an effort to improve the booking process. Additional information will include circumstances of arrest and documentation of medical or psychological trauma or distress, which will assist jail staff to appropriately assess and classify individuals on intake. The effort is anticipated to take approximately six months.

Finding A.4. Although the Sheriff has access to multiple criminal data bases, the arresting agencies do not necessarily share arrest records with the Sheriff's custody staff at the time of custody transfer.

Agree.

Recommendation A.4.a By early 2017, the Sheriff should implement a policy and procedure requiring arresting agencies to provide a digital copy of the arrest report, including charges and a description of the arrest, within six hours of the transfer of the arrestee.

This recommendation will not be implemented. Digital copies of arrest reports are generally not available within six hours, and to impose this requirement on the more than 20 agencies who bring their arrestees to the San Francisco County Jail for booking, would be unfairly burdensome to the agencies that are small and lack the resources to comply. The improvements we are making to the field arrest card will capture much of this information.

Recommendation A.4.b Once the "share the arrest record" process of R.A.4a is in place, the Sheriff should require all arresting agencies to comply with the process.

This recommendation will not be implemented. Digital copies of arrest reports are generally not available within six hours, and to impose this requirement on the more than 20 agencies who bring their arrestees to the San Francisco County Jail for booking, would be unfairly burdensome to the agencies that are small and lack the resources to comply. All agencies that book arrestees into County Jail #1 will be required to use the improved field arrest card referenced above.

Finding A.5. *The results of a preliminary psychiatric evaluation conducted by Jail Behavioral Health at intake could be helpful to the arrestee's long term mental health care if shared with the arrestee's case manager, if any.*

Agree.

Recommendation A.5. *The Sheriff and Director of Public Health, in consultation with the City Attorney for issues related to HIPAA, should develop and implement a policy for sharing with an arrestee's case manager (if any), the results of a preliminary psychiatric evaluation conducted at intake.*

This recommendation will not be implemented. The Sheriff's Department already receives generalized information which allows us to properly classify and house individuals with behavioral health issues. The confidentiality of prisoner medical information serves to encourage prisoners to share sensitive information with Jail Health Services staff. It is ill-advised to expand the role of custody staff to include communication with a prisoner's case manager regarding specific diagnoses or personal information not required or approved by law.

Finding A.6. *Although there are several ways for family members and friends to contact custody staff regarding concerns about their loved ones who are in jail, models for improvement are available.*

Agree.

Recommendation A.6. *The Sheriff should add to the inmate handbook a paragraph about the importance of contacting a family member or friend and should provide a 24/7 number that the inmate could give to this contact.*

This recommendation has not yet been, but will be implemented. This information will be included in the next revision of the prisoner orientation guide, anticipated to be updated within the next six months. We are in the process of identifying a dedicated telephone line and implementing a procedure for responding to calls that are received, which we anticipate completing in one month. As soon as that is accomplished, we will post the number on our website.

Finding B. 1. *In Jail #4, old locks jam frequently, causing safety concerns. Other maintenance issues continue to arise.*

Agree.

Recommendation B.1.a. *The Sheriff should prepare a supplemental budget request for funds to immediately address problems with old locks and any other remaining serious maintenance issues.*

The recommendation as to the repair of the locks has been implemented. It was not necessary to seek a supplemental budget request as funds for this purpose were already available in the Sheriff's Department's budget. As the Jury noted, the locks are only one of many outstanding maintenance and capital improvements that fill a list of long-term unmet needs. The Sheriff's Department is working closely with the Department of Public Works on a general conditions assessment that will serve as a roadmap of projects prioritized according to operational needs. These will be costed out and funding sources identified, resulting in a plan for moving forward.

The future of County Jail #4 is dependent on several factors, including population trends and the outcome of the Re-Envisioning the Jail Replacement Project's report to the Board of Supervisors, anticipated to be completed by the end of 2016. Repairs and upgrades needed to ensure the safety and security of County Jails #4 are analyzed and prioritized in light of the outcome of that effort, the condition of other jail facilities that require attention, and the availability of funds from all possible sources. The Sheriff's Department works closely with the Real Estate Division, which is responsible for repairs at the Hall of Justice, to address acute critical maintenance issues.

The simple fact is that County Jail #4 is dangerously obsolete in both function and design, and has been for more than 25 years. It is widely accepted that the jail must be closed and the prisoners moved to another facility. Of concern, however, is that since January 2016, a period of just nine months, the average daily population of the jails has risen by approximately 88.

The closure of County Jail #4 will necessitate retrofitting of County Jail #2 to accommodate high security prisoners, and to provide kitchen and laundry services now provided by County Jail #4. In addition, the Department of Public Works has identified critically needed roof repairs to 425 7th Street, which houses County Jails #1 and #2, including replacement of mechanical systems that are beyond their useful life. We must also reconfigure space in County Jail #1, to provide greater privacy for detainees during medical/psychiatric triage, consistent with HIPAA requirements.

The challenge is to do what we can to keep County Jail #4 as safe and secure as possible by responding to critical maintenance issues, while avoiding throwing good money after bad by investing in long-term improvements that will not solve the structural issues of that facility.

Finding B.2. Ending use of Jail #4 would also require finding a new kitchen and laundry facility for Jails #1 and #2.

Agree.

Recommendation B.2. The Sheriff should make interim plans for replacing kitchen and laundry facilities for Jails #1 and #2 by the end of 2016.

The recommendation requires further analysis. Plans to repair and upgrade County Jails #1 and #2 will be evaluated and prioritized in light of the Re-Envisioning the Jail Replacement Project's report to the Board of Supervisors, anticipated to be completed in November 2016, as well as by the condition of other jail facilities that require attention, and the availability of funds from all possible sources. The Sheriff has advised the Mayor's Office and the Department of Public Works that planning for renovation of the kitchen and laundry area of County Jail #2 should be a priority for funding.

Finding C.1. Jail #4 lacks suitable space for observation and treatment programs.

Agree.

Recommendation C.1. The Sheriff and the Director of Health should find a new replacement facility where Jail #4 inmates can be housed and receive appropriate treatment programs.

This recommendation requires further analysis, which will be informed by the outcome of the Re-Envisioning the Jail Replacement Project. The Sheriff's Department, the Department of Public Health and the Department of Public Works capital planning team developed a plan for a modern, code-compliant rehabilitation and detention facility, with appropriate treatment areas, intended to replace County Jail #4, but it was not approved by the Board of Supervisors.

Finding C.2. Jails have Jail Behavioral Health Services during the day but not at night. Without more behavioral health services in the jails to prepare inmates for reentry, the community mental health model recommended by Dr. Kupers and other experts will not be feasible.

Recommendation C.2.a. The City should staff Jail Behavioral Health Services 24/7. The Sheriff and the Director of Public Health should determine the amount to be included in the 2017-2018 budget request.

As Jail Behavioral Health Services is a division of the Department of Public Health, the finding and recommendation are best addressed by the Director of Public Health. However, I agree that having Jail Behavioral Health Services available 24/7 is extremely important to the well-being of prisoners and to staff safety. I support this expansion of services and will assist in its implementation in any way possible.

Finding C.3. *Drug diversion is a serious issue in the Jail.*

Agree.

Recommendation C.3 *The Director of Public Health and the Sheriff need to develop better methods of informing custody staff which patients are being prescribed narcotic medications so that custody staff may pay extra attention to diversion risks to and from those getting "high value" medications.*

This recommendation will not be implemented. Federal law prohibits the disclosure of medical information to custody staff. Policy and procedures are already in place to minimize medication diversion.

Finding C.4. *The San Francisco Sheriff's website provides minimal information about mental health issues of those detained in the jail. As seen on Exhibit Figure 2, the link to "Behavioral Health and Reentry Programs" leads to a general discussion of these programs, and provides a phone number. A caller can only reach a human being at that number during regular business hours.*

Agree.

Recommendation C.4.a. *The San Francisco Sheriff should update the Department's website to provide additional information about mental health issues concerning those detained in jail, using the Cook County, Illinois Sheriff's Department website (Figure 3) as a "best practices" guideline.*

The recommendation has not been, but will be implemented. In coordination with Behavioral Health Services, this information will be provided on the Sheriff's Department's website. We will also include this information in the prisoner orientation handbook and improve the information available by phone. The work will be completed within six months.

Recommendation C.4.b. *The Sheriff should also, in cooperation with the Department of Emergency Services and SF311, develop a mental health information script for use by 311 operators when the Jail Health's Administrative Office is closed. The script should include communication tips for family members and suggest how to provide jail staff with concerns about the potential of detainees to engage in self-harm.*

The recommendation will not be implemented. In addition to the providing the information referenced in the response to Recommendation C.4.a., the Sheriff's Department is in the process of providing a dedicated telephone number for family members and others to report their concerns directly to appropriate Jail Behavioral Health staff. The telephone number will be provided to 311, so staff can direct callers to the appropriate on-duty Jail Health Services supervisor who can better assist them.

Finding C.5 *The Sheriff's Department provides data to the controller and the State Department of Corrections but does not make this data available to the public*

Disagree partially. The Sheriff's Department provides monthly and quarterly reports to the Board of State and Community Corrections. These reports are public and accessible on the BSCC website. We will, however, place links to the BSCC website on the Sheriff's Department's website within one month.

Recommendation C.5 *The Sheriff's Department should provide jail data for inclusion on the SF OpenData website.*

The recommendation has not been, but will be implemented. The Sheriff's Department will work with the appropriate city staff to make this data available through OpenSF. The time frame for this effort is anticipated to be six months.

Finding D.1. The Sheriff's Department expenditure for overtime is increasing. Increased overtime results in fatigue and stress on the staff.

Agree.

Recommendation D.1.a. To reduce the need for overtime, the Sheriff should, in coordination with the City and County Human Resources Department, put high priority on filling existing vacancies by redoubling recruiting efforts and expediting the hiring process, with the assistance of a dedicated Sheriff's Department recruitment staff.

The recommendation has been implemented. The Sheriff's Department is in the process of selecting a recruitment deputy who will coordinate all recruitment activities. In addition, we have worked with the Department of Human Resources to include emotional intelligence in entry-level testing and we have filled vacancies in promotional ranks of senior deputy, sergeant and lieutenant. As of this writing, full staffing of the Sheriff's Department requires 874 sworn positions filled. We now have 771 sworn staff working, plus 49 in various stages of training. These trainees will assume full duty in groups starting in late September through early December 2016. The Department's 2016-2017 budget provides for the hiring of an additional 60 sworn positions, who will assume full duty in groups starting late April through December 2017. If all trainees succeed in completing the POST academy and CORE jail operations course, it will bring our staffing to 880. Unfortunately, we are expecting 20 to 30 retirements during this time period. Thus, we will need to rely on overtime to fill shift vacancies.

Recommendation D.1.b. Identify positions that might be re-classified as administrative support, i.e. civilian, rather than requiring sworn deputies to handle those duties.

The recommendation requires further analysis. The Sheriff's Department is currently conducting a management audit of the Sheriff's Department's Information Technology and Support Services unit to, among other things, determine if some sworn positions are suitable for re-classification. The FY 2016-2017 budget provides for re-classification of selected positions in the Records Unit. We will continue to look for opportunities to re-classify positions that can be performed by civilian staff, thus shifting sworn positions to fill vacancies in the jails.

Finding D.2. The San Francisco Sheriff's Department has an assignment process that enables deputies to keep one position for many years.

Agree.

Recommendation D.2. The Sheriff's Department should have a rotation policy similar to policies in effect at other law enforcement agencies: every five years, one third of the staff gets rotated. The Station Transfer Unit and other additional duties to enrich rotation opportunities should be implemented.

The recommendation requires further analysis. I am exploring model policies and best practices among similar law enforcement agencies with the objective of implementing a fair and practical assignment rotation policy. This will represent a change in policy that will be subject to meet-and-confer with the Deputy Sheriffs' Association and the Managers' and Supervisors' Association. Once the staffing infrastructure is in place, consideration will be given to discussing the re-instituting of the Station Transfer Unit.

Finding D.3. Some Deputy Sheriffs appreciate the opportunity to work hours more compatible with family life and/or closer to home.

Agree.

Recommendation D.3. The Sheriff should negotiate with the San Francisco Deputy Sheriff's Association for recognition of the benefits to be gained by rotation and should negotiate incentives that balance the desire of deputies for preferable assignments with the needs of the service.

This recommendation requires further analysis of incentives permissible by existing MOU's, City policy and available funding.

Finding D.4. There is a need for all Deputies at County Jails to be trained on suicide prevention and crisis intervention as a priority, and for additional training to meet annual POST requirements. Training will require a training float.

Agree.

Recommendation D.4.a. The Sheriff should include in the 2017-18 budget request sufficient funds for the purpose of training all Deputies at County Jails on suicide prevention and crisis intervention, including enough for a training float.

The recommendation has been implemented. Funding was requested and approved in the FY 2016-2017 budget.

Finding D.5. The Sheriff's Department management concurs that all staff need training in crisis intervention, incident debriefing, and stress management. The Sheriff Department's policy to only send two people for training at one time due to staff vacancies means that Deputies trained in Crisis Intervention will continue to be a limited group for some time to come.

Agree, however, there is no policy that provides for sending only two people to training at a time. Crisis intervention training is currently provided to classes that contain 20 to 25 people each.

Recommendation D.5.a. New recruits should complete crisis intervention training either at the Academy or within one year of graduation from POST academy.

The recommendation has been implemented. New recruits currently receive 24 hours of crisis intervention training in the CORE course, which covers basic jail operations, in addition to the introduction to crisis intervention they receive in their POST academy training.

Recommendation D.5.b. All sworn officers, medical, and psychiatric services staff should complete crisis intervention, debriefing, and stress management training within three years of employment.

The recommendation has been implemented. Sworn Sheriff's Department staff are scheduled to receive crisis intervention training, in addition to their required Advanced Officer Training. It is anticipated that all sworn staff will receive the training within three years. All staff participate in debriefs of critical incidents, and after-action reports, and have access to Peer Support, the Department chaplains, and law-enforcement-specific counseling provided by the city's Employee Assistance Program. The portion of this recommendation regarding medical and behavioral health staff is best addressed by the Department of Public Health.

Recommendation D.5.c. To accomplish this, the Sheriff should recruit extra help from the roster of retired Deputies and arrange for more "train the trainer" sessions.

The recommendation has been implemented. Retired deputy sheriffs are used, and will continue to be used, to perform important administrative tasks. However, it is cost- and time-prohibitive to employ them in law enforcement duties, which is where the need exists, because to do so requires that they bring their POST certifications up to date, pass firearms requalification, and undergo a complete background investigation. The Department routinely uses a "train the trainer" strategy to enable us to deploy training throughout the Department quickly and efficiently.

Finding E.1. The Sheriff and the Director of Public Health staff could do more to plan for the critical first few hours after discharge of a person with mental illness.

Agree.

Recommendation E.1. The Sheriff and the Director of Public Health should update the San Francisco Jail's Discharge Planning Policies and Practices to add Wellness Recovery Plan Procedures, including:

Provide a "warm handoff" to a Case Manager in the community who will arrange for a full continuum of care. (Note that this requires identification of receiving hands ready to accept the patient).

Have case manager or designee accompany the patient to at least the first continuing care appointment and assess patient needs to assure future appointment compliance.

Set up a meeting of the Community Case Manager with the patient prior to his release, in order to have a visual connection.

The recommendation has been implemented. Sheriff's Department's Program Coordinators are responsible for coordinating release of eligible custodies to community case managers who deliver them directly to the program designated and ready to receive them. Eligible individuals are clients of the collaborative courts, including Behavioral Health Court, Veterans' Court and Drug Court, as well as the Assertive Case Management program. In addition, Peer Specialists funded by the MIOGR (Mentally Ill Offender Grant) accompany misdemeanor clients of Behavioral Health Court to medical appointments and remind clients of upcoming court dates.

Finding E.2. Jail Behavioral Health Services does not currently conduct "release assessments" on patients discharged from the San Francisco Jails.

Recommendation E.2. The Sheriff and the Director of Public Health should request the Controller to conduct a benchmark survey of "release assessment" and other performance measures for mental health services in county jails and suggest best practices for adoption at the San Francisco Jails.

As mental health services are provided by the Department of Public Health, the Sheriff will defer to the Director on this recommendation, and assist in every way possible.

Finding E.3. Bay Area universities represent a source of impartial data reviewers of San Francisco Jail's mental health services.

Recommendation E.3. The Sheriff and the Director of Public Health should contact appropriate departments in Bay Area universities to determine potential interest in having graduate students analyze performance metrics and prepare reports on mental health services provided in San Francisco Jails.

As mental health services are provided by the Department of Public Health, the Sheriff will defer to the Director on this recommendation and assist in every way possible.

Finding E.4. Bay Area mental health organizations such as NAMI could provide useful recommendations on mental health services in San Francisco Jails

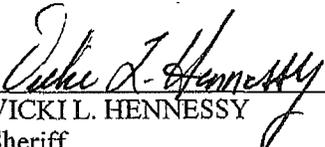
Agree.

Recommendation E.4. The Sheriff and the Director of Public Health should seek out local mental health organizations, such as NAMI and MHB, for recommendations on mental health services provided in the San Francisco Jails and related reentry services.

The recommendation has not been but will be implemented. I will seek information and advice from the suggested organizations and others within the next three months.

I wish to thank the Civil Grand Jury for their thoughtful, thorough and informative report. Having the benefit of their insight and fresh eyes on the issues is extremely valuable to me, and I am grateful for their dedication and service. Should they require further information, I shall be happy to provide it.

Sincerely,


VICKI L. HENNESSY
Sheriff

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF THE CITY ATTORNEY

DENNIS J. HERRERA
City Attorney

DIRECT DIAL: (415) 554-4700

September 16, 2016

Hon. John K. Stewart
Presiding Judge
San Francisco Superior Court
400 McAllister Street
San Francisco, CA 94102

Received via email
9/16/2016
File Nos. 160619 and 160620

Re: **City Attorney Office's response to the June 2016 Civil Grand Jury Report released on July 14, 2016 and entitled, "*San Francisco County Jails: Our Largest Mental Health Facility Needs Attention*"**

Dear Judge Stewart:

In accordance with Penal Code Sections 933 and 933.05, the Office of the City Attorney submits the following response to the June 2016 Civil Grand Jury Report entitled, *San Francisco County Jails: Our Largest Mental Health Facility Needs Attention*. The Grand Jury requested that this office respond to the report.

For each Civil Grand Jury finding for which the Grand Jury has requested a response, the statutes require the respondent to either:

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

For each Civil Grand Jury recommendation for which the Grand Jury has requested a response, the statutes require the respondent to report:

1. that the recommendation has been implemented, with a summary explanation of how it was implemented;
2. the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation;
3. the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or agency head to be prepared to discuss it (less than six months from the release of the report); or
4. that the recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is.

Letter to Hon. John K. Stewart

Page 2

September 16, 2016

The Grand Jury has asked the City Attorney's Office to respond to Finding F.A.5 and Recommendation R.A.5 as provided below:

Finding F.A.5.

The results of a preliminary psychiatric evaluation conducted by Jail Behavioral Health at intake could be helpful to the arrestee's long-term mental health care if shared with the arrestee's Case Manager, if any.

City Attorney's Office Response To Finding F.A.5.

The substance of this finding is beyond the expertise and jurisdiction of the City Attorney, and the City Attorney therefore cannot agree or disagree with it.

Recommendation R.A.5.

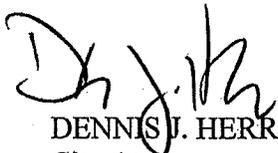
The Sheriff and Director of Public Health, in consultation with the City Attorney for issues related to HIPAA, should develop and implement a policy for sharing with an arrestee's Case Manager (if any), the results of a preliminary psychiatric evaluation conducted at Intake.

City Attorney's Office Response To Recommendation R.A.5.

The City Attorney will consult with the Sheriff and Director of Public Health, if requested, on the development and implementation of a policy for sharing with an arrestee's Case Manager (if any), the results of a preliminary psychiatric evaluation conducted at Intake. The City Attorney will advise the Sheriff and Director of Public Health on HIPAA requirements or any other relevant legal issues.

We hope this response is helpful.

Very truly yours,



DENNIS J. HERRERA
City Attorney

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; Major, Erica (BOS)
Subject: FW: BoS Case #160617 #160618 - 2015-2016 Civil Grand Jury Homelessness Report

From: Dennis Hong [mailto:dennisj.gov88@yahoo.com]
Sent: Tuesday, September 20, 2016 2:15 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Lee, Mayor (MYR) <mayoredwinlee@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Kositsky, Jeff (HOM) <jeff.kositsky@sfgov.org>
Subject: BoS Case #160617 #160618 - 2015-2016 Civil Grand Jury Homelessness Report

Good morning Honorable Mayor Edwin Lee and Honorable members of the San Francisco Board of Supervisors. My name is Dennis, I have been an resident of San Francisco for more than 70 years, and yes still counting. You have all heard from me in the past on various issues. I trust this email makes some sense.

For starters, the Nivagation centers seem to be working well and the Project Homeless Connect is working but both are are limited. Having said that, I would like for these two above items to be approved and moved forwarded to the Mayors office for his final approval per the Civil Grand Jury's findings and the BoS Gov & Audit committee of 9/15/2016 amendments. With that said, we really need to be on the same page with everyone's input and not a **My Way or No Way** approach or even a not in my back yard. Come on, it's happening in all of our neighborhoods. It's been too long and as I see it we are getting no where. I had reviewed this 2015-2016 Civil Grand Jury report, it say's it all and it is very elementary.

I sent you and the mayor an email awhile back (3/21/2016) encouraging the same - citing case #160228 has anything been done with this? Please! Enough is enough, we need to communicate and collaborate together on these issues. We have

spent enough time and money on this and as I see it - here we are still not much has happened.

What are the how stoppers? If anyone has any questions or why we can't take this approach to at least communicate and collaborate together on these issues and come up with a sensible plan of action and a timeline. If not I would like to hear why we can't. Please reach out and let's make this happen, Mr. Kositsky of our mayors new Homeless Department, made some interesting comments and commitments on 9/15/206 to the Gov and Audit Committee. Now lets follow thru with it and not have a report sitting on a shelf collecting dust.

Again, thanks for letting me vent, but this Homeless issue is really embarrassing to our wonderful city, don't you all agree? It should also be a priority issue. You all have my email.

Best regards, Dennis

From: Reports, Controller (CON)
Sent: Thursday, September 22, 2016 10:59 AM
To: Calvillo, Angela (BOS); Gosiengfiao, Rachel (BOS); BOS-Supervisors; BOS-Legislative Aides; Kawa, Steve (MYR); Howard, Kate (MYR); Steeves, Asja (CON); SF Docs (LIB); CON-EVERYONE; Forbes, Elaine (PRT); Woo, John (PRT); Quesada, Amy (PRT); nrose@kpmg.com; lavis@kpmg.com; eugene.yano@yanoCPA.com; kbechtel@highflyingfoods.com
Subject: Issued: Port Commission: D&G Company dba Lou's Pier 47 Underpaid \$16,145 in Rent to the Port for January 2011 Through December 2013

The San Francisco Port Commission (Port) coordinates with the Office of the Controller's City Services Auditor Division (CSA) to periodically audit the Port's tenants. CSA engaged KPMG LLP (KPMG) 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 now presents the report for the compliance audit of D&G Company dba Lou's Pier 47 (tenant) prepared by KPMG. The tenant operates a restaurant, which includes a retail store, in the Fisherman's Wharf area. Due to various misstatements, primarily not reporting Health Care Security Ordinance surcharges as gross revenue, the tenant underreported gross revenue by \$263,053 and underpaid \$16,145 in rent and \$2,154 in interest to the Port.

To view the full report, please visit our website at: <http://openbook.sfgov.org/webreports/details3.aspx?id=2360>

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

City and County of San Francisco

Office of the Controller – City Services Auditor

PORT COMMISSION:

**D&G Company dba Lou's Pier 47
Underpaid \$16,145 in Rent to the
Port for January 2011 Through
December 2013**



September 22, 2016

**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

Todd Rydstrom
Deputy Controller

September 22, 2016

San Francisco Port Commission
Pier 1, The Embarcadero
San Francisco, CA 94111

Ms. Elaine Forbes
Interim Executive Director
Port of San Francisco
Pier 1, The Embarcadero
San Francisco, CA 94111

Dear Commission President, Commissioners, and Ms. Forbes:

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 D&G Company, a California Limited Liability Company, dba Lou's Pier 47 (Lou's Pier 47) prepared by KPMG. Lou's Pier 47 operates a restaurant, which includes a retail store, in the Fisherman's Wharf area.

Reporting Period: January 1, 2011, through December 31, 2013

Rent Paid: \$509,641

Results:

Lou's Pier 47 did not always accurately report gross revenue to the Port. Due to various misstatements, primarily not reporting Health Care Security Ordinance surcharges as gross revenue, Lou's Pier 47 underreported gross revenue by \$263,053. The understatement resulted in an underpayment of \$16,145 in rent to the Port and \$2,154 in interest on unpaid rent. During the audit period Lou's Pier 47 reported \$7,077,504 in gross revenue and paid \$509,641 in rent to the Port.

The Port's response is attached to this report. Lou's Pier 47 concurred with the audit finding but chose not provide a written response.

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: Board of Supervisors
Budget Analyst
Citizens Audit Review Board
City Attorney
Civil Grand Jury
Mayor
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, California 94111

President and Members:

We have completed a performance audit of the gross receipts and related percentage rent reported and paid or payable by D&G Company, a California Limited Liability Company, dba Lou's Pier 47 (Lou's Pier 47 or Tenant), to the Port of San Francisco (Port) for the period from January 1, 2011 to December 31, 2013.

Objective and Scope

The objective of this performance audit was to determine whether Tenant was in substantial compliance with the reporting, payment and other rent-related provisions of its lease #L-14630 (Lease) 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 gross receipts for the audit period were reported to the Port in accordance with the Lease provisions, and that such amounts agreed with Tenant'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 Tenant relative to its ability to comply with Lease provisions.

The scope of our audit included the gross receipts and related percentage rent reported and paid or payable by Tenant, to the Port for the period from January 1, 2011 to December 31, 2013.

This audit and the resulting report relates only to the gross receipts and percentage rent reported by Lou's Pier 47 under the Lease, and does not extend to any other performance or financial audits of the Port Commission or Lou's Pier 47 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 Tenant's procedures and internal controls for collecting, recording, summarizing and reporting its gross receipts 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 gross receipts 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

The Tenant entered into lease # L-14630 commencing on July 1, 2010 for a 15-year, six-month term with the City ending December 31, 2025. Two amendments to the Lease increased the size of Leased Premises. The Tenant operates Lou's Pier 47 restaurant, which includes a retail store, in the Fisherman's Wharf area.

Rent consists of the following:

- 1) Monthly Base Rent according to the following schedule:

		<u>January to June</u>	<u>July to December</u>
2011	\$	11,955	12,173
2012		12,173	12,344
2013		12,344	12,653

The Tenant was not required to pay any rent during a six-month construction period. Tenant and the Port agreed that the six-month construction period was between November 1, 2011 and April 30, 2012.

- 2) Percentage Rent of 6.75% of Gross Revenue.

The Lease includes eight general types of allowable exclusions in determining Gross Revenue. The Tenant is required to submit monthly reports to the Port of gross receipts and percentage rent by the 20th day of the following month and pay the percentage rent obligation in excess of minimum rent, if any.

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 as summarized above:

	<u>January 1 to December 31</u>			
	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>
Rent due to the Port:				
Monthly base rent	\$ 120,419	98,407	149,978	368,804
Percentage rent	36,047	50,930	70,005	156,982
Total rent due to the Port	156,466	149,337	219,983	525,786
Total rent paid or payable to the Port	151,764	144,541	213,336	509,641
Underpayment of rent	\$ (4,702)	(4,796)	(6,647)	(16,145)



The following summarizes reported and audited gross revenue, and related percentage rent paid or payable after deductions or minimum rent during the three-year period ended December 31, 2013:

	January 1 to December 31			Total
	2011	2012	2013	
Gross revenue as reported	\$ 2,065,535	2,066,537	2,945,432	7,077,504
Audit adjustments:				
Differences between recorded and reported gross revenue	(48)	—	(119)	(167)
Unreported discretionary surcharges	57,658	82,496	117,879	258,033
Incorrectly calculated music revenue exclusion	5,187	—	—	5,187
Total audit adjustments	<u>62,797</u>	<u>82,496</u>	<u>117,760</u>	<u>263,053</u>
Audited gross revenue	2,128,332	2,149,033	3,063,192	7,340,557
Times percentage rent rate	<u>6.75%</u>	<u>6.75%</u>	<u>6.75%</u>	—
	143,662	145,060	206,765	495,488
Adjustment for months in which percentage rent is less than Monthly base rent	<u>12,804</u>	<u>4,277</u>	<u>13,218</u>	<u>30,299</u>
Percentage rent before deduction for Monthly base rent	156,466	149,337	219,983	525,786
Deduction for monthly base rent	<u>(120,419)</u>	<u>(98,407)</u>	<u>(149,978)</u>	<u>(368,804)</u>
Percentage rent paid or payable	<u>\$ 36,047</u>	<u>50,930</u>	<u>70,005</u>	<u>156,982</u>

Finding 2013-1 –Gross Revenues Were Not Always Reported Accurately

Summary

Health Care Security Ordinance (HCSO) surcharges were not included in Gross Revenue in any of the 36 months under audit, and other misstatements of Gross Revenue were identified in 11 months. Net understatement of Gross Revenue after allowable exclusions was \$(263,053) and resulted in unpaid Percentage Rent of \$(16,145). Interest on unpaid rent was \$(2,154) through December 31, 2013, and \$(135) per month thereafter.

Criteria

Lease Section 5.2 specifies Tenant’s obligation to pay Percentage Rent, and states in part:

“(a) Tenant agrees to pay to Port, in addition to the monthly Base Rent payable by Tenant pursuant to Section 5.1 above, a monthly Percentage Rent in an amount equal to the difference between (i) the Percentage Rent for such calendar month; and (ii) the Base Rent for such calendar month in any month in which the Percentage Rent exceeds the Base Rent.



(b) Percentage Rent shall be determined and paid by Tenant for each calendar month within twenty (20) days after the end of the prior calendar month.”

Basic Lease Information specifies Percentage Rent as 6.75% of Gross Revenues.

Lease Section 2 has the following definition of Gross Revenue:

“Gross Revenue’ means all payments, revenues, income, fees, rentals, receipts, proceeds and amounts of any kind whatsoever, whether for cash, credit or barter, received by Tenant or any other party from any business, use or occupation, or any combination thereof, transacted, arranged or performed, in whole or in part, on the Premises. Except as specified below, Gross Revenues shall include the entire amount of the price charged by Tenant or any other party for the sale of tickets, cover charges, beverages, merchandise and any other items and the operation of any special event, fundraising event, catering or food delivery business conducted by Tenant or any other party where the food or beverages are prepared or served at the Premises, irrespective of where the orders therefor originated or are accepted and irrespective of where the food or beverages are consumed. Gross Revenues shall be determined without reserve or deduction for failure or inability to collect and without deduction or allowance for cost of goods sold or other costs, charges or expenses of purchasing or selling incurred by Tenant, except as expressly set forth below. No value added tax, no franchise or capital stock tax and no income, gross receipts or similar tax based upon income, profits or gross receipts as such shall be deducted from Gross Revenues.”

Lease Section 2 also identifies eight allowable exclusions from Gross Revenue. The exclusion for Entertainment Costs is specified below:

“Ticket sales and cover charges, but only to the extent that such revenue is less than Tenant’s actual monthly entertainment costs payable to promoters, musicians, performers, licensors, agents and booking companies and agents that are not Tenant’s employees or Tenant Affiliates (‘Entertainment Costs’).”

The Port issued a letter dated February 25, 2014 to all Tenants. The letter addressed, among other subjects, HCSO surcharges. The following are excerpts from this letter:

“Some San Francisco restaurants have chosen, in lieu of raising menu prices, to impose a surcharge to cover the cost to comply with the San Francisco Health Care Security Ordinance and possibly other City requirements. The City does not require or prohibit the use of the surcharge method – surcharge use is a business decision entirely at the discretion of the employer-business.”

“Surcharge revenues are reportable gross receipts.”

“Amended sales and rent reports must be submitted to the Port to correct any previous error.”

Lease Section 5.9 specifies that interest rent not paid within five (5) days following the due date “(S)hall bear interest from the date due until paid of ten percent (10%) per year.”

Conditions

Tenant had a net understatement of \$(263,053) in Gross Revenue during the three-year period ended December 31, 2013. The following describes the types and ranges of (understatements) or overstatements of Gross Revenue and net understatement of Gross Revenue by type of misstatement:



The performance audit identified the following misstatements of reported Gross Revenues:

<u>Type of misstatement</u>	<u>Net over – or (under)- reporting of gross revenues</u>
1) HCSO surcharges were not included in Gross Revenue in any of the 36 months under audit. The surcharges ranged from \$2,690 to \$16,652.	\$ (258,033)
2) Tenant calculated the Entertainment Costs exclusion on an annual, instead of monthly, basis. The net excess of Entertainment Costs in March and April 2011 of \$(4,687) and \$(500), respectively, were incorrectly excluded from Gross Revenue.	(5,187)
3) Monthly reported Gross Revenue did not agree to Tenant’s accounting records in five out 36 months under audit. The misstatements ranged from an overstatement of \$793 to an understatement of \$(508).	167
Net under-reporting of gross revenues	<u>\$ (263,053)</u>

Effects

The Tenant underreported \$(263,053) in gross revenue resulting in an underpayment of \$(16,145) in rent. Not all misstatements resulted in additional rent due because Percentage Rent before audit adjustments was less than Minimum Base Rent in certain months.

Interest on unpaid rent through December 31, 2013 is \$(2,154), and an additional \$(135) per month thereafter.

Cause

The Tenant did not have adequate procedures to ensure that monthly reporting of Gross Revenue and Percentage Rent reflected the actual monthly accumulation of daily summaries. The Tenant also understated Gross Revenue because it incorrectly interpreted the Lease provisions on allowable exclusions for HCSO surcharges and Entertainment Costs and excluded such revenues.

Recommendations

The Port should collect the \$(16,145) underpayment of rent.

The Port should collect the \$(2,154) of accrued interest as of December 31, 2013 and any additional accrued interest until paid.

The Port should require the Tenant to implement procedures to ensure that all revenues stated in the lease are correctly reported to the Port.

Tenant Response

Tenant informed us verbally on July 25, 2016 that it agreed with conditions identified in Finding 2013-1.

Conclusion

Based upon the performance audit procedures performed and the results obtained, we have met our audit objective. Except as described in Finding 2013-1, the Tenant was in substantial compliance with the reporting, payment and other rent-related provisions of its lease #L-14630 with the Port.



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 Tenant's internal controls over financial reporting or over Tenant's financial management systems.

Restriction on Use

The purpose of this performance audit report is solely to evaluate D&G Company, a California Limited Liability Company, dba Lou's Pier 47's compliance with Lease requirements on the reporting of Gross Revenue and related percentage rent. Accordingly, this performance audit report is not suitable for any other purpose.

KPMG LLP

July 25, 2016



July 26, 2016

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: Performance Audit – Port Lease No. L-14630

Dear Ms. Lediju:

Thank you for the opportunity to review the draft performance audit report prepared by KPMG LLP covering Port lease no. L-14630 with D & G Company, dba Lou's Pier 47.

Based on the report details provided by KPMG, Port management accepts the draft report. Please find attached the City's standard Recommendations and Responses form for inclusion with the final published report.

Please do not hesitate to contact us if you have any questions or require further information.

Sincerely,

Susan Reynolds
Director of Real Estate

John J. Woo
Fiscal Officer

Enclosure

Cc: Elaine Forbes, Interim Executive Director
Nancy Rose, KPMG LLP

**PORT COMMISSION: PERFORMANCE AUDIT OF D&G COMPANY,
A CALIFORNIA LIMITED LIABILITY COMPANY dba LOU'S PIER 47**

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
1. The Port should collect the \$16,146 underpayment of rent.	Port	Concur. Within 30 days of the final report, the Port will invoice and collect from the tenant the net amount due or \$15,045 as indicated in the audit results summary on page 2 of the report. The net amount gives recognition to \$1,101 that was subsequently paid by the Tenant.
2. The Port should collect the \$2,154 of accrued interest as of December 31, 2013 and any additional accrued interest until paid.	Port	Concur. Within 30 days of the final report, the Port will invoice and collect from the tenant the appropriate amount of accrued interest: Per the audit, \$2,154 in accrued interest as of December 31, 2013 and \$135 per month thereafter.
3. The Port should require the Tenant to implement procedures to ensure that all revenues stated in the lease are correctly reported to the Port.	Port	Concur. Within 30 days of the final report, the Port will issue a letter reminding the Tenant of required procedures and compliance with the reporting provisions of the lease.

File 160183

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; Somera, Alisa (BOS); Young, Victor
Subject: File 160183 FW: Please do not allow the SF PUC to increase recreational use of Crystal Springs Watershed
Attachments: Peninsula Watershed

From: Valerie Baldwin [mailto:valbaldwin@gmail.com]
Sent: Monday, September 26, 2016 2:25 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Carolyn Chaney <cchaney@sfsu.edu>
Subject: Please do not allow the SF PUC to increase recreational use of Crystal Springs Watershed

Dear Board of Supervisors,

Please vote today not to allow the your Public Utilities Commission to expand use of the San Francisco Watershed. I know groups of bike enthusiasts have been pressuring the PUC to open the land to trail biking but please do not let a small group of people damage that last place in the Bay Area that allows wildlife to live undisturbed and our water to remain pure.

San Francisco had the amazing forethought to preserve this land to keep the Hetch Hetchy water in Crystal Springs clean. So why change that? I am sure most dirt bikers are responsible, but it only take a few rogue bikers to tear up pristine area, disrupt wildlife and pollute.

I was skeptical when the watershed was opened to docent lead hikers, but this is a controlled use. I am tool old to take advantage of that but I am sure its wonderful. Let leave it at that.

We have an amazing amount of open space available to hikers, bikers and horseback riders around the Bay Area. We do not need more.

Thank you for reading this.

Valerie Baldwin
valbaldwin@gmail.com

From: Jonelle Preisser <jpreisser123@gmail.com>
Sent: Monday, September 26, 2016 2:26 PM
To: Board of Supervisors, (BOS)
Subject: Peninsula Watershed

Dear Board,

Please don't approve more access to the watershed. Can't we leave anything alone? The docent program works well and the docents can keep people from going off trail, from littering and from maybe even causing fires. Who is it that wants you to approve this? What is your reasoning?

Jonelle Preisser
425 Grant Ave., #30
Palo Alto, CA 94306

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; Somera, Alisa (BOS); Young, Victor
Subject: File 160183 FW: [kingsmtn] Conservation of the SF Watershed

From: Sandy Shapero [mailto:sandy@toofar.net]
Sent: Sunday, September 25, 2016 10:56 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Re: [kingsmtn] Conservation of the SF Watershed

Dear Board of Supervisors,
I agree with my friend, Mike Liebhold. I have lived on Kings Mountain for 24 years and am an avid hiker. I agree that there is no need to open up the wilderness of the SF Watershed. I have been on academic trips into the watershed and there is nothing like it. It should be protected. If someone wants to go and see it, it is possible to sign up to do it online.
Thank you for listening.
Sandy Shapero

Sandy Shapero
Too Far
Phone: 650.851.9832
sandy@toofar.net

From: <kingsmtn@yahoogroups.com> on behalf of "Mike Liebhold mnl@well.com [kingsmtn]"
<kingsmtn@yahoogroups.com>
Reply-To: "kingsmtn@yahoogroups.com" <kingsmtn@yahoogroups.com>
Date: Wednesday, September 21, 2016 at 11:53 AM
To: "Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>
Cc: "kingsmtn@yahoogroups.com" <kingsmtn@yahoogroups.com>
Subject: [kingsmtn] Conservation of the SF Watershed

Dear Members of the Board of Supervisors,

I am writing today, to encourage you to oppose opening the San Francisco Peninsula watershed.

As a 40 year neighbor to the watershed and a hiker and mountain biker, I can assure there are already hundreds of miles of great hiking and mountain bike trails nearby on the peninsula that are used well below capacity. Even on weekends and holidays, many of the open trails are rarely used. (See <http://www.openspace.org/preserves>) There is simply no human need at all to risk harm by opening yet another pristine ecosystem and home to a rich variety of endangered and threatened species.

Perhaps some of you read recently that 10% of the world's wilderness has been lost to development since the 1990s. (*see below) Naturally all of us expect a world leading environmentally sensitive community like San Francisco will demonstrate great wisdom preserving our wilderness for future generations.

Many thanks, in advance for you wise decision.

Yours Truly,

Michael Liebhold
10 Durham Road
Woodside, Ca

A tenth of the world's wilderness lost since the 1990s

<https://www.sciencedaily.com/releases/2016/09/160908130838.htm>

Researchers reporting in the journal *Current Biology* show catastrophic declines in wilderness areas around the world over the last 20 years. They demonstrate alarming losses comprising a tenth of global wilderness since the 1990s -- an area twice the size of Alaska and half the size of the Amazon. The Amazon and Central Africa have been hardest hit.

The findings underscore an immediate need for international policies to recognize the value of wilderness areas and to address the unprecedented threats they face, the researchers say.

"Globally important wilderness areas -- despite being strongholds for endangered biodiversity, for buffering and regulating local climates, and for supporting many of the world's most politically and economically marginalized communities -- are completely ignored in environmental policy," says Dr James Watson of the University of Queensland in Australia and the Wildlife Conservation Society in New York. "Without any policies to protect these areas, they are falling victim to widespread development. We probably have one to two decades to turn this around. International policy mechanisms must recognize the actions needed to maintain wilderness areas before it is too late. We probably have one to two decades to turn this around."

Watson says much policy attention has been paid to the loss of species, but comparatively little was known about larger-scale losses of entire ecosystems, especially wilderness areas which tend to be relatively understudied. To fill that gap, the researchers mapped wilderness areas around the globe, with "wilderness" being defined as biologically and ecologically intact landscapes free of any significant human disturbance. The researchers then compared their current map of wilderness to one produced by the same methods in the early 1990s.

This comparison showed that a total of 30.1 million km² (around 20 percent of the world's land area) now remains as wilderness, with the majority being located in North America, North Asia, North Africa, and the Australian continent. However, comparisons between the two maps show that an estimated 3.3 million km² (almost 10 percent) of wilderness area has been lost in the intervening years. Those losses have occurred primarily in South America, which has experienced a 30 percent decline in wilderness, and Africa, which has experienced a 14 percent loss.

"The amount of wilderness loss in just two decades is staggering" Dr Oscar Venter of the University of Northern British Columbia. "We need to recognize that wilderness areas, which we've foolishly considered to be de-facto protected due to their remoteness, is actually being dramatically lost around the world. Without proactive global interventions we could lose the last jewels in nature's crown. You cannot restore wilderness, once it is gone, and the ecological process that underpin these ecosystems are gone, and it never comes back to the state it was. The only option is to proactively protect what is left."

Watson says that the United Nations and others have ignored globally significant wilderness areas in key multilateral environmental agreements and this must change.

"If we don't act soon, there will only be tiny remnants of wilderness around the planet, and this is a disaster for conservation, for climate change, and for some of the most vulnerable human communities on the planet," Watson says. "We have a duty to act for our children and their children."

Posted by: Mike Liebhold <mnl@well.com>

From: Board of Supervisors, (BOS)
Sent: Friday, September 23, 2016 8:34 AM
To: BOS-Supervisors; Somera, Alisa (BOS)
Subject: FW: Sierra Club Comments on File NO. 160183

From: Feinstein Arthur [mailto:arthurfeinstein@earthlink.net]
Sent: Thursday, September 22, 2016 6:38 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Sierra Club Comments on File NO. 160183

Dear Clerk to the SF Board of Supervisors:

The following email is being sent to all Supervisors.

The Sierra Club urges you to vote **No** next Tuesday (September 27) on File NO. 160183; Urging the San Francisco Public Utilities Commission to Expand Public Access to the Peninsula Watershed Lands.

We urge this no vote because expanded, **unsupervised** public access is very likely to result in a devastating fire in the Peninsula Watershed that will have significant impacts on our City's water supply, as well as on the many species of wildlife (quite a few listed as threatened or endangered) that inhabit the watershed.

The SF PUC's Peninsula Watershed Management Plan states, "Studies in the FEIR demonstrate an increased chance of fire ignition once the public is allowed into a formerly closed area. Should a devastating fire occur, the resulting erosion and sedimentation of watershed streams and lakes would make treatment of the water using direct filtration a difficult, if not impossible endeavor. In addition, the mitigation measures required to reduce the risk of fire and unauthorized trail use would impose an additional financial burden on SFPUC ratepayers, contrary to the stated policy in the FEIR that ratepayer funds will not be used to pay for recreational access to the watershed."

The risk of catastrophic wildfire is real. 95% of California's wildland fires are human-caused (CALFire). The SFPUC closed all access to the watershed during the worst of the drought last winter. Big Sur's Soberanes Fire and Yosemite's Rim Fire were both caused by illegal campfires.

The Sierra Club does encourage the SF PUC to expand its already successful docent program to enable more people to experience the Watershed under a supervised program that ensures that increased public access will not result in wildfires that will impact our water supply for many years.

Arthur Feinstein, San Francisco Bay Chapter, Sierra Club
590 Texas Street
SF, CA 94107
415-680-0643

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: File 160183 FW: SF Water Shed at Crystal Springs

From: Carly McCaffrey [mailto:cmm299@georgetown.edu]
Sent: Thursday, September 22, 2016 5:01 PM
To: Mar, Eric (BOS) <eric.mar@sfgov.org>
Cc: commissioners@sfwater.org; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; mfinley@smcgov.org; parkscommission@smcgov.org
Subject: SF Water Shed at Crystal Springs

Please include my comments below as part of the public record.

Dear Supervisors Mar,

I would like to express my support for improved public access to the San Francisco Public Utility Commission's Peninsula Watershed.

I grew up in Half Moon Bay and over years of "driving over the hill" on Highway 92 to San Mateo, I have always ogled at this SF watershed area and wished I could explore it. Even as a little girl I was captivated by the beauty and grandeur of the fog gently rolling over the hills (usually staying stuck in Half Moon Bay). As a high school and college rower, I have particularly always admired the Crystal Spring reservoir for its beauty and row-ability. To this day, if I could row on any body of water in the world, this would be my top choice. For these reasons, I urge you to allow people like myself and countless others to truly experience and engage with this wonderful area by granting public access to the land.

I support the resolution (SFBOS file # 160183) to allow responsible access to the SFPUC watershed lands over existing service road such as Fifield-Cahill Ridge, Pilarcitos Road, Whiting Ridge, Old Cañada, and to historical sites for the following reasons:

-Access to the watershed's existing dirt roads would allow hikers, cyclists and equestrians to visit the area's largest and most scenic unused, publicly held open space, integrating National, State and County parklands across the San Francisco Peninsula.

-At this time there are no significant, scientific concerns over water security, fire safety or environmental stewardship. Prior to opening a complete environmental investigation will surface any environmental issues that need to be addressed.

-The "trails", dirt roads actually, are currently used by SFPUC trucks on a daily basis. They could easily be designated as a trail system, much as is done in the Marin County and Santa Clara County Watersheds.

Please also retire the "mandatory docent system". There are times when we will need to enjoy these lands with out being forced into a large group. This approach works well in other watershed lands across the state, there's no reason it shouldn't work on the Peninsula.

I ask for your support of Resolution 160183 and for SFPUC to work cooperatively with San Mateo County to improve access to the watershed.

I truly hope to experience engaging with this land in the near future.

Thank you,

Carly McCaffrey
2990 Turk St, San Francisco

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; Somera, Alisa (BOS)
Subject: FW: Sierra Club Comments on File NO. 160183

From: Feinstein Arthur [mailto:arthurfeinstein@earthlink.net]
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To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
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The Sierra Club does encourage the SF PUC to expand its already successful docent program to enable more people to experience the Watershed under a supervised program that ensures that increased public access will not result in wildfires that will impact our water supply for many years.

Arthur Feinstein, San Francisco Bay Chapter, Sierra Club
590 Texas Street
SF, CA 94107
415-680-0643

From: nmalafouzos@netzero.net
Sent: Wednesday, September 21, 2016 1:48 PM
To: Board of Supervisors, (BOS)
Subject: SF Watershed

Dear Members of the San Francisco Board of Supervisors,

I am writing you today to hopefully have you oppose the opening of the San Francisco Watershed to unrestricted public use.

I fortunately worked for the City and County of San Francisco since 1981. I recently retired in January of this year. The last 30 years I worked for the SF Water Dept. at the Millbrae Yard. As a equipment mechanic and later as an operating engineer, I had the opportunity to to travel through and work in the Watershed. Needless to say, I was very fortunate to have the privilege. I am also a mountain bike docent for the Watershed.

I feel allowing unsupervised public access to the Watershed would negatively impact the ecosystem and the native wildlife. All it would take is one individual to cause irreparable damage. As I always tell the people I lead on our rides when they ask why there isn't open access, is that they are special. They actually made the effort to make arrangements with the PUC to attend the ride. Which to me shows a certain amount of respect for the Watershed. And it allows the Watershed to maintain it's pristine environment.

Considering how vast the Watershed is, It would also be very difficult and expensive in terms of staffing Watershed Keepers to patrol the large amount of property there is.

Thank you for your time and consideration on this matter.

Respectfully yours,
Nick Alafouzos

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From: Mike Weisberg <mikey.weisberg@gmail.com>
Sent: Wednesday, September 21, 2016 12:43 PM
To: Board of Supervisors, (BOS)
Subject: Please do not open up the water shed

To the Board of Supervisors
My name is Michael Weisberg
150 Olive Hill Lane
Woodside, CA 94062

The Cal Water Water Shed is a beautiful , pristine area the is home on many species of wild life and one of the last refuges for in the area. This area is one of the cornerstones of our community and opening it up will destroy it. Take a look at the way people damaged the Mid Peninsula land. I have hiked those trails for 45 years and when they let in bicycles it got even worse. Their rangers have had to go on trail with a radar guns because the speeds were in excess of 35 mph and you add the yelling, squeaky brakes and sliding tires, we will no longer have any wild animals.

There is
really have no good reason to open it up and no right to damage such a beautiful area. Must we destroy and kill every natural thing.
Not to mention an ever increase risk of fire and erosion.
NO!!!

Thank you in advance for voting NO
on opening up this land.

Michael Weisberg

Sent from my iPhone

From: Vi Croop <vcroop@reinventures.com>
Sent: Wednesday, September 21, 2016 12:26 PM
To: Board of Supervisors, (BOS)
Subject: San Francisco Peninsula Watershed Proposal

To: Board.of.Supervisors@sfgov.org

Members of the Board of Supervisors, I urge you to oppose opening the San Francisco Peninsula watershed. This proposal asks San Francisco to pay for a plan that would harm us all, for the short term benefit of a small number of Peninsula hikers and bikers who already have many, many miles of Open Space to hike and bike on and around the Peninsula. They don't need the watershed. There's already a docent program that allows visiting the watershed without tearing down its protective fences. The watershed already serves its key purpose to us all: as part of our water supply. Because of its special protected condition, it also has the highest concentration of endangered and threatened species in the Bay Area.

The proposal's advocates claim the process should be as simple as taking down a few fences. The true cost is enormous, both monetary and possibly in human life. It would include staff, studies, and planning for habitat, trail, and traffic management on a scale that exists nowhere else in the area. The watershed is a known habitat for the mountain lion. Tear down the fences and let the people in and you are endangering the lives of adults, children and dogs. The mountain lions would have more to prey on than just deer!

The watershed is near a public landfill, and there is constantly trash (furniture, chemicals, home waste, etc.) dumped along the watershed fences. Can you just imagine what it would be like if those people could "hide" and dump their trash actually in the watershed area?! Hikers and bikers inevitably increase fire risk and bring in seeds that harm the local ecosystem and dogs who are let loose to run and play (even if they are required to be "on-leash") will disturb nesting birds and other animals. Take down the fences and watershed personnel will be constantly fighting to keep the watershed safe.

This proposal does not require environmental studies and funding, but should. The open the watershed movement claims there will be, but not so. In reality this proposal tries to rush the process. Think about where the funding for this is going to come from. San Francisco tax payers won't be happy if their tax money goes to funding something very few will ever see the benefits of.

Local groups like the Sierra Club, Audubon Society, California Native Plant Society, etc. all oppose this proposal. I ask you to think of the wellbeing of all who need the watershed -- not just in a year, or in ten years, but for generations. As Flint, Michigan reminded us, a water supply is the last thing we should make hasty decisions about.

Please reject this dangerous plan.

Thank you,

Vi Croop

From: Mike Liebhold <mdl@well.com>
Sent: Wednesday, September 21, 2016 11:54 AM
To: Board of Supervisors, (BOS)
Cc: kingsmtn@yahoogroups.com
Subject: Conservation of the SF Watershed

Dear Members of the Board of Supervisors,

I am writing today, to encourage you to oppose opening the San Francisco Peninsula watershed.

As a 40 year neighbor to the watershed and a hiker and mountain biker, I can assure there are already hundreds of miles of great hiking and mountain bike trails nearby on the peninsula that are used well below capacity. Even on weekends and holidays, many of the open trails are rarely used. (See <http://www.openspace.org/preserves>) There is simply no human need at all to risk harm by opening yet another pristine ecosystem and home to a rich variety of endangered and threatened species.

Perhaps some of you read recently that 10% of the world's wilderness has been lost to development since the 1990s. (*see below) Naturally all of us expect a world leading environmentally sensitive community like San Francisco will demonstrate great wisdom preserving our wilderness for future generations.

Many thanks, in advance for you wise decision.

Yours Truly,

Michael Liebhold
10 Durham Road
Woodside, Ca

A tenth of the world's wilderness lost since the 1990s
<https://www.sciencedaily.com/releases/2016/09/160908130838.htm>

Researchers reporting in the journal Current Biology show catastrophic declines in wilderness areas around the world over the last 20 years. They demonstrate alarming losses comprising a tenth of global wilderness since the 1990s -- an area twice the size of Alaska and half the size of the Amazon. The Amazon and Central Africa have been hardest hit.

The findings underscore an immediate need for international policies to recognize the value of wilderness areas and to address the unprecedented threats they face, the researchers say.

"Globally important wilderness areas -- despite being strongholds for endangered biodiversity, for buffering and regulating local climates, and for supporting many of the world's most politically and economically marginalized communities -- are completely ignored in environmental policy," says Dr James Watson of the University of Queensland in Australia and the Wildlife Conservation Society in New York. "Without any policies to protect these areas, they are falling victim to widespread development. We probably have one to two decades to turn this around. International policy mechanisms must recognize the actions needed to maintain wilderness areas before it is too late. We probably have one to two decades to turn this around."

Watson says much policy attention has been paid to the loss of species, but comparatively little was known about larger-scale losses of entire ecosystems, especially wilderness areas which tend to be relatively

understudied. To fill that gap, the researchers mapped wilderness areas around the globe, with "wilderness" being defined as biologically and ecologically intact landscapes free of any significant human disturbance. The researchers then compared their current map of wilderness to one produced by the same methods in the early 1990s.

This comparison showed that a total of 30.1 million km² (around 20 percent of the world's land area) now remains as wilderness, with the majority being located in North America, North Asia, North Africa, and the Australian continent. However, comparisons between the two maps show that an estimated 3.3 million km² (almost 10 percent) of wilderness area has been lost in the intervening years. Those losses have occurred primarily in South America, which has experienced a 30 percent decline in wilderness, and Africa, which has experienced a 14 percent loss.

"The amount of wilderness loss in just two decades is staggering" Dr Oscar Venter of the University of Northern British Columbia. "We need to recognize that wilderness areas, which we've foolishly considered to be de-facto protected due to their remoteness, is actually being dramatically lost around the world. Without proactive global interventions we could lose the last jewels in nature's crown. You cannot restore wilderness, once it is gone, and the ecological process that underpin these ecosystems are gone, and it never comes back to the state it was. The only option is to proactively protect what is left."

Watson says that the United Nations and others have ignored globally significant wilderness areas in key multilateral environmental agreements and this must change.

"If we don't act soon, there will only be tiny remnants of wilderness around the planet, and this is a disaster for conservation, for climate change, and for some of the most vulnerable human communities on the planet," Watson says. "We have a duty to act for our children and their children."

From: ruth <ruth.waldhauer3@gmail.com>
Sent: Wednesday, September 21, 2016 11:14 AM
To: Board of Supervisors, (BOS)
Subject: San Francisco Peninsula Watershed

Please protect the San Francisco Peninsula Watershed. Do not open it to the public. There is already a decent program that allows visiting the watershed without tearing down its protective fences.

Keep our water fully safe.

Sincerely,
Ruth Waldhauer

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; Somera, Alisa (BOS)
Subject: File 160183 FW: Please protect the Peninsula Watershed

From: Lieven [mailto:lievenleroy@yahoo.com]
Sent: Tuesday, September 20, 2016 4:32 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Please protect the Peninsula Watershed

Members of the Board of Supervisors, I urge you to oppose opening the San Francisco Peninsula watershed.

I've lived, worked, and hiked in San Francisco and the Bay Area for 25 years. The watershed already serves its key purpose to us all: as part of our water supply. Because of its special protected condition, it also has the highest concentration of endangered and threatened species in the Bay Area. This proposal asks San Francisco to pay for a plan that would harm us all, for the short term benefit of a small number of Peninsula hikers and bikers.

The proposal's advocates have advertised with videos literally claiming the process should be as simple as taking down a few fences. The true cost is enormous, and would include staff, studies, and planning for habitat, trail, and traffic management on a scale that exists nowhere else in the area. (The Marin watershed, for example, has a large staff and a constellation of supporting organizations, even though it sees much less traffic than the Peninsula would.)

The watershed is near a public landfill, and I regularly find trash (furniture, chemicals, home waste, etc.) dumped along the watershed fences. Hikers and bikers inevitably increase fire risk and bring in seeds that harm the local ecosystem. Dogs disturb nesting birds and other animals. Take down the fences, and all those dangers creep closer to our water supply.

The open the watershed movement glibly claims there will be environmental studies and funding. But this proposal offers nothing of the sort, and in reality tries to rush the process. It would destroy exactly what has made the watershed unique.

The local Sierra Club, Audubon Society, California Native Plant Society, etc. chapters all oppose this proposal. I ask you to think of the wellbeing of all who need the watershed - not just in a year, or in ten years, but for generations. As Flint, Michigan reminded us, a water supply is the last thing we should make hasty decisions about.

Please reject this dangerous plan.

Thank you,
Lieven Leroy

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; Somera, Alisa (BOS)
Subject: 160183 FW: protect the water shed

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

From: Joanne McMahon [mailto:joannemahon3772@comcast.net]
Sent: Tuesday, September 27, 2016 9:11 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Carolyn Chaney <cchaney@sfsu.edu>
Subject: protect the water shed

Dear Board of Supervisors,

Please protect the Peninsula Water Shed from opening up for recreation. Instead, expand the docent program. Let the public use the many trails available to them in the area. We need to make sure our water source remains pure and the area pristine to insure safe drinking water for the residences who consume this water.

This issue has been discussed for many years. In the past the water supply was guarded. Please continue to protect the area.

Thank you for your consideration.

Joanne McMahon
350 Ludeman Lane, Millbrae, CA

From: Dave Pine <dpine@smcgov.org>
Sent: Tuesday, September 27, 2016 9:53 AM
To: Peskin, Aaron (BOS); BreedStaff, (BOS); Campos, David (BOS); Mar, Eric (BOS); Kim, Jane (BOS); Avalos, John (BOS); Tang, Katy (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Yee, Norman (BOS); Wiener, Scott
Cc: Somera, Alisa (BOS); Lee, Mayor (MYR); commissioners@sfwater.org; Board of Supervisors, (BOS); Andy Howse; CKrenz; gkremen@valleywater.org
Subject: SFBOS File #160183 - SUPPORT of Resolution to Increase Access to the SFPUC's Peninsula Watershed Lands
Attachments: DP Letter.09.26.16.doc

Honorable Supervisors:

Attached and copied below is my letter in support of the resolution that you will be considering today to increase access to the SFPUC's Peninsula Watershed Lands.

Regards,

Dave

Dave Pine
Supervisor, District 1
San Mateo County Board of Supervisors
400 County Center, 1st Floor
Redwood City, CA 94063
(650) 363-4571 (w)
(650) 814-3103 (m)
dpine@smcgov.org

HALL OF JUSTICE AND RECORDS
400 COUNTY CENTER
REDWOOD CITY, CA 94063



TEL: (650) 363-4571
FAX: (650) 368-3012
E-MAIL: dpine@co.sanmateo.ca.us

DAVE PINE
SUPERVISOR, FIRST DISTRICT
SAN MATEO COUNTY

September 26, 2016

Honorable San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Re: SFBOS File #160183 - SUPPORT for Resolution Urging the San Francisco Public Utilities Commission to Expand Access to the Peninsula Watershed

Honorable Supervisors:

As a member of the San Mateo County Supervisors who represents many communities that would benefit directly from increased access to the existing trails and roads in the San Francisco Public Utilities (SFPUC) Peninsula Watershed Lands, I write in support of the above referenced resolution.

There is a severe shortage of publicly accessible open space lands in the northern portion of San Mateo County. While southern and coastal San Mateo County have abundant parks and open space, that is not the case in the north county. Today, my constituents who reside in Burlingame, Millbrae, San Bruno and South San Francisco, live directly adjacent to the SFPUC Peninsula Watershed lands yet can access them only on an extremely limited basis through a docent program. Nearby open space is of particular importance to lower income residents who often rely on public transportation and cannot easily access parks and trails in more distant locations.

The proposal to implement a monitored annual permit system along the Fifield-Cahill Ridge Trail is a sound one as it would allow more public access while educating visitors about the environmentally sensitive nature of the Peninsula Watershed Lands. As noted in the resolution you are considering, this permit system should be implemented by the summer of 2017. There is no need to couple the implementation of a permit system on an existing trail with the Bay Area Ridge Trail Extension project which will likely take considerably more time to complete.

In addition, I am pleased that the resolution calls for the SFPUC to report on the feasibility of opening the Whiting Ridge Trail. This trail would connect a number of regional parks and provide a key segment in a coast to bay trail. Such a trail would be a sensational addition the Bay area trail system.

I recognize that some have raised concerns that increased access will impair the SFPUC water supply, create fire risks, and result in trespassing that will harm unique habitats. I believe these risks are not of a magnitude that would outweigh the importance of increased public access. And to put these risks in perspective, it should be noted that today hundreds of thousands of people use the Crystal Springs Regional Trail, which is directly adjacent to the Crystal Springs reservoir, without any material adverse impacts.

I urge you to support the proposed resolution which would increase public access to the Peninsula Watershed lands on existing roads and trails while still protecting the water supply and the unique environmental feature of these lands .

Sincerely,



Dave Pine
San Mateo County Supervisor, District 1

HALL OF JUSTICE AND RECORDS
400 COUNTY CENTER
REDWOOD CITY, CA 94063



TEL: (650) 363-4571
FAX: (650) 368-3012
E-MAIL: dpine@co.sanmateo.ca.us

DAVE PINE
SUPERVISOR, FIRST DISTRICT
SAN MATEO COUNTY

September 26, 2016

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

Re: SFBOS File #160183 - SUPPORT for Resolution Urging the San Francisco Public Utilities Commission to Expand Access to the Peninsula Watershed

Honorable Supervisors:

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I urge you to support the proposed resolution which would increase public access to the Peninsula Watershed lands on existing roads and trails while still protecting the water supply and the unique environmental feature of these lands .

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Pine", with a stylized flourish at the end.

Dave Pine
San Mateo County Supervisor, District 1

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; Somera, Alisa (BOS)
Subject: File 160183 FW: Support Opening the Watershed

From: Andy Nourse [mailto:andy@tiedye.com]
Sent: Tuesday, September 27, 2016 11:14 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Support Opening the Watershed

I am a Kings Mountain resident and I support the proposal to open trails in the watershed.

I moved here 24 years ago and took up mountain biking shortly thereafter. I would welcome the new trails, which would connect to some existing trails, and allow me to avoid having to ride on Highway 35 so much.

Sincerely

Andrew Nourse
40 Forest Road
Woodside (Kings Mountain)

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: Historic Street Lamps on Van Ness - File No. 160993

From: Supporters of Van Ness [mailto:vannesscoalition@gmail.com]
Sent: Thursday, September 15, 2016 11:53 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Historic Street Lamps on Van Ness

RE: SUPPORT - Resolution to preserve the historic character of the Van Ness Corridor through reuse as well as replication of the Van Ness Avenue Historic Streetlamps

Dear Supervisors:

I write to express my strong support of Supervisor Aaron Peskin's proposed resolution, introduced on September 13, 2016, calling on SFMTA to fully explore the feasibility of reusing and/or replicating the Van Ness Avenue Historic Streetlamps.

In conjunction with the proposed Bus Rapid Transit (BRT) Project, I am dismayed that SFMTA is planning to remove the vast majority of the 259 Beaux Arts trolley poles, lamps, and brackets that have lined Van Ness Avenue since the opening of the Golden Gate Bridge. Despite their significance to the character and identity of San Francisco, SFMTA has failed to consider the feasibility of reusing and/or replicating the streetlamps as part of the BRT Project. Although SFMTA has agreed to retain four historic streetlamps located within the Civic Center National Historic Landmark District, the remaining 255 lamps on the twenty-two blocks of Van Ness Avenue outside of the Civic Center are slated for imminent demolition.

The Coalition to Save the Historic Streetlamps of Van Ness, is calling on SFMTA to make every effort to avoid their removal. With the installation of new landscaping and BRT stations, retention and reuse of the "Historic Streetlamps of Van Ness" would provide the architectural framework and historical continuity for new development along the entire Van Ness corridor, and celebrate civic pride to unite old and new San Francisco.

I strongly support the preservation and continued use of these historic streetlamps as we continue to revitalize this important architectural and transportation corridor.

Sincerely,

Supporters of Van Ness

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; BOS Legislation, (BOS)
Subject: FW: item 34. 09/26/2016 Meeting Calendar # 160993

From: John Barbey [mailto:kingswestonhousejohnb@gmail.com]
Sent: Tuesday, September 20, 2016 4:55 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: item 34. 09/26/2016 Meeting Calendar # 160993

Dear S.F. Supervisor,

Could you **please support this Resolution # 160993** to support preservation of the extraordinary row of Beaux Arts street-lamps on Van Ness Avenue

The exquisite **259** 1915 street lights, which line the whole length of Van Ness Avenue still appear to be in very good repair and have long had world-wide reknown as some of the **most beautiful street-lights ever designed**. They were created when Van Ness was the most prominent avenue in San Francisco, and still co-ordinate perfectly with the large commercial structures. that line the entire 2 miles of Van Ness Avenue, the majority of which are still Edwardian, Victorian, or early 20th Century.

Would appear that the only reason to replace them is a minor improvement to street-bus wires, which makes this even more lamentable. The drastic and costly alterations to Market Street just made are already a spectacular failure, adding only 2 minutes to Public Transit & taxi commute times.

It would be a tragic mistake to obliterate this major historic resource for practically no reason.

Sincerely,

John Barbey

50 Liberty Street
San Francisco
CA 94110



870 Market St., Suite 1179, San Francisco, CA 94102
Tel.:415.989-1899 Fax:415.291.8386

September 19, 2016

BDS-11
Spack
File 160993
RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2016 SEP 20 PM 2:35

BY ELB

RE: SUPPORT – Resolution to preserve the historic character of the Van Ness Corridor
Through reuse as well as replication of the Van Ness Avenue Historic Streetlamps

Dear Members of Board of Supervisors:

I write to express my strong support of Supervisor's Aaron Peskin's proposed resolution, introduced on September 13, 2016, calling on SFMTA to fully explore the feasibility of reusing and/or replicating the Van Ness Avenue Historic Streetlamps.

In conjunction with the proposed Bush Rapid Transit (BRT) Project, I am dismayed that SFMTA is planning to remove the vast majority of the 259 Beaux Arts trolley poles, lamps, and brackets that have lined Van Ness Avenue since the opening of the golden Gate Bridge. Despite their significance to the character and identity of San Francisco, SFMTA has failed to consider the feasibility of reusing and/or replicating the streetlamps located within the Civil Center National Historic Landmark District, the remaining 255 lamps on the twenty-two blocks of Van Ness Avenue outside of the Civic Center are slated for imminent demolition.

The Coalition to save the Historic Streetlamps of Van Ness, is calling on SFMTA to make every effort to avoid their removal. With the installation of new landscaping and BRT stations, retention and reuse of the "Historic Streetlamps of Van Ness" would provide the architectural framework and historical continuity for new development along the entire Van Ness corridor and celebrate civic pride to unite old and new San Francisco.

I strongly support the preservation and continued use of these historic streetlamps as we continue to revitalize this important architectural and transportation corridor.

Regards,
Manderley Realty, Inc.
By

Nelson Lam, BRE#01444811

GEOFFREY ADAMS
ATTORNEY AT LAW

September 19, 2016

1177
870 MARKET STREET, SUITE 916, SAN FRANCISCO, CALIFORNIA 94102
TEL. (415) 956-4450 FAX (415) 291-8386

RE: SUPPORT – Resolution to preserve the historic character of the Van Ness Corridor
Through reuse as well as replication of the Van Ness Avenue Historic Streetlamps

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 SEP 20 PM 2:34

Dear Members of Board of Supervisors:

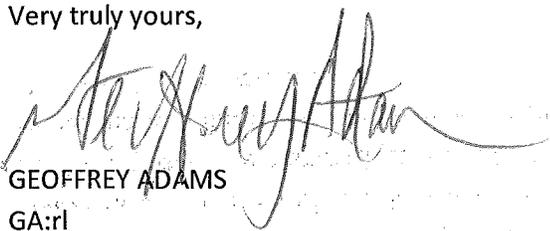
I write to express my strong support of Supervisor's Aaron Peskin's proposed resolution, introduced on September 13, 2016, calling on SFMTA to fully explore the feasibility of reusing and/or replicating the Van Ness Avenue Historic Streetlamps.

In conjunction with the proposed Bush Rapid Transit (BRT) Project, I am dismayed that SFMTA is planning to remove the vast majority of the 259 Beaux Arts trolley poles, lamps, and brackets that have lined Van Ness Avenue since the opening of the golden Gate Bridge. Despite their significance to the character and identity of San Francisco, SFMTA has failed to consider the feasibility of reusing and/or replicating the streetlamps located within the Civil Center National Historic Landmark District, the remaining 255 lamps on the twenty-two blocks of Van Ness Avenue outside of the Civic Center are slated for imminent demolition.

The Coalition to save the Historic Streetlamps of Van Ness, is calling on SFMTA to make every effort to avoid their removal. With the installation of new landscaping and BRT stations, retention and reuse of the "Historic Streetlamps of Van Ness" would provide the architectural framework and historical continuity for new development along the entire Van Ness corridor and celebrate civic pride to unite old and new San Francisco.

I strongly support the preservation and continued use of these historic streetlamps as we continue to revitalize this important architectural and transportation corridor.

Very truly yours,


GEOFFREY ADAMS
GA:rl

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; BOS Legislation (BOS)
Subject: File 160993 FW: SUPPORT - Resolution to preserve the historic character of the Van Ness Corridor through reuse as well as replication of the Van Ness Avenue Historic Streetlamps

From: Lara DeCaro [mailto:laranjava@gmail.com]
Sent: Friday, September 16, 2016 2:50 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: SUPPORT - Resolution to preserve the historic character of the Van Ness Corridor through reuse as well as replication of the Van Ness Avenue Historic Streetlamps

Dear Members of Board of Supervisors:

I write to express my strong support of Supervisor Aaron Peskin's proposed resolution, introduced on September 13, 2016, calling on SFMTA to fully explore the feasibility of reusing and/or replicating the Van Ness Avenue Historic Streetlamps. While I realize that the trees along Van Ness are unfortunately not a part of the Resolution I want to address them, as well.

In conjunction with the proposed Bus Rapid Transit (BRT) Project, I am dismayed that SFMTA continues to disregard alternate plans for trees, and is planning to remove the vast majority of the 259 Beaux Arts trolley poles, lamps, and brackets that have lined Van Ness Avenue since the opening of the Golden Gate Bridge. Despite their significance to the character and identity of San Francisco, SFMTA has failed to consider the feasibility of reusing and/or replicating the streetlamps as part of the BRT Project. Although SFMTA has agreed to retain four historic streetlamps located within the Civic Center National Historic Landmark District, the remaining 255 lamps on the twenty-two blocks of Van Ness Avenue outside of the Civic Center are slated for imminent demolition.

City records indicate that funding for the BRT does not actually exist. It seems beyond premature to remove street lamps or trees without dedicated funding to ensure project success - or even project implementation. What will happen when we have spend thousands and have no trees or lamps, old or new?

I strongly support the preservation and continued use of these historic streetlamps together with the preservation of the much-needed mature trees lining this corridor.

Sincerely,

Lara DeCaro

1467 Green Street

San Francisco, CA 94109

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: I'm the 4,327th signer: "Stop SFMTA (San Francisco Municipal Transportation Agency)"

From: geoffrey klein [mailto:petitions-noreply@moveon.org]
Sent: Monday, September 26, 2016 10:08 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: I'm the 4,327th 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, 4,327 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://pac.petitions.moveon.org/target_talkback.html?tt=tt-23483-custom-54063-20260926-7sPC0e

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:

this is only part of the problem. the mta's stated goal is to socially engineer privately owned vehicles out of sf. they arent just making it more expensive to park in the city, they are removing parking spaces with the vision zero and other projects. they have removed 150 feet of parking from the rossi park side of arguello blvd for a right hand turn lane. the entire arguello blvd is allegedly about safety, yet they are the ones who have made it unsafe, by taking a four lane blvd, adding a bus line (that no one uses) a bike lane, and turning it into a two lane street, with no real traffic controls at any of the major intersections the mta is a rogue dept that must be stopped...and this petition will not do that.

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=1858695&target_type=custom&target_id=54063

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=1858695&target_type=custom&target_id=54063&csv=1

geoffrey klein
san francisco, CA

From: L C <captainlbc@hotmail.com>
Sent: Wednesday, September 21, 2016 11:00 AM
To: Lee, Mayor (MYR)
Cc: planning@rodneymfong.com; Rahaim, John (CPC); Secretary, Commissions (CPC); cwu.planning@gmail.com; Board of Supervisors, (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Avalos, John (BOS); Pollock, Jeremy (BOS); Peskin, Aaron (BOS); Campos, David (BOS); Richards, Dennis (CPC)
Subject: Wireless Antennas -
Importance: High

Dear Mayor Lee,

There was a victory for the city on the wireless antennas. I encourage you to strengthen the protection of citizens of San Francisco by considering their needs prior to any other potential interests. I also encourage you to instruct your appointees at the Board of Appeals to exercise their authority that the California Court of Appeal has affirmed and vote to deny permits for wireless facilities in the City's public right-of-way when residents ask them to do so. So far, the behavior of the Board of Appeals has been appalling on this front.

In 2015 alone, there was an increase in approved wireless antennas by 1137%!

Wireless Box Permits Issued in San Francisco

2015-2016	371
Average 2011-2014	30
Average 2008-2014	51
Growth of Issuance of Wireless Boxes (2015-2016)	1137%
Growth in Population of San Francisco (since 2011)	6%

Source: www.sfpublishworks.org and US Census Bureau

Sincerely,
 Ludwig

On September 15, 2016, the First District of the California Court of Appeal issued its opinion in the case T-Mobile West LLC v. City and County of San Francisco, affirming the City's authority to regulate wireless facilities proposed for light and utility poles in its public rights-of-way (PROW) based upon aesthetic considerations.

This is an important victory for California residents and opens the door for other local governments across the state to implement their own wireless permitting regimens for facilities proposed for PROW.

T-Mobile's attorneys will likely appeal the decision to the California Supreme Court, but whether the Supreme Court will agree to accept the case and, if it does, what its decision might be, remain open questions.

The full opinion may be accessed at the Court of Appeals website:

<http://www.courts.ca.gov/opinions/documents/A144252.PDF>

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: Voting System Modernization

From: Alan Dechert [mailto:dechert@gmail.com]
Sent: Monday, September 26, 2016 3:36 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Voting System Modernization

Dear San Francisco Supervisors --

Here is a copy of the letter I delivered September 22 to the California Secretary of State.

BTW, CCSF is referenced quite a few times in the letter.

Among other benefits, Secretary Padilla has an opportunity to save counties (and taxpayers) many millions of dollars with a better concept for new voting systems.

<http://openvoting.org/ad/dechert2SosAlexPadilla.pdf>

All county supervisors statewide are cc'd on it.

Thank you.

Alan Dechert

September 22, 2016

Secretary of State Alex Padilla
1500 15th Street
Sacramento, CA 95814

RE: **Request for Support of Open Source Voting and CAVO**

Dear Secretary Padilla:

We appreciate the opportunity to speak at length with your Chief of Legislative Affairs, James Schwab, in your offices on September 8th. It was a good opportunity for us to get a better idea of your plans, and for us to give you a better idea of what we've done and what we are trying to accomplish. Brent Turner and I had met with you and Mr. Schwab prior to you taking office, and this was the first chance to meet since you took office in 2015. Brigitte Hunley, of the California Democratic Party, joined us.¹

While we covered many things, we came to the meeting to ask you to become a member and actively promote California Association of Voting Officials (CAVO) whose goal is to make the voting process more transparent, trustworthy, and affordable. An *essential feature* of this improved technology is the use of *open source solutions*.

Mr. Schwab gave an initial answer: The Secretary of State can't promote an open source voting system (or systems) because it would compete with other systems the Secretary of State has to certify. It would be a conflict of interest. Regarding actively promoting open source voting and CAVO, Mr. Schwab said, "we would not be comfortable doing that."

We urge you to reconsider your position now and join us for four main reasons:

1. Open source voting technology will be better and less expensive.
2. Privatization of important aspects of the voting process has not worked well. The Los Angeles County Voting System Assessment Project has provided important clues about making the system public, but this needs to be statewide and with better technical input and oversight.
3. Timing is critical. As you have pointed out, the current fleet of voting systems is obsolete and in need of replacement.
4. You can help establish a *durable* repository of information and technology for the benefit of all counties and cities in California.

Los Angeles County, the largest jurisdiction in the country, claims to be working toward open source voting. However, this publicly funded project is geared toward an idiosyncratic system, and the results are not likely to be easily shared with other counties and cities.

1 Photo taken in your office, L to R, Brent Turner, Brigitte Hunley, Alan Dechert; by James Schwab:
<http://openvoting.org/ad/sos8sep.jpg>

Los Angeles has assembled commodity components into a highly customized and expensive voting machine, rendering it impractical. Casting a paper ballot without having the voter touch it has been suggested for maximum accessibility, but it is not required. In fact, this feature is mainly vendor-driven to create a niche product.

As laudable as it may be to make voting machines as accessible as possible, there are limits to enabling everyone to vote privately and without assistance at the poll site. If we accept the Los Angeles voting machine requirements, it would make poll site voting so expensive it would be eliminated. Ultimately, smart phones will maximize accessibility, but we are not there yet.

I² pointed out that you are obligated to protect proprietary systems from disclosure of trade secrets when they are submitted to you for certification. Mr. Schwab said “that’s the law.” But you are not obligated to protect voting technology from disclosure that was never hidden in the first place, and doesn’t harbor trade secret methods to count votes.

Certification of open source systems can be easier and better than with proprietary ones. Public universities can participate *without* the need to protect trade secrets in a closed process.

To maximize efficiency and economy, *we need standardization*. We need standard data formats and standard methods. How do we even know if good standards are being followed when details like source code are systematically kept secret?

As a matter of fact the government has a direct and compelling interest toward risk management to inspire voter confidence. A transparent and secure environment via open source is the scientific answer to prevent against public doubts and unrest.

Here is further data and testimony on ten topics we discussed or touched upon:

1. Copy of handout for CAVO presentation at NACo national conference.

Brent Turner gave an invited presentation at the annual conference of the National Association of Counties July 22 regarding *The Future of Voting Technology*³. Los Angeles County Registrar Recorder, Dean Logan, spoke just before Brent. Mr. Logan was showing off their latest prototype.

The handout⁴ we prepared for this event has a good summary of the argument for open source voting.

2 For the record, I helped organize CAVO in late 2013, and I continue to support and promote CAVO in every way I can. I am currently an unpaid consultant to CAVO. I worked as a programmer/analyst in the 1990s, and worked for several years as a software test engineer at Intel’s R&D center in Oregon and at Borland International on nine commercial products used by millions of computer users. I am familiar with product life cycle from concept to delivery and implementation. See this Wikipedia entry for more about CAVO and my former organization, OVC, described as CAVO “predecessor:”
https://en.wikipedia.org/wiki/California_Association_of_Voting_Officials

3 <http://openvoting.org/ad/naco-7-22.pdf>

4 <http://openvoting.org/ad/naco1sheet.pdf>

For example, we need the software to be shareable, and the GPL license helps facilitate that. I explained this using Professor Juan Gilbert's example in New Hampshire.

The insert at the bottom of the first page describes three basic features that new voting technology should have in order to be easy to share. Los Angeles lacks the three basic features.

At an earlier presentation of the prototype I attended (June) in Los Angeles, I said that voters like to see that their votes are counted correctly. I asked how ballots would be tabulated with this system. They said tabulation would be addressed in the next phase. They have a team working on what software license to use. After so many years, they can't answer the simplest and most basic questions.

The result in Los Angeles is especially disappointing since I invested so much time and effort to get the idea across. Over 15 years ago, Supervisor Antonovich asked the Registrar Recorder to investigate the feasibility of my proposal (open source with commodity components; print completed paper ballot in the voting booth)⁵.

I first met with Mr. Logan and his staff in March of 2008. By 2010, he said he would form or join a consortium to help make the technology shareable. Years later there was still no consortium, so we created CAVO. Mr. Logan can't say what open source license he will use, and his voting booth with commodity components is over-the-top complicated.

Mr. Logan often refers to the uniqueness of Los Angeles, including the many languages they have to support. However, in fact, it should not matter for the software if you support two languages or 20 languages. The software code should be the same. Language differences are stored in resource files.

Charitably, we compare his prototype to a concept car. It incorporates many features, but can't be considered for production as a whole. LA spent 14 million dollars on one sole source design contract with IDEO.

Despite his Frankenstein creation, maybe it's better than nothing. Mr. Logan has been talking about the need for a public voting system as opposed to the privatized system we have now.

More than fifteen years after our first discussions there, Mr. Logan says he is taking his time to "get it right." But it's not right. We need to burn the mill to end it.

2. We discussed the importance of a proper open source license in order for the software to be shareable. For example, one of our associates, Professor Juan Gilbert, provided New Hampshire with his "open source" Prime III voting software before he had licensed it as General Public License (GPL). New Hampshire made modifications, but

⁵ See <http://openvoting.org/ad/antonovich32201.pdf>

decided not to share the changes. They weren't obligated to do so since the software didn't have a license requiring them to do so.

New Hampshire Secretary of State Bill Gardner wrote Brent Turner a laudatory letter⁶ regarding Prime III, but we really want to see GPL licensed software that needs to remain public after modifications⁷.

I pointed out that lots of commercial software makes use of open source software with permissive (non-GPL) licensing, but then is no longer truly open source and shareable. For example, Apple used an open source version of Unix in their OS-X operating system. It's great they were able to make use of the free open source software, but OS-X itself is proprietary and not useful to the open source community.

Professor Gilbert has since assigned the GPL license to his Prime III system.

3. *The Secretary of State has often pushed back against efforts of open source advocates.* My experience with this office goes back to Bill Jones. His policy director, Chris Reynolds (still in your office), attended the presentation I gave to the Sacramento elections office in February 2001. At that time, we believed they would be getting rid of their punch card system. I wanted to set up a pilot program based on using free open source software and inexpensive hardware. The SoS feedback was critical, and negative, while the state was showing favoritism to Sequoia⁸.

In 2004, OVC sponsored Assembly Concurrent Resolution 242 (author, Jackie Goldberg) which asked the Secretary of State to investigate using open source for election software and issue a report by January 1, 2006.

Months before the deadline, we reminded Secretary McPherson of the request. We suggested that public hearings should be held since there was little source material on this subject. Initially, he seemed amenable to our suggestion but then backed off. He issued a cursory review written by staff without any serious investigation or hearings – and a month after the deadline.

Debra Bowen, then Chair of the state senate's elections committee, on February 8, 2006, held the first hearing ever on the subject of open source software for elections.

6 See <http://www.openvoting.org/ad/gardner.pdf>

7 This issue came to light in the San Francisco Elections Commission meeting of December 2015. Here are specific references from the recording at <https://www.youtube.com/watch?v=PnrHKXmbs74>. The discussion goes from about 30:50 to about 41:20 in the recording.
32:50 -- modifications not available (Jerdonek).
36:45 -- question about sharing modifications
38:30 -- are they happy to share it? (commissioner)
40:00 -- only concerned for making it work for themselves (Jerdonek)

8 For example, during the January 2001 California Assembly elections committee meeting (subject, Could California become another Florida?), Sequoia salesman gave a presentation of touchscreen paperless voting machine. No other vendor was giving a presentation.

Bowen loudly proclaimed support for open source voting⁹ when she was running for Secretary of State, but defaulted on her promise to make it a reality.

I mentioned to Mr. Schwab that the San Francisco Board of Supervisors (especially Scott Wiener) sounded like they were ready to join CAVO and fund open source¹⁰. Then, a few days later, they received a letter from former Deputy Secretary of State Lowell Finley¹¹ which contained specious and negative remarks about CAVO. This set us back more than a year. Mr. Schwab seemed aware of the letter and pointed out it was 4 months after he left office.

Nonetheless, Lowell Finley was touting his credentials as “Chief Counsel to the Secretary of State.” It was very influential, and devastating to our cause.

We would like to see you reverse this trend, and make the California Secretary of State a firm supporter of open source, and help us find a way to get it established here.

4. Progress in San Francisco with the open source voting project.

We outlined some of the progress we’ve made over the past 15 years getting this concept accepted, as well as some of the challenges. For example, in San Francisco, we were invited to speak at the Elections Commission meeting in October of last year. Elections Director Arntz concluded that while it looks like everyone wants open source, he could not use it because no open source system he needs has been certified. He said he would proceed with his Request for Proposals in January (which would have favored his current proprietary vendor, Dominion). I suggested Director Arntz be replaced. The next month, he reported that he would not go ahead with the RFP but would be doing open source instead. Some relevant authorities at the City and County of San Francisco apparently informed him that they really did want open source – not another round of proposals from the usual proprietary vendors.

Since then, the SF Board of Supervisors and the Mayor have allocated \$300,000 for some initial work toward open source for elections. SF would be further along if Los Angeles was more open about its findings and works. At a recent University of Florida event, although Mr. Logan stated he had “a team working on it,” he was still unable to say how the L.A. software would be licensed.

Travis County Texas has also started funding some work toward open source for elections. This could be useful to San Francisco and the cause generally, as long as the software license is open source as they’ve advertised. We will know more about this soon.

5. Untapped scientific talent ready to contribute to open source solutions.

Many scientists and engineers are enthusiastic about contributing to open source voting. However, the push back on OVC and now CAVO has stifled this great resource.

9 Listen to <http://openvoting.org/ad/Bowen-excerpt.mp3>

10 See <http://www.cavo-us.org/Newsletter/newsletter2.html>

11 See <http://openvoting.org/ad/finley2sfbos.pdf>

I pointed out to Mr. Schwab that there were scientists and engineers waiting to help OVC, but we needed to build momentum.

6. SB 450 is a partial solution at best – maybe not even a good solution. Mr. Schwab gave an example suggesting it might be more efficient for a county with 1000 precincts to have 500 voting centers open for 10 days than have poll sites at each of the 1000 precincts.

Equipment for poll sites could be much less expensive. Taxpayers could save a lot more with inexpensive equipment and free software, rather than cutting back on service.

I mentioned attending the August 2nd Assembly elections committee informational briefing where you were presenting the Colorado model. The Denver Director of Elections, Amber McReynolds, gave an extensive presentation.

After the presentation, I spoke with Ms. McReynolds and pointed out a gross error in her presentation. Her handout¹² says the “cost per vote” had gone down to \$2.88 in the 2014 General election. It came out during the presentation that she really was talking about cost per registered voter. I told her that her handout was incorrect claiming “cost per vote.” She said that the handout said, “cost per voter.” I showed where it said, “cost per vote.”

There can make a very large difference between cost per vote, cost per ballot cast, and cost per registered voter. For example, in the 2014 primary, Los Angeles had an 11 percent turnout. So, cost per ballot cast would be 9 times higher than cost per registered voter¹³.

Ms. McReynolds didn't make a clear distinction between ballot and vote. A vote is a preference indicated for a particular contest (or N of M in some cases). There could be many contests and votes on a ballot, or a few. A consolidated ballot may have many contests, so cost per vote could be lower than a ballot with few contests.

There are trade-offs, and some designs may make the voting process a better deal for a vendor (like Dominion). We should consider what is best for California voters.

California has 10% of the entire US population and many of the innovators in technology, including people behind open source software. There is no reason to ship money out of state to companies with such a poor track record. You need more and better data, as well

12 See <http://openvoting.org/ad/co-model.pdf>

13 This underscores a problem we see often with election officials playing loose with figures. To this day, good basic data on cost per vote is impossible to get from election officials. Often, close examination of the data shows faulty or missing assumptions. Some of them treat federal and state grants as free money and don't include amortization of these taxpayer dollars. They should also break out costs like cost-per-vote, cost-per-registered-voter, and cost-per-ballot-cast because they are all significant, and different.

as more discussion on this important topic before committing the state to a particular path.

You can achieve a much better service to voters and more efficient election administration utilizing programming talent and other resources available in California.

7. Companies like Samsung and Apple have spent billions to make smart phones and tablets highly accessible for people with many different limitations. Why try to outdo them?

There is no need for purpose-built accessible voting machines. Even if you don't think ballots can be returned by smart phone in the foreseeable future, they could still be used as purely accessible devices at the poll site. Tablets too have great accessibility features, and a variety of devices can be attached as the voter desires.

I gave Mr. Schwab my touchscreen tablet with a GPL voting application to try out. If used for elections, about the only thing we really need to add would be a molded plastic frame that would snap-on and cover the ports (and camera) so the voter would only see the screen. Such a device would only cost a dollar or two if made in quantity. For the OVC demos, we used foam board partitions that cost about three dollars per booth¹⁴.

I'm sure you've heard some scientists and engineers say "don't consider smart phone voting." However, there are plenty that will say it is feasible. We want to see you investigate this potentially valuable method.

Last year, we gave a presentation¹⁵ to the EAC via phone conference. SAP hosted the call. The NIST scientists involved with voting were also on the call. No one said it could not be done, and they said they wanted to see more.

At this point, we don't need you to commit to smart phone voting, but it is something you should seriously investigate. As for the EAC, regulations and laws, all this can change. The benefits are potentially very large: increased voting participation, maximize ability for voters with disabilities to vote privately and independently, and lower costs.

8. Open GIS has a similar consortium model with a variety of government agencies, universities, nonprofits, and for-profit companies, large and small.

To illustrate a model of government support for the consortium model, we often use the Open GIS consortium.¹⁶ The mix of participants is very similar to what we would anticipate with a fully functioning open source voting consortium. CAVO has the same structure – a 501(c)(6) mutual benefit nonprofit.

14 A voting system like we advocate – with free open source software and inexpensive commonly available hardware – would involve some custom hardware, but it would be minimal.

15 See <http://openvoting.org/ad/eac8may.pdf>

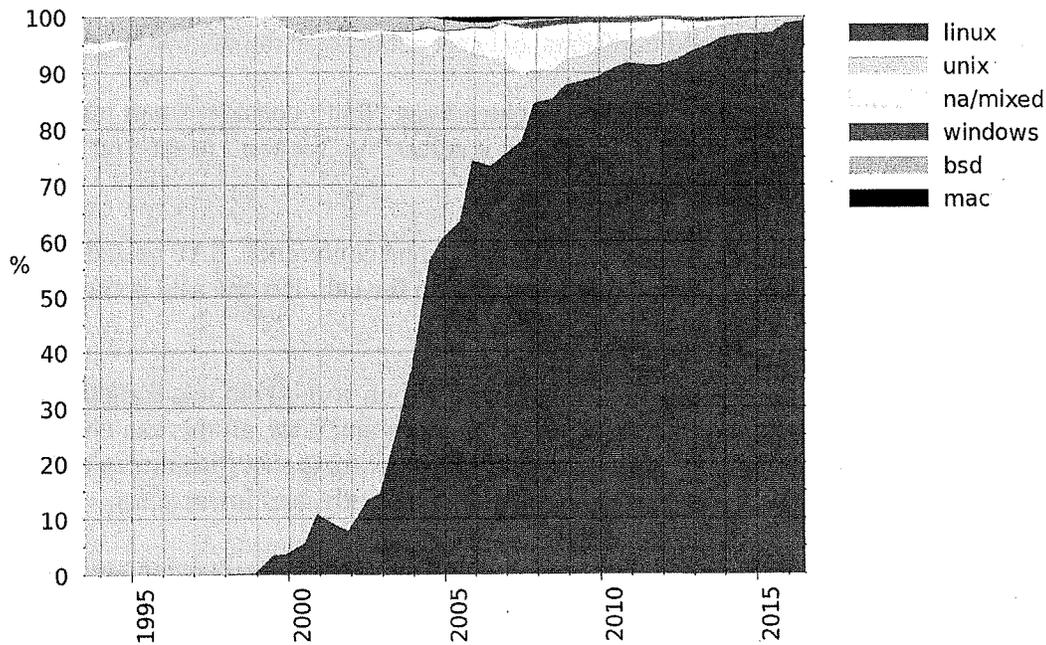
16 See <http://www.opengeospatial.org/ogc/members> and <http://www.opengeospatial.org/>

9. Mainstream businesses and governments are finding that open source software is meeting routine requirements at lower cost and greater efficiency. Why not for voting too? Why pay software license fees for proprietary products when there is a free and open source version that would do as well, or even better?

The answer to this question, has been something like, “because it requires investment to make the transition.” This should not be a show-stopper. Between federal, state, and local investment, new system voting system purchases in the 2000s amounted to nearly \$800 million in California.

The world is practically running on open source these days. Most web servers are running Apache, which is open source. The second most popular web server product, is also open source (NGINX, pronounced "engine x").

Linux, an open source operating system, has taken over the task of running supercomputers – now 99% of them running Linux.



Mr. Turner pointed out that the federal government is turning to open source for several applications, in the military, the legislature and in the White House.¹⁷

As you have pointed out, systems currently in use are obsolete and will need to be replaced in the coming years. Moving to open source will require some investment now, but can drive these costs down and keep the money in California.

¹⁷ See <https://www.whitehouse.gov/blog/2016/03/09/leveraging-american-ingenuity-through-reusable-and-open-source-software>

10. The Secretary of State's 2007 top-to-bottom review raises some important questions, like, "how was this software certified in the first place?"

This was the first time independent scientists and engineers had a chance to really examine the software. They found that very low quality software got through the certification process because the code was never thoroughly reviewed.

Secretary Bowen did not solve the problem. She de-certified the software, but then re-certified it with conditions. This was an ad hoc remedy at best, and did not address the underlying problem. You have a chance to solve the problem.

Open source may seem like a novel idea to some people in the elections world, but it is not novel in the computer world. **Peer review** makes a big difference. Our experience in New Hampshire inadvertently revealed an important issue: it's easier to keep the code secret to avoid criticism of peer reviewers.

In summary, the new voting technology you have been promoting is based on proprietary commercial systems that have this feature: important details of how votes are captured and tallied are systematically denied to the public. This would be a continuation of the status quo, which we believe is not in the public interest.

There is some progress, and we applaud your efforts and accomplishments so far. We ask for your help to make our public-private consortium a complete success. We can identify a few jurisdictions that want open source voting, while approaching all counties and encouraging them to support CAVO to achieve excellent low cost – open, maintainable and shareable – voting systems can be finished, certified and made easily available to all counties and cities in California.

Ms. Hunley suggested that a position on the CAVO Advisory Board would be appropriate for you, and that she wanted to work with Mr. Schwab on a response. I said it might be better if you were a voting director for CAVO.

You have a chance to make a very positive change for the State of California. We urge you to help us make open source voting successful in California that will be the blueprint for the entire country.

Sincerely,

[signed]

Alan Dechert

Courtesy Copies (electronic):

James Schwab, Chief of Legislative Affairs, CA Secretary of State

Tom Hicks, Chair, US Election Assistance Commission

Brian Newby, CAVO Advisory Board and Executive Director, US Election Assistance Commission

Brigette Hunley, CAVO Advisory Board, California Democratic Party, Computer & Internet Caucus
Brent Turner, CAVO Board Secretary
Tim Mayer, CAVO Board President
Kamala Harris, California Attorney General
Gavin C. Newsom, Lieutenant Governor of California
John Chiang, California State Treasurer
Dr. Shirley Nash Weber, Chair, CA State Assembly Committee on Elections and Redistricting
Ben Allen, Chair, CA Senate Elections and Constitutional Amendments Committee
Board of Supervisors, All 58 California Counties
Bryan Desloge, President, National Association of Counties (NACo)
Matthew Chase, Executive Director of the National Association of Counties (NACo)
Neal Kelley, President, California Association of Clerks and Election Officials
Jill Rowe, President, San Francisco Elections Commission
Naomi Kelly, Chair, San Francisco Committee on Information Technology
Andrew S. Tanenbaum, Professor emeritus of computer science, Vrije Universiteit, Amsterdam
Mark Shuttleworth, Founder, Canonical Ltd
Anna G. Eshoo, Congresswoman, California's 18th Congressional District
Pratt Wiley, Democratic National Committee
David Chasteen, Security Analyst, City and County of San Francisco
Jerry Brown, Governor of California
Matthew Boehmer, Director, Federal Voting Assistance Program
Rich Lindsey, Council of State Governments
Hank Johnson, Member of Congress
Sharon Laskowski, National Institute of Standards and Technology (NIST)
Arturo Vargas, National Association of Latino Elected Officials (NALEO)
Caitlyn Maple, CA Forward
Jay Nath, San Francisco County Office of Civic Innovation
Neil McClure, Election System Analyst
Warren Slocum, President, San Mateo County Board of Supervisors
David Wheeler, Institute of Defense Analysis
Nancy Pelosi, Minority Leader of the United States House of Representatives
Christine Pelosi, California Democratic party
Peter Harrell, Center for a New American Security--
Phil Ting, Member, California State Assembly
David Chiu, Member, California State Assembly
Bob Mulholland, DNC Member
Seamus Kraft, Open Gov Foundation
Ed Lee, Mayor of San Francisco
Eric Garcetti, Mayor of Los Angeles
Laura Maristany, National Association of Latino Elected Officials (NALEO)
Henry Berger, Special counsel to Mayor DeBlasio NYC
Ethan Jones, Chief Consultant, CA Assembly Elections and Redistricting Committee
Darren Chesin, CA Senate Committee on Elections and Constitutional Amendment



September 23, 2016

Mr. Aaron Starr
Manager of Legislative Affairs
San Francisco Planning Department
1450 Mission Street
Suite 400
San Francisco, CA 94103

Re Article 7 of the Planning Code

Dear Mr. Starr,

Thank you for the Planning Department Memo Dated September 16, 2016, in response to our letter to you dated September 2, 2016. We have a few brief comments which we believe need further consideration by the Department.

1. We continue to encourage the Department to hold a series of Supervisorial District tutorials in which (a) the purposes and mechanics of how the tables and defined terms work, and (b) the significance of the different abbreviated definitions.

You and others have said that there are no substantive changes in the reorganization, and that is just not correct in our opinion. It took you ten pages of single spaced type in your Memo to respond to our questions about changes, substantially all of which were substantive, and please keep in mind that WE DID JUST A SAMPLING OF THE DEFINITIONS AND CONTROL TABLES to find those

. In addition we have heard from neighborhood groups about selective changes which certainly were not just reorganizational. While you may have not seen any substantive consequences to the changes, they and we did.

Moreover, we asked you in one of our questions to explain in simpler terms the wholesale changes to the rules for nonconforming uses, because we did not understand whether changes were intended to be substantive or not. And you responded by withdrawing all of the proposed changes, but yet we were hearing of course that there were no substantive changes intended.

We have attended two of the outreach meetings which the Department e-organized. The program lasted about 30 minutes, exclusive of questions, of which were few or none, and the content was so abbreviated that one could not possibly understand what to look for much less digest it.

The lack of attendance is certainly not the fault of the Department. But you must admit, if the public is hearing that “there are no substantive changes”, and since the subject matter is mind-numbing, why should they show up. Again, we did just a *sampling* and we came up with significant changes that we believe are substantive, but that was not as a result of attending the meetings.

2. In your response to No. 11, you refer to “Urban Design Guidelines”, which are a component of the Commerce and Industrial Element and, as you point out, they expressly apply to NCDs. The second draft of the Urban Design Guidelines described in the Department Executive Summary presented at the January 21, 2016 Planning Commission meeting contains the following statement: “The Urban Design Guidelines are based upon existing policies, principles and values established in the Urban Design Element of San Francisco”; and the Executive Summary states that they are the overarching guidelines for the City. I think it is fair to say that (a) which guidelines will control and (b) whether the Urban, Residential and Ground Floor Residential Guidelines all should be considered together is still up for discussion with the Staff/ Commission and Supervisors, as is Article 7, of course.

Due to the fluidity of the Guideline discussions, it would be premature to lock in what Staff believes will be the outcome of those discussions. So we strongly suggest that the right hand columns in all of the Control Tables line item for Design Guidelines be changed to read “Urban Design Guidelines of the Commerce and Industry Element of the General Plan, being reviewed.”

3. In your response to Question No. 16, where summary descriptions have replaced individual NCD descriptions, you state that the individual ones still exist. They do not. You say the * * * * indicates text missing but not amended. The text is NOT shown with * * * * to show it is missing so it is a deletion. Then you state the addition of a summary description for all the NCDs is, per the ZA, not a significant change. But it is a substantive change *without* the individual descriptions. The full legislation should return the individual NCD descriptions back into the ordinance.

The list of participants appears below and reflects electronic authorization to use their names.

George Wooding, Midtown Terrace Homeowners Association & President of CSFN
Marlayne Morgan, Cathedral Hill Neighbors Association & 1st Vice President of CSFN
Rose Hillson, Jordan Park Improvement Association & Delegate to CSFN
Paul Webber, Telegraph Hill Dwellers & Delegate to CSFN