

101459

Petitions and Communications received from November 9, 2010, through November 15, 2010, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on November 23, 2010.

From Luce, Forward, Hamilton & Scripps LLP, submitting opposition to proposed resolution regarding enforcement of preservation and restoration of Sacred Heart Church. File No. 100765, Copy: Each Supervisor (1)

From Office of the Mayor, submitting a letter communicating the veto of ordinance that proposes a prohibition on the inclusion of incentives such as toys in certain types of fast food meals. File No. 101096, Copy: Each Supervisor (2)

From concerned citizens, submitting opposition to proposed legislation regarding setting nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items. File No. 101096, 11 letters (3)

From Kimo Crossman, regarding Best Practices on how the Sunshine Ordinance Task Force, Ethics Commission, and the City Attorney should post their cases and rulings online. (4)

From concerned citizens, submitting support for proposed legislation regarding Safe Drug Disposal. File No. 100455, 7 letters (5)

From Carla K., submitting support for the new North Beach Branch Library. File No. 101203 (6)

From Aaron Goodman, concerning California's Environmental Quality Act Procedures, Appeals, and Public Notices. File No. 100495 (7)

From Office of the Controller, submitting the results of the follow-up review of the Branch Library Improvement Program. (8)

From Office of the Controller, submitting report referred to as Resources for Improved Streetscape Design and Maintenance. (9)

From Francisco Da Costa, regarding San Francisco's Local Hiring Policy for construction and related matters. (10)

From Stewart McKenzie, regarding bike lanes on Division Street. Copy: Supervisor Daly (11)

From Ray Hartz, regarding the Sunshine Ordinance Task Force and the Ethics Commission. (12)

From Juliana Flint, regarding the ban on sitting on city sidewalks. (13)

From Magda Havas, concerning the proposed cell tower for dome of Ner Tamid Synagogue. (14)

From Jennifer Blum, regarding the First Responder training program. (15)

From Roy Blakely, regarding crime in the San Francisco. Copy: Supervisor Chiu (16)

From Aaron Goodman, regarding the long-term impacts of extensive redevelopment by two agencies. (17)

From California Public Utilities Commission, submitting notification that Pacific Gas and Electric Company has filed an application to recover costs from contributing matching funds to support the establishment of a photovoltaic manufacturing development facility. Copy: Each Supervisor (18)

From Municipal Transportation Agency, responding to request to identify staff contacts for the purpose of participating in a Japantown City Agency Work Group. (Reference No. 20101005-009) (19)

From concerned citizens, submitting various views on an ordinance that proposes a prohibition on the inclusion of incentives such as toys in certain types of fast food meals. File No. 101096, 3 letters (20)

From Office of the Controller, submitting the results of the follow-up review of the Branch Library Improvement Program Audit. (21)

From Civil Service Commission, submitting the Civil Service Commission meeting schedule for calendar year 2011. Copy: Each Supervisor (22)

From the Arts Commission, submitting their quarterly report on expenditures for the first quarter ending September 30, 2010. Copy: Each Supervisor (23)

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November 12, 2010

38658-00001

Via Messenger

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

Re: Opposition to Resolution Re Sacred Heart Church
File No. 100765
Referred from Land and Economic Development Use Committee (Hearing on
November 8, 2010); Full Board Hearing on November 16, 2010

Dear President Chiu:

Due to the highly irregular nature of the above-referenced Land Use hearing on November 8, 2010, the Megan Furth Academy, aka the Megan Furth Catholic Academy (the "Academy"), submits this Opposition for consideration by the Board of Supervisors. The Academy owns the property located at 554 Fillmore Street in San Francisco, California, site of the long shuttered Sacred Heart Church, an unreinforced masonry bearing wall structure ("UMB"). This site is referred to as the "Property". The Academy provides scholarships to minority elementary students from low-income families in the City, principally in District 5. It has owned the Property since October, 2005, having bought the Property (and the adjoining accessory lots) from the San Francisco Archdiocese to supplement its adjacent school and to bolster its educational programs. In order to fund its endowment, the Academy recently sold its personal property from the former church site for use in other active churches and parishes.

On Monday, November 8, 2010, the Land Use and Economic Development Committee ("Committee") of the Board of Supervisors ("Board") conducted a public hearing on the proposed Sacred Heart Church Resolution entitled "Urging Support of the Enforcement of the Preservation of Sacred Heart Church" (the "Proposed Resolution") introduced by Supervisor Mirkarimi, a copy of which is attached as Attachment 1. The Proposed Resolution refers to the Property, including its interior features, as a "historic resource" and seeks redress for the removal of the Academy's personal property. At the hearing, however, after the close of public testimony, Supervisor Mirkarimi actually introduced an entirely different resolution, which no one, including Land Use Chair Sophie Maxwell, had seen before. This resolution, now before the Full Board of Supervisors, is attached hereto as Attachment 2 ("Final Resolution"). The modified resolution does not contain any underlines and strike-throughs as is customary in

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Board of Supervisors
November 12, 2010
Page 2

Committee amendments. For comparison purposes, a redlined version of the Resolution, comparing the Final Resolution to the Proposed Resolution is included here, as Attachment 3.

Based on the statement of position set forth below, we ask that the Board reject the Final Resolution or, in the alternative, send the matter back to Land Use for an opportunity to fully address the issues now before the Board of Supervisors.

I.
FACTUAL BACKGROUND

The Property was originally owned by The Roman Catholic Archbishop of San Francisco, A Corporation Sole. In November 1990, the Property was placed on the City's Unreinforced Masonry Building Inventory, following the Loma Prieta earthquake. The church and parish closed in 2004 and the church was deconsecrated shortly thereafter. The Academy bought the Property in 2005 and has been using it to store and maintain its personal property.

The Academy's mission is to provide a Catholic education for grades K through 8 children from very low income families in San Francisco, principally in district 5, at virtually no cost. The Academy serves children of all faiths (47% of students are Roman Catholic). Fred Furth provided the initial funding for the Academy's purchase of the Property but has since been unable to continue with any financial support for the Academy. Despite the initial largesse of school sponsors and donors, the Academy is faced with mounting costs and liabilities. To raise much needed money for its school endowment, the Academy began selling personal property from the Property in March 2010, including altars, pews, the organ, statues, and tabernacles.

On March 23, 2010, the Office of Historic Preservation of the California Department of Parks and Recreation ("OHP") determined that the Church was eligible for the National Register of Historical Places. The OHP had erroneously written that the Property was listed on the National Register but acknowledged the mistake in a letter to the Academy dated August 12, 2010. The Property has never been landmarked and is not eligible for landmarking under Article 10 of the San Francisco Planning Code (discussed in Article III).

As mentioned, in March 2010, the Academy sold its personal property to a third party ("Buyer") for installation and use in active churches and parishes out of state. On or about June 2, 2010, an anonymous complaint was made to DBI regarding Buyer's removal of personal property from the Property. DBI issued a Notice of Violation on June 2, 2010. On June 3, 2010, a Stop Work Notice was posted on the door of the Property, but only after Buyer had already finished disassembling the personal property, including the stained glass from the rose windows, for removal to Buyer's affiliated churches. Because the items were personal property, Buyer was not required to obtain a permit from DBI for such work. 2007 California Building Code Section 105.2 (7), (13) and S.F. Building Code Sections 106 A.2 (4) (8) (14), and (17). Despite

Board of Supervisors
November 12, 2010
Page 3

contrary assertions in the several Resolutions, there was no work on the Property for which a permit would be required after the Stop Work Notice was posted. The post Notice activity took place on a separate lot where Buyer prepared to remove items which had already been relocated to the adjacent schoolyard. This area and this activity were not covered by the Notices.¹ The window, without the stained glass, is still part of the structure.

Without notice to the Academy, Supervisor Mirkarimi introduced the Proposed Resolution on June 15, 2010. The Academy appeared to oppose the Proposed Resolution during the general public comment period at the Board's Meeting on July 20, 2010 (on unrelated matters) and read into the record its objections, primarily based on Government Code Section 25373 ("Section 25373"), which will be fully discussed below. A copy of this statement is attached hereto as Attachment 4.

II. PROCEDURAL ISSUES

There are enough significant substantive differences between the Proposed Resolution and the Final Resolution that the matter should be referred back to Land Use affording the Academy a meaningful notice and opportunity to be heard so as to correct many of the inaccuracies in the Final Resolution. The Final Resolution, for instance, implores the City to improperly broaden the scope of investigation from DBI to the Planning Department jurisdiction [FR page 4: lines 17-20] based upon the notion that the Property (including the interior) is or should be an Article 10 landmark.

1. Community Agreement. [FR page 2: lines 10-13]. There were multiple references in the Final Resolution and during public testimony that one of the Academy's benefactors, Fred Furth, made an agreement with the community to preserve the Property. The Board of the Academy is not aware of any such agreement; neither is there anything in writing that in any way restricts the Academy's use of the Property.

2. The Property is not a landmark. [FR page 4: lines 7-8]. Both the public testimony and the Final Resolution assume that the Property is subject to landmarking protection under Article 10 and/or CEQA review because of its historic elements. Under AB 133, now codified in Government Code Section 25373, the Property is exempt from all such local landmarking legislation and, in any event, the interior of the Property cannot be landmarked under applicable law, as discussed, *infra*.

¹ The Buyer maintains, and the Academy concurs, that permits were not necessary for any of the activity undertaken prior to the Stop Work Notice as well.

Board of Supervisors

November 12, 2010

Page 4

3. The Academy did not violate any Stop Work Order. [FR page 3: 11-12]. The Academy sold personal property to a Buyer who removed such items from the Property prior to issuance of any stop work orders. Buyer did not need building permits for this type of activity. See discussion in Section I herein.

III.

GOVERNMENT CODE SECTION 25373 BARS ANY LOCAL ACTION AIMED AT DESIGNATING THE SITE AS A HISTORIC LANDMARK

Section 25373 allows religiously affiliated organizations, like the Academy, to exempt their noncommercial property from restrictions that might otherwise be imposed by local landmark designations. Section 25373 provides:

(a) ***

(b) The board may, by ordinance, provide special conditions or regulations for the protection, enhancement, perpetuation, or use of places, sites, buildings, structures, works of art and other objects having a special character or special historical or aesthetic interest or value. These special conditions and regulations may include appropriate and reasonable control of the appearance of neighboring private property within public view.

(c) ***

(d) Subdivision (b) shall not apply to noncommercial property owned by any association or corporation that is religiously affiliated and not organized for private profit, whether the corporation is organized as a religious corporation, or as a public benefit corporation, provided that both of the following occur:

(1) The association or corporation objects to the application of the subdivision to its property.

(2) The association or corporation determines in a public forum that it will suffer substantial hardship, which is likely to deprive the association or corporation of economic return on its property, the reasonable use of its property, or the appropriate use of its property in the furtherance of its religious mission, if the application is approved.

Board of Supervisors
November 12, 2010
Page 5

(e) ***

The Board of Supervisors, will act in excess of its jurisdiction if the Board adopts the Final Resolution because state law exempts the Property from any local landmarking regulation. (See *California-Nevada Annual Conference of United Methodist Church v. City and County of San Francisco* (2009) 173 Cal.App.4th 1559, 1561-1562.) The Final Resolution deems the Property an historic resource and treats the Property as a de facto landmark subject to heightened scrutiny. Here, adoption of the Final Resolution appears to be a step by the Board to “initiate the process of designating the church as a landmark” (*Id.* at p. 1565.) albeit without a full hearing. Because the Property is exempt under Section 25373, “the conduct of any proceedings under the city’s ordinance directed towards landmark designation of the property exceeds the authority conferred by section 25373.” (*Id.* at p. 1569.)

A. The Site is Noncommercial and Owned by a Religiously Affiliated, Non-Profit Corporation

The Academy, owner of the Property, is a 501(c)(3) corporation and is religiously affiliated. As noted before, the Property was originally owned by Roman Catholic Archbishop of San Francisco, A Corporation Sole and operated as Sacred Heart Parish (the “Parish”). In 2004, the Property was closed, deconsecrated and sold to the Academy in 2005.

The fact that the Property no longer functions as a church is irrelevant and does not effect the noncommercial nature of the structure. (See *California-Nevada Annual Conference of United Methodist Church, supra*, 173 Cal.App.4th at p. 1565, stating that “[a] non-functional church structure, owned by a nonprofit, does not become commercial by virtual of its inactivity.”). The protections of this statute apply every bit as much to the nonprofit Catholic Academy as to its nonprofit Catholic predecessor.

B. The Mission of Academy Will Be Irreparably Harmed if the Proposed Resolution is Adopted

The “landmarking” of elements of the Property set forth in the Final Resolution will deprive the Academy of economic return from the Property and frustrate its efforts to endow its religious and academic mission. The only value of the Property is for the Academy to use it in a way that furthers its mission of providing educational services to the community.

The Final Resolution will also deprive the Academy of any reasonable use of the Property. It is completely inconceivable that the Academy should be forced to preserve personal property in a church building in a manner which provides no benefit whatsoever to the students it is trying to serve. The scarce financial resources of the Academy should be spent on the education of the

Board of Supervisors
November 12, 2010
Page 6

youths of very low income families of this City. The sale of the personal property was necessary to generate such currently needed revenue.

Lastly, the actions urged by the Final Resolution will deprive the Academy of any use of the Property that would further its religious mission.

IV.

LANDMARKING (OFFICIALLY OR INFORMALLY) THE CHURCH VIOLATES THE ACADEMY'S CONSTITUTIONAL RIGHTS

The gravamen of the Final Resolution is that the Property owner has conducted an "architectural salvage operation" (F.R. p.4:5) by removing its personal property. The Property owner also removed the stained glass from two windows for use in other church facilities; however, the windows remain fully intact as stated. Removal of personal property does not require a permit. This also extends to the removal of the altars and religious venter.

Regardless, the Final Resolution treats the interior features of the Property as de facto landmarks. Landmarking the interior of such a structure; however would be both legally and factually unprecedented. The Property is not a publicly owned landmark and therefore there is no jurisdiction under Article 10 of the Planning Code. Furthermore, CEQA does not extend to consequences that do not result in physical impacts on the environment. *Martin v. City and County of San Francisco*, 135 Cal.App.4th 392 (2006), i.e., the Board cannot landmark the interior of the Property. Here, the Property owner has clearly demonstrated that the Property is not a landmark and under Govt. Code Section 25373 cannot become one. There is no precedent for treating the interior of the structure as if it were subject to landmark status either.

More fundamentally, however, the disparate treatment and heightened scrutiny with respect to the Property – preserving and maintaining religious objects in the Property's interior – would constitute a *per se* taking in violation of the Fifth and Fourteenth Amendments to the United States Constitution. *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 US 419, 428 (1982). Furthermore, the equal protection clauses of the State and Federal Constitutions "compel recognition of the proposition that persons similarly situated with respect to the legitimate purpose of the law receive like treatment". *Elysium Institute, Inc. v. County of Los Angeles*, 232 Cal.App.3rd, 408, 426-427 (1991). No other church interior has ever been landmarked in San Francisco, and for good reason. Treating the interior of the former Sacred Heart Church as if it contained "historic features" as described in the Final Resolution appears to do just that [p.4:7-8].

Finally, the Final Resolution, or at least the practical applications enforcing it and being treated differently by the Planning Commission and the DBI, would run afoul of the land use provisions of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA, 42 U.S.C.

Board of Supervisors
November 12, 2010
Page 7

§ 2000cc, et seq.) This law protects individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws. The proposed effect of the resolution would prevent the Academy from implementing its religiously affiliated mission, having a direct impact on the very students it is attempting to serve.

V.
CONCLUSION

The Academy respectfully requests that the Board reject the Final Resolution or, in the alternative, send it back to Land Use Committee for a full and fair hearing on the duly noticed form of resolution.

Sincerely,



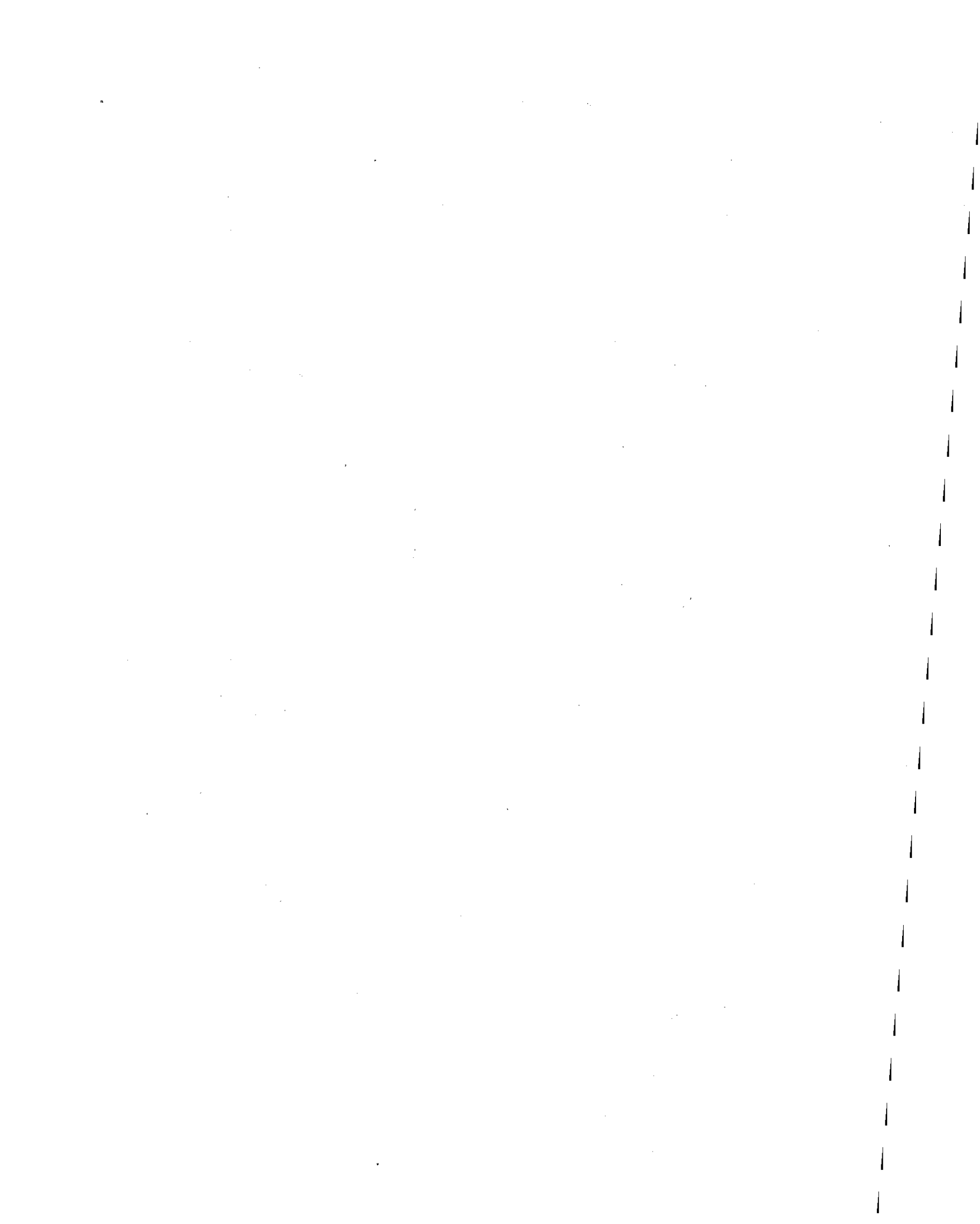
John C. Callan, Jr.

of

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

Enclosures: Attachments

cc: Supervisor Michela Alioto-Pier
Supervisor John Avalos
Supervisor David Campos
Supervisor Carmen Chu
Supervisor Chris Daly
Supervisor Bevan Dufty
Supervisor Sean Elsbernd
Supervisor Eric Mar
Supervisor Sophie Maxwell
Supervisor Ross Mirkarimi
Clerk of the Board of Supervisors
Ed Sweeney (DBI)
Frank Brass, Esq.
Tara Sullivan (Planning)
Peter Newell
Robert Lalanne
Fr. Charles R. Gagan, S.J.



1 [Urging Support for the Enforcement of the Preservation and Restoration of Sacred Heart
2 Church.]
3

4 **Resolution urging the Department of Building Inspection to diligently monitor the**
5 **status and the condition of the Historic Sacred Heart Church, documenting the**
6 **understanding between the Megan Furth Academy and its neighbors, seeking re-**
7 **installation of the exterior stained glass windows and requesting the City Attorney to**
8 **open an investigation for the purpose of enforcing possible violation of the Building**
9 **and Planning codes.**
10
11

12 WHEREAS, San Francisco's unique architectural and historic character increase the
13 quality of life for all its residents, and help to make it a prime tourist destination; and,

14 WHEREAS, Sacred Heart Church has stood sentinel over the Western Addition
15 neighborhood for 108 years and is a landmark silhouette in the city's landscape having been
16 designed by famed architect Thomas J. Welsh who blended Lombard and Classical Revival
17 Styles and is his last standing ecclesiastical work in San Francisco; and,

18 WHEREAS, Sacred Heart Church was built by the Irish and became the largest Irish
19 parish west of Chicago and subsequently served all immigrant groups including Italians,
20 Latino, African-Americans, and Filipino-Americans during both prosperous and difficult times;
21 and,

22 WHEREAS, Sacred Heart Church is still loved for its architectural aspects and rich
23 history of service to a broad range of San Franciscans reflecting changing times and the
24 diversity of The City having served the Western Addition community and San Francisco since
25 1896;and,

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CITY OF SAN FRANCISCO
OFFICE OF THE CITY ATTORNEY

1 WHEREAS, Sacred Heart Church, where generations of San Franciscans gathered as
2 a community and celebrated the passages of their lives, the historic building is seasoned with
3 the very spirit of San Francisco and serves as a living reminder of the enduring nature of San
4 Franciscans having survived the 1906 earthquake; and,

5 WHEREAS, The interior artscape of Sacred Heart is as fine as any grand cathedral
6 anywhere being embellished with rare frescoes, Carrera marble altars, delicate ceiling murals,
7 and the exquisite Fritz-Mayer rose windows; and,

8 WHEREAS, Sacred Heart Church was sold to Megan Furth Academy in 2005 with the
9 understanding that Megan Furth Academy would preserve, at a minimum, the exterior of the
10 church thereby maintaining the character of the neighborhood, and,

11 WHEREAS, The National Register of Historic Places Commission of the Office of
12 Historic Preservation met on January 29th, 2010 to discuss the local level of significance of
13 Sacred Heart Church, and,

14 WHEREAS, On April 5th, 2010, the Office of Historic Preservation of the California
15 Department of Parks and Recreation notified Kelley &, VerPlanck Historical Resources
16 Consulting, LLC that Sacred Heart Church had been inducted into the National Register of
17 Historical Places (National Register) on March 23, 2010, a copy of said April 5th 2010 letter is
18 on file with the Clerk of the Board of Supervisors in File No. ¹⁰⁰⁷⁶⁵, which is hereby declared to
19 be a part of this resolution as if set forth fully herein; and,

20 WHEREAS, Placement on the National Register affords a property the honor of
21 inclusion in the nation's official list of cultural resources worthy of preservation and provides a
22 degree of protection from adverse effects from federally funded or licensed projects; and,

23 WHEREAS, A project that may cause substantial adverse changes in the significance
24 of a registered property may require compliance with local ordinances or the California
25 Environmental Quality Act, under which "substantial adverse changes" include demolition,

1 destruction, relocation, or alteration such that the significance of an historical resource would
2 be impaired; and

3 WHEREAS, On May 26, 2010, The City was notified that the north Rose window of the
4 church was missing and open to the elements; and,

5 WHEREAS, Further investigation of the site revealed that an apparent architectural
6 salvage operation was underway; and,

7 WHEREAS, According to the Secretary of the Interior's "Standards for the Treatment
8 of Historic Properties", the subject of Preservation Statute 2 notes that "the historic character
9 of a property will be retained and preserved" and Preservation Statute 4 notes that "changes
10 to a property that have acquired historical significance in their own right will be retained and
11 preserved"; and,

12 WHEREAS, Simple visual inspection as well as eyewitness accounts indicate that
13 Sacred Heart Church has seen alterations to both its façade and interior the last two weeks in
14 apparent violation of both the spirit of the 2005 understanding as well as standards for
15 treatment of registered historic resources; and,

16 WHEREAS, The architectural salvage operation was in apparent violation of relevant
17 building and planning codes, the Department of Building Inspection (DBI) issued Notice of
18 Violation June 2, 2010, following up with Stop-work order on June 3, 2010; documentary
19 evidence of said DBI actions is on file with the Clerk of the Board of Supervisors in
20 File No. ¹⁰⁰⁷⁶⁵, which is hereby declared to be a part of this resolution as if set forth fully
21 herein; and

22 WHEREAS, It appears that the architectural salvage operation was completed over the
23 weekend of June 5-6, 2010 in violation of DBI express orders; now, therefore be it
24
25

1. RESOLVED, That the Board of Supervisors of the City and County decries the
2 behavior of those responsible for demolishing parts of an historically significant building; and,
3 be it further

4 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
5 hereby declares its unqualified support for preserving the character of the neighborhood
6 anchored by Sacred Heart Church and lauds the work of the Save our Sacred Heart
7 organization for its tenacious preservation efforts; and, be it further

8 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
9 strongly urges the parties responsible for removal of the stained glass windows of Sacred
10 Heart be returned to their original, historic place in the façade of the church; and, be it further

11 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
12 hereby requests that the City Attorney open an investigation into the matter of the apparent
13 architectural salvage of Sacred Heart Church and pursue all remedies available in equity and
14 at law to, if possible, compel the restoration of the stained glass windows and deter further
15 non-compliance with relevant city and State law pertaining to historical structures; and, be it
16 further

17 RESOLVED, That the Clerk of the Board of Supervisors send a copy of this Resolution
18 to the Department of Building Inspection, the San Francisco City Attorney, the owner of
19 record of the Sacred Heart Church located at 554 Fillmore St., and to the President of the
20 Save our Sacred Heart organization.

ATTACHMENT 2

Final Resolution

FILE NO.

RESOLUTION NO.

1 [Resolution of Support for the Preservation and Restoration of Sacred Heart Church.]
2

3 Resolution pronouncing the support of the City of San Francisco for the preservation
4 and restoration all historic features recently removed and sold from Sacred Heart
5 Church, urging the Department of Building Inspection to investigate and publically
6 report on violations of the Building and Planning Codes due to the removal of these
7 historic features, and requesting the City Attorney to investigate, publically report on,
8 and take legal action to remedy such violations of the Building and Planning Codes
9 and all violations of other laws, including historic preservation laws.
10
11

12 WHEREAS, San Francisco's unique architectural and historic character significantly
13 improves the quality of life for all its residents, and strongly contributes to San Francisco
14 being a prime tourist destination; and,

15 WHEREAS, Sacred Heart Church has stood sentinel over the Western Addition
16 neighborhood for ¹¹⁴108 years and is a landmark silhouette in the city's landscape having been
17 designed by famed architect Thomas J. Welsh who blended Lombard and Classical Revival
18 Styles and is his last standing ecclesiastical work in San Francisco; and,

19 WHEREAS, Sacred Heart Church was built by the Irish and became the largest Irish
20 parish west of Chicago and subsequently served all immigrant groups including Italians,
21 Latinos, African-Americans, and Filipino-Americans during both prosperous and difficult
22 times; and,

23 WHEREAS, Sacred Heart Church is still loved for its architectural aspects and rich
24 history of service to a broad range of San Franciscans reflecting changing times and the
25

1 diversity of The City having served the Western Addition community and San Francisco since
2 1896; and,

3 WHEREAS, Sacred Heart Church, where generations of San Franciscans gathered as
4 a community and celebrated the passages of their lives, is seasoned with the very spirit of
5 San Francisco and serves as a living reminder of the enduring nature of San Franciscans
6 having survived the 1906 earthquake; and,

7 WHEREAS, The interior artscape of Sacred Heart is as fine as any grand cathedral
8 anywhere, being embellished with rare frescoes, three Attilio Morretti carrara marble altars,
9 delicate ceiling murals, and the exquisite Fritz-Mayer exterior rose windows; and,

10 WHEREAS, Sacred Heart Church was sold to Megan Furth Academy in 2005 with the
11 understanding that Megan Furth Academy would respect and preserve the character of
12 Sacred Heart Church to benefit the citizens of San Francisco, while reusing the church for the
13 Megan Furth Academy; and,

14 WHEREAS, The National Register of Historic Places Commission of the State Office
15 of Historic Preservation met on January 29th, 2010 to discuss the historic significance of
16 Sacred Heart Church, and,

17 WHEREAS, In March 2010, the State Office of Historic Preservation found Sacred
18 Heart Church eligible for listing on the National Register of Historical Places (National
19 Register); and,

20 WHEREAS, Sacred Heart Church would be listed on the National Register but for the
21 objection of the owner of the church, the Megan Furth Academy; and

22 WHEREAS, Listing on the National Register affords a property the honor of inclusion
23 in the nation's official list of cultural resources worthy of preservation and provides a degree
24 of protection from adverse effects from federally funded or licensed projects; and,

25

1 WHEREAS, A project that may cause substantial adverse changes in the significance
2 of a property eligible for listing on the National Register requires compliance with local
3 ordinances and the California Environmental Quality Act, under which "substantial adverse
4 changes" include demolition, destruction, relocation, or alteration such that the significance of
5 an historical resource would be impaired; and

6 WHEREAS, In late May and June 2010, the Megan Furth Academy, without permits,
7 and without notice to or consultation with any City agency or the community, removed the
8 exterior north and south rose windows, the three Attilio Moretti Carrara marble altars, the
9 Hook & Hastings pipe organ, wall sconces, transoms, the oak entry doors to the church, and
10 pews from the church; and,

11 WHEREAS, It appears that the Megan Furth Academy removed these historic features
12 of the church on or about June 5-6, 2010 in violation of express DBI stop work orders; and

13 WHEREAS, The Megan Furth Academy apparently then sold and delivered these
14 historic features of Sacred Heart church to private buyers, whose identities and locations are
15 at present unknown to the City; and,

16 WHEREAS, According to the Secretary of the Interior's "Standards for the Treatment
17 of Historic Properties", the subject of Preservation Standard 2 notes that "the historic
18 character of a property will be retained and preserved" and Preservation Standard 4 notes
19 that "changes to a property that have acquired historical significance in their own right will be
20 retained and preserved"; and,

21 WHEREAS, The removal of these historic features of the church is in violation of both
22 the spirit of the 2005 understanding as well as these standards for the preservation of historic
23 resources; and,

24 WHEREAS, The removal of these historic features from the church was in apparent
25 violation of relevant building and planning codes, the Department of Building Inspection (DBI)

1 issued Notice of Violation June 2, 2010, following up with Stop-work order on June 3, 2010,
2 documentary evidence of said DBI actions is on file with the Clerk of the Board of Supervisors
3 in File No.100765 which is hereby declared to be a part of this resolution as if set forth fully
4 herein; and

5 WHEREAS, It appears that the architectural salvage operation was completed over the
6 weekend of June 5-6, 2010 in violation of DBI express orders; now, therefore be it

7 RESOLVED, That the Board of Supervisors of the City and County decries this
8 removal, sale, and transfer of historic features of Sacred Heart Church; and, be it further

9 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
10 hereby declares its unqualified support for the preservation and restoration of Sacred Heart
11 Church and lauds the work of the Save Our Sacred Heart organization for its tenacious
12 preservation efforts; and, be it further

13 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
14 strongly urges the parties responsible for recent removal, sale, and transfer of historic
15 features from Sacred Heart Church to take all necessary steps to ensure the return and
16 restoration of these features to their rightful, historic place in the church; and, be it further

17 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
18 hereby requests that the Department of Building Inspection investigate and publically report
19 on violations of the Building and Planning Codes due to the removal of these historic features
20 from the church; and be it further

21 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
22 hereby requests that the City Attorney investigate and publically report on the status of
23 enforcement of such violations of the Building and Planning Codes and, further, to the extent
24 the City may have standing, pursue litigation against all responsible parties to compel the
25

1 restoration of these historic features of the church and to enforce compliance with all city,
2 State, and Federal laws protecting historic structures; and, be it further

3 RESOLVED, That the Clerk of the Board of Supervisors send a copy of this Resolution
4 to the Department of Building Inspection, the San Francisco City Attorney, the owner of
5 record of the Sacred Heart Church located at 554 Fillmore St., and to the President of the
6 Save Our Sacred Heart organization.

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ATTACHMENT 3

Compared: Final to Proposed

[~~Urging Resolution of Support for the Enforcement of the Preservation and Restoration of Sacred Heart Church.~~]

1 Resolution pronouncing the support of the City of San Francisco for the preservation and restoration
2 all historic features recently removed and sold from Sacred Heart Church, urging the Department of
3 Building Inspection to ~~diligently monitor the status and the condition of the Historic Sacred Heart~~
4 ~~Church, documenting the understanding between the Megan Furth Academy and its neighbors,~~
5 ~~seeking re-installation of the exterior stained glass windows~~investigate and publically report on
6 violations of the Building and Planning Codes due to the removal of these historic features, and
7 requesting the City Attorney to ~~open an investigation for the purpose of enforcing possible~~
8 ~~violation~~investigate, publically report on, and take legal action to remedy such violations of the
9 Building and Planning ~~codes~~Codes and all violations of other laws, including historic preservation
10 laws.

11 WHEREAS, San Francisco's unique architectural and historic character ~~increases~~significantly
12 improves the quality of life for all its residents, and ~~help to make it~~strongly contributes to San
13 Francisco being a prime tourist destination; and,

14 WHEREAS, Sacred Heart Church has stood sentinel over the Western Addition
15 neighborhood for ~~108~~114 years and is a landmark silhouette in the city's landscape having been
16 designed by famed architect Thomas J. Welsh who blended Lombard and Classical Revival Styles
17 and is his last standing ecclesiastical work in San Francisco; and,

18 WHEREAS, Sacred Heart Church was built by the Irish and became the largest Irish parish
19 west of Chicago and subsequently served all immigrant groups including Italians, ~~Latino~~ Latinos,
20 African-Americans, and Filipino-Americans during both prosperous and difficult times; and,

21 WHEREAS, Sacred Heart Church is still loved for its architectural aspects and rich history of
22 service to a broad range of San Franciscans reflecting changing times and the diversity of The City
23 having served the Western Addition community and San Francisco since 1896; and,
24
25

1 WHEREAS, Sacred Heart Church, where generations of San Franciscans gathered as a
2 community and celebrated the passages of their lives, ~~the historic building~~ is seasoned with the very
3 spirit of San Francisco and serves as a living reminder of the enduring nature of San Franciscans
4 having survived the 1906 earthquake; and,

5 WHEREAS, The interior artscape of Sacred Heart is as fine as any grand cathedral anywhere,
6 being embellished with rare frescoes, ~~Carrara~~three Attilio Morretti carrara marble altars, delicate
7 ceiling murals, and the exquisite Fritz-Mayer exterior rose windows; and,

8 WHEREAS, Sacred Heart Church was sold to Megan Furth Academy in 2005 with the
9 understanding that Megan Furth Academy would respect and preserve, ~~at a minimum, the exterior of~~
10 ~~the church thereby maintaining the character of the neighborhood, and, the character of Sacred Heart~~
11 Church to benefit the citizens of San Francisco, while reusing the church for the Megan Furth
12 Academy; and.

13 ~~WHEREAS, WHEREAS,~~ The National Register of Historic Places Commission of the State
14 Office of Historic Preservation met on January 29th, 2010 to ~~discuss~~discuss the ~~local level of~~historic
15 significance of Sacred Heart Church, ~~and, and,~~

16 ~~WHEREAS, On April 5th, WHEREAS, In March~~ 2010, the State Office of Historic
17 Preservation of the ~~California Department of Parks and Recreation~~ notified Kelley & VerPlanck
18 Historical Resources Consulting, LLC that found Sacred Heart Church had been ~~inducted into~~eligible
19 for listing on the National Register of Historical Places (National Register) ~~on March 23, 2010, a~~
20 ~~copy of said April 5th 2010 letter is; and, on file with the Clerk of the Board of Supervisors in File~~
21 ~~No. 100765, which is hereby declared to be a part of this resolution as if set forth fully herein; and,~~

22 WHEREAS, Sacred Heart Church would be listed on the National Register but for the
23 objection of the owner of the church, the Megan Furth Academy; and

24 WHEREAS, Placement Listing on the National Register affords a property the honor of
25 inclusion in the nation's official list of cultural resources worthy of preservation and provides a

1 degree of protection from adverse effects from federally funded or licensed projects; and,

2 WHEREAS, A project that may cause substantial adverse changes in the significance of a
3 ~~registered property may require~~eligible for listing on the National Register requires compliance
4 with local ordinances ~~or~~and the California Environmental Quality Act, under which "substantial
5 adverse changes" include demolition, destruction, relocation, or alteration such that the
6 significance of an historical resource would be impaired; and

7 ~~WHEREAS, On May 26, 2010, The City was notified that the north Rose window of the~~
8 ~~church was missing and open to the elements~~In late May and June 2010, the Megan Furth
9 Academy, without permits, and without notice to or consultation with any City agency or the
10 community, removed the exterior north and south rose windows, the three Attilio Moretti Carrara
11 marble altars, the Hook & Hastings pipe organ, wall sconces, transoms, the oak entry doors to the
12 church, and pews from the church; and,

13 ~~WHEREAS, Further investigation of the site revealed that an apparent architectural salvage~~
14 ~~operation was underway;~~ and,

15 WHEREAS, It appears that the Megan Furth Academy removed these historic features of
16 the church on or about June 5-6, 2010 in violation of express DBI stop work orders; and

17 WHEREAS, The Megan Furth Academy apparently then sold and delivered these historic
18 features of Sacred Heart church to private buyers, whose identities and locations are at present
19 unknown to the City; and,

20 WHEREAS, According to the Secretary of the Interior's "Standards for the Treatment of
21 Historic Properties", the subject of Preservation Statute Standard 2 notes that "the historic character
22 of a property will be retained and preserved" and Preservation Statute Standard 4 notes that
23 "changes to a property that have acquired historical significance in their own right will be retained
24 and preserved"; and,

25

1 WHEREAS, ~~Simple visual inspection as well as eyewitness accounts indicate that Sacred~~
2 ~~Heart Church has seen alterations to both its façade and interior the last two weeks in apparent~~The
3 removal of these historic features of the church is in violation of both the spirit of the 2005
4 understanding as well as these standards for treatment of registered~~the preservation of~~ historic
5 resources; and,

6 WHEREAS, ~~The architectural salvage operation~~removal of these historic features from the
7 church was in apparent violation of relevant building and planning codes, the Department of
8 Building Inspection (DBI) issued Notice of Violation June 2, 2010, following up with Stop-work
9 order on June 3, 2010, documentary evidence of said DBI actions is on file with the Clerk of the
10 Board of Supervisors in File No. ~~100765,~~100765 which is hereby declared to be a part of this
11 resolution as if set forth fully herein; and

12 WHEREAS, It appears that the architectural salvage operation was completed over the
13 weekend of June 5-6, 2010 in violation of DBI express orders; now, therefore be it

14 RESOLVED, That the Board of Supervisors of the City and County decries ~~the behavior of~~
15 ~~those responsible for demolishing parts of an historically significant building~~this removal, sale, and
16 transfer of historic features of Sacred Heart Church; and, be it further

17 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
18 hereby declares its unqualified support for preserving~~for~~ the character of the neighborhood anchored
19 ~~by~~preservation and restoration of Sacred Heart Church and lauds the work of the Save ~~our~~Our
20 Sacred Heart organization for its tenacious preservation efforts; and, be it further

21 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
22 strongly urges the parties responsible for recent removal, sale, and transfer of the ~~stained glass~~
23 ~~windows of Sacred Heart be returned to their original, historic place in the façade of the church;~~
24 ~~and~~historic features from Sacred Heart Church to take all necessary steps to ensure the return and
25 restoration of these features to their rightful, historic place in the church; and, be it further

1 RESOLVED, That the Board of Supervisors of the City and County of San Francisco hereby
2 requests that the Department of Building Inspection investigate and publically report on violations of
3 the Building and Planning Codes due to the removal of these historic features from the church; and
4 be it further

5 RESOLVED, That the Board of Supervisors of the City and County of San Francisco hereby
6 requests that the City Attorney ~~open an investigation into the matter of the apparent architectural~~
7 ~~salvage of Sacred Heart Church and pursue all remedies available in equity and at law to, if~~
8 ~~possible,~~investigate and publically report on the status of enforcement of such violations of the
9 Building and Planning Codes and, further, to the extent the City may have standing, pursue litigation
10 against all responsible parties to compel the restoration of ~~the stained glass windows and deter further~~
11 ~~non-~~these historic features of the church and to enforce compliance with relevant city and State law
12 ~~pertaining to historical~~all city, State, and Federal laws protecting historic structures; and, be it further

13 RESOLVED, That the Clerk of the Board of Supervisors send a copy of this Resolution to the
14 Department of Building Inspection, the San Francisco City Attorney, the owner of record of the
15 Sacred Heart Church located at 554 Fillmore St., and to the President of the Save ~~our~~Our Sacred
16 Heart organization.

ATTACHMENT 4

Academy Objection to Proposed Resolution – July 20, 2010

The Megan Furth Academy

July 20, 2010

To: The Board of Supervisors, City and County of San Francisco

From: Peter C. Newell

Subject: Property known as the Sacred Heart Church, 554 Fillmore Street, San Francisco.

The Megan Furth Academy is a Non-Profit Public Benefit Corporation, formed to operate a Catholic elementary school serving underprivileged children in the Western Addition of San Francisco. Megan Furth Academy is affiliated with the Roman Catholic Archdiocese of San Francisco.

The Megan Furth Academy owns the property known as the Sacred Heart Church, 554 Fillmore St., San Francisco. The property is non-commercial.

On two recent occasions, the City and County of San Francisco has referred to the subject property as "historic" in nature. The City is thus invoking Section 25373, subdivision b) of the Government Code of the State of California, in an effort to impose special conditions on the Sacred Heart Church property.

Megan Furth Academy will suffer substantial hardship, which will deprive the school and the Corporation of any economic return on its property; will disallow our reasonable use of the property and; will prevent us from appropriate use of our property in the furtherance of our religious mission, if this property is designated by the City as anything having to do with a historic nature.

Megan Furth Academy hereby objects to the application by the City of said subdivision b) to this property, and hereby invokes subdivision d) of Section 25373 of the Government Code. The Board of Supervisors and other City agencies and departments have no jurisdiction to make any sort of determination that the Sacred Heart Church is historic. Megan Furth Academy timely objected to efforts to list the property on the National Register of Historic Places.

We hereby request that the City and County respect Section 25373 subsection d) of the Government Code, and cease any further designation of the Sacred Heart Church as having any historic nature whatsoever.

Thank you.

Peter C. Newell
Chief Financial Officer
The Megan Furth Academy 2445 Pine St. San Francisco, Ca 94123

cc: Board of Supervisors (via email)

Michela Alioto-Pier
John Avalos
David Campos
David Chiu, President
Carmen Chu
Chris Daly
Bevan Dufty
Sean Elsbernd
Eric Mar
Sophia Maxwell
Ross Mirkarimi

Angela Calvillo (via email)
Clerk of the Board

Frank Brass, Esq. (via email)
City Attorney's Office

Rachna Rachna (via email)
San Francisco Planning Dept.

Ed Sweeney (via email)
Department of Building Inspection

Office of the Mayor
City & County of San Francisco



File 10096
BOS-11, Leg Dep. cpage
COB L.F. Desk, Ex File
Gavin Newsom
City Attorney

November 12, 2010

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2010 NOV 12 AM 11:36

Dear Supervisors:

This letter communicates my veto of the ordinance pending in File Number 101096, finally passed by the Board of Supervisors on November 9, 2010. This ordinance proposes a prohibition on the inclusion of incentives such as toys in certain types of fast food meals ("Happy Meals") generally marketed to children.

While Supervisor Mar's attention to the critical public health issue of childhood obesity is commendable, I believe this legislative approach is inappropriate, intrusive and ineffective.

We must continue pursuing real strategies against childhood obesity, but parents, not politicians, should decide what their children eat, especially when it comes to spending their own money.

Through a variety of initiatives under the umbrella of *Shape Up San Francisco*, the City is in fact taking an aggressive approach to offering opportunities for physical activity as well as healthier food and beverage items to children at schools, recreation centers, and summer programs.

There is a wide variety of programs that comprise *Shape Up San Francisco*. For example, the City has received funding from the California Obesity Prevention Program to increase physical activity for SFUSD students, put gardens in our schools, initiated the Safe Routes to School program to get thousands of kids to walk and bike to school and get some physical activity, the "Drink Water Said the Otter" campaign as well as other public education campaigns which teach kids about making healthy choices. A more detailed catalogue of initiatives are provided in the year-end report, copies of which I have provided to Supervisors' offices.

By instilling in San Francisco's youth the habits of healthy living, we are making significant progress towards combating obesity. We need a sustained effort on these types of effective *Shape Up San Francisco* programs that target the root causes of obesity, not the distraction of coercive toy bans that intrude onto parents' rights and responsibilities about how to raise their children.

Sincerely,

Gavin Newsom
Mayor

cc: Angela Calvillo, Clerk of the Board of Supervisors

2



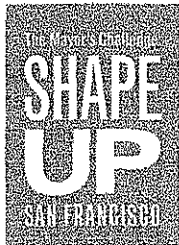
The Mayor's Challenge

SHAPE UP SAN FRANCISCO



Since the launch of *The Mayor's Challenge: Shape Up San Francisco* in April 2006, thousands of residents of the City and County of San Francisco have had increased access to healthier foods and more opportunities to get physical activity in safe, fun and unique settings. Good nutrition and regular physical activity are key ingredients to improving the health and well being of our citizens. To address the root causes of obesity, the City aims to provide healthier choices across the range of activities we all do every day, from eating and drinking to commuting to work or school. This spectrum of programs all fall under *Shape Up SF*.

About Shape Up SF



Shape Up SF was created out of several different initiatives working to address childhood obesity, chronic disease and create healthy environments. *Shape Up SF* is a public-private partnership, with lead staffing by the Department of Public Health and support from the Department of Children, Youth and Their Families. *Shape Up SF* focuses on preventing chronic diseases because they account for the greatest proportion of death and disability.

The mission of *The Mayor's Challenge: Shape Up San Francisco* is to increase the awareness of and opportunities for increased physical activity and improved nutrition where people live, play, work and learn. To accomplish this mission is no small task.

When considering the root causes of chronic disease, they are ultimately far more widespread than the poor choices of an individual. To that end, addressing chronic disease is far more complicated and nuanced than simply asking people to eat their fruits and vegetables and start exercising 30 minutes a day. To ask people to make those changes to their habits, we must consider how their behaviors are shaped by their social, physical and political environments.

Shape Up SF's approach suggests strategies designed to address the roots of chronic disease, and, in particular, address health disparities associated with the development of chronic disease. *Shape Up SF's* work focuses on *creating the environments* that make it easy for people to be physically active and eat healthfully where they live, work, learn and play. Our identified strategies cover four key areas: policy, programs & events, awareness & education, and data & research. *Shape Up SF* implements these strategies in four key settings – neighborhoods, worksites, schools/after schools/childcare, healthcare/clinical – where people live, work, learn and play, with particular focus on the populations that experience the greatest health disparities.

Neighborhoods	Policy & Advocacy
Worksites	Programs & Events
Schools & Childcare	Awareness & Education
Health Care/Clinical	Data & Research



The Mayor's Challenge

SHAPE UP SAN FRANCISCO



San Francisco's 55,000+ public school students are eating fresher, healthier and tastier food on campus.

Nearly a third of public schools in San Francisco, approximately 50 different sites, now offer a salad bar as a lunchtime option; school and summer lunch participants have been treated to local, organic whole fruits more frequently and; and mobile catering trucks may no longer come within a quarter mile of middle and high schools to sell unhealthy snacks. In 2010, SFUSD met the USDA's requirements for Healthier US School challenge, and became certified at the Gold level. DCYF ensured through its funding process that **children served by city-funded after school programs are eating healthier foods** which meet the USDA nutrition recommendations.

Neighborhoods	Policy & Advocacy
Worksites	Programs & Events
Schools & Childcare	Awareness & Education
Health Care Clinical	Data & Research

Elementary school students are doing more gardening and eating what they grow.

Shape Up SF's strong and early sponsor, Kaiser Permanente, funded a school and community garden project in the Bayview Hunters Point. Over 400 Bret Harte Elementary students learned how to garden and increased their consumption of fruits and vegetables.

Neighborhoods	Policy & Advocacy
Worksites	Programs & Events
Schools & Childcare	Awareness & Education
Health Care Clinical	Data & Research

More San Francisco elementary students are walking/biking to school safely.



SF Safe Routes to School (SRTS-SF) promotes safe, active walking and bicycling to and from school and was launched in September 2009. Over 4,000 students participated in International Walk to School Day on October 7, 2009. In 2009, 2nd and 4th grade students (over 650) from five elementary schools learned safety basics for walking and biking to

school. The second annual Bike to School Day was held on April 15, 2010 and almost 1,000 students participated, double from the previous year. In 2010, the program is tripling, adding ten more elementary schools to increase active transportation to and from school.

Neighborhoods	Policy & Advocacy
Worksites	Programs & Events
Schools & Childcare	Awareness & Education
Health Care Clinical	Data & Research



The Mayor's Challenge

SHAPE UP SAN FRANCISCO



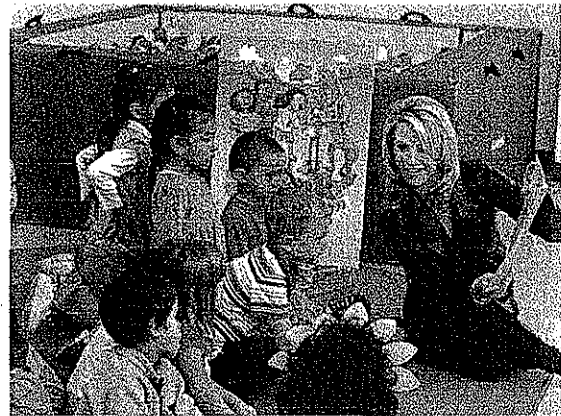
Sugar sweetened beverages are less available at organizations and more people understand that water is the best beverage to choose.



Since *Shape Up SF's* Rethink Your Drink movement started with the 2008 Soda Free Summer campaign, thousands of people have learned how much sugar is in soda and the health impacts of these beverages.

Thousands of San Franciscans have taken the Soda Free Summer challenge since the campaign launched. A 2008 evaluation revealed the effectiveness of the campaign: nearly half of those who took the challenge decreased or eliminated consumption of sugary sodas. Individuals who took the challenge reported losing 10-20 pounds simply by eliminating soda from their regular diet.

Numerous organizations, including the City and County of SF, took the challenge to the next level by eliminating the sodas from their refrigerators and vending machines and offering waters, juice or milk instead. Over 4,000 public school Kinders got a developmentally appropriate Rethink Your Drink message with the "Drink Water! Said the Otter!" storybook developed by *Shape Up SF*, also available in Spanish. Anecdotes shared by parents indicate that children are gravitating to the message and refusing sodas, asking for water instead.



Health clinics across the city, including DPH primary care centers, participate in the initiative. Kaiser Permanente's Pediatrics division has found the Rethink Your Drink/ Soda Free Summer message and materials to be effective with their patients: children are familiar with the posters and know that water is best.

Neighborhoods	Policy & Advocacy
Worksites	Programs & Events
Schools & Childcare	Awareness & Education
Health Care Clinical	Data & Research

Summer Campers got active and healthy at Recreation and Park camps.

Neighborhoods	Policy & Advocacy
Worksites	Programs & Events
Schools & Childcare	Awareness & Education
Health Care Clinical	Data & Research

In summer 2010, youth campers were offered snacks and drinks that met the SFUSD's strict nutrition guidelines, which still allowed for s'mores and tasty marshmallow roasts. Campers and counselors were also asked to

adhere to the *Shape Up SF* standards and refrain from bringing sodas to camp. These changes were institutionalized in the camp's staff manual. Finally, in summer 2010, over 700 campers participated in RPD's first ever Rethink Your Drink Week and poster contest.



The Mayor's Challenge

SHAPE UP SAN FRANCISCO



Thousands of San Franciscans have increased their physical activity in safer environments.

Getting physical activity has gotten easier, safer and more fun with Sunday Streets.

At each Sunday Streets event, over 15,000 have enjoyed the safe place to walk, bike, and play. Swiftly increasing from two events in 2008 to nine in 2010, over 200,000 people have participated at the 16 Sunday Streets events. Preliminary evaluation of Sunday Streets indicates that opening these safe places provides people the opportunity to get their week's worth of physical activity during the course of one Sunday Streets event. Integrating *Shape Up SF's* work to reduce consumption of sweetened drinks, Sunday Streets does not allow for sweetened drinks to be sold, sampled or distributed.



Neighborhoods	Policy & Advocacy
Worksites	Programs & Events
Schools & Childcare	Awareness & Education
Health Care Clinical	Data & Research

San Franciscans have walked around the globe over 40 times.

Shape Up SF's annual Walking Challenges have motivated thousands of people to join a team, set a goal and increase their physical activity over the course of 4 years. Evaluation results have shown the walking challenge to be a motivating force and supportive of increasing participants' physical activity and in 2009, it was recognized by the National League of Cities as a model program to encourage physical activity.

Neighborhoods	Policy & Advocacy
Worksites	Programs & Events
Schools & Childcare	Awareness & Education
Health Care Clinical	Data & Research

Shape Up SF encourages healthy workplaces.

Health Service System lunchtime exercise classes were moved to City Hall's light courts and attract about 100 city employees and retirees every week. Hundreds of city employees regularly participate in the *Shape Up SF* Walking Challenge; and, GSA has posted signage at city buildings encouraging stair use.



Lunchtime yoga in City Hall

Neighborhoods	Policy & Advocacy
Worksites	Programs & Events
Schools & Childcare	Awareness & Education
Health Care Clinical	Data & Research

1 [Setting Nutritional Standards for Restaurant Food Sold Accompanied by Toys or other Youth
2 Focused Incentive Items.]

3 **Ordinance amending Article 8 of the San Francisco Health Code by adding Sections**
4 **471.1 through 471.9 ~~471.8~~, to set nutritional standards for restaurant food sold**
5 **accompanied by toys or other youth focused incentive items.**

6 NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~strike-through italics Times New Roman~~.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strikethrough-normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. The San Francisco Health Code is hereby amended by adding
11 Sections 471.1 through 471.9 ~~471.8~~, to read as follows:

12 **SEC. 471.1. FINDINGS.**

13 1. In the last thirty-five years, obesity has grown into a public health problem of epidemic
14 proportions. Seventy-three million Americans are obese according to a 2010 report issued by the
15 CDC-- an increase of 2.4 million from 2007. At least 17 percent of American children ages 2-19 years
16 are now considered overweight or obese. An additional 17 percent are identifiably at risk of becoming
17 overweight. Since the 1970s, obesity rates have doubled among preschool children ages 2-5 years and
18 adolescents aged 12-19 years, and more than tripled among children aged 6-11 years.

19 2. According to the 2007 California Health Interview Survey (CHIS), 15 percent of
20 adolescents in the greater Bay Area between 12 and 17 years of age are overweight or obese
21 for their age, and 8 percent of children under age 12 are overweight for their age. In 2004,
22 nearly one-fourth of San Francisco children in grades 5, 7, and 9 were overweight. By In
23 2008, approximately 29 percent of 5th graders, 26 percent of 7th graders, and 25 percent of 9th
24 graders in San Francisco had weights above the healthy fitness zone range of the California
25 Department of Education fitnessgram assessment.

Supervisors Mar, Campos, Chiu, Avalos
BOARD OF SUPERVISORS

1 3. Obesity, overweight, and unhealthy eating habits pose a serious risk to the health and
2 welfare of San Francisco's children and adolescents. Children and adolescents who are obese or
3 overweight have an increased risk of being obese or overweight as adults, with 75 percent of children
4 who are overweight expected to be overweight as adults.

5 4. Childhood obesity also increases children's chances of experiencing chronic health problems
6 later in life. During childhood and adolescence, obese and overweight individuals are already more
7 likely than their peers to exhibit risk factors for heart disease (including elevated cholesterol levels,
8 triglyceride levels, and blood pressure), risk factors for cancer, and impaired glucose tolerance, a
9 precursor for development of Type 2 diabetes. In recent years, Type 2 diabetes in children and
10 adolescents has risen dramatically in conjunction with increases in obesity and overweight.

11 5. The Institute of Medicine has found that the prevalence of obesity among children is so great
12 that it may reduce the life expectancy of the current generation of children and diminish the overall
13 quality of their lives.

14 6. Childhood obesity and overweight also have serious economic costs. Nationally, the annual
15 costs of providing inpatient treatment to children diagnosed with obesity increased from \$125.9 million
16 in 2001 to \$237.6 million in 2005. In addition to inpatient treatment, an estimated \$14.1 billion is
17 spent nationally on prescription drug, emergency room, and outpatient visit expenses each year as a
18 result of childhood obesity and overweight. About 7 percent of San Francisco Public Health
19 Department's unreimbursed medical payments are attributable to obesity among San Franciscans. As
20 children and adolescents in San Francisco become adults, their high rates of obesity and overweight
21 are likely to contribute to the already high economic costs of healthcare and loss of productivity
22 associated with adult obesity in San Francisco.

23 7. San Francisco has invested considerable resources to combat childhood obesity, offering a
24 wide range of community programs. Shape Up San Francisco, a multidisciplinary government
25 coalition, provides an annual Walking Challenge, a Safe Routes to School program to encourage

1 children to walk or bike to school, and the Rethink Your Drink marketing campaign to discourage soda
2 consumption. The San Francisco WIC program also has a Healthy Eating, Active Living campaign to
3 increase WIC families' access to fresh, healthy food. Despite these measures, childhood obesity rates
4 continue to rise and concern San Franciscans.

5 8. San Francisco parents identify childhood obesity as a significant concern for their families.
6 A 2003 survey by the Kaiser Family Foundation found that nearly all Bay Area adults said that being
7 overweight or obese was a significant problem currently faced by children and teens, with 69 percent of
8 adults describing it as major problem. In 2006, 21 percent of Bay Area parents in the Bay Area Parent
9 Poll reported being somewhat or very concerned about their child's weight. The 2007 Bay Area Parent
10 Poll showed that 26 percent of parents picked weight as their primary concern for their children—the
11 second highest primary concern, after stress.

12 9. San Francisco families want their children to have access to healthy, nutritional food and to
13 make healthy choices from the food available. The 2003 survey by the Kaiser Foundation found that
14 approximately 70 percent of Bay Area parents consider nutritional value to be very important when
15 buying food for their household. In addition, the survey showed that 42 percent of Bay Area adults felt
16 that the food industry has a significant responsibility in addressing obesity.

17 10. San Francisco families also face limited time to obtain and prepare nutritional food,
18 making dining out an appealing and often necessary option. The 2003 Kaiser Foundation study
19 showed that 40 percent of Bay Area parents said that their child ate at least one fast food meal or snack
20 on a typical day. More San Franciscans are eating out at least several times a week, with 14 percent of
21 Bay Area parents reporting that their child did not eat dinner cooked at home on most nights in 2003.
22 Fifty-seven percent of Bay Area parents said their child eats out at a restaurant at least once a week,
23 and 14 percent of Bay Area parents said their child eats out at a restaurant between two and seven
24 days a week.

1 11. The food that children and adolescents consume at restaurants has a significant impact on
2 their risk of developing obesity, overweight, or other related health risks. Studies have shown a
3 positive association between eating out and higher caloric intakes and higher body weights. Research
4 shows that consumption of fast food, sugar-sweetened beverages, and other restaurant offerings by
5 children and adolescents is frequently associated with overeating, poor nutrition, and weight gain.
6 About one-third of the calories in an average American's diet come from restaurant or other away-
7 from-home foods. Children eat almost twice as many calories (770) when they eat a meal at a
8 restaurant as they do when they eat at home (420).

9 12. The Institute of Medicine and the U.S. Department of Health and Human Services, among
10 other public health agencies, have developed guidelines and recommendations on healthy nutritional
11 standards for children's meals. The food and beverages that restaurants typically serve to children and
12 adolescents often fail to meet these accepted nutritional recommendations. Ninety eight percent of
13 California school children have diets that do not meet the current dietary recommendations.

14 13. Restaurant foods are generally higher in those nutrients for which over-consumption is a
15 problem, such as fat and saturated fat, and lower in nutrients required for good health, such as calcium
16 and fiber. An analysis of nutrient quality of children's meals served by restaurant chains found that
17 only 3 percent met USDA criteria for meals served under the National School Lunch Program.
18 Children who ate restaurant food compared with those who did not consumed more total fat, more total
19 carbohydrates, more sugar-sweetened beverages, less fiber, less milk, and fewer fruits and non-starchy
20 vegetables.

21 14. Dietitians with the non-profit Physicians Committee For Responsible Medicine
22 (PCRM) analyzed the menu offerings at five major restaurants and found that most childrens
23 meals are alarmingly high in fat, cholesterol and calories. Some contain more sodium and as
24 much saturated fat as a child should consume in an entire day.

1 44- 15. America's rising obesity rates reflect increased intake of oils, cheese, meat and
2 frozen deserts, as reported in the American Journal of Clinical Nutrition. Children's menus at the
3 largest chain restaurants are dominated by burgers, chicken nuggets, macaroni and cheese, French
4 fries, and soft drinks. The most common entree on children's menus is fried chicken in some form,
5 available at 89 percent of the largest chain restaurants.

6 45- 16. Portion sizes are often large at restaurants and people tend to eat greater quantities of
7 food when they are served more, whether or not they are hungry.

8 46- 17. Restaurants encourage children and adolescents to choose specific menu items by
9 linking them with free toys and other incentive items. The Federal Trade Commission (FTC) estimated
10 that the ten restaurant chains surveyed spent \$360 million in 2006 to acquire toys distributed with
11 children's meals. The FTC reported that in 2006, fast food restaurants sold more than 1.2 billion
12 meals with toys to children under 12, accounting for 20 percent of all child traffic.

13 47- 18. The Center for Science in the Public Interest Research analyzed children's
14 meals at major restaurant chains in 2008 and found that many exceed the recommended caloric limits
15 for children. And almost every high-calorie meal in the study came with toys.

16 48- 19. Toys, games, trading cards, admission tickets, and other items given out by restaurants
17 tend to be particularly appealing to children and adolescents. Digital incentives like computer games
18 and on-line media similarly appeal to youth.

19 49- 20. Research shows that parents frequently make purchases based on requests made by
20 children, particularly for items that are geared toward children. Additionally, children and
21 adolescents ages 4-17 years have increasing discretionary income that is frequently spent on restaurant
22 food.

23 20- 21. The FTC recommends that companies adopt nutrition-based standards for food and
24 beverages targeted at children. However, as of March 2010, 35 of 45 major national restaurant chains

1 surveyed had no policies or extremely vague policies on this issue, and the remaining 10 restaurant
2 chains were found to have key weaknesses in their policies or the nutritional criteria used.

3 22. By enacting this ordinance, the City seeks to regulate the sales practice of
4 restaurants physically packaging or tying a free toy (or other incentive item) with unhealthy
5 food for children. The City does not seek to limit or regulate any speech, communication or
6 advertising on the part of any restaurant in any manner. Nor does the City seek to ban
7 entirely the practice of tying free toys with children's meals. Rather, the ordinance allows
8 restaurants to engage in this conduct so long as the toy or incentive item is tied with a meal or
9 single food item that meets specified nutritional standards. By limiting this sales practice to
10 healthy food, the ordinance seeks to encourage and increase the likelihood that parents will
11 make healthier choices for their children when eating out in restaurants, and to encourage and
12 increase the likelihood that children will make healthier choices for themselves at restaurants.

13
14 **SEC. 471.2. TITLE AND PURPOSE.**

15 This Ordinance shall be known as the "Healthy Food Incentives Ordinance." The intent of this
16 Ordinance is to improve the health of children and adolescents in San Francisco by setting healthy
17 nutritional standards for children's meals sold at restaurants accompanied by in combination with
18 free toys or other incentive items. These standards will support families seeking healthy eating choices
19 for their children by permitting restaurants to offer give away free toys and other incentive items only
20 in combination with in conjunction with foods only if those foods meeting specified nutritional
21 criteria. This Ordinance imposes no requirements or regulations for the advertising or labeling of
22 food or beverages or the disclosure of ingredients.

23
24 **SEC. 471.3. DEFINITIONS.**

25 (a) "City" means the City and County of San Francisco.

1 (b) "Department" means the Department of Public Health.

2 (c) "Director" means the Director of the Department of Public Health, or his or her designee.

3 (d) "Incentive Item" means (1) any toy, game, trading card, admission ticket or other
4 consumer product, whether physical or digital, with particular appeal to children and teens but not
5 including "Single Use Articles" as defined in California Health & Safety Code Section 113914 as of
6 January 1, 2009, or (2) any coupon, voucher, ticket, token, code, or password redeemable for or
7 granting digital or other access to an item listed in (d)(1). If the incentive item consists of a food
8 product, the food product shall be considered as part of the Meal under Section 417.4. for purposes of
9 determining whether the Meal meets the nutritional standards.

10 (e) "Meal" means any combination of ~~Single Food Items~~ offered together for a single price.

11 (f) "Restaurant" means an establishment that stores, prepares, packages, serves, vends, or
12 otherwise prepares food for human consumption at the retail level for consumption on or off the
13 premises. "Restaurants" include, but are not limited to, establishments: (1) primarily engaged in
14 providing food services to patrons who order and are served while seated, and pay after eating,
15 (2) primarily engaged in providing food services where patrons generally order or select items and pay
16 before eating, or (3) engaged in providing take-out food services where patrons order ready-to-eat food
17 generally intended for immediate consumption off the premises. Restaurants may also include
18 separately owned food facilities that are located in a grocery store but does not include the grocery
19 store.

20 (g) "Single Food Item" means the complete contents of any food offered for individual
21 sale by a Restaurant, not including beverages. Single Food Item may include, but is not
22 limited to, a single slice of pizza, a burrito, a hamburger, french fries, or a sandwich containing
23 a meat or other protein filling.

24
25 **SEC. 471.4. INCENTIVE ITEMS WITH RESTAURANT FOOD.**

1 (a) Single Food Item and Meals. A Restaurant may give away a free Incentive Item in
2 combination with the purchase of a Single Food Item or Meal only if the Single Food Item or Meal
3 meets the following nutritional standards:

4 (1) Calories. More than two hundred (200) calories for a Single Food Item, or
5 more Less than six hundred (600) calories, for a Meal;

6 (2) Sodium. Less than four hundred and eighty milligrams (480 mg) of sodium
7 for a Single Food Item, or more than six hundred and forty milligrams (640 mg) of sodium, for a
8 Meal;

9 (3) Fat. Less than thirty-five percent (35%) of total calories from fat, except for fat
10 contained in nuts, seeds, peanut butter or other nut butters, or an individually served or packaged egg,
11 or individually served or packaged low-fat or reduced fat cheese;

12 (4) Saturated Fat. Less than ten percent (10%) of total calories from saturated fats,
13 except for saturated fat contained in nuts, seeds, peanut butter or other nut butters, an individually
14 served or packaged egg, or individually served or packaged low-fat or reduced fat cheese; or;

15 (5) Trans Fat. Less than 0.5 grams of trans fat;

16 (6) If the Meal includes a Beverage, the Beverage must meet the criteria set
17 forth below in (b).

18 (7) Fruits and Vegetables. Contains 0.5 cups or more of fruits and 0.75 cups or more
19 of vegetables for a Meal unless the Meal is served as breakfast and consists of food typically
20 considered to be breakfast items. Breakfast meals must contain 0.5 cups of fruit or
21 vegetables, and

22 (8) Whole Grains. If the Meal includes bread, including but not limited to a
23 hamburger bun or other bunsandwich, it must be made with at least 50 percent whole wheat.

1 **(b) Single Food Items and Beverages.** A Restaurant may give away a free Incentive Item
2 in combination with the purchase of a Single Food Item or Beverage only if the Single Food Item or
3 Beverage meets the following nutritional standards:

4 **(1) Fat.** Less than thirty-five percent (35%) of total calories from fat;

5 **(2) Sugars.** Less than ten percent (10%) of calories from added caloric sweeteners.

6
7 **SEC. 471.5. ADMINISTRATIVE PENALTIES AND ENFORCEMENT.**

8 **(a) The Director may issue administrative citations for the violation of Section-471.4. San**
9 Francisco Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative
10 Fines," is hereby incorporated in its entirety and shall govern the amount of fees and the procedure for
11 imposition, enforcement, collection, and administrative review of administrative citations issued under
12 this Section.

13 **(b) The Department of Public Health shall inspect restaurants for compliance with Section**
14 471.4 and shall enforce Sections 471.1-471.4. The Director may adopt rules and regulations to give
15 effect to those sections.

16
17 **SEC. 471.6. PREEMPTION.**

18 **In adopting this Chapter, the Board of Supervisors does not intend to regulate or affect the**
19 rights or authority of the State or Federal government to do those things that are required, directed, or
20 expressly authorized by federal or state law. Further, in adopting this Chapter, the Board of
21 Supervisors does not intend to prohibit or authorize that which is prohibited by Federal or State law.

22
23 **SEC. 471.7. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL**
24 **WELFARE.**

1 In undertaking the adoption and enforcement of this Chapter, the City is assuming an
2 undertaking only to promote the general welfare. The City does not intend to impose the type of
3 obligation that would allow a Person to sue for money damages for an injury that the Person claims to
4 suffer as a result of a City officer or employee taking or failing to take an action with respect to any
5 matter covered by this Chapter.

6
7 **SEC. 471.8. SEVERABILITY.**

8 If any of the provisions of this Chapter or the application thereof to any person or circumstance
9 is held invalid, the remainder of this Chapter, including the application of such part or provisions to
10 persons or circumstances other than those to which it is held invalid, shall not be affected thereby and
11 shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

12
13 **SEC. 471.9. EFFECTIVE DATE.**

14 The provisions of the Ordinance shall become effective on December 1, 2011.

15
16 APPROVED AS TO FORM:

17 DENNIS J. HERRERA, City Attorney

18
19 By:


ALEETA M. VAN RUNKLE
Deputy City Attorney



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 101096

Date Passed: November 09, 2010

Ordinance amending Article 8 of the San Francisco Health Code by adding Sections 471.1 through 471.9, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items.

September 27, 2010 Land Use and Economic Development Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 27, 2010 Land Use and Economic Development Committee - CONTINUED AS AMENDED

October 04, 2010 Land Use and Economic Development Committee - RECOMMENDED

October 19, 2010 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

November 02, 2010 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

November 02, 2010 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell and Mirkarimi
Noes: 3 - Alioto-Pier, Chu and Elsbernd

November 09, 2010 Board of Supervisors - FINALLY PASSED

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell and Mirkarimi
Noes: 3 - Alioto-Pier, Chu and Elsbernd

File No. 101096

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 11/9/2010 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

Date Approved



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File: 101096 McDonalds is a criminal organization....save us from ourselves!!!

From: Dave <sledge@vianet.ca>
To: Board.of.Supervisors@sfgov.org
Date: 11/09/2010 05:38 PM
Subject: McDonalds is a criminal organization....save us from ourselves!!!

Wow....

I know my comments as a Canadian will fall on your ears just like the comments of the Americans (and the world) fell on deaf ears in Germany in the 1930's. You are a bunch of socialists. Let parents raise their own kids, right or wrong. Unless you are able to also pass a law that allows children to be removed from their home because the parents go out of state to buy a Happy Meal, then good luck!!! You just worry about being politicians. Sounds like you have enough trouble with that. I am a Canadian that is EMBARRASSED to live next to such a totalitarian country. Weren't you guys (as a state) just about to legalize pot? So instead you ban Happy Meals? I hope someone there with two brain cells left to rub together gets this mail. I went through the trouble of using a couple brain cells to conclude that fascism is wrong. Hopefully someone there can too...

Maybe you can also start banning McDonalds ads on TV, and maybe round up fat kids...and oh!! ...get a special salute!!!...and set up "camps" for fat kids, and apply some sort of final solution, hmm...? Sounds like that's where you are headed...good luck with that as well.

And the whole time as a nation, you sell out to China....
America, a nation slowly losing it's way...

--

Dave
sledge@vianet.ca



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 101096: Unhappy Meals

From: Charles Phillips <charlesphillips2@gmail.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/08/2010 05:53 PM
Subject: Unhappy Meals

I would be remiss is I did not tell you how misguided I think your are with your decision to ban the sale of Happy Meals. Government has no business regulating what parents choose to feed their children. The California electorate and people like you are driving business from the once great Golden State at an ever accelerating pace. Legislation like your Happy Meal nonsense will only further hasten the evacuation and your financial collapse. I urge you to reconsider.



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 101096: Danger of fast food to health & suggestions to the Board

From: idriss bennani <ibennani@yahoo.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/09/2010 09:26 PM
Subject: Danger of fast food to health & suggestions to the Board

Dear SF Board of Supervisors,

I would like to applaud your initiative to curtail excessive carb and fat from the fast food industry. These are detrimental to the health of children and adults alike. If I may, I would like to bring to your attention the excessive salt as well as possibly sodium glutamate added to french fries and other food in the fast food industry. These help this industry to significantly increase the addictivity of their food. They are, however, health hazardous, most notably to blood pressure and associated circulation and heart diseases (number one killer in the nation). I hope that you will find the courage to continue the admirable work you have initiated and work on banning sodium glutamate from food, and on drafting clear and enforceable guidelines on the amount of table salt to be added to ready-made and fast food.

Thank you very much for considering my suggestion.

Dr. Bennani.



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 101096: Bravo!

From: Kevin Harris <kevinrdharris@me.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/09/2010 09:12 PM
Subject: Bravo!

I just read about your stance against fast-food companies who entice young children to eat unhealthy food by linking it to "free" toys, and I want to say a very loud "Bravo!"

This is the kind of leadership I wish more government at all levels would display.

Best regards,

Kevin Harris
602-993-6308
Phoenix, AZ



Request for City Services - Clerk of the Board

Enter Personal Details > Enter Service Request Details > Review & Submit > Attach Photo(s) / File(s) > **Print & Track**

Successfully Submitted

File 101096, cpage

Thank you for your submission. You will receive an email confirmation with a link to follow the progress of your submission.

If you have any additional requests or questions, you can call us 7 days a week, 24 hours a day at 311 (for calls outside of San Francisco please dial (415)701-2311).

Your Tracking Number is: 767052

Nov 6 2010 6:06AM.

Please print a copy for your records. You may close your browser when done.

Location Information:

Location Description:

Request Details:

Category:	Complaint
Department:	Board of Supervisors (BOS)
Sub-Division:	Clerk of the Board

Additional Information:

Additional Request Details:	Did anyone on your board ever really read the Constitution of the United States of America, of which you are a part. The part about the pursuit of happiness and all that freedom stuff? My humble family lives in Wisconsin and we considered a trip to SF but can't come to grips with your unlawful attempt of interdiction with Mc Donald's. Please consider leaving us (american citizens) alone and using all that brainpower to either succeed the union, at which time you can pay back all those funds and grants and back handed deals... or find constitutional solutions. Good Luck SF.
-----------------------------	---

Customer Contact Information:

First Name:	Matt
Last Name:	Mattoon
Primary Phone:	262-914-6741
Alternate Phone:	
Address Number:	5618
Street Name:	31st Ave
City, State:	Kenosha, Wisconsin
ZIP Code:	53144
Email:	mattnpam_mattoon@sbcglobal.net

Customer requested to be contacted by the department servicing their request:



You are kidding me!

john decastro

to:

Board.of.Supervisors

11/10/2010 07:48 PM

Cc:

David Chiu, Sophie Maxwell, Gavin Newsom, Dennis Herrera, sean.elsbernd, Bevan Dufty

Show Details

Dear President Chiu

You and your colleagues obviously don't have enough to do if you are worrying about Happy Meals.

You need a To Do list from the Citizens

1. Fix the potholes in the streets
2. Clean the sidewalks
3. Make sure Muni runs on time (so I can get to work and pay taxes)
4. Consolidate the tens of homeless agencies into a few so there is less waste and administrative overhead. So we can really fix the homeless problem instead of feeling good we are throwing money at it.
5. Convene a focus group from representatives of every district and build a list of the top 10 citizen priorities for the Board to tackle. I will bet happy meals doesn't make the top 1000!

This list can go on for pages. But instead you and your colleagues have to invite a many hundreds of thousands of dollar lawsuit from the food industry with your quixotic gesture.

Anyone who voted in the majority under Parliamentary Procedure can move for reconsideration. Do something positive to make the city better and not worry about Happy Meals.

We are going to be the laughing stock of the country again. Just when the Giants got us all this good publicity you and your colleagues have to drive off the deep end one more time.

John deCastro

Potrero Hill



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 101096: happy meals and other related items

From: Cathy McNamee <mcnameecathy@yahoo.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/11/2010 12:51 PM
Subject: happy meals and other related items

HI

Please STOP wasting time on stupid things like banning toys from Happy Meals. Parents are the issue and not McDonalds or any other "fast food" chain (Jack in the Box, Burger King, Wendy's, Popeyes, KFC ...you get the idea). If parents learned to say "NO" then there would not be an issue. If parent's got their children involved in exercise activities instead of sitting them in front of the TV, then there wouldn't be an issue. How were the children introduced to fast food in the first place....parents took them there. Just because the toy is not offered, doesn't mean I am not going to "treat" my niece or nephew to a meal there. Don't you want a burger and fries every now and then?

The Happy Meal is a once in a while treat....like Disneyland or the movies! Parent's seem to not have trouble saying "NO" to going to movies or Disneyland.

To conclude, I am very tired of hearing about the obesity in this country when the source is the parent and ultimately the responsibility of the child as he/she grows up. Education is the better answer here in schools. Oh, but wait, for those schools that offer cafeterias....yeah, that's right, there is pizza, burgers, etc....what is a child to do.

I think our city street pot holes and pot heads need much more of your attention.

Thanks for your time.
Cathy



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 101096: Seriously? Happy Meals are Banned?

From: Peggy Johnston <p51575j@hotmail.com>
To: <board.of.supervisors@sfgov.org>
Date: 11/10/2010 01:45 PM
Subject: Seriously? Happy Meals are Banned?

OMG! I must be dreaming. Actually, it must be a nightmare! I'm having a nightmare that Obama received his wish for the United States to become a socialistic country, rather than the free, capitalistic, republic that it is. Someone pinch me, please. In my nightmare, the Board of Supervisors for the City of San Francisco have taken over McDonald's Restaurants! People are no longer free to voice their opinions, and private ownership of businesses has disappeared. Pinch me!

Thank God we have common sense in Iowa, and we love our freedom and independence, and Iowa corn-fed beef. If I didn't have cousins in the SF area, I would say it's time for that big earthquake to take you to the sea! They actually love living there!

How dare you tell a business what it may and may not do!! The citizens better vote 8 of you out!! I don't know, however. Those without common sense outnumber those who have it -- Barbara Boxer is still in office. WHAT A DISGRACE TO THE USA!! Who? What? Her, Boxer, and you, the Board of Supervisors for the City of San Francisco.

You are such a disgrace to the USA! You and the current administration who brought a lawsuit against Jan Brewer and the great State of Arizona. OMG!! Morons are running this country!

McDonald's only crime is not buying Iowa corn-fed beef!!

You should be tried for treason!

Peggy French Johnston
712-322-0133 Fax: 712-322-9421



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 101096: banned items

From: "Gregory M. Herdman" <gregmh_1@hotmail.com>
To: <board.of.supervisors@sfgov.org>
Date: 11/10/2010 11:51 AM
Subject: banned items

You should be called Board of Stupidvisors

How dare you ban items that do not pertain to the government.

If you wanted things removed talk to the main company, not remove them yourselves

you are not our parents or guardians

your are our paid servants, you do what we tell you not the other way

this is like part of HITLERS THIRD REICH

DO AS I SAY NOT AS I DO!!!!!!!!!!!!!!

you are out of your territory, stay in your own backyard!!!!!!!!!!

GROW UP!!!!!!!!!!!!!!



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 101096: Board of Supervisors needs to be replaced!!!

From: Debi Bidelman <debi-1952@hotmail.com>
To: <board.of.supervisors@sfgov.org>
Date: 11/10/2010 11:07 AM
Subject: Board of Supervisors needs to be replaced!!!

You all need to be replaced! I hope that your citizens throw you all out for your stance on Happy Meals.

I know I will NOT be going to San Francisco any time soon and will not as long as this is in place.

RISE UP CITIZENS AND TAKE YOUR CITY BACK!!!!

THAT will be my fight....

This is absolutely insane. I am an elderly lady who eats happy meals, and saves the toys for my grandchildren who love getting them,. and now you tell me I can't.....I DONT THINK SO!

You are commies!

your ruling more often than not
DICKIEVNOW
to:
Board.of.Supervisors
11/12/2010 04:47 PM
Show Details

Your happy meal mentality and in your face actions are vintage a country other than America. Have you decided which one?



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Best Practice. how SOTF/ETHICS/CA should post their cases and rulings online.

From: Kimo Crossman <kimo@webnetic.net>
To: Richard Knee <rak0408@earthlink.net>, David Snyder <DSnyder@sheppardmullin.com>, "Johnson, Hope" <hopeannette@earthlink.net>, "Bruce Wolfe, MSW" <sotf@brucewolfe.net>, SOTF <jerry.threet@sfgov.org>, SOTF <sotf@sfgov.org>, amwashburn <amwashburn@comcast.net>, Tenants 769NorthPoint <tenants769np@yahoo.com>, Allen Grossman <grossman356@mac.com>, James Chaffee <chaffeej@pacbell.net>, Peter Warfield <libraryusers2004@yahoo.com>, Ray Hartz Jr <rwhartzjr@sbcglobal.net>, Oliver Luby <oliverlear@yahoo.com>, Eileen Halladay <eileenk8@hotmail.com>, Jay Nath <jay.nath@sfgov.org>, "John St.Croix" <john.st.croix@sfgov.org>, Sarah Phelan <sarah@sfbg.com>, "tredmond@sfbg.com" <tredmond@sfbg.com>, Francisco Da Costa <frandacosta@att.net>, Board of Supervisors <Board.of.Supervisors@sfgov.org>, Ethics Commission <ethics.commission@sfgov.org>, Rebecca Bowe <rebeccab@sfbg.com>, Steve Jones <steve@sfbg.com>, Bruce Brugman <bruce@sfbg.com>, Eric Brooks <brookse32@aim.com>, Matt Dorsey <mattdorsey@mac.com>, "jsabatini@sfexaminer.com" <jsabatini@sfexaminer.com>, Joe Eskenazi <getbackjoejoe@gmail.com>, Marc Powell <marc@rotten.com>, David Waggoner <dpwaggoner@gmail.com>, Angela Calvillo <Angela.Calvillo@sfgov.org>
Date: 11/09/2010 04:52 PM
Subject: Best Practice. how SOTF/ETHICS/CA should post their cases and rulings online.
Sent by: kimocrossman@gmail.com

Bos/ethics/sotf clerks please make this part of the respective public body communication record.

When you realize the resources spent on each matter it really makes sense to make this info available online and cross referenced. Especially since SO 67.21-1 and other sunshine provisions already require it. Which the Mayor is now advocating for with similar redundant legislation.

----- Forwarded message -----

From: "Michael Ravnitzky" <mikerav@verizon.net>
Date: Nov 9, 2010 4:31 PM
Subject: [FOI-L] Searchable index of Federal Election Commission advisory opinions
To: <FOI-L@listserv.syr.edu>

This is a well-done searchable index of FEC advisory opinions:

<http://saos.nictusa.com/saos/searchao>

Michael Ravnitzky
mikerav@verizon.net

4



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 100455: Support the SF Safe Drug Disposal Ordinance

From: Ryan Kushner <ryankushner@mac.com>
To: board.of.supervisors@sfgov.org
Date: 11/15/2010 11:47 AM
Subject: Support the SF Safe Drug Disposal Ordinance

Dear Supervisors,

As a member of the Surfrider Foundation San Francisco Chapter, I urge you to support the San Francisco Safe Drug Disposal ordinance, file # 100455.

Many households and businesses have gotten into the habit of flushing unused medications down the toilet or drain. However, wastewater treatment plants and septic systems generally are not designed to treat this kind of waste. As a result the waste drugs are only partially destroyed in the sewage treatment process, and therefore are still present in wastewater treatment plant effluent.

Depending on the location, this effluent stream is discharged to the ocean or the bay where the pharmaceuticals can effect the health of marine life. If these water bodies are used to supply drinking water, individuals consuming that water can be exposed to the mix of discarded drugs.

Providing a safe, easy program for proper disposal of unwanted prescription medications is key to improving the safety and quality of our waters.

I urge you to vote in favor of the Safe Drug Disposal ordinance when it comes before the San Francisco Board of Supervisors.

Thank you for your consideration.

Ryan Kushner
Haight St.
San Francisco, CA 94117

5



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 100455: Support the SF Safe Drug Disposal Ordinance

From: Erik Hansen <soccerik@gmail.com>
To: board.of.supervisors@sfgov.org
Date: 11/15/2010 11:47 AM
Subject: Support the SF Safe Drug Disposal Ordinance

Dear Supervisors,

As a resident of Potrero Hill, I urge you to support the San Francisco Safe Drug Disposal ordinance, file # 100455.

Many households and businesses have gotten into the habit of flushing unused medications down the toilet or drain. However, wastewater treatment plants and septic systems generally are not designed to treat this kind of waste. As a result the waste drugs are only partially destroyed in the sewage treatment process, and therefore are still present in wastewater treatment plant effluent.

Depending on the location, this effluent stream is discharged to the ocean or the bay where the pharmaceuticals can effect the health of marine life. If these water bodies are used to supply drinking water, individuals consuming that water can be exposed to the mix of discarded drugs.

Providing a safe, easy program for proper disposal of unwanted prescription medications is key to improving the safety and quality of our waters.

I urge you to vote in favor of the Safe Drug Disposal ordinance when it comes before the San Francisco Board of Supervisors.

Thank you for your consideration.

Erik Hansen
2121 24th St
San Francisco, CA 94107



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 100455: Support the SF Safe Drug Disposal Ordinance

From: Mark Rauscher <surf4less@gmail.com>
To: board.of.supervisors@sfgov.org
Date: 11/10/2010 04:22 PM
Subject: Support the SF Safe Drug Disposal Ordinance

Dear Supervisors,

As a member of the Surfrider Foundation San Francisco Chapter, I urge you to support the San Francisco Safe Drug Disposal ordinance, file # 100455.

Many households and businesses have gotten into the habit of flushing unused medications down the toilet or drain. However, wastewater treatment plants and septic systems generally are not designed to treat this kind of waste. As a result the waste drugs are only partially destroyed in the sewage treatment process, and therefore are still present in wastewater treatment plant effluent. Depending on the location, this effluent stream is discharged to drinking water sources like rivers and the ocean.
http://beachapedia.org/Drugs_in_the_Water

Individuals can be exposed to trace amounts of waste drugs by consuming city drinking water. Individuals can also become exposed to the waste drugs by ingesting ocean water while recreating in the ocean.

Providing a safe, easy program for proper disposal of unwanted prescription medications is key to improving the safety and quality of our waters.

I urge you to vote in favor of the Safe Drug Disposal ordinance when it comes before the San Francisco Board of Supervisors.

Thank you for your consideration.

Mark Rauscher
3764 Carnegie Dr.
san francisco, CA 94134



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 100455: Support the SF Safe Drug Disposal Ordinance

From: Nicole Parisi-Smith <nicole.parisi.smith@gmail.com>
To: board.of.supervisors@sfgov.org
Date: 11/11/2010 02:16 PM
Subject: Support the SF Safe Drug Disposal Ordinance

Dear Supervisors,

As a member of the Surfrider Foundation San Francisco Chapter, I urge you to support the San Francisco Safe Drug Disposal ordinance, file # 100455.

Many households and businesses have gotten into the habit of flushing unused medications down the toilet or drain. However, wastewater treatment plants and septic systems generally are not designed to treat this kind of waste. As a result the waste drugs are only partially destroyed in the sewage treatment process, and therefore are still present in wastewater treatment plant effluent.

Depending on the location, this effluent stream is discharged to the ocean or the bay where the pharmaceuticals can effect the health of marine life. If these water bodies are used to supply drinking water, individuals consuming that water can be exposed to the mix of discarded drugs.

Providing a safe, easy program for proper disposal of unwanted prescription medications is key to improving the safety and quality of our waters.

I urge you to vote in favor of the Safe Drug Disposal ordinance when it comes before the San Francisco Board of Supervisors.

Thank you for your consideration.

Nicole Parisi-Smith
1042 Haight St
Apt 3
San Francisco, CA 94117



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 100455: Support the SF Safe Drug Disposal Ordinance

From: Liz Bunny <melkava8@yahoo.com>
To: board.of.supervisors@sfgov.org
Date: 11/11/2010 02:53 PM
Subject: Support the SF Safe Drug Disposal Ordinance

Dear Supervisors,

As a member of the Surfrider Foundation San Francisco Chapter, I urge you to support the San Francisco Safe Drug Disposal ordinance, file # 100455.

Many households and businesses have gotten into the habit of flushing unused medications down the toilet or drain. However, wastewater treatment plants and septic systems generally are not designed to treat this kind of waste. As a result the waste drugs are only partially destroyed in the sewage treatment process, and therefore are still present in wastewater treatment plant effluent.

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I urge you to vote in favor of the Safe Drug Disposal ordinance when it comes before the San Francisco Board of Supervisors.

Thank you for your consideration.

Liz Bunny
993 steiner st
San Francisco, CA 94117



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 100455: Support the SF Safe Drug Disposal Ordinance

From: dan robinson <dannorobinson@hotmail.com>
To: board.of.supervisors@sfgov.org
Date: 11/11/2010 03:56 PM
Subject: Support the SF Safe Drug Disposal Ordinance

Dear Supervisors,

As a member of the Surfrider Foundation San Francisco Chapter, I urge you to support the San Francisco Safe Drug Disposal ordinance, file # 100455.

Many households and businesses have gotten into the habit of flushing unused medications down the toilet or drain. However, wastewater treatment plants and septic systems generally are not designed to treat this kind of waste. As a result the waste drugs are only partially destroyed in the sewage treatment process, and therefore are still present in wastewater treatment plant effluent.

Depending on the location, this effluent stream is discharged to the ocean or the bay where the pharmaceuticals can effect the health of marine life. If these water bodies are used to supply drinking water, individuals consuming that water can be exposed to the mix of discarded drugs.

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I urge you to vote in favor of the Safe Drug Disposal ordinance when it comes before the San Francisco Board of Supervisors.

Thank you for your consideration.

dan robinson
1308 cole street
san francisco, CA 94117



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 100455: Support the SF Safe Drug Disposal Ordinance

From: suzee banshee <djmell@earthlink.net>
To: board.of.supervisors@sfgov.org
Date: 11/11/2010 05:48 PM
Subject: Support the SF Safe Drug Disposal Ordinance

Dear Supervisors,

As a member of the Surfrider Foundation San Francisco Chapter, I urge you to support the San Francisco Safe Drug Disposal ordinance, file # 100455.

Many households and businesses have gotten into the habit of flushing unused medications down the toilet or drain. However, wastewater treatment plants and septic systems generally are not designed to treat this kind of waste. As a result the waste drugs are only partially destroyed in the sewage treatment process, and therefore are still present in wastewater treatment plant effluent.

Depending on the location, this effluent stream is discharged to the ocean or the bay where the pharmaceuticals can effect the health of marine life. If these water bodies are used to supply drinking water, individuals consuming that water can be exposed to the mix of discarded drugs.

Providing a safe, easy program for proper disposal of unwanted prescription medications is key to improving the safety and quality of our waters.

I urge you to vote in favor of the Safe Drug Disposal ordinance when it comes before the San Francisco Board of Supervisors.

Thank you for your consideration.

suzee banshee
illinois st
sf, CA 94107



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 101203: North Beach branch library

From: Carla K <carlak_56@yahoo.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/13/2010 08:59 PM
Subject: North Beach branch library

Thank you so much for voting for a new North Beach branch library. My first position with SFPL, 26 years ago, was at North Beach. I loved working in the diverse, historically fascinating, exciting neighborhood and working with its residents, but the building was woefully inadequate, and unattractive, even then.

I've seen how the new and remodeled libraries revitalize their areas, and how happy the library users and the staff members are in their bright new buildings. North Beach deserves the best branch library possible.

Carla Kozak "Librarian by Day, Catwoman by Night (Gone to the Dogs)"
San Francisco

6



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: SFBOS Land-Use - Item #6 100495 CEQA "Exemption"..... (comments) A.Goodman

From: Aaron Goodman <amgodman@yahoo.com>
To: board.of.supervisors@sfgov.org
Cc: linda.avery@sfgov.org
Date: 11/14/2010 10:00 PM
Subject: SFBOS Land-Use - Item #6 100495 CEQA "Exemption"..... (comments) A.Goodman

SF Board of Supervisors;

On the heels of elections, and the holidays, we suddenly are being stuffed like a turkey with projects and legislative stuff-throughs like this CEQA-exemption legislation is a poorly assembled effort to exempt large scale developments from CEQA. This should NOT be allowed or considered. Kathryn Moore of the Planning Commission noted it clearly that this seems to be a bit much for anyone, let alone a city official.

The effects of this legislation must be seriously considered due to a number of projects currently and in the approval pipeline. To allow CEQA exemption to large projects, is like telling a SUV-Hummer driver to take the carpool lane while spilling the equivalent of the BP spill along there route.

Treasure Island, Parkmerced, the America's Cup, the North Beach and BLIP Cat-Ex exemptions on the Appleton & Wolfard Libraries, and the concerns that preservation/sustainability/adaptive re-use issues are being "CEQA-ELIMINATED" or circumvented through Cat-Ex such as the Merced Branch and other BLIP Library projects, and this legislation allowing larger scale community "re-planning" to go un-CEQA analyzed. This is extremely concerning. Do we not remember the fillmore, the effects of gentrification, the effects of industrialization on urban areas, and the environmental and social effects of our failed housing boom in the state and local counties?

- Do we have a Cat-Ex exemption or CEQA exemption for ADA federal issues?
- Do we allow development to occur in the city without adequate alternatives being looked at?
- Do we close our minds to what solutions should be explored?
- Do we stifle architectural savy, and inventiveness to allow deep pocketed developers, and consultant teams direct and design our cities future without allowing a conversation into what inspires great architecture and solution?
- Do we have a "get-out-of-jail-free-card" for investors/speculators/developers/billionaires due to there financial expenditure over the natural impacts and physical change they propose?

Think clearly on what you are reviewing in committee, it seems a bit premised on certain political agenda's and a lack of true public benefit that is beyond concerning with the projects coming up on the planning commission and city schedule....Spending my time reviewing comments and responses on Parkmerced and preparing for discussing those topics alone, prevent me from reviewing such a piece of legislature by supervisor Alioto-Pier, that is an obvious effort at circumventing due notice, and inclusion of the public in the public process it is dismaying to consistently see someone of her stature, on issues of access, and community involvement to step away from CEQA and proper and adequate decision making, review

of alternatives, and inclusion of sustainable/preservation in the options being discussed....in any EXEMPTION of CEQA....If national and local organizations, are concerned about the effects of this legislation due to the large scale projects coming forward, I would presume that the SFBOS would also be concerned and not EXEMPT anything right now....

Sincerely

Aaron Goodman
amgodman@yahoo.com

cc: SFHPC, SF Planning Commission, SFBOS



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Issued: Memorandum: Results of Follow-up Review of the Branch Library Improvement Program (BLIP) Audit

From: Controller Reports/CON/SFGOV
To: Angela Calvillo/BOS/SFGOV@SFGOV, BOS-Supervisors/BOS/SFGOV, BOS-Legislative Aides/BOS/SFGOV, Steve Kawa/MAYOR/SFGOV@SFGOV, Greg Wagner/MAYOR/SFGOV@SFGOV, Tony Winnicker/MAYOR/SFGOV@SFGOV, Starr Terrell/MAYOR/SFGOV@SFGOV, ggiubbini@sfc.org, Severin Campbell/BudgetAnalyst/SFGOV@SFGOV, Debra Newman/BudgetAnalyst/SFGOV@SFGOV, sfdocs@sfpl.info, gmetcalf@spur.org, CON-Media Contact/CON/SFGOV, CON-EVERYONE/CON/SFGOV, lherrera@sfpl.info, Ed.Reiskin@sfdpw.org, Tara Collins/CTYATT@CTYATT, Michael Cohen/MAYOR/SFGOV@SFGOV, Francis Tsang/MAYOR/SFGOV@SFGOV
Date: 11/08/2010 12:02 PM
Subject: Issued: Memorandum: Results of Follow-up Review of the Branch Library Improvement Program (BLIP) Audit
Sent by: Patti Erickson

The Office of the Controller, City Services Auditor, has issued a memorandum regarding the status of recommendations that were issued from the following Audit: *"Strengthened Program Management Required for Branch Library Improvement Program to Avoid Further Budget Increases"* in September 2007.

The review and resulting memorandum indicates that the controls implemented by the Branch Library Improvement Program are adequate to ensure the accuracy of financial reporting as well as efficient and transparent project management.

To view the full memorandum, please visit our website at:
<http://co.sfgov.org/webreports/details.aspx?id=1206>

This is a send-only email address.

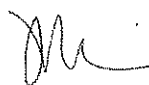
For questions regarding this memorandum please contact Randolph Minnis at Randolph.Minnis@sfgov.org or 415-554-7661, or the Controller's Office, Audits Division at 415-554-7469.

Thank you.

AUDIT FOLLOW-UP MEMORANDUM

DATE: 11/8/2010

TO: Luis Herrera, City Librarian
Edward D. Reiskin, Director, Department of Public Works

FROM: Tonia Lediju, Director of Audits, City Services Auditor (CSA) 

SUBJECT: Results of Follow-up Review of the Branch Library Improvement Program (BLIP) Audit

EXECUTIVE SUMMARY

In accordance with Government Auditing Standards, Section 8.05, promulgated by the United States Government Accountability Office (GAO), CSA conducted a follow-up review of the agreed-upon recommendations in the audit report of September 2007 entitled: *Strengthened Program Management Required for Branch Library Improvement Program to Avoid Further Budget Increases*. Section 8.05 states that one of the goals of audit reporting is facilitating follow-up to determine whether appropriate corrective actions have been taken.

This follow-up is intended to determine whether the San Francisco Public Library (Library) and Department of Public Works (DPW) have taken the corrective actions needed to implement the audit report's recommendations, with the goal of improving BLIP business practices. CSA has completed the follow-up review on the status of the recommendations that were outlined in the 2007 audit report. CSA concludes that the controls implemented by BLIP management are adequate to ensure the accuracy of financial reporting as well as efficient and transparent project management.

Much of the benefit from audit work is not solely in the findings reported or the recommendations made, but the implementation of those recommendations.

BACKGROUND & METHODOLOGY

The Branch Library Improvement Program (BLIP) is the result of voter approval of a bond issue in November 2000. Two city departments are responsible for the success of the program – the Library and DPW. The revised Memorandum of Understanding (MOU) states that DPW will manage the bond program and provide technical design and engineering services. The Library is responsible for providing funding and reviewing and approving the financial reports that DPW produces. The current bond program budget as of September 2010 is \$188.9 million.

As approved by the voters, the BLIP includes the construction and renovation of 24 City branch libraries (16 renovations and 8 new buildings), of which 15 have been completed. The BLIP will

provide the public with seismically safe, accessible, technologically updated, and code compliant branch libraries in every neighborhood.

As of September 2010, 8 projects are in construction, one is in bid award phase, and one is in design phase (pending environmental review).

To conduct the follow-up review, the audit team met with or otherwise contacted key Library and DPW personnel to discuss the status of the corrective actions taken to date, obtained documentary evidence, and verified the existence of processes that have been established, if any. The audit team also attended one Library Commission meeting.

RESULTS

Recommendation 1: Replace current MOU between the Library and Public Works with one that describes in detail both the general and specific activities necessary for each agency to meet its obligation to efficiently and effectively manage the bond program.

Consistent with the recommendation, DPW and the Library have revised and updated the MOU that was developed in 2002 to reflect current and required new practices related to the BLIP schedule and budget management, decision-making and internal communications. The new MOU was presented to the Library Commission on May 15, 2008, and was signed and ratified by both departments on June 2, 2008.

Conclusion: Recommendation 1 has been implemented.

Recommendation 2: Ensure that all agreements for professional services provided by Public Works and private sector consultants are documented upon inception, and establish procedures for periodic review of subsequent changes and actual costs incurred for each agreement.

Consistent with the recommendation, DPW and the Library have developed specific procedures to ensure that the fee proposals for professional services are approved by the process outlined within the new MOU. They have developed reports to track and analyze expenditures to reduce the opportunity for costs to exceed budgeted amounts. To ensure transparency, changes to approved budget amounts are discussed with the Library Commission before work is authorized.

Conclusion: Recommendation 2 has been implemented.

Recommendation 3: Public Works should create a standard set of escalation estimation practices, communicate those standards to cost estimators, and monitor each cost estimate for compliance.

The BLIP program has developed a standard of cost escalation factors which utilize feedback from the City's Capital Planning Committee to ensure consistency with other City capital projects. To further ensure consistency in the cost estimating process, the BLIP has:

- 1) Conveyed standard escalation protocols to all consultants regarding cost escalation estimates for Library projects.
- 2) Instructed the consultant and internal engineers to adhere to diminishing contingency rates as percentage of completion increases.
- 3) Applied midpoint of construction assumption for all construction projects.
- 4) Used the latest local unit prices (not a national average).

Conclusion: Recommendation 3 has been implemented.

Recommendation 4: Ensure that all program reports are easy to read and contain all relevant information.

DPW and the Library have revised the format for regular reporting of financial and construction schedule information. The packets of reports presented monthly to the Library Commission include:

1. Budget Report
2. Branch Library Summary Schedule
3. Construction Report
4. Bond Program Managers Report

Conclusion: Recommendation 4 has been implemented.

Recommendation 5: Increase program controls and promote more effective project oversight by developing and implementing detailed procedures for design, update, and review of budgets for all budget spreadsheets.

The Library and BLIP project management has adopted the 2008 MOU procedures, which delineated responsibilities and expectations related to financial reporting. The BLIP manager (a DPW employee) prepares the monthly financial reporting package. This package is then presented to the Library Commission and the public for comment. Proposed changes and or recommendations for the program or project budgets are then approved by the Library Commission.

Conclusion: Recommendation 5 has been implemented.

Recommendation 6: As a team, the Library and Public Works should adopt any best practices for increasing the number of bids received on projects that it deems are practicable.

The actions both departments have taken include:

1. Distribution of bid advertisement fliers highlighting project scope, budget and key dates.
2. Calling general contractors to remind them of pre-bid conferences.

3. E-mailing bid advertisements to general contractors who have bid on previous library projects,
4. Making construction bid specifications available for review so contractors do not have to purchase the specifications.
5. Distributing information about the BLIP and future projects at annual general contractors conventions.

Conclusion: Recommendation 6 has been implemented.

CSA extends our appreciation to you and your staff who assisted with this follow-up review. If you have any questions or concerns, please call or e-mail Randolph Minnis at (415) 554-4920 or Randolph.Minnis@sfgov.org.

cc: Lena Chen, Branch Library Improvement Program Manager
Ben Rosenfield, Controller

ATTACHMENT: FINDINGS AND RECOMMENDATIONS

Audit Report Rec. #	Recommendation	Status per the Library and DPW	Auditor's Follow-up Work	Results
1	Replace current Memorandum Of Understanding (MOU) between the Library and Public Works with one that describes in detail both the general and specific activities necessary for each agency to meet its obligation to efficiently and effectively manage the bond program.	The departments have initiated efforts to revise and update the MOU that was developed in 2002 to reflect current and required new practices related to the Branch Library Improvement Program (BLIP) schedule and budget management, decision-making, and internal communications. The Library and DPW will work collaboratively to finalize and implement this revised MOU to address each issue raised in the review.	<p>Obtained and reviewed the revised 2008 MOU.</p> <p>Reviewed Library Commission meeting minutes to ensure adoption of the new MOU.</p> <p>Verified signature approval by both city departments' representatives.</p>	<p>Implemented</p> <ul style="list-style-type: none"> The BLIP manager uses the new MOU to ensure that agreed procedures are in accordance to the MOU.
2	Ensure that all agreements for professional services provided by Public Works and private sector consultants are documented upon inception, and establish procedures for periodic review of subsequent changes and actual costs incurred for each agreement.	As part of the updates to the MOU between the Library and DPW, the departments have developed specific procedures to ensure that the fee proposals for professional services are approved by the Library before they are approved by DPW. They have developed reports to track expenditures ensuring that the costs remain within budget. To ensure transparency, changes to the budget are discussed with the Library Commission and the public before work is authorized.	<p>Reviewed the revised MOU, in particular pages 5-9 detailing roles and responsibilities for the departments involved.</p> <p>Reviewed the BLIP managers' monthly reports to the Library Commission.</p> <p>Attended a Library Commission meeting.</p>	<p>Implemented</p> <ul style="list-style-type: none"> The BLIP manager uses the new MOU to ensure that agreed procedures are in accordance to the MOU.

Audit Report Rec. #	Recommendation	Status per the Library and DPW	Auditor's Follow-up Work	Results
3	Public Works should create a standard set of escalation estimation practices, communicate those standards to cost estimators, and monitor each cost estimate for compliance.	<p>DPW has developed a standard cost escalation factor and has solicited feedback from the City's Capital Planning Committee to ensure consistency with other capital projects. In addition, DPW has taken the following steps to ensure consistency in cost estimating.</p> <ol style="list-style-type: none"> 1) Hired a consultant who prepares all estimates for future library projects. 2) Uses the same escalation rate for all projects. 3) Applies escalation rate to the mid-point of construction. 4) Uses the latest local unit prices (not a national average). 5) Applies a sliding scale design contingency based on the phase of design. 	<p>Verified the calculations and factors used in the monthly reporting package to the Library Commission.</p> <p>Reviewed calculations submitted by the consulting company.</p> <p>Verified the use of local pricing in the case analysis.</p>	<p>Implemented</p> <ul style="list-style-type: none"> • The BLIP manager uses the new MOU to ensure that agreed procedures are in accordance to the MOU.
4	Ensure that all program reports are easy to read and contain all relevant information.	<p>DPW and the Library have revised the format for regular reporting of financial and construction schedule information. The base package of reports presented to the commission are:</p> <ol style="list-style-type: none"> 1) BLIP expenditures summary by character and project. 2) BLIP expenditure summary by branch and funding source. 3) Electronic copies of monthly financial plan reports are submitted to the Library Commission showing variances between budgets, expenditures. 	<p>Reviewed two months of monthly reports prepared by the BLIP manager used to report to the Library Commission.</p> <p>Verified that the information reported to the Library Commission includes the project schedule charts, current activities and forecasts.</p> <p>Verified that each project status is presented before the Library Commission.</p>	<p>Implemented</p> <ul style="list-style-type: none"> • The BLIP manager uses the new MOU to ensure that agreed procedures are in accordance to the MOU.

Audit Report Rec. #	Recommendation	Status per the Library and DPW	Auditor's Follow-up Work	Results
5	Increase program controls and promote more effective project oversight by developing and implementing detailed procedures for design, update, and review of budgets for all budget spreadsheets.	The Library and DPW's finance divisions have finalized procedures which delineate responsibilities and expectations related to financial reporting. These procedures are integrated into the 2008 MOU.	Reviewed a sample of budget revisions to ensure that each revision was properly authorized and reviewed prior to implementation. Determined whether the revisions were discussed at the commission meeting.	Implemented <ul style="list-style-type: none"> • Noted that in the four instances reviewed, the Library Commission discussed and approved the proposed change, as well as allowed public comment.
6	As a team, the Library and Public Works should adopt any best practices for increasing the number of bids received on projects that it deems are practicable.	The actions that both departments have taken include: <ol style="list-style-type: none"> 1) Distribution of bid advertisement fliers highlighting project scope, budget and key dates. 2) Calling general contractors to remind them of pre-bid conferences. 3) E-mailing bid advertisements general contractors who have bid previous library projects. 4) Making construction bid documents available for review so contractors do not have to buy them. 5) Distributing information about the bond program at annual general contractor's conventions. In addition, DPW will be sending a letter to prospective bidders announcing future projects.	Determined the outreach program BLIP has been developed and adopted. Verified that the components detailed in the outreach program are being utilized.	Implemented <ul style="list-style-type: none"> • Reviewed the BLIP outreach program. • Reviewed the general correspondence sent to contractors to bid on two projects. • Reviewed the contractors' email group listing in which emails are distributed to contractors.



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Issued: Resources for Improved Streetscape Design and Maintenance

From: Controller Reports/CON/SFGOV
To: Angela Calvillo/BOS/SFGOV@SFGOV, BOS-Supervisors/BOS/SFGOV, BOS-Legislative Aides/BOS/SFGOV, Steve Kawa/MAYOR/SFGOV@SFGOV, Greg Wagner/MAYOR/SFGOV@SFGOV, Tony Winnicker/MAYOR/SFGOV@SFGOV, Francis Tsang/MAYOR/SFGOV@SFGOV, Michael Cohen/MAYOR/SFGOV@SFGOV, ggiubbini@sftc.org, Severin Campbell/BudgetAnalyst/SFGOV@SFGOV, Debra Newman/BudgetAnalyst/SFGOV@SFGOV, sfdocs@sfpl.info, gmetcalf@spur.org, Tara Collins/CTYATT@CTYATT, Adam Varat/CTYPLN/SFGOV@SFGOV, Kris.Opbroek@sfdpw.org, KSporer@sfwater.org, RJencks@sfwater.org, amber.crabbe@sfcta.org, simona@bae1.com, stevemurphy@bae1.com, Oliver.Gajda@sfmta.com, CON-Media Contact/CON/SFGOV, CON-EVERYONE/CON/SFGOV, CON-CCSF Dept Heads/CON/SFGOV@SFGOV, CON-Finance Officers/CON/SFGOV, Starr Terrell/MAYOR/SFGOV@SFGOV, mjuresek@sfwater.org, RKraai@sfwater.org
Date: 11/10/2010 02:23 PM
Subject: Issued: Resources for Improved Streetscape Design and Maintenance
Sent by: Patti Erickson

The Controller's Office is pleased to present three reports, referred to as Resources for Improved Streetscape Design and Maintenance, which increase the City's ability to design and maintain streetscape improvements related to the Better Streets Plan. The reports include the streetscape maintenance lifecycle cost analysis; the lifecycle cost model; and recommended funding strategies for streetscape maintenance. The reports were developed by the consulting firm Bay Area Economics, working under contract with the Controller's Office, using funding from SFPUC, DPW, SFMTA, and the Planning Department.

To view the full set of reports, please visit our website at:
<http://co.sfgov.org/webreports/details.aspx?id=1208>

This is a send-only email address.

For questions regarding this report, please contact Christina Lee (christina.m.lee@sfgov.org, 415-554-5224) or Andrew Murray (andrew.murray@sfgov.org, 415-554-6126).

Thank you.

9



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Fw: Local Hire Ordinance

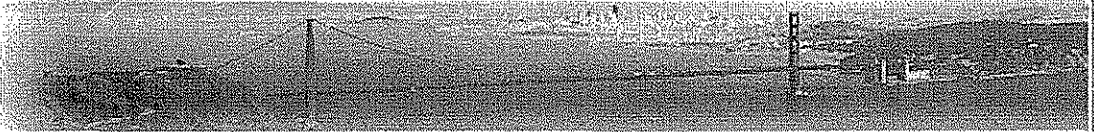
From: Francisco Da Costa <fdc1947@gmail.com>
To: Francisco Da Costa <fdc1947@gmail.com>
Date: 11/09/2010 10:42 AM
Subject: Local Hire Ordinance

Local Hire Ordinance full of ploys and machinations:

<http://www.indybay.org/newsitems/2010/11/09/18663660.php>

Francisco Da Cosya

10



Request for City Services - Clerk of the Board

Enter Personal Details > Enter Service Request Details > Review & Submit > Attach Photo(s) / File(s) > Print & Track

Successfully Submitted

Thank you for your submission. You will receive an email confirmation with a link to follow the progress of your submission.

If you have any additional requests or questions, you can call us 7 days a week, 24 hours a day at 311 (for calls outside of San Francisco please dial (415)701-2311).

Your Tracking Number is: 768688

Nov 9 2010 8:42AM.

Please print a copy for your records. You may close your browser when done.

Location Information:

Location Description: Division Street between 10th Street and Bryant.

Request Details:

Category: Complaint
Department: Board of Supervisors (BOS)
Sub-Division: Clerk of the Board

Additional Information:

Additional Request Details: Last weekend Division Street was restriped for bike lanes. Approximately 60 parking spaces were removed to accommodate the new striping even though the street on either side is extremely wide - it should be easily able to handle parking, two lanes of traffic AND a comfortably wide bike lane. I have already lodged a complaint with MTA and am seeking additional help from the Board to examine this issue. In addition, neither I nor anyone at our building (290 Division) received any notification on this, and apparently a hearing was held on this in April 2009 - over a year and a half ago! Thank you in advance for your help in this matter.

Customer Contact Information:

First Name: Stewart
Last Name: McKenzie
Primary Phone: 415-552-7909
Alternate Phone:
Address Number:
Street Name: 290 Division St, Ste. 306
City, State: San Francisco, CA
ZIP Code: 94103
Email: stew@remaincom.net

Customer requested to be contacted by the department servicing their request:



11



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Chaffee -- Ethics Cancelled -- Library Commission v. Decency -- The Defense Needs Your Help -- Spread the Word

From: Ray Hartz Jr <rwhartzjr@sbcglobal.net>
To: James Chaffee <chaffeej@pacbell.net>, Bevan.Dufty@sfgov.org, board.of.supervisors@sfgov.org, Carmen.Chu@sfgov.org, Chris.Daly@sfgov.org, David Campos <David.Campos@sfgov.org>, David Chiu <David.Chiu@sfgov.org>, "Eric L. Mar" <Eric.L.Mar@sfgov.org>, John.Avalos@sfgov.org, Michela.Alioto-Pier@sfgov.org, Ross.Mirkarimi@sfgov.org, Sean.Elsbernd@sfgov.org, Sophie.Maxwell@sfgov.org
Cc: deetje@aol.com, frandacosta@att.net, grossman356@mac.com, home@prosf.org, Jason Grant Garza <jasongrantgarza@yahoo.com>, jaygarza@pacbell.net, kimo@webnetic.net, Libraryusers2004@yahoo.com, Nicholas Pasquariello <jpk@pobox.com>, P Warfield <librarycac5@yahoo.com>, rak0408@earthlink.net, Richard McRee <rjismcree@comcast.net>, SCau1321@aol.com, sfmeskunas@aol.com, tien@eff.org, Timothy Gillespie 1 <novascotiaarts@klis.com>, bbegin@sfexaminer.com, Bruce Brugmann <bruce@sfbg.com>, Katie Worth <kworth@sfexaminer.com>, Marisa Lagos <mlagos@sfchronicle.com>, matierandross@sfchronicle.com, rgordon@sfchronicle.com
Date: 11/08/2010 12:36 PM
Subject: Re: Chaffee -- Ethics Cancelled -- Library Commission v. Decency -- The Defense Needs Your Help -- Spread the Word

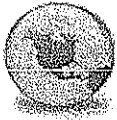
James,

The Sunshine Ordinance Task Force (SOTF) is, as I've stated publicly, the long-long-long-long form application for a public record. Now the Ethics Commission is turning into the long-long-long-long form application to be permitted to speak during public comment. It's really unbelievable what a "pillar to post" situation the San Francisco government has become! Each and every member of the Library Commission, the SOTF and the Ethics Commission took an oath to "support and defend the constitution of the State of California and of the United States. They all print, on their agendas: "Know your rights under Sunshine!" Yet when someone does actually know their rights and, heaven forbid, asks those rights be respected? NOT SO MUCH!!!!

This case is especially egregious, since the person who was found to have violated sunshine by the SOTF, simply refused to participate in the legally mandated process. Having now been found in violation, I don't think I'm being unfair, to wonder out loud whether this is simply another effort to avoid responsibility? Perhaps the Ethics Commission is unsure as to how to handle a situation where the person being challenged on matters that comes before them simply refuses to acknowledge the law or the Commissions obligation to hear and decide the complaint? What's that old idea: justice delayed is justice denied? You have your rights under Sunshine (not to even mention the state and federal constitutions) violated and have to wait a year (?) to get even a determination let alone some sense of justice! Pillar to post, pillar to post, pillar to post.....

Sincerely,

12



Overturn San Francisco's Discriminatory Sidewalk Sitting Ban

Juliana Flint to: Board.of.Supervisors
Please respond to juliana.flint

11/12/2010 03:05 PM

	Juliana Flint	Overturn San Francisco's Discriminatory Sidewalk Sitting Ban
--	---------------	--

Angela Calvillo
Clerk of the Board of Supervisors

Greetings,,

As you know, after the San Francisco Board of Supervisors voted 8-3 against a measure to ban sitting on city sidewalks in June 2010, Mayor Gavin Newsom took Proposition L, better known as the sit-lie ordinance, to the ballot.

Supporters, especially businesspeople in the Haight-Ashbury neighborhood, said it would curb loitering and aggressive panhandling. But since the police acknowledge that enforcement will be "complaint-driven," opponents are sure it will be unfairly used against homeless people.

Penalties for repeat offenders include 30-day jail sentences and \$500 fines. Officials can go ahead and add to that jail sentence, since \$500 might as well be \$1,000,000 for many of the city's homeless. It makes no sense to put people in jail, costing taxpayers money, because they can't pay a fine.

Please take action once again to end this discriminatory sidewalk sitting ban.

Ms. Juliana Flint
1328 Pine Drive
Bay Shore, NY 11706

13



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Fw: Case # 2009.0534C

From: Magda Havas <drmagdahavas@gmail.com>
To: Carmen.Chu@sfgov.org, Ron.Miguel@sfgov.org, John.Rahaim@sfgov.org,
Linda.Avery@sfgov.org, adrian.putra@sfgov.org, board.of.supervisors@sfgov.org
Date: 11/10/2010 04:49 PM
Subject: Case # 2009.0534C

Please see attached pdf regarding proposed cell tower for the dome of Ner Tamid Synagogue,
San Francisco.

Thank you for considering this document.
-magda havas



Open Letter Ner Tamid Syn.pdf

Dr. Magda Havas, B.Sc., Ph.D.
Environmental and Resource Studies Program, Trent University
Peterborough, ON K9J 7B8, CANADA
email: mhavas@trentu.ca
phone: 705-748-1011 x7882
fax: 705-748-1569
www.magdahavas.com (general)
www.magdahavas.org (academic)

Words to live by . . .

"Our lives begin to end the day we become silent about things that matter." --Martin Luther King, Jr.

"The world shrinks or expands in proportion to one's courage." --Anais Nin

"Liberty can not be preserved without general knowledge among people." --John Adams

"The conventional view serves to protect us from the painful job of thinking." --John Kenneth Galbraith

"Facts don't cease to exist just because they are ignored." --Aldous Huxley

"Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has." --Margaret Mead

"All truth passes through three stages. First, it is ridiculed. Second, it is violently opposed. Third, it is accepted as being self-evident." -- Arthur Schopenhauer

Never Give Up! Winston Churchill



Dr. Magda Havas, B.Sc., Ph.D.

Environmental & Resource Studies, Trent University, Peterborough, ON, Canada
phone: (705) 748-1011 x7882 fax: (705) 748-1569 email: mhavas@trentu.ca
website: www.magdahavas.com

July 28, 2010

RE: Case # 2009.0534C

Open Letter regarding Cell Towers in dome of Ner Tamid Synagogue, San Francisco

It is my understanding that there are at least seven schools within 1000 feet of the proposed site. As a researcher on the biological effects of radio frequency radiation and electromagnetic fields, I urge you to avoid the placement of cell phone base stations in close proximity to schools and in residential areas.

Scientific research documents the adverse biological and health effects for people who are exposed long term to cell phone antennas. Some studies show an increased risk of cancers for those living within 350 to 400 meters (1100 to 1300 feet) of cell antennas at exposure levels well below the Federal Communications Commission (FCC) guideline. Other studies show an increase in symptoms that include difficulty sleeping, fatigue, pain, poor short-term memory, difficulty concentrating, anxiety, irritability and depression, dizziness, nausea, and ringing in the ears.

Exposure to radio frequency radiation from cell antennas may interfere with learning and may not be conducive to a good learning environment. Children are more vulnerable than adults to this type of radiation. It is important to minimize students' exposure to radiofrequency radiation by placing cell antennas at least 1,500 feet away from schools. In addition, the more antennas that are near a school, the greater the potential exposure of students at that school to radio frequency radiation.

The FCC guideline is based on short-term (30 minutes) thermal effects (when tissue is heated). This guideline is grounded in the assumption that if microwave energy does not heat tissue it is not harmful. This assumption is incorrect. The Russian guideline for the same frequencies is 1% of the U.S. guideline and it is my understanding that the Russian American preschool leases the building during the week. Adverse biological effects have been documented at levels well below thermal federal guidelines. There are no federal guidelines for non-thermal effects, nor are there guidelines for long-term exposure. The explosive growth of wireless technology and facilities is running well ahead of the scientific research and policy decisions necessary to ensure their safety.

For documentation on the effects of radio frequency radiation, please refer to:

- Electromagnetic Fields (EMF): Special Issue. *Pathophysiology*, Volume 16, Issue 2-3, pp. 67-250 (Aug 09)
[http://www.journals.elsevierhealth.com/periodicals/pathphy/issues/contents?issue_key=S0928-4680\(09\)X0003-9](http://www.journals.elsevierhealth.com/periodicals/pathphy/issues/contents?issue_key=S0928-4680(09)X0003-9)
- Additional studies: http://www.emrpolicy.org/science/research/lai_biblio_bioeffects_03.htm

Thank you for your consideration,
Magda Havas,
Associate Professor

Cc:

Carmen Chu, District 4 Supervisor, Board of Supervisors
Ron Miguel, President, SF Planning Commission
John Rahaim, Director, SF Planning Commission
Linda Avery, Recording Secretary, SF Planning Commission
Adrian Puta, Case Planner, SF Planning Department
Angela Calvillo, Cler of the Board of Supervisors
Gerry Spindel, Co-President, Ner Tamid Synagogue

SFFD First Responder (N.E.R.T.) thank you!

Jennifer Blum

to:

Secretary.FireChief, FireAdministration, Karl.Sporer, gavin.newsom, board.of.supervisors, senator.leno, senator.yee

11/15/2010 10:23 AM

Show Details

Dear San Francisco Fire Department,

I am writing to thank you immensely for the First Responder (N.E.R.T.) training I recently received through the generosity of the City of SF and the SFFD.

I was able to fully utilize my new first responder skills this morning at the site of a serious accident on Alemany Blvd. in San Francisco, where I was able to help pull all of the passengers out of an overturned bus and two cars, get them to safety, and triage them even before the police and EMT's arrived.

I was so thankful to have taken part in the N.E.R.T. training classes – it is because of them that I was able to be of as much help as I was this morning.

I hope you will continue to offer this training. Thank you again!! You guys are amazing.

Jennifer Blum

3615 19th St. #3

San Francisco, CA 94110

(415)902-5763

cc. SF Legislators

15

C-page District 3



Request for City Services - Clerk of the Board

Enter Personal Details > Enter Service Request Details > Review & Submit > Attach Photo(s) / File(s) > Print & Track

Successfully Submitted

Thank you for your submission. You will receive an email confirmation with a link to follow the progress of your submission.

If you have any additional requests or questions, you can call us 7 days a week, 24 hours a day at 311 (for calls outside of San Francisco please dial (415)701-2311).

Your Tracking Number is: 771224

Nov 13 2010 8:38AM.

Please print a copy for your records. You may close your browser when done.

Location Information:

Location Description: I live at 1207 Bush, I was robbed twice since memorial day weekend, 1st time at 10:30 AM at the Sutter and Polk street bus stop and the 2nd time friday at 5:15 PM at Larking and Grove near the library bus stop and entrance.

Request Details:

Category: Other
Department: Board of Supervisors (BOS)
Sub-Division: Clerk of the Board

Additional Information:

Additional Request Details: I wanted to let Aaron Peskin my supervisor know how scary my neighborhood has become, I live at 1207 Bush Street and I have been robbed twice since Memorial day weekend on the way to work. First I was robbed at gun point at 10:30 AM at the Sutter and Polk bus stop and Friday, Nov. 12th in front of the library at 5:30 PM. Each time I was targeted for my iphone and it has been traumatic each time. I am scared to go to work because of the muggings. The good news is that the police have been outstanding each time - they caught the criminals in each case in under an hour, my fear is that the crime is not going away - each time my personal effects were stolen, the criminals went to 7th and Market to sell them. How can I continue to live in the city I love if I cannot feel safe going to work or riding a bus- please push to clean up this city of the crime plague that is affecting working citizens trying to live their life, I implore you to help the residents live a life that is free from brazen robberies in front of numerous people that do nothing.

Customer Contact Information:

First Name: Roy
Last Name: Blakely
Primary Phone: 415 6767196
Alternate Phone: 415 6767196
Address Number:
Street Name:
City, State:
ZIP Code:
Email: dougblakely@mac.com

Customer requested to be contacted by the department servicing their request:

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 NOV 15 AM 8:34
BY RC

16



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Considering "Long-term" Impacts of extensive redevelopment by TWO agencies.

From: Aaron Goodman <amgodman@yahoo.com>
To: board.of.supervisors@sfgov.org
Cc: linda.avery@sfgov.org
Date: 11/10/2010 09:24 AM
Subject: Considering "Long-term" Impacts of extensive redevelopment by TWO agencies.

SF Board of Supervisors;

I forward to you an item of interest in regards to the duo-long-term-redevelopment plans that are impacting th

Both relate to the article below on the state of NY's failure to properly address long-term construction impact properly vetting historical options/alternatives, and including community needs/issues in the agreements.

With regards to the Treasure Island, BVHP, Parkmerced "Vision" and SFSU-CSU "Masterplan" projects. The housing stock, and eligible cultural resources.

Sincerely

Aaron Goodman
amgodman@yahoo.com

cc: SF Planning Commission, SF Historic Preservation Commission.

--- On Tue, 11/9/10, Sue Susman <sue@janak.org> wrote:

From: Sue Susman <sue@janak.org>
Subject: [aff-hous] Fwd: [BrooklynSpeaks] Court says State failed to properly consider impacts of extended
To: "aff" <aff-hous@save-ml.org>
Date: Tuesday, November 9, 2010, 12:40 PM

----- Forwarded message -----

From: BrooklynSpeaks <bulletin@brooklynspeaks.net>
Date: Tue, Nov 9, 2010 at 3:32 PM
Subject: [BrooklynSpeaks] Court says State failed to properly consider impacts of extended Atlantic Yards construction

From BrooklynSpeaks, <http://www.brooklynspeaks.net/>

Atlantic Yards must work for Brooklyn

17

Court says State failed to properly consider impacts of extended Atlantic Yards construction

Empire State Development Corporation must reassess 2009 modified plan

Contact: : Jo Anne Simon – 917.685.3747; Gib Veconi – 917.881.0401

BROOKLYN, NY, November 9, 2010: Today, New York State Supreme Court Justice Marcy Friedman found that the Empire State Development Corporation (ESDC) unreasonably failed to properly assess the impacts of twenty-five years of extended construction at the Atlantic Yards site in Brooklyn. Judge Friedman's ruling was entered following a motion by BrooklynSpeaks petitioners to reargue an earlier decision by the Court in favor of ESDC and Forest City Ratner Companies (FCRC). The BrooklynSpeaks petitioners asked Judge Friedman to review the Development Agreements executed subsequent to the ESDC's approval of the Modified General Project Plan but which were withheld from public disclosure until after oral argument on the petitioner's original motion.

In her opinion today, Judge Friedman echoed BrooklynSpeaks' concern, stating "The Development Agreement has cast a completely different light on the Project build date. Its 25 year outside substantial completion date for Phase II and its disparate enforcement provisions for failure to meet Phase I and II deadlines, read together with the renegotiated MTA Agreement giving FCRC until 2030 to complete acquisition of the air rights necessary to construct 6 of the 11 Phase II buildings, raise a substantial question as to whether ESDC's continuing use of the 10 year build-out has a rational basis." The Court accordingly ordered ESDC to reassess its reliance on the 10-year build out schedule in failing to prepare a Supplemental Environmental Impact Statement for the 2009 MGPP.

"The BrooklynSpeaks sponsors hail the court's decision as a victory for all of the communities who have been shut out of the Project's decision-making process. It vindicates years of concerns expressed by

the communities surrounding Atlantic Yards that the State of New York never properly assessed the impacts of this Project, and seems to have labored mightily to avoid doing so,” said Jo Anne Simon, Democratic Leader of Brooklyn’s 52nd District.

Said Gib Veconi of the Prospect Heights Neighborhood Development Council, “The Atlantic Yards Modified General Project Plan (MGPP) varied so drastically from the plan initially approved by the ESDC in 2006 that it could not escape the notice of the Court, and the decision today has confirmed that the Empire State Development Corporation must disclose the impacts of the Atlantic Yards project it agreed to, not the one it wishes would be built. Until ESDC provides an appropriate response, the petitioners will seek to enjoin so-called ‘interim’, but blighting, project features, such as the razing of existing buildings in the Phase II footprint to create giant surface parking lots.”

“We expect the Empire State Development Corporation (ESDC) to perform a full, serious, and unbiased environmental review based on conditions in the neighborhood at the time of announcement of the Atlantic Yards project, and considering the outside completion dates to which the agency is willing to agree,” said Michael Cairl, President of the Park Slope Civic Council. Added Howard Kolins, President of the Boerum Hill Association, “We further call on the Legislature and the Governor of the State of New York to implement oversight controls for this Project commensurate with its size and the amount of public subsidy it is to receive.”

BrooklynSpeaks | www.brooklynSpeaks.net

The Atlantic Avenue Local Development Corporation | The Boerum Hill Association | The Brooklyn Heights Association | The Congress for New Urbanism (New York Chapter) | The Fifth Avenue Committee | The Park Slope Civic Council | The Pratt Area Community Council | The Prospect Heights Neighborhood Development Council | Tri State Transportation Campaign

BOS-11, c page

November 2, 2010
TO: STATE, COUNTY AND
CITY OFFICIALS

NOTIFICATION OF PACIFIC GAS AND ELECTRIC COMPANY'S APPLICATION TO SHARE THE COSTS OF CALIFORNIA SOLAR PHOTOVOLTAIC MANUFACTURING DEVELOPMENT FACILITY UNDER U.S. DEPARTMENT OF ENERGY PHOTOVOLTAIC MANUFACTURING INITIATIVE

On November 1, 2010, Pacific Gas and Electric Company (PG&E) filed the above referenced application with the California Public Utilities Commission (CPUC). In this application, PG&E asks for authorization from the CPUC to recover costs from contributing matching funds to support the establishment of a first-of-its kind photovoltaic (PV) manufacturing development facility developed by SVTC Solar (SVTC). SVTC has submitted an application for a U.S. Department of Energy (DOE) grant to develop this facility in San Jose, CA, and matching funds are required by the DOE to support SVTC's application. The facility would support new forms of PV technology, which is a method of generating electrical power using solar panels.

What is the SVTC PV Manufacturing Development Facility?

The proposed San Jose, CA facility would help emerging PV companies progress from the research and development stage to the production stage faster and more cost effectively. The facility offers PV companies access to space and to advanced, up-to-date equipment. Firms would pay a service fee to test and improve their PV technology currently in development. The facility would also house manufacturing experts who would be available to advise resident PV companies and provide a hands-on educational experience for students interested in pursuing careers in the solar industry.

PG&E's application asks for CPUC approval to recover PG&E's share of the matching funds, which would support establishment of the manufacturing development facility. If the project is approved by the CPUC and funding is approved by the DOE, PG&E's share of the electric costs incurred on this project would be recorded to the Distribution Revenue Adjustment Mechanism (DRAM) for cost recovery.

Will rates increase as a result of this application?

Approval of this application would result in an increase in rates. Assuming the DOE approves the grant request from SVTC and the CPUC approves this application, PG&E would increase its electric revenues to cover these costs, plus taxes, by approximately \$35.6 million over a three-year period beginning January 1, 2010. Using the 2012 (highest single year) revenue requirement of approximately \$18 million, the bundled system average rate would increase 0.14% in 2012, relative to current rates, and would not have a significant impact on individual customers' rates.

PG&E intends to seek to structure its agreement with SVTC so that PG&E's share of the matching funds could be reimbursed at a later time, depending on whether the facility is successful.

FOR FURTHER INFORMATION

To request a copy of the application and exhibits or for more details, call PG&E at 1-800-743-5000.

For TDD/TTY (speech-hearing impaired), call 1-800-652-4712

Para más detalles llame al 1-800-660-6789

詳情請致電 1-800-652-4712

You may request a copy of the application and exhibits by writing to:

Pacific Gas and Electric Company
SVTC Solar
P.O. Box 7442, San Francisco, CA 94120.

THE CPUC PROCESS

The CPUC's Division of Ratepayer Advocates (DRA) may review this application. The DRA is an independent arm of the CPUC, created by the Legislature to represent the interests of all utility customers throughout the state and obtain the lowest possible rate for service consistent with reliable and safe service levels. The DRA has a multi-disciplinary staff with expertise in economics, finance, accounting and engineering. The DRA's views do not necessarily reflect those of the CPUC. Other parties of record will also participate.

The CPUC may hold evidentiary hearings where parties of record present their proposals in testimony and are subject to cross-examination before an Administrative Law Judge (ALJ). These hearings are open to the public, but only those who are parties of record may present evidence or cross-examine witnesses during evidentiary hearings. Members of the public may attend, but not participate in, these hearings.

After considering all proposals and evidence presented during the hearing process, the ALJ will issue a draft decision. When the CPUC acts on this application, it may adopt all or part of PG&E's request, amend or modify it, or deny the application. The CPUC's final decision may be different from PG&E's application.

If you would like to learn how you can participate in this proceeding or if you have comments or questions, you may contact the CPUC's Public Advisor as follows:

Public Advisor's Office
505 Van Ness Avenue
Room 2103
San Francisco, CA 94102
1-415-703-2074 or 1-866-849-8390 (toll free)
TTY 1-415-703-5282 or TTY 1-866-836-7825 (toll free)

If you are writing a letter to the Public Advisor's Office, please include the name of the application to which you are referring. All comments will be circulated to the Commissioners, the assigned Administrative Law Judge and the Energy Division staff.

A copy of PG&E's SVTC Solar application and exhibits are also available for review at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102, Monday-Friday, 8 a.m.-noon.

BY AK

2010 NOV -8 PM 3:07

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

18



To: Rana Calonsag/BOS/SFGOV,
Cc:
Bcc:
Subject: BOARD OF SUPERVISORS INQUIRY - REFERENCE: 20101005-009

From: "Martinsen, Janet" <Janet.Martinsen@sfmta.com>
To: "Board of Supervisors" <Board.of.Supervisors@sfgov.org>
Cc: "Mirkarimi, Ross" <Ross.Mirkarimi@sfgov.org>, "Breen, Kate" <Kate.Breen@sfmta.com>, "Papandreou, Timothy" <Timothy.Papandreou@sfmta.com>, "Yee, Bond" <Bond.Yee@sfmta.com>
Date: 11/09/2010 04:09 PM
Subject: RE: BOARD OF SUPERVISORS INQUIRY - REFERENCE: 20101005-009

Madame Clerk and Supervisor Mirkarimi:

This e-mail is in response to BOARD OF SUPERVISORS INQUIRY - REFERENCE: 20101005-009.

SFMTA has initially assigned Rana Ahmadi, Transit Planner III as the SFMTA staff contact for the purpose of participating in a Japantown City Agency Work Group to coordinate efforts between the City, consultants and the community on the Planning Department's Japantown Better Neighborhoods Plan. However, if this becomes very involved we will need to look at how to fund the SFMTA staff time committed to this project.

Janet L. Martinsen
Local Government Affairs Liaison
SFMTA | Municipal Transportation Agency
1 So. Van Ness, 7th Floor
janet.martinsen@sfmta.com
415-701-4693w; 415-701-4737f
www.sfmta.com

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

From: Board of Supervisors [mailto:Board.of.Supervisors@sfgov.org]
Sent: Friday, October 08, 2010 10:23 AM
To: Martinsen, Janet
Subject: BOARD OF SUPERVISORS INQUIRY

BOARD OF SUPERVISORS INQUIRY
For any questions, call the sponsoring supervisor

TO: Janet Martinsen
Municipal Transportation Agency

FROM: Clerk of the Board
DATE: 10/8/2010
REFERENCE: 20101005-009
FILE NO.

Due Date: 11/7/2010

19

This is an inquiry from a member of the Board of Supervisors made at the Board meeting on 10/5/2010.

Supervisor Mirkarimi requests the following information:

Requesting the following City agencies identify staff contacts for the purpose of participating in a Japantown City Agency Work Group to coordinate efforts between the City, consultants and the community on the Planning Department's Japantown Better Neighborhoods Plan.

To: City Attorney
To: Director, Department of Building Inspection
To: Director, Department of Real Estate
To: Director, Municipal Transportation Agency
To: Director, Office of Economic and Workforce Development
To: Director, Recreation and Parks
To: Director, Redevelopment Agency

Please indicate the reference number shown above in your response, direct the original via email to Board.of.Supervisors@sfgov.org and send a copy to the Supervisor(s) noted above.

Your response to this inquiry is requested by 11/7/2010



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 101096: Ban on Happy Meals - questions

From: Helen de Bos <helendebos@gmail.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/12/2010 01:06 PM
Subject: Ban on Happy Meals - questions

To whom it may concern,

First of all, I would like to say that banning the Happy Meal toys is a good decision in order to fight obesity in San Francisco, hopefully the rest of the country will follow.

Currently, I'm taking a nutrition course and this topic has caught my attention to write my research paper about. I was wondering if it was possible to ask some questions regarding this new law?

The following questions I have in mind, that I can't seem to find answers to online:

- * Why are the calories limited to 600 kcal? What has led to this exact limit?
- * Why is there a limitation of 640 mg sodium? What has led to this exact limitation?
- * What references were used to propose these exact limitations?
- * The law states "must include fruit & vegetables" but it doesn't state whether or not these fruit and vegetables must be fresh, are the fries (potatoes - vegetables) considered into these fruit & vegetables? What exactly must be included in the meal?

I really hope I can get answers to these questions, if you can forward me to someone who can help me I would really appreciate it.

Thank you so much.

Sincerely,

Helen

--

Phone: (415) 350 4226
Email: helendebos@gmail.com

Restaurant Manager
Taste of the Bay 2010
October 19th, 2010 @ SF Belle



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 101096: Healthy Happy Meals - Override the Veto

From: James Byrnes <yaakovbaa@gmail.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/14/2010 08:34 PM
Subject: Healthy Happy Meals - Override the Veto

Ladies and Gentlemen,

Thank you for creating the "Happy Meal Toy Ban," as the media seem to be referring to it. Under normal circumstances I do not like "nanny laws" which regulate by law those things that citizens should be able to decide on their own. In this case, though, the problem of obesity itself has been supported and furthered by government action via the support of large corporate interests, corn subsidies, and so forth; so I see no issue in using local ordinances to combat it. I encourage you to override the mayor's veto and enact the ordinance. Although I do not live in San Francisco I hope it will resonate with others and lead to similar measures being taken in other communities.

Thank you,
James Byrnes - San Clemente



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 101096 Mc Donald's Food Ban

From: Jose Arbelada <josearbelada@verizon.net>
To: Board.of.Supervisors@sfgov.org
Date: 11/12/2010 03:20 AM
Subject: Mc Donald's Food Ban

Banning high calorie and high fat Happy Meals is a good idea, but it does not do far enough. Children do not eat the majority of their meals at Mc Donald's.

The next thing to tackle is cereal. If you check, you will find many cereals that list sugar as the first item on the ingredients list (which means that there is more sugar in the cereal than anything else).

Then look at packed entrees such as canned ravioli and canned soups and stews.

High schools around the country have shown that fresh vegetables sell in vending machines. Children will eat healthy foods if you can restrict the advertising of junk.

JMA



Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

MEMORANDUM

TO: Luis Herrera, City Librarian
Edward D. Reiskin, Director, Department of Public Works

FROM: Tonia Lediju, Director of Audits, City Services Auditor (CSA) *TL*

DATE: 11/8/2010

SUBJECT: **Results of Follow-up Review of the Branch Library Improvement Program (BLIP) Audit**

EXECUTIVE SUMMARY

In accordance with Government Auditing Standards, Section 8.05, promulgated by the United States Government Accountability Office (GAO), CSA conducted a follow-up review of the agreed-upon recommendations in the audit report of September 2007 entitled: *Strengthened Program Management Required for Branch Library Improvement Program to Avoid Further Budget Increases*. Section 8.05 states that one of the goals of audit reporting is facilitating follow-up to determine whether appropriate corrective actions have been taken.

This follow-up is intended to determine whether the San Francisco Public Library (Library) and Department of Public Works (DPW) have taken the corrective actions needed to implement the audit report's recommendations, with the goal of improving BLIP business practices. CSA has completed the follow-up review on the status of the recommendations that were outlined in the 2007 audit report. CSA concludes that the controls implemented by BLIP management are adequate to ensure the accuracy of financial reporting as well as efficient and transparent project management.

Much of the benefit from audit work is not solely in the findings reported or the recommendations made, but the implementation of those recommendations.

BACKGROUND & METHODOLOGY

The Branch Library Improvement Program (BLIP) is the result of voter approval of a bond issue in November 2000. Two city departments are responsible for the success of the program – the Library and DPW. The revised Memorandum of Understanding (MOU) states that DPW will manage the bond

21

program and provide technical design and engineering services. The Library is responsible for providing funding and reviewing and approving the financial reports that DPW produces. The current bond program budget as of September 2010 is \$188.9 million.

As approved by the voters, the BLIP includes the construction and renovation of 24 City branch libraries (16 renovations and 8 new buildings), of which 15 have been completed. The BLIP will provide the public with seismically safe, accessible, technologically updated, and code compliant branch libraries in every neighborhood.

As of September 2010, 8 projects are in construction, one is in bid award phase, and one is in design phase (pending environmental review).

To conduct the follow-up review, the audit team met with or otherwise contacted key Library and DPW personnel to discuss the status of the corrective actions taken to date, obtained documentary evidence, and verified the existence of processes that have been established, if any. The audit team also attended one Library Commission meeting.

RESULTS

Recommendation 1: Replace current MOU between the Library and Public Works with one that describes in detail both the general and specific activities necessary for each agency to meet its obligation to efficiently and effectively manage the bond program.

Consistent with the recommendation, DPW and the Library have revised and updated the MOU that was developed in 2002 to reflect current and required new practices related to the BLIP schedule and budget management, decision-making and internal communications. The new MOU was presented to the Library Commission on May 15, 2008, and was signed and ratified by both departments on June 2, 2008.

Conclusion: Recommendation 1 has been implemented.

Recommendation 2: Ensure that all agreements for professional services provided by Public Works and private sector consultants are documented upon inception, and establish procedures for periodic review of subsequent changes and actual costs incurred for each agreement.

Consistent with the recommendation, DPW and the Library have developed specific procedures to ensure that the fee proposals for professional services are approved by the process outlined within the new MOU. They have developed reports to track and analyze expenditures to reduce the opportunity for costs to exceed budgeted amounts. To ensure transparency, changes to approved budget amounts are discussed with the Library Commission before work is authorized.

Conclusion: Recommendation 2 has been implemented.

Recommendation 3: Public Works should create a standard set of escalation estimation practices, communicate those standards to cost estimators, and monitor each cost estimate for compliance.

The BLIP program has developed a standard of cost escalation factors which utilize feedback from the City's Capital Planning Committee to ensure consistency with other City capital projects. To further ensure consistency in the cost estimating process, the BLIP has:

- 1) Conveyed standard escalation protocols to all consultants regarding cost escalation estimates for Library projects.
- 2) Instructed the consultant and internal engineers to adhere to diminishing contingency rates as percentage of completion increases.
- 3) Applied midpoint of construction assumption for all construction projects.
- 4) Used the latest local unit prices (not a national average).

Conclusion: Recommendation 3 has been implemented.

Recommendation 4: Ensure that all program reports are easy to read and contain all relevant information.

DPW and the Library have revised the format for regular reporting of financial and construction schedule information. The packets of reports presented monthly to the Library Commission include:

1. Budget Report
2. Branch Library Summary Schedule
3. Construction Report
4. Bond Program Managers Report

Conclusion: Recommendation 4 has been implemented.

Recommendation 5: Increase program controls and promote more effective project oversight by developing and implementing detailed procedures for design, update, and review of budgets for all budget spreadsheets.

The Library and BLIP project management has adopted the 2008 MOU procedures, which delineated responsibilities and expectations related to financial reporting. The BLIP manager (a DPW employee) prepares the monthly financial reporting package. This package is then presented to the Library Commission and the public for comment. Proposed changes and or recommendations for the program or project budgets are then approved by the Library Commission.

Conclusion: Recommendation 5 has been implemented.

Recommendation 6: As a team, the Library and Public Works should adopt any best practices for increasing the number of bids received on projects that it deems are practicable.

The actions both departments have taken include:

1. Distribution of bid advertisement fliers highlighting project scope, budget and key dates.
2. Calling general contractors to remind them of pre-bid conferences.
3. E-mailing bid advertisements to general contractors who have bid on previous library projects,
4. Making construction bid specifications available for review so contractors do not have to purchase the specifications.
5. Distributing information about the BLIP and future projects at annual general contractors conventions.

Conclusion: Recommendation 6 has been implemented.

CSA extends our appreciation to you and your staff who assisted with this follow-up review. If you have any questions or concerns, please call or e-mail Randolph Minnis at (415) 554-4920 or Randolph.Minnis@sfgov.org.

cc: Lena Chen, Branch Library Improvement Program Manager
Ben Rosenfield, Controller

ATTACHMENT A: FINDINGS AND RECOMMENDATIONS

	Library and DPW Response to Audit	Status per the Library and DPW	Auditor's Follow-up Work	Results
1	Replace current Memorandum Of Understanding (MOU) between the Library and Public Works with one that describes in detail both the general and specific activities necessary for each agency to meet its obligation to efficiently and effectively manage the bond program.	The departments have initiated efforts to revise and update the MOU that was developed in 2002 to reflect current and required new practices related to the Branch Library Improvement Program (BLIP) schedule and budget management, decision-making, and internal communications. The Library and DPW will work collaboratively to finalize and implement this revised MOU to address each issue raised in the review.	<p>Obtained and reviewed the revised 2008 MOU.</p> <p>Reviewed Library Commission meeting minutes to ensure adoption of the new MOU.</p> <p>Verified signature approval by both city departments' representatives.</p>	<p>Implemented</p> <ul style="list-style-type: none"> The BLIP manager uses the new MOU to ensure that agreed procedures are in accordance to the MOU.
2	Ensure that all agreements for professional services provided by Public Works and private sector consultants are documented upon inception, and establish procedures for periodic review of subsequent changes and actual costs incurred for each agreement.	As part of the updates to the MOU between the Library and DPW, the departments have developed specific procedures to ensure that the fee proposals for professional services are approved by the Library before they are approved by DPW. They have developed reports to track expenditures ensuring that the costs remain within budget. To ensure transparency, changes to the budget are discussed with the Library Commission and the public before work is authorized.	<p>Reviewed the revised MOU, in particular pages 5-9 detailing roles and responsibilities for the departments involved.</p> <p>Reviewed the BLIP managers' monthly reports to the Library Commission.</p> <p>Attended a Library Commission meeting.</p>	<p>Implemented</p> <ul style="list-style-type: none"> The BLIP manager uses the new MOU to ensure that agreed procedures are in accordance to the MOU.

	Library and DPW Response to Audit	Status per the Library and DPW	Auditor's Follow-up Work	Results
3	Public Works should create a standard set of escalation estimation practices, communicate those standards to cost estimators, and monitor each cost estimate for compliance.	<p>DPW has developed a standard cost escalation factor and has solicited feedback from the City's Capital Planning Committee to ensure consistency with other capital projects.</p> <p>In addition, DPW has taken the following steps to ensure consistency in cost estimating.</p> <ol style="list-style-type: none"> 1) Hired a consultant who prepares all estimates for future library projects. 2) Uses the same escalation rate for all projects. 3) Applies escalation rate to the mid-point of construction. 4) Uses the latest local unit prices (not a national average). 5) Applies a sliding scale design contingency based on the phase of design. 	<p>Verified the calculations and factors used in the monthly reporting package to the Library Commission.</p> <p>Reviewed calculations submitted by the consulting company.</p> <p>Verified the use of local pricing in the case analysis.</p>	<p>Implemented</p> <ul style="list-style-type: none"> • The BLIP manager uses the new MOU to ensure that agreed procedures are in accordance to the MOU.
4	Ensure that all program reports are easy to read and contain all relevant information.	<p>DPW and the Library have revised the format for regular reporting of financial and construction schedule information. The base package of reports presented to the commission are:</p> <ol style="list-style-type: none"> 1) BLIP expenditures summary by character and project. 2) BLIP expenditure summary by branch and funding source. 3) Electronic copies of monthly financial plan reports are submitted to the Library Commission showing variances between budgets, expenditures. 	<p>Reviewed two months of monthly reports prepared by the BLIP manager used to report to the Library Commission.</p> <p>Verified that the information reported to the Library Commission includes the project schedule charts, current activities and forecasts.</p> <p>Verified that each project status is presented before the Library Commission.</p>	<p>Implemented</p> <ul style="list-style-type: none"> • The BLIP manager uses the new MOU to ensure that agreed procedures are in accordance to the MOU.

	Library and DPW Response to Audit	Status per the Library and DPW	Auditor's Follow-up Work	Results
5	Increase program controls and promote more effective project oversight by developing and implementing detailed procedures for design, update, and review of budgets for all budget spreadsheets.	The Library and DPW's finance divisions have finalized procedures which delineate responsibilities and expectations related to financial reporting. These procedures are integrated into the 2008 MOU.	Reviewed a sample of budget revisions to ensure that each revision was properly authorized and reviewed prior to implementation. Determined whether the revisions were discussed at the commission meeting.	Implemented <ul style="list-style-type: none"> Noted that in the four instances reviewed, the Library Commission discussed and approved the proposed change, as well as allowed public comment.
6	As a team, the Library and Public Works should adopt any best practices for increasing the number of bids received on projects that it deems are practicable.	The actions that both departments have taken include: <ol style="list-style-type: none"> 1) Distribution of bid advertisement fliers highlighting project scope, budget and key dates. 2) Calling general contractors to remind them of pre-bid conferences. 3) E-mailing bid advertisements general contractors who have bid previous library projects. 4) Making construction bid documents available for review so contractors do not have to buy them. 5) Distributing information about the bond program at annual general contractor's conventions. <p>In addition, DPW will be sending a letter to prospective bidders announcing future projects.</p>	Determined the outreach program BLIP has been developed and adopted. Verified that the components detailed in the outreach program are being utilized.	Implemented <ul style="list-style-type: none"> Reviewed the BLIP outreach program. Reviewed the general correspondence sent to contractors to bid on two projects. Reviewed the contractors' email group listing in which emails are distributed to contractors.



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Issued: Memorandum: Results of Follow-up Review of the Branch Library Improvement Program (BLIP) Audit

From: Controller Reports/CON/SFGOV
To: Angela Calvillo/BOS/SFGOV@SFGOV, BOS-Supervisors/BOS/SFGOV, BOS-Legislative Aides/BOS/SFGOV, Steve Kawa/MAYOR/SFGOV@SFGOV, Greg Wagner/MAYOR/SFGOV@SFGOV, Tony Winnicker/MAYOR/SFGOV@SFGOV, Starr Terrell/MAYOR/SFGOV@SFGOV, ggiubbini@sftc.org, Severin Campbell/BudgetAnalyst/SFGOV@SFGOV, Debra Newman/BudgetAnalyst/SFGOV@SFGOV, sfdocs@sfpl.info, gmetcalf@spur.org, CON-Media Contact/CON/SFGOV, CON-EVERYONE/CON/SFGOV, lherrera@sfpl.info, Ed.Reiskin@sfdpw.org, Tara Collins/CTYATT@CTYATT, Michael Cohen/MAYOR/SFGOV@SFGOV, Francis Tsang/MAYOR/SFGOV@SFGOV
Date: 11/08/2010 12:02 PM
Subject: Issued: Memorandum: Results of Follow-up Review of the Branch Library Improvement Program (BLIP) Audit
Sent by: Patti Erickson

The Office of the Controller, City Services Auditor, has issued a memorandum regarding the status of recommendations that were issued from the following Audit: "*Strengthened Program Management Required for Branch Library Improvement Program to Avoid Further Budget Increases*" in September 2007.

The review and resulting memorandum indicates that the controls implemented by the Branch Library Improvement Program are adequate to ensure the accuracy of financial reporting as well as efficient and transparent project management.

To view the full memorandum, please visit our website at:
<http://co.sfgov.org/webreports/details.aspx?id=1206>

This is a send-only email address.

For questions regarding this memorandum please contact Randolph Minnis at Randolph.Minnis@sfgov.org or 415-554-7661, or the Controller's Office, Audits Division at 415-554-7469.

Thank you.

BOS- 11
Cpage



CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

GAVIN NEWSOM
MAYOR

MEMORANDUM
CSC NO. 2010 - 02

E. DENNIS NORMANDY
PRESIDENT

DONALD A. CASPER
VICE PRESIDENT

MORGAN R. GORRONO
COMMISSIONER

LISA SEITZ GRUWELL
COMMISSIONER

MARY Y. JUNG
COMMISSIONER

ANITA SANCHEZ
EXECUTIVE OFFICER

DATE: November 8, 2010
TO: Department Heads
Personnel Officers and Representatives
Employee Organizations
FROM: Anita Sanchez
Executive Officer
SUBJECT: Civil Service Commission Meeting Schedule for
Calendar Year 2011

At its meeting of November 1, 2010, the Civil Service Commission adopted a meeting schedule for Calendar Year 2011.

Please find attached to this memorandum a copy of the Civil Service Commission Meeting Schedule and Deadlines for Calendar Year 2011. If you have any questions concerning the meeting schedule, please call Sandra Eng, Assistant Executive Officer or me at 252-3247.

CIVIL SERVICE COMMISSION

Sandra Eng
ANITA SANCHEZ
Executive Officer

22



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

GAVIN NEWSOM
MAYOR

E. DENNIS NORMANDY
PRESIDENT

DONALD A. CASPER
VICE PRESIDENT

MORGAN R. GORRONO
COMMISSIONER

LISA SEITZ GRUWELL
COMMISSIONER

MARY Y. JUNG
COMMISSIONER

ANITA SANCHEZ
EXECUTIVE OFFICER

Date: November 8, 2010

To: Civil Service Commission Staff
Department of Human Resources
Decentralized Personnel Units Staff

From: Anita Sanchez
Executive Officer

Subject: Schedule and Deadlines for Preparation of the Civil Service Commission Agenda - Calendar Year 2011

The schedule and deadlines for preparation of the Civil Service Commission agenda and submission of written reports to the Civil Service Commission for Commission meetings in Calendar Year 2011.

CSC Meeting	Commission Reports Due	Notification Sent	Agenda Prepared	Agenda Mailed	Files Assembled	Delivery to Commission
01/03/11	12/23/10 11a.m.	12/23/10 2p.m.	12/27/10	12/28/10	12/28/10	12/29/10
01/17/11		<i>Cancelled due to Martin Luther King Day Holiday</i>				
02/07/11	01/27/11 11a.m.	01/27/11 2p.m.	01/31/11	02/01/11	02/01/11	02/02/11
02/21/11		<i>Cancelled due to President's Day Holiday</i>				
03/07/11	02/24/11 11a.m.	02/24/11 2p.m.	02/28/11	03/01/11	03/01/11	03/02/11
03/21/11	03/10/11 11a.m.	03/10/11 2p.m.	03/14/11	03/15/11	03/15/11	03/16/11
04/04/11	03/24/11 11a.m.	03/24/11 2p.m.	03/28/11	03/29/11	03/29/11	03/30/11
04/18/11	04/07/11 11a.m.	04/07/11 2p.m.	04/11/11	04/12/11	04/12/11	04/13/11
05/02/11	04/21/11 11a.m.	04/21/11 2p.m.	04/25/11	04/26/11	04/26/11	04/27/11
05/16/11	05/05/11 11a.m.	05/05/11 2p.m.	05/09/11	05/10/11	05/10/11	05/11/11
06/06/11	05/26/11 11a.m.	05/26/11 2p.m.	05/27/11	05/31/11	05/31/11	06/01/11
06/20/11	06/09/11 11a.m.	06/09/11 2p.m.	06/13/11	06/14/11	06/14/11	06/15/11
07/04/11		<i>Cancelled due to the 4th of July Holiday</i>				
07/18/11	07/07/11 11a.m.	07/07/11 2p.m.	07/11/11	07/12/11	07/12/11	07/13/11
08/01/11	07/21/11 11a.m.	07/21/11 2p.m.	07/25/11	07/26/11	07/26/11	07/27/11
08/15/11	08/04/11 11a.m.	08/04/11 2p.m.	08/08/11	08/09/11	08/09/11	08/10/11
09/05/11		<i>Cancelled due to Labor Day Holiday</i>				
09/19/11	09/08/11 11a.m.	09/08/11 2p.m.	09/12/11	09/13/11	09/13/11	09/14/11
10/03/11	09/22/11 11a.m.	09/22/11 2p.m.	09/26/11	09/27/11	09/27/11	09/28/11
10/17/11	10/06/11 11a.m.	10/06/11 2p.m.	10/07/11	10/11/11	10/11/11	10/12/11
11/07/11	10/27/11 11a.m.	10/27/11 2p.m.	10/31/11	11/01/11	11/01/11	11/02/11
11/21/11	11/10/11 11a.m.	11/10/11 2p.m.	11/14/11	11/15/11	11/15/11	11/16/11
12/05/11	11/23/11 11a.m.	11/23/11 2p.m.	11/28/11	11/29/11	11/29/11	11/30/11
12/19/11	12/08/11 11a.m.	12/08/11 2p.m.	12/12/11	12/13/11	12/13/11	12/14/11

CIVIL SERVICE COMMISSION MEETING SCHEDULE**Calendar Year 2011**

DATE	TIME	LOCATION
January 3	2:00 p.m.	Room 400, City Hall
January 17	Cancelled due to Martin Luther King Day Holiday	
February 7	2:00 p.m.	Room 400, City Hall
February 21	Cancelled due to President's Day Holiday	
March 7	2:00 p.m.	Room 400, City Hall
March 21	2:00 p.m.	Room 400, City Hall
April 4	2:00 p.m.	Room 400, City Hall
April 18	2:00 p.m.	Room 400, City Hall
May 2	2:00 p.m.	Room 400, City Hall
May 16	2:00 p.m.	Room 400, City Hall
June 6	2:00 p.m.	Room 400, City Hall
June 20	2:00 p.m.	Room 400, City Hall
July 4	Cancelled due to the 4 th of July Holiday	
July 18	2:00 p.m.	Room 400, City Hall
August 1	2:00 p.m.	Room 400, City Hall
August 15	2:00 p.m.	Room 400, City Hall
September 5	Cancelled due to Labor Day Holiday	
September 19	2:00 p.m.	Room 400, City Hall
October 3	2:00 p.m.	Room 400, City Hall
October 17	2:00 p.m.	Room 400, City Hall
November 7	2:00 p.m.	Room 400, City Hall
November 21	2:00 p.m.	Room 400, City Hall
December 5	2:00 p.m.	Room 400, City Hall
December 19	2:00 p.m.	Room 400, City Hall



SAN FRANCISCO ARTS COMMISSION

BOS-11
CPAGE

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 NOV -3 PM 12:17
BY [Signature]

GAVIN NEWSOM
MAYOR

MEMORANDUM

LUIS R. CANCEL
DIRECTOR OF
CULTURAL AFFAIRS

TO: Clerk of the Board
FROM: Luis R. Cancel, Director of Cultural Affairs
DATE: November 02, 2010
SUBJECT: FY 2010-11 First Quarter Report

[Handwritten signature]

PROGRAMS

- CIVIC ART COLLECTION
- CIVIC DESIGN REVIEW
- COMMUNITY ARTS & EDUCATION
- CULTURAL EQUITY GRANTS
- PERFORMING ARTS
- PUBLIC ART
- STREET ARTISTS LICENSES

ARTS COMMISSION GALLERY
401 VAN NESS AVENUE
415.554.6080

WWW.SFARTSCOMMISSION.ORG
ARTSCOMMISSION@SFGOV.ORG

In pursuance to the FY 2010-11 Annual Appropriation Ordinance and the Controller's "High Level Financial Reports for September - 2010", please see the attached Report with the explanation for the Arts Commission for the first quarter ending September 30, 2010.

cc: Mayor's Office
Controller's Office
Director of Finance, Arts Commission

Attachment: Report (2 pages)



CITY AND COUNTY OF
SAN FRANCISCO

23

ARTS COMMISSION						
FY 2010-11 QUARTERLY REPORT - EXPENDITURE						
Quarter Ending: September 30, 2010						
					Page - 2 -	
Sub fund: 1G AGF WOF Work Order Fund - WritersCorps						
001	Salaries	165,638	24,402	21.84%	14.73%	} The actual spending rate is within the budget.
013	Mandatory Fringe Benefits	75,755	7,160	21.84%	9.45%	
021	Non Personal services	28,607	63	25.00%	0.22%	WritersCorps teachers expenses will be incurred mostly from the 2nd quarter onwards.
086	Expenditure Recovery	(270,000)	-	25.00%	0.00%	Actual spending and billing not started in the 1st quarter.
	Subfund :1G-AGF-WOF Totals	-	31,625	n/a		
ARTS COMMISSION						
FY 2010-11 QUARTERLY REPORT - REVENUE						
Quarter Ending: September 30, 2010						
CHARACTER	FY10-11 Budget	FY10-11 1st Qtr Actual	FY10-11 Year End Projection	EXPLANATION		
Subfund: 1G AGF AAA GF Non-Project Controlled						
60127	Civic Design Fee	39,659	-	39,659	Expected to achieve the revenue at year end.	
Subfund: 1G AGF AAP GF Annual Project						
12210	Hotel Room Tax	1,516,000	-	1,516,000	Expected to achieve the full revenue at year end. The Controller's office records the revenue monthly based on the Hotel Tax collected for the month.	
9501G	ITI FR 1G-General Fund	55,000	-	55,000	The Controller's office records the revenue from GFTA.	
		1,571,000	-	1,571,000		