

Petitions and Communications received from October 18, 2011, through October 24, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on November 1, 2011.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted.

From Clerk of the Board, the following individual has submitted a Form 700 Statement: (1)
Lin-Shao Chin, Legislative Aide - Leaving

From Aging and Adult Services Commission, submitting its Community Living Fund: Program for Case Management and Purchase of Resources and Services Report for January - June 2011. (2)

From Fish and Game Commission, submitting a copy of the notice of proposed regulatory action relative to California Code of Regulations, Title 14, Sections 550, 550.5, 551, 552, 553, 630, and 703. (3)

From Office of the Controller, City Services Auditor, submitting its FY2009-2010 Review Memorandum: Results of Political Activity Compliance Review. (4)

From Controller's Office, City Services Auditor, submitting its Human Services Agency Payroll Audit Report for calendar year January 1, 2010, through December 31, 2010. (5)

*From Residential Rent Stabilization and Arbitration Board, submitting its 2010-2011 Rent Board Annual Statistical Report. (6)

From concerned citizens, submitting support for the restoration of Sharp Park wetlands and wildlife. File No. 110966, 10 letters. (7)

From concerned citizens, submitting opposition to false advertising by limited services pregnancy centers. File No. 110899, 2 letters. (8)

From Allen Jones, submitting opposition to offering tax breaks to businesses that hire former felons. File No. 111102. (9)

From Hedda Thieme, submitting a request that Clipper Cards display a running total of money that was deducted for travel. (10)

From Gerald Cauthen, SaveMuni.com, submitting financial and ridership comparisons for the San Francisco Central Subway Project. (11)

From concerned citizens, submitting support for San Francisco Animal Control and Welfare Humane Pet Acquisition proposal. 3 letters. (12)

File No. 111157

From Congresswoman Jackie Speier, submitting opposition to the use of federal funds for purposes of managing Sharp Park. (13)

From Barbara Cohen, submitting support for the reappointment of Dr. Toye Moses to the Immigrant Rights Commission. (14)

*From San Francisco Unified School District, submitting its 2011-2012 Williams Facilities Inspection Report and Textbook Inspection Reports. (15)

From Dennis J. Herrera, City Attorney, submitting a response to statements Mayor Lee made about Office of the City Attorney's code enforcement efforts. (16)

*(An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is available at the Clerk's Office Room 244, City Hall.)

BOARD of SUPERVISORS



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MEMORANDUM

Date:	October 19, 2011
To:	Honorable Members, Board of Supervisors
From:	AC Angela Calvillo, Clerk of the Board
Subject:	Form 700

This is to inform you that the following individual has submitted a Form 700 Statement:

Lin-Shao Chin – Leaving – Legislative Aide

BOS-11

**City and County of San Francisco
Aging and Adult Services Commission**



EDNA JAMES
PRESIDENT

GUSTAVO SERINA
VICE PRESIDENT

THOMAS CRITES
ROSARIO CARRION-DI RICCO
BETTE LANDIS
RICHARD OW
VENERACION ZAMORA

October 13, 2011

Angela Calvillo
Clerk of the Board
Board of Supervisors
City Hall, Room 244
San Francisco, CA 94103

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 OCT 17 PM 3:14
BY _____
AK

Attached is a 6-month report/update on the Community Living Fund (CLF) program for Case Management and Purchase of Resources and Services. Please distribute a copy to each Supervisor.

Thank you,

A handwritten signature in black ink, appearing to read "La Shaun Williams".

La Shaun Williams
Commission Secretary

MEMORANDUM

DATE: September 30, 2011

TO: Angela Calvillo, Clerk of the San Francisco Board of Supervisors

THROUGH: Aging and Adult Services Commission

FROM: E. Anne Hinton, Executive Director, Dept. of Aging and Adult Services
Linda Edelstein, Long Term Care Operations Director

SUBJECT: Community Living Fund (CLF): Program for Case Management and
Purchase of Resources and Services. Six Month Report:
January – June, 2011

OVERVIEW

The San Francisco Administrative Code, Section 10.100-12, created the Community Living Fund (CLF) to support aging in place and community placement alternatives for individuals who may otherwise require care within an institution. This report fulfills the Administrative Code requirement that the Department of Aging and Adult Services (DAAS) report to the Board of Supervisors every six months detailing the level of service provided and costs incurred in connection with the duties and services associated with this fund.

The CLF provides for home and community-based services, or a combination of equipment and services, that will help individuals who are currently, or at risk of being, institutionalized to continue living independently in their homes, or to return to community living. This program, using a two-pronged approach of coordinated case management and purchased services, provides the needed resources, not available through any other mechanism, to vulnerable older adults and younger adults with disabilities.

The CLF Six-Month Report provides an overview of trends. The attached data tables and charts show key program trends for each six month period of the prior 24 months, along with project-to-date figures where appropriate.

KEY FINDINGS

Referrals & Service Levels

- ❖ The CLF received 101 total new referrals, of which the majority (70%) were eligible. 344 clients received service.
- ❖ Enrollments in the core services provided by the Institute on Aging (IOA) peaked at 369 a year ago (July – December 2009) and have declined to 281 in the last reporting period. This is slightly higher than the previous reporting period, in which 247 clients received services from the IOA. The overall decline reflects the exhaustion of funding surpluses from prior years and the subsequent alignment of enrollments to the capacity of the IOA's baseline budget of \$2,740,266.

- ❖ As of August 10, 2011 there were 27 individuals on the CLF waiting list, down from 46 six months ago. This decrease is a result of a slow down of referrals from LHH over the past six months, allowing CLF to take more referrals from the community waiting list.
- ❖ Eighty-two percent of program enrollments in the last six months were in the IOA's CLF program, 47% of which received service purchases. The remaining was in San Francisco Senior Center's (SFSC) Homecoming transitional care and Meals on Wheels (MOW) emergency home-delivered meal programs.

Demographics

Trends in CLF referrals are shifting over time:

- ❖ Referrals from younger adults remain at an increased level (41%), but down from the last reporting period (48%);
- ❖ Referrals from Whites increased to 47%, while Chinese referrals remained low compared to citywide demographics;
- ❖ Referrals from English-speaking clients continue to dominate (83%); and
- ❖ Referrals from 94116, home to Laguna Honda Hospital, have increased over the life of the program (currently 25%), which referrals from the South of Market (94103) and the Inner Mission/Bernal Heights (94110) have declined over the life of the program;
- ❖ Referrals from Laguna Honda Hospital and TCM represent 27% of all referrals, down from the last reporting period (31%) but significantly up overall from FY 2007/2008 (10%).

Service Requests

- ❖ Case management, in-home support, and housing-related services remain the most commonly-requested services at intake, which mirrors service purchase trends for enrolled clientele.

Program Costs

- ❖ Total program expenditures peaked during January – June 2010 at \$2.8 million, exhausting prior year carry-forward funding. Expenditures in the first half of 2011 are down to \$1.6M, in line with the baseline annual budget.
- ❖ CLF Purchase of Service costs have decreased by roughly 50% since peak spending in January – June 2010 as the budget went to base level. Home care and board and care costs remain the largest categories for purchased services.
- ❖ Costs per client are as follows:
 - Total monthly program costs per client¹ averaged \$787 per month in the last six-month period. This has dropped significantly compared to a high of \$1,067 in January – June 2009. Declining average costs have been due,

¹ This calculation = [Grand Total of CLF expenditures (from Section 3-1)]/[All Active Cases (from Section 1-1)]/6.

in part, to the program's increased capacity to leverage outside funding such as the NF/AH waiver and the CCT Money Follows the Person Project.

- Average monthly purchase of service costs for CLF clients who received any purchased services has settled at approximately \$1,200 per month.
- Excluding costs for home care and rental subsidies, average monthly purchase of service costs for CLF clients who received any purchased services continue to drop over time: \$107 per month in the last reporting period.

Performance Measures

- ❖ The program continues to exceed targets for performance measures, with 76% and 82% of formerly institutionalized and imminent risk clients continuing community living for a period of at least six months, respectively.

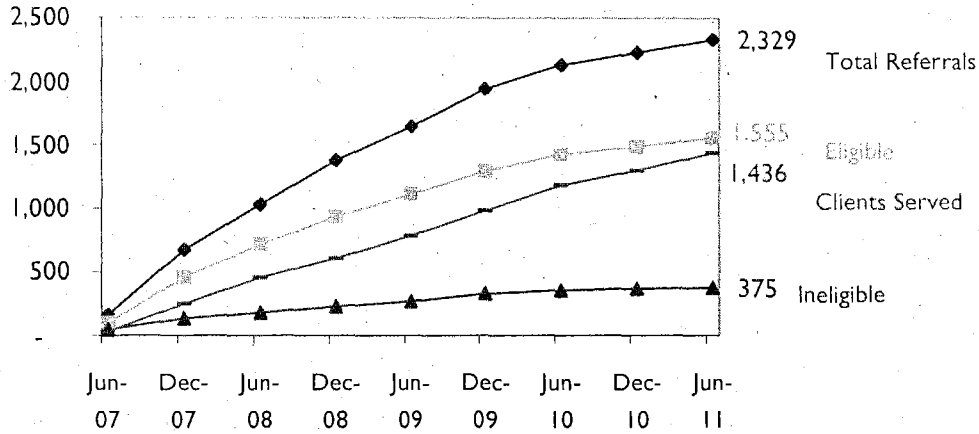
Common Systemic Issues/Barriers to Service

These issues identified by CLF case managers for the previous six-month report continue to be the most common systemic issues that result in the need for CLF services.

- ❖ *Share of Cost.* Many clients are unable to pay their rent or have sufficient resources to live in the community if they paid their share of cost (SOC) to receive IHSS. This is the result of 2009 State budget changes eliminating the "buy-in" payment the State provided all IHSS recipients who had a share of cost. Those IHSS recipients can no longer keep their full SSI payment.
- ❖ *Board and Care Patches.* Consumers spend down their resources and are unable to pay the monthly board and care/RCFE rates charged in San Francisco.
- ❖ *Difficulty Securing and Maintaining Durable Medical Equipment (DME)* is both a reason for referral and a problem experienced by many CLF clients. Wheel chair repair can take months. CLF clients often need a loaner chair provided by CLF while their chair is being repaired. The customer service offered by many DME companies is very poor and occupational therapy staff and clients spend a great deal of time monitoring the equipment repair. DME companies often make errors completing the Medi-Cal paperwork, which delays receipt of necessary equipment for months.
- ❖ *Home Modifications.* CLF receives referrals for stair lifts, stair tracks and bathroom modifications. Many clients are homebound because of the stairs in their homes and apartments. Clients in SROs often have difficulty leaving their buildings if there is not an elevator or the elevator is broken. CLF pays for home modifications and works with landlords to address access issues.

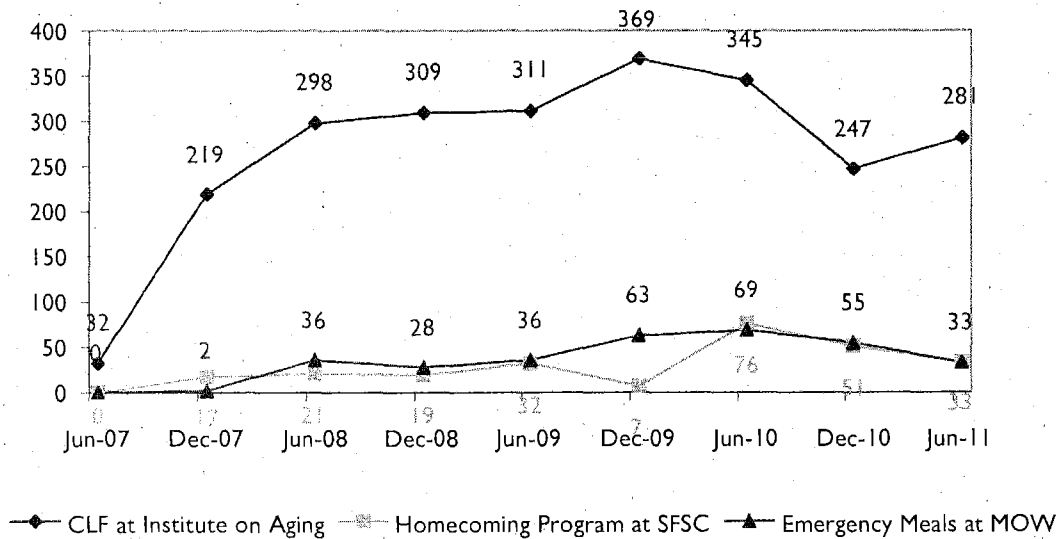
Community Living Fund Six-Month Report

Cumulative Referrals and Clients



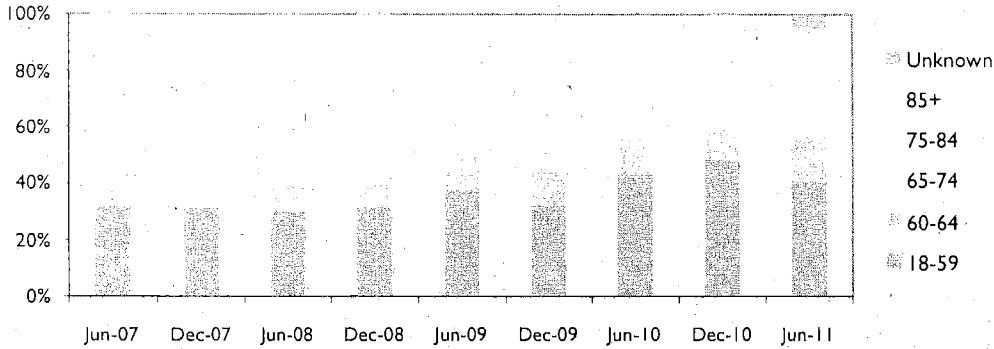
Notes: Referrals are all referrals to the primary CLF program, operated by the Institute on Aging (IOA). Referrals are counted by month of referral. Clients served include those served by the IOA, as well as those receiving transitional care (Homecoming @ SFSC) and emergency meals. Clients served are counted based on program contact date.

CLF Clients Served by Sub-Program Declining CLF Enrollments at IOA Reflect Budget Realities

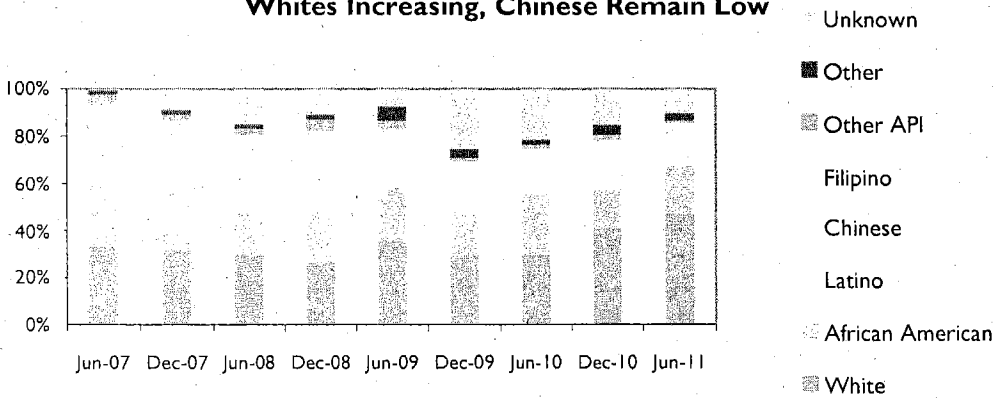


Community Living Fund Six-Month Report

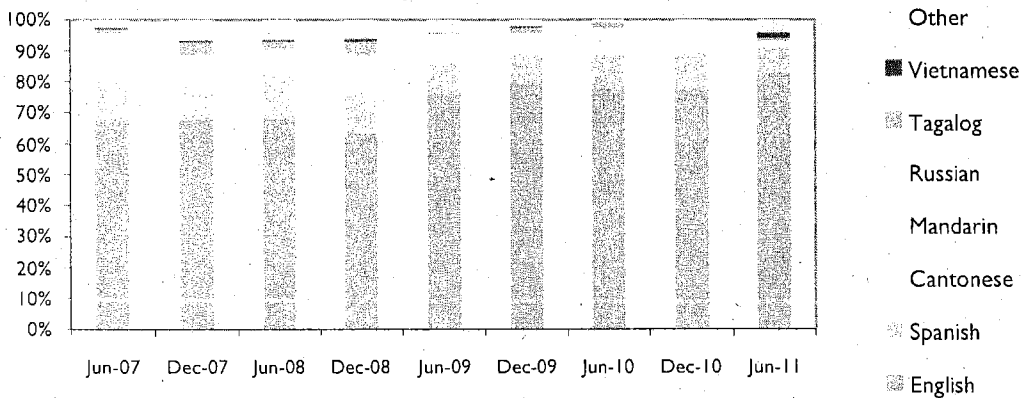
CLF Referrals by Age Younger Adult Referrals Return to Prior Levels



CLF Referrals by Ethnicity Whites Increasing, Chinese Remain Low

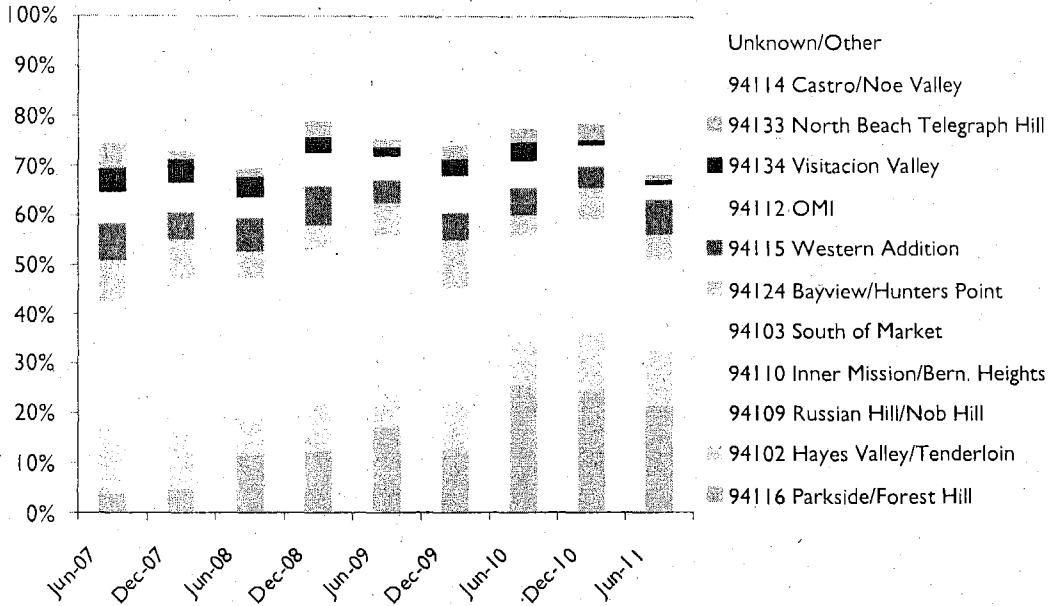


CLF Referrals by Language Referrals from English Speakers Continue to Dominate

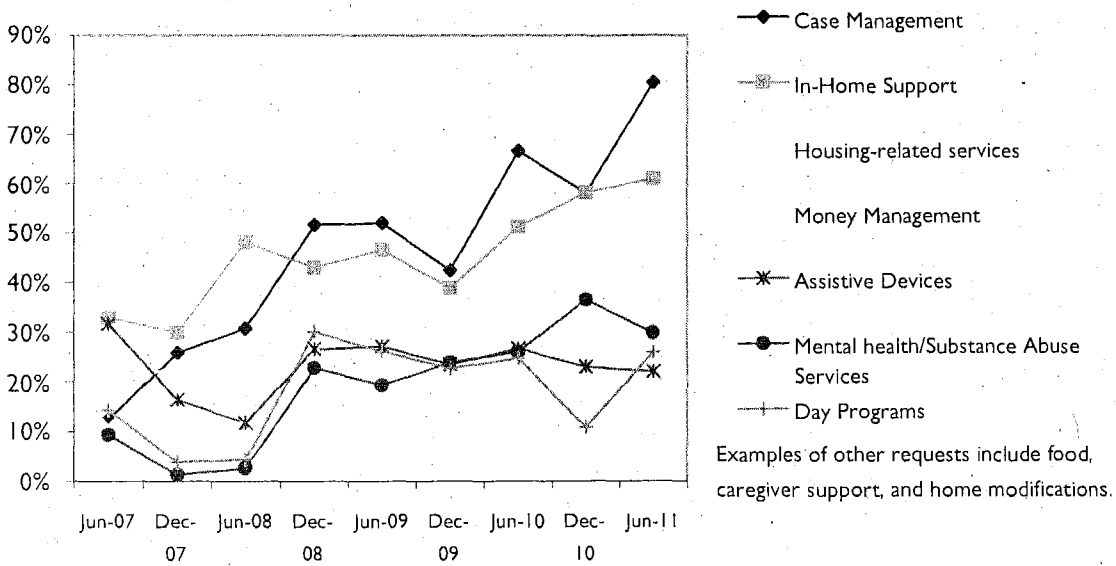


Community Living Fund Six-Month Report

CLF Referrals by Zip Code
High Numbers from 94116 Reflect LHH Referrals

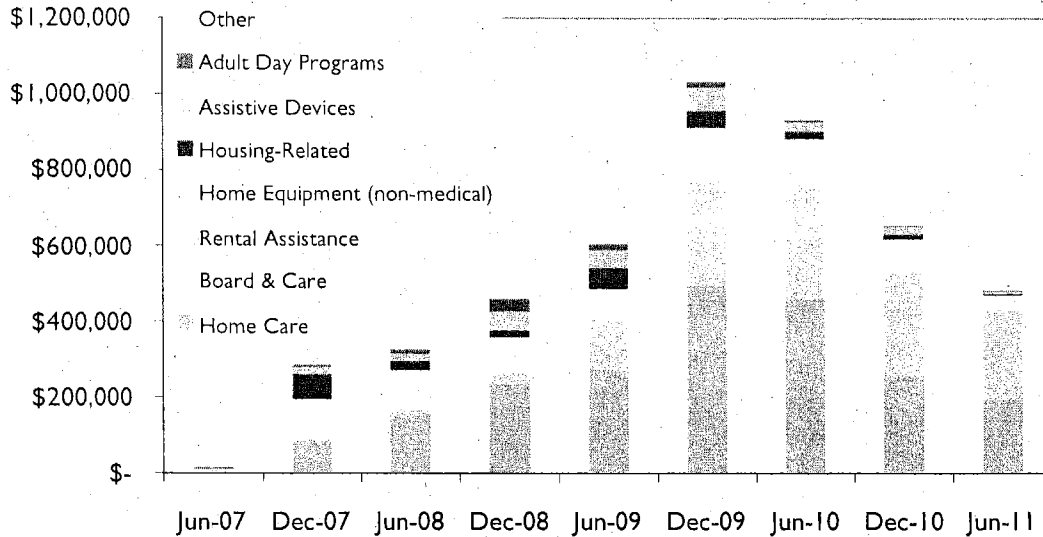


Self-Reported Need for Services at Referral
Case Management, In-Home Support, & Housing Remain Most Frequent Requests; Case Management Requests Rising

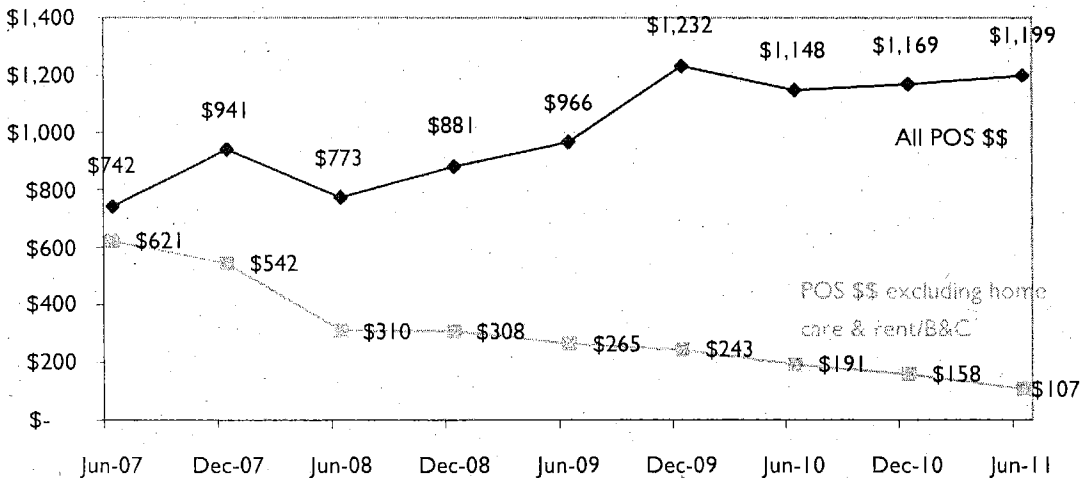


Community Living Fund Six-Month Report

**CLF at IOA Service Purchases Decrease As Budget is Reigned In.
Home Care and Board & Care Cost Remain the Largest Categories**



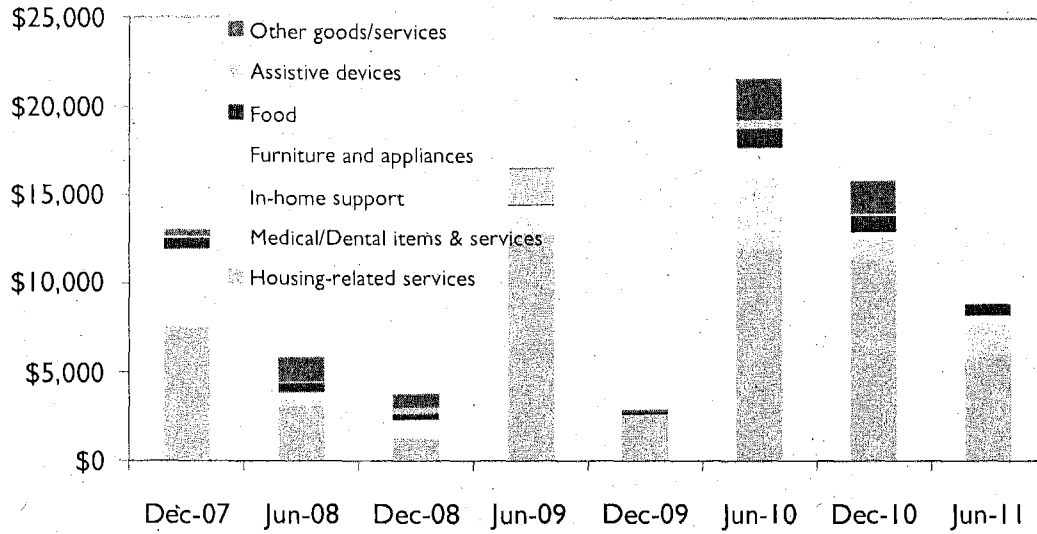
**Average Monthly Purchase of Service (POS) Cost Per Client for
CLF Clients with Any Purchases:
Settling at ~\$1,150/month; POS costs excluding home care &
rent/board and care subsidies continues to drop**



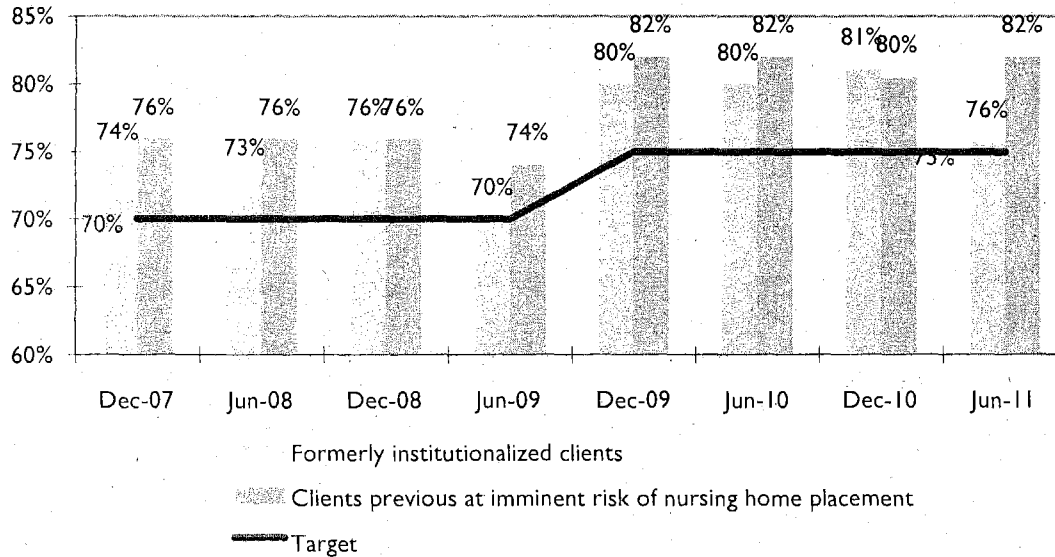
Note: Purchases in this chart represent those from the Institute on Aging sub-program of CLF.

Community Living Fund Six-Month Report

Homecoming Purchases Still Dominated by Housing-Related Services, Total Spending Down from Prior Year



Percentage of CLF clients who have successfully continued community living for a period of at least six months: Performance Measures Continue to Exceed Targets



Community Living Fund Six-Month Report

Active Caseload	Jun-07		Dec-07		Jun-08		Dec-08		Jun-09		Dec-09		Jun-10		Dec-10		Jun-11	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
All Active Cases*	32		235		345		347		374		435		478		345		344	
Change from Prior 6 Months			203	634.4%	110	46.8%	2	0.6%	27	7.8%	61	16.3%	43	9.9%	(133)	-27.8%	(1)	-0.3%
Change from Previous Year					313	978.1%	112	47.7%	29	8.4%	88	25.4%	104	27.8%	(90)	-20.7%	(134)	-28.0%
Change from 2 Years									342	1068.8%	200	85.1%	133	38.6%	(2)	-0.6%	(30)	-8.0%
Program Enrollment																		
CLF at Institute on Aging	32	100%	219	93%	298	86%	309	89%	311	83%	369	85%	345	72%	247	72%	281	82%
with any service purchases	30	94%	164	75%	175	59%	201	65%	213	68%	245	66%	247	72%	169	68%	131	47%
needing one-time purchases	2	6%	49	22%	61	20%	29	9%	18	6%	33	9%	33	10%	13	5%	17	6%
with no purchases	2	6%	55	25%	123	41%	108	35%	98	32%	124	34%	98	28%	78	32%	150	53%
Homecoming Program at SFSC	0	0%	17	7%	21	6%	19	5%	32	9%	7	2%	76	16%	51	15%	33	10%
Emergency Meals at MOW	0	0%	2	1%	36	10%	28	8%	36	10%	63	14%	69	14%	55	16%	33	10%
Program to Date																		
All CLF Enrollment	32		246		456		608		787		982		1183		1299		1436	
CLF at Institute on Aging Enrollment	32	100%	230	93%	396	87%	513	84%	634	81%	766	78%	843	71%	873	67%	952	66%
with any service purchases	30	94%	180	78%	263	66%	372	73%	467	74%	559	73%	622	74%	652	75%	693	73%
needing one-time purchases	2	6%	50	22%	83	21%	89	17%	98	15%	116	15%	126	15%	129	15%	141	15%
with no purchases	2	6%	50	22%	133	34%	141	27%	167	26%	207	27%	221	26%	221	25%	259	27%
\$)	\$ 2,671		\$ 518		\$ 690		\$ 707		\$ 1,067		\$ 888		\$ 981		\$ 780		\$ 787	
Average monthly purchase of service \$/client for CLF IOA purchase clients	\$ 742		\$ 941		\$ 773		\$ 881		\$ 966		\$ 1,232		\$ 1,148		\$ 1,169		\$ 1,199	
Average monthly purchase of service \$/client for CLF IOA purchase clients, excluding home care, housing subsidies	\$ 621		\$ 542		\$ 310		\$ 308		\$ 265		\$ 243		\$ 191		\$ 158		\$ 107	

*Includes clients enrolled with Institute on Aging, Homecoming, and Emergency Meals.

Community Living Fund Six-Month Report

Referrals	Jun-07		Dec-07		Jun-08		Dec-08		Jun-09		Dec-09		Jun-10		Dec-10		Jun-11	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
New Referrals**	161		512		357		348		266		297		189		98		101	
Change from previous six months			351	218%	(155)	-30%	(9)	-3%	(82)	-24%	31	12%	(108)	-36%	(91)	-48%	3	3%
Change from previous year					196	122%	(164)	-32%	(91)	-25%	(51)	-15%	(77)	-29%	(199)	-67%	(88)	-47%
Status After Initial Screening																		
Eligible:	92	57%	364	71%	258	72%	220	63%	177	67%	183	62%	129	68%	61	62%	71	70%
Approved to Receive Service	92	100%	194	53%	122	47%	119	54%	135	76%	131	72%	52	40%	31	51%	57	80%
Wait List	0	0%	119	33%	136	53%	99	45%	42	24%	51	28%	73	57%	30	49%	13	18%
Pending Final Review	0	0%	51	14%	0	0%	2	1%	0	0%	1	1%	4	3%	0	0%	1	1%
Ineligible	44	27%	88	17%	47	13%	48	14%	42	16%	61	21%	23	12%	15	15%	7	7%
Withdrew Application	0	0%	46	9%	1	0%	37	11%	32	12%	51	17%	23	12%	9	9%	11	11%
Pending Initial Determination	21	13%	14	3%	51	14%	43	12%	15	6%	2	1%	14	7%	13	13%	10	10%
Program to Date																		
Total Referrals	161		673		1,030		1,378		1,644		1,941		2,130		2,228		2,329	
Eligible Referrals	92	57%	456	68%	714	69%	934	68%	1,111	68%	1,294	67%	1,423	67%	1,484	67%	1,555	67%
Ineligible Referrals	44	27%	132	20%	179	17%	227	16%	269	16%	330	17%	353	17%	368	17%	375	16%

** New Referrals include all referrals received by the DAAS Intake and Screening Unit in the six-month period.

Community Living Fund Six-Month Report

Referral Demographics	Jun-07	Dec-07	Jun-08	Dec-08	Jun-09	Dec-09	Jun-10	Dec-10	Jun-11
Age (in years)									
18-59	32%	31%	30%	31%	38%	32%	43%	48%	41%
60-64	11%	13%	10%	11%	13%	13%	14%	11%	17%
65-74	19%	22%	21%	20%	17%	21%	19%	16%	14%
75-84	24%	21%	22%	24%	18%	20%	13%	17%	14%
85+	14%	12%	17%	14%	14%	13%	10%	8%	8%
Unknown	0%	1%	0%	0%	1%	0%	1%	0%	5%
Ethnicity									
White	34%	32%	30%	26%	36%	29%	30%	41%	47%
African American	26%	25%	19%	21%	23%	18%	26%	16%	20%
Latino	17%	14%	19%	15%	14%	13%	12%	15%	13%
Chinese	12%	10%	8%	14%	7%	7%	6%	5%	3%
Filipino	4%	6%	5%	6%	4%	2%	2%	1%	2%
Other API	4%	2%	3%	5%	4%	1%	2%	2%	1%
Other	2%	2%	2%	2%	6%	4%	2%	4%	3%
Unknown	1%	9%	15%	11%	7%	25%	21%	15%	10%
Language									
English	68%	68%	68%	63%	76%	79%	78%	77%	83%
Spanish	13%	11%	15%	13%	10%	9%	11%	12%	8%
Cantonese	10%	7%	5%	9%	5%	6%	7%	3%	2%
Mandarin	2%	1%	2%	2%	3%	1%	1%	0%	0%
Russian	3%	0%	1%	1%	1%	1%	2%	1%	0%
Tagalog	1%	4%	2%	5%	0%	2%	2%	0%	1%
Vietnamese	1%	0%	1%	1%	0%	0%	0%	0%	2%
Other	2%	7%	6%	6%	4%	2%	1%	6%	4%

Community Living Fund Six-Month Report

Referral Demographics (cont.)	Jun-07	Dec-07	Jun-08	Dec-08	Jun-09	Dec-09	Jun-10	Dec-10	Jun-11
Zipcode									
94102 Hayes Valley/Tenderloin	14%	11%	8%	10%	9%	10%	9%	12%	11%
94103 South of Market	11%	9%	8%	9%	9%	6%	9%	6%	6%
94107 Potrero Hill	4%	4%	4%	1%	2%	2%	2%	0%	1%
94108 Chinatown	1%	1%	1%	1%	0%	1%	0%	1%	0%
94109 Russian Hill/Nob Hill	8%	10%	8%	9%	10%	10%	7%	10%	9%
94110 Inner Mission/Bernal Heights	6%	11%	12%	12%	11%	7%	5%	6%	3%
94112 Outer Mission/Excelsior/Ingleside	6%	6%	4%	7%	5%	7%	5%	4%	3%
94114 Castro/Noe Valley	1%	2%	2%	2%	2%	2%	3%	2%	5%
94115 Western Addition	7%	5%	7%	8%	5%	6%	5%	4%	7%
94116 Parkside/Forest Hill	4%	5%	11%	12%	17%	12%	26%	25%	21%
94117 Haight/Western Addition/Fillmore	3%	3%	2%	3%	2%	3%	1%	3%	1%
94118 Inner Richmond/Presidio/Laurel	0%	2%	5%	1%	2%	1%	1%	2%	2%
94121 Outer Richmond/Sea Cliff	4%	1%	3%	2%	2%	3%	1%	4%	0%
94122 Sunset	2%	2%	2%	3%	5%	2%	2%	1%	3%
94123 Marina/Cow Hollow	1%	2%	2%	1%	1%	0%	2%	0%	0%
94124 Bayview/Hunters Point	9%	8%	5%	6%	7%	10%	4%	6%	5%
94127 West Portal/St. Francisc Wood	1%	1%	2%	1%	1%	1%	1%	0%	0%
94129 Presidio	0%	0%	0%	0%	0%	0%	0%	0%	0%
94130 Treasure Island	0%	0%	0%	0%	0%	0%	0%	0%	0%
94131 Twin Peaks/Diamond Hts/Glen Park	1%	0%	4%	1%	0%	3%	1%	2%	2%
94132 Stonestown/Lake Merced	2%	2%	2%	1%	1%	1%	4%	0%	3%
94133 North Beach Telegraph Hill	5%	2%	2%	3%	2%	3%	3%	3%	1%
94134 Visitacion Valley	5%	5%	4%	3%	2%	3%	4%	1%	1%
Unknown/Other	7%	7%	3%	4%	5%	6%	7%	5%	14%
Referral Source = Laguna Honda Hospital/TCM	4%	10%	9%	13%	18%	14%	26%	31%	27%

Community Living Fund Six-Month Report

	Jun-07	Dec-07	Jun-08	Dec-08	Jun-09	Dec-09	Jun-10	Dec-10	Jun-11
Services Needed at Intake (Self-Reported)									
Case Management	12%	26%	31%	52%	52%	43%	67%	58%	81%
In-Home Support	33%	30%	48%	43%	47%	39%	51%	58%	61%
Housing-related services	20%	23%	13%	27%	41%	22%	34%	49%	38%
Money Management	11%	7%	4%	26%	27%	21%	30%	36%	35%
Assistive Devices	32%	16%	12%	27%	27%	23%	27%	23%	22%
Mental health/Substance Abuse Services	9%	1%	3%	23%	19%	24%	26%	36%	30%
Day Programs	14%	4%	4%	30%	26%	23%	25%	11%	26%
Food	6%	4%	4%	17%	16%	11%	23%	26%	25%
Caregiver Support	8%	2%	3%	15%	23%	18%	17%	23%	18%
Home repairs/Modifications	9%	9%	6%	13%	18%	17%	15%	19%	21%
Other Services	29%	34%	35%	8%	9%	18%	11%	11%	5%
Performance Measures	Jun-07	Dec-07	Jun-08	Dec-08	Jun-09	Dec-09	Jun-10	Dec-10	Jun-11
Percentage of CLF clients who have successfully continued community living for a period of at least six months:									
Formerly institutionalized clients		74%	73%	76%	70%	80%	80%	81%	76%
Clients previous at imminent risk of nursing home placement		76%	76%	76%	74%	82%	82%	80%	82%
Target		70%	70%	70%	70%	75%	75%	75%	75%

Community Living Fund Six-Month Report

Expenditures	Jun-07	Dec-07	Jun-08	Dec-08	Jun-09	Dec-09	Jun-10	Dec-10	Jun-11	Project to Date
IOA Contract										
Purchase of Service *	\$ 21,050	\$ 295,424	\$ 329,786	\$ 390,626	\$ 771,422	\$ 1,012,599	\$ 1,047,504	\$ 659,690	\$ 519,910	\$ 5,048,011
Case Management	\$ 120,770	\$ 226,624	\$ 327,055	\$ 407,960	\$ 883,898	\$ 632,884	\$ 708,179	\$ 501,173	\$ 511,467	\$ 4,320,010
Capital & Equipment	\$ 46,200	\$ -	\$ -	\$ 13,979	\$ 39,040	\$ 78,209	\$ -	\$ -	\$ -	\$ 177,428
Operations	\$ 86,795	\$ 67,335	\$ 105,655	\$ 123,143	\$ 194,094	\$ 92,637	\$ 196,445	\$ 166,522	\$ 189,541	\$ 1,222,167
Indirect							\$ 112,071	\$ 91,964	\$ 93,463	\$ 297,498
CCT Reimbursement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ (143,388)	\$ (74,454)	\$ (217,842)
Medication Management (FY1011 only)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 21,586	\$ 6,226	\$ 27,812
Subtotal	\$ 274,815	\$ 589,383	\$ 762,496	\$ 935,708	\$ 1,888,454	\$ 1,816,329	\$ 2,064,199	\$ 1,297,547	\$ 1,246,153	\$ 10,875,084
DPH Work Orders										\$ -
Health at Home		\$ 54,048	\$ 203,215	\$ 201,693	\$ 217,860	\$ 228,231	\$ 150,898	\$ -	\$ -	\$ 1,055,945
RTZ - DCIP						\$ 40,000	\$ 80,000	\$ -	\$ 120,000	\$ 240,000
DAAS Internal (Salaries & Fringe)	\$ 204,022	\$ 74,985	\$ 209,291	\$ 171,300	\$ 188,308	\$ 170,398	\$ 181,920	\$ 176,924	\$ 185,828	\$ 1,562,976
Homecoming Services Network & Research (SFSC)		\$ 11,918	\$ 6,831	\$ 5,200	\$ 12,301	\$ 1,118	\$ 89,173	\$ 17,871	\$ 13,568	\$ 157,980
Emergency Meals (Meals on Wheels)		\$ -	\$ 106,380	\$ 34,597	\$ 88,161	\$ 61,065	\$ 67,778	\$ 60,000	\$ -	\$ 417,981
IT Contractor	\$ 34,000	\$ -	\$ 140,670	\$ 123,600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 298,270
Case Management Training Institute (Family Service Agency)							\$ 85,690	\$ 62,119	\$ 57,881	\$ 205,690
IHSS Share of Cost							\$ 93,454	\$ -	\$ -	\$ 93,454
Grand Total	\$ 512,837	\$ 730,334	\$ 1,428,883	\$ 1,472,098	\$ 2,395,084	\$ 2,317,141	\$ 2,813,112	\$ 1,614,461	\$ 1,623,430	\$ 14,907,380
	FY0607	FY0708	FY0809	FY0910	FY1011	Project to Date				
Total CLF Fund Budget	\$ 2,887,998	\$ 3,125,000	\$ 3,000,000	\$ 3,000,000	\$ 3,595,877	\$ 15,608,875				
% DAAS Internal of Total CLF Fund**	7.1%	9.1%	12.0%	11.7%	10.1%	10.0%				
* This figure does not match the figure in Section 4 of this report because this figure reflects the date of invoice to HSA, while the other reflects the date of service to the client.										
** According to the CLF's establishing ordinance, "In no event shall the cost of department staffing associated with the duties and services associated with this fund exceed 15% [...] of the total amount of the fund." When the most recent six-month period falls in July-December, total funds available are pro-rated to reflect half of the total annual fund.										

Community Living Fund Six-Month Report

CLF @ IOA Purchased Services	Jun-07		Dec-07		Jun-08		Dec-08		Jun-09		Dec-09		Jun-10		Dec-10		Jun-11		Project-to-Date	
	\$	Clients	\$	Clients	\$	Clients	\$	Clients	\$	Clients	\$	Clients	\$	Clients	\$	Clients	\$	Clients	\$	Clients
Total	\$28,233	30	\$ 331,154	164	\$ 347,735	175	\$ 473,119	201	\$ 638,828	213	\$ 1,098,758	245	\$ 996,867	247	\$ 675,491	169	\$ 499,781	131	\$ 5,089,966	693
Home Care	\$ 4,944	5	\$ 82,894	27	\$ 155,970	36	\$ 233,398	38	\$ 271,585	31	\$ 494,459	53	\$ 460,160	43	\$ 257,378	23	\$ 191,795	20	\$ 2,152,583	151
Board & Care	\$ -	0	\$ 5,500	3	\$ 11,400	2	\$ 30,486	7	\$ 133,383	21	\$ 277,878	35	\$ 296,902	33	\$ 274,449	30	\$ 239,010	29	\$ 1,269,007	42
Rental Assistance (General)	\$ 1,568	4	\$ 53,103	41	\$ 40,800	29	\$ 42,927	24	\$ 57,004	34	\$ 109,850	50	\$ 74,381	42	\$ 51,366	31	\$ 23,749	17	\$ 454,747	165
Non-Medical Home Equipment	\$ 2,829	5	\$ 52,476	73	\$ 62,624	81	\$ 50,187	76	\$ 23,701	72	\$ 30,534	81	\$ 51,667	98	\$ 34,134	51	\$ 14,834	37	\$ 322,987	407
Housing-Related	\$ -	0	\$ 65,518	30	\$ 24,044	30	\$ 20,579	34	\$ 55,979	53	\$ 44,233	58	\$ 20,190	51	\$ 13,780	22	\$ 2,951	18	\$ 247,273	222
Assistive Devices	\$ 2,090	7	\$ 19,665	12	\$ 18,447	47	\$ 48,841	73	\$ 47,008	66	\$ 62,214	76	\$ 24,433	33	\$ 20,179	36	\$ 7,766	18	\$ 250,643	276
Adult Day Programs	\$ 3,809	2	\$ 5,730	5	\$ 11,933	5	\$ 32,354	7	\$ 16,010	3	\$ 14,423	4	\$ 6,113	4	\$ 1,865	2	\$ 1,560	1	\$ 93,796	14
Communication/Translation	\$ 156	2	\$ 3,927	22	\$ 5,099	46	\$ 6,659	52	\$ 8,384	58	\$ 10,827	75	\$ 11,239	69	\$ 7,196	37	\$ 2,365	18	\$ 55,852	179
Respite	\$ 5,112	2	\$ 17,040	4	\$ 1,440	1	\$ -	0	\$ 200	1	\$ 5,571	2	\$ 9,488	2	\$ 4,056	1	\$ -	0	\$ 42,907	7
Health Care	\$ -	0	\$ 6,300	1	\$ 5,407	8	\$ 39	2	\$ 811	2	\$ 11,194	8	\$ 8,571	10	\$ 3,156	7	\$ 2,662	8	\$ 38,141	41
Medical Services	\$ 340	1	\$ 10,584	8	\$ 2,566	9	\$ 1,264	10	\$ 8,580	4	\$ 7,665	13	\$ 2,926	6	\$ 1,122	4	\$ 2,693	4	\$ 37,741	46
Other Special Needs	\$ -	0	\$ 3,450	7	\$ 3,922	18	\$ 2,159	16	\$ 1,226	12	\$ 5,884	13	\$ 7,511	11	\$ 878	7	\$ 6,306	8	\$ 31,336	76
Counseling	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ 5,799	16	\$ 6,350	13	\$ 8,150	14	\$ 3,750	12	\$ 3,780	5	\$ 27,829	31
Professional Care Assistance	\$ -	0	\$ 624	1	\$ 120	2	\$ -	0	\$ 6,996	4	\$ 7,624	3	\$ 2,553	3	\$ -	0	\$ -	0	\$ 17,917	12
Habilitation	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ 300	1	\$ 4,950	2	\$ 10,088	4	\$ 1,450	2	\$ -	0	\$ 16,788	6
Transportation	\$ 5,235	1	\$ 2,479	5	\$ 938	2	\$ 1,863	15	\$ 1,043	20	\$ 2,220	18	\$ 1,568	16	\$ 693	11	\$ 311	7	\$ 16,350	69
Legal Assistance	\$ -	0	\$ 370	1	\$ 370	1	\$ 1,254	3	\$ 19	1	\$ 2,757	5	\$ -	1	\$ 40	1	\$ -	0	\$ 4,810	12
Others	\$ 2,151	7	\$ 1,493	4	\$ 2,654	8	\$ 1,110	10	\$ 799	5	\$ 125	5	\$ 926	5	\$ -	0	\$ -	0	\$ 9,258	37
Homecoming @ SFSC																				
Purchases	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%
Total			\$13,056		\$5,851		\$3,778		\$ 16,588.08		\$ 2,888.69		\$ 21,649.96		\$ 15,878.95		\$ 9,369.20		\$ 89,060.04	
Housing-related services			\$7,546	58%	\$3,107	53%	\$1,282	34%	\$ 12,824	77%	\$ 2,608	90%	\$ 11,981	55%	\$ 11,351	71%	\$ 6,028	64%	\$ 56,726	64%
Medical/Dental items & services			\$60	0%	\$376	6%	\$16	0%	\$ 891	5%	\$ 16	1%	\$ 4,052	19%	\$ 1,226	8%	\$ 1,828	20%	\$ 8,465	10%
In-home support			\$4,172	32%	\$180	3%	\$350	9%	\$ 265	2%	\$ -	0%	\$ -	0%	\$ -	0%	\$ -	0%	\$ 4,967	6%
Furniture and appliances			\$185	1%	\$196	3%	\$673	18%	\$ 486	3%	\$ -	0%	\$ 1,690	8%	\$ 369	2%	\$ 371	4%	\$ 3,971	4%
Food			\$642	5%	\$541	9%	\$357	9%	\$ 65	0%	\$ 149	5%	\$ 1,091	5%	\$ 930	6%	\$ 655	7%	\$ 4,476	5%
Assistive devices			\$68	1%	\$65	1%	\$337	9%	\$ 1,991	12%	\$ -	0%	\$ 493	2%	\$ 149	1%	\$ 25	0%	\$ 3,127	4%
Other goods/services			\$383	3%	\$1,386	24%	\$763	20%	\$ 67	0%	\$ 116	4%	\$ 2,342	11%	\$ 1,855	12%	\$ 5	0%	\$ 7,330	8%

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STATE OF CALIFORNIA
Fish and Game Commission

October 13, 2011

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This is to provide you with a copy of the notice of proposed regulatory action relative to sections 550, 550.5, 551, 552, 553, 630, and 703, Title 14, California Code of Regulations, relating to Public Use of Department of Fish and Game Lands, which will be published in the California Regulatory Notice Register on October 14, 2011.

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

Dr. Eric Loft, Chief, Wildlife Branch, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sheri Tiemann
Staff Services Analyst

Attachment

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

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 355, 710, 710.5, 710.7, 713, 1002, 1050, 1053, 1526, 1528, 1530, 1570, 1571, 1572, 1580, 1581, 1583, 1585, 1761, 1764, 1765, 1907, 2118, 2120, 2122, 2150, 2150.2, 2157, 2190, and 10504 of the Fish and Game Code and to implement, interpret or make specific sections 355, 711, 713, 1050, 1053, 1055.3, 1526, 1528, 1530, 1570, 1571, 1572, 1580, 1581, 1582, 1583, 1584, 1585, 1590, 1591, 1764, 1765, 2006, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2151, 2157, 2190, 2193, 2271, 10504, 12000, and 12002 of the Fish and Game Code, and Section 14998, Government Code, proposes to amend sections 550, 551, 552, 630 and 703, add Section 550.5 and repeal Section 553, Title 14, California Code of Regulations, relating to Public Use of Department of Fish and Game Lands.

Informative Digest/Policy Statement Overview

The majority of acreage administered by the Department of Fish and Game is included in either wildlife areas or ecological reserves. Wildlife areas are acquired primarily for wildlife conservation and providing opportunities for compatible recreational uses (Fish and Game Code 1525 -1530). There are currently 110 wildlife areas that encompass approximately 707,071 acres. Ecological reserves are acquired primarily for the purpose of protecting rare and/or endangered native plant and animal species and specialized habitat types (Fish and Game Code 1580). Other purposes for the establishment of ecological reserves are the observation of native plants and animals by the general public and scientific research (Fish and Game Code 1584). The ecological reserves currently include 130 properties, encompassing approximately 204,585 acres. The Department also administers public access lands and properties which are not yet designated. These are typically properties that have been recently acquired but have not yet been designated as either wildlife areas or ecological reserves by the Fish and Game Commission.

The regulations that govern public uses of lands administered by the Department are in Sections 550, 551, 552, 553, and 630 of Title 14 of the California Code of Regulations (CCR). Currently, Sections 550, 551, and 553 pertain to wildlife areas that are owned or managed by the Department. Section 552 pertains to National Wildlife Refuges where the Department manages hunting programs, and Section 630 pertains to the Department's ecological reserves.

If approved, these proposed regulation changes would:

- 1) Consolidate and improve the consistency and clarity of the regulations that govern public use of lands owned and/or managed by the Department of Fish and Game, and remove existing regulations that are duplicative or unnecessary. The sections of Title 14, CCR that would be "cleaned-up" include 550, 551, 552, 553, and 630. Section 553, Heenan Lake Wildlife Area, is being moved to Section 551.

- 2) Standardize the process used to issue special use permits for activities or group events on Department lands that are outside of compatible activities defined in the proposed general regulations in Section 550 (b)(2), Title 14. Fees associated with Special Use Permits are proposed in Section 703.

- 3) Designate seven properties that have been acquired relatively recently by the Department as wildlife areas or ecological reserves (Sections 551(b) and 630(b) respectively of Title 14).
- 4) Change site-specific regulations for the Magnesia Springs Ecological Reserve, Riverside County (currently Section 630(b)(73), Title 14) to correct the names of trails that have been rerouted per the Coachella Valley Multiple Species Habitat Conservation Plan and Natural Communities Conservation Plan.
- 5) Change site-specific regulations for the Palo Verde Ecological Reserve, Riverside County (currently Section 630(b)(87), Title 14) with respect to method-of-take and species that are hunted on the property. These changes are proposed to promote visitor safety.

Background information is provided below to explain the need for the proposed regulation changes. The consolidation and clarification of the regulations and standardizing the procedures for addressing requests for special events or uses on Department lands will not result in any new uses of the Department's land and will not remove existing uses. Because these proposed changes are meant to clarify existing regulations (and designate recently acquired lands) rather than change on-the-ground uses, the proposed regulation changes will not have an adverse effect on the environment and are not subject to a separate review process under the California Environmental Quality Act (CEQA). This is consistent with the substitution of regulatory documents of certified programs for Environmental Impact Reports or Negative Declarations provided for in Section 15252 of the California Code of Regulations.

Consolidate and Clarify Land Regulations

These sections include many subsections that are unnecessary because they duplicate other regulations or information in statutes, or because they address management issues that are more appropriate to address in individual land management plans (e.g. vegetation management by Department staff). The manner in which the regulations are organized makes it difficult for the public to find information on specific uses and know what is allowed or prohibited on Department lands. Inconsistencies throughout the regulations make it difficult for staff to interpret what is allowable resulting in potential enforcement issues. The quantity, lack of clarity and inconsistencies in the existing regulations make it difficult to assess whether new proposed regulations are consistent and non-duplicative.

Examples of Current Regulation Shortcomings:

Inconsistent:

- 1) Recently acquired lands not yet designated as wildlife areas or ecological reserves are referred to as "undesignated lands." They are not regulated by Sections 550, 551, and 552, Title 14 which cover designated wildlife areas and the federal refuges with hunt programs managed by the Department. Undesignated lands are also not covered by Section 630, Title 14 which regulates the use of ecological reserves. Even though the lands have been acquired for conservation purposes, undesignated lands do not currently receive the same level of legal protection as designated properties. General regulations need to cover undesignated Department lands as well as the lands that are designated.

2) Section 630(a)(7) requires that visitors stay on designated trails in parts of ecological reserves that are designated as being especially environmentally sensitive. There are no comparable regulations for wildlife areas although they may include areas where it is important for visitors to stay on designated trails.

3) In Section 630(b), there are over twenty nearly identical regulations for research permits on individual ecological reserves. Research permits are not mentioned in the sections that govern wildlife areas (Sections 550 and 551) or the general regulations for ecological reserves (Section 630 (a)). In practice, the Department oversees research conducted on all of its properties, however this should be clearly stated in the regulations. Existing regulations regarding research on Department lands contain problems of both duplication and inconsistency.

4) Section 550(b)(5) requires obtaining written authorization from the Regional Manager to hold an organized event on a wildlife area. There is no general or site-specific regulation in Section 630 that requires obtaining written authorization or a permit to conduct a special use or hold an event on an ecological reserve. In practice, the Department requires written permission for special uses or events on ecological reserves, but this should be clarified in the regulations.

5) Several regulations prohibit the application of pesticides on Department lands with varying exceptions made for applications conducted by public agency employees. Section 550(b)(15) specifies that pesticides can only be used in accordance with a Department-approved program. Section 630(a)(13) requires that pesticide use be authorized by either the Department or the Commission for management or public safety, and Sections 630(b)(24) and (25) require authorization from the Commission for pesticide applications on two ecological reserves. Although the common intent is to prohibit members of the general public from applying pesticides on Department lands, the existing regulations are inconsistent with regard to the Department's use of pesticides. It should be noted that pesticide use is analyzed in the land management plans for each property, which undergo public review through the CEQA process and that pesticide use by the Department is conducted in compliance with local, state and federal laws.

Confusing:

6) Multiple subsections of Sections 550, 551 and 630, Title 14 address the inter-related topics of research, educational activities and collecting. Differences in wording among these sections can be confusing to the public and Department staff. For example

- Section 550 does not contain a regulation that addresses collecting animals outside of hunting or fishing (e.g. for educational or scientific purposes).
- Section 550(b)(10)(A) states that plants can only be collected under the direction of the area manager or to build hunting blinds.
- Section 630 has one subsection (a)(3) that explains that collecting anything on an ecological reserve requires a scientific collecting permit obtained per Section 650, Title 14.
- Section 630(b) includes multiple site specific regulations that allow collecting for research or educational purposes under written authorization, but those subsections do not provide any specific directions. Examples of these subsections include 630(b)(29) and 630(b)(30).

7) Bicycles are currently allowed on "designated access" roads on ecological reserves (Sec 630(a)(4), Title 14). Currently nine out of the 130 ecological reserves have site specific regulations that allow bicycles on "designated trails" and five of those specifically describe the trails in the regulation. The vast majority of ecological reserves do not have maps, signs or regulations that designate particular roads or trails as access roads or bicycle trails. A similar state of confusion exists for bicycles on wildlife areas. Based on guidance about the purpose of the Department's lands in Sections 1525 et. seq. and 1580 et. seq., Fish and Game Code and the acquisition documents and management plans written for these properties, one can reasonably conclude that bicycle riding does not align with the purposes for which lands are acquired by the Department, though it may not be incompatible on some areas under certain conditions. Under the proposed general regulations that apply to all Department lands (proposed Section 550(bb), Title 14) bicycles are only allowed on properties that have currently have site specific regulations allowing them (proposed Sections 551(l), (552), and 630(g)). Going forward, the use of bicycles will need to be evaluated under CEQA prior to adding them or removing them as a public use on specific Wildlife Areas and Ecological Reserves.

Unnecessary:

8) Duplication among regulations:

- a. There are general regulations for fires on both ecological reserves (Section 630(a)(19)) and wildlife areas (Section 550 (b)(13)) There are 15 site specific regulations about fires in Sections 551(q) and 630(b). All of these regulations share the same intent of preventing wildfires on Department lands.
- b. The general regulations in Sections 630(a) and 550(b) have many nearly identical regulations regarding destructive activities such as littering, dumping trash, destruction of habitat, archeological artifacts, vandalism, etc. It would be more clear and efficient to have a single set of regulations that apply to all Department lands that prohibit these activities.

9) Site Specific Regulations for Generally Incompatible Uses

- b. Some site-specific regulations that prohibit specific activities are unnecessary because the activity is incompatible with the purpose of an ecological reserve. Incompatible uses are prohibited in general regulations and legislative statute. An example is current Section 630(b)(9)(l), Title 14 which prohibits the use of motorized model rockets and aircraft on the Ballona Wetlands Ecological Reserve. The preamble of Section 630 states that "public entry and use of ecological reserves shall be compatible with the primary purposes of such reserves." Also, Regional Manager's have the authority to prohibit incompatible uses (current Section 630(a)(22)). A specific regulation should not be necessary to prohibit the use of motorized model rockets and aircraft on the ecological reserve because it is incompatible with the primary purpose of the reserve.

10) Explicitly covered in statute and land management plans

Regulations that address an activity that is already very explicitly addressed in statute are not necessary. An example is a regulation authorizing the Department to construct facilities on the Rancho Jamul Ecological Reserve (Section 630(b)(99)(C), Title 14). Section 1584 of the Fish and Game Code clearly authorizes the Department to construct

such facilities, where appropriate on ecological reserves. Beyond the statute, the construction of such facilities is addressed in each property's land management plan, and associated environmental documents, which undergo public review in accordance with CEQA.

11) Activities better addressed on a site specific basis in land management plans:

a. Some existing regulations address management activities conducted by the Department that must also be analyzed in land management plans and associated environmental documents prepared for each property. Some of these management activities are also regulated by other agencies. An example of this is language in the existing regulations that addresses the use of pesticides by the department (Sections 550(b)(15), 630(a)(13), 630(b)(24), and 630(b)(25)). Pesticide use is analyzed in the land management plans for each property, which undergo public review through the CEQA process and pesticide use by the Department is conducted in compliance with local, state and federal laws.

Approach to Consolidate and Clarify the Regulations:

The regulatory language in this proposal consolidates the general regulations for wildlife areas and ecological reserves (currently Sections 550(b), 551(b) through 551(p), and 630(a), Title 14). The intent is to provide a single set of general regulations in Section 550, Title 14 that apply to all properties owned or managed by the Department of Fish and Game.

In addition to eliminating duplication among the general regulations, site specific regulations in the current Sections 551(q), 552, 553, and 630(b) that are duplicated for many individual properties are consolidated into the proposed general regulations in Section 550. For example, instead of the 24 site-specific regulations currently addressing research permits in Section 630(b), there will be one regulation that addresses research permits for all Department lands in Section 550(f).

Regulations pertaining only to wildlife areas will remain in Section 551, and regulations pertaining only to ecological reserves will remain in Section 630. Site specific regulations will be retained if they address a unique need for a particular property. New tables are included to assist users with finding regulations on specific uses or properties.

The consolidation described above reduces the overall length of the regulations, but that reduction is somewhat offset by providing more definitions and specific direction on issues such as research permits and special use permits. Overall, these changes should facilitate responsible use and management of the Department's lands. It is anticipated that the public and staff will find the proposed regulations easier to use and understand. It is important to note that this proposed "clean-up" of the regulations does not remove any existing public uses or add any new uses. Because no changes in existing environmental conditions are proposed with these changes, they do not require separate review under CEQA.

Standardize Processing and Recover Costs for Special Use Permits

Individuals and organizations may desire to conduct events on Department lands which are outside of the routine uses of the property or involve large groups of people or domestic animals. Examples of these types of uses or events include field dog trials, organized horseback trail

rides, mountain bike access, running events (e.g. 10K runs), weddings and commercial filming. These special uses may conflict with routine uses and the conservation purposes of Department lands. However, in many cases, under specified conditions, these activities could be conducted in a manner that is consistent with the overall management of the properties. It should be noted that review of these requests, and the development and implementation of these conditions may require additional work by Department staff whose time is often fully committed under their existing workload. Lack of sufficient Department staff can be a limiting factor for authorizing these activities.

There currently are no statewide procedures for making or processing these requests. Fish and Game Code Sections 1528 and 1580 authorize the Department to operate wildlife areas and ecological reserves, respectively, for the purposes described in those sections. Conservation of natural resources is a primary purpose of both wildlife areas and ecological reserves. Current Section 550(b)(2), Title 14 authorizes the Department to restrict entry into wildlife areas for safety and management purposes and similar language exists for ecological reserves in Section 630(a)(10). Section 550(b)(5) for wildlife areas currently requires prior written authorization from the Regional Manager for special events, but it does not provide guidance on how this authorization should be issued. The regulation does state that the activity must be compatible with the management objectives of the property. Section 550(b)(14) states that "special permits" are required for field dog trials on wildlife areas, but it provides no information about what these permits are or how to obtain them. Special uses or events are not addressed in the current regulations for ecological reserves (Section 630), although the Department does receive and respond to requests for special uses of these properties.

In order for the Department to meet its public trust responsibilities with regard to lands management, it is necessary for the regulations in Title 14 to provide a consistent method for authorizing special uses of all Department lands.

Proposed Sections 550(d) and 550.5(d), Title 14 clarify when a special use permit is necessary and standardize how special use permits are applied for, evaluated and processed. A definition of special uses is provided in proposed Section 550(b)(7). This does not introduce a new use because, as discussed above, the Department has authorization to administer entry and uses of its lands, and existing regulations specifically direct the public to apply for permits or written authorization for group activities and other special uses on wildlife areas. In practice, individuals and groups request authorization to conduct special use activities on ecological reserves, although this is not specifically addressed in the current general regulations for ecological reserves (Section 630, Title 14). There is a lack of direction in the existing regulations for both the public and staff in how to handle these requests for all types of Department lands.

There is also no mechanism at present for the Department to recover the costs of reviewing special use requests, meeting with applicants, writing conditions and conducting on-site work required for special uses (e.g. posting and removing signs, assisting with or monitoring the special use, clean up or repairs). Section 710 of the Fish and Game Code discusses the need to develop funding sources to cover the Department's costs. Section 1050 of the Fish and Game Code authorizes the Commission to set fees to cover reasonable costs incurred by the Department to implement and administer permitting activities. Fish and Game Code Section 1528 authorizes the Commission to set fees for any use privileges on wildlife areas and for the Department to collect fees. Section 1585 states that the Department can collect fees for selected ecological reserves.

The proposed regulations introduce an application fee and a special use permit fee to cover the

Department's costs for reviewing and processing an application to conduct special uses on Department lands. The proposed fees would be added to Section 703, Title 14. The tasks involved are listed below ("TASKS PERFORMED BY DEPARTMENT STAFF"). The applicant would submit a filing fee (\$58.71, per Sections 699 and 704, Title 14), with a permit application to the appropriate Regional office. A Special Use Permit fee would only be paid if the applicant receives notice from the Regional office that the Department intends to approve the permit and allow the special use. The proposed application form, standard permit conditions and related attachments that would be provided to the applicant are attached to this Initial Statement of Reasons.

If the Department intends to issue a special use permit, the Department's Regional staff will send a draft permit to the applicant that will include all terms and conditions, including any that are special or unique to that use or that site, and notification of the permit fee and any other costs or deposits that are due prior to the permit being issued. If the applicant accepts the terms and conditions of the permit, he or she signs the acceptance statement on Attachment C and returns it to the Regional office with the draft permit. Once Attachment C is signed and any fees, costs and/or deposits are paid, the Regional Manager or authorized representative will sign and issue the final approved permit. It should be noted that educational activities are listed as a compatible use in proposed Section 550(b)(2) and will not require a special use permit, though written authorization from the Regional Manager or designee will be required per proposed Section 550(e), Title 14.

If the Department denies a special use permit, the Regional Manager or designee will send notification to the applicant explaining the reason that the permit was denied. The criteria for approving a special use permit application are included in proposed Section 550.5(d)(3)(A).

Proposed regulations (Section 550.5(d)) include by reference a special use permit application form, a supplementary form for special uses that are expected to provide a profit to the applicant, and three additional attachments:

Attachment A: Explains the process for obtaining a special use permit and the Permit's standard terms and conditions.

Attachment B: Instructs the applicant on determining which Regional office special use permit applications should be sent to, and provides the addresses for the Regional offices.

Attachment C: Applicant's acceptance of the terms, conditions, fees and any other costs for the special use permit. This form is not signed and submitted until after the applicant receives a draft permit from the Department with all of the special use permit conditions and costs included.

The permit application and many of the standard terms and conditions were adapted from similar processes and programs elsewhere in the State.

The permit fee calculations below assume typical costs for uncomplicated reviews, setting of conditions, and projects that do not require staff time beyond the tasks listed below ("TASKS PERFORMED BY DEPARTMENT STAFF"). The proposed regulations in Section 550.5(d) allow the Department to recover additional costs that might be incurred and also to collect a refundable cleaning/damage deposit. Information fields for Department staff to fill out are

provided in the permit section of the proposed special use permit application form for the purpose of explaining any additional cost or deposit to the applicant. Examples of additional costs are site preparation (e.g. posting and subsequently removing signs), monitoring the special use, cleaning up or conducting repairs afterwards as a result of the special use. On properties that require a per person day use fee, the special use permit and any additional charges are in addition to the per person day use fee. There are two types of special use permits proposed:

Special Use Type 1 – Permit Fee \$51.00

A "Type 1" special use meets all of the following criteria:

- 30 or fewer visitors on-site,
- ten or fewer (0-10) animals (such as dogs or horses) or bicycles (or other pedaled vehicle) in total,
- does not require the use of animals, bicycles, vehicles, or large equipment outside of designated parking areas, roads, trails, or areas authorized for visitor use, and
- does not require use of the site for more than one calendar day during regular operating hours for the subject property. Visitor is defined in Section 550(a)(5), Title 14.

Special Use Type 2 – Permit Fee \$386.50

"Type 2" special uses involve any of the following:

- over 30 visitors on-site,
- over ten bicycles or animals in total,
- requires the use of animals, bicycles, vehicles, or large equipment outside of designated parking areas, roads, trails, or areas authorized for visitor use, and
- use of the site for more than one calendar day.

The fee calculations are presented below:

TASKS PERFORMED BY DEPARTMENT STAFF:

- Application Review
- Site visit, phone conversations, e-mails with Applicant
- Notify other Department staff (law enforcement, other land management staff)
- Evaluate any policy issues and consult with Department staff as needed
- Write any special conditions of permit
- Prepare written notification to applicant
- Review and approval of permit by management staff
- Distribution and filing of paperwork
- Fee processing

Assume lead staff person for processing special use permit applications will be a Habitat Supervisor II, Interpreter II, Associate Biologist, Environmental Scientist Range B, Environmental Scientist Range C, Senior Biologist, or Staff Environmental Scientist.

Special Use Permit Cost - Special Use Permit Fee: Type 1		
Lead Staff Person (Interpreter II, Associate Biologist, Sr, Biologist, Environmental Scientist, Staff E.S., or Habitat Supervisor II)	1 hour @ \$40/hr. ¹	\$40.00
Environmental Program Manager	½ hour @ \$53/hr	\$26.50
Regional Manager	¼ hour @ \$57/hr	\$12.00
Office Technician	½ hour @ 23/hr	\$11.50
Subtotal		90.00
Overhead	20% ²	18.00
Application Fee Surcharge ³	3% of \$57.00	\$1.71
Total Cost		\$109.71
Application Fee + Surcharge ³	\$57.00 + \$1.71	(\$58.71)
Permit Fee		\$51.00

Special Use Permit Cost - Special Use Permit Fee: Type 2		
Interpreter II, Associate Biologist, Senior Biologist, Environmental Scientist, Staff E.S., or Habitat Supervisor II,	6 hours @ \$40.00/hr. ¹	\$240.00
Environmental Program Manager	1 hour @ \$53/hr	\$53.00
Regional Manager	½ hour @ \$57/hr	\$28.50
Office Technician	1 hour @ 23/hr	\$23.00
Vehicle expenses	50 miles @ \$0.50/mile	\$25.00
Subtotal		369.50
Overhead	20% ²	74.00
Application Fee Surcharge ³	3% of \$57.00	\$1.71
Total Cost		\$109.71
Application Fee + Surcharge ³	\$57.00 + \$1.71	(\$58.71)
Permit Fee		\$386.50

¹Hourly rate = Monthly salary ÷ 174 hours/month × 1.33% (benefits)

\$30/hr = median salary for classifications listed for "lead staff person"

\$40/hr = median salary for Environmental Program Manager 1

\$43/hr = median salary for Regional Managers (Classification = CEA)

\$17/hr = median salary for Office Technician

Salaries for civil service classifications accessed at www.spb.ca.gov on April 29, 2011

2009 salaries for current Regional Managers: www.sacbee.com on April 29, 2011

²Estimated Department overhead rate = 20%

³\$57 of the permit cost is recovered by a non-refundable application fee, based on Title 14, Section 699. This fee will be processed through the Department's Automated License Data System and a \$1.71 surcharge will be added to the application fee per Section 704, Title 14.

Designation of Properties

The Department proposes designations of the recently acquired lands described below as wildlife areas per Fish and Game Code Sections 1525 and 1526 or ecological reserves per Fish and Game Code Section 1580. Wildlife areas are currently designated by addition to Section 550(a), Title 14. The list of designated wildlife areas is proposed for inclusion in Section 551(b) under the proposed regulation changes. Ecological reserves will continue to be designated through addition to Section 630(b) under the proposed regulations. A compilation of Land Management Summaries and maps for the properties that are proposed for designation is included as an attachment to this document.

Wildlife Areas (Proposed Section 551b)

1) Designate the Burcham and Wheeler Flats Wildlife Area, Mono County (Type C).

The proposed Burcham and Wheeler Flats Wildlife Area (BWFVA) is approximately 1,160 acres of sagebrush scrub and meadow habitat located north of the town of Bridgeport in Mono County.

The primary management objective for the proposed BWFVA is to conserve and enhance essential wildlife habitat for greater sage grouse (*Centrocercus urophasianus*), pygmy rabbit (*Brachylagus idahoensis*), and other sagebrush obligate species; and, to retain dispersal corridors for migratory mule deer and large carnivores. The area once supported six historical sage grouse strutting grounds, of which two are currently active. BWFVA still supports nesting and brood rearing habitat (mostly wet meadows) as well as winter habitat for this species. An estimated 3,500-4,500 deer (*Odocoileus hemionus*) from the East and West Walker deer herds migrate through the area. In addition, the area functions as a portion of the spring and fall holding area for these herds, as well as summer range fawning habitat.

The property is surrounded by U.S. Forest Service and/or private land and has been used by the general public in an uncontrolled manner (e.g., illegal grazing, destruction of signs and fencing, off-road vehicle use). Designation as a wildlife area under the proposed Section 551, Title 14 will bring the property under the protection of the general regulations in Sections 550 and 551. This will assist the Department in controlling destructive activities on-site and better protect federal and state listed species, and the habitat necessary to ensure their continued existence.

Ecological Reserves (proposed Section 630(b))

1) Designate the Bakersfield Cactus Ecological Reserve, Kern County

The primary management objective for the proposed 658 acre Bakersfield Cactus Ecological Reserve is the protection and long-term preservation of the Bakersfield cactus (*Opuntia basilaris* var. *treleasei*), which is both state and federally listed as Endangered. Additional objectives include preserving San Joaquin Valley upland habitat features, protecting other special status species and wildlife corridors, and allowing appropriate public access and use. The land is currently undesignated Department-owned property located near a high density urban setting and used by the general public in an uncontrolled manner (e.g., illegal dumping, horseback riding, dogs off leash, destruction of signs and fencing, off-road vehicle use). The property's designation as an ecological reserve in Section 630(b), Title 14 will bring it under the protection of the general regulations for Department lands (proposed Section 550), and other pertinent regulations in Section 630. This will help to alleviate damaging activities and better protect federal and state listed species and their habitats.

2) Designate the Cambria Pines Ecological Reserve, San Luis Obispo County

The primary management objective for the proposed 106 acre Cambria Pines Ecological Reserve is the protection and long-term preservation of a native stand of Monterey pines (*Pinus radiata*) and associated botanical resources. Native Monterey pine forests occupy a small portion of their historical range and are currently restricted to five coastal locations. A secondary objective is to directly and indirectly protect the resources of Santa Rosa Creek through watershed protection and by not utilizing the existing wells on site so that water in this aquifer will be available for the creek. Protection and enhancement of Santa Rosa Creek will provide direct benefits to a number of creek and riparian dependent species including southern steelhead (*Oncorhynchus mykiss irideus*), California red-legged frog (*Rana draytonii*), western pond turtle (*Emys marmorata*), two-striped garter snake (*Thamnophis hammondi*), and yellow warbler (*Dendroica petechia*). The land is currently undesignated Department-owned property located near a high density urban setting and used by the general public in an uncontrolled manner (e.g., illegal dumping, horseback riding, dogs off leash, destruction of signs and fencing, off-road vehicle use). The property's designation as an ecological reserve in Section 630(b), Title 14 will bring it under the protection of the general regulations for Department lands (proposed Section 550), and other pertinent regulations in Section 630. This will help to alleviate damaging activities and better protect sensitive species and their habitats.

3) Designate the Liberty Island Ecological Reserve, Solano County.

Liberty Island is a 5,209 acre inundated island at the southern end of the Yolo Bypass (Bypass) in the northern Sacramento-San Joaquin Delta. The portion of the island owned by the Department is 4,308 acres in Solano County. The area lies approximately twelve miles south-southeast of the town of Dixon, ten miles north of Rio Vista. It is accessible via county roads that intersect State Route 113 in Solano County. The property is bound by Liberty Cut, Prospect Slough, Little Holland Tract, and the western levee of the Sacramento Deep Water Ship Channel (which is now the eastern Yolo Bypass levee) to the east. Shag Slough and the Western Bypass Levee bound Liberty Island on the west. The Yolo Bypass Wildlife Area, owned by the Department, lies to the north with agriculture and conservation properties lying directly between Liberty Island and Yolo Bypass Wildlife Area. The southern region of Liberty Island is predominately open water and stands at tidal and subtidal elevations. The area of the Island within Solano County is open to full tidal excursion.

The primary purpose for accepting transfer of the Liberty Island from the Trust for Public Lands was to protect the developing wetland for special status fish species. The U.S. Fish and Wildlife Service has classified lands including and near Liberty Island as "critical habitat" for the Central Valley fall-run chinook salmon (*Oncorhynchus tshawytscha*) and the Delta smelt (*Hypomesus transpacificus*). The National Oceanic and Atmospheric Administration has listed as threatened the Southern Distinct Population Segment of North American Green Sturgeon (*Acipenser medirostris*) and designated Yolo Bypass lands as critical habitat for the species.

Positioned at the downstream end of the Yolo Bypass, Liberty Island is within the statutorily defined flood easement protecting urban Sacramento. The Department recognizes the importance of flood control and acknowledges Liberty Island habitat management constraints may be impacted by flood flow accommodation. Flooding is an important ecosystem process that shapes habitat structure and benefits fish and wildlife. The Department anticipates managing Liberty Island in a manner that is consistent with both flood protection and wildlife

needs.

Liberty Island currently supports significant existing wildlife and has outstanding potential for restoration, floodplain management, and endangered species recovery. Seven primary management concerns pertain to the Liberty Island Ecological Reserve (LIER):

- **Endangered Species/ Critical Habitats:** To protect, restore, and enhance native habitats, aid the recovery of federally and state listed endangered and threatened species.
- **Biodiversity:** To protect, manage, and restore the riparian woodlands, tidally-influenced wetlands, tidal open water, and non-tidal open water habitats representative of the biological diversity of the Sacramento/San Joaquin River Delta.
- **Connectivity:** Provide habitat linkages and migration corridors for wildlife in the Yolo Bypass and Cache Slough Complex to adjacent habitats.
- **Cooperative Management:** To coordinate land management activities with Federal, State, and local governments and agencies, private conservation organizations and citizens in support of fish and wildlife resource protection at the LIER.
- **Wildlife:** To provide breeding, migration, and wintering habitat for migratory and resident birds; aquatic habitat for spawning, rearing and refugia for endangered or threatened native fish, such as longfin smelt (*Spirinchus thaleichthys*), delta smelt, Sacramento splittail (*Pogonichthys macrolepidotus*) and salmon; and, provide habitat for mammals such as otters, beaver, muskrat, and others.
- **Public Use:** To provide limited, safe, and high quality opportunities for compatible educational and recreational activities that foster public appreciation of the unique natural heritage of the Bay/Delta Ecoregion.
 - Hunting at such times and in specific areas as designated by the Department is proposed for this reserve in Section 630(d)(23).
- **Flood Flow Conveyance:** To facilitate flood flow conveyance and the transportation of additional flows through the LIER in a manner that benefits wildlife by managing on-site conveyance features through nonstructural improvements such as vegetation management.

The property is currently undesignated land owned by the Department, located near an urban area. It is used by the general public in an uncontrolled manner (e.g. illegal dumping, destruction of signs, unregulated hunting, overnight camping, unauthorized structures built on property). The property's designation as an ecological reserve in Section 630(b), Title 14 will bring it under the protection of the general regulations for Department lands (proposed Section 550), and other pertinent regulations in Section 630. This will help to alleviate damaging activities and better protect federal and state listed species and their habitats.

4) Designate the San Antonio Valley Ecological Reserve, Santa Clara County.

The primary management objective of the 2,899 acre proposed San Antonio Valley Ecological Reserve is protection of native habitat types, wildlife and plant species that are present on the property. The site has historically been used for hunting, and limited hunting as part of special opportunities at such times and in specific areas as designated by the Department is proposed in Section 630(d)(36).

The native habitat types on proposed reserve include Valley Oak Woodland, Blue Oak-Foothill Pine Woodland, Mixed Chaparral, and Vernal Pool. The property contains a high abundance and diversity of native flowering plants including five sensitive species. Hospital Canyon larkspur (*Delphinium californicum* subsp. *interius*) and chaparral hairbell (*Campanula exigua*) have not

been proposed for state or federal listing as threatened or endangered, but are considered very rare and vulnerable by the California Native Plant Society (CNPS List 1B.2). Santa Clara thornmint (*Acanthomintha lanceolata*), spring lessingia (*Lessingia tenuis*), Michael's rein orchid (*Piperia michaelii*) are California Native Plant Society List 4 plants, which are of limited distribution or infrequent throughout a broader area in California. Special status wildlife species possibly occurring on-site include California tiger salamander (*Ambystoma tigrinum californiense*), red-legged frog (*Rana aurora*) and foothill yellow legged frogs (*Rana boylei*). Tule elk (*Cervus elaphus*), which were re-introduced into their historical habitat in the 1970s, have been observed on the property.

Cattle grazing and other unauthorized uses have occurred on the property. The property is adjacent to Henry Coe State Park and private ranches. The property's designation as an ecological reserve in Section 630(b), Title 14 will bring it under the protection of the general regulations for Department lands (proposed Section 550), and other pertinent regulations in Section 630. This will provide the level of protection appropriate for the sensitive habitats and species known or anticipated to be on-site.

5) Designate the Sands Meadow Ecological Reserve, Tuolumne County.

The primary management objective for the proposed 120 acre Sands Meadow Ecological Reserve (SMER) is the protection of montane meadow, stream and forest habitats in the central Sierra Nevada. Management objectives would be to survey and manage for special status species including great gray owl (*Strix nebulosa*) and willow flycatcher (*Empidonax traillii*), both of which are State-listed as Endangered, known from this general area and utilize the type of habitats available on-site. Other focus species include a suite of mesocarnivores (animals that are mostly carnivorous) including Sierra Nevada red fox (*Vulpes vulpes necator*, State-listed as Threatened), wolverine (*Gulo gulo*, State-listed as Threatened), fisher (*Martes pennanti*) and marten (*Martes americana*). Management of this property as an ecological reserve would also facilitate protection of an adjacent 40 acre property with a conservation easement held by the Department. The 40 acre parcel is bordered on three sides by the SMER. The two properties combined are surrounded by the Stanislaus National Forest and are wholly contained within a designated State Game Refuge. The designation of the Department's parcel as an ecological reserve in Section 630(b), Title 14 will bring it under the protection of the general regulations for Department lands (proposed Section 550), and other pertinent regulations in Section 630. This designation will provide the level of protection appropriate for the sensitive habitats on-site and the listed species they support.

6) Designate the Vernalis Ecological Reserve, San Joaquin County.

The proposed Vernalis Ecological Reserve (VER) is approximately 136 acres of seasonal emergent wetland and riparian habitat, located along the San Joaquin River, south of Manteca in San Joaquin County. It consists of two separate units, Vernalis and Dredger Island, located on opposite sides of the mouth of a deep oxbow. The Vernalis unit is 115 acres in size and consists primarily of seasonal emergent wetland vegetation, along with a few small scattered cottonwoods. The Dredger Island unit is 21 acres in size and is a remnant stand of riparian habitat dominated by large cottonwoods and valley oaks (*Quercus lobata*), with some willows, elderberry (*Sambucus mexicana*), and other native shrubs in the understory. Both parcels are within the floodplain of the San Joaquin River. Because the habitat value to native species on this property is high and the potential for recreational use is relatively low due to its small size and lack of land-based public access, the Department proposes that this property should be designated as an ecological reserve.

The primary management objective for the proposed VER is to conserve the property's seasonal wetland and riparian habitat and provide limited public recreational opportunities in the form of fishing and hunting. Other than permitted access across private farms that borders both properties, the only access is by boat from the San Joaquin River, or by walking one to two miles along a levee from a public road. Most anglers access the properties by boat.

Recreational use of the properties is low, but illegal activities such as off-highway vehicle (OHV) use, trash dumping, target shooting, and campfires are fairly common. Department law enforcement personnel regularly patrol the property and eject individuals engaged in these activities. Designation of the property as an ecological reserve under proposed Section 630(b), Title 14 will provide the level of protection appropriate for the site and allow for more effective law enforcement.

The Vernalis unit was acquired in 1990 by the Department in fee title at no cost from the Federal Farmers Home Loan Administration, under the Federal Agricultural Credit Act of 1987 that donated surplus farm land with significant wildlife values to state wildlife agencies. The transaction also included a conservation easement retained by the U.S. Fish and Wildlife Service (USFWS) that requires that the property be perpetually managed for the maintenance of wildlife habitat, the conservation of soil and water, and maintenance of the natural plant species and ecology of the area. The conservation easement also allows for public use and recreation consistent with the dominant uses for fish and wildlife, and the conservation of the natural environment of the area. Fishing and hunting are compatible uses of this property, but the only feasible hunting opportunities occur during the pheasant season when birds fly to the property, over the levee from adjacent alfalfa fields. The Stockton Sportsmen's Club leases the alfalfa fields every fall to conduct public pay-for-access hunts with pen-raised pheasants. Upland game hunting at such times and in specific areas as designated by the Department is proposed for this unit in Section 630(d)(41).

The Vernalis unit may benefit from some habitat improvement activities, but a plan describing the existing vegetation and proposed actions to benefit and/or increase native vegetation would need to be developed by the Department, and likely approved by the USFWS. Currently, no management plan exists for the Vernalis unit, but it is anticipated to be completed (along with updating the current plan for the Dredger Island unit) by the end of 2011.

The Dredger Island unit is owned by the Central Valley Flood Protection Board (Board) (formerly known as the State Reclamation Board) and managed by the Department under a 50-year lease acquired in 1977. The lease expires on April 1, 2027, but staff at the Board stated that it is common for these leases to be renewed for another 50-year term. The lease was obtained by the Department to preserve the property's wildlife habitat value and provide public recreational use. The Department has on file a signed photocopy of the lease, including a legal description of the boundaries as required under Title 14 for ecological reserve designations (confirmed by Department HQ Lands Staff.)

The Board reserves the right to use Dredger Island "for the purpose of maintaining, constructing and operating flood control works," and "may suspend...this agreement for any period or periods of time for levee reclamation or flood control purposes..." However, to date, the riparian habitat on the property appears to be quite healthy and intact, therefore, it appears that few, if any, impacts from flood control maintenance have actually occurred. The Board will need to approve the designation of the property as an Ecological Reserve by amending the lease, and that action will be completed prior to the scheduled adoption date for these proposed regulations. The

Department's wildlife management biologist for San Joaquin County (North Central Region) is currently working with the Board's Staff Environmental Scientist to amend the lease. This process includes updating the current Department management plan for Dredger Island, written in 1990.

The primary management objective for the Dredger Island unit is to conserve the property's riparian wildlife habitat and to provide public recreational opportunity in the form of fishing. At only 21 acres, the parcel is too small to sustain an upland game (primarily quail, dove, or rabbits) hunting program. The property is also approximately one mile north of a San Joaquin County school, so safety issues further preclude use of the property for hunting.

Dredger Island is remnant San Joaquin River riparian habitat that occurs within an area known to be used by nesting Swainson's hawks (*Buteo swainsoni*). Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) may also exist on the property, along with small populations of birds and small mammals that are typical of Central Valley riparian habitat. Neighboring properties along the east side of the parcel are large farms that grow alfalfa and row crops.

The designation of these lands as units of the Vernalis Ecological Reserve in the proposed Section 630(b), Title 14 will provide protection for the property through the general regulations proposed under Section 550 and other pertinent regulations in Section 630. Protection under Title 14 will help to prevent damaging activities and better protect the habitats, while still allowing continued use by the public for fishing and hunting on the respective units.

Site Specific Regulations for Palo Verde Ecological Reserve and the Magnesia Springs Ecological Reserve, Riverside County

Palo Verde Ecological Reserve

Hunting rabbit, doves and quail and waterfowl in accordance with general hunting regulations is currently allowed at the Palo Verde Ecological Reserve (current Section 630(b)(87)(B)). The Reserve is adjacent to a Riverside County park that allows overnight and long-term camping. Many people who stay at the park regularly visit the ecological reserve. The Department proposes to limit methods of take for hunting on the reserve for the safety of adjacent park users. The proposed regulations (Section 630(d)(28), state that hunting with a firearm on the ecological reserve will be limited to hunting rabbits, doves, quail and waterfowl with a shotgun. Archery deer hunting is also proposed as an allowable use.

Magnesia Springs Ecological Reserve

Trails that cross the Magnesia Springs Ecological Reserve were rerouted and renamed as part of implementation of Section 7.3.3.2 of the Coachella Valley Multiple Species Habitat Conservation Plan and Natural Communities Conservation Plan. This section addresses public use and trails management on reserve lands within the Santa Rosa and San Jacinto Mountains Conservation Area, which includes Magnesia Springs Ecological Reserve. These changes necessitate updating the names of trails currently referred to by name in Section 630(b)(73). The new names appear in the corresponding sections in the proposed regulations: Sections 630(g)(7) and 630(h)(16).

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held at the Veteran's Memorial Building, 112 West Cabrillo Boulevard, Santa Barbara, California, on Thursday, November 17, 2011 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, on all actions relevant to this action at a hearing to be held at the State of California, Resources Agency Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, February 2, 2012 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before January 26, 2012, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on January 31, 2012. All comments must be received no later than February 2, 2012, at the hearing in Sacramento, CA.** If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sheri Tiemann at the preceding address or phone number. **Dr. Eric Loft, Chief, Wildlife Branch, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are intended to clarify existing regulations.

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

None.

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

Per proposed regulation Section 550.5(d), persons or organizations that apply for a special use permit would pay a nonrefundable application fee of \$58.71. If the applicant is notified that the Department intends to approve the permit, the applicant would pay a permit fee prior to the permit being issued. The proposed permit fee is \$51.00 for a Type 1 Special Use Permit or \$386.50 for a Type 2 Special Use Permit. The permit fee recovers the Department's cost to review and issue the permit. An additional amount of money may be charged or a deposit may be required to recover other Department costs associated with a special use (e.g. site preparation, monitoring during the special use, clean up) Definitions of Type 1 and 2 special uses are in proposed Section 550.5(d)(1).

- (d) **Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

The reduction of duplication within the lands regulations would reduce the number of pages in the regulation booklets which are published each year ("Hunting and Other Public Uses on State and Federal Areas"). This would save the state money in publishing costs. The state would recover the cost of regulating special uses or events on Department lands through the special use permit fee.

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

- (f) **Programs mandated on Local Agencies or School Districts: None.**

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

- (h) **Effect on Housing Costs: None.**

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

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

FISH AND GAME COMMISSION

Dated: October 4, 2011

Jon K. Fischer
Deputy Executive Director

Issued: Political Activity Compliance Review (Administrative Code Chapter 12G)

Controller Reports to: Angela Calvillo, Peggy Nevin, BOS-Supervisors,
BOS-Legislative Aides, Steve Kawa, Rick Wilson,
Christine Falvey, Jason Elliott, Severin Campbell,
Sent by: Kristen McGuire

10/17/2011 01:52 PM

The Office of the Controller, City Services Auditor, has issued its review memorandum, *Results of Political Activity Compliance Review for Fiscal Year 2009-10*.

The review found that all ten organizations reviewed complied with the prohibition on the use of city funds received under grants, contracts, and loans with various city departments for political activity in fiscal year 2009-10.

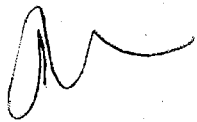
To view the full memorandum, please visit our website at:
<http://co.sfgov.org/webreports/details.aspx?id=1347>

This is a send-only email address. For questions regarding the memorandum, please contact Tonia Lediju at tonia.lediju@sfgov.org or 415-554-5393, or the Controller's Office, Audits Unit at 415-554-7469.



REVIEW MEMORANDUM

TO: Mayor and Board of Supervisors

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

CC: Ben Rosenfield, Controller

DATE: October 17, 2011

SUBJECT: **Political Activity Compliance Review
(Administrative Code Chapter 12G)**

EXECUTIVE SUMMARY

The Controller's Office, City Services Auditor Division (CSA), reviewed ten organizations and their compliance with the law prohibiting the use of city funds for political activity. CSA conducted this review to meet the San Francisco Administrative Code (Administrative Code) requirement that the Office of the Controller (Controller) annually review at least ten persons or entities that enter contract, grant, and loan agreements with the City and County of San Francisco (City). The primary objective of the review was to ensure that the persons or entities complied with Chapter 12G of the Administrative Code, which prohibits the use of city funds for political activity. The Administrative Code defines political activity as participating in, supporting, or attempting to influence a political campaign for any candidate or ballot measure.

The review found that all ten organizations reviewed complied with the prohibition on the use of city funds received under grants, contracts, and loans with various city departments for political activity in fiscal year 2009-10.

BACKGROUND & METHODOLOGY

To ensure compliance with the prohibition on the use of city funds for political activity, Chapter 12G of the Administrative Code requires the Controller to annually review at least ten persons or entities that enter contract, grant, or loan agreements with the City. The prohibition on the use of city funds for political activity became part of the Administrative Code after San Francisco voters passed Proposition Q on November 5, 2002. The proposition is codified as Chapter 12G of the Administrative Code, which defines political activity as participating in, supporting, or attempting to influence a political campaign for any candidate or ballot measure. Chapter 12G also requires that all city contract, grant and loan agreements disclose the prohibition.

The Controller's rules and regulations for implementing the Administrative Code require the City to demand repayment of any city funds used for political purposes. Moreover, the rules and regulations state specific penalties for grantees that violate the prohibition on the use of city funds for political purposes.

The primary purpose of this review was to determine whether any of the ten selected organizations inappropriately expended city funds participating in, supporting, or attempting to influence a political campaign for any candidate or ballot measure.

To select the ten organizations, CSA obtained from the City's financial systems records for organizations that were paid city funds under contracts, grants, and loan agreements during city fiscal year 2009-10 (July 1, 2009, through June 30, 2010). Exhibit 1 summarizes amounts paid to organizations under contracts, grants, and loans. CSA also obtained databases containing records of contributions to local and state political organizations.

EXHIBIT 1 City Contract, Grant, Loan, and Other Payments Fiscal Year 2009-10	
Payment Category	Total Payments
Contracts	\$1,197,751,956
Grants	276,800,068
Loans	36,147,380
Other	88,138,202
Totals	\$1,598,837,606

Note: "Other" payments include various departmental services provided such as equipment and building maintenance.

Source: City's report of all contract, grant, loan and other payments for fiscal year 2009-10.

Using an audit analytic software program, CSA searched for matches between the names and addresses of organizations receiving city funds and the names and addresses of organizations that made contributions to political groups. CSA summarized and grouped the matched database records and selected ten organizations for the review. This group was chosen to include various types of organizations and agreements, and considered other factors, such as the total amount of political contributions made by the organization and whether the organization had been selected for a previous Proposition Q review. Exhibit 2 lists the organizations that were selected for review.

EXHIBIT 2 Ten Organizations Selected for Political Activity Review			
Organization	Type	Category	Funding Received
Chinese Progressive Association	Nonprofit	Grants	\$ 29,448
Glide Foundation	Nonprofit	Contracts, Grants	1,845,437
Haight Ashbury Neighborhood Council	Nonprofit	Grants	32,500
Japanese Community Youth Council	Nonprofit	Contracts, Grants	7,488,298
Mercy Housing California	Nonprofit	Grants, Loans	1,833,253
Mexican Museum	Nonprofit	Grants	42,000
Progress Foundation	Nonprofit	Contracts	13,653,685
Protransport-1	For-profit	Contracts	61,060
San Francisco Symphony	Nonprofit	Contracts, Grants	2,369,085
The Trust for Public Land	Nonprofit	Grants	31,500
Total			\$27,386,266

Note: Funding received is the amount the City paid or loaned to the selected organizations for the fiscal year 2009-10.

Source: City's report of all contract, grant, and loan payments for fiscal year 2009-10.

To conduct the review, CSA verified that the selected organizations' agreements with the City included the prohibition on using city funds for political activity, and other required contract provisions consistent with contracting best practices for city departments. CSA assessed invoices submitted by the organizations, inspected financial statements and accounting records, and verified certain contract payments that the City made to each organization during fiscal year 2009-10.

The auditors inquired of the organizations' officers whether they had spent City or other funds for purposes related to political activity. CSA also obtained written management representation from each organization certifying that no City funds were used for political activity.

RESULTS

The ten organizations reviewed complied with the prohibition on using for political activity city funds received under grants, contracts, and loans from or with city departments. The ten organizations did not use city funds to participate in, support, or attempt to influence a political campaign for any candidate or ballot measure. An inspection of each organization's reimbursement requests and financial records found no evidence of political expenses paid for with city funds during the fiscal year 2009-10.

CSA appreciates the assistance and cooperation that the organizations' staff and city department personnel provided during the review.

cc: Distribution List

Issued: Human Services Agency: The Department Needs to Improve Controls Over Some Types of Premium Pay

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10/19/2011 01:20 PM

Sent by: Kristen McGuire

The Controller's Office, City Services Auditor (CSA), presents its audit report on the payroll of the Human Services Agency, covering calendar year January 1, 2010, through December 31, 2010.

The audit concluded that some Human Services employees who received four types of premium pays should not have because they were ineligible or because Human Services lacks documentation to show that they were eligible. Human Services needs to improve its determination and monitoring of which employees are eligible for certain types of premium pay and for how long.

To view the full report, please visit our website at:
<http://co.sfgov.org/webreports/details.aspx?id=1349>

This is a send-only email address.

For questions regarding this report, please contact Tonia Lediju at tonia.lediju@sfgov.org or 415-554-5393, or the Controller's Office, Audits Unit, at 415-554-7469.

Thank you

City and County of San Francisco

Office of the Controller – City Services Auditor

HUMAN SERVICES AGENCY:

The Department Needs to Improve Controls Over Some Types of Premium Pay



October 19, 2011

**CONTROLLER'S OFFICE
CITY SERVICES AUDITOR**

The City Services Auditor was created within the Controller's Office through an amendment to the City Charter that was approved by voters in November 2003. Under Appendix F to the City Charter, the City Services Auditor has broad authority for:

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

The audits unit conducts financial audits, attestation engagements, and performance audits. Financial audits address the financial integrity of both city departments and contractors and provide reasonable assurance about whether financial statements are presented fairly in all material aspects in conformity with generally accepted accounting principles. Attestation engagements examine, review, or perform procedures on a broad range of subjects such as internal controls; compliance with requirements of specified laws, regulations, rules, contracts, or grants; and the reliability of performance measures. Performance audits focus primarily on assessment of city services and processes, providing recommendations to improve department operations.

We conduct our audits in accordance with the Government Auditing Standards published by the U.S. Government Accountability Office (GAO). These standards require:

- Independence of audit staff and the audit organization.
- Objectivity of the auditors performing the work.
- Competent staff, including continuing professional education.
- Quality control procedures to provide reasonable assurance of compliance with the auditing standards.

Audit Team: Mark Tipton, Audit Manager
Cathalina Kung, Associate Auditor
Mary Soo, Associate Auditor



City and County of San Francisco

Office of the Controller - City Services Auditor

Human Services Agency

October 19, 2011

The Department Needs to Improve Its Controls Over Some Types of Premium Pay

Purpose of the Audit

This audit evaluated whether the Human Services Agency (Human Services) properly administered and correctly paid four selected types of premium pay: acting assignment pay, bilingual pay, emergency response pay, and longevity pay. The audit determined whether the pays were granted in compliance with applicable memoranda of understanding and departmental policies, and whether the amounts paid were correct.

Highlights

For pay periods ending in 2010, Human Services paid 2,598 employees \$126.3 million in salaries, including regular pay, overtime, and premium pays.

The audit found:

- Of the total of \$585,450 in bilingual premium pay received by 515 Human Services employees in 2010, at least \$8,840 (1.5 percent) was paid to 22 employees who were not certified bilingual at the time of the bilingual service or for whom Human Services has no bilingual certification documentation.
- Employees can receive emergency backup bilingual pay without bilingual certification, contrary to departmental policy.
- Human Services does not systematically check that emergency backup bilingual pay does not exceed four consecutive pay periods.
- Human Services granted \$242,429 of emergency response pay to 71 protective services employees in 2010. Of a sample of 25 of these employees, 5 (20 percent) were paid \$6,482 in emergency response pay without proper written authorization.
- Human Services has no formal procedure to ensure that all who receive emergency response pay do emergency response work.
- Human Services uses the correct pay rates for acting assignment pay, but in some cases extends acting assignments without all proper approvals.
- Fourteen ineligible employees received longevity pay and 16 eligible employees did not. As a result, HSA overpaid \$3,635 and underpaid \$9,984 of longevity pay. The overpayments represent 1.2 percent of the \$306,027 of longevity pay received by 580 Human Services employees in 2010.

Recommendations

The audit report includes 14 recommendations for Human Services to improve monitoring of premium pay to better ensure that only eligible employees receive it. Specifically, Human Services should:

- Enforce policies and procedures to ensure that employees receiving bilingual pay are qualified to provide bilingual services.
- Monitor for emergency bilingual pay being paid for more than four consecutive pay periods.
- Document and implement a procedure for monitoring employee eligibility for emergency response pay.
- Ensure that it obtains and documents all necessary approvals for acting assignments, including assignment extensions, before an employee receives acting assignment pay.
- Document and implement a process to review for employee eligibility.

Copies of the full report may be obtained at:

*Controller's Office • City Hall, Room 316 • 1 Dr. Carlton B. Goodlett Place • San Francisco, CA 94102 • 415.554.7500
or on the Internet at <http://www.sfgov.org/controller>*

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CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

October 19, 2011

Human Services Commission
City and County of San Francisco
170 Otis Street, 8th floor
San Francisco, CA 94103

Trent Rhorer, Executive Director
Human Services Agency
170 Otis Street, 8th floor
San Francisco, CA 94103

Dear Commission President Dr. Stewart, Members, and Mr. Rhorer:

The Controller's Office, City Services Auditor Division (CSA), presents its audit report of the Human Services Agency's payroll practices concerning premium pay. This audit evaluated whether the Human Services Agency (Human Services) properly administers and correctly pays premium pay by focusing on four selected types of premiums:

- Acting assignment pay
- Bilingual pay
- Emergency response pay
- Longevity pay

The audit considered whether the pays were granted in compliance with applicable memoranda of understanding and departmental policies, and whether the processes for determining which employees receive these pays and for calculating and disbursing these pays are adequately controlled.

The audit concluded that some Human Services employees who received these pays should not have because they were ineligible or because Human Services lacks documentation to show that they were eligible. Human Services needs to improve its determination and monitoring of which employees are eligible for certain types of premium pay and for how long. The audit report includes 14 recommendations for Human Services to strengthen its premium pay procedures.

Human Services' response to the audit is attached as Appendix A. CSA will work with Human Services to follow up on the status of the recommendations in this report.

We appreciate the assistance and cooperation that Human Services staff and the staff of the Controller's Office, Payroll and Personnel Services Division, provided to us during the audit.

Respectfully,

Tony Lediju
Director of Audits

cc: Mayor
Board of Supervisors
Civil Grand Jury
Budget Analyst
Public Library

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LIST OF ABBREVIATIONS AND ACRONYMS

CSA	City Services Auditor Division of Controller's Office
DHR	Department of Human Resources
Human Services	Human Services Agency
Local 21	International Federation of Professional and Technical Engineers, Local 21
Local 1021	SEIU, Local 1021, miscellaneous employees
MOU	Memorandum of Understanding
MOUs	Memoranda of Understanding
PPSD	Payroll and Personnel Services Division of Controller's Office
TESS	Time Entry Scheduling System (citywide payroll system)

INTRODUCTION

Audit Authority

This audit was conducted under the authority of the Charter of the City and County of San Francisco (City), which requires that the Office of the Controller (Controller) conduct periodic, comprehensive financial and performance audits of city departments, services, and activities. This is one in a series of payroll audits recently performed by the Controller at various city departments.

Background

Each city department, the Controller's Office, and the Department of Human Resources work together to administer the City's payroll.

The City's annual \$1.5 billion payroll for its more than 27,000 employees is disbursed through biweekly paychecks issued by the Controller's Payroll and Personnel Services Division (PPSD). To make this possible, payroll offices in city departments, including the Human Services Agency (Human Services), enter time records of their employees into information systems and submit the information to PPSD for processing. The Department of Human Resources (DHR) administers citywide personnel policies and procedures, negotiates and administers collective bargaining agreements with the City's labor unions, and advises the City's other departments in these areas, fulfilling a critical role in the City's payroll process.

The City's payroll process relies on three main information systems.

The three main citywide systems in the payroll process are the Time Entry Scheduling System (TESS), GEAC, and Financial Accounting Management Information System (FAMIS). PPSD is responsible for maintaining the TESS and GEAC systems. TESS is a time-recording system that most city departments use to enter time and attendance data. GEAC uses data from TESS and calculates the final pay based on the hours worked and applicable tax and payroll deductions. FAMIS is the City's central accounting system and contains aggregate TESS pay data, which is used in the City's comprehensive financial statements among other things.

Human Services' primary system for payroll is TESS.

Human Services uses TESS to submit its employees' time information to PPSD. TESS contains the configurations and formulas for calculating employee pay rules that are in the City's contracts (memoranda of understanding) with employee organizations (unions) and the employees' hours entered by the Payroll unit. Payroll clerks submit exception-based time entries in TESS based on paper timesheets

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submitted by unit or program timekeepers. Each Human Services payroll clerk is responsible for a set of employee rosters, which group employees by program or unit.

Human Services' annual payroll is about \$130 million.

Human Services, formed in 2004 with the merger of two previously existing city departments, the Department of Human Services and the Department of Aging and Adult Services, has budgeted salaries of \$130.2 million in fiscal year 2011-12. The department is the central resource for public assistance in the City. Human Services offers San Francisco residents income support, community-based living supports, and help in getting food, housing, and health coverage. It also offers programs and services that ensure the protection and safety of children, the elderly and dependent adults. For pay periods ending in the audit period, calendar year 2010, Human Services paid 2,598 employees \$126.3 million in salaries, including regular pay, overtime, and premium pays.

Human Services employees work under seven labor contracts.

Human Services employees are represented by seven bargaining units associated with six employee organizations. Human Services pays its employees under the terms of seven memoranda of understanding (MOUs), and an ordinance that covers unrepresented employees. Exhibit 1 lists the employee organizations and bargaining units of Human Services employees and the periods covered by their associated MOUs.

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EXHIBIT Employee Bargaining Units and Memoranda of Understanding		
Employee Organization	Bargaining Unit	MOU Effective Dates
International Federation of Professional and Technical Engineers (IFPTE)	IFPTE Local 21	July 1, 2006 – June 30, 2012
International Union of Operating Engineers (IUOE)	IUOE Local 39, Stationary Engineers	July 1, 2010 – June 30, 2012
San Francisco Municipal Attorney's Association	Municipal Attorneys Association	July 1, 2010 – June 30, 2012
San Francisco Municipal Executives' Association (MEA)	MEA Miscellaneous Employees	July 1, 2006 – June 30, 2012
Service Employees International Union (SEIU)	SEIU Local 1021, Miscellaneous Employees	July 1, 2010 – June 30, 2012
	SEIU Local 1021, Staff and Per Diem Nurses	July 1, 2010 – June 30, 2012
Union of American Physicians and Dentists (UAPD)	UAPD, Unit 8-CC	July 1, 2006 – June 30, 2012
None (unrepresented employees)	None; the City has an ordinance for unrepresented employees.	July 1, 2010*

Note: No end date is listed in the ordinance.

Source: San Francisco Department of Human Resources.

Because the Human Services employees who are eligible for the four premium pays that are the focus of the audit are primarily in two bargaining units, the audit focused on payroll practices for Human Services employees who work under two MOUs:

- SEIU, Local 1021, miscellaneous employees (Local 1021)
- International Federation of Professional and Technical Engineers, Local 21 (Local 21)

The department has many types of premium pay.

Employees may receive premium pays for specific and more demanding job duties, special skills, or other factors that have been agreed to by the City as being worth extra pay. Human Services employees are eligible for premium pay for things including:

- An acting assignment (temporary work that is "out of class")
- Bilingual work (including interpreting or translating for clients)

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- Longevity (ten or more years in a classification)
- Emergency response (urgent or crisis-based fieldwork)
- Standby (being on-call for fieldwork)
- Lead worker (being a designated group leader)

The agency relies heavily on manual pay records and forms for payroll processing.

Human Services does not have an electronic system to assist or unify most payroll processes. Besides using manual timesheets for time entries, the payroll clerks rely on manually completed paper forms to obtain approvals for overtime and premium pays.

Objectives

The objectives of this audit were to:

1. Determine the accuracy of amounts Human Services paid in:
 - Acting assignment pay
 - Bilingual pay
 - Emergency response pay
 - Longevity pay
2. Assess whether the agency complied with applicable memoranda of understanding (SEIU Local 1021 for miscellaneous employees and IFPTE Local 21) in determining eligibility of employees for these four types of premium pay.

Scope and Methodology

The audit period was January 1, 2010, through December 31, 2010.

To conduct the audit, the audit team:

- Interviewed key agency personnel to gain an understanding of the systems and data audited.
- Used audit analytic software to analyze the payroll data file containing 745,714 pay records for the department, obtained from the citywide payroll system for the audit period.
- Tested department employees' timesheets and payroll forms and compared them to TESS payroll data, on a sample basis.
- On a sample basis, re-computed the pay rates applied for paying department employees.

This performance audit was conducted in accordance with

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generally accepted government auditing standards. These standards require planning and performing the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for the findings and conclusions based on the audit objectives. We believe that the evidence obtained provides a reasonable basis for the findings and conclusions based on the audit objectives.

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The Department Needs to Improve Controls Over Some Types of Premium Pay

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AUDIT RESULTS

Summary

Human Services can better monitor eligibility of premium pays. Human Services paid \$8,840 in bilingual premium pay to 22 employees who were not certified bilingual at the time of the bilingual work or for whom the department has no evidence of bilingual certification. Five ineligible employees received emergency response pay, resulting in an overpayment of \$6,482. In some instances, Human Services extended acting assignment pay without all the proper approvals. Finally, 14 ineligible employees received longevity pay and 16 eligible employees did not receive longevity pay, resulting in Human Services overpaying \$3,635 in longevity pay to the ineligible employees and not paying an estimated \$9,984 to those who should have received it.

Finding 1

Human Services paid \$8,840 in bilingual pay to employees lacking documented bilingual certification; Human Services needs to improve its controls over eligibility for bilingual pay, especially emergency backup bilingual pay.

Human Services paid at least \$8,840 in 2010 to employees who were not certified bilingual or do not have evidence of being certified bilingual.

Of the total of \$585,450¹ in bilingual premium pay received by 515 Human Services employees in 2010, at least \$8,840 (1.5 percent) was paid to 22 employees who were not certified bilingual at the time of the bilingual service or for whom Human Services has no bilingual certification documentation. Although the total amount of these payments made without eligibility documentation is small, the fact that they occurred indicates that Human Services cannot be adequately assured that all its employees who provide bilingual services and get paid a premium to do so are qualified for the work and eligible for the extra pay. It should be documented that all employees receiving bilingual pay are qualified to provide this service.

Employees receive emergency backup bilingual pay without bilingual certification, contrary to policy.

Human Services pays employees for emergency backup bilingual work knowing that they are not certified as bilingual and not requiring that they be, contrary to its own declared policy.

¹The audit excluded \$2,150 in bilingual premium pay paid to registered nurses who work under the City's MOU with SEIU, Local 1021, for staff nurses and per diem nurses.

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The Department Needs to Improve Controls Over Some Types of Premium Pay

Human Services is one of two City departments² that administers and monitors its own language proficiency testing function. In 2007 the Human Services Bilingual Services Committee, consisting of ten Human Services employees from different programs, approved a bilingual pay authorization form and policies that Human Services is to use. Consistent with the Local 1021 MOU, Human Services pays employees who provide 40 or more hours of bilingual services per pay period a premium of \$60 per pay period, and those who provide less than 40 hours of bilingual services per pay period a premium of \$40 per pay period. To receive this pay, the employee must at least be certified as able to read, write, or speak the language, and may have to be certified as having all three abilities.

As stated on its bilingual pay authorization form, Human Services requires that employees providing bilingual services on an emergency backup basis be certified as being able to read, write, or speak the language they use. However, according to Human Services' payroll supervisor, employees do not need to pass a certification test in any of these skills to receive emergency backup bilingual pay. This inconsistent application of bilingual pay is at least partially responsible for the \$8,840 paid to employees who were not certified bilingual at the time of service or do not have bilingual certification documentation on file.

Human Services does not systematically check that emergency backup bilingual pay does not exceed four consecutive pay periods.

Human Services does not consistently monitor the time limit on emergency backup bilingual pay. Human Services' bilingual pay authorization form states that an employee may not receive emergency backup bilingual pay for more than four consecutive pay periods. However, a Human Services payroll clerk interviewed for the audit stated that she does not check whether or how many times previously the emergency backup bilingual pay was claimed by an employee, and this appears to be standard practice in the unit. The Human Services Payroll unit also does not maintain a list of employees qualified to receive emergency backup bilingual pay. This qualification should be documented with a bilingual certification on file.

An accurate emergency backup bilingual list would help the Human Services Payroll unit to track authorization for emergency bilingual pay. It would be easier than using

² The other is the Department of Public Health.

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the payroll system itself, the Payroll unit could also use such a list to check that no employee receives emergency backup bilingual for more than four consecutive pay periods.

Bilingual pay forms are not always properly filled out, and bilingual certification documents are not always maintained.

Human Services does not always ensure that bilingual pay forms are properly completed, both by the employee receiving the pay and his or her supervisor, nor does it consistently maintain bilingual certification documents. Of a sample of 140 instances of bilingual pay, each of which is required to have an authorization form,³ paid to eight employees, the audit found:

- 3 authorization forms (2 percent of the sample) were missing.
- On 8 authorization forms (6 percent) the supervisor did not indicate the number of bilingual hours the employee worked.
- On 13 authorization forms (9 percent) the employee or supervisor checked the incorrect bilingual pay provision or did not check any bilingual pay provision.

In addition, for one (13 percent) of the eight employees in the sample, Human Services does not have evidence of bilingual certification on file. According to Human Services, some older bilingual certification documents, such as those from the 1980s, are missing. Without evidence of bilingual certification, there is no assurance that an employee is qualified to provide bilingual services.

Recommendations

To prevent abuse of bilingual premium pay and better control when and for how long it is granted, Human Services should:

1. Enforce policies and procedures to ensure that employees receiving bilingual pay are qualified to provide bilingual services.
2. Create and regularly update a list of employees authorized to receive emergency backup bilingual pay.
3. Monitor to ensure that emergency bilingual pay is not

³ One such form is required for each employee in each pay period (what the audit calls an instance) in which that employee does bilingual work. The form requires both the employee and the employee's supervisor to indicate the number of hours of bilingual work performed.

paid for more than four consecutive pay periods.

4. Maintain bilingual certification documentation for its employees and certify or recertify those employees whose personnel files do not contain evidence that they are certified bilingual.
5. Ensure that bilingual pay authorization forms are properly filled out and maintained.

Finding 2

Human Services paid \$6,482 of emergency response pay to five employees without proper authorization, and needs to better monitor who receives this pay.

Human Services granted \$242,429 of emergency response pay to 71 of its protective services employees in 2010. Of those 71, a sample of 25 employees was reviewed and revealed that 5 (20 percent) were paid a total of \$6,482 in emergency response pay without proper authorization. The amount paid to each of the 5 employees ranged from \$62 to \$3,405.

The reasons these employees should not have received this pay varied:

- Human Services could not provide to the audit team the emergency response pay activation forms for two employees who received emergency response pay.
- Two employees received emergency response pay for periods before the effective dates of their emergency response pay activation forms.
- One employee was laid off from Human Services and rehired almost a year and a half later, when the emergency response pay was restarted without a new activation form being completed.

Employees receive one of two types of referrals from the emergency hotline.

Human Services employees who work in designated emergency response positions receive referrals from the emergency hotline to respond to emergency response cases. The referrals fall into two categories: immediate response referrals that must be responded to within two hours, and the less urgent ten-day referrals.

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Human Services has no formal procedure to ensure that all who receive emergency response pay do emergency response work.

The Local 1021 MOU states that employees in job classifications 2940 (Protective Services Worker) and 2944 (Protective Services Supervisor) assigned to emergency response positions are eligible to receive emergency response premium pay, which is 5 percent of base pay. Human Services uses a form to activate or cancel emergency response pay for an employee, and the Human Services Payroll unit processes these forms as they are received from the Family and Children's Services division. However, the process has several weaknesses:

- The Payroll unit does not keep track of which employees are eligible for emergency response pay. During the audit period, the Payroll unit did not have a list of eligible employees.
- The Family and Children's Services division does not have a procedure to ensure that all those who receive the pay are still willing and able to take emergency case referrals.
- The Family and Children's Services division does not have a proactive method to authorize the pay in advance for those who will begin emergency response work or to immediately cancel the authorization of this pay for employees who no longer do emergency response work.

Human Services' lack of review and monitoring may result in employees not receiving this premium pay when eligible and receiving it when ineligible.

Recommendations

To better control emergency response pay, the Human Services Payroll unit should work with the Human Services Family and Children's Services division to:

6. Document and implement a procedure for monitoring employee eligibility for emergency response pay.
7. Maintain a comprehensive list of designated emergency response employees, including a history of cancellations.
8. Review on a quarterly basis whether those who are receiving emergency response pay are still designated emergency response workers.

9. Require a new designation form when an employee returns to an emergency response position after having left one.
10. Submit an adjustment to recover the overpayments to ineligible employees who received emergency response pay.

Finding 3

Human Services pays acting assignment pay accurately, but needs to improve controls over the extension of acting assignments.

Human Services extended acting assignment pay without all proper approvals.

Of a sample of 35 employees on acting assignments in 2010, Human Services extended the acting assignment pay for at least 8 (23 percent) without first seeking all proper approvals. Instead, in most of these instances, the only evidence of approval was the original authorization form showing a handwritten change to the assignment end date, sometimes initialed by a Department of Human Resources (DHR) employee. However, each acting assignment is approved with a start and end date. When an acting assignment is extended, a new form should be completed and properly approved because extensions are a new commitment by the City to pay an employee more money each pay period for weeks or months in the future.

Acting assignments must be approved by parties other than DHR. During the audit period, acting assignment forms were to be signed by designated representatives of the employing department, the Mayor's Office, and DHR.⁴ Because at least eight employees were granted acting assignment pay without Human Services first preparing new acting assignment forms and seeking all the required signatures, the City paid acting assignment pay to these Human Services employees without the required, documented approval of Human Services' department head or designee and a representative of the Mayor's Office.

Acting assignment allows an employee to be paid at a higher pay rate while fulfilling the job duties of a higher classification. This is often done to cover the job of an employee who is out on leave or to temporarily fill a vacant position.

⁴ As of June 23, 2011, the approval of the Mayor's Office is no longer required for acting assignments.

Office of the Controller, City Services Auditor
The Department Needs to Improve Controls Over Some Types of Premium Pay

Human Services had no list of those on acting assignments until mid-2010.

Human Services reports that it did not start maintaining an acting assignment list until around May 2010. As a result, the audit could not review the acting assignment pay of those Human Services employees whose acting assignments ended before May 2010. Of the employees on the list that were reviewed by the audit, the average amount of time on acting assignment was approximately five months, excluding observed holidays and weekends.

Correct rates were used for acting assignment pay.

Of a sample of 13 Local 1021 employees (a subsample of the 35 employees above) on Human Services' acting assignment list, there were no significant inaccuracies in the pay rates used. These employees were paid at rates in accordance with the Local 1021 MOU.

Recommendation

11. Human Services should ensure that it obtains and documents all necessary approvals for acting assignments, including assignment extensions, before an employee receives acting assignment pay.

Finding 4

Human Services both overpaid and underpaid longevity pay, and needs to better control it.

Some ineligible employees received longevity pay and some eligible employees did not.

In 2010 Human Services paid longevity pay to 14 employees who were not entitled to it and did not pay longevity pay to 16 employees who were entitled to it. Human Services overpaid \$3,635 in longevity pay to the ineligible employees and failed to pay an estimated \$9,984 to those who should have received it.

Of the 1,418 employees covered by the Local 1021 miscellaneous employees MOU and potentially eligible for longevity pay in 2010, 580 (41 percent) received longevity pay, totaling \$306,027. Thus the 30 incorrectly paid employees represent 5 percent of those who received longevity pay, and the overpaid amount represents 1.2 percent of all longevity pay in the year.

The Local 1021 MOU states that employees are eligible for \$0.30/hour of longevity pay after ten years of service in one job classification and no longer eligible if they leave that classification voluntarily.

Office of the Controller, City Services Auditor
The Department Needs to Improve Controls Over Some Types of Premium Pay

It is not surprising that Human Services made mistakes in paying longevity pay because it does not have a systematic method for determining when this pay should begin or end.

The Payroll unit does not have a formal process to review and monitor for employees that become eligible or ineligible for longevity pay. The Payroll unit reports that it has encouraged payroll clerks to review reports from the City's human resources system that show employee start dates and job history to determine eligibility for longevity pay. However, the Payroll unit acknowledges that there is no evidence that payroll clerks have done so.

Recommendations

The Human Services Payroll Unit should:

12. Document and implement a process to review for employee eligibility. If possible, create a system alert in the City's human resources system to flag when an employee becomes eligible or ineligible for longevity pay. If that is not possible, the Payroll Unit should no less than monthly review the employee roster to identify employees who will become eligible for longevity pay in the next month, and identify changes that would cause an employee become ineligible in the next month.
13. Regularly review changes in classification of employees receiving longevity pay to ensure that any such employee who voluntarily leaves a classification immediately stops receiving longevity pay on the correct effective date.
14. Submit payroll adjustments to recover the \$3,635 in longevity pay overpayments and to pay \$9,984 to the eligible employees who did not receive the longevity pay to which they were entitled.

APPENDIX A: DEPARTMENT RESPONSE

City and County of San Francisco



Edwin M. Lee, Mayor

Human Services Agency

Department of Human Services
Department of Aging and Adult Services

Trent Rhorer, Executive Director

October 18, 2011

Tonia Lediju, Director of Audits
City Services Auditor Division
Office of the Controller
City Hall, Room 476
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Human Services Agency Response to Controller's Audit

Dear Ms. Lediju:

Enclosed please find our response to the Payroll audit recently completed by your staff. The auditors were extremely thorough and professional, as well as being understanding of the time constraints on a Payroll unit during the fiscal year changeover. We appreciate the opportunity to respond to the recommendations and look forward to working with your staff in the future.

The findings of the audit were pointed and pointed out areas where our very capable and hard-working Payroll staff can tighten up our practices. We were pleased that the findings revealed relatively minor irregularities in our procedures that are in large part correctable.

Please feel free to contact me directly, should you have any questions with regard to your response.

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

Robert Thomas
Human Resources Director
Human Services Agency

cc: Trent Rhorer
Phil Arnold
Luenna Kim
Bertina Tan

AUDIT RECOMMENDATIONS AND RESPONSES

Recommendation	Responsible Agency	Response
<p>1. Enforce policies and procedures to ensure that employees receiving bilingual pay are qualified to provide bilingual services.</p>	<p>Human Services</p>	<p>Do Not Concur – The report correctly reports that the Agency has put in place a program to ensure that all staff who supplies bilingual services are certified, while preserving the ability of the Agency to provide services to its vulnerable clients. The report does not distinguish between the temporary payment of bilingual pay and the few cases where individuals have exceeded our internal limit (4 pay periods). We will put a regular review process in place to ensure that practice is corrected, and qualifying employees are certified within four pay periods.</p>
<p>2. Create and regularly update a list of employees authorized to receive emergency backup bilingual pay.</p>	<p>Human Services</p>	<p>Concur – Payroll and HR Operations staff should collaborate in the preparation of a list of individuals authorized to receive emergency bilingual pay, and ensure that the list is available as a checklist for staff.</p>
<p>3. Monitor to ensure that emergency bilingual pay is not paid for more than four consecutive pay periods.</p>	<p>Human Services</p>	<p>Concur – as stated above, Payroll and HR Operations will communicate when individuals are approved for “emergency” payment and will notify programs when the deadlines approach. We will make every effort to ensure that employees in this category are given the opportunity to test before the expiration of the time limit.</p>
<p>4. Maintain bilingual certification documentation for its employees and certify or recertify those employees whose personnel files do not contain evidence that they are certified bilingual.</p>	<p>Human Services</p>	<p>Concur - We already maintain this documentation, and have taken steps to ensure that the few instances of missing documentation found by the auditors are remedied. We will review our records on a regular basis to ensure that certification is present.</p>

Office of the Controller, City Services Auditor
The Department Needs to Improve Controls Over Some Types of Premium Pay

Recommendation	Responsible Agency	Response
5. Ensure that bilingual pay authorization forms are properly filled out and maintained.	Human Services	Concur - We do that on an ongoing basis. As a step in our regular reviews of this pay, we will review authorization to ensure that the submitting supervisor is properly filling out the form and the information is being regularly reviewed by the appropriate payroll clerk.
6. Document and implement a procedure for monitoring employee eligibility for emergency response pay.	Human Services	Concur - The eligibility requirement is set in the MOU. Persons "assigned to emergency response positions" should receive the pay. We will obtain a list of ER positions from FCS and use that as the basis for eligibility.
7. Maintain a comprehensive list of designated emergency response employees, including a history of cancellations.	Human Services	Concur – See response to #6.
8. Review on a quarterly basis whether those who are receiving emergency response pay are still designated emergency response workers.	Human Services	Concur
9. Require a new designation form when an employee returns to an emergency response position after having left one.	Human Services	Partially Concur - A new form is not required. All that is necessary is notice from FCS to Payroll that an individual is now assigned to an emergency response position.
10. Submit an adjustment to recover the overpayments to ineligible employees who received emergency response pay.	Human Services	Concur

Office of the Controller, City Services Auditor
 The Department Needs to Improve Controls Over Some Types of Premium Pay

Recommendation	Responsible Agency	Response
<p>11. Human Services should ensure that it obtains and documents all necessary approvals for acting assignments, including assignment extensions, before an employee receives acting assignment pay.</p>	<p>Human Services</p>	<p>Concur - We do that as part of our process. The incidents referred to by the Auditors apply to situations where individuals received short extensions because the employee occupying the underlying position delayed his/her return to duty. Both the Mayor's office and the Controller indicated, informally, that they did not object to these extensions. The approval process has now changed and the Agency may now approve this pay, including extensions. Monitoring should be simpler.</p>
<p>12. Document and implement a process to review for employee eligibility. If possible, create a system alert in the City's human resources system to flag when an employee becomes eligible or ineligible for longevity pay. If that is not possible, the Payroll Unit should no less than monthly review the employee roster to identify employees who will become eligible for longevity pay in the next month, and identify changes that would cause an employee to become ineligible in the next month.</p>	<p>Human Services</p>	<p>Concur with the recommendation that the City's PeopleSoft system alert HR of employees qualifying for the longevity premium.</p> <p>Do not Concur with the recommendation that Payroll conduct monthly audits. This is currently a wholly manual operation and HSA Payroll unit is not staffed to perform this function. Given the relatively small error rate (4.4% of total longevity pay); it is not a cost-effective way for payroll to monitor.</p> <p>The new eMerge system promises to automate this process, it should be live within 2 years. In the interim, Payroll supervisors will conduct audits and continue to remind staff to perform reviews.</p>
<p>13. Regularly review changes in classification of employees receiving longevity pay to ensure that any such employee who voluntarily leaves a classification immediately stops receiving longevity pay on the correct effective date.</p>	<p>Human Services</p>	<p>Concur – When "PARS" (Payroll Adjustment Reports) are submitted to Payroll, documenting a change in classification, the payroll clerk will be responsible to determine if the employee is currently receiving longevity. If so, the payment will be ended.</p>

Office of the Controller, City Services Auditor
The Department Needs to Improve Controls Over Some Types of Premium Pay

Recommendation	Responsible Agency	Response
14. Submit payroll adjustments to recover the \$3,635 in longevity pay overpayments and to pay \$9,984 to the eligible employees who did not receive the longevity pay to which they were entitled.	Human Services	Concur.

BOS-11

City and County of San Francisco

Residential Rent Stabilization
and Arbitration Board



September 23, 2011

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 OCT 20 AM 10:25

Re: Rent Board Annual Statistical Report 2010-11

Dear Ms. Calvillo:

Please find attached the department's annual statistical report with copies for each of the Board members.

Please call me at 252-4650 if you have any questions.

Very truly yours,

Delene Wolf, Executive Director
Rent Stabilization and Arbitration Board

encl.

cc:

- Mayor Edwin M. Lee
- Supervisor David Chiu
- Supervisor Mark Farrell
- Supervisor John Avalos
- Supervisor David Campos
- Supervisor Carmen Chu
- Supervisor Jane Kim
- Supervisor Scott Weiner
- Supervisor Sean Elsbernd
- Supervisor Eric Mar
- Supervisor Malia Cohen
- Supervisor Ross Mirkarimi
- Library Documents Dept.

* To view full document
Request file # 111159



Rent Board Memorandum

Date: September 23, 2011

To: To Interested Parties

From: Delene Wolf, Executive Director *D.W.*

Re: Annual Statistical Report, FY 2010-11

The following pages reflect the filings and activities at the Rent Board for the past fiscal year ending June 30, 2011. Overall, the number of petitions filed with the Board decreased by 10% from 1,200 in FY09-10 to 1,078 in FY10-11. The decrease in total petitions was due to the continued reduction in the number of utility passthrough petitions filed with the Board (244 petitions in FY 09-10 compared to 53 petitions in FY10-11). Excluding utility passthrough petitions, the total number of petitions increased by 7%. Operating and Maintenance Petitions increased by 41% from 22 in FY09-10 to 31 FY10-11. Tenant Appeals decreased 47% from 126 to 66, while Landlord Appeals increased by 14% from 43 to 49.

Total eviction notices filed with the Board decreased by about 3% from 1,372 to 1,328, while the number of tenant reports of alleged wrongful eviction increased by 9% from 452 to 491. The number of units withdrawn from the rental market under the Ellis Act decreased from 108 to 72 units.

Highlights of some of the tables are as follows (percentages as compared to last year):

- 78% Utility Passthroughs
- 47% Tenant Appeals
- 33% Total Landlord Petitions
- 12% Landlord ADR
- 3% Eviction Notices
- +5% Total Tenant Petitions
- +6% 1.21 (Principal Place of Residence) Petitions
- +7% Tenant ADR
- +8% Capital Improvement Petitions
- +9% Reports of Alleged Wrongful Eviction
- +14% Landlord Appeals
- +41% Operating and Maintenance Petitions



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 110966 Sharp Park

From: Eric Zakin <zippyzak1964@gmail.com>
To: board.of.supervisors@sfgov.org
Date: 10/20/2011 11:47 PM
Subject: Support Sharp Park Legislation

I support restoring Sharp Park -- to expand and improve the recreation opportunities at the site and in San Francisco, as well as to help recover endangered species. I hope you share these values and will vote to pass the proposed Sharp Park restoration legislation. Currently, Sharp Park is beset by numerous problems: It loses money and drains funding from the Recreation and Park budget, the operation of the golf course harms endangered species, and the site is threatened by sea-level rise and climate change. Community groups, scientists and restoration experts concur that the major expenditures needed to keep an unsustainable golf course in play here for a few more years can no longer be justified.

The Sharp Park legislation gives us the opportunity to partner with the National Park Service to create a better public park that everyone can enjoy, while allowing San Francisco to redirect scarce recreation dollars back to parks and recreation facilities within the city. The legislation increases access to affordable golf by giving Pacifica residents access to San Francisco's other municipal courses at San Francisco resident rates. The legislation makes sense for the environment, for San Francisco taxpayers and for fuller public enjoyment of Sharp Park. I hope you'll support this important legislation.

Eric Zakin
4145 George Ave #1
San Mateo, CA 94403

From: Luci Evanston <theevanston@sbcglobal.net>
To: board.of.supervisors@sfgov.org
Date: 10/21/2011 09:00 AM
Subject: Support Sharp Park Legislation

I support restoring Sharp Park -- to expand and improve the recreation opportunities at the site and in San Francisco, as well as to help recover endangered species. I hope you share these values and will vote to pass the proposed Sharp Park restoration legislation. Currently, Sharp Park is beset by numerous problems: It loses money and drains funding from the Recreation and Park budget, the operation of the golf course harms endangered species, and the site is threatened by sea-level rise and climate change. Community groups, scientists and restoration experts concur that the major expenditures needed to keep an unsustainable golf course in play here for a few more years can no longer be justified.

The Sharp Park legislation gives us the opportunity to partner with the National Park Service to create a better public park that everyone can enjoy, while allowing San Francisco to redirect scarce recreation dollars back to parks and recreation facilities within the city. The legislation increases access to affordable golf by giving Pacifica residents access to San Francisco's other municipal courses at San Francisco resident rates. The legislation makes sense for the environment, for San Francisco taxpayers and for fuller public enjoyment of Sharp Park. I hope you'll support this important legislation.

7

Luci Evanston
752 Glenview Dr #209
San Bruno, CA 94066



Restore Sharp Park into a National Park

jerry grunnagle to: Board.of.Supervisors

Sent by: Jerry Grunnagle <sylvantor@gmail.com@change.org>

Please respond to jerry grunnagle

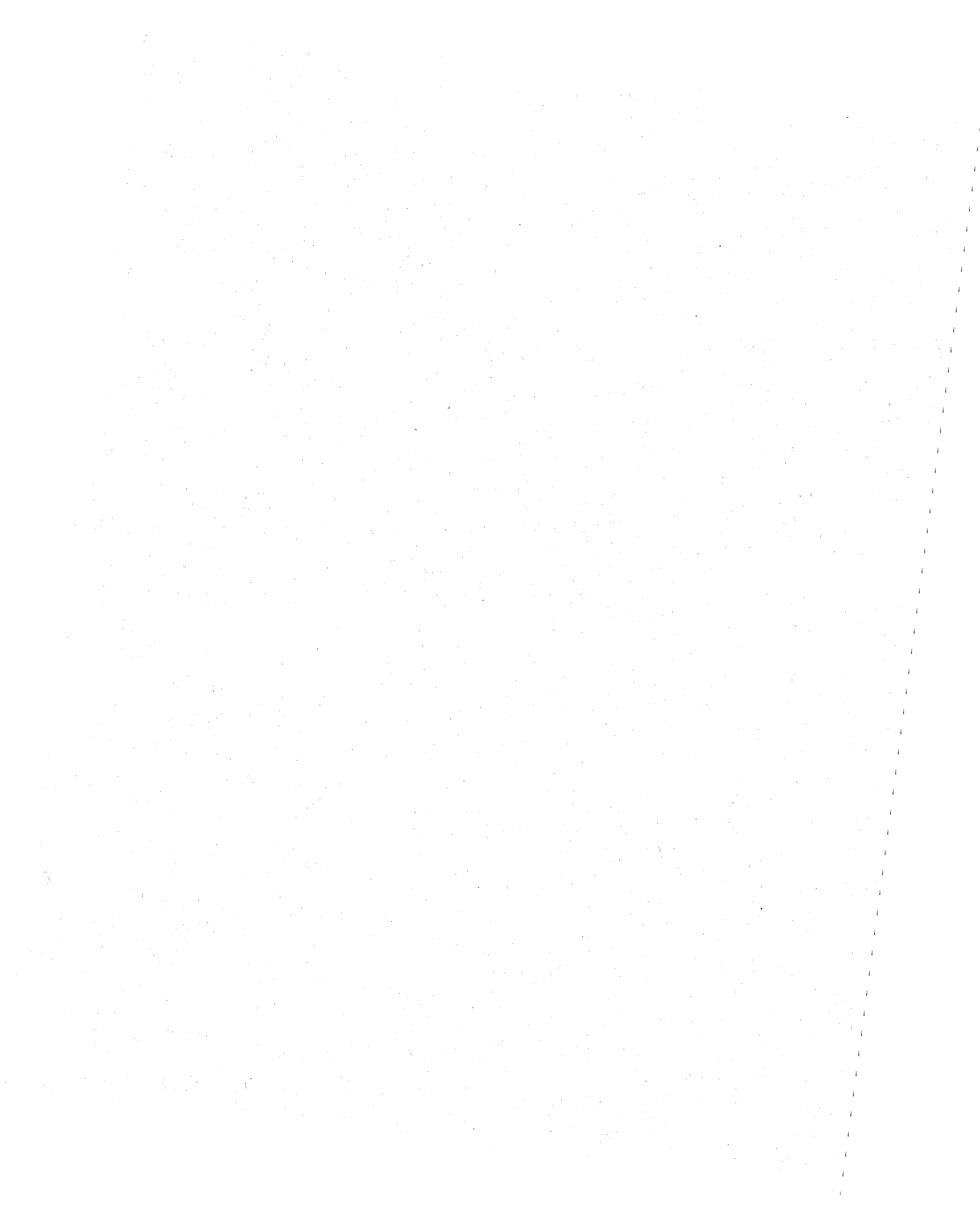
10/20/2011 11:32 AM

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

jerry grunnagle
pittsburgh, Pennsylvania

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and include a link to this petition.





Restore Sharp Park into a National Park
Charlotte Woolley to: Board.of.Supervisors
Sent by: Charlotte Woolley <shashiwoolley@aol.com@change.org>
Please respond to Charlotte Woolley

10/20/2011 08:05 PM

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

Charlotte Woolley
Chevy Chase, Maryland

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and include a link to this petition.



Restore Sharp Park into a National Park

Barbara Llucon to: Board.of.Supervisors

Sent by: Barbara Llucon <fruition=operamail.com@change.org>

10/20/2011 11:27 PM

Please respond to Barbara Llucon

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

Barbara Llucon
Missoula, Montana

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and include a link to this petition.



Restore Sharp Park into a National Park
Meghan Maseman to: Board.of.Supervisors
Sent by: Meghan Maseman
<badgergrrl=msn.com@change.org>
Please respond to Meghan Maseman

10/21/2011 09:53 AM

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

Meghan Maseman
Albuquerque, New Mexico

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and include a link to this petition.



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 110966: Sharp Park Legislation

From: Mark Crane <cranetran@aol.com>
To: Board.of.Supervisors@sfgov.org
Date: 10/18/2011 04:12 PM
Subject: Sharp Park Legislation
Sent by: National Parks Conservation Association <takeaction@npca.org>

Oct 18, 2011

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

Dear Board of Supervisors,

Please support current legislation to repurpose the failing Sharp Park Golf Course into a better public park in partnership with the National Park Service. Repurposing the Pacifica-based, but San Francisco-owned golf course, which is also located within the boundary of the Golden Gate National Recreation Area, will best protect endangered species, provide more recreational activities and public access, provide flood control for adjacent neighborhoods, and is the least expensive option for San Francisco.

Sharp Park Golf Course loses up to hundreds of thousands of dollars each year, continues to kill endangered species, and prevents other golf courses in San Francisco from receiving adequate maintenance. We can do better. Indeed, repurposing Sharp Park will allow San Francisco to redirect resources to improve the five other courses it manages, which are currently suffering from neglect.

The National Park Service has stated that they will conduct the long-term planning and conversion of the golf course to a new public park with restored wildlife habitat and trail-based recreation. Please help build a better public park at Sharp Park that everyone can enjoy by supporting the legislation.

Thank you for your consideration.

Sincerely,

Mr. Mark Crane
2621 E Windrim Ct
Elk Grove, CA 95758-7479



To: BOS Constituent Mail Distribution, Gail Johnson/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110966: Restore Sharp Park into a National Park

From: Dana Forrester <detroitheckler@aol.com>
To: Board.of.Supervisors@sfgov.org
Date: 10/19/2011 07:16 AM
Subject: Restore Sharp Park into a National Park
Sent by: Dana Forrester <detroitheckler=aol.com@change.org>

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

Dana Forrester
Ferndale, Michigan

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and include a link to this petition.



To: BOS Constituent Mail Distribution, Gail Johnson/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110966 Support Sharp Park Legislation

From: jade kiran <jadeinsf@gmail.com>
To: board.of.supervisors@sfgov.org
Date: 10/19/2011 11:57 AM
Subject: Support Sharp Park Legislation

I support restoring Sharp Park -- to expand and improve the recreation opportunities at the site and in San Francisco, as well as to help recover endangered species. I hope you share these values and will vote to pass the proposed Sharp Park restoration legislation. Currently, Sharp Park is beset by numerous problems: It loses money and drains funding from the Recreation and Park budget, the operation of the golf course harms endangered species, and the site is threatened by sea-level rise and climate change. Community groups, scientists and restoration experts concur that the major expenditures needed to keep an unsustainable golf course in play here for a few more years can no longer be justified.

The Sharp Park legislation gives us the opportunity to partner with the National Park Service to create a better public park that everyone can enjoy, while allowing San Francisco to redirect scarce recreation dollars back to parks and recreation facilities within the city. The legislation increases access to affordable golf by giving Pacifica residents access to San Francisco's other municipal courses at San Francisco resident rates. The legislation makes sense for the environment, for San Francisco taxpayers and for fuller public enjoyment of Sharp Park. I hope you'll support this important legislation.

jade kiran
750 gonzalez
san francisco, CA 94132-2202

From: jade kiran <jadeinsf@gmail.com>
To: board.of.supervisors@sfgov.org
Date: 10/19/2011 12:18 PM
Subject: Support Sharp Park Legislation

I support restoring Sharp Park -- to expand and improve the recreation opportunities at the site and in San Francisco, as well as to help recover endangered species. I hope you share these values and will vote to pass the proposed Sharp Park restoration legislation. Currently, Sharp Park is beset by numerous problems: It loses money and drains funding from the Recreation and Park budget, the operation of the golf course harms endangered species, and the site is threatened by sea-level rise and climate change. Community groups, scientists and restoration experts concur that the major expenditures needed to keep an unsustainable golf course in play here for a few more years can no longer be justified.

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jade kiran
750 gonzalez
san francisco, CA 94132-2202



To: BOS Constituent Mail Distribution, Gail Johnson/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110966: Your YES vote to Save The Sharp Park Wetlands

From: Joy Cogan <joycogan@cox.net>
To: Board.of.Supervisors@sfgov.org
Date: 10/18/2011 10:53 PM
Subject: Your YES .vote to Save The Sharp Park Wetlands

Dear Board of Supervisors

I am a member of SAVE THE FROGS! (www.savethefrogs.com), and I'm writing to urge you to support Supervisor John Avalos' proposed legislation that would re-purpose the Sharp Park Golf Course to a new public park managed by the National Park Service that all can enjoy. The Sharp Park Wetlands provide critical habitat for the endangered California Red-Legged Frog and a variety of other wildlife. Both frogs and wetlands are rapidly disappearing in California and worldwide, so it is disconcerting that the City of San Francisco is currently using taxpayer dollars to pump the Sharp Park Wetlands dry, killing endangered frogs in the process, and VIOLATING state and federal laws. Even if new species are being discovered at a substantial rate, we don't have the right to exterminate older species.

The Sharp Park Golf Course has a long history of environmental and economic troubles, and the time has clearly come for the City of San Francisco to change course. By closing the golf course and handing the management of the land over to the National Park Service, the City of San Francisco would relieve itself of its current financial, legal and environmental burden, and it would also clearly mark itself as a world leader in environmental protection efforts.

The restored Sharp Park Wetlands would be a safe haven for threatened wildlife and would provide valuable recreational opportunities to San Francisco residents and tourists alike. This would not only improve the quality of life for San Francisco's residents, it would increase the long-term economic value of the property.

Frogs already face an array of threats from climate change to habitat destruction; pesticide use; over-collection for frog legs and dissections; invasive species; and infectious diseases spread by human activity. Frogs eat mosquitoes, provide us with medical advances, serve as food for birds and fish, and their tadpoles filter our drinking water. Plus kids love frogs, and it is our obligation to them to leave this planet in better shape than when we arrived here.

On behalf of all those who enjoy and feel the healing of nature and wildlife, heartfelt thanks for your help.

Joy Cogan

San Clementee, CA
USA



To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110966 Sharp Park - 3 form emails

From: Chad Evans <icvans@gmail.com>
To: Board.of.Supervisors@sfgov.org
Date: 10/22/2011 02:26 PM
Subject: Restore Sharp Park into a National Park
Sent by: Chad Evans <icvans@gmail.com@change.org>

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

Chad Evans
Glendale, California

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and include a link to this petition.

From: billy williams <billywms67@aol.com>
To: Board.of.Supervisors@sfgov.org
Date: 10/23/2011 09:56 PM
Subject: Restore Sharp Park into a National Park
Sent by: Billy Williams <billywms67@aol.com@change.org>

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

billy williams
rochester, New York

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and include a link to this petition.

From: Arlan Monderewicz <kidm1380@yahoo.com>
To: Board.of.Supervisors@sfgov.org
Date: 10/24/2011 11:41 AM
Subject: Restore Sharp Park into a National Park
Sent by: Arlan Monderewicz <kidm1380@yahoo.com@change.org>

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

Arlan Monderewicz
reading, Pennsylvania

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and include a link to this petition.



To: Sean Elsbernd/BOS/SFGOV,
Cc:
Bcc:
Subject: Vote NO on 110899 Administrative Code - False Advertising by Limited Services Pregnancy Centers.

From: leah cameron <m.leah.cameron@gmail.com>
To: Board.of.Supervisors@sfgov.org
Date: 10/19/2011 09:41 PM
Subject: Vote NO on 110899 Administrative Code - False Advertising by Limited Services Pregnancy Centers.

Dear Supervisor Elsbernd,

I am a voter in your district and I am writing to state my reasons for why you should vote NO on 110899 Administrative Code - False Advertising by Limited Services Pregnancy Centers.

The primary reason I am encouraging you to vote no on the addition of ordinance 93 to the San Francisco Administrative Code is the extreme vagueness of Section 93.4(a). This section is *nine line run on sentence* that is unclear on what activities would be considered misleading.

Also the idea that that a so called "limited services pregnancy" could be fined for they omit is equally vague. Nowhere does the proposed ordinance say what should not be omitted and or when such information should be given to a perspective client. Section 93.4(b) is equally vague in that it offers no standard by which information given or omitted is understood to constitute a "part of a plan or scheme."

Both parts of 93.4 are vague because it introduces the term "pregnancy-related services" that has no definition in Section 93.3. These sections doom the proposed ordinance to be declared unconstitutionally vague under the lightest scrutiny.

You should vote no on the proposed ordinance because it would create an unfair government sponsored bias among groups and organizations that offer information about planned and unplanned pregnancies. By the definitions created in section 93.3 the only thing that would distinguish a "limited service pregnancy center" from a "pregnancy services center" is they do not provide or provide referrals for: abortions or emergency contraception. However section 93.3(g) which creates the definition for a "pregnancy services center" does not require it to offer either of these services.

Therefore it would be possible for an organization to meet all the standards of definition (g) yet by not offering abortions or emergency contraceptives be saddled with the diminutive title of "limited." This would create a clear government sponsored bias in favor of groups or organizations that offer abortions and emergency contraceptives.

You should vote no on the proposed ordinance because it offers a specific remedy for non-specific violations that are unequally applied. Section 93.5(b)(2) would require a so called "limited services pregnancy center" to post signs stating the presence of licensed medical staff and the availability of abortions or emergency contraceptives a remedy for violating section 93.4. Yet Section 93.4 does not include the absence of these signs as a violation of the ordinance. How then can posting these signs remedy some unknown violation of section 93.4. Section 93.5(b)(2) is unequal in its application because nowhere does it require "pregnancy services centers" to post similar signs. This is a clear violation of the equal protection clause of the 14th Amendment to the United States Constitution.

You should vote no on the proposed ordinance because it would violate the First Amendment rights of so called "limited services pregnancy centers." Section 93.5(b)(1) would force publicly shame organizations by forcing them to re-advertise their services according to the vague standard set by 93.4. I know of no state or federal law that requires companies or organizations that are found guilty of violating existing false advertising laws to do anything other than requiring the removal of the false claim or ad and or a fine. However 93.5(b)(1) goes even further. It would require the group or organization to re-advertise saying that they had made a false claim. One cannot help but read this as anything but a City and County sponsored act of public shaming a la Hester Prynne's scarlet "A". This punishment would effectually limit the types of public speech an organization could engage in which would violate their first amendment protection to freedom of speech.

You should vote no on the proposed ordinance because the City and County of San Francisco should not waist its limited resources on passing and defending constitutionally suspect ordinances. Similar laws have already been struck down in New York, and Maryland and is under litigation in Texas. It is certain that if this ordinance passes, its constitutionality will be litigated and tried in the courts, and at what expense to the city? Have you and the other supervisors taken into consideration what it will cost the City and County of San Francisco to defend such a suspect ordinance. I would much rather the City Attorney spending his time curbing gang violence in the city or going after

illegal brothels that front themselves as "massage parlors" or "day spas."

Please take my objections to 110899 seriously and vote no.

Sincerely,

--

Leah Cameron
(707)410-8706



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Item 110899 creating ordinance 93 is flawed, Vote No.

From: Eric <ericzandona@gmail.com>
To: Scott.Wiener@sfgov.org
Cc: Board.of.Supervisors@sfgov.org
Date: 10/18/2011 04:06 PM
Subject: Re: Item 110899 creating ordinance 93 is flawed, Vote No.
Sent by: mrzandona@gmail.com

Dear Supervisor Wiener,

I attended the the Board of Supervisor's meeting today and I am writing to say that I am very disappointed in your "yes" vote for Ordinance 93.

Based on your statement against making MUNI fast passes free to youth I know that you are well aware of the City's shortage of funds. It surprises me that you are willing to throw away the limited resources of the City and County of San Francisco on an ordinance that has no offenders in San Francisco, has been thrown out in other States as unconstitutional and you know will require a lengthy legal process to resolve. And for what? What women in this city have been injured? The answer is none, and the facts are that there already exist laws that govern false advertising. Ordinance 93 is a waste of the tax payers money and helps no one.

Sincerely,
Eric Zandona.

On Sat, Oct 15, 2011 at 7:40 AM, <Scott.Wiener@sfgov.org> wrote:
Thanks for the feedback.

On Oct 15, 2011, at 1:15 AM, "Eric" <ericzandona@gmail.com> wrote:

Dear Supervisor Wiener,

I am a voter in your district and I am writing to state my reasons for why you should vote NO on 110899 Administrative Code - False Advertising by Limited Services Pregnancy Centers.

The primary reason I am encouraging you to vote no on the addition of ordinance 93 to the San Francisco Administrative Code is the extreme vagueness of Section 93.4(a). This section is *nine line run on sentence* that is unclear on what activities would be considered misleading. Also the idea that that a so called "limited services pregnancy" could be fined for they omit is equally vague. Nowhere does the proposed ordnance say what should not be omitted and or when such information should be given to a perspective client. Section 93.4(b) is equally vague in that it offers no standard by which information given or omitted is understood to constitute a "part of a plan or scheme." Both parts of 93.4 are vague because it introduces the term "pregnancy-related services" that has no definition in Section 93.3. These sections doom the proposed ordinance to be declared unconstitutionally vague under the lightest scrutiny.

You should vote no on the proposed ordinance because it would create an unfair government sponsored bias among groups and organizations that offer information about planed and unplanned pregnancies. By the definitions created in

section 93.3 the only thing that would distinguish a "limited service pregnancy center" from a "pregnancy services center" is they do not provide or provide referrals for: abortions or emergency contraception. However section 93.3(g) which creates the definition for a "pregnancy services center" does not require it to offer either of these services. Therefore it would be possible for an organization to meet all the standards of definition (g) yet by not offering abortions or emergency contraceptives be saddled with the diminutive title of "limited." This would create a clear government sponsored bias in favor of groups or organizations that offer abortions and emergency contraceptives.

You should vote no on the proposed ordinance because it offers a specific remedy for non-specific violations that are unequally applied. Section 93.5(b)(2) would require a so called "limited services pregnancy center" to post signs stating the presence of licensed medical staff and the availability of abortions or emergency contraceptives a remedy for violating section 93.4. Yet Section 93.4 does not include the absence of these signs as a violation of the ordinance. How then can posting these signs remedy some unknown violation of section 93.4. Section 93.5(b)(2) is unequal in its application because nowhere does it require "pregnancy services centers" to post similar signs. This is a clear violation of the equal protection clause of the 14th Amendment to the United States Constitution.

You should vote no on the proposed ordinance because it would violate the First Amendment rights of so called "limited services pregnancy centers." Section 93.5(b)(1) would force publicly shame organizations by forcing them to re-advertise their services according to the vague standard set by 93.4. I know of no state or federal law that requires companies or organizations that are found guilty of violating existing false advertising laws to do anything other than requiring the removal of the false claim or ad and or a fine. However 93.5(b)(1) goes even further. It would require the group or organization to re-advertise saying that they had made a false claim. One cannot help but read this as anything but a City and County sponsored act of public shaming a la Hester Prynne's scarlet "A". This punishment would effectually limit the types of public speech an organization could engage in which would violate their first amendment protection to freedom of speech.

You should vote no on the proposed ordinance because the City and County of San Francisco should not waist its limited resources on passing and defending constitutionally suspect ordinances. Similar laws have already been struck down in New York, and Maryland and is under litigation in Texas. It is certain that if this ordinance passes, its constitutionality will be litigated and tried in the courts, and at what expense to the city? Have you and the other supervisors taken into consideration what it will cost the City and County of San Francisco to defend such a suspect ordinance. I would much rather the City Attorney spending his time curbing gang violence in the city or going after illegal brothels that front themselves as "massage parlors" or "day spas."

Please take my objections to 110899 seriously and vote no.

Sincerely,
Eric Zandona.



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Hiring former felons

File 111102

From: Allen Jones <jones-allen@att.net>
To: Board.of.Supervisors@sfgov.org
Date: 10/19/2011 12:13 PM
Subject: Hiring former felons

To All Members of the SF Board of Supervisors

I am opposed to offering tax breaks to businesses that hire former prisoners. This is 20th century politics.

A 21st century solution to this problem would be to have the county employ these offenders to clean up after some real slobs, "Law-abiding" citizens. Yes, greatly expand what many low-level offenders are already doing under SWAP.

Most law-abiding citizens cry fowl at the very thought of helping convicted felons but I have yet to hear one bad thing about criminals doing street clean up.

Many of the 650 or so inmates being transferred as October 1, 2011 to San Francisco County would qualify for this new crew. Offer them the opportunity to clean up the city at a minimum of \$12.00 an hour and watch what happens to recidivism.

The math for this works: 650 individuals working four hours a day for the next year at a rate of \$12.00 an hour comes to \$8,112,000 and much cleaner streets. Under Governor Brown's AB109, 650 coming back to SF County will also be attached to a little more than \$5.5 million from the state and according to the mayor's budget; it allocated an additional \$5 million for this .Realignment..

There are administrative costs but there is also the fact that county officials have expressed in an earlier public safety meeting chaired by Supervisor R. Mirkarimi that the money from the state is not nearly enough to handle the task of county jail, mental health, rehabilitation, probation and GPS monitoring.

Having ex-cons get paid to clean up after law-abiding citizens who will not clean up after themselves is not perfect but is a better plan.

Understanding the constraints of a law like AB109 will mean we need another law but we can still have our cake and eat it too.

Sincerely,

Allen Jones
(415) 756-7733
<http://casegame.squarespace.com>
jones-allen@att.net



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Please Support Humane Pet Acquisition Proposal

From: Darleen Rusnak <dnr2@aol.com>
To: board.of.supervisors@sfgov.org
Date: 10/17/2011 02:54 PM
Subject: Please Support Humane Pet Acquisition Proposal
Sent by: In Defense of Animals <takeaction@idausa.org>

Oct 17, 2011

San Francisco Board of Supervisors

Dear Supervisors,

As a San Francisco voter and supporter of In Defense of Animals (IDA), I strongly encourage you to support San Francisco Animal Control and Welfare's Humane Pet Acquisition Proposal.

There is an oversupply of adoptable pets in the city, requiring ACC to unnecessarily euthanize many adoptable animals at taxpayers' expense. Meanwhile, "new" pets are bred in often horrible conditions and then sold in this city at pet stores and from small breeders, all for profit. This is grossly inconsistent with how the city of St. Francis of Assisi feels towards animals, yet most San Franciscans aren't aware of this when they decide to purchase a pet.

San Francisco Animal Control and Welfare's proposal focuses on having San Franciscans adopt our pets rather than purchasing them. This will result in:

- More adoptions and less euthanasia
- A decrease in cost for Animal Control and Welfare
- Pet stores as partners in reducing euthanasia
- Healthier pets with fewer behavioral problems

Sec. 48 of the San Francisco Health Code already prohibits the sale of rabbits and certain birds as pets. Other cities like Albuquerque, Austin, Los Angeles, and South Lake Tahoe have already prohibited the sale of dogs and cats. So San Francisco has several precedents that support strong and decisive action for all species.

Please support the San Francisco Humane Pet Acquisition Proposal and make San Francisco a leader in animal welfare.

Sincerely,

Mrs. Darleen Rusnak
3921 Briar Ridge Rd
0
Lagrange, KY 40031-9635

BOS-11; C-Page



Date: 2011-10-18 10:46:29

Service Request Number: 985928

Request for City Services

CUSTOMER CONTACT INFORMATION:

Name: Hedda Thieme
Phone:
Address:
Email:

DEPARTMENTS:

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

PROPERTY ADDRESS:

Point of Interest:
Street Number:
Street Name:
Street Name 2:
City:
Zip Code:
X coordinate:
Y coordinate:
CNN:
Unverified Address: [checkbox]

ADDITIONAL LOCATION INFORMATION:

Location Description:
(e.g. 600-block of Market St. or in front of Main Library entrance)

REQUEST DETAILS:

Nature of Request: * Complaint

ADDITIONAL REQUEST DETAILS:

Customer states "The board of supervisors need to know that the clipper does not work. The clipper card does not show a running total of the money that was deducted for travel. This

Additional Request
Details: *

is not acceptable. Customer states that the bart tickets would display the deductions and the clipper window display is difficult to read." Customer was directed to Clipper Customer Svc

SubmitCancel

Central Subway Charts

Cautn1

to:

Malia.Cohen, john.avalos, sean.elsbernd, Ross.Mirkarimi, Jane.Kim, Board.of.Supervisors, david.campos, carmen.chu, Mark.Farrell, Eric.L.Mar, Scott.Wiener, David.Chiu

10/23/2011 07:43 AM

Cc:

wongaia

Show Details

Dear Supervisors:

Please take a moment to look through the attached charts <http://tinyurl.com/CS-Charts>

The financial and ridership comparisons were developed from the MTA's own New Starts reports to the Federal Transit Administration. They reveal how exaggerated and misleading the local claims about the project have been.

The trip time charts were developed because no where in the EIR or public presentations has the MTA acknowledged or even talked about the substantial extra walking, waiting and transfer times associated with Central Subway travel.

Gerald Cauthen,
for SaveMuni.com

Charts of SAN FRANCISCO CENTRAL SUBWAY PROJECT

August 29, 2011

Financial Charts prepared for SaveMuni.com by
Tom Rubin , CPA

Trip Time charts prepared for SaveMuni.com by Howard Strassner

Guide to Central Subway Charts

The attached financial charts and ridership projections were prepared by SaveMuni.com using data developed by the Federal Transportation Administration (FTA) and by the San Francisco MTA. Please take a minute to review them. There are 13 in all and they are mostly self-explanatory. They tell a shocking story. As you look through the charts, please keep the following in mind:

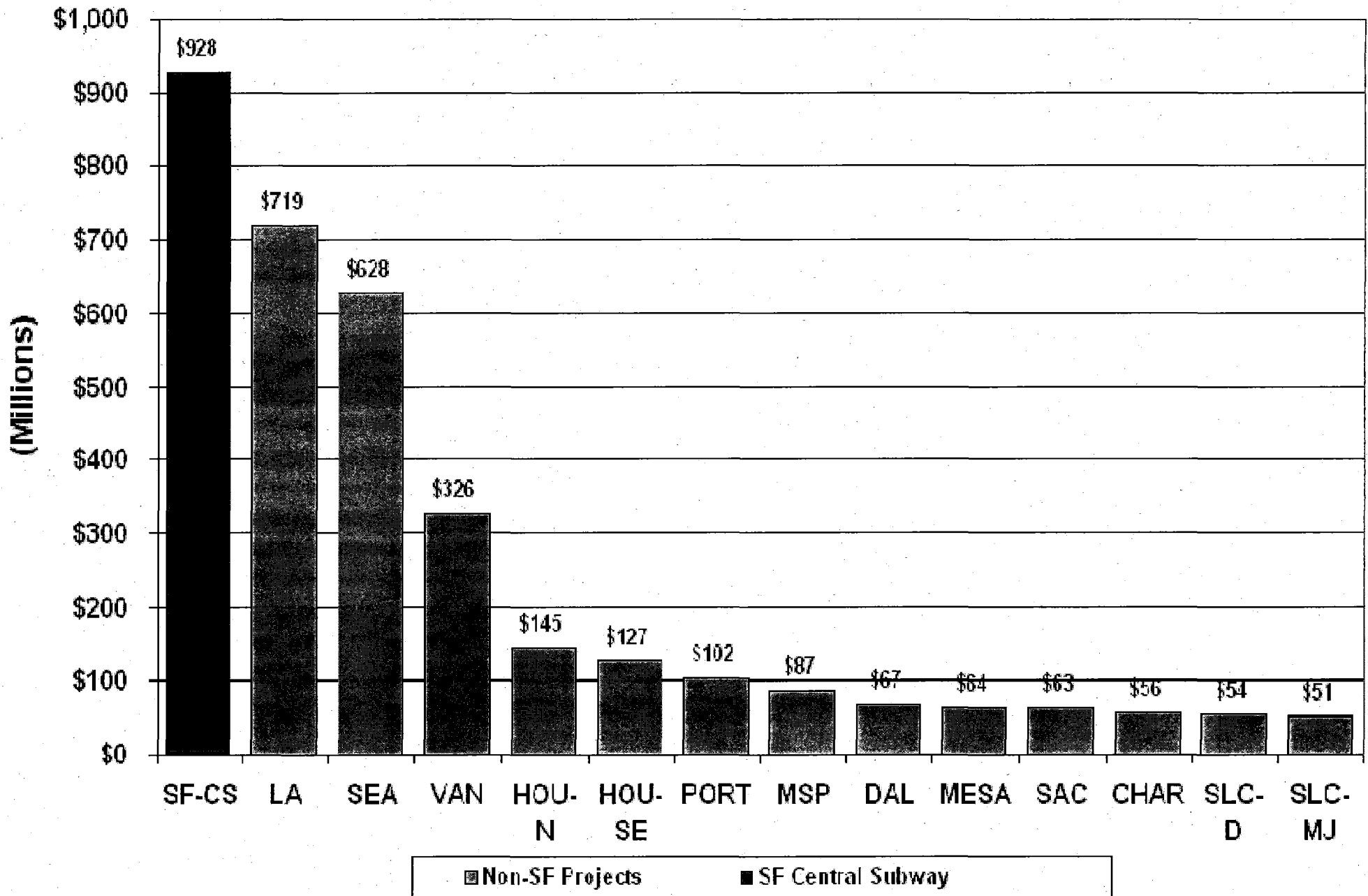
- Capital Cost and Ridership Comparisons*: The first three charts compare the Central Subway project to other light rail projects. The data used in these charts came from the FTA website.
- 2030 Capital Cost Projections*: The figures came from the San Francisco Proposition K Voters Handbook and from MTA's annual New Starts reports to the FTA.
- 2030 Operating Cost Projections*: The future Muni operating costs came from the EIR/EIS and from the MTA's annual New Starts reports to the FTA. Note the difference between what the MTA told the FTA and what it told San Francisco's elected officials and public.
- 2030 Ridership Projections sent to Washington*: These figures also came from MTA's annual New Starts reports. According to EIR/EIS Table 3-9, by 2030 only 8,000 riders a day are projected to use Chinatown's Washington & Stockton Street station. Yet according to MTA Planning, today's Stockton Street bus lines carry over 76,000 riders a day. Note also that the MTA's 2012 New Starts report projects that only 5,000 new Muni riders a day would be attracted by the subway.
- 2030 Ridership Claims made Locally: Note the difference between what the MTA told the FTA and what it told San Francisco's elected officials and public.
- Trip Time Comparisons: It was necessary to compare bus trip times with subway trip times because the MTA habitually wrote about and talked about only on-board subway travel times. The never-mentioned extra walking, waiting and transfer times associated with Central Subway travel account for the subway's dimly low projected ridership.
- Cumulative Operating Losses*: The chart showing Muni's cumulative losses without the Central Subway was developed from MTA Financial Director Sonali Bose's February 15, 2011 letter to her Board. The chart showing the additional Muni losses caused by the Central Subway was developed from the MTA's New Starts reports.
- Funding Recapture Chart*: Note that the savings depicted in this chart are in addition to the some \$900,000,000 in federal dollars that would also be saved.

* The financial and ridership charts were developed for SaveMuni.com by Tom Rubin, CPA. Mr. Rubin was formerly the Controller-Treasurer of the Southern California Rapid Transit District. More information about the Central Subway and SaveMuni.com go to: www.savemuni.com.

COMPARISON CHARTS

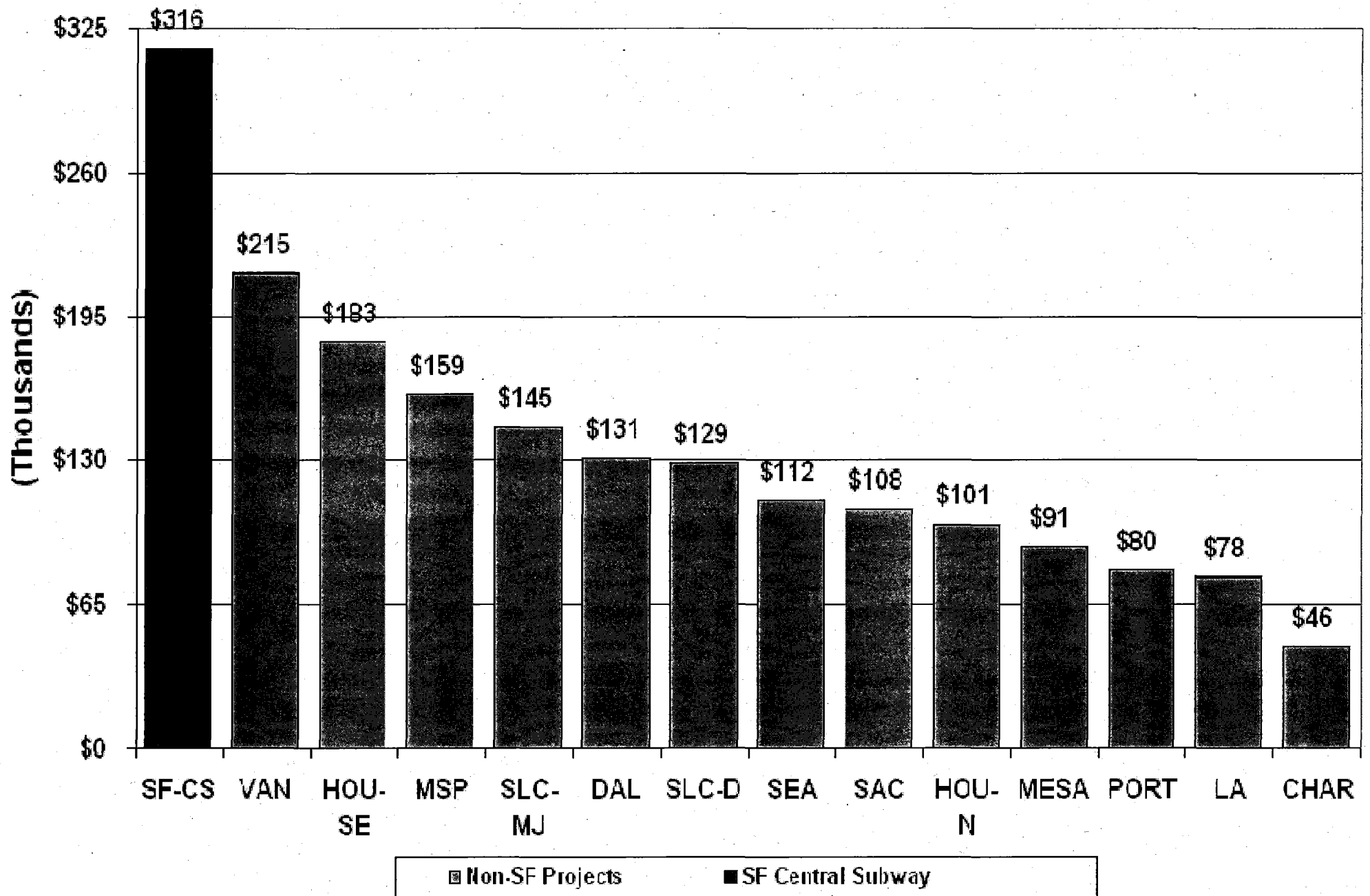
2012 FTA ANNUAL REPORT TO CONGRESS

Light Rail Projects - Capital Cost/Mile



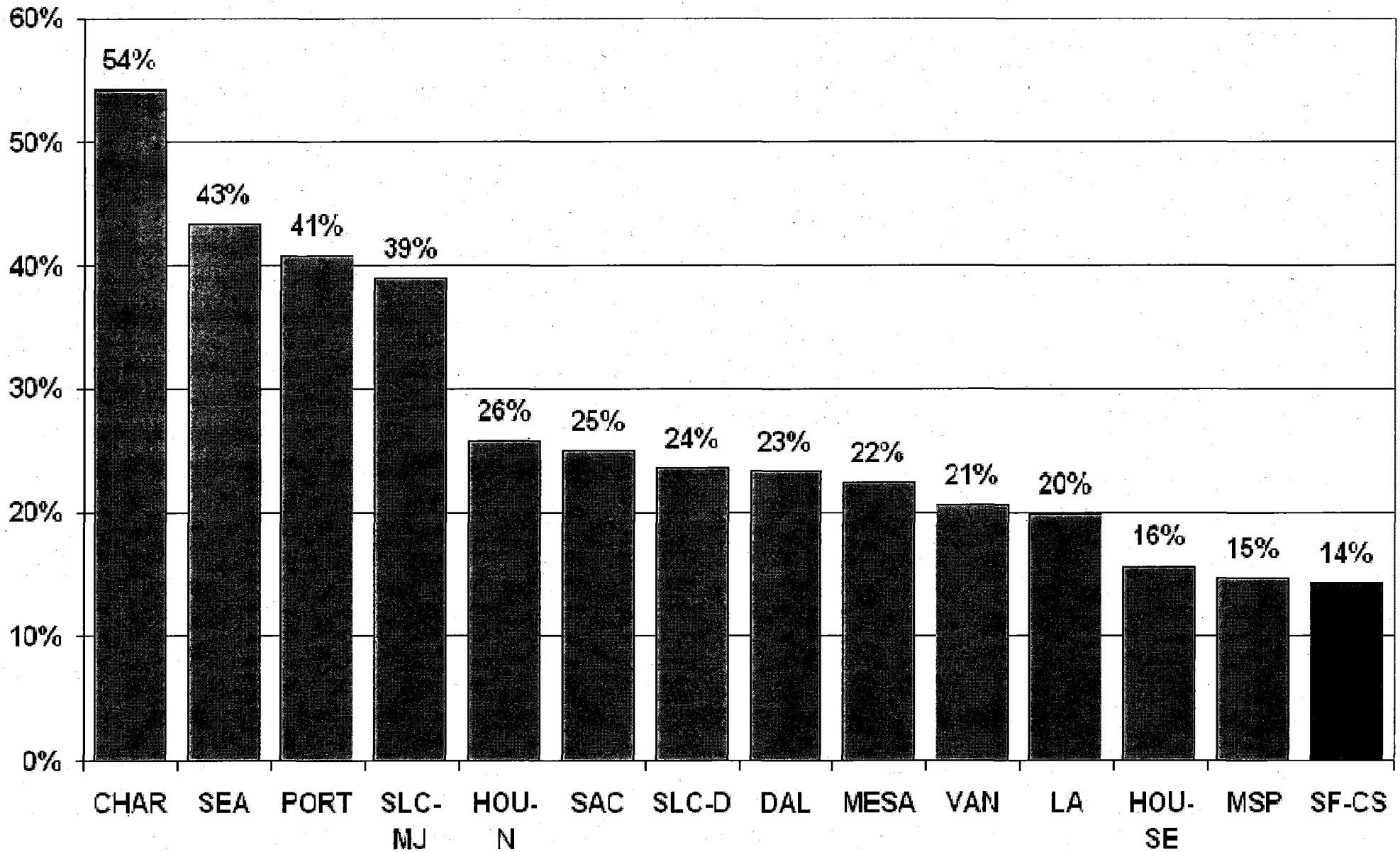
2012 FTA ANNUAL REPORT TO CONGRESS

Light Rail Projects - Capital Costs/New Rider



2012 FTA ANNUAL REPORT TO CONGRESS

New Riders as Percentage of Total Riders



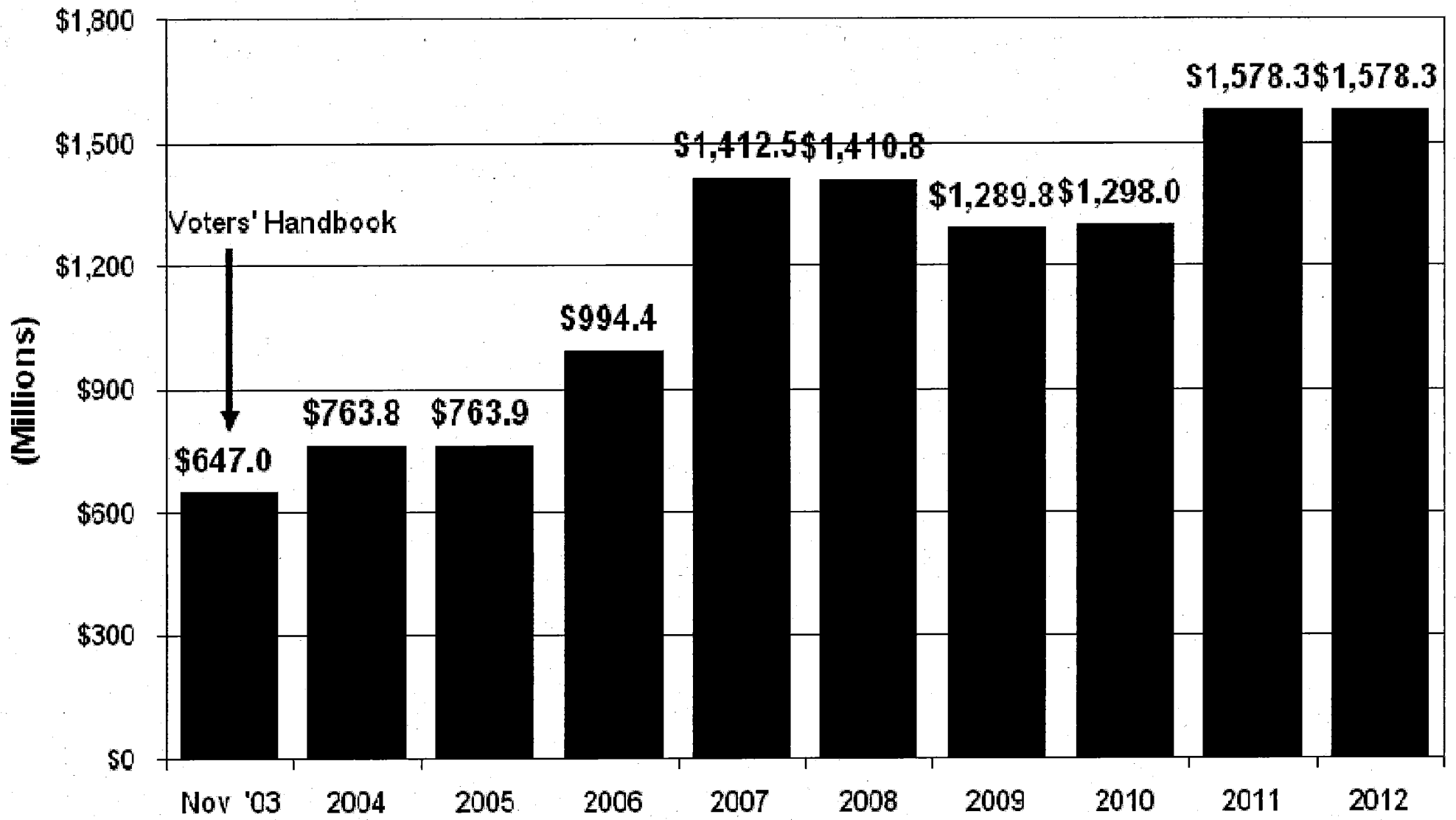
Non-SF Projects
 SF Central Subway
 Simple Average of Projects
 Weighted Average of Projects

List of Light Rail Projects

- CHAR Charlotte LNYX Blue Line Extension – NE Corridor
- DAL NW/SE Minimum Operating Segment
- HOU-N Houston North Corridor
- HOU-SE Houston Southeast Corridor
- LA Los Angeles Downtown Regional Connector
- MESA Central Mesa (AZ) Extension
- MSP Minneapolis-Saint Paul Central Corridor
- PORT Portland-Milwaukie
- SAC South Sacramento Corridor Phase 2
- SEA Seattle University Link Extension
- **SF-CS** ***San Francisco Central Subway***
- SLC-D Salt Lake City Draper Corridor
- SLC-MJ Salt Lake City Mid-Jordon
- VAN Vancouver-Portland Columbia River Crossing

CENTRAL SUBWAY RIDERSHIP AND COST PROJECTIONS

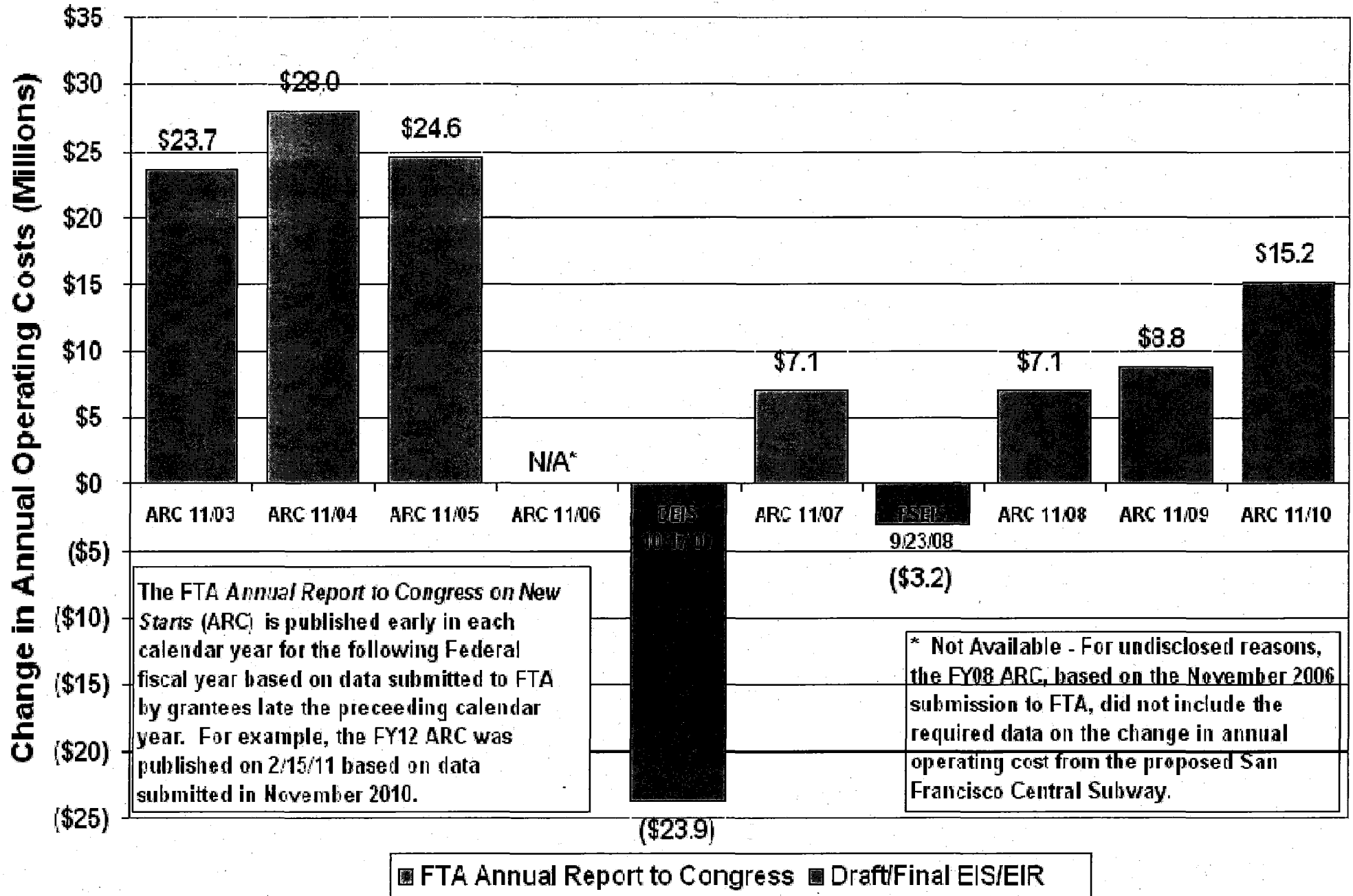
SAN FRANCISCO CENTRAL SUBWAY Capital Cost Projections Sent to Washington



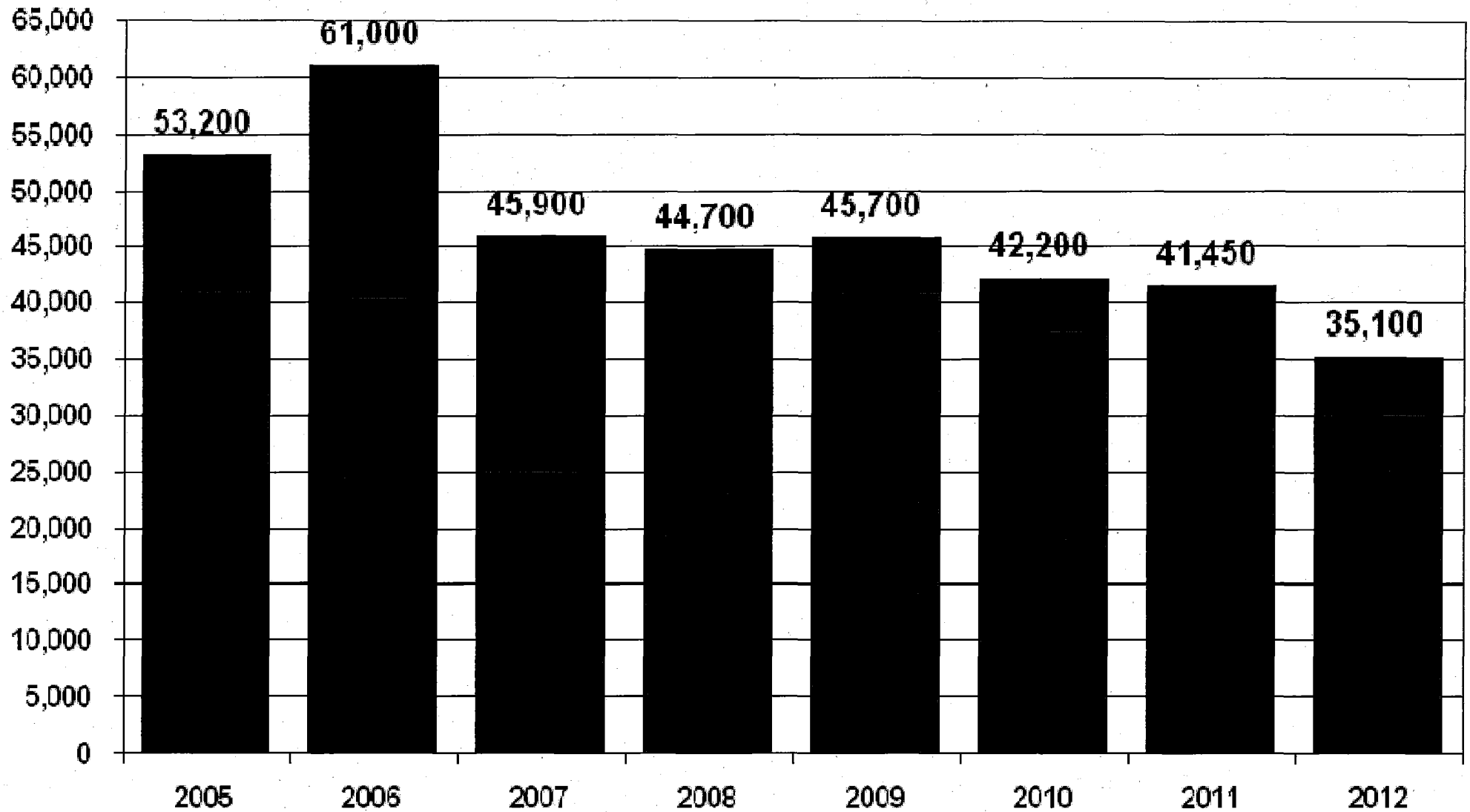
FTA Annual Report on Funding Recommendations Fiscal Year

SAN FRANCISCO CENTRAL SUBWAY

Annual Operating Cost Effect on Muni



SAN FRANCISCO CENTRAL SUBWAY Ridership Projections Sent to Washington

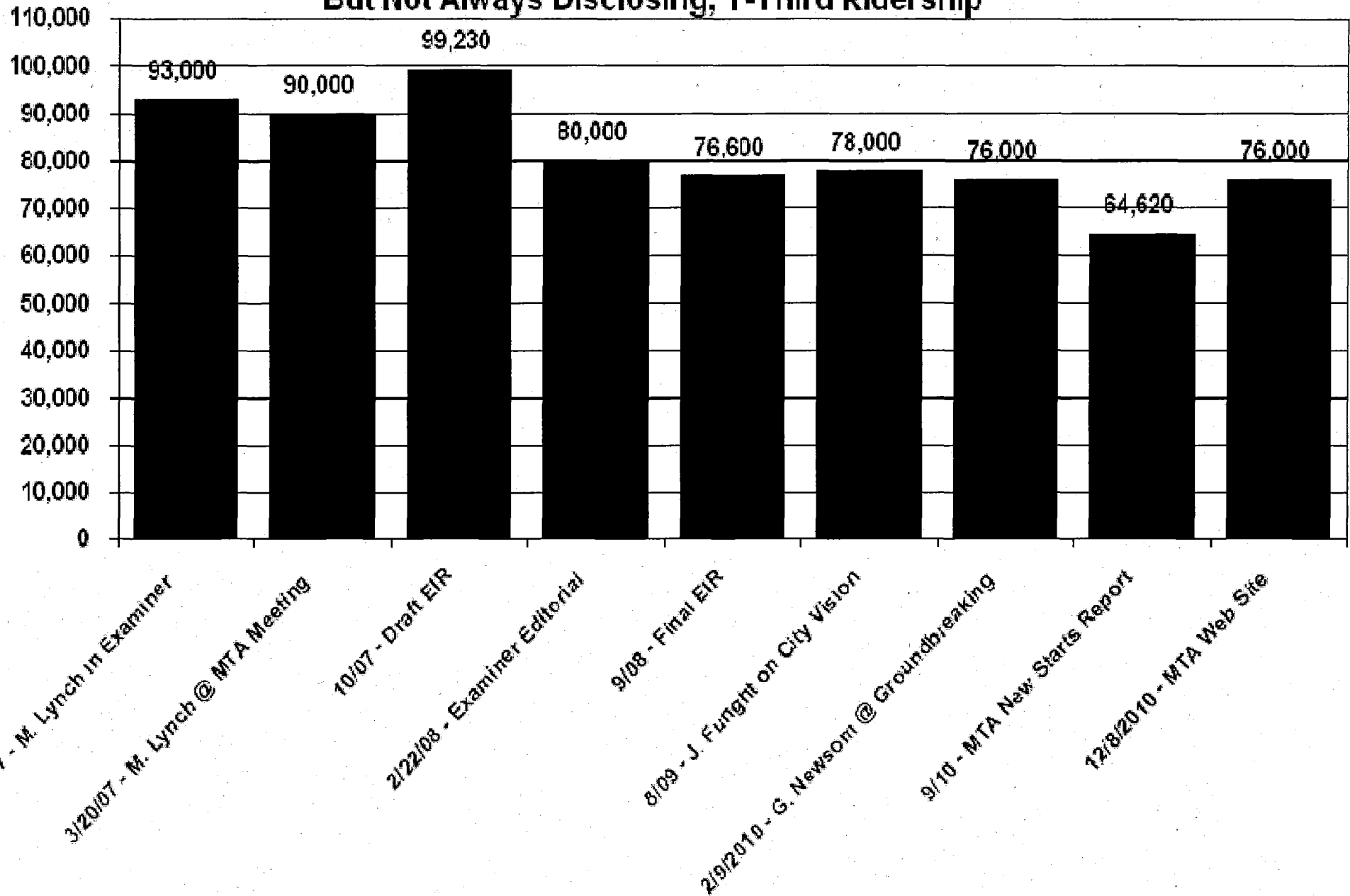


FTA Annual Report on Funding Recommendation Year

■ Pre-Existing Transit Riders ■ New Transit Riders

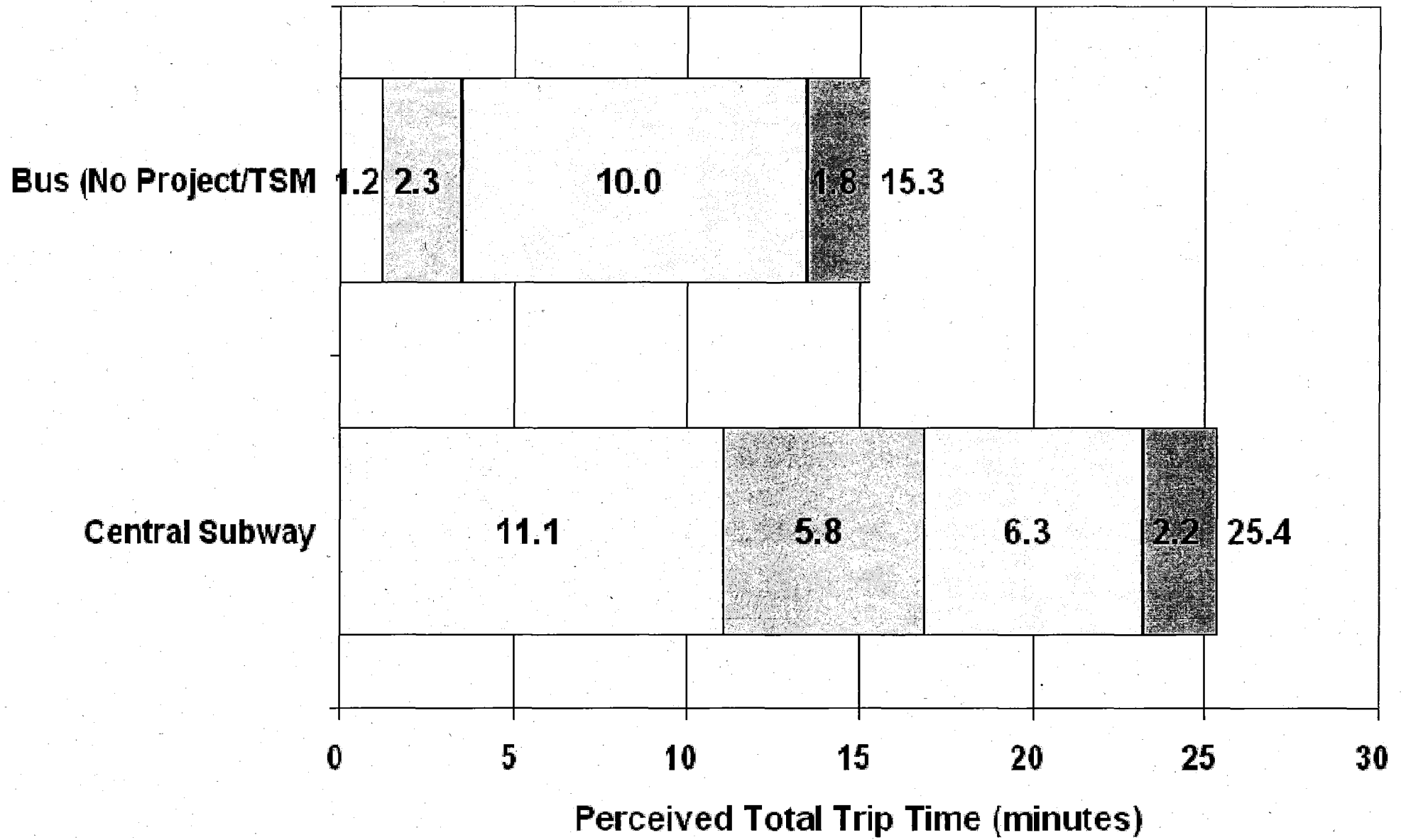
SAN FRANCISCO CENTRAL SUBWAY

Ridership Projections Made in San Francisco, Including, But Not Always Disclosing, T-Third Ridership



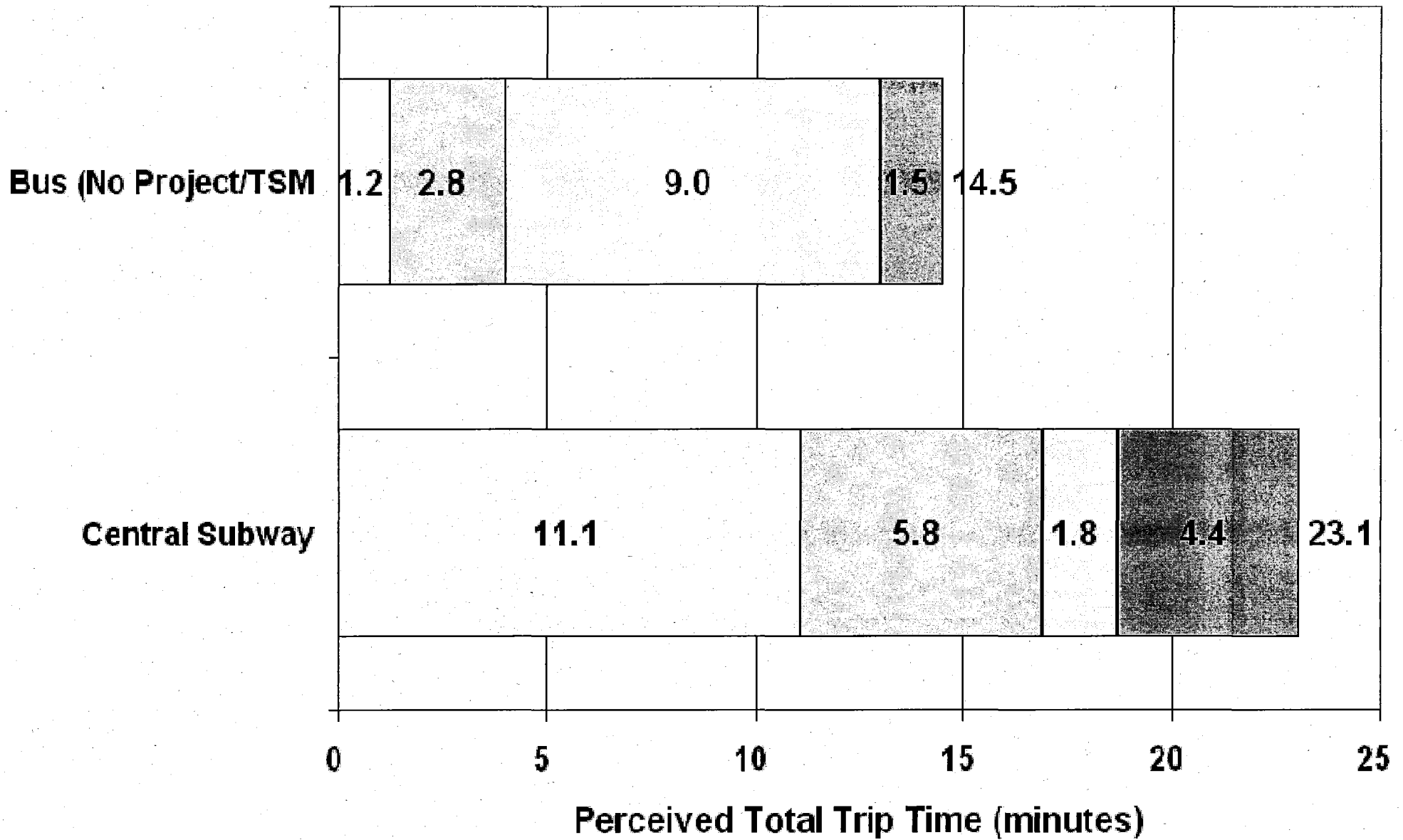
BUS VERSUS CENTRAL SUBWAY TRIP TIMES

From Pacific and Stockton to CalTrain



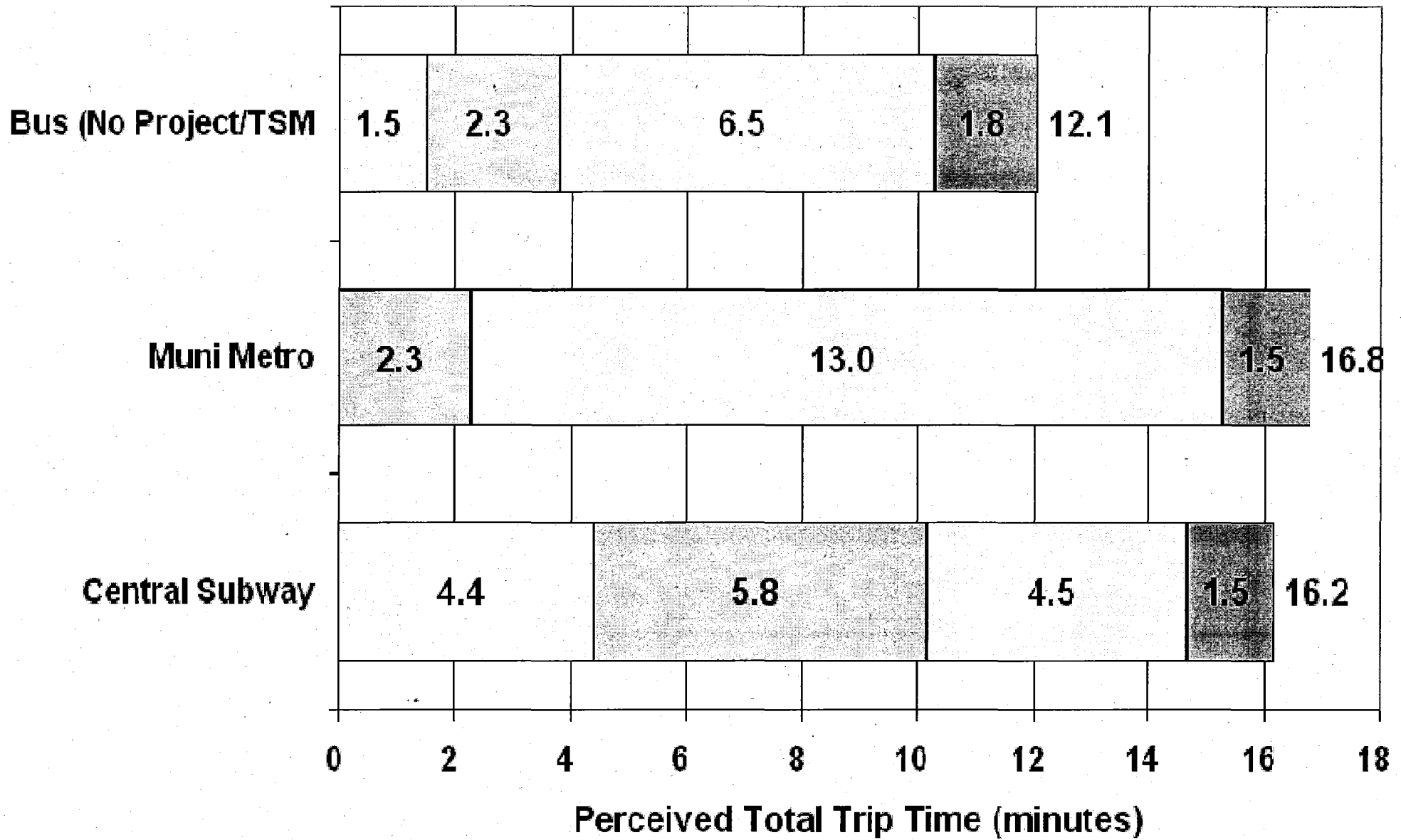
□ Walk to Transit □ Wait for Transit □ Riding Time □ Walk From Transit

From Pacific and Stockton to Muni Metro



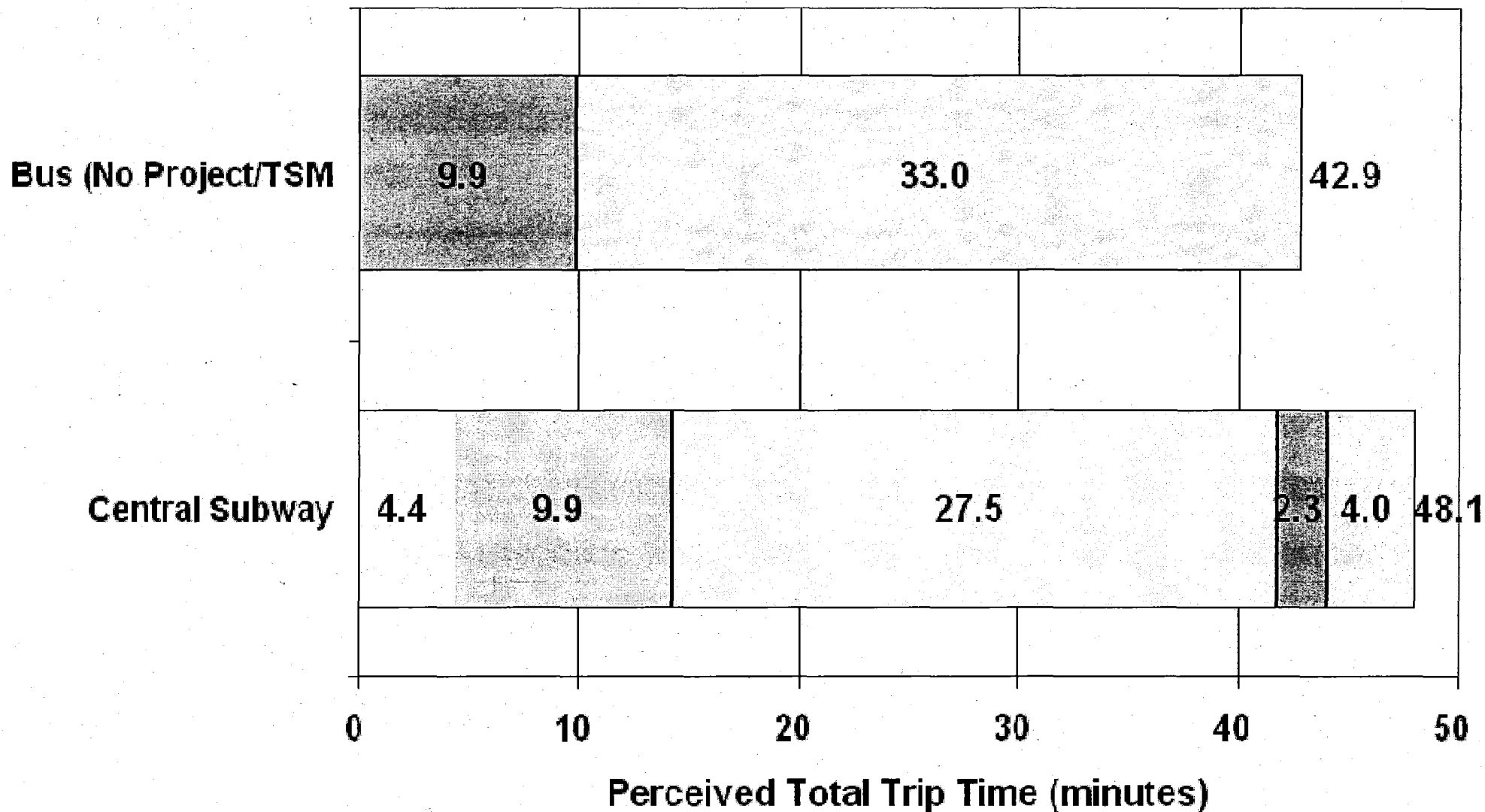
□ Walk to Transit □ Wait for Transit □ Riding Time ■ Walk From Transit

From Powell Street Station to CalTrain



Walk to Transit
 Wait for Transit
 Riding Time
 Walk From Transit

From Third and Carroll to Embarcadero Station



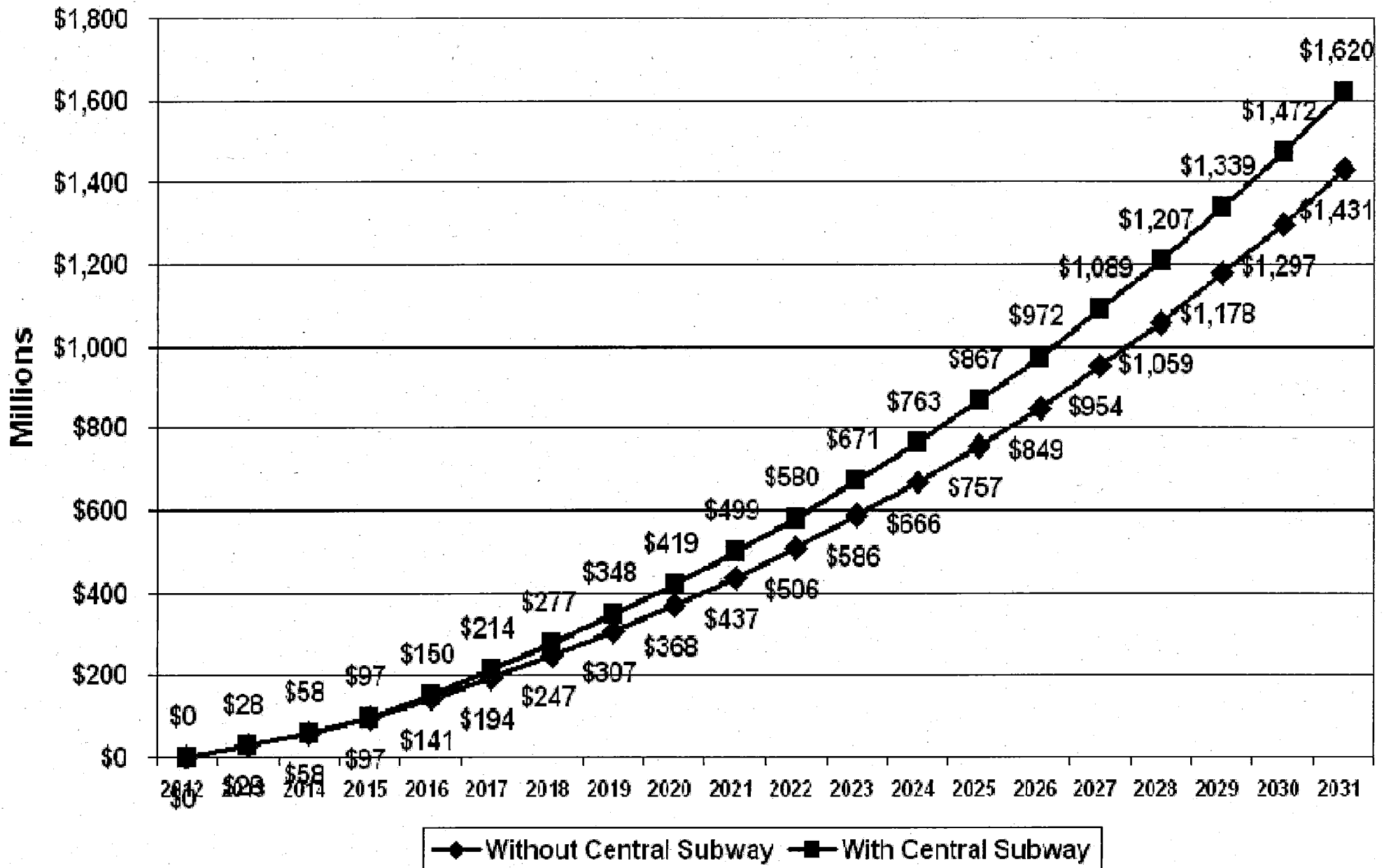
Walk to Subway
 Wait for Subway
 Subway Ride Time
 Wait for T-Line
 T-Line Ride Time

Travel Time Assumptions:

1. Average walking speed: 3.25 feet/second.
2. As travelers regard walking/waiting time as more onerous than time in motion, according to FTA, a “penalty” of 2.0 to 2.5 times is normally applied; a 2.3 factor was used: 1.0 minute actual = 2.3 minutes perceived.
3. Per Muni schedules, average time between buses on Stockton is 2.2 minutes. Average is 1.1 minutes, with penalty, 2.5 minutes.
4. Planned time between trains on Central Subway is 5.0 minutes, average is 2.5 minutes, with penalty, 5.8 minutes.
5. Bus travel times reduced by 1.0-1.5 minutes to reflect Muni and TEP bus operational improvements such as low-floor buses now in planning.

SAN FRANCISCO METROPOLITAN TRANSPORTATION AUTHORITY

Cumulative Operating Loss, With and Without Central Subway 2012-2031



POTENTIAL FUNDING RECAPTURE IF CENTRAL SUBWAY CANCELLED:

- Original Capital Funding: \$475-595 million
- Operating Subsidies: 189 million
- Capital Renewal/Replacement: 190 million

Total \$854-974 million



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Please Support Humane Pet Acquisition Proposal - 3 emails

From: Mary Dinino <skysage88@gmail.com>
To: board.of.supervisors@sfgov.org
Date: 10/20/2011 09:58 PM
Subject: Please Support Humane Pet Acquisition Proposal
Sent by: In Defense of Animals <takeaction@idausa.org>

Oct 20, 2011

San Francisco Board of Supervisors

Dear Supervisors,

As a San Francisco voter and supporter of In Defense of Animals (IDA), I strongly encourage you to support San Francisco Animal Control and Welfare's Humane Pet Acquisition Proposal.

There is an oversupply of adoptable pets in the city, requiring ACC to unnecessarily euthanize many adoptable animals at taxpayers' expense. Meanwhile, "new" pets are bred in often horrible conditions and then sold in this city at pet stores and from small breeders, all for profit. This is grossly inconsistent with how the city of St. Francis of Assisi feels towards animals, yet most San Franciscans aren't aware of this when they decide to purchase a pet.

San Francisco Animal Control and Welfare's proposal focuses on having San Franciscans adopt our pets rather than purchasing them. This will result in:

- More adoptions and less euthanasia
- A decrease in cost for Animal Control and Welfare
- Pet stores as partners in reducing euthanasia
- Healthier pets with fewer behavioral problems

Sec. 48 of the San Francisco Health Code already prohibits the sale of rabbits and certain birds as pets. Other cities like Albuquerque, Austin, Los Angeles, and South Lake Tahoe have already prohibited the sale of dogs and cats. So San Francisco has several precedents that support strong and decisive action for all species.

Please support the San Francisco Humane Pet Acquisition Proposal and make San Francisco a leader in animal welfare.

Sincerely,

Ms. Mary Dinino
3521 W Hillsboro Blvd Apt J104
Coconut Creek, FL 33073-3244

From: Susan Mazza <suzzen623@hotmail.com>
To: board.of.supervisors@sfgov.org
Date: 10/21/2011 02:28 AM
Subject: Please Support Humane Pet Acquisition Proposal
Sent by: In Defense of Animals <takeaction@idausa.org>

Oct 21, 2011

San Francisco Board of Supervisors

Dear Supervisors,

As a San Francisco voter and supporter of In Defense of Animals (IDA), I strongly encourage you to support San Francisco Animal Control and Welfare's Humane Pet Acquisition Proposal.

There is an oversupply of adoptable pets in the city, requiring ACC to unnecessarily euthanize many adoptable animals at taxpayers' expense. Meanwhile, "new" pets are bred in often horrible conditions and then sold in this city at pet stores and from small breeders, all for profit. This is grossly inconsistent with how the city of St. Francis of Assisi feels towards animals, yet most San Franciscans aren't aware of this when they decide to purchase a pet.

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Please support the San Francisco Humane Pet Acquisition Proposal and make San Francisco a leader in animal welfare.

Sincerely,

Miss Susan Mazza
3790 70th Ave N
Pinellas Park, FL 33781-4605

From: "Alison N." <therealbadtzmaru@web.de>
To: board.of.supervisors@sfgov.org
Date: 10/21/2011 01:59 PM
Subject: Please Support Humane Pet Acquisition Proposal
Sent by: In Defense of Animals <takeaction@idausa.org>

Oct 21, 2011

San Francisco Board of Supervisors

Dear Supervisors,

As a San Francisco voter and supporter of In Defense of Animals (IDA), I strongly encourage you to support San Francisco Animal Control and Welfare's Humane Pet Acquisition Proposal.

There is an oversupply of adoptable pets in the city, requiring ACC to unnecessarily euthanize many adoptable animals at taxpayers' expense. Meanwhile, "new" pets are bred in often horrible conditions and then sold in this city at pet stores and from small breeders, all for profit. This is grossly inconsistent with how the city of St. Francis of Assisi feels towards animals, yet most San Franciscans aren't aware of this when they decide to purchase a pet.

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Please support the San Francisco Humane Pet Acquisition Proposal and make San Francisco a leader in animal welfare.

Sincerely,

Miss Alison N.
Jakob--Blenk-Str.
Kaiserslautern, None 67659

JACKIE SPEIER
12TH DISTRICT, CALIFORNIA

211 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0512
(202) 225-3531
FAX: (202) 226-4183

400 S. EL CAMINO REAL, SUITE 410
SAN MATEO, CA 94402
(650) 342-0300
FAX: (650) 375-8270

WWW.SPEIER.HOUSE.GOV

Congress of the United States
House of Representatives
Washington, DC 20515-0512

File 110966 305-11
COMMITTEE ON HOMELAND SECURITY
Cpage SUBCOMMITTEES: B+E
RANKING MEMBER OF COUNTERTERRORISM, AND INTELLIGENCE cluk
TRANSPORTATION SECURITY

COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM
SUBCOMMITTEES:
REGULATORY AFFAIRS, STIMULUS OVERSIGHT AND
GOVERNMENT SPENDING
TARP, FINANCIAL SERVICES AND
BAILOUTS OF PUBLIC AND PRIVATE PROGRAMS
TECHNOLOGY, INFORMATION POLICY, AND
PROCUREMENT REFORM

October 7, 2011

The Honorable Ed Lee
Mayor
City of San Francisco
City Hall, Room 200
1 Dr. Carlton Goodlett Place
San Francisco, CA 94102

Dear Mayor Lee:

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 OCT 20 PM 3:02
AZ

I am writing regarding recently-proposed legislation that would instruct the city to negotiate with the Golden Gate National Recreation Area (GGNRA) to transfer Sharp Park to the GGNRA. I want to inform the city that, at this time, I will oppose the use of federal funds for purposes of managing Sharp Park as proposed in the legislation. There are several reasons.

First, pending federal budget cuts will likely be felt by nearly every household in my district. On top of this, 14 million Americans remain unemployed. In the best of all worlds, there would be ample money to fund all priorities, including habitat conservation and jobs programs aimed at putting many of the 14 million distressed Americans back to work.

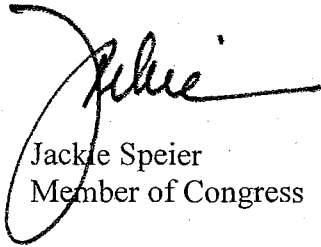
However, the current majority in the House of Representatives insists upon making substantial cuts to human services programs, privatizing Medicare, and it opposes any meaningful jobs programs. Under these circumstances I must oppose the use of federal funds that would lead to an increase in long-term discretionary spending by the National Parks Service when such an increase does not have to occur and other far more urgent federal priorities are being savaged.

Second, the City of San Francisco and San Mateo County have entered into negotiations over the management of Sharp Park Golf Course, negotiations that may result in golf course revenues and philanthropic contributions being able to restore the habitat of the threatened frog and endangered snake. Sharp Park offers an affordable recreational option for thousands of persons each year. Under the current circumstances, and barring other developments, it would seem irresponsible for the National Parks Service to assume new long-term obligations when the city and private interests can likely fund needed projects and, more importantly, ongoing costs of operation.

I realize that many argue that golf and restoration work are incompatible. In fact, I am informed that many golf courses throughout the country operate with habitat conservation programs, including Crystal Springs golf course located a few miles from Sharp Park.

Thank you for your consideration of this letter. I think that everyone involved in this discussion is sincerely committed to having great city parks. Sometimes, however, the most viable path is the one less travelled- in this case a cooperative agreement with a sister agency. Circumstances may well change at some point or the negotiations themselves may fail. But until either occurs, I must respectfully oppose the use of federal funds for operating activities at Sharp Park, and I urge you and the Board of Supervisors to work closely with all parties to identify non-federal resources that can be relied upon over the long-run to save the threatened and endangered species as well as a valuable recreation resource.

All the best,

A handwritten signature in black ink, appearing to read "Jackie Speier", with a large, stylized flourish on the left side.

Jackie Speier
Member of Congress

cc: Clerk of the Board of Supervisors

KJS/bp

SUPPORT FOR THE RE-APPOINTMENT OF DR. TOYE MOSES
COHEN2222

to:

Jane.Kim, Sean.Elsbernd, Mark.Farrell
10/20/2011 11:22 AM

Cc:

malia.cohen, alisa.miller, Board.of.Supervisors
Show Details

OCTOBER 20, 2011

TO THE MEMBERS OF THE RULES COMMITTEE OF THE BOARD OF SUPERVISORS.

I, BARBARA L. COHEN, A RESIDENT OF SAN FRANCISCO, CALIFORNIA, DO HEREBY ENTHUSIASTICALLY SUPPORT THE REAPPOINTMENT OF DR. TOYE MOSES TO THE IMMIGRANT RIGHTS COMMISSION.

DR. MOSES EPITOMIZES THE QUALITIES REQUIRED OF AN IMMIGRANT RIGHTS COMMISSIONER. HE HAS DEMONSTRATED KNOWLEDGE OF AND INTEREST IN THE HEALTH, HUMAN SERVICES, EDUCATIONAL AND EMPLOYMENT ISSUES THAT AFFECT IMMIGRANTS RESIDING IN SAN FRANCISCO.

HE SERVED AS AN EMPLOYER, EMPLOYEE, COMMITTEE MEMBER, AND/OR DIRECTOR OF NUMEROUS ORGANIZATIONS, AGENCIES, TASK FORCES AND COMMITTEES. WORKING AND SERVING IN THESE POSITIONS HAS GIVEN HIM PERSONAL EXPERIENCE IN HEALTH, HUMAN SERVICES, EDUCATION AND EMPLOYMENT. THESE EXPERIENCES HAVE GIVEN HIM FIRSTHAND KNOWLEDGE OF THE EXPERIENCES OF IMMIGRANTS AND THEREFORE HE IS BEST ABLE TO ADDRESS AND ADVISE ON THE ISSUES.

DR. MOSES IS A VERY ACTIVE LEADER IN THE AFRICAN AMERICAN AND AFRICAN COMMUNITIES OF SAN FRANCISCO AND THE BAY AREA.

HE IS A NATIVE OF NIGERIA AND NOW A RESIDENT OF SF SINCE 1974.

MOST SIGNIFICANT IS DR. MOSES WOULD BE A CONTINUING MEMBER OF THE COMMISSION AND WOULD BRING CONTINUITY TO THE COMMISSION, ESPECIALLY AS WE LOOK TO POSSIBLY NEW ADMINISTRATORS IN THE MAYOR'S OFFICE AND OTHER CITY OFFICES.

I STRONGLY SUPPORT YOUR REAPPOINTMENT OF DR. TOYE MOSES TO THE IMMIGRANTS RIGHT COMMISSION.

SINCERELY,

Barbara Cohen

415 532-9181

BOS-11



SFUSD SAN FRANCISCO PUBLIC SCHOOLS

Cathy T. Bui
Manager of Legal, Labor Relations and Equity Assurance
Legal Division
Tel: (415) 241-6054 | Fax: (415) 241-6371
E-mail: buic@sfusd.edu

555 Franklin Street, Third Floor | San Francisco, California 94102

MEMORANDUM

TO: The Honorable Members of the San Francisco Board of Education
Carlos A. Garcia, Superintendent
Board of Supervisors, County of San Francisco

FROM: Cathy Bui, Manager of Legal, Labor Relations and Equity Assurance

CC: Maribel S. Medina, General Counsel
Angie Miller, Assistant General Counsel
David Goldin, Chief Facilities Officer
John Bitoff, Executive Director of Facilities Maintenance and Operations
Larry Burnett, Director of Building and Grounds

DATE: October 25, 2011

RE: 2011-2012 Williams Facilities Inspection Report for Deciles 1-3 Schools

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 OCT 21 AM 11:31

Pursuant to SB 550 (Williams Settlement), SFUSD is required to contract out to independent auditor(s) the site inspection of schools that rank in deciles 1-3 of the Academic Performance Index (API) to monitor for adequate facilities and sufficient instructional materials, the correctness of this information on the School Accountability Report Card (SARC), and the notification and provision of intensive instruction and services to students who do not pass CAHSEE.

Please find attached the report from our independent auditor for your review. Below is a quick bullet point summary of this report. A more detailed summary is provided within the report.

- Twenty-eight deciles 1-3 schools were inspected with the average score of 94.8% and an average of schools ranking of "Good" – the chart below provides a breakdown of this distribution:

Number of Schools	Rating
9	Exemplary
11	Good
8	Fair
0	Poor

* To view full document
Request file # 11159

BOS-11

Cathy T. Bui

Manager of Legal, Labor Relations and Equity Assurance

Legal Division

Tel: (415) 241-6054 | Fax: (415) 241-6371

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SFUSD SAN FRANCISCO PUBLIC SCHOOLS

555 Franklin Street, Third Floor | San Francisco, California 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
OCT 21 AM 11:33
PN

MEMORANDUM

TO: The Honorable Members of the San Francisco Board of Education
 Carlos A. Garcia, Superintendent
 Board of Supervisors, County of San Francisco

FROM: Cathy Bui, Manager of Legal, Labor Relations and Equity Assurance *CB*

CC: Maribel S. Medina, General Counsel
 Angie Miller, Assistant General Counsel
 Daisy Santos, Curriculum Resources, Libraries and Media

DATE: October 25, 2011

RE: 2011-2012 Williams Textbook Inspection Report for Deciles 1-3 Schools

Pursuant to SB 550 (Williams Settlement), SFUSD is required to contract out to independent auditor(s) the site inspection of schools that rank in deciles 1-3 of the Academic Performance Index (API) to monitor for adequate facilities and sufficient instructional materials, the correctness of this information on the School Accountability Report Card (SARC), and the notification and provision of intensive instruction and services to students who do not pass CAHSEE.

Please find attached the report from our independent auditor for your review. Below is a quick bullet point summary of this report. A more detailed summary is provided within the report.

- All visits were completed within four weeks from the first day of instruction with at least 25% of the visits were unannounced as required by California Education Code 1240 (i)(3)(A).
- All visits found that all school sites had the *Williams* Uniform Complaint notices posted in every classroom and the common areas in the three languages (English/blue, Chinese/yellow, and Spanish/pink) in the uniform color scheme.
- All schools had sufficient books in the core academic area of English/Language Arts, Mathematics, Science, and History/Social Sciences in all grade levels.

* To view full document
Request file # 111157

- All of the *Williams* High Schools were in compliance with the spirit and the substance of the *Valenzuela* Settlement.
- The independent auditor provided four recommendations (page 2) for improvement which should be addressed.
 1. Due to the high turnover of District staff, the Textbook Office and Office of Equity Assurance should collaborate in providing *Williams* Compliance training during the annual Administrative Institute Training as well as throughout the year depending on the issues that arise.
 2. Replacing lost or damaged textbooks is costly and is an issue that many schools face. The District may want to research the use of electronic books (e-books) and how other Districts are managing this problem.
 3. Due to over-enrollment issues, many classes were formed shortly after the start day of instruction to better serve the students and class sizes. This issue caused an unanticipated need for additional textbooks.
 4. Although the confusion of the LAU plan had significantly decreased this year, the District may consider education the teachers on what they are entitled to.

We have provided each Board Member with a USB thumb drive of this report as well as the individual school inspections. Both binders of the *Williams* Textbook Inspection Report and *Williams* Facilities Inspection Report are available for review in the Board Office and Office of Equity Assurance.



DENNIS J. HERRERA
City Attorney

Direct Dial: (415) 554-4748
Email: tara.collins@sfgov.org

MEMORANDUM

TO: Mayor Edwin Lee
Board of Supervisors President David Chiu
Members, Board of Supervisors

FROM: Dennis J. Herrera *DJH*
City Attorney

DATE: October 24, 2011

RE: Code Enforcement

I write in response to statements Mayor Lee made about this Office's code enforcement efforts in the October 18th Board of Supervisors meeting at question time. I am pleased that Supervisor Cohen raised this issue at question time, but unfortunately Mayor Lee's response to her question appears to misrepresent the facts regarding my Office's role in the City's code enforcement process.

As part of his answer to the question, Mayor Lee said: "... if the owners still refuse to cooperate DBI can refer these cases to our City Attorney's Office. DBI refers roughly 15 new cases per year to our city attorney's office. As for the last report to my office, the City Attorney's office has over 100 cases he has yet to resolve. Yet, the City Attorney's Office continues to bill DBI, for these unlitigated cases, discouraging the department from sending more cases for consideration..."

First, I am not certain what report Mayor Lee refers to in his comment because I am not aware of any report regarding code enforcement that the Mayor's Office has requested the City Attorney's Office to submit. But the City Attorney's Office does prepare and submit a thorough and attorney-client privileged confidential report for the Department of Building Inspection (DBI) about DBI's referrals for code enforcement action. In this detailed report we describe the status of all active matters that DBI has referred to the City Attorney's Office for code enforcement. In the most recent report, dated September 2011, there were 106 active matters.

Second, Mayor Lee states that "over 100 cases" have yet to be resolved. This statement is not accurate. Most of those cases in the report have in fact been resolved and the status of those cases is described in detail in the 36-page document. Indeed, most matters that this Office has already litigated or otherwise finally resolved through settlement remain in the report because there is an ongoing injunction in effect, and therefore those matters remain "active" for purposes of future enforcement if the defendant were to fail to comply with the injunction. Other matters are on the report because City departments, with advice from this Office, are still investigating the complaints before we can take action, and litigation is premature. The bottom line is that this Office has litigated, is litigating or is working with departments to diligently investigate every matter the report to DBI lists—there is no backlog. If there is any confusion over this report, I invite Mayor Lee or his staff to contact our Code Enforcement Unit for clarification.

MEMORANDUM

TO: Mayor Edwin Lee
Board of Supervisors President David Chiu
Members, Board of Supervisors

DATE: October 24, 2011

PAGE: 2

RE: Code Enforcement

Third, Mayor Lee's subsequent comment seems even more troublesome. He states that the City Attorney's Office continues to bill DBI for these "unlitigated cases" and this practice discourages the department from referring more cases. I am not sure if this was his intent, but if there is a suggestion that the City Attorney's Office is billing the department for work this Office is not performing, that is simply not true. In fulfilling our professional responsibilities, the City Attorney's Office bills the client department only for legitimate and necessary work done on a matter. Indeed, in code enforcement cases, we must document fees and costs for the Court's approval.

We do bill our time investigating and evaluating a referred matter before we file a complaint. Upon receiving a referral, we must perform this due diligence to prudently evaluate the merits of the matter so we prosecute only those matters that justify litigation, given the significant costs of litigating in this day and age. In some cases, we can resolve matters before we need to file a complaint. Other times there is conduct or subsequently discovered evidence that obviates the need for litigation in court. In either circumstance, it takes billable time of deputies in this Office to resolve the matter short of litigation.

In these extraordinarily challenging budgetary times, I understand how our City clients may be discouraged from referring matters to the City Attorney's Office for enforcement because litigation can be very expensive and time consuming. Yet, to suggest that departments are discouraged from referring matters for litigation because the City Attorney's Office has been dilatory is untrue and unsupported by our proven track record of success.

I am proud of the job that the hard-working and dedicated professionals and staff in my Office do every day for this City. That is especially true of my Code Enforcement Team, which has been nationally recognized for its efforts and its results. The members of that Team go above and beyond, spending time in the community making themselves available to hear and evaluate complaints. But my Office must work hand-in-hand with City departments to help ensure that neighborhoods are protected from the harms of code violations. We have been and remain committed to doing so.